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APPENDIX

TO

JOURNAL,

HOUSE OF ASSEMBLY.

1836.

APPENDIX

TO THE

JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF

UPPER CANADA,

OF THE

SECOND SESSION OF THE TWELFTH PROVINCIAL PARLIAMENT.

VI. WILLIAM IV.

MARSHALL SPRING BIDWELL, ESQ. SPEAKER.

SESSION 1836.

Vol. 1.

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

TORONTO:

WILLIAM LYON MACKENZIE.

OFFICE OF THE CONSTITUTION.

1836.

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REPORT ON TAXING COSTS LEEDS ELECTION TRIAL.

Pursuant to the warrant of the Honorable the Speaker of the Commons House of Assembly bearing date the sixteenth day of February last, and directing the Clerk of the House of Assembly and the Clerk of the Crown in Chancery to tax the costs incurred by the petitioners in the Leeds controverted election, in conformity with the provincial statute of the 3rd Wm. IV. chap. 11, the said Clerk of the House of Assembly and the Clerk of the Crown in Chancery beg leave to report to the Honorable the Speaker:

That, in compliance with the aforesaid warrant and during the sitting of Parliament, the said Clerks met for the purpose of making the said taxation, but the agent for the petitioners not being prepared with proper evidence, they adjourned.

That, on the 29th of April, they received from James E. Small, Esq. "a bill of costs and certain affidavits" which he stated "were handed to him by Mr. Wells for the purpose of being taxed," but which affidavits were not such as had been previously required by the Clerks from Mr. Buell, the agent for the petitioners. That a written notice was next day sent to Mr. Small for the petitioners, and to Messrs. Jameson and Gowan, appointing Monday, the 25th instant, at ten, A. M. at the office of the Clerk of the House of Assembly to take the matter into consideration; and in that notice the description of affidavits required in support of the claims of the petitioners was again stated. Copies of these notices are transmitted herewith, marked No. 1 and 2; as also a copy of a memorandum delivered to Mr. Buell previous to his return home, and copy of a letter addressed to him on the 20th February, marked 3 and 4.

On Monday, the 25th instant, at the hour appointed, the Clerk of the Assembly and the Clerk of the Crown in Chancery met at the aforesaid office. Mr. Jameson, on behalf of himself and Mr. Gowan, delivered a written protest against the legality of proceeding in the matter after the termination of the Session.

A copy of the protest is transmitted herewith, marked 5.

Neither the petitioners nor any one on their behalf appeared, and the meeting was adjourned until the following morning at ten, A. M.

TUESDAY, 26th MAY, 1835.

Met pursuant to adjournment.

Neither the petitioners nor their agent were in attendance, and the meeting was again adjourned until Wednesday morning at ten o'clock.

WEDNESDAY, 27th MAY, 1835.

Met pursuant to adjournment.

None of the parties being in attendance, the Clerk of Assembly and the Clerk of the Crown in Chancery proceeded to take into consideration the protest of Mr. Jameson, and resolved that the taxation of these costs being a duty imposed upon them by an Act of Parliament, they do not feel that the objection taken by Mr. Jameson is such as to justify them in refusing to proceed in the matter.

The Clerks then proceeded to the examination of the affidavits transmitted by James E. Small, Esq. and having determined to be guided in their duty by the established practice of the court of King's Bench, of which the petitioners had been by letter, through their counsel and agent, already apprised, they now beg leave respectfully to report to the Speaker of the Honorable the Commons House of Assembly:

1st. That the affidavits transmitted are taken before Justices of the Peace and Commissioners of the Court of King's Bench, persons not legally authorised to administer an oath in like matters.

2nd. That the affidavits merely state the amount of miles travelled by the said witnesses from their respective residences to the House of Assembly, and the number of days they each were absent from their homes; and

3rdly. That no evidence of money being actually disbursed by the said petitioners to the aforesaid persons or witnesses for their attendance has been submitted, and therefore it being the practice in all courts of Justice to require of the parties claiming remuneration for attendance as witnesses affidavits of the sums actually disbursed to such witnesses, the Clerk of the Assembly and the Clerk of the Crown in Chancery forbear proceeding further in the premises until such evidence shall be produced. And they the more particularly adhere to this determination as they had formerly notified the petitioners through their agent that such evidence would be required.

All which is respectfully submitted,

JAMES FITZGIBBON,
Clerk of Assembly.
SAML. P. JARVIS,
Clk. Cr. Chy.

LETTER TO JAMES E. SMALL, ESQ.

Toronto, 30th April, 1835.

We beg leave to acknowledge the receipt of your letter of yesterday's date, accompanied by a bill of actual expenses incurred by the witnesses in the case of the late Leeds contested election, exclusive of the time of each individual, and sundry affidavits to prove the number of days each witness was detained before the committee, and the number of miles travelled by each in repairing to Toronto, and in returning to their respective homes.

On reference to the statute on this subject, not finding a scale of fees to guide us in taxing the costs claimed by the petitioners, we determined to be regulated by the rules and practice of the court of King's Bench.

Mr. Buell, soon after the committee made their report in this case was apprised by letter that we would require affidavits of the actual sums disbursed to the witnesses &c. but amongst the papers accompanying your letter no such affidavits appear—the omission is perhaps accidental.

In order to afford ample time to both parties we have named Monday the 25th of May next, at ten o'clock A. M. for the performance of this duty.—You will therefore be pleased to communicate the contents of this letter to your clients, in order that they may govern themselves accordingly.

We have the honor to be Sir,
Your most Ob't. humble Servants,

To James E. Small, Esq.
&c. &c. &c.

(Signed) JAMES FITZGIBBON,
Clerk of Assembly.

(Signed) SAML. P. JARVIS,
C. C. in Chancery.

Note—Monday the 24th was inserted in the original, by mistake, instead of 25th.

LETTER TO MESSRS. JAMESON AND GOWAN.

(COPY)

Toronto, 30th April, 1835.

Gentlemen,

We have been called upon by James E. Small, Esq. Barrister at law, and agent of the petitioners against your return for the county of Leeds, by letter, dated yesterday, to tax the costs incurred by the petitioners in contesting that return.

In order to afford full time to both parties interested in the matter, we have named Monday the twentyfifth of May next, at ten A. M. to perform the duty. And we have further signified to the Agent of the petitioners, that as the statute which

gives us the authority has not provided a scale or table of costs we have come to the decision of being governed by the rules and practice of the court of Kings Bench.

We have the honor to be,

&c. &c. &c.

To Messrs. Robert S. Jameson, and Ogle R. Gowan, Esquires.

(Signed) JAMES FITZGIBBON, *Clerk of Assembly.*

(Signed) SAML. P. JARVIS, *Clk. of the Crown in Chan'y.*

NOTE—Monday the 24th was inserted in the original, by mistake, instead of 25th.

MEMORANDUM TO MR. BUELL

Information wanted by the Clerk of the House, and the Clerk of the Crown in Chancery to enable them to tax the costs in the Leeds contoverted election.

1. A list of witnesses subpœnaed, and who attended.
2. The number of days necessarily absent from home.
3. The distance from the Parliament House in Toronto, to the place of residence of *each* witness.
4. By whom the witnesses were subpœnaed.
5. The number of miles the person or persons travelled to serve the subpœnaes reckoning from Brockville court House.
6. Whether the witnesses subpœnaed reside on the same road, or whether the person or persons serving the said subpœnaes diverged from the high road, and the distance.

LETTER TO MR. BUELL.

(COPY)

Toronto, 20th February, 1835.

DEAR SIR,

We are not clear, whether in the memorandum given you of the information it was probable would be required to enable us to tax the costs in the Leeds controverted election, we mentioned that an affidavit of the sums claimed by the petitioners had actually been disbursed by the petitioners, would be necessary. If we should decide upon taking the practice of the court of King's Bench in this case as our guide, such an affidavit will be required, and we recommend you to be prepared with it.

We are, &c.

(Signed.) JAMES FITZGIBBON, *Clerk of Assembly.*

" SAM'L P. JARVIS, *Clk. Cr'n in Chancery.*

To Wm. Buell, Esq. &c. &c. Brockville.

(COPY)

To JAMES FITZGIBBON, ESQ, &c. &c. &c.

AND

SAMUEL PETERS JARVIS, ESQUIRE, Clerk of the Crown in Chancery, &c. &c. &c.

GENTLEMEN,

I respectfully protest against the legality of your proceeding to tax the alleged costs of the petitioners in the case of the controverted election for the county of Leeds, decided in the past session of Parliament, when the defence of the sitting members was declared by a committee to be frivolous and vexatious. If ever such costs could have been legally demanded upon so unjust a decision, it could only have been done provided the taxation had been completed, and the warrant of the Speaker thereupon signed during the session in which such decision was made: but the whole matter has determined with the session, and you have now no jurisdiction therein.

(Signed) ROBERT S. JAMESON.

Toronto, 25th May, 1835.

LETER FROM SECRETARY OF WELLAND CANAL CO.

SIR,

Welland Canal Office, St. Catharines, 11th January, 1835.

I have the honor to transmit herewith, the Welland Canal Company's balance sheet for the year 1835—with the several documents therein referred to. Also a statement of the toll and property passed through the canal the last year, with various tables shewing the course of the trade,—all prepared for presentation to the honorable the House of Assembly.

I have the honor to be, Sir, Your Ob't and humble Servant,

JOHN CLARK,
Sec'y W. C. C'y.

The Hon. MARSHALL S. BIDWELL,
Speaker, House of Assembly.

Dr. **Welland Canal Company's balance sheet for 1835.** **Cr.**

FOLIO.			£	s.	d.	FOLIO.		£	s.	d.
	To Estimates	Statement No. 1.	14089	6	8½	5	By Interest account	Statement No. 12.	63	2	2½
	" Old accounts	do 2.	235	7	9	80	" Bank of Upper Canada for balance in Bank, per balance sheet of 1834		2303	6	3
	" Notes payable	do 3.	60	13	9	124	" Cash account for balance in hand per do		196	19	1¾
	" Engineers' Salaries	do 4.	340	12	1	125	" Government of Upper Canada for balance of Stock subscribed by the Province in 1834		7500	0	0
	" Salaries	do 5.	752	15	7	139	" Toll 1834. Net proceeds of		3719	1	7½
	" Contingencies	do 6.	613	12	8		" Do. 1835. Gross proceeds of		5807	5	11¼
	" Awards for land damage	do 7.	241	12	0	140	" Lands and Hydraulic rents	Statement No. 13.	454	7	9½
	" Real Estate	do 8.	283	15	0	176	" Toll 1832		75	0	0
	" Welland Canal Commissioners 1833	do 9.	62	14	11	240	" George Keefor, senior		60	5	7
	" Miscellaneous payments	do 10.	166	12	11½	301	" James Davis		15	18	9
	" Collection of Tolls	do	1120	15	9						
	" Remission of Tolls	do 11.	119	19	2						
	" Balances not rec'd from toll collec'rs	do	236	10	8¾						
125	" Government of Upper Canada for B. Turquand's draft on Prime, Ward & King, to pay interest and difference of premium of exchange on Receiver General's bills on London, p. £41,600 sterling		1072	0	0						
157	" Office at Port Colborne		87	10	0						
172	" Steam boat Caroline for 5 shares stock		125	0	0						
174	" Office at St. Catharines		291	10	0						
124	" Cash account balance in hand		294	18	2¾						
			£20195	7	3½				£20195	7	3½

E. E.
WELLAND CANAL OFFICE,
ST. CATHARINES, 31st DECEMBER, 1835.
JOHN CLARK, *Sec'y W. C. C.*

W. HAMILTON MERRITT,
President W. C. Company.

NO. 1.

TABLE

SHEWING THE PRINCIPAL ARTICLES OF PROPERTY PASSED *UP* THROUGH THE WELLAND CANAL FROM ONE AMERICAN PORT TO ANOTHER, IN THE SEASON OF **1835.**

From.	*To.*	BARRELS OF				*Bus. Potatoes.*	*Tons Coal.*	MERCHANDISE.			*Tons of Plaster and Cement*	*Tons Castings*
		Whiskey	*SALT.*	*Beer & Cider.*	*Apples*			*Tons*	*Cwt.*	*Qrs.*		
Oswego.	Cleveland ...	....	53599	153	....	3557	157½	2022	9	2½	30½	....
do.	Sandusky	....	8548	....	....	.....	.....	270	7	2	....	....
do.	Chicagua	106	2129	70	181	1435	25½	267	9	3	....	....
do.	Detroit	....	10184	112	....	775	47	519	6	1	27½	20
do.	Richmond ...	....	1953	....	....	.....	.....	149	8	2	....	....
do.	Huron.....	....	5526	....	....	.....	51¾	370	10	2	....	....
do.	St. Joseph's...	....	275	....	....	.....	.....	9	12	....	....	....
do.	Monroe	....	853	....	....	.....	.....	2	2	....	....	....
do.	Fairport.....	....	605	....	....	.....	.....	117	14	2	....	....
do.	Blackriver ...	....	656	....	....	.....	.....	.....	....	....	....	....
do.	Maumee.....	....	224	....	....	.....	.....	18	....	....	....	....
do.	Erie.....	....	1077	....	....	.....	.....	41	6	....	....	....
Sacketts.	Chicagua	....	.....	....	....	.....	.....	59	6	....	....	....
		106	85629	335	181	5767	281¾	3847	12	2½	57¾	20

WELLAND CANAL OFFICE,
ST. CATHARINES, 31ST DECEMBER, 1835.
JOHN CLARK, *Secretary, W. C. Co.*

WM. HAMILTON MERRITT.
President, W. C. Co.

NO. 2.

TABLE

Shewing the principal articles of property passed *down* through the Welland Canal, from one American port to another, in the season of 1835.

From.	*To.*	*Bushels Wheat.*	BARRELS OF						TONS OF				*W. India Staves.*	*Pipe Staves.*	*Kegs Lard.*	*Hogsheads Tobacco*
			Flour.	*Pork*	*Ashes.*	*lard*	*ham*	*Oil.*	*Coal.*	*castings*	*Iron*	*Mid'se.*				
Cleveland.	Oswego.	250803½	310	1026	183	9	10	..	69	89	9	8¾₀	470031	80461	28	26
do	Sacketts.	5939	52	.....	....	..	..	..	....	....	..	....	.....	11972	....	....
Portland.	Oswego.	6050	....	.....	....	..	..	..	....	....	..	....	.....	.....	....	....
Sandusky.	do	4200	....	.....	....	..	..	..	....	....	..	....	.....	.....	....	....
Huron.	do	3463	227	.....	....	..	..	..	....	....	..	....	74019	.....	....	....
Richmond.	do	2397	....	69	96	..	..	7	....	....	..	....	24570	.....	16	....
Cleveland.	Ogdensburg.	.....	346	6209½	....	87	13	5	18	....	..	....	.....	11978	290	....
do	Cape Vin't.	.....	....	500	....	..	..	..	....	....	..	....	76796	108488	....	....
Fairport.	Oswego.	.....	....	.....	58	..	..	..	....	....	..	....	39300	.....	....	....
Rocky Riv.	Cape Vin't.	.....	....	.....	....	..	..	..	....	....	..	....	11218	9720	....	....
Detroit.	Oswego.	.....	....	.....	....	..	..	..	....	....	..	....	124162	.....	....	....
Chicagua.	Sacketts.	.....	....	.....	....	..	..	..	....	....	..	....	23657	.....	....	....
Huron.	Frenh.creek	.....	....	.....	....	..	..	..	....	....	..	....	.....	5600	....	....
Buffalo.	Oswego.	.....	....	.....	....	..	..	..	....	9½	..	....	.....	.....	....	....
		272852½	935	7804½	337	96	23	12	87	98½	9	8¾₀	843553	228219	334	26

WM. HAMILTON MERRITT,
President W. C. Company.

WELLAND CANAL OFFICE,
ST. CATHARINES, 31st DECEMBER, 1835.
JOHN CLARK, *Sec'y W. C. C.*

NO. 3.

TABLE

SHEWING THE PRINCIPAL ARTICLES OF PROPERTY

PASSED *UP* THROUGH THE

WELLAND CANAL

FROM ONE BRITISH PORT TO ANOTHER IN THE SEASON OF

1835.

FROM.	TO.	U.S. tonnage	Merchandize tons.	cwt.	qr	Barrels of Beer & Cider.	flour	salt.	whiskey	Apples	pork	Bushels Barley.	Potatoes.	Tons of Cast-ings.	Plaster	W.I. Staves.	Feet of Boards.
Toronto.	St.Catharines..	....	7	0	0	1	....	....	..	....	....	1573	....	....	....	....	...
St. Catharines.	Dunnville.....	....	1	0	0	131	....	308	....	....	....	....	....	....	....	....	....
Ditto.	Port Colborne..	....	4	10	0	26	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Chippewa	....	8	0	0	....	....	15	....	....	....	....	....	26	....	....	....
Ditto.	Thorold.....	....	1	0	0	....	....	54	....	....	....	....	....	....	....	....	....
Ditto.	Port Robinson .	....	1	11	0	....	....	31	....	....	....	....	....	....	....	....	....
Prescott.	St.Catharines..	....	120	3	2	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Sandwich	....	95	9	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	St. Thomas ...	...	77	9	3	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Goderich.....	....	5	3	3	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Gosfield.....	....	26	18	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Vittoria	....	28	9	3	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Amhertsburgh .	....	41	2	2	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Port Stanley...	....	136	7	2	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Thorold	....	3	2	2	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Dunnville	...	11	18	3	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Port Robinson .	....	6	10	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Port Colborne .	....	1	16	2	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Long Point....	....	57	1	3	....	....	....	....	....	....	....	....	....	....	....	....
Toronto.	Amhertsburgh .	....	9	0	2	....	200	....	....	....	....	....	....	....	....	....	....
Ditto.	Colchester ..	40	....	....	..	....	....	....	....	....	....	....	....	....	....	....	20465
Ditto.	Sandwich	....	41	7	2	....	....	50	....	....	....	....	....	....	....	....	....
Ditto.	Goderich.....	....	16	9	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Gosfield..... .	....	7	0	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Port Stanley...	....	4	0	0	....	....	....	....	....	....	....	....	....	....	....	....
Port Robinson.	Dunnville	....	27	10	0	41	10	....	40	20	110	....	145	7½	....	....	....
Ditto.	Colborne	...	9	0	0	....	....	....	....	....	....	....	....	6½	3	....	....
Hamilton.	St.Catharines..	....	....	....	..	....	....	....	45	....	....	....	....	....	....	....	....
Ditto.	Long Point	....	1	10	0	....	....	....	....	....	....	....	....	....	....	....	....
Niagara.	St.Catharines..	....	3	0	0	....	....	....	7	....	....	....	254	....	....	....	....
Ditto.	Port Stanley...	....	15	1	0	....	....	....	....	....	....	....	....	....	....	....	....
Dalhousie.	St.Catharines..	....	....	....	..	....	....	....	....	....	....	....	....	....	....	....	....
Kingston.	Port Colborne..	....	9	5	2	....	....	....	....	....	....	....	....	....	....	5800	....
Ditto.	St.Catharines..	....	56	2	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Allanburgh	....	6	7	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Port Robinson .	...	4	16	2	....	....	....	....	....	....	....	....	....	....	....	....
Brockville.	Port Stanley...	....	36	17	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	St.Catharines..	....	5	5	0	....	....	....	....	....	....	....	....	....	....	....	....
Ditto.	Port Colborne..	...	7	10	2	....	....	....	....	....	....	....	....	....	....	....	....
		40	894	15	3	199	210	458	92	20	110	1573	399	40	3	5800	20465

WILLIAM HAMILTON MERRITT,
President W. C. Co.

Welland Canal Office,
St. Catharines, 31st Dec. 1835.

JOHN CLARK,
Secretary W. C. Co.

NO. 4.—*TABLE showing the principal articles of property passed* DOWN *through the Welland Canal from one British port to another in the season of* 1835.

FROM	TO	BARRELS OF						Feet of Boards.	Cubic feet of square Timber.	Pipe Staves	Saw Logs.	No. Shingles	TONS OF			BUSHELS OF		hds. tobacco.	W. I. Staves.	tons, mdz.	kegs lard.
		Ashes.	FLOUR.	PORK	whisk'y	SALT	Ham.						Iron.	Can'gs	Plaster	Wheat.	Barley				
Peterburgh.	Thorold.....	..	....	..	..	..	..	.....	.....	.....	.....	....	....	....	..	484	175	-			
Roundeaux.	Toronto...	..	....	..	..	..	..	6000													
Ditto.	Prescott.....	..	....	4	..	..	..	.....	.....	2163	.....	...	.....	.....	.....	549	....	7½			
Dover.	Ditto.....	..	1340																		
Port Stanley.	Ditto.....	..	2214	213	..	..	..	... .	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	....	6
Long Point.	Toronto.....	..	....	..	154	..	..	... .	.....	.....	.....	....	49½	41½							
Ditto.	Chippawa..	..	96																		
Ditto.	Brockville	..	612																		
Ditto.	Hamilton.....	..	...	..	..	..	..	.....	.....	.....	.....	....	....	20							
Ditto.	Prescott.....	..	447	..	..	..	..	.....	.....	4500											
Ditto.	Dunnville.....	..	....	..	147																
Amherstburg.	Prescott..... ...	..													...	...	....	133			
Colchester.	Ditto.....	..	....	25	..	..	..	.....							...	....	...	179			
Port Colborne.	Dalhousie.....	..	....	..	..	..	..	15000	.....	7000											
Gosfield.	Toronto.....	..	....	..	..	..	..	20000	.....	.....	.....	....	77	25	....	...	....	21			
Ditto.	Kingston.....	..	....	..	..	..	..	.....	.....	.....	.....	....	....	..	....	.....	....	16			
Chatham.	Toronto...	..	....	..	..	..	..	26000													
Cataraguas.	Ditto.....	..	....	..	..	..	..	13000													
Port Antrim.	Prescott.....	..	....	..	..	..	..	.. ....	.....	3139		....	....	....	....	.. .	...	4			
Port Colborne.	Port Robinson...	..	....	.	..	..	..	.....	.....	.....	1137										
Port Burwell.	Brockville.....	..	....	..	..	..	..	.....	.....	9533											
Dalhousie.	St. Catharines...	..	....	....	....	....	....	.....	.....	.....	104										
Allanburg.	Ditto.....	..	....	..	..	..	..	25000													
St. Catharines.	Prescott...	11	3387	..	..	..	..	.....	.... .	.....	.....	...	....	.....	...	1736					
Ditto.	Kingston.....		749																		
Dunnville.	Prescott.....	3	1412	287	..	..	5														
Ditto.	Milton.....	..	...	..	..	..	..	... .	.....	.....	312										
Ditto.	Colborne	..	....	..	..	..	..	193615													
Ditto.	Dalhousie	..	....	..	..	..	..	14159	.....	3600	.....	...	....	....	....	612					
Ditto.	Port Robinson...	..	....	8	53	17	..	599075	18300	.....	3443	155	....	....	381	566	....	.....	.....	9	
Ditto.	Thorold.....	..	.....	...	....	....	....	.....	.....	.....	314										
Ditto.	St. Catharines...	..	....	..	..	..	..	113406	.....	.....	238										
Ditto.	French Creek....	..											....	....	....	....	....	.....	.....	37000	
Peterburgh.	St. Catharines...	..	....	..	..	..	..	.....	.....	.....	.....	..	....	....	....	600					
Thorold.	Prescott...	..	33																		
Port Robinson.	Thorold.....	..	....	..	..	..	..	.....	3982	.....	5149	11	....	....	....	517					
Ditto.	Port Dalhousie...	..	....	..	..	..	..	.....	....	4000	80	....	....	....	38						
Ditto.	Toronto.....	..													7						
Ditto.	St. Catharines...	..	....	..	..	..	..	57000	.....	.....	.....	....	...	....							
Ditto.	Allanburgh.... ..	..	....	..	..	..	..	3750	1662	.....	3156										
Ditto.	Kingston	..	....	..	..	..	..	.....	.....	.....	.....	...	....	...	41½						
Ditto.	Prescott.....	14	17	50	..	..	..	23000													
		28	10307	587	354	17	5	1169005	26312	35935	13933	166	126½	86½	467½	5064	175	360½	37000	9	6

Welland Canal Office, St. Catharines, 31st Dec. 1835.
JOHN CLARK, SEC'Y W. C. Co.

WM. HAMILTON MERRITT,
PRESIDENT W. C. Co.

NO. 5.

TABLE shewing the principal articles of property passed *up* through the Welland Canal, from a British to an American Port, in the season of 1835.

FROM	TO	*Feet of Boards.*	*M. of Shingles.*	*Barrels of Flour.*
Oakville.	Buffallo.	33000	.....	.....
Thorold.	do	.....	.....	100
Hamilton.	do	.....	.....	65
Toronto.	do	28860	.....	.....
Dunnville.	do	150000	.....	37
do	do	.....	25000	.....
		211860	25000	202

WELLAND CANAL OFFICE, *St. Catherines*, 31*st Dec.* 1835.

JOHN CLARK. *Secretary W. C. C.*

WM. HAMILTON MERRITT. *President W. C. Co.*

NO. 6.

TABLE showing the principal articles of property passed *down* through the Welland Canal, from a British to an American Port, in the season of 1835.

FROM	TO	*W. India Staves.*	*Pipe Staves.*	*Bls. Flour*	*Bus. of wheat*	*Cubic feet of square timber.*	*Saw Logs.*
Port Maitland.	French Creek.	.....	14454	.....	.....	.....	.....
Port Stanley.	Oswego.	.....	.....	200	3538	.....	.....
Port Dover.	do	.....	.....	1095	1264	.....	.....
Roundeaux.	Cape Vincent,	.....	7494	.....	.....	.....	.....
Howard.	do	.....	7621	.....	.....	.....	.....
Dunnville.	French Creek.	.....	59754	.....	.....	17047	.....
Port Robinson.	do	.....	95164	.....	.....	.....	.....
Peterburgh.	do	14009	.....	.....	.....	.....	.....
Dunnville.	Grand Isle.	.....	.....	.....	.....	59601	4114
		14009	184487	1295	4802	76648	4114

WELLAND CANAL OFFICE, *St Catharines*, 31*st Dec.* 1835.

JOHN CLARK, *Secretary. W. C. C.*

WM. HAMILTON MERRITT, *President W. C. Co,*

NO. 7.

TABLE shewing the principal articles of property passed *up* through the Welland Canal, from an American to a British Port, in the season of 1835.

FROM	TO	M. DZE. *tons.*	*Cwt.*	*Qrs*	*barrels of Salt.*	*Tons. of Coal.*
Oswego.	Amherstburgh.	....	6	....	100	.....
do	St. Catharines.	5	6	2	270	2
do	Long Point.	....	....	....	90	.....
do	Port Stanley.	....	....	....	633	.....
do	Allanburgh.	5	....	....	.....	.....
		10	12	2	1093	2

WELLAND CANAL OFFICE, *St. Catherines*, 31 *Dec.* 1835.

JOHN CLARK, *Sec'y. W. C. C.* WM. HAMILTON MERRITT, *President W. C. Co.*

No. 8.

TABLE shewing the principal articles of property passed DOWN through the Welland Canal from an American to a British port, in the season of 1835.

FROM	TO	bushels of Wheat	Pipe Staves	BARRELS pork	BARRELS flour	TONS OF M dze.	TONS OF Coal.	TONS OF Castings.	W. India Staves.
Cleveland.	Brockville.	18919	4785	1119	....	.....	.....	.....	1000
Buffalo,	Thorold.	.....	.....	....	....	7 2 0	.....	.....	....
do	Port Colborne.	.....	.....	....	....	.....	.....	4	....
do	Toronto.	.....	.....	....	....	.....	.....	7	....
Cleveland.	Prescott.	.....	.....	4087	....	.....	13	.....	....
do.	Hamilton.	.....	.....	200	...	.....	.....	.....	....
do.	Toronto.	.....	.....	....	....	.....	226¾	.....	....
Clear Creek.	Brockville.	.....	1275	....	....	.....	.....	.....	....
Cleveland.	Prescott.	.....	2000	....	100	.....	.....	.....	.....
		18917	8060	5406	100	7 2 0	239¾	11	1000

WELLAND CANAL OFFICE,
ST. CATHARINES, 31*st Dec.*, 1835
JOHN CLARK, *Secretary, W.C.C.*

WM. HAMILTON MERRITT,
President W. C. Co.

Payments of Estimates, 1835.

No. 1.

		£	s	d
14	A. S. St. John	73	0	4
20	H. B. Ostrum	62	12	0
22	John Donaldson	2100	2	1
25	George Keefer, junr.	2	18	6
26	George Rykert & Co.	61	16	7
27	H. Mittleberger	19	12	5½
29	W. K. Emery	1	6	0
30	I. Hellems	7	17	9
44	Hill Carney	11	11	3
52	Richard Laffan		18	9
53	Thomas Merritt, junr.	3241	14	5½
54	Cyrus Rose	5	0	0
55	R. Hannah		5	0
56	Dilly Coleman		15	0
57	William Bell	21	19	11
58	D. McFarland		12	6
59	Thomas McMahon	8	15	0
60	John Toyne	148	13	2
61	Joseph Burger	206	4	8
63	Michael McCombs	7	18	6
64	David Flemming	32	16	3
65	John McCombs	12	11	3
66	John Vanderburgh	746	10	1
67	Peter Weaver		18	9
	Richard Fluallan	65	19	5
68	John Boyle	535	5	4
	Robert Fletcher	106	1	11
69	John Shore	356	16	4
70	S. R. Squires	274	5	9½
72	James Daly	10	5	0
73	Burns & Bassett	4	19	9
75	Jacob Flanders	4	8	0
"	Jonathan Woodhull	18	2	6
76	Sylvanus Cleveland		13	9
		£ 8153	8	0½

		£	s	d
	Brought forward	8153	8	0½
77	Johnstone Orr	251	9	8½
78	Richard Collier	1372	13	1½
81	John Aikins	4	16	10
82	Daniel Cain		11	3
"	William Coughey		10	4
83	Alvin DeWitt	30	6	5½
84	D. Chambers	1	5	0
	R. Campbell	6	14	4
85	John Callaghan	8	3	9
86	Bartley Boyle	7	9	0½
87	George Keefer, senr.	70	19	1½
90	Judson Goodriche	5	10	6
92	Thomas Reed	15	18	2½
93	Henry Higgins	238	9	8½
94	John Mosier	9	8	9
96	W. H. Sanderson	17	8	6
97	George Smith	1	4	2½
	William McCandlish	8	0	1
98	John Moore	689	10	8
	John Beatty	297	7	6
99	John Tinline	4	6	9
100	John Harper	4	0	4
101	John Bessey	23	10	11
104	Richard Wood	64	0	0
106	N. Pawling	536	5	3½
107	C. W. Hellems	83	2	9½
111	John Donovan	24	17	5
113	John Collier	18	15	0
118	William Grogan	0	18	9
120	John Drewrey	3	15	0
123	M. Murphy	0	7	0
127	J. G. Stockley	9	13	4
—	Michael Killeen	2	18	6
		£11967	16	2½

		£	s	d
	Brought forward	11,967	16	2½
129	Thomas Read	4	14	3½
130	John Chrysty	2	6	8
—	Moses Cook	59	6	10
132	R. O'Bryan	104	16	0
135	Peter Conlan	1	2	6
136	Peter Keeler	5	2	4
"	Andrew Hood	116	7	5½
141	Richard Delany	5	16	8
"	James Stinson	233	17	6
142	William Wright	20	5	11
"	Jacob Upper	1	10	0
143	H. Vanderburgh	1	5	0
"	D. Combs	6	12	5
144	Gideon Grisdale		9	0
"	Peter Boylan		19	11
145	William Davidson	9	1	6
"	Terry Purcell		16	5
146	James O'Brien	2	9	7
"	John Kerr	371	10	11
147	Hiram Moore	29	4	4
"	Luke Cavers	60	12	11
148	James Gilleland	173	16	2
"	James Foley		13	4
149	Hector McNeil		13	2
"	Captain Paynter	2	0	0
150	Widow McCormick		15	0
"	John Mills	2	10	0
151	Yale & Waters		13	9
"	Paul Shipman	14	4	4
152	Alonzo Sweet	15	12	6
"	Andrew Thomson	466	3	5½
153	C. Sensebough	7	0	0
"	Jacob Finnay	6	19	2
154	David Bessey	6	12	9
"	E. H. Campbell	2	14	4
155	Isaac Head	1	10	7
"	Silas Vandecar	1	0	9
156	John Sixsmith	4	4	4½
157	Patrick McClinchey	15	15	0
"	E. S. Adams	14	14	0
158	J. & L. Clarke	1	11	3
"	Samuel Phelps	1	9	0
159	B. F. Reynolds		19	7
"	James Fitzgerald	12	12	0
160	Henry Chapman	10	15	0
"	John Kirk	13	17	0
161	Jesse Pauling	2	10	0
"	Robert Furneaux	15	8	1
162	Alexander Hogg	16	5	0
"	William H. Graham	11	5	0
163	George Telfer	18	15	1
"	Benjamin Millby	60	0	0
164	Patrick Farrell	8	2	6
"	Stephen Boyle	7	13	1
165	Isaac B. Perry	9	5	11
"	James Wood	1	4	4
166	Joel Brayley	3	2	5
"	Robert Townsend	49	15	9
167	Wm. McCarty	34	13	1
"	Thomas Hanagan	2	19	0
168	Michael Cassady	1	8	1½
"	Stephen Marshall	3	18	9
169	Terence Brady	3	0	0
"	Edward Lee	25	0	0
170	Alexander Christy	18	9	4½
"	George McIntosh	5	10	0
		£14082	16	4½

		£	s	d
	Brought forward	14083	16	4½
171	T. Smiley	1	17	6
"	James Moss	1	5	0
11	John Hirst	2	7	10
		£14089	6	8½

NOTE.—The above amount includes £500 to Thomas Merritt, junior, and £50 to John Boyle, being special advances ordered to be paid them by the board, and not included in Estimates passed. Also, £75 to Thos. Merritt, junior, from toll of 1832.

Welland Canal Office,
St. Catharines, 31st Dec. 1835.

NO. 2.

Payments of old accounts, 1835.

FOLIO		£	s	d
7	John Walker	9	7	9
11	John Hirst	1	0	0
18	Jonathan Silverthorn	14	14	3
19	Craig and Boyle	51	8	3
22	William Fell	3	0	0
23	W. C. Chase	1	10	6½
26	R. Reach	18	6	7½
35	Shade and Fergus	25	0	0
42	David Thompson to account	100	0	0
45	R. Randall	1	14	10
54	A. Thompson	9	5	9
		£235	7	9

NO. 3.

Payments of Notes, 1835.

FOLIO		£	s	d
79	No. 331. R. Anderson	41	11	3
	6. John Franks	4	3	7
	72. Michael Malone	14	18	11
		£ 60	13	9

NO. 4.

Engineers Salaries, 1835.

		£	s	d
May	George Keefer, Junr. from 1st Novr. to 1st May	148	5	6
August	Francis Hall, to account	25	0	0
Novr.	George Keefer, Junr. from 1st May to 1st November	129	16	7
"	Francis Hall, to account	37	10	0
		£340	12	1

NO. 5.

Salaries, 1835.

		£	s	d
	Wm. H. Merritt, President, 1 year to 31 Decr	400	0	0
	John Clark, Secretary	200	0	0
	W. W. Raincock, asst. 1 Qr., 1st July to 1st Oct	25	0	0
	P. G. Beaton, asst. from 10th Sept. 1834 to 1st Jan'ry. 1836 at £100 per annum	127	15	7
		£752	15	7

NO. 6.

Account of Contingent Expenses paid by the Welland Canal company for the year 1835.

1835.				
January.	To Dyer's bill for Directors for December	3 14 3½		
	" H. Mittleberger for stationary	15 7½		
	" G. Rykert & Co. oil	3 9		
	" Postage account to 5th January	4 6 6		
	" Boat for Port Dalhousie harbour	15 0 0		
	" Solicitor's bill for 1832, '33 and '34	66 8 11		
	" Taxes for Marshville mills	1 6 9		
	" Dyer's bill for Directors	6 5 10		
	" Leavenworth for printing Report	7 10 0		
			105 11 8	
February.	" Two per cent premium paid on draft, B. Turquand on Prime, Ward, King & Co., per £1072 given to pay difference of exchange on Receiver General's bills on Thomas Wilson & Co. per £41,600 sterling, in payment of provincial loan of £50,000, in 1831	21 8 9		
	" Western Mercury for advertising	3 9		
	" Two cords wood, sawing and carrying up stairs	1 2 2½		
	" Office Porter to 1st February	2 5 0		
	" Dr. Duncombes expenses for January	6 5 0		
	" T. Butler's do. do	5 0 0		
	" For a book case	2 5 0		
			38 9 8½	
March.	" Three cords wood and sawing	1 3 9		
	" Proprietor of Mirror for advertising	3 0 0		
	" Six boxes for holding papers	1 10 0		
	" Oil and wick	1 0 7½		
			6 14 4½	
April.	" Door Lock, and fixing on	11 3		
	" Four and ½ galls Oil for Port Dalhousie	1 13 9		
	" Lesslie & Sons for Stationery	8 0 0		
	" Dr. Duncombe's expenses	5 0 0		
	" Col. Chisholm's do. for January	6 5 0		
	" H. Leavenworth printing clearances	4 15 0		
	" Premium to first vessel arriving at Port Dalhousie with Merchandize for Ohio from New York Market, paid to Capt. D. Howe, of the schooner Winnebago of Oswego	25 0 0		
	" Mr. Bidwell's retainer, Chippawa case	6 5 0		
			57 10 0	
May.	" Dyer's bill to 11th May	6 2 6		
	" Postage account to 12th May	10 16 2		
	" Secretary's incidental expenses	1 3 0		
	" John Clark's travelling expenses	2 15 0		
	" St. Thomas Journal for advertising	15 0		
	" W. H. Merritt's postages	13 7½		
	" Directors expenses, examining Canal	6 3 4½		
	" James R. Benson for baize	10 0		
	" Thomas Butler, " W. L. Mackenzie, " D. Thorburn, } Directors examining line of Canal	5 0 0 4 5 0 7 10 0		
	" Taxes for 1834, township of Grantham	3 13 5		
	" George Rykert & Co., 1½ galls. of Oil	10 4		
	" H. Leavenworth for extra newspapers to circulate report	2 3 4		
	" Districts bill for directors	1 5 7½		
	" Expenses to Niagara for money	7 6		
	" Vandecar for 12 galls. Oil	4 10 0		
	" Merritt's & Creighton's bill at Port Robinson	14 4½		
	" London True Patriot for advertising	1 7 2		
			60 5 5	
	Carried forward		£268 11 2	

	Brought forward				268 11 2
June.	" William Wares bill for wine	4	0	0	
	" Dyer's bill for directors	4	1	3	
	" Lesslie & Sons for stationery	2	13	9	
	" Postage account to 5th June	1	1	3	
	" Jonathan Woodhull for Lamp wick		9	4½	
	" Port Colborne contingencies	4	5	0½	
					16 10 8
July.	" Molson and Davis for advertising	6	14	7	
	" William Davidson for his expenses going to Nelson to see James Davidson respecting his claim to lot number 27, 1st concession, Humberstone		15	0	
	" Port Colborne contingencies for June	6	7	10	
	" Dyer's bill for directors	1	4	6	
	" Office porter to 1st July	2	14	6½	
	" Captain Bostwick, of schooner Britannia for premium on first vessel arrived at Dunnville	25	0	0	
	" Christian Guardian, for advertising		4	2	
	" Robert Stanton, for ditto	4	10	1	
	" W. L Mackenzie, " David Thorburn, " T. Butler, } Directors, expenses	5	10	0	
		6	10	0	
		5	0	0	
	" Postages to 30th July	4	11	8½	
	" Port Colborne contingencies for July	3	10	4	
	" Brantford Sentinel, for advertising	1	16	0	
	" H. Leavenworth, for printing and advertising	8	3	4	
					82 12 1
August	" J. and L. Clarke for five gallons Lamp oil	1	11	3	
	" Correspondent & Advocate, for one years' subscription and advertising	4	10	1	
	" E. Lesslie and Son, for stationary	1	4	0	
	" Eastwood and Skinner, for provincial Statutes to 1835	1	15	0	
	" Dyer's bill for directors	1	1	5	
	" E. W. Stephenson, for carriage and horse hire	4	18	9	
	" Thomas Butler, " David Thorburn " W. L. Mackenzie } Directors' expenses	3	0	0	
		3	0	0	
		2	10	0	
	" Wynns bill for horse and waggon hire	1	5	0	
	" W. Dittrick's bill for directors	5	10	7½	
	" Incidental expenses		11	1	
	" W. Townsend, repairs to Port Colborne office	8	2	6	
	" James Dettrick, horse hire for Mr. Hall	1	15	0	
	" Kingston Spectator, for advertising	2	0	5	
					42 15 1½
	" Four barrels oil fort Port Colborne & Dalousie Light Houses				31 11 1
September	" Subscription to Montreal Morning Courier to 1st March 1836	1	17	6	
	" Postages to 5th October	5	5	1	
	" Geo. Gurnett for advertising		15	2	
	" Francis Hall for contingencies	3	2	6	
	" J. and L. Clarke for 2 gallons oil		12	6	
	" Wynn for wagon hire		19	4½	
	" H. Mittleberger for 1½ gallons oil		11	3	
	" Thomas Butler " W. L. Mackenzie } Directors expenses	5	0	0	
		3	5	0	
	" Sandwich Emigrant, for advertising	2	8	3	
	" Woodhull, for Lampwicks and glass		13	1½	
	" Port Colborne contingencies for August and September	4	1	0	
	" H. Leavenworth, for printing	10	3	6	
	" Candles and Match boxes		7	6	
	" W. L. Mackenzie's expenses	5	15	0	
	" W. Dittrick, directors expenses	11	17	6	55 14 3
	Carried forward £				498 14 4½

	Brought forward £					
October	" Postage for October	2	16	11½		
	" S. Dolson, horse hire for Mr. Hall	6	5	0		
	" J. Clarke, for a stove and pipe	3	5	0		
	" H. Leavenworth, for advertising		7	6		
	" S. Heron do		7	6		
	" Mrs. Cook, Arbitrators expenses	9	1	8½		
	" J. Dittrick, man and horse to Dunnville	1	10	0		
	" Kingston Spectator, for advertising	1	0	0		
	" Brantford Sentinel, for ditto	1	1	8		
	" A Boles, for Candles		3	9		
	" D. Cross for ditto		5	7½		
	" W. Dittrick, for arbitrators and directors expenses	11	14	7½		
	" J. Arnold delivering letters for arbitrators		5	0		
	" Secretary's incidental expenses	1	6	6		
	" T. Butler, director	4	0	0		
	" Solicitors' bill, costs Chippawa case £36 5s. 2d.					
	ditto Shore's suit, ...£9 11s. 7d.	45	16	9		
	" D. Thorburn, director from August to date	11	4	0		
	" O'Creighton do from January to date	12	0	0		
					112	11 7
	" Smith Griffin, Esq. to amount of his bill as arbitrator				25	0 0
					£636	5 11½
	DEDUCT					
	For amount received from John Boyle for work for him by Company's team	9	10	11½		
	" Amount received from J. G. Stockley, for dredging	3	15	6		
	" Amount received from individuals for blacksmith's work " by Company's blacksmith	8	1	10		
	" Amount of fine received of Captain of Schooner Superior of Toronto. for violating 17th article of Canal Regulations	1	5	0	22	13 3½
					£613	12 8

E. E

WELLAND CANAL OFFICE,
St. Catharines, 31*st December*, 1835.

NO. 7.

Awards for land damage, 1835.

Agustus Jones, Grand River, in full of all demands	112	7	0
Ebenezer Jones, do do	21	15	0
Hiram Swayze, in full of all demands	2	10	0
John Martindale, to account	100	0	0
John Tunis, Grand River, in full of Richwomans claims	5	0	0
	£ 241	12	0

NO. 8.

Real Estate, 1835.

Purchase of Lot number 26, 7th concession of Crowland, from William Crooks, Attorney for Major General Darling, 100 acres	100	0	0
Purchase of a corner Lot in the village of Saint Catharines, for building office on, from A. McDonell	150	0	0
Bartholomew Tench, for 14 acres 1 rood, part of lot No. 28, second concession, Humberstone,	33	15	0
	£ 283	15	0

No. 9.

Payments on account of Commissioners, of 1833—1835.

	£	s	d
James Burger	1	0	0
John McCombs		10	4
Daniel Donovan	1	0	0
William Hepburn, for water line	12	13	1½
John Macaulay, Commissioner	25	0	0
Andrew Thompson, for plank	22	11	5½
	£ 62	14	11

NO. 10.

Miscellaneous payments, 1835.

	£	s	d
Captain Mosier, in full of claim for services	10	0	0
Gilbert McMicking, balance of account	3	15	3
Richard Campbell, for hauling stone on Grand River, in 1832	2	10	0
John Toyn, for balance of labour and board at broad Creek, work performed in 1832	4	3	8
David Thorburn, Esq. account as arbitrator from August 1831 to August 1834 and interest	69	18	9
W. C. Chase, balance of account	2	14	5½
J. A. Wilkes, for a scow	12	10	0
W. C. Hay, in full of claim for alterations and repairs of steam dredge	38	17	6
Widow Shaver, second instalment for loss of her well	20	0	0
Jacob Finney, amount deducted from his bill for printing, but afterwards allowed	2	3	4
	£ 166	12	11½

NOTE,—The above payments were made by special orders of the board, and are not included in any estimate passed.

NO. 11.

Collection of Toll, 1835.

COLLECTORS SALARIES, VIZ.						
James Black, Port Colborne, 229 days at 10s	114	10	0			
Geo. Smith, Port Dalhousie, 220 " "	110	0	0			
A Thompson, Dunnville, 244 "	61	0	0			
John Callaghan, Port Robinson, 8 months at 3. 15s	30	0	0			
				315	10	0
LOCK TENDERS WAGES, VIZ.						
Arrears to close of 1834	12	10	9			
Estimate for April	93	15	0			
May	114	0	0			
June	116	10	0			
July	119	0	0			
August	100	0	0			
September	133	0	0			
October	116	10	0	805	5	9
				1120	15	9
Remission of Toll, viz:						
On packet boats	92	10	10			
Steam dredge		5	0			
Gravel for dam	1	2	8			
Timber for use of canal	12	19	9½			
Overcharge on 69 624 staves	13	0	10½	119	19	2
Balances not received from Toll Collectors.						
George Smith	174	19	1¾			
James Black	46	10	5			
John Callaghan	15	1	2	236	10	8¾

NO. 12.

Interest account, 1835.

To R. Reach		1 5	7½
" Note, No. 331		2 18	2
" Craig and Boyle		3 12	0
" B. Turquand, on Prime, Ward, and King, from 29th October 1834, to 5th Feb'y 1835		17 19	4
" Note, No. 6		5	10
" do No. 72		1 0	11
" W. Walker		13	1
		£ 27 14	11½
DEDUCT			
For amount received from Bank of Upper Canada, on debentures	54 19 9		
" " from James Davis on balance of account	19 7		
" " George Keefer Senr. do	3 12 4		
" " Owner of Steamer Caroline	7 14 7		
" " Thomas Butler	3 3 7		
" " Capt. Creighton & A. McDonell	15 18 9		
" " R. E. Burns	4 8 7	90 17	2
		63 2	2½

NO. 13.

Lands and Hydraulic Rents, 1835.

Received from	William Bell for 2nd instalment on Lot No. four, P. Robinson	5 0	0
"	do for 1st " five do	5 0	0
"	H. Vanalstine 1st " six do	3 15	0
"	Richard Laffan 1st " nine do	1 5	0
"	John Gibson 2nd " on lot in St. Catherines	3 17	6
"	do interest on above	4	8
"	Dilly Coleman 1st payment on No. 19 & 20 . P. Robinson	12 10	0
"	John Daly 1st " No. 1 "	1 5	0
"	Jesse Watts for water rent	3 5	0
"	John Daily in full of No. 3, Port Robinson, and interest 16	20 16	0
"	Jacob Keefer, to amount Rent of 1834	15 5	0
"	Squires & Christy in full of do	31 13	4
"	John Donaldson, instalment on lot in St. Catharines and interest 6s. 7½	4 15	4½
"	Michael Cassiday do do and interest 3s. 8d	3 14	11
"	Martha Cook for instalment on Tavern stand, at Port Robinson	100 0	0
"	Samuel McCombs, rent of a field at Vanderburgh's	10 0	0
"	John Gibson, in full of rent 1834	8 6	8
"	John Foster to amount of his bond for land	5 0	0
"	Hezekiah Davis to amount of rent 1834	30 14	0
"	John Christie do do	15 0	0
"	—— Greybiel do do	5 10	9
"	Andrew Thompson in full of rent	37 10	0
"	E. S. Adams do do	6 13	4
"	Jacob Finney do do	8 6	8
"	Geo. Keefer, Senr. do do	16 13	4
"	Richard Hannah, to amount of bond for lot at aqueduct £12 10s. Interest £6 6s. 3d	18 16	3
"	Wm. Bell, instalments on his lots at Port Robinson	10 0	0
"	St. Catherines water power, for half year ending 1 July, 1835	62 10	0
"	Dilly Coleman to amount of lots at Port Robinson	7 0	0
		454 7	9½

Statement of produce passed through the Welland Canal in the season of 1835.

Boards	Feet of	1341330	Pig Iron	Tons of	135½
Square Timber	Cubic feet of	102960	Grind Stones	....do....	48½
Pipe Staves	Number of	454701	Furniture	....do....	3¾
W. I. ditto	....do....	901362	Gypsum	....do....	528¼
Shingles	....do....	231000	Baggage	....do....	13½
Saw Logs	....do....	18047	Merchandize	....do....	4791
Barrels	....do....	548	Lime	....do....	49½
Flour	Barrels of	13049	Hay	....do....	5¼
Pork	....do....	13907½	Mill Stones	....do....	6
Salt	....do....	87297	Wool	....do....	1¼
Lard	....do....	96	Bran	....do....	1½
Whiskey	....do....	552	Hides	....do....	3¼
Ashes	....do....	365	Tobacco	Hhds. of	386¼
Cider	....do....	98	Bricks	Number of	100000
Beer	....do....	436	Cedar Posts	Cords of	551
Apples	....do....	201	Fire Wood	....do....	56
Crackers	....do....	8	Tan Bark	....do....	29¼
Pitch	....do....	2	Stone	....do....	270
Hams	....do....	28	Stone Ware	Bbls. of	7
Oil	....do....	12	Plaster	....do....	298
Beeswax	....do....	6	Vinegar	....do....	47
Fish	....do....	25	Dye Wood	....do....	1
Flax Seed	....do....	461	Ploughs	Number of	3
Fruit & Nuts	....do....	189¾	Tamarach Poles	....do....	4000
Wheat	Bushels of	301635½	Waggons	....do....	2
Corn	....do....	9	Bones	Boxes of	14
Oats	....do....	10	Leather	Bundles of	1
Barley	....do....	1748	Molasses	Cwts. of	6
Potatoes	....do....	6166	Bulls	Number of	2
Rye	....do....	40	Horses	....do....	1
Lime	....do....	46	Small Packages	....do....	132
Butter	Kegs of	24	Passengers	....do....	1562
Lard	....do....	340	Schooners	....do....	636
Tobacco	....do....	15	Scows & Boats	....do....	660
Table Salt	....do....	75	Rafts do	....do....	51
Coals	Tons of	610½	Tonnage	Amount of	64394
Castings	....do....	255¾			

ABSTRACT

Showing the amount of Tolls collected each month, and the amount during the Season, at each of the Ports, together with the total amount collected throughout during the Season.

MONTHS.	PORT COLBORNE.	PORT DUNNVILLE.	PORT ROBINSON.	PORT DALHOUSIE.	TOTAL.
April	.....	.....	.....	31 0 7	31 0 7
May	427 14 4¼	93 14 6¾	116 6 9	254 0 11	891 16 7
June	520 0 9	91 14 1	67 0 0	260 4 3¼	938 19 1¼
July	457 9 7	46 6 7½	29 10 1½	288 5 8	821 12 0
August	363 10 2¼	31 1 1½	16 13 6½	349 0 7¼	760 5 5½
September	379 12 2¼	32 2 7	16 5 1	463 12 6¼	891 12 4¾
October	552 17 0½	49 7 2½	32 6 9¼	383 13 4½	1018 9 4¾
November	217 10 10½	55 5 0½	25 5 0¾	155 9 5¼	453 10 5
	29118 15 0	399 11 2¾	303 7 4	2185 12 4½	5807 5 11¼

Welland Canal Office, *St Catharines*, 31*st Dec.* 1835.

JOHN CLARK, *Secretary. W. C. C.*

WM. HAMILTON MERRITT,
President W. C. Co,

LETTER TO SPEAKER FROM WELLAND CANAL DIRECTORS.

To the Honourable the Speaker,

SIR,

We respectfully request you to place before the House of Assembly the Reports which are herewith enclosed.

We have the honor to be Sir,
Your most Ob't. humble Servants,
CHARLES DUNCOMBE,
DAVID THORBURN,
W. L. McKENZIE.
} DIRECTORS.

House of Assembly, 19th January, 1836.

A REPORT OF THE DIRECTORS ON THE PART OF THE PROVINCE.

To the Honourable the House of Assembly.

The Select Committee on the affairs of the Welland Canal Company having recommended towards the close of their report of last Session, that an Engineer should be employed specially to examine and report concerning the Canal, its condition, and the repairs or other more extensive alterations and improvements that might be required for its completion, the Directors appointed by Your Honourable House have endeavoured to give effect to the recommendation of the Committee by engaging the services of Francis Hall, Esq., a Civil Engineer of acknowledged abilities and great experience in his profession, to examine the Canal; they placed in his hands a series of questions, copy of which, with Mr. Hall's report, they ask leave to submit to the House. His report has especial reference to the dimensions of the Canal, the quality of the materials of which it is made, the condition of the Locks, bridges, Grand River dam, Culverts, Harbors, Basins, Hydraulic works, Mills and machinery, the Canal Banks, the practicability of a new route from Centreville to Port Dalhousie, the proposition for washing out the deep cut and the expense which it might be necessary to incur in the prosecution of the various measures included in his estimates.—The report is accompanied by several maps and plans to which it has reference.

Mr. Hall was the Engineer for the Burlington Canal in 1825, he drew the design and superintended the erection of Brocks column on Queenston heights in 1824, he was principal Engineer on the Shubenacadie Canal in Nova Scotia, and is thus spoken of by Mr. Telford, the celebrated British Engineer, in his report respecting the Bay of Verte Canal.

"Having perused the very full and distinct instructions given by Sir Howard "Douglas to the Engineer Mr. Francis Hall; and Having for several years, previous "to his leaving Britain, employed Mr. Hall very extensively, I have a perfect confi- "dencethat Sir Howard's instructions have been faithfully attended to,and that a judicious seection of the line has been made, surveyed and reported upon."

Mr Hall shewed us a letter addressed to him from Mr. R. Fairbanks member of the Legislature of Nova Scotia, and a Commissioner of the Shubenacadie Canal, from which we took an extract as follows:—"London, August 3rd, 1829. My "dear Sir,—Soon after my arrival I called on Mr. Telford with your letter,but learned "he was absent. I repeated my visit, and was gratified to meet a very pleasant old "gentleman who appeared to feel much interest in your welfare and spoke of you in "very friendly terms—you may be sure the confirmation of my own opinions by one "so competent to judge, as well as the high terms in which he expressed himself of "your Engineering, calculations, reports, &c. could not but greatly please me, and I "feel it but justice to yourself to repeat his words."

We submit, with Mr. Hall's report, copy of letters by Messrs. Wright, Donaldson and Barrett, relative to the local situation of the Canal; a list of the Stockholders, on the 1st of January 1835; a schedule of the lands said to be occupied by the Canal Company; tabular statements of the property passing on the canal in May, June, July, August and September last; lists of the votes at the annual elections for Directors, 1829 and 1835; a letter to Mr. Keefer when he was President of the Canal by several Stockholders of New York, with advice as to the size, &c. of the Canal; letters and papers concerning the Grand River dam and western terminations of the works; various documents relative to the incumbrances which affect the Canal and the negociations for buying and selling the Lands and Hydraulic privileges; with a letter from Mr. Dunn, and another from Colonel Givens about the Grand River claims.

On these documents, we refrain for the present, from offering any observations. Our second Report having reference principally to Canal management, and the course to be pursued in the work is not yet ready, but will be soon.

We were ready to submit these observations to the House when Mr. Hall's supplementary report reached us, dated Thursday last, from Saint Catharines. It contains late and accurate detailed information, shewing the actual state of the feeder, locks, berm bank, and some other important parts of the work. We respectfully suggest that it might be expedient to print and place these reports and the accompanying documents as early as possible in the hands of the Members of the Legislature.

CHARLES DUNCOMBE,
DAVID THORBURN,
W. L. MACKENZIE.
} Directors.

Toronto, 16th January, 1836.

To the President and Directors of the Welland Canal Company.

I have this year by your permission made an experiment on washing out the Deep Cut, the result has satisfied me fully of its practicability, if you consider making Niagara River your feeder and reduce the level or summit at Deep Cut an object, I will undertake to accomplish it for the sum of six thousand pounds and use of the waters for three Winters, without interfering with the navigation of the canal.

The plan I propose is first to carry a level from below Basis's Basin, where the valley is, six or eight feet below canal bottom, there commence and bring up a level as far as I may find it necessary.

Then I propose putting a flood-gate at the lower end of the Deep Cut, after reducing the first distance to bottom level, then put in another and keep putting in those kind of gates, until I get the whole reduced to bottom level or below it. This method gives me the command of from 20 to 30 feet head of water to be let off or stopped at pleasure.

If you accept my proposal I wish the contract entered into as early as convenient, for to give me time to make my arrangements this season to commence immediately on the close of the navigation.

Your most Ob't Servant,

JOHN DONALDSON.

For one thousand pounds more, I will take out one foot more, making in all nine feet water, from Davis's Basin to the Chippewa through the Deep Cut.

JOHN DONALDSON.

(OFFICE COPY)

New-York, September 2nd, 1833.

DEAR SIR,

I have your kind letter of the 15th ult. together with the pamphlets, for which I tender you many thanks. I should have replied sooner, but a sore hand has prevented, and I write now with some inconvenience.

I have received Mr. Barrett's estimate of the branch to Niagara, but it does not give me the items. As Mr. Keefer's name is to the Report, may I ask whether he cannot give me the value of excavation, embankment, &c., by the yard? also how much Mr. B. estimated Stone Locks for Sloop Canal to cost?

In the plan of the Locks as Mr. Keefer prepared it for me, he has set down 100 feet between the gates. Mr. Randal in his report says they are 120. I have taken my memorandum at 110 feet: which is correct?

Again, in the plan of foundations the cross or bottom sills are represented as 5 feet from centre to centre, and the position of the streak sills is laid down one at the ends of the cross planking. Now the question is whether I can rely on all the locks being made uniformly on this plan, and whether there are not cases where the bed sills are 6 or 7 feet apart, and the streak sills placed different from the plan? I am contriving how to alter the plan, and renew the Locks by making them 24 feet wide, and save the foundations—if I can effect this, it will be repairing and making the Locks better size at a cheap cost.

Tell me if you please how the streak sills are let on to the mud sills, or bed sills, are they halved on or how? and the size of bed sills and streak sills and the kind of timber?

The more I think of this project of connecting these great Lakes, the more grand and important it appears to me, and that Montreal and Quebec are more interested in the success of this work than any other places in Canada. I set it down as an incontrovertible position that unless you have the Welland Canal these cities will have little or none of the trade of the Upper Lakes. If there is to be a Transshipment, it will be at Buffalo, and when once at Buffalo, it will take the Erie Canal.

I spent a day at Buffalo after I left you and heard many remarks from Gentlemen there—they are very jealous of the Welland Canal and look at its success with suspicious eyes, and will say and do every thing to depreciate its worth. It is only by the free use of it that the public mind can be satisfied of its importance, and if it is once put in good order and fully carried out to its original plan, except a little widening of the Canal and Locks; if we make the Locks 24 feet wide, we ought to have the bottom of our Canal 34, this would only be altering the slopes to 1½ to 1 instead of 2 to 1, their present plan, and this where the canal is not now width may be done very easily when the other work is doing.

I am not settled in my opinion on the question of the great Steam Boat Canal between the Lakes—the great amount of Lockage is a serious objection and therefrom the two disasters of the David Brown, Steamer, which runs between this and Charlestown, I am doubtful whether property will ever be transported thro' these great Lakes as safe and cheap in steam boats as by sails.

Your project of a connexion with the Mississippi and New Orleans by way of Maumee and Illinois is one that ought to have been pursued—but they are now making a little Canal to connect the Wabash and Maumee and they are discouraged about water between Chicago and Illinois, and are now projecting a rail-road.

If you have reflected on the best plan of renewing the Locks cheap and at the same time strong, please favor me with it. I can project for new work, but I have some fears as to old—lest timbers should not be found where I want them.

If I can speak in language strong enough to rouse your people of Canada to the immense importance of the Welland Canal to the prosperity of both Canadas, I shall do so, because I feel this clearly in myself. It is one of the greatest projects which was ever presented to the mind of man, to connect those Lakes—and 20 years will not

pass away before there is 10 millions people who will be desirous to use this work I tell the people of Buffalo that 20 years will require 2 or 3 fresh Canals and the Erie Canal to do all the business that the population require at that time.

I am, very truly, Your Friend,
B. WRIGHT.

W. H. MERRITT, ESQ.

(OFFICE COPY)

To The Hon. J. H. Dunn, President of the W. C. C., &c. &c.

SIR,

I am instructed thro' W. H. Merritt, Esq., that I am to give my opinion of the best route of a Sloop Canal from the Deep Cut into Lake Erie, together with my reasons for preferring the same.

I am of opinion that the best route is the one terminating in Gravelly Bay,—my reasons for recommending this route are, that it is the shortest and most direct route across the peninsula.

It is the cheapest route that we have been enabled to discover.

It can be completed for $60,000 less than the Grand River route, and is 11 miles shorter, and by adopting this route you combine the advantages of the earliest and the shortest navigation.

You will be better able to compete with opposition in the transportation of property by adopting the Gravelly Bay route. In proportion to the less amount of capital required in its completion the less distance you have to tow vessels besides saving the time in passing from Lake to Lake. One further reason for preferring the Gravelly Bay route, is that the whole work may be done without interrupting the navigation in the mean time, whereas, on the other you either lose the use of the Canal the best part of the two seasons or very much delay the completion of the Canal.

I am, Sir, your ob't. servant,
ALFRED BARRETT,
ENGINEER.

Chippewa, May 15th, 1831.

LIST OF STOCKHOLDERS, 1st January 1835.

NAMES.	RESIDENCES.	No. of Shares.	£	s	d	TOTAL AMOUNT. £	s	d
Government of Upper Canada	.....	4000	50000	0	0			
Do. Commissioners of 1833....	.....	600	7500	0	0			
Do. New Stock of 1834.....	.....	4000	50000	0	0			
						107500	0	0
Hon. J. H. Dunn	Toronto ...	20	250	0	0			
" J. H. Boulton.....	....do....	20	250	0	0			
" Wm. Allan	....do....	20	250	0	0			
" J. B. Robinson	....do....	20	250	0	0			
" Jos. Wells.....	....do....	20	250	0	0			
D'Arcy Boulton.....	....do....	10	125	0	0			
J. G. Bethune	Cobourg...	1	12	10	0			
James Gordon	Amhertsburgh	3	37	10	0			
John McGregor	....do....	3	37	10	0			
Alexander McGregor	....do....	3	37	10	0			
D. Pastorius.....	....do....	2	25	0	0			
J. B. Magon.....	....do....	2	25	0	0			
W. Berczy	....do....	2	25	0	0			
D. Fisher	....do....	1	12	10	0			
Wm. Gibbons	Pickering..	5	62	10	0			
C. Berczy.....	Sandwich..	2	25	0	0			
W. H. Merritt.....	St. Catharines	38	475	0	0			
John Donaldson.....	....do....	15	187	10	0			
A. McDonnell	....do....	20	250	0	0			

NAMES.	RESIDENCE.	No. of Shares.	£	s	d	TOTAL AMOUNT. £	s	d
Thomas Butler	Niagara ...	20	250	0	0			
Ogden Creighton	Falls of Niagara	50	625	0	0			
George Keefer	Thorold ...	20	250	0	0	3712	10	0
		297						
Government of Lower Canada		2000				25000	0	0
C. F. Alywin	Quebec ...	2	25	0	0			
Henry Black	do	2	25	0	0			
J. O. Brunette	do	4	50	0	0			
W. Budden	do	4	50	0	0			
Rev. R. R. Burrage	do	5	62	10	0			
Edward Burroughs	do	10	125	0	0			
Robert Cairns	do	4	50	0	0			
Archibald Campbell	do	4	50	0	0			
James Carey	do	4	50	0	0			
Thomas Carey	do	2	25	0	0			
Martin Chinic	do	2	25	0	0			
A. W. Cochrane	do	8	100	0	0			
W. B. Coltman	do	10	125	0	0			
Thomas Douglas	do	2	25	0	0			
Dr. Thomas Fargnes	do	8	100	0	0			
Fisher & Macleod	do	2	25	0	0			
John Fraser	do	4	50	0	0			
Noah Freer	do	20	250	0	0			
Hamond Gowan	do	10	125	0	0			
Thomas Graham	do	4	50	0	0			
John Hale	do	10	125	0	0			
Hancox & Cringan	do	4	50	0	0			
James Hunt	do	8	100	0	0			
James Irvine	do	20	250	0	0			
Col. Johnstone	do	10	125	0	0			
John Jones, junior	do	2	25	0	0			
J. Learcroft	do	10	125	0	0			
John McCallum	do	4	50	0	0			
Lewis Massue	do	12	150	0	0			
James McTavish	do	5	62	10	0			
A. S. W. Mountain	do	8	100	0	0			
Samuel Neilson	do	4	50	0	0			
Patersons & Weir	do	10	125	0	0			
Peter Patterson	do	2	25	0	0			
Michael H. Percival	do	4	50	0	0			
William Phillips	do	4	50	0	0			
Charles F. Roi	do	4	50	0	0			
H. W. Ryland	do	10	125	0	0			
T. A. Stayner	do	10	125	0	0			
Joseph S. Shaw	do	10	125	0	0			
John Stewart	do	5	62	10	0			
A. A. Sturch	do	5	62	10	0			
Thomas Stoll	do	10	125	0	0			
Benjamin Tremain	do	2	25	0	0			
John Anderson	do	2	25	0	0			
Wm. Burnes	do	4	50	0	0			
Hon. W. Bell	do	5	62	10	0			
James Bell	do	4	50	0	0			
Francis Bell	do	4	50	0	0			
Neil Douglas (Colonel 79th)	do	25	312	10	0	4100	0	0
		328						
H. Gates & Co	Montreal ..	40	500	0	0			
J. O. Moffatt	do	5	62	10	0			
George Moffatt	do	10	125	0	0			
R. McK. Moffatt	do	5	62	10	0			
Forsyth Richardson & Co	do	50	625	0	0			

NAMES.	RESIDENCES.	No. of Shares.	£ s d	TOTAL AMOUNT. £ s d
Maitland Gardner & Co	Montreal ..	35	437 10 0	
Hart Logan & Co	do	50	625 0 0	
John Terrance	do	20	250 0 0	
F. W. Ermatinger	do	10	125 0 0	
F. Leonard & Co	do	2	25 0 0	
Robert Frost & Co	do	5	62 10 0	
H. Russell & Co	do	5	62 10 0	
Hon. Samuel Hatt	Chambly ..	10	125 0 0	
S. Hatt, junior	do	5	62 10 0	
Marg't Hatt	do	5	62 10 0	
Aug's Hatt	do	5	62 10 0	
Matilda Hatt	do	5	62 10 0	
Emily Hatt	do	5	62 10 0	
Richard Hatt	do	5	62 10 0	
Mary Hatt	Montreal ..	5	62 10 0	
Thomas Clarke Hatt	do	5	62 10 0	
John Millchap	do	5	62 10 0	
Hon. John Elmsley	Toronto...	12	150 0 0	
C. E. White	Montreal ..	5	62 10 0	
Rev. R. Whitewell	do	15	187 10 0	
John Molson, junior	do	5	62 10 0	
Jacob Dewitt	do	5	62 10 0	
B. A. Goldsmidt	do	100	1250 0 0	
Moses Hart	do	18	225 0 0	
H. Dickinson	do	1	12 10 0	
Mary Hale	do	1	12 10 0	
George Davis, merchant	do	12	150 0 0	
William Dawson	do	90	1125 0 0	
John Hornby	do	100	1250 0 0	See also London List.
Samuel Gale	do	100	1250 0 0	
James Lesslie	do	10	125 0 0	
Harwood & Sons	do	2	25 0 0	
Alexander Miller & Co	do	10	125 0 0	
		778		9725 0 0
Yates & McIntyre	New York.	720	9000 0 0	
William Macleod	do	200	2500 0 0	
Fredrick Franks	do	260	3250 0 0	
John Hone	do	100	1250 0 0	
James Swiney	do	40	500 0 0	
Thed'a Wood	do	20	250 0 0	
E. Seaman	do	85	1062 10 0	
J. B. Yates	do	70	875 0 0	
Archibald McIntyre	do	500	6250 0 0	
Seaman Tobias & Co	do	445	5562 10 0	
N. Kortright	do	140	1750 0 0	
D. Henderson	do	20	250 0 0	
D. D. Campbell	do	500	6250 0 0	
V. P. Don	do	30	375 0 0	
Henry Yates	do	1210	15125 0 0	
Retreat for Insane	do	400	5000 0 0	
Lombard Association	do	50	625 0 0	
W. Seymour	do	260	3250 0 0	
Thomas R. Mercer	do	200	2500 0 0	
Maitland Kennedy & Co	do	200	2500 0 0	
William Creighton	do	75	937 10 0	
R. Kortright	do	20	250 0 0	
Peter Schermerhorn	do	25	312 10 0	
		5570		69625 0 0
Thomas Merritt, junior	New Brunswick	20	250 0 0	
Nehemiah Merritt	do	20	250 0 0	
		40		500 0 0

NAMES.	RESIDENCE.	No. of Shares.		TOTAL AMOUNT.
Earl of Dalhousie	England...	20	250 0 0	
Charles Day	do	42	525 0 0	
Sir Francis Burton (his heirs)	do	8	100 0 0	
Duke of Wellington	London ...	50	625 0 0	
Right Hon. Wm. Huskisson (his heirs)	do	20	250 0 0	
Right Hon. H. Goulborne	do	10	125 0 0	
Lord F. L. Gower	do	10	125 0 0	
R. W. Hay (Colonial Under Secretary)	do	10	125 0 0	
Sir H. Taylor (the King's Secretary)	do	5	62 10 0	
Sir H. Hardinge	do	10	125 0 0	
Lord Beresford	do	50	625 0 0	
Alex. Baring (now Lord Ashburton)	do	100	1250 0 0	
Rt. Hon. R.W. Horton (Gov. of Ceylon)	do	10	125 0 0	
Thomas Wilson (Banker, London)	do	100	1250 0 0	
T. Wilson	do	40	500 0 0	
Henry Bliss	do	150	1875 0 0	
A. W. Roberts	do	50	625 0 0	
Thomas Telfords (heirs)	England....	20	250 0 0	
James Putnam	do	60	750 0 0	
James Pritt	do	10	125 0 0	
John Hornby	do	50	625 0 0	
R. Barclay	do	100	1250 0 0	
George Mayer	do	5	62 10 0	
W. Myres	do	10	125 0 0	
Francis Jordan	do	20	250 0 0	
John Ewart	do	20	250 0 0	
Joseph Langton	do	10	125 0 0	
Lewis Bliss	do	60	750 0 0	
S. Bosanquette	do	20	250 0 0	
T. Pitt	do	20	250 0 0	
J. H. Anderson	do	20	250 0 0	
C. Franks	do	20	250 0 0	
J. W. Bosanquette	do	20	250 0 0	
Rev. R. Blacow	Liverpool..	320	4000 0 0	
D. Willink	do	20	250 0 0	
Lord Downes	do	10	125 0 0	
Robert Lewin	Bolton	30	375 0 0	
E. Fletcher	do	90	1125 0 0	
James Alexander	do	90	1125 0 0	
John Schoolbred	do	90	1125 0 0	
Henry Porcher	do	100	1250 0 0	
Rev. G. Porcher	do	100	1250 0 0	
Edward Ellice, M. P.	do	100	1250 0 0	
Col. Addison	do	100	1250 0 0	
Susan Addison	do	8	100 0 0	
Caroline Addison	do	10	125 0 0	
Emma Addison	do	20	250 0 0	
Phillip Gowan	do	50	625 0 0	
William Holloway	do	10	125 0 0	
Major Pringle Taylor	do	53	662 10 0	
G. C. Agar	do	50	625 0 0	
Alexander Nimmo	do	10	125 0 0	
		2411		30137 10 0
				£250300 0 0

ABSTRACT.

	No. of Shares.	Amount.
Government of Upper Canada.....	8600	107500 0 0
Individual Stockholders in do.....	297	3712 10 0
Government of Lower Canada.....	2000	25000 0 0
Individual Stockholders in Quebec.....	328	4100 0 0
" " in Montreal.....	778	9725 0 0
" " in New-York	5570	69625 0 0
" " in New Brunswick.	40	500 0 0
" " in England.....	2411	30137 0 0
	20024	£250300 10 0

Welland Canal Office, 12th June, 1835.

JOHN CLARK,
Sec'y W. C. Co.

Who are the Agents for the Welland Canal Company!

Agent for the London Stockholders.—Messrs. Bosanquet, Pitt & Co. Bankers, Lombard street London.
Agent for the Liverpool Stockholders.—Richard Dawson, Esq. Broker, Liverpool.
Agent for the United States Stockholders.—Messrs. Yates & McIntyre, New-York.
Agent for Quebec.—William Walker, Esq. Merchant.
Agent for Montreal.—George Davies, Esq. Merchant.

[OFFICE COPY.]

Lands occupied by the Welland Canal Company.

NAMES.	No. of Lot.	No. of Con.	CONTENTS. A. R. P.	TOWNSHIP.
Nathan Pawling.....			10 2 29	Grantham...
James Gordon.....	20	1	6 2 32	do
William May, junior...	21	1	2 0 2	do
Peter May.....	21	2	6 2 39	do
Christian May.....	19	1	1 0 3	do
Robert Brown.....	23	2	50 0 6	do
John Martindale.....	23	3	15 1 11	do
Jacob Tenbroeck.....	22	2 & 3	30 1 28	do
John R. Tenbroeck....	22	3	15 1 8	do
Samuel Wood.....	22	3	8 0 0	do
Adam Gould.....	22	4	6 0 6	do
Job Northrup.....	21	4	10 3 20	do
George Adams.....	21	5	30 0 0	do
William H. Merritt....			17 3 20	do
John Hainer.....			18 2 27	do
John Clendinnen.....	17	7	4 1 9	do
William Chisholm.....	17	6	1 0 2	do
William C. Chace.....	17	6	1 0	do
Elias S. Adams.....	17	6	1 0 10	do
Issabella Stewart.....	17	6	1 0	do
William Sanderson....	17	6	1 14	do
Jonathan Clindinnen...	17	6	2 32	do
Do	17	6	4 3 8	do
Hannah Secord.....	16	6	12 0 17	do
Francis Goring Parnell.	15	6	4 1 6	do
Z. Rykert.....	15	6	5 2 0	do
John Soper.....	14	6	1 0 0	do
Alexander Nickerson ..	13	7	15 2 26	do
Robert Dittrick.....	15	7	11 2 10	do
Oliver Phelps.....	12	8	18 2 39	do

NAMES.	Lo. of Lot.	No. of Con.	CONTENTS. A.	R.	P.	TOWNSHIP.
Philip Shaver	12	9	18	2	3	do
Jacob J. Ball	11	10	10	0	37	do
Thomas Keer	10	10	9	3	24	do
Widow E. Ball	9	10	17	2	10	do
Geo. Keefer.....	9 & 17		28	2	12	Thorold.
James Black.....	16		2	1	30	do
Peter VanEvery.....	W 1/2 R 1-29 & 30		100	0	0	do
Fred'k Bouke.....	29		18	3	10	do
Daniel Shriner.....	28		16	3	0	do
Luke Carroll	30		10	1	22	do
Jacob Bowman	31		22	0	8	do
Isaac Kelly	49		1	3	0	do
George Marlatt	50 & 32		19	2	27	do
Wm. McLellan	51		2	0	38	do
Andrew Wilson.....	74		23	1	33	do
George Marlatt.....	73		1	3	0	do
Hall Davis.....	97		27	0	20	do
Jer'h. Adley.....	96		3	0	0	do
Samuel Swaze.....	119		65	0	12	do
Garret Vanderburgh...	142		36	0	26	do
John Brown.....	202		6	3	33	do
John Watson.....	214		2	1	21	do
Widow McAlpine	205		15	0	32	do
David Thompson	205		11	3	11	do
Philip Carroll.....	204		27	3	15	do
John Heslop			22	1	11	do
Alem Murr	222		10	0	0	do
Elijah Shotwell	223 & 224		15	2	10	do
Jonathan Silverthorn ..	229 & 230		19	0	32	do
Joseph Burger.....	228		15	1	15	do
Smith Shotwell			10	3	10	do
Jesse Wilson			4	0	25	do
Widow Griffith.....			1	0	38	Crowland
David Price.....			15	0	26	do
John Hellems	6	6	34	3	0	do
Wm. Crooks	26	7	100	0	0	do
Jacob Neff, Sen.	26	3	33	1	32	Humberstone.
Abr'm Augustine	26	2	7	1	0	do
Jacob Augustine	27	2	10	2	0	do
Abrm Neff, Senr.....	28	2	7	0	0	do
Jacob Neff, Junr.....	28	2	14	1	0	do
Dunville			14	1	0	Moulton.
Do. South side.....			27	2	0	do
Cummings			0	2	16	do
Oliver Phelps	12	9	50	0	0	do
Michael Harris			0	1	0	do
			1224	2	04	

GRANTS FROM GOVERNMENT.

Township of Wainfleet.....	13,000 Acres.
Humberstone.....	2,440 do.
do	140 do.
do	108 do.
Louth,.....	22 do.
	15,710 Ac

(Official Copy.)

No. 1.

STATEMENT OF PROPERTY

PASSING THROUGH

THE WELLAND CANAL

FROM ONE AMERICAN PORT TO ANOTHER,

From the first day of May, to the first day of September, 1835.

UP.

FROM	TO	Barrels Salt.	Brls. Cider.	Bushels Potatoes.	Barrels Apples.	Tons of Coals.	Merchandise. Tons.	Cwts	Qrs.
Oswego.....	Cleveland.....	34880	153	3557	.....	130	1057	18	0½
do.	Sandusky.....	3206	.....	.....	.....	.....	85	15	2
do.	Chicago.....	1486	70	1435	28	.....	181	4	3
do.	Detroit.....	6274	112	.....	.....	47	282	12	3
do.	Richmond.....	1358	.....	775	.....	.....	79	12	....
do.	Huron.....	3761	.....	.....	.....	.....	141	4	3
do.	St. Joseph's.....	273	.....	.....	.....	.....	9	12	....
do.	Monroe.....	500	.....	.....	.....	.....	2	2	....
do.	Fairport.....	47	.....	.....	.....	.....	41	....	2
		51785	335	5767	28	177	1880	14	1½

No. 2.

Ditto *Ditto* *Ditto* *Ditto*

DOWN.

FROM	TO	Bushels Wheat.	Barrels of Flour.	Pork.	Ashes.	Lard.	Hams.	Oil.	Tons of Coals.	Kegs of Lard.	W. I. Staves.	Pipe Staves.
Porland.....	Oswego.....	2500	....	....	....	....	....	....	....	....	.....	.....
Sandusky.....	do.	2000	....	....	....	....	....	....	....	....	.....	.....
Cleveland.....	do.	123984	90	679	146	5	10	....	....	4	166249	16600
do.	Sackett's.....	5939	52	....	....	....	....	....	....	....	.....	10371
Huron.....	Oswego.....	525	227	....	....	....	....	....	....	....	74019	.....
Cleveland.....	Ogdensburgh...	.....	246	6534	....	87	13	5	18	275	.....	11978
do.	Cape Vincent..	.....	....	500	....	....	....	....	....	....	52596	100263
Richmond.....	Oswego.....	.....	....	49	78	....	....	7	....	16	24370	.....
Fairport.....	do.	.....	....	....	58	....	....	....	....	....	89300	.....
Detroit.....	do.	.....	....	....	....	....	....	....	....	....	81120	.....
Chicago.....	Sackett's.....	.....	....	....	....	....	....	....	....	....	23657	.....
Huron.....	French Creek..	.....	....	....	....	....	....	....	....	....	.....	5600
		134948	715	7583	282	92	23	12	18	295	461311	144812

No. 3.

DOWN.—FROM OME BRITISH PORT TO ANOTHER.

FROM	TO	BARRELS OF ashes flour	pork	whisky	feet of boards	sq. ft. square timber	Pipe Staves	saw logs	shingles	tons of iron	tons castings	tons plaster	bushels of wheat	barley	hds. tobacco	maize. t.	c's	qrs	kegs lard
Peterborough	Thorold												484	175					
Roundeaux	Toronto				6000														
do	Prescott		4				2163						549		7½				
Dover	do	1310																	
Port Stanley	do	2214	195																6
Long Point	Toronto			154						49½	40½								
do	Brockville	612																	
do	Hamilton										20								
do	Prescott						4500												
Amherstburgh	do														133				
Colchester	do		25												99				
Port Colborne	Dalhousie				15000														
Gosfield	Toronto				20000					52					4				
do	Kingston														16				
Chatham	Toronto				26000														
Cataraquas	do				13000														
Port Antrim	Prescott						3139								4				
Port Colborne	Pt. Robinson							1137											
Dalhousie	St Catherines							104											
Allanburgh	do				25000														
St. Catherines	Prescott	11	2293																
do	Kingston		749																
Dunnville	Prescott	3	1412	287															
do	Colborne				98413														
do	Dalhousie			3	14159														
do	Robinson			53	333054				143			237	566						
do	Thorold							314											
do	St Catherines				113316														
Peterborough	do												600						
Robinson	Thorold					3983		4717	11				517						
do	Dalhousie											38							
do	Allanburgh					1662		2942								8	9		
do	Prescott	14	17	55															
Long Point	Dunnville			130															
Thorold	Prescott		3																
		28	8670	569	337	664062	5644	9802	9214	154	161½	66½	275	3328	175263½	8	9		6

No. 4.

UP.—FROM ONE BRITISH PORT TO ANOTHER.

FROM	TO	Maize. tons	cwts	qrs.	bush barley.	bls beer and cider.	bls. flour	tons coal & white lime	bls. pork	bushels potatoes	W. I staves	feet of boards	brls. salt.	tons plaster.	brls pork
Robinson	Dunnville	8	10	..	....	..	....	..	18	....	....	....	....	3	63
Toronto	St. Catherines	7	..	..	1573	1									
do	Amherstburgh	8	..	2	....	..	200	..	..	....	....	20465			
do	Sandwich	11	14												
do	Gosfield	7													
St. Catherines	Dunnville	1	..	..	....	68	....	..	..	....	....	....	248		
do	Port Colborne	4	10	..	....	6									
do	Chippewa	8	..	..	....	..	....	26	..	....	....	....	15		
do	Thorold	1	..	..	....	..	....	..	..	....	....	....	54		
do	Robinson	1	11	..	....	..	....	..	..	....	....	....	31		
Prescott	St. Catherines	58	5	5											
do	Sandwich	47	6	3											
do	St. Thomas	77	9	3											
do	Gosfield	26	18												
do	Amherstburgh	26	13	1											
do	Port Stanley	14	8	5											
do	Thorold	3	2	2											
do	Robinson	6	10												
do	Long Point	13	5												
Hamilton	St. Catherines	....	..	..	....	..	....	..	45						

UP.—From one British Port to another.—*Continued.*

do	Long point.....	1	10												
Niagara	St. Catherines....	5	...	...	...	...	...	...	7	212					
do	Port Stanley.....	15	1												
Dalhousie	St. Catherines....	....	...	...	...	...	...	...	....		5800				
Kingston	Colborne.....	9	5	2											
do	Allanburgh.....	6	7												
Brockville	Port Stanley.....	85	17												
		404	6	8	1573	75	23[illegible]	26	70	2[illegible]	[illegible]800	20465	648	9	68

No. 5.

UP.—From a British to an American Port.

FROM.	TO	Feet of Boards	Bals. of Flour.
Oakville...	Buffalo	13,000	
Thorold ...	do	do	100
Hamilton ..	do	do	65
Toronto...		14,860	
		27,860	165

No. 6.

DOWN.—From a British to an American Port.

FROM	TO	W. I. Staves.	Pipe Staves.	Bushls. Wheat.	Bls. of Flour.	Cub.ft. of squr. timber.	Saw Lgs.
Port Maitland	F. Creek ..		14,454				
Port Stanley .	Oswego....			8[illegible]3	200		
Port Dover...	do.....			1264	1095		
Bonaventax	Cp.Vincent.		7491				
Howard	do.....		70[illegible]				
Dunville.....	F. Creek ..		59754			17,047	
Port Robinson	do.....		95164				
Peterborough.	do.....	14,000					
Dunville	O. Island..					59,601	4114
		14,000	184487	4802	1295	76,648	4114

No. 7.

UP.—From an American to a British Port.

FROM	TO	Tons Mdze.	Bals. Salt.	Tons Coals.
Oswego ...	Amherstburgh	0 6 0	100	
do.....	St. Catharines	1 1 1		2
do.....	Long Point		90	
do.....	Port Stanley		633	
do.....	Allanburgh	5		
		6 7 1	823	2

No. 8.

DOWN.—From an American to a British Port.

FROM	TO	Bushls. Wheat.	Brls. Pork	Pipe Staves.	Tons Mdze.
Cleveland .	Brockville .	17,387	1189	753	
Buffalo	Thorold ...				7 2 0
Cleveland .	Prescott ...		1012		
do....	Hamilton...		280		
Clear Creek	Brockville .			1275	
Cleveland .	Kingston ..				
		17,387	3101	2028	7 2 0

ABSTRACT of Property passed through the WELLAND CANAL, *from the first of May to the first of September,* 1835.

Shewing the distinction of the same.

No.		BARRELS OF								Feet of Boards.	Cubic feet of square timber.	Pipe Staves.	W. I. Staves.	Saw Logs.	M. Shingles.	Tons of Iron.	Tons of Castings.	Tons of Plaster.	Bushels of Wheat.	Bushels of Barley.	Hhds. of Tobacco.	Tons of Coals.	Bushs. of Potatoes	Barrels of Lard.	Kegs of Lard.	Merchandize.		
		Ashes.	Flour.	Pork.	Whiskey.	Oil.	Hams.	Salt.	Beer and Cider.	Apples.																Tons.	Cwts.	Qrs.
1	American to American, UP.	....	.....	.....	....	..	..	51785	335	28	.....	.....	.....	.....	.....	....	...	20	....	.....	....	....	177	5767	..	...	1880	14	2
2	do. to do. DOWN.	282	715	7582	....	12	23	.....	...	..	.....	.....	*144812	*461311	.....	....	...	....	....	134915	....	....	18	....	93	334	...		..
3	British to British—DOWN.	28	8670	559	337	..	..	.....	..	..	664032	5344	9802	.....	9214	154	101¼	61¼	275	3328	175	263½	....	25	..	6	8	3	..
4	do. to do. UP.	....	200	63	70	..	..	348	75	..	20465	.....	.....	5800	.....	....	....	26	3	.....	1573	....	....	244	..	....	404	2	3
5	British to American—UP.	....	165	.....	....	..	..	.....	....	..	27860	.....	.....	.....	.....	....	....	....	....	.....	....	....	....	....	..	....	...	....	....
6	do. to do. DOWN	....	1295	.....	....	..	..	.....	..	..	.....	*76548	184487	*14009	4114	....	....	....	....	4802	....	....	....	....	..	....	...	....	....
7	American to British—UP	....	.....	.....	....	..	..	823	..	..	.....	.....	.....	.....	.....	....	....	....	....	.....	....	....	2	....	..	....	6	7	1
8	do. to do. DOWN	....	.....	5401	....	..	..	.....	...	..	... ..	.....	2028	.....	.....	....	...	....	....	17357	....	....	....	....	..	....	7	2	..
		310	11045	13615	407	12	23	52956	410	28	712387	82292	341129	481120	13328	154	101¼	107½	278	160465	1748	263½	197	6036	93	340	2306	19	2

* The Timber and Staves when cleared for French Creek are destined for the Quebec Market.

WELLAND CANAL OFFICE, ST. CATHARINES, *September,* 1835.

At a General Meeting of the Stockholders of the Welland Canal Company, held at St. Catherines this 6th day of April 1829, for the purpose of Electing Directors for the year ensuing:—

PRESENT.		Shares.	Votes.			Shares.	Votes.
George Keefer	.....	20	2		J. Sweeny, ...	40	2
J. B. Yates,	.....	50	3		W. Lymour, ...	60	3
W. H. Merritt,	.....	55	3		C. Kortright, ...	100	4
Mr. Yates,	For the undermentioned per sec'y viz:				C. T. Sanderson, ...	100	4
	D. Henderson, ...	20	2		T. Dixon, ...	200	4
	J. M. D. McIntyre, ...	50	3		J. Hone	100	4
	J. Bryer, ...	80	3		W. Dawson	20	2
	D. D. Campbell, ...	100	4		Dawson Brother	70	3
	V. P. Dow	30	2	New York...	Lombard Association.	400	4 J.C. Sec'y
	W. McLeod, ...	200	4		T. Franks	260	
	E. Seamour	100	4		J. Hornby	100	
Union College	H. Yates, ...	555	4		A. McDonell, ...	20	
	A. T. Vacke, ...	20	2		T. Mercier, ...	100	
	J. L. Kortright,	100	4	Retreat for...	Insane	400	4
	J. F. Seaman, ...	100	4		A. Wilkinson	20	2
	W. Lymour	100	4		T. Woods	20	2
							80

The undermentioned Gentlemen were proposed, viz:

John Henry Dunn, ...3.	96.	2.	3.	104.
The Hon. Col. Wells, ...				
" " William Allan' .....3.	96.	2.	3.	104.
John B. Robinson, ...3.	96.	2.	3.	104.
Henry J. Boulton, ...3.	96.	2.	3.	104.
George Keefer, ...3.	96.	2.	3.	104.
William H. Merritt, ...				

Stockholders present at the election of Directors June 1835.

J. B. Yates 4370 shares (his own and proxies).....61 votes
Ogden Creighton 341 shares (do....do....).....17 do
W. H. Merritt 38 do ..... 2 do
Thomas Butler 20 do .....2 do

[OFFICE COPY.]

NEW-YORK, DEC. 22d, 1824.

GEORGE KEEFER, ESQ.
President of the Welland Canal Company,
St. Catherines, U. C.

SIR:

Your letter dated 16th ult. addressed to the Stockholders of "The Welland Canal Company" in New York, has been laid before us, and having met for the purpose of taking the same into consideration, we beg to state the result of our sentiments, in all of which we have been unanimous.

We have requested Mr. Thomas Proctor to act as Agent, and beg to recommend him as a fit and proper person to attend to the concerns of the company in this City.

We highly approve of your so soon getting your contracts made and commencing operations. It will be greatly to the advantage of the Stockholders to get the whole finished as soon as practicable.

We approve of encreasing the Tunnel 15 feet wide (15 feet is the clear of the Erie Canal in this State) as we ought to keep in view sloop, as well as boat naviga-

tion, in order to render the stock valuable. We beg leave to recommend to th econsideration of the directors, how far it is practicable (*now*) to make the Canal large enough for sloop navigation over the ridge from the Chippewa River to the descent towards Lake Ontario, which we understand is not more than three miles.—Should this not be deemed prudent at present, but keeping it in view, we think it would be advisable to have an *open cut* instead of a Tunnel. We submit that if this part of the Canal should be cut for sloop navigation the other parts hereafter could be done without any material inconvenience and would greatly increase the supply for Hydraulic purposes.

In case of the enlargement of the dimensions of the Canal it might become necessary to apply to the Legislature for an extension of privileges and an increase of capital.

In the above remarks, you will please to observe we merely offer our sentiments as to what we deem desirable to be accomplished, for unless the work contemplated is rendered truly efficient for the purposes of an extensive trade, the Stockholders cannot look with confidence to realize those advantages which may be fairly anticipated, if carried through upon a liberal plan and free from all local interests.

We have agreed to make the payment of the first instalment, 5 per cent, and shall pay it to the agent on the first day of January next.

We have the honor to be,
Sir,
Your most ob't servants,
WILLIAM MACLEOD,
DAVID R. LAMBERT,
JAS. BUCHANAN,
J. B. YATES,
CHARLES MOWATT,
JNO. S. BARTLETT,
JAS. BRYAR,
W. J. CALDWELL.

OFFICE COPY.)

To the President and Directors of the Welland Canal Company.

GENTLEMEN:

I send you herewith a detailed statement of removing the Dam five miles in the interior as well as the cost for enlarging the Canal to its proper dimensions:—

The former amounts to.....£4605 5 0
The latter..... 9228 15 0

My reasons for selecting the lower situation in the first instance was—

1st—It gave a large and commodious harbor of 36 chains from the end of the Piers to the Dam, averaging at least 5 chains in width, capable of containing any number of vessels that may navigate those waters for ages to come, even had there been no lock in the dam to pass through at pleasure—which it is our intention to construct.

2nd—It was the first and best position below Broad Creek; above which I never contemplated building a dam from the difficulty which presents itself in crossing this stream, and the distance it would prolong the end of the Canal before entering the Grand River.

3rd—Since our being compelled to relinquish this situation and to select another above Broad Creek, the first and best is five miles from the mouth where the dam is now constructing.

The difficulties of this situation however are not inconsiderable,—in the first place it prolongs the Canal near five miles, which will compel the Company to raise

the dam near six inches higher than *below* to maintain the head heretofore calculated upon.

It removes the most desirable commercial and manufacturing situations five miles from the direct line of Canal, consequently must take every vessel which goes to that place for loading ten miles out of the way, and in no way increases or improves the navigation in the interior for that distance.

I therefore conceive the additional expense incurred by the Company a total loss to them without any corresponding benefit whatever, besides retarding the completion of the Canal at least two months, and the expense of keeping up two or three miles of embankment besides weirs, waste gates, guard gates, &c.

I am,
Gentlemen,
Your obedient Servant,
A. BARRETT,
Pr. Engineer, W. C. C.

WELLAND CANAL OFFICE,
St Catharines, 30th June, 1829.

[OFFICE COPY.]

Whereas, apprehensions are entertained by Commodore Barrie of the Royal Navy, that a dam thrown across the Grand River at the place contemplated by the Welland Canal company may, in the event of a war between the United States and Great Britain prove a serious inconvenience to the naval and military operations.

In order to obviate any objections that may be made in the present state of the work, the safety of the company, and the individual Stockholders requiring that the navigation should be opened within the shortest possible time, the President and Directors of the Welland Canal company hereby stipulate that they will hereafter entirely remove any obstruction which shall have been placed by them in the river, whenever the removal thereof shall be required by the Government, or if the erection of a dam with a lock to pass vessels of the requisite dimensions shall be made and the same shall at any future time be required to be enlarged or altered for the accommodation of His Majesty's navy, the said President and Directors hereby stipulate, that they will on reasonable notice from the Governor of the Province make such alteration; and the President and Directors also stipulate that they will compensate for what individual damage may be sustained according to law, and will also indemnify against any public losses and legal proceedings.

[Signed.] WM. HAMILTON MERRITT,
Agent W. C. Company.

[OFFICE COPY.]

R. E. OFFICE,
Fort George, 13th April, 1829.

WM. H. MERRITT, Esq. St. Catharines.

DEAR SIR:

I will thank you to forward the enclosed to Lieut. Tweed as soon as you conveniently can.

I suppose you are aware that Sir John Colborne has decided "that no dam can be permitted to be thrown across the Grand River nearer than five miles from its mouth" by which you must of course be governed in your operations.

Yours very truly,
GEORGE PHILPOTTS.

[OFFICE COPY.]

York, 27th April, 1829.

W. H. MERRITT, Esq. St. Catharines.

MY DEAR SIR:

* * * * * * *

Sir John Colborne is quite willing to permit us to dam the Grand River any where we please, but Captain Barrie has protested in such a way, as to induce the Governor not to sanction the dam so close to the entrance.—this his mind is fully made up to. He says, however, any distance within two miles of that place, where the dam was contemplated, he will sanction without hesitation, and will take all the results of Barrie's protests, &c. I do not know if the Governor will accompany us. I will get him if I can, altho' I have no hope that he will alter. Capt. Barrie says that by the coming post he expects orders to make a harbor at the mouth. I think however it is all a *fudge*.

* * * * * *

Yours obed'y,
JOHN H. DUNN.

[OFFICE COPY.]

Royal Engineer's Office,
Quebec, 21st April, 1829,

SIR:

In forwarding for the information of His Excellency the Commander of the Forces, a copy of a letter from Lieut. Col. Wright, Royal Engineers, dated 15th inst. together with copies of reports made by Capt. Phillpotts, Royal Engineers, by order of His Excellency Sir John Colborne, under dates the 27th and 30th ult. and 2nd inst. upon the subject of the proceedings of the Agent of the Welland Canal company, I think it my duty particularly to draw the attention of His Excellency to the latter documents, detailing the unwarrantable encroachment of the Agent upon the Military Reserve at the Chippewa river, and strongly to recommend that the proceeding be immediately ordered to be suspended, and the line of Canal carried outside the Military boundary as stated by Capt. Phillpotts to be practicable without materially affecting the interest of the Welland Canal company.

I have the honor to be,
&c. &c.
(Signed.) E. W. DURNFORD,
Col. Com'g R'l Engr. Canada.

Lieut. Col. COOPER, Military Secretary.

[OFFICE COPY.]

York, 8th April, 1829.

SIR:

The Hon. J. H. Dunn, late President of the Welland Canal company proposed that for the satisfaction of the Government it should be submitted to the first meeting of the President and Directors legally convened, that an Instrument duly executed on behalf of the company in the enclosed form should be deposited with His Excellency the Lieut. Governor, and in the present emergency and to avoid delay the Directors now present express their approbation of the measure suggested, and that they will carry the same legally into effect at their first regular meeting.

(Signed.) J. B. ROBINSON,
H. J. BOULTON,
JOHN H. DUNN,
WM. ALLAN.
Directors appointed by the Stockholders of the Welland Canal Company.

Z. MUDGE, Esq. &c. &c. &c.

ANNO NONO.

GEORGE II, 4—REGIS.

CHAP. 41.

"AN ACT *to authorize the advance of a certain sum out of the Consolidated Fund for the completion of the Welland Canal Navigation in Upper Canada.*"

[25th July, 1828.]

WHEREAS the Welland Canal Navigation, for connecting the waters of Lakes Erie and Ontario in Upper Canada, is a work which when completed, will be of great public utility: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, to order and direct that any sum of money, not exceeding the sum of fifty thousand pounds in the whole, shall be lent and advanced and paid, out of the consolidated Fund of the said United Kingdom, to the President and Directors of the Company for making the said Canal, to be applied by the said President and Directors towards defraying the expenses of completing the said Canal; and such sum of money shall be so lent and advanced at such times and in such proportions as the said Commissioners of the Treasury shall think fit and proper; and the re-payment of all sums of money so advanced under this Act, with interest, within the term of ten years from the passing of this Act, shall be secured by an assignment of the tolls and profits of the said Canal to such persons, in such manner, and under such conditions and regulations as the said Commissioners of the Treasury shall order and direct.

The Treasury may advance £50,000 to the Welland Canal Co.

Payment of which to be secured by assignment of the Tolls.

(COPY.)

YORK STREET,
Toronto, 17th August, 1835.

To Lieutenant Colonel WM. HOWAN,
Government House.

SIR:

The Legislature of Lower Canada granted an aid of £25,000 to the Welland Canal in the spring of 1827, in the shape of a subscription for stock, without however, requiring any vote or influence in the subsequent direction of the work. Since then the House of Assembly of that Colony have invariably rejected applications for further aid. On the 15th of May last a resolution passed the Board of Directors of which copy is annexed, to lay a Memorial before the Legislature of the Lower Province asking a vote of money or other assistance, and requesting that I would go to Quebec and adopt such measures respecting it as might appear expedient.—Being satisfied that a large grant of money is essential to the very existence of the Canal, it became my duty before proceeding to Quebec to endeavor to inform myself of the actual condition of the work, the repairs required, the manner in which the previous expenditures had been regulated, and whether any bonds, mortgages, or other incumbrances which would affect the incorporation remained in force.

With this object in view, and pursuing at the same time the course suggested by the committee of the House of Assembly of this Province in their report of last winter, I carefully examined the correspondence and minutes of the Board since its formation, and noticed,—

1st—A memorandum of an intended agreement on the part of the Directors to execute a Bond to Government relative to the obstructions caused by the Grand River dam.

2nd—Mr. Merritt's correspondence, shewing that he had mortgaged the Canal to the British Government, when in London, for a loan of £50,000 Sterling.

3rd—Mr. Dunn's letter threatening to take possession of the Canal in virtue of some other agreement.

4th—A memorandum of the Law under which certain persons became personally bound for the due expenditure of certain loans on the work. And,

5th—Some references made by the Government of Upper Canada to a mortgage on the Hydraulic privileges created by the Canal.

I am desirous of ascertaining from you or the other proper officer the full extent and nature of these or any other incumbrances known to Government; if it be troublesome and tedious to copy the instruments themselves, I wish to be enabled to examine them, and to receive such additional correct information as may enable me to give *a clear and candid evidence* on the subject, should the Legislature about to meet at Quebec think fit to submit the memorial of the Directors to a special committee, and that committee proceed to call for my testimony on the subject.

I am,
Sir, &c.
W. L. MACKENZIE.

—:—

(COPY.)

GOVERNMENT HOUSE,
Toronto, 21st August, 1835.

SIR:

With reference to a communication from Mr. Mackenzie, one of the Directors of the Welland Canal Company, in which he requests that he may be informed of the extent of the pledges or incumbrances of the Welland Canal Company, I am desired by the Lieutenant Governor to transmit to you for the information of the Board of Directors the accompanying copies of documents, all of which it it presumed are to be found in the office of the Company.

1st—The correspondence relative to the relinquishment of all claims on the part of the Government to the Hydraulic privileges.

2nd—A letter signed by four Directors, transmitting an agreement respecting the dam at the mouth of the Grand River.

A copy of the agreement entered into by the Lords of the Treasury.

I am also to state in reference to the 3rd and 4th articles mentioned in the letter of Mr. Mackenzie, that the other liabilities of the Canal Company are explained in the several Acts of the Provincial Parliament relating to the Welland Canal.

I have,
&c. &c. &c.
WM. ROWAN.

The President of the
Welland Canal Company.
St. Catharines.

(OFFICIAL COPY.)
14583.

SIR:

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit herewith copy of an agreement which has been entered into by their Lordships with Mr. Merritt as Attorney for the Welland Canal Company in Upper Canada, for the repayment of a loan of £50,000 to be secured on the said Canal, and my Lords desire you will instruct His Majesty's law officers in Upper Canada to prepare and cause the mortgage to be completed as required by the laws of the Province and to obtain an Act of the Colonial Legislature confirming the same, and stating tha

if the Canal is not completed within the term of five years the Company will loose the privileges conferred by the Act. My Lords also desire you will nominate fit persons resident in Canada to be Trustees for this Mortgage.

I am, &c.

J. STEWART.

To the Governor,
Upper Canada.

Treasury Chambers, August 25, 1828.

(OFFICE COPY.)

This Indenture made the eighteenth day of August, in the year of our Lord one thousand eight hundred and twenty eight, between William Hamilton Merritt of St. Catherines in the Province of Upper Canada, now residing in London, of the one part, and the Right Honourable the Lords commissioners of His Majesty's Treasury of the other part; Whereas, by virtue of An Act made and passed in the Legislative Council and Assembly of the Province of Upper Canada in the fourth year of the Reign of His present Majesty entitled "An Act to incorporate certain persons therein mentioned under the style and title of "The Welland Canal Company," it is enacted, that the persons therein named, together with all such other persons as should become Stockholders of the company thereinafter mentioned should be constituted a body corporate by the name of the "Welland Canal Company"—and by that name they and their successors should have continued succession and by such name should be capable of contracting and being contracted with, of sueing and being sued, of pleading and being impleaded. answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors might have a common seal and also that they and their successors by the same name of the "Welland Canal Company" should be in Law capable of purchasing, having and holding to them and their successors any estate, real, personal, or mixed to and for the use of the said company, and of letting, conveying, or otherwise departing therewith for the benefit and on account of the said company from time to time as they should deem necessary or expedient. And Whereas, by an Act made and passed in the ninth year of the Reign of His present Majesty, entitled "An Act to authorise the advance of a certain sum out of the consolidated fund for the completion of the Welland Canal navigation in Upper Canada, It is enacted, that from and after the passing thereof it should be lawful for the commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them to order and direct that any sum of money, not exceeding the sum of fifty thousand pounds in the whole, should be lent and paid out of the consolidated fund of the said United Kingdom to the President & Directors of the Company for making the said Canal, to be applied by the said President and Directors towards defraying the expenses of completing the said Canal,and such sum of money should be so lent and advanced at such times and in such proportions as the said commissioners of the Treasury should think fit, and the repayment of all sums of money so advanced with interest, within the term of ten years from the passing of the now reciting Act should be secured by an assignment of the Tolls and profits of the said Canal to such person in such manner and under such conditions and regulations as the said commissioners of the Treasury should order and direct:—And Whereas, the said Welland Canal Company by a writing under their common seal bearing date on or about the first day of March one thousand eight hundred and twenty eight, appointed the said William Hamilton Merritt their Attorney for them and in their name to negociate and contract either with the Lords commissioners of His Majesty's Treasury or with others as in the said writing or warrant of Attorney now in recital mentioned for the loan to the said company of any sum or sums of money not exceeding fifty thousand pounds sterling money of Great Britain, to be charged or chargeable on the Public Funds and pro-

perty of the said company and for the well and sufficiently securing the repayment of the said Loan and interest the said company did authorise and empower the said William Hamilton Merritt for them and in their name and as their act and deed to sign seal and deliver all and every such deeds, conveyances and assurances, and certificates of transfer in the Law for the well and sufficiently conveying and assuring the whole or any part of the said Canal and all the lands, tenements, goods, chattels and other effects of the said Welland Canal Company to such person or persons as might advance such money as he might deem expedient for the securing the repayment thereof and interest, they the said company ratifying and confirming all and whatsoever their said Attorney should do in the premises.—And Whereas in pursuance of the power contained in the said last in part recited Act of Parliament in that behalf the said Lords commissioners of His Majesty's Treasury agreed with the said William Hamilton Merritt on the behalf of the said company to advance and pay the sum of fifty thousandpounds to the said company on having the repayment thereof with interest for the same in the meantime secured in the manner hereinafter mentioned. Now therefore, this Indenture Witnesseth, that the said William Hamilton Merritt doth hereby for and on the behalf of the said Welland Canal Company covenant and agree with and to the said Lords Commissioners of His Majesty's Treasury that the said Welland Canal company and all other necessary parties shall & will forthwith at the costs of the said company well and effectually convey transfer and assign the said Canal and the Tolls and profits thereof and all other the public Funds of the said company unto such person or persons as the said commissioners of His Majesty's Treasury, or the Governor or Lieutenant Governor for the time being of the Province of Upper Canada by the direction of the said commissioners shall direct his or their heirs, executors, administrators and assigns, subject nevertheless to a proviso or condition in the said conveyance to be contained for making the same void on payment by the said company or their successors to His Majesty His Heirs or successors at the Treasury chambers Whitehall in the city of Westminister of all and every sum and sums of money which may be advanced and paid by the said Lords commissioners of His Majesty's Treasury to or on the behalf of the said Welland Canal Company not exceeding in the whole the sum of fifty thousand pounds at any time within the said space of ten years from the twenty fifth day of July last being the day of passing of the said last in part recited act, & upon payment unto His said Majesty his heirs and successors of interest, of such sum or sums as may be so advanced as aforesaid after the rate of four per cent per annum in the meantime and until such repayment such interest to be paid yearly and without any deduction whatsoever, and to be paid at the Treasury chambers aforesaid, the interest on all and every such advances to commence from the day of making such advances, and a proportioned part of such interest to be paid up to the day of payment of the aforesaid principal monies. And it is hereby agreed and declared between the said parties hereto, that in such mortgage so to be made as aforesaid shall be contained a power, that in case the said monies to be thereby secured or any part thereof shall be unpaid at the expiration of ten years from the passing of the aforesaid last recited act, or in case any one yearly payment of interest or any part thereof shall be in arrear for the space of six months after the same shall be due, that then it shall be lawful for the said Trustees or Trustee of the said mortgage security by the direction of the Lords of His Majesty's Treasury or of the Governor or Lieutenant Governor for the time being of the Province of Upper Canada to enter into the receipt of the Tolls, duties, rates, and profits of the said Canal and premises, and to apply the same in satisfaction and discharge of the said principal, monies and interest, or so much thereof respectively as shall from time to time remain due and also a power of the said trustees or trustee, either with or without the concurrence of the said company by demising, mortgaging or absolutely selling the whole or any part of the said Canal, profits and other the premises to be comprised in the said mortgage, security or any part thereof, to levy and raise such a sum or sums of money as may be sufficient or as the said trustees or trustee may think proper for the satisfying and discharging as well any monies which may be

charged on the security of the said Canal and premises, having priority to the said monies so to be secured by such mortgage security as the said principal monies and interest which may remain due on the said security together with all costs and expenses relating to the execution of the said trusts, and that in the said mortgage security shall be contained a power to the said trustees or trustee for the time being from time to time and at all times so long as any money shall be due on such security by the directions of the Lords Commissioners of His Majesty's Treasury or of the said Governor or Lieut. Governor for the time being, by all or any of the ways and means aforesaid or by such other ways and means as the said trustees or trustee shall think fit to levy and raise, any sum or sums of money as the Lords Commissioners of His Majesty's Treasury may think necessary for the carrying on and completing the said Canal and the works and machinery thereof, and to apply the said monies so to be raised accordingly.—And also it is hereby declared that in the said mortgage security there shall be contained a power to the trustees or trustee for the time being thereof to give effectual receipts for all monies payable to them under or by virtue of the said security and which shall be effectual discharge to the person paying the same. And also a power to the Lords Commissioners of His Majesty's Treasury to nominate any person or persons to be a trustee or trustees in the place of the trustees or trustee for the time being of the said mortgage security on the death, resignation or incapacity of any such trustees or trustee, and also that in the said security shall be contained on the part of the said company full and complete authority to the trustees or trustee of the said security to take possession of the said canal and effects and to enter into the receipt of the tolls, duties and profits thereof for all or any of the purposes aforesaid, and also such other powers and provisoes for the rendering the said security and the powers hereby agreed to be inserted in such security complete and effectual and as the Lords Commissioners of His Majesty's Treasury or His Majesty's Attorney General for the said Province of Upper Cannada may order and direct. In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Wm. HAMILTON MERRITT, (L. S.)
HENRY GOULBURN, (L. S.)
G. C. H. SOMERSET, (L. S.)
E. A. McNAUGHTON, (L. S.)

Signed, sealed and delivered by the above named William Hamilton Merritt in the presence of

H. B. RAVEN, } *Solicitor of the Treasury Office.*
THO'S. BAMFORD, }

Signed, sealed and delivered by the Right Hon'ble Henry Goulburn, Lord Grenville Charles Henry Somerset & Edmund Alx. McNaughton, Esqr., being three of the Lords commissioners of His Majesty's Treasury, in the presence of

THOS. HOBLYN } Of His Majesty's
THOS. CRAFER } Treasury.

A true copy,

STAMP BROOKSBANK.

Treasury Chambers,
31*st August,* 1828.

(OFFICE COPY.)

York, *July 10th*, 1829.

Sir:

I beg to report for the information of His Excellency the Lieutenant Governor, that an Act having been passed in the last Session of the Provincial Legislature authorising the Welland Canal Company to give the securities required by the Lords Commissioners of His Majesty's Treasury for the repayment of £50,000 advanced by His Majesty's Government, a mortgage has been executed by the Company in fulfilment of the agreement entered into with Mr. Merritt in England.

The trustees are those whom Your Excellency nominated, viz:—the Hon. James Baby, Inspector General, the Hon. George H. Markland, a member of the Council, and Grant Powell, Esquire, clerk of the Legislative Council.

I have also taken a bond from the Company to His Majesty for the repayment of the loan, which bond I now transmit to you. The mortgage can either remain in the office of the Lieutenant Governor or with the trustees as His Excellency may desire. The agreement executed in England and Mr. Stewart's letter are herewith returned.

I have, &c.
JOHN B. ROBINSON,
Attorney General.

[OFFICE COPY.]

Government House,
York, 17th December, 1832.

Sir:

I am directed by the Lieutenant Governor to forward to you the accompanying copy of a minute in Council respecting the application of the Directors of the Welland Canal Company, that the claim on behalf of His Majesty to the purchase money to be paid to the Welland Canal Company for the Hydraulic privileges may be relinquished; and to state that His Excellency will consent to the relinquishment of this claim provided that the sum of £25,000 which is proposed to be borrowed, shall be expended in perfecting the Feeder of the Canal and the new cut to Lake Erie.

I have the honor to be,
Sir,
Your most obedient and
Humble Servant,
Wm. ROWAN.

The Hon.
J. H. Dunn,
President of the Board of Directors,
Welland Canal Company.

(OFFICE COPY.)

Copy of a Minute in Council approved by His Excellency the Lieutenant Governor.

In Council, 15th December, 1832.

MAY IT PLEASE YOUR EXCELLENCY:

With reference to the application of the President and Directors of the Welland Canal Company relative to relieving the Hydraulic works from the incumbrance of the Mortgage, it appears to the Council that Your Excellency may relieve the Company from that part of the agreement which interferes with their privilege to dispose of the Hydraulic works on the Welland Canal.

But that a pledge must be given by the Directors that the £25,000 proposed to be paid by the Hydraulic Company, shall be expended immediately in rendering the Feeder fit for navigation and in completing the canal, and also that no part of the £25,000 or of the sum borrowed upon that security, shall be appropriated in any other manner.

JOHN BEIKIE,
Acting Clerk Ex. Council.

[OFFICE COPY.]

To His Excellency Sir John Colborne, K. C. B.,
&c. &c. &c.

The Memorial of the Welland Canal Company, most respectfully represents,

That a Minute of Council has been made, authorising the relinquishment of the Mortgage on the Hydraulic situations on condition the Company will give a pledge to expend the same on the canal and feeder, but does not express the payment of debts already incurred in completing the works which amounts to about £11,000.

Your Memorialists therefore pray Your Excellency will be pleased to direct His Majesty's Attorney General to draw out the necessary release on the security held by His Majesty's Government on those works—that this money shall be applied in payment of debts now due by the Com any, and the residue in completing the canal, on receiving the necessary pledge from the Company.

And your Memorialists as in duty bound will ever pray.

A. MACDONELL,
Vice-President W. C. C.

York, 13th February, 1833.

In Council,
21*st February*, 1833.

Recommended as prayed for,

JOHN STRACHAN, *P. C.*

J. C.

[OFFICE COPY.]

York, 16*th February*, 1833.

Col. Rowan,
&c. &c. &c.

My Dear Sir:

I beg leave to represent for the information of His Excellency, the true situation in which the Welland Canal Company are now placed.

After ascertaining the House would neither lend us £25,000 on the security of the Hydraulic works, nor relinquish any part of the Stock held by Government, I made an arrangement with certain individuals to take this security from the Welland Canal Company and become personally responsible to the Bank for the amount required to pay off the debts £12,000 which the Bank assented to—the Legislature assuming the repairs of the canal—and granting £7,500 for that purpose, I considered the work was placed on a footing which would insure its completion—and the Company would be enabled to meet their engagements, with credit to themselves as well as to the undertaking. It appears however since the Act has passed, I misunderstood the extent of the security, some of those gentlemen intended to go, in consequence of which the negotiation has failed.

This places the Directors of the Walland Canal Company, and myself in particular, in one of the most embarrassing and critical situations imaginable.

In the first place, the contractors and labourers prosecuted the work with the greatest diligence, expecting payment as a matter of course when done. The Directors as well as myself knew we could not pay them unless we obtained a further loan

—still we urged them on at all hazard to get the canal open the present season—to effect which, we have incurred debts to the amount of £11,000, but £1,000 would relieve the necessities of those absolutely suffering, and would give us time to negotiate a loan in New York to pay off the remainder. I have offered to mortgage my own personal property to the Bank, in addition to the personal security of three or four individuals for the loan of £4,000—if obtained we may still sustain the character and credit of the Company, if not, I deem it due to my own character His Excellency should know the cause.

My presence is necessary on the canal immediately—Alex. Macdonell, Esquire, Vice-President of the Company, will remain until the relinquishment is executed,—after which we will set about raising the money if possible.

I am,
My Dear Sir,
Very truly yours
WM. H. MERRITT,
Agent W. C. C.

INDORSEMENT ON THE ABOVE BY HIS EXCELLENCY.

The Lieutenant Governor sees no objection to the proposal of the Directors being complied with, viz:—that the Company may be relieved from the agreement which prevents their disposing of the Hydraulic privileges, provided that they discharge the debt of £11,000 stated to be due to contractors, &c. and that the sum of £14,000 be expended on completing the feeder and the canal.

J. C.

[OFFICE COPY.]

GOVERNMENT HOUSE,
York, 23rd February, 1833.

SIR:

I am directed by the Lieutenant Governor to acquaint you, that His Excellency requests that an Instrument may be prepared for the purpose of relieving the Welland Canal Company from that part of the right which His Majesty's Government has on the Hydraulic privileges created by the canal, and to enable the Company to dispose of these privileges for £25,000, on condition that £11,000 of this amount is to be expended in discharging the debts contracted on account of the works now carrying on, in repairing the canal, and completing the new cut, and that the remaining sum, viz: £14,000 shall be expended in perfecting the navigation to Lake Erie by the new cut.

I transmit the accompanying order in Council for your guidance, and request that it may be returned to me at your convenience.

I have the honor to be,
Sir,
Your most humble Servant,
WM. ROWAN.

The Attorney General.

(OFFICE COPY.)

GOVERNMENT HOUSE,
18th March, 1833.

GENTLEMEN:

With reference to the correspondence which has taken place with the Directors of the Welland Canal Company respecting the sale of the Hydraulic privileges on the canal for £25,000, and to the conditional release which the Executive Government has consented shall be given to the company; I am directed to acquaint

you by the Lieutenant Governor that at the time it was decided that by the Instructions from the Treasury he could sanction the arrangement proposed by the Welland Canal Company, he had no doubt, that the Directors were able to dispose of the Hydraulic privileges for the sum of £25,000, and that the amount of these proceeds of the sale could be applied immediately to the discharging of a debt of eleven thousand pounds and to the completion of the feeder and the cut to Lake Erie, but as he is now informed by the Atty. General, that this sum has not yet been obtained, and that it cannot be immediately raised nor made applicable to the purposes above stated; His Excellency does not think himself authorised by his Instructions to sign the release without further explanation on this subject.

I have, &c.

The President and Directors W. C. C. WM. ROWAN.

—:o:—

[OFFICE COPY.]

WELLAND CANAL OFFICE,
St Catharines, 23d March, 1833.

SIR:

I have the honor to acknowledge the receipt of your favour of the 18th inst. addressed to the President and by him forwarded to the Agent of the Welland canal Company.

In that communication you state "That His Excellency had no doubt, that "the Directors were able to dispose of the Hydraulic property for the sum of £25,-"000, and that the amount of those proceeds could be applied immediately to the "discharge of the debt of £11,000 and the completion of the feeder, and the cut to "Lake Erie; bit that he is informed by the Attorney General this sum has not yet "been obtained nor made applicable to the above purpose, His Excellency does not "feel himself authorised to sign the release without further explanation on this "subject."

I have the honor to inform you for the information of His Excellency, that the Legislature has provided for the deepening the feeder, and repairs on the canal by a grant of £7,500, which they preferred making by taking stock—leaving the company, as they supposed the Hydraulic property on which to raise money to pay the debts due. To this arrangement His Excellency assented, and the Board has nominated Mr. Macdonell and Captain Creighton to proceed to New York to obtain a loan on this Mortgage as soon as the relinquishment was made, for which they have been looking with much anxiety for the last month. This property is already sold for £25,000, and a Mortgage taken by the Welland Canal Company, on which, after the relinquishment, the Directors hoped to obtain money to pay their debts—and if any over to apply it to finishing the canal as required.

The Atty. General in stating that our money negociations had failed, assumes a fact, which circumstances did not warrant. Had he said that our anticipated negociations with the bank of Upper Canada had failed he would have been correct. That Institution refused £500 on the personal security of all the Directors except the President. We mention this merely to shew the impossibility of obtaining a loan in this Province.

It is unnecessary for us to add that notwithstanding the relinquishment deprives us of any means of raising money, a number of individuals are already subject to great misery for the want of it, although they are as yet waiting with a promise of payment, which we expect from this source only.

Notwithstanding the great delay in commencing repairs the work is getting on well, and the canal will be in order by the first of May.

I have, &c.

A. MACDONELL,
Vice-President,
Welland Canal Company.

Lieut. Col. ROWAN, &c. &c. &c.

Extract of letter, W. H. Merritt, Esquire, to the Honorable J. H. Dunn, President, dated St. Catharines, 23rd March, 1833.

"I have the honor to acknowledge the receipt of your favors of the 18th and 19th instant, the contents of which are somewhat unexpected. If it is His Excellency's intention to withhold the relinquishment of the Mortgage, any attempts on our part to obtain money will be useless.

"The Board had made arrangements for Messrs. Macdonell and Creighton to go to the United States to negotiate a loan the moment this Mortgage was relinquished. If any further sum could be obtained over paying the debts, the interest on the £50,000 was to be paid or returned to you, but the debts were the primary consideration.

"The Commissioners appointed by the Legislature have charge of the canal at present, therefore I think any further proceeding at this time wholly unnecessary and uncalled for.

"However I consider it a matter of no consequence whether the canal is in your possession or that of the Directors—if necessary to fulfil the law it can be put quietly in your possession, without resorting to legal measures or without creating any difficulty with the Stockholders."

[OFFICE COPY.]

GOVERNMENT HOUSE,
27th March, 1833.

SIR:

I am directed by the Lieutent Governor to transmit to you the accompanying communication from the Vice-President of the Welland Canal Company, and to request your opinion thereon.

It appears to His Excellency that the question so far as the Government is concerned, is whether any sum can be raised on the Hydraulic privileges which will enable the Welland Canal Company to prosecute the works on the canal.

I have, &c.

WM. ROWAN.

The Attorney General.

(OFFICE COPY.)

ATTORNEY GENERAL'S OFFICE,
28th March, 1833.

SIR:

With reference to your letter of the 27th inst., transmitting to me by direction of the Lieutenant Governor, the accompanying communication from the Vice-President of the Welland Canal Company, and requesting my opinion thereon—I have the honor to acquaint you for the information of the Lieutenant Governor, that I have perused the communication of the Vice-President of the Welland Canal company, and having particularly noticed that part of your letter wherein you state that "it "apppears to His Excellency that the question, so far as the Government is concerned, is whether any sum can be raised on the Hydraulic privileges which will enable "the Welland canal company to prosecute the works on the canal,"—I feel constrained to say that I entertain very srrong doubts whether the company will be enabled to raise upon the security of the Mortgage of the Hydraulic privileges more perhaps than will be sufficient to discharge their present debts. If therefore, His Excellency does not feel warranted in relinquishing the lien, which His Majesty's Government now have upon the Hydraulic privileges for the purpose of enabling the company to

borrow money on the security thereof, I cannot recommend His Excellency at present to release the property in question from the incumbrance with which they are at present charged. The question, however, being a matter of policy, and not of legal investigation, I shall state for His Excellency's information all the facts of the case, so far as I have any knowledge of them.

In August 1831, by an indenture of bargain and sale, the Welland Canal Company conveyed to A. Macdonell, Esq. as a trustee for Mr. Yates, who is a foreigner and cannot hold real estate in Canada, about 15,000 acres of land, previously granted to them by the Government and bordering on the canal for several miles, together with some small parcels of which the company had purchased immediately upon its banks—some constituting the sites of intended villages or convenient situations for mills and store houses, and also the surplus water which might without injury to the navigation be applied to the purposes of Machinery. Mr. Yates was to give £25000 for this property payable at the expiration of ten years, for securing which sum to the company with interest, Mr. Macdonell executed as I have understood a mortgage to the company, but it has by some means been mislaid. Mr. Macdonell however has placed the deed from the company to him in my hands to draw a fresh Mortgage to the company for securing this money and I have accordingly prepared one, and sent it to him for execution. When this Mortgage is executed it is proposed that the Government shall relinquish their lien on the water privileges as well as on the land to the company to enable them to raise the money. Unless, however, they can raise the whole sum due, namely, twenty-five thousand pounds and interest since August 1831, none having yet been paid, I think it would be improvident to place it in the power of persons in the United States to acquire this very valuable property for less than the sum due on the mortgage; because I am satisfied that if the property were unincumbered, it would readily fetch the money and probably much more. In Mr. Macdonell's communication he seems to be under an impression that I had stated to His Excellency, that the company had failed in negotiating their loan—this is incorrect.—In conversation with His Excellency I stated that no part of the £25,000 had yet been paid by the Hydraulic company.—If His Excellency does not feel disposed to relinquish the property until this money be obtained, an assurance might be given that the Government would concur in any sale of the mortgage for the full sum due upon it; and would upon payment of the money release the property in question from any lien on behalf of the Government.

I have, &c.

H. J. BOULTON,
Attorney General.

Lieut. Col. Rowan,
Secretary, &c. &c. &c.

(OFFICE COPY.)

Government House,
9th May, 1833.

Sir:

I am directed by the Lieutenant Governor to acquaint you, that he will consent on the part of His Majesty's Government, that a deed of release shall be granted to the Welland Canal Company, ceding the rights which the Government may have in the Hydraulic privileges referred to in your letter of this day's date, so soon as a sum of money may be raised sufficient to pay off the debts contracted by the company for work performed on the canal.

I have, &c.

Wm. ROWAN.

Wm. H. Merritt, Esq.

(OFFICE COPY.)

York, 9th May, 1833.

SIR:

The Welland Canal Company have uniformly abstained from creating difficulties or making any unnecessary complaints—but their present situation is such, that it is necessary His Excellency should be fully apprised of the consequences which must arise from withholding the relinquishment of the mortgage held by the Government on the Hydraulic Property.

Early in 1832 the Directors being aware the grant of £50,000 would not complete the Canal for ships into Lake Erie, made application to the Home Government through His Excellency to relinquish the mortgage with a view of enabling them to borrow money on that property to enable them to pay the debts they were then contracting to complete the work.

As they anticipated, the application was concurred in by His Majesty's Government, or rather it was referred very properly to the decision of His Excellency who promptly acceded to the request—it was concurred in by the Council and referred to the Attorney General to draw out the relinquishment.

The Attorney General states as an objection that the Company have not borrowed the money, and infers that it would lessen the security if the debts only were paid.

If the question of security is pending, the Company conceive the expenditure of £345,000 is quite ample for the repayment of £55,000, but they conceive a misapprehension exists on this subject.

His Excellency is willing to grant the relinquishment if £25,000 is raised and expended on the Canal, or if the Directors will guarantee it shall be done.

The property is now sold for that sum £25,000—they only require £11,000 to pay the debts, and find a relinquishment first necessary to raise that sum—or even a small part of it—they will then have the residue coming from the sale now made, which they will guarantee shall be laid out on the Canal if required, thereby giving all the security ever contemplated.

By the Act of 1829 unless the interest on £50,000 is paid the Canal is lost to the Stockholders, and placed in the hands of the Provincial Government—the Stockholders must feel that this measure will operate most injuriously and unjustly to them after their outlay, anxiety and trouble—and they will ever think His Majesty's Government could have averted it without lessening their security or creating any additional responsibility.

In behalf of the Welland Canal Company I again beg leave to call the serious attention of His Excellency to the subject, trusting that the evil I foresee must inevitably arise by the present measure may be averted.

I have &c.

Col. ROWAN, &c. &c. &c WM. HAMILTON MERRITT.

(OFFICE COPY.)

York, 9th May.

Hon. J. H. DUNN,

MY DEAR SIR:

I have seen His Excellency who appears to feel a responsibility in making the relinquishment after the Attorney Gen. having given so vague and doubtful an opinion on the subject.

The Chief thinks the security better now than before and that there is no risk or difficulty.

It appears the Att'y has recommended indirectly not to make the relinquishment unless the £25,000 is borrowed which is to be layed out in payment of debts and residue on the Canal, for which the Company were to give a guarantee—it is certainly as well if we only borrow to pay the debts, and the Company will give any guarantee that the money borrowed shall be expended on the Canal if any after paying the debts;

if you could see His Excellency on the subject he would, I am sensible, grant the relinquishment—without it the security is not valid, and we will get the work in needless confusion with it I can borrow the money and pay of all demands.

Truly Yours,
W. H. MERRITT.

Official Extracts from the minutes of the Board of Directors of the Welland Canal Company at a meeting held in the Canal office St. Catherines on Thursday 8th May 1834.

PRESENT:
W. H. MERRITT, Esq., *President.*
ALEX. MACDONELL, Esq., *Vice-President.*
GEO. KEEFER,
OGDEN CREIGHTON,
CHAS. DUNCOMBE, } Esquires.

Ordered—That a meeting of the Board be held on the first Monday in June next, when the subject of the Hydraulics will be taken into consideration, and that the Government Directors be particularly requested to attend on that day.

Official Extracts from the minutes of a meeting of the Board of Directors of the Welland Canal Company held in the Canal Office at St. Catherines on the 7th day of June 1834.

PRESENT:
W. H. MERRITT, Esq., *President.*
ALEX. MACDONELL, Esq., *Vice-President.*
OGDEN CREIGHTON,
WILLIAM ELLIOTT,
THOS. BUTLER,
CHAS. DUNCOMBE,
and
WM. CHISHOLM, } Esq'rs. *Directors.*

From the strong feeling which appeared to prevail in the last Session of the Legislature to have the Welland Canal Company repossess the Hydraulic power and property which they consider to be increasing in value by the outlay of the public money—to remove all doubts respecting the sum to be paid to the Hydraulic Company for the water which hereafter may be required for the branch Canal to the Niagara River—and to remove any impediment to the purchase of the private Stockholders that the entire Canal may be placed under the control of the public—the Directors deemed it advisable to take the subject into consideration at the first meeting of the Board and appointed a Committee, consisting of the Directors appointed by Government to negociate with the proprietors in the Hydraulic Company for the purchase of the same. The subject was discussed at the several meetings and the following Report submitted.

The Committee appointed by the Board of Directors of the Welland Canal Company to examineand report upon the propriety of repurchasing now the Hydraulic Company the surplus water and privileges together with the land heretofore sold by the Welland Canal Company.

Report, That by the charter of the Welland Caual Company the power to use the surplus water of the Canal or dispose thereof for its benefit, is vested in said Company.

That certain Tracts of Land belonging to Government lying along, and in the vicinity of said Canal were, previous to the construction of the same, so wet and marshy as to be entirely useless and worthless. That in consideration of the probability that these lands would be reclaimed by the Canal passing through the tract, and the facility with which they might be thoroughly drained, a tract thereof was made by Government to the said Company—the two tracts thus granted amounting to about sixteen thousand acres.

In the latter part of the year 1830, on examining the situation of the property of the Company not necessary for the navigation of the Canal, and its uses as a public work, the Directors thought it advisable to offer the whole for sale, including such parcels of land as had been necessarily purchased from individuals except what were required for the use of the Canal. The Board appear to the Committee to have acted in the prosecution of this plan, with proper caution, and to have done every act requisite to give publicity to the sale and procure proposals. The Committee have examined the minutes of the Board and find the following proceedings:—

"Oct. 25th 1830. At a meeting of the Board of Directors held this day at St. Catherines.

PRESENT:
A. MACDONELL,
ROBERT RANDAL,
H. J. BOULTON,
and
W. H. MERRITT.

"It is the opinion of the Board that if an immediate sale of the lands of the company, together with the Hydraulic privileges could be effected, it would promote the interests of the company by the increased toll which must be brought on the canal for the supply of the various machinery which will be created, besides the indirect trade which must arise from the business thus created. The Board feel every disposition to promote this object. But as the amount of capital necessary to invest in Machinery, &c. must exceed £25,000 to obtain an income of £1500 per annum—a sum beyond what the company can command:

"*Resolved*—That J. B. Yates, Esquire, be empowered to effect a sale of all the lands and Hydraulic privileges now on, or to be on, the entire line of the canal, including the new route to be hereafter made to Lake Erie, reserving the entire management and regulation of the waters to the said company to preserve the levels throughout, and make from time to time such alterations as they may deem necessary for improving the navigation of, or on the canal, *for the sum of* £25,000, *payable in ten years, with interest payable yearly*, from the 1st day of January next, and that the said John B. Yates may have the refusal thereof for one year. *The title to be given on payment of the principal or any part thereof*, and that a contract be entered into with him to that effect, provided the Directors unanimously approve of the measure.

"*November 3rd*, 1830.—At a meeting of the Board of Directors held at the house of the hon. J. H. Dunn, York.

PRESENT:
Hon. J. H. DUNN, *President*.
H. J. BOUTON,
WM. ALLAN, and
W. H. MERRITT.

"All the resolutions made at the last meeting were confirmed, except the proposition of J. B. Yates, Esq. which having been taken into consideration, the Directors conceived they would assume too great a responsibility to close with his proposal without having more information respecting the value of the property to be disposed of—and conceiving they would be rendering the stockholders all the advantages the sale would possibly afford by giving it the most extensive publicity;

"*Resolved*—That the Agent be directed to advertise the sale thereof, stating all its advantages, in the Newspapers of New York, Boston, and elsewhere in the States, and Montreal, &c. in the Canadas, for which proposals will be received on or before the first day of March next ensuing."

In pursuance of these resolutions, the following advertisement was published for the full time in Newspapers in New York, Boston, Montreal and other places in the country, put up in hand bills and distributed throughout the country.

"EXTENSIVE SALE ON THE WELLAND CANAL."

"Sealed proposals will be received for the purchase of the Land and Hydraulic situations on the entire line of the Welland Canal, to be delivered at the Welland Canal office on or before the *first day of March next*, at 12 o'clock, M. The offers will specify the highest sum the purchasers are disposed to give. The principal payable in *ten years* with an annual interest of six per cent. from the 1st of January 1831, or the principal to be paid down.

"*The Landed Property consists*

"*First*—Of 4 acres of land at Dunnville (Grand River Dam) on which a Grist-Mill, Carding Machine, and three Saw-Mills are now erected on lease. This place is situated five miles from Lake Erie. It commands an extent of country of many miles—no stream leads into the Lake for 20 or 30 miles on either side of it—the river is level for 16 miles, and navigable for rafts, &c. for 100 miles above, in the Spring and Fall, and the banks abound with valuable timber and Gypsum of the best description.

"*Second*—15,000 acres adjoining the canal in Wainfleet and Humberstone.—This land is situated on either side of the canal, and is the richest soil in this part of the country. A village is already laid out in the centre of the tract called Marshville, where there is a mill privilege of 14 feet fall of water.

"*Third*—5 acres at and below the Aqueduct over the River Welland.

"*Fourth*—75 acres at Robinson on which a town plot is laid out and some lots sold. It is a commanding situation, at the junction of the canal with the Welland, having that river navigable for 30 miles above, and 9½ below where it intersects the Niagara. It is pleasantly situated, and will have a daily line of packets the ensuing season, passing to and from Buffalo and the Grand River Dam.

"*Fifth*—70 *acres at Allanburgh (foot of the Deep Cut) on which a Saw-Mill is now erected. This will also be a commanding situation* from the Hydraulic power it possesses, it being the first Fall where the water can be used for the purposes of Machinery, and afterwards brought into a lower level of the canal. A Village is already laid out at this place, and from its being surrounded by a rich and populous Country, there is every reason to anticipate a rapid growth.

"*Sixth*—100 acres at the reservoir at the Village of Thorold. There is a Grist Mill, containing four run of stone at this place (the only Mill privilege on the canal actually disposed of) and two Saw Mills are building.

"There are also in operation a Saw Mill with two Saws near Centreville, a Grist Mill and Saw Mill, Pail Factory and Turning Lathe and Furnace at, and near St. Catharines and a Saw Mill at Port Dalhousie.

"A Dry Dock for repairing vessels is also erecting at the second lock from the harbour.

"As this is unquestionably the most important and extensive sale ever offered of a similar description in the Western part of America, no individual or company will propose to purchase without a personal examination. It is therefore only necessary to give a brief outline of the advantages which it possesses.

"HYDRAULIC SITUATIONS.

"The Niagara Peninsula which separates Lakes Erie and Ontario is composed of two table lands, the first extending from Lake Erie to the Mountain ridge, running in a line from Niagara Falls as far up as Paterson's creek, (Long Point) a distance

of 90 miles, including the Townships of Bertie, Willoughby, Crowland, Humberstone, Wainfleet, Moulton, Canborough, Walpole, Rainham and part of Woodhouse. And on the opposite side Welland River, Stamford, Thorold, Pelham, Caistor, Gainsborough and Binbrooke. The second table land below the mountain ridge continues from Niagara to Dundas Creek at the head of Burlington Bay, a distance of about 60 miles, comprising the townships of Niagara, Grantham, Louth, Clinton, Grimsby, Saltfleet, and part of Barton.

"The river Welland being almost a dead level and running parallel with Lake Erie, through nearly the centre of this Peninsula, there is not a stream affording a continual or steady supply of water for an extensive flouring establishment within the territory above described except the Grand river. It is bounded by the Niagara River on the one side, and by Paterson's Creek, which empties into Lake Erie and Dundas Creek, a tributary of Burlington Bay, on the other, both of which are durable streams of considerable power.

"The Western country above this to a great distance, and the American side opposite, are likewise destitute of water privileges to any extent, and this is the nearest and most convenient point to which their merchants and traders can resort for manufacturing purposes on a scale commensurate with their wants.

"It is not necessary however to take so extended a view of the advantages and importance of the Hydraulic power on the line of the canal. A similar instance in the State of New York will suffice for an example. The small stream leading from crooked or Seneca lake, in the county of Yates, only six miles in length has already flouring mills erected on its banks, within sight of each other, the whole distance, and no one contains less than three run of stones. Here the country generally is in a good state of cultivation, and the soil and climate is peculiarly adapted to the growing of wheat, consequently an immediate and increasing demand exists for the erection of mills and machinery of every description.

"The extent of water power is unlimited—the principal situations on the first level are, at the Grand River dam (the point where the ship canal will hereafter enter Lake Erie)—at Marshville, at Robinson and at Allanburgh, where the first descent takes place. The next are at Thorold, where the water is brought around four locks. From thence it passes half way down the mountain in rear of the locks—it crosses the canal and is taken to St. Catharines on the other side in a distinct raceway or ditch. Thus in the whole descent of 346 feet the water may be used for machinery on each level successively wholly independent of the canal, so that the works will not be liable to any interruption even if the water should be drawn off the main levels for the purpose of making repairs.

"To make this purchase profitable, it will be necessary to expend *a large amount of capital immediately. Therefore no application will be received unless the parties shew to the satisfaction of the Board, that they can command the means to effect the desired object.*

"By order of the Board of Directors.

(Signed)

WM. HAMILTON MERRITT,

Agent.

"*Welland Canal Office,*
"St. Catharines, 8th Dec'r, 1830."

After the expiration of this time, and giving a full opportunity for proposals by waiting some time longer on the 2nd May 1831,

"At a meeting of the Board of Directors,

PRESENT,
Hon. J. H. DUNN, *President*
A. MACDONELL,
ROBERT RANDALL
WM. ALLAN,
H. J. BOULTON,
and
W. H. MERRITT.

"Whereas public notice having been given that proposals would be received for the purchase of all the real Estate and Hydraulic Privileges belonging to the Welland Canal Company, and no proposals having been received so advantageous as the one made by Mr. Yates, it is therefore resolved, That the proposition of Mr. Yates be accepted, and that a contract be executed pursuant to the terms thereof.—*The Interest on which is to commence on the first day of January* 1832, *with* [*the principal payable in ten years.*

"*2nd June*, 1831.—At a meeting of the Board of Directors held at the Welland Canal Office,

PRESENT
Hon. J. H. DUNN,
A. MACDONELL,
THOMAS BUTLER,
Hon. W. ALLAN,
ROBERT RANDALL
and
JOHN WARREN.

"*Resolved*,—That a Surveyor be employed to designate and establish the boundary of the Canal throughout, under the direction of Mr. MacDonell, who will submit the plans of the same for the sanction of the Board as soon as completed.

"*Resolved*,—*That a Deed of the above land be made out to Alex. MacDonell Esq*, at the request of J. B. Yates Esq., he not being authorised to hold real estate in this Province, and that a Bond and Mortgage be made out and executed by Mr. MacDonell for the payment of the consideration and interest, and that Mr. Yates execute the Bond with him."

On the 20th June a Resolution was passed appointing Mr. Geo. Keefer Junr. to make the survey, pursuant to the Resolution of the 2nd of June.

The whole transaction appears thus to have been conducted with due deliberation and the most proper exertion to procure as large an offer as could be obtained.

From the Resolution passed on the 2nd May 1831, the committee inferred that the Board of Directors did not consider the former offer of Mr. Yates to purchase, properly under their consideration. On enquiry it has been represented to the committee that it was so far beyond any other offer that had been received, that the Board desired a renewal of it, if he was still willing to purchase.—It appeared also that the sum named at the first meeting was considered more as an expression of his own confidence in the actual value of the property, than a desire to become a purchaser —being a sum far beyond the then estimation of any other person except Mr. Merritt by whom the committee had been informed that he had not the least doubt, with the expenditure of a capital upon it, in the hands of active and enterprising men, the property would be very valuable.—He was desirous to sell, because he thought the country and company would derive more benefit from it, than if it remained in the

hands of the company. In order to enable Mr. Yates to induce other men of capital to unite with him, he gave his opinion of the prospective value of the property.

Owing to various causes which have at different times been stated in public documents, the navigation of the canal and the improvements on it, have been procrastinated, and although a large sum of money had been expended by the purchasers, yet the discouragements have hitherto prevented the advantages that otherwise would have been received from the outlay. The canal being now completed the actual value of the purchase is fully preceptible, and the prospect is good that the Hyraulic company (as the purchasers with Mr. Yates have called themselves) will be amply paid for their outlay, enterprise and attention.

During the last year an unexpected inconvenience has been experienced from the use of the water in many places; and inasmuch as some sacrifices on the part of the hydraulic company of a portion of the water power where they have expended large sums in improvements must necessarily be made, to sustain an advantageous head of water in the canal,—and serious differences of opinion may exist in relation to the manner of regulating the use of the water at such places, it has been deemed expedient by the committee to open a negotiation for the repurchase thereof by the Welland canal company.

Much of the expenditure of the Hydraulic company has been in an endeavor to drain and improve the value of the large tract of land in Wainfleet and Humberstone, in which they have been so far successful as to make it evident that the whole tract must become very valuable. *The Hydraulic Company have offered to reconvey all the property with their expenditure upon the whole in improvements, in consideration of a discharge of the bond and mortgage, and that the Welland Canal Company give their bonds for* £25,000 *payable in* 1874 *with six per cent per annum interest, one half semi-annually.*

Although the committee are of opinion that the whole property is now worth vastly more than this sum, yet considering the relative situation of the parties, they thought the hydraulic company should not look for a full compensation for the actual value of the property, but be contented with a liberal compensation for their attention and hazard, and an ample return for their outlay and profit upon it.

In this view the committee did inform them that they would recommend, on the reconveyance aforesaid, the issue of the obligations of the Welland canal company on the terms named for £17,500, in answer to which the committee was informed that this offer would be taken, *with the exception of the small portion of the property at Allanburgh, and the water at the locks there, and the lot lately granted at Port Colborne—for which the Hydraulic Company agree to pay to the Welland Canal Company semi-annually, a sum, which,* together with the annual rents, and the interest on sales of the aforesaid property to be by them reconveyed, shall be equal to the interest on the aforesaid sum of £17,500 due on the bonds given for the repurchase of the same.

In this view which the committee have taken of the actual value of the whole o this property, and with the conviction they have, that the Welland canal company should repossess it, and at the same time do ample justice to those gentlemen who have made the utmost efforts in their power to improve it.—Your committee recommend to the Board of Directors the acceptance of the latter offer.

All of which is most respectfully submitted.

(Signed) CHA'S. DUNCOMBE,
WM. ELLIOTT,
WM. CHISHOLM.

Welland Canal Office,
St. Catharines, June 7, 1834.

The Board fully concur in the sentiments of the above report. However as the greatest inducement on the part of Mr. Yates, who is the principal proprietor, to dispose of this property, is to meet the views of the public, so frequently expressed in the

House of Assembly, he suggests the propriety of recording a reservation, to enable the Legislature to replace the property in its present position, if by them deemed advisable at the next Session—And he has executed an Instrument to return the obligations of the Welland canal company on placing the property in its present position and reconveying it to him.

A true copy,

JOHN CLARK,
SECRETARY,
W. C. C.

[OFFICE COPY.]

Articles of agreement made this ninth day of June in the year one thousand eight hundred and thirty-four, between the President and Directors of the Welland Canal Company and Alexander Macdonell, John B. Yates, and Ogden Creighton of the second part:

Whereas the Welland Canal Company have heretofore sold to John B. Yates the real estate and hydraulic power belonging to said company for twenty-five thousand pounds as the same is more particularly described in a deed from the Welland canal company to Alexander Macdonell who holds the same for the party of the second part—& whereas the said Alex'r Macdonell executed a mortgage for the said consideration money & accompanied by a bond as collateral security for the same amount payable in ten years from the first day of January eighteen hundred and thirty-two, with the interest theron payable yearly on the first day of January—and whereas further it has been thought advisable on the part of said company to repossess the greater part of said property so as to enable the company more fully to control the operations on said canal.—It is therefore agreed by and between the parties aforesaid, in consideration of the sum of seventeen thousand five hundred pounds, the said Alexander Macdonell shall reconvey to the said Welland Canal Company all the aforesaid Hydraulic power and real estate except the part lying on the mountain near the east end of the summit level at a place called Allanburgh and the lot and property at Gravelly Bay,—and also that the said Alexander Macdonell execute to the said company a conveyance of such property as may have been purchased by him near the Village of St. Catharines from Oliver Phelps together with an assignment of all obligations yet due and unpaid, and all leases for property or water power sold or leased, or all other portions of said property except that reserved at Allanburgh, as aforesaid. The said conveyances to be executed when required by said company after the following conditions shall have been complied with. The said company on its part agrees to execute in due form of law a discharge of the bond and mortgage aforesaid and issue also when required the notes or obligations of the company for seventeen thousand five hundred pounds, in sums of two hundred and fifty pounds each, payable in the year eighteen hundred and seventy-four, on the first day of January, bearing an interest of six per cent per annum, payable half yearly on the first days of July and January, at the office of the Welland Canal Company, to commmence running on first day of January last. The said obligations shall be drawn payable to the order of Alexander Macdonell and endorsed by him the seal of said Company being first impressed thereon and signed by the President of said Company and countersigned by the Secretary, and that the same be then transferable by the holder thereof as shares of the capital stock in said company are now transferable, except that an indorsement by the holder thereof shall be a sufficient evidence of transfer instead of a regular power of Attorney. That a separate book shall be provided for the entry of such transfer.

It is further agreed that if in consequence of any Legislative alteration of opinion heretofore expressed in relation to such an arrangement. The Legislature shall at their next session by resolution express an opinion that such repurchase is not necessary, the said Welland Canal company shall be desirous to rescind this agreement now

made and shall within three months thereafter give due notice thereof to the party—the said party of the second part stipulate in case the property shall be placed in the state in which it now is they will consent to such a measure and will return to the Welland Canal company all the Bonds or obligations which shall have been issued and received as aforesaid.

And Whereas, the income from the property thus reconveyed and sold to the Welland Canal company may not equal for a short time the semi-annual interest on the obligations the said party of the second part agree that if the amount of reserved Rent money received or sales and proceeds of sales of timber or any product of the Land shall not equal the semi-annual interest on the obligations aforesaid, they will pay an amount sufficient to pay such deficiency to the Treasurer of the company by way of rent for the property and water at Allanburgh, and the lot at Gravelly Bay.

In witness whereof the said Welland Canal company have caused the Seal of the said company to be affixed to this agreement, and signed by the President and the said Party of the second part have set their hands and Seals at the Canal Office in St. Catherines, on the day and year aforesaid.

Signed Sealed and delivered in presence of

JOHN CLARK.

W. H. MERRITT, *Pres't. W. C. Co.* [*Co's. Seal*]
A. MACDONELL [*L. S.*]
J. B. YATES, [*L. S.*]
OGDEN CREIGHTON, [*L. S.*]

[OFFICE COPY.]

CANAL OFFICE, *St. Catherines, September 24th*, 1834.

ALEX. MACDONELL, ESQ:
St. Catherines,

SIR,

I should be glad to receive at your earliest convenience,—

1st. An account of the monies received by the late Hydraulic Company for water power and privileges during the time it had the control of these matters, stating also by whom the payments were made.

2nd. Any information you can give relative to the obligation the Canal company, or yourself, are under to compensate Mr. Davidson for the loss of the lot 27, 1st concession Gravely Bay. I received from Mr. Street yesterday a copy of your Bond to him on that subject, and as the matter has been referred to the Provincial Directors for a long time past, I hope you will afford them the means of reporting, so far as it is in your power.

3rd. I am desirous to know whether you have given any titles, or agreed to give any titles for part of the Lot at Gravelly Bay. I mention this because there is the greatest probability that a decidedly unfavorable report will be made to the Legislature touching the proceedings relative to the Water Power and alienation of Lands.

I am Sir,
Your respectful & Ob't Ser't.
W. L. MACKENZIE.

* To this letter Mr. MacKenzie received no answer.

(OFFICE COPY.)

INDIAN OFFICE, YORK,
5th December, 1832.

SIR:

With reference to several petitions from the Indians of the Six Nations, respecting the destruction of their property on the Grand River in consequence of the construction of a Dam by the Welland Canal Company, I am directed by His Excellency the Lieutenant Governor to ascertain from you whether any arrangements have been made for indemnifying the Cayugas and other tribes who may have lost their crops, and have been driven from their pasture land by the overflowing of the Grand River, and if those claims are to be settled, at what period they may expect to receive the amount due to them.

I have the honor to be,
Sir,
Your most ob't humble servant,
J. GIVENS,
C. S. I. A.

To the President and Directors
of the Welland Canal Company.

[OFFICE COPY.]

St. Catharines, *12th June*, 1829.

J. B. ROBINSON, Esq.

SIR:

By the accompanying copy of the act you will see that any three of the Commissioners of His Majesty's Treasury were authorised to grant the money, the security of which was to have been secured by an assignment of the tolls or profit of the canal only.

In addition to this the Right Hon. Henry Goulbourn, Chancellor then of the Exchequer, executed the agreement which I signed. I remonstrated against this additional security, particularly the land, and stated we would require this in case the stock was not sold for the purpose of raising more money—he wrote to the Solicitor of the Treasury on the subject, who gave a written opinion on my statement that the security without the land would be better than with it, inasmuch as it would be a further means of insuring the completion of the canal, without which no security would be of any use.

On presenting this letter to the Chancellor, which I took myself, he at once relinquished the security on the land.

I am, &c. &c. &c.
W. H. MERRITT.

(OFFICE COPY.)

YORK, *13th December*, 1831.

SIR:

The Directors of the Welland Canal Company have requested me to apply to the Bank of Upper Canada for a loan of about £1000 to 1500 for the space of about twelve months for the purpose of enabling the Company to make arrangements in settling damages done to various individuals on the Grand River. The claims made before the arbitration appointed by the legislature amount to a considerable sum, on which the arbitrators have not as yet made any decision. In the meantime the Directors have appointed an Agent to make a compromise with as many of the claim-

ants as are willing to accept of certain terms in consequence of which, claims to the amount of £1500 have been agreed upon for about £300 under the promise that the money shall be paid forthwith. The Welland Canal Company hold a very considerable sum granted by the Legislature at its last session. The Directors feel unwilling to appropriate any part of this to the purpose above mentioned.

The Directors will feel obliged by granting them this request, which will enable them to effect so desirable an object.

I have the honor to be,
Sir,
Your most obd't servant,
JOHN H. DUNN,
Pres't Welland Canal Co'y.

The Honorable
WILLIAM ALLAN,
Pres't Bank of U. C.

At a Meeting held at St. Catharines, 15th May, 1835.

PRESENT:
W. H. MERRITT, Esq. *President.*
ALEX'R MACDONELL, Esq. *Vice-President.*
THOMAS BUTLER, Esq.
DAVID THORBURN, Esq.
W. L. MACKENZIE, Esq.

It was,

Resolved—That it be an instruction to the Secretary and Engineer of the Board to shew to the Directors on the part of this Province, or any one of them, if required, all such papers or documents as such Director or Directors may consider necessary to a full understanding of the state of the Company's affairs, and the receipts and expenditure of monies in the present and in past years, and to furnish such detailed information on these subjects as may be desired.

REPORT

Of the Engineer appointed to examine the Works upon the Welland Canal.

No. 3.

To David Thorburn, William Lyon Mackenzie, *and* Charles Duncombe, *Esquires, the Directors appointed under the authority of an Act of the Provincial Parliament of Upper Canada, passed in the Fourth year of the Reign of His Majesty King Wm.* 4th *Chap.* 39th, *Sec.* 8. (March 6th, 1834.)

Engineer's Report.

Gentlemen,

In compliance with your very distinct instruction, dated the 2nd day of July last, I have proceeded to examine all the Works upon the Canal line, or connected with the Welland Canal Navigation.

Have examined all the works on the line of the Canal.

The route, now so well known, between Lakes Ontario and Erie, commences in the former Lake at Port Dalhousie, and proceeds through the valley of the Twelve Mile Creek, by—

Commencement and end of route.

4 Locks to St. Catharines,	distance.....	5	miles	18	chains.
31 do. to Thorold,	do.....	4	"	50	"
2 do. to Allanburgh,	do.....	3	"	47	"
2 do. at Port Robinson,	do.....	2	"	55	"
Level to Aqueduct,	do.....	4	"	20	"
Level to Junction of Feeder,	do.....	1	"	00	"
1 Lock at Gravelly Bay, Port Colburne,	dis.	6	"	60	"
Total length of Ship Canal is..		27	miles	50	chains.

Number of locks on Canal.

Length of ship Canal.

Locks 40 in number; aggregate rise and fall 356 feet.

Rise and fall of locks.

Feeder from junction of Gravelly Bay, route

Feeder route.

to Marshville,.....		7	miles	30	chains.
Do. to Broad Creek,.....		9	"	00	"
Do. to Grand River dam at Dunnville,..		4	"	45	"
Total length of Feeder,....		20	miles	75	chains.
From Dunnville to mouth of Grand River,..		4	miles	60	chains.

Length of Canal and Feeder, 48 miles and 990 yards.

Length of Canal and feeder.

Lockage.

Lockage.

The first three ascending Locks from Port Dalhousie are 130 feet within the chamber, and 32 feet wide. Port Colborne Lock, descending, is 125 feet by 24 feet wide; the residue are 110 by 22 feet within the chamber.

Construction, state, and probable duration of locks.

Lock No. 1.—Beginning at Port Dalhousie, constructed of timber, is at present in good general repair; timber framing in the ordinary process of decay; new gates have lately been suspended. This lock may probably continue serviceable for three years, as the workmanship is good.

" No. 2.—Same dimensions as above; built with timber; is in good ordinary repair, except leakage in side walls; timber well united, and workmanship good; probable duration three years.

No. 3.

Construction, state, and probable duration of locks.

Lock No. 3.—Same dimensions; constructed of timber; in ordinary working repair; workmanship good; probable duration three years.

" No. 4.—Constructed of timber; 110 within the chamber, and 22 feet wide; timbers decayed upon upper return head; side walls bulged, and considerable leakage; probable duration two years.

" No. 5.—Timber; same dimensions; in fair working order; probable duration three years.

" No. 6.—Timber; same dimensions; bulge upon side walls and coping; timber in ordinary decay; probable duration two years.

" No. 7.—Saw-mill lock; same dimensions; originally built of timber; very frequent repair has been made upon this lock during a succession of years; lower piers re-built with rubble masonry, 24 feet apart; also lower recess, and 46 feet of side walls; part of the chamber composed of timber remains as originally built; also upper recess, piers and wings; the foundation of all the masonry is insecure; extensive repair ordered.

" No. 8.—Constructed of timber; workmanship deficient; considerable bulge upon side walls and recesses; duration uncertain.

" No. 9.—Built of timber; workmanship defective; otherwise in tolerable repair; lower gates require to be replanked; duration uncertain.

" No. 10.—Wooden lock; lower hollow quoins and angles of piers much decayed; bulge upon side walls; timbers weak about upper recess; workmanship defective; duration uncertain.

" No. 11.—Wooden lock; south side much bulged; timber in the ordinary state of decay; gate posts and framing good; workmanship of lock defective; duration uncertain.

" No. 12.—Originally built with wood; now stone and wood; north side 30 feet from upper hollow quoin, built of rubble masonry; stands well, but considerable leakage between stone and wood work near head; opposite side wall much bulged; gates in fair working order; duration of old timber work uncertain.

" No. 13.—Wood; in ordinary repair; side walls much bulged; workmanship defective; no treenails or fastenings apparent; gates good, except swing-bars; duration uncertain.

" No. 14.—Wood; several timbers displaced in lower wing walls; deficient in treenails; side walls much out of perpendicular; timber of lock in ordinary decay; gates good; duration uncertain.

" No. 15.—Originally composed of timber, now consists of cut stone, rubble masonry and timber; lower piers and 9 feet of recess built of cut stone; good workmanship; all the rubble masonry and bad wood work very defective.

" No. 16.—Originally built with timber; south side composed of rubble masonry and timber framing—bad foundation for masonry; walls much shaken; timber work upon the opposite side in bad repair; this lock is the *narrowest* upon the line, being 20 feet 4 inches in width within chamber and at lower gates; immediate repair ordered.

Lock No. 17.—Wooden lock; lower return heads open at joints; few treenails or fixtures; side walls greatly bulged; timber in ordinary decay; workmanship very defective; gates good; duration uncertain.

" No. 18.—Wooden lock; timber in ordinary state of decay; workmanship defective; may probably remain as it is at present for one year, without much extra repair; width only 20 feet 6 inches within the chamber.

" No. 19.—Originally of wood; rebuilt with a stone pier upon the south side; part of side wall is of rubble work, but built upon improper foundations; north lower pier of timber, much decayed and considerable leakage; duration uncertain.

" No. 20.—Formerly wood, now composed of wood and rubble masonry, all in very bad repair; one side requires renewal from upper hollow quoin downward; also 45 feet of opposite wall; foundation timbers and planking required to be replaced; this work to be done immediately.

Construction, state, and probable duration of locks.

" No. 21.—Originally timber, now wood and stone; planking of chamber requires renewal; upper check course displaced; several principal bottom timbers decayed; sheeting piles and plank required; gates good; duration uncertain.

" No. 22.—Wooden lock; workmanship defective; otherwise the foundations and timbers are in ordinary condition; duration not more than one year.

" No. 23.—Wooden lock; timbers in ordinary state of decay; sides much bulged and leaky; upper head timbers displaced; workmanship and framing very deficient; duration uncertain.

" No. 24.—Wooden lock; timbers decayed; side walls bulged and very open at lower pillars; duration uncertain.

" No. 25.—Originally wood, now wood and stone; south side composed of timber and rubble walls; north side of timber defective, and will require speedy repairs.

" No. 26.—Wooden lock; timbers much decayed; bulged upon both sides; defective workmanship; duration uncertain.

" No. 27.—Wooden lock; timber decayed; open at lower piers; treenail and fastenings defective; will require speedy repair.

" No. 28.—Wooden lock; timbers in ordinary decay; open at all the outside joints and angles; deficiency of workmanship.

" No. 29.—Wooden lock; timber much decayed; gates good; bad workmanship; duration uncertain.

" No. 30.—Wooden lock; timber in ordinary decay; leakage in side walls; corners of piers very open; duration uncertain.

" No. 31.—Wooden lock; summit of mountain; timber in ordinary decay; duration uncertain; workmanship defective.—Thorold summit contains locks 32, 33, 34, and 35—all in good working condition; very little repair has hitherto been required upon these locks, and with the exception of new gates and sheeting plank for upper piers of No. 35, none may be anticipated during the present season; workmanship good; probable duration three years.

" Nos. 36 & 37.—Allanburgh locks, northern extremity of the Deep Cut; built of timber, which is comparatively sound; workmanship good; probable duration three years; new gates required, and under contract.

Construction, state, and probable duration of locks.

" Nos. 38 & 39.—Descending Locks to Chippawa; workmanship good; timbers in the ordinary decay; back ties and braces very much decayed; duration two years; new gates required, and under contract.

" No. 40.—Entrance lock from Lake Erie, at Port Colborne; built with rubble masonry upon prepared timber foundations; appears to be in good condition; is of good workmanship, and may remain permanent for ten or fifteen years.

A waste wear connected with each lock, and will require same repair as locks.

A waste wear composed of timber framing is connected with each of the above locks; their progress of decay and duration nearly corresponds with what has been stated respecting the locks, and will all require simultaneous repair or re-construction. It may be here remarked that locks Nos. 16 and 18 are the narrowest upon the Canal line: the first being 20 feet 4 inches in width within the chamber—the second is 20 feet 6 inches at its narrowest part; the residue vary in width, from 20 feet 6 inches to 21½ feet. Previous to opening of spring navigation for 1836, it is intended to repair the most defective, and widen the narrowest locks upon the Canal line, and in succession to re-construct all to the width of 24 feet. Having conversed with many of the ship masters, at present employed in navigating the Lakes by the way of the Canal, I find two classes of vessels designated upon the line, namely, the old and new.

Intended to re-construct all the locks 24 feet wide.

Dimensions of vessels passing through the locks.

The former class comprises a number of vessels, such as the Ohio and Detroit, of moderate length for the lockage, but rather too broad to pass the narrowest locks with ease.

Dimensions of vessels best suited to navigate the Canal.

The dimensions of the largest of this class is 73 feet length of keel, 20 feet 4 inches breadth of beam, with a draft of 7 feet 2 inches of water. A vessel of these dimensions will carry 4,000 bushels of wheat. The most approved vessels for Canal transit, in connection with lake navigation, are of the new class, having 20 feet beam or extreme width; 75 feet length of keel, and 80 feet over all, between stem and stern; floor timbers 15 feet, with 16 inches dead work; slip keel 4 inches projection; draft one-fourth of an inch to a foot, or 7 feet 4 inches in all for a cargo of 120 tons. Four tier of flour or salt barrels is considered to be the best dimensions for storage, or four barrels by the head and five by the stern. Vessels have no difficulty in passing the Canal, between lake and lake, in 24 hours. There are 103 vessels at present employed as regular traders through the Canal line,—aggregate burden 7,294 tons.

Rate of Toll on the Welland Canal, through the whole route.

Rate of toll.

Vessels under 40 tons burthen,	5	Shillings.
Do. between 40 and 50 tons,	10	do.
Do. over 50 tons,	15	do.

Canal Bridges.

Number and state of bridges.

No. 1.—Horizontal Bridge; for public road from Port Dalhousie to Niagara, lately put in good repair.

No. 2. Do. do. near Lock No. 2; Port Dalhousie and St. Catharines' public road, in good repair.

No. 3. Do. do. below Lock No. 3; in good repair, public road Niagara to Toronto.

No. 4. Do. do. across Lock No. 4; Canal accommodation, in good repair: the above Bridges are well coated with paint.

No. 5. Do. do. across Lock No. 20; public road from Niagara to Thorold, in ordinary repair.

No. 6. Horizontal Bridge, near Lock No. 31; public road from St. Davids' to Short Hills, in ordinary repair.
No. 7. Do. do. near Lock 33; Thorold, in good repair.
No. 8. Do. do. above Thorold; Niagara to Short Hills, general repair in progress.
No. 9. Do. do. public road, Falls to Beaver Dams; extra ballast required, otherwise in good repair. Number and state of bridges.
No. 10. Do. do. public road, Allanburgh to Niagara; in ordinary repair.
No. 11. Do. do. New Bridge, opposite Allanburgh Mills; requires paint.
No. 12. Do. do. Port Robinson, public road; requires planking and new platform.
No. 13. Do. do. Shotwells' Bridge, public road; angles of piers much decayed, height only 6 feet 8 in. above surface of Canal.
No. 14. Do. do. Burgers' Bridge; timber at angles of piers much decayed.
No. 15. Do. do. Aqueduct; public road, in ordinary repair.
No. 16. Do. do. *At junction* Gravelly Bay and Dunnville road; will require some adjustment before ensuing spring.
No. 17. Do. do. Peterboro', public road, in good repair.
No. 18. Do. do. Port Colborne, public road; new planking for approach upon both sides required.

Bridges upon Feeder.

No. 19. Do. do. Marshville bridge; new; not quite finished, but passable.
No. 20. Common Bridge; without draw; injured by Steamer Caroline; now passable.
No. 21. Horizontal Bridge at Dunnville; new; requires paint.

There are also upon the line of the Canal and Feeder three setts of stop gates, in good working condition. Stop gates.

McAdams' Mineral Composition has been recommended as well adapted for coating timber or wood work subject to alternate wet or dry. The Canal Board have authorised the immediate purchase of a sufficient quantity of that composition to paint all the works of importance upon the Canal route. Works of importance to be painted with McAdam's mineral composition.

Dam at Dunnville, Grand River.

This work is 594 feet in length, 18 feet in width at base, and 7 feet in height, surmounted by a public road bridge, and strengthened at its western extremity by a retaining wall and strong extra embankment; this embankment is 484 yards in extent. Considerable leakage was observed during the lowest state of the river, in August last, near the centre of the dam, which is now secured, and a sufficient quantity of gravel and stuff deposited to guard against its recurrence. Dimensions and condition of dam at Dunnville.

There are seven separate waste wears in connexion with the great dam, generally 66 feet in width, and all at present in good repair. Separate waste wears in good repair.

Culverts.

There are only four culverts required upon the whole extent of the Canal and Feeder, they are composed of timber, and are in good repair. Two new main lett offs are at present required, and will be built of masonry, before the winter sets in, according to a particular design. Number and state of culverts.

No. 3.

Canal Banks and Back Drains.

Canal banks and back drains throughout line in good general repair.

Throughout the whole line of Canal and Feeder, the work under this head, although by no means perfect, is in very good general repair; no situation has been observed where immediate injury to any extent may be anticipated, as has been sufficiently tested by the unprecedented freshets of 20th October.

11,821 cubic yards of contract work still unexecuted.

From Dunnville to the junction the banks and back drains, upon the path side, require some extra raising and clearing. The embankment upon the Berm side is raised, in many places, above the water surface, but several vacancies occur to unite and raise the work to its proper height. The amount of contract work still unexecuted is 11,821 cubic yards.

Improvements required from junction to Port Colborne.

From the junction to Port Colborne, it does not appear that any immediate improvement is required, beyond the proper formation of back drains and waste wears, near bridge at Port Colborne, and the removal of 620 cubic yards of rock, at present under contract.

Ditto from junction to Port Robinson.

From the junction to Port Robinson the canal path is narrow in many places, running at intervals from the Aqueduct northward, through Shotwell Farm to Shotwell Bridge; 320 lineal yards of this extent will require to be strengthened, while widening the canal surface, at present under contract. The back drains and paths are in good repair to Port Robinson.

Ditto from Port Robinson to northern extremity.

From Port Robinson to the northern extremity of the Deep Cut, a line of top back drain will be required, to check surface water from the cut, before setting in of the winter: several places are commenced with, but no uniformity of design has been observed. The present tracking path and bridges have lately undergone a general repair.

State of Canal, and repairs required from the summit to Thorold.

From the summit to Thorold the banks are broad and generally good; several weak places here have been observed, and are under repair. Between No. 8 bridge and Thorold about 800 yards of new track path is in the course of formation, upon a higher level than the former. Here the Canal banks are very soft, and frequently slide so as to interrupt the present path.

Ditto from Thorold to lock No. 3.

From Thorold to No. 3 lock at St. Catherines the banks and back drains are all in ordinary repair; near to lock No. 3, some widening and raising will be required by the ensuing spring.

Ditto from lock 3 to lock 2.

From No. 3 to No. 2 lock head, considerable repair is required: facing and embanking inside canal slopes at the water surface. Various slides are here also in progress; to arrest these, it may be necessary to have recourse to the mode proposed by plan No. 7, hereafter explained.

Ditto from lock 2 to Port Dalhousie.

From lock No. 2 to Port Dalhousie the banks have lately been placed in good repair, with the exception of 628 lineal yards, that require to be widened and raised. The most effectual mode of doing this is represented by drawing No. 2; the estimated expense, where only one side is required, is £9 17s. per hundred lineal feet. The principal item of expense here is for timber—in many cases the back anchor timbers may be dispensed with.

Harbours.

Formation and state of harbour at Port Dalhousie.

Port Dalhousie, situated upon Lake Ontario, at the northern termination of the Canal, is formed by two piers, each 1026 feet in length, running nearly in a north and south direction, separated about 60 feet from each other upon the land side, thence diverging to 134 feet at their termination in the Lake.

The accompanying plan No. 9, shews the exact position of the piers, and the depth of water in the channel, obtained in the month of July last, when the Lake waters were considered at their medium height.

The greatest depth of water is found at the extremity of the piers, being 11½ feet, varying inland from 10 to 9, and 8 feet 2 inches, the least depth observed.

During the present season 270 feet of new piers have been constructed, and all the work executed according to the contemplated original plan, with the exception of decking the entire superficial extent of the piers not yet contracted for. To render Port Dalhousie a safe and commodious harbour for steamers and other large Lake craft, it will be necessary to extend both piers 458 yards to the point marked B.B. upon the plan, to 18 feet water. This point at bottom being below the under current, and beyond all the bars, a clear and deep entrance will be preserved at all seasons; after the formation of interior basins according to design No. 9, this work, as an artificial Harbour, will be complete in all its parts, and then may afford shelter and accommodation to all the vessels at present navigating the Lakes.

Work necessary to be done to render Port Dalhousie safe and commodious.

Port Colborne, or Gravelly Bay:

Situated on Lake Erie, at the Southern extremity of the Canal, is formed by a main Pier 2,300 feet lineal, and 16 feet wide, extending into 12 feet water in the Lake, enclosing an interior basin 400 feet square, as represented by the plan No. 4. All the work contemplated for the season, and under contract, is executed, decked, and upon final inspection presents every appearance of solidity; a Light-house is built upon this Pier Head, which requires temporary repair.

Formation and condition of harbour at Port Colborne or Gravelly Bay.

The depth of water, parallel with the main pier, varies from 12 to 11, 10, and 9 feet at lock entrance; here the depth is subject to considerable diminution after gales from the South and South East, that causes an almost constant use of the dredge. To obviate that expense, and protect the entrance, it will be necessary, as soon as practicable, to place a Pier 1,260 feet in length, in the direction marked A.B. upon the plan; this proposed Pier will effectually guard against the inconvenience adverted to, and render Port Colborne equal in accommodation, for exit and ingress, with any Harbour upon Lake Erie.

Grand River Harbour:

Is situated at the confluence of the River with Lake Erie; is composed of one single line of main pier 707 feet in length, terminating in 8½ feet water; the depths varying inward from 8½ to 9, 11, 14, 12, 12, and 14 feet, as represented upon the plan No. 5.

Situation and state of the harbour at the Grand River.

This Pier suffered severely during the great gale of October last; about 280 feet lineal of the main pier was carried away by the storm, and the residue much injured.

These Piers were originally placed in the most unfavourable position to preserve access and egress between the Lake and River, running precisely at right angles with the direct train of the stream, as will be observed by the plan No. 5. The line A.B. shews the direction of the current opposite the old Naval Depot. This current impinging against the River bank is deflected from thence to the direction of B. to C., producing a depth of 12 feet water upon the pier face at C.; from thence the current is propelled in the direction of C. D. E. consequently the greatest depth of water is found near C., and here the piers are undermined to the greatest extent. The greatest depth of water in the main channel, as may be expected, is upon the line C. D., and considerably removed from the Pier Head where only 8½ feet water is found; in order, therefore, to make as much use of the present piers as practicable, seeing that the best direction cannot now be obtained, I have recommended the

construction of a short *jetty*, to be composed of timber and stone, abou 100 feet in length by 14 feet in width, to be placed in the position marked upon the plan by H.H. Upon an insertion of this pier the River will receive a new train in the direction H.D., which will remove the sand bar at K.K., cover the weak parts of the present pier between C. and D., and produce deep water in the required channel opposite the Pier Head.

Design for repair of pier submitted.

A particular design for repair of the delapidated piers, in connection with this jetty, has been submitted to the Board of Directors, *approved*, and is now in progres of execution, and nearly completed.

To complete harbour a new pier must be erected.

Before this Harbour can be considered perfect another pier 730 feet in length must be placed in the direction marked L.M. upon the plan.—This additional work in connection with the contemplated *Ship Lock* at Dunnville, will render the Grand River Harbour a position of the greatest importance upon Lake Erie.

Having enumerated all the works of importance upon the Canal and feeder, excepting the aqueduct across Chippawa River, which is built of timber, and in excellent repair, I will next endeavour to explain the situation of the hydraulic works, mills, and machinery upon the Welland Canal from Port Dalhousie upwards.

No. 1.—*Port Dalhousie:*

State of hydraulic works, mills, and machinery at Port Dalhousie.

Captain Christie's saw mill, one saw, in rear of entrance embankbankment. This water privilege does not affect the Canal navigation, as all the surplus of lockage, waste wears, and mill water, situated upon higher levels, must necessarily pass through this level, either by lockage, waste wears, or for the purposes of machinery. This mill site is valuable, from its length of summit level and permanent supply, and produces a revenue to the Canal Company of 100 dollars per annum, upon a ten years lease.

No. 2.—*At No. 2 Lock:*

At No. 2 lock.

A saw mill is in progress of building by Mr. William May. The water supply for this mill will be equally permanent with the former. In all cases the mill flues should be regulated to draw waste water *only* from the Canal, by an overflow of certain fixed dimensions, unless during floods or very wet seasons, when sluice gates may be opened. The revenue of this mill will be 100 dollars per annum, ten years lease.

No. 3.—*Butler & Company:*

At lock No. 3

Saw and grist mills, upon the lower level of lock No. 3. Water is taken from the upper level and returned to the lower; a careless miller may, in a few hours, drain the upper pond, where the intermediate ponds are short; regulation of surface flues here required; revenue 400 dollars per annum, ten years lease.

No. 4.—*St. Catharines Water Company:*

Works in possession of St. Catherines Water Company.

Occupy all the waste water upon levels Nos. 4, 5 and 6, with a fall of 22 feet 6 inches; also, all the waste water from the Canal at lock No. 24, near the mountain summit, 179 feet fall. The water is conducted to the first series of mills by an open cut 2¼ miles in length; expense to the Canal Company about 6000 dollars, exclusive of land; revenue 500 dollars per annum, upon a lease of ten years.

The Water Company have constructed at their own expense, three separate races, in connection with the Company's race and with each other, and have placed thereon the following mills and machinery:—

Grist mill, pail factory, carding mill, brewery and tannery, and saw mill.

1st. Upon the higher level an extensive grist mill, owned by Mr. O. Phelps.

2nd. Surplus water upon a lower level moves machinery for a pail

factory, a carding mill, brewery, and tannery; also a saw mill in progress of building.

3rd. All the surplus water from these mills and levels is then carried upon the lower level to Mr. Merritt's establishment, now building, to consist of saw and grist mills, besides other machinery that the increasing wants of the country may demand. These valuable and extensive privileges are possessed by the Water Company at a very moderate rate.

No. 5.—*Saw Mill:*

Phelps' saw mill.

Owned by Mr. O. Phelps, at the upper level of lock No. 7; returns water to the level below; a regulating flue is here necessary, to prevent the night miller from interfering with the lock gate arrangements, and the mill owner to be held accountable for any delay that may occur in passing the locks.

No. 6.—*Thorold Mills:*

Thorold summit.

Upon Thorold summit there is an aperture or flue inserted into the Canal Bank, 12 feet long, 3 inches deep, and 12 inches under the Canal water surface. This flue passes water to a grist mill, the property of George Keefer, Esquire, with four run of stones; this privilege being a *premium* by the Canal Company for the first grist mill upon the mountain summit, no revenue is derived therefrom. Same water moves a saw mill belonging to Mr. Squires; also a grist and carding mill, same owner, before its return to the level below; revenue 160 dollars, ten years lease. Upon opposite side of the canal, water is taken by a flue 8 feet in length, 2¼ inches in width, and 10 feet below the Canal surface, to a saw mill owned by George Keefer, Esquire, with three run of saws; revenue 300 dollars per annum, ten years lease. This water is returned to the level below.

Keefer's mills.

Keefer's saw mill.

There is likewise a lath mill at the adjoining waste wear, belonging to Nicolls, only in occasional use; may be worth 25 dollars per annum.

Nicoll's lath mill.

Upon the middle level water is taken for two saw mills, the property of Messrs. Keefer and Emery, with three saws; water returned to the lower level; revenue 300 dollars per annum, lease ten years.

Keefer and Emery's mills.

No. 7.—*Allanburgh Mills:*

Allanburgh mills.

Situated at lock No. 37, northern extremity of summit level; comprehends a grist mill, with two run of stones, two saws, saw for lath, shingle saw, carding machinery, and fulling mill; water is taken from the summit, and returned to the level below. The Canal revenue from this establishment is uncertain—increasing or decreasing, in proportion to the value of the privileges let by the St. Catharines Water Company, by special agreement with the Canal Company.

This is one of the most valuable situations for mills and machinery upon the line hitherto described, having the command of all the summit level, the mills may work nearly all the season without injury to the Canal.

No. 8.—*Port Robinson:*

Port Robinson.

Gypsum mills and works for the preparation of hydraulic cement, Mr. Donaldson's property; water is taken from the Canal, near stop gates; is not returned to the Canal; requires regulation during the summer months; revenue 100 dollars per annum, ten years lease.

Mr. Donaldson's gypsum mills.

No. 9.—*Gravelly Bay Water Company:*

Gravelly Bay Water Company.

Are at present constructing, at the lower level of entrance lock, saw and grist mills, in a favourable situation for Canal waste water; steam

Saw and grist mills erecting by the Company.

machinery is in contemplation, when the Canal supply is deficient; supposed revenue 200 dollars.

Under strict regulation, and in ordinary seasons, all the before-mentioned mills may be used during most of the summer months, being now under the controul of the Welland Canal Company.

No. 10.—*Feeder.*

Marshville saw and grist mills.

Marshville saw and grist mills, Grey & Greybiel; water taken from the feeder and lost, being conveyed by a back drain to the Chippawa River; these mills should be stopped during at least three summer months, from their tendency to retard the flow of water in the feeder; revenue 120 dollars.

Dunnville.

No. 11.—*Dunnville.*

Situated at the entrance of the feeder, near Dunnville Bridge, owned by—

Kempt's saw mill.
Thompson's saw and fulling mill.
Davis' saw and grist mill.

Mr. Kemp, a mill with two saws,.....Revenue 200 dollars.
" Thompson, one saw and fulling mill,. do. 150 do.
" Davis, two saws and grist mill,..... do. 250 do.

Although these mills are under the control of the Company, and subject to the same regulations as those upon the line below, the position of so much machinery is unfavorable to the free discharge of water in the feeder: in ordinary seasons these mills should be shut during the months of *August* and *September*.

Total revenue from mills, &c. $3,855.

Total revenue for mills and machinery, say 3855 dollars per annum.

Evils arising to the canal from mills.

The question of mills and machinery upon the Welland Canal resolves itself simply into this:—If the mills now established upon the canal line retard the navigation in ordinary seasons, with a limited trade, the effect by a double or quadruple trade would obviously be, either to stop the mills or the navigation. The present system of placing mills at adjoining locks, connected by short levels, is very injudicious, the greatest care of the Lock-keepers being insufficient at times to prevent a reduction of the level, but more particularly by night, when it frequently occurs that one or more hours is necessary to raise the water to the navigating height. Under all these circumstances, extended waste wears of solid cut stone, inserted into the canal bank, is the only preventative; then waste water only will be used.

Management of the Welland Canal.

The Welland Canal is at present under the following superintendence:—

Division.

At Gravelly Bay, James Black, Esq. Superintendent, &c.

1st.—Gravelly Bay Harbour and Works is under the charge of James Black, Esquire, Collector of Tolls, his jurisdiction extends to the first culvert north of the Harbour. A. B. Ostrom, is overseer of labourers and lock tender.

Dunnville, Andrew Thomson, Esq.

2nd.—Andrew Thompson, Esquire, is Collector of Tolls at Dunnville, and is placed in charge of the works at Grand River dam, and waste wears; also upon the line of feeder to Broad Creek, with the regulation of Dunnville mills.

Feeder, — Aitkins.

3rd.—Aitkins has the superintendence from Broad Creek upon the line of the feeder to its junction with the main Canal; he has also the control of Marshville mills.

Main Canal, John Toyne.

4th.—John Toyne has charge upon the main Canal, from near Gravelly Bay to Port Robinson; generally employs three men, with repairs.

Port Robinson, John Calaghan.

5th.—Port Robinson to Allanburgh, in charge of John Calaghan, is Collector of Tolls, and tender for descending locks to Chippawa River.

Allanburgh, Richard Campbell.

6th.—Allanburgh to Culvert is in charge of Richard Campbell, who is also tender for two locks.

7th.—Thorold; Higgins has charge of this part of the line, from Hall Davis' culvert to No. 31 Lock; generally employs two men. Richard Campbell is lock tender upon this division, with control of Thorold mills. Thorold, — Higgins.

8th.—Seven Locks below Thorold Summit are let to Chalmers, who tend the same, and keeps the embankments in repair. Seven locks under care of — Chalmers.

9th.—Upon this division, extending to Port Dalhousie, there are seven lock tenders, who keep the embankments in repair at a fixed rate per annum, and have the control of all the mills adjoining their respective locks. George Smith, Esq. has charge of the works at Port Dalhousie, is also Collector of Tolls at that place. Port Dalhousie, George Smith, Esq.

John Vandeburgh is general superintendent upon the canal line, for repairs, procuring workmen and materials; the lock tenders and passing vessels are under his directions. The annual expense of these departments are detailed in the Canal Company's balance sheet, to accompany this report. John Vandeburgh, general superintendent of works.

The working system of the canal, as at present established, is well arranged, as to efficiency, although, as in all similar cases, much of its economy and usefulness depends upon the vigilence of the superintendents, and strict attention of overseers in the discharge of their respective duties. Usefulness of the Canal depends on attention of the superintendents, &c.

Washing out the Deep Cut.

I have investigated the proposition to increase the depth of water by flooding through the summit cutting, and so far as I can understand the subject, the following results in execution may be anticipated:— Flooding the Deep Cut.

From experiments already made there can be no doubt of the practicability of the measure. The intervening strata between the Chippawa and the Northern face of Allanburgh summit being stiff clay, superimposed upon quick sand, it is self-evident that after a current of water is carried from Chippawa to the mountain face, with either a fixed or regulated head, the intervening strata, clay and sand, must be displaced in proportion to the head applied. Consequences of, anticipated.

Forty feet of head may be obtained from the Chippawa, and once let loose, without regulation, would open a passage through the deep cut many hundred yards in width; its effects upon the valley below could not be easily calculated.

But the plan proposed for executing this work is, by drawing water from the Grand River Feeder, situated 16 feet above the surface of Chippawa; to form a dam across the present cut near Allanburgh; and after passing through and washing out the Canal bottom the current is to be diverted into a branch of the twelve mile Creek, and not to interfere with the present navigation until the water arrives at St. Catharines. Plan proposed for doing so.

From trials that have been correctly made, it appears that at the bottom of streams a velocity of three inches per second will begin to act upon clay of a consistency similar to that in the deep cut Experiments tried.

Six inches per second will remove sand of a quality corresponding to that in the bottom of the cut.

From this data it will be observed that a greater velocity is required to move fine sand than ordinary clay, therefore at any given velocity a greater proportion of clay will be displaced. Argument on the subject.

But as water from the feeder passing through this cut will not immediately act above its level, the Canal banks, after some resistance, will assume the form shewn in diagram No. 6, marked a.a.; the portion marked a. being undermined and carried away by the current, the superincumbent part a. will soon fall into the channel of the cut and there be

decomposed; in succession other portions of the banks, b. b. will be undermined and disintegrated until the intended depth is acquired.

The washing process being stopped, we then find two parallel and nearly perpendicular walls of clay, each 30, 40, 50, or 60 feet in height at c, resting upon a base partially undermined, and composed of quick sand, as at D.

To give these walls a proper slope by the ordinary process of excavation, as regards time, quantity and expense, is out of the question; we may, however, fill the Canal to its original height with water, now 24 feet in depth; this water will partially sustain the banks to that height, then permit the banks to form their own slope by decomposition and slides; at this stage of proceedings any ordinary slide would be of less consequence from the great depth of water in the cut and its encreased width, but owing to the peculiar situation of the banks we cannot calculate upon a moderate slide *only*, as, independent of their natural height, we have from the encreased width a vast accumulation of superincumbent spoil bank to contend with, that must ultimately fall or slide, and so impede, or probably obstruct the navigation in such a manner, that the washing process must again be resorted to at whatever period these slides may occur.

The next inquiry will be, how is the flood water, with its suspended clay, to be disposed of?

Flood water: How to be disposed of.

The only practicable off-let, without passing through the Canal line and locks, is by one of the branches of the twelve mile creek, distance, taken from a map of the District, seven miles before reaching the Canal line at St. Catharines; in this distance there is a fall of 290 feet, consequently the flood water will have lost none of its velocity, and nearly all the clay remaining in solution will be deposited somewhere between St. Catharines and the extremity of the piers in Lake Ontario, thereby tending to produce dredging and deepening to an unknown extent upon a distance of nearly six miles.

Offers made for its execution for £6,000. Currency.

Offers to execute this work to the required depth have been made by responsible persons for the sum of £6000 currency, but although the sum proposed is moderate, compared with the magnitude of the undertaking, and the advantages that may be derived from a direct communication with the Chippawa are great, I would, nevertheless, hesitate to propose its execution from the probability of obstructions to the navigation, uncertainty as to time required for its final completion, and from its probable effect upon the navigation adjoining Lake Ontario.

General objections to this method.

Extra Width through the Deep Cut.

Deep Cut will soon require additional width.

The average width through the Cut, 2 miles and 1200 yards, being only 24 feet at bottom, the encreasing transit will immediately demand an extension of this width, to at least 36 feet, for the free passage of schooners 20 feet beam. To effect that object excavation to the extent of 24,400 cubic yards will be immediately required; a proportion of this excavation may be done in the usual manner by cutting and *drop scows;* the residue may be accomplished by dredging either with horse or steam power.

Securing Canal Banks.

Securing Canal banks.

In several places upon the canal route, particularly between locks 2, 3 & 4, also at several points upon the Deep Cut, the banks are subject to slips or slides, generally found where they are very high and of a wet or spungy consistency, without great care and expense it is very difficult to remedy this defect. The plan that I have hitherto found most permanent and ultimately the least expensive, upon works of a similar nature, is that exhibited by drawing No. 7, composed upon either the path or berm side, or upon both, *first*, with a back drain of brick work, 18 inches

Best mode of doing this.

square, inside, securely laid in water cement, the top nearly level with the back slope of the path or berm, covered at intervals with a close iron grate, to the lower part of this duct of brick work; an iron pipe six inches in diameter is correctly fitted, united therewith, and made to pass through and under the path to the surface water of the canal; one of these ducts, and a pipe, is placed in every 60 or 80 yards lineal of the canal, having back drains of brick, with a slight inclination in connection therewith; then a retaining wall is erected, of the dimensions and form shewn at A. A. of stepped masonry, the wall terminating at 2 feet width at top; from the face of this wall a second back slope is formed, connected with a second range of drains and ducts; the drains inclined upon each side, so that they unite with the main ducts and drains below; then a second retaining wall may be formed of similar dimensions and description of masonry, as already explained.

Second retaining wall may be formed.

If necessary, a third or fourth series of back drains, ducts and stepped retaining walls, may be constructed, all with regular ascents and descents, until the point of difficulty is passed, where the embankment and slopes are formed in the usual manner.

Improvement of Locks.

The great disideratum upon the Welland Canal, at present, is the lockage and waste wears, more particularly those from No. 5, upwards, to No. 31, near Thorold summit.

Lockage and waste wears.

Timber framing in the body of several of the locks is comparatively sound, but the workmanship in all is defective.

Workmanship all defective.

Locks Nos. 7, 12, 15, 16, 19, 20, 21, 25, & 31, repaired partially with stone, have generally been built upon improper foundations, and *clay backing* inserted, while subject to frost; this first deficiency has produced that dislocation which is so apparent; the second has pressed the side walls beyond their perpendicular, and rendered all the numbers from 6th to 31 very insecure.

Improper foundations.

Upon a particular examination of the ground between these defective locks, it appears that a new position may be obtained, in a connected chain, from lock No. 31, downwards, to lock No. 18, opposite to Centreville. See plans No. 8 & 9. Nearly all these new locks may be inserted into rock foundations; a sufficient quantity of stone will be obtained from the excavation of lock pits and intermediate ponds to execute the rubble masonry, hearting and backing of all the locks upon the line that may require renewal or repair: and what is equally important, this division of work can be done in the best part of the season, without stopping the navigation.

New position for locks may be obtained.

New locks may be inserted into rock foundations.

Work may be done without stopping navigation.

Should it be deemed expedient to adhere to the present line of navigation from Centreville to Port Dalhousie, several situations occur where locks may be advantageously inserted, adjoining and parallel to their present position, and executed in the proper season, without impediment to canal transit.

Plan No. 9. shews the practicability of a new route between Centreville and Port Dalhousie, all upon flat table land, and in a direct course, between these points, by which a saving of 3 miles 1,121 yards will be effected. The new cut may be converted into a nine feet navigation. The locks, waste wears and excavation, can be done upon dry land, without annoyance from water. The foundations laid dry and all the masonry executed in the most favourable seasons, and under the most favourable circumstances.

Saving by new route

This line in connexion with improvements upon Port Dalhousie Harbour, will render the Welland Canal navigation as direct and perfect as the nature of the country will admit.

No. 3.

Plan No. 10, is a design for a lock, upon which all the subsequent calculations are founded.

Manner proposed for construction of locks where rock does not occur.

It is proposed to have framed timber for its foundations. The side walls, recesses and wings, to be constructed upon these prepared foundations, where rock does not occur. The superstructure to be solid rubble masonry, lipped and pointed with water cement; all those parts that remain permanently under water to be faced with sheet plank, and securely battened upon each joint, as also the lock flooring, recesses and platforms. The centre of pressure line at fore bay wall to be secured after a particular design. The side walls to batter considerably upon their face, and to receive support from counterforts, varying in dimensions according to position, nature of foundations, and quality of embankment. The fore bay wall to be raised to the level of the upper platform, as shewn upon the transverse section A. B.—by this design considerable pressure is removed from these parts that require the greatest solidity; whereas in the present locks the upper gates and piers resist a head of water equal with the lower, which tends materially to promote leakage and to diminish their permanence.

Land tunnels of cut stone with face plates of wrought iron, and machinery, are also contemplated. The following estimate will shew the expanse of a lock of 10 feet rise, 110 feet within the chamber, and 24 feet wide.

Timber work foundations, lower end:

Expense of constructing locks 10 feet lift, 110 feet chamber, 24 feet wide.

		$	cts.
8 Mud Sills, 46 feet each,	364 feet.		
2 face and 2 pieces rear,	184 "		
2 pieces back of counterfort,	60 "		
2 do. lower end of wall,	36 "		
10 do. for counterfort and ties,	152 "		
Recess 2 x 19 x 12 x 12 inches,	38 "		
	768 feet.		
Wall timbers 8 feet high,	592 "		
do. do. 4 " above,	676 "		
Coping timbers bond and back,	322 "		
	2358 ft. $10 per hund.	235	80
Hollow quoins, mitre braces, sills, king post, and balance beams, 307 ft. at 25 cents,		76	75
One pair gates, present contract rate,		250	00
Sheet piling below mitre sill, 1884 ft. $6 per hund.		115	4
Pr. excavation for foundation timbers, refilling do.		310	74
Side timbers' foundations,	4904 feet.		
Coping do.	728 "		
	5632 ft. $10 per hund.	563	20
Planking, 2304 ft. $5 per hund.		115	20
Excavation for lock wall, filling, puddling do.		705	12
Head of lock, sills, timber, coping, 1832 ft. $10 per hund.		183	20
Mitre sill, gates, and sheeting, as above,		441	79
Excavation, foundation timbers, refilling do.		185	82
Total expense of timber work,	$	3182	65

Equal to £795 13 2½

Masonry, one side.

Upper wing wall,	24 x 12 x 4 =	1152 cubic feet.			
Upper recess,	15 x 13 x 4 =	780			
Hollow quoin pier,	20 x 10 x 6 =	1200			
Side wall, battered face,	75 x 22 x 5 =	8250			
Lower pier,	10 x 6 x 20 =	1200			
Lower recess,	15 x 5 x 21 =	1575			
Lower pier,	20 x 6 x 21 =	2520			
Lower return,	15 x 4 x 15 =	900			
Nine counterforts, each	12 x 3½ x 6 =	2268			
		19845 x 2			
=1470 cubic yards or 2426 perches of masonry, at 2s. 2d. for laying,		£262	10	4	
Cord of stone, 310 *a* 7s. 6d.		116	5	0	
Lime, 2400 bushels, *a* 4d.		40	0	0	
Sand, 4800 bushels, *a* 1d.		20	0	0	
Water cement, 48 barrels, *a* 10s.		24	0	0	
Land tunnels and geering,		316	11	5½	
Waste wears and sluices,		75	0	0	
Total of masonry,			£	854	6 9½

Total of lock, exclusive of lock excavation and 10 pr. cent. £1640 0 0

From the same data a cut stone lock, with inverted arches for foundations, land tunnels of iron or cut stone, with wrought-iron face plates for sluices, and working geer, will cost, exclusive of ten per cent, ... £3114 12 6

Cost of cut stone lock.

Water lime of the best quality is now manufactured at Port Robinson upon the Canal line.

Water lime manufactured.

To improve the *present* line of the Canal from Port Dalhousie to Centreville, distance 8 miles and 241 yards, the expense will be as follows :—

	£	s.	d.
Lock No. 1, proposed to be built near Pauling's Point, with waste wear of solid rubble masonry,	2500	0	0
Locks Nos. 2, 3, 4, and 5, of masonry, and waste wears required within two years,	6600	0	0
Lock No. 6, and waste wears,	1750	0	0
Ten Locks, from 7 to 16, and waste wear,	16500	0	0
Extra expense of foundations, all in connection with water, say £250 for each lock,	4000	0	0
Total by present route Centreville, exclusive of ten per cent.	£31350	0	0

Cost of improvement of Canal from Port Dalhousie to Centreville.

To make a New Line of Canal from Port Dalhousie to Centreville.

	£	s.	d.
The expense for a nine feet navigation will be for lock No. 1, dimensions 200 feet within the chamber, and 50 feet wide, entrance to Canal and intended dock,	3650	12	8
Fifteen locks, at £1650 each,	24750	0	
Excavation, 250,500 cubic yards, *a* 7½d.	7828	2	6
Aqueduct across Saw-mill Brook,	4226	8	3
Total by proposed Line, exclusive of ten per cent,	£40455	3	5

Expense of nine feet navigation.

Excess of new route, ... £9105 3 5

Excess by new route, and saving of distance.

Saving of distance 3 miles and 1121 yards. Distance by present Canal between Port Dalhousie and No. 31 lock, mountain summit, is 9 miles and 1121 yards. By adhering to the new route all the locks and works can be made permanent—removed from the valley of the Twelve Mile Creek, the surface of the ground is well adapted for Canal operations, being composed of stiff clay, and having a uniformly smooth surface, with a gentle distance for lockage; the present Canal will facilitate the conveyance of nearly all the building materials to be required; the actual expense, with proper management, ought not to exceed the sum above estimated.

By adhering to the new route works may be made permanent.

Assuming the new route from Port Dalhousie to Centreville to be the most eligible by which the general navigation may be improved, the following is an abstract estimate of the expense required upon the *whole line of Canal and Feeder*, to render the same permanent:

ESTIMATE,

To render Port Dalhousie a capacious and secure Harbour for large steamers, an extension of 1,374 feet of piers must be made upon each side to obtain 18 feet water; this expense according to detailed estimate, calculated at the present rate of doing such work

Estimate of Canal improvement. Port Dalhousie.

Repairs and improvements required.

Is, ... £	8,140	12	9
Finishing and decking present piers, ...	286	15	3
New line from Port Dalhousie to Centreville, ...	40,455	3	5
From Centreville to Lock No. 31, common to both routes, 15 locks and waste wears, ...	24,750	0	0
Excavation of intermediate ponds, ex. 13,500 cubic yards, *a* 6d.	5,062	10	0
Six Locks from No. 31 to Port Robinson, required by 3 years, ...	9,900	0	0
Two Locks at Chippawa, Port Robinson, and waste wears, required by 2 years, ...	3,300	0	0
Ship Lock at Dunnville, 200 by 50 feet chamber, ...	3,650	12	8
Dry dock, excavation and gates 23,110 cub. yards, ...	712	14	6
Additional east pier, G. River Harbour, 730 ft. in extent,	981	6	5
Additional East pier at Port Colborne, 1,260 feet, ...	814	5	0
Excavation of deep cut, required by the encreased trade, 24,200 cubic yards, *a* 2*s*. 6*d*.	3,025	0	0
Ten per cent upon this, is, ...	10,107	18	0
Total expense of Canal improvement, ... £	111,186	18	0

Total expense £111,186. 18s.

By adhering to the present line the sum of £102,081 14s. 7d. will be required to effect an improvement of less magnitude and permanence, with an increased length of 3 miles and 1121 yards.

Expense by the present line, £102,081. 14s. 7d.

To construct locks and waste wears of cut stone of the dimensions above proposed. The estimate by the present route for thirty-nine locks, including imverts for foundations, where necessary; land tunnels of cut stone or iron, with proper geering for sluices and gates, embankments, &c. &c. perfect in all their parts, will be, exclusive of ten per cent, ... £117,471 8 6½

Cost of cut stone locks will be £117,471. 8s. 7½d.

By proposed route, to construct of cut stone the same description of locks, ... 113,471 8 6½

By proposed route cost would be £113,471. 8s. 6½d.

Distance from Lake to Lake reduced from 27 miles and 1100 yards to 24 miles; being the shortest practicable route between the Lakes. Any line of Canal to Queenston, as the route of the Welland is now esta-

blished, and may be improved, will increase the length 1¾ miles; any line to Niagara will increase the distance 4 miles and 1000 yards.

I have not entered upon all the details of the actual expense of those lines to Queenston and Niagara, but from authentic data, and from a knowledge of the country, the following approximation will be nearly correct:—

Expense from lock No. 31, Thorold summit, to Queenston, upon a distance of 7¾ miles; excavation at £2500 per mile,	£19,375	0	0
Lockage, corresponding dimensions with the Welland, ..	28,350	12	0
Total estimate expense to Queenston, ...	£47,725	12	0

Total expense to Queenston £47,725 12s.

Expense from lock No. 31, Thorold summit, to Niagara, upon a distance of 10 miles and 1000 yards; excavation at £2500 per mile, ...	£29,204	10	0
Lockage commensurate with the Welland, ...	28,350	12	0
Total estimated expense to Niagara, ...	£57,555	2	0

Estimate of total expense to Niagara £57,555 2s.

Upon a comparative review of all the lines estimated above, it appears to the Reporter that the new route proposed in connection between Port Dalhousie and Thorold summit, although not the least expensive, possesses advantages, beyond all the others, by its direct course for the necessary purposes of navigation, and by its commanding position for the general benefit of the Province.

Estimate of the works upon the Canal line *at present under contract*, and those required to sustain the present navigation during the ensuing season:—

	£	s.	d.
Widening and improving feeder, by Mr. T. Merritt's contract, remains to be done 16,504 cubic yards, ..	618	3	4
Work upon feeder, undone by Mr. Donaldson's contract, and upon Canal line between junction and Port Colborne, in all 19,233 cubic yards, ...	1017	9	6.
Contract for immediate repair of locks Nos. 7, 8, 16, 18, 20, 25 and 27, required to preserve the navigation during the ensuing season, timber and workmanship, ...	333	15	8½
Stone, 1384 cord, ...	692	0	0
Building walls, ...	1047	12	0
New lock gates, sluices, and repair of waste wears, estimated at	871	8	2
Total estimate of works at present required, ... £	5130	8	8½

Estimate of works at present under contract, £5130 8s. 8½d.

That part of the foregoing estimate is work at present under contract, and under penalty for due fulfilment, all to be executed during the present winter or before spring navigation opens. This work will render the feeder as perfect as its present depth will permit.

By a due regulation of mill sluices, and machinery upon the feeder, and proper management of the great dam, with its waste sluices, a sufficient volume of water will be obtained from the Grand River, by this increased width, to supply the ordinary demand of navigation for at least six or seven years; so soon as a probable return of revenue will authorize an increased expenditure upon the feeder, the whole extent may be

enlarged in width and depth, commensurate with the main Canal; a new route may then be formed in continuation of the present direct course, from Broad Creek to Grand River, near the harbour.

Plan No. 3.

By plan No. 3, it is shewn that upon making a cut of 1¾ miles from Broad Creek to the River, a saving of 9 miles distance may be effected between those points.

A new dam and entrance lock may be constructed, of a permanent character, near the harbour, when decay of the present *timber* dam will justify that measure.

Estimated expense £62,250.

Estimated expense of effecting that improvement, and increasing the width and depth of feeder, corresponding with the ship Canal, will be £62,250.

Materials for repairs will be on the ground before close of navigation.

The second part of the foregoing estimate is for repair of those locks at present in a state of insecurity. Timber and all material for the execution of the work will be placed upon the site of the respective locks at a diminished expense, before the close of the navigation.

Temporary delays will be best obviated by efficient improvements.

Temporary delays that have occurred upon the Canal line during the *present* and *former seasons*, point out the necessity of adopting speedy and *efficient measures* to place all the works upon the Canal line beyond the risk of casualties.

The increased trade will always keep pace with the capacity of the Canal.

This all-important object once accomplished, the navigation will continue to be occupied by an accelerating trade equal to its capacity of transit.

GENTLEMEN,

I have the honor to remain

Your very obedient Servant,

FRANCIS HALL,

ENGINEER.

Welland Canal Office,
St. Catherines, 24th October, 1835.

Engineer's Supplementary Report to Commissioners.

TO DAVID THORBURN, WILLIAM LYON MACKENZIE, and CHARLES DUNCOMBE, Esquires, Commissioners appointed, &c. &c. &c.

GENTLEMEN,

Mr. Hall's Supplementary Report to the Commissioners.

Since I had the honor to submit a general Report respecting the Canal Line and Works, I have had an opportunity to examine the Locks, Waste Wears and Embankments, and beg leave respectfully to submit the following supplementary Report.

My Reports to the Board of Directors, of the 19th November, accompanying this, and number 1 and 4, will explain the nature and extent of the works at present in progress, to which I refer.

Harbour at Port Dalhousie.
Lock No. 7.
Lock No. 2.
Locks Nos. 3 and 6.

Commencing this examination at Port Dalhousie, I find the works at that harbour, and the Locks to No. 7, in the same state as formerly reported. At lock No. 2, some partial leakage has been observed in the waste wear, which was promptly repaired. At locks Nos. 3 and 6, new waste wears will require construction, as soon as stone and other materials can be placed upon the ground.

Repair of lock No. 7, proceeds with as much expedition as practicable. Most of the stone is upon the ground—excavation of the side walls and foundations of this lock by the Company under Fluellan, and twelve men, is so far advanced that the Carpenters and Masons are expected to begin by the first day of February next. Robert Craig has contracted for building this lock. Repair of Lock No. 7.

The repair of lock No. 8, will only be partial, and extend to widening the side walls. Repair upon the ascending locks to No. 15, will be done in the same manner as No. 8, by widening and replacing decayed and disjointed timbers, where practicable. Lock No. 8 to No. 15.

Upon lock No. 16, Fletcher and Company have the contract for excavation; at present they employ twelve hands, which is as many as the nature of the work will admit. The rebuilding of this lock is contracted for by Gilliland & Co. Lock No. 16.

Lock No. 20, requires to be generally repaired, from the upper hollow quoins downward. The excavation is under contract to John Shore and Company; they at present employ twelve hands. The building is under contract to John Kerr. The carpenter work of all these locks is under contract to R. Collier. Repair of particular parts of locks from No. 20 to 31, will be executed by Collier and Moore, who have contracted to do all the carpenter work that may be required to render the Canal navigable by the first day of April next, at a fixed rate per hundred feet of timber. Lock No. 20. Locks No 20 to 31.

Upon the locks above 31, no repair of any importance is anticipated during the winter. No further repair on locks necessary.

Eighteen new sets of gates will be required upon the whole line of the Canal before the end of the present year; and thirteen leaves, or half gates, before the opening of the navigation. The six and a half pair of gates are under contract by Collier and Moore, and timber for the residue should be placed under contract, to be cut and prepared while the sap is down; this timber may all be procured from the Company's lands near the junction. New lock gates required.

Foundations of the wooden locks are generally in a better state of preservation than might have been expected from the distorted appearance of their respective side walls. Foundations of the locks in a better state than expected.

The only point of difficulty in the repair of these locks in winter is the foundations, choosing a favourable and open time for that work is all important, when frost is severe the softest and least secure foundation assumes an appearance of the greatest consistency; I may here add, although success with these walls cannot altogether be calculated upon, precautions are being taken that will insure their completion in as perfect a manner as the material and season will permit. Difficulties to be surmounted in repairing locks.

Mr. John Vanderburgh, a person in whom I have great confidence for his attention, will superintend the constructors and workmen, and endeavour to carry my designs into effect.

The work at present under contract to Mr. Burger, and Mr. John Donaldson, is in operation. The northern part of Mr. Donoldson's work, near Buyer's Bridge, will effect a double purpose, that of widening the Canal and strengthening a very high and weak embankment; most of his excavation will be applied to a like purpose. Dams are in construction, and preparations making to take out the rock excavation near Gravelly Bay. Burgess and Donaldson's contrac, going on well.

A new pair of stop gates near Gravelly Bay are in progress by Moore. The works and harbour at Gravelly Bay are restored to their solidity and appearance previous to the great gale of November last. New stop gates at Gravelly Bay.

Bridges, &c

A new bridge at Shotwells' is also in progress and nearly completed; this with the repair upon the aqueduct, aqueduct bridge, and bridge at Port Robinson, will comprehend all the bridge work for the winter.

Remarks upon present state of the feeder.

By observations upon the line of the Feeder since the water was withdrawn, it appears that an inclination occurs from the bottom of the Canal at the junction, to an apex near the bridge west of Marshville; this inclination is regulated by stepping the bottom of the cut at intervals; why this particular method should have been adopted I have not been able to discover. Near, and westward of this bridge, the Feeder at bottom descends to Dunnville stop gates, about ten miles distant, where water eight feet deep obtains. The accompanying diagram will more clearly explain this subject.

It is evident that unless the feeder is three times its present width near Marshville, or continued at its present width with a uniform depth, a supply of water for the Canal, corresponding with its head, cannot be expected, therefore deepening at this apex should be attended to with as little delay as possible.

The work at the Berm bank has not been generally recommenced; during my last examination the frost was so deep as to prevent a trial of its composition by probing or digging; but it is only necessary to pass along the line to observe that logs have been, in more places than one, substituted for earth; these logs ought all to be removed, and the banks re-formed at the expense of the Contractor. Upon this part of the work I would also recommend a vigilent Inspector to be constantly stationed to see the work faithfully performed.

Expense of improving feeder 25,382 dollars 71 cents.

The estimated expense of all the above works is, per detailed statement, $25,382 71 cts.

Calculation of water power on Canal.

I have made a table for the uniform regulation of water for all the mills and machinery upon the Canal line, shewing the area of an aperture in inches that is required to propel one or more saws; one or more run of flouring stones; and the quantity of water required for perfect machinery under any head from 0 to 10 feet.

By the adoption of this system upon the line a great saving of water will be effected; the Canal levels retained at their proper standard; and those mills that are deficient in proper machinery must either remodel the same or suspend operations.

GENTLEMEN,

I have the honor to be,

Your very obedient Servant,

FRANCIS HALL.

Welland Canal Office,
St. Catharines, 14th *January,* 1836.

No. 1. PRESENTED 19TH NOVEMBER, 1835.

COPY.

Report to the Board made 19th Nov. 1835.

To the President and Board of Directors of the Welland Canal.

GENTLEMEN,

I beg leave to submit the following statement respecting the Canal works:—

1st.—*Work to be finished, now under contract.*

Works first required.

It appears necessary during the close of the navigation to proceed

with the contract under Thomas Merritt, for raising the Berm bank from Broad to Cranberry Creeks on the feeder, or so soon as the water can be taken off for that purpose.

Also, that the contract entered into by John Donaldson for widening and deepening the lower end of the feeder, removing rock in the cut to Gravelly Bay, and widening Canal below junction, should be finished during the close of the navigation.

Also, a contract entered into with Thomas Moore to erect a set of guard gates, with all their apparatus, near the rock cutting at Gravelly Bay, the same to be completed during the close of the navigation.

2nd.—*Work necessary to be placed under contract to have the same finished at the opening of the navigation.*

1st. Widening and deepening Canal from head of basin, Gravelly Bay, to first guard gate, 400 yards lineal by 9 feet in height, will require about 5000 cubic yards at 15 cents, $750. Widening and deepening from head of basin Gravelly Bay.

2d. The towing path from Dunnville to Broad Creek requires raising on an average 1 foot or 18 inches on all low places, to be hereafter estimated and laid out. The time to finish this is when the water is removed from the feeder and stuff taken from its bottom and off side; estimate 7000 cubic yards at 15 cents, $1050.

3d.—There are four new lock gates required at Port Robinson, two at Thorold, and four more may be required upon other parts of the line. Those at Port Robinson are contracted for by James Moore, and Collier has offered for the others. New lock gates required.

4th.—There requires a renewal of locks Nos. 7, 16, 18, 20 and 25, also repairs of Nos. 8 and 27.

Estimate of Lock No. 7,	$2,131	50	cents.
" " " 16,	1,970	15	
" " " 18,	3,915	64	
" " " 20,	2,876	46	
" " " 25,	820	50	
" " " 8,	1,000	00	
" " " 27,	353	30	
Estimate for Locks,	$13,067	55	cents.

5th.—The waste wear at lock No. 6, requires renewal of stone—estimated expense $250.

Statement of the probable expense for finishing Canal and repairs for the ensuing navigation:—

Under Contract.

1st. Berm bank, T. Merritt, contractor,	$2,472	66 cts.		
2nd. John Donaldson, contractor, ...	6,542	50		
3rd. John Moore, guard gates, ...	300	00		
			$9,315	16 cts.

To be placed under contract.

1st. Locks as above,	$13,067	55 cts.		
*2nd. Widening and deeping Canal at Gravelly Bay, ...	*750	00		
*3rd. Towing path, Broad Creek to Dunnville, ...	*1,050	00		
4th. Lock gates, ...	1,000	00		
5th. Waste wears, ...	1,000	00		
6th. Flue or let-off at Marlatt's, ...	1,000	00		
			17,867	55
Total estimated expense, ...			$27,182	71 cts.

19th November, 1835. (Signed,) F. HALL.

* The above marked items not contracted for 12th January, 1836.

No. 3.

Addenda to Mr. Hall's Report.

Cutting and embanking upon Welland Canal, from Thorold summit to Port Dalhousie, taken from Canal sections :—

Sections. Nos.	Cutting.	Embanks.	Puddle.	Length. Chains.	Links.	
9,	7,751			29	18	
10,	4,224			32		
11,	35,026	7,451	999	26		
12,	13,275	1,694	264	26	19	
13,	18,139	27,370	9,999	30		
14,	17,997	5,240	695	64	50	
15,	97,459			23		Little deep cut bottom rock—this cutting might have been avoided by taking the line further east.
16,	70,767			36		
17,	11,432	9,615	4,130	32		
18,	17,022	3,660	569	27	50	
	293,092	55,032	16,756			
	55,032					
	16,756					
	364,880					

Thorold Summit, Lock 31, *to Port Dalhousie.*

Sections Nos.	Cutting.	Embanks.	Puddle.	Length. Chains.	Links.	
19,	23,238	6,240	3,600	26		
20,	24,323	4,448	4,680	22	50	
21,	17,489	6,240	3,600	23	50	
22,	20,016	3,120	1,800	28	50	
23,	28,385	4,680	2,700	24		
24,	5,287	5,038	2,880	26		
25,	7,007	4,834	2,925	37		
26,	6,370	3,016	1,956	25		
27,	3,459	2,154	1,056	24	50	
28,	4,347			24		
29,	4,475	2,041	1,049	26	50	
20,	8,601	4,969	2,374	28	50	
31,	32,186			39		
32,	36,596	1,248	900	91	66	Embanking and puddling one lock.
33,	33,862	1,248	900	45	82	do. do.
34,	36,596			107		
35,	6,660	33,440		152		
	289,117	82,716	30,420	751,-48 =		
				9 miles & 692 yd.		
	82,716			1,760		
	30,420					

302,253 cubic yards of cutting, embankment, and puddling, done upon present line, from lock No. 31, Thorold summit, to Port Dalhousie ; supposing the expense of lockage to be equal upon present and proposed lines, there would have been a saving of 38,253 cubic yards of earth work, besides 3 miles of distance by adhering to the best practicable route that the country presented.

No. 3.

Cubical contents from Port Robinson to Port Dalhousie.

Deep Cut to Allanburgh,	1,477,700	cubic yards.
Allanburgh to Thorold summit,	364,880	" "
Thorold, 31st Lock, to Port Robinson,	302,253	" "
	2,144,833	" "
From Port Robinson to Gravelly Bay,	430,876	" "
Total on ship Canal, feeder not included,	2,625,708	cubic yards.

17th October, 1835.

FRANCIS HALL,
ENGINEER.

By Mr. Lewis,—Estimate of Materials for a Lock.

Bill of timber for a lock,	23,327 ft. *a* 5d. per ft.	$1,166	35 cts.
Plank,	643 ft. *a* 5d. per ft.	32	15
Bill of iron,	1,224 lbs. *a* 12d. per lb.	146	88
Workmanship of	23,327 ft. *a* 3d. per ft.	699	81
Do. plank,	643 ft. *a* $2. per hd.	13	00
		$2,058	19 cts.

{ Castings 220 lbs. $16.
{ Boards or plank, $15. per thousand.

By Benjamin's Estimates of Locks and Timber delivered and required.

No. 5, Lock,

	Counter hewed.	Back timber.	Ties.	Flooring plank.	Mud sills.	Mitre sills.	Boards gates.
Delivered,	4,000 ft.	3,500 ft.	200 ps.	4,000	1,188	10 bts.	
Required,	6,000	5,500	600	4,000		2 m. s.	2,000 ft.
	10,000 ft.	9,000 ft.	800 ps.	8,000 ft.	1,188 ft.	36 ft.	2,000 ft.

No. 6, Lock.

Delivered,	4,000 ft.	3,500 ft.	200 ps.	4,000	1,188	10 bts.	2 m. s.
Required,	6,000	5,500	600	3,366			2,000 ft.
	10,000 ft.	9,000 ft.	800 ps.	7,366 ft.	1,188 ft.	36 ft.	

Estimate of F. H. upon this data.

10,000 feet of square timber, *a* 5 cts. per ft.	$500	00 cts.	
9,000 do. back timber, *a* 4 cts. "	360	00	
800 ties, each 10 feet, *a* 2 cts. "	160	00	
3,000 feet plank, *a* $15. pr. thousd.	120	00	
1,188 mud sills, *a* 4 cts. per	47	52	
36 feet mitre sills, 18 x 18=81 ft. at 5 cts. pr.	4	05	
2,000 feet boards, gates, $15,	30	00	
		$1,221	57 cts.
10 bolts, mitre sills, each 30 inches=6 lbs. each, *a* 12 cts.	7	20	
Spikes for gates, 10 x 16 x 4 spikes 4½ inch= 6 per pound=108 lbs. *a* 12 cts.	12	96	
Castings, sockets and pivots, 220 lbs.=$16,	16	00	
Irons, for gate, 1212 lbs *a* 12 cts.	145	44	
		181	60
Workmanship, 10,000 ft. plank, *a* $2 pr. square,	200	00	
" 20,224 ft. of timber, *a* 3 cts.	606	72	
8,000 ft. ties, *a* 1½ cts.	120	00	
		926	72
		$2,329	89 cts.

FRANCIS HALL,
ENGINEER.

St. Catherines, 23rd September, 1835.

No. 3.

Whether the Canal can be kept full all winter to supply mills?

Water is seldom found frozen within locks, under Canal bridges, or in stone or wooden sluices, but spray from the top of gates, or upper sluices, is speedily converted into icicles, that adhere to the back of gates and face of side walls, and renders it difficult to open them after any continued frost.

1st. If the Canal is filled with water as it is during the summer months, having the lower gates open, the upper gates shut, and the lower sluices *only* open, or regulated partly open, water will pass in sufficient abundance for the supply of all machinery upon the line; the Canal banks will be protected from frost, and only subject to injury from an expansion of surface ice, which may be prevented in the usual way, by reducing the surface one or more feet, after ice of a few inches in thickness has been formed.

The only objection to this plan is the probability of not having the gates under proper command in case any unforeseen accident occur about the locks or elsewhere.

The 2nd plan is by reducing the present surface to the ordinary current with open lock gates from Grand River dam through the feeder, regulated by the stop gates at Dunnville, 24 feet in width, and will produce a permanent supply at Marshville of 21½ feet wide, by 3 feet in depth; velocity about 300 yards per hour. This current will pass through the residue of the feeder, by the deep cut to Allanburgh locks, with a diminished head and velocity, but probably sufficient to keep most of the mills upon the Canal line in motion.

In this case all the lock gates are supposed to be open—repair could speedily be effected, but the inside Canal slopes would be exposed to alternate frost and thaws, which are very injurious to the banks.

On the whole I think the first plan is preferable; it may be tried for a few weeks, by way of experiment—during its continuance, some further improvements may be observed.

FRANCIS HALL,
ENGINEER.

Grand River, 19th September, 1835.

Election Law Amendment Bill.

No. 4.

WHEREAS it would add greatly to the comfort and convenience of the Freeholders of the larger Counties and Ridings of this Province, as well as of those other Counties in which the roads are the most indifferent, if in the election of any Member to serve in the House of Assembly, in which a poll shall be demanded, the votes of the Electors were taken at two, three, or more different places or stations, the most central and suitable for them to assemble at, and the poll kept open by the Returning Officer at each of those places for a period sufficient to enable them to have their suffrages recorded, unless the election should be sooner otherwise determined: *And whereas* it is expedient that the places at which elections shall be held for the other Counties and Ridings should be fixed and determined by law: *And whereas* there are many faithful subjects of His Majesty residing out of His Dominions, many of whom are so resident with the approbation and consent of His Majesty: *And whereas* any of the said subjects coming to reside in this Province would be deprived of the privilege of being a candidate at any election of a Member to represent any City, Town, County or Riding in this Province, although he possessed the necessary freehold qualification for that purpose, until after a residence in this Province of seven years next preceding such election; and it is expedient to remove this disability: *And whereas* it is by law required that every Member of the House of Assembly should possess an unincumbered freehold estate, of the assessed value of Eighty Pounds and upwards, by means of which regulation the qualified Electors are greatly circumscribed in the exercise of their right to make a free choice of their Representatives, and many wealthy, intelligent and respectable Freeholders, and other inhabitants, prevented from being candidates for seats in the House of Assembly, although otherwise well qualified: *And whereas* the regulations now in force concerning the elections of Members of the House of Assembly are not sufficiently explicit in all cases, thereby occasioning defective returns, protracted election contests, and litigation, which might be avoided by the adoption of more plain rules for the guidance of all concerned: *And whereas* His Majesty has been graciously pleased, through the Despatch of the Right Honorable Lord Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, of date the 8th November, 1832, to direct the attention of the Legislature to the alterations contained in the petitions of the people concerning the state of the laws regulating elections, the freehold qualification of candidates, the influence of the Officers of the Government at elections, and regarding bribery and corruption, and the expense of elections, and has enjoined on His Representative in this Province not to allow any undue interference with the right of His subjects to the free and unbiassed choice of Members of the House of Assembly.—*Be it therefore enacted, &c.* That the second, third, fourth, sixth, seventh, tenth, and fourteenth sections of an Act passed on the 19th day of January, 1824, entitled "An Act to repeal the several statutes of this Province respecting the election of Members of the House of Assembly, and the qualification of voters and candidates at such elections, and to reduce the provisions thereof, with some amendments, into one Act, and also to provide against fraud in obtaining qualifications to vote at elections," and any other laws of

this Province relating to the election of Members of the House of Assembly and manner of conducting elections, in so far as their provisions are at variance from this Act, shall be and they are hereby repealed.

2. *And be it further enacted, &c.* That the Elections in the respective Counties and Ridings in this Province shall be held in the places following, that is to say :—

The Election for the County of Glengarry, at Williamstown and Alexandria.

The Election for the County of Stormont, at Cornwall and Osnabruck Village.

The Election for the County of Prescott, at Chesserville and L'Orignal.

The Election for the County of Russell, at New Edinborough.

The Election for the County of Carleton, at Richmond and at Dorning's, in the 3rd concession of Huntley.

The Election for the County of Lanark, at Perth and Carleton Place.

The Election for the County of Grenville, at Merrickville, Kemptville and Prescott.

The Election for the County of Leeds, at Coleman's Corners, Gananoque, Smith's Falls, and Beverly.

The Election for the County of Frontenac, at Waterloo, William Ashes' in the 1st concession of Loborough, and Barriefield.

The Election for the Incorporated Counties of Lenox and Addington, at and

The Election for the County of Hastings, at Belleville and John McKay's, in Huntingdon.

The Election for the County of Prince Edward, at Hallowell, and

The Election for the County of Northumberland, at Peterboro', Cobourg, and Brighton.

The Election for the County of Durham, at Port Hope, Darlington, and Cottingham's Mills.

The Election for the first Riding of the County of York, at Richmond Hill and Farr's Mills.

The Election for the second Riding of the County of York, at Cooksville, and at the place where the dividing line between Chinguacousey and Caledon intersects Hurontario Street.

The Election for the third Riding of the County of York, at Reesorville, and near Post's Tavern, in Pickering.

The Election for the fourth Riding of the County of York, at Hope, and in the most suitable place within the Township of Brock.

The Election for the County of Simcoe, at Beverley, Barrie and the Narrows of Lake Simcoe.

The Election for the County of Halton, at Nelson, Preston in Waterloo, and Dundas.

The Election for the County of Wentworth, at Stoney Creek and Ancaster.

The Election for the first Riding of the County of Lincoln, at Smithsville.

The Election for the second Riding of the County of Lincoln, at St. Catharines.

The Election for the third Riding of the County of Lincoln, at Matthew Scaburne's Inn, Thorold.

The Election for the fourth Riding of the County of Lincoln, at Cook's Mills in Crowland.

The Election for the County of Haldimand, at Dunnville and Stoney Creek.

The Election for the County of Norfolk, at Vittoria.

The Election for the County of Oxford, at Martin's Inn at Burford and at Horner's Creek on Dundas Street.

The Election for the County of Middlesex, at London, St. Thomas', Delaware and Gardner's Mills.

The Election for the County of Kent, at Chatham and in the Township of Moore.

The Election for the County of Essex, at Sandwich and Capt. Fox's, Gosfield.

And the Election for the County of Huron, at Goderich and at the place where the big Thames River crosses the Huron Road.

3. *And be it, &c.* That the Returning Officer shall, in all cases, be a resident Elector within the County, City, Town or Riding, for which he is appointed; and before proceeding to the discharge of his duty, at any election, shall take and subscribe the following oath:

"I, A. B. do solemnly swear, that I have not directly or indirectly received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promise or gratuity whatsoever, either by myself or any other person, to my use or benefit, or advantage, for making any false or incorrect statement or return in the Poll Book, at this election; and that I will conduct myself impartially and without favor or affection to any party concerned in the present election for the County, City, Town or Riding, *(as the case may be.)*" And a similar oath shall be administered to the Poll Clerk; which several oaths may be administered by any Justice of the Peace of the District in which the election is held, or by any Commissioner in the Court of King's Bench, and certificates of the same shall be annexed to the Poll Book, and returned with it to the Crown Office.

4. *And be it, &c.* That the Returning Officer for any election in a City, Town, County or Riding, shall cause a copy of the notice of such election to be published in all the public Newspapers printed within the County in which it is to be held, and also cause printed notices to be posted in a conspicuous manner in the most public places within the City, County, Town or Riding, for which he is acting, at least eight days before the day on which the election is to be held.

5. *And be it, &c.* That all polls shall be held in the open air, or in some building, not a Tavern, to which free access can be had by every Elector—and no woman shall be allowed to vote.

6. *And be it, &c.* That the poll may be continued three days at each polling place, when more than one are authorised within the same County or Riding, and six days in Counties or Ridings where only one polling place is authorised; it shall be kept open at least eight hours each day, between the hours of eight in the morning and five in the afternoon, but may be finally closed at any time with consent of all the Candidates, or their representatives, and any one is at liberty to declare himself the representative of an absent Candidate; or it may be closed at any one polling place

for the purpose of being removed to another, if there be more than one and that place be not last in rotation, after two hours notice, if no vote shall be given within those two hours; or it may be finally closed sooner than the time prescribed by this Act by virtue of any previous unanimous agreement signed by all the Candidates.

7. *And be it, &c.* That where two or more polls are authorised to be held within the same County or Riding the election shall commence at each of the said places alternately, and the election shall be closed at the first place, unless the Returning Officer be required to transfer it to the second place by any three Electors, or a Candidate, or a person declaring himself the representative of a Candidate: it is to be opened at the second place after an interval of not less than one or more than three days, and it may be closed at the second, or continued to the third or fourth place, as the case may be, under the like rules.

8. *And be it, &c.* That Sunday, Good Friday and Christmas day, shall not be accounted as days for the purposes of this Act.

9. *And be it, &c.* That at the opening of the poll of any election, proclamation thereof shall be made, and proclamation shall also be made of each adjournment, and of the opening and closing of the poll on each day of the election.

10. *And be it, &c.* That no Returning Officer shall vote at the election for which he is acting, unless at the time of finally closing the poll, when he is authorised to give a casting vote in case the votes be equal; but he may be a Candidate at the election for any other county, town or place.

11. *And be it, &c.* That in case the Returning Officer shall die during the continuance of any election, the Poll Clerk is hereby authorized and required to act in his room and stead.

12. *And be it, &c.* That all elections shall be free; and no person by force of arms, menacing, malice or otherwise, shall presume to hinder, disturb or molest, any Elector in the free exercise of the right of choosing his Representative in the Legislature; and during an election no civil process shall be served in any City, Town, County or Riding, on any Elector entitled to vote therein.

13. *And be it, &c.* That every person before voting at any election shall, if required, take the following oath against bribery and corruption, which may be administered to him by the Returning Officer:

"I, A. B. do swear that I have not received, or had by myself, "or by any other person whomsoever in trust for me, or for my "own use and benefit, directly or indirectly, any sum or sums of "money, office, employment, gift or reward, or any promise or "security for any sum or sums of money, office, employment, gift "or reward, in order to give my vote at this Election."

14. *And be it, &c.* That no fee or reward shall be taken for administering any oath required by law to be administered to any voter or candidate, or for making, receiving or filing, any certificate thereof.

15. *And be it, &c.* That every person who shall at any election wear any distinguishing mark of any candidate, or in any way use violence or menace to impede or disturb the election, or prevent, or endeavour to prevent, any Elector from freely giving his

vote, shall incur a penalty of Ten Pounds for every offence; and all persons present are bound to obey and assist the Returning Officer in keeping order; and any person committing any violence, or being armed with offensive weapons, or carrying flags or distinctive marks of any Candidate, or disturbing, or threatening to disturb the election, or preventing the Electors from coming to vote, may be committed to prison, on view, by an order in writing of the Returning Officer, for a period not exceeding one week; and each disobedience on the part of any Officer of Militia, Peace Officer or Gaoler, to such order of the Returning Officer, shall be punishable by a fine of Ten Pounds; and every person (not being a Candidate, his Counsel, Clerk or Agent) who shall refuse to be sworn in as a Special Constable, or who shall neglect his duty as such without a legal excuse, or threatens or uses violence to any Elector who may have voted, on account of any vote he may have given, shall be deemed to be guilty of a high misdemeanor, and be subject to fine and imprisonment, in the discretion of the Court or Justices before whom the conviction shall be had.

16. *And be it &c.* That the Returning Officer for every County, City, Town or Riding, from the time they are respectively appointed Returning Officers, until the Election shall finally be declared, shall be and are hereby declared to be conservators of the Peace, and severally vested with the same powers for the preservation of the Peace and apprehension and committal for trial or holding to bail within the District in which they shall be appointed to act, all violators of the law as are vested in Justices of the Peace in this Province; and that each of the said Returning Officers is hereby required to appoint and swear in such and so many Special Constables as he may deem necessary for the preservation of peace and good order at and during any election for which he may be appointed, and for such time thereafter as may be deemed expedient and necessary.

17. *And be it, &c.* That every Justice of the Peace who, upon being required by the Returning Officer or any Candidate at any Election, or any three Freeholders within the District for which he acts as such Justice, shall unreasonably refuse or neglect to use his exertions for the preservation of the peace at such election, or shall encourage or willingly permit any violence or disorders thereat, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall, besides the punishment inflicted by the Court before which conviction is had, forfeit his office, and be forever after incapable of being appointed a Justice of the Peace in this Province.

18. *And be it, &c.* That any person who shall, either by himself or any other person whomsoever on his behalf or account, promise or engage to give any sum or sums of money, or other valuable consideration, with the intent of aiding or procuring any person or persons to be elected or returned, or shall corrupt or procure any person or persons to give or forbear to give his vote, by any gift or reward, or promise, agreement or security thereof, whether as a compensation for loss of time or for expenses in going to vote, for soliciting votes, or any other pretence whatsoever, shall be punished by fine, not to exceed twenty-five pounds, or by imprisonment, not to exceed six months, for every offence, on conviction in a Court of Justice; and any Candidate so convicted shall be disqualified from sitting and voting in the same

Parliament; and all fines imposed by the authority of this Act shall form part of the ordinary funds of the District in which the offence is committed.

19. *And be it, &c.* That if any Candidate at an election shall employ *any means of corruption,* by himself, or others in his interest and favour, *before or during* any election, to obtain votes, or to keep back votes by using threats of losing any salary or advantages, or make any promise of any gift, advantage or reward; or shall by himself, or by means of others in his interest and favor, directly or indirectly, at any time within one month before or during the election, make present of or allow to any Elector any money, or promise of money or reward, or shall by himself or by means of others, directly or indirectly, within the same time, at his cost or charge, open or support, or cause to be opened or supported, any house of public entertainment, within the County, City, Town or Riding, in which an election is held, he shall for any of these offences, on the facts being proved to the satisfaction of the House of Assembly, be punished by disqualification to sit and vote in the House, and shall not be capable of being re-elected during the continuance of the same Parliament.

20. *And be it, &c.* That if any person shall vote more than once at the same election, either at the same or a different polling place, he shall, upon conviction, be adjudged guilty of a misdemeanor.

21. *And be it. &c.* That all conveyances made for the purpose of qualifying any person to vote at any election shall be held to be good, notwithstanding any condition or agreement to defeat or re-convey the same; and the property shall be vested in the person to whom it may have been thus conveyed.

22. *And be it, &c.* That no Sheriff or Deputy Sheriff shall be capable of representing any Town, County, Riding or place, within the District for which he holds the appointment of Sheriff or Deputy Sheriff.

23. *And be it &c.* That the acceptance of any office or place of profit or emolument in the gift of the Crown, or of a pension under the Crown by any Member of the House of Assembly shall be held to be a vacation of his seat in the House, of such Member; and no Collector of Excise, Revenue or Customs Duties, shall be qualified to sit and vote in the House of Assembly during his continuance in any such office.

24. *And be it, &c.* That no man of color shall be hindred from voting, if otherwise qualified.

25. *And whereas* the laws now in force for giving the representation in the House of Assembly to certain District Towns are neither based on property nor population, nor on these principles combined, but are calculated to impair the right of the freeholders to an equal share of the representation; *Be it, &c.* That so much of the second section of the second chapter of an Act passed on the seventh day of March, 1820, entitled, "An Act for increasing the representation of the Commons of this Province in the House of Assembly," as enacts, "that in each and every Town in which "the Quarter Sessions for the District are or may by law be holden, "and in which there shall be one thousand souls, shall be repre-

"presented by one Member," shall be and the same is hereby repealed, excepting so far as its provisions apply to the City of Toronto, and the Towns of Niagara, Kingston, Brockville and Cornwall; the representation of which in the House of Assembly shall contine undiminished the same as it was before the passage of this Act.

26. *And be it, &c.* That if any person or persons shall be guilty of false swearing in any oath required by this Act, he shall, on conviction thereof, suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the laws and Statutes of this Province.

27. *And be it, &c.* That any of the Provisions of this Act may be amended, varied or repealed, by any other Act to be passed in the present Session of Parliament.

Election Law amendment Bill.

Printed by order of the Commons House of Assembly.

R. STANTON, Printer.

No. 5.

WHEREAS it is expedient that the general powers, privileges, and liabilities of corporations having Banking powers, or having the power of making loans upon pledges or deposits, or authorised by law to make insurances, should be ascertained and declared, and that regulations should be made to prevent their insolvency, to secure the rights of their creditors and stockholders, and concerning the election of their officers and directors. *Be it therefore, &c.*—That it shall not be lawful for the directors of any incorporated banking or insurance company,—

1st. To make dividends except from the surplus profits arising from the business of the corporation.

2nd. To divide, withdraw, or in any manner to pay to the stockholders, or any of them, any part of the capital stock of the corporation, or to reduce such capital stock without the consent of the Legislature.

3rd. To discount or receive any note, or other evidence of debt, in payment of any instalment actually called in and required to be paid, or with the intent of providing the means of making such payment.

4th. To receive or discount any note or other evidence of debt with the intent of enabling any stockholder to withdraw any part of the money paid in by him on his stock.

5th. To apply any portion of the funds of their corporation, except surplus profits, directly or indirectly to the purchase of shares of its own stock.

6th. To receive any such shares in payment or satisfaction of any debt due to their corporation, except as hereinafter provided.

7th. To receive from any other corporation, in exchange for the shares, notes, bonds, or other evidences of debt of their own company, shares of the capital stock of such other corporation, or notes, bonds, or other evidences of debt issued by such other corporation.

8th. To make any loans or discounts, if the corporation have banking powers, by which the whole amount of the loans and discounts of the company shall be made to exceed three times its capital stock then paid in and actually possessed.

9th. To make any loans or discounts to the directors of such corporation, or upon paper upon which such directors or any of them shall be responsible, to an amount exceeding in the aggregate one-third of the capital stock of such corporation actually paid in and possessed; but no securities taken for any such loans or discount shall be held invalid.

II. *And be it, &c.* That, in the calculation of the profits of any incorporated banking or insurance company, previous to a dividend, interest then unpaid, although due, or accrued on debts owing to the company, shall not be included.

III. *And be it, &c.* That, in order to ascertain the surplus profits from which alone a dividend can be made, there shall be charged in the account of profit and loss, and deducted from the actual profits:—

1st. All the expenses paid or incurred, both ordinary and extraordinary, attending the management of the affairs and the transactions of the business of the company.

2nd. The interest paid or then due or accrued on debts owing by the company.

3rd. All losses sustained by the company; and, in the computation of such losses, all debts owing to the company shall be included which shall have remained due without prosecution and no interest having been paid thereon for more than one year, or on which judgments shall have been recovered that shall have remained for more than two years unsatisfied, and on which no interest shall have been paid during that period.

IV. *And be it, &c.* That, when any losses shall be sustained by any such corporation that shall exceed its undivided profits then realized and possessed, they shall be charged as a reduction of the capital stock of the company, and no dividends shall thereafter be made on the shares of such stock until the deficit of capital so created shall be made good, either by the reco-

very of the moneys charged as lost, or from the subsequently accruing profits of the company.

V. *And be it, &c.* That if, from the occurrence of losses charged or proper to be charged as a reduction of its capital stock, the whole amount of the loans and discounts made by any corporation having banking powers, shall exceed three times the amount to which its capital paid in is, or ought to be reduced, it shall be the duty of the directors of such corporation to call in, and cause to be paid without delay, such a portion of such loan as shall reduce their whole amount within the limits before prescribed.

VI. *And be it, &c.* That, if any shares of its own capital stock shall be hypotheticated or pledged to any other incorporated banking or insurance company, and the debt which they shall be intended to secure shall not be paid when due, it shall be the duty of the directors of the company, within sixty days thereafter, to cause such shares to be sold; and if, within that period, such shares shall not be sold and the debt shall remain unsatisfied, the shares shall be charged at the amount actually paid thereon as a reduction of the capital stock of the company, and no dividends shall thereafter be made until the deficit so created be made good from the subsequently accruing profits of the company.

VII. *And be it, &c.* That no conveyance, assignment, or transfer of any effects for the use, benefit, or security of any such corporation, shall be valid in law unless it be made to the corporation directly and by name; but the provisions of this section shall not be construed to apply to a conveyance or assignment for the benefit of creditors in which such corporation shall be included or to a conveyance or assignment of the effects of a debtor, under the laws of this province or of any other province or country.

VIII. *And be it, &c.* That no conveyance, assignment, or transfer, not authorised by a previous resolution of its board of directors, shall be made by any such corporation of any of its real estate, or of any of its effects, exceeding the value of £250. But this section shall not apply to the issuing of promissory notes or other evidences of debt by the officers of the company in the transaction of its ordinary business, nor to payments in specie or other current money, or in bank bills made by such officers; nor shall it be construed to render void any conveyance, assignment, or transfer in the hands of a purchaser, for a valuable consideration and without notice.

IX. *And be it, &c.* That no such conveyance, assignment, or transfer, nor any payment made, judgment suffered, lien created, or security given by any such corporation when insolvent or in contemplation of insolvency, with the intent of giving a preference to any particular creditor over other creditors of the company, shall be valid in law; and every person receiving, by means of any such conveyance, assignment, transfer, lien, security, or payment, any of the effects of the corporation, shall be bound to account therefor to its creditors or stockholders, or their trustees, as the case shall require.

X. *And be it, &c.* That every director who shall violate or be concerned in violating any provision in the preceding section of this act contained, shall be liable personally to the creditors and stockholders respectively of the corporation of which he shall be a director, to the full extent of any loss they may respectively sustain from such violation.

XI. *And be it, &c.* That any director guilty of such violation, whether a loss shall or shall not result, shall be deemed guilty of a misdemeanour, punishable by fine and imprisonment, or both, in the discretion of the court by which he shall be tried.

XII. *And be it, &c.* That every director shall be deemed to possess such a knowledge of the affairs of his corporation as to enable him to determine whether any act, proceeding, or omission of its directors is a violation of the foregoing provisions of this act; and every director who shall be present at a meeting of the directors where such a violation shall happen, shall be deemed to have concurred therein, unless he shall, at the same time, cause, or in writing require, his dissent therefrom to be entered at large in the minutes of the directors, and also give immediate notice, in writing, to one of the bank commissioners to be appointed by authority of this act.

XIII. *And be it, &c.* That every director, not present at a meeting when such a violation shall happen, shall nevertheless be deemed to have concurred therein, if the facts constituting such violation appear on the books of the company, and he remain a director of the same company for three months thereafter, and do not within that time—namely, at the then next ensuing meeting at which he shall be present—cause, or in writing require, his dissent from such illegal proceeding to be entered at large in the minutes of the directors,

and also give immediate notice, in writing, to one of the bank commissioners appointed by authority of this act.

XIV. *And be it, &c.* That every insolvency of an incorporated banking or insurance company shall be deemed fraudulent unless its affairs shall appear upon investigation to have been fairly and legally administered, and, generally, with the same care and diligence that agents receiving a compensation for their services are bound by law to observe; and it shall be incumbent on the directors and stockholders of every such insolvent corporation to repel, by proof, the presumption of fraud.

XV. *And be it, &c.*, That in every case of a fraudulent insolvency, the directors of the insolvent company by whose acts or omissions the insolvency was wholly or in part occasioned, and, whether then in office or not, shall each be liable to the stockholders and creditors of the company for his proportional share of their respective losses; the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its re-imbursement; but this section shall not be construed to diminish the liability of directors as before declared, who shall have violated or have been concerned in violating the foregoing provisions of this act.

XVI. *And be it, &c.*, That if the monies remaining due to the creditors of a corporation whose insolvency shall be adjudged fraudulent after the distribution of its effects shall not be collected in whole or in part from the directors liable for their reimbursement, the deficiency shall be made good by the contribution of the stockholders of the company—the whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock, and the sum necessary to be paid on each share shall be then ascertained, and each stockholder shall be liable for the sum assessed on the number of shares held by him, not exceeding the nominal amount of such shares, in addition to the sums paid or which he may be liable to pay on account of those shares.

XVII. *And be it, &c.*, That if the amount assessed on the shares of any stockholder under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency or his absence from this province, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder at any time within six months previous to the insolvency of the company shall have received a transfer of the shares or any portion of the shares then held by him; and every person having made such transfer, shall be liable in the same manner and for the same proportion that he would have been liable had he continued to hold the shares so transferred.

XVIII. *And be it, &c.*, That the term "Stockholders" as used in the preceding sections of this act, from the 14th section inclusive, shall extend to every equitable holder of stock appearing upon the books of an insolvent company in the name of another person, and to every person who shall have advanced the instalments or purchase money of any shares of stock standing in the name of any of his children under the age of 21 years; but no person holding stock as an executor or administrator, or as a guardian or trustee appointed by a last will or testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of 21 years, shall be individually responsible on account of the shares so held.

XIX. *And be it, &c.*, That it shall be the duty of every incorporated banking or insurance company on the first day of January after its incorporation, and annually on the same day thereafter, to make out and transmit to the Receiver General in the form prescribed by him, a full statement of its affairs, verified by the oaths of its President and Cashier, or Treasurer and Secretary.

XX. *And be it, &c.*, That each statement so transmitted shall contain,

1st. The amount of the capital stock of the corporation paid in or invested according to the provisions of its charter, and the amount of such stock as then possessed.

2nd. The value of the real estate of the corporation, specifying what portion thereof is occupied by the company as necessary to the transaction of its business.

3rd. The shares of the stock held by such corporation whether absolutely or as collateral security; specifying each kind and description of stock, and the number and value of the shares of each.

4th. The debts owing to the corporation, specifying such as are owing from other incorporated banking or insurance companies, the names of such corporations, and the amount due from each; and also specifying the amount secured by bond and mortgage, or judgment, the amount which according to

the provisions of this act ought to be included in the computation of losses, and the total amount of such debts then collectable.

5th. The amount of debts owing by the corporation, specifying such as are payable on demand, and such as are due to other incorporated banking or insurance companies; the names of such corporations, and the amount due to each.

6th. The amount of the claims against the corporation not acknowledged by it as debts.

7th. The amount for which the corporation is bound as surety, or for which it may become liable on the happening of contingent events, whether upon policies of assurance or otherwise; and

8th. If the statement be from a corporation having banking powers, the amount of its notes or bills then in circulation, of its loans and discounts, and of specie on hand.

XXI. *And be it, &c.*, That each statement subsequent to the first so transmitted, shall also contain,

1st. The amount of the losses of the corporation charged, specifying whether charged on its capital or profits, since its last preceding statement, and of its dividends declared and made during the same period.

2nd. The average amount for each month during the preceding year, of the debts due to and from the corporation.

3rd. If the statement be from a corporation having banking powers, the amount on the 1st day of July of the same year, of its notes or bills in circulation, of its loans and discounts, and of its specie on hand; and,

4th. A list of the stockholders, with the number of shares held by them respectively.

XXII. *And be it, &c.*, That every corporation that shall neglect to make out and transmit the statement required for one month beyond the period when by law it ought to be made, may be proceeded against and dissolved as an insolvent corporation.

XXIII. *And be it, &c.*, That it shall be the duty of the Receiver General to enter every such statement received by him in a book to be provided by him for that purpose, and which shall at all times during office hours be open to public inspection.

XXIV. *And be it, &c.*, That if it shall appear to the Receiver General from any statements received by him, that the provisions of its charter or of this act have been violated by any corporation, or that there is reason to apprehend that any corporation is or will become insolvent, it shall be his duty to report the facts, together with his opinion thereon, without delay to the person administering the government.

XXV. *And be it, &c.*, That it shall be the duty of the Receiver General to prepare forms of the statements above prescribed, and to transmit a copy thereof, together with such instructions as he may deem necessary, to every corporation which is or shall be bound to furnish such statements under the provisions of this act.

XXVI. *And be it, &c.*, That it shall and may be lawful for the Lieutenant Governor to appoint a fit and discreet person, holding no stock in any banking corporation, a commissioner, whose duty it shall be to visit every banking corporation, at least, once every six months, to examine thoroughly all its books, papers, notes, bonds, and other evidences of debt; to compare its funds and property with the statements made or to be made by it, as provided in this act; to ascertain the quantity of specie on hand, and generally to make such other enquiries as may be necessary to ascertain its actual condition and ability to fulfil all its engagements: that the said commissioner shall have power to examine upon oath all the officers, servants, or agents of banking corporations, or any other person in relation to the affairs and condition of such corporations, which oath the said commissioner is personally authorised to administer.

XXVII. *And be it, &c.*, That it shall be the duty of every commissioner appointed as aforesaid to report to the Lieutenant Governor, or administrator of the government, for the information of the Legislature, immediately upon concluding his examination and inquiry into the condition of any incorporated banking company, such facts and statements concerning such company, as such commissioner may deem useful. But such commissioner shall not disclose the names of the debtors of any corporation examined by him, or any information obtained in the course of such examination, unless required in a Court of Justice or in the course of some proceeding authorised by this act.

XXVIII. *And be it, &c.*, That if any incorporated banking company shall have suspended the payment of their bills in specie for ninety days, or shall refuse to allow their officers to be examined upon oath by such commissioner

in relation to the affairs and condition of such corporation, such corporation shall be proceeded against and dissolved in manner following:

It shall be lawful for the Lieutenant Governor or administrator of the Government to direct a scire facias to be sued out of the Court of King's Bench, which shall be executed upon the president or other presiding officer of such banking company for the time being, at least fifteen days before the term of the said court, calling on the said corporation to show cause why their charter should not be declared forfeited; and it shall be lawful for the said court upon the return of the said scire facias to examine into the truth of the alleged violation, and if such violation be made appear, then to pronounce and adjudge that the said charter is forfeited and annulled.

Provided, however, that every issue of fact which may be joined between His Majesty and the corporation aforesaid shall be tried by jury, who may be a special jury if either party require it; and it shall be lawful for the court aforesaid to require such of the books of the corporation as it may deem necessary for the ascertainment of the controverted facts, and the final judgment of the court aforesaid shall be examinable in the
and may be there reversed or affirmed according to the usages of law.

XXIX. *And be it, &c.*, That if at any time the president, directors and company of any incorporated banking company shall neglect or refuse for ten days after demand at their banking house, during the regular hours of business, to redeem in specie any evidence of debt issued by the said company, the said president, directors and company shall discontinue and close until they resume payments as aforesaid, all their operations and business except the securing and collecting all debts due to, or to become due to the said company, unless they shall be permitted to proceed in their ordinary banking operations under the section next following:

XXX. *And be it, &c.*, That the said banking company may, after the payment of their debts shall have been refused, apply to the Court of King's Bench by petition accompanied by a full disclosure of the state and affairs of the said company for leave to proceed in their business, and if the said court, after due examination, shall find that the proceedings of the said company have been fair and without fraud, and that such company are in a condition to resume their operations, they, the said court, may by an order to be entered in their minutes, permit the said company so to do.

XXXI. *And be it, &c.*, That the said banking company shall be liable to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of 15 per cent. per annum from the time of such refusal until the payment of such evidence of debt and the damages thereon.

XXXII. *And be it, &c.*, That no corporation having banking powers shall issue for circulation any bill or promissory note of a less denomination than one dollar.

XXXIII. *And be it, &c.*, That no corporation having banking powers shall issue any note of the said corporation unless the same shall be made payable on demand, and without interest.

XXXIV. *And be it, &c.*, That all bills, notes, or other instruments which shall be issued by any incorporated banking company, purporting to be receivable in payment of debts due to such company, shall be deemed and taken to be promissory notes for the payment on demand of the sum or value expressed in such instrument; and such sum shall be recoverable by the holder or bearer of such instrument in like manner as if the same were a promissory note.

XXXV. *And be it, &c.*, That no person shall give, pay, or receive in payment, or in any way circulate, or attempt to circulate, any bank bill or any promissory note, bill, check, draft, or other evidence of debt issued by any incorporated banking company, which shall be made payable otherwise than in lawful money of this Province, or of the United Kingdom of Great Britain and Ireland.

XXXVI. *And be it, &c.*, That no corporation having banking powers, and none of its directors, officers, agents or servants shall directly or indirectly purchase or be interested in the purchase of any promissory note or other evidence of debt, issued by such corporation, for a less sum than shall appear on the face thereof to be then due; and every person violating the provisions of this section shall forfeit three times the nominal amount of the note or other evidence of debt so purchased.

XXXVII. *And be it, &c.*, That no president, director, cashier, clerk, or agent of any corporation having banking powers, and no person in any way

interested or concerned in the management of the affairs of any such corporation, shall discount, or directly or indirectly make any loan upon any note or other evidence of debt which he shall know to have been offered for discount to the directors or any officer of such corporation, and to have been refused, and every person violating the provisions of this section, shall for each offence forfeit twice the amount of the loan which he shall have made.

XXXVIII. *And be it, &c.* That no incorporated banking company, to which a charter shall hereafter be granted, shall commence the business for which it shall be incorporated, until its president and cashier, or treasurer or secretary, or its two principal officers, by whatever name they may be described, shall have made and subscribed an affidavit stating that the capital stock of such corporation, or such portion thereof as, by its charter, shall be required to be paid, or secured before the commencement of its operations, has been actually paid, or secured to be paid, according to the provisions of its charter.

XXXIX. *And be it, &c.* That every such affidavit shall be made before one of His Majesty's Justices of the Court of King's Bench, or before one of the Judges of the District Court, and shall be recorded in the Register-Office of the county or district in which the corporation shall be situated.

XL. *And be it, &c.* That the charter of every such corporation shall be void if the affidavit above required shall not be duly made and filed within one year from the time such charter shall be granted.

XLI. *And be it, &c.* That, at every election for directors in any incorporated banking or insurance company, three persons shall be chosen by the persons entitled to vote for inspectors at the next succeeding election, whose duty it shall be to act as such, and any two of whom shall be competent to act. Each acting inspector shall be entitled to a reasonable compensation for his services, to be paid by the corporation for which he is chosen.

XLII. *And be it, &c.* That the directors of the corporation shall supply any vacancy that may occur by the death or removal, from the town or county where the corporation shall be situated, of any such inspector, or by his refusal to serve or neglect to attend on the day of election.

XLIII. *And be it, &c.* That no person shall be chosen or appointed an inspector of an election of directors in a corporation of which he shall be a director or officer.

XLIV. *And be it, &c.* That every such inspector, before he shall enter on the duties of his office, shall take and subscribe the following oath before any officer authorised by law to administer oaths:—"I do solemnly swear that I will execute the duties of an inspector of the election, now to be held, with strict impartiality and according to the best of my ability."

XLV. *And be it, &c.* That, at every election of directors, the transfer books of the corporation shall be produced to test the qualifications of the voters, and no persons shall be admitted to vote directly, or by proxy, except those in whose names the shares of the stock of the corporation shall stand on such books and shall have so stood for at least 30 days previous to the election.

XLVI. *And be it, &c.* That no person shall be admitted to vote on any shares of stock belonging or hypotheticated to the corporation in which the election is held, nor shall any person be admitted to vote on any shares of stock which shall be then hypotheticated or pledged as a collateral security to any other person or company.

XLVII. *And be it, &c.* That no person shall be admitted to vote on any shares which shall have been transferred to him for the sole purpose of enabling him to vote thereon at the election then to be held; nor upon any shares which he shall have previously contracted to sell or transfer after the election, upon any condition, agreement, or understanding, in relation to his manner of voting at such election.

XLVIII. *And be it, &c.* That every person offering to vote may be challenged by any other person authorised to vote at the same election; and to every person, so challenged, one of the inspectors shall administer the following oath:—"You do swear (or affirm, as the case may be,) that the shares on which you now offer to vote, do not belong, and are not hypotheticated to the—(naming the corporation for which the election is held,)—and that they are not hypotheticated or pledged to any other corporation or person whatever; that such shares have not been transferred to you for the purpose of enabling you to vote thereon at this election, and that you have not contracted to sell or transfer them upon any condition, agreement, or understanding, in relation to your manner of voting at this election.

XLIX. *And be it, &c.* That no person shall be permitted to vote upon the proxy of a stockholder unless he shall produce, annexed to his proxy, an affidavit of such stockholder, stating the same facts to which the oath of such stockholder might have been required upon a challenge, had he offered to vote in person on the shares mentioned in the proxy.

L. *And be it, &c.* That if any person, offering to vote upon a proxy, shall be challenged by an elector, he shall be required to take the following oath, to be administered to him by one of the inspectors:—"You do swear (or affirm, as the case may be,) that the facts stated in the affidavit annexed to the proxy upon which you now offer to vote, are true according to your belief, and that you have made no contract or agreement whatever for the purchase or transfer of the shares, or any portion of the shares, mentioned in such proxy.

LI. *And be it, &c.* That if any person, duly challenged, shall refuse to take the proper oath, his vote shall be rejected, and shall not be afterwards received at the same election; if he shall take the oath, his vote shall be received.

LII. *And be it, &c.* That, if an election for directors in any such corporation shall not be held on the day appointed by law, it shall be the duty of the directors to notify, and cause such election to be held within sixty days after the day so appointed; and, on the day so notified, no persons shall be admitted to vote except those who would have been entitled had the election taken place on the day when by law it ought to have been held.

LIII. *And be it, &c.* That no by-law of any such corporation regulating the election of its directors, shall be valid, unless it shall be made at least sixty days before the day appointed by law for the election to be held, and shall have been published for at least four weeks in succession immediately following its enactment, in two newspapers in the town or county where the corporation is situated, or, if there are no newspapers published in the town or county, then the said by-law shall be published in the Upper Canada Gazette.

LIV. *And be it, &c.* That every such corporation shall keep a book in which the transfer of shares of its stock shall be registered, and another book containing the names of its stockholders; which books shall at all times during the usual hours of transacting business, for thirty days previous to an election of directors, be open to the examination of the stockholders.

LV. *And be it, &c.* That if any officer, having charge of such books, shall, upon the demand of a stockholder, refuse or neglect to exhibit and submit them to examination, he shall for each offence forfeit the sum of fifty pounds.

LVI. *And be it, &c.* That no transfer of any stock in any such corporation shall be valid until such transfer shall have been registered in the book kept for that purpose by the directors; which books shall, at all reasonable times during the hours of transacting business, be kept open to the examination of any person having in his possession any note, bill, or other evidence of debt issued by such corporation, the payment of which shall have been refused.

LVII. *And be it, &c.* That, if any person shall conceive himself aggrieved by an election or any proceeding concerning an election of directors or officers in any such corporation, he may apply to the Court of King's Bench for redress, giving a reasonable notice of his intended application to the party to be affected thereby.

LVIII. *And be it, &c.* That it shall be the duty of the Court of King's Bench, upon such application, to proceed forthwith, in a summary way, to hear the proofs and allegations of the parties, or otherwise to inquire into the causes of complaint, and thereupon to make such order and grant such relief as the circumstances and justice of the case shall seem to require. If the election complained of shall be set aside, the Court of King's Bench may order a new election, at such time and place as they shall appoint.

LIX. *And be it, &c.* That the Court of King's Bench, if they cannot otherwise arrive at a satisfactory result, may order an issue between the parties, to be made up in such manner and form, and to be tried in such court as they shall select, or may permit or direct the Attorney-General to file an information in the nature of a *quo warranto*, if the case be one in which that proceeding would be competent and effectual.

LX. *And be it, &c.* That, if any such issue shall be ordered, or information permitted or directed to be filed, it shall be the duty of the Court of King's Bench to make such further orders in relation to the time and mode

of pleading, the examination of witnesses or the parties, the production of books and papers, and the time and place of trial, or hearing, as shall in their judgment be effectual for expediting the proceedings, saving expense to the parties, and causing a final determination to be had with as little delay as the nature of the controversy will permit.

LXI. *And be it*, &c. That the term "Directors," as used in this act, shall be construed to embrace all persons having by law the direction or management of the affairs of any such corporation, by whatever name they may be described in its charter or known in law.

LXII. *And be it*, &c. That the term "effects," as used in this act, shall be construed to embrace every species of property, real and personal, including things in action.

LXIII. *And be it*, &c. That the term, "evidence of debt," as so used, shall be construed to embrace every written instrument or security for the payment of money importing on its face the existence of a debt, and whether under seal or otherwise.

LXIV. *And be it*, &c. That every corporation, as such, shall have power—

1st. To have succession, by its corporate name, for the period limited in its charter; and, when no period is limited, for thirty-three years.

2nd. To sue and be sued, complain and defend, in any court of law or equity.

3rd. To make and use a common seal, and alter the same at pleasure.

4th. To hold, purchase, and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited in its charter.

5th. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation.

6th. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

LXV. *And be it*, &c. That the powers enumerated in the preceding section shall vest in every corporation that shall hereafter be created, although they may not be specified in its charter, or in the act under which it shall be incorporated.

LXVI. *And be it*, &c. That, in addition to the powers enumerated in this act, and to those expressly given in its charter, or in the act under which it is or shall be incorporated, no corporation shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated and given.

LXVII. *And be it*, &c. That no corporation created, or to be created, and not expressly incorporated for banking purposes, shall, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidences of debt, of receiving deposites, of buying gold and silver, bullion or foreign coins, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt upon loan, or for circulation as money.

LXVIII. *And be it*, &c. That, where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay, on each share held by him, the sum necessary to complete the amount of such share, as fixed by the charter of the company, or such proportion of that sum as shall be required to satisfy the debts of the company.

LXIX. *And be it*, &c. That, when the corporate powers of any corporation are directed by its charter to be exercised by any particular body or number of persons, a majority of such body or persons, if it be not otherwise provided in the charter, shall be a sufficient number to form a board for the transaction of business; and every decision of a majority of the persons assembled as a board shall be valid as a corporate act.

LXX. *And be it*, &c. That if any corporation, hereafter created by the Legislature, shall not organize and commence the transaction of its business within one year from the date of its incorporation, its corporate powers shall cease.

LXXI. *And be it*, &c. That the charter of every corporation that shall hereafter be granted by the Legislature shall be subject to alteration, suspension, and repeal, in the discretion of the Legislature.

LXXII. *And be it*, &c. That, upon the dissolution of any corporation created, or to be created, and unless other persons shall be appointed by the Legislature, or by some court of competent authority, the directors or mana-

gers of the affairs of such corporation, at the time of its dissolution, by whatever name they may be known in law, shall be the trustees of the creditors and stockholders of the corporation dissolved, and shall have full power to settle the affairs of the corporation, collect and pay the outstanding debts, and divide among the stockholders the moneys and other property that shall remain, after the payment of debts and necessary expenses.

LXXIII. *And be it*, &c. That the persons so constituted trustees shall have authority to sue for and recover the debts and property of the dissolved corporation by the name of the trustees of such corporation, describing it by its corporate name, and shall be jointly and severally responsible to the creditors and stockholders of such corporation, to the extent of its property and effects that shall come into their hands.

LXXIV. *And be it*, &c. That all such by-laws and regulations as the directors of any corporation shall hereafter make, shall be submitted to a general meeting of the stockholders;—provided always, that a month's public notice shall be previously given of the intention of the directors to submit such by-laws and regulations for revision.

LXXV. *And be it*, &c. That it shall be lawful for any number of stockholders in any banking corporation, not less than twenty, who together shall be proprietors of 250 shares of the capital stock of the said bank, to have power at any time, either by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the affairs of the corporation, giving at least six months' notice thereof in the public newspapers, and specifying in such notice the object of such meeting, and the time and place thereof.

LXXVI. *And be it*, &c. That it shall not be lawful for any person, from and after the first day of July next, to pass, circulate, or receive in payment, within this Province, any bank-note, bill, or promissory note for the payment of money, under or of a less denomination than one pound five shillings current money of this Province, unless such bill or note shall be made payable within this Province, by the person or persons, partner or partners, company or corporation issuing the same.

LXXVII. *And be it*, &c. That any person offending against any of the provisions of the preceding section, shall forfeit the nominal amount of such bank-note, bill, or promissory note, with costs of suit, to be recovered in the name and for the use of any person who shall sue for the same, and prosecute such suit to judgment in any court having competent jurisdiction within this Province.

LXXVIII. *And be it*, &c. That the provisions of this act shall apply to every incorporated banking and insurance company which may or shall be erected during the present session of the Legislature, or whose charter may or shall be renewed or extended during the present or during any future session of the Legislature; unless such corporation shall be expressly exempted from the provisions of this act, in the act creating, renewing, or extending such corporation, and the provisions of this act shall not be construed to apply to the incorporated Bank of Upper Canada unless its charter should be renewed or extended.

LXXIX. *And be it*, &c. That it shall not be lawful for any corporation to charge or receive the premium of exchange on any draft made by them which shall be applied to the payment of any bill, note, or other evidence of debt due to such corporation; or to be interested in the fees of any notary, who is hereby prohibited from receiving of an officer of the bank more than for a protest or notice upon any note or bill payable at such bank.

LXXX. *And be it*, &c. That it shall be the duty of the bank commissioners to be appointed under the authority of this act to examine, under oath, the officers of all incorporated banks, touching the practice of exacting a premium on drafts as connected with the business of discounting; and to report to the Legislature on this or any other such practice.

BILL

FOR THE

GENERAL REGULATION

OF

BANKING

IN THE

Province of Upper Canada.

BY ORDER OF THE HOUSE OF ASSEMBLY.

FEBRUARY, 1836.

J. H. Lawrence, Printer, Guardian Office.

No. 6.

A DESPATCH

FROM THE

RIGHT HONORABLE LORD GLENELG,

HIS MAJESTY'S SECRETARY OF STATE FOR THE COLONIES,

TO HIS EXCELLENCY

Sir Francis Bond Head,

Lieutenant Governor of Upper Canada;

Containing His Majesty's answer to the separate Addresses and representations which proceeded from the Legislative Council and House of Assembly, during the first Session of the present Parliament; and His instructions to the Lieutenant Governor.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, the communication alluded to in His Speech to the two Houses of the Legislature, on the 27th instant.

The Lieutenant Governor was commanded by His Majesty, to communicate "the substance" of his Instructions, to both Houses of the Provincial Parliament; but considering it would be more satisfactory to them to receive the whole, he accordingly transmits it herewith.

Government House,
30th January, 1836.

(COPY.)

DOWNING-STREET,
December 15*th*, 1835.

SIR:

I have the honor herewith to transmit to you, a Commission under His Majesty's Sign Manual, appointing you Lieutenant Governor of the Province of Upper Canada.

You have been selected for this office at an era of more difficulty and importance than any which has hitherto occurred in the History of that part of His Majesty's Dominions. The expression of confidence in your discretion and ability which the choice itself implies, would only be weakened by any more formal assurance which I could convey to you.

In the following instructions I shall presuppose your knowledge of many occurrences, the correct understanding of which, is essential to the discharge of the duties to which you are called, but which it is unnecessary for me to recapitulate. As, however, a more exact acquaintance with Canadian affairs is indispensable for your guidance in the administration of the Government of Upper Canada, I think it right to refer you to those sources of information on which you will be able most safely to rely. Amongst these, the first place is due to the Journals of the Legislative Council, and of the House of General Assembly. The Appendices subjoined to the annual summary of the proceedings of the two Houses, contain a fund of information on almost every topic connected with the statistics and political interest of the Province; and to those reports you will be able to resort with far greater confidence than to any other source of similar intelligence. The report of the committee of the House of Commons of the year 1828, with the evidence, oral and documentary, to which it refers, will also throw much light on the progress and the actual state of the questions agitated in the Upper Province. The correspondence of my predecessors and myself, with the officers who have successively administered the Provincial Government, will of course engage your careful attention.

In Upper Canada, as in all other countries which enjoy the blessing of a free Constitution, and of a Legislature composed in part of the representatives of the people, the discussion of public grievances, whether real or supposed, has always been conducted with an earnestness and freedom of enquiry of which, even when occasionally carried to exaggeration, no reasonable complaint can be made. The representatives of the Canadian people, if departing at times from the measured style and exact terms in which the investigation of truth may perhaps be most successfully conducted, have yet, even in the agitation of questions the most deeply affecting the interests of their constituents, exhibited a studious respect for the person and authority of their Sovereign, and a zealous attachment to the principles of their balanced constitution. Until the last session of the Provincial Parliament, the remonstrances of the House were chiefly confined to insulated topics of complaint; discussions, indeed, occasionally arose, and

discontent was occasionally manifested; but it may be affirmed that, generally, there subsisted a spirit of amicable co-operation between the Executive Government and the Legislature.

The cession by His Majesty of the revenues raised under the statute 14 Geo. 3rd, cap. 88, to the appropriation of the House of Assembly, was a gratuitous and unsolicited act, and was accepted by that body in a spirit of grateful cordiality.

I will not pause to recapitulate the events which immediately preceded, if they did not produce the interruption of this mutual good understanding. It is sufficient for my present object to observe that the relations which had formerly subsisted between the Executive Government and the Representatives of the people underwent an entire change, immediately after the elections which took place in the autumn of 1834. The supporters of the local government now for the first time found themselves in a constant minority on every question controverted between them and their political antagonists. A committee of grievances was appointed, by which a report was made impugning the administration of affairs in every department of the public service, and calling for remedial measures of such magnitude and variety as apparently to embrace every conceivable topic of complaint. Having adopted his report, and having directed its publication, in an unusual form, the House transmitted through the Lieutenant Governor to the King, an address, in which some of the more considerable of the claims of the committee were urged in terms of no common emphasis. It will be your first duty, on the assumption of the Government to convey to the House the answer which His Majesty has been advised to return to these representations.

I cannot proceed to explain the terms of that answer without the preliminary remark with a view to which the preceding statement has been chiefly made. Whatever may be the justness of the complaints now preferred respecting the general principles on which the public affairs of the Province have been conducted, the representatives of the people of Upper Canada are at least not entitled to impute to the confidential advisers of the King, any disregard of their remonstrances. The greater part of the grievances detailed by the committee and the House, are now for the first time brought by them under His Majesty's notice. My predecessor, the Earl of Ripon, in his despatch of the 3th of November, 1832, to Sir John Colborne, was commanded by the King to state that "there was no class of the Canadian peo-"ple, nor any individual amongst them, to "whose petitions His Majesty did not re-"quire that the most exact and respectful "attention should be given." His Majesty has never ceased to be actuated by the spirit which dictated those instructions, and of course will not deny to the House of General Assembly that careful investigation of the grounds of their complaints which he graciously pledged himself to bestow on the representation of any individual petitioner. I feel myself, therefore entitled on behalf of His Majesty's Government, to object to any resort on the part of the House to that ulterior measure to which they allude but which they will feel with me is to be justified only by an extreme emergency.

I now proceed to the consideration of the various topics embraced in the seventh report of the Committee of Grievances, and in the addresses of the two Houses to His Majesty. And I shall advert to them in the order in which they are pursued in the report itself.

In the following pages if any subject should appear to be passed over without due regard, you will understand that I have, at least, been guilty of no intentional omission, but have, in obedience to His Majesty's commands, made it my endeavour to meet every question which the Committee and the House have thought it necessary and proper to raise.

1st. It is stated that "the almost un-"limited extent of the patronage of the "Crown, or rather of the Colonial Minis-"ter for the time being, and his advisers "here, together with the abuse of that "patronage, are the chief sources of Co-"lonial discontent. Such (it is added) is "the patronage of the colonial office, that "the granting or withholding of supplies "is of no political importance unless as "an indication of the opinion of the coun-"try concerning the character of the gov-"ernment, which is conducted on a sys-"tem that admits its officers to take and

"apply the funds of the colonists without "any legislative vote whatever." The committee then proceed to an enumeration of the various public offices, and the different departments and branches of the public service, over which this patronage is said to extend; & by bringing the whole into one view, they suggest what must be the amount of the authority and influence accruing to the Executive Government from these sources.

The statement is substantially this—that the number of public offices in the colony is too great; and that the patronage, instead of being vested, as at present, in the crown, and the local representative of the the crown, should be transferred to other hands.

In the long enumeration of places at the disposal of the Executive Government of Upper Canada the committee have not adverted to one consideration to which I think that great prominence might justly be assigned. It is perfectly true, as it is quite inevitable, that in Upper Canada, as in other new countries, the number of public employments is, and will be, far larger in proportion than in older and more densely peopled states. The general machinery of government must be the same in a scanty as in a large and redundant population—corresponding departments of the public service, whether legislative, judicial, or administrative, must exist in both. And in a new country, besides, there will be some establishments for which in the settled states of Europe, no counterpart can be found. Such, for example, are all which relate to the allocation, surveying, and granting of wild lands. Nor is it to be forgotten, that in the early stages of such a society, many duties devolve upon the government, which, at a more advanced period, are undertaken by the better educated and wealthier classes, as an honorable occupation of their leisure time. Thus in the Canadas, although the mere text of the law would there as in England, authorise any man to prefer and prosecute an indictment in His Majesty's name, yet virtually and in substance the prosecution of all offences is confided to the government or its officers. These causes have inevitably tended to swell the amount of the patronage of the provincial government, without supposing any peculiar avidity on their part for the exercise of such power.

With respect to the patronage of the requisite officers, His Majesty's Government are not solicitous to retain more in their own hands, or in those of the Governor, than is necessary for the general welfare of the people and the right conduct of public affairs. I confess myself, however unable to perceive to whom the choice amongst candidates for public employment could with equal safety be confided. It requires but little foresight or experience to discover that such patronage if exercised in any form of popular election, or if committed to any popular body, would be liable to be employed for purposes far less defensible, and in a manner less conducive to the general good: chosen by irresponsible patrons, the public officers would themselves be virtually exempt from responsibility, and all the discipline and subordination which should connect together in one unbroken chain the King and His Representative in the Province down to the lowest functionary to whom any portion of the powers of the State may be confided, would be immediately broken.

I conclude, therefore, that as in such a country as Canada, there must exist a number of public officers, large in proportion to the present number and wealth of the inhabitants, so the selection of them must for the most part be entrusted to the head of the local government.

I disclaim, however, on the part of the Ministers of the Crown every wish to urge these general principles beyond their just and necessary limits. There are cases in which I think according to the analogy of similar cases in this country, the patronage now said to be exercised by the Lieutenant Governor might with perfect safety and propriety, be transferred to others.—On this subject, however, it will be more convenient to state the general principle than to attempt the specific and detailed application of it at this distance from the scene of action.

That principle is to maintain entire, by the nomination and removal of public officers, that system of subordination which should connect the head of the government with every person through whose instrumentality he is to exercise the various delegated prerogatives of the crown.

What is necessary for this end must be retained.—Whatever patronage is unnecessary for the maintenance of this principle should be frankly and at once abandoned.

It is noticed in the report as an aggravation of the evils of the government patronage that almost every public officer holds his place at the pleasure of the crown. I cannot disguise my opinion, that the public good would be little advanced if the subordinate functionaries held their places upon a more certain tenure. In practice indeed, though subject to certain exceptions to be hereafter noticed, no public officer is in danger of losing his employment except for misconduct or incompetency. But there are many kinds of misconduct and incompetency which could never be made a subject of judicial investigation but which yet would be destructive of the usefulness of a public officer, and ought therefore to be followed by a dismissal from the public service. Nor is it necessary to insist at any length on the evils, which would arise in the transaction of business if the subordinate officers were aware, that they were entirely independent of the good opinion of their superiors for continuance in their employments.

It is not difficult to shew in reference to any conceivable arrangement on the subject of patronage, that there will be dangers against which it is impossible to take an absolute and perfect security. I know not, however, that any less exceptionable scheme could be devised than that which at present prevails, of giving to the head of the local government the choice of the subordinate officers, and of making their places dependent on His Majesty's pleasure. To prevent, however, as far as may be possible, the continuance of any well founded ground of complaint on this head, His Msjesty disclaiming for himself and for his Representative in the Province all desire to exercise, with the view merely to patronage, the power of appointing public officers, is pleased to prescribe for your guidance, the following rules:

First—You will at the earliest opportunity enter into a diligent review of the offices in the appointment of the Crown and of the local government, as detailed in the report of the committee, and the appendix, with a view to ascertain to what extent they may, without impairing the efficiency of the public service, be reduced immediately and prospectively. You will report to me the result of your investigation, with such particular information as will enable His Majesty's government to decide in each case on the expediency of adopting your recommendation.

Secondly—If during the reference of that report to me, any occasion occur for the reduction of offices either by abolition or by consolidation, you will exercise your own discretion as to waiting for fresh instructions, or proceeding at once to the reduction. Any appointment, however, made under such circumstances, will be merely provisional. In case of the immediate abolition of any office not required for the efficient discharge of the public service, you will stipulate for such a compensation to the present holders, as the disappointment of their reasonable expectations may entitle them to receive.

Thirdly—In the prescribed revision of these offices you will make it one of your objects to form a judgment what share of the patronage of the Crown or the local government may safely and wisely be transferred to other hands. You will report to me on this subject, but refrain from taking any steps regarding it without further instructions from me.

Fourthly.—In the selection of persons to execute public trusts you will be guided exclusively by the comparison of the claims which the different candidates may derive from past services or from personal qualifications.

Fifthly.—In general you will not select for any public employment in Upper Canada any person who is not either a native or a settled inhabitant of the Province.—To this general rule occasional exceptions may be admitted; as in cases where some peculiar art or science is demanded, which no provincial candidate may be found to possess in the requisite degree. An exception must also be made in reference to those officers, who are immediately attached to your own person; in the choice of whom His Majesty does not think it right to subject you to any such restriction.

Sixthly.—As often as any office shall be vacant, which is not to be suppressed, and of which the annual emolument shall ex-

ceed two hundred pounds, you will make the appointment provisional only, and with the distinct intimation to the party elected, that his confirmation will depend entirely on the estimate which His Majesty may form of his pretensions; and you will on every such occasion signify to me, for His Majesty's information, the grounds on which you have proceeded, and the motives which have directed your choice. If His Majesty should be pleased to issue under his sign manual a warrant authorising you to make a grant of the office under the public seal of the Province, then and not till then, the appointment must be considered as finally ratified.

I trust, that in these regulations, the House of Assembly will perceive a sufficient proof of His Majesty's settled purpose to exercise this Branch of His Prerogative for no other end, than the general good of his Canadian subjects, and to prevent its being converted into an instrument of promoting any narrow, exclusive, or party designs.

2nd. Pursuing the order observed by the committee, I pass on to the subject of the Provincial Post office. Adverting to the measures which have already been taken for the redress of the grievances which have been alleged to exist in the conduct of this department, the committee observe, that "the form of a law such as the Govern-"ment would approve is before the Houses, "but its provisions (they add) are so in-"applicable and absurd, that no benefit "could be derived from their enactment."

On the measure thus characterized I am not called to give an opinion. It is, however, but fair to those by whom it was recommended to the adoption of the local legislature, to observe that it had previously undergone a most careful investigation by the Post Master General. His Majesty's government cannot have the slightest wish to urge the adoption of any measure to which well-founded and sufficient objections may exist; they are content that the bill in question should be withdrawn to make way for any other which the Assembly may be disposed to substitute for it. Perhaps, however, on approaching the question more closely, the Assembly may find it encumbered with unexpected difficulties. I fear that this will be the case, especially in reference to the intercourse by Post with all places beyond the limits of the Province itself.—You will, however, assent to any judicious and practicable scheme which the House may incorporate in any bill tendered for your acceptance; regarding as of no weight whatever, when opposed to the general convenience of the public, any considerations of patronage or of revenue derivable from this source.

3rd. Under the head of salaries and fees the committee have entered into very copious statements to shew that the emoluments of the public officers in Upper Canada are excessive, and out of all just proportion to the value of the services rendered. It is unnecessary for me to enter into these details, because as to the general principles on which it will be your duty to act on questions of this nature, there can be no room for controversy; indeed those principles will, I think, be most conveniently considered when divested of topics connected with the interests and the services of particular persons.

There is no measure of retrenchment compatible with the just claims of His Majesty's various officers, and with the efficient discharge of the public service and duty, to which the King is not disposed to give a prompt and cheerful assent. To determine what ought to be the scale of remuneration to public functionaries of different classes would require information too minute and exact to be obtained beyond the limits of the Province itself.—This would appear a very fit subject for a special enquiry, in which it might be proper to employ commissioners, to be appointed under the authority of an act of the Assembly. I have reason to suppose that the subject has never yet undergone a full and fair investigation, and therefore I do not feel myself entitled to assume the non-existence of those abuses which so readily grow up under a system which is not subjected to a careful scrutiny, conducted upon permanent and enlightened views of public economy. Even if the result of the examination should be only to shew that there is no evil of this nature to be remedied, the labour would be amply repaid, by placing so important a fact beyond the reach of all reasonable suspicion.

In dealing with existing interests the local legislature will, I doubt not, be well disposed to adopt the rules which have been uniformly taken by Parliament for the guidance of their discretion in similar cases. The saving of public money which could arise from the unexpected reduction of official incomes would not only subject numerous families to extreme distress, but, by impairing general confidence in the public credit, would weaken the foundations on which all proprietary right must ultimately repose.

The King confidently relies in his faithful subjects of Upper Canada, that they will not reduce His Majesty to the distressing alternative of either abandoning the just interests of any of his servants, or opposing himself to measures having for their object the reduction of public expenditure.

4th. Next in the order of complaints is that which relates to the amount of the Pension List. On this, as on the subject which I have last noticed, I conceive that I shall better discharge my duty by attempting to provide against any future abuse than by engaging in a minute retrospect of any which may have already occurred.—I will not even pause on the comparison, not perhaps very accurately or necessarily instituted, between the conduct of the central government of the United States of America, and that which has been pursued in one of the Provinces of the British Empire, respecting the remuneration of officers for past service.—Such pensions as have already been charged upon the revenues which were at the disposal of the crown, constitute a debt to the payment of which His Majesty's honor is pledged, nor need I state that there is no consideration so powerful as to induce the King to assent to the violation of any engagement lawfully and advisedly entered into by himself or by any of his royal predecessors.

On the other hand, His Majesty is content that the most effectual security sho'd be taken against any improvident increase of the pension list by any future grants, and is willing that a limit should be fixed by law to any charge which may hereafter be imposed upon the Provincial revenues on this account.

I do not anticipate that the Assembly of Upper Canada would wish to withhold from the King the means of rewarding faithful and zealous public services, or would think it desirable that no provision should ever be made by His Majesty to solace the declining years of those who have consumed in laborious public duties in the Colony the larger portion of their lives.

You will therefore assent to any law which may be tendered for your acceptance of which the object shall be to regulate, on a just and reasonable scale, the amount of the future pension list of Upper Canada, and to prescribe the principles upon which any pensions shall be granted.

5th. I proceed to the subject of the provision made for ecclesiastical establishments and for the maintenance of the teachers of religion of various denominations.

On this head the House of Assembly maintain opinions from which in their address to His Majesty of the 13th April, the Legislative Council have recorded their most entire and earnest dissent. The report states that "the House of Assembly "in several successive Parliaments has "expressed its entire disapprobation of "the government in attempting to uphold "particular Religious Sects by money "grants, and in the 10th and 11th Parlia-"ments has declared that it recognizes no "particular denomination as established "in Upper Canada, with exclusive claims, "powers, or privileges."

It appears that the four religious communities whose funds are aided by grants from the hereditary and territorial revenue are, those of the churches of England, and Scotland, and Rome, and of the Wesleyan Methodist Society; the last being in two divisions, which respectively take the distinct appellation of the "Canadian" and "the British."

In the last session of the Provincial Parliament a bill was passed by the Assembly, the object of which was to enable certain commissioners to sell the lands which, under the constitutional act of 1791, had been appropriated in Upper Canada to the maintenance of a protestant clergy, and to pay over the proceeds to the Receiver General, to be disposed of under the future direction of the legislature, for the promotion of education, and for no other purpose whatever.

This bill was rejected by the Legislative Council on the grounds noticed in the address from that body to His Majesty, and in a report from a select committee appointed by them to take the bill into consideration, which report is inclosed in Sir John Colborne's despatch of the 20th May, No. 20.

Your predecessor and the Council agree in the opinion, that it is vain to expect the concurrence of the two branches of the local legislature in any adjustment of this question, and they therefore invoke the interposition of Parliament; which interposition the Assembly on the other hand, deprecate with equal earnestness.

The chief practical question then, which at present demands consideration, is whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding.

First.—Parliamentary legislation on any subject of exclusively internal concern, in any British Colony possessing a Representative Assembly, is, as a general rule, unconstitutional.

It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justisfies the exception. But, important as is the question of the Clergy Reserves in Upper Canada, yet I cannot find in the actual state of the question any such exigency as would vindicate the Imperial legislature in transferring to themselves the settlement of this controversy. The conflict of opinion between the two Houses upon this subject, much as it is to be lamented, yet involves no urgent danger to the peace of society, and presents no insuperable impediment to the ordinary administration of public affairs; although a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which, in public affairs, not seldom suggests to parties, alike solicitous for the general good, some mutual surrender of extreme views and some compromise on either side of difference, which at first sight might have appeared irreconcilable.

Until every prospect of adjusting this dispute within the Province itself shall have been distinctly exhausted, the time for the interposition of Parliament will not have arrived, unless indeed, both Houses shall concur in soliciting that interposition; in which event, there would of course, be an end to the constitutional objections already noticed.

The second ground on which I think myself bound to abstain from advising his Majesty from referring this question immediately to Parliament, is that the authors of the Constitutional Act, have declared this to be one of those subjects, in regard to which the initiative is expressly reserved and recognized as falling within the peculiar province and the special cognizance of the local Legislature, although its ultimate completion is no less distinctly made to depend, in addition to the ordinary submission to his Majesty, on the acquiescence of the Imperial Parliament.

It is not difficult to perceive the reasons which induced Parliament in 1791, to connect with a reservation of land for ecclesiastical purposes the special delegation to the Council and Assembly of the right to vary that provision by any bill, which being reserved for the signification of His Majesty's pleasure, should be communicated to both houses of parliament for six weeks before that decision was pronounced. Remembering, it should seem, how fertile a source of controversy ecclesiastical endowments had supplied throughout a large part of the christian world, and how impossible it was to foretell with precision what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, parliament at once secured the means of making a systematic provision for a protestant clergy and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society then in its infant state, and of which no human foresight could divine the more mature and settled judgment.

In the controversy, therefore, respecting ecclesiastical endowments which, at present divides the Canadian Legislature, I find no unexpected element of agitation, the discovery of which demands a departure from the fixed principles of the constitution, but merely the fulfilment of the anticipations of parliament in 1791 in the exhibition of that conflict of opinion for

which the statute of that year may be said to have made a deliberate preparation. In referring the subject to the future Canadian legislature, the authors of the constitutional act must be supposed to have contemplated the crisis at which we have now arrived—the era of warm & protracted debate, which in a free government may be said to be a necessary precursor to the settlement of any great principle of national policy. We must not have recourse to an extreme remedy merely to avoid the embarrassment, which is the present, though temporary result of our own deliberate legislation.

I think therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the Clergy Reserves would be an infringement on that cardinal principle of colonial government which forbids parliamentary interference, except in submission to an evident and well established necessity.

Without expressing any further opinion at present on the general objects of the bill of last session, I think the effect of that bill would, as it appears have been to constitute the Assembly not merely the arbiters respecting the disposal of the funds to be raised by the sale of these lands, but the active and independent agents in effecting those sales, and thus to invest them with the appropriate functions of the Executive Government.

6th. The Report of the Committee next proceeds to the subject of the Land Granting Department.

Admitting that Lord Ripon's Despatch shews that the grievances under this head have been in part removed, it is observed that the extent of that relief is not very clearly shewn by the documents before the Committee.

It is difficult, or rather impossible for me to advance further in meeting the views of the Assembly thus briefly expressed, than by stating, that if any ambiguity can be pointed out in Lord Ripon's instructions respecting the grant of Lands, it shall be immediately removed, and that if His Majesty's officers in the province can be shewn to have disregarded those instructions, it will be your duty to enforce the most prompt and exact obedience to them, to the full extent of their spirit and intention; insomuch that there shall in future be no doubt, whether the grievances at which they aimed have or have not been completely removed.

7th. Respecting the Collegiate Institutions of the Province, the Assembly express their opinion, that the Upper Canada College "is upheld at great public ex-"pense, with high salaries to its principal "Masters, but that the Province, in gen-"eral, derives very little advantage from it, "and that it might be dispensed with."

His Majesty's government can have no wish to retain any charge for this establishment which may be more than adequate to provide for the effective performance of the duties of the Teachers. Any wise retrenchment of that nature may, subject to the principles already mentioned, be immediately introduced. That the Province derives little benefit from this College is a fact of which the explanation is to be found, not in the principle of the Institution itself, but in some error of management, susceptible, as it should seem, of an easy remedy. It is impossible to believe, that in Upper Canada, as in other countries, advantages the most important, would not result from a well ordered school, for the education in the elementary branches of Philosophy, Science and Literature of young men, who aspire to fill the highest offices in society. Nor can I suppose it a light benefit thus to connect together the preparatory and the final studies of youth in one systematic plan, which by rendering the initiatory school a careful preparation for the University may give to their entire education a character of solidity and consistency scarcely attainable by any other method.

I shall therefore deeply lament the abolition of a College, of which the defects would appear so remediable, and of which it does not seem easy to exaggerate the benefits.

On the subject of King's College an unfortunate difference of opinion exists between the Council and the Assembly, which each of those bodies concurs in pronouncing incurable.

His Majesty commands me to tender through you his mediation on this subject. With the previous assent of both Houses, the King will cheerfully resume the consideration of the question, in what manner a charter could be most conveniently prepared, so as to promote the interests of

Science and Literature, and the study of Theology and Moral Philosophy, with a due regard to the opinions which seem to prevail in the Province, respecting the proper constitution and objects of an University. But after having distinctly referred to the local legislature the duty of giving effect to their own wishes on the subject in the form of an act of general Assembly; His Majesty cannot at the instance of one only of the two Houses, withdraw it from their cognizance.

8th. The committee complain that a very considerable portion of the sum amounting to £31,728 18s. 11d. expended in aid of emigration from Europe, was for "articles or services not specified, and "concerning which a committee of the "House of Assembly could know nothing "unless they were to send for the detailed "accounts and vouchers, which if they "had it would be impossible to examine "at this late period of the session at which "the government sent down those state-"ments." In the Appendices to the Report, numbered 56 and 57, various items of this expenditure are noticed with apparent dissatisfaction. You will direct the public officers who have had the management of this fund to communicate to the House of Assembly, with the utmost possible promptitude, the most minute and circumstantial details and explanations connected with it, for which the House may be pleased to call.

9th. Next in order occurs the statement, that "the present system of auditing the "public accounts is altogether insufficient "for ensuring the application of the rev-"enue to the purposes for which it is in-"tended to be applied."

The remedy suggested is that of establishing a Board of Audit, of which the proceedings should be regulated by a well considered statute under a responsible government.

Deferring at present any remark on the expression "responsible government," to which I shall more conveniently advert hereafter, I must express my agreement in the position that the establishment of a Board of Audit by law is the best remedy in this case. His Majesty will gladly concur in the enactment of any law, which shall be properly framed for constituting such a Board. With a view to aid the deliberations of the Legislature, I transmit to you various documents explanatory of the constitution and proceedings of the commission for auditing the public accounts of this Kingdom.

The Assembly express their disbelief that any efficient measure of this kind will obtain the consent of the Legislative Council. I trust that this apprehension will be dispelled by the event. If unfortunately it should be confirmed, you will in the exercise of His Majesty's delegated authority, proceed at once to constitute a Board of Audit, upon the principles of that which at present exists in this kingdom, so far as the two cases may be analogous; and although I am aware that, unaided by positive legislation, such a board would be comparatively inefficient, yet no inconsiderable advance would thus be made towards the introduction of an effective system of audit.

If you should find it necessary to act on this instruction, great care must be used to prevent the new establishment from being converted into the means of any real or seeming abuse in the way of an improvident increase of the patronage of the Crown. Of a board consisting of five or three auditors, one alone should at first receive a salary, because the institution itself would be provisional only, and liable to revision so soon as a proper act could be passed for the purpose. I think it highly probable that amongst the gentlemen of the Province most conversant with its financial interests, a sufficient number would be found, who as honorary and unpaid commissioners would complete the board, and who though not engaging in the mere ordinary routine of business, would exercise a general superintendence over the more important proceedings of the commission. Especially it would be requisite to obtain such aid in determining the number and remuneration of the clerks and other subordinate officers. But it must not be forgotten that the effective remedy as the report observes, is to be found in a board established by law, and I earnestly hope that a law to that effect may pass both Houses of the Legislature.

10th. The withholding of public accounts from the House of Assembly is the next ground of complaint.

It is proposed, that to remedy this evil, a statute should be passed providing the time and manner of making such returns, and naming the officers, who should render them to the Legislature; "but" add the committee, "it is well known that such "an enactment would fail in the Council, "which has an interest in preventing the "enforcement of practical accountability "to the people."

Although I cannot permit myself to believe, that the Council would really oppose themselves to any judicious measure of this kind, I fear that such legislation would be found to involve many serious, if not insuperable difficulties. I must object to the appointment of individuals for any purpose of this kind by name in a statute, or by an authority other than that of the King. Persons so appointed would exercise a control over all the functions of the Executive government, and would have a right of inspecting the records of all public offices to such an extent as would leave His Majesty's representative, and all other public functionaries, little more than a dependent and subordinate authority.—Further such officers would be virtually irresponsible and independent.

On this subject however, His Majesty commands me to state, that there is no information connected with the receipt and expenditure of any part of the revenue of Upper Canada, which he wishes to withhold from the representatives of the Canadian people.

You will immediately on your arrival in the Province apprize the heads of every public department, by which any such funds are received or administered, that they must constantly keep in preparation to be produced to the Assembly in compliance with any addresses which may be presented to you by that House, copies and abstracts of all public accounts, and you will consider, in what form these can be drawn up so as to exhibit all material information, in the most complete and luminous manner. It will perhaps be possible to concert with the House beforehand some system for preparing such returns; and as often as they may present to you addresses for such information, you will promptly accede to their wishes, except in the extreme case, which it is difficult to suppose, of any demand of that nature being made in such a form that the compliance with it would endanger some great public interest.

11th. The report then passes to the consideration of cases in which your predecessor is charged with having failed to shew respect, even in subordinate matters to the wishes of the House of Assembly.

I will not encumber this communication by entering into a review of the particular transactions noticed by the committee in illustration of this complaint. I am not indeed sufficiently in possession of the facts to enable me to do so; nor do I think it convenient to combine a personal discussion, with a general statement of the principles by which your conduct is to be governed.

The only general direction that I have to give you on this subject is that you will always receive the addresses of the Assembly with the most studious attention and courtesy.—As far as may be consistent with your duty to the King, you will accede to their wishes cheerfully and frankly.

Should that duty ever compel you to differ from their opinion or to decline compliance with their desires, you will explain in the most direct, and, of course, in the most conciliatory terms the grounds of your conduct.

12th. The next topic of complaint is that many of the recommendations contained in Lord Ripon's despatch of the 8th Nov., 1832, have not been carried into effect. Amongst these are especially mentioned such as relate to the amendment of the Election Laws:—the non interference of His Majesty's officers at Elections:

The disclosure to the House of the recept and expenditure of the Crown Revenue:—the exclusion of Ministers of Religion from the Legislative and Executive Councils:—the reducing the costs of Elections:—the judicial independence: and the limitation of the number of public officers, who may sit in the Assembly.

Adhering without reserve or qualification to all the instructions issued under His Majesty's Commands to Lord Ripon, the King is pleased to direct, that you do adopt that despatch as a rule for the guidance of your own conduct, and that you exert your legitimate authority and influence to the utmost possible extent to carry into effect all such of His Lordship's

suggestions, as may still continue unfulfilled.

13th. The selection of Justices of the Peace is said to have been made chiefly from persons of a peculiar bias in politics, and to be the means "of extending the "power and influence of the Colonial "System." It is not in my power to verify the accuracy of this opinion; and I am happy to feel myself relieved from the necessity of such an investigation. If any such abuse exists, it cannot be too decisively or promptly remedied. Whenever any increase of the number may appear to you desirable, you will propose to any gentleman in Upper Canada possessing the necessary qualifications of knowledge, property and character and unquestionable fidelity to the Sovereign, the assumption of the office of a Justice of the Peace without reference to any political consideration.

14th. A very considerable part of the report is devoted to the statement and illustration of the fact, that the Executive Government of Upper Canada is virtually irresponsible; and the conclusion drawn from this statement is, that under the present system there can be no prospect of a good and faithful administration of public affairs.

Without entering on the one hand unnecessarily into a discussion of those general principles, to which my attention is thus invited, or digressing on the other hand into personal topics, it is enough for me to observe on the present occasion, that experience would seem to prove that the administration of public affairs in Canada is by no means exempt from the control of a sufficient practical responsibility. To His Majesty and to Parliament the Governor of Upper Canada is at all times most fully responsible for his official acts.

That this responsibility is not merely nominal, but that His Majesty feels the most lively interest in the welfare of his Canadian subjects, and is ever anxious to devote a patient and laborious attention to any representations, which they may address to him, either through their representatives or as individuals, is proved not only by the whole tenor of the correspondence of my predecessors in this office but by the despatch which I am now addressing to you.

That the Imperial Parliament is not disposed to receive with inattention the representations of their Canadian fellow subjects is attested by the labours of the committees, which have been appointed by the House of Commons during the last few years to enquire into matters relating to those provinces.

It is the duty of the Lieutenant Governor of Upper Canada to vindicate to the King and to Parliament every act of his administration. In the event of any representations being addressed to His Majesty upon the subject of your official conduct, you will have the highest possible claim to a favourable construction; but the presumptions which may reasonably be formed in your behalf will never supersede a close examination, how far they coincide with the real facts of each particular case which may be brought under discussion.

This responsibility to His Majesty and to Parliament is second to none, which can be imposed on a public man, and it is one, which it is in the power of the House of Assembly, at any time by address or petition, to bring into active operation.

I further unreservedly acknowledge that the principle of effective responsibility should pervade every department of your government; and for this reason, if for no other, I should hold that every public officer should depend on His Majesty's pleasure for the tenure of his office. If the head of any department should place himself in decided opposition to your policy, whether that opposition be avowed or latent, it will be his duty to resign his office into your hands; because the system of government cannot proceed with safety on any other principle than that of the cordial co-operation of its various members in the same general plans of promoting the public good. The inferior members of the different offices should consider neutrality on this great litigated question of Provincial policy as at once their duty and their privilege. Diligently obeying all the lawful commands of their superiors, they will be exempted from censure, if the course, which they have been directed to pursue, should issue in any unfortunate results.

Some of the members of the local government will also occasionally be representatives of the people in the Assembly, or will hold seats in the Legislative Council.

As members of the local Legislature they will of course act with fidelity to the public, advocating and supporting no measures, which upon a large view of the general interest, they shall not think it incumbent on them to advance. But if any such person shall find himself compelled by his sense of duty to counteract the policy pursued by you as the head of the government it must be distinctly understood, that the immediate resignation of his office is expected of him, and that failing such a resignation, he must as a general rule be suspended from it. Unless this course be pursued, it would be impossible to rescue the head of government from the imputation of insincerity; or to conduct the administration of public affairs with the necessary firmness and decision.

I need hardly say, that in the event of any public officer, being urged into a resignation of his place by his inability to give a conscientious support to his official superior, the merits of the question would undergo an investigation of more than common exactness by His Majesty's ministers, and that His Majesty's decision would be pronounced with a perfect impartiality towards those who had the honor to serve him in the Province, however high or however subordinate might be their respective stations.

By a steadfast adherence to these rules, I trust that an effective system of responsibility would be established throughout the whole body of public officers in Upper Canada, from the highest to the lowest, without the introduction of any new and hazardous schemes, and without recourse to any system, of which the prudence and safety have not been sufficiently ascertained by a long course of practical experience.

14th. I next advert to two subjects of far more importance than any of those to which I have hitherto adverted. I refer to the demand made partly in the report of the Committee, and partly in the address from the Assembly to His Majesty, for changes in the mode of appointing Legislative Councillors, and for the control by the Assembly of the Territorial and Casual Revenues of the Crown.

On these subjects I am to a considerable extent relieved from the necessity of any particular investigation, because claims precisely identical have been preferred by the Assembly of Lower Canada, and because in the instructions to the Commissioners of Enquiry who have visited that Province, I have already had occasion to state the views which have received His Majesty's deliberate sanction. The principles of the government in the two Sister Provinces must I am well aware be in every material respect the same. I shall, therefore, annex for your information as an appendix to this Despatch, so much of the instructions to the Earl of Gosford and his colleagues, as applies to these topics

In the prosecution of the enquiries of the Commissioners in Lower Canada, they will be instructed to enter into full and unreserved communication with you upon these questions, and to frame their report in such a manner as may enable His Majesty to adopt a just and final conclusion upon the course to be pursued respecting them in both the Canadas. For this purpose you will supply the Commissioners with all the information which you may think necessary for them to receive, and with every suggestion which you may think it expedient to make for their assistance in comparing the state of these questions in the two Provinces. If it should ultimately appear desirable, the Commission may perhaps be directed to resort to Upper Canada, there to pursue in concurrence with yourself, a more exact enquiry into these subjects than they could institute at Quebec, in reference to the affairs of the Upper Province.

In general the Earl of Gosford and his colleagues will be directed to enter into unreserved communication with you, not only on the points just mentioned, but on every subject of common interest to the two Provinces.

You on your part will conduct yourself towards them in the most cordial spirit of frankness and co-operation.

I have thus in order adverted to every subject to which the Assembly of Upper Canada have called the attention of His Majesty's government.

You will communicate to the Legislative Council, and to that House, the substance of this Despatch as containing the answer which His Majesty is pleased to make to the addresses and representations, which I have had the honor to lay before

him from the two Houses in their last Session.

I trust that in this answer they will find sufficient evidence of the earnest desire, by which His Majesty's Councils are animated to provide for the redress of every grievance, by which any class of His Majesty's Canadian subjects are affected.

I close this communication with the expression of my earnest hope, and I trust not too confident belief, that the representatives of the people of Upper Canada will receive with gratitude and cordiality this renewed proof of His Majesty's paternal solicitude for the welfare of his loyal subjects in that Province, and that laying aside all groundless distrust, they will cheerfully co-operate with the King and with you us His Majesty's Representative in advancing the prosperity of that interesting and voluable portion of the British Empire. I have the honor, &c.

GLENELG.

To Sir Francis Head, K. C. H.
&c. &c, &c.

APPENDIX.

Extract from Despatch to the Commissioners for Lower Canada, dated

Downing Street, 17th July, 1835.

"Amongst the most pressing of these, is the financial question which has given rise to so protracted a controversy.

"After the several gradations through which this question has passed, it has at length assumed the following shape:—As representatives of the people of Lower Canada, the House of Assembly claim the right of appropriating to the public service, according to their own discretion, the whole of the revenues of the Crown accruing within the Province. The claim extends to the proceeds of all parliamentary and provincial statutes, whatever may have been the original conditions of these grants;—to the funds drawn from the sale of timber and of the waste lands of the crown;—to all fines and forfeitures;—and to the income derived from the Seigneurial rights inherited by the King from his royal predecessors. In fine, the authority of the local Legislature over the income and expenditure of the Province is declared to be so extensive, as to embrace every part of that receipt and outlay; and so inalienable as to supersede even the concessions deliberately made in preceding times by the former representatives of the Canadian people.

"Without pausing to discuss the great constitutional questions which these claims involve, I content myself with referring to the undoubted fact, that the Kings of England have at all times been, in right of their crown, in possession of certain sources of revenue peculiarly their own, and of which they could not be divested, except by their own consent. In modern times, as is well known, the control of parliament over this revenue in these Kingdoms, has been established on the accession of each Sovereign to the throne, by a solemn compact made between the Crown and the House of Lords and Commons.—If therefore, the King were disposed to insist upon positive law, ancient practice, or constitutional analogy, His Majesty might readily vindicate his right to dispose of the territorial, hereditary, and casual revenue of the crown, arising in Lower Canada, towards the maintenance of the civil government in that part of his dominions. But, anxious to render his reign a blessing to his Canadian subjects, His Majesty is prepared to decline taking this ground, and to refer the decision of the question to the single test of the advantage or disadvantage to the Province, with which the proposed cession would be attended. It would be difficult to imagine any pecuniary sacrifice which would not be wisely incurred in purchasing a peaceful settlement of the dissensions of the last fifteen years.

"If pecuniary interests alone were at stake, the King would not hesitate to make this cession permanently and without conditions. They must ill indeed have understood the character and policy of the British government, who may have supposed, that the peace and well-being of this great empire has been put to hazard in a prolonged contest with the most valuable of its foreign dependencies, for the sake of a sum of money so insignificant, as to be scarcely perceptible in the financial operations of Great Britain, and of no considerable amount even in these of Lower Canada.

"During the progress of this controversy, there have been expended by parliament for objects altogether Canadian, sums, compared with which, the utmost demand that has been made on the liberality of the House of Assembly, for the support of the Executive government of the Province, is altogether trivial. The real importance of connecting the surrender of the hereditary and territorial revenue with some reservation or conditions for the support of the civil government, and for the administration of justice, rests upon grounds far higher than any which could be brought to a pecuniary measurement. There are objects, essential, as it would seem, to the welfare of His Majesty's Canadian subjects, which could not probably be secured if that surrender were made unconditionally. In this view of the question, His Majesty is bound not to relinquish the appropriation of funds which the law and the constitution have placed at his disposal, without making a stipulation suggested exclusively by his care for the common benefit of his people.

"Amongst the foremost of the objects which His Majesty is thus bound to rescue from a precarious support, are, the independence of the Judges and the pure administration of the law. From the commencement of his reign, it has been the constant and persevering effort of His Majesty to render the Judges of the Superior Courts in Lower Canada, independent alike of the crown, for the tenure of ther offices, and of the representatives of the people for their annual emoluments. In the various documents already noticed, you will find the history of those attempts, and a full explanation of the causes to which their failure is to be ascribed, yet a review of the Journals of the Assembly, will I think, convince you, that between that House and His Majesty's govern

ment, no real, or at least no irreconcileable, difference of opinion exists on this subject—on the contrary, you will find, that respecting the general principles on which we must proceed, a perfect unanimity has prevailed. It is fully admitted that the Judges ought to hold their offices, not at the pleasure of the King, but during good behaviour, and that their official incomes should be paid, not at the pleasure of the popular branch of the Legislature, but from adequate funds, to be irrevocably pledged for that purpose.—With respect to the erection of a tribunal for the trial of impeachments preferred against the Judges, no plan has been suggested, nor consistently with the principles of the constitution of the Province, could any scheme be devised, excepting that of bringing such Judges to trial before the Legislative Council, or before His Majesty, acting on the advice of the judicial committee of the Privy Council in this kingdom. Impartiality, with a perfect exemption from all local influences, is the first and essential attribute of any court which may be invested with such powers, and as the King cannot indulge any reasonable hope of finding those qualities combined in any tribunal within the Province itself (unless perhaps in the Legislative Council) His Majesty is not prepared to assent to any scheme divesting himself, acting upon the constitutional advice of His Privy Council, of the authority which has ever been exercised by the Kings of this realm, on occasions of the same nature, and since the earliest settlement of the colonial portion of the British dominions.

This then will be one of the subjects of your earliest enquiry, and you will endeavour to suggest the plan of a law, in which there may be good ground to anticipate the concurrence of the House of Assembly, for the security of judicial independence. If this can be effected, one of the chief difficulties which might otherwise obstruct the cession of the revenues will be overcome.

The regard which it is his Majesty's duty to maintain for the welfare of the people of Lower Canada appears to forbid a surrender of the revenues of the Crown in that Province to the appropriation of the Legislature, unless some condition be further made for the support of the Executive Government by an adequate civil list.

I pass over without any direct notice the grounds on which the contending parties in the Province have, on the one hand, urged the necessity of such a stipulation, and on the other hand, denied that it could be safely or constitutionally admitted. You will readily learn from various public documents which will be pressed upon your attention in the Province itself, what are the arguments to which I refer. I cannot, however, abstain from recording in this place the principal considerations which appear to make it necesary that the concession about to be made to the Provincial Legislature should be qualified by the demand of a proper civil list.

A constant altercation between the House of Assembly and the Executive Government, on the subject of the official emoluments of the chief officers of the Crown, would be derogatory to the character of those officers, and especially of the Governor, representing the person clothed with the delegated prerogatives of the King. The tendency of such controversies would unavoidably be to introduce a disesteem for those functionaries by exhibiting them in the light of pensioners on the reluctant bounty of the representatives of the people; although the common welfare of society evidently requires that they should rather be respected as the Ministers of the King; exercising under a just responsibility indeed;—but yet with freedom and independence, the powers confided to them for the public good.

The continued agitation of a subject so capable of being placed in an invidious light, could scarcely be compatible with the tranquil and steady progress of those most important branches of the public business with which the higher functionaries of the government are charged. It would also be directly injurious to them, and therefore to the Society at the head of which they are placed, thus to give an habitual and offensive prominence to the remuneration they were receiving, and in the same degree to divert public attention from the services by which that pecuniary reward was earned.

The security which the Governor and his principal officers would derive from the grant of a Civil List, would strengthen the connexion subsisting between Canada and the other members of the British Empire. It would be a distinct recognition of the principle that the administration of the affairs of the Province by a Governor and officers appointed by the King, is a substantial and essential part of the Provincial Constitution. To debate from year to year whether grants shall or shall not be made for the support of such functionaries, might almost seem to involve a tacit assumption that the existence of such offices was itself a question open to annual revision.

In so remote a part of his Majesty's dominions it is especially necessary that the Royal Authority as represented by his Majesty's officers should be most distinctly admitted as one of the component and inseparable principles of the social system.

Nor are the motives, by which the independence of the Judges has been recommended by the King and admitted by the Assembly inapplicable to the case of the principal officers of the local government. They have frequently unpopular duties to perform; they are not seldom called to oppose the passions and emotions of the day; and for the permanent well-being of society, to brave the displeasure of popular leaders.—They should, therefore, be raised above all influence, and suspicion of influence of unworthy fear or favour. The interests of freedom and of good government require that those upon whose firmness and constancy the maintenance of order and the authority of the laws mainly depend, should not be looking for their subsistence to the favour of a body which necessarily reflects most of the fluctuating movements of the public mind. Such are the principal motives which induce me to conclude, that the King could not consistently with the interests of his Canadian subjects relinquish, except in return for an adequate Civil List, the control which his Majesty at present exercises over the Hereditary and Territorial Revenue.

It will be for you to consider and report what ought to be the precise terms of this stipulation. A temporary cession of the revenue in return for a provision for the chief public officers of the Province for a corresponding period, would be the most satisfactory arrangement. In the rapid progress of settlement in the Canadian Provinces a few years will probably be productive of changes, demanding a corresponding alteration in the terms of any adjustment concluded at the present period; and a decennial revision of the compact now to be made would seem best calculated to

secure those public benefits and avert those public evils by the hope or fear of which the compact itself is recommended.

If however a temporary settlement to be renewed from time to time, should prove impracticable, or upon a closer consideration of the subject should seem to you inexpedient, you will then consider in what manner the inconveniences inseparable from the permanent adjustment of such a question can be most effectually mitigated or avoided.

The opponents of the claims preferred by the House of the Assembly to the control of the Teritorial Revenue insist with peculiar emphasis that the necessary effect of yielding to this claim would be to transfer from the Executive Government to the Popular Branch of the Legislature the management of the uncleared territory asserting that the assumption of this duty by the House of Assembly would be most injurious to the agricultural and financial interests of Lower Canada.

Were the right of appropriating the Revenue arising from the Crown Lands and the charge of their management indissolubly connected, I should admit this reasoning to be correct. The objections to the combination in the same hands of a large share of the legislative power with so important a branch of the executive authority, are too obvious to escape your notice; and I therefore may, without inconvenience, abstain from a particular explanation of them. It may be sufficient to say, that His Majesty's confidential advisers regard as conclusive, and unanswerable, the objections which are made to confiding the management of the uncleared territory of Lower Canada, to either or both of the Houses of General Assembly, or to persons appointed by them and subject to their control. In the distribution of the different powers of the state the office of settling and alienating the uncleared territory properly belongs to the Executive Government.

It is competent to the Legislature upon this, as upon other subjects, to lay down general rules for the guidance of the Executive authorities, or either branch of the Legislature may separately offer its advice to the Crown as to the policy and system of management, which it thinks should be pursued; but the practical application of such general rules and the charge of carrying into effect the system of management which may be approved are functions so strictly of an executive and administrative character, that they can only be properly discharged by those, in whose hands all similar powers are lodged by the Constitution. Nor am I aware of any ground on which a surrender of that trust could be properly required from His Majesty, or which would justify the resignation of it by the King.

Extract of Despatch to the Canada Commissioners, dated

17th JULY, 1835.

"In the 92 resolutions of the Session of 1834, in the address to His Majesty of that year, and in the address adopted in the Session which closed abruptly in the commencement of the present year, the constitution of the Legislative Council was insisted upon as the chief and prominent grievance in the whole system of Provincial Government. To the discussion of this subject, nearly half of those resolutions and of those addresses are devoted; and the Assembly in the most decided language, have declared that all remedial measures will be futile and unsatisfactory which should stop short of rendering the seats in the Legislative Council dependent on a popular election.

The petitioners of Quebec and Montreal, on the other hand, deprecate with equal earnestness any departure from the principle on which the appointment of the Members of the Legislative Council is regulated by the Act of 1791, and denounce any such change as pregnant with the most formidable evils.

"The King is most unwilling to admit, as open to debate, the question whether one of the vital principles of the Provincial Government shall undergo alteration. The solemn pledges so repeatedly given for the maintenance of that system, and every just prepossession derived from Constitutional usage and analogy, are alike opposed to such innovations, and might almost seem to preclude the discussion of them.

But His Majesty cannot forget that it is the admited right of all His subjects to prefer to him, as the King of these realms, their petitions for the redress of any real or supposed grievances. His Majesty especially recognizes this right in those who are themselves called to the high office of representing a large and most important class of his people.

The acknowledgment of this right appears to the King, to imply on his own part, the corresponding duty of investigating the foundations of every such complaint. His Majesty therefore will not absolutely close the avenue to inquiry, even on a question respecting which, he is bound to declare, that he can for the present perceive no reasonable ground of doubt. His Majesty will not refuse to those who advocate such extensive alterations, an opportunity of proving the existence of the grievances to which so much prominency has been given.

The King is the rather induced to adopt this course, because His Majesty is not prepared to deny that a statute which has been in effective operation for something less than forty three years, may be capable of improvement, or that the plan upon which the Legislative Council is constituted may, possibly in some particulars, be usefully modified, or that in the course of those years some practical errors may have been committed by the Council, against the repetition of which adequate security ought to be taken. Yet if these suppositions should be completely verified, it would yet remain to be shewn, by the most conclusive and circumstantial proof, that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly.

It must be recollected that the form of provincial constitution in question is no modern experiment nor plan of government in favor of which nothing better than doubtful theory can be urged. A council, nominated by the King, and possessing a co-ordinate right of legislation with the representatives of the people, is an invariable part of the British Colonial Constitution in all the transatlantic possessions of the crown, with the exception of those which still remain liable to the legislative authority of the King in Council.—In some of the Colonies it has existed for nearly two centuries. Before the recognition of the United States as an independent nation, it prevailed over every part of the British possessions in the North American continent, not comprised within the limits of colonies founded by charters of incorporation. The consideration ought indeed to be weighty which should induce a departure from a system recommended by so long and successful a course of historical precedent. To the proposal made by that body to refer the considera-

tion of this question to public conventions, or as they are termed, primary meetings, to be holden by the people at large, in every part of the Province, His Majesty commands me to oppose his direct negative. Such appeals are utterly foreign to the principles and habits of the British Constitution, as existing either in this kingdom or in any of the foreign dependencies of the Crown.

You will therefore apply yourself to the investigation of this part of the general subject, and endeavoring to ascertain how far the Legislative Council has really answered the original objects of its institution, and considering of what amendments it may be susceptible. It is His Majesty's most earnest hope and trust, that in the practical working of the constitution of the Province, there will be found to exist no defects which may not be removed by a judicious exercise of those powers which belong to the Crown, or which Parliament has committed to the Provincial Legislature.

When your report shall have been received, His Majesty will take into his most serious consideration, the question whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature; and which being founded on the principles and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of the statute more conformable to the wishes and intentions of its framers."

(A true copy)

J. JOSEPH.

No. 7.

MESSAGE from His Excellency, with Communications from Receiver General, on the subject of a Loan in England.

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the House of Assembly, a communication from the Receiver General of the Province, with the accompanying papers, on the subject of the Loan negotiated by him in England the past year, for the public service of Upper Canada.

GOVERNMENT HOUSE,
8th February, 1836.

RECEIVER GENERAL'S OFFICE,
TORONTO, 18th January, 1836.

SIR,

Having found it necessary, as soon as possible after the Bill, entitled, "An Act to authorise a Loan to be raised in the manner therein mentioned," became a law, to ascertain how far I might depend upon the resources of this Province in borrowing money here, I addressed a letter to the Bank of Upper Canada, and in reply was informed, that it could only engage to advance £30,000, upon the condition that the Debentures should remain with that institution, for a period not shorter than three years, at interest at the rate of 6 per cent. per annum. I addressed a letter to you, dated the 25th April last, representing that as the improvement of the St. Lawrence would require a larger expenditure than could be depended upon within the Province, and the terms required by the Bank such as I could not accede to, I suggested the expediency of my proceeding at once to London.

In the meantime, I wrote to as many of the most influential Houses in England (copy of my letter is herewith enclosed) [1.] as I thought likely to take the loan, and as the delay might cause embarrassment before their answers could be received, and in order that the Province might reap all the benefit of my personal exertions, I immediately proceeded to London, leaving directions, as the object for which this loan was designed might require money, that Drafts should be drawn on me in London and leaving full instructions as to the mode of drawing these drafts, so as to give the Province all the advantages of the highest rate of exchange.

I accordingly sailed from New York on the 1st day of June, and on the 1st of July I addressed a letter, copy of which [2] is also enclosed, to all those Houses I had previously communicated with. From a few I received replies, and from others none at all.

I made myself personally acquainted in every quarter where I might likely meet with success, and afforded every information I possessed in respect to and for the benefit of Upper Canada; but I found considerable reluctance amongst the monied Houses to have any thing to do with the loan, from the very great excitement which had been produced from the rumours and reports in circulation relating to the state of the Canadas: and it is a well known fact, that those rumours affected all Canadian stocks: that of the Canada Company, which had maintained a premium of 55 per cent., fell, in consequence of these rumours, to 33 per cent., and the Upper Canada Debentures, from a premium, had fallen to about par. I thought it best, therefore, to negociate the whole loan in the manner which I deemed the most advantageous, and I hope it will appear as favourable, under all considerations, as could be obtained.

There had been, previous to my arrival in England, a considerable loss sustained in some of the foreign stocks, and the market was also influenced by Government intimating an intention of raising twenty millions to liquidate the emancipation of slaves, as well as a general depression of Foreign Funds, and a scarcity of money.

From all these circumstances, and from the information collected from every quarter I could rely on, I have much reason to be satisfied with the result of my negociation; considering, also, that no allowance for agency was contemplated by the Act for transacting and paying the half-yearly interest for twenty years.

I employed myself most assiduously for the interests of Upper Canada; and without having gone to England, I think I should not have been enabled to carry the intentions of the Legislature into effect.

I feel justified in having made the arrangement with Messrs. Barings and Messrs. Thomas Wilson & Co.; my communication to them, and the original letters to those gentlemen, [Nos. 3 to 9 inclusive] together with their respective receipts for the Debentures lodged with them, £100,000 to each House, are also enclosed.

I had taken my departure from London before any of the drafts drawn upon me had made their appearance, but I left full and sufficient authority to my private Agent [No 10] to endorse the drafts over to those Houses in equal sums as they should be presented; and also the enclosed letter [No. 11] to Messrs. Baring Brothers & Co. and Messrs. Thomas Wilson & Co.

I have the honour to be,
Sir,
Your Most Obedient Humble Servant,
JOHN H. DUNN, *H.M. R.G.*

To
LT. COL. ROWAN,
Civil Secretary,
&c. &c. &c.

No. 7.

[No. 1.] *Copy of the Receiver General's letter to sundry Houses in London.*

Messrs. Baring, Brothers & Co.
" Reid, Irving & Co.
" Gould, Dowie & Co.
" Thomas Wilson & Co.
" Edward Ellice & Co.
" Gillespie, Moffat, Finlay & Co.
" N. Rothschild & Co.
Mr. Dan'l. Bell, Broker, Birchin Lane,
Messrs. Robert Sheddon & Sons.

RECEIVER GENERAL'S OFFICE,
TORONTO, U. C. 4TH MAY, 1835.

Gentlemen,

As Receiver General of Upper Canada, I beg leave to address you and to transmit a copy of an act of the Legislature of the Province for your information, and to solicit your attention to it, as well as to a few observations which may be deemed necessary to establish the basis of the credit upon which the loan is offered to you.

Our present debt is £180,000 currency in Upper Canada, and £200,000 sterling in London.

The whole of these sums have been expended in public improvements, Canals, Harbours, Roads, &c. most of which are productive and will ultimately redeem their cost.

The present loan is to improve the river St. Lawrence, and to construct a Canal so as to admit Vessels from the Ocean to Lakes Ontario, Erie, &c. It is the general opinion that the revenue from the canal when finished will soon pay the interest and principal. The revenue on which the loan is secured, as well as the other two, is quite ample to meet the interest and all other demands on it. The Province is increasing in population and wealth, and the revenue, though not so favourable as in 1833, yet there is no apprehension that the cause which produced the falling off, will have any permanent effect. This revenue is entirely derived from duties levied at the Port of Quebec, being about 2½ per cent. sterling, ad valorem, upon all wares and merchandize, and about 6d. sterling per gallon upon wines, spirits and other liquors, and a small amount in Upper Canada from commerce with the United States of America, and on licences for the sale of wines, spirits, &c. No duties whatever on exports. There is no direct tax upon the inhabitants of this Province saving for local and special purposes.

The law fixes the value of £1 on cultivated, and on uncultivated lands 4s. per acre, and all other property is rated equally low, and assessed at one penny in the pound, no part of which is paid into the public treasury.

I shall be happy to hear from you by the 1st September, on which day I will decide upon the offer you may make for the loan, and shall accept the highest premium. I shall require the money not sooner, nor in sums greater than about 25 to £30,000 per month. To meet my drafts, you shall have previous possession of the amount of Debentures, which Debentures shall bear interest at the rate of 5 per centum from the time the money is actually paid by you. They shall be prepared in the mode adopted on a former occasion, by coupons, or any other you may please to point out, and in such amounts as you may desire.

I have the honour to be,
Gentlemen,
&c. &c. &c.
(Signed) JOHN H. DUNN, *R.G. U.C.*

A true copy,
JOHN H. DUNN.

[No. 2.] *Copy of the Receiver General's Circular to the following Houses,*—dated

32 ST. JAMES'S STREET, LONDON,
1ST JULY, 1835.

To MESSRS. Baring Brothers, & Co.
" Reid, Irving, & Co.
" Gould, Dowie, & Co.
" Thomas Wilson, & Co.
" Edward Ellice, & Co.
" Gillespie, Moffat, Finlay, & Co
" Rothschild & Co.
" Robert Sheddon & Sons.
" Hullet & Co.
" Eastthorpe & Co.

GENTLEMEN,

I addressed a communication to you from Upper Canada on the subject of a loan, and transmitted at the same time an Act of the Legislature of that Province, which authorises me as Receiver General to negotiate in this city the sum of four hundred thousand pounds, bearing an

interest of 5 per cent. per annum, payable here half-yearly, as well as the principal in 20 years, and secured on the public revenues of that Colony.

I beg leave to refer you to my letter as well as to the act, and for any further information you may require, I shall be happy to wait on you with such public and official documents as will satisfy you that no better security can be offered, and equal in value to any stock in the market. I have therefore to request that you will be pleased, if you feel disposed to treat for the same, to address your tender to me, stating the rate of premium you will give for this loan of £400,000, or any part thereof, on or before Wednesday the 8th instant.

I have the honour to be,
Gentlemen,
Your Most Obedient Servant,
(Signed) JOHN H. DUNN,
H. M. Rec. Gen. of U. C.

True Copy,
JOHN H. DUNN, *R.G.*

[No. 3.] *Messrs. Baring Brothers & Co's. letter to the Receiver General,*—dated

LONDON, BISHOPGATE STREET,
8TH JULY, 1835.

Sir,

We have the honor of acknowledging your letter of the 1st inst. referring to a previous communication you made to us under date of the 4th May, on the subject of a Loan for Four hundred thousand pounds, which as Receiver General for Upper Canada, you are authorized by an act of the Legislature of that Province to negociate in this country, such loan to bear interest at the rate of 5 per cent per annum, payable here half yearly, and the principal also to be repaid here at the expiration of twenty years.

You express a request that should we be disposed to treat for this Loan, we could address to you a Tender, stating the rate of premium we should be prepared to offer. In consequence of this request, we beg now to state that under existing circumstances, the highest offer we can make is One hundred pounds and ten shillings for each Debenture of £100, such sum to be placed to your credit in our books, at the time of our receiving the Debentures, and to be drawn for hereafter in such manner as you may think fit.

Should the above terms meet with your approval we shall be glad to receive notice from you of their acceptance, and we need hardly add that in their fulfilment, it will be our study to consult in all respects the convenience of yourself, and the government of which you are the representative in this negociation.

We have the honor to be,
Sir,
Your very obedient servants,
BARING BROTHERS & Co.

[No. 4.] *Letter from Messrs. Thomas Wilson & Co. to the Receiver General,*—dated

WARNFORD COURT,
8TH JULY, 1835.

Sir,

With reference to your letter of the 4th May last, and to the law passed by the Legislature of Upper Canada, of which a copy is annexed to your said letter; we beg to state, that we will take the Four hundred thousand pounds Debentures, (400,000) with the sale of which you have been charged, at the rate of One hundred pounds ten shillings (£100 10) money, for every hundred pounds (£100) stock.

We have the honor to be,
Very respectfully sir,
Your faithful obedient servants,
THO'S. WILSON & Co.

J. H. DUNN,
H. M. Rec. Gen'l. for Upper Canada.

[No. 5.] *Letter from Messrs. Thomas Wilson & Co. to the Receiver General,*—dated

WARNFORD COURT,
8TH JULY, 1835

DEAR SIR,

We beg to state, that we consider your arrival in this country a most fortunate event, in respect to the negotiation for a loan, with which you have been charged by the Government of Upper Canada, there having been so much exaggeration and misrepresentation on the subject of the

Canadas. It would be impossible, perhaps, to remove from the public mind the prejudice and alarm which prevail, not only respecting the Lower, but the Upper Province. We trust, however, that the statements you have made will enable us to dispel the uneasiness of the capitalists with whom we are associated, and restore in some degree to the Debentures of Upper Canada the currency and value we had succeeded in giving them last year. A loyal, intelligent, and industrious population, such as you describe the Upper Canadians; in a country, possessing great natural resources, with the fostering care of the Government, cannot fail to give to that Government, at no very distant period, a high degree of public credit. Under these impressions, and actuated by a sincere desire to promote your views, we have been induced to offer, for the £400,000 on Canada Debentures, 100½. But we must own to you, that we should have been much better plensed if the negociation of them could have been deferred till the result of the Canada Commission had been ascertained, and some idea could be formed what turn affairs will take in the Lower Province.

Having agreed, under these circumstances, to take the whole of the Debentures, at a rate which we have had it in our power to show was very liberal, considering the present price here of the old Debentures, we trust that through your representations a proper allowance will be made to us for the trouble and responsibility attending the payment of the Dividends during so long a period as 20 years. We have forborne making this a point of negotiation at present, apprehensive we might thereby occasion inconvenience to you and embarrassment to the Public services.

We have the honour to be,
Dear Sir,
Your faithful obed't. Servants,
THOS. WILSON & Co.

J. H. Dunn, Esq.
&c. &c. &c.

[No. 6.] *Copy of the Receiver General's letter to Messrs. Baring Brothers & Co. and Messrs. Thomas Wilson & Co.*—dated

London, 9th July, 1835.

Gentlemen,

Having received a tender from another quarter for the whole sum, at the same rate you offer to me in your letter of yesterday's date, viz. half per cent premium, and feeling most desirous to act with strict impartiality between you and the parties to whom I have reference, and also with a due regard to the interest of the Province which I am acting for, in having so respectable a House connected with its interest and prosperity, I am induced under these circumstances to acquaint you, that I divide the sum into two equal parts, £200,000 each. I shall therefore, if you agree to this proposition, lodge with you £100,000 in Upper Canada Debentures, prepared and made out agreeably to the act of the Legislature, which I shall draw upon you for, from time to time as the wants for which this Loan was designed may require. These Debentures are not to bear interest against the Province until the money is absolutely paid by you; I shall take care that Debentures are lodged with you to meet all my drafts.

I have the honor to be,
Gentlemen,
Your most obedient servant,
(Signed,) JOHN H. DUNN, *R. G.*

True Copy.
J. H. Dunn.

[No. 7.] *Messrs. Thomas Wilson & Co. Receipt for* £100,000 *sterling, in Government Debentures*,—dated

London, 14th July, 1835.

Received from the Honorable John Henry Dunn, His Majesty's Receiver General for Upper Canada, the undermentioned Debentures, issued under the authority of an act passed in the last session of the Legislature, amounting to One hundred thousand pounds sterling, bearing interest at the rate of five per cent per annum, payable halfyearly in the city of London, at the Counting House of Messrs. Thomas Wilson & Co., and also the Capital in Twenty years from the date of the said Debentures, viz. from the First day of July one thousand eight hundred and thirty-five. The proceeds of which at the rate of one hundred pounds and ten shillings, for every Hundred pound Debenture, we the undersigned shall hold, and pay to the Receiver General for the time being, or his order. The interest on the said Debentures, shall be computed and charged against Upper Canada, on and from the day the money shall be actually paid by us.

200	Debentures at £100 each, Nos.	501	to	700	£20,000
60	do.	500	201	260	30,000
50	do.	1000	51	100	50,000
					£100,000

London, 14th July, 1835.

THOS. WILSON, & CO.

[No. 8.] *Messrs. Baring Brothers & Co's. Receipt for £100,000 sterling, in Government Debentures,*—dated

LONDON, 14 JULY, 1835.

Received from the Honourable John Henry Dunn, His Majesty's Receiver General for Upper Canada, the undermentioned Debentures, issued under authority of an Act passed in the last Session of the Legislature, amounting to one hundred thousand pounds sterling, bearing interest at the rate of 5 per cent. per annum, payable half-yearly in the city of London, at the Counting House of Messrs. Baring Brothers & Co., and also the capital in 20 years, from the date of the said Debentures, viz. from the first day of July one thousand eight hundred and thirty-five,—the proceeds of which, at the rate of one hundred pounds and ten shillings for every hundred pound Debenture, we, the undersigned, shall hold, and pay to the Receiver General for the time being, or his order.

The interest on the said Debentures shall be computed and charged against Upper Canada on and from the day the money shall be actually paid by us.

200 debentures at	£100	each, Nos.	701	to 900,	£20,000 A
60	do	500	261	320,	30,000 B
50	do	1000	101	150,	50,000 C
					£100,000

LONDON, 14th July, 1835. BARING BROTHERS, & Co.

[No. 9.] *Letter from Messrs. Baring Brothers & Co. to the Receiver General,*—dated

LONDON, 15 JULY, 1835.

SIR,

We have already delivered to you a written receipt for 200 Debentures of Upper Canada *a* £100 ea.
60 do do *a* 500 ea.
50 do do *a* 1000 ea.

making together £100,000 capital, the proceeds of which, at a rate of 100½ per cent. we hold at the disposal of the Receiver General of Upper Canada for the time being, and consequently reserve all honour to his drafts at 30 days sight for that amount. It is understood, that although these debentures have dividend warrants bearing interest from 1st July last, interest at 5 per cent. per annum shall only commence to the charge of the Government of Upper Canada on these Debentures from the day on which the proceeds shall be paid by us. It would have been more convenient for us if we could have credited the amount of the Province for the proceeds immediately: but as you do not feel at liberty to authorise us to take such steps, you will, we trust, state to the Government of the Province our readiness to pay at once the whole amount, and induce it at once to fix the period when the whole shall be paid, or the periods when it shall be paid in instalments. The remaining Debentures for £100,000 you will transmit us as soon as possible, in Debentures of not more than £100 each, and we shall in a similar manner hold the proceeds at the same rate, at the disposal of the Receiver General. We likewise take the liberty of begging you to transmit to us a copy of the Act of the Province, authorising the creation and negotiation of these Debentures, duly certified and legalized by the qualified authorities, as a proof to the public of the regularity of the whole transaction. It is perfectly understood that the funds necessary for the payment of the dividends shall be in our possession before the maturity of the dividend warrants; but we beg you to bring before the consideration of the Government, the propriety in this case of allowing a commission for the payment of the interest, and the necessity, in case any future loan is made, of giving such a commission, which is granted as a matter of course by all Governments, as a compensation for the trouble and responsibility of undertaking such payments.

It only remains for us now to express our satisfaction at thus entering into connection with the Province of Upper Canada, and to bear our feeble testimony to the honourable zeal with which you have conducted the operation confided to you, whilst we add, that we shall always be happy to devote our services to the interest of the Province.

We have the honour to be,
Sir,
Your most obedient servants,
BARING BROTHERS & Co.

The
Hon. J. H. DUNN,
&c. &c. &c. London.

[No. 10.] *Copy of the Receiver General's letter to Daniel Stoddart, Esq.*—dated

LONDON, 16TH JULY, 1835.

Sir,

I directed the gentleman who I deputed to carry on my official duties in Upper Canada, during my absence, to draw as occasion may require on me, for all monies for the use of the Government of Upper Canada.

These drafts will be presented at your Counting-house in Charles Street, drawn by Bernard Turquand, and I think will be witnessed or countersigned by Walter Rose. I have negociated a

No. 7.

Loan of £400,000, between the Houses of Messrs Baring Brothers & Co., and Messrs. Thomas Wilson & Co. in equal parts, viz. £200,000 each, I have therefore to request that, as I shall be absent when these drafts are presented, you will have the goodness to accept them in my name, and refer the same to the above Houses for payment, in equal parts as explained to the parties.

I shall execute a legal instrument to enable you to do this service on my behalf.

I have the honor to remain,

Sir,

Your most obedient servant,

(Signed) JOHN H. DUNN.

True Copy,
JOHN H. DUNN.

To Daniel Stoddart, Esq.
17 Charles's Street, St. James's.

[No. 11.] *Copy of the Receiver General's letter to Messrs. Baring Brothers & Co.*—dated LONDON, 17TH JULY, 1835.

Gentlemen,

In order that the Government of Upper Canada might not sustain inconvenience for want of funds to prosecute the improvement of the river St. Lawrence, I directed the gentleman who I appointed to carry on the duties of my office during my absence, to draw Bills of Exchange on me here, in anticipation of that Loan, a part of which, viz. £200,000, you have purchased. As I am anxious to return to Upper Canada to resume my official duties without delay, I propose to leave this country by the American packet ship which sails on the 20th inst. I have, in consequence, executed an Instrument, which will enable my agent, Mr. Stoddart, of No. 17 Charles's Street, St. James's Square, (to which place the draft will be addressed) to accept and refer these drafts to your House and Messrs. Thomas Wilson & Co. in as equal sums as possible. I have, therefore, to request you will be pleased to honour such of the said drafts as may be presented to you, drawn by Bernard Turquand and, I think, will be countersigned or witnessed by Walter Rose, dated in Upper Canada, and made payable at your House, by Daniel Stoddard, Esq. You will have the goodness to charge the Provincial Debentures held by you with all payments made on behalf of the Government of Upper Canada by this authority.

I have the honour to be,

Gentlemen,

Your Most Obed't Servant,

(Signed) JOHN H. DUNN,
H.M. Rec. Gen. for U.C.

True Copy,
J. H. DUNN.

To Messrs. Baring Brothers & Co.
(Similar letter was addressed to Messrs. T. Wilson & Co.) JOHN H. DUNN.

MESSA
From His Excelle
munications from
on the subject
England.

PRINTED BY ORD
HOUSE OF AS

W. J. Coates,

SCHEDULE *of* GOVERNMENT DEBENTURES *redeemed and outstanding, issued under authority of Acts of the Provincial Legislature.*

A. £25,000 C'y. "*Militia,*" 1st *Session, 8th Parliament, Chap.* 5. *Redeemed.*

E. £16,000 C'y. "*Public Service of* 1824," 4*th Sess. 8th Parl. Chap.*24. *Redeemed.*

C. £8,000 C'y. "*Burlington Bay Canal,*" 3 *&* 4 *Sess. 8th Parl. Chaps.* 8 *&* 16.

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS
22nd January, 1824	Messrs. Clark & Street.	16	22d June, 1826	19 Dec. 1831	1000 0 0	£5,000 Redeemed.
....	.... do	17	 1828	17 Oct. 1832	1000 0 0	
....	.... do	18	 1830	....do.....	1000 0 0	
....	.... do	19	 1832	10 Oct. 1834	1000 0 0	
....	.... do	20	 1834	....do.....	1000 0 0	
....	.... do	21	 1836		1000 0 0	
....	.... do	22	 1838		1000 0 0	
....	.... do	23	 1840		1000 0 0	
				Total £	8000 0 0	

D. £25,000 C'y. "*Welland Canal,*" 2*nd Sess. 9th Parl. Chap.* 20. *Redeemed.*

E. £8.000 C'y. "*Burlington Canal,*" 3*rd Sess. 9th Parl. Chap.* 19

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS
3rd March, 1827.	The President, Directors & Company of the Chartered Bank of Upper Canada.	33	3d March, 1830	10 Oct. 1834	666 13 4	redeemed
.....		34	 1833	..do..	666 13 4	
.....		35	 1836		666 13 4	
15 November, 1827		96	15 Nov. 1830	10 Oct. 1834	833 6 8	redeemed
.....		97	 1833	..do..	833 6 8	
.....	....do....	98	 1836		833 6 8	
			Total C'y—Int. at 6 per cent. £		4500 0 0	

F. £50,000, "*Welland Canal,*" 3*rd Sess. 9th Parl. Chap.* 17. *Redeemed.*

G. £3,000 C'y. "*Kettle Creek Harbour,*" 3*rd Sess. 9th Parl. Chap.* 18.

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS.
24th Nov. 1827.	President, Directors and Company of the Bank of U. Canada.	99	24 Nov. 1847.	Total	3000 0 0	Int. 6 per cent.

H. *L25,000 C'y. "Welland Canal Company," 2 Sess. 10th Parl. Ch. 11. Redeemed.*

I. *L5,000 C'y. "Burlington Canal," 2nd Sess. 10th Parl. Chap. 12.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS.
28th May, 1830	President, Directors	193	28th May 1833	30 June, 1835	666 13 4	
....	and Company of the	194	1835	16 Jan'y. 1836	666 13 4	
....	chartered Bank of	195	1837		666 13 4	
29th July, 1830	Upper Canada.	196	29th July 1833	30 June, 1835	333 6 8	
....	.....	197	1835	16 Jan'y. 1836	333 6 8	
....	.....	198	1837		333 6 8	
23 November, 1830	.....	199	23 Nov. 1833	30 June, 1835	333 6 8	£3000 Re-
....	.....	200	1835	16 Jan'y. 1836	333 6 8	deemed.
....	.....	201	1837		333 6 8	
2nd August, 1831	.....	249	2nd Aug. 1834	30 June, 1835	250 0 0	
....	.....	250	1836		250 0 0	
....	.....	251	1838		250 0 0	
4th February, 1832	.....	253	4th Feb. 1835	30 June, 1835	83 6 8	
....	.....	254	1837		83 6 8	
....	.....	255	1839		83 6 8	
			Total, C'y.—Interest at 6 per cent.	£	5000 0 0	

K. *£2,500 C'y. "Oakville Harbour," Loan to William Chisholm, Esq. 1st Session, 11th Parliament, Chapter 25.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
4th May, 1831	Hon. William Allan.	202	4th May, 1841	Total,	2500 0 0	int. at 6 p. ct

Principal and interest payable by Mr. Chisholm.

L. *£20,000 C'y. "Roads & Bridges," 1st Session, 11th Parliament, Chapter 7.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS.
	President, Directors and					
16th May, 1831	Company of the Bank of	203	16th May 1851		1000 0 0	
.....	Upper Canada,	204	.....		1000 0 0	
.....	Trustees York Hospital	205	.....		200 0 0	
17th May, 1831	President, Directors and	206	17 May, 1851		500 0 0	
.....	Company of the	207	.....		500 0 0	
.....	Bank of Upper Canada.	208	.....		500 0 0	
.....	.... do	209	.....		400 0 0	
18th May, 1831	.... do	210	18 May,85 11		500 0 0	
.....	.... do	211	.....		500 0 0	
.....	.... do	212	.....		500 0 0	
.....	.... do	213	.....		400 0 0	
26th May, 1831	.... do	214	26 May, 1851		400 0 0	
.....	.... do	215	.....		400 0 0	
.....	.... do	216	.....		400 0 0	
.....	.... do	217	.....		400 0 0	
27th May, 1831	.... do	218	27 May, 1851		100 0 0	
.....	.... do	219	.....		100 0 0	
.....	.... do	220	.....		100 0 0	
.....	.... do	221	.....		100 0 0	
.....	.... do	222	.....		100 0 0	

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
27th May, 1831	President, Directors and	223	27 May, 1851		100 0 0	
.....	Company of the	224	.....		100 0 0	
.....	Bank of Upper Canada.	225	.....		100 0 0	
.....	.... do	226	.....		100 0 0	
.....	.... do	227	.....		100 0 0	
.....	.... do	228	.....		100 0 0	
.....	.... do	229	.....		100 0 0	
.....	.... do	230	.....		100 0 0	
.....	.... do	231	.....		100 0 0	
.....	.... do	232	.....		100 0 0	
.....	.... do	233	.....		100 0 0	
.....	.... do	234	.....		100 0 0	
16th June, 1831	.... do	235	16 June, 1851		1000 0 0	
.....	.... do	236	.....		1000 0 0	
11th July, 1831	.... do	237	11 July, 1851		1000 0 0	
.....	.... do	238	.....		1000 0 0	
.....	.... do	239	.....		1000 0 0	
.....	.... do	240	.....		1000 0 0	
.....	.... do	241	.....		1000 0 0	
.....	.... do	242	.....		1000 0 0	
.....	.... do	243	.....		700 0 0	
19th July, 1831	.... do	245	19 July, 1851		500 0 0	
....	.... do	246	.....		500 0 0	
.....	.... do	247	.....		500 0 0	
.....	.... do	248	.....		500 0 0	
				Total,	£20000 0 0	C'y.Int.6p.ct.

M. *L.50,000 Cy. "Welland Canal," 1st Session, 11th Parl., Ch. 18. Redeemed.*

N. *L.3,500 Cy. "Kettle Creek Harbour," 1st Session, 11th Parl., Chap. 26.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
11th July, 1831	President, Directors and Company of the Bank of Upper Canada.	244	11 July, 1851		1000 0 0	
6th January, 1832	William Campbell.	252	6 Jan'y, 1852		500 0 0	
22nd March, 1832	.... do	256	22 March 1852		500 0 0	
7th July, 1832	Pr. Dir. & Co. Bk. U. C.	259	7 July, 1852		500 0 0	
				Total, £	2500 0 0	C'y.Int.6p.ct

O. *L2,000 C'y. "Port Hope Harbour and Wharf Company Loan," 2nd Session, 11th Parliament, Chap. 23.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARRS.
28th April, 1832	Messrs. Clark and Street.	257	28 April, 1842	Total, C'y. £	2000 0 0	Int. at 5½ pr.ct.

Principal and Interest payable by the Company.

P. *L3,000 C'y. "Cobourg Harbour Loan," 2nd Sess. 11th Parl. Chap. 22.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
4th May, 1832	Messrs. Clark and Street.	258	4th May, 1842	Total, C'y. £	3000 0 0	Int. at 5½ pr.ct.

Principal and Interest payable by the Company.

Q. *L70,000 C'y. "Saint Lawrence Navigation," 3rd Sess. 11th Parl. Chap. 16.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS.
16th May, 1833	Jonas Jones, Esq'r.	260	16th May, 1841		333 6 8	
....	President of the	261	1842		333 6 8	
....	board of Commis-	262	1843		333 6 8	
9th August, 1833	sioners under the	274	9th Aug. 1841		333 6 8	
....	said Act.	275	1842		333 6 8	
....	.... do	276	1843		333 6 8	
....	.... do	277	1841		166 13 4	
....	.... do	278	1842		166 13 4	
....	.... do	279	1843		166 13 4	
....	.... do	280	1841		166 13 4	
....	.... do	281	1842		166 13 4	
....	.... do	282	1843		166 13 4	
				Total, C'y. £	3000 0 0	Int. at 5 pr. ct.

R. *L.7,500 C'y. "Welland Canal," 3rd Session, 11th Parliament, Chap. 55.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS.
2nd May, 1833	George Jacob.	263	2 May, 1843		1000 0 0	
23rd May, 1833	.... do	264	23 May, 1843		250 0 0	
				Total, C'y. £	1250 0 0	Int. at 5 pr.ct.

S. *L.2,000 "Inland Waters, District of Newcastle," 3rd Sess. 11th Parl. Chap. 33.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS.
3rd June, 1833	J. G. Bethune, Esquire.	265	3 June, 1836		500 0 0	Principal and
.....	.... do	266	3 June, 1838		500 0 0	interest paya-
.....	.... do	267	3 June, 1840		500 0 0	ble from tolls
.....	.... do	268	3 June, 1843		500 0 0	only.
				£	2000 0 0	C'y. Int. 6p.ct.

T. *L.4050 C'y. "River Trent Bridge," 3rd Session, 11th Parliament, Chapter 34.*

Date of Debenture	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS
3rd June, 1833	J. G. Bethune, Esquire.	269	3 June, 1841		166 13 4	
.....	.... do	270	1842		166 13 4	
.....	.... do	271	1843		166 13 4	
20th August, 1833	.... do	283	20 Aug. 1841		333 6 8	
.....	.... do	284	1842		333 6 8	
.....	.... do	285	1843		333 6 8	
5th November 1833	.... do	291	5 Nov'r. 1841		166 13 4	
.....	... do	292	1842		166 13 4	
.....	.... do	293	1843		166 13 4	
				Total, C'y. £	2000 0 0	Int. 6 pr. ct.

U. *L.1500 C'y. "Brantford Bridge," 3rd Session, 11th Parliament, Chap. 31.*

28 September, 1833	Andrew Drew, Esquire.	286	28 Septr. 1841		333 6 8	
.....	.... do	287	1842		333 6 8	
.....	.... do	288	1843		333 6 8	
21 November, 1833	.... do	294	21 Novr. 1841		166 13 4	
.....	.... do	295	1842		166 13 4	
.....	.... do	296	1843		166 13 4	
				Total, C'y. £	1500 0 0	Int. 6 pr. ct.

V. *L.10.000 C'y. "Roads in the vicinity of York," 3rd Sess. 11th Parl. Chap. 38.*

1 July, 1833	President, Directors and	272	1 July, 1863		500 0 0	
27	Company of the	273	27.....		500 0 0	
28 Sept.	Bank of Upper Canada.	289	28 Sept'r		500 0 0	
26 Oct.	.... do	290	26 Oct.		500 0 0	
4 Jan'y 1834	.... do	297	4 Jan'y 1864		500 0 0	
29 March....	.... do	298	29 March....		500 0 0	
6 May, ...	.... do	306	6 May, 1854		400 0 0	
25 July, ...	.... do	343	25 July, ...		300 0 0	
4 Aug.	.... do	344	4 Aug.		300 0 0	
30	.... do	345	30		400 0 0	
.....	.... do	346	.....		400 0 0	
.....	.... do	347	.....		400 0 0	
14 May, 1835	.... do	363	14 May, 1865		500 0 0	
.....	.... do	364	.....		500 0 0	
.....	.... do	365	.....		500 0 0	
.....	.... do	366	.....		500 0 0	
.....	.... do	367	.....		500 0 0	
.....	.... do	368	.....		500 0 0	
.....	.... do	369	.....		500 0 0	
.....	.... do	370	.....		500 0 0	
.....	.... do	371	.....		400 0 0	
.....	.... do	372	.....		400 0 0	
				Total, C'y. £	10000 0 0	Int. 6 per ct.

W. *L5,000 C'y. "Desjardin's Canal," 2nd Sess. 11th Parl. Chap. 24.*

					£ s. d.	
30 May, 1832	Desjardin's Canal	1	28 Jan'y 1842		1000 0 0	
11 June, ...	Company.	2	.... do		1000 0 0	Interest payable by the Company.
25	.... do	3	.... do		1000 0 0	
16 July, ...	.... do	4	.... do		1000 0 0	
11 Aug.	.... do	5	.... do		1000 0 0	
				Total £	5000 0 0	Int. at 6 pr. ct.

X. £50,000 C'y. "Welland Canal," 2nd Sess. 11th Parl. Chap. 39.

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture. £ s. d.	REMARKS.
8 March, 1834	President of the	299	8 March 1874		5000 0 0	
.....	Welland Canal	300	.....		1000 0 0	
.....	Company.	301	.....		1000 0 0	
.....	.... do	302	.....		1000 0 0	
.....	.... do	303	.....		1000 0 0	
.....	.... do	304	.....		500 0 0	
.....	.... do	305	.....		5000 0 0	
.....	.... do	307	.....		100 0 0	
.....	.... do	308	.....		100 0 0	
.....	.... do	309	.....		100 0 0	
.....	.... do	310	.....		100 0 0	
.....	.... do	311	.....		100 0 0	
.....	.... do	312	.....		100 0 0	
.....	.... do	313	.....		100 0 0	
.....	.... do	314	.....		100 0 0	
.....	.... do	315	.....		100 0 0	
.....	.... do	316	.....		100 0 0	
.....	.... do	317	.....		500 0 0	
.....	.... do	318	.....		500 0 0	
.....	.... do	319	.....		500 0 0	
.....	.... do	320	.....		500 0 0	
.....	.... do	321	.....		500 0 0	
.....	.... do	322	.....		500 0 0	
.....	.... do	323	.....		500 0 0	
.....	.... do	324	.....		500 0 0	
.....	.... do	325	.....		500 0 0	
.....	.... do	326	.....		500 0 0	
.....	.... do	327	.....		500 0 0	
.....	.... do	328	.....		1000 0 0	
.....	.... do	329	.....		1000 0 0	
.....	.... do	330	.....		1000 0 0	
.....	.... do	331	.....		1000 0 0	
.....	.... do	332	.....		1000 0 0	
.....	.... do	333	.....		1000 0 0	
.....	.... do	334	.....		1000 0 0	
.....	.... do	335	.....		1000 0 0	
.....	.... do	336	.....		1000 0 0	
18 July 1834	.... do	337	18 July 1874		1000 0 0	
.....	.... do	338	.....		1000 0 0	
.....	.... do	339	.....		1000 0 0	
.....	.... do	340	.....		1000 0 0	
.....	.... do	341	.....		1000 0 0	
.....	.... do	342	.....		500 0 0	
9 Sept. 1834	.... do	348	9 Sept. 1874		1000 0 0	
.....	.... do	349	.....		1000 0 0	
.....	.... do	350	.....		1000 0 0	
.....	.... do	351	.....		1000 0 0	
.....	.... do	352	.....		1000 0 0	
.....	.... do	353	.....		1000 0 0	
.....	.... do	354	.....		1000 0 0	
16 Jan. 1835	.... do	355	16 Jan'y. 1875		1000 0 0	
.....	.... do	356	.....		1000 0 0	
.....	.... do	357	.....		1000 0 0	
.....	.... do	358	.....		1000 0 0	
.....	.... do	359	.....		1000 0 0	
.....	.... do	360	.....		1000 0 0	
.....	.... do	361	.....		1000 0 0	
.....	.... do	362	.....		500 0 0	
				Total, C'y. £	50000 0 0	Int. at 6 pr. c

Y. *£7,000 C'y. "Des Jardin's Canal," 1st Session, 12th Parliament, Chapter 34.*

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
6 June, 1835	The President and	6	6 June, 1845		2000 0 0	Principal and
1 July, ...	Directors of the said	7	1 July, ...		1000 0 0	interest paya-
1 October....	Company.	8	1 Oct'r, ...		1000 0 0	ble by the
.....	.... do	9	.....		1000 0 0	company
2 Jan'y, 1836	.... do	10 to 14	inclusive at	£200 each,	1000 0 0	
				Total, C'y. £	6000 0 0	Int.6 pr cent.

Z. *£58,291 13s 4d. C'y. "War Losses," 3rd Sess. 11th Parl. Chap. 26 & 27.*

13th May, 1833	To sundry Claimants	1	11 May 1853		110 0 0
.....	or their Agents.	2	....		50 0 0
.....	....	3	....		430 0 0
.....	....	4	....		340 0 0
.....	....	5	....		200 0 0
.....	....	6	....		50 0 0
14th May, 1833	....	7 to 12	14 May 1853	at £85 each	510 0 0
.....	....	13	....		350 0 0
.....	....	14 & 15	....	at £150 "	300 0 0
.....	....	16	....		60 0 0
.....	....	17	....		70 0 0
.....	....	18	....		240 0 0
15th May, 1833	....	19	15 May 1853		3000 0 0
.....	....	20	....		500 0 0
.....	....	21	....		160 0 0
.....	....	22	....		300 0 0
.....	....	23	....		100 0 0
.....	....	24	....		70 0 0
16th May, 1833	....	25	16 May 1853		210 0 0
.....	....	26 & 27	....	at £170 "	340 0 0
.....	....	28	....		100 0 0
.....	....	29	....		50 0 0
.....	....	30	....		1400 0 0
13th May, 1833	....	31 to 127	13 May 1853	at £50 "	4850 0 0
.....	....	128 to 175	....	at £60 "	2880 0 0
.....	....	176 to 207	....	at £70 "	2240 0 0
.....	....	208 to 233	....	at £80 "	2080 0 0
.....	....	234 to 248	....	at £90 "	1350 0 0
.....	....	249 to 299	13 May 1855	at £100 "	5100 0 0
.....	....	300 to 314	....	at £200 "	3000 0 0
.....	....	315 to 319	....	at £500 "	2500 0 0
.....	....	320 to 327	....	at £1000 "	8000 0 0
.....	....	328	....		200 0 0
.....	....	329 & 330	....	at £50 "	100 0 0
17th May, 1833	....	331 to 333	17 May 1855	at £50 "	150 0 0
.....	....	334	....		90 0 0
.....	....	335	....		1200 0 0
.....	....	336	....		300 0 0
.....	....	337	....		50 0 0
.....	....	338	....		240 0 0
.....	....	339	....		70 0 0
.....	....	340 to 342	....	at £100 "	300 0 0
.....	....	343	....		140 0 0
20th May, 1833	....	344	20 May 1855		50 0 0
21st May, 1833	....	345	21 May 1855		100 0 0
.....	....	346	....		230 0 0
				Carried over, £	44160 0 0

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS
				Bro't over,£	44160 0 0	
22nd May, 1833	To sundry Claimants	347	22 May 1853		280 0 0	
24th	or their Agents.	348	24		560 0 0	
.....	....	349	....		100 0 0	
25th	....	350	25		70 0 0	
27th	....	351	27		150 0 0	
13th	....	352	13		220 0 0	
29th	....	353	29		150 0 0	
1st June, 1833	....	354	1 June 1853		50 0 0	
.....	....	355	....		300 0 0	
.....	....	356	....		50 0 0	
5th	....	357	5		70 0 0	
.....	....	358	....		110 0 0	
6th	....	359	6		100 0 0	
.....	....	360	....		50 0 0	
.....	....	361	....		400 0 0	
.....	....	362	....		90 0 0	
.....	....	363	....		100 0 0	
10th	....	364	10		120 0 0	
11th	....	365	11		380 0 0	
.....	....	366	....		50 0 0	
12th	....	367	12		50 0 0	
.....	....	368	....		80 0 0	
13th	....	369	13		50 0 0	
.....	....	370	....		100 0 0	
14th	....	371	14		50 0 0	
15th	....	372 to 375	15	a £ 50 each	200 0 0	
17th	....	376	17		130 0 0	
.....	....	377	....		100 0 0	
20th	... .	378	20		70 0 0	
22nd.....	....	379	22		50 0 0	
.....	....	380	....		150 0 0	
25th	.. ....	381	25		60 0 0	
.....	....	382	....		50 0 0	
26th	....	383	26		50 0 0	
28th	....	384	28		90 0 0	
.....	....	385	....		250 0 0	
.....	....	386	....		520 0 0	
29th	....	387	29		190 0 0	
3rd July, 1833	....	388	3 July 1853	a £ 50 each	200 0 0	
.....	....	389	....		60 0 0	
.....	....	390 to 392	....		150 0 0	
.....	....	393	....		80 0 0	
4th	....	394	4		80 0 0	
5th	....	395	5		230 0 0	
13th	....	396	13		50 0 0	
.....	....	397	....		50 0 0	
15th	....	398	15		180 0 0	
16th	....	399	16		180 0 0	
17th	....	400	17		50 0 0	
19th	....	401	19		480 0 0	
20th	....	402	20		60 0 0	
.....	....	403	....		50 0 0	
22nd.....	....	404	22		50 0 0	
9th Aug. 1833	....	405	9 Aug. 1853		180 0 0	
12th	....	406	12		120 0 0	
.....	....	407	....		50 0 0	
30th	....	408	30		70 0 0	
12th Sept. 1833	....	409	12 Sept. 1853		50 0 0	
13th	....	410	13		70 0 0	
.....	....	411	....		50 0 0	
17th	....	412	17		50 0 0	
.....	....	413	....		50 0 0	
1st Oct'r. 1833	....	414	1 Oct'r. 1855		150 0 0	
				Carried over £	52590 0 0	

Date of Debenture.	To whom granted.	No. of Debenture.	Date of Redemption.	When redeemed.	Amount of Debenture.	REMARKS.
				B't over £	52590 0 0	
10th Oct'r. 1833	To sundry Claimants	415	10 Oct. 1853		50 0 0	
14th	or their Agents.	416	14		50 0 0	
.....	....	417	....		50 0 0	
15th	... .	418	15		150 0 0	
8th Nov. 1833	....	419	8 Nov. 1853		80 0 0	
11th	....	420	11		100 0 0	
23rd	....	421	23		50 0 0	
17th Dec'r. 1833	....	422	17 Dec. 1853		80 0 0	
19th	....	423	19		50 0 0	
13th May 1833	....	424	13 May 1853		1300 0 0	
3rd Jan'y. 1834	....	425	3 Jan. 1854		70 0 0	
9th	....	426	9		50 0 0	
.....	....	427	....		50 0 0	
.....	....	428	....		70 0 0	
14th	....	429	14		180 0 0	
.....	....	430	....		100 0 0	
20th	....	431	20		50 0 0	
22nd.....	....	432	22		140 0 0	
24th	....	433	24		50 0 0	
22nd Feb. 1834	....	434	22 Feb. 1854		70 0 0	
7th March 1834	....	435	7 Mar. 1854		50 0 0	
14th April 1834	....	436	14 April 1854		50 0 0	
21st	....	437	21		150 0 0	
20th May 1834	....	438	20 May 1854		70 0 0	
30th June 1834	....	439	30 June 1854		800 0 0	
16th Oct'r. 1834	....	440	16 Oct. 1854		50 0 0	
11th July 1835	....	441	11 July 1855		50 0 0	
				Total, Cy. £	56600 0 0	Int. at 5 pr. ct.

AA—£200,000 *sterling.* "*To cancel part of the Public Debt, &c.*" *4th Session, 11th Parliament, Ch.* 53.

Date of Debenture.	In what manner issued	Numbers, &c.	Amo'nt of Debent's. in Sterling	REMARKS.
			£	
1st April, 1834.	To the Order of the Hon. G.H. Markland, Inspector General.	A. 1 to A. 500 inclusive, at £100 each	50000	Transmitted to Messrs. T Wilson & Co London.
		B. 1 to B. 200 inclusive, at £500 each	100000	
		C. 1 to C. 50 inclusive, at £1000 each	50000	
		Redeemable in 20 years from date.		
		Interest at 5 pr ct. payable in London, £	200000	Sterling.

BB.—£400,000 *Sterling.* *1st Sess. 12th Parl. Chap.* 31.

Date of Debenture.	In what manner issued	Numbers, &c.	Amo'nt of Debent's. in Sterling	REMARKS.
			£	
1st July, 1835	To the Order of the Hon. G.H. Markland, Inspector General.	A. 501 to A. 900 at £ 100 each.	40000	Divided equally between the Houses of Mess. T. Wilson & Co. and Messrs. Barings, Brothers & Co. London.
		B. 201 to B. 320 at £ 500 each.	60000	
		C. 51 to C. 150 at £1000 each.	100000	
		Redeemable in 20 years.		
		Interest at 5 pr. ct. payable in London, £	200000	

CC.—*General Statement of the Receiver General's Bills of Exchange drawn on London, on account of Debentures negociated in England, showing the proceeds and dates of maturation, as far as have been advised, from which dates the interest at 5 per cent. per annum will commence.*

When Drawn.	To whom sold	Days Sight	Amount Sterling.	Pre'm. pr.cent.	Proceeds Prov. Currency.	Sums and dates of maturation in London	
			£		£ s. d.	£	1834
22nd April, 1834	Forsyth, Richardson, & Company	30	5000	4	5777 15 6½	5000	24th June
..... do	Benjamin Holmes, Esquire	do	20000	4	23111 2 2½	5000	7th July
..... do	Gillespie, Jamieson, & Company	do	5000	4½	5805 11 1¼	500	10th .....
1st July	John S. Cartwright, Esquire	do	30000	3½	34500 0 0	2000	13th .....
10 October	W.H. Merritt, Esq President W.Canal Co.	do	20000	8 1-16	24013 17 9½	1500	15th .....
..... do	Truscott, Green, & Company	do	5000	8¼	6006 18 10½	2000	17th .....
..... do	John S. Cartwright, Esquire	do	15000	8 1-16	18010 8 4	2000	19th .....
11th do	W.H. Merritt, Esq. President W.Canal Co.	do	20000	8 1-16	24013 17 9½	4500	21st .....
..... do	..... do	do	1600	8 1-16	1921 2 2½	2000	22nd.....
3 November....	Thomas G. Ridout, Esquire	do	10000	7¾	11972 14 5½	2000	23rd .....
22d. do	..... ditto	do	30000	7	35666 13 4	1000	24th .....
26th Dec'r.....	..... ditto	do	15000	6	17666 13 4	2500	30th .....
13th April, 1835	Francis A. Harper, Esquire	do	10000	8	12000 0 0	30000	8th Sept'r.
3d July	R. A. Goodenough & Company	do	3000	9¼	3641 13 4	8000	12th .....
4.... do	John S. Cartwright, Esquire	do	5000	8¾	6041 13 4	3000	19th .....
..... do	Thomas G. Ridout, Esquire	do	22000	8	26400 0 0	10000	20th .....
18th August ...	C. H. Castle, Esquire	do	10000	10¼	12250 0 0	500	21st .....
26... do	Thomas G. Ridout, Esquire	do	15000	9½	18250 0 0	1000	22nd .....
			Sterling		Currency.	1500	23rd .....
	Total, sterling, £	.....	241600	or £	287049 11 7½	500	24th .....
						500	26th .....
						2000	29th .....
						500	30th .....
						500	1st October
						500	15th .....
						1000	17th .....
						9500	24th .....
						1900	31st .....
						100	5th Nov'r.
						600	16th .....
						1100	17th .....
						1450	19th .....
						1700	26th .....
						5100	30th .....
						500	1st Decem'r.
						700	2nd .....
						600	5th .....
						250	7th .....

RECAPITULATION.

Debentures issued as pr returns undermen'ed.	SERVICE.	Amount respectively. Cur'cy.	Amount respectively. St'g.	rate of inter'st pr ann	REMARKS.
A	Militia	25000		6 p. ct.	Redeemed.
B	Public Service of 1824	16000		do	Redeemed.
C	Burlington Canal	8000		do	£5000 redeemed.
D	Welland Canal	25000		do	Redeemed.
E	Burlington Canal	4500		do	£3000 redeemed.
F	Welland Canal	50000		do	Redeemed.
G	Kettle Creek Harbor	3000		do	
H	Welland Canal	25000		do	Redeemed.
I	Burlington Canal	5000		do	£3000 redeemed
K	Oakville Harbor, loan to Wm.Chisholm	2500		do	Principal and interest payable by Mr. Chisholm
L	Roads and Bridges	20000		do	
M	Welland Canal	50000		5 do	Redeemed.
N	Kettle Creek Harbor	2500		6 do	
O	Port Hope Harbor and Wharf Co'y. loan	2000		5 7-8	Principal and interest payable by the Company
P	Cobourg Harbor loan	3000		5 7-8	ditto ditto
Q	Improvement of St.Lawrence navigation	3000		5 p. ct.	
R	Welland Canal	1250		5 do	
S	Inland Waters of Newcastle District	2000		6 do	Principal and interest payable from tolls only
T	River Trent Bridge	2000		do	
U	Brantford Bridge	1500		do	
V	Roads in vicinity of York	10000		do	Principal and interest payable from tolls only.
W	Desjardin's Canal	5000		do	Interest payable by the Company.
X	Welland Canal	50000		do	
Y	Desjardin's Canal	6000		do	
Z	War Losses	56600		5 do	
AA	£200000 Borrowed in London at a reduced rate of interest, to cancel part of the Pub.debt of this Prov. of which there has been drawn, as pr. ret. mark. CC	.....	241600	5 p c in	
BB	£400000	378850	241600	Lond'n	
Total am't of monies raised on Deben. issued, cy. £		202000			
Amount of Debentures redeemed ..... £		176850	241600	Sterl'g.	
Amount outstanding up to this date, currency, £					

The Government holds 2,000 shares of the capital stock of the Bank of Upper Canada, amounting to £25,000 currency, the whole of which has been paid in.

The interest has been paid on the foregoing Debentures at the half-yearly periods at which it became due respectively.

JOHN H. DUNN, *H. M. Rec. General.*

Receiver General's Office 26th Jan. 1836.

[No. 9.]

REPORT OF COMMISSIONERS APPOINTED TO SUPERINTEND THE ERECTION OF A BRIDGE ACROSS THE GRAND RIVER AT DUNNVILLE.

To His Excellency Sir John Colborne, *K. C. B., Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

The report of William Mylne and Alpheus S. St. John, Commissioners appointed by Act of Parliament to expend the moneys granted for erecting a Bridge across the Grand River, at Dunnville, and for further purposes in said Act contained,

Humbly Sheweth:

That by reference to our report for 1834, Your Excellency will see with whom we contracted for the erection of said bridge, and also the contract price: the contract now being completed, we have further to report a statement of our accounts up to this period; which statement will be found annexed at the close of this report, by which Your Excellency will perceive that we are now in advance the sum of £82 4 6½.

That we have further to report, that in furtherance of the power invested in us by said Act of Parliament, we have fixed upon the rates of toll and took for our criterion the rates fixed upon at Brantford, but in consequence of the bad state of the roads which lead to this bridge, we considered the expense incurred by employing a man to collect the tolls would be greater than the amount received, therefore we have only now put up a gate and commenced receiving tolls; a copy of our rates we herewith enclose.

There are still various pieces of work to be done to finish said bridge, not foreseen at the time the contract was entered into, to defray the expenses of which, we shall humbly take the liberty of petitioning Parliament for at its next Session.

WILLIAM MYLNE,
ALPHEUS S. St. JOHN.

Dunnville, 2nd Nov. 1835.

STATEMENT OF THE ACCOUNTS.

Amount of original contract,.....	£1,142	0	0
Extra work as per estimates of John Jackson, Esq. Engineer, ...	77	3	0
Extra advance to enable the contractor to complete the contract,	100	0	0
	£1,319	3	0
Extras for erecting a temporary toll house; expenses to Toronto, to get the money, &c. &c. &c. ...	13	1	6½
Total amount expended,	£1,332	4	6½
Cr.			
By amount of appropriation by Government for building Bridge,...	£1,250	0	0
Balance,	£ 82	4	6½

E.E.

ALPHEUS S. St. JOHN.

[No. 10.]

REPORT OF THE BURLINGTON BAY CANAL COMMISSIONERS FOR 1835.

To His Excellency Sir John Colborne, *K. C. B., Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.*

May it please Your Excellency,

That since the undersigned, Commissioners for the Burlington Bay Canal, had the honor of reporting to your Excellency in December last, upon the state of the work entrusted to their care, they have received numerous communications from the proprietors and masters of steamboats and schooners, as well as from the commercial community upon the insecure situation of this work.

They were induced to address your Excellency, on the 18th of May last, upon the subject of the Canal—considering its importance to the District of Gore, and the interests of those concerned in steamboats and schooners on Lake Ontario.

The Commissioners deemed it their duty to communicate to your Excellency, the fears and apprehensions of all concerned, upon which communication your Excellency was pleased to refer the subject of the Canal to the consideration of the Honourable the Executive Council, who were of opinion, that a sum sufficient to secure the work should be expended from the receipt of the canal tolls, under the superintendence of the Commissioners, to be by them accounted for to the Legislature; upon which recommendation your Excellency was pleased to order, that a sum sufficient to secure this work should be taken from the tolls collected here, and upon which order the Collector of Tolls has paid to the Commissioners the sum of seven hundred and twenty-five pounds, currency, being £125 more than had been estimated for; but in consequence of the swing bridge across the canal having been broken, (some time after the repairs estimated for had been commenced,) by allowing large droves of fat cattle to cross the bridge at a time, instead of dividing them, the Commissioners thought it advisable to call upon the Collector of Tolls for a sum sufficient to repair the

bridge, as the highway was destroyed, which occasioned much inconvenience to the public; the bridge across the canal is now much stronger than it was before.

The Commissioners are given to understand that the receipts of the Burlington Bay Canal will be much greater this year than upon any former occasion; and the repairs made this season by the Superintendent remain secure and effective, although severely tested in several heavy easterly gales this fall.

The Commissioners have directed the Secretary to transmit an account of the expenditures in securing the Burlington Bay Canal this year; and they earnestly recommend that a further appropriation be made by the Legislature, for the better protecting and securing this important work, as well from the heavy easterly storms on Lake Ontario, as the shoving of the ice in Burlington Bay.

All which is most respectfully submitted,

W. CHISHOLM,
WM. APPLEGARTH.

Burlington Bay Canal, December 7th, 1835.

AN ACCOUNT *of Expenditures in Repairing the South Pier of the Burlington Bay Canal, on the Lake Ontario side, say 600 feet in extent; also Repairing the North Pier in Burlington Bay, 60 feet, and filling with Stone, including repairs to the Bridge across the Canal, and making new Lamps, &c. &c.*

1835		£	s	d
July 25	To paid J. Dempsey for stone,	15	0	0
	do Morris Correy for do..	9	7	6
	do John Hart for do..	9	15	0
	do Patrick Oneal for do..	3	15	0
	do the hands for labour...	6	0	0
	do for sawing.....	1	0	0
Aug. 8	do J. Dempsey for stone..	17	16	3
	do John Hart for do..	10	10	0
	do Morris Correy for do..	10	15	0
	do Zach. Correy for do..	26	12	6
	do Patrick Oneal for do..	8	15	0
	do the hands for labour...	13	5	0
11	do Morris Correy for stone	1	10	0
	do for 1000 ft. square pine timber	7	10	0
13	do M. Correy for rafting..	0	10	0
17	do John Dempsey for stone	15	0	0
	do Boxall for sawing oak ties	2	10	0
22	do the hands for labour...	15	2	6
	do 2700 feet of two inch plank, *a* 10*s*.	13	10	0
	do hawling the same.....	1	10	0
	do 250 feet oak timber for ties at 30*s*.	3	15	0
	do 250 lbs. spikes at 6*d*...	6	5	0
Sept. 7	do Lewis Correy for 200 feet pine timber.....	1	10	0
18	do Moore for stone.....	0	15	0
	do for 1500 feet of square pine timber.....	11	5	0
22	do William Hubble for 23½ days' labour.....	5	17	6
	do John Dempsey 27 days' labour.....	6	15	0
	do do. for the use of his scow	2	5	0
Oct. 3	do M. Correy 13 days labor	3	5	0
5	do T. Burgess 21 do ..	5	5	0
	do Jerry Oneal 17 do ..	4	5	0
	do Ridout, Brothers & Co. for spikes.....	5	9	2
	do Smith and Chisholm for shovels.....	0	10	0
	do do. for iron and plank..	0	8	10
	do for Mannilla rope.....	0	2	3
	do Bauty & Miller for timber	2	3	3

1835		£	s.	d.
Oct. 5	To paid the am't of A.M. Chisholm's acc't for repairs to the bridge for several years.....	37	2	4½
	do Smith and Chisholm for 100 cords soft stone *a* 12*s*. 6*d*.	62	10	0
	do do. for 8 cords hard do. *a* 17*s*. 6*d*.	7	0	0
	To balance due the Superintendent, as per statement transmitted to the Lt. Governor's office, 31st December, 1834	33	5	10½
	To 100 feet 2 inch plank	0	10	0
24	To paid James Stewart for 23 days labour *a* 7*s*. 6*d*..	8	12	6
	do do. for 15 cords stone *a* 17*s*. 6*d*.	13	2	6
	do do. for towing two rafts	1	10	0
	do Michael Devans for 16 days labour *a* 5*s*	4	0	0
	do J. Stewart for repairing the bridge as per contract	125	0	0
	do for new lamps &c.....	7	10	0
	do Wm. J. Kerr for three years salary due him, as Secretary to the Commissioners for the years 1833, 1834, and 1835, *a* £50 per ann.	150	0	0
	To superintending the work this last summer.....	50	0	0
	Currency, £	749	13	0
	Cr.			
	By cash received from the collector of tolls, by order of the Lieut. Governor and Council	725	0	0
	Balance due the Superintendent, J. Kerr,.....	24	13	0

E. E.

W. J. KERR,
Secretary & Superintendent B. B. Canal.

Burlington Bay Canal, Dec. 7th, 1835.

No. 11.

To His Excellency Sir Francis B. Head, *Knight, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

The Commissioners for the Improvement of the Navigation of the River St. Lawrence,

RESPECTFULLY REPORT:

That although the difficulty of procuring workmen during the past season has very much retarded the progress of the works carrving on under their superintendance, for the improvement of the navigation of the River St. Lawrence, they are enabled to state, that the whole line presents a favourable appearance, and promises an efficiency and durability equal to the importance of the undertaking.

At the period when the contracts were entered into, in July 1834, and throughout the whole of that season, labourers were abundant, and the rates of wages, and prices of provisions were comparatively moderate. Since the opening of the navigation last spring, a very material advance in the rates of wages has taken place, attended with a difficulty in procuring labourers, even at rates beyond what the prices at which the contracts have been taken would justify; and this difficulty has been further increased by the competition which the public works carrying on in the United States present. The force on the line throughout the season has consequently been much smaller than was intended, and the facility of procuring employment elsewhere, induced a feeling of independence in the workmen very injurious to the interest of their employers.

The frequent indications of an insubordinate spirit amongst the labourers in the early part of the season, attended with some acts of violence, induced the Board, and the Magistrates of the Eastern District to make application to His Excellency, Sir John Colborne, for the protection of a military force on the line; to which he had acceded, but with which he afterwards considered it inexpedient to comply. The Board would now respectfully submit to Your Excellency, that having prepared commodious barracks at Cornwall, it is much to be desired that a military detachment should be stationed there in the ensuing spring, when, from the measures that have been taken, it is probable that a large number of labourers will be employed on the works.

In the course of the season alterations have been made, and additional works have been projected which were not provided for in the original estimate, amongst which it may be proper to mention the construction of a retaining wall on Section No. 11, which although contemplated as a possible contingency, it was hoped might ultimately prove unneceesary. The description of soil however which composes the bank, in that particular portion of the line, is so unsafe, that a retaining wall has been found indispensable. Considerable expense has also been incurred in the construction and repairs of roads and bridges, where the original communication has been interfered with, and in altering the location, and consequent lift of some of the locks. In the present stage of the work, an exact estimate of the cost attendant upon these contingencies is impracticable—they will however unavoidably increase the expenditure contemplated.

The attention of the Board has been unceasingly directed to that part of the Canal immediately along the line of the Long Sault Rapid, and various alterations have been suggested with a view to greater economy, security, and expedition. As was stated in the report of last year, the indications of the soil, which induced the original plans, have not been realized in the course of excavation; and the quantity of bank formed in the river, from the earth thrown in, has hitherto been comparatively trifling. The work however has now been carried sufficiently into the bank to afford a confident assurance to the Engineer of the description of soil to be excavated, and he is enabled to calculate upon more certain data the influence which the current of the river may exert upon the earth and stone yet to be supplied, and to fix with a reasonable degree of certainty the exact prism of the Canal at this point. From these circumstances he looks forward with confidence to the completion of the work on this section at an expense below the estimate of 1834, when it was contemplated to remove the works entirely within the bank of the river; but at an increase upon the cost originally estimated.

The tow-path which it was found expedient to construct on the American or south shore of the Long Sault, for the accommodation of the trade, has been in use throughout the season, and has yielded a nett revenue of £343 7*s.* 6*d.*, which is placed at the credit of the Province.

By the terms of the contracts a discretionary power is possessed by the Board to retain at each monthly payment twenty-five per cent from the estimate of the work done, as security for the completion of the contracts. It has been found however that the strict enforcement of this right seriously cramped the resources of the contractors, and would ultimately be productive of much injury not only to them, but to the public interest. The Board has deemed it expedient therefore to require from the contractors personal security for the completion of their work, where it could be given, and the full amount has in such instances been paid on the work estimated to have been performed. Since the report of last year some further claims for damages have been submitted and adjusted, the amount of which will be found in the appended account of disbursements.

In the construction of public works, it is the duty of those persons under whose superintendence they are carried on, to avoid, as far as possible, injury to private interest, and with strict justice to remunerate where it has been unavoidably inflicted. The Board, in the adjustment of the claims which have come before it, has acted with a scrupulous attention to this principle; but whilst it willingly allows the utmost reasonable limit to the view taken by claimants for remuneration, it cannot lose sight of its duty to the public, and has in many instances submitted to the imputation of injustice rather than comply with requisitions which it considered inadmissible. In consequence of the obstruction which the Canal will cause to the established access to Mile Roches, a culvert is being built which (with the use of scows on the Canal) will, in the opinion of the Board and Engineer, materially remove the inconvenience complained of; and the Board has felt the necessity of resisting repeated applications from the inhabitants of that village for further means of access, and for alleged injuries to their property by the construction of the Canal.

The Board has been still more seriously, and it is compelled to state, with less reason, importuned by the inhabitants of the Town of Cornwall, on the subject of claims which it could not with any

propriety entertain. To obviate as much as possible any inconvenience that might accrue to the inhabitants of that town, the Board has sanctioned the construction of a suitable culvert, a commodious basin, and a common sewer, notwithstanding which, application has been made for one or more bridges across the Canal, and in consequence of the refusal of the Board to comply with the request, a rule has been obtained from the Court of King's Bench, calling upon the Commissioners to shew cause why a *mandamus* should not issue, directing them to construct a bridge or bridges for the passing of carriages between the several parts of such highways in the Town of Cornwall as have been cut, in order to construct the Canal through the same. The reports of the consulting and acting Engineer, and of the Agent, (copies of which were furnished to the inhabitants of Cornwall) very strongly deprecate the construction of bridges across the Canal, as tending materially to obstruct its navigation, and to interfere with the purposes for which the great expenditure has been undertaken, and by no means essential in facilitating access to the river, which is amply provided for otherwise. A very large proportion of the contingencies which were not originally estimated, has arisen from the Canal's being carried through Cornwall, and the possibility of such a demand from its inhabitants was not contemplated when the Board determined on carrying the works through that town. Should the Court decide that the inhabitants of Cornwall are legally entitled to the privilege they demand, it will be imperative on the Board to construct bridges across the Canal, not only in the Town of Cornwall, but wherever the established access to the river is interfered with along the whole line of Canal, which occurs in at least twelve places.

The Board has upon a late occasion addressed Sir John Colborne upon the importance of a co-operation on the part of Lower Canada with this Province in the improvement of the St. Lawrence; and it entertains a hope that a recommendation which he was pleased to transmit to the Governor-in-Chief will have the effect of inducing the Legislature of Lower Canada to take up the measure this Session.

With this Report, the Board submit for the information of the Legislature a copy of the Minutes of its proceedings during the past year, an abstract of receipts and disbursements, with the proper vouchers, and an estimate of the work done and yet to be performed on the Canal, of all which documents they solicit a thorough examination.

JONAS JONES,

President of the Board.

Office of the Commissioners for the Improvement of the Navigation of the River St. Lawrence,
BROCKVILLE, 25th January, 1836.

No. 11.

APPENDIX TO REPORT—1835.

General Abstract of Receipts and Disbursements for the Improvement of the Navigation of the St Lawrence, 1835.

	£	s.	d.		£	s.	d.
To paid contingent expenses, per Voucher, H. 1 to 20,	438	13	10½	By balance on hand as per abstract, 1834, ...	5,570	1	6
Engineer's expenses, I. 1 to 28,	2,876	4	6	By Cash from Receiver General, ...	79,000	0	0
Salaries, ...J. 1 to 2,	596	19	2	By proceeds of Debentures, ..	1,012	3	10
Towpath account, K. 1 to 2,	30	15	0	By interest on Debentures to			
Damages,.....L. 1 to 23,	1,399	12	6	February, 1835, ...	75	0	0
Contractors, ...M. 1 to 347,	78,978	15	10½	By nett proceeds of revenue			
Stone account, ...N. 1 to 22,	385	7	6	from towpath, R. 1.	343	7	6
Road account,.....O. 1 to 24,	772	2	2				
Barrack account,...P. 1 to 3,	121	2	1½				
Advance to Beeby & Co., acc't. Sections No. 7 and 8, Q. 1,	250	0	0				
Balance on hand, Dec. 31, 1835	151	0	1½				
£	86,000	12	10	£	86,000	12	10

By balance in the hands of the Commissioners, 31st December, 1835, £151 0 1½

JAMES HUME,
Secretary.

Office of the Commissioners for the Improvement of the Navigation of the River St. Lawrence, January 1st, 1836.

At a meeting of the Commissioners, held at Moulinette, on Wednesday, 14th January, 1835—

PRESENT.

Jonas Jones, Esquire, *President.*
John Macaulay,
Philip Vankoughnet,
George Longley.

The minutes of the preceding meeting were read.

The monthly estimate of work done on the Canal was submitted.

The Report of Henry Sherwood, Esq., (Solicitor to the Board,) was submitted and read as follows:

Brockville, 26th *December*, 1834.

SIR:

In pursuance of a resolution of the Board of Commissioners for the improvement of the St. Lawrence, I have investigated, as thoroughly as I could, the case of Thomas McCartin, and beg leave to report thereon:

It appears from the evidence taken before the Magistrates, under the 6th Geo. 3, chap. 48, that McCartin and his servants, about the 24th ult., cut down and carried away from the land of one Hector Manson, a number of timber trees, for the purpose of erecting a dwelling house, and for fire-wood. I have been informed, and can also collect from the evidence, that upon part of Manson's land, and near to where the trespass complained of was committed, Messrs. Reid and Shepherd, Contractors upon the St. Lawrence Canal, were raising stone for the purpose of carrying into effect their contract; and I have also learned that McCartin was employed by them to board and lodge the men engaged in their quarry. There were a number of witnesses examined before the Magistrates, as well upon the part of the complainants as upon that of the defendant; and if the testimony was taken down correctly, (which I have no reason to doubt,) McCartin had not, in my opinion, any right to justify his conduct under the St. Lawrence Canal Act. As to the correctness of the decision of the Magistrates under the British Statutes, upon the evidence adduced before them, I do not feel myself called upon to decide. Had it been proved before them that Messrs. Reid & Shepherd were procuring stone, under the directions and with the sanction of the Commissioners, and that McCartin was acting under them as Contractors, in

No. 11.

getting timber, *only* to erect buildings necessary to enable them to proceed in executing their contract, I am of opinion that the Magistrates would have exceeded their duty in interfering in the matter. I mentioned in a communication to Mr. Berford, Agent to the Commissioners, that I would in the Report state fully how far in my opinion Contractors upon the Canal are justified in taking stone and timber for the purposes of the work; but as I stated to him, in the communication referred to, my opinion in general terms, and as the law is now so well understood, I shall defer doing so, until my attention is particularly called to the subject.

I am, Sir,

Your obedient Servant,

HENRY SHERWOOD,

Sol'r. to the Commiss'rs.

To,

JONAS JONES, Esq.,

President, &c.

The Report of the Solicitor being satisfactory, the prayer of the Petition cannot be granted.

In pursuance of the resolution at the last meeting, relative to the setting out of lands required for quarrying stone, the Acting Engineer and Agent reported verbally, that the lands have been set out, and that the Contractors have been notified, as directed.

The statement of Guy C. Wood, Esquire, relative to the outrage committed at Cutler's Quarry, as submitted to His Excellency the Lieutenant Governor, accompanying the memorial of the Contractors for a Military force, was read as follows:

CORNWALL, 18th *December*, 1834.

SIR:

HAVING understood that an application is immediately to be made by the Commissioners to His Excellency Sir John Colborne, stating the necessity of having one or two companies of soldiers stationed on the line of the Canal, between this and the Longue Sault, both for the safety and the protection of the contractors, and those immediately in the prosecution of the work, as well as for the protection of property and lives of the inhabitants of the country,—I consider it my duty as an inhabitant of this place, and more particularly so as a magistrate, before whom the examination of the two murderers by the name of Richard and William Quinn was taken, to state the particulars of that atrocious offence against both the laws of God and our country.

In the morning of the 13th, the deceased Ewen Stewart, deputy-sheriff, with Henry Thain a bailiff, and George McDonell, Esq., went out to the Quarry to arrest a person who had aided and assisted in the rescue of a prisoner in the morning of that day. The Bailiff Henry Thain pointed out the man, William Quinn, to the Deputy-Sheriff Stewart. Quinn then made at the Bailiff Thain with an iron bar, and was in the act of striking a blow at Thain, when Stewart the Deputy-Sheriff put his hand to his bosom and drew out a pistol, and desired Quinn to stand off. Quinn then turned round, and called to his brother Richard Quinn and others, and said, pointing to the Deputy-Sheriff, "That's the man." Richard Quinn then came behind said Stewart, and struck him on the head with an iron crowbar, or drill, five or six feet in length, which brought him to the ground;—he then struck the second blow on the head after Stewart was down, which beat in the skull: When Stewart fell the pistol dropt from his hand. William Quinn then picked it up, and pointed it at Mr. Geo. McDonell and snapped it. Mr. McDonell was distant from Quinn at that time about five or six feet. Stewart was then brought down to Cornwall and received every attention and medical aid that could be rendered, but to no purpose. He died yesterday afternoon under extreme suffering. Both Richard and William Quinn have been arrested, and now stand committed for trial at our next Assizes. I most sincerely hope that His Excellency will promptly comply with the request now about being made on the part of the Commissioners; and, should it be considered necessary that an application should come from the Magistrates, it will immediately be complied with.

I further beg leave to suggest the necessity of furnishing arms to one or two regiments of Militia that are in the vicinity of the work:—If this could be done, it would be most desirable. I am told they are at Kingston, and could be got down in sleighs at very little expense.

I am, Sir,

Your obedient Servant,

GUY C. WOOD.

W. R. F. BERFORD, Esq.

Agent St. Lawrence Canal.

The answer from His Excellency the Lieutenant Governor to the application for a Military force on the line of the Canal was read as follows:

GOVERNMENT HOUSE,
Toronto, 24th *December*, 1834.

SIR,

WITH reference to your communication of the 20th inst., and to the representation which accompanied it from the Contractors for the construction of the Locks, &c. of the St. Lawrence Canal, I am to acquaint you, that it is with great regret the Lieutenant Governor learns from your report, that the labourers employed by the Contractors on the works of the St. Lawrence Canal have given cause for the apprehensions communicated in your statement of the occurrence in which the Deputy Sheriff lost his life. His Excellency, however, thinks it incumbent on him to desire me to inform you, that he is persuaded the exertions of the Civil power to preserve order will be effectual, if the offender who is now in custody should be convicted and punished. His Excellency thinks that the Contractors should be required to discharge immediately all those who have shewn any turbulent disposition on the late occasion, or who joined the riot. I am also to observe, that although it is greatly to be regretted, that your public works cannot with safety be undertaken by engaging the labourers that have most need of employment, other descriptions of workmen than these at present on the Canal should be procured by the Contractors, if they cannot be trusted. His Excellency hopes, that by the continued exertion and influence of the Magistrates, the works on the St. Lawrence will be able to be carried on without the presence or intervention of Soldiers. He has strong objections to their being employed on such occasions. On the Welland Canal, and on the Rideau and Grenville Canals, there were occasional disturbances among the labourers while these works were in progress; but he knows of no instance of a Military force having been called out or applied for. Should the Magistrates consider that the means at their disposal for checking any violent proceedings of the labourers employed by the Contractors are insufficient, three or four companies of Militia might be selected, and so organized, that they would be prepared to support the Civil authority when their assistance might be required. The Companies selected might be supplied with Arms from Kingston, on their being reported prepared to receive them. You will have the goodness to communicate the contents of this letter to Mr. Wood, and the other Magistrates of the District.

I have the honour to be,

SIR,

Your most obedient humble servant,

WILLIAM ROWAN.

JONAS JONES, Esquire.

The Resident Engineer, having represented the propriety and advantage of altering the line of the Canal near Colonel Anderson's, so as to occupy the ground on which his dwelling house and offices are erected, Mr. Longley was appointed to compromise with Colonel Anderson for the damages to be sustained by such alteration; and in case no compromise can be made, to act as Arbitrator on behalf of the Board, to ascertain the same.

The Resident Engineer having submitted a plan for the mile stones, pursuant to resolution of the Board, it was approved, and the Agent was directed to advertise for tenders for the same.

The Engineer submitted a Report upon the claim of S. and W. M. Frazer, which was read as follows:

To JONAS JONES, Esquire, &c.

SIR,

CONCERNING the claim made by Messrs. Frazer, on the 10th ult:—That part of the same concerning the removing of a bridge, I have arranged, by allowing them an extra price on the excavation necessary, which is accordingly entered in the estimate. That part of the claim relating to the "Cholera patients" was disposed of at the last meeting. The Messrs. Frazers certainly were incommoded in the prosecution of their work by the King's highway laying through their section. From their account, which I think is about right, they were interfered with about one month; in which time they had twenty scrapers at work. Upon the value of this amount of labour, I propose that ten per cent be allowed—20 scrapers, 26 days, at 7*s*. 6*d*. £19 10 0.

I am, Sir, respectfully, &c.

J. B. MILLS.

Ordered,—That the sum of nineteen pounds ten shillings, as recommended in the foregoing Report, be paid to Messrs. Frazer.

No. 11.

At a meeting of the Commissioners, held at Moulinette, on Wednesday, 11th February, 1835—

PRESENT.

Jonas Jones, Esquire, *President.*
John Macaulay,
Philip Vankoughnet,
George Longley.

The Secretary being ill, the minutes of the preceding meeting were not read.

The monthly estimate of work done on the Canal was submitted.

Nicholas N. Ault submitted a claim for £41, for extra work performed on the Tow-Path on south side of the Longue Sault, upon which the agent reported as follows :—

GENTLEMEN,

Upon the account of N. N. Ault, referred to me by you, I would remark, that, as a matter of course, his tender was the lowest, otherwise he would not have got the contract; but, although the lowest, I am convinced he would have made considerably by the job had he attended to it properly himself, and put on sufficient force to have completed it in the time specified.

The first item in his account is 60 days' work at Pepper-Mill Point. Those 60 days he would have saved had he fulfilled his contract; but not having done so, and having left this point for the last of his work at a time when the water was falling rapidly, caused the extra labour to make a cut sufficient to pass a Durham boat as per contract;—but, had he finished at the time specified, those 60 days' work would have been required afterwards: therefore I think he should be paid, though not the amount claimed. It then follows that the second item should be admitted. The extra work at Cartin's I always thought should be allowed, for certainly I laid out the road upon the beach—and contrary to my positive instructions, and at his own risk, he went to the top of the bank, and made the road. I did not think it would answer, so Mr. Mills was called upon to decide:—he was satisfied, and it was accordingly accepted. Afterwards, when Mr. S. Jones and some other of the forwarders examined it, they thought their trace-lines would wear out very fast by rubbing against the bank, and ordered it to be made upon the beach, which caused the labour Mr. Ault now claims to be paid for.

Below I submit the account, as I think it should be admitted; and am,

Yours respectfully,
W. R. F. BERFORD,
Agent.

Commissioners St. Lawrence Canal,

To N. N. Ault.

Nov. 20, 1834.	60 days' work at Pepper-Mill Point, in the water, at 4s.	£12	0	0
	Board for same, at 1s. 3d. per day, ...	3	15	0
	3 months and 2 days, at Cartin's point, at $9 per month, ...	7	0	0
	Board for same, at 1s. 3d. per day, ...	5	0	0
		£27	15	0

Ordered, That the sum of twenty-seven pounds fifteen shillings, as recommended in the foregoing Report, be paid to N. N. Ault in satisfaction of his claim.

The claim of Robert Armour, amounting to £450, for 18 acres of land with the timber thereon, and to £3,334 for the removal and destruction of a private canal, was submitted—

Resolved, That the first item in this claim is unreasonable, and the latter one extravagant, and wholly inadmissible.

The claim of Jeremiah Hawley and S. Cutler to be remunerated for loose stone taken for the use of the Canal, was referred to the Agent.

The Report of the Resident Engineer on the claim of R. and W. Hervey, for compensation for damage sustained by their sub-contractor Henry Roebuck in having a number of teams suddenly discharged, was read as follows :—

To Jonas Jones, Esq., *&c.*

SIR:

The communication from Messrs. R. & W. Hervey of the 10th December, concerning some losses which had been sustained by Mr. H. Roebuck, has received my attentive consideration. Accompanying said communication is one from Mr. Roebuck to the Messrs. Herveys, stating and specifying said losses. It was distinctly understood, at the time the tenders were received for delivering stone upon Section No. 1, that the work might be stopped at 10,000 yards, or extended to any quantity that might be found within half-a-mile of the line of the Canal on said section. Near 8000 yards have been delivered, and probably there are 4 or 5 thousand yards more to be delivered on said contract. Subsequent to the making the contract for delivering said stone, in conversation

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with Mr. Roebuck who took the hauling of the stone, I said I wished he would put on 150 teams, (one-horse teams.) He increased the number to about 70 horses. About the time he had this number of horses, and was increasing daily, I advised the Messrs. Herveys to request Mr. Roebuck to discharge all the hired teams he had engaged, but to go on with his own teams only—(the Board of Commissioners are informed of the reasons for this countermand.) Now, the claim which Mr. Roebuck has upon the Messrs. Herveys must be based upon the expenses consequent upon procuring and making arrangements for this extra number of teams which were turned about when on the road to the work. Here I will introduce Mr. Roebuck's bill of losses:—

Building erected,	£71 10 0, ½ off, £	50	6	8		
61 carts, at 10s.	30 10 0, do.	20	6	8		
50 horses and men coming from Coteau and returning home, 4 days each, 5s.		50	0	0		
Estimated loss on horses, and other property, to the amount of £400, at 25 per cent.		100	0	0		
Estimated loss in being thrown out of work for the winter, and losing the drawing of 4000 tons of iron ore for Ogden & Co., of Waddington,		125	0	0	345	13	4

I propose to allow the first item; also, to put the carts at 5s.—to allow the third item, and add an item for extra expenses: *viz.*

	£				
Loss on Buildings,	50	6	8		
61 Carts, at 5s.	15	5	0		
Loss on teams,	50	0	0		
Extra expenses,	10	0	0	125	11	8

Making £125 11 8; which I propose to pay to the Messrs. Herveys on account of said losses. I do not consider that the last two items of Mr. Roebuck's bill can be allowed. He has not been thrown out of business; but is now engaged in business with an increased (as I am informed) number of teams on the works of the St. Lawrence Canal.

I am, Sir, very respectfully, &c.

J. B. MILLS.

Canal Office, 4th *February*, 1835.

Ordered, That the sum of one hundred and twenty-five pounds eleven shillings and eightpence, as recommended in the above Report, be paid to Messrs. R. & W. Hervey in satisfaction of their claim.

The claim of Messrs. Richards & Buell to be reimbursed the cost of a bridge, amounting to £4, 8s. 2d., incurred by direction of the Resident Engineer, for the purpose of sustaining the public road at Mille Roches, was allowed.

The claim of Messrs. Richards & Buell to be compensated for cutting a drain from the culvert-pit at Mille Roches, was read, and referred to the Resident Engineer.

Thomas Roger's account for expenses from Kingston to Cornwall, to estimate the value of property, by directions of the Solicitor, amounting to £7, 15s., was submitted, and ordered to be paid.

The Agent submitted a Report of the Progress of the work on the Canal, as follows:—

"*Progress of the Work on the St. Lawrence Canal.*"

Culverts.—	*Moulinette*,	A large quantity of good stone, some bad, and very little cut delivered here.
Do.	*Mille Roches*,	A large quantity of rough stone, some of which is very bad, and a little cut stone delivered here: the drain to carry off the water is cut, and a little excavation in the culvert-pit made.
Do.	*Robinson's Creek*,	Here there is about 70 or 100 cord of good rough stone delivered; this culvert is sub-let to Messrs. Truax & Co.
Do.	*Wood's Creek*,	A few cut stone delivered here.
Do.	*Cornwall*,	At this point there is delivered about five hundred pieces of cut stone, a small quantity of rough of which a part is bad: Considering the extent of work to be performed, I do not think those contractors have much done.
Locks.—	*No.* 1,	Have got a large quantity of good stone delivered, and appear to have made good progress.
Do.	*Nos.* 2 & 3,	Doing very well.
Do.	*No.* 4,	Appear to be going on well; have got a large quantity of good stone delivered.
Do.	*Nos.* 5 & 6,	Going on well—some of his backing not very good.
Retaining Wall *on Sect. No.* 11,		A large quantity of stones delivered, of which I think one-half should be rejected as unfit for that work.

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The Contractors for the Locks and Retaining Wall appear to be making the best use of the winter for getting in their stone and other heavy materials from a distance;—and, if all the stone that have been brought to the Canal were good, we might consider that the works have so far progressed well.

There is a small force working upon Sections Nos. 26, 19, and 13; upon No. 17 there are 74 men and 14 horses and carts at work; upon No. 12 there are 100 men and 17 horses and carts: Their embankment appears to go on better during the frost than in soft weather, as the ground is dry and pleasant for the men and horses to work upon, and the ice saves the expense of a bridge and makes a better road. Upon No. 8 there is a small force working to apparent advantage. Upon No. 4 there are 60 men at work. Upon No. 3 187 labourers and 89 horses and drivers; they are going on well with the embakment in Brownell's Bay. Upon Section No. 1 there are 226 labourers, and 41 men otherwise employed.

Respectfully submitted by

W. R. F. BERFORD,
Agent.

At a Meeting of the Commissioners, held at Moulinette, on Friday, 1st May, 1835, pursuant to notice—

PRESENT.

Jonas Jones, Esquire, *President.*
Philip Vankoughnet,
George Longley,
Peter Shaver.

The minutes of the two preceding meetings were read.

The President submitted the Estimate for March and April, with an accompanying Letter, which was read as follows:—

Brockville, 30th *June*, 1835.

GENTLEMEN,

The Members of the Board not having assembled in March, pursuant to adjournment, and no meeting having been called on the day of monthly payment in April,—I directed the Secretary to pay to the Contractors the amounts estimated by the Engineer pursuant to their several contracts. Accompanying are copies of the Estimates for March and April.

I have the honour to be,

Your most obedient servant,

JONAS JONES,
President.

To the
Commissioners for the Improvement of the St. Lawrence.

The President read an extract from a letter addressed to him by Mr. Macaulay, dated Kingston, 28th March, 1835, as follows:—

"Herein is a letter from Mr. Mathews, whom I have recommended to the Board as a trusty overseer of mason-work. He is anxious to know what prospect he has of employment this season, before he looks out for any building contract near this. My opinion, you know, is, that he will prove a valuable servant to the Board, and that we can nowhere find a better. Shall we not want several overseers of mason-work, and that almost immediately? I hope you will take the opinion of the Board on this subject at the ensuing Meeting."

The Secretary was directed to write to Mr. Mathews to state the terms upon which he would undertake the duties of overseer of mason-work.

The claim of S. & W. M. Frazer to be reimbursed the judgment and costs incurred in defending the suit of Glamy *vs.* Frazers, amounting to £18, 0s. 7d., was submitted.

Ordered, That the sum of eighteen pounds and sevenpence be paid to S. & W. M. Frazer in satisfaction of the above claim.

The President submitted two letters received by him from the Resident Engineer relative to the work on Section No. 1, which were read as follows:—

Canal Office, 31st *March*, 1835.

Jonas Jones, Esquire.

SIR,

Concerning the projected alteration of the line of the Canal on Section No. 1, and the prices for the performance of the work, I have considered the matter, and have come to the conclusion, that for the part of the section the line of which is to be changed, it is best to substi-

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tute a new section throughout. I propose to terminate the contract at our Station No. 56, which is a few feet above Burns' Old Storehouse,—thence to the lower end of the section to make a new contract—

For the ordinary excavation of this part of the section I propose	8d. per yard.
Loose stone reserved as per original contract, ...	1s. 3d.
Loose stone requiring blasting, ...	1s. 6d.
Excavation below top bank, or 14 feet above bottom of Canal,	9½d.

For the increased grubbing, £75, 0s. 0d.

As the line will be moved far into the bank of the river, and quite away from any danger of water, there is no necessity for a price of excavation below level of the river, and the facilities are good for getting rid of the water from springs that may be in the course of the work. In prosecuting this work I propose to enter the bank of the river on the level of top bank of Canal, and the earth which is to form the bank of the Canal is not to be moved.

I am, Sir,

Your obedient Servant,

J. B. MILLS.

JONAS JONES, Esq.,

SIR,

THE proposition to the Messrs. Herveys for the projected alterations of their work seems not successful. In making said proposal, I intended to be full up to a fair price, and I believed they would agree to it. I have thought much of the matter since, and am not disposed to advance. I have come to the conclusion to adopt the alternative of which I informed you at our last meeting, which is to go on with the work to the extent of the original contract. Then, if the Messrs. Herveys do not choose to go on with the work at the price that may then be agreed on, the work caused by said alterations can be let under a new contract. This will cause no delay nor much inconvenience. Presuming that the Messrs. Herveys would accede to the proposition made, I directed them to change the plan of their work—upon which change some work has been done. This will not all tell in work done, some of which will be lost to the Province; but, in view of the whole case, it will not be loss.

I am, Sir, &c.

J. B. MILLS.

Canal Office, 29th April, 1835.

The Report of Benjamin Wright, Esq., (Consulting Engineer,) relative to the progress of the works on the Canal, was submitted, and read as follows:—

To

The PRESIDENT and BOARD OF COMMISSIONERS of the ST. LAWRENCE CANAL.

GENTLEMEN,

I HAVE visited and passed several days in looking at and examining the work done and going on upon the Canal at the Longue Sault under Mr. Mills as Acting Engineer. As far as I can see, every thing is progressing well as to the work generally. The winter has been extremely favourable for the contractors for the locks and culverts to get their materials on the ground ready for use, and they have improved it well, and secured the delivery of a large portion of their stone and timber; and a considerable part of their stone are cut, ready for use. These materials are very generally of an excellent quality, and will make good work if well executed in the mechanical part.

I see as much progress in the excavation of the sections as I expected, except on No. 1.—This section was supposed originally to contain about 943,977 cubic yards of earth excavation; and, by the alteration of the line by carrying the Canal further into the bank, about 538,218 yards have been added, making 1,482,295 yards,—and it is not improbable we may be under the necessity of carrying some other parts of the line of this section further into the bank than we now propose. This depends on the appearance of stability in the bank carried into the river, as it shall appear in three or four months' more labour done with a thousand or more men stendily at work. Supposing that each man averages five yards per day, it will require 296,459 days' work to execute the common excavation part of the job, and to this must be added the necessary labour for the other parts of the contract about the stone, (and we have a great amount of labour to be performed on this section)—and from this data we can see that all the other sections can and will be completed before No. 1.

As to the stability and permanency of the work on No. 1, I see nothing that gives me the least apprehension for the work. It may be requisite and proper, should we find our quantity of stone much less than we now expect, to push a little further into the bank: I, however, do not think that this will be required, and I have advised Mr. Mills, where the earth is now dug away down to the surface of the water in the Canal, (and below that in many places toward the lower part of the section,) to let it remain without any determined or fixed line on the ground for the line of towpath bank, until several months' work more is done, to see the effect of the water of the river upon the

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earth carried out,—and then make up a decision how far to cut into the bank to be perfectly safe and secure at all times hereafter. This plan is the economical one, and is proper and right as to the contractors.

The contractor for the culverts should push his work as speedily as he can, both on his own account to get the masons before the lock-builders will be wanting them, and also to enable the contractors for the sections to go on with their embankments over the culverts, otherwise his work will interfere with theirs, and delay it. I am told there is preparation made by the lock contractors for their water cement; I hope it will be of good quality. I fear there is difficulty in procuring good clear sharp sand,—this is as important as good cement. I am told there is good sand at the head of Barnhart's Island. No reasonable pains or exertions ought to be spared to obtain good sand, and great caution used to learn what proportion of sand and lime will best answer. In the face of the lock, for one foot, I should use water-lime without any sand, in the same manner as Roman cement is used.

I have examined Mr. Wilkinson's model of a gate for a lock, together with all the apparatus for opening, &c. It is easy to see, from this specimen of his mechanical skill, that Mr. W. has a perfect knowledge of what he has to execute according to his contract, and I think we may say that this is a case where the importance of having a contractor possess in his own brain the views and plans of the engineer as they have been communicated to him, is fully exemplified; and I will add, that there is no security for mechanical work of this kind being well done without the contractor has this skill within himself.

I have, Gentlemen, given you my views of all that is important in relation to the work now going on at Longue Sault; and I cannot but add that the prospect of this noble and great work is, that it will be executed for *about* the sum originally estimated, adding thereto the damages for land, and some little alterations of the plan rendered necessary by local causes not understood in 1833.

I have the honour to be, very respectfully,

Your obedient Servant,

BENJAMIN WRIGHT,
Consulting Engineer.

Longue Sault, 27th April, 1835.

Resolved,—That the works on Section No. 1 do proceed for the present upon the terms of the original contract.

The Report of the Agent, upon the effect of the Ice on the works of the Canal during the past winter, was submitted, and read as follows:—

To

The Commissioners for the Improvement of the Navigation of
the River St. Lawrence.

GENTLEMEN,

In accordance with a wish expressed by the Board last autumn, I have watched with much care and attention the effect produced by the ice this winter upon the various points where it would be likely to come in contact with the works of the Canal.

Although the winter has been unusually long, with much severe weather, from my observations I am induced to believe that the ice has not accumulated, or shoved, as it has done other years, and nothing has occurred to cause alarm to those persons living within the space subjected in former years to the destructive influence of inundations and floating ice turned from the natural channel of the river by ice-dams. It is impossible for me, or any other person who has not had an opportunity of viewing the frozen river in its wildest mood, to say what may be its effect upon our works;—the old inhabitants express much doubt as to the safety of the water lock, (No. 6,) which advances far into the river—they say, the high banks, the largest trees, and even rocks, offer no apparent resistance, but all are alike hurled and borne down the stream by the terrific power of descending ice. How, then, can that work stand that is placed within its immediate swoop?

In a conversation with Mr. Mills on the subject, he informs me there is no danger to be apprehended, as he intends placing ice-breakers, &c., which will completely secure the locks and other works from damage. I have seen nothing this winter but what may be easily guarded against: And am now,

Gentlemen,

Your obedient Servant,

W. R. F. BERFORD,
Agent.

Cornwall, 1st April, 1835.

No. 11.

A Letter from Benjamin Wright, Esq., relative to the termination of his engagement as Consulting Engineer, was submitted, and read as follows:—

BROCKVILLE, *April 29th*, 1835.

GENTLEMEN,

As my engagement with your Board will end on the 1st May, (or day after to-morrow,) I am desirous to know, before I make further engagement on other public works, whether you are desirous to have my services any further on your great and important works.

As I now report the state of the works, it appears to me that every thing is moving on very well, and my presence will not be required but a small portion of the time, and of course the compensation should be diminished in proportion to the time required. Viewing the state of the work, and the probable projects which will be made, I do not think I could render you valuable service until about the month of August, when the foundation of the locks about Cornwall will be ready and begin. The Section No. 1 would then show what course ought to be adopted, and some very important questions will come up for consideration and counsel. If you should then require my presence, I would so arrange other duties as to be with you if health permit;—and in meantime I shall give Mr. Mills advice, in writing, on every point he may ask, as far as I am able to do so. My duties and engagements will call me to Cuba, in Spanish West Indies, in October and November; and, previous to August, I shall be in Virginia, and on *New-York and Erie Rail-Road*, if it goes forward, *probably*. I have made no positive engagement on these two latter works, but I have been urged to take the principal charge of them and devote a certain portion of my time to them,—and that portion I should so regulate as to meet your wishes as far as I now think I can be useful.

I cannot deny but I feel some pride in being associated in the greatest work on this continent, and shall feel all the responsibility (which is not a little) which an engineer must assume on such a work.

It would give me great pleasure to hear from you, as soon as your convenience will permit, on the subject of a further engagement, as I shall be pressed to engage on the other works as soon as I return, probably.—Wishing, Gentlemen, every success to your great and noble work,

I have the honour to be, very respectfully,

Your obedient Servant,

BENJ'N. WRIGHT.

To
JONAS JONES, Esq., *President*,
and the COMMISSIONERS.

Resolved—That the Board highly appreciate the services of Benjamin Wright, Esq. as Consulting Engineer during the past year, and are desirous of securing the advantage of his advice from time to time during the progress of the work; and that when his personal attendance may be required on the Canal, he shall be allowed the sum of one hundred pounds for each visit.

The foregoing Resolution was read by the President to Mr. Wright, to the terms of which he expressed his assent.

Ordered—That the Memorial of R. & W. Hervey, for assistance towards the erection of an Hospital on Section No. 1, be referred to the Board at its next meeting.

At a Meeting of the Commissioners held at Moulinette, on Wednesday the 13th May, 1835—

PRESENT:

JONAS JONES, Esquire, *President*.
Hon. JOHN HAMILTON,
JOHN MACAULAY,
PHILIP VANKOUGHNET,
PETER SHAVER.

The Minutes of the preceding Meeting were read.

The Monthly Estimate of work done on the Canal was submitted.

The application of R. & W. Hervey, for assistance towards erecting an Hospital on Section No. 1, as submitted at last Meeting, was considered.

Resolved—That the Board cannot at present hold out any inducement towards the erection of hospitals on the line of the Canal.

No. 11.

The Report of the Resident Engineer, relative to the construction of a Dock at Cornwall, was submitted, and read as follows:—

To

Jonas Jones, Esq., *President, &c.*

SIR,

My remarks of the 3d ultimo, upon the proposed Basin at Cornwall, were based upon a location and plan as proposed by some of the inhabitants of that town. If the Board conclude to construct a basin for the town of Cornwall, I beg leave to suggest another plan, to wit:—Opposite the centre of the town, and on the front of two blocks from Augusta to Sidney Street, distance about 1100 feet, I propose to excavate the north slope of the Canal, then build it up nearly perpendicular with timber, in the form of a dock. This will give about 26 feet greater width to the navigable Canal, and enable a steam-boat to lay alongside of said dock without any interruption to the navigation. This plan will preserve the same appearance to the Canal,—will also not interfere with the street on the bank of the Canal, nor with the town-plot, and will require no expense for basin ground, and I am confident will answer every purpose with satisfaction to the town of Cornwall. I have made an estimate of the expense of this work, and find it will cost about £900.

As requested, Sir, I hereby present you with the result of an estimate of the expense of a dry dock at Cornwall. I propose to construct it upon the north side, and parallel with our lock, No. 4, which is a little below the town-plot. My estimate of this work amounts to £3000.

It will be necessary to construct a sewer along the north side of the Canal, in front of the town of Cornwall, which will be 4000 feet long. I have made an estimate of the expense of it, amounting to £2,050. The sewer and the basin must be advertised for contract immediately; also a contract is to be made for delivery of stone on Section No. 1. Commencing the additional culvert at Cornwall, I refer you to my letter of 3rd ult.

I am, Sir, very respectfully,

Your obedient Servant,

J. B. MILLS.

Canal Office, 7th May, 1835.

Resolved—That the Engineer be directed to proceed with the construction of the Basin and Common Sewer at Cornwall, as recommended in his Report of 7th inst.,—and that the proposal for constructing a Dry Dock be left for the consideration of the Legislature.

An application from the inhabitants of Mille Roches, requesting that Bridges may be constructed in that village, "so as to establish the usual communication," and, in the event of that not being practicable, "that their respective properties be purchased by the Commissioners at a fair valuation, or to be otherwise remunerated for the damage sustained by the construction of the Canal," was submitted and read.

Resolved—That the Board having sanctioned the construction of a culvert at Mille Roches for the convenience of the inhabitants, cannot comply with the prayer of the Petition, and recommend an application to the Legislature for such damages as they conceive themselves entitled to.

A communication from the Resident Engineer, on the subject of the employment of Master Masons, was submitted, and read as follows:—

To

Jonas Jones, Esq., *President, &c.*

SIR,

On the subject of the employment of a master mason, upon which the Board expressed an opinion at the Meeting on the 1st instant, I beg leave to remark briefly—It is a measure of which I approve on certain conditions, and it is one which I had in contemplation, for I had some correspondence concerning it early in the past winter. The employment of such a person I think ought to originate solely in your engineer, and be determined by his views of its necessity. From your engineer only he ought to receive instructions, and to him only be accountable. He must hold his station at the discretion of your engineer, who must also be the only judge of his fitness and qualifications.

The superintendence of the masonry is a peculiar part of the duties of the engineer, *and must be perfectly under his control and discretion,*—as much so as any other department of his duties. As to the qualifications of the person in question, they are comprised mainly in the following particulars—He must be a good mason, and be experienced in the peculiar department of masonry for which he is wanted here. He must be a man of strict integrity. He must be a perfectly sober, and an industrious man. These, Sir, are in short my views of the matter, and the conditions upon which I can consent only to the employment of a master mason.

Should these views obtain with the Board, the Board will be pleased to authorise me to act independently, and, in pursuance of the same, in the employment of a master mason.

I have the honour to be, Sir,

Your obedient Servant,

J. B. MILLS.

Canal Office, 11th May, 1835.

Resolved unanimously—That the Board reserve to themselves the right of appointing and dismissing from employment any persons required upon the Canal, and that they will themselves judge of the fitness and qualifications of every person so employed. That they will not authorise Mr. Mills to employ a master mason, or any other person, independently of the Board, although they admit such persons to be under his control and directions, and subject to dismissal by him on good and sufficient grounds.

The Secretary was directed to hand Mr. Mills a copy of the foregoing Resolution, to which the following reply was submitted :—

To

JONAS JONES, Esq., *&c.*

SIR,

I HAVE considered the Resolution of the Board of Commissioners passed this day in relation to the employment of persons upon the line of Canal,—and while I agree to the principles it contains, in general terms, still, in relation to a specific duty, as in the superintendence of work, I still think the principles contained in my letter of the 11th inst. quite proper; and this opinion originates in a great amount of experience, of which my own forms an inconsiderable part.

As the Board agree that the master masons appointed on the line of the Canal shall be under the control and direction of their engineer, and subject to his dismissal, I am content to proceed.

I have the honour to be,

SIR,

Your very obedient Servant,

J. B. MILLS.

A communication from Mr. Berford, on the subject of his being continued in the situation of Agent, was submitted, and read as follows :—

To

The COMMISSIONERS for the Improvement of the Navigation of the RIVER ST. LAWRENCE.

GENTLEMEN,

I HAD the honour to address you individually some time since upon the subject of my appointment as your Agent, and the discontinuance of the office.

The diappointment I shall experience from an adherence to your determination it is unnecessary to repeat, but would observe, that if my services are required in the conduct of the work, I shall be most happy to afford them in any manner the Board may think proper.

I am, Gentlemen,

Your most obedient servant,

W. R. F. BERFORD.

Moulinette, 11th May, 1835.

Resolved—That as the services of an efficient Agent will be important in a general superintendence of the work, in watching its progress from time to time, with the materials used; in reporting officially to the Board, and confidentially to the President, monthly, and oftener if necessary; to settle claims, the same being first approved by the Board or President; and to receive such claims, petitions, memorials, or complaints as may from time to time require to be laid before the Board,—the Resolution of the 10th December, 1834, to-wit, "That it is inexpedient to employ an Agent for the next year, there being no sufficient services required to warrant his employment,"—be rescinded.

Resolved—That the Agent be directed to keep a Journal, to be laid before the Board at its monthly meetings, and oftener if required, in which he shall enter fully all his proceedings, and note such circumstances, from day to day, as he may think important for the information of the Board.

Resolved—That the continuance of Mr. Berford's engagement as Agent be limited to another year, unless, at a full meeting of the Board, it should be otherwise determined. Which was carried.

Yeas—Messrs. MACAULAY, HAMILTON, VANKOUGHNET, JONES.

Nays—SHAVER.

No. 11.

A communication from David Taylor, Esq., relative to the Survey of the St. Lawrence from head of Longue Sault to Prescott, was submitted, and read as follows:—

COMMERCIAL HOTEL, KINGSTON, *25th April*, 1835.

SIR,

AGREEABLY to your request of the 2d ult. I beg leave to inform you that I have considered the subject of the survey of that part of the St. Lawrence between the town of Prescott and Cornwall; and, as far as I am acquainted with that part of the river, it is my opinion, owing to the many shoals and rapids that exist, that, in order to lay down a *chart* of the soundings and velocity of the currents in a correct way,—provided a map or outline of the coasts, with determined trigonometrical *points* laid down thereon, be finished,—could be effected in a period of between four and six months; but, if the map of the coast alluded to above could not be provided, delay would be occasioned to construct one. The additional time would be about one month, and I feel assured would be likely to give more satisfaction. The remuneration for my services would be one guinea per diem.

I am, Sir,

Your obedient Servant,

DAVID TAYLOR.

JOHN MACAULAY, Esq., *Kingston.*

Resolved—That Mr. Macaulay be authorised to employ Mr. Taylor to ascertain the soundings of the river between the head of the Longue Sault and Prescott, and also the velocity of the current within the same points.

A Memorial from the Lock Contractors, praying, that, as the value put upon the materials delivered by them, in the monthly estimates, is considerably below their actual cost, the deduction of 25 per cent. from the amount of estimate may not be retained.

Ordered—That five per cent. be retained from the estimated value of work, &c. on the lock contracts.

Resolved—That the Board will advance contractors the full amount of the sum conditioned to be reserved, to wit, twenty-five per cent. on the estimated amount of work done, on their furnishing personal security to such an extent as may be required by the Board,—taking into consideration the probable amount of the receipts under their respective contracts.

AT a Meeting of the Commissioners, held at Moulinette, on Tuesday the 16th June, 1835—

PRESENT.

JONAS JONES, Esquire, *President*,
JOHN MACAULAY,
PHILIP VANKOUGHNET,
HIRAM NORTON.

The Minutes of the preceding Meeting were read.

The Monthly Estimate of work done on the Canal was submitted.

Memorials, Nos. 1, 2, 3, and 4, from different persons resident in Mille Roches, were submitted and read.—Referred to the Agent.

The Report of the Resident Engineer, relative to the construction of an Embankment at Potash Point, and Stone Piers at Section No. 1, was read as follows:—

To

JONAS JONES, Esq., *President*, &c.

SIR,

AT the Meeting of the Board on the 13th ult. I verbally proposed the construction of several break-water piers on the outside of the bank on the upper part of Section No. 1. The direction of the bank of the river along some part of said work is such that the water acts with considerable force upon this shore; and, at these points, the water being very deep, the lighter part of the material which we are carrying out to form the bank is carried away. We have probably a sufficiency of heavier material to enable us to form the bank at these points, but it is desirable to retain more of

the lighter earth, as combining the materials will form a better bank. The object of these jetting piers is to break the current of the stream and throw the water from this shore, which will enable us to secure all the material, and they will also serve for purposes of ultimate security. Said piers are intended to be well connected with the bank, and to run out about 100 feet beyond it, at an angle of about 45° with the course of the stream. I have made an estimate of the cost of one of these piers, and find it amount to about £700 currency. It is desirable to put up two or three of these piers immediately, and I propose the reception of tenders for the same forthwith.

At the same meeting, and in the same manner, I proposed the formation of a guard bank on Potash Point, extending from the south bank of the Canal to the bank of the river. The object of this bank is to keep the water in great floods from carrying away the south bank of the Canal. This bank can be made the most economically in connexion with the work on Section No. 27, and it will probably require near 6000 yards of embankment.

I have the honour to be,

Sir,

Your very obedient Servant,

J. B. MILLS.

Canal Office, 6th June, 1835.

Resolved—That the Acting Engineer, in conjunction with the Agent, be authorised to make the necessary contract for constructing the embankment at the mouth of the Canal,—and that the construction of the piers be postponed for the present.

A Letter from Captain Cole, R. E., in reply to an application from the Commissioners for permission to quarry Cement Stone at Point Henry, was submitted and read.

A Memorial from J. L. Wilkinson, (lock-gate contractor,) praying the assistance of the Board, in an application to the Lieutenant-Governor, to remit the duty on the screws and hinges required for the lock-gates, was submitted.

Resolved—That the Board are not aware of any law authorising the Executive Government to remit duties, and cannot therefore recommend the proposed application.

An Application from H. Pierce & Co., (contractors for constructing the retaining wall on Section No. 11,) to be remunerated for the erection of Coffer-Dams, and for Quarry Pumping in consequence of the water of the St. Lawrence being higher than at the time their contract was taken, was submitted.

Resolved—That the claim of H. Pierce & Co. is inadmissible.

The recommendation, by Messrs. Chas. Kerr & Co., of Lewis Barnett as a Superintendant of Masonry on the Locks of the Canal, was submitted and read.

Referred to the Resident Engineer.

A Communication from David Taylor, Esq., relative to the Survey of the River St. Lawrence from Head of Longue Sault to Prescott, with an estimate of the expense, was submitted, and read as follows:—

Erristown, *June 5th*, 1835.

DEAR SIR,

Annexed I send you a statement of the probable expenses required in surveying the currents and soundings of that part of the St. Lawrence named in yours of the 32d ult. From the information I have obtained I am of opinion that the soundings in the very rapid parts will be almost impracticable, the crossing of the stream being a thing not known. Should such be the case, and the soundings in such hazardous places not required, one-fourth of the expenses might be deducted with certainty. Most of the materials used of course will bear a value when done with. Respecting the boat, I have not been able to see one that would be fit; therefore it would be best to order one. A boat built with the lightest materials would be best, and sufficiently wide to stand up in for the purpose of dropping anchor, as it will often have to be thrown off the side. I will wait on you after the 10th.

I am, Sir,

Your obedient Servant,

DAVID TAYLOR.

John Macaulay, Esq.

No. 11.

List of Necessaries required to determine the Velocity of the Current at all the Points between Prescott and the Longue Sault:—

4 men for 4 months, *a* £4, 10s.	£72	0	0
Provisions for the above, *a* 2s. per day, ...	36	0	0
1 boat 24 feet long, oars, &c., complete, ...	24	0	0
1 small grapnel for boat—40 lbs.	1	5	0
1 do. anchor (spare)—40 lbs.	1	5	0
1 pig of iron with hole through it—56 lbs.	1	0	0
2 leads for sounding—one 14 lbs.—one 7 lbs.; 2 lead lines, ...	1	5	0
1 small chain equal to 3-inch rope, to prevent rope cutting at bottom, ...	0	12	0
56 fathom 2½ inch rope, ...	2	10	0
Incidental expenses, ...	20	0	0
	£159	17	0

Resolved—That Mr. Taylor be directed to proceed with the soundings, &c. of the river, from Prescott to Longue Sault, under the direction of Mr. Norton.

The Secretary was directed to furnish the contractors with a copy of the Resolution of the Board relative to the payment of the full amount of the Estimates, upon their furnishing satisfactory security for the fulfilment of their respective contracts.

At a Meeting of the Commissioners, held at Moulinette, on the 14th and 15th August, 1835—

PRESENT.

Jonas Jones, Esquire, *President*,
Philip Vankoughnet,
Hiram Norton,
George Longley,
Peter Shaver.

The Minutes of the preceding Meeting were read.

The Monthly Estimate of work done on the Canal was submitted.

The Memorial of Hiram Dayton, to be remunerated for the loss of a Cow, drowned in a pit excavated by order of the Engineer, was submitted.

Resolved—That the claim of Hiram Dayton is inadmissible.

The Memorial of Thomas Moss, to be remunerated for the loss of his Garden, was read.

Ordered—That Memorialist be paid £30 in satisfaction of his claim.

The Claim of James McGilles, to be remunerated the damage sustained by him in consequence of the Alteration of the Highway, was submitted.

Referred to the Agent.

A Communication from J. Harper, Esq., Cashier of the Commercial Bank, addressed to Hiram Norton, Esq. on the subject of the circulation of the paper of that Bank on the works of the Canal, was read.

The Correspondence on the subject of the foregoing communication, between the President and the Receiver-General's Department, was read and approved.

The Resident Engineer submitted a Tender from Wm. Johnston, for constructing the Sewer at Cornwall, with his approval.

Ordered—That a contract be prepared.

The Resident Engineer submitted a Tender from George Crawford, for the construction of the Guard Gates, with his approval.

Ordered—That a contract be prepared.

Ordered—That the Construction of the New Road at the Longue Sault be suspended; and that the Tenders received for the erection of Piers at the Longue Sault, the construction of a Bridge at Brownell's Creek, and the providing Mile-Stones, be not acted upon.

An Application from Wm. Johnston, for permission to quarry Stone for the Cornwall Sewer, on the premises of Jacob Barnhart, was submitted. Also, an Application from A. N. Buell, to be reimbursed the amount of Stone purchased from Jacob Barnhart for the use of the Culverts, was submitted.

Resolved—That the Commissioners will not at present authorise the payment of any further sum of money for Stone on Barnhart's Island.

A Deputation from the Inhabitants of Cornwall presented the Minutes of a Meeting held there on the 1st July, which were read.

Resolved—That the Representations of the Committee on behalf of the inhabitants of Cornwall be referred to the Agent, the Consulting, and the Acting Engineer, to report severally thereon.

An Application from Messrs. Simpson & Mittleberger, to be paid in full for the work done on Section No. 10, in consequence of the interruption of the work on that section by the construction of the culvert, was submitted.

Ordered—That, when the banks are finished on that part of Section No. 10, which is now otherwise completed, the full amount of work, as estimated, be paid for.

An Application from Chas. Kerr & Co., to be compensated for damage sustained by the timber on Section No. 22 having been cut down, was submitted.

Referred to the Resident Engineer.

A Claim was submitted by Adam Dixson for £100 in addition to the sum already paid to him for damages sustained by the construction of the Canal; which, upon inquiry into the circumstances of the case, *was not entertained.*

A Communication from Benjamin Wright, Esq. Consulting Engineer, was submitted, and read as follows:—

To
The Board of Commissioners St. Lawrence Canal.

GENTLEMEN,

At your request I have visited the Canal now making at the Longue Sault Rapids. I have passed over the whole line, and examined the work in detail. I find the excavation on all the sections, with the exception of No. 1, and two or three others, going on very well. It is true that I am disappointed in the quantity of work done, which is much less than I had expected to have seen: there is, however, no difficulty in believing that all the sections, except No. 1, can be completed in July, 1836. The locks are going on pretty well, and may be finished by September, 1836, without difficulty, if the contractors choose to exert themselves, which I have no doubt they will do. The culverts go on slowly, and, as no cement-mortar ought to be laid in the arches after the early part of October, I fear these will delay the contractors for the embankment, much to their injury. Care ought to be taken to cover the arches with earth as soon as they are turned, so as to secure the setling of the cement. Section No. 1 has gone on very slowly; and, comparing the quantity taken out with what is to be done, if it only moves forward in the same progression, it will take five years to complete this section. This is a question of great moment—what is to be done to forward this section? I was last winter opposed to narrowing the Canal against the Sault. I have now changed my mind, and think that it ought to be only sixty feet at bottom, if what is now told be true that nine or ten feet water can be carried through the channel at Longue Sault Island. I am opposed to Mr Mills' plan of sinking piers, because I think the attempt will fail, unless at a very great expense, and, I fear, even almost any plan will fail in a current of five or six miles per hour and thirty feet water;—neither can I view the project as important, when done, as Mr. Mills does, in its advantages. And if a part of it is to be raised again, it is still worse; because it will be more expensive to remove these timbers than to put them down, if they can be put down at all. After viewing this Section No. 1, and reflecting upon it, I have made up my opinion that there is no better way than to keep excavating and throwing into the river; and I firmly believe, that, when the excavation is carried back so as to have the centre line of from an average from six to ten feet farther into the bank than the original plan of last year, and then have sixty feet bottom, we shall secure a good and safe bank, and have stone enough to protect it perfectly safe—I mean the part against the Sault only, and extending down to where we have six or seven feet water as the outside of the slope upon the old plan. From this point, down to Kerr's Works, there will be no difficulty in the bank remaining at the extreme line which has been ever projected, if desired. The upper part of the section may also require to be carried a little farther into the bank; but this cannot now be determined, neither would I determine and fix any centre line until I had worked and

taken out three or four hundred thousand yards of earth more than has yet been done, and then some definitive centre line may perhaps be determined. It will be seen, by examination, that the lightest part of the excavation has been taken out, and, if we had more of the bottom heavy stuff carried in, we should see more effect produced in working into the river. I see no cause of doubt of success in this work if we can get a proper force upon the section, and take out 100 thousand yards per month instead of 25 or 30 thousand, and then we should soon be convinced of the propriety of the project of going along the river instead of an inland route, as some persons now suggest. I say, without hesitation, that I have perfect confidence of succeeding at a reasonable expense on this section. In working, I would insist on the contractors working more of the bottom stuff and more of the work on the lower end of the section, or give up a piece at the lower end, and let it be placed in other hands. A very heavy job might be given from the lower end to some efficient contractors who would push it forward and be entirely out of Mr. Hervey's way. If I am not in error, a distance of 600 to 1000 feet may be taken off here without injury to the prosecution of the other work, and I see no difficulty in taking another piece at the upper end and letting it out to be excavated to within one foot of the surface of the water. If some amicable arrangement can be entered into with the present contractors which would permit this course, it would serve to bring more energy to obtain men, in proportion of more contractors.

I am now, Gentlemen, about to make some remarks upon the relation in which I stand as your Consulting Engineer, and which has long been upon my mind—and justice to myself requires, as I think, it should not be longer deferred. It is in the recollection of all the members of the Board, of the time and manner I had the honour of serving them in 1833 and 1834, and the part I took in 1834, in the plans of the works; of cost for the locks; which plans were those on which the contracts were based for the construction. These plans were left in charge of the Superintending Engineer, Mr. Mills. After the contracts were all made, Mr. Mills deviated very considerably from my plan, and gave out the plans to the contractors with this deviation, without even consulting me; neither did I know it till December last, when the stone were so far commenced as to make it improper to make objections. Although I do not think Mr. Mills' plan as good as mine, still it will make a very good lock if well executed. I think, however, the relation between Mr. Mills and myself did not justify his altering important plans without consulting me. The alteration of the wood-work, in the chamber of the lock, is much more objectionable and improper for the safety of the lock than the change in the masonry: still, careful attention to secure those timbers may make them safe. The plan of the culverts was made by Mr. Mills, and shown to me. I made remark that there was an unnecessary and useless quantity of masonry in them, and pointed out how they ought to be altered. It was part of my plan to have piles driven to secure the foundation under the gates and recesses; and Mr. Mills and myself had conversed freely as to a substitute in case piles could not be driven, which was by truss-work inverted. As it is found that piles cannot well be driven at Lock No. 2,—and, from appearances, Locks Nos. 4, 5, and 6 will prove equally hard,—it will be proper to provide a substitute by truss-work for four of the locks. Mr. Mills has made a plan of this truss-work, and given it out to several of the contractors, as I hear, without any consultation with me. I make no other objection to Mr. Mills' plan but the unnecessary, and I think useless expense in the plan; whereby he will add a considerable sum to the cost of the locks, as I fear.

When it was so perfectly easy for Mr. Mills to have sent me per mail a sketch of his plan, and asked for observations upon it, I feel that it has, in all these several transactions, the appearance of not wishing my advice—because it was so easy to get it, if asked; but was never desired. In justice to myself, therefore, I present these remarks to the Board, with a design to exonerate myself from all blame for expenditures which I do not fully approve, and over which I have had no control nor direction. I am under the necessity of stating facts for my own justification. Mr. Mills may have reasons, satisfactory to the Board, for the course he has taken. Should this be the case, and should I have an incorrect view of the matter, as there has always existed between the Board and myself perfect confidence and harmony, and as it has been a source of pride in me to have my name connected with the greatest work on this continent, I think a frank and full explanation is due to them and myself; and I beg leave to add, that, while the Superintending Engineer considers my counsel and advice of no value, it is proper for me to say, that I can be of no service to the work.

I have the honour to be,

GENTLEMEN,

Very respectfully,

Your obedient Servant,

BENJ'N. WRIGHT,

Consulting Engineer.

Moulinette, 14th Aug. 1835.

Resolved—That the foregoing Communication from Benjamin Wright, Esq. be communicated to Mr. Mills, in order that he may make such reply in explanation as he may think proper.

Mr. Mills submitted a Letter on the subject of the foregoing communication, which was read as follows:—

No. 11.

To

JONAS JONES, Esq., *President, &c.*

SIR,

IN pursuance of the Resolution of the Board of the 14th August, 1835, consequent upon the communication made to the same by Benjamin Wright, Esq., Consulting Engineer, of the same date, I beg to remark, touching said communication—

The first clause in order, calling my attention, is, concerning the width of the Canal at the Longue Sault. Upon this point *my* mind is unchanged, and for reasons given in January last; and here I add another—Mr. Wright proposes to go down the American channel, if there is water sufficient. On this plan your navigation is dependent upon the Government of the United States, which I think is contrary to the design of your Legislature, in the Act authorising the Improvement of the River Saint Lawrence.

Secondly, In relation to the proposed piers on Section No. 1. From the first, and throughout the whole course of my duties in the service of your Board, economy, permanency, and despatch, so far as they are relatively consistent, have been grand objects to which my attention has been directed; and in any proposition relative to construction, wherein plans are projected or changed, the above considerations have been in view,—and they were in full view when I proposed said piers on Section No. 1. The following is simply the circumstance in which the suggestion originated :—In prosecuting the work along a section of the upper part of this contract, I observed that an important portion of the earth thrown into the river was taken away by the current, which is made serious by a shoal putting out from the opposite shore, which has formed the channel bold on the north shore for about 2000 feet. It became an object with me to counteract this current, and throw it from the shore, by which I would not only save all the material carried out by forming a permanent protection against the abrasion and action of the river, but would be enabled to carry the bank farther into the river even than the original plan contemplated,—thereby reducing the amount of excavation to an extent that the cost of the piers even at double my estimate would be much more than compensated, and the work finally be more secure: That this would be the result I have no doubt. In the execution of this plan difficulty occurs *only* in the sinking of the piers in their place; and in relation to this, surely, I must say, I never sunk a pier in 30 feet water, but I must say also, that I conceive of no difficulty or expense which the case does not warrant. We have tenders for the performance of this work at less than my estimate. Mr. Wright has objected to the piers, and has proposed no plan for the further prosecution of the work but one of a very indefinite character, with which I am not satisfied. In relation to the fixing of the centre of the Canal, it is a matter of contract, and is well understood that it is not fixed; but if it is practicable to reduce the excavation, at the same time reducing the expense of the Canal, I consider it of consequence to do so,—which governed me in my recommendation of the piers, concerning the propriety of which I have not seen reason to change my views.

Concerning the work opposite the Longue Sault, I have given my reasons for not reducing the width; but I have some views concerning this work which I shall present distinctly in future. Mr. Wright's further remarks, concerning the work on Section No. 1, need not particular notice from me at present. I certainly approve of, and have encouraged sub-contracting to efficient men: this has been done to a moderate extent, and there is good reason to extend it upon a larger scale.

In relation to the alteration of the plan of the locks—The original plan of the locks, upon which the Report of 1833 was based, was furnished by Mr. Wright. This plan was presented to the Board of Commissioners at the time Mr. Wright's Report was presented, and is now in the Canal Office. In 1834 alterations of said plan were made by Mr. Wright and myself, but the precise changes to which Mr. Wright refers as being objectionable are not specified in his communication, therefore I cannot reply to the strictures directly; but I am ready to give my reasons and views for all the changes which I have made, my attention being called thereto particularly. I am informed this day, I think for the first time, of Mr. Wright's views of the plan of the culverts, and know not to which part he refers particularly. Upon the plan of this work I am ready to give explanation, and my reasons for this plan. I have yet to learn that the changes which I have caused in the plan of the locks will not cause a reduction rather than an increase in the expenditures on account of the locks, as implied by Mr. Wright's communication of this date; and I must acknowledge myself surprised at the manner in which Mr. Wright has treated this subject, believing, as I do, that it was uncalled for and disingenuous. The relation in which I stand to Mr. Wright, is, I think, quite consistent with the altering of plans without consulting him, when the change is of an obvious character, or about which questions of difficult settlement do not arise; and the remark will, I think, apply to all the works of the Canal. If I have not consulted Mr. Wright upon all the changes which have been made, or the plans which have been adopted, it certainly did not originate in any design on my part, or in my not considering his counsel and advice valuable; and I am totally at a loss, in reference to my conduct, to find cause for so severe reflection.

I have the honour to be,

SIR,

Your very obedient Servant,

J. B. MILLS.

Canal Office, 14th August, 1835.

No. 11.

Ordered—That the Acting Engineer be required to report monthly to the Board the progress of the work, and all circumstances connected with the Canal which shall be necessary for the information of the Board; and that the Secretary communicate such report, with the proceedings of the Board, to the Consulting Engineer.

Moved by Mr. Vankoughnet—That, in the opinion of the Board, no alteration should be made in the route of the Canal, or the plans of the construction thereof, or the locks or other works thereon, by the Acting Engineer, without the approval of the Consulting Engineer, nor until the proposed alteration shall have been submitted to the Board, except in such cases as will not safely admit of any delay, when it shall be his duty to submit the same to the President for his approval—such alteration to be specifically reported to the Board at its next meeting.—Which was carried.

Yeas—Messrs.	*Nay*—Mr.
VANKOUGHNET,	JONES.
NORTON,	
SHAVER,	
LONGLEY.	

At a Meeting of the Commissioners held at Moulinette, on Tuesday the 8th September, 1835—

PRESENT:

JONAS JONES, Esquire, *President.*
Hon. JOHN HAMILTON,
PHILIP VANKOUGHNET,
HIRAM NORTON,
GEORGE LONGLEY,
PETER SHAVER.

The minutes of the preceding meeting were read.

The Monthly Estimate of work done on the Canal was submitted.

The Monthly Report of the Acting Engineer was submitted, and read as follows:—

To
JONAS JONES, Esq., *&c.*

SIR,

THE following is agreeable to the Resolution of the Board on the 14th ult., requiring the Acting Engineer to make a Monthly Report. For the amount of work done I beg leave to refer the Board to the monthly estimate in detail. The contractors are all proceeding with their work, and most of them with forces much below what the amount of their work requires. There are now about 1300 men on the line of the Canal, and 300 single-horse carts, equal to a force of 1600 men. This number is some less than at the August estimate. The force is now rather increasing. An arrangement has been made by Messrs. R. & W. Hervey with Messrs. Chas. Kerr & Co. for the prosecution of about 1200 feet of the lower part of Section No. 1.

The mason-work of the locks and two culverts is just now stopped in consequence of the cement on hand not proving good. Measures have been taken to get good cement, and it is expected to be on the ground in all this month.

A quantity of elm timber is to be procured for lock foundations, (as referred to in my Letter to the Board this day.) I propose to widen the Canal Bank along the Bay of Cornwall, so that teams can pass from the culvert to the land in connexion with Maligne Point.

In the Engineer Department I have at present 2 assistants at 5s. per day,
1 do. at 6s. 3d.—1 at 5s.
7 sappers at £5 per month,
1 overseer of trenching & puddling at 5s. per day,
2 master masons at

One or two overseers of trenching and puddling may be wanted soon; also one or two master masons.

There is an old agreement with the Messrs. Herveys for hauling stone from within half-a-mile of the Canal, along Section No. 1, for purposes of protection. This stone will be wanted. Shall the work proceed?

I am, Sir, very respectfully,
J. B. MILLS.

Canal Office, 8th September, 1835.

No. 11.

The Report of the Engineer, relative to the Timber required for Lock Foundations, was submitted, and read as follows:—

To

JONAS JONES, Esq., &c.

SIR,

SOME dissatisfaction was expressed by the Board at the last meeting on account of an arrangement which I made for some timber which was wanted for Lock foundations. On this subject allow me to ask your attention further: It was presumed that all materials for our Locks were provided for last winter; but it is impossible to determine what changes may be required in foundations previous to the excavation of the pits, or their being so far excavated as to leave no question. Our Lock pits being very large, and the digging rather hard, it was late before I could positively determine whether the plan as given to the Contractors should be prosecuted or otherwise. It was a little after the meeting of the Board in June I determined to abandon piling on Lock No. 2. So soon as I fixed upon a substitute, (which was an inverted truss foundation,) I gave Messrs. Reid and Shepherd, Contractors for said Lock, a bill of the timber for said work, and desired them to look about immediately, and get the timber, and also to get it on the best terms possible—this referred to only one of their locks. Soon after, the excavation of Lock No. 6 was so far advanced that I determined to make the same change there. I then gave Mr. Crawford the same bill for one of his Locks, with the same directions. Subsequently the same bill was given to Messrs. R. and P. Mackay, with the same directions. This timber for the several works was wanted immediately. There was no time to advertise and receive Tenders for it; therefore, I did as I have done. This timber was very slow in being delivered, and it cost from £20 to £25 per thousand cubic feet. Certainly this is a great price even in these circumstances. From this circumstance (if I mistake not) some members of the Board are inclined to the opinion that I am not sufficiently aware of the importance of economy: This in me certainly would be a very great oversight. My character is concerned in the prosecution of this work, and it is concerned in it in all respects. If I am at all competent to estimate my own views, I am justified in saying that my salary is positively insignificant when considered in this relation. There is to be procured the same kind of timber for two locks more, for which the Board will please take such measures as they think proper. Also, from some remark made at the last meeting of the Board, I received the impression that the Board thought me inclined to keep matters concerning the work to myself,—that I am not sufficiently communicative. Certainly I am ignorant of the circumstances which have rendered such an inference justifiable. I am not aware of ever declining giving information or explanation when applied to. Should a member of the Board call at the Office, and make inquiries relating to the Canal, I should be pleased to attend to them. Should he not make inquiries, I certainly should not volunteer my services in that way, unless something particularly interesting or important was on foot; for I might undertake to tell him about matters of which he did not care to hear. At all times I am pleased to see the members of the Board upon the work, and, could I be previously informed, I could probably make arrangements to attend them, or to have them attended.

I am, Sir,

Very respectfully,

J. B. MILLS.

Canal Office, 7th September, 1835.

Ordered—That the Acting Engineer do furnish the Agent with an estimate of the quantity and a specification of the description of timber required for the foundation of the locks, and that the Agent do forthwith advertise for tenders, and contract for the delivery thereof,—the tender to be accepted by the Agent and Engineer.

A Communication from the Acting Engineer, in reference to the nature and duties of his office, was submitted, and read as follows:—

To

JONAS JONES, Esq., &c.

SIR,

I HOPE I shall not be considered as obtruding myself unnecessarily upon your time and patience while I make some further remarks upon the relation in which I stand with the Board as Acting Engineer, in view of the communication of Benjn. Wright, Esq., presented to the Board on the 14th ult., together with the consequent Resolution of the Board of the 15th touching the discretionary power of the Acting Engineer. You will recollect that my propositions of service, in the spring of 1834, contemplated the employment of a consulting engineer, and you will recollect my views of the employment of Mr. Wright in that capacity. The Board thought proper to accept my proposition to serve them as acting engineer; and, a short time subsequently, they concluded to employ Mr. Wright as consulting engineer. In the letter of Mr. Wright of the 14th ult. he complains that I have acted inconsistently with my relation to him, in making sundry alterations of plans. In

view of this complaint, I am disposed to inquire, what are our duties, relatively? I will reply to this by referring to a clause in my letter to the Board of 15th ult., to wit:—"The relation in which I stand to Mr. Wright, is, I think, quite consistent with the altering of plans, without consulting him, when the changes are of an obvious character or about which questions of difficult settlement do not arise; and the same remark, I think, will apply to all the works of the Canal." It is not the practice,—and I think cannot be expected in the many and necessary alterations and changes of plans which circumstances suggest in the course of prosecuting the construction of similar works,—that the acting engineer shall advise with the consulting engineer, particularly if he is not upon the ground. In cases of important and contemplated alterations, when doubt exists, and when the propriety of plans proposed is fairly questionable, and where large expenditures are involved, counsel and advice are necessary. If the consulting engineer was at hand to act without delay, it would be the duty of the acting engineer always to advise with him. The consulting engineer stands not in the relation of a principal engineer. He is not expected to direct, neither is it expected of him that he should, unasked, propose plans for work; but if the consulting engineer finds the acting engineer persisting in plans to which he cannot give his assent, it is then his duty to report promptly to the directing power. We hear of the complaint of Mr. Wright, or of his dissent from these alterations, for the first time, at least six months subsequent to their being made and acted upon, and with his knowledge. To this circumstance I beg leave particularly to call the attention of the Board. With respect to the changes noticed, I only remark, that I believe them to be for the best, both in regard to plan and to expense, which I am satisfied is much reduced. I certainly should be pleased to submit them to disinterested judges. Changes were made in the plan of the locks both by Mr. Wright and myself. I have also made alterations in the location of the Canal. All the changes in the line of the Canal are not improvements, they being made to reduce the expense of the Canal, which reduction is in some cases at the expense of the symmetry of the same.

I feel much hurt that Mr. Wright has thought fit to remark in the manner he has done, and sincerely regret that there is any cause of difference between him and myself; but, so long as the letter from Mr. Wright stands recorded on your journals, together with the consequent Resolution of the Board, it is due to me that a particular and explicit inquiry should be made respecting my conduct as acting engineer. Either the remarks of Mr. Wright are just and true, and his judgment concerning the alterations of plans sound and correct,—or they are not. In this affair my character as an engineer is called in question, as well as my character generally for propriety of conduct. The Board will readily perceive, that, on this subject, I cannot be uninterested and without feeling. Be assured I shall never screen my proceedings from investigation and inquiry while in your service, nor myself from the responsibility which I may have assumed; but, on the contrary, I invite and desire it. The Resolution of the Board is such as to indicate a loss of confidence in me as acting engineer, and that it is necessary to take from me all discretionary power. If the Board have thus lost the confidence they may hitherto have reposed in me, or if it is at all impaired, it is my earnest desire to understand it fully; for I have no inclination to serve, nor will I continue in the employment of persons who distrust my ability or doubt the correctness of my conduct; and I will at once make way for some one who may better discharge the duties of an acting engineer.

I have the honour to be, Sir,

Your most obedient servant,

J. B. MILLS.

Canal Office, 7th September, 1835.

Moved by Mr. Jones—That the last resolution passed at the meeting held on the 14th ult. be rescinded, and the following adopted: "That the Board has frequently observed that alterations have been made in the proposed works by the Resident Engineer without reference to them or to the Consulting Engineer, upon which, by resolution and otherwise, they have heretofore expressed an opinion,—that the Resident Engineer having made various alterations from the original plans, without consulting Benj. Wright, Esq., of which he has complained to the Board,—the Board are of opinion, that alterations involving an increased expense and making important variations in the original plans, approved of by the Consulting Engineer, should not be made without his approval or that of the Board—that the Board have notwithstanding great confidence in the judgment and ability of Mr. Mills, and will on all occasions give due weight to his opinion and representations."—Which was carried.

Yeas—Messrs. JONES, HAMILTON, NORTON, LONGLEY, SHAVER.

Nay—Mr. VANKOUGHNET.

The Report of the Agent relative to the completion and cost of the Barrack at Cornwall, was submitted and read as follows:—

GENTLEMEN,

THE accompanying letter from Lieut. Col. Foster having been received by the Clerk of the Peace in reply to the joint application of your Board, and the Magistrates of the Eastern

No. 11.

District, to His Excellency Sir John Colborne, for a body of troops to be stationed somewhere upon the line of the Canal, a general meeting of the Magistrates took place and the following resolutions were passed:

1st. That the Commissioners for the Jail and Court House be authorized to proceed immediately in enclosing the building erected in the vicinity of the Jail in such a manner as may serve to accommodate troops in the event of the Canal Commissioners completing the interior for that purpose.

2nd. That the Magistrates do not feel justified in incurring any expense from the District funds for the accommodation of troops, except what may be necessary to enclose the building referred to in the foregoing resolution.

It then became necessary that your Board should complete the interior of the building, or give up the prospect of having the protection of a military force upon your works. In a conversation with Mr. Vankoughnet, he agreed with me that the St. Lawrence Commissioners would have it done, as at their previous meeting, when the matter was discussed, the only three Commissioners present were in favour of preparing a Barrack if required. However I went to Brockville, and had your President's and Mr. Norton's opinions; and by their advice commenced the work as follows:

First supposing that 60 feet of the frame would be sufficient, I advertised for tenders to finish that part, and from several, selected that made by John Lane and Nichls. N. Ault as being the lowest. The work was completed, and reported to His Excellency as ready for the reception of troops. Upon the 23rd July, Major Fitzgerald arrived in Cornwall with orders to see that the Barrack was sufficient; according to his instructions it was not, and therefore directed that it should be enlarged and other improvements made. I therefore received tenders for finishing the remaining 46 feet of the upper story, and 18 feet of the lower, and from them selected Aaron Walsh's as the lowest. It has been completed, and I herewith beg leave to submit the account of expenses for your information.

I have the honour to be,

GENTLEMEN,

Your obedient Servant,

W. R. F. BERFORD,

Agent.

Cornwall, 7th September.

Copy of a Letter from Colonel Foster, referred to in the foregoing Report:—

Asst. Adjt. General's Office, Toronto, 15th May, 1835.

SIR,

Your letter of 7th instant addressed to Lieut. Col. Rowan, with its enclosed resolution of the Magistrates of the Eastern District in General Quarter Sessions assembled, having been handed to me, I have received the commands of His Excellency Major General Sir John Colborne to acquaint you, that when the Magistrates or the Commissioners of the St. Lawrence Canal shall have reported to me for His Excellency's information, that suitable accommodation has been provided by them at Cornwall for the troops proposed to be sent to that place,—His Excellency will order a Company consisting of a Captain, and perhaps two Subalterns, and about 70 non-commissioned Officers, rank and file, to proceed thither as early as possible. I presume it is unnecessary to point out the propriety of all the men being lodged in the same building, and the Officers being accommodated as near as possible to the men.

I have the honour to be,

SIR,

Your most obedient Servant,

L. FOSTER,

Lieut.-Col., &c.

ARCHIBALD McLEAN, Esq., *Clerk of the Peace, Cornwall.*

The Report of the Agent upon the Application of the Inhabitants of Cornwall for Bridges across the Canal in that town, was submitted, and read as follows:—

To

The COMMISSIONERS for the Improvement of the ST. LAWRENCE.

GENTLEMEN,

IN compliance with your instructions conveyed in a resolution passed at your last meeting, "that the representations of the Committee on behalf of the inhabitants of Cornwall be referred to the Agent, the Consulting and the Acting Engineer, to report thereon, severally," I beg leave to state that, having been for some time aware that the inhabitants of Cornwall had in contemplation the request which was submitted to your Board at the last meeting, I have directed my attention to the subject, and have been enabled, from my residence in the Town, to form (I conceive) a correct opinion as to the necessity for affording access to the river by means of a Bridge across the Canal, viewing the population and trade of Cornwall in their most extended prospect. The difficulties and

disadvantages which present themselves in contemplating the construction of a bridge across a Canal, of the width of the St. Lawrence Canal, can only be over-balanced by the most paramount necessity; and I cannot see that the interest of the inhabitants of Cornwall are so deeply involved in the issue of their application, as to warrant a very heavy expenditure, entailing much obstruction to the general business of the Province, liable to frequent derangement and cost for repairs, and affording to the people of Cornwall little advantage beyond the gratification of having an ornamental piece of architecture erected there.

By order of your Board, a culvert is now being constructed, which will open a communication with that part of the River best adapted to the purposes of the Town, and possessing advantages which must ensure to it the concentration of business, even if the access sought by means of a bridge were afforded. It has invariably been selected as the landing-place for rafts, and I have no doubt would have been preferred for all the merchandize imported, had it possessed the facility of wharfage which the Steam-boat landing affords—inasmuch as it would have saved the delay and expense of opposing a strong current in reaching the present landing-place, and from its depth and stillness of water have afforded a much safer anchorage. Among other disadvantages which present themselves in view of the construction of a bridge across the Canal at Augusta Street, I am of opinion that the height of the bank (about 23 feet) would render it almost nugatory in its application to the purposes which are assigned as the basis of the request; and with these views I would not consider myself justified in recommending to your Board the application of any part of the funds appropriated for the Improvement of the St. Lawrence, to the construction of a Bridge as requested by the inhabitants of Cornwall.

I have the honour to be,

GENTLEMEN,

Your obedient Servant,

W. R. F. BERFORD,

Agent.

Cornwall, 7th September, 1835.

The Report of the Consulting Engineer, on the Application of the Inhabitants of Cornwall, was submitted, and read as follows:—

To

The PRESIDENT and BOARD OF COMMISSIONERS of the ST. LAWRENCE CANAL.

GENTLEMEN,

A RESOLUTION of your Board at their meeting of the 14th and 15th August, 1835, in reference to a Bridge across the Canal at Cornwall, on the petition of the inhabitants of that Town, has been referred by the Board to me, as well as to the Acting Engineer and Agent; and I now beg leave to report, that a bridge across the Canal on the Street near the Court House and Jail, or any other Street, will very much interfere with the navigation of the Canal, and injure its usefulness by the interruption of the boats passing along it. As far as I can judge of the state of things as they will be after the Canal is done, the passage to the River from the Town will be but very little used, as no doubt all timber or lumber intended for use in Cornwall or its neighbourhood will be brought from above through the Canal, or should it come from below, it would come in vessels, and of course brought into the Canal. The widening of the Canal against the Town is of course intended to give facilities to landing every thing on the wharf to be built there. A Bridge at this place would be very expensive, and may be set down at £2,500 *a* £3,000 as the least expense to be incurred; and this is not the worst view of the case—it would require a man to attend opening it, and taking care of it at all times; and his expense could not be estimated at less than £25 per annum, which is the interest on £417, at 6 per cent. A bridge 55 feet wide will be found to be very troublesome to manage in opening and shutting, and there will be great danger of injury to the bridge and to the boats in passing it. If it is found, after the Canal is in operation, that very great inconvenience arises from being cut off from the River to the inhabitants of the growing Town of Cornwall, and that the culvert road way, together with a ferry, does not give all that is required, a bridge can be erected afterwards, without much, if any, additional expense, by founding it on piles and a flooring just under water in the Canal. Taking all these views of the subject, I am of opinion that the prayer of the people of Cornwall ought not to be granted.

Respectfully submitted by

BENJ'N. WRIGHT,

Consulting Engineer.

The Report of the Acting Engineer on the application of the Inhabitants of Cornwall, was submitted, and read as follows:—

To

JONAS JONES, Esq., *President, &c.*

SIR,

IN accordance with the resolution of the Board of Commissioners of the 14th ultimo, concerning the Address of the inhabitants of the Town of Cornwall, relating to the erection of a

Bridge over the Canal in the Town of Cornwall, I beg leave to submit the following remarks:—The Address does not definitely locate the bridge which is desired, but being acquainted with the views at least of some of the inhabitants, I will suppose it located on Augusta Street, leading to the present Steam Boat landing. On reference to the report of the meeting of said inhabitants, it will be seen that their third resolution contains mainly the representation upon which their complaint and prayer is based. That resolution contemplates, that in view of the present plan, said inhabitants will experience great expense and inconvenience by being compelled at all times, when importing any goods, lumber, or building materials into the Town, to take a circuitous route, &c. Goods, meaning merchandize, mainly come from below, and they will be on the boat which will pass very directly by the route of the Canal (being much less "circuitous" than by the River) to the Canal dock, made expressly for the convenience of the inhabitants, at an expense of about £1,000, where goods will be landed with the greatest facility; and being very nearly upon a level with the business part of the Town, the access will be pleasant and perfect. As to the time taken—suppose a boat coming up consigned to Cornwall, and suppose she is, in consequence of the three locks below, twenty minutes longer (I see no reason for her being more) in arriving at the Canal dock than she would have been in arriving at the present Steam Boat landing, this twenty minutes will be quite compensated by the greater facilities in getting goods from a boat lying at the Canal dock to any given warehouse, than from a boat at the Steam Boat dock, at the foot of said Street. Of the truth of this there can be no question. Goods occasionally come from up the River bound to Cornwall. Suppose a dock built on the River opposite the culvert, at a point where Steam and other boats can lie conveniently, and goods to be discharged there, the distance from this place to the centre of the business part of the Town of Cornwall is only 800 feet (less than one-seventh of a mile) greater than from the present River dock. Can this difference in the small quantity of goods comparatively be considered a serious matter?—As to the Lumber or Building materials which mainly come from up the River, they cannot be landed at the present dock, and it happens that it is usually landed directly opposite the culvert. Those materials which come from below, the quantity being comparatively small, may stop in the lower part of the bay—one object of the bridge I understand to be, the procuring of water from the River for domestic use and for the watering of cattle; and also to answer an unqualified dislike, undefined, to being cut off from the River St. Lawrence.

The probability is, that the water of this Canal will not be so much riled as the water of ordinary Canals: therefore it will be suitable for purposes of domestic use. A facility for getting water and the watering of cattle may be had on the north bank of the Canal. From the first we have ever had in view the keeping the improvement of the navigation of the St. Lawrence clear of bridges; none have been contemplated either in this or the Lower Province, and most certainly none ought to be erected except in cases of obvious and absolute necessity, which admit of no alteration. I see not that such a case is now presented. Said bridges would occasion about as much interruption to the navigation of the Canal, and be as great a nuisance as would be occasioned by an unnecessary lock, and require the same subsequent attendance. It will cost about £3,000 currency.

The above are the principal considerations affecting the project, and it remains for the Board of Commissioners to determine, whether the navigation of the Canal shall be encumbered by a structure of like extent, and of so questionable importance.

I have the honour to be, Sir,

Your obedient Servant,

J. B. MILLS.

Canal, 7th September, 1835.

Resolved—That, for the reasons assigned in the Reports of the Agent, the Consulting, and the Acting Engineer, the Board cannot comply with the request of the inhabitants of Cornwall to have a bridge erected across the Canal in that town, and that the Secretary be directed to furnish the Chairman of the Committee with a copy of the Reports.

The Report of the Acting Engineer on the claim of Charles Kerr & Co. for Damages in consequence of the timber on Section No. 22 having been cut down, was submitted and read:—

To

JONAS JONES Esq., *&c.*

SIR,

To the letter of Messrs. Kerr & Co., which was referred to me, claiming damages in consequence of the timber being cut down on Section No. 22, I hereby reply accordingly. In the former part of the winter of 1834, Mr. Wood, the owner of the land on which is Section No. 22, desired me to have the width of the Canal marked out, as he wished to cut off the timber on the ground to be occupied by the Canal. I particularly desired him not to do it, as it would be a damage in view of the grubbing to be done. Subsequently, in the arrangement for the damages done to his property by the Canal, it was understood that he was to take away his timber, and he got leave to do it immediately. It was accordingly done. The amount of damage done to Messrs. Kerr & Co., in view of their contract, I should think fairly estimated at 25 per cent. upon the cost of grubbing. Had

the timber been heavy, the damage would have been increased; and the damages in similar cases depend upon the circumstances in which they occur. I think the above amount fair for the case in hand.

I have the honour to be,
Sir,
Your most obedient Servant,
J. B. MILLS.

Cornwall, 7th September, 1835.

Ordered—That 25 per cent. upon the amount contracted to be paid for grubbing Section No. 22 be allowed to Messrs. Kerr & Co. in satisfaction of their claim.

The Claim of Messrs. Simpson & Mittleberger, to be remunerated for extra labour in consequence of alterations in the original plan of Section No. 10, was read.

Referred to the Resident Engineer.

The Report of the Agent on the work done (and cost thereof) on the New Road at Longue Sault was submitted, and read as follows:—

To

The COMMISSIONERS for Improving the ST. LAWRENCE.

GENTLEMEN,

IN compliance with an order of your Board last month, I have suspended all road operations and paid off the hands, and now beg leave to submit a statement of the work performed and what has been the expenditure. The new roads made last year have all undergone thorough repair, been made much wider, and the ditches very carefully cleared, so as to drain off the water. A new road has been laid out at the Longue Sault, as the one now made use of will be removed in making the Canal on Section No. 1. There have been 843½ rods of good road made and repaired, which cost the sum of £126, 12s. 8d., making an average of 3s. per rod; 75 rods of this is the new part at the Longue Sault, which has been made through a very rough piece of stony ground, having a spring in it, over which it was expedient to place a bridge—this cost about 22s. 6d. per rod. The whole has been performed by men hired at 3s. per day, who were superintended by a foreman engaged at 5s. per day. I have given it much personal attention, and as I came upon the road at hours when I could not possibly be expected, and never having found the men otherwise than faithfully attending to their duty, I trust the expense incurred will not be considered more than necessary, and that the road will give satisfaction.

I have the honour to be, Gentlemen,
Your most obedient servant,
W. R. F. BERFORD,
Agent.

Cornwall, 7th September, 1835.

Ordered,—That the Agent do forthwith advertise for tenders for the completion of the new Road at the Longue Sault, and contract for the same.

Moved by Mr. Norton,—That in consequence of the difficulty that presents itself in the formation of an artificial bank on section No. 1, and to obviate the necessity of having the south embankment of the Canal extend so far into the River, the dimensions of the Canal on the line of Section No. 1 be diminished to sixty feet at bottom.—Which was lost.

Yeas—Messrs. NORTON, LONGLEY, SHAVER.	*Nays*—Messrs. HAMILTON, JONES, VANKOUGHNET.

Moved by Mr. Hamilton,—That the Engineer be directed to estimate the saving of expense which might be effected by reducing the bottom width of the Canal on Section No. 1, to sixty feet at bottom, and also to ascertain the depth of the water in the south channel of the Longue Sault, in order that the same may be reported to the Legislature at its next session:—Which was carried.

Yeas—Messrs. HAMILTON, JONES, NORTON, VANKOUGHNET, SHAVER.	*Nays*—Mr. LONGLEY.

No. 11.

Moved by Mr. Hamilton,—That the sum of two hundred and fifty pounds be allowed to the Secretary for his services during the present year:—Which was carried.

Yeas—Messrs.	*Nay*—Mr.
Hamilton,	Longley.
Jones,	
Norton,	
Vankoughnet,	
Shaver.	

At a Meeting of the Commissioners, held at Moulinette, on Wednesday the 11th November, 1835—

PRESENT.

Jonas Jones, Esquire, *President*,
John Macaulay,
Philip Vankoughnet,
Hiram Norton,
George Longley,
Peter Shaver.

The Minutes of the preceding Meeting were read.

The Monthly Estimate of Work done on the Canal for October and November was submitted.

The Monthly Report of the Acting Engineer was submitted, and read as follows:—

To

Jonas Jones, Esq., *President, &c.*

SIR,

In relation to the prosecution of the work on the Canal since my Report in September, also concerning the present state of the business, I remark briefly:—

1st. For the October and November Estimates, see Estimates in detail.

2nd. Since September, our force has been considerably reduced. We have now 900 men, and 243 carts equalling a force of 1,143 men.

3rd. The Engineer department remains the same as at the September return, except we have an additional overseer of work.

4th. All the work is proceeding steadily, but slowly, as usual, the latter owing to our small force.

5th. Apart from special reports and letters which will be presented on this occasion, I have no occasion for further particular remark.

The attention of the Board on this occasion, will be called to the following particulars:

1st. The resolution of the Board requiring the Engineer to furnish the Agent with a certain bill of timber. This has been postponed, as the timber is not wanted immediately, that we may take the advantage of procuring it through the winter.

2nd. A report concerning the claim of Messrs. Simpson & Mittleberger, Sections 9 & 10.

3rd. Reducing the Canal at Longue Sault.

4th. Report South Channel examinations.

5th. Report claim of Crawford & Simpson, Section No. 27.

6th. Change of sewer at Cornwall.

7th. Concerning loose stones.

8th. Settlement of the contract for retaining wall, Section No. 11.

9th. Mile Stones.

10th. Bridge at Brownell's Creek.

I have the honour to be, Sir, &c.

J. B. MILLS.

Canal Office, 9th November, 1835.

The Report of the Acting Engineer on the Claim of Simpson & Mittleberger, Sections 9 and 10, was submitted, and read as follows:—

No. 11.

To

JONAS JONES, Esq., *President, &c.*

SIR,

IN accordance with the Resolution of the Board of Commissioners on the 8th ultimo, referring to a communication from Messrs. Simpson & Mittleberger, claiming compensation on account of extra work done on Section No. 10, and in consequence of hindrances experienced at Sections 9 and 10, I reply briefly—and first to No. I. of said communication: This charge is founded in mistake, as the level upon which the work of both sections has thus far advanced is precisely the same that was upon the "original" stakes at the time the contracts were made. At the time the line was staked out, and prepared for work, about 5 or 600 feet of it happened to be prepared upon a level 2 seventy-one-hundredth feet too high, which occurred by taking a wrong level from our Field Books. This however was soon discovered before much work was done, and the staking corrected according to the "original" and the present level.

No. II.—The charge made in No. 2 certainly cannot be made in seriousness, as the work at this time was in a rough state, being prosecuted with ploughs and scrapers, and the "breaking ground an extra width" consisted only in extending the ploughing.

No. III.—The charge embraced under this head I will consider in detail by three particulars: 1st. For damages sustained in consequence of the location of the culvert at Mille Roches; 2d. For damages sustained in consequence of keeping the roads open communicating with Mille Roches; 3rd. For damages sustained in not being permitted to complete Section No. 10 in 1834, when labour and provisions were cheaper than in 1835, and the season more favourable.

1st. I am not aware that the location of the culvert at Mille Roches has up to this time been any positive damage to Messrs. Simpson & Mittleberger. No part of the appropriate work of said sections adjoining the culvert is yet performed. They have not yet performed work at a disadvantage on this account, neither have they been at expense for work yet to be performed on this account; but they have been prevented from completing their work and accomplishing more work with a given outfit. The importance of this latter circumstance I conceive is modified, if not wholly done away by another—that the Board of Commissioners have paid them in full for work done, and have consented that they might break up their establishment, and sublet the remainder of their work, which they have done, or are about doing, at an advantage. Under this particular may be noticed the drains referred to, one of which would have been necessary in any event, and the other it is intended to measure and allow with the excavation.

2ndly. There has been no increased hindrance or interruption to their operations in consequence of the roads being kept open. All the hindrance is chargeable to the location of the culvert.

3rdly. Had the culvert not been located on either of these sections, there is no doubt more of the line would have been commenced in 1834; but it is certainly difficult for me to say, whether Section No. 10 would have been completed or otherwise. I think not. All the work they have done with their own force this year up to the 1st September, has been on Section No. 10.

In existing circumstances, I do not think they are entitled to compensation. I know of no interruption or difficulty, in this case, which is extraordinary, or to which all contracts of the kind are not liable.

I have the honour to be,

SIR,

Your most obedient Servant,

J. B. MILLS.

Canal Office, 13th October, 1835.

The Report of the Engineer on an accompanying claim from Messrs. Crawford & Simpson, to be remunerated for extra work in consequence of changes on Section No. 27, and Lock-pit No. 6, was submitted, and read as follows:—

To

JONAS JONES, Esq., *&c.*

SIR,

REFERRING to the communication received from Messrs. Crawford & Simpson of the 28th ultimo, I beg leave to submit the following remarks:

They claim compensation for extra and increased work in consequence of changes made on Section No. 27; and this claim is set forth in two divisions. According to the first, "this change has increased the length of the line, the depth of the cutting, and thrown the work into much harder excavation."

As to the first of these particulars—I have not ascertained exactly the increased length of the line, but it must be much less than 100 feet.

2ndly. The change has not increased the depth of the cutting, as the levels on our present line, compared with the levels of the former one, give less excavation to the present line; and this is true of the section generally.

3rdly. I am well satisfied that the change has not thrown them into harder excavation, or more of it on the whole. The excavation throughout the section has proved as favourable as I expected, and I think as much so as might have been expected from the original shafts.

The strata of the earth at Lock No. 6 appears to dip in the direction from which the line was moved. Suppose that, for the length of this lock-pit, say 300 feet, there is equal to 3 feet (which I think is more than the truth) more of the harder excavation than there would have been in the former line, this would give 2,833 yards, which is greatly over-balanced by 200 feet of line in ten feet cutting, and of the same material, as will appear from the reply to the second division of the claim, and which amounts to 6,298 yards. Independently, so long as the character of the work and the circumstances in which it must be performed are not changed, the work is provided for in the contracts, and the question of quantity is not pertinent.

The second division of the claim is also made up of several particulars:

1st. The change in the lift of the locks—to which I reply, that at the time the maps of the plan, and location of the line of the Canal, were exhibited for tenders in July and August, 1834, it was particularly attended to by myself and my assistants to let it be distinctly understood that the line of the Canal must not be considered as absolutely fixed, but that it would in many instances be changed; and concerning the lift of the three lower locks which were marked on the original profiles, and two 7, and one 10 feet lift, people examining were constantly informed, that they would be changed to three 8 feet lifts.

2ndly. The changing of the location of Lock No. 6, "removing it up the line." This lock is about 200 feet further *down* the line, as at present located, than it was at the time the contracts were made. Immediately preceding the commencement of the excavation by Messrs. Crawford & Simpson, this lock was moved, and staked out 370 feet further *down* the line than it was originally, and it remained there till early last spring, when it was moved up the line 170 feet, where it now is—leaving it still 200 feet farther down the line than it was originally; by which it may readily be perceived that the deep and hard excavation was much reduced rather than being increased by the change.

3rdly. Extra grubbing. Much less grubbing was required on the present line than would have been on the former one, as the latter would have cut considerably upon the Pine Grove which is to the right of the line.

With much respect,

SIR, &c. &c.

J. B. MILLS.

Canal Office, October, 1835.

Ordered—That the Secretary furnish the Claimants with a copy of the foregoing Report.

The Report of the Engineer relative to proposed alterations in the plan of the Cornwall Sewer was submitted, and read as follows:

To JONAS JONES, Esquire.

SIR,

THE plan for the Cornwall Sewer as heretofore presented, and upon which tenders were made, provided an opening or water passage two feet square. A sewer, which is to serve for draining a town, sometimes becomes stopped and impure: That any such difficulty may be readily corrected, I have concluded to recommend an enlargement of said sewer. Let the passage be 2½ feet wide, and 4 feet in height in the clear. The tenders are now made on the plan of laying half the wall in cement: I propose to omit the cement and lay the whole dry, which changes the value of the work per cubic yard. The price of the mason work for the sewer, according to the accepted tender, is 11*s.* 3*d.* per cubic yard, including cement for half the wall. Suppose the sewer to be 4000 feet long, the original plan would give 1629 yards of masonry, at 11*s.* 3*d.* . . £916 6 3

Enlarging it as proposed, and making the price 8*s.* 9*d.* per cubic yard, (which I think fair,) we have 2,814 yards, at 8*s.* 9*d.* 1,231 2 6

Which makes the change cost more than the original plan, ... £314 16 3

It is desirable to determine this question immediately.

I have the honour to be,

SIR,

Your obedient Servant,

J. B. MILLS.

Cornwall, October 29th, 1835.

Ordered—That the Cornwall Sewer be constructed agreeably with the plan recommended in the foregoing Report.

No. 11.

The Report of the Engineer on the question of allowing for loose stone in addition to the excavation, was submitted and read as follows:

To JONAS JONES, Esquire, *&c.*

SIR,

A QUESTION of some importance has recently received considerable discussion from the Contractors, which is concerning the propriety of deducting the amount of loose stone from the amount of excavation as determined by our levels. The case is as follows:—Suppose one of our stations gives, according to the levels, 1000 yards of excavation; in performing this work we find 100 yards of loose stone. Now, shall we allow the full amount of excavation, and also the amount of the stone? or shall we deduct the stone and allow 900 yards of excavation? Our contracts do not determine this question, and I find that deducting the stone is a new idea, to some at least, of the Contractors, and they are not satisfied with it, having never known it practised. On all works upon which I have been engaged, it has been the practice to reduce the excavation by the amount of the stone, but on those works the price for one cubic yard of loose stone will fully equal the average price upon the St. Lawrence Canal of one cubic yard of loose stone, plus one cubic yard of excavation, which reduces it to the same expense in both cases. Therefore I have come to the conclusion to recommend the allowance of the full amount of excavation, and also the amount of the loose stone at their respective prices.

I have the honour to be, Sir,

Your obedient Servant,

J. B. MILLS.

Cornwall, October 28th, 1835.

Ordered—That the recommendation contained in the foregoing Report be acted upon.

The claim of H. Pierce & Co., Contractors for the retaining wall on Section No. 11, was submitted and read.

Referred to the Resident Engineer.

The Report of the Resident Engineer upon the examination of the South Channel of the Long Sault, was submitted, and read as follows:—

To

JONAS JONES Esq., *&c.*

SIR,

IN accordance with the resolution of the Board in September, I have made an examination of the South Channel of the Long Sault. I did not go prepared to take such soundings as to enable me to lay down a regular chart of the channel, (which would require much time and expense, as the channel is very crooked;) but I was enabled to make such an examination as satisfied me, and also Mr. Berford who accompanied me, that this channel or branch of the St. Lawrence would be decidedly unsafe for vessels drawing even six feet water. The shallow points are in the vicinity of rapids, and at three points. The first and most serious one is at the rapid opposite the head of Longue Sault Island, which of itself, I think, forms an insuperable objection to the project of the Board using this channel in connexion with the improvements of the St. Lawrence. The examination was made on the 25th September. Subsequently, understanding from Mr. Caleb Truax, who has navigated the St. Lawrence during fourteen years, that, in his opinion, a channel could be found of eight feet water, I desired him to accompany me in a repetition of the soundings. He did, accordingly, on the 16th October; but the result was a complete confirmation of the examination made on the 25th September.

I am, &c.

J. B. MILLS.

Cornwall, Nov. 6, 1835.

The Report of the Agent upon the Damages consequent upon the construction of the New Road at the Longue Sault, was submitted, and read as follows:—

To

The COMMISSIONERS for Improving the ST. LAWRENCE.

GENTLEMEN,

I HAVE carefully estimated the damage sustained by individuals through whose gardens it was necessary to run the new road at the Longue Sault, and think that they should receive respectively the following amounts:—

Edward McDonell,	£0 15 0
James Cowley,	3 0 0
Dudley Hanley,	2 10 0
Chas. Claffy,	2 0 0
T. Torsney,	1 5 0
John McGuin,	3 0 0

Making in all £12s. 10s., which, with permission of the Board, I will pay immediately. I have also examined some shanties upon Section No. 1, which it is necessary to have moved forthwith, to admit of the work proceeding; and value them respectively—

James Ware,	£2 10 0
T. Hogan,	2 10 0
P. McGurn,	2 10 0
Jas. Mahony,	2 10 0
John Malin,	3 0 0
John Boyd,	2 10 0
M. Byrnes,	3 5 0

Making the sum of £18, 15s., which I think should not be paid till the houses are moved.

Respectfully submitted by, &c.

W. R. F. BERFORD,
Agent.

Cornwall, 6th November, 1835.

The Report of the Agent upon the claim of James McGilles was submitted, and read as follows:—

To

The Commissioners for Improving the St. Lawrence.

GENTLEMEN,

Conceiving that Mr. McGilles took a lease of his present tenement at the Longue Sault, and commenced a business which he expected to be wholly supported by the works now in progress, and not as a stand that had any other advantage,—and being satisfied that his business is not in the least injured as respects Canal customers,—I do not think his claim for damages should be admitted. It is an undeniable fact, that, if it were not for the Canal works, it would not be a situation for his business; therefore, according to Section 21 of the St. Lawrence Canal Act, the claim cannot be maintained.

Respectfully submitted by

W. R. F. BERFORD,
Agent.

Cornwall, 6th November, 1835.

The following Claims were submitted, and were referred to the Engineer:—

Claim of Charles Kerr & Co. for extra work on Section No. 3.
— Reid & Shepherd, — Locks Nos. 2 & 3.
— S. & W. M. Frazer, — Section No. 6.
— John Cameron for Quarry Privilege.
— Hugh Cameron, do.

The Claim of Joseph E. Moss for damage to his Garden was renewed, and was referred to the Agent.

A Letter addressed to His Excellency the Lieutenant-Governor on the subject of co-operation on the part of Lower Canada with this Province, in the improvement of the navigation of the Saint Lawrence, was submitted for the approval of the Board, and was read as follows:—

Office of the Commissioners for the Improvement of the Navigation of the River St. Lawrence, Cornwall—*November*, 1835.

SIR,

A recent personal inspection of the works now carrying on for the improvement of the navigation of the River St. Lawrence, has afforded to Your Excellency satisfactory evidence of their importance to the welfare of the Canadas; and the expression of your approval gives us confident assurance that in this, (as in every instance where the interest of the Province is concerned,) your influence will be afforded to its furtherance and completion. No pains have been spared, consistent with the necessary solidity of the work, to hasten its application to the useful purposes for which it is intended. Obstacles, however, have presented themselves which have in some measure retarded its progress. A comparatively small emigration last spring prevented the contractors availing themselves of a very favourable season as they otherwise would have done. The spirit of public improvement that pervades the United States of America, and the vast number of works which have

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been in operation this year, have further tended to increase the difficulty of procuring labourers, as the terms upon which our contracts have been let out will not admit of competition with the rate of wages generally given in the States, and consequently the tide of emigration has flowed in a great measure towards the public works in the States of New York and Pennsylvania.

A considerable portion of the excavation and embankment is in a state of forwardness approaching nearly to completion; and, with the exception of the mason-work of the locks and culverts, and the deep cutting at the rapid part of the Longue Sault, which must necessarily occupy a longer time, the Board confidently expect that the ensuing season will exhibit the works, generally, in a finished state. The sum expended to this date is about £100,000, which includes £11,500 remuneration for damage to property, the salaries of officers, incidental expenses, and the cost of labour performed on the Canal.

All important to the interests of the Provinces of Upper and Lower Canada as is the work in question, a very great portion of its usefulness must be lost should the Legislature of the Lower Province withhold its co-operation, and that the parts of the St. Lawrence, from the boundary of this Province, which require improvement, be permitted to remain in their present state. This consideration induces the Board just now, when the Legislature of Lower Canada has been convened, respectfully to call the attention of Your Excellency to the subject, and to solicit the aid of your influence with the Government of that Province in the promotion of an object which embraces the interests of both Upper and Lower Canada.

When the question was agitated two years since in the House of Assembly at Quebec, no difference of opinion appeared to exist as to the utility of the measure; and what might be construed into a *pledge* was afforded, that the example of this Province would be speedily followed, and that an improvement similar in scale, as it would be equal in its usefulness, would be undertaken and prosecuted.

Our confidence in the accomplishment of this desirable object is not a little strengthened by the expression of your approval of the works now constructing under the direction of the Board; and we have no doubt that the representations, which from Your Excellency's personal knowledge you are enabled to make, will carry with them their due weight in influencing the decision of the Governor and other branches of the Legislature of Lower Canada.

I have the honour to be,

SIR,

Your Excellency's most obedient humble Servant,

JONAS JONES,

President of the Board of Commissioners, St. Lawrence Canal.

To His Excellency
Sir JOHN COLBORNE, K.C.B.,
&c. &c. &c.

At a Meeting of the Commissioners held at Cornwall, on the 8th and 9th December, 1835—

PRESENT:

JONAS JONES, *President*,
JOHN MACAULAY,
PHILIP VANKOUGHNET,
HIRAM NORTON,
GEORGE LONGLEY,
PETER SHAVER.

The minutes of the preceding meeting were read.

The Monthly Estimate of work done on the Canal was submitted.

The Monthly Report of the Resident Engineer was submitted, and read as follows:—

To
JONAS JONES, Esq.

SIR,

For the amount of work done during the last month I beg leave to refer to the estimate in detail. During the month the force upon the Canal has been much reduced in consequence of the sudden and extreme cold weather causing much irregularity in the operations of the line. It

is difficult to say exactly how many men are now engaged, but I think our force equal to about 850 men. All works at the locks and culverts are suspended, except the preparation of materials. Some days since, in consequence of the rapid progress of the frost, I determined to suspend the progress of the important embankments, and gave notice to the contractors that they should be stopped at this estimate.

The Engineer Department remains the same, except that the master masons and overseers have been discharged.

The business for the consideration of the Board on this occasion will be presented in distinct Reports and Letters; but the following are the important items:—

1st Report, Messrs. Reid & Shepherd.
2nd — — Frazers.
3rd — — Kerr & Co.
4th — Sundry Claims for Quarries.
5th — Section No. 27.
6th — — No. 1.
7th — — Nos. 7 & 8.
8th — — No. 12.
9th — Retaining Wall.
10th — Engineer Department Accounts.

J. B. MILLS.

Cornwall, 7th December, 1835.

The Report of the Engineer on the Claim of Reid and Shepherd was submitted, and read as follows:—

To

JONAS JONES, Esq.

SIR,

THE communication from Messrs. Reid & Shepherd contains a calculation upon which they found a claim for further advances on account of their lock contracts. Said calculation is well enough in itself, except they have given the lock-walls too great an average thickness—also there are one or two slight errors in the calculation; and they have not allowed enough, by about two-fifths, for the item in the computation which is to furnish the materials and fixtures for laying the stone. But, apart from this, I object to the principle of the calculation as quite improper and hazardous. It is not safe, in the present state of the work, to pay in advance of a fair compensation of expenses, whatever be the contract price of the lock walls. There is at present an unknown expense (which must include a liberal allowance of expenses of a contingent character) concerned in the furnishing the fixtures for moving and handling the stone, and the materials for laying them according to contract. Neither is it safe to lose sight of the possibility (however great the improbability) of the necessity of the contracts' changing hands.

I have considered the subject carefully, and have come to the conclusion as follows—To allow 3s. per foot face on all stone, without distinction, cut and delivered at the lock sites; 5s. per cubic yard for backing stone delivered; 2s. 3d. per foot face for cut stone at the quarries;—all other prices for stone at the quarries, &c. to remain as previously allowed, and still retain 5 per cent. I received also a letter from Mr. Crawford on the same subject, but much more moderate in its claims; and, as the above are my views of the subject, I shall consider this letter as my reply to that also.

I am, Sir,

Your obedient Servant,

J. B. MILLS.

The Report of the Resident Engineer on the Claim of S. & W. M. Frazer was submitted, and read as follows:—

To

JONAS JONES Esq., &c.

SIR,

IN reply to the 2d and 4th articles of the communication from Messrs. S. & W. M. Frazer, I have nothing to say, except that they touch upon matters, in view of the existing contract, beyond the powers of the Board. Concerning the 3rd article, I remark briefly, that at one point of the section there has been some very moderate slipping of the bank;—this, owing to the springs of the natural bank of the river, was thought might occur to some extent. However, up to this time, no embankment of consequence has run out of the proper limits: what little may have done so, is very readily computed. No new circumstances have arisen to make any change in the plan of the work, or the manner of proceeding, necessary. All that is wanting is to go on with the work and to perform the excavation of the Canal. But, for the satisfaction of Messrs. Frazer, (though I do not conceive it necessary,) I informed them that I would have an additional check upon the computation of

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the embankment, by mensuring the excavation which is made in procuring embankment. Also, I have informed them that they will not be required to get their materials from harder excavation or from a greater distance than was originally contemplated—Also, that, should the embankment slip much, so as to reqnire more than was expected, I would not *require* it to be performed by *them*.

I have the honour to be, Sir,

Your obedient Servant,

J. B. MILLS.

The Report of the Resident Engineer on the Claim of Charles Kerr & Co. was submitted, and read as follows:—

To

JONAS JONES, Esquire, *&c.*

SIR,

REFERRING to the communication received by the Board from Messrs. Chas. Kerr & Co. at the November Meeting, I remark—

1st. That their statement in relation to the alteration of the line on Section No. 3, is correct,—which was originally determined upon, and upon which circumstance was founded the disposition of the contract, as otherwise other tenders would have taken preference. The alteration increased the amount of surplus excavation to about 19,000 yards, instead of 25,000 as stated by Messrs. Kerr & Co.—(25,000 yards was formerly given to them as the probable amount of surplus excavation, but it was before the calculation was perfected.) Therefore, upon that amount only can they pretend to claim extra compensation. Independently, had the line not been changed, the very excavation which has been made in regular course, would have been made in procuring embankment, and the price which is paid for this excavation now, to-wit, 6d. for excavation + 3½d. for taking it into embankment = 9½d., is a fair price for the work, supposing it to have been without the Canal and taken only as embankment,—this earth being as convenient and near at hand, and nearer than much of the embankment obtained by them for this purpose without the Canal. In this opinion I am supported by four good and responsible original tenders, none of which have put the embankment on this section over 9½d. per cubic yard; but, upon so much of the excavation which is of a character not provided for in the contract and which occurs in consequence of the change, I had previously informed Messrs. Kerr & Co. that I should make an advance in the price.

2ndly. Some time previous to the application of Messrs. Kerr & Co. the question arose, Whether our levels through Brownell's Bay gave sufficient depth to the embankment?—consequently a careful examination was made, and an addition of two feet was added. Subsequently to said application, in company with Messrs. Kerr & Co. the examination was repeated;—but it was not discovered that further addition should be made to the levels. The amount of embankment consequent upon the addition of two feet was mainly returned at this December payment. A new bank of the height of the one at Brownell's Bay, say from 30 to 40 feet high, would settle from 5 to 6 feet. Some part of this settling is likely to have been mistaken for the changing of the base of the bank.

I have the honour to be,

SIR,

Your obedient Servant,

J. B. MILLS.

The Report of the Resident Engineer on the Claims of Messrs. Cameron and H. McLeod was submitted, and read as follows:—

To JONAS JONES, Esquire.

SIR,

As to the charge made by Mr. John Cameron, early last summer, (I forget the date exactly,)—in company with Mr. Berford, an arrangement was made with Mr. Cameron to have a communication from the public road across his lot to Mr. McTavish's Quarry, where Mr. Crawford and the Messrs. McKays are procuring stone, by paying for the fences necessary to secure the crops, &c. Mr. Cameron appeared satisfied with the offer, and asserted that that should pay him for said communication. The fences are not yet made; therefore he ought not to ask pay for damages, as the intercourse, thus far, has been mainly through an old lane. Had this fence been made, and his other fences in good order, he certainly must have suffered very little on account of the quarrying on Mr. McTavish's land.—When said fence is made, his claim may be about £15.

2nd. In pursuance of the understanding with Mr. Hugh Cameron, and according to the quantity of stone already raised and taken away, he is now entitled to about £10.

3rd. On the charge made by Mr. McLeod the sum of £20 may now be paid.

Ordered—That the amounts stated in the foregoing Report be paid to the respective claimants.

No. 11.

The Reports of the Resident Engineer and Agent on the claim of Messrs. Crawford & Simpson, were submitted, and read as follows:—

To

Jonas Jones, Esq., *&c.*

SIR,

Concerning the claim made by Messrs. Crawford & Simpson on account of the change of line on Section No. 27, I have nothing to append to my report of the 10th ult., except that the opening of the old shaft upon the bank of the river has proved that the position taken in said report is correct—that there was exhibited originally a fair sample of the excavation and the identical stratum of earth, with no variation beyond what occurs, and what may be expected to occur, in all strata of earth. It is very clear to me that no allowance can be made on said claims, unless the Board conclude to depart from the contract, which would open the door to great and endless difficulties.

I am, Sir, &c.

J. B. MILLS.

To the Commissioners for Improving the St. Lawrence.

GENTLEMEN,

My attention having been called by you to investigate the claim of Messrs. Crawford & Simpson for damages sustained by an alteration in the original line of Canal at its debouche, by which the lock-pit is said to have been thrown into a more difficult excavation, I have given it my most careful consideration, and watched with much attention the clearing out and recutting of the old shaft upon the river bank, being that by which the tenders for the excavation in this neighbourhood were made. The result of my observation is, that it exhibits cutting of exactly the same material as most of the lock-pit, though by no means so inderrated as many parts of it. Distinctly from my notes upon Lock-pit No. 6 as the excavation advanced, and also from the appearance of a new shaft sunk by Mr. Simpson, it seems that the change in the line was to the disadvantage of the contractors. Upon the line examined by persons tendering for contracts, Lock-pit No. 6 was located about 270 feet up the Canal, which 270 feet, according to the plan, had to be excavated 10 feet below the surface of the river. This would have increased the complained of excavation by the distance which the locks have been removed towards the river. It may also be remarked that this would have been inundated with springs, as has been shewn by the shaft sunk by Mr. Simpson. The machinery to raise this water, and the working of it, would not have been a very small item of expense, which has been saved by changing the location of the lock. Lock No. 5 was located about where Lock No. 4 now is. Upon that place the level between Locks 5 and 6 must have been carried up, so that the excavation of the whole distance (rather more than 200 feet) would have been 8 feet deeper, and the expense increased by 2½ feet, the average increased elevation in that distance.

The excavation in the bottom of Lock No. 4, as well as that of the section towards Lock No. 6, is hard; and I believe had it been sunk 8 feet deeper for that distance, which would have been necessary, the whole of it would have been the same as Lock-pit No. 6: so the alteration of the section must have been an immense saving to the contractors. Now Mr. Simpson says, he does not object to any thing in the section; that he met with no hard pan. I say the alteration saved him from going down to it. He only finds fault with Lock-pit No. 6. Mr. Crawford is contractor for the lock-pit; therefore the claim on account of it must come from him. Messrs. Crawford & Simpson are contractors for Section No. 27. As the two contracts are in fact held by the same individuals, if the Board should decide that they have sustained a damage in the lock-pit, it does not appear to me that there would be any injustice in setting off the advantage of the section against the disadvantage of the lock-pit.

Respectfully submitted by

W. R. F. BERFORD,

Agent.

The Report of the Resident Engineer, relative to the work on Section No. 1, was read as follows:—

To Jonas Jones, Esq.

SIR,

In accordance with the verbal communication made by me to the Board at the November meeting, relating to Section No. 1—also in view of the necessity of determining now upon a definite plan of working this section, I beg to submit the following: From Station 56 (which is near the site where stood the lower stone-house belonging to Mr. Burns) to near the head of the section, I propose to move the line of the Canal from 40 to 50 feet (generally not more than 42) further into the bank of the river, than the line upon which our cross sections were first made. From Station 56 to near the lower end of the section, I propose to move the line from 35 to 40 feet (generally not more than 35 feet) further into the bank of the river than it has been placed heretofore. I propose to set up this line immediately as a fixed line, and proceed in forming the prism of the Canal accordingly. You are aware that up to this time no line has been located on this section, which also

No. 11.

is in accordance with the contract. But as the tenders for this work were based upon an assumed line, it will be proper to consider the disadvantage to the contractors by the above proposed fixed line. Therefore, the question is, what shall be allowed for the excavation beyond the original assumed line? In estimating the value of this work, I consider the character of the excavation to remain the same, and the change affecting the work only in respect to the distance to remove the earth. This change causes an increase of distance in the delivery of the earth excavated beyond the original assumed cross sections of the canal,—the mean of which is only about 20 feet. A half-penny would be a fair allowance for this increased distance; but I am disposed to say three farthings, making the price for the excavation caused by the change, 8*d.* per cubic yard. I propose this three farthings to apply to all the work caused by the change throughout the section. Should this proposition not be acceded to by the Messrs. Hervey, I have another communication to the Board on this subject.

I am, Sir, &c.

J. B. MILLS.

The Report of the Resident Engineer on the claim of Beeby & Shearer, Sections No. 7 and 8, was read as follows:—

To

JONAS JONES, Esq..

SIR,

Referring to the communication from Messrs. Beeby & Shearer, I remark briefly:

1st. That no assurances were, nor could be given, consistently, concerning the character of the excavation; and it is current among Contractors on public works, that the variations in the kind of earth are at the risk of the person tendering.

As to the first article of said communication, we have a right by contract to require all stone to be removed entirely outside the Canal banks; and in this case they were wanted for other purposes. I had previously determined to allow 2*d.* per cubic yard for the increased quantity of embankment necessary on this account, which I think a liberal allowance. This amount will be 4050 yards, at 2*d.*—£33 15 0.

The 2nd item is a misrepresentation of the case.

On the 3rd item it will be proper to allow 9*d.* per yard on 373 yards.

On the 4th item no allowance can be made; therefore, on No. 7 will be allowed £33 15 0 + 13 19 9 = £47 14 9.

On the 5th item (Section 8) for the amount of stone piled, allow 9*d.* per yard; also on the amount of embankment necessarily made in substitution of the quantity of stone, allow as in Section No. 7, 2*d.* per yard.

No allowance can be made for the subsiding of the embankment; as in all cases, when work of this kind is taken from the hands of the Contractors, the embankment is in fact incomplete to a much greater amount than occurs in the part of the work alluded to in said communication.

Respectfully, &c.

J. B. MILLS.

A communication from Messrs. Pierce & Co., renewing their claim, was read.

The Report of the Resident Engineer on the claim of H. Pierce & Co., was read as follows:—

To

JONAS JONES, Esq., *&c.*

SIR,

I HAVE carefully considered the subject of the communication from Messrs. Pierce & Co., and the following is my view of the matter, which is expressed briefly, as I know not that it would serve any important purpose to remark particularly upon the items which form the ground of their complaint.

The difficulties under which they have laboured are of a contingent character, and all of them of a kind to which contracts for work of a similar nature are liable. The extra expense at the quarry is of a little different nature, as it was one against which they had to contend throughout the whole course of their work. The result, however, to which I have come does not originate wholly on the ground that they have a positive claim; at the same time I think it not wholly unreasonable: therefore recommend, on view of the whole case, to divide the extra expense, to wit, £375, and pay them £187 10s.

Resolved—From the statement of the Resident Engineer, that in his opinion the difficulties complained of would in a great measure have occurred whether the foundation had been completed or not; and having heard the contractors are of opinion that the extra allowance made by the Engineer is fair and reasonable, and a sufficient indemnification for the delay in the prosecution of the foundation, as complained of in their memorial.

No. 11.

A communication from Messrs. Simpson & Co., renewing their claim for damage in consequence of alterations in the line of Canal, and of the location of Lock No. 6, accompanied with sundry certificates and affidavits in support of their claim, was submitted and read.

Ordered—That Messrs. Simpson & Co. be requested to submit to the Board, during its present session, a specific claim for the damage complained of.

The claim of Messrs. Beeby & Shearer, and the Resident Engineer's report thereon, were considered.

Moved by Mr. Vankoughnet,—That the sum of Two Hundred and Fifty Pounds be advanced to Messrs. Beeby & Co. on account of their contracts:—Which was carried.

Yeas—Messrs.	*Nays*—Messrs.
NORTON,	MACAULAY,
SHAVER,	JONES.
VANKOUGHNET,	
LONGLEY.	

An application from S. Pettibone & Co., the contractors on Section No. 4, for permission to carry on the work on that section during the winter, was submitted and read.

Resolved—That from the Report of the Engineer that the work on that section cannot safely be proceeded upon, the application cannot be complied with.

An application from Messrs. Kerr & Co., to be allowed the per centage retained on Section No. 3, it being nearly completed, and the work now suspended by order of the Engineer, was submitted and read.

Ordered—That Messrs Kerr & Co. be paid the amount retained upon the estimated work performed on Section No. 3.

A communication from Messrs. R. & W. Hervey, relative to the work on Section No. 1, accompanied with sundry documents in reference thereto, was submitted and read.

The following communication from Messrs. Simpson & Co., in compliance with the instructions of the Board, was submitted.

CORNWALL, 9th *September*, 1835.

GENTLEMEN,

IN compliance with your request of last evening, the following is a statement of the advance we claim as damages for the alteration of the line of Canal on Section No. 27:

29,000 yards of Lock-pit No. 6—1*s.* per C. yard advance.
8,000 yards on section above Lock No. 6—6*d.* per do. do.

We would observe that although this sum will neither pay our expenses, nor be a sufficient compensation in our opinion for the difference between the present and the original line, still we are willing to take it; and if you will not fully decide on it at present, we hope you will advance us such a sum as you may judge proper, as we are in great difficulty at present for want of means to relieve us from our present embarrassment in this place.

We are, Gentlemen,

Your obedient Servants,

JAMES SIMPSON & CO.

Moved by Mr. Norton,—That the sum of Five Hundred Pounds be advanced to Messrs. James Simpson & Co., on account of their contracts for Section No. 27 and Lock-pit No. 6.

Yeas—Messrs.	*Nay*—Mr. JONES.
NORTON,	
SHAVER,	
LONGLEY,	
VANKOUGHNET,	
MACAULAY.	

No. 11.

At a Meeting of the Commissioners, held at Cornwall, on Tuesday, 22d December, 1835—

PRESENT.

JONAS JONES, *President*,
JOHN MACAULAY,
PHILIP VANKOUGHNET,
HIRAM NORTON,
GEORGE LONGLEY,
PETER SHAVER.

The minutes of the preceding Meeting were read.

The Report of the Engineer relative to the alteration of the line of Canal and the location of Lock-pit No. 6, was submitted, and read as follows:—

To JONAS JONES, Esquire.

SIR,

IN consequence of some discrepancy between my recollection, plans, and field-notes, relating to the exact position of Lock Stakes Nos. 5 and six, upon the original line, at the time the line was examined for tenders, I shall not insist upon the view taken in this respect in my letter to you at the November Meeting, though my recollection and the ground-plan bear me out in that view of the matter, as will be seen on reference to the ground-plan. It was my intention to have sufficient distance between the tail-bay of the lock and the bank of the river for a boat of the largest class to lie. In this connexion I beg leave to say, that it is not my wish or inclination to maintain an opinion because I have previously expressed that opinion, or because a former estimate is concerned in the supporting of such opinion. I endeavour to hold myself open to conviction; and whenever I find myself in error in judgment or opinion, I shall not hesitate to acknowledge it.—(I will here remark, that Mr. Berford's views of the relative position of the locks on Section No. 27, as communicated at the last meeting, could have been founded only upon representations from myself or my assistants; therefore he cannot be responsible for misapprehension in this respect.) I shall now consider locks Nos. 5 and 6 on the original line to be, in reference to the bank of the river, in the same circumstances and at the same distance relatively, as they are on the present line;—so say our field-notes. Now, Mr. Simpson admits that he has no hard pan, or claim for excavation, above Lock-Pit No. 6. If he has no claim for excavation above Lock-Pit No. 6, he can have no claim for that part of Lock-Pit 6 which is upon the same level with the work above it,—it being of precisely the same character. But, independent of Mr. Simpson's admission, we have proved by a recent shaft that the excavation upon the original line above Lockpit 6 is the same as upon the new line; therefore his claim in this respect cannot be sustained. Mr. Simpson's claim is reduced, consequently, to the excavation of that part of Lockpit No. 6 which is below the level of the Canal adjoining and above this Lockpit. This excavation amounts to 12,646 cubic yards. As to the propriety of the claim upon this part of the work, my opinion remains the same, in view of the contract, that no allowance can be made upon it. However, if the Board please, in considering this item, I will withdraw from the situation in which I have been put by the hand and seal of all parties concerned, as the sole umpire, and consent, in this instance, by way of compromise—that they allow Mr. Simpson what they may think proper per cubic yard, extra. I wish it distinctly understood that I intend not to repeat this so long as I hold my present situation.

Of the above amount of excavation, 3000 cubic yards yet remain not excavated, it being below Lock 6. Therefore the number of yards now to be considered is 9,646; and, when the remainder is excavated, it must be paid for at the same rate.

I am, SIR,

Your obedient Servant,

J. B. MILLS.

Cornwall, December 21st, 1835.

Ordered—That Messrs. Simpson & Co. be furnished with a copy of the above Report.

The Report of the Agent upon a re-consideration of the claim of Crawford & Simpson was submitted, and read as follows:

To The COMMISSIONERS for Improving the ST. LAWRENCE.

GENTLEMEN,

IN considering the merits of Messrs. Crawford & Simpson's claim for further remuneration for the excavation of Lock No. 6, I was led to believe that the advantages to Section No. 27, growing out of the alteration of the line, very much overbalanced the disadvantages to the lock-pit. As the stakes, marking out the old line and site of Lock, had all been displaced or removed the opinion submitted to you in my report of the 7th ult., was based upon information obtained from

the Engineer Department. Since then I have been again upon the ground, and have seen the original line re-traced, and the different station stakes set up; by which it appears the location of Lock No. 6, upon that line, was not, as I supposed, 270 feet up from the river, but about the same distance that it is at present. This of course does away with that part of my opinion where I say the change must have been of immense advantage to the Contractors.

Very respectfully,

Your obedient servant,

W. R. F. BERFORD.

The following communication from Mr. Mills, the Acting Engineer, relative to the powers vested in him by the terms of the Contracts, and his determination with respect to future operations, was submitted and read:

To

JONAS JONES, Esq., &c.

SIR,

The relation in which I stand to the Board of Commissioners, also the position I hold by the hand and seal of all parties concerned in the contracts which have been executed for the construction of this Canal, I hope will render the following remarks not impertinent.

In all cases in which I have been acquainted or concerned, both upon Canals and Rail Roads, and I believe upon all works of the kind, both in Europe and America, the Engineer of such works is the sole umpire in contracts; he only settles differences and makes allowances. In cases where the differences are not thus settled, then, in works of the Government, they become matters of Legislative enactment; and in private works the laws of the country decide the case. A Board of Commissioners for a public work, and a Board of Directors for a private one, do not make allowances, except when recommended by their Engineer. In the prosecution of the Canal, we have arrived at a stage when many difficulties and differences are occurring; for the correction of which, the article and principle alluded to was provided and laid down in the contracts. It happens that I am at present the Engineer, and consequently the umpire (however unworthy) on this Canal, and you have agreed by your contracts that I shall be so, and that my decision shall be final in any differences; so have the contractors agreed. My view of the case is, that the Board must maintain and support me in the performance of my duties in my official capacity, being an officer of their own choice and appointment. Respect for myself, and the profession in which I am engaged, prompt me to speak out, and to ask support and countenance of the Board of Commissioners. I had supposed that I might look with confidence to them for their aid and their support in every department of my duty, so long as I have the honour of serving them, and so long as my conduct is consistent with the service. Farther I ask not, neither could I expect, your support; but if the Board of Commissioners think that they have improperly reposed confidence in me, and that I am not duly qualified for the exact place which I now hold, I now inform them that I will relieve them from embarrassment on this account, and instantly give place. But so long as they choose to employ me in my present place, I most respectfully beg that there may be no interference in my duties, or in powers which are committed to me exclusively.

I have given this subject much consideration, and regret that these remarks are necessary; but I must be allowed to particularize. At the last meeting an allowance was made on two contracts—Locks Nos. 5 and 6, and Sections Nos. 7 and 8: upon the former, before the question was fully investigated and understood; upon the latter, in direct violation of contract; and in both instances contrary to my opinion. This, I think, is treating your own officer and his opinions with contempt; at the same time assuming a power which is not sustained by contract or practice. Complaint has been manifest that the ultimate amount of contingencies would be swollen to a great extent. If the precedent established at the last meeting is to be followed up, surely they may! Extra considerations which may be thought proper over and above the estimate and opinion of the Engineer, and the terms of the contract, ought to be held in reserve until the completion of the Canal. This is common, and has been practised both in New York and Pennsylvania.

Much more might with propriety be said upon this subject, but perhaps I have said enough for the present.

I am, Sir,

With much respect,

Your obedient Servant,

J. B. MILLS.

Cornwall, 21st December, 1835.

No. 11.

Resolved unanimously—That the Resident Engineer is the umpire between the Board and Contractors upon any claims for damages or allowance for extra work made by such contractors; but that the Board nevertheless will assume the right of dissenting from the decision of the Engineer by making allowances beyond those admitted by him when they shall think it right and expedient to do so.

Ordered—That a copy of the foregoing resolution be handed to Mr. Mills.

The Report of the Resident Engineer upon the estimate for Lock-pit No. 6, was submitted, and read as follows:—

To

JONAS JONES, Esquire.

SIR,

As it is common that the excavations of lock-pits are calculated from the original surface of the ground, and all performed at one price, Mr. Simpson has, through inadvertence, been paid the full lock-pit price (1*s.* per yard) for excavation from the surface of the ground to the bottom of the pit. According to contract, the price for the lock-pit excavation applies only to the excavation which is below the level of the bottom of the Canal adjoining and above the lock-pit. The excavation which is above this level is at the price of the section upon which the lock-pit is located, which upon Section No. 27 is 9*d.* per yard, making 3*d.* difference. The same with Lock-pit No. 5. The number of yards upon which by mistake he has been paid this 3*d.* is 27,566=£344 11*s* 6*d.* This calculation, in view of circumstances, I should be willing to allow, as it is unusual to make this distinction; but independent of this, whatever the Commissioners see fit to allow as extra, should be reduced by this £344 11*s* 6*d.*

I am,

SIR,

Your obedient Servant,

J. B. MILLS.

Cornwall, 31*st October*, 1835.

An application from Isaac Hardy, (one of the contractors for Lock No. 1,) to be allowed for Cement delivered on the works in June last, was submitted and read.

Referred to the Resident Engineer.

An application from R. & W. Hervey, relative to a contract for drawing Stone on Section No. 1, was submitted and read.

Referred to the Resident Engineer.

The following communication from Mr. Mills on the subject of the Resolution, a copy of which was this day handed to him, was read:—

To

JONAS JONES, Esquire.

SIR,

AT present I think it unnecessary to say any thing in reply to the resolution of the Board just now passed, touching the Resident Engineer, but choose to reserve my views until future experience dictates to me the course to be pursued.

I am,

SIR,

With much respect,

Your obedient Servant,

J. B. MILLS.

Cornwall, 22*d December*, 1835.

Moved by Mr. Macaulay,—That Messrs. Norton and Longley do form a Committee to examine the accounts of the Secretary, and ascertain the accuracy of the statements prepared for the Legislature.

No. 11.

ESTIMATE

OF

Work done and to be done on the St. Lawrence Canal.

No. of Section, &c.	Contractors.	Estimate of the Costs of the work as per Contract. £ s. d.	Estimated amount of work done. £ s. d.	Amount of work to be done. £ s. d.
Section No. 1, . .	Robert & William Hervey,..	71,737 9 6½	13,436 19 1	58,300 10 5½
— 2, . .	Charles Kerr & Co.,.....	4,807 3 3	3,132 5 0½	1,674 18 2½
— 3, . .	do. do.	9,970 15 11½	9,403 6 10	567 9 1½
— 4, . .	Rogers & Co.,.....	5,976 12 8	4,372 4 8	1,604 8 0
— 5, . .	Adam Dixson,.....	4,953 18 9	1,551 11 5½	3,402 7 3½
— 6, . .	S. & W. M. Frazer,.....	4,528 12 2	1,908 9 3	2,620 2 11
— 7, . .	Geo. Beeby & Co. (work increased beyond original plan,).	1,667 10 6½	1,789 4 1½	0 0 0
— 8, . .	Do.,.....	2,463 12 1	2,047 11 9½	416 0 3½
— 9, . .	Simpson & Mittleberger,....	2,708 16 10	1,388 17 0	1,319 19 10
— 10, . .	Do. do.	2,543 9 4½	1,933 15 5½	609 13 11
— 11, . .	Peter Anderton,.....	3,622 6 2	2,381 15 8¾	1,240 10 5¼
— 12, . .	Caleb Truax & Co.....	5,886 18 3	2,726 7 7	3,160 19 8
— 13, . .	Crawford & Thompson,.....	3,979 19 8½	594 5 5½	3,385 14 3
— 14, . .	Simon Frazer,.....	1,153 5 6	1,006 12 3	146 13 3
— 15, . .	W. & J. Bowron,.....	810 4 0	454 16 6	355 7 6
— 16, . .	Barlow & Bowron,.....	806 13 8¼	242 19 8¾	563 13 11½
— 17, . .	Reid & Shepherd, ...	6,260 1 9	2,924 17 11	3,335 3 10
— 18, . .	Caleb Truax & Co.....	662 13 4½	476 4 7	186 8 9½
— 19, . .	Chas. Kerr & Co.....	1,237 2 7	542 11 8	694 10 11
— 20, . .	Do. do.	1,089 3 11	104 3 6	985 0 5
— 21, . .	Do. do.	3,233 15 7½	318 14 9	2,915 0 10½
— 22, . .	Do. do.	2,392 19 0	0 0 0	2,392 19 0
— 23, . .	Simpson & Co.....	2,233 3 1½	485 5 3	1,747 17 10½
— 24, . .	Do. do.	822 11 5½	793 0 2	29 11 3½
— 25, . .	Do. do. (work increased beyond original plan,)..	1,735 13 0	2,131 19 0	0 0 0
— 26, . .	Chas. Kerr & Co.....	1,123 12 8½	696 4 4½	427 8 4
— 27, . .	Crawford & Simpson,.....	2,365 15 9	868 0 3	1,497 15 6
Lock No. 1, . . .	Bellamy & Co.....	7,290 1 3	4,232 6 0½	3,066 15 2½
— 2 & 3, .	Reid & Shepherd,.....	15,541 3 6	7,187 1 11	8,354 1 7
— 4, . . .	Robt. & Peter McKay,.....	8,763 14 7	4,579 10 7	4,184 4 0
— 5 & 6, .	George Crawford, ...	17,638 0 0	8,389 9 6	9,248 10 6
Lock Gates, . . .	D. & J. L. Wilkinson, ...	11,700 0 0	4,410 4 10½	7,289 15 1½
Rt'ning Wall, Section 11, ...	Pierce & Co. (size of wall increased,).....	2,500 0 0	3,444 0 1½	0 0 0
Culverts, ...	Richards & Buell,.....	9,200 0 0	*5,642 0 7½	3,557 19 4½
Sewer at Cornwall	William Johnston, ...	2,500 0 0	49 14 6	2,450 5 6
Basin at do. . . .	Adam Dixson,.....	950 0 0	150 0 0	800 0 0
Guard Gates, . .	George Crawford, ...	8,000 0 0	0 0 0	8,000 0 0
Sewer Culvert,. .	Richards & Buell, ...	1,850 0 0	0 0 0	1,850 0 0
Protection from ice	Not Contracted for,.....	1,500 0 0	0 0 0	1,500 0 0
		238,216 0 1¼	95,797 11 7½	143,881 8 2¾

* Includes Culvert Road at Mille Roche, £290 12 4.

REPORT

OF

COMMISSIONERS

ON THE

Improvement

OF THE

RIVER SAINT LAWRENCE.

BY ORDER OF THE HOUSE OF ASSEMBLY.

FEBRUARY, 1836.

Guardian Office—J. H. Lawrence, Printer.

No. 12.

REPORT

On the most eligible route for a Canal between Lake Simcoe and the Rice Lake, and on the practicability and expense of connecting these waters—by order of His Excellency Sir John Colborne, K.C.B. &c. &c. &c.

By N. H. BAIRD, Civil Engineer, M. I. C. E. L.

December, 1835.

REPORT.

To His Excellency Sir John Colborne, K. C. B. *Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces, &c. &c. &c. on the most eligible route for a Canal between Lake Simcoe and the Rice Lake, and on the practicability and probable expense of connecting these Lakes.*

Report of N. H. Baird Esq. Civil Engineer, on the practicability and probable expense of connecting Lake Simcoe and Rice Lake by canal.

By N. H. BAIRD,
Civil Engineer,
& M. I. C. E. L.

May it Please Your Excellency,

That in accordance with your Excellency's commands, conveyed to me in Lieutenant Colonel Rowan's communications of the 29th May and 16th June last, and in the spirit of the particular instructions conveyed in the latter, in conformity with the Address of the House of Assembly of date 16th April last, viz:—"To examine the most eligible route for a "Canal between Lake Simcoe and the Rice Lake, by a series of running "levels, and to report to your Excellency, for the information of the House "at its next Session, respecting the practicability and expense of connect-"ing these Lakes."

Preparations for Survey.

I have, in consequence, the honor to state for your Excellency's information, that upon the 18th day of June last, having completed my preliminary arrangements, in providing proper assistance and canoes, in which I found more difficulty than I anticipated, and having engaged the services of Mr. F. P. Rubidge, Deputy Provincial Surveyor, for the surveying department, I proceeded to the inspection and examination of the country between Rice Lake and Lake Simcoe, conceiving it more in order to follow up the route from the Bay of Quinte, as detailed in my former report to your Excellency on the proposed improvements on the River Trent, in 1833, than to reverse, and commence from Lake Simcoe—the result of which inspection, levels, survey, &c. I shall endeavour, with as much perspicuity and brevity as the nature of the important subject will admit, to lay before your Excellency, assuming, although not expressed in my instructions, or in the Address from the House, the same scale of navigation as that reported on for the improvement of the Trent, viz. for locks 134 x 33 x 5 feet water as the data upon which to proceed; accordingly commencing from Rice Lake, into which the navigation must be understood as made available by the requisite operations formerly reported and estimated, and for perspicuity and reference sake shall divide the whole route into five sections, commencing from the Rice Lake, thus:

Mr. F. P. Rubidge engaged as Deputy Surveyor.

Survey proceeds upwards from Rice Lake towards Lake Simcoe.

Dimensions of Locks, estimate for, same as on the Trent, 134 x 33 x 5 ft.

Route divided into five sections.

No. 12.

Distances of sections.

Section	1st.	From	Rice Lake to Peterborough, ...	21 3/80
"	2nd.	"	Peterborough to outlet of Clear Lake, ...	14 3/80
"	3rd.	"	Outlet of Clear Lake to Bobcaygean lock and rapids, ...	31 40/80
"	4th.	"	Bobcaygean to Balsam Lake Portage, ...	26 3/80
"	5th.	"	Balsam Lake to Lake Simcoe, ...	16 40/80

Total distance from Rice Lake to Lake Simcoe.

Making in all, ... 110 miles

Section 1st.

With reference to section No. 1, the first obstacle presenting itself is the bar at the outlet of the Otanabee River, over which, in some seasons, at lowest summer water, there is not more than eighteen inches; from this point of difficulty to within half a mile of Peterboro', or at Whitlaw's Rapids, a distance of 21 miles, the river presents a fine available stream for moderate sized steamers, with the exception of three

Obstacles to improvement.

trifling obstructions, as shewn in the accompanying plan and section, viz. Danger Field, Robinson's Island, and Yankee Bonnet Shoals, over which, at lowest summer water, 18 inches will be the utmost, and would not even have reached that but for the exertions made last summer, or summer before, in removing the round bolders from the channel, and placing them in heaps or piles, out of the fair way, by a grant (I understand) from the Provincial Parliament, laid out under Commissioners appointed for the purpose, and which in so far as such partial improvements go, appears

Whitlaw's Rapids, 2 ft. 9 in fall.

to have been a benefit to the navigation. The next obstruction, in rotation, is the Whitlaw's Rapids, a pitch of about 2 feet 9 inches (2—9;) at this point considerable expense has been incurred, in clearing the bottom from bolders and in forming buttresses therewith to contract and deepen the bed of the river, and which seems to have so far succeeded; but, at the same time, the benefit seems to have been counteracted on the other hand by the increase of current, which, as a matter of course, the

This Rapid overcome by Steamer Northumberland, a *'twin boat.'*

contracting the channel has had the effect of creating, although not so great as to prevent the steamer *Northumberland*, a twin boat of particular construction, and drawing very little water (say 2—6,) laid on that route by individual enterprise, to surmount at a moderate pitch of water, when she readily gains the extent of the navigation of the Otanabee River in its present state, in the basin immediately below the town, and at the foot of the 9 mile rapids, having surmounted with ease a small ripple of a few inches difference of level, at the narrows between the Little Lake and

Difference of level between Rice Lake and Peterboro,' 4 ft. 6 in.

upper bay. Thus terminating the first section of difficulties on the route, viz. the bar at the mouth of the river, Danger Field, Robinson's, and Yankee Bonnet Shoals, with Whitlaw's rapid, and small rapid above, making in all, from Rice Lake to Peterboro', a difference of level of 4 feet 6 inches.

2nd Section.

The next and more serious obstruction to the navigation of the Otanabee River, presents itself prominently in a series of uninterrupted rapids

Difficulties to be encountered not trifling.

and chutes from Peterboro' Bay to above Herriot's mill, in Douro, and into the now dead water of Katchiwannoe Lake, a distance of 9½ miles,

Rise of water, 147 ft. 6 in.

and rising no less than 147—6 feet odds, on which portion of section 2nd

Hall's Mills.

are situated, above Peterboro' bridge, Hall's mills, built for the use of the settlement by Government some years ago, taking the water from the river above the mill by a very long aqueduct, and by the construction of

Head and fall 12 ft. 7 eight-tenths feet.

a dam across the river, as shewn upon the accompanying detailed plans, having a head and fall of 12—7 8/10 feet. This dam has the effect of sending the water as far back as point A on the plan—from thence to the tail water of Stevenson's saw mill, the river preserves its general character of

Stevenson's Saw Mill.

rapids and swift water, and generally deep, say from 3 to 4 feet; above this point is situated Mr. Stevenson's mill dam, of rude construction, but it is presumed sufficient for all the purposes required, making a head and

fall of 2—7 feet, and throwing the water as far back as point B on the plan—from which to the next artificial obstruction to the river, the same characteristic of rapid and chute prevails, until reaching Lee's mill-dam and works, at which place a dam, on somewhat more substantial form, and principle of construction, affords a command of 13—1 2/10 feet of head and fall, and backs the water, with the exception of a slight current, as far as point C, at the foot of Mr. Reid's clearance; from the mill pond, it is worthy of remark, that the water has been conducted scientifically by the late Mr. Lees along an expensive and well constructed canal to his mill, as shewn on the plan, and being somewhat through rock, must have cost a considerable amount—this work will be more particularly referred to when treating of the improvement.

2—7 feet.

Lee's Mill Dam &c.

Well constructed. Commands 13 ft. 1 two-tenths feet. of head and face.

Mr. Lee's improvement scientifically made.

From point C. on the plan, or from the head of Lee's mill pond, the river presents one continued series of rapids and chutes until reaching the dead water of Katchiwannoe Lake. The general character of the banks, high and rocky, and well bedded, affording excellent materials for lockage, &c. being of a good compact limestone.

River rapid all the way, but affords good materials for Lockage.

Good lime-stone.

From the detailed plan accompanying, from actual survey, a more correct idea may be formed of the general character of the river than any attempt at description could convey, while at the same time the longitudinal section shews the continued rise, with the general depths of water, as found at the time of inspection.

Best idea of the river may be gathered from the accompanying map.

From the foot of Herriot's rapids (on which an excellent saw mill is in operation, and a grist mill in progress of being erected) 8 feet—10—3 of rise carries into the mill pond dead water, upheld at that level, say 142 ft.—3—5 above Peterboro' Bay, by a short substantial dam, as shewn on the plan and section, and backing the water over the former rapids into Katchiuwannoe Lake, at the lower extremity of which a shoal presents itself, an obstruction to the requisite navigable qualities, but of short duration. Next in order, and the only obstruction to the navigation on the 2nd section, is the rapids at and opposite Young's house and mill, and the artificial obstruction of a dam thrown roughly across the river by Mr. Young, for the use of a very complete common principled grist mill, made to drive two runs of stones, with a total head and fall of only 3 feet, and during the particular period of my inspection, had only 24 inches, and affords an instance of what *properly* applied power may produce, with a due regard to economy of water. By the accompanying plan it will be seen the enterprising proprietor has spared no pains in the construction of an aqueduct, &c. through a stony stratum to gain his end; as to the expediency or propriety of his throwing a dam across the river at the particular spot he has, will afterwards be considered in this report, although it would appear to have materially benefited the navigation into the outlet of Clear Lake, by drowning the rapids thereon and giving sufficiency of water over them, thus terminating the second general section of the route.

Herriott's rapids. Saw-mill. Rise 8 feet—10—3.

142 feet 3—5 above Peterboro' Bay.

Mr. Young's mill.

Total head and fall 3 feet. At present, only 24 inches.

The next portion (forming the 3rd section) extends from Young's rapids to Bobcaygean, a distance of 31½ miles, rising 38—4 feet, and taking in its course Clear and Stoney Lakes, Peninsula Falls, Deer Bay, and Burleigh Chutes, and Buckhorn's rapids or Hall's mill, with the navigation of Buckhorn and Pigeon Lakes, with their shallows, &c.

3rd section. Distance 31½ miles. Rise, 33 feet—4.

Then to resume at Young's mill rapid, the navigation, in consequence of the dam already constructed, is complete, with the exception of 3 in place of 5 feet water on the outlet of Clear Lake, until reaching the Peninsula Falls, through the rather incricate navigation of Clear Lake, among its rocky islands and sunken rocks, and along the splendid navigation of Stoney Lake, until reaching the head thereof, in the spacious

Young's mill rapid.

Falls, 25 feet—8, and 3-10ths.

basin into which the Falls disgorge themselves with boisterous rapidity from the several ragged and iron-bound outlets. To surmount the obstacle at this point (rise 25—8$\frac{3}{10}$) seemed at first, and even on mature

Serious difficulty.

reflection and inspection, to be a work of somewhat of a serious nature, from the particular quality of the obstructions in the several openings and outlets and ravines of which the mass of adament obstruction is composed, when after much search, a small channel, emitting the least quantity of water of the whole, afforded an opportunity of carrying the navigation over an ascent of 25—8—3, and into the water connecting with Deer Bay, and at which point the dreaded iron-bound nature of the rock

Granite in abundance, of good quality for working.

turned out to be the finest *workable* granite—the only instance of the real granite, in any quantity, which has come within my observation in either of the Provinces, with the exception of Buckhorn rapids, where it also exists; by the general plan the position of the lockage can be seen—conceiving it unnecessary, so long as I had a correct section of the ravine, to have a detailed plan of the whole, particularly as such could not be properly done till winter, from the very intricate and insulated nature of the several islands, bluff points, &c. Having gained the waters of the bay

Rise, 2 feet—2, and 6-10ths.

above, the next obstruction occurs at the outlet of Deer Bay, as shewn on the plan, where a rise of 2—2$\frac{6}{10}$ presents itself in a smart wicked chute or jump, in a short distance, but affords an excellent opportunity for improvement in the well-protected bay below, and advantageous ravine and low ground adjoining. Having overcome this obstacle, a small chute again interrupts the navigation, of 18 inches, as shewn on the longitudinal sections of the route, until reaching Buckhorn rapids, on which are situated Hall's mills, (and which point forms a particular feature in the line of communication, as commanding and regulating the whole sur-

Rise, 8 feet—2, and 6-10ths.

faces of Buckhorn, Chemong, and Pigeon Lakes, up to Bobcaygean, 15$\frac{1}{2}$ miles,) at which place a difference of level occurs of 8—2$\frac{6}{10}$, to be overcome, as afterwards described—and carry the navigation to Bobcagean rapids and locks, thus terminating the 3rd sectional division of the route, from which to Balsam Lake Portage, a distance of 26$\frac{1}{4}$ miles, and

4th Section. 26¼ miles. Rise 34 feet.

rising 34 feet, the 4th section extends, comprehending the rapids and works at Bobcaygean, the shallows from thence to Sturgeon Lake, the works at Cameron's Falls and Balsam Rapids, and which present the

Rise at Bobcaygean Rapids, 5 ft. 5 in. 4 pts.

following obstructions, namely—at Bobcaygean a rise of 5 ft. 5 in. 4 pts. and a continuation of rapid of considerable extent, together with shallows, until reaching the outlet of Sturgeon Lake, and which has been

From this to the outlet of Sturgeon Lake the money expended is altogether useless, owing to some unaccountable oversight.

attempted to be surmounted by the construction of a lock and a dam at considerable expense, by a Provincial grant, but which has not as yet been available, by some unaccountable oversight in three circumstances, from the *level* of the lower sill being equal to that of the lowest water in Pigeon Lake, in place of being the requisite Canal water depth below the same, say 3 feet for these purposes—from the dams above not being sufficient to retain a sufficient head of water over the shallows above, and lastly, from the loose and open nature of the cut from the above to the lock, not retaining the water for want of proper means being used in the construction, allowing the water to escape in the many crevices and open chasms which the nature of the ground presents, thereby rendering the works at this place entirely uselss, without an adequate outlay to remedy the evil.

Obstruction at Cameron's Falls.

The next and most serious obstruction to the navigation on this section occurs at Cameron's Falls, up to which point, after overcoming the

24 ft. 10 2-10ths.

difficulties at and above Bobcaygean, a most excellent line of navigation, in deep waters of Sturgeon Lake presents itself, when a rise of 24—10$\frac{2}{10}$ occurs, from the waters of the deep navigable inlet from Sturgeon Lake

Two Locks and guard Lock necessary here.

to the foot of Cameron's Falls, into the still water of Cameron's Lake, rendering the adoption of two locks and guard lock at a most convenient

site, as shewn on the plan, necessary. None who have ever witnessed the scenery of Niagara Falls but must at once have the impression forced on their minds of a resemblance in miniature, in Cameron's Falls—the approach from Sturgeon Lake, between the high rocky banks, in their perpendicular grandeur, until instantaneously the Fall presents itself in the same horse-shoe form, with a curtain similarly arranged, affording behind it, from one shore to the other, a promenade. A commencement has been made by the enterprising proprietor, on an extensive scale, indicative of the rise and progress of a place of importance, and which, doubtless, its central situation must insure; in addition to a saw-mill, preparations are making for the erection of a grist and other mills. An inn of unusual extent and accommodation for a new country, has just been completed, together with the proprietor's own and several other houses, store, &c. forms quite a village in a wilderness.

Great resemblance (in miniature) to the Falls of Niagara.

Improvements made by the proprietor.

Leaving Cameron's Falls, the route continues somewhat shallow up the river, (until reaching Cameron's Lake, which is in general very deep,) but which, by the operations at Cameron's Falls, will readily be overcome, and thus carry the navigation over the shallows, foot of the Balsam Rapids, opposite the head of the Fork Island, and at which place the rapids may be *said* to commence, and although rising only 2 ft. 8 in. into Balsam Lake, present a very protracted and serious interruption, (compared to what the first impression did import,) as shewn in the detailed plan and section accompanying, and this accomplished, carries the navigation into Balsam Lake, 227 2-10 ft. above the Rice Lake, and the summit level of the communication from the Bay of Quinte to Lakes Simcoe and Huron, 592 ft. above the Bay of Quinte, and 118 ft. 6 in. above Lake Simcoe. The surface of Balsam Lake I purpose holding permanently near high water mark, for the purpose of giving sufficient water over the bar at the outlet of the Lake, head of Balsam rapids, as also to afford better access to the shore at the Portage, or the point where the cut of junction with the Talbot is intended to leave, besides saving many thousand pounds in excavation—thus terminating the 4th section, and commencing the 5th and last to Lake Simcoe—descending 118 ft. 5 3-10 in. in a total distance to the Lake of 16½ miles, or to the point of junction with the Talbot, discharging itself into Lake Simcoe, 13¾ miles.

Rise, 2 feet 8 inches into Balsam Lake.

Balsam Lake 227 and 2-10ths feet above Rice Lake.

592 feet above the Bay of Quinté.

118 feet—6 above Lake Simcoe.

5th Section. Descending from Balsam Lake to Lake Simcoe, 118 feet—5—2-10ths.

Total Distance, 16½ miles.

In attempting a description of the obstructions on the section, I may commence by remarking generally that they are two-fold:—in the Talbot River, on the one hand, in its course holding out one line for consideration, in contra-distinction to carrying a continuous navigation over a most favourable country of 13¾ miles, until intersecting the Talbot River in its more developed character for navigation, within 2¾ miles of Lake Simcoe, and in either affording sufficient scope for the duties of the Engineer.

Line of 13¾ miles very favorable.

The Talbot River in its southern branch, taking its rise in a swamp to the west of Balsam Lake, continues winding in a very narrow and serpentine course for about 3 miles, until reaching the Forks or junction with the north branch, at which point the river assumes a respectable navigable appearance for batteaux, and continues so, but in a very serpentine course, until reaching the Long Portage and head of the Lost Channel, and continuation of Dry-bedded River, where the water finds its way under ground, and makes out "to day" again at about a mile below, from which the river continues as formerly described until reaching the Crooked or Wicked Rapids, of about half a mile in extent, along which we had great difficulty to float the canoes, with the baggage and provisions out, which brings the river into what may be called the commencement of the navigable portion, having at this point, by three successive rapids, descended about 55 ft. From this point to

Talbot River.

River loses itself here under ground.

Descent to this point about 55 feet.

Summer portage

the Summer Portage, on the plains, or near the head of the next rapids and flood wood interruptions, the river preserves a navigable character, being from 70 to 100 ft. in width, and from 4 to 5 ft. in depth, with the exception of a small interruption, about 4½ miles from the Portage, of rocks and gravel in form of a shoal and rapid, which might easily be overcome.

Navigation here might easily be made good.

From this point (the Summer Portage) the rapids commence, and continue, interspersed with short stretches of still water and jambs of flood wood, until reaching the termination of any thing like serious interruption at point T. on the plan, from which, downwards, may be reckoned the really available portion of the Talbot River for improvement, and which, from the detailed plan accompanying, made out from actual survey, at much inconvenience to the party, will appear to be of a nature somewhat doubtful in its present state—the *radii* of the survey being such as to render the ready navigation by the description of craft intended to be used on this inland communication at least difficult, although the elbows may be materially relieved of their acuteness, from which point until reaching Lake Simcoe no material difficulty occurs, with the exception of flood wood, but what lockage will easily overcome.

Improvement of Talbot River really available here, altho' at first sight doubtful.

Difficulties may be easily overcome.

Mouths of the River.

Having reached the mouths of the river along 8, 10, 18, and 20 ft. water for the last 3 or 4 miles, as shewn in the plan, the progress into the lake is impeded by the existence of a gravelly and sandy bar of considerable extent into the lake, as per plan and section, affording at low water not more than 2 ft. 6 in. in the fair way, but which can be removed and permanently secured against filling up by the construction of piers properly thrown out.

Capabilities of the Talbot River.

Of the capabilities of the Talbot, from its confluence with Lake Simcoe to the commencement of the rapids, there can be but one opinion, although that is in some degree shackled from the very circuitous nature of its course, making, for instance, a distance by following the river, of 30 miles to Balsam Lake, whereas by a direct line from the present Indian Landing, or rather from a more convenient basin one-eighth of a mile above, the distance would be reduced to 16½ miles, thereby not only avoiding many inconvenient turns, as shewn in the plan, but shortening the distance greatly, say 3½ miles.

The difficulties having been mentioned, the Engineer enters into a detail of the measures necessary to overcome them.

Having thus endeavoured to lay before your Excellency the difficulties and obstructions to be overcome, in order to render what I conceive, after mature deliberation, the most eligible route for a water communication available to connect Lake Simcoe with Rice Lake; I shall, in order as they occur, suggest such operations as I consider will be required to accomplish the end in view.

But prior to entering into the details of the route proposed for adoption, it may not be out of place to remark, that in gaining the extremity of the 1st or lower section, viz. Peterborough Bay, the attention was naturally called to look around for an outlet—appearances indicating that the navigable qualities at that point ceased. When my attention was naturally drawn towards the ultimate object of my search—the direction of the head waters—Chemong or Mud Lake naturally attracted attention; however forbidding its appearance in the present state at low water, through which a canoe can be paddled but with difficulty, and the general report as to its inadequacy to any thing like navigable purposes, nevertheless, I resolved on trial, and steering my course in that direction, following a natural ravine and apparently low ground, leaving the bay at the convenient basin, as shewn on the plan, and passing through chiefly the unlocated town lots of Peterboro'—crossing the communication road at Mr. Dixon's gate, and thence bending northward in easy curvature through convenient ground, until reaching by easy ascent the height of

Chemong or Mud Lake,

very shallow.

Course pursued.

land between Peterboro' and Chemong Lake, in the shortest feasible route between the two waters which afterwards, contrary to my expectation, on applying the level, I found not to exceed 50 feet above Chemong Lake, thereby offering a *probability* of the internal or cross-the-country line, being worthy of attention; still as the Otanabee, in its circuit, had to form the criterion of competition, I resolved not to abandon it without an examination, particularly as the land route did not hold out any very flattering inducements to at once adopt it; however, when on the ground, and as the country afforded an excellent opportunity of ascertaining the gross difference of level, and at the same time afforded data for a sectional view of the country for whatever purposes its capabilities afterwards might be deemed susceptible, I instituted a set of levels across from Chemong or Mud Lake to Peterboro' Bay, and found I had the quantity of 189 ft. of difference of level or lockage to contend with, and of course to be encountered, in the several obstructions in the Otanabee, in its elbow course, a difference of level, which somewhat staggered my confidence, being led to believe that the difference (of level) was inconsiderable, as stated in my report on the Trent: but having soon thereafter an opportunity of proving those levels by a series from Chemong Lake, down through Buckhorn and Peninsula Falls, and down the long rapids of the Otanabee to Peterboro', putting the matter beyond all doubt, which led to the idea (taking into account the probability of a proportionate increase on the several remaining sections of the route from the original conjectures on the subject) of addressing the Interim Report, which I had the honor of handing your Excellency personally, and thereon receiving your Excellency's further instructions, which the importance and consideration of the subject required.

Levels taken from Chemong Lake to Peterboro' Bay.

189 feet difference.

Difference much greater than previously supposed.

I would further remark, that in consequence of the tenor of my instructions, and from circumstances occurring since the issuing of the address, and in obedience to your Excellency's commands, originating from such circumstances, viz.—"The reputed eligibility of a route "existing to connect these waters by way of Stoney Lake, with Belmont, "Ball, and Crow Lakes, and thence with the Rideau Canal head waters "on the Crow River,"—

In consequence of the supposed eligibility of a Canal route from these waters to the head waters of the Rideau Canal, on the Crow River, the Engineer directed his attention thereto.

In consequence, and with the view of leaving no room to doubt as to the most eligible, I inspected the reputed route, in a most arduous and unsatisfactory exploration of that country, in its iron bound coasts and islands, continued rapids and vexatious portages, over hill and dale—occupying myself and part of my hands nine days, serving only fully to establish the impossibility of finding a practicable route in that direction for a canal communication.

No practicable route could be found.

From Crow Lake, which I reached by the several continuous rapids and blind portages described by way of Belmont and Ball Lakes, and finding no prospect of reaching the head waters of the Rideau from either of those points, although from the cursory knowledge I have of the direction of the Rideau's head waters, I had all along been convinced of the probability of finding a choice of communication from thence to the upper lakes, although at much sacrifice of lockage, but not in the direction reported to your Excellency; I reached the Marmora Iron Works, and from thence descended the Crow River, and from thence by Heely's Falls, on the Trent—fixing beyond doubt, that the Otanabee was the most proble, and in all likelihood, the *only* practicable route for the object in view.

After traversing the country in every direction, the Otanabee is found to be the best, if not the only practicable route.

Having thus described the endeavors to establish the most eligible route, I now come to lay before Your Excellency the operations required on the different sections to render them available for navigation, commencing in rotation, as formerly, from Rice Lake; and under section 1,

The difficulties and most eligible route having been shewn, the Engineer proceeds to the operations necessary to carry the object into effect.

occur, the Bar at the mouth of the River, the Shallows of Dangersfield, Robinson's Island, and Yankee Bonnet, and which I would propose surmounting by such additional height to the dam at Asphodel bridge, (proposed as necessary for the improvement of that portion of the Trent) as will maintain Rice Lake *permanently* at or near high water mark, and which from the slight difference of level from Rice Lake to Whitlaw's Rapids, (about 2 ft. 9 in.) can easily be done; at the same time, I would recommend the closing up the centre channel of the mouth of the Otanabee, with the view of assisting either of the others, in having a clear passage, and preventing the formation of an additional bar, which would be apt to form, if not artificially prevented, and which the formation of piers will ensure.

Dam at Asphodel Bridge to be raised.

Difference of level from Rice Lake to Whitlaw's, about 2 feet 9 inches.

By raising the waters of Rice Lake, the healthiness of the country will be improved.

In raising the waters of Rice Lake a decided general advantage will arise to the surrounding country, in rendering the whole comparatively healthy, and insure, at a trifling expenditure, an available navigation to Peterboro,' at all times, by the simple adoption of a dam and lock at Whitlaw's Rapids, which is the next obstruction on this section, thereby throwing back water over the Little Lake, sufficient to drown the ripple at the Narrows between the lake and bay, and throw sufficient water into No. 1 lock of the collateral cut from Entrance Bay; thus carrying the navigation from Asphodel Bridge to Peterboro,' 40 miles, at an expense of, per estimate, £4,246. 19s. a very inconsiderable amount indeed, when compared to the advantages to be derived, the enumeration of the whole of which I do not consider comes within the immediate sphere of this report.

Asphodel Bridge to Peterboro' 40 miles. Expense £4,246 19s.

From Peterboro' to Clear Lake, 14½ miles. 147 feet rise.

Section 2nd.—From Peterboro' to Clear Lake, 14½ miles, and rising 147 feet, with a continuation of rapid for 9 miles, until reaching Herriot's mill pond in Katchiuwannoe Lake, and thereafter the rapids at Young's mill, of short duration.

Principal obstruction on the route.

Plan recommended by the Engineer.

To overcome these, (the most serious obstruction on the whole route) there can be but one opinion, pointed out in the extreme facilities the river affords in its universally high and well defined banks, and the convenience afforded for the construction of dams at suitable distances, to render the intermediate spaces available, the practicability of which system has been so *amply* tested on the Rideau communication, that leaves not a doubt as to the applicability in the present instance, while the existence of tolerably sized dams at present, proves the facility with which such can be constructed where required. But although I should recommend the system as generally applicable to the nine mile rapids, yet, as will be seen by the accompaning detailed and minute plans, I propose leaving the river at the Little Bay, immediately continuous to the store-house, and making part of the present marsh and Bay, a receiving basin, and carrying the navigation inland through the town of Peterboro', as nearly parallel with the streets as now laid out as possible, along favourable low ground, and well suited to lockage—bounded by the natural mound or bank on the western side—bending its course round to the plain lots, until reaching the natural ravine at R, to which point the levels naturally lead, as shewn on the accompanying plan and section, until reaching the river at S, and into the dead water from Hall's mill-dam, or from the termination of the mound referred to, to carry on a continued navigation to the summit line of Lee's mill-pond, for which the ground is favourable; and as this would appear in the mean time to be more eligible, it may be deemed sufficient to estimate on this line, leaving the adoption as a matter of expediency hereafter, when the works may go into operation.

I would, therefore, propose for the present, the continuation of the cut to Lee's mill-pond, by which all the mill operations will be left undisturbed, and the wicked chain of rapids avoided.

Having gained the mill-pond by a collateral cut of 2¼ miles, with 5 locks, making 56 ft. lift, and the necessary bridges, &c. for the accommodation of the public, the dam and lock system will come into good play, until reaching the foot of Herriot's rapids—by the several locks, dams and excavations, as shewn on the plan and section, from which a collateral cut of one-eighth of a mile will be necessary to carry the line past the mill and rapids, and avoid interfering with the operations thereof, which are likely to become extensive, and secure a more convenient and ready mode of passing this particular spot of difficulty, than by following the river and then by raising and strengthening the present dam, a sufficiency of water can be backed up, with no inconvenience to the adjoining lands, to the foot of Young's rapids—covering the small rapids at the outlet of Katchewannoe Lake, and throwing sufficient water into the lock of 3 ft. lift at Young's, as shewn on the plan and section—from which to the waters of Clear Lake, a short cut of 70 yards in length, averaging 6 ft. deep, through a gravelly section, will carry the navigation (and completing section 2nd) from Peterboro' to Clear Lake, 14¼ miles, and rising 146—10 + 3$\frac{2}{10}$ = 150 ft. and at an estimated expense of £66,524 14s. 1d.

Plan recommended.

From Peterboro' to Clear Lake 14¼ miles.

Estimated at £66,524. 14s. 1d.

Section 3rd—From Young's to Bobcaygean, including in its course, through Clear and Stoney Lakes, the Peninsula Falls, Burleigh Chutes, Deer Bay, Buckhorn Rapids, and the navigation of Buckhorn and Pigeon Lakes.

Section 3rd.

From Young's to Bobcaygean.

Having gained the waters of Clear Lake, the only operation required to complete the navigation to Peninsula Falls will be a properly constructed dam, to raise the waters of Clear and Stoney Lakes 2 ft. above their present heights, so as to give sufficiency over the outlet of the lakes at lowest summer water, which cannot in any way interfere with adjoining lands, the general character of Clear and Stoney Lakes being rocky and barren shores, and in general very abrupt. The Peninsula Falls, gross rise of 25—8$\frac{3}{10}$, I propose surmounting by 3 locks and extended wing walls, with the requisite guard lock at the head or summit to regulate the spring floods. From this point the navigation continues through Deer Bay, until reaching Burleigh Rapids, a pitch of 2 ft. 2 in. at which place a most favourable opportunity presents to surmount, what otherwise would have been attended with trouble and expense, in the placing of a lock in the neck of a Peninsula, as shewn upon the general plan, with the necessary excavation, &c. which will carry the navigation, by the construction of a dam at this place over the little chute to Buckhorn rapids or Hall's mill, at which important point considerable work will be necessary in the construction of a lock of 9 ft. 6 in. lift, and excavation across the point of 250 yards in length, by 6 ft. in depth (average) in a mixture of large bolders and earth excavation, and towards the Buckhorn Lake extremity, of rock excavation, as also in the raising of the present or the construction of an additional dam, sufficient to deaden the rapids and swift water above, and throw sufficient additional head in Buckhorn, Chemong and Pigeon Lakes, so as to retain those waters at high water mark, and thereby insure a constant, safe navigation to Bobcaygean Rapids, where terminates section 3rd, in a distance of 31½ miles, ascending 38 ft. 4 in. at an expense of £21,102 2s. 5d.

Peninsula Falls, gross rise 25—8 three-tenths.

3 locks and wing walls required.

Burleigh Rapids, 2 ft 2 in.

Section 3; distance 31½ miles, ascent 38 ft. 4 in. estimated cost £21,102 2s 5d.

Section 4th—From Bobcaygean to Balsam Portage (to Lake Simcoe,) 26¼ miles,—

Section 4th.

Will require the re-construction of the lock at Bobcaygean, the lower sill being placed, as already stated, at least 3 ft. too high, besides the dimensions of the lock chamber being too contracted for the present contemplated scale, being only 28 ft. in the clear; the cut from the lock head to the bay above will require considerable enlargement and deepen-

From Bobcaygean to Balsam Portage (to Lake Simcoe) 26¼ miles.

Lock at Bobcaygean must be re constructed.

ing, so as to admit of being properly secured by lining, &c. to prevent the escape of the water through the open fissures of the loose rock, as provided for in detailed estimate; the re-constructions and increased height to the present dam, with the addition of a smaller one, between the upper island and main land, as shewn upon the plan, with the view of giving a sufficiency of wall over the long continued shallows in the river above to Sturgeon Lake—which gained, gives a splendid navigation for any sized craft to Cameron's Falls, and to the very foot thereof, where a most favourable opportunity occurs for lockage into Cameron's Lake, or rather the river leading to said lake, as shewn on detailed plan and section of that place, surmounting the difference of level of 24 10-$\frac{2}{10}$, by two locks advantageously located on the brink of the rocky bank, with the addition of a guard lock and excavation into the river or mill-pond above—in a distance of only 265 yards, and averaging 6 ft. cutting, passing between the hotel and saw-mill.

An excellent navigation may be ensured here by proper means.

Cameron's Falls.

Difference of level 24—10 two-tenths.

2 locks required.

Before leaving the extended and fine navigable water of Sturgeon Lake, it may not be out of place to refer your Excellency simply to the fact of the existence of one of the most favourable opportunities ever presented to open up the same extent of country, by so very little assistance from art, as the waters of Scugog River and Lake afford, passing in their course from Sturgeon Lake, from the south-west angle of Fenelon, through the whole of Ops (40 miles in extent, interrupted only by the rapids at Purdy's mill,) touching on Manvers, watering the whole of Cartwright, and part of Reach, at the upper extremity of the lake, and even extending its ramificated contributory branches, rendered partially available (and which little local enterprise would make perfectly so,) into Mariposa, Brock, and Whitby, and as a matter of course not confining its spreading influence to these alone, but enabling an available communication being opened up from the safe and convenient Bay of Windsor (where it is now in contemplation to construct a harbour) by a rail-road, or a good macadamized road, *for the present*, from which point the head of the extended navigation seems to be distant only 18 miles, and which, as already shewn on the particular report on that subject, can be rendered available by the simple operation of one dam and lock below the present site of Purdy's mill, and at an expense not exceeding £2500, (under *proper* management)—thereby affording an immediate relief to those rapidly settling Districts—at a trifling outlay, until the thorough main channel of communication should be opened up, and then affording a permanent local benefit to the Townships immediately bordering on the Scugog River and Lake, as also on the contributaries, the Non-can and Cross Creeks.

Scugog Lake and River, great advantages to be derived from the waters of, under proper management.

Windsor harbour.

Expense £2500.

To resume my sectional description of the main line:—Having gained by the operations stated, the summit of Cameron's Lake, as the river above the dam, particularly at the outlet into Cameron's Lake, at low water, does not exceed 18 inches, it will be necessary that the dam now existing, and which is one of the most substantial and creditable pieces of workmanship I have seen in the Province, should be raised from 2 to 3 ft. to assist in giving sufficiency of water over the bar at the mouth of the river, where some rock excavation will also be necessary; but if the banks will bear it, and I have no doubt but they will, even a greater increase would be advantageous, not only in the saving of rock excavations at this point (under water) but in materially assisting operations at the foot of Balsam Rapids, which point the navigation reaches easily through the deep Cameron's Lake, and up either of the channels of the river, communicating with Balsam Rapids and Lake, where operations of considerable magnitude, compared to the trifling difference of level, will be requisite to connect with Balsam Lake, in the construction of a lock of 3 ft. lift—and a continuous excavation, chiefly through rock, for 450 yards

Cameron's Lake.

Dam, an excellent piece of workmanship.

to the river above, at point B, where a dam will also be required to throw sufficient water over the bar and into Portage Bay—on the summit level of the chain of communications, from the Bay of Quinte to Lakes Simcoe and Huron, making a distance of section 4th of 26¼ miles, and rising 34 ft. at an expenditure of £25,546 16s. 2d. Currency, being a total difference of level above Rice Lake, with the increased head on Balsam Lake of 227 ft.; above the Bay of Quinte, = 592 ft.—assuming Balsam Lake to be 3 ft. above July mark, and 118—6 ditto above Lake Simcoe, and assuming Lake Huron, as shewn on the map, 594 ft. above the sea, would seem to leave a difference of level between Lakes Simcoe and Huron of 110 ft. odd, say 110 ft. 6 in.

Section 4th.

Distance 26¼ miles. Rise 34 ft. Estimated cost £25,546 16s. 2d.

Level above the Bay of Quinte 227 ft. 118—6 above Lake Simcoe.

Apparent difference between Lakes Huron and Simcoe 110 ft. 6 in.

Next comes the last sectional division of the route No. 5, and one, as already stated, upon which there is sufficient scope for the Engineer's duties—not in point of any very untoward difficulties to be surmounted, but in the proper selection of the most eligible route from Balsam Lake to Lake Simcoe, between which there is a difference of level of 118—5—3 in the present state of the waters, an amount far beyond what was anticipated, and which, consequently, suggested the strictest investigation into the merits of the two probable routes already spoken of, viz. to follow, as much as may be available, the course of the Talbot River from its source downwards—or to adopt an eligible line for a more continuous navigation from Balsam to Lake Simcoe, and for which latter the face of the country affords (with the exception of a trifling rise near Balsam Lake) an opportunity equalled only in one instance in the course of my observation in either Province, and in that for a more limited distance (viz. on the line for a continuous Canal from Lake St. Francis to Lake St. Louis, which runs through the Seigniory of Beauharnois, and which I estimated last year for the Honourable Edward Ellice, in contra-distinction to the other side of the river—the expense being much less.) Still, however much-soever I might be disposed to avail of such facility for continuous navigation by a cut to Lake Simcoe direct, yet there are circumstances sufficiently urgent to give the preference to a *medium* between the two, and which, I have no doubt, will present the most eligible for adoption, as in tracing the Talbot River from its commencement in the great swamp near Balsam Lake to Lake Simcoe, in all its freaks of serpentine curvature, which I did in the month of June, when the water was very low, as well as in the months of October and November—I fully came to the opinion that to follow the Talbot higher up (as for the sake of description I would beg leave to reverse the order and commence from Lake Simcoe,) thus the commencement of the rapids, at McQuaig's rapids or house, as marked Q on the accompanying detailed plan, made from actual survey, with the view of ascertaining the real nature of the river, would not only be exposing the works to much tardiness of execution from the limited period in which operations could be carried on among a continuation of rapids, but at the same time, when done, would add much to the length of the communication—the direct line with the point of junction with Balsam Lake being only 13¾ miles in extent—and although I should certainly look forward ultimately to carry the navigation to this point, or into the Simcoe Portage reach—yet, in the mean time, I would suggest the propriety of leaving the Talbot either at the convenient and commodious basin, as shewn on the plan at D, 1¼ miles above the mouth, &c. or above the termination of the lately constructed road from Balsam Lake—and from the said basin, or point T, to carry an inland cut to Balsam Lake, as per line delineated *red* on the plan, with the necessary 12 locks of, in all, 116 feet lift, as thereon shewn, or as may afterwards be found more convenient to locate; for which, as already stated, the section of the country is most favourable, with the exception of considerable rock excavation in bedded limestone on leaving Balsam Lake, which, however, will meet well the purposes of lock building, of which there will

Section 5.

Difference of level 118—5—3.

Eligible line for navigation.

Unequalled, except by one, within the knowledge of the Engineer.

Plan of the Engineer continued.

12 locks necessary, of different feet lift, on this route, and 1 on Talbot River.

require to be in all the inland cut 12 locks, (of different feet lift each) besides on the Talbot River, between Lake Simcoe and Talbot basin, of nominal feet lift, with the requisite continuous excavation, culverts, bridges, &c. together with the necessary operations at the mouth of the river, in the removal of the bar and by the construction of *piers*, to prevent its again forming; thus overcoming the obstruction in this section, by an inland continuous cut from Balsam Lake to Talbot River at T, of 13¾ miles, with 12 locks thrown at suitable distances, as shewn on the plan and sections, by one lock on the Talbot River, if found necessary, and the construction of the necessary works at the mouth of the river, in all 16½ miles; descending 121—1$\frac{3}{10}$ feet by lockage, or 118—5$\frac{7}{10}$ natural difference of level, at an expenditure of £121,212 18s. 1d. Currency.

Distance of this Section 16½ miles. Descent 121—1 three-tenths by lockage, or by natural difference of level 118—5 seven-tenths. Estimated cost £121,212 18s. 1d. Currency.

For the sake of perspicuity, I beg leave to annex a recapitulation of the whole for your Excellency's information, which at one view will shew the abstract of operations required, amounting in all to the sum of £262,067 16s. 4d. and for which I consider these works may be constructed in a permanent, substantial, and workmanlike manner, and under a similar specification as intended for the Trent works, viz.—"Of good "substantial hammer-dressed masonry, with ashler hollow quoins, cor-"ners, and coping, wooden sills, &c. &c."—Thus opening up an *uninterrupted* water communication from the Bay of Quinte to Lake Simcoe, a distance of *about* 195 miles, and 706—4 feet of lockage, for the sum of £495,515 *odd*, Currency, including the Trent estimate, which amounts to £233,447 6s. 11½d. Currency.

Estimate of total amount of expense required £262,067 16s. 4d.

Total estimate. Distance about 195 miles. Lockage 706—4 ft. Estimate of expense £495,515 Currency, including the Trent estimate of £233,447 6s. 11½d. Currency.

RECAPITULATION.

Sec. No.	Description of Route.	Miles.	Rise.	Dms	Loc.	Amount. £	s.	D.
1.	From Rice Lake to Peterborough, including the bar at the mouth of the Otanabee, Danger's Field, Robinson's & Yankee Bonnet Shallows, Whitlaw's Rapids, &c.	21$\frac{22}{80}$	ft. in. 4 6 Stock.	2	1	4,246	19	0
2.	From Peterborough to Clear Lake, including the nine mile Rapids, Herriott's Rapids, Katchiwannoe Lake, & Young's Rapids,	14$\frac{34}{80}$	47 6	6	14	66,524	14	1
3.	From Young's outlet of Clear Lake, to Bobnaygean, including Clear and Stoney Lakes, Peninsula, Falls, Burleigh Chutes, Buckhorn's Rapids, Buckhorn's Lake, Chemong and Pigeon Lakes,	31$\frac{40}{80}$	38 4	2	5	21,102	2	5
	Carried forward,					£ 91,873	15	5

Engineer's estimate in detail of carrying into execution n Canal on the proposed route, £262,067 16s. 4d.

Sec. No.	Description of Route.	Miles.	Rise.	Dms	Loc.	Amount. £	s.	D.
	Brought forward,.....					91,873	15	5
4	From Bobcaygean to Cameron's Falls and Balsam Lake Portage, including Sturgeon Lake, with Bobcaygean Rapids, Shallows above Rapids, Dams there—Dam at or below mouth of Little Bobcaygean, navigation of Sturgeon Lake, Cameron's Falls & Shallows, Cameron's Lake, Balsam Rapids and Balsam Lake,...	$26\frac{3}{10}$	ft. in 34 0	3	5	22,546	16	2
5	From Balsam Lake to Lake Simcoe, including collateral cut to Talbot River, Locks thereon, clearing of Flood Wood, and piers at the mouth of Talbot Harbour,.....	16	Fall of Collateral Cut. 118 5–3	....	12	121,212	18	1
	Amounting to.....					£ 235,643	9	10
	Lock-Masters houses, &c.....					2,600	0	0
	To which add contingencies and management &c. 10 per Cent.....					£238,243	9	10
						23,824	6	6
	Total amount of Estimate,.....					£262,067	16	4

Engineer's estimate in detail of carrying into execution a Canal on the proposed route, £262,067 16s. 4d.

N. H. BAIRD,
Civil Engineer,
M. I. C. E. L.

December, 1835.

Having now, for your Excellency's information, submitted the result of my labours, and of a more protracted survey than I had anticipated, arising from circumstances which oftentimes give rise to, and create more difficulties in the progress of the Engineer's operations than the real difficulties presented; namely, the different supposed routes which offer themselves to consideration, as imagined eligible, through the different sections of country in which they occur, and pressed upon the attention as the best, or as in many instances, the *only* practicable route—thereby diverting the attention and occupying that time which would have been more advantageously directed to the natural course of the communication, but which, from the circumstance of a doubt existing or possibility thereof, leaves no alternative but to follow out such, if in any way feasible; and under such impression, I was led to make the tour of the back line of Lakes, Rapids and Portages, from Stoney to Crow Lake, which, as already stated, serves but to confirm the prior opi-

Continuation of Report from the Engineer.

Remarks of Engineer respecting the preference of routes.

nion of improbability, as also in examining the lay of the country, through the different Townships of Eldon and Fenelon, as directed in your Excellency's detailed instructions, per Lieutenant Colonel Rowan's communication of date 16th June last, particularly the portions bordering on, and in the proximity rather of Lake Simcoe and Sturgeon Lake; but soon ascertaining that such a route must entail with it, not only a very material increase in distance, but at the same time an increase in lockage, and without any certain supply of water from a summit level, the country rising gradully towards that course from the Talbot valley (certainly the lowest ground in that section of country) until again falling into the Scugog—and having followed that fine river and more expanded lake navigation to its head, and ascertaining, geographically speaking, that that route, although apparently feasible towards Lake Simcoe, would be entirely too circuitous.

Continuation of Report.

After due consideration of the matter in all its bearings, and weighing the merits of the junction with Lake Simcoe, through the Scugog route, which must have been down the valley of the Little Talbot to Beavertown, a stream by no means bearing comparison with its greater rival of the same name, independent of the want of accommodation for shipping, except at a very great outlay of money, and by the *Scugog Lake* route, following either the North-Cross-Creek route, 7 miles above Purdy's mill, into the centre of Mariposa, where the height of land occurs—or continuing up the Lake, take the Non-can River or Creek at the north-west angle of Cartwright, and crossing the south-west angle of Mariposa, gain the height of land in Brock, and from thence descend into Lake Simcoe, down the Black River Valley, which holds out no particular inducement or accommodation for lake craft, which at times will be hard enough pressed to find shelter, all independent of the geographical objection in point of distance—not only in a local view, from Sturgeon Lake to Lake Simcoe, but in following up the ulterior object of continuing the chain of communication with Lake Huron—all of which will be avoided, and the grand object of the most direct and least expensive mode of connecting these waters obtained by the Balsam Lake route; and the Talbot River, as now estimated, besides having the double advantage of bearing out the general character of the whole line as an *internal* communication, opening up a widely extended and valuable country, and one which promises, ere long, to be second to no proportionate space of inland country in the Province, in point of capabilities of improvement, productions and opportunities for enterprise.

When improved this tract will not be inferior to any in the country.

The line now surveyed is not only the most direct, but the best in every point of view.

For the general line of communication and its connection with the adjacent and surrounding country, and shewing that the line as now surveyed and estimated is not only the most direct that can be found, but the one most calculated to develope the resources of the fertile and valuable country through which it passes, I would beg to refer your Excellency to the accompanying general plan which I have had compiled (by Mr. F. P. Rubige, D. P. S.) to shew the whole line at one view, with the different works proposed to render the whole navigable, by which it will be seen, that from the Bay of Quinte to Lake Huron, the general direction of the communication maintains a pretty straight course—that assuming the section from Lake Simcoe to Huron as practicable, and which I extremely regret was not in my power, on account of the advanced state of the season, to have examined, as stated by your Excellency as desirable, when I last had the honour of an interview, and with which intention I did proceed to the Narrows of Lake Simcoe, from the Talbot River, when the difficulty of procuring a proper canoe and crew, and accommodation proper for the excursion, (having left my canoe, &c. at the Talbot, to complete some measurements, under an assistant,) added to the apprehension, which afterwards turned out to be well founded, of being frozen up in

some of my operations below, resolved me (then the 5th of November,) to abandon the task; but still I had the satisfaction of gleaning a considerable deal of information from the kindness of an individual in Orilla, who is much interested in the furtherance of the grand object—and in the perusal of a Report, drawn up by an Officer of Engineers, on the state of the Severn River, and which, from the *general* description therein given, would appear to be not more sectionally objectionable for improvement, than what has been met with on the lower sections of the route—the difference of level, as already stated, being about 110 ft.

Report continued.

I would also state that I had, at the same time, an opportunity of gaining information as to the projected route (by a Mr. Boyde,) from Shingle Bay, but which from the general principle, as I understood the description, nearly double the lockage would have to be encountered, than by a gradual descent; besides, judging from past observation and experience, and studying the course of nature in her multiplied arrangements, it ever appears that the lowest pass between any two sections of country is generally, if not always indicated by the greatest discharge of water—although, as a matter of course, and one in all cases not to be avoided, the route may be somewhat circuitous. I would, therefore, be disposed to hazard the opinion, that either by the Severn or Nottawasaga Rivers must be the line of communication, unless the latter be intercepted from Lake Simcoe by a considerable height of land, which I have not had an opportunity of examining; in support of which hypothesis, and which I consider by no means problematical, I would refer, as an example, to the country lying between Peterboro' and Chemong Lake, around which the River Otanabee, the main outlet from these waters down the Trent, &c. makes such a circuitous bend of no less than 23 miles—that having traversed the country between these points in all directions, for the purpose of endeavouring to find a practicable over-land route, and actually running levels of the most probable, I found the lowest ridge of land to be 49 ft. $4\frac{8}{10}$ above the waters of Chemong and Pigeon Lakes, diminishing proportionately, on approaching the outlet, and *vice versa*. I might quote many other instances, which have come within my observation, to strengthen the hypothesis, that the country between Lakes Simcoe and Huron may have a similar sectional character—unless some convulsion of nature may have interfered in the general arrangement.

Lowest land examined for an over-land route was 49 ft. 4—8 above the waters of Chemong and Pigeon Lakes.

Having thus attempted to lay before your Excellency the result of a very minute and detailed examination of the country lying between Rice Lake and Lake Simcoe, with the lakes and waters thereon, and of a series of running and detached levels, as in terms of your Excellency's instructions, and in pointing out what I conceive to be the most eligible line for connecting those lakes, I should now proceed to point out the prospective benefits likely to arise from the adoption and execution of such a measure, but for which task I really do feel an inadequacy to do the subject the justice its importance demands, whether considered in a political or commercial point of view: but as such is generally expected from, or to wind up, an Engineer's Report—particularly if such should refer to operations proposed through any new (and scientifically unknown) country, as the route I have just had the honour to examine—I shall use my best endeavours to comply with the task.

Remarks of the Engineer on the prospective benefits likely to arise from the prosecution of this work.

As the great object of Internal Improvement through any country, is to afford the means of cheap and expeditious transport for the resources thereof, and to afford the opportunity of connecting the most distant points of fertility and scenes of industry and enterprise with their respective marts, it follows that the shortest and most available route for such an object must be the *sine-quo-non-data* upon which to start—and which, with a due regard to the local interests at the same time through which such line of communication may pass, for the developement of the

Remarks, &c.

resources of wealth and enterprise, in which every section abounds, have been the regulating principles in the selections made, and which I flatter myself will be found unequalled in any other, in a geographical point of view, viz. the affording a thorough communication for the produce of the Western countries bordering on Lakes Simcoe, Huron and Michigan—particularly Illinois, Indiana, Michigan and Huron Territories, and partially Ohio—all rising rapidly into the first scale of commercial importance, in their rich productions, now pouring down the rapids of Detroit and St. Clair, from and across those immense inland seas into Lakes Erie and Ontario, and by the famed speculation of the Erie Canal, which was at first, and for long, considered to be so chimerical an undertaking; but now demanding, from the consequent developement of those fertile regions, increased dimensions—still, however, subject to the inconvenience of such very hazardous circumnavigation, as a single glance at the map of the Province and adjoining States will demonstrate, and which every season affords fresh instances of the melancholy occurrences, in the many shipwrecks and loss of life and property in consequence, must point out as an ulterior object to be gained, that the tide of the Western trade, at least a great proportion thereof, would naturally find its way by the safer, more expeditious and certain route, the Georgian Bay, and from thence down through the now proposed line of communication, by Lake Simcoe, the waters of the Newcastle District, and the Bay of Quinte, thereby saving, as already observed, not only the very perilous circumnavigation of Lakes Huron, Erie and Ontario, but absolutely shortening the route the inconceivable distance of 261 miles.

Remarks of the Engineer in conclusion, &c.

Having reached the Bay of Quinte at the conflux of the splendid River Trent, so very susceptible of improvement, as shewn by the detailed Report I had the honour to address to your Excellency in 1833, the transit from thence to our own mart becomes a matter of ease and safety, either by the St. Lawrence or by the present available and certain navigation of the Rideau and Ottawa Canals, now in active operation, and, for our neighbours, affording an opportunity of transit and communication with New York market through the Upper Gap to Oswego—at which point the Erie Canal touches in its course—but as the St. Lawrence and Rideau must be allowed to be the natural outlet for Upper Canada, the proposed improvements, as a matter of course, should be contemplated in connection with these outlets, particularly the most practicable and available for general purposes of commerce, although when the gigantic improvements on the St. Lawrence are completed, she must stand unrivalled in the annals of internal navigation in point of magnitude of construction—and which, of course, is intended to draw the Western trade in that channel, which the intended improvements from the Bay of Quinte to Lake Huron *must insure.*

To the local advantages which, from the extent of country traversed, may with propriety be called *national*, it would almost be presumptuous to set limits, and in which I conceive I am borne out in the retrospective glance of the rapid strides now making towards settlement and developement—I may say, from the Bay of Quinte to Lake Huron, under the most untoward and inconvenient circumstances a young country could expect to progress—land-locked with the worst of roads, where such exist, and equally so, with the present state of the river and lakes in their several insurmountable rapids, to any description of craft but the fragile bark canoe, and that only in descending—the improvement of which latter would unquestionably unfold the resources in a ratio I should be at a loss to name, was such an outlet afforded.

To agriculture, the great stand-by of any country, I would add the immense increase in the article of lumber, of all descriptions, now car-

ried on to a very limited extent (by a few of those enterprising, hardy speculators, with which the country so copiously abounds,) particularly in the article of staves, for which abundance of the finest oak exists, untouched and unvisited but by the Indian—affording, with an outlet, unlimited scope for individual enterprise throughout the whole line of communication, to say nothing of the vast importance in point of settlement of those fine Districts, bordering on and adjacent to the several extensive lakes, and which have of late drawn the attention of wealth and enterprise to their shores.

Remarks of the Engineer in conclusion, &c.

Of the benefit to be derived from the opening of the Trent above, it may be conceived superfluous to again refer, having been discussed in my former report on that river and its contributaries—and would but briefly again refer to the importance of having an outlet for the wares of the Marmora Iron Works, so much required in a new country, and which may be viewed in a political or national, as well as commercial light.

To sum up these cursory observations I would merely call your Excellency's attention to the different Townships through which the communication is intended to pass in its course through the Home and Midland Districts, in number no less than *nineteen*, immediately bordering on the waters of the communication, besides bringing into play as many more, with all their agricultural and commercial resources, with their respective already populous settlements, as sufficient guarantee, independent of the great *through* communication object, which, as a matter of course, must positively insure an ample return to the Province of the outlay required—really of secondary consideration to the object to be gained—and to the Home Government, in the ready settlement of those vast tracts of fine lands throughout the Province, now *inaccessible*, an ample return for any interest which the Mother Country might be induced to take in such a national undertaking—were it only with the limited view of enhancing the value of Crown Lands, but particularly, I should say, in rendering fully available the great outlays on the Ottawa and Rideau Canals, of which the contemplated communication may now be said to be a *continuation*.

Communication to pass through nineteen Townships

Would enhance the value of Crown Lands.

I would further remark—and perhaps it may be presumptous in me so doing, but I feel as if I owed it as a duty to the land of my adoption, as well as within the sphere of my instructions—that if we intend to maintain our commercial importance in the scale of nations, and preserve for ourselves an *independent* port of entry for the Canadas, something must be done, and that immediately, to secure such; and nothing, it is believed, will tend so much towards such a desirable object, as an early commencement of this internal work, which not only does more immediately interest all Upper Canada in promoting, by any means, and at all hazards, but not less interested is Lower Canada—which should consider the cause as intimately and more immediately connected with *her* existence, as the outlet not only for *all* our exports, but as a natural reciprocating consequence, the imports into these Provinces. On this subject our enterprising neighbours on the other side are wide awake, and who make no hesitation in their different reports and remarks on their further proposed communications, which have of late engaged their attention—and about some of which they seem in good earnest to make frequent allusion to the contemporary rival to all their projected lines to market—"*The back "waters of the Newcastle District and the River Trent.*" Shewing distinctly the importance *they* attach to such a direct line from the *far* west—as likely to anticipate, if put in execution, their best exertions; but unless we be more active in the cause than we have hitherto shewn any disposition to be, I fear we shall be anticipated by their well known prompt

On this subject our neighbours are wide awake.

Unless we are more active, our carrying trade will pass into the hands of a foreign power.

and energetic measures, and that those natural facilities of communication may lay dormant, and the surrounding country and resources with it—and that the year now ensuing will go far to decide the question, I believe, is generally admitted on all hands, "whether we give up the "cream of our resources, the Carrying Trade, to a foreign power, thereby "rendering all our immense expenditure, as well as the bonus of the "Mother Country, more an injury than a benefit to the Province."

I would further remark, for your Excellency's information, that whilst on the importance of the most prompt and energetic measures being used to open up the grand internal communication, so nearly and intimately connected with the vital interests of these Provinces, that as much of the intrinsic importance in the opening up such a communication, having so many rival competitors, however-so-much in embryo, will depend upon an *early* commencement (as an earnest of the intentions of the Provincial Government) and expeditious execution, for the reasons I have endeavored to assign, and which might be multiplied beyond the limits of this report the expediency of adopting such measures and system in execution, as would as early as possible secure the results contemplated, and on which subject I would beg to refer your Excellency to the interum report I had the honor of submitting some months ago, (30th September) suggesting the expediency, for reasons therein assigned, of, in the first place, constructing with all expedition such works along the whole line of communication, as might at the smallest expense, (as per estimate of respective sections which I have all along purposely kept detached) open up the greatest extent of navigation, or in other words, the least expensive sections along the line, such as on the River Trent—the dam only at Widow Harris'—the operations at Chisholm's rapids—the dam above Heeley's falls, and works at Asphodel Bridge or Crooks' rapids—thereby opening up the navigation from Widow Harris' (9 miles above the Bay of Quinte) to Percy Landing, 21 miles, and again from Heeley's Falls to Peterboro', by the construction of the small dam and lock of 3 feet lift at Whitlaw's rapids, half a mile below Peterboro', and again on the present section from Peterboro' to Lake Simcoe, or more properly from Rice Lake to Lake Simcoe, by the construction of the dam at Buckhorn rapids, sufficient to maintain Chemong Lake at or about high water mark—by the water at Bobcaygean, Cameron's Falls, and Balsam Rapids to Balsam Portage, with the proposed works on and at the mouth of the Talbot River—leaving the intermediate more expensive, but short sections, from the mouth of the Trent to Widow Harrris', 9 miles; from Percy Landing to head of Heeley's Falls, 11 miles; again from Peterboro' to Chemong Lake, 8 miles, in place of 30 miles, as per river and lakes as stated; and lastly, from Balsam Lake Portage to the basin on the Talbot River—to be railwayed *in the mean time*, for which it is rather remarkable, the whole of the ground of these intermediate sections affords the most favorable opportunity for construction that can be imagined or wished for, any descent that is being in the proper direction, and easy of formation.

Much will depend upon an early commencement.

Certain parts recommended to be first improved.

More expensive parts to be railwayed in the mean time.

As an *expedient* only do I venture to suggest to your Excellency's consideration, the adoption; at the same time I am perfectly convinced that the plan will meet with some local opposition, in the apprehension of its practical utility, superseding probably the necessity of (for some years) carrying the through water communication into operation, which would better suit for the transport of heavy lumber; but which objection I should be desirous of removing, by the construction at the most difficult falls, of *slides*, which cost comparatively little, and much *better* suit the purpose for heavy lumber, than lockage; the intermediate rail-road system (without transhipment) serving every purpose of the transport of staves down—and the requisite outfittings for lumber establishments

Slides recommended for heavy timber.

upwards—and for a general carrying trade, equally answering every purpose, until its increase should be such as to warrant the putting the whole in full operation.

By this mode of adoption, the communication would be three years earlier opened up than in waiting for the completion of the whole—an immense saving in the *interest* of expenditure effected, such as would go far towards the formation of such expedients; and when the trade and traffic of the country should require, or when it might be found necessary to carry the grand scheme into effect, I am satisfied, from the experience I have had in conducting such heavy works in the interior of a *new* country, that the facilities which such means of transport of materials &c. would afford, would compensate for the execution, taking credit for the raw material, and when it might be deemed necessary (if ever) to remove them, particularly applicable to the inland sections; in consequence, this latter argument would not bear so strong upon the 9 mile section of the Trent.

With the view of doing away with the only, at least the chief objection to the expedient system—the idea of frequent transhipment, I would propose that long and substantial steamers, of particular construction, should regularly ply to and from, on the intermediate extensive water communication, viz. from Widow Harris' to Percy Landing, 21 miles.

Means of doing away with frequent transhipment.

From Heeley's Falls to Peterboro', about..... 55 "
From Chemong Lake to Balsam Lake Portage,..... 40 "
From Talbot River to the Narrows, or Kempenfeldt Bay, as the case may be, ... 22 "

And so arranged as to admit of the train of cars being transported at once, with their loadings, direct either from Lake Huron or Lake Simcoe, as the case may be, and which I am satisfied can be done in such a way as to be practically useful, and serve well the present, and until such time as it may be deemed proper to put the lockage system in execution, the prospective wants of the country; and for the purpose of enabling your Excellency to form an opinion on the merits of the plan, I annex an approximate estimate of the opening up the whole route from the Bay of Quinte to Lake Simcoe and Lake Huron, on the combined system, by which it would appear the whole may be accomplished for the sum of £195,565 6s. 6d. currency, somewhat more than I formerly hazarded to your Excellency in my interum report, and may be completed in two and a half years from date of commencement.

Cars to be admitted on board the Steamers.

Whole may be accomplished for £195,565 6s. 6d.

Having endeavoured to set before your Excellency the advantages likely to arise to these Provinces and the Mother Country from the *early* opening up of the communications now under review, in a commercial and political point of view, in so far as consistent with the limits of this Report, I should consider the task but half performed, did I not in some degree refer to the *incalculable* facilities which, in a military point of view, would, as a natural consequence, follow the completion of such a work as connecting the Bay of Quinte with Lake Huron, or in reality, the Atlantic with the far West—completing the chain of communication (so generously commenced and so far completed and practically useful to the country) from the Atlantic to Michigan and Sault St. Marie, by the works of the Carrillon, Chute au Blondeau, and Grenville Canals on the Ottawa River, and thence by the Rideau to Lake Ontario, an internal navigation of immense extent, say 1214 miles—but by the present circumnavigation already referred to, 1475—difference 261 miles, in rounding the Upper Canada Peninsula by the River and Lake St. Clair, and by a lockage of apparently only 33 ft. at Sault St. Marie, carry the navigation into Lake Superior and regions beyond, at little additional expense—thus admitting of the transport of stores to the most distant portions of the Province, with

The improvement present facilities in a military point of view.

Internal navigation formed of 1,214 miles, shortening the distance 261 miles.

Passage from Bay of Quinté to Penetanguishine may be accomplished in 30 hours.

the greatest ease, certainty, and expedition, and in which point of view I would particularly call your Excellency's attention to the combined system *in point of despatch*—having not the smallest doubt but the passage from the Bay of Quinte to Penetanguishine could be accomplished, on the combined system, in 30 hours—or even less.

Having thus completed the result of the examination, levels, &c. of the country between Rice Lake and Lake Simcoe, as in terms of your Excellency's instructions, and in accordance with the spirit of the Address of the House of Assembly, of the important undertaking with which I have had the honour to be entrusted,—I beg leave to submit the whole for your Excellency's information, trusting that I have fully complied with your Excellency's intentions, and that if in any instance I may have exceeded my limits, that such has been dictated from a sense of the particular predicament in which our common interest seems placed; demanding that some active measures be adopted to save our best interests from passing into other hands, and diverting the Trade of the far West from its natural outlet, and which a cursory view of the general map will amply demonstrate.

The whole submitted to His Excellency's consideration.

I have the honour to remain,
With much respect,
Your Excellency's
Most obedient, humble Servant,

N. H. BAIRD,
CIVIL ENGINEER,
& M. I. C. E. LONDON.

December, 1835.

No. 12.

ABSTRACT ESTIMATE

Of the Expense of effecting a Communication from the Bay of Quinte to Lakes Simcoe and Huron, via. the Trent and Back Waters of the Newcastle District, on the combined principle as referred to in the foregoing Report.

			Currency.		
			£	s.	d.
From the Bay of Quinte to Widow Harris'.....	9 miles,	Per Rail-road,	17,500	0	0
" Widow Harris' to Percy Landing,.....	21 "	" Navigation,	14,114	7	6
" Percy Landing to Head of Heeley Falls,.....	11 "	" Rail-road,	12,000	0	0
" Heeley Falls to Peterborough Basin,.....	55 "	" Navigation,	21,359	8	10
" Peterborough to Chemong Lake,.....	8 "	" Rail-road,	15,000	0	0
" Chemong Lake to Balsam Lake,.....	40 "	" Navigation,	33,362	17	4
" Balsam Lake to Talbot River,.....	13¾ "	" Rail-road,	27,000	0	0
" thence along River to Lake Simcoe.....	2½ "	" Navigation,	7,450	0	0
" across Lake Simcoe to Narrows,.....	22 "	" Navigation,			
" Narrows to Lake Huron, say,.....	15 "	" Rail-road,	30,000	0	0
Making in all,.....	.....	£	177,786	13	8
To which add for contingencies, management, &c.....	.....	.....	17,778	12	10
Making a total of,.....	.....	£	195,565	6	6

Abstract estimate, &c.

N. H. BAIRD,
Civil Engineer,
M. I. C. E. L.

MEMORANDA OF LOCKAGE.

One Lock.....at Whitlaw's Rapids.
Five do.....at Peterboro', and to Lee's Mill-pond.
Six do.....from Lees to Herriott's.
One do.....at Herriott's Mill.
One do.....at Young's do.
Three do.....at Peninsula Falls.
One do.....at Chute (Deer Bay).
One do.....at Buckhorn Rapid.
One do.....at Bobcaygean.
Three do.....at Cameron's Falls.
One do.....at Balsam Rapids.
Twelve do.....from Balsam Lake to Lake Simcoe.
In all 36 Locks, besides 2 Guard Locks 341 ft. 3 9/10 in. Lockage.

Memoranda of lockage.

36 Locks.

No. 12.

INTERIM REPORT

To His Excellency Sir John Colborne, *K. C. B. &c., suggesting the expediency of a combined system of Communication from the Bay of Quinte to Lake Huron,*

Combined system of communication recommended.

By N. H. BAIRD, Civil Engineer.

30th Sept. 1835.

Cobourg, 30th *Sept.* 1835.

To COLONEL ROWAN,
Civil Secretary:

Sir,

At this stage of the survey of the water communication from Rice Lake to Lake Simcoe, in connexion with the River Trent improvements, and looking forward to the ultimate end in view, viz.—a communication between the Bay of Quinte and Lake Huron, I feel myself called upon to lay before you, for His Excellency's information, the result of my labours up to this time, in a condensed form, in case the result thereof might lead to other arrangements which might be more conveniently carried on now than at a future period.

Result of the labours of the Engineer laid before His Excellency

On running the levels from the Otanabee River at Peterboro' to the head waters in Chemong and Pigeon Lakes, I found the difference to be much greater than was anticipated in my Report on the Trent improvements, as also the difference of level to Lake Simcoe, equally so, and which, for perspicuity, I shall now enumerate in order, viz.:

Difference of level greater than was anticipated.

Enumeration of difference of levels.

From Bay of Quinte to Rice Lake,.....					365 ft.	0 in. 0 pts.
" Rice Lake to Peterboro,....	4 ft.	6 in.	0 pts.			
" Otanabee River to head water Chemong Lake,.....	189	9	7			
Bobcaygean Rapids,.....	6	6	0			
Cameron's Falls,.....	26	8	0			
Balsam Rapids,.....	2	4	7			
To Lake Simcoe, (descending)....	118	5	3			
Making difference of levels from the Rice Lake to Lake Simcoe,.....					348	3 7
Lake Simcoe to Lake Huron, assuming the Lake 594 feet above the sea,.....					110	0 0
Total lockage from the Bay of Quinte to Lake Huron,					823 ft.	3 in. 7 pts.

Total of Lockage, 823 ft. 3 in. 7 pts.

Conceiving, from the very great extent of lockage, the sum unavoidably necessary to accomplish such, (on the most economical principle) and regarding the improvements now in progress and in agitation *every where*, to command the commerce of the Western Territory, and divert it from the natural outlet, (the Trent) it has occurred to me, and I am strongly impressed with the conviction, that a species of communication might be adopted, with advantage, between the Bay of Quinte and Lake Huron, to answer every purpose required, in the mean time, with the advantage of increase of speed to a considerable extent, and would propose for the expensive sections of the Trent, and along the line of communication to Lake Simcoe, to substitute Rail Roads, viz.:—

Rail Roads recommended as substitutes

From the mouth of the Trent to Widow Harris'	9 miles.
From Percy Landing to summit of Heely's Falls, about	11 "
From Peterboro' to Chemong and Pigeon Lakes,	8 "
And from Balsum Lake to Talbot River,	13¾ "
Or Lake Simcoe, direct,	16½ "
Making in all, from the Bay of Quinte to Lake Simcoe, only	41 miles of Rail Road.

41 miles of Rail Road.

The communication to Lake Huron, from Kempenfeldt Bay, I am not in possession of sufficient data to say what proportion may be rail wayed, but from the lockage being so heavy, I am disposed to think the combined principle may be equally applicable on that section.

The whole expense of opening up a direct communication from the Bay of Quinte to Lake Simcoe, on the combined system, will not exceed the sum of £195,565. 6s. 6d. and may be completed in three years.

Whole communication from Bay of Quinte to Lake Simcoe on the combined system, will not exceed £195,565 6s. 6d.

By continuous lockage, £495,515. 3s. 3½d.

Continuous lockage, £495,515 3s. 3½d.

In the one case the passage of goods from the Bay of Quinte to Lake Simcoe may be accomplished with ease in twenty-four hours, whilst by the other three days would be required.

In one case transport accomplished in 24 hours, the other 3 days.

From the manner in which the arrangements can be effected, the wagons will pass directly, with their loads, from Lake Simcoe to the Bay of Quinte, and vice-versa undisturbed, by steamers constructed for the purpose, to ply on the intermediate waters.

Wagons will pass directly from Lake Simcoe to Bay of Quinte.

Having laid this cursory view of the subject before you, for His Excellency's consideration, feeling it a duty I owe to the Country, as well as in accordance with the spirit of the instructions I have in command from His Excellency, I shall be glad to be informed whether His Excellency would approve of the estimate of such a communication being made out, to lay before the House, in addition to the lockage estimate, or whether the latter should not be dispensed with in the mean time.

I must beg to be understood in recommending the combined system, that it cannot in any manner interfere with the through water communication, in any other than to materially lessen the estimate, when it might be carried into effect, in the construction of which a saving nearly equal to the expense of such intermediate rail roads would be effected.

Combined system will not interfere with continuous lockage.

Awaiting His Excellency's commands—

I have the honor to be,

Sir,

Your most obedient Servant,

N. H. BAIRD,

Civil Engineer.

REPORT,

By N. H BAIRD, Civil Engineer, M I.C.E.L.

On the most eligible route for a Canal between Lake Simcoe and the Rice Lake.

By order of the Commons House of Assembly.

R. STANTON, Printer.

ESTIMATE OF THE PROBABLE EXPENSE *of completing the continuous Navigation of the Upper Lakes, in the Newcastle District, from Rice Lake to Lake Simcoe, in connection with proposed improvements already estimated and reported upon for rendering the River Trent navigable from the Bay of Quinte to Rice Lake. By order of His Excellency* SIR JOHN COLBORNE, *K. C. B. Lieutenant Governor, &c. &c. &c.*

{ Locks 134 × 33 and 5 feet water.

N. H. BAIRD,
Civil Engineer, M. I. C. E. L.

SECTIONS.	DESCRIPTION OF WORK.	QUANTITIES.	RATE	AMOUNT.			TOTAL AM'T.		
		Cubic yards.	*s*	*d*	£	*s*	*d*	£	*s*	*d*
No. 1. From Rice Lake to Peterborough.	Construction of additional height of dam at Asphodel bridge to throw additional water on Rice Lake, as per report	.....	....		350	0	0			
	Construction of a dam across centre mouth of Otonabee for purpose of rendering the others more available	.....	....		260	0	0			
	Construction of piers in Eastern Channel to secure the same against filling up	.....	....		360	0	0			
	Dredging and clearing out channel across the bar	.....	....		400	0	0			
								1370	0	0
	Whitlaw's Rapids.									
	Excavation for chamber & wing walls, $180 \times 50 \times 1+3+6$ / 3	1444	1	6	108	6	0			
	Ditto for entrance below under water, $264 \times 50 \times 3+4$ / 2	1711	2	6	213	17	0			
	Construction of retaining wall outside of rough work, $204 \times 12 \times 4$	9792		6	244	16	0			
	Construction of substantial wooden dam as described for the River Trent improvements	.....	....		500	0	0			
	Construction of Lock, masonry, gates, iron work	4-6 lift	....		1500	0	0			
	Removal of bolders from fair way	.....	....		50	0	0			
	Construction of and removal of two small coffer dams	.....	....		160	0	0			
	Pumping water, pumps, &c. &c.	.....	....		100	0	0			
	Removal of mill, or compensation thereto not considered as a better head and fall, and more constant supply of water will be obtained	.....	....		—	—	—			
								2876	19	0
	Total amount of Section No. 1, £	.....	....		.....			4246	19	0
	From Peterboro' to Clear Lake.									
No. 2. From Peterboro' to the outlet of Clear Lake.	Construction of coffer dams and removal thereof at mouth of natural basin, to enable under water excavation to tail of No. 1, Lock to be taken out, &c.	.....	....		200	0	0			
	Collateral Cut.									
	Excavation to tail of entrance under water, $726 \times 60 \times 3.2.2.4.7.9.10$ / 7 =	8470	9		317	12	6			
	Ditto on same spot, $800 \times 50 \times 2\text{-}0$ =	2962	1	6	222	3	0			
	Ditto No. 1. Lock pit, $150 \times 50 \times 9+12+15$ = / 3	3555		8	118	10	0			
	Ditto under water level, $160 \times 50 \times 2\text{-}0$	592	1	6	44	8	0			
	Ditto No. 2. Lock pit, $150 \times 50 \times 7+10+17+18$ = / 4	3703	1	0	185	3	0			
	Construction of No. 1. & 2. locks complete, 11-6 & 12-6	.....	....		5300	0	0			
	Excavation of intermediate basin to No. 3. Lock, $858 \times 70 \times 6+7+5+6+9$ = / 5	14646		6	366	3	0			
	£	.....	....		6753	19	6	4246	19	0

Sections.	Description of Work.	Quantities.	Rate	Amount.			Total Am't.		
		Cubic yards.	s	d	£	s	d	£	s	d
No. 2.	*Collateral Cut*—[Continued.]									
	Amount bro't forward, £	.....	....		6753	19	0	4246	19	0
	Excavation Lock pit No. 3.—231×50×10+12.....	4705	9		1350	0	0			
	Intermediate to No. 4.—1320×70×5+6+5+6+3...= / 5	17110	6		641	12	6			
	Ditto embankment, 1320×30×2+3+4+2..... / 4	4400	6		110	0	0			
	Ditto excavation, 1452×70×9+10+8+13+14....= / 5	39526	8		1317	0	8			
	Excavation of No. 4 Lock, 150×50×14+15..... / 2	4027	9		151	0	3			
	Construction of No. 4. Lock of 13 feet lift.....	.....	....		2850	0	0			
	Excavation No.5. pit,2886×60×2+4+7+8+10+11+12 / 7	49703	2	9	6834	1	0			
	Embankment, 990×35×6+5+4+ ..... / 4	5133	1	6	384	19	6			
	Lock pit No. 5.—150×11+12×50 ..... / 2	3194	3	0	479	2	0			
	Construction of No. 5. Lock of 13 3-10 lift.....	.....	....		2900	0	0			
	Rock excavation to guard lock, 1782 x 50 x 2+2+3+5 / 4	8250	2	9	1134	11	3			
	Ditto ditto 1980 x 50 x 7+6+7+8.....	19176	2	9	2636	14	0			
	Guard lock pit, 150 x 50 x 8-0.....	2222	3	0	333	6	0			
	Construction of guard gate.....	.....	....		1100	0	0			
	Excavation to Lee's mill-pond, 2310 x 50 x 8×7×6×5. / 4	27805	2	9	3823	3	8			
	Waste weir above guard lock.....	.....	....		150	0	0			
	Construction of dam at Lee's.....	.....	....		850	0	0			
	Wing dams in bush to prevent water escaping.....	.....	....		300	0	0			
	Total of Collateral Cut, £	.....	....					34499	10	4
	From Lee's to foot of Herriott's Rapids, per river.									
	Excavation into first lock, 198 x 50 x 0×3×4×5 ....= / 4	1100	9		41	0	0			
	Ditto of lock pit, 198 x 50 x 0×1×2 .....= / 3	366	1	6	27	9	0			
	Ditto ditto 160 x 50 x 12	395	1	0	19	15	0			
	Ditto extension to river, 150 x 70 x 9-0.....	3500	1	0	175	0	0			
	Construction of second lock complete, (11-6).....	.....	....		2500	0	0			
	Ditto dam, 14 feet in height by 203 in length,.....	.....	....		710	10	0			
	Rock excavation into entrance of lock, 230 x 60 x 4.... / 2	1022	3	9	191	12	3			
	Pan ditto lock chamber, 160 x 50 x 5	1481	2	3	166	12	3			
	Construction of third lock of 12 feet lift.....	.....	....		2600	0	0			
	Ditto of dam, 15 feet in height by 264 feet length.....	.....	....		1002	10	0			
	Rock excavation into entr'nce next lock,264 x 60 x 0.3.4.5 / 4	1760	2	8	234	13	0	7434	8	6
	Ditto ditto lock chamber, 184 x 50 x 4×6..... / 2	1703	3	0	255	9	0			
	£	.....	....		490	2	0	46180	17	10

From Peterboro' to the outlet of Clear Lake.

Sections.	Description of Work.	Quantities.	Rate	Amount.			Total Am't.		
		Cubic yards.	*s*	*d*	£	*s*	*d*	£	*s*	*d*
No. 2.	[Continued.]									
	Amount bro't forward, £	.....	....		490	2	0	46180	17	10
	Construction of lock of 15 feet lift	.....	....		3060	0	0			
	Ditto of dam, 18–6 in height by 250 feet in length.	.....	....		1156	5	0			
	Embankment on each side to retain water, banks being low, 300 x 20 x 4–6	1000	1	0	50	0	0			
								4756	7	0
	Rock excavation into next lock, 330 x 60 x 0 × 4 / 2	1460	2	9	201	11	3			
	Ditto of lock pit, 190 x 50 x 6–0	2110	3	6	369	5	0			
	Construction of lock of 13 feet lift	.....	....		2750	0	0			
	Ditto of dam 18 feet in height by 137 feet length	.....	....		616	10	0			
								3937	6	3
	Pan excavation into lock, 1122 x 60 x 1 × 3 × 4 × 0 = / 4	4986	1	6	373	19	0			
	Ditto of lock pit, 190 x 50 x 3–0	1055	2	0	105	10	0			
	Construction of lock of 11 feet lift, complete,	.....	....		2200	0	0			
	Ditto of dam, 14–6 in height 142 feet length,	.....	....		663	5	0			
								3342	14	0
	Embankment necessary to retain water in each, the side banks being 4–3 deficient, 900 x 20 x 6–0	4000		9	150	0	0			
	Excavation into lock, 528 x 60 x 0 × 5 = / 2	2933	1	0	146	13	0			
	Ditto of lock pit, 170 x 50 x 3 × 6 / 2	1416	1	6	106	4	0			
	Construction of lock complete of 11–6 lift	.....	....		2900	0	0			
	Ditto of a dam 13 feet in height by	.....	....		710	0	0			
	Ditto of twelve coffer dams and their removal	.....	....		1100	0	0			
	Removing bolders from lower entrance	.....	....		75	0	0			
								4487	17	0
	Herriott's Mill Works.									
	Excavation to tail of lock under water, 300 x 60 x 2	1333	2	6	169	2	6			
	Ditto lock pit above water, 194 x 50 x 5 × 10 × 16 / 3	3592	1	6	269	8	0			
	Ditto ditto ditto 194 x 50 x 3–0	1077	3	0	161	11	0			
	Ditto of collateral cut, 858 x 70 x 7 × 8 × 10 × 14 / 4	10777		9	404	2	9			
	Ditto ditto 858 x 70 x 14 × 15 × 13 × 14 / 4	31142		9	1167	16	6			
	Ditto under water level, 132 x 70 x 5–0	1710	2	6	213	17	6			
	Coffer dams below and removing the same	.....	....		75	0	0			
	Ditto ditto above	.....	....		50	0	0			
	Construction of one lock with 11 feet lift	.....	....		2150	0	0			
	Ditto on raising present dam	.....	....		700	0	0			
	Amount of Collateral Cut at Herriott's, £	.....	....					5360	18	3
	Young's Rapids, &c.									
	Clearing the River of bolders at Douro rapids	.....	....		100	0	0			
	Excavation into tail of Young's lock below the mill at entrance, 132 x 60 x 0 × 4	500	1	6	44	5	0			
	Excavation from bay to lock, 130 × 60 x 0 × 4 × 5 / 3	866	1	3	54	2	6			
	Ditto lock pit, 164 x 50 x 5 × 10 / 2	2277	1	6	170	15	6			
	£	.....	....		369	3	0	68066	0	4

From Peterboro' to the outlet of Clear Lake.

Sections.	Description of Work.	Quantities.	Rate	Amount.			Total Am't.		
		Cubic yards.	s	d	£	s	d	£	s	d
No. 2. From Peterboro' to the outlet of Clear Lake.	*Young's Rapids, &c.* [Continued.]									
	Amount bro't forward, £	.....	....		369	3	0	68066	0	4
	Embankment at tail of lock, 140 x 20 x 4–0	207	1	0	10	7	0			
	2									
	Excavation from River below at head of lock to River above before Young's house, 165 x 70 x 5 × 11–0.. =	3422	1	0	171	2	0			
	2									
	132 x 70 x 11 × 10... =	3593	1	3	224	11	3			
	2									
	140 x 70 x 9 × 6 × 0....	1814	1	6	136	1	0			
	3									
	Ditto under water, 20 x 70 x 5–0	259	1	6	19	8	6			
	Construction of lock of 3 feet lift.....	.....	....		1060	0	0			
	Ditto of proper substantial dam	.....	....		475	0	0			
	Ditto and removal of 2 coffer dams.....	.....	....		150	0	0			
	Rebuilding Mr. Young's house or compensate.....	.....	....		100	0	0			
	Amount of Young's Rapids, &c. £	.....	....					2715	12	9
	Making No. 2. Section amount to £66,524 14 1.									
	From outlet of Clear Lake to Bobcaygean Peninsula Falls.									
No. 3. From the outlet of Clear Lake to Bobcaygean Rapids.	Excavation of granite into tail of lock, 165 x 60 x 0 × 4 × 10 × 13	2566	6	3	801	17	6			
	4									
	Ditto ditto for lock pit, 194 x 50 x 14–0.....	5029	7	6	1885	17	6			
	Extra excavation and clearing up channel not measurable	1440	5	0	360	0	0			
	Ditto ditto extension of wing walls.....	133	6	3	41	11	3			
	Straightening channel, cutting off points, &c.	1120	5	0	280	0	0			
	Blasting under water at mouth of intermediate basin, but water can be kept up, 495 x 70 x 0 × 4 × 0.....	2566	6	8	855	6	8			
	3									
	Excavation from foot of rapids, removal of masses of granite bolders, &c., 594 x 70 x 0 × 5 × 7.....	6160	4	9	1463	0	0			
	3									
	Excavation of lock pit, 164 x 50 x 5 × 7.....	1822	7	6	683	5	0			
	2									
	Ditto of guard lock, 198 x 50 x 0 × 5.....	916	5	0	229	0	0			
	2									
	Ditto above lock, 120 x 50 x 3 × 6.....	777	5	0	194	5	0			
	2									
	Ditto for extending wing walls, 100 x 10 x 3 × 2 × 6..	222	7	6	83	5	6			
	3									
	Construction of 3 combined and one detached lock of 13, 11, and 6–2.....	.....	....		7040	0	0			
	Coffer dams and removal thereof	.....	....		220	0	0			
	Amount of Peninsula Falls, £	.....	....					14137	8	5
	Burleigh Chute.									
	Excavation of lock pit, 164 x 50 x 5 × 8 × 12.....	2567	4	9	609	12	9			
	3									
	£	.....	....		609	12	9	84919	1	6

Sections.	Description of Work.	Quantities	Rate	Amount	Total Amt.
		Cubic yards.	s d	£ s d	£ s d
No. 3. From the outlet of Clear Lake to Bobcaygean Rapids.	*Burleigh Chute*—[Continued.] Amount bro't forward, £	.....	....	6351 11 3	107763 8 6
	Excavation from lock to bay 70 x 50 x 12 × 6 × 2....	777	5 6	609-12 9	84910 1 6
	3			213 18 6	
	Construction of a lock of 2 feet lift	.....	....	960 0 0	
	Amount of Burleigh Chute, £	.....	....		1783 6 3
	Petite Chute—1ft. 5in. 6pts. only.				
	Removing of bolders and blasting under water, say.....	.....	....	175 0 0	
					175 0 0
	Buckhorn Rapids.				
	Excavation to tail of lock 70 x 60 x 3-0 average.....	466	2 6	58 5 0	
	Ditto of lock chamber, 164 x 60 x 0 × 8 × 6....	2551	1 9	223 1 9	
	Embankment, &c. 164 x 30 x 5-0.....	911	1 0	45 11 0	
	Excavation to Buckhorn Lake, earth and large masses of granite bolders, &c. 864 x 60 x 4 × 6 × 8 × 9 × 7 × 2..	11520	2 4	1344 0 0	
	6+				
	Rock under water at entrance 60 x 50 x 2-0.....	222	5 0	55 10 0	
	Coffer dams and removal thereof.....	.....	....	120 0 0	
	Construction of a lock of 9 feet lift, complete,.....	.....	....	2360 0 0	
	Ditto of one or addition to present dam.....	.....	....	800 0 0	
	Amount of Buckhorn Rapids, £	.....	....		5006 7 9
	Amount of No. 3. Section £21,102 2 5.				
	Bobcaygean Rapids and Lock.				
No. 4. From Bobcaygean Rapids to Cameron's Falls.	Removal of the present lock, being 5 feet too narrow, and 14 feet too short, besides the lower sill being placed 3 feet too high.....	.....	....	320 0 0	
	Excaveting the entrance channel to required depth, taking off projecting point to req'd. width, level'g bottom, &c&c	.....	....	495 0 0	
	Construction of a substantial coffer dam, to enable the above to be done, and removal of the same.....	.....	....	180 0 0	
	Pumping water from within the coffer dams, construction of pumping machinery, &c. &c.....	.....	....	260 0 0	
	Excavation of lock chamber for increased dimensions of side walls, breast works, &c. 164 x 50 x 9 × 8 × 7....	2429			
	minus 150 x 35 x 7 × 5 × 4....	$\frac{979}{1417}$	1 6	109 5 6	
	and from bottom, 150 x 50 x 3-0.....	833	2 6	104 2 6	
	Deepening the bed of cut of Junction to receive pounding to prevent the escape of the water 990 x 33 x 1-6 × 2-0 × 2-6....	2420	3 0	363 0 0	
	Excavation from sides of same 990 x 25 x 7 × 9 × 10=	7944	1 2	463 8 0	
	Ditto ditto 990 x 25 x 6 × 7 × 8=	6416	2 3	721 16 0	
	Dressing and sloping banks. &c. &c.....	.....	....	30 0 0	
	Construction of a lock of 6-6 lift complete, including the use of old materials for sundry purposes.....	.....	....	1350 0 0	
	Reconstruction of dam in addition to present one, 462 ft. in length by 7 feet in height	.....	....	560 0 0	
	Ditto one smaller dam above from island to main shore to secure proper height at low water.....	.....	....	177 0 0	
	Construction of a waste weir dam across the mouth or below such on the little Boycaygean with apron, if necessary.....	.....	....	350 0 0	
	£	.....	....	5483 12 0	91883 15 6

Sections.	Description of the Work.	Quantities.	Rate	Amount.			Total Am't.		
		Cubic yards.	s d	£	s	d	£	s	d
No. 4.	*Bobcaygean Rapids and Lock*—[Continued.]								
	Amount bro't. forward, £	.....	....	5483	12	0	91883	15	6
	Coffer dam, and removing the same.....	.....	....	15	0	0			
	Removing the mill lade at lock more into bank to allow room for side walls, as may be arranged,.....	.....	....	126	0	9			
	Amount of Bobcaygean, £	.....	....				5624	12	0
	Cameron's Falls.								
	Coffer dams and removal thereof in bay below, pumping water, pumps, &c.....	.....	....	150	0	0			
	Excavation to tail of lock above water level 66 x 50 x 0 × 4–9 × 1–3 =	244	3 0	36	12	0			
	do. under water level 66 x 50 x 2–0.....	244	5 0	61	0	0			
	do. lock pit No. 1, 99 x 50 x 8–0.....	1333	4 9	316	11	9			
	do. under water level 99 x 50 x 3–6.....	583	7 6	218	12	3			
	do. of No. 2, lock pit 198 × 164 x 50 x 15 × 18 × 22 × 22 =	6452	3 9	1209	15	0			
	do. of No. 3, lock pit 132 x 50 x 11–6 × 9 × 6–0... =	2566	3 6	449	1	0			
	do. of collateral cut from No. 3, to river above 264 x 50 x 6 × 5 × 4	2444	5 6	672	2	0			
	do. do. 198 x 50 x 3 × 5 × 4 × 3 × 0.....	1100	5 6	302	10	0			
	Embankment from No. 3, to river 264 x 30 x 3–0.....	880	1 6	66	0	0			
	Construction of retaining walls 600 x 3 x 3.....	5400	0 6	135	0	0			
	Construction of 3 locks of 10, 11, & guard 3 feet.....	.....	....	5400	0	0			
	Increase to height of present dam.....	.....	....	260	0	0			
	Raising retaining wall of mill race, &c.....	.....	....	160	0	0			
	Alteration on mill may be compensated, but say.....	.....	....	50	0	0			
	Lining excavation where loose to retain water with clay pounding 1326 x 64 x 1–6.....	4714	....	235	14	0			
	Wing dam at entrance to collateral cut for guide and to aid in sending back water over shallows and to Balsam rapids.....	.....	....	180	0	0			
	Excavation of the bed of the river over the bar 300 x 50 x 2	1110	5 0	277	15	0			
	Coffer dams and removing the same.....	.....	....	75	0	0			
	Amount of Cameron's Falls, £	.....	....				10255	13	0
	Balsam Rapids.								
	Excavation to tail of lock 150 x 70 x 3.....	1166	2 0	116	12	0			
	Coffer dams across to the island and return wing, &c...	.....	....	300	0	0			
	Dredging out entrance and clearing away bolders.....	.....	....	125	0	0			
	Excavation of lock pit 130 x 50 x 7 × 8 × 11.....	2118	3 6	370	13	0			
	Embankment, &c. 100 x 30 x 8–0.....	888	1 6	66	12	0			
	Construction of lock of 3 feet lift complete.....	.....	....	1100	0	0			
	do. dam of 7 feet in height by 230 length....	.....	....	412	10	0			
	Excavation to river mouth at point of junction with Balsam Lake above dam 1782 x 70 x 7 × 8 × 6 × 7.....	9266	3 0	1389	18	0			
	do. superstrata 990 x 70 x 7 × 8 × 8 × 6 × 8.....	17966	2 9	2470	6	3			
	£	.....	....	6351	11	3	107763	8	6

From Cameron's Falls to Balsom Lake Portage.

Section.	DESCRIPTION OF THE WORK.	Quantities.	Rate	Amount. £ s. d.	Total Am't. £ s. d.
	Balsam Rapids—[Continued.]	C. Yds			
	Removing bolders, &c. from fair way, partial sundry excavations, &c. &c.		....	6351 11 3	107768 8 6
	Coffer dam and removal of the same		....	250 0 0	
	Clearing and grubbing land for collateral [am't.nominal]		....	65 0 0	
	Amount of Balsam Rapids, £				6666 13 3
	Total estimate from Rice Lake to Balsam Lake, £				114430 11 9
	Amount of Section 4th, £22,546 16 2 *C'y.* £114430 11 9				
	10 per cent 11443 1 6				
No. 5.	*From Balsam Lake to Lake Simcoe, but commencing from Lake Simcoe as the most convenient arrangement for execution.*				
	Excavating and dredging bar at the mouth of the Talbot river, sand and gravel $1848 \times 100 \times 0 \times \frac{3 \times 6 \times 3 \times 1}{5}$	13577	2 6	1697 2 6	
	Construction of piers to secure entrance against filling in again, say about 2000 running feet	2000	£3	6000 0 0	
	Coffer dam for excavation of No. 1, lock on Talbot and removing of the same		....	75 0 0	7697 2 6
	Excavation of lock pit No. 1, at commencement of excavation to Balsamlake $\frac{264 \times 231 \times 132 \times 50 \times 14 \times 12 \times 8 \times 5 \times 0}{5}$	3096	0 9	116 2 0	
	do. between No. 1 & 2 locks $\frac{792 \times 70 \times 5 \times 3 \times 5 \times 6 \times 6}{5}$	10266	0 7	299 8 6	
	do., do. $\frac{792 \times 70 \times 6 \times 8 \times 10 \times 12}{4}$	18480	0 9	693 0 0	
	do. of lock pit No. 2, $\frac{198 \times 50 \times 12 \times 14}{2}$	4766	1 0	238 6 0	
	do. below No. 2 & 3, $\frac{726 \times 70 \times 3 \times 6 \times 6 \times 9}{4}$	15057	0 9	564 12 9	1986 9 3
	do. do. $\frac{594 \times 70 \times 9 \times 11}{2}$	15400	0 10	641 13 4	
	do. lock pit No. 3, $198 \times 50 \times 11 \times 12$	4216	1 0	210 16 0	
	do. below Nos. 3 & 4=$\frac{924 \times 70 \times 4 \times 5 \times 6}{3}$	10866	0 9	406 19 6	
	Embankment, $\frac{924 \times 50 \times 4 \times 1}{2}$	4277	0 6	106 18 6	
	Excavation, $\frac{3828 \times 70 \times 5 \times 4 \times 5 \times 5 \times 8 \times 6 \times 5 \times 5 \times 4}{9}$	49626	0 7½	1550 16 3	
	Embankment, $\frac{3828 \times 50 \times 1 \times 2 \times 1 \times 3 \times 2 \times 1 \times 2 \times 3 \times 3}{}$	14177	0 6	354 8 6	
	Excavation, $1782 \times 70 \times 7 \times 10 \times 12 \times 15$ =	50968	0 8	1698 18 8	
	Carried forward, £		....	4970 10 9	124114 2 9

From Balsam Lake to Lake Simcoe.

Sections.	DESCRIPTION OF THE WORK.	Quantities.	Rate	Amount.	Total Am't.
	From Balsam Lake to Lake Simcoe—[Continued.]	C. Yds.	s d	£ s d	£ s d
	Bro't forward, £			4970 10 9	124114 2 8
No. 5.	Ex'n of Nos. 4 & 5 lock pit, 198 x 50 x 13 × 15 / 2	5133	1 1	278 0 9	
	198 x 50 x 15 × 17 / 2	5866	1 1	317 14 10	
	Embankment over do. 396 x 50 x 4 × 6 × 7 × 9 / 4	3479	0 6	86 19 6	5653 5 10
	Excavation from No. 5 to Nos. 6 &7, 2541 x 70 x 4 × 6 × 7 × 9 / 4	38415	0 7	1120 8 9	
	Embankment, 1848 x 50 x 3 × 2 × 1 / 3	6844	0 4	114 1 0	
	Excavation, 1881 x 70 x 9 × 8 × 8 × 7 / 4	39013	0 9	1462 19 9	
	Embankment over gully, 132 x 70 x 20	3881	0 5	97 0 6	
	Excavation to tail of lock, 1188 x 70 x 8 × 14 × 17	40040	0 8	1334 13 4	
	do. to No. 6 lock pit, 198 x 50 x 18 × 19 / 2	6783	1 3	423 18 9	
	do. No. 7 do. 198 x 50 x 8-6 × 9-6 / 2	3300	1 3	206 5 0	
	Embankment over do. 396 x 50 x 9 × 5 / 2	4800	0 6	120 0 0	4879 7 1
	Excavation to gully, 1188 x 70 x 0 × 5 × 7 / 3	13320	0 9	499 10 0	
	Embankment over do. 700 x 50 x 4 × 0 / 2	2777	0 4	46 5 8	
	do. over gully, 198 x 50 x 7	2566	0 6	64 3 0	
	Excavation into Nos. 8 & 9, 990 x 70 x 15 × 18 / 2	42320	0 7½	1322 10 0	
	do. of No. 8 lock pit, 198 x 50 x 18 × 19 × 6 / 2	6783	1 3	84 15 9	
	do. of No. 9 do. 198 x 50 x 10 × 10-6 / 2	3850	0 6	96 5 0	
	Embankment over berm, 396 x 50 x 4-6 × 3-6 / 2	2896	0 6	72 8 0	7585 17 8
	Excavation to No. 10 lock, 1848 x 70 x 3 × 8 / 2	28203	0 8	940 2 0	
	do. do. 2112 x 70 x 8 × 15 / 2	30115	0 10	1254 15 10	
	Embankment over do. 660 x 50 x 4 × 0 / 2	2444	0 4	40 14 4	
	Carried over, £			2235 12 2	142232 13 0

From Balsam Lake to Lake Simcoe.

Sections.	DESCRIPTION OF THE WORK.	Quantities.	Rate	Amount.	Total Am't.
			s. d.	£ s. d.	£ s. d.
	From Balsam Lake to Lake Simcoe—[Continued.]	C Yds.			
	Bro't forward, £	.....		2235 12 2	142232 13 0
No. 5.	Excavation No. 10 lock pit, 198 x 50 x 15 × 16 / 2	5500	1 6	412 10 0	
	Embankment over do. 198 x 50 x 4–0.....	1466	0 7½	40 16 3	
	Exc'n to No. 11 lock, 2640 x 70 x 3 × 3 × 4 × 7 × 9 × 16 / 6	47916	0 8	1597 4 0	
	Embankment do. 1188 x 50 x 3 × 4 × 3–2 / 4	6600	0 4	110 0 0	4396 2 5
	do. on gully, 250 x 50 x 7–0.....	3240	0 6	81 0 0	
	Excavation beyond do. 1650 x 70 x 6 × 9 × 13 × 17 / 4 ...	48125	0 9	1804 13 9	
	do. of No. 11 lock pit, 198 x 50 x 17–0.....	6233	1 3	389 11 3	
	do. of No. 12 lock pit, 198 x 50 x 7–6 × 10–6 / 2	3300	....	206 5 0	
	Embankment No. 11 & 12 locks, 396 x 50 x 12–0 × 7–6 / 2	7330	0 9	274 17 6	
	Exc'n to water level with Balsam lake, 264 x 70 x 2 × 8 / 2 ..	3422	0 7	99 16 2	2856 3 8
	... from above point W. L. on plan and section to Grass river—miles, and averaging all along 7 ft excavation, and through favorable stuff although occasionally lime-stone will be met, including embankment along the same	578266	0 9	21684 19 6	21684 19 6
	Construction of 12 locks of 10, 10, 6, 9, 4, 11, 11, 10, (or 12) 10, 7, 12, 10 feet lift respectively.....	.....	.....	.....	25200 10 0
	From Grass River to Balsam Lake.				
	Excavation as per section, 594 x 70 x 9 × 8 × 7—6 / 3	12576	0 9	471 12 0	
	do. do. 594 x 70 x 9 × 8 × 9—0 / 3	13328	....	499 16 0	
	do. do. 891 x 70 x 9 × 10 × 14 × 17 / 4 .	28875	1 0	1443 15 0	
	do. do. 1188 x 70 x 17 × 14 × 12 × 14.6 / 4	44660	1 1	2419 1 8	4834 4 8
	do. do. 1188 x 70 x 14–6 × 18 × 15 × 16 / 4	49280	1 3	3030 0 0	
	do. do. 1485 x 70 x 16 × 21.6 × 19 × 18 / 4	42890	1 6	3216 17 0	
	do. do. 891 x 70 x 18 × 16 × 12.6 .... / 4	35805	2 8	5773 17 4	
	do. do. 1782 x 70 x 12. ..... 6 × 11 × 11 × 12 × 13 × 13 × 13 × 13 / 8	16244	2 6	2030 10 0	
	do. do. 900 x 70 x 13 × 16.6 × 13 ... / 3	33055	2 10	4682 15 10	
	do. do. 900 x 70 x 13 × 15 × 18.6 ... / 3	25833	2 9	3552 15 10	18734 0 2
	do. do. 1350 x 70 x 18 × 18 × 12 ..... / 3	56000	....	4900 0 0	
	do. do. under water level.....	13333	5 0	3333 5 0	
	Construction and removal of coffer dam	.....	.....	150 0 0	11935 5 1
	Carried forward, £	.....	.....	.....	231873 19 4

From Balsam Lake to Lake Simcoe.

Clearing Talbot River of flood-wood not included.

Sections.	DESCRIPTION OF THE WORK.	Quantities. C. Yds.	Rate s d	Amount. £ s d	Total Am't. £ s d
	Bro't forward, £	.....	....	.....	231873 19 4
No. 5.	Pumping water, pumps, repairs, &c. may be expected to be considered from low section next lake	.....	....	450 0 0	
	Construction of culverts along the line	.....	....	1250 0 0	
	do. bridges, &c. &c.	.....	....	460 0 0	
	do. lock on Talbot to regulate fluctuation of lake Simcoe if found necessary	.....	....	1160 0 0	
	Dressing and sloping banks, &c.	.....	....	450 0 0	3770 0 0
	Amount of estimate, £ (*Amount of No. 5*, £121,212 18 1.)	.....	....	.....	235643 9 10
	Lock-masters' houses along the whole line, and one for the superintendent at Talbot harbor	.....	....	.....	2600 0 0
	To which add for unforeseen contingencies, management, &c. 10 per cent	.....	....	.....	238243 9 10 23824 6 6
	Making total amount of estimate, £	.....	....	.....	262067 16 4

Say two hundred and sixty-two thousand and sixty-seven pounds, sixteen shillings and four pence currency, and may be completed in four years. N. H. BAIRD, *Civil Engineer*, *M.I.C.E.L.*

December, 1835. E. E.

RECAPITULATION *of Estimate of the Proposed water communication from the Rice Lake to Lake Simcoe, (in continuation of the Trent navigation,) 110 miles, and with 337 feet, 8 inches of lockage.*

No	Sections.	Miles.	337 ft. 8 in. Lockage & natural rise.	Amount. £ s d
1	From Rice Lake to Peterboro' 4 ft. 6 inches rise	21 23/80	4 6	4246 19 0
2	From Peterboro' to Clear Lake	14 34/80	147 6	66524 14 1
3	From Clear Lake to Bobcaygean	3 68/80	38 4	21102 2 5
4	From Bobcaygean to Balsam Lake	26 34/80	34 0	22546 16 2
5	From Balsam Lake to Lake Simcoe	16 1/2	118 6	121212 18 1
	Miles	110 0	342 10	
	Amount of estimate, £			235643 9 10
	Lock-masters' and Superintendent's houses			2600 0 0
	£			238243 9 10
	Unforeseen contingencies, management, &c. 10 per cent			23824 6 6
	£			262067 16 4

E. E. N. H. BAIRD, *Civ. Eng., M.I.C.E.L.*

December, 1835.

MEMORANDA.

Lake Ontario or Bay of Quinte 234 feet above the sea
Rice lake above Ontario, 365 0.0* 599 0 0 do.
Balsam above Rice lake, 224 4.0* 823 4.0 . . . do.
L. Simcoe below Balsam, 118 5.3* 704 10.7 do.
Lake Huron above the sea † 594 0.0
Leaves Huron below Simcoe 110 0.0

* From actual survey.

† From the general map of the Province, and corroborated by the known lockages, &c.

MEMORANDA *of the several obstructions to the water communication of the Newcastle and part of the Home Districts, shewing the respective difference of level as found in the progress of the examination.*

		ft. in. pts.
Sec. 1. From Rice lake to Peterboro		4 6 0
do. 2. From Peterboro' to Clear Lake, viz.	ft. in. pts.	
Peterboro' basin to Lee's dam	56 6 0	
Lee's dam to Herriot's mill pond	91 0 0	
Herriott's mill pond to Clear lake	3 0 0	
		150 9 0
Sec. 3. From Young's at outlet of Clear lake to Bobcaygean, viz.		
At the Peninsula Falls	25 8 3	
do. Petite Chutes	3 8 6	
do. Buckhorn Rapids	8 2 8	
		37 7 7
Sec. 4. From Bobcaygean to Balsam lake,		
At Bobcaygean Rapids	6 1 8 5 5 4	
At Cameron's Falls	24 10 4	
At Balsam Rapids	2 4 7	
		83 4 9
Sec. 5. From Balsam Lake to Lake Simcoe,	115 6 5 2 8 8	118 5 3
	Feet	344 5 9
		8
	Net	341 5 9

Surmounted by 337 feet 8 in. of Lockage.

E. E. N. H. BAIRD, *Civil Engineer.*

No. 13.

REPORT

On the overflowing of the Scugog River and Lake, and on the effect the removal of the Dam at Purdy's Mills would have upon the navigation of the Scugog River and Lake—by order of His Excellency Sir John Colborne, *K. C. B. &c. &c. &c.*

N. H. BAIRD,
Civil Engineer,
M. I. C. E. L.

December, 1835.

REPORT.

To His Excellency Sir John Colborne, *K. C. B. Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.—on the overflowings occasioned by the Dam at Purdy's Mill, in the Township of Ops, and the probable effect the removal of the Dam would have upon the Navigation of the Scugog River and Lake.*

By N. H. BAIRD, Civil Engineer.
M. I. C. E. L.

May it Please Your Excellency:

That in obedience to Your Excellency's commands, conveyed to me in Lieut. Colonel Rowans' communication of date 16th June, and in accordance with an address of the House of Assembly, dated 15th of April last, to the following effect, viz.—to inspect and survey the extent of overflowings on the Scugog River and Lake, in consequence of the erection of the dam at Purdy's Mill; (and in a subsequent clause of said address)—"to inspect and survey the extent of such overflowings, and the probable effect "the removing of the dam would have upon the navigation of the Scugog River and Lake," I have the honor to state, for your Excellency's information, that in the month of October last, and between the 10th and 18th of said month, I proceeded to the inspection ordered, having chosen as the best possible period for such inspection that at which the overflowings could be witnessed at their greatest extent, with the exception of the Spring freshets, in comparison with which the then height was a near approximation, there being 9, (say nine inches) on the top of Purdy's Mill dam; the result of which inspection, with reference to the several points in view, I shall endeavour to submit for your Excellency's information; and,

First, As respects generally the extent of overflowing caused by the raising of Purdy's dam, (which appellation it has now generally assumed,) it is upon a much more extended and destructive scale than, I may venture to say, a precedent can be found from the construction of similar dimensions of dam, at all events in these Provinces.

In my inspection of the Scugog River, with the views intended, I considered it necessary to commence the same from the foot of what is rapid in summer, and swift water in spring and fall, or at the foot of the "Portage," about $\frac{3}{4}$ of a mile below the dam, as shewn on the accompanying plan marked A.—having, as a matter of course, had an opportunity on my passage up and down the River, to and from Purdy's Mill, of making myself acquainted with the general character of the River on that section, which is in all a splendid stream, carrying with it for $9\frac{1}{2}$ miles up to a point $\frac{1}{4}$ of a mile below the commencement of my sectional work sufficient depth and width for the largest class steamers, although in several places the course is very circuitous, as is in general the case with such sluggish streams, meandearing through a low flat country, but the turns are all of such radii as to be perfectly capable of circumnavigation by steamers particularly—at point A, the River contracts from double the width into the dimensions as shown on the

plan, carrying about the same width with it until reaching the dam, as shewn upon the accompanying plan from actual survey, at which point ceased any opportunity of knowing *personally* the original state of the river, a point on which much hinges, and one which I intend to approach with necessary caution, but from all the information I could collect, alike gleaned from the parties pro and con, the removal of the dam, it would appear (and on which point I feel perfectly satisfied, from the satisfactory evidence adduced in course of the investigation,) that the River was, prior to the dam being erected, "navigable for small craft," inasmuch as several of the original Settlers, as will afterwards be shewn, were in the practice of transporting their commodities to and from market by way of the River with ease at high water, but in low water, (to use their own language) "had to coax the boat along," wading themselves in the water, that is at particular places, such as the Priests' Landing, Stoney Bottom, &c. contracting however in capacity until reaching the outlet of Scugog Lake, but apparently on an average of not less than 40 ft. in width, in which I am glad in being borne out by more than hypothesis, from a plan of one property, taken in apparently a very correct manner by the propietor thereof, at his own expense, (a Surveyor by profession) to which document I shall probably hereafter have to refer, therefore need not call your Excellency's attention to extraneous matter; in the mean time suffice it to say, that it appears evident that the Scugog River was, prior to the erection of Purdy's dam, navigable for steamers from Sturgeon Lake to a short distance below the dam, say $\frac{3}{4}$ of a mile for $9\frac{1}{2}$ miles, and from thence to Scugog Lake for small craft at ordinary high water.

As to the character of the space now occupied by the Lake, the accounts were somewhat corroborative of its being any thing but a clear navigable sheet of water, as it is now rendered, extending its arms into every creek and bay in the Townships of Cartwright, Reach, Brock, and Mariposa, and from all I could pick up on the subject, must have been very much assimilated to what the Cranberry Lake and Marshes were on the line of the Rideau Canal, previous to the waters being raised thereon, namely—at the two extremities a narrow bed of a serpentine creek, through which, with difficulty, a bark canoe could be shoved at low water, while paddling raised so much effluvia that left no room to doubt the existence of the cause of ague and lake fever, and in which conclusion I am supported by the evidence of several respectable individuals, who were intimately acquainted with the route prior to the raising of the waters, and who were at the time interested in the state of the navigation, in the first settlements there, and on whose minds the impression as to the then state of the waters has a chance of being more vivid.

Having briefly submitted, for Your Excellency's information, a description of the original state of the Scugog River and Lake, in the course of the former, from the outlet of the Scugog River and Marsh to its confluence with Sturgeon Lake, as regards navigable qualifications, I shall now proceed to the immediate object of the examination, and in the performance of which, from the nature of my instructions and the natural bearing of the subject, shall class the matter under two distinct heads.

The extent of overflowing, occasioned by the raising the dam at Purdy's Mill, and the effect the removal thereof would have upon the navigation of the Scugog River and Lake, and in laying before Your Excellency the result of my inspection, I would beg to remark, that in considering the wording of the address, as well as Your Excellency's subsequent instructions, I could discern that there was more intended to be arrived at than mere description, viz.—a remedy for the evils complained of, though not expressed—under such impression I commenced the work.

The first question arising out of the subject would seem to be, has the dam been placed in the best possible situation for the general benefit of the Townships contiguous—or has a due regard been paid to the public interest in the selection of the present site for the dam—or did the machinery required to be erected, by arrangement with Mr. Purdy, justify the placing the dam in the *present* site—and lastly, could the dam have been placed on any other site on Mr. Purdy's *own* property, to have secured to him and the public similar advantages as now enjoyed, without the concomitant evils complained of—and lastly, whether a less height of dam, and differently located, would not have insured the same or greater facilities, within the bounds of Mr. Purdy's own property?

As regards the proper location of the dam affecting the quantity of land overflowed, I would briefly remark, that from the statement by Mr. Purdy and others, corroborating, the site upon which the dam now rests was *considered* to be the only mill privilege on the lot, from the circumstance of the greatest rapid existing there, and consequently led to placing the dam at that point, although the section, as now taken by me, of the river, would seem to be at variance with such a statement: although I am disposed to give Mr. Purdy credit for having located the dam more to his own than the public advantage, yet it would appear from conclusive evidence, that there was no intention of overflowing so much or almost any land by the erection of the dam, it being the general opinion of the country around, who assisted Mr. Purdy in his arduous undertaking in a back county, that "if he raised it as high as a house he would do no damage," and it was not until the dam was completed, for the *first* time, and the water in consequence rising over the flats and drowning the inhabitants out of their "shanties," that Mr. Purdy, or any one else, had the most distant idea of the ultimate result. But before entering more fully into the merits of placing the dam in its present situation, I feel I would be better connecting the subject to first report on the extent of land overflowed.

On examination of the river, from the dam to its outlet from the Scugog Lake, a distance of nine miles, and keeping the lead constantly going, on my progress upwards, I found in the mill pond from 14 to 15 feet of water on the *original* bed of the river, and at the tail of the dam slope, and found this depth keep good, and in several instances exceeded, as far up as the Priest's Landing or Ford, marked upon the accompanying general plan, at which point I found from 12 to 13—6 in the bed of the river, on the former fording place, and in general 9 feet water on the former banks or low ground adjoining the original bed of the river, and maintaining, with few exceptions, the same depth, until reaching the outlet of Scugog Lake, to which point from the dam below, presents one continued scene of drowned lands and decayed timber, with, at intervals, the former residences of the settlers, shewing part of the roofs out of water, from which the inmates had to make their escape, and found the waters covering the former hay meadows and such portions as industry had cleared, and *in* crop, to the general depth of nine feet, until reaching the Lake, in which the overflowing assumes a very different appearance and character. But before leaving the river, I would beg to refer Your Excellency to the accompanying statement, in which form I conceived it better to arrange the quantities held and overflowed, attaching each individuals name, number of lot, &c., commencing from the Scugog Lake downwards, from which it appears that no less than 1,050 acres have been rendered worse than useless, and depriving the settlers of many advantages which the former (even imperfect) state of the river afforded.

In commencing to take accurate measurement of the lands overflowed, I found it likely to occupy myself and several Surveyors (if at all practicable at that season of the year) far beyond what could be anticipated by, or intended in the spirit of the address; and besides, winter being the only season in which an *actual* survey of the whole could be made, owing to the very wet and soft nature of the shores, rendered so by the raising of the water, I satisfied myself (until further instructions, if such should be deemed necessary, for an *actual* survey of the whole of the drowned lands, from Purdy's Mill to the head of the River and around the Lake shores, an undertaking, the expense of which would go far beyond what I should have considered myself justified in incurring, in the spirit of my instructions) with a *particular* examination of the several portions drowned, as detailed in the accompanying statement, and I have every reason to believe is a very near approximation to the truth—as in course of the several inspections on the spot the land marks were pretty distinct, from which it would appear, as already stated, there are 1,050 acres overflowed, in the river *alone*. But in the event of any thing like a compensatory arrangement being made with the individuals along the river, who have had land drowned, and otherwise sustained, each in their sphere, severe loss, I would suggest, for Your Excellency's consideration, the practice adopting as to the lands overflowed along the line of the Rideau Canal, by which means a regular extended and expensive survey would be avoided, and the quantity ascertained on each lot overflowed or drowned, by a division of labor, as a regular survey of the whole would be attended with a heavy expenditure, compared to the other equally, if not more efficient mode.

STATEMENT

Of Lands overflowed on the Scugog River, &c. &c.

No.	Names.	Desc'p	Lot.	Con.	Acres.	Quality, &c.
1	John Connell, sen.	.....	3	1	25	Marsh and arable,
2	Jeremiah O'Keef,	.....	4	1	25	Do. do. and hay.
3	Dennis Farley,	.....	10	1	46	Arable on creek.
4	John Dempsy,	E. ½	4	2	60	Marsh and arable.
5	Patrick Lee,	.....	5	2	80	Do. and meadow, per measurement.
6	Patrick O'Connell,	.....	7	2	75	Marsh, meadow and cedar swamp.
7	William Lynch,	W. ½	8	2	35	Do. do. do.
8	Michael Farley,	S. ½	11	2	5	Arable.
9	Cornelius Hogan,	W. ½	6	3	60	Meadow and arable and dry cedar swamp.
10	Thomas Macnamara,	W. ½	7	3	85	Do. and cedar swamp.
11	John Connell, jun.	E. ½	7	3	15	Arable and swamp.
12	Thomas Miller,	.....	9	3	150	Do. do. or £100.
13	Daniel Hyde,	E. ½	10	3	30	Arable and low ground.
14	Mr. O'Brian,	W. ½	10	3	35	Do. do.
15	John Hogan,	S. ½	5	4	30	Arable and meadow, and low ground.
16	Martin Hogan,	N. ½	5	4	30	Do. do.
17	Patrick Burke,	S. ½	7	4	20	Do. do.
18	West Creek, Oliver Burke,	N. ½	7	4	25	Do. do.
19	Cross Creek, Robert Miller,	W. ½	8	4	20	Mill privilege, chief loss.
20	Patrick Hoye, jun.	W. ½	10	4	12	Arable and low ground.
21	Patrick Hanniban,	E. ½	10	4	12	Do. do.
22	Patrick Hoye, sen.	S. ½	11	4	15	Do. do.
23	Bryan Hoey,	N. ½	11	4	15	Do. do.
24	James Murray,	E. E.	7	5	25	
25	James Connel,	S. ½	12	5	10	
26	John Ferris,	N. ½	12	5	10	
27	Roger MacHugh,	.....	14	5	20	
28	John Ambrose, sen.	.....	16	5	20	
29	Phillip Brady,	S. E. ½	17	5	10	In general average, land low, marsh, swamp, &c.
30	James MacLoney,	N. ½	17	5	10	
31	Edward Tulley,	S. E. ½	18	5	10	
32	Peter Tulley,	N. ½	18	5	10	
33	John Loggie, Esq.	W. ½	18	6	20	
	Total,	.....	.....	.....	1050	Acres overflowed.

Of the *real* quantity of overflowed or drowned lands along the shores of the lake, the same argument applies, as that cannot possibly be done but in winter, when the ice is good, and to arrive at the delineation of the original boundary of the lake and *marshes*, will, at best, be a difficult and uncertain work; at all events, without the not desirable alternative of running the *whole* of the water off, which of itself would take from three to four months, should such an expedient be resolved on; nor do I conceive that the lands bordering on the lake can have sustained a loss in any degree to be compared with those along the river's edge, seeing that before the waters were raised to their present certainly unwarrantable and unnecessary height, the most of those lands must have been completely land-locked from all market or even local intercourse, and I therefore consider, before the real extent of overflowing on Scugog Lake and Marshes be ascertained, the question as to the proper height the waters should be kept for the navigation of the river and lake should be ascertained (as afterwards to be treated of) and from the regulating data, as it is evident if the waters can be lowered, say one half, that a very great proportion of now overflowed lands will be reclaimed, and the purposes of navigation equally served.

In passing along the lake there is not so much the appearance of devastation as I was led to believe, the banks being in general boldish, until passing Point Claire, when a very deep bay, leading into the township of Mariposa, and north-east angle of Cartwright, presents a scene of overflowing in the index of dead standing timber, studded

about; and again, after doubling the point of what *was* a peninsula, of 8 or 9 miles in length, now rendered a distinct large island by the overflowing of the extensive Tamarac and Cedar Swamp at the neck of the Peninsula, (also in Cartwright) a considerable quantity of drowned land also appears in rounding the island, as well as all along the shores thereof, particularly opposite the mouth of the Non-Con River or large Creek—about which place many extensive floating islands, raised from their marshy beds, cover the fair way—along the western side of the island there appears a great deal of drowned land, but chiefly tamarac and cedar of stinted growth; but on reaching the head of the lake, above the present landing place for Whitby and surrounding country, the scene of drowned land referred to presents itself, cutting off the peninsula from the main land by an expanse of water of considerable width, having over it from 6 to 8 feet of water—to ascertain the correct extent of which the survey must be done in winter.

Before taking leave of the subject of overflowed lands along the Scugog River, I would submit to your Excellency's notice, the several privations which appear to have been sustained by the inhabitants whose lands have been overflowed to the extent reported in the accompanying statement.

On their first settlement along the banks of the Scugog, the land immediately adjoining the river naturally called for their first attention, and thereon planted their log shanties, cleared land, and put in their little crops, the river affording them in its natural state, abundance of the finest fish, which were readily caught when required—the loss of which, in consequence of the dam, seems matter of great regret (and loss.) Their road of communication has also been entirely cut off, and now many feet under water, depending entirely on the alternative of canoeing in getting to and from their houses to mill, market and church, and which at certain seasons is impracticable, if not dangerous; entailing with it many inconveniences to the farmer, who must needs have his horses, if not cattle, as a matter of course, and no road to employ them to advantage in the transport of his grain or commodities.

While on the subject of overflowed lands, it may not be out of place to mention the overflowings on the two Cross Creeks, so called from their entering the Scugog nearly opposite each other and at nearly right angles, at 7 miles above Purdy's dam, upon which there are several Settlers, as per statement, and on the North Creek particularly a *good Mill privilege* has been drowned on the property of Mr. Robert Miller, upon which that individual says he wishes to erect a mill.

Having discussed the merits of the overflowed land question, I trust in conformity with the spirit of the address, as well as in accordance with your Excellency's instructions, in so far as the same can at present be done without an actual survey on the ice; I come now to lay before your Excellency the result of my examination, levels and survey, as to the effect of the removal of the dam upon the navigation of the Scugog River and Lake, and under what the remaining heads of the subject come more immediately to be discussed.

In viewing this matter, as I am convinced it is intended it should be, upon a liberal footing as regards equally Mr. Purdy's and the public interest, and accommodation to the country at large, I have, of course, been under the necessity of assuming some data upon which to form the ground work of my opinion, viz.—the *proper* dimensions of navigation. In deciding this point it at once strikes the conviction that, one continuous scale of construction through any country must be the best and most convenient, where practicable; accordingly I have decided on the scale of dimensions as now estimating for the internal communication from the Bay of Quinte to Lake Simcoe, and it is presumed ultimately to Lake Huron, viz.—five feet draft of water as the most eligible.

In considering the subject, many regulating points present themselves, and among these the most prominent is the subject of *levels*; the all-deciding data in internal navigation. Accordingly, as no correct conclusion could be come to, in the abscence of such as to the effect the removal of the dam would have upon the navigation of the River and Lake, further than the simple conclusion that it would thereby be reduced to its original state, I immediately ran a set of levels from the back water of Sturgeon Lake, or from point A, already referred to, to the summit level of Scugog Lake, making a total diffe-

rence of level at present to be overcome of 13 feet 7 $\frac{9}{10}$ in. as per section accompanying, including nine inches running over the dam.

In the projected scale of improvement of the Lakes and Rivers below, it will be necessary that Sturgeon Lake be raised 2 to 3 feet, for reasons assigned in the Report, &c. on the subject, and which, as a matter of course, must proportionately back the water in the Scugog River, and comparing the present relative medium height with the intended increase, the water must be backed by the dam at Bobcaygeon to about point B. on the plan, or to the government bridge, and to within a few yards, or up to, the lower boundary of Mr. Purdy's property, crossing the Scugog, on 1—6—9 above the then height of water at said bridge, as per bench mark left on abutment on the western side, there being *that* difference from the assumed level of Sturgeon Lake, and which point may be considered the prominent *low* water mark, should the improvements in contemplation go on, and independent of such, to render the operations at Bobcaygeon available in any shape, such an increase on Sturgeon Lake (and which can be productive of no injury) must be had recourse to, and assuming such as the lower level to start from, leaves at low water, deducting the overplus now running over Purdy's dam, (nine inches) a lockage to be overcome of 11—3—9, supposing the waters of the Scugog River and Lake to be maintained at their *present pitch*, to overcome which, and render the river navigable, under present circumstances, two different modes suggest themselves, both of them equally expensive and inconvenient, viz.—either by a collateral cut from Purdy's mill pond, continuous to the river below the rapids, or to point B,—or by the construction of an additional dam at the Government Bridge, to back the water 4 feet on the tail water of the mill, and by the construction of a lock at each dam. On the other hand, assuming five feet as the requisite draft of water, to which the surface of the river and lake could easily be reduced, by lowering the whole 6, 7, or 8 feet, as might be deemed advisable, but say 7 feet, with the view of allowing a sufficiency of water over the Priest's Shallows and stoney bottom, say 5 feet, the object can be obtained by the construction of *one* dam and *one* lock, and at one-fourth part of the expense, by the removal of the present, and substituting another dam at or near the point where the dead water backed up from Sturgeon Lake ceases to give 5 feet, which, as per soundings and longitudinal section, on plan accompanying, would seem to be somewhere between the two bridges, thereby avoiding a very expensive collateral cut, and the saving of a dam and lock, besides affording an opportunity of securing a sufficiency of head and fall for the mill, which on either of the other plans would seem somewhat doubtful.

It would therefore follow, from the foregoing statement, founded on unquestionable data, that the effect of removing the present dam would be a decided advantage to the navigation of the river and lake, in the substitution of one further down stream, at or near the lower or Government bridge, keeping always in view the raising of Sturgeon Lake for the reasons assigned as the standing data, inasmuch as 5 feet water is a sufficient depth to provide for the Scugog River and Lake, and that the same can be preserved by lowering the summit level from 5 to 8 feet.

It may probably be argued, and I am aware it has been asserted by Mr. Purdy "that the mill will not work up with a less head of water;"—in reply to which it will only be necessary to remark, that the mills, as now in operation, particularly the grist mill, is upon the rudest possible principle, constructed without any regard to economy of water, using as much and wasting more than would drive six manufacturing runs, and I have no hesitation in saying that a mill, upon proper common principles, and with every regard to economy in construction, can be made to do as much work, if not more than that mill can possibly do, with one-third the head and quantity of water she at present has, viz. 11—0—5 head and fall, and at the same time afford a more ample return than the present rude construction can make to the proprietor.—(In point of quality of construction I mean to be understood as referring particularly to the *prima mobile*, the *description* of *water-wheel* used, and the manner of connecting the stones therewith, and not the arrangement of the other parts of the mill which are tolerably good.)

To gain even the head which Mr. Purdy now considers as absolutely necessary to insure the effective operation of the mill he has had recourse to raising the surface of the mill pond, even above the natural surface of his own land, by the construction of the

wing dams d. d. d. in height about 18 inches above the surface, and I understand, at low water, has a wash-board which attaches to the top of the dam.

I would, therefore, in reviewing the matter, beg leave to sum up, for your Excellency's consideration, my opinion in the following terms :—

That the *total* removal (if such was meant) of the dam at Purdy's mill must ruin the navigation of the Scugog River and Lake, inasmuch as reducing it to its original state as described, merely passable for boats, and that at high water, lay the marshes in the lake entirely dry, which, by exposure to the sun's rays, must, as a matter of course, emit ague and lake fever *miasma* to such a degree as would render the country most unhealthy; but that the total removal of the present, and substitution of another of less dimensions as to height, so as to afford 5 (say five) feet water in place of 12, as at present over the shallows in the river and outlet of the lake, would *materially* benefit the navigation, inasmuch as one dam and lock at point C. on the plan, would carry the navigation from Sturgeon Lake into Scugog by a lift of only 5—0—9, in place of 12—0—9—that the said lift of 5—0—9 would be perfectly sufficient, with a mill on *proper* principles, such as for instance has just been erected on the upper rapids of the Otanabee River, at the outlet of Clear Lake, of only 3 feet of head and fall to serve all and every purpose required—although I think 6 feet of clear head and fall may be obtained, in which case the purposes of the saw mill will be equally served.

On the subject of lowering the water above the present dam I would remark, that if the same is done at the proper season, late in the fall, that little apprehension need be entertained for the *miasma* from hard wood land, such as will be reclaimed in consequence thereof.

That by lowering the present dam to 5 feet water over the shallows, which would reduce the dam 7 feet, the same object may be attained, but must incur the adoption of another dam at lock C, or by the collateral cut from the mill pond to point C, which latter plan might probably interfere less with Mr. Purdy's arrangements, although his mill would in that case be as much subject to back waters, and have less head and fall, than if removed to a lower site, a transverse section of which is hereunto annexed to shew the capabilities of the banks for such.

In conclusion, I would remark, that by the removal of the present and construction of another dam at point C, with one lock of 5 feet lift, will perfectly and better serve all the purposes of the navigation.

Of the advantages likely to accrue in rendering the Scugog River navigable by improvements on the rapids at Purdy's mills, I would briefly remark, that from the extent of country overflowed, about 30 miles in extent, by a dam of only 14 feet in height, and from the circumstance of navigation being created for the largest sized steamers—where such never could have been contemplated—and viewing the whole as a branch of the grand contemplated scale of improvement for the waters of the Newcastle District, from the Bay of Quinte to Lakes Simcoe and Huron, and which may be rendered available by embracing, perhaps, one of the most favourable opportunities ever presented, to open up the same extent of country by so little assistance of art, as the waters of the Scugog River and Lake afford, passing in their course from Sturgeon Lake, from the south-west angle of Fenelon, through the whole of Ops, (an extent of upwards of 40 miles, interrupted only by the trifling rapids at Purdy's mill,) also touching on Manvers, watering the whole of Cartwright, and part of Reach, at the upper extremity of the lake, and even extending its ramificated contributory branches into Mariposa, Brock, and Whitby, now rendered partially available, and which very little local enterprise would render perfectly so—and of course not confining its spreading influence to those above, but susceptible of enabling an available communication being opened up from the safe and convenient bay of *Windsor*, (where it is in contemplation to construct a harbour) by a rail road, or good macadamized road *for the present*, from which point the head of the extended navigation seems to be distant only 18 miles, and which, as already shewn, can be rendered available by the simple operation of one dam and lock below the present site of Purdy's Dam, and at an expense not exceeding £2500 under proper management—thereby affording an immediate relief to those rapidly settling Districts, at a trifling outlay—until the through main channel of communication should be opened up; and thus affording a

permanent local benefit to the townships immediately bordering on the Scugog River and Lake, and for which the contributaries of the Non-Con and Cross Creeks afford facilities.

Those would seem to be a *few* of the prominent reasons for preserving the navigation of the Scugog River and Lake, not in their present extended, but in an available state, as I have endeavoured to point out, and when viewed in connexion with the grand scale of internal improvement proposed, calls loudly for protection, together with the general argument, that where either nature or art, by accident, may have contributed so much as in the case of the Scugog River and Lake, that no opportunity should be let slip of improving the advantages so offered, and which I do believe in this case stand unrivalled, as an instance of what may be accomplished at little expense.

Having thus endeavoured to lay before Your Excellency the result of the investigation with which I have had the honor to be entrusted, I trust that such has been done with a due regard to the spirit of my instructions, and where I may have come short of, or overstepped such, I shall feel much satisfaction in affording any requisite explanation.

I have the honor to be,
With much Respect,
Your Excellency's
Most obedient humble Servant,
N. H. BAIRD,
Civil Engineer, M. I. C. E. L.

31st *December*, 1835.

2nd Sess. 12th Parl.

REPORT

On Overflowings of Scugog River and Lake, by the erection of Purdy's Mill-Dam in Ops.

By order of the Commons House of Assembly.

H. STANTON, Printer.

MESSAGE

FROM HIS EXCELLENCY,

TRANSMITTING

DOCUMENTS

RELATING TO

KING'S COLLEGE AND UPPER CANADA COLLEGE.

F. B. HEAD.

The Lieutenant Governor transmit to the House of Assembly, with reference to its address of the 3rd of April last, presented to his predecessor, two communications from the Bursar of King's College, and the accompanying documents, relative to Upper Canada College and King's College.

Government House,
8th February, 1836.

KING'S COLLEGE,
Toronto, 11*th April*, 1836.

SIR,

In obedience to the direction of His Excellency the Lieutenant Governor, communicated in your letter of the 7th of last month, addressed to the President and Council of King's College, that the statements asked for by the House of Assembly in an address of the 3rd (of which you transmitted a copy) should be prepared with as little delay as possible, I have now the honor to transmit various abstracts concerning the department of which I have the management, with an accompanying explanatory list of them; but I respectfully beg leave to explain that the minute details called for by the said address cannot possibly be furnished during the present Session.

I commenced an attempt to obey the call to its full extent immediately upon my return to the office after a two months confinement to my house by a serious accident, but I found that the references it required would take up more time to investigate than the Session was likely to continue. I therefore deemed it more advisable to confine myself in the first instance to the duty of furnishing abstracts of the different receipts and payments of the three funds of King's College, Upper Canada College, and the General Board of Education, from the period to which abstracts had been already furnished, so as to show the several balances, pro and con. of the three funds as they stood with me at the close of the last year.

The minute details called for in the address of the House of Assembly of particulars of general items in the former abstracts, as recorded in their Journals, will be prepared before the next meeting of the Legislature, and shall be timely transmitted to His Excellency—but I hope I may be allowed respectfully to remark, that it does seem a hardship upon a public functionary, when he has submitted certain accounts, which have been printed on the Journals, some of them five years back, and others three, without its ever having been notified to him that they were unsatisfactory, until late in the present Session, that he should at this distant period be required to search into old vouchers, which have been long considered as wholly done with.

I have the honor to be,
Sir,
Your most Obedient
Humble Servant,
JOS. WELLS,
Bursar of King's College.

Lt. Col. ROWAN,
&c. &c. &c.

KING'S COLLEGE OFFICE,
Toronto, 16*th Jan'y*, 1836.

SIR,

In answer to your enquiry by the direction of His Excellency the Lieutenant Governor, whether the remainder of the documents called for by the Commons House of Assembly in the last Session of the Legislature, relative to King's College and Upper Canada College are ready for delivery in order that they may accompany those which were received too late in the Session to be then sent down to the House. I have the honor in reply to acquaint you, for the information of His Excellency, that they will be sent in few days with a further detail of the receipts and expenditures for the year 1835. If any further explanation respecting them should be required, it will be my duty, as it is my inclination, to give it either verbally or in writing to the committee of the House appointed to investigate the same.

I have the honor to be,
Sir,
Your most Obd't.
Humble Servant,
JOS. WELLS,
Busar of King's College.

Lt. Col. ROWAN,
Private Secretary,
&c. &c. &c.

DESCRIPTION OF THE ACCOMPANYING DOCUMENTS.

Nos.	RESPECTING THE UNIVERSITY OF KING'S COLLEGE.
1	Abstract of the Bursar's general account current for the half year ending 31st December, 1831.
2	Ditto for the year, 1832.
3	Ditto do. 1833.
4	Ditto do. 1834.
5	Explanation of a particular item in a former abstract, called for in the 5th paragraph of the late address of the House of Assembly.

Nos.	RESPECTING THE UPPER CANADA COLLEGE.
1	Abstract of the Treasurer's general Account current for the half year ending 31st December, 1831.
2	Ditto for the year 1832.
3	Ditto do. 1833.
4	Ditto do. 1834.

Nos.	RESPECTING THE LATE GENERAL BOARD OF EDUCATION.
1	Abstract of the Treasurer's general Account current for the half year ending 31st December, 1831.
2	Ditto for the year 1832.
3	Ditto do. 1833.
4	Ditto do. 1834.

N. B.—Statements will be prepared before the next Session, respecting King's College and Upper Canada College, as called for in the first and second paragraphs of the late address of the House of Assembly.

No. I.

ABSTRACT of the Bursar's General Account Current with King's College for the Half Year, ending 31st December, 1831.

1831.	£	s.	d.
July 1—To balance from last Half Year's Abstract	8,911	17	4
To aggregate amount of Rents received during the half year	386	5	0
From July 1 to Dec. 31—To aggregate amount of first payments on account of sales of lands during the half year.	548	2	6
To aggregate amount of sums received on account of subsequent instalments on former sales during the half year	910	14	0
To aggregate amount of sums received on account of interest on subsequent instalments during the half year	98	18	5
Carried forward	£10,855	17	3

1831.	£	s.	d.
From July 1 to Dec. 31—By amount paid the Overseer of the College Grounds on his periodical accounts for Wages due to Labourers, and for Teams employed thereon, including his own Salary of £60 per annum and £12 10s for House Rent, and payments of sundry accounts for Trees, Shrubs, Utensils, &c.			
July 16—R. Colman	7	19	1
30 Do	11	15	0
Aug. 13 Do	7	0	0
27 Do	10	6	3
Sept 10 Do	5	7	4
24 Do	5	4	3
Oct. 6 Do	10	0	0
15—John Wedd	20	12	6
29 Do	36	11	3
Nov. 12 Do	21	9	4
26 Do	22	13	9
Dec. 10 Do	7	7	8
26 Do	19	0	0
		185	8	5
By amount paid Prince & Sons, of New York, in full of their account for trees and shrubs, and premium to the Bank of Upper Canada for their draft		38	19	8
By amount paid Salaries to the Officers and Messenger:—				
Hon. G. H. Markland, Registrar, for the half year	75	0	0	
Hon. Colonel Wells, Bursar	75	0	0	
Mr. G. P. Ridout, Clerk	50	0	0	
Edward Grundell, Messenger	18	0	0	
		218	0	0
Carried forward	£	442	5	5

N. B.—Upon the appointment of Mr. John Wedd, on the decease of R. Colman, new improvements were commenced, which his predecessor, from declining health, was not equal to the direction of, and hence the increase of expenditure.

	£	s.	d.
Brought forward..... £	10,855	17	3
	10,855	17	3

	£	s.	d.
Brought forward.....	442	5	6
By amount of sundry disbursements, including rent for the Office :—			
April 1—Half Year's rent for the Office.....	20	0	0
Nov. 1—Do do do..	20	0	0
Dec. 31—J. Maxwell, Carpenter, for sundry jobs	1	0	3
R. Stanton, for books stationery.....	4	14	0
Sundry postages...	2	18	8
	48	12	11
	490	18	4
By balance advanced as a loan to the Upper Canada College and Royal Grammar School, to meet the expenses of Buildings, and the payment of Salaries to the Masters, &c.....	10,364	18	11
£	10,855	17	3

JOS. WELLS,
Bursar.

No. II.

ABSTRACT of the Bursar's General Account Current with King's College, for the Year 1832.

1832	£	s.	d.
January 1—To balance from last Year's Abstract.	10,364	18	11
From Jan. 1 to Dec. 31. To aggregate amount of Rents received during the year:—			
For the half year ending June 30. £ 698 11 8			
For the half year ending Dec. 31. 516 10 0	1,215	1	8
To aggregate of first payments on account of sales of land during the year:—			
For the half year ending June 30. 865 15 6			
For the half year ending Dec. 31. 567 4 0	1,432	19	6
To aggregate amount of sums received on account of subsequent instalments on former sales during the year:—			
For the half year ending June 30. 2298 18 6			
For the half year ending Dec. 31. 1241 12 6	3,540	11	0
To aggregate amount of sums received on account of interest on subsequent instalments during the year:			
For the half year ending June 30. 273 15 5			
For the half year ending Dec. 31. 188 14 4	462	9	9
Carried forward..... £	17,016	0	10

1832	£	s.	d.
From Jan. 1 to Dec. 31—By amount paid the Overseer of the College grounds on his periodical accounts for Wages due to Laborers, and for Teams employed thereon, including his own Salary of £60 per annum, and £12 10s for House Rent, and payment of sundry accounts for Trees, Shrubs, Utensils, &c.			
Jan. 24—John Wedd.....	7	3	9
April 7 Do	11	11	3
28 Do	19	2	6
May 12 Do	27	0	0
26 Do	35	0	0
June 9 Do	32	0	0
16 Do	10	0	0
22 Do	63	12	9
30 Do	16	0	0
July 7 Do	40	0	0
14 Do	15	0	0
21 Do	25	0	0
28 Do	20	0	0
Aug. 4 Do	30	0	0
11 Do	15	0	0
18 Do	30	0	0
25 Do	14	1	9
Sept. 1 Do	20	0	0
8 Do	13	0	0
15 Do	10	0	0
22 Do	18	15	0
29 Do	16	16	9
Oct. 6 Do	19	15	0
13 Do	16	0	0
20 Do	21	15	0
27 Do	9	12	0
Nov. 3 Do	8	8	0
	564	12	3
Carried forward..... £	564	12	3

	£	s.	d.
Brought forward	17,016	0	10
From Jan. 1 to Dec. 31. To aggregate amount received from the Receiver-General, being the amount of Warrants for the Half Year's Royal Grant of £500 sterling:—			
To 1st January...	555	11	1
To 1st July.....	555	11	1
	1,111	2	2
	£ 18,127	3	0

	£	s.	d.
Brought forward			564 12 3
Nov. 10—John Wedd	16	3	5
17 Do	10	15	0
24 Do	15	0	0
Dec. 11 Do	15	0	0
18 Do	7	10	0
			64 8 5
			629 0 8
By amount paid Mr. G. Savage for the duty on the Trees, &c. imported from New York, *vide* last Abstract			5 13 0
By amount remitted to the Widow of Mr. Parmentier, of New York, for his Plan of Improvement of the College Grounds, £25, and premium to the Bank for the Draft, 10s			25 10 0
By amount paid Salaries to the Officers and Messenger:—			
Hon. G. H. Markland, Registrar, half a year, ending 30th June	75	0	0
Do, do, do, 31st Dec.	75	0	0
Hon. Jos. Wells, Bursar, 30th June	75	0	0
Do, do, do, 31st Dec.	75	0	0
Mr. G. P. Ridout, Clerk, 30th June	75	0	0
Do, do, do, 31st Dec.	75	0	0
Edwd. Grundell, Messenger, 30th June	18	0	0
Do, do, do, 31st Dec.	18	0	0
			436 0 0
By amount paid the Bank of Upper Canada for a Draft on London, for £200 sterling, in favor of C. Fowler, Esq., for the balance of his account for a Model and Plans of the projected buildings of the University			246 13 4
By amount of sundry disbursements, including Rent for Office:—			
March 31—40 3-4 cords Wood	20	7	6
April 1—Half a Year's Rent for the Office	20	0	0
June 30—Postages	1	19	1
June 30—Sundries for the Office	0	8	0
Nov. 1—Half a Year's Rent for the Office	20	0	0
Dec. 31—John Nicholson, 20 cords Wood	11	5	0
Dec. 31—R. Stanton, books and stationery	3	3	6
Dec. 31—Half a Year's Postages	2	6	2
Dec. 31—Sundries, Maxwell, 6s, Grundell, 17s 5d	1	3	5
			80 12 8
			1,473 9 8
By balance advanced as a loan to the Upper Canada College and Royal Grammar School, to meet the expenses of Buildings, and the payment of Salaries to the Masters, &c			16,653 13 4
		£	18,127 3 0

JOS. WELLS,
Bursar.

No. III.

ABSTRACT of the Bursar's General Account Current with King's College for the year 1833.

1833		£	s.	d.
January 1	To balance from last year's abstract.	16,653	13	4
From January 1 to Dec. 31.	To amount of dividend on 20 shares of Bank Stock for broken periods to 1st July, 1833	3	13	4
	To aggregate amount of Rents received during the year:			
	For the half year ending 30th June.....	707	16	4
	For the half year ending 31st December,	622	0	5
		1,329	16	9
	To aggregate amount of first payments on account of sales of land during the year:			
	For the half year ending 30th June.....	1841	9	3
	For the half year ending 31st December,	879	19	6
		2,721	8	9
	To aggregate amount of sums received on account of subsequent instalments on former sales during the year:			
	For the half year ending 30th June.....	2215	14	9
	For the half year ending 31st December,	1223	17	9
		3,439	12	6
	To aggregate amount of sums received on account of interest on subsequent instalments during the year:			
	For the half year ending 30th June.....	320	4	6
	For the half year ending 31st December,	238	2	10
		558	7	4
	Carried forward..... £	24,706	12	0

1833		£	s.	d.	£	s.	d.
From Jan. 1 to Dec. 31	By amount paid the Overseer of the College grounds on his periodical accounts for Wages due to Laborers, and for Teams employed thereon, including his own Salary of £60 per annum, and £12 10s for House Rent, and payment of sundry accounts for Trees, Shrubs, Utensils, &c.						
Jan.	5—John Wedd.....	10	0	0			
	12 Do	15	0	0			
	19 Do	9	18	0			
Feb.	2 Do	10	0	0			
	23 Do	10	0	0			
Mar.	9 Do	10	0	0			
	16 Do	10	0	0			
	23 Do	25	0	0			
	30 Do	15	0	0			
April	6 Do	18	0	0			
	13 Do	30	0	0			
	20 Do	20	10	0			
	27 Do	18	10	6			
May	4 Do	14	13	6			
	11 Do	18	14	3			
	18 Do	19	18	3			
	25 Do	20	0	0			
June	1 Do	10	14	6			
	5 Do	12	10	0			
	8 Do	11	19	0			
	15 Do	10	14	0			
	22 Do	17	14	0			
	29 Do	24	16	0			
July	6 Do	26	3	0			
	13 Do	22	1	0			
	20 Do	12	17	0			
	27 Do	3	17	0			
Aug.	3 Do	15	18	0			
	10 Do	19	15	0			
	17 Do	24	1	9			
	24 Do	18	4	6			
	31 Do	15	5	0			
Sept.	6 Do	13	6	6			
	13 Do	12	19	6			
	21 Do	13	6	0			
	28 Do	46	13	6			
Oct.	5 Do	18	3	0			
	12 Do	22	5	0			
	19 Do	11	5	6			
	26 Do	16	13	0			
Nov.	2 Do	16	18	0			
	9 Do	9	1	3			
	16 Do	21	15	0			
	23 Do	15	18	0			
Dec.	7 Do	14	18	6			
	14 Do	6	19	0			
	21 Do	8	4	9			
	28 Do	18	0	0	737	5	9
	By amount paid Prince & Sons, of New York, for Trees, &c.....				24	10	0
	By amount paid Prince & Sons, of New York do.				27	7	6
	By do do for premium on Draft to New York				0	8	3
	By do do for Freight, Duties and Storage of Trees.....				6	4	10
	By do do John Goodall, on account of his contract for making Road.....				30	0	0
	By do do on further account of do.....				26	10	0
	By do do do				13	0	0
	Carried forward..... £				915	6	4

	£	s.	d.
Brought forward.....	24,706	12	0
	24,706	12	0

	£	s.	d.	£	s.	d.
Brought forward.....				915	6	4
By amount paid the Bank of Upper Canada for instalments of 20 shares of the new Stock :—						
Jan. 2—10 ℘ cent.....	25	0	9			
Feb. 11—40 do	100	0	0			
July 1—50 do	125	0	0			
				250	0	0
By amount paid Salaries to the Officers and Messenger :—						
Hon. G. H. Markland, Registrar, two months, ending 1st March.....	25	0	0			
Hon. Colonel Wells, do, four months, ending 30th June..	50	0	0			
Do do, do, half a year, ending 31st December.....	75	0	0			
Do do, Bursar, ending 30th June	75	0	0			
Do do, do, do 31st Dec.	75	0	0			
Mr. E. J. Ridout, Clerk, 30th June.....	75	0	0			
Do do, do, 31st Dec....	75	0	0			
Edward Grundell, Messenger, three months, 1st April....	9	0	0			
Henry Hawkins, do, 30th June	9	0	0			
Do do, half a year, 31st Dec.	25	0	0			
				493	0	0
By amount paid sundry Contractors, for various Buildings, Bridges, Fences, &c. :—						
June 30—Kennedy & Co., for Stone Bridge over the Creek	30	0	0			
May 17—John Harper on his contract for Fences on the Ground.....	100	0	0			
May 27—Do do do.....	50	0	0			
Aug. 26—Do balance of do...	73	3	10			
31—Do on account of new contract for Lodges and Entrance Gates.....	100	0	0			
Oct. 11—Do.....	100	0	0			
Dec. 14—Do balance of do in full.....	446	2	0			
Aug. 24—John Richie, for a Barn and Wooden Buildings	120	11	4			
				719	17	2
By amount of sundry disbursements, including rent for Office :—						
March 31—James Stewart, 10 cords of wood, at 11s 3d...	5	12	6			
April 1—Half a Year's Rent for the Office.....	20	0	0			
June 30—Sundries, Postage £2 9s 9d; Messenger, 2s 1d..	2	11	10			
Sept. 30—Postages.....	2	12	2			
Nov. 1—Half a Year's Rent for the Office.....	20	0	0			
Dec. 31—20 cords Wood, at 12s 6d; 5 do, at 11s 10 1-2d	15	9	4			
Dec. 31—Sundries, Postages £2 18s 8d; Messenger 2s 6d	3	1	2			
				69	7	0
				2,447	10	6
By balance advanced as a loan to the Upper Canada College and Royal Grammar School, to meet the expenses of Buildings, and payment of Salaries to the Masters, &c.....				22,259	1	6
£	24,706	12	0	£ 24,706	12	0

JOS. WELLS,
Bursar.

No. IV.

ABSTRACT of the Bursar's General Account Current with King's College, for the Year 1834.

1834		£	s.	d.
January 1—To balance from last Year's Abstract.		22,259	1	6
From Jan. 1 to Dec. 31. To amount of dividends on twenty shares Bank Stock:—				
To 31st March..	10 0 0			
To 30th Sept....	10 0 0	20	0	0
To aggregate amount of Rent received during the year:—				
For the half year ending June 30	702 12 9			
For the half year ending Dec. 31	525 15 0	1,223	7	9
To aggregate amount of first payments on account of sales of land during the year:—				
For the half year ending June 30	725 10 9			
For the half year ending Dec. 31	1067 0 3	1,792	11	0
To aggregate amount of sums received on account of subsequent instalments on former sales during the year:—				
For the half year ending June 30	2361 2 1			
For the half year ending Dec. 31	1664 0 3	4,025	2	4
To aggregate amount of sums received on account of interest on subsequent instalments during the year:				
For the half year ending June 30	392 8 10			
For the half year ending Dec. 31	304 13 8	697	2	6
Carried forward.....		£30,022	5	1

1834		£	s.	d.	£	s.	d.
From July 1 to Dec. 31—By amount paid the Overseer of the College Grounds on his periodical accounts for Wages due to Labourers, and for Teams employed thereon, including his own Salary of £60 per annum and £12 10s for House Rent, and payment of sundry accounts for Trees, Shrubs, Utensils, &c.							
Jan. 18	John Wedd.....	7	6	6			
Feb. 28	Do	7	1	9			
Mar. 8	Do	12	10	0			
15	Do	8	15	6			
22	Do	12	0	6			
31	Do	17	0	0			
April 12	Do	5	10	0			
19	Do	13	3	0			
26	Do	5	19	0			
May 2	Do	13	6	0			
10	Do	17	2	6			
17	Do	18	13	3			
24	Do	17	6	0			
31	Do	15	15	6			
June 7	Do	17	8	0			
14	Do	14	14	6			
21	Do	10	4	6			
28	Do	13	0	0			
July 5	Do	18	13	6			
12	Do	14	0	0			
19	Do	8	18	6			
26	Do	18	12	0			
Aug. 2	Do	7	16	0			
9	Do	5	17	0			
16	Do	5	6	6			
23	Do	15	0	0			
30	Do	16	0	0			
Sept. 6	Do	17	4	6			
13	Do	10	10	0			
20	Do	5	11	0			
27	Do	9	11	0			
Oct. 4	Do	4	17	6			
11	Do	15	18	0			
18	Do	4	4	0			
25	Do	5	7	0			
Nov. 1	Do	3	15	0			
8	Do	6	0	0			
15	Do	6	3	0			
22	Do	3	1	6			
29	Do	6	8	0			
Dec. 6	Do	4	5	6			
13	Do	6	12	0	446	3	5
By amount of Draft on New York, to Prince & Sons, for Trees, including the premium.....		32	18	6			
Duties on ditto.....		4	14	0			
Freight and charges on ditto.....		2	18	2	40	10	8
By amount paid Wm. Burns for Trees and Shrubs					3	19	6
By amount paid Salaries to the Officers and Messenger:—							
Hon. Col. Wells, Registrar and Bursar, for the Half Year ending 30th June....		150	0	0			
Do, do, do, 31st Dec.		150	0	0			
		300	0	0			
Carried forward.....				£	490	13	7

	£	s.	d.
Brought forward	30,022	5	1
£	30,022	5	1

				£	s.	d.
Brought forward				300	0	0
Mr. E. J. Ridout, Clerk, 30th June	75	0	0			
Do, do, do, 31st Dec.	75	0	0			
Henry Hawkins, Messenger, 30th June	25	0	0			
Do, do, do, 31st Dec.	25	0	0			
				500	0	0
By amount paid John Harper, in full of his account for making Wicket Gates on the Grounds, and Planking in front of the Offices				3	19	3
By amount paid J. G. Howard, in full of an account for drawing Plans and Designs, and for superintending the erection of the Lodges and Entrance Gates				24	5	8
By amount of sundry disbursements, including Rent for Office:—						
March 31—Postages	1	17	0			
Sundries, Messenger	0	3	0			
April 1—Half Year's rent for the Office	20	0	0			
June 30—12 1-4 cords Wood at 11s 10 1-2d	7	5	6			
Postages	2	17	3			
Sept. 30—Do	2	1	9			
C. R. Denham, Whitesmith	0	10	6			
Maxwell, Carpenter	0	7	9			
Nov. 1—Half a Year's Rent for the Office	20	0	0			
Dec. 31—Postages	2	5	3			
				57	3	0
				1,031	11	6
By balance advanced as a loan to the Upper Canada College and Royal Grammar School, to meet the costs of Buildings, and the payment of Salaries to the Masters, &c.				28,940	13	7
£				30,022	5	1

JOS. WELLS,
Bursar.

No. V.

Explanation of the following Item and Notá Bene in the Bursar's Abstract for the Year 1829, as called for in the fifth paragraph of the late Address of the House of Assembly.

By amount paid during the year to the Officers of the Establishment on account of Salaries £200 0 0

N. B.—There is an arrearage of £400 due to the Officers, which has not been paid for the want of funds.

EXPLANATION.

Lieutenant-Colonel Wells was appointed Bursar from the 1st January, 1823, with a salary, afterwards arranged, of £150 ℔ annum; this for the two years, 1828 and 1829, was	£300	0	0
The Hon. G. H. Markland was appointed Registrar from the 1st September, 1828, at the same rate of salary; this to the 31st December, 1829, being for one year and four months, was	200	0	0
Mr. G. P. Ridout was appointed Clerk from the 1st January, 1829, at £100 ℔ annum; this to the 31st December, 1829, was	100	0	0
Charged in the Abstract for 1829, as above quoted	600	0	0
	200	0	0
And consequently the arrearage, as noticed in the above N. B., was	£400	0	0

JOS. WELLS, *Bursar.*

No. I.

ABSTRACT of the General Account Current of the Treasurer of the Upper Canada College for the Half Year ending 31st December, 1831.

Dr.	£	s.	d.	Cr.	£	s.	d.
1831				1831			
July 25 to Dec. 31 — To amount of a warrant received from the Receiver-General for the half year's increased Royal Grant, to the 1st instant	277	15	6	July 1—By balance in debt to the Funds of King's College and the General Board of Education, exclusive of the Loan of £5000 from Messrs. Clark & Street	12,680	4	10
To sundry amounts received from Mr. G. A. Barber, Writing-Master at Upper Canada College, as Collector of the College Dues, for Tuition, Boarding, Books, &c.				July 21—By amount paid Lesslie & Sons on account for Books, &c	49	6	4
				Aug. 12—By amount paid a charge by the Bank for a Draft of £300 sterling to Messrs. Longman & Co., of London, on account of an order for Books, &c. for the College	366	13	4
				Aug. 25—By amount paid John Ridout, Esq., for One Year's Insurance on the Buildings, (£7000, at 10s,) £35; Policy, 5s	35	5	0
				Oct. 7 to Dec. 31 — By amount paid Mr. R. Kirkwood, of Montreal, his account of forwarding charges for cases of Books from London	18	4	4
				By amount paid Messrs. Clark & Street, the Year's Interest upon their Loan of £5000	300	0	0
				By amount paid at sundry times to the Masters, &c. in full of their Salaries to this day:—			
				Rev. Dr. Harris, Principal, balance of account — £450 0 0			
				Rev. Dr. Phillips, Vice-Principal — 295 16 6			
				Rev. C. Dade, Mathematical M'r. — 172 16 10			
				Rev. C. Mathews, 1st Classical Master — 67 14 11			
				Rev. W. Boulton, 2d do do — 250 0 0			
				Mr. P. De la Haye, French do — 220 14 11			
				Mr. A. T. Drewry, Drawing do. — 201 5 0			
				Mr. G. A. Barber, Writing do — 143 15 0			
				Mr. J. W. Padfield, Master of the Preparatory School — 143 15 0			
				Samuel Alderdice, Porter and Messenger — 20 0 0			
				Add an amount short charged in the Year's Abstract to 31st December, 1830, by an error, since discovered, of a wrong addition of the sums paid to the Masters, &c., which should have been — £2,443 14 3			
				But which was only charged — 2,441 14 3			
					2	0	0
					1,967	18	2
				By amount paid Jacob Latham, for Three Month's Rent, to 12th June, of the House hired for the Principal	16	5	0
				Deduct an over-payment charged in the last Abstract	1	5	0
					15	0	0
				By amount paid Jacob Latham, in two payments, for Half a Years Rent of the House to 12th December	32	10	0
				Deduct received from the sub-tenant after Dr. Harris had removed to the building in the College	30	0	0
					2	10	0
To aggregate amount of Receipts on account of Instalments and Interest upon the Sale of Town Lots sold by auction in July and September, 1829:							
A further instalment on Two Lots — 23 8 0							
Sundry purchasers for interest — 105 19 7							
	129	7	7				
To balance in debt to the Funds of King's College and the General Board of Education, and carried forward to the next Abstract	17,448	5	1				
				N. B.—The house rented from Mr. Latham was under an agreement for three years, from 12th December, 1829, at £65 ℔ annum—when Dr. Harris removed to the College, no tennat could then be found who would give more than £60 ℔ annum, the difference between £60 and £65 became, therefore, a charge against the College.			
Carried forward	£18,252	2	8	Carried forward	£15,435	2	0

	£	s.	d.
Brought forward.....	18,252	2	8
£	18,252	2	8

	£	s.	d.	£	s.	d.
Brought forward.....				15,435	2	0
Dec. 31—By amount of sundry payments on account of the Buildings, Fences and Grounds, and including Fixtures to the Houses and Furniture to the Boarding House, &c.....				*2,743	1	6
By amount of sundry charges through the Bank for interest on sums borrowed from Depositors, and discount on Notes discounted, and which borrowing was occasioned by the want of funds to meet the demands for the payment of the various accounts against the College.						
1830						
May 5—Discount on a Note for £250, at 90 days.....	3	8	8			
Aug. 4—Do do £ 700, at 30 do	3	15	11			
10—Do do 300, at 30 do	1	12	6			
18—Do do 400, at 30 do	2	2	1			
1831						
Jan. 5—Do do 1000, at 90 do	14	19	2			
Aug. 17—Do do 1000, at 30 do	5	1	11			
Sept. 7—Do do 300, at 30 do	1	12	7			
19—Interest on £400 for one month paid to a Depositor	2	0	0			
Sept. 21—Interest on £600 for 30 days.....	3	5	1			
Sept. 29—Do on £300 for 30 do	1	12	7			
Nov. 14—Interest on £1200 for one month paid to a Depositor	6	0	0			
Nov. 16—Discount on a Note for £300, at 60 days.....	3	2	2			
Dec. 29—Interest on £400 for two and a half months paid to a Depositor.....	5	0	0			
				53	12	8
By amount of sundry payments for contingencies:—						
Niagara Gleaner for advertising..... { £1 12 8 / £1 0 0 }	2	12	8			
Kingston Chronicle for advertising	3	7	6			
York Observer for do—part old account.....	3	14	0			
York Courier for do.....	1	19	4			
Canadian Freeman for do.....	1	13	4			
Mr. Robt. Stanton, for stationery	0	10	0			
Proportion of the account paid the Post-Office.....	0	14	0			
Principal of the College for postages.....	0	15	8			
				15	6	6
			£	18,252	2	8

JOS. WELLS, *Treasurer.*

* Detailed particulars of this charge will appear in the Statement preparing for the House of Assembly, in compliance with the first paragraph of their late Address.

No. II.

ABSTRACT of the General Account Current of the Treasurer of the Upper Canada College for the Year ending 1832.

Dr. 1832	£	s.	d.	Cr. 1832	£	s.	d.
Jan. 6—To amount of a warrant on the Receiver-General for Two Years allowance to the Rev. Dr. Philips for House Rent for a back period, as sanctioned by the Home Government, in part compliance with his Memorial.	100	0	0	Jan. 1—By balance in debt to the Funds of King's College and the General Board of Education, exclusive of the Loan of £5000 from Messrs. Clark & Street, brought forward from last Year's Abstract.....	17,448	5	1
				By amount paid to the Rev. Dr. Philips the amount of the warrant, as explained on the Dr. side.....	100	0	0
Carried forward.....£	100	0	0	Carried forward.....£	17,548	5	1

	£	s.	d.
Brought forward.....	100	0	0
Jan. 6—To amount of a warrant received from the Receiver-General for the half year's Royal Grant to the 1st instant.....	277	15	6
July 24—To ditto ditto ditto ditto.	277	15	6
Dec. 31—To sundry amounts received from Mr. G. A. Barber, Collector of the College Dues, for Tuition, Boarding, Books, &c.:			
Feb. 15—Received..... 110 0 0			
March 26—Do. 100 0 0			
July 9—Do.... 255 0 0			
	465	0	0
To sundry amounts received on account of the proceeds of the Sales of the College Lands:			
From Lieut-Col. Talbot..... 86 19 11			
From D M'Donell, Esq., of Greenfield... 35 0 0			
	121	19	11
To aggregate amount of Receipts on account of the Town Lots sold by auction in 1829:			
Further Instalments..... 61 16 0			
On account of interest on the unpaid part of the purchase money..... 95 8 3			
	157	4	3
To balance in debt to the Funds of King's College and the General Board of Education, and carried forward to the next Abstract.....	20,863	13	5
Carried forward.....£	22,263	0	7

	£	s.	d.
Brought forward.....	17,546	5	1
Jan. 13—By amount of two charges by the Bank for Interest on sums borrowed by the Treasurer from persons who had deposits there:			
1832 £ s. d.			
Jan. 6—Half a Month's interest on £300..... 0 15 0			
Jan. 13—Two Months and 3 days ditto on £1200..... 12 1 0			
	12	16	0
June 14—By amount paid a charge by the Bank for a Draft of £400 sterling to Messrs. Longman & Co., of London, on account of an order for Boo. , &c. for the College.....	497	15	7
By amount of two payments to Mr. Jacob Latham for the Rent of the House originally hired for the occupation of the Principal of Upper Canada College:			
Mar. 14—Three Month's rent to 12th instant..... 16 5 0			
June 27—Balance of Rent to 12th instant, and charges for repairs of Damages..... 20 9 4			
36 14 4			
Deduct payment by the Sub-Lessee for half a year's rent, to whom it was leased at a lower rent, as explained in the last Abstract..... 30 0 0			
	6	14	4
N. B.—Mr. Latham from this period found a new Lessee to his own satisfaction, and thus exonerated the College from future payments on the then unexpired term of the original contract for three years.			
Aug. 23—By amount paid John Ridout, Esq., one Year's Insurance on the Buildings.....	35	0	0
Sept. 27—By amount paid a charge by the Bank for a Draft on Montreal, to pay Mr. J. Blackwood for freightage of Books from England.....	9	8	3
Dec. 31—By amount paid Messrs. Clerk & Street, the Year's Interest on their Loan of £5000.....	300	0	0
By amount paid Quarterly to the Masters, &c. in full of their Salaries, &c. to this day:			
Rev. Dr. Harris, Principal... 666 13 4			
Rev. Dr. Philips, Vice do.... 444 8 8			
Rev. C. Dade, Mathematical Master..... 333 6 8			
Rev. C. Mathews, 1st Classical ditto..... 333 6 8			
Rev. W. Boulton, 2d ditto do. 333 6 8			
Mr. J. P. De la Haye, French ditto..... 222 4 4			
Mr. T. A. Drewry, Drawing ditto, including allowance for House Rent..... 247 4 4			
Mr. G. A. Barber, Writing do 191 13 4			
J. W. Padfield, Master of the Preparatory School, including allowance of House Rent 191 13 4			
Samuel Alderdice, Porter and Messenger..... 40 0 0			
	3,003	17	4
By amount of payments to Mr. James Morgan, for boarding the Pupils at the Boarding-House:			
April 7..... 42 15 0			
June 11..... 40 10 0			
30..... 83 5 0			
Aug. 27..... 27 0 0			
Dec. 24..... 83 5 0			
	276	15	0
N. B.—This payment is refunded to the College by its being charged against the Parents of the Boarders by the Collectors of the College Dues.			
Carried forward.....£	21,690	11	7

	£	s.	d.
Brought forward.....	22,268	8	7
£	22,263	8	7

	£	s.	d.	£	s.	d.
Brought forward.....				21,690	11	7
Dec. 31—By amount of sundry payments on account of the Buildings, Fences and Grounds, and including Fixtures to the Houses, and Furniture to the Boarding-House.....				*558	2	6
By amount of sundry payments for contingencies:						
Jan. 17—York Courier for advertising.....	1	2	4			
March 2—Christian Guardian for ditto.....	2	16	6			
April 6—Colonial Advocate do	1	10	7			
April 23—Postmaster proportion of his account for Postages.....	0	15	6			
June 9—Hamilton Mercury for advertising.....	0	18	9			
August 11—Colonial Advocate for ditto.....	0	15	5			
August 20—York Observer do.	0	17	6			
October 1—York Courier do.	1	1	8			
December 22—Do do do.	1	0	10			
Dec. 28—Niagara Gleaner do.	0	18	9			
Dec. 28—Mr. Robt. Stanton's Bill for Stationery and Advertisements.....	2	16	8			
				14	14	6
£				22,263	8	7

JOS. WELLS, *Treasurer.*

* Detailed particulars of this charge will appear in the Statement preparing for the House of Assembly, in compliance with the first paragraph of their late Address.

No. III.

ABSTRACT of the General Account Current of the Treasurer of the Upper Canada College, for the Year 1833.

Dr.	£	s.	d.	Cr.			
1833				1833			
Jan. 9—To amount of a warrant received from the Receiver-General for the half year's Royal Grant to the 1st instant.....	277	15	6	Jan. 1—By balance in debt to the Funds of King's College and the General Board of Education, exclusive of the Loan of £5000 from Messrs. Clark & Street, brought forward from last Year's Abstract.....	20,863	13	5
July 5 to Dec. 31 } To ditto ditto ditto ditto ditto. To sundry amounts received from Mr. G. A. Barber, Collector of the College Dues, for Tuition, Boarding, Books, &c.:	277	15	6	Jan. 18—By amount paid Lesslie & Sons (a long standing account) for School-Books ordered by the late Royal Grammar School, and remaining on hand when the Upper Canada College was established.....	55	15	7
Feb 26—Received.....	310	0	0	May 8—By amount paid S. O Tazewell for lithographing 200 copies of Greek Grammar.....	20	0	0
Aug. 29—Do..	250	0	0	June 7—By amount paid a charge by Lesslie & Sons for Books and Stationery.....	53	0	0
Oct. 1—Do....	160	0	0	Aug. 5—By amount paid a charge by the Bank for a Draft of £353 11s sterling to Messrs. Longman & Co., of London, on account of an order for Books, &c. for the College.....	430	3	0
	720	0	0				
To sundry amounts received on account of the proceeds of the sales of the College Lands:				11—By amount paid John Ridout, Esq., for Insurance:			
Hon. Lieut-Col. Talbot, Agent	580	2	5	One Year on the old Policy of £7000, on the College and Masters' Houses.....	35	0	0
Major D. Campbell (Seymour) Agent.....	31	5	0	One Year on the new Policy of £1000, on the Boarding-Houses; Policy, 5s.....	4	15	0
Sundry purchasers, paid direct to the Treasurer....	112	19	3		39	15	0
	724	6	8				
Carried forward.....£	1,999	17	8	Carried forward.....£	21,462	7	0

	£	s.	d.
Brought forward.....	1,099	17	8
July 5 to Dec. 31 — To aggregate amount of Receipts on account of the Town Lots sold by auction in 1829:			
Further Instalments.....	105	0	0
On account of interest on the unpaid part of the purchase money.....	88	17	3
	194	6	3
To balance in debt to the Funds of King's College and the late General Board of Education, and carried forward to the next Abstract.....	23,700	2	2
Carried forward..... £	25,894	6	1

	£	s.	d.
Brought forward.....	21,482	7	0
Aug. 24 to Dec. 31 — By amount paid Messrs. Clark & Street, the Year's Interest on their Loan of £5000.....	300	0	0
By amounts paid Quarterly to the Masters, &c. in full of their Salaries, &c. to this day:			
Rev. Dr. Harris, Principal...	666	13	4
Rev. Dr. Philips, Vice do....	444	8	8
Rev. C. Dade, Mathematical Master.....	333	6	8
Rev. C. Mathews, 1st Classical ditto.....	333	6	8
Rev. W. Boulton, 2d ditto do.	333	6	8
Mr. J. P. De la Haye, French ditto.....	222	4	4
Mr. T. A. Drowry, Drawing ditto, half a year to the time of his ceasing to be borne upon the Establishment....	123	12	2
Mr. G. A. Barber, Writing do, half a year, to 30th June...	95	16	8
Do do, do, to 31st Dec..	111	2	2
N. B.—From July 1, instead of the former Salary of £150 sterling and £25 currency for House Rent, the Salary was raised to £200 sterling, embracing both allowances.			
Mr. J. W. Padfield, Master of the Preparatory School, three months Salary to the time of his resignation.....	47	18	4
Mr. John Kent, his successor, nine months.....	143	15	0
Mr. J. G. Howard, Architectural Drawing Master, nine month's Salary, at £100 sterling ℔ annum.....	83	6	8
Samuel Alderdice, Porter and Messenger, one year.....	40	0	0
			2,978 17 4
By amount paid Mr. J. A. Saunders, Ornamental Drawing Master:			
For teaching 21 Pupils for one quarter.....	21	0	0
Do do 17 do for do.	17	0	0
			38 0 0
N. B.—This payment is refunded to the College by its being charged against the Parents of the Boarders by the Collector of the College Dues.			
By amount of sundry payments to the Keepers of the College Boarding-House for boarding the Pupils:			
March 22—Mr. Jas. Morgan.	81	0	0
May 11 Do	38	0	0
May 11 Do	59	9	5
May 11 Do	16	15	7
			195 5 0
May 12—Mrs. Fenwick (in advance).....	25	0	0
May 17 Do do	37	10	0
June 11 Do	25	0	0
July 19 Do	116	0	0
Aug. 28 Do	50	0	0
Nov. 5 Do	50	0	0
Dec. 21 Do	42	6	3
			345 16 3
The charge for each pupil is £23 ℔ ann.			
N. B.—These payments are refunded to the College by their being charged against the parents of the boarders by the Collector of College Dues. The extra payments on the 11th May to Mr. James Morgan, were to place him upon the same footing with his successor upon her new contract, it being satisfactorily ascertained that his original low contract for boarding the pupils had been a losing concern.			
Carried forward..... £	25,320	5	7

	£	s.	d.
Brought forward.....	25,894	6	1
£	25,894	6	1

	£	s.	d.
Brought forward.....	25,320	5	7
Dec. 31—By amount of sundry payments on account of the Buildings, Fences and Grounds, and including charges for alterations, and for Furniture to the Boarding House.....	*565	1	4
By amount of sundry payments for contingencies:—			
Feb. 28—Christian Guardian for advertising.....	0 16 6		
Mar. 4—Canadian Freeman do	1 15 10		
July 25—Montreal Gazette do	2 5 5		
Nov. 28—Niagara Gleaner do.	1 7 10		
Dec. 31—Principal of the College for postages.....	2 3 9		
Dec. 31—The Proportion of the Postmaster's charges against the Office.....	0 9 10		
	8 19 2		
£	25,894	6	1

JOS. WELLS,
Treasurer.

* Detailed particulars of this charge will appear in the Statement preparing for the House of Assembly, in compliance with the first paragraph of their late Address.

No. IV.

ABSTRACT of the General Account Current of the Treasurer of the Upper Canada College, for the Year 1834.

Dr. 1834	£	s.	d.	Cr. 1834	£	s.	d.
Jan. 7—To amount of a warrant received from the Receiver-General for the half year's Royal Grant to the 1st instant.....	277	15	6	Jan. 1—By balance in debt to the Funds of King's College and the General Board of Education, exclusive of the Loan of £5000 from Messrs. Clark & Street, brought forward from last Year's Abstract.....	23,700	2	2
July 9 to Dec. 31 } To amount of ditto for the increased Grant from 1st January to the 1st instant.....	555	11	1	Mar. 14—By amount paid a charge by the Bank for a Draft of £54 14s 6d sterling to Messrs. Longman & Co., of London, being the balance of last year's account for Books, &c. supplied to the College.....	65	1	3
To sundry amounts received from Mr. G. A. Barber, Collector of the College Dues, for Tuition, Boarding, Books, &c.:				July 1—By amount of sundry payments to redeem the Bond of £5000, loaned by Messrs. Clark & Street:			
Jan. 4—Received..... 300 0 0				Feb. 1—..... 2000 0 0			
March 27—Do. 100 0 0				Mar. 1—..... 2000 0 0			
April 10—Do.. 100 0 0				July 1—Including balance of Interest in full..... 1060 0 0			
29—Do.. 150 0 0					5,060	0	0
Oct. 4—Do.... 200 0 0				Aug. 23—By amount paid John Ridout, Esq., for one Year's Insurance on two Policies:			
Nov. 6—Do.... 150 0 0				One Year for the College and Masters' Houses..... 35 0 0			
	1,000	0	0	One Year for the Boarding-House 4 10 0			
To sundry amounts received on account of the proceeds of the sales of the College Lands:					39	10	0
Hon. Lieut-Col. Talbot, Agent 1050 18 1				Sept. 9 to Dec. 31 } By amount paid a charge by the Bank for a Draft of £364 5s 8d sterling to Messrs. Longman & Co., of London, in full of an account for Books, &c. supplied to the College	437	2	9
Major D. Campbell, Agent... 328 2 6							
Sundry purchasers, paid direct to the Treasurer.... 193 12 3							
	1,572	12	10				
Carried forward.....£	3,405	19	5	Carried forward.....£	29,301	16	2

	£	s.	d.	£	s.	d.
Brought forward				3,405	19	5
July 9 to Dec. 31 — To aggregate amount of Receipts on account of the Town Lots sold by auction in 1829:						
An instalment	5	13	0			
On account of interest on the unpaid part of the purchase-money	134	16	7			
				140	9	7
To balance in debt to the Funds of King's College and the General Board of Education, and carried forward to the next Abstract				29,262	3	8
			£	32,808	12	8

	£	s.	d.	£	s.	d.
Brought forward						29,301	16	1
Sept. 9 to Dec. 31 — By amounts paid Quarterly to the Masters, &c. in full of their Salaries to this day:—								
Rev. Dr. Harris, Principal				666	13	4		
Rev. Dr. Philips, Vice-Principal				444	8	8		
Rev. C. Dade, Mathematical M'r.				333	6	3		
Rev. C. Mathews, 1st Classical Master				333	6	8		
Rev. W. Boulton, 2d do do (deceased)	138	17	10					
Mr. Hugh Gwynne, (successor) for 4 months	111	2	2					
Mr. J. F. Barrow, for three months	83	6	8					
				333	6	8		
Mr. P. De la Haye, French do				222	4	4		
Mr. G. A. Barber, Writing do				222	4	4		
Mr. John Kent, Master of the Preparatory School				191	13	4		
Mr. J. G. Howard, Architectural Drawing do				111	2	2		
Samuel Alderdice, Porter and Messenger				40	0	0		
							2,898	6	2
By amount of sundry payments to Mrs. E. Fenwick for boarding the Pupils at the College Boarding-House:								
Jan. 16				50	0	0		
Feb. 28				67	0	0		
April 15				60	0	0		
June 5				63	12	6		
July 11				60	0	0		
Sept. 3				62	15	0		
Nov. 19				60	0	0		
Dec. 22				72	5	0		
							495	12	6
£23 ℔ annum for each pupil.									
By amount of sundry payments on account of the Buildings, Fences and Grounds, and for sundry charges of expenditure on the Boarding-House *							91	7	0
By amount of sundry payments for contingencies:									
Feb. 28—Brockville Recorder, for advertising				1	6	6			
April 15—Christian Guardian do				1	4	6			
May 8—Montreal Gazette do				1	6	0			
Aug. 1—Kingston Herald do				1	12	6			
Oct. 8—York Courier do, 2 years				3	11	3			
Oct. 28—London True Patriot do				1	17	4			
Nov. 28—Western Mercury do				1	8	5			
Dec. 22—The Correspondent do				2	12	0			
Dec. 31—Proportion of the Postmaster's charge against the Office				†6	12	4			
							21	10	10
						£	32,808	12	8

JOS. WELLS,
Treasurer.

* Detailed particulars of this charge will appear in the Statement preparing for the House of Assembly, in compliance with the first paragraph of their late Address.

† This extraordinary charge for postage was occasioned by the voluminous testimonials for character and ability transmitted by the Candidates for the vacant Mastership, occasioned by the decease of the Rev. Wm. Boulton.

No. I.

ABSTRACT of the General Account Current of the Treasurer of the General Board of Education for the Half Year ending 31st December, 1831.

1831 Dr.	£	s.	d.
July 1—To balance advanced on Loan to the Upper Canada College till the Fund of the University of King's College is able to redeem it	5,012	9	3
July 19 to Dec. 31 } To Cash from the Receiver-General, being the amount for the current Year's allowance by the Legislature, for the purchase of Books for the use of Common Schools	150	0	0
To amount of sums received on account of Sales of Land:			
Mr. Benj. Tett..	10	0	0
Do	1	5	0
Mr. W. Bamber.	16	15	0
Mr. A. M'Pherson	15	0	0
	43	0	0
£	5,205	9	3

1831 Cr.	£	s.	d.
July 24—By amount paid Samuel Ridout, Esq., (as Collector of Fees) on five Deeds in fee simple for Lands sold	14	15	10
Aug. 3—By amount paid John Harris, Esq., Treasurer of the London District, for the redemption of Lot No. 5, south side of Edgeware Road, advertised by the Sheriff for sale for arrears of Taxes	2	13	9
Nov. 10 to Dec. 31 } By amount paid Robert Stanton, Esq., on account of Books supplied to the Common Schools by order of the Board	60	0	0
By amount paid the Hon. G. H. Markland, Secretary to the Board, half a year's Salary, to this day	25	0	0
By amount paid Mr. J. T. Wilson, Second Master at the Central School, half a year's Salary, to this day	50	0	0
By amount paid Mrs. Rebecca Sylvester, Mistress at the Central School, in two payments, half a year's Salary, to this day	20	0	0
By amount paid sundry times to Mr. Joseph Spragge, Master of the Central School, in full of his account for disbursements to this day, (as per Statement,) and which is accompanied by separate vouchers	75	6	0
By paid sundry accounts for Repairs, Alterations, &c. to the District School-House:			
James Maxwell, Carpenter...	2	7	3
William Maxwell	10	3	7
John Harper	33	7	6
	45	18	4
By amount paid for postages	0	2	10
By amount paid for charges by Agents on the sums collected by them for Lands sold	27	1	6
By amount of the Treasurer's per-centage on the Year's Receipts arising from the Sale of Lands:			
5 ℔ cent. on £1,130 2s. 5d..	56	10	0
From which deduct the preceding charge, paid to Agents	27	1	6
	29	8	6
Balance advanced to the Upper Canada College, (as authorized by the Board) and carried forward to the next Year's Abstract	4,855	2	6
£	5,205	9	3

JOS. WELLS,
Treasurer.

Statement of Incidental Expenses incurred on account of Upper Canada Central School at York, between the 1st July, 1830, and the 31st December, 1831, by Mr. Jos. Spragge, Master.

	£	s.	d.
To Depy. Society P. C. K. Books	2	19	0
To Messrs. Lesslie & Sons, Book and Stationary, 1830	15	6	6
To ditto, ditto ditto, ditto ditto, 1831	11	7	6
To James Marshall, (Carpenter's work) 1830 and 1831	14	9	9
To William Musson, (tin goods) do & do.	2	2	3
To Isaac Perry, (Smith's work) do & do.	3	14	3
To Robert Eager, (sundry work, &c.) 1830	5	3	0
To ditto ditto, (ditto) 1831	13	2	6
To George T. Denison, (firewood) 1830	8	8	9
To ditto ditto, (do) 1831	5	12	6
To John Harper, (Carpenter's work) 1831	0	10	0
£	82	16	0
Deduction for proportion of allowance in warrant for firewood of the 1st Department, (£5 ℔ ann.) one and a half year.	7	10	0
As charged in the accompanying Abstract.	75	6	0

No. II.

ABSTRACT of the General Account Current of the Treasurer of the General Board of Education for the Year ending the 31st December, 1832.

Dr.	£	s.	d.
1832 Jan. 1 to Mar. 31 — To balance advanced on loan to the Upper Canada College till the Fund of the University of the King's College is able to redeem it	4,855	2	6
To amount of sums received on account of Sales of Land:			
Hon Lieut-Col. Talbot	2060	10	6
R. C. Wilkins, Esq.	32	10	0
Mr. Benj. Tett	27	2	10
Ditto	10	10	0
Mr. A. Macpherson	12	5	0
	2,142	18	4
£	6,998	0	10

N. B.—From March 31st Lieutenant-Colonel Wells resigned the office of Receiver of the proceeds arising from the Sales of the School Lands, and the Hon. G. H. Markland was appointed to succeed him; but Lieutenant-Colonel Wells (as Bursar of the University of King's College) continued responsible for the re-payment of the loan to the Upper Canada College, which was only temporarily advanced out of the School Fund until that of the University should be able to redeem it.

Cr.	£	s.	d.
1832 May 31 to Dec. 31 — By amount paid Robert Stanton, Esq., balance in full of his account for Books supplied to the Common Schools under the direction of the Board	120	14	3
By amount paid at sundry times to Mr. J. T. Wilson, second Master at the Central School, one year's Salary to this day	100	0	0
By amount paid at sundry times to Mrs. Rebecca Sylvester, Mistress at the Central School, one year's Salary to this day	40	0	0
By amount paid at sundry times to Mr. Joseph Sprague, Master of the Central School, in full of his Account of Disbursements to this day, as per Statement, which was accompanied by separate vouchers	28	16	0
By amount of charges by Agents on the sums collected by them for Lands sold	61	16	4
By amount of the Treasurer's per-centage on the year's Receipts:			
5 ℔ cent. on £2,142 18s. 4d.	107	2	11
From which deduct the preceding charges paid to Agents	61	16	4
	45	6	7
Balance advanced on Loan to Upper Canada College, (as authorized by the Board,) and carried forward to the next year's Abstract	6,601	7	8
	6,998	0	10

JOS. WELLS,
Treasurer.

Statement of Incidental Expenses incurred on account of Upper Canada Central School at York between 1st January and 31st December, 1832, by Mr. Joseph Sprague, Master.

	£	s.	d.
To George T. Denison, for firewood	4	16	10½
To Robt. Eagen, for sundry work	5	17	6
To Wm. Shaw, for Carpenter's work	2	13	6
To Thos. Elliott, for firewood	4	16	10½
To James Thompson, for sundry work	1	12	5
To Charles Thompson, for firewood	1	2	6
To John Crowley, for cutting	1	0	0
To William Musson, for Tin Goods	1	5	4½
To John Harper, for Carpenter's work	2	15	0
To Isaac Perry, for Smith's work	2	7	4½
To Wm. Dixon, for Glazier's work	0	15	2
To E. Lesslie & Sons, for Stationary	15	10	0
To David Dowdale, for sundry work	2	10	6
	47	3	1
Deduct allowance of firewood of 1st Department	3	12	1
Deduct amount of fees of 1st & 2d Department in 1832, received by Mr. Sprague	9	5	0
Deduct amount of fees of 2d Department in 1832, received by Mr. Wilson	5	10	0
	18	17	1
As charged in the accompanying Abstract.	28	16	0

No. III.

ABSTRACT of the General Account Current of the late Treasurer of the late General Board of Education for the Year ending the 31st December, 1833.

Dr.	£	s.	d.
1833			
Jan. 1—To balance advanced on Loan to the Upper Canada College till the Fund of the University of King's College is able to redeem it	6,601	7	8
	6,601	7	8

Cr:	£	s.	d.
1833			
Jan. 1 to Dec. 31 By amount paid at sundry times to Mr. J. T. Wilson, second Master at the Central School, one year's Salary to this day	100	0	0
By amount paid at sundry times to Mrs. Rebecca Sylvester, Mistress at the Central School, one year's Salary to this day	50	0	0
N. B.—The Salary was raised from £40 to £50 ℔ annum, by order of the Board			
By amount paid at sundry times to Mr. Joseph Sprague, Master of the Central School, in full of his account for disbursements to this day, as per Statement, which was accompanied by separate vouchers	50	19	6
By amount refunded to R. C. Wilkins, Esq., by the hands of G. S. Boulton, Esq., for Taxes paid by the former to the Sheriff of the Newcastle District on Lands in Seymour, formerly sold to Mr. J. Beattie, and which had reverted to the Board by default	7	10	0
Balance advanced on Loan to the Upper Canada College, and carried forward to the next year's Abstract	6,392	18	2
	6,601	7	8

JOS. WELLS,
Treasurer.

Statement of Incidental Expenses incurred on account of Upper Canada Central School at York, between 1st January and 31st December, 1833, *by Mr. Joseph Sprague, Master.*

	£	s.	d.
To Charles Thompson, for firewood	4	1	6½
To John Crawley, for cutting do	1	1	3
To William Musson, for Tin goods	0	17	6
To John Harper, for Carpenter's work	14	14	6
To Isaac Perry, for Smith's work	2	9	2½
To William Dixon, for Glazier's work	1	5	0
To E. Lesslie & Sons, for Stationary	18	8	3
To David Dowdale, for sundry work, &c.	9	0	8
To Charles Stinson, for firewood	11	10	7½
	63	8	7
Deduct allowance for firewood 1st Department—1-3d	5	4	1
Deduct amount of fees of 1st & 2d Department in 1833, received by Mr. Sprague	5	15	0
Deduct amount of fees of 2d Department in first half of 1833, received by Mr. Wilson	1	10	0
	12	9	1
As charged in the accompanying Abstract.	50	19	6

No. IV.

ABSTRACT of the General Account Current of the late Treasurer of the late General Board of Education for the Year ending 31*st December*, 1834.

Dr.	£	s.	d.
1834			
Jan. 1—To balance advanced on Loan to the Upper Canada College till the Fund of the University of King's College is able to redeem it	6,392	13	2
£	6,392	13	2

Cr.	£	s.	d.
1834			
Nov. 28—By cash paid into the hands of the Receiver-General, to be placed to the credit of the Schools Funds	3,000	0	0
Dec. 26—By ditto ditto ditto ditto ditto ditto	1,000	0	0
Carried forward £	3,000	0	0

Statement of Incidental Expenses incurred on account of Upper Canada Central School at Toronto, between the 1st January and 31st December, 1834, by Mr. Joseph Spragge, Master.

	£	s.	d.
To Messrs. Lesslie & Sons, for Stationary and Books	12	0	11
To William Musson, for tin goods	1	1	3
To Isaac Perry, for Smith's work	2	2	7
To David Dowdale, for sundry work	5	4	6
To John Harper, for Carpenter's work	8	2	0
To Peter Sylvester, for firewood	5	12	6
To William Dixon, for Glazier's work	1	1	10
To John Caldwell, for firewood	6	15	0
To Henry Rowsell, for Stationary	4	19	7
To Robt. M'Michael, for sundry work	4	5	0
	51	5	2

	£	s.	d.	£	s.	d.
Deduct proportion of allowance for firewood of the 1st Department; 1-3d of amount charged	4	2	6			
Deduct amount of fees of 1st & 2d Department, received by Mr. Spragge in 1834	3	10	0			
Deduct amount of fees of 2d Department, received by Mr. Wilson from July 1st to Dec. 31, 1833	3	12	6			
Deduct amount of fees of 2d Department, received by Mr. Wilson in 1834	1	15	0			
				13	0	0
As charged in the accompanying Abstract.				38	5	2

	£	s.	d.
Brought forward	3,000	0	0
Dec. 30—By cash paid into the hands of the Receiver-General, to be placed to the credit of the School Funds	1,000	0	0
Dec. 31—By amount paid at sundry times to Mr. J. T. Wilson, second Master at the Central School, one year's Salary, to this day	100	0	0
By amount paid at sundry times to Mrs. Rebecca Sylvester, Mistress at the Central School, one year's Salary, to this day	50	0	0
By amount paid at sundry times to Mr. Joseph Spragge, Master of the Central School, in full of his account for disbursements to this day, (as per Statement) and which was accompanied by separate vouchers	38	5	2
Balance advanced on loan to the Upper Canada College, and carried forward to the next Year's Abstract	1,204	13	0
N. B.—£1000 of this balance has since been paid into the Receiver-General of the Province—making a total of £6000, paid in by me on account of the School Lands.			
£	6,392	18	2

JOS. WELLS,
Late Treasurer.

MESSAGE

FROM

His Excellency the Lieut.-Governor,

WITH

RETURN

OF

FUNDS OF KING'S COLLEGE,

UPPER CANADA COLLEGE

AND

GENERAL BOARD OF EDUCATION.

COMMUNICATED MARCH 28, 1836.

Mackenzie—Printer.

No. 19.

REPORT

Of the Inspectors of the Provincial Penitentiary, 1835.

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

The Inspectors appointed under the authority of an Act passed on the 6th day of March, 1834, entitled, "An Act to provide for the maintenance and government of the Provincial Penitentiary erected near "Kingston, in the Midland District," in pursuance of the said Act, have the honour

Most respectfully to Report,

That they met at Kingston on the second day of August, 1834, and after reading the instrument dated the 28th day of the previous month, by which they had been appointed, they proceeded to organize their Board, by the selection of John Macaulay, Esquire, as its President, and of Mr. Francis Bickerton, recently in the employment of the Commissioners, as its Clerk.

Board organized.

John Macaulay, Esq. chosen President.

Mr. F. Bickerton, appointed Clerk.

Finding that no funds had been assigned by the Legislature, in the Session of 1834, for the maintenance of the Penitentiary, and that none could be obtained for that purpose from the Executive Government, the Board necessarily remained inactive until the month of April last, when the sum of three thousand pounds was granted for the "completion of the Kingston Penitentiary," the maintenance of convicts, and the compensation of the Warden and other officers and persons employed in the government and police of the Prison.

No funds assigned, and on that account Board inactive.

£3,000. granted in April 1835.

Thus supplied with means, the Board authorized the Warden to make all the requisite preparations for the reception of such convicts as His Majesty's Judges might, in the administration of the criminal law during the ensuing summer, sentence to hard labour under the discipline established in the Penitentiary.

Preparations made for the reception of prisoners.

Mr. William Powers, recently employed by the Commissioners in superintending the construction of the Prison, was on the recommendation of the Board, appointed Deputy Warden.

Mr. W. Powers, appointed Deputy Warden.

Three of the most competent candidates for the office of Keeper, were engaged by the Warden, with the approbation of the Board; and the names of six Watchmen were reported by the Inspectors, conformably to the eighth section of the Statute of 1834, which authorizes your Excellency "to procure a guard."

Subordinate Officers appointed; Guard &c.

These Watchmen were placed under the orders of a Captain or Police Officer, who was also required to perform the duty of Keeper.

The compensation allowed the Keepers was fixed at eighty pounds, and that of the Watchmen at sixty pounds per annum.

Pay of Keepers and Watchmen.

The construction of the wooden fence, intended by the recent Statute, as a temporary substitute for a substantial boundary to be hereafter put up, was contracted for, and soon completed under the eye of the Warden.

Temporary wall erected.

Seven stands of arms were borrowed from His Majesty's ordnance stores, until suitable equipments for the Watchmen could be imported from England.

Watchmen receive arms.

Rations established.

The quality and daily quantity of food to be allowed for the sustenance of convicts was considered and established nearly in conformity to the scale of allowances observed at the Auburn Prison, in the State of New York; and contracts were concluded for the supply of clothing, bedding, furniture, cooking utensils, and sundry other indispensable articles.

Contracts for Clothing, Bedding, &c. made.

Five Convicts from the Home District reported.

On the 27th day of May, the Warden reported to the Board the arrival of five convicts from the Home District, under sentence to confinement in the Penitentiary, whom it was found necessary to secure in the common gaol of the Midland District, guarded by two of the Watchmen, until the 1st day of June, when the Warden was enabled to take them into his own charge at the Prison, and set them at hard labour, under the rules and regulations adopted, and ordered by the Board to be strictly enforced.

Confined in District Gaol till Warden was prepared to take charge of them.

Fifty Convicts received between 1st June and 30th September.

Making in all fifty-five, including three females.

Between the 1st day of June and the 30th day of September, (when the fiscal year, so far as relates to the Prison, terminates,) fifty other convicts were received into his charge by the Warden, making in all fifty-five. Of these

From what Districts received.

The Home District sent	6
The Gore do. do. including 3 females, ...	23
The Western do. do.	5
The Niagara do. do.	7
The Eastern do. do.	1
The Newcastle do. do.	1
The Johnstown do. do.	1
The London do. do.	3
The Midland do. do.	8
Total, ...	55

Received between 1st and 31st October, inclusive, seven.

Between the 1st and 31st day of October inclusive,

The District of Prince Edward sent	1
The Home District sent	6
Making total, ...	62

Convicts received at the Penitentiary within the present year, of whom three are persons of colour.

Among these, three persons of color.

Additional particulars in Return A.

The Warden's Return marked A. furnishes additional particulars respecting the name, sentence, and term of confinement of each convict in his custody on the first day of October.

Further particulars in Return A.a.

The Return marked A a. continues that statement from the 1st day of October unto the date of the present Report.

Of the total number of convicts three are females, and the remaining fifty-nine are males.

Their classification, as respects their nativity, stands thus:—

Nativity of the Convicts received.

Natives of Ireland, ...	16
Do. of Upper Canada, ...	15
Do. of England, ...	11
Do. of United States, ...	10
Do. of Lower Canada, ...	5
Do. of Scotland, ...	2
Do. of Holland, ...	1
Do. of Poland, ...	1
Do. of India, ...	1
	62

The ages of the prisoners are as follows:—

Ages of the Prisoners.

From 15 to 20 years,	16
Do. 21 to 25 do.	9
Do. 26 to 30 do.	16
Do. 31 to 35 do.	8
Do. 36 to 40 do.	3
Do. 41 to 45 do.	4
Do. 46 to 50 do.	3
Do. 51 to 55 do.	2
Do. 56 to 60 do.	1
	62

The abstract of the sentences is as follows:—

Terms of imprisonment for which Convicts are confined.

For 1 year,	9
Do. 2 years,	15
Do. 3 years,	17
Do. 4 years,	3
Do. 5 years,	15
Do. 6 years,	3
	62

Certificates of sentence not sufficiently precise.

In consequence of the manner in which the certificates of the sentences presented to the Warden with the convicts have been drawn up, the precise offence committed in each case cannot be distinctly set forth on the Records of the Penitentiary. The following is the only abstract that can be prepared in this particular.

Convictions for—

Abstract of crimes of which Prisoners were convicted.

Grand Larceny,	37
Horse Stealing,	9
Uttering Forged Notes,	4
Arson,	2
Sheep Stealing,	2
Petty Larceny,	2
Felony,	1
Returning from Banishment,	1
Forgery,	1
Assault, with intent to murder,	1
Horse Stealing and receiving Stolen Goods,	1
Grand and Petty Larceny,	1
	62

Practice of the State of Kentucky in cases of commitment of Prisoners.

The regulation which is in force in the State of Kentucky on this head, may probably be found to merit the notice of our Legislature. It is this: "In order that the nature of the offence, and the former character and "conduct of the convicts may be known, the law directs, that the Court "before whom any conviction takes place, shall furnish the Keeper of the "Penitentiary with a brief statement of the circumstances connected with "the crime committed by each prisoner; such Reports are required to "be inserted in the Prison Register."

The undermentioned particulars relative to the convicts are gathered from their own statements, which possibly are not in all respects entitled to implicit reliance. They are, however, considered interesting in other countries, and for that reason have been collected here, under the direction of the Inspectors.

Particulars of the former lives, habits, &c. of the several Convicts, furnished by themselves.

Under the influence of spirits when the crime was committed,	35
Intemperate Parents,	2
Parents died before convict was ten years of age,	1
Parents died before convict was fifteen years of age,	5

Instructed in a Sunday School,	32	
In the daily habit of reading the Bible,	13	
Know the decalogue,	14	
Observed the Sabbath,	27	
Single,	33	
Married,	25	
Widow,	1	
Widowers,	3	
Husband or wife died previous to conviction,	4	
Left husband or wife before conviction,	9	
Lived with husband or wife when arrested,	16	
Lived in adultery,	2	
Had been educated at a College,	1	
Had common education,	21	
Had inferior education,	27	
Are uneducated,	13	
Can read,	21	
Can read and write,	30	
Were excessively intemperate,	6	
Were moderately intemperate,	12	
Were intemperate,	11	
Were temperate drinkers,	26	
Were abstinent,	6	
Had learned trades,	19	
Had begun to learn trades,	8	
Followed trades when convicted,	13	
Were owners of real estates,	16	

Religious profession of the Convicts.

Professed to belong to the Church of England,	24	
Do. do. do. of Scotland,	2	
Do. do. do. of Rome,	15	
Do. to be Presbyterians,	4	
Do. do. Methodists,	6	
Do. do. Baptists,	1	
Do. to belong to no Church,	10	62

Their Families, &c.

Had children who were under ten years of age,		22
Do. do. above ten years of age,		11

Amount of Prisoners labour.

Rations and Clothing, &c.

The report of the Warden, which is hereunto appended, explains in what manner, and to what objects, the labour of the prisoners has been applied; the amount, quality, and cost of each prisoner's daily rations, the description and cost of the clothing, with other details of his proceedings and management.

Statement B. account of labour, amount £234. 13s.

The statement marked B. is an estimate framed by the Warden, of the value of the labour performed by the convicts, under various heads, as therein specified, amounting to £234 13s.

Labour, how applied.

This labour may be considered as directly productive to the Province, since it has been principally applied to the fitting up of the Prison, and is thus equivalent to an express appropriation of the same sum of money towards that object from the public funds.

Statement C. How Prisoners employed on 1st October.

The statement marked C. exhibits the several descriptions of labour on which the convicts were engaged on the first day of October.

Sum disbursed to 30th Sep. £1830. 15s. 6½d.

By the accounts of the Warden for the year, ending on the 30th September,—a copy of which has been transmitted to your Excellency by that Officer, in due conformity to the statute,—it will be seen that the sum disbursed was £1830 15 6½ including the payment of various accounts for services performed under the late Commissioners, whose

duties have been transferred to this Board; and that the sum remaining unexpended on the first day of October, including the balance received from the Commissioners, money found upon the persons of convicts, rents, &c. was £1,220 3 9. This amount will scarcely suffice to defray the current expenses of the Prison until the month of February next.

Balance on hand 1st Oct. £1220. 3s. 9d. barely sufficient to defray expenses till February next.

The number of convicts sentenced during the present year is twice as great as was anticipated by the Board, and the current disbursements of the Warden are of course correspondingly augmented beyond the estimate.

Number of Convicts greater than anticipated,

In consequence of this sudden concentration within the boundaries of the Prison of so large a number of criminals, many of them daring and desperate, and all unsubdued in temper, and strangers to the restraints of discipline, the Board felt the importance of impressing on their minds the hopelessness of attempting to escape, by adopting every means at their disposal for preventing all conspiracies for mutual aid and co-operation in their insurrectionary schemes. This point was the more urgent, since the yard was surrounded merely by a plank fence, and the prisoners might think it practicable to break through it, if they did not see that they were at all times watched by a sufficient force.

In consequence of which, and the insecure state of the yard, additional precautions were thought necessary.

The Warden was accordingly authorized to engage two more Keepers and six more Watchmen.

Precautions adopted.

The present amount of monthly disbursements by the Warden, for salaries, wages, rations, &c. will appear by the following statement:—

Amount of monthly disbursements.

PERMANENT:						
Salary of Warden,	£16	13	4			
Do. of Deputy,	12	10	0			
Do. of Clerk,	8	6	8			
Do. of Surgeon,	8	6	8			
Do. of six Keepers,	40	0	0			
Do. of six Watchmen,	30	0	0			
Rations of 62 convicts 30 days,	44	3	6			
				160	0	2
TEMPORARY:						
One Blacksmith,	£ 7	5	9			
Two Carpenters,	13	5	0			
Six extra Watchmen,	27	0	0			
One Mason,	6	12	6			
One Stone-cutter,	7	19	0			
One Horse and Cart,	3	15	0			
One Labourer,	3	6	3			
Matron,	3	0	0			
Rent of House for Deputy Warden,	2	1	8			
				74	5	2
Total,				£234	5	4

Permanent expenses.

Temporary do.

This statement merely embraces the fixed monthly expenditure, and does not advert to the disbursements for clothing, bedding, tools, medicines, &c. which are variable in amount and recur at irregular periods.

Present expense per month, exclusive of the contingencies of Clothing, Bedding, Tools Medicines, &c.

It will be observed that there are now under the orders of the Warden,

1 Deputy Warden,
6 Keepers,
6 Permanent Watchmen,
6 Temporary do.

making 19 in all.

Persons employed under the Warden.

At the State Prison at Sing Sing, in the State of New York, where 811 convicts were confined in the year 1833, the complement of Keepers

Proportion of Keepers to Convicts, at Sing Sing, State of New York.

At Auburn.

At Charleston.

was 25, and of Watchmen 25; at Auburn, where 683 convicts were in prison on the 1st of January, 1833, the Keepers are 20 in number, and the Guards 18; at Charleston, near Boston, where in the same year 250 convicts were imprisoned, there were 9 Overseers and 10 Watchmen. In the vicinity of all these prisons an adequate Militia force is ever in readiness to quell whatever disturbance may arise among the inmates.

Economy observed in determining the number of Keepers &c., but safety of the Prisoners, a paramount consideration.

A high wall, or a Military Force necessary for the safe keeping of the Prisoners.

The Inspectors are fully sensible how much the success of a Penitentiary institution depends on the economical and judicious application of its funds, nor did they lose sight of this consideration while they were engaged in determining the number of assistants to be allowed the Warden. They, however, (at the outset particularly,) esteemed the safe keeping of the convicts a primary object, and they further believe that until a high boundary wall can be erected around the yard, it would not be prudent to reduce the strength of the guard below its present establishment; unless in the meantime a detachment of His Majesty's Forces were quartered, according to the earnest desire of the Board, in the immediate neighbourhood of the Prison, to afford ready support when needed by the Warden.

This left for the consideration of the Legislature.

It is for the Legislature to approve or reject the views and determinations of the Inspectors on this part of their duty.

Scale of rations at the Auburn Prison adopted.

With respect to the rations of the convicts, the Board beg leave to remark, that they, as already stated, have been in a great measure regulated by the Auburn standard, yet they are not considered definatively established, but are liable to be altered from time to time, according to the state of health in the Prison, or other circumstances.

Cost of daily ration five pence seven-tenths.

Will probably be reduced.

The cost of a daily ration at first amounted to $7\frac{1}{8}$d. per diem, and is now estimated by the Warden at $5\frac{7}{10}$d. As the number of the convicts increase, and the culinary arrangements of the Prison become improved, the cost of sustenance may be expected to diminish.

The French Commissioners who visited America, furnish the following return respecting the cost of a convict, on an average per day, as follows:—

Estimated average cost of rations in the United States.

At Auburn, average of six years,	$4\frac{38}{100}$	Cents.
At Sing Sing, do. of two years,	6	do.
At Withersfield, do. of four years,	$4\frac{77}{100}$	do.

On reference to the reports on the Penitentiaries of the United States, the Inspectors find that in the year 1833, at Auburn, the daily food of a convict cost, $5\frac{1}{10}$ Cents.

At Charleston, near Boston,	$7\frac{7}{8}$	do.
At Thomaston, Main,	$12\frac{1}{2}$	do.

Physician. Salary for do.

The Physician has been in regular attendance since his services were required, and his salary has been recommended, for commencement on first October instant, at the rate of one hundred pounds per annum.

No Chaplain appointed.

Prayers read by the Warden.

The appointment of a Chaplain has not yet been made; Prayers are in the mean time read by the Warden, as stated in his report, at the close of each day when the convicts are in their cells.

Want of a Chaplain much felt.

The want of a Chaplain is nevertheless sensibly felt; his labours are most important to the due effect on the convicts heart of the system of discipline enforced in the prison, and would necessarily be unremitting. To this duty not every individual in holy orders is competent.

Qualities required in a Chaplain.

The Inspectors feel most anxious that the Chaplain appointed to the Penitentiary should not only possess a full share of learning and talents, but also the zeal and devotion to the cause he is engaged in, without which little that is really beneficial can be looked for at his hands.

Greater exertions made in England to impress the minds of prisoners with a sense of religion.

It appears by the lucid and comprehensive Report of William Crawford, Esquire, the British Commissioner recently employed to examine the American Gaols, that far greater efforts are made in England than in the United States of America, to impress on the minds of the unhappy

and depraved inmates of prisons, a suitable sense of religion and virtue. Mr. Crawford's observations on this matter appear to the Board so just and forcible, that no apology can be required for submitting them to the particular notice of the Provincial Parliament. In adverting to the religious instructions of persons confined in prisons, he says:—

Extract from Report of Mr. Crawford, Commissioner to examine into the state of the American Prisons.

"As personal reformation, to be permanent, must be founded on "Christian principles, so no system of prison discipline can be effectual "in which religious instruction does not form a prominent part.

"The Prisons of this country, (England,) have great advantages "over those of the United States, in the means afforded by the Legisla-"ture, for imparting religious instruction; but notwithstanding the libe-"ral remuneration authorized by law, there are too many instances in "which Chaplains, having other professional engagements, do not devote "themselves exclusively to the duties of the Prison. On the importance "of this subject it is impossible too earnestly to dwell.

"The vice and depravity to be found in every gaol has led to an "impression, by far too general, that most criminals are beyond the reach "of reformation. Whatever may be the fact, I feel assured that the trial "has in few prisons been fairly made. There can be no limits to the "sacred influence of religious impressions upon the hearts of even the "most guilty, and I cannot doubt that by the employment of measures "adequate to the occasion, minds, however hardened, may be raised from "degradation and reclaimed by the power of the Gospel.

No limits to the influence of religious impressions upon the heart.

"When the number of the prisoners is considerable, the whole time "and undivided attention of a Chaplain should be devoted to his duties.

Chaplain's attention should be undivided.

"Whatever necessity prevails in the world at large for moral and "religious education, is immeasurably increased in a Prison by the cha-"racter and habits of its inmates, and by the disadvantages under which "that instruction can ordinarily be conveyed.

"The situation of a young criminal, on his first entrance into a gaol, "might be rendered eminently favourable to good impressions; nor can "any human being, however hardened, be so debased by guilt as to jus-"tify the withdrawal of the means which are necessary to his moral res-"toration. Valuable, however, as are the public services of religion, "their effects on prisoners are in general but partial and unsatisfactory.

"The labours of the Chaplain should not, therefore, be confined to "the performance of social worship; to this must be added private and "individual instruction in the retirement of the cell.

"In his efforts to convince the misguided and reclaim the impenitent, "sound judgment and knowledge of character are not less essential than "ardent piety and persevering benevolence.

"Against the numerous arts which prevail in prisons the Chaplain "must habitually guard. A convict should not be allowed to hope for "any temporal advantage, during confinement, from religious profes-"sions; nor ought a Chaplain to be exposed to deception, by having it "in his power to procure for a prisoner any species of indulgence or "reward."

The Inspectors duly appreciate the services which a Chaplain might render the convicts individually, and accordingly have it in view to assign that officer, when appointed, as many opportunities of private communication with each convict, as the general arrangements of discipline will admit of. Convicts should on no account be left without instruction or admonition.

Chaplain should be allowed every opportunity of private communication.

In many of the American Penitentiaries ample room presents itself for improvement in this part of their system.

Room for improvement in American Penitentiaries.

It appears that even at Auburn, where a Chaplain has charge who is surpassed by no other in worth or zeal, he cannot, under the existing arrangements, obtain a private interview with every prisoner under, a period of three months.

Chaplain at Auburn a worthy, zealous teacher.

Board hope to introduce a superior system of religious instruction

The Board trust they will be enabled to introduce into the Provincial Penitentiary, regulations for the religious instruction of the convicts superior to those of Auburn, and even to emulate the good examples presented in England.

Chaplain should be allowed every opportunity of private interview with convicts; and should receive a sufficient salary to enable him to give his whole time to the duties of his office.

To effect this object it may become advisable that the Chaplains should not only be authorised, as at the Massachusetts State Prison, to take an individual aside at his discretion, and confer with him in private at any time during the usual hours for labour, as well as at the door of his cell, but also that he should be allowed a salary liberal enough for the support of himself and his family, and for ensuring the undivided application of his mental energies to the moral improvement of the criminals committed to his spiritual care.

Board is engaged in framing a code of Prison Regulations, which will be presented to the Legislature.

The Board of Inspectors are engaged in framing a code of Regulations for the guidance of the Warden and other officers, a copy of which shall be submitted for the information of the Legislature.

This code is founded on the regulations which are now in force in some of the American Penitentiaries, and will be subject to such modifications as experience may shew to be requisite and proper.

Provision should be made for the expenses of the ensuing year; and also for the completion of the north wing of the building.

Before they conclude their Report, the Inspectors beg leave to represent the expediency of making such legislative provision for the ensuing year as may not only enable the Warden to defray the ordinary current expenses of the Prison, but also to proceed expeditiously with the construction of the north wing, in which the kitchen, mess-room, chapel, hospital, and offices are intended to be placed.

Great inconvenience is already occasioned by the necessity of using one part of the building designed solely for dormitories, as hospital, kitchen, and mess-room; and in the course of the ensuing year, if the number of convictions should in any degree approach to an equality with that of the present, the due enforcement of discipline will, from that cause, be materially obstructed.

No progress made in north wing this year.

As the Legislature at its last session struck from the estimate a large proportion of the sum asked for the commencement of the north wing, no progress has yet been made with it.

Convicts how to be employed this winter.

The convicts will be employed during the winter in the preparation of stone for that wing, and perhaps also for the boundary wall.

They will, however, be hardly qualified to proceed alone with the building of the north wing, and the Board conceive that the Warden should be authorized to engage mechanics to assist in that work.

Estimates of appropriations necessary to be made by the Legislature.

Estimates marked D. E. and F. framed by the Warden, are herewith submitted as a ground for calculating the amount of the appropriations which the Legislature may, perhaps, see fit to make for this institution.

The Board confine themselves to the mere exhibition of estimates, as the Legislature are already satisfied of the necessity of providing suitable means for its completion, as well as for maintaining it during the next fiscal year and until the next succeeding session of Parliament.

Sentencing females to the Penitentiary attended with inconvenience, until more suitable apartments are prepared for their reception.

It is to be observed that the sentencing of females to the Penitentiary causes some inconvenience. They must be kept closely confined in the small temporary apartment formed over the present mess table of the male convicts, and occupying part of the area on a level with the fourth range of cells; and though their labour as seamstresses can always be turned to good account, they cannot be effectually subjected to the peculiar discipline of the prison until the separate place of confinement suggested for them by the plans and reports of the recent Commissioners shall have been prepared for their reception.

JOHN MACAULAY,
PRESIDENT.

Penitentiary, near Kingston,
2nd November, 1835.

No. 19.

REPORT

OF

THE WARDEN OF THE PROVINCIAL PENITENTIARY.

TO

THE INSPECTORS.

OCTOBER 1, 1835.

TO THE INSPECTORS OF THE PROVINCIAL PENITENTIARY.

GENTLEMEN:—

I beg to Report that this Establishment commenced its operations by the reception of Six Convicts on the first day of June last. Owing to the small number of prisoners then received it was found difficult to employ them with much advantage to the Province, but after a few days work as labourers four of them were placed under the direction of one of the Keepers to learn the business of Stone cutting, and with a few weeks instruction became sufficiently expert to commence the cutting of Stone to flag the avenues of the South Wing.

This work for a time was suspended in order that an additional accommodation might be prepared for such convicts as were expected to be sentenced to the Penitentiary during the recent Assizes, and the prisoners were therefore employed in plastering and flagging Cells on the third range of the Eastern side of the Prison.

An additional number of prisoners having arrived in the months of July and August they were employed in covering the arches of the upper ranges of Cells and the ceiling over the avenues with Stone and composition, in order to prevent further accident to the Prison, should the roof at any time unfortunately catch fire; they were also employed in making the grated doors required for the completion of the additional number of Cells.

The number of prisoners now under confinement in this Establishment is fifty five as will appear by the Return marked A, giving a statement of the Districts from which they were sent, the crimes committed by them, the dates of their sentences and the terms for which they are sentenced to be imprisoned.

The amount gained by the Province by the labour of the convicts will appear by Return marked B, and I beg to observe that in estimating their earnings they have been calculated at the lowest possible rate.

By the 4th Willm. 4. chap. 37. sec. 14. the Warden is directed to make contracts for the supply of rations for the prisoners, in obedience to which, as well as by direction of the Inspectors, I caused advertisements to be inserted in two of the Newspapers printed in the District, but no persons having tendered to furnish them, I was obliged to enter into contracts for the supply of the several articles of provisions with separate persons, and I have reason to believe that this method is more advantageous to the Province than if the terms of the Statute could have been complied with. The average expense of a day's rations for each prisoner, during the time there were but six convicts in the Penitentiary was $7\frac{1}{8}$ pence, but at present, owing to the encreased number of prisoners, it is but $5\frac{7}{10}$ pence. As there are no two consecutive days in which the rations are similar, in order that it may be understood in what manner the convicts are fed, I beg leave to observe that the provisions allowed to each are as follows, viz:—

Sunday.....1 lb. Fresh Beef.
Monday.....1 lb. Salt Beef.
Tuesday.....¾ lb. Salt Pork.
Wednesday,.....½ lb. Salt Beef, made with vegetables into Soup.
Thursday.....¾ lb. Salt Pork.
Friday.....½ lb. Salt Beef, made with vegetables into Soup.
Saturday.....¾ lb. Salt Pork.

Every convict on each of these days is supplied with one pound of Bread and as many Potatoes as he can eat, together with Pepper, Salt and Vinegar. For Breakfast he is furnished with Pease-Coffee, sweetened with Molasses, and for Supper an allowance of Meal Porridge, sweetened in like manner. Part of the above daily quantity of Meat and Bread is apportioned for the convicts Breakfast.

The conduct of the prisoners has been generally good, and but little punishment (and that in a very slight degree) has been inflicted. This is in a great measure attributable to the certainty of punishment immediately following any deviation from the rules laid down for the good government of the Establishment, and the constant surveillance exercised over them by day and night.

Very little sickness has been experienced by the convicts, and in but few instances has it been of such a nature as to require a temporary cessation from labour.

The clothing of the convicts during the Summer season has been of light materials adapted to the weather, and consists of a Jacket, Waistcoat, Trowsers and Cap, each of two different colours, so as to ensure their speedy apprehension in case of escape. The cost of a Dress of this description is 16s. 9½d. Each of the prisoners is also furnished with a coarse Shirt, Socks and Shoes, a Pocket Handkerchief, a Bible and two Combs, and habits of cleanliness in their Cells and persons are enforced. The severity of the Winter requiring the use of warmer Clothing, I have entered into a contract for a supply of Cloth, made in the Province, which is found to be much more durable than that which is imported. The Dresses made from these materials will also be party coloured. The cost of a suit of Clothing of this description will be 33s. 9½d. The Bedding provided for the prisoners consists of a Straw Mattrass and Pillow, a pair of Sheets and a pair of Blankets, the expense of which is 23s. 9d. for each Cell. No Chaplain having yet been appointed to the Penitentiary I have made it my duty every evening to read Prayers to the convicts and on Sunday to read morning and evening Prayers and a Sermon. Owing to the unexpected arrival of Female convicts I have been under the necessity of appropriating the temporary Hospital for their reception, until another apartment and Cells on the West side of the Prison could be fitted up for their use.

This temporary but unavoidable arrangement has caused some inconvenience in regard to the sick, who were necessarily confined to their Cells, by which, had their illness been of a serious character, their recovery would have been much retarded.

As it is highly desirable in order to preserve the health of the convicts that the Hospital should be at the greatest possible distance from the Wings appropriated more immediately to Prison purposes, I need not state how absolutely necessary it is that the front or North Wing should be completed with as little delay as possible.

By Return marked C it will be seen in what manner the convicts are now employed, and with regard to their future operations during the present year, much of their time will be engaged in quarrying and dressing Stone for the North Wing. A statement of the receipts and expenditures on account of the Penitentiary, from its commencement to the present date, accompanies this Report.

All which is respectfully submitted.

H. SMITH,

Warden.

PROVINCIAL PENITENTIARY,
1*st October*, 1835.

A.

RETURN of Prisoners received into the Provincial Penitentiary from the 1st June 1835 to 1st October 1835, both days inclusive.

NAMES.	From what District.	CRIMES.	Date of sentence		PERIOD OF IMPRISONMENT.
			1835.		
Matthew Tavender	Home	Grand Larceny	April	18	Three years.
John Hamilton	Home	Felony	"		Three years.
Edward Middlehurst	Home	Grand Larceny	"		Five years.
John O'Rorke	Home	Grand Larceny	"		Five years.
John Dyas	Home	Grand Larceny	"		Three years.
Joseph Bousette	Newcastle	Grand Larceny	January	14	Five years.
John Endicott	Home	Uttering a forged Note	April	18	Five years.
Peter Lard	Midland	Grand Larceny	August	8	Three years.
John Parker	Midland	Grand Larceny	"		Five years.
Lewis Ward	London	Grand Larceny	"	1	Three years.
James Hobson	London	Grand Larceny	"		Three years.
George Wilson	London	Horse stealing	"		Three years.
Isaac Paddock	Gore	Horse stealing	"	28	Five years.
Daniel M'Dugall	Gore	Horse stealing	"		Five years.
John Thompson	Gore	Grand Larceny	"		Three years.
John Bryan Lawton	Gore	Grand Larceny	"		Two years.
William More	Gore	Petty Larceny	"		Two years.
William Freer	Gore	Grand Larceny	"		Two years.
Dennis Harrington	Gore	Grand Larceny	"		One year.
William Simmons	Gore	Grand Larceny	"		One year.
John Harris	Gore	Grand Larceny	"		One year.
Nelson Smith	Gore	Uttering a forged Note	"		Three years.
Daniel Gordon	Gore	Grand Larceny	"		One year.
Joseph Warriner	Gore	Uttering a forged note	"		Five years.
Peter A. Vanovery	Gore	Returningfrombanishment	"		Five years.
Peter Cornelius	Gore	Arson	"		Three years.
Moses Hinckley	Gore	Arson	"		Three years.
Patrick Lamb	Gore	Assault, intent to murder.	"		Two years.
Joseph Edwards	Gore	Grand and Petty Larceny.	"		Two for Grand one for Petty Larceny.
John Johnstown	Gore	Petty Larceny	"		One year.
William M'Wherter	Gore	Horse stealing	"		Five years.
James M'Mullen	Gore	Grand Larceny	"		Two years.
Susan Turner	Gore	Grand Larceny	"		One year.
Hannah Downes	Gore	Grand Larceny	"		One year.
Hannah Baglen	Gore	Grand Larceny	"		Two years.
Lorenzo Russ	Western	Horse stealing	"	7	Three years.
Robert Lamottee	Western	Grand Larceny	"		Three years.
John Hopkins	Western	Grand Larceny	"		Four years.
Joseph Manceau	Western	Grand Larceny	"		Four years.
Joseph Duchesnay	Western	Receiving stolen goods and Horse stealing.	"		One and five.
Thomas Nicholson	Johnstown	Horse stealing	"	15	Five years.
Samuel Armstrong	Niagara	Grand Larceny	September	14	Two years.
Jacob Dutcher	Niagara	Grand Larceny	"		Two years.
Francis Harvey	Niagara	Grand Larceny	"		Two years.
William Riely	Niagara	Grand Larceny	"		Three years.
James Ensign	Niagara	Sheep stealing	"		Five years.
Chester Kingsley	Niagara	Sheep stealing	"		Five years.
Rufus Westover	Niagara	Horse stealing	"		Four years.
Robert Vanhoesen	Midland	Uttering a forged Note	"	29	Six years.
Daniel Cole	Midland	Horse stealing	"		Five years.
Alberzy Fakusilo	Midland	Grand Larceny	"		Six years.
Daniel Arkerill	Midland	Grand Larceny	"		Two years.
John Todd	Midland	Grand Larceny	"		Two years.
Robert Matthews	Midland	Forgery	"		Five years.
Archibald M'Innis, *alias* Archibald M'Donell	Eastern	Horse stealing	"	17	Three years.

H. SMITH, *Warden.*

Henry Smith, Warden, and Francis Bickerton, Clerk of the Provincial Penitentiary, severally make oath; that the foregoing "Return of Prisoners received into the Provincial Penitentiary from the first day of June, 1835, to the first day of October, 1835, both days inclusive," is correct and true in every respect to the best of their knowledge and belief.

H. SMITH,

F. BICKERTON.

Sworn before me at Kingston this 15th day of October, 1835.

ALLAN MACPHERSON, J. P.

RETURN of Prisoners received into the Provincial Penitentiary from the 1*st to the thirty first of October* 1835.

NAMES.	From what District.	CRIMES.	Date of sentence.	PERIOD OF IMPRISONMENT.
			1835.	
Alexander Fair	Prince Edward	Grand Larceny	October 2	One year.
Henry Elson	Home	Grand Larceny	October 19	Two years.
William Black	Home	Grand Larceny	October 19	Two years.
Martin Cody	Home	Grand Larceny	October 19	Two years.
Laughlan McLean	Home	Grand Larceny	October 19	One year.
Terrence Lynch	Home	Grand Larceny	October 19	Two years.
Michael Henry	Home	Grand Larceny	October 19	Three years.

H. SMITH, *Warden.*

B.

A RETURN shewing the earnings of the Convicts under confinement at the Provincial Penitentiary from the first day of June last to the present date. October 1*st*, 1835.

OCCUPATION.	Number of days' work.	Rate per day.	Total Earnings.	OCCUPATION.	Number of days' work.	Rate per day.	Total Earnings.
		s. d.	£ s. d.	Brought forward		s. d	81 6 0
Bricklayers	23	4 0	4 12 0	Blacksmiths	133	4 0	26 12 0
Tailors	118	2 9	16 4 6	Carpenters	179	3 0	26 17 0
Shoemakers	21	2 6	2 12 6	Cooks	129	2 6	16 2 6
Plasterers	13	3 0	1 19 0	Quarrymen	53	3 0	7 19 0
Masons	10	3 0	1 10 0	Laborers	579	2 6	72 7 6
Stone Cutters	272	4 0	54 8 0	Seamstresses	69	1 0	3 9 0
Carried forward			81 6 0				234 13 0

H. SMITH, *Warden.*

Henry Smith, Warden and Francis Bickerton, Clerk of the Provincial Penitentiary, severally make Oath that the foregoing "Return shewing the earnings of the convicts under confinement at the Provincial Penitentiary, from the first day of June last "to the present date," first October 1835, is correct and true in every respect, to the best of their knowledge and belief.

H. SMITH.
F. BICKERTON.

Sworn before me at Kingston, this 15th day of October, 1835.

ALLAN MACPHERSON, *J. P.*

C.

A RETURN shewing the manner in which the Convicts under confinement at the Provincial Penitentiary are employed at the present date. October 1*st* 1835.

OCCUPATION.	No of Convicts employed in each		OCCUPATION.	No. of Convicts employed in each	
Bricklayer's	1		Quarrymen	4	Male Convicts....52
Tailors	4		Labourers	26	Female Convicts.. 3
Shoemakers	2		Seamstresses	3	—
Stone Cutters	4		Sick	1	55
Blacksmiths	2				
Carpenters	6			55	
Cooks	2				

H. SMITH, *Warden.*

Henry Smith, Warden and Francis Bickerton, Clerk of the Provincial Penitentiary, severally make Oath that the foregoing "Return shewing the manner in which the Convicts under confinement at the Provincial Penitentiary are employed at the present "date," first of October 1835, is correct and true in every respect to the best of their knowledge and belief.

H. SMITH.
F. BICKERTON.

Sworn before me at Kingston, this 15th day of October, 1835.

ALLAN MACPHERSON, *J. P.*

D.

ESTIMATE of the probable amount required, for the support of 120 *Convicts at the Provincial Penitentiary, for the year* 1836.

	£	s.	d.	£	s.	d.
KITCHEN FURNITURE.						
3 Large Kettles for boiling, viz: one each for Porridge, Meat and Washing, 150s	22	10	0			
6 Pails about the Kitchen, to carry water to the Shops, 4s	1	4	0			
6 Tubs, 15 gallons each, 6s	1	16	0			
60 Tin Dishes, 1s	3	0	0			
60 Iron Spoons, 2d	0	10	0			
60 Knives and Forks, 7s. 6d. per doz.	1	17	6			
6 Cans, for water at Meals, 4s. 6	1	7	0			
60 Tin drinking Cups, 6d	1	10	0			
4 Washing Tubs, 7s	1	6	0			
1800 lbs. Soap, 4d	30	0	0			
HOSPITAL FURNITURE.				65	2	6
1 Cooking stove and pipes	15	0	0			
Shovel and tongs	0	10	0			
10 Tin dishes, 1s	0	10	0			
10 Iron spoons, 3d	0	2	6			
10 Knives and forks, 9d	0	7	6			
10 Tin cups, 6d	0	5	0			
10 Tin plates, 1s	0	10	0			
Tea pot, coffee pot, jars, canisters, coffee mill, &c	3	5	0			
6 Bed sackings, 7s. 7½	2	5	9			
6 Bed tickings, 6s	1	16	0			
18 Pairs sheets, 5s	4	10	0			
18 Pairs blankets, 15s	13	10	0			
Medicine and surgical instruments	40	0	0			
FURNITURE FOR THE SOUTH WING.				82	11	9
2 Stoves, 120s	12	0	0			
200 Lengths of pipe, 1s	10	0	0			
12 Lamps, 1s. 6d	0	18	0			
60 Bed sackings, 7s. 7½d	22	17	6			
120 Pairs sheets, 3s. 7½d	21	15	0			
120 Pillow cases, 11d	5	10	0			
60 Yards linen for pillows, 1s	3	0	0			
60 Bed tickings, 3s. 7½d	10	17	6			
1000 Bundles straw, 2d	8	6	8			
120 Pairs blankets, 12s. 6d	75	0	0			
60 Large tooth combs, 6d	1	10	0			
60 Small tooth combs, 9d	2	5	0			
60 Bibles, 4s. 6d	13	10	0			
60 Night tubs, 4s	12	0	0			
60 Gallons oil, 3s	9	0	0			
100 Gallons oil, 6s	30	0	0			
100 Yards towelling, for shops and cells, 1s	5	0	0			
TOOLS FOR CONVICTS.				243	9	8
60 Shovels, 3s. 4d	10	0	0			
6 Chopping axes, 10s	3	0	0			
3 Setts bench tools for carpenters, 130s	19	10	0			
3 Setts shoemakers tools, 30s	4	10	0			
4 Wood saws, 5s	1	0	0			
200 Lbs. steel for tools, 1s. 1d	10	16	8			
6 Whitewashing brushes, 5s	1	10	0			
Carried forward				50	6	8

	£	s.	d.	£	s.	d.
Brought forward				441	10	7
FURNITURE FOR KEEPER'S HALL.						
1 Stove, 120s	6	0	0			
Shovel and poker	0	10	0			
100 Length stove pipe, for hall and offices, 1s	5	0	0			
FURNITURE FOR CLERK'S OFFICE.				11	10	0
1 Clock	10	0	0			
12 Chairs, 5s	3	0	0			
1 Stove	6	0	0			
Shovel and tongs	0	10	0			
Books and stationery	25	0	0			
FURNITURE FOR INSPECTOR'S OFFICE.				44	10	0
1 Stove	6	0	0			
12 Chairs, 10s	6	0	0			
Shovel and tongs	0	10	0			
FURNITURE FOR THE SHOPS.				12	10	0
12 Tubs or pails for privies, 6s. 3d	3	15	0			
6 Tubs for washing, 7s. 6d	2	5	0			
Razors and Brushes, 20s	1	0	0			
CLOTHING.				7	0	0
60 Cloth suits for winter wear, 33s 9½d	101	7	6			
60 Cotton suits for summer, 16 9½d	50	5	7½			
120 Cotton shirts, 3s 5½d	20	15	0			
240 Flannel shirts, 5s 6d	66	0	0			
240 Flannel drawers, 4s 6d	54	0	0			
60 Cloth caps, 1s 9d	5	5	0			
250 pairs worsted socks, 1s 6d	18	15	0			
400 lbs Upper leather, 2s	40	0	0			
672 lbs sole leather, 1s 1d	36	8	0			
100 pairs mittens, 2s 9d	13	15	0			
PROVISIONS, FUEL, &c.				406	11	1½
33,364 rations, 6d	834	2	0			
500 cords fire wood for stoves and kiln, 3s	75	0	0			
10 boxes candles, 800 lbs, 8d	26	13	4			
ESTIMATE OF EXPENSES FOR THE STABLE.				935	15	4
1 Horse	20	0	0			
1 Cart	8	0	0			
1 sett Harness	6	0	0			
90 bushels Oats, 1s 6d	6	15	0			
5 tons Hay, 50s	12	10	0			
Brushes, combs, pitch-fork and shovel	0	15	0			
Total				54	0	0
				1913	7	0½

PROVINCIAL PENITENTIARY, 2nd November, 1835.

H. SMITH, *Warden.*

E.

ESTIMATE of the sum required to prosecute the building of the North Wing of the Provincial Penitentiary.

	£	s.	d.	£	s.	d.
1714 yards Excavation, for foundation, 1s. 3d	107	2	6			
1304 toises Ruble work, 25s	1630	0	0			
7752 feet Axed ashler, 1s	387	12	0			
504 feet Super window cills, 1s. 9d	44	2	0			
504 feet Super caps, 1s. 9	44	2	0			
623 feet Super starts, 1s. 6d	46	14	6			
488 feet Belt coursers, 1s. 6d	36	12	0			
248 feet Cut angles, 1s. 8d	20	13	4			
400 feet Cut stone, for base in kitchen and dining hall, 1s. 6d	30	0	0			
851 feet Cut columns, through kitchen and dining hall, 3s	127	13	0			
Building the above	6	1	5			
1512 feet Cut stone, for front, 2s	151	4	0			
126 feet Super window cills, do. 2s	12	12	0			
126 feet Super window caps, do. 2s	12	12	0			
144 feet Run of rabbits, 2s. 6d	18	0	0			
1848 feet Cut stone, super columns in portico, 3s. 6d	323	8	0			
6 Capitals for the above columns, 100s	30	0	0			
1440 feet Cut stone super for cornice, 3s	216	0	0			
448 feet Cut stone super, for pediment, 2s	44	16	0			
12¼ toises Building, 14s	8	15	0			
1440 feet Cornice, quarrying and drawed, 6d	36	0	0			
640 feet Super cut stone platform of portico, 2s	64	0	0			
Labour setting up platform per foot 4d	10	13	4			
1120 feet Super cut stone, for steps in front, 2s. 3d	126	0	0			
32 pieces Ornamental stone, around front door, 20s	32	0	0			
6380 feet Flagging, 1s	319	0	0			
24600 Brick wall between dining room and kitchen and avenue, 50s	61	10	0			
320 feet Run brick flues, 5s	80	0	0			
350 feet Cut stone, for chimney heads, 1s. 10d	32	1	8			
10 000 Brick for oven and labour, 55s	27	10	0			
5000 Brick boilers and labour, 55s	13	15	0			
334 yards filling under front steps 1s. 6d	25	1	0			
3252 yards Plastering, 1s. 6d	243	18	0			
2667 yards Plastering, 1s. 10d	244	9	6			
216 feet run Cornice, in principal entrance, 5s	54	0	0			
2 Centre pieces in hall & vestibule 60s	6	0	0			
				4673	18	3
CARPENTER'S WORK.						
525 feet Oak timber, 8d	7	10	0			
14,508 feet Run of joist, 2½d	151	2	6			
Labour for do., 1d	60	9	0			
Labour for Oak timber 6d	5	12	6			
885 feet Run of oak ribbing, 5d	8	0	5			
Labour for the above, 2d	3	4	2			
5568 feet Scantling broad measure, per 1000 feet, 40s	11	2	4			
Labour for the above 21 squares, 6s	6	6	0			
18918 feet Scantling broad measure 40s	37	16	8			
Labour for the above 126 squares, 6s	37	16	0			
880 feet Scantling broad measure, 40s	1	15	2			
Labour 440 feet run, 2d	3	13	4			
81 square Roofing, 48s	194	8	0			
82 square Sheeting for roof, 16s	65	12	0			
Carried forward				594	8	1

	£	s.	d.	£	s.	d.
Brought forward				594	8	1
87 square Tinning, 77s. 6d	337	2	6			
67 square Deafening, 18s	60	6	0			
134 square two inch Flooring, 28s	187	12	0			
1440 feet run bond Timber, d½	9	0	0			
168 Square furring, 7s	58	16	0			
3600 feet Bond timber for angles, 1d.	15	0	0			
14 Windows in basement story, 67s 6d	47	5	0			
28 Windows in second and third, 60s.	84	0	0			
23 Window boards & stuff beads, 7s 6d	8	12	6			
9 Windows in front, 77s 6d	34	17	6			
Board linings and pilasters, 14 windows 121s 3d	84	17	6			
4 plain doors for cellars, 33s	6	12	0			
8 strong doors, 64s	25	12	0			
34 Panel doors, complete, 38s 6d	65	9	0			
23 pairs Architraves for doors, 10s	11	10	0			
27 pairs Pilasters for doors, 16s 8d	22	10	0			
4 strong doors, 160s						
2 pairs Cellar doors, 160s	32	0	0			
2 pairs Stairs from kitchen to hospital 200s	16	0	0			
2 Stairs in keeper's apartment, £25	20	0	0			
2 Front and vestibule doors, with fan and side lights, £20	50	0	0			
4 Ionic columns in keeper's hall, £5	40	0	0			
4 Ionic pilasters, £3	20	0	0			
992 feet Base	12	0	0			
1641 feet Base plain, 8d	49	12	0			
2 Arches in hall, £12	54	14	0			
Wood grating in 20 apartments in hospital, doors, locks, &c., 70s	24	0	0			
	70	0	0			
				2041	16	1
PAINTING.						
1200 yards, 1s	60	0	0			
				60	0	0
BLACKSMITH'S WORK.						
1150 lbs Iron grating for 2 doors, 5d.	23	19	2			
2448 lbs Iron barrier in keeper's hall, 6d	61	4	0			
5880 lbs Windows in basement, 5d	122	10	0			
14448 lbs in 2d and 3d stories, 5d	301	0	0			
33 cwt. 3 qrs castings for window sills, 20s	33	15	0			
2133 lbs nails and spikes, 4½d	39	19	10			
				582	8	0
Deduct materials on hand, and labor of Convicts applicable to the foregoing.				7358	2	4
14508 feet run of Joist, 2½d	151	2	6			
9 tons and 2 qrs Iron, £15 15s per ton	142	2	10			
10 Stone cutters 4 mos. 103s 4d per m	206	13	4			
6 Quarrymen 4 mos. 70s 10d per m	85	0	0			
8 Carpenters 4 mos. 70s 10d per m	113	6	8			
2 Blacksmiths 4 mos. 103s 4d per m	41	6	8			
25 Laborers 4 mos. 64s 7d per m	322	18	4			
15 Stone cutters 3 mos. 103s 4d per m	232	10	0			
6 Quarrymen 3 mos. 70s 10d per m	63	15	0			
10 Carpenters 3 mos. 70s 10d per m	106	5	0			
4 Blacksmiths 3 mos. 103s 4d per m	62	0	0			
50 Laborers 3 months 64s 7d per m	484	7	6			
				2011	7	10
Balance				5346	14	6

H. SMITH, *Warden*,

PROVINCIAL PENITENTIARY,
2nd November, 1835

F.

ESTIMATE of Money required for the payment of the Officers, Guard and others employed at the Provincial Penitentiary, for the year 1836.

PERMANENT.	£	s.	d.	£	s.	d.
Salary of Warden	200	0	0			
Salary of Deputy Warden	150	0	0			
Salary of Clerk	100	0	0			
Salary of Surgeon	100	0	0			
Salary of 6 Keepers	480	0	0			
Salary of 6 Watchmen	360	0	0			
				1390	0	0
TEMPORARY.						
One Blacksmith	82	10	0			
Brought forward						
One Carpenter	90	0	0			
One Stone Cutter	90	0	0			
One Labourer	37	10	0			
One Horse & Cart	45	12	6			
One Matron	36	0	0			
Six Extra Watchmen	328	10	0			
Rent of Deputy Wardens House	25	0	0	735	2	6
Total				2125	2	6

H. SMITH, *Warden.*

PROVINCIAL PENITENTIARY,
2nd November, 1835.

Letter and Memorial of HENRY SMITH, Esq. *Warden of the Provincial Penitentiary, praying for an increase of Salary.*

PROVINCIAL PENITENTIARY,
January 15, 1836.

SIR,

I beg to enclose a Potition to the Lieutenant Governor for an augmentation of my pay as Warden of the Provincial Penitentiary, which I request you will be pleased to lay before His Excellency.

I have taken this step by the advice of the Inspectors, who consider my services to be inadequately paid, and as it is not in their power to grant the prayer of my petition, they have recommended me to apply to the Legislature.

I have the honor to be,
Sir,
Your obedient humble servant,
H. SMITH,

Lieut. Colonel ROWAN,
&c. &c. &c.

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

The Petition of Henry Smith, Warden of the Provincial Penitentiary,

HUMBLY SHEWETH,

That your Petitioner was appointed by your Excellency to the office of Warden of the Provincial Penitentiary on the 28th day of July, in the year 1834.

That by the Statute 4th William 4th, chap. 37, the Salary apportioned for the payment of the Warden's services is two hundred pounds per annum.

That the said salary of two hundred pounds is insufficient to support your Petitioner in that degree of comfort and respectability which is necessary for the maintenance of the senior officer of the Provincial Penitentiary.

That although your Petitioner was actively engaged in entering into agreements with Contractors and attending to other duties, in making provision for the maintenance of Convicts at a period long prior to the first day of June last, yet your Petitioner did not receive any portion of his salary until from and after the said first day of June last, as will appear by the Accounts already transmitted to your Excellency from the Office of the said Provincial Penitentiary.

That the Salaries exclusive of other emoluments received by the principal Officers of the Penitentiaries at Richmond, Sing Sing, Boston, Auburn, and Wethersfield in the United States of America, are respectively £500, £437 10 0, £375, £312 10 0 and £300, making an average rate of pay those Officers, of £360 per annum.

Your Petitioner therefore prays that your Excellency will be pleased to grant unto him such increase of pay for his services as Warden of the Provincial Penitentiary as to your Excellency may seem just and proper.

And as in duty bound, your Petitioner will ever pray.

H. SMITH.

KINGSTON, *15th January* 1836.

PROVINCIAL PENITENTIARY,
28th October, 1835.

SIR,

I beg leave to transmit herewith for the information of His Excellency the Lieutenant Governor, the undermentioned Papers and Documents relative to this Establishment, viz.:—

"General Statement of Receipts and Disbursements from the 30th April to the 30th September, 1835."

"Abstract of Disbursements from the 30th April to the 30th September 1835, with accompanying Vouchers."

"Return of Prisoners received from the 1st June to the 1st October, both days inclusive."

"A Return shewing the manner in which the Convicts under confinement are employed at the present date, 1st October 1835."

"A Return shewing the earnings of the Convicts under confinement from the 1st day of June last, to the present date, 1st October 1835."

"Inventory of the property of the Province of Upper Canada, in the hands of the Warden of the Provincial Penitentiary, 1st October, 1835."

I have the honor to be,
Sir,
Your most obedient servant,
H. SMITH, *Warden.*

Lieut. Colonel ROWAN,
&c. &c. &c.

No. 1.

PROVINCIAL Penitentiary Pay List, from the 27th April to the 31st May, 1835.

NAMES.	OCCUPATION.	Commenced work.	DAYS. M	T.	W	T.	F.	S.	Total Days.	Rate per day s.	d.	AMOUNT. £	s.	d.	SIGNATURES
Robert Newton	Carpenter	April 27.	1	1	1	1	1	1							
			1	1	1	1	1	1							
			1	1	1	1	1	1	30	4	0	6	0	0	W. Coverdale for R. Newton
			1	1	1	1	1	1							
			1	1	1	1	1	1							
W. B. Holt	Carpenter	May 7.				1	1	1							
		May 11.	1	1	1	1	1	1	15	6	0	4	10	0	Wm. B. Holt
		May 18.	1	1	1	1	1	1							
Robert Blackin	Carpenter	May 18.	½	1	1	1	1	1	5½	6	0	1	13	0	R. Backhite
Simon Sweetland	Carpenter	May 19.		1	1	1	1	1							
			1	1	1	1	1	1	11	6	0	3	6	0	S. Sweetland
Justus Scrieber	Labourer	May 2.													
			1	1	1	1	1	1							
			1	1	1	1	1	1	25	2	6	3	2	6	J. Scrieber
			1	1	1	1	1	1							
			1	1	1	1	1	1							
John Runnett	Labourer	May 6.			½	1	1	1							his
		May 15.					1	½	5	2	6	0	12	6	J. X Runnett
John Berry	Labourer	May 6.			½	1	1	1							mark
		May 14.				1	1	1	6	2	6	0	15	0	John Barrie
James McCarthy	Blacksmith	April 27.	1		1	1	1	1							
			1	1	1	1	1	1							
			1	1		1	1	½	28	5	6	7	14	0	J. McCarthy
			1	1	1	1	1	1							
			1	1	1	1	1	1							
												27	13	0	

I certify the above to be correct.

H. SMITH, *Warden.*
F BICKERTON, *Clerk.*

No. 2.

PROVINCIAL Penitentiary Pay List, from the 1st June to the 30th June, 1835.

NAMES.	OCCUPATION.	Commenced work.	DAYS. M	T.	W	T.	F.	S.	Total days.	Rate per day.	AMOUNT.			SIGNATURES.
D. G. Martin	Labourer	June 1	1	1	1	1	1	1	6	2 6	0	15	0	Daniel Gingell Martin
William Renney	Labourer	June 8	1	1	1				3	2 6	0	7	6	William Renny
Michael Conoly	Labourer	June 8	1	1	1	1			4	2 6	0	10	0	Michael Connoly
Daniel Foley	Labourer	June 9		1	1	1	1	1						
		June 15	1	1	1	1	1	1						his
		June 22	1	1	1	1	1	1	19	2 6	2	7	6	Daniel X Foley
		June 29	1	1										mark
Justus Scriber	Labourer	June 1	1	1	1	1	1	1						
		June 8	1	1	1	1	1	1						
		June 15	1	1	1		1	1	25	2 6	3	2	6	Justus Scriber
		June 22	1	1	1	1	1	1						
		June 29	1	1										
Robert Newton	Carpenter		1	1	1				3	4 0		12	0	For Robt. Newton
Simon Sweetland	Carpenter	June 1	1	1	1	1	1	1						Wm. Coverdale
		June 8	1	1	1	1	1	1						
		June 15	1	1	1	1	1	1	26	6 0	7	16	0	Simon Sweetland
		June 22	1	1	1	1	1	1						
		June 29	1	1										
James McCarthy	Blacksmith	June 1	1	1	1		1	1						
		June 8	1		1	1	1	1						
		June 15	1	1	1	1	1	1	24	5 6	6	12	0	James McCarthy
		June 22	1	1	1	1	1	1						
		June 29	1	1										
John McKindley	Cartman	May 28				1	1	1						
		June 1	1	1	1	1	1	1						
		June 8	1	1	1	1	1	1						his
		June 15	1	½	1	1	1	1	28	5 0	7	0	0	John X McKindle
		June 22	1	½	1	1	1	1						mark
		June 29	1	1							29	2	6	

I certify the above to be correct.

H. SMITH, *Warden.*

No. 3.

PROVINCIAL Penitentiary Pay List, from the 1st to the 31st July 1835.

NAMES.	OCCUPATION.	Commenced work.	DAYS. M	T.	W	T.	F.	S.	Total days.	Rate per day s. d.	AMOUNT. £ s. d	SIGNATURES.
Justus Scrieber.....	Labourer.....	July 1.			1	1	1	1				
		July 6.	1	1	1	1	1	1				
		July 13.	1	1	1	1	1	1	27	2 6	3 7 6	Justus Scrieber.
		July 20.	1	1	1	1	1	1				
		July 27.	1	1	1	1	1					
Daniel Foley.....	Labourer.....	July 1.			1	1	1	1				
		July 6.	1	1	1	1	1	1	12½	2 6	1 11 3	his Daniel X Foley. mark.
		July 13.	1	1	½							
John M'Bride.....	Labourer	July 17.					1	1				
		July 20.	1	1	1	1	1	1	13	2 6	1 12 6	John M'Bride.
		July 27.	1	1	1	1	1					
James M'Carthy.....	Blacksmith	July 1.			1	1	1	1				
		July 6.	1	1	1	1	1	1				
		July 13.	1	1	1	1	1	1	27	5 6	7 8 6	James M'Carthy.
		July 20.	1	1	1	1	1	1				
		July 27.	1	1	1	1	1					
Simon Sweetland.....	Carpenter.....	July 1.			1	1	1	1				
		July 6.	1	1	1	1	1	1				
		July 13.	1	1	1	1	1	1	27	6 0	8 2 0	Simon Sweetland.
		July 20.	1	1	1	1	1	1				
		July 27.	1	1	1	1	1					
John M'Kindley.....	Carter.....	July 1.			1	1	1					his
		July 6.	1	1	1	½	1	1	8½	5 0	2 3 9	John X M'Kindley. mark.
James Brown.....	Horse and cart.....	July 13.	1	1	1	1	1	1				
		July 20.	1	1	1	1	1	1	17	2 6	2 2 6	his James X Brown.
		July 27.	1	1	1	1	1					mark.
											26 8 0	

H. SMITH, *Warden.* F. BICKERTON, *Clerk.*

I certify the above to be correct.

No. 4.

PROVINCIAL Penitentiary Pay List, from the 1st to the 31st August, 1835.

NAMES.	OCCUPATION.	Commenced work.	DAYS. M	T.	W	T.	F.	S.	Total Days.	Rate per day. s. d.	AMOUNT. £ s. d.	SIGNATURES.
Justus Scrieber, ...	Labourer	August 1.						1				
		August 3.	1	1	1	1	1	1				
		August 10.	1	1	1	1	1	1	26	2 6	3 5 0	Justus Scrieber,
		August 17.	1	1	1	1	1	1				
		August 24.	1	1	1	1	1	1				
		August 31.	1									
John McBride, ...	Labourer	August 1.						1				
		August 3.	1	1	1	1	1	1				
		August 10.	1	1	1	1	1	1	26	2 6	3 5 0	John McBride.
		August 17.	1	1	1	1	1	1				
		August 24.	1	1	1	1	1	1				
		August 31.	1									
George Clayton, ...	Labourer	August 24.	1		1	1	1	1	6½	2 6	0 15 8	George Clayton.
		August 31.	1	½								
James McCarthy, ...	Blacksmith	August 1.						1				
		August 3.	1	1	1	1	1	1				
		August 10.	1	1	1	1	1	1	26	5 6	7 3 0	James McCarthy
		August 17.	1	1	1	1	1	1				
		August 24.	½	½	1	1	1	1				
		August 31.	1									
Robert Newton, ...	Carpenter.....	August 24.	1	1	1	1	1	1	6½	4 0	1 5 0	Robert Newton
		August 31.	1	1	1	1	1	1				
Simon Sweetland, ...	Carpenter	August 1.						1				
		August 3.	1	1	1	1	1	1				
		August 10.	1	1	1	1	1	1	26	6 0	7 16 0	Simon Sweetland
		August 17.	1	1	1	1	1	1				
		August 24.	1	1	1	1	1	1				
		August 31.	1									
James Brown, ...	Horse and Cart.....	August 1.						1				
		August 3.	1	1	1	1	1	1				
		August 10.	1	1	1	1	1	1				his
		August 17.	1	1	1	1	1	1	31	2 6	3 17 6	James ⋈ Brown.
		August 24.	1	1	1	1	1	1				mark.
		August 31.	1									
											£ 27 7 2	

I certify the above to be correct, H. SMITH, *Warden.* F. BICKERTON,

No. 5.

PROVINCIAL Penitentiary Pay List, from the 1st to the 30th September, 1835.

NAMES.	OCCUPATION.	Commenced work.	DAYS. M	T.	W	T.	F.	S.	Total Days.	Rate per day s.	d.	AMOUNT. £	s.	d.	SIGNATURES.
George Clayton.....	Labourer.....	Sept. 1.		1	1			1	5½	2	6	0	13	9	George Clayton
Justus Scriober.....	Labourer.....	" 7.	1	1	½										
		" 1.		1	1	1	1	1							
		" 7.	1	1	1	1	1	1							
		" 14.	1	1	1	1	1	1	26	2	6	3	5	0	Justus Scriober.
		" 21.	1	1	1	1	1	1							
		" 28.	1	1	1										
Robert Smith	Labourer.....	" 5.						1							
		" 7.	1	1	1	1	1	1							his
		" 14.	1	1	1	1	1	1	22	2	6	2	15	0	Robert ⋈ Smith.
		" 21.	1	1	1	1	1	1							mark.
		" 28.	1	1	1										
John McBride.....	Labourer.....	" 1.		1	1	1	1	1							
		" 7.	1	1	1	1	1	1							
		" 14.	1	1	1	1	1	1	26	2	6	3	5	0	John McBride.
		" 21.	1	1	1	1	1	1							
		" 28.	1	1	1										
Robert Newton.....	Carpenter	" 1.		1	1	1	1	1							
		" 7.	1	1	1	1	1	1							
		" 14.	1	1	1	1	1	1	26	4	0	5	4	0	Robert Newton.
		" 21.	1	1	1	1	1	1							
		" 28.	1	1	1										
Simon Sweetland.....	Carpenter.....	" 1.		1	1	1	1	1							
		" 7.	1	1	1	1	1	1							
		" 14.	1	1	1	1	1	1	26	6	0	7	16	0	Simon Sweetland
		" 21.	1	1	1	1	1	1							
		" 28.	1	1	1										
James McCarthy	Blacksmith.....	" 1.		½	1	1	1	1							
		" 7.	1	1	1	1	1	1							
		" 14.	1	1	1	1	1	1	25¾	5	6	7	1	7	James McCarthy
		" 21.	1	1	1	1	1	1							
		" 28.	1	1	1										
John Cavannah.....	Blacksmith	" 8.		½	1	1	1	1							
		" 14.	1	1	1	1	1	1							
		" 21.	1	1	1	1	1	1	19½	5	6	5	7	3	John Havanagh.
		" 28.	1	1	1										
Bernard Debean.....	Stone Mason	" 8.		½	1	1	1	1							
		" 14.	1	1	1	1	1	1							
		" 21.	1	1	1	1	1	1	18¾	5	0	4	13	9	his
		" 29.		1	1										Bern. ⋈ Debean.
Thomas Brown.....	Stone Cutter	" 16.			½	1	½	1							mark.
		" 21.	1	1	1	1	1	1	11	5	0	2	15	0	Thomas Brown.
		" 29.		1	1										
William Smith.....	Stone Cutter	" 14.	1	1	1	1	1	1							
		" 21.	1	1	1	1	1	1	15	6	0	4	10	0	William Smith.
		" 28.	1	1	1										
James Brown.....	Horse and Cart.....	" 1.		1	1	1	1	1	1						
		" 7.	1	1	1	1	1	1	1						
		" 14.	1	1	1	1	1	1	1	30	2	6	3	15	0	his James ⋈ Brown.
		" 21.	1	1	1	1	1	1	1						mark.
		" 28.	1	1	1										
Thomas Ferris	Painter.....	" 28.	1	1	1				3	6	3	0	18	9	his T. ⋈ Ferris mark.
John Wilder.....	Painter.....	" 28.	1	1	1				3	6	3	0	18	9	J. Wilder.
												52	18	10	

F. BICKERTON,

Clerk.

I certify the above account to be correct,

H. SMITH,

Warden.

INVENTORY of the Property of the Province of Upper Canada, in the hands of the Warden of the Provincial Penitentiary, 1st October 1835.

BUILDING MATERIALS.

English Bar Iron.

	Tons	cwts	qrs	lbs	£	s.	d.
1½ by 1¾ to 2½ by ½ inch	45	5	1	3			
¾ ⅞ and 1 inch round	5	11	0	15			
	50	16	1	18			
	£15	15 per ton			800	8	6
½ Inch round	1	17	0	15			
	£17	10 per ton			23	14	11
2½ by 2½ Sweeds bar	1	10	1	2			
	£26	0 per ton			39	6	11½
800 lbs. short lengths & odd pieces				1½d.	5	0	0

LUMBER.

Plank and Boards, 34,507 feet, board measure	£1 17	6 per 1000 feet	64 14 0
Timber, 7 X 6 to 10 X 10, 14,600 feet	0 0	2½ per foot	152 1 8
Shingles, 33,000 7s 6d.—Lath, 30,250, 5s.			19 18 9

Sundries.

606 lbs Spike nails, 30s per cwt.			8 2 10½
105 lbs Shingle nails, 3d per lb.			1 6 3
650 lbs Wrought nails, 4½d per lb.			11 10 2½
2 gross Screws, 4s 6d per gross			0 9 0
614 lbs Grating for outside windows, 5d per lb.			12 15 10
156 lbs caps for wrought Anchors, 1s per lb.			7 16 0
61 lbs outside Door fastenings, 7½d per lb.			1 18 1
200 lbs Castings for stairs, 3½d per lb.			2 18 4
110 lbs cast anchors for Gallery, 20s per cwt.			0 19 7
2093 lbs cast sills for outside Windows, do.			13 13 9
34 lbs start hold fasts, 5d per lb.			0 14 2
2 Cell doors 363 lbs, 7d per lb.			10 11 9
28 lbs Hammock stretchers, 7½d per lb.			0 17 6
53 lbs hinges for Cell doors, 7½d per lb.			1 13 1
280 lbs hinges for outside doors, 7½d per lb.			8 15 0
346 lbs Cell door levers, 8d per lb.			11 10 8
650 lbs Sheet iron for Lock cases, 27s per cwt.			7 16 8
300 lbs side studs and screws for Locks, 9d per lb.			11 5 0
7½ lbs Brass mountings for Locks, 2s.			0 15 0
44 Door Locks for Cells, 20s.			44 0 0
2 dozen Hinges, 4s.			0 8 0
8 large wood Window Frames, 12s 6d.			5 0 0
4 small wood Window Frames, 7s.			1 8 0
Stuff prepared for 2 strong outside Doors, 20s.			1 0 0
Stuff prepared for Balustrade, 40s.			2 0 0
Stuff prepared for Stairs, 70s.			3 10 0
7 ornamental Cut Stone for entrance Doors. 10s.			3 10 0
56 feet Stone Columns, 2s.			5 12 0
800 feet Cut Stone, 1s 3d.			50 0 0
Quarrying stone 600 feet, 3d.			7 10 0
270 feet Flagging, 1s.			13 10 0
12 toise of Stone quarried and drawn, 9s.			5 8 0
20 toise of Stone quarried only, 6s.			6 0 0
1 keg Brown Paint 9s 9d, 1 keg White Lead 11s 3d			1 0 0
½ box of 8 by 10 Window Glass, 37s 6d.			0 78 9
1½ box of 7 by 9 Window Glass, 34s.			2 19 6
¼ barrel Gunpowder, 21s.			0 5 3
2 lbs Lamp black, 2s 6d.			0 5 0
16 bushels Plaister hair, 1s 6d.			1 4 0
1000 bushels Lime, 3d.			12 10 0
5000 Bricks, 22s 3d per 1000.			5 16 3
2 qrs. dry White Lead, 50s per cwt.			1 5 0

CARPENTER'S TOOLS.

1 HandSaw, 5s 9d, 5s each, 1 tennon, 5s, 1 ripping, 7s 3d			1 3 0
1 Jack plane, ea. 3s 6d, 4s 6d, 6s, 1 smoothing 2s 9d 4s 6d, 5s 6d.			1 6 9
Carried forward			1402 3 0½

	£	s.	d.
Brought forward	1402	3	0½
1 Trying plane, 6s 6d, 7s 9d, 8s 3d, 1 cut iron do, 1s 4d	1	3	10
1 Rabbet plane, 5s 6d. 1 pair mutch do, 17s 6d.	1	3	0
Axe 4s, 2 hatchets, 1s 9d each, spoke shave, 1s 10d	0	9	4
Drawing Knife, 2s 6d, 1 hammer, ea. 1s 3d, 3s, 3s 9d	0	10	6
1 Socket Chisel, each 1s 2d, 1s 3d, 1s 3d, 1s 4d, 1s 6d 1s 8d, 1s 9d.	0	9	11
2 Turning Chisels, 1s 2d each, 1 sett former do, 10s	0	12	4
1 Augur, each 2s 6d, 4s 6d, 4s 8d, 5s 3d, 9 gimblets, 4d each	0	19	11
4 Brad Awls, 1d each, 8 files, 4s.	0	4	4
Saw Set. 1s 3d, oil stone, 4s, sharping stone, 1s 6d, compr., 10d.	0	7	7
1 Square, 3s, 1 steel square, 11s 3d, 1 adze, 4s, rule, 1s 10d.	1	0	1
2 Rules, 2s each, 1 turning gouge, 1s 9d, 1 former, 8d	0	6	2
1 Sett former Gouges, 9s 6d, pin bits, 2s. 4d.	0	11	10

BLACKSMITHS.

Eleven best Piles, 1s 10d, 41 inferior files, 1s.	3	1	2
1 Web saw, 1s 6d, one pair callipers, 5s, steel can, 5s	0	11	6
One Vice, each 7s 6d, 10s and 12s 6d.	1	10	0
One large bright ditto, 83 lbs, 7½d.	3	11	10
30 lbs Hammer swedges and punches, 7½d.	0	18	9
One pair Plyers, 6s, one bow saw, fine, 4s, one square, 4s	0	14	0
One Bow drill, 5s, one brace, 5s, one key, 3s, one square, fine, 2s 6d.	0	15	6
One Screw plate, taps and dies, 70s.	3	10	0
One ditto, 15s. one ditto, 5s.	1	0	0
One hammer each 2s 6d 2s 6d 3s 6d, 7 prs tongs 3s 6d	1	13	0
2 Brace and bits 4s ea ch, 1 pr. steelyards 20s, 10s	5	10	0
One Lock puncher 35 lbs, 1s 3d.	2	3	9
One pair small Bellows £4, one pair large £5.	9	0	0
2 Anvils 422 lbs, 8d.	14	1	4
One Turning lathe and requisites.	5	0	0
Figures and letters for stamping, 15s.	0	15	0

SMITHY.

2 Smith's slakeing tubs, 5s	0	10	0
Machine for punching windows and door-gratings.	10	0	0
2 pair Shears for cutting iron, 40s.	4	0	0
3 Drilling machines, 10s.	1	10	0
3 Ladles for melting lead, 3s.	0	9	0
2 Grind stones and cranks, 25s.	2	10	0
One Japaned Lamp 2s 6d, Oil can 5s. 2 do. each 2s 6d each jar, 3s 6d.	0	16	0

SHOEMAKERS.

3 Hammers 1s 6d each, ½ gross awls 12s, hafts 2s 3d	0	12	9
2 Lasts 1s, 8 do 1s 1d, 3 knives 7½d, 3 reaps 8d.	0	15	6½
2 Shoe stones 5d, 3 pair nippers 10d.	0	3	4
One Size stick 2s 9d, 3 seats 5s each.	0	17	9

COOPERS.

One Adze 3 6d. compass 4s, 2 spoke shaves 1 6 each, 1 shave stool 7s 6d.	0	18	0

KITCHEN FURNITURE, &c.

One Cooking stove and furniture £15, 1 coffee mill 8s 3d & 9s.	15	17	3
1 Coffee pot 5s 6d, 1 scive 2s 6d, 1 saucepan 3s 6d.	0	11	6
2 pairs Candlesticks 2s 6d, 3 pairs snuffers 6d.	0	6	6
5½ doz. Knives and forks 7s 6d, 2 carving knives 1s 9d	2	10	4½
75 Iron spoons 2d, 2 ladles 9d.	0	14	0
70 Tin cups 5d, 13 square pans 7½d.	1	17	3½
7 round Tin pans 1s, 12 round dishes 1s.	0	19	0
1 round Tin pan, each 10d, 1s 2d and 16d.	0	3	6
70 Tin plates 9½d, 6 tin buckets 4s 6d each.	4	2	5
44 Salt cups 3d, 1 dipper each 1s 6d 2s 2s 6d.	0	17	0
1 Oil can 5s, 1 do 1 6d, 6 tin measures 3s 11d.	0	10	5
Carried forward	28	9	3

	£	s.	d.
Brought forward.....	28	9	3
Thirteen Tin Lamps and Saucers 1s. 3d., Tin Canister 2s. 6d.....	0	12	9
2 Funnels 8d. each, one Basin 3s.....	0	4	4
5 Brushes, each 9d., 4 Brooms, each 7½d., 2 Scrubing 1s. 9d.....	0	9	9
60 Wooden Buckets, each 4s.....	12	0	0
5 Wash Tubs, each 7s., 7 Wooden Pails, ea. 5s. 9d.	3	15	3
4 Water Puncheons, each 5s., one half bushel measure 5s.....	1	5	0
3 Patent Pails, each 2s. 6d., 7 do. each 2s.....	1	1	6
One White Wash Brush 2s. 6d., 3 do. 5s. each....	0	17	6
One pair Smoothing Irons.....	0	4	2
8 Globe Lamps, each 4s. 6d., 1 do. broken 3s.....	1	19	0
PRISON.			
4 Razors, each 10d., 2 Shaving Brushes 1s. 6d. ea.	0	6	4
One Hone 4s., one strap 2s., one Looking Glass, each 1s. 3d. and 1s. 6d.....	0	8	9
One doz. Spectacles 12s., 59 Rack Combs, each 5d:	1	16	7
5 dozen small tooth Combs, each 9d.....	2	5	0
3 pairs Scissors, each 1s. 3d., 2 Tin Stoves and Pipes, each £1.....	2	3	9
One pair Scales and Weights, 7s. 6d.	0	7	6
One pair large Tailor's Shears £1 5s., 1 do. 4s. 6d.	1	9	6
Eleven large Benches for dining on, each 6s.....	3	6	0
7 small Benches, each 2s. 6d., 20 Stools, each 6d.	1	7	6
One step Ladder 5s., one Box for Tailors 3s.....	0	8	0
2 Iron Stoves, £3 15s. each.....	7	10	0
169 lengths pipe, each 9d., 6 Elbows, each 1s. 3d.	6	14	3
3 Stoppers, each 9d., 33 Iron Bedsteads 1155 lbs. @ 4d.....	19	7	3
3 Beaudets, 12s 6d. each	1	17	6
KEEPER'S HALL.			
One Table 15s., 6 Chairs, 4s. each.....	1	19	0
One hand Bell, 7s, 6d., one Bag Balls 8s. 9d., Powder Flask 7s., Powder 1s. 3d.....	1	4	6
HOSPITAL.			
Medicine, Jars and Bottles.....	10	0	0
One Table 7s 6d, 2 Chests 12s 6d each, one Bed Stead 7s 6d.....	2	0	0
QUARRYING.			
Crow Bars 225 lbs. @ 5d.....	4	13	9
2 Pick Axes, each 9d, 3 Sledges 5s each.....	1	13	0
Needle and Stemming Irons 2s 6d, 3 Stone Cutter's Hammers, 2s each.....	0	8	6
5 Quarry Drills, each 9s, 45 Steel Tools, each 2s 3d,	10	18	3
18 Mallets, 4s each	0	7	6
5 Squares, each 1s 6d			
IN THE YARD.			
83 Cords Pine Wood, @ 5s	20	15	0
16 Cord Hard Wood, @ 7s 6d.....	6	0	0
2 Lime Sieves, 50s each	5	0	0
Pump and Apparatus	5	0	0
Stone Truck, £4, Stone Waggon £2 10s.....	6	10	0
Windlass £2, a quantity of tarred Rope £7.....	9	0	0
Twelve Spades and Shovels, 3s each.....	1	16	0
2 Levels, 7s 6d each, 3 measures 7s 6d.....	1	2	6
100 Wood Horses, each 2s 6d, 4 Hods, each 2s 6d	13	0	0
7 Wheelbarrows 7s 6d each, 13 hand do. each 2s..	3	18	6
220 Scaffold Poles, 6d each.....	5	10	0
5 Axes 10s 7d each, 2 Buck Saws 3s each.....	2	18	11
7 Trowels 2s each, 2 Plaisterers do. 2s 6d each...	0	19	0
2 large Bells with Iron Mountings £7 each.....	14	0	0
PROVISIONS.			
118 Gallons Molasses @ 3s 4d, Cask 5s.....	19	18	4
20 Bush's of Potatoes, @ 1s 2½d. ¾ barrel Salt 11s 3d	1	12	7
3½ Barrels Salt Beef @ 55s, 2 do. Pork @ 60s....	15	12	6
Carried forward.....	1753	10	3¾

	£	s.	d.
Brought forward,.....	1753	10	3¾
CANDLES, SOAP, &c.			
183 lbs Soap @ 4d, 114½ lbs Candles @ 7d.....	6	7	9½
1 Barrel Seal Oil, 27 Gallons @ 3s, 2 do. 3s each..	4	7	0
Twelve Bibles, each 4s 6d, one Testament 3s 6d..	2	17	6
36 Testaments, each 2s 3d.....	4	1	0
Twelve Mayor's Spelling Books 7s 6d per dozen..	0	7	6
WARDEN AND CLERK'S OFFICE.			
One Long Table 17s 6d, Desk 25s, Stool, Tin, Case, &c. 15s.....	2	17	6
6 Chairs 4s each.....	1	4	0
Registry, Minute Letter, and Account Books, &c.	25	15	0
Stationary, &c.....	2	5	0

	£	s.	d.	£	s.	d.
Value of Lime Kiln,.....	£ 50	0	0			
" of Stone Cottage.....	450	0	0			
" Temporary Office,.....	37	10	0			
" Stone Cutter Sheds.....	10	0	0			
" Blacksmith's shop & iron house	30	0	0			
Carpenter's Shop.....	10	0	0			
Cost of Lands.....	1000	0	0	1587	10	0

CLOTHING.

50	Fustian and Linen Jackets each 6s 11d, ⅝.....			17	8	5
53	" " Waistcoats each 2s 7d.....			6	16	11
52	" " Trowsers each 3s 11d, ½...			10	7	5½
25	Cloth Jackets each 18s 8d, ¾.....			23	8	2½
53	" Trowsers each 15s, ¾.....			39	18	3½
1	Pair Yellow Flannel Drawers each 4s 2d.....			0	4	2
57	Cloth Caps each 2s 7d.....			7	7	3
94	Pairs Shoes each 6s.....			28	4	0
110	Pairs Socks @ 1s. 6d.....			8	5	0
162	Pocket Handkerchiefs each 8d.....			5	8	0
91	Cotton Shirts @ 3s. 5½.....			15	14	8½
36	Flannel do. @ 6s. 8d.....			12	0	0

WOMEN'S APARTMENT.

6	Cotton Gowns each 7s, 3 pair stockings, each 2s 3d.....			2	8	9
6	Flannel Petticoats each 6s.....			1	16	0
6	Check Aprons each 1s 2d, 6 Cotton Shifts each 2s 6d.....			1	2	0
6	Towels 1s 2d.....			0	7	0
52	Yards Turkey Stripe at 1s, 14 yards Russia Duck at 1s 3d.....			3	9	6
18	Yards Fustian at 1s 1d, 12 yards Cotton at 9d			1	8	6
19	" Yellow Flannel at 17½d, 110lbs Sole Leather £5 15s 6d.....			7	3	3½
2	Sides Upper Leather £1 3s.....			1	3	0
16½	Gross black studs each 1s 3d, 3 gross shanks 1s 3d			1	10	7½
4	Gross Shirt Buttons 2s, 1 Piece Binding 1s.....			0	9	0
Thimbles 1s, 11½lbs Thread each 3s 10d.....				2	5	1
8	Pairs Moccasins each 3s 9d.....			1	10	0

BEDDING, &c.

6	Pairs Blankets each 9s 2d, 4½ each 9s 3d, 11½ each 10s.....			10	11	7½
13½	Pairs each 12s 6d, 2 each 13s, 6½ each 13s 6d, 23 each 15s.....			31	7	6
5½	Pairs each 16s, 1 pair 16s 3d, 4 do. 17s 6d...			8	14	3
3	Colored Counterpanes each 4s 9d, 5 do. 5s 9d			2	3	0
6	do. each 6s 3d, 2 do. 8s...			2	13	6
78	Pairs Cotton Sheets each 3s. 7½d.....			14	2	9
8	" Hospital & Keepers do. each 3s. 7d, 3s 4d			1	9	2
4	Keeper' Beds Twilled Sacking each 3s 6d....			0	14	0
72	Coarse Linen Beds each 4s 1½d.....			14	17	0
70	" " Pillows each 11d.....			3	4	2
3	Hospital Ticking Beds each 7s 4d.....			1	2	0
4	" " Pillows 1s 4d ½			0	5	5
74	Sacking Bottoms each 7s 7½.....			28	4	3
31lbs Curled Hair at 2s 6d, 4lbs feathers @ 2s 6d..				4	7	6
A quantity of Straw 5s				0	5	0
2½ dozen Huckerback Towels each 15s 2d.....				1	17	11
5 dozen and 4 coarse Linen at 10d.....				2	13	4
				£ 3719	10	1

H. SMITH, *Warden.*

KINGSTON, *October 1st*, 1835.

A RETURN shewing the earnings of the Convicts under confinement at the Provincial Penitentiary, from the first day of June last to the present date. October 1, 1835.

OCCUPATION.	Number of days work.	RATE PER DAY. s.	d.	TOTAL EARNINGS. £	s.	d.
Bricklayers	23	4	0	4	12	0
Tailors	118	2	9	16	4	6
Shoemakers	21	2	6	2	12	6
Plasterers	13	3	0	1	19	0
Masons	10	3	0	1	10	0
Stone Cutters	272	4	0	54	8	0
Blacksmiths	133	4	4	26	12	0
Carpenters	179	3	0	26	17	0
Cooks	129	2	6	16	2	6
Quarrymen	53	3	0	7	19	0
Labourers	579	2	6	72	7	6
Seamstresses	69	1	0	3	9	0
				234	13	0

H. SMITH, *Warden.*

A RETURN shewing the manner in which the Convicts under confinement at the Provincial Penitentiary are employed at the present date.

OCCUPATION.	Number of Convicts employed in each.	OCTOBER 1, 1835	OCCUPATION.	Number of Convicts employed in each.	OCT. 1, 1835
Bricklayers	1		Quarrymen	4	
Tailors	4		Labourers	26	
Shoemakers	2		Seamstresses	3	M. Convicts, 52
Stone Cutters	4		Sick	1	F. Convicts, 3
Blacksmiths	2				
Carpenters	6			55	55
Cooks	2				

H. SMITH, *Warden,*

ABSTRACT of Disbursements of the Provincial Penitentiary from the 30th April to the 30th September, 1835, both days inclusive.

DATE.	No. of Vouch.	TO WHOM PAID.	FOR WHAT.	£	s.	d.
April 30.	1	John M'Kindley & Co	Chopping and drawing wood	22	10	0
	2	Justus Scriober	Labour	16	0	0
	3	Richard Logan	Mason work	3	19	9
	4	William Powers	Salary	182	5	10
	5	F. Bickerton	Salary	41	13	4
	6	Armstrong & Co	Cottons, &c.	19	1	0
	7	R. Jackson	Blankets	6	1	7
	8	G. Rowan	Tin ware	0	15	11
	9	John Ferris	Straw	0	11	8
	10	C. Donoghue	Shoes	12	0	0
	11	Ebenezer Adzitt	Cedar Pickets	37	10	0
	12	Mary Morrison	Making Clothes	10	8	5
	13	Thomas Pope & Co	As Keepers	7	17	9
	14	John Swift & Co	As Guards	6	14	8
	15	John Watkins & Co	Ironmongery	21	1	2
	16	William Thirkell	Shoes	0	8	6
	17	John Warner	Coal	0	19	11
	18	E. C. Binley	Cottons, &c.	19	12	8
			Carried forward	409	12	2

DATE.	No of Vouchers.	TO WHOM PAID.	FOR WHAT.	£	s.	d.
			Brought forward.....	409	12	2
	19	Fanning Coston & Co.....	Making clothes.....	1	3	6
	20	E. Dyas.....	Cash.....	0	0	6½
	21	William Coverdale.....	Salary.....	134	19	7
	22	William Hills.....	Chairs.....	2	8	0
	23	William Wilson.....	Cottons.....	25	0	0
	24	John Counter.....	Cooking Stove.....	15	0	0
	25	Arthur Foster.....	Oil, &c.....	7	2	0
	26	Reynolds & Co.....	Sawing wood.....	3	5	5
	27	John Duncan.....	Helves.....	0	5	0
	28	James M'Farlane.....	Stationery.....	40	9	4
	29	Thomas Hardy.....	Spikes.....	3	15	3
	30	Thomas Wilson.....	Canvas.....	2	15	7
	31	William Powers.....	Salary.....	52	1	8
	32	B. Phillips.....	Stove.....	1	3	2
	33	J. C. Brudt.....	Stove.....	1	10	8
	34	William Ford.....	Leather apron.....	0	2	6
	35	Alexander Ross.....	Tin ware.....	11	14	7
	36	Alexander Lewis.....	Charcoal.....	4	5	6
	37	Moxen & Breden.....	Pork and Beef.....	12	4	0
	38	Alexander Malcolm.....	Erecting Fence.....	90	18	11
	39	Jacob Vosburgh.....	Repairing pump.....	0	5	0
	40	M. Tolkein.....	Linen.....	3	1	7
	41	R. M'Garvey.....	Cutting wood.....	0	9	6
	42	John Brennan.....	Buttons.....	0	4	6
	43	R. M'Gill.....	Soap.....	8	3	8
	44	E. C. Binley.....	Clothing.....	14	10	3
	45	Noble Palmer.....	Lamp Black.....	0	12	6
	46	William Ford.....	Leather.....	1	18	0
	47	George Hardy.....	Bibles.....	4	4	6
	48	J. D. Bryce & Co.....	Worsted binding.....	0	12	2
	49	G. Hunter.....	Potatoes.....	0	6	0
	50	Thomas Johnston	Meal, &c.....	2	13	6
	51	Thomas Macnider.....	Oil, &c.....	10	12	5
	52	John Counter.....	Empty barrels.....	0	3	0
	53	J. Baker.....	Medicine.....	9	2	10
	54	Rose and Cameron.....	Oil jar.....	0	3	0
	55	Michael Brennan.....	Vinegar.....	0	9	0
	56	John Mowatt.....	Peas.....	0	2	6
	57	John Watkins & Co.....	Ironmongery.....	48	4	11
	58	Thomas Wilson.....	Yarn.....	0	2	0
	59	John M'Bride.....	Potatoes.....	0	11	2
	60	E. Coster and others.....	Making clothing.....	3	6	5
	61	James M'Carthy.....	Door Lock.....	0	10	0
	62	James Kirk.....	Potatoes.....	0	10	8
	63	Thomson & Co.....	Bread.....	3	9	3
	64	Alexander Gordon.....	Plasterer's Hair.....	1	4	0
	65	William Wilson.....	Blankets.....	15	14	8
	66	Richard Scobell.....	Buckets, &c.....	15	5	4
	67	Thomas Wilson.....	Blankets.....	9	1	3
	68	Hill & Briggs.....	Hardware.....	9	11	7
	69	Thomas Graham.....	Sand.....	1	13	4
	70	James Kirk.....	Potatoes.....	0	16	0
	71	John Burnside.....	Straw.....	0	14	4
	72	Sibley Forster.....	Cottons, &c.....	10	13	10
	73	J. H. Greir.....	Blankets.....	7	6	3
	74	David Taylor.....	Rent of house.....	10	0	0
	75	John Caffry.....	Ironing Truck.....	1	0	0
	76	G. Webster.....	Caps.....	4	0	6
	77	Armstrong & Greir.....	Cottons and Flannels.....	10	11	1
	78	R. Anglen.....	Shoes.....	10	10	0
	79	John M'Curdy.....	Drawing wood.....	1	0	10
	80	Alexander Ross.....	Tinware.....	5	8	9
	81	Richard Scobell.....	Buckets.....	4	0	0
	82	Thomas Macnider.....	Molasses and Canvas.....	35	5	6
	83	Thomas Wilson.....	Canvas and Potatoes.....	7	3	11
	84	J. D. Bryce & Co.....	Cottons, &c.....	12	19	6
	85	Thomas Hardy.....	Hardwares.....	4	2	0
	86	Rose & Cameron.....	Lumber.....	11	5	0
	87	John Brennan.....	Buttons.....	0	9	0
	88	Moxen and Breden.....	Beef and Pork.....	25	1	7
	89	Thomson and Co.....	Bread.....	5	8	5
	90	E. Thomson.....	Printing, &c.....	3	5	10
	91	Alexander Lewis.....	Charcoal.....	2	0	6
	92	Fanny Costen and Co.....	Making Clothes.....	3	5	6
	93	Arthur Foster.....	Molasses.....	4	16	0
	94	Isaac Fraser.....	Woollen Cloth.....	53	10	8
	95	Thomas Johnston.....	Meal and Peas.....	1	9	9
	96	George Baker.....	Medicines.....	1	5	9
	97	William Wilson.....	Socks, &c.....	1	0	8
	98	G. W. Yarker.....	Lines, &c.....	1	3	10
			Carried forward.....	1298	10	10½

DATE.	No. of Vouchers.	TO WHOM PAID.	FOR WHAT.	£	s.	d.
			Carried forward	1226	10	10½
	99	James Macfarlane	Ink, &c	1	0	3
	100	John Mowat	Peas	0	2	6
	101	M. Tolkein	Socks	0	10	6
	102	George Hardy	Testaments	2	14	0
	103	Jacob Vosburgh	Rent	2	1	8
	104	E. C. Binley	Clothing	10	8	10
	105	William Ford	Leather	7	12	2
	106	John Watkins	Ironmongery	7	18	4
	107	Hill and Briggs	Ironmongery	16	17	2
	108	Robert M'Gill	Candles	4	5	1
	109	William Powers	Salary	37	10	0
	110	F. Bickerton	Salary	41	13	4
	111	Richard Logan	Salary for Keeper	26	13	4
	112	Thomas Pope	" "	26	13	4
	113	Richard Gibson	" "	26	13	4
	114	John Gardam	" "	26	13	4
	115	Richard Hales	A Guard	20	0	0
	116	William King	" "	20	0	0
	117	Thomas Campbell	" "	20	0	0
	118	John Swift	" "	20	0	0
	119	Thomas Costen	" "	20	9	0
	120	William Haverth	" "	20	0	0
	121	Contingent Account	Postages, &c	0	11	8
	122	Douglass Prentiss	Blankets, &c	[illegible]	3	0
	123	Henry Smith, Esq		6	13	0
		PAY LIST.				
	No. 1	May	For Laborers, Carpenters, Blacksmith, &c	27	13	0
	2	June	" "	29	2	6
	3	July	" "	26	8	0
	4	August	" "	27	7	2
	5	September	" "	52	18	10
				1830	15	6½

KINGSTON, *October 1st*, 1835.

H. SMITH, *Warden*,

GENERAL STATEMENT of Receipts and Disbursements of the Provincial Penitentiary from the 30th April to the 30th September, 1835, both days inclusive.

			£	s.	d.
September	30	To amount paid as per Abstract of Disbursements marked	1830	15	6½
September	30	To Balance of cash on hand	220	3	9
			2050	19	3½
		CONTRA.			
April	30	By received from the Commissioners on account of the Government, the balance in their hands as per Report, 1st December, 1834	23	16	6
April	30	By received from John Macaulay, Esq., on account of Government	1000	0	0
June	1	By received from No. 5 Convict	0	0	6½
July	3	By received for Rent of Stone Cottage	20	12	6
July	8	By received from No. 7 convict	0	7	0
July	20	By received from John Macaulay, Esq., on account of Government	1000	0	0
July	31	By received for Rent of stone cottage	2	13	3
August	8	By received from No. 9 convict	0	3	6
August	31	By received for rent of stone cottage	1	13	4
September	21	By received from sundry convicts	1	12	8
			2050	19	3½

KINGSTON, *October* 1, 1835.

H. SMITH, *Warden.*

DISTRIBUTION

OF

GOVERNMENT APPROPRIATION

TO

ROMAN CATHOLIC CLERGY, &c.

THE RIGHT REV. ALEX. MACDONELL,

IN

ACCOUNT CURRENT

WITH THE

CATHOLIC CLERGY AND TEACHERS,

OF

UPPER CANADA.

The first issue of the Government appropriation to Catholic Clergymen and Teachers to the amount of Seven Hundred and Fifty Pounds sterling, was made in the month of November,1827, as may be seen by the Honorable James Baby's letter, (No. 1,) of the 25th of that month.

Four Hundred Pounds of this sum went to refund an equal sum which Bishop Macdonell borrowed from the Receiver General upon his own responsibility to relieve the wants of his Clergy in the former part of that year, as shewn by the same letter of Mr. Baby.

Mr. Baby was so obliging as to take the trouble of receiving and distributing the Government appropriation among the Catholic Clergy and Teachers of Upper Canada from that period 'till the first of January, 1829, when Mr. O'Grady got the management of it—as proved by his letters of the first and eleventh ofJuly, 1829, Nos. 3, 5.—He continued in the management of it till the first of July, 1831. Bishop Macdonell then took it in hand himself.

The Honorable Mr. Baby's papers will shew Vouchers for the disbursements made by him, and Mr. O'Grady will have to account for the money distributed by himself.

The following are the distributions made by Bishop Macdonell during the time he has had the management of it.

DISTRIBUTION of the Government appropriation to the Catholic Clergymen and Teachers of Upper Canada for the half year ending 31st Dec., 1831.

1832		CURRENCY. £	s.	D.	1832		CURRENCY £	s.	D.
JANUARY	Brennan, Rev. Michæl	21	0	0	JANUARY	MacDonald, Very Rev. W. P.,	21	0	0
"	Arrears due to Mr. Brennan, from a former period which should have been paid him by Mr. O'Grady,	12	13	4	"	MacDonald, Rev. John, Perth,	21	0	0
"	Bonnet, Rev. James	21	0	0	"	MacDonald, Rev. John, St. Raphaels,	21	0	0
"	Cassidy, Rev. John	21	0	0	"	MacDonell, Rev. Angus,	21	0	0
"	Crevier, Rev. Joseph	21	0	0	"	O'Grady, Rev. William John,	21	0	0
"	Crevier, Rev. Joseph, for a former period	21	0	0	"				
"	Cullen, Rev. John,	21	0	0	"	TEACHERS.			
"	Crowley, Rev. James,	21	0	0	"	To O'Grady, Rev. W. John, for J. Butler,	18	0	0
"	Dempsey, Rev. Lawrence,	21	0	0	"	" Kennelly, William, Sandwich,	10	0	0
"	Foley, Rev. Patrick,	21	0	0	"	" Parent, Mr., Amherstburgh,	10	0	0
"	Fraser, Rev. William,	21	0	0	"	" Kennedy William, St. Raphaels,	9	0	0
"	Gordon, Rev. Edward,	21	0	0	"				
"	Lalor, Rev. Murth,	21	0	0	"	£375 Sterling reduced to Currency =	416	13	4

DISTRIBUTION of the Government appropriation for the half year ending 30th June, 1832.

THE ALLOWANCE TO CLERGYMEN AND TEACHERS BEING INCREASED THIS YEAR FROM £750 TO £1000, STERLING.

1832		CURRENCY. £	s.	D.	1832		CURRENCY. £	s.	D.
JULY.	Brennan, Rev. Michael,	33	0	0	JULY	MacDonald, Rev. John, Perth,	33	0	0
	Bennet, Rev. James,	33	0	0		MacDonald, Rev. John, St. Raphaels,	33	11	1
	Cassiday, Rev. John,	33	0	0		MacDonell, Rev. Angus,	33	0	0
	Cullen, Rev. John, £10 additional as his quota to bear his expenses to Penetanguishene,	43	0	0		O'Grady, Rev. W. John,	33	0	0
	Crowley, Rev. James,	33	0	0		TEACHERS.			
	Dempsey, Rev. Lawrence,	33	0	0		Butler, John, York,	20	0	0
	Foley, Rev. Patrick,	33	0	0		MacDonell, Angus, Alexandria,	10	0	0
	Fraser, Rev. William,	33	0	0		Female Teachers, Sandwich,	20	0	0
	Gordon, Rev. Edward,	33	0	0					
	Lalor, Rev. Murth,	33	0	0		£500 Sterling reduced to Currency =	555	11	1
	MacDonald, Very Rev. W. P.	33	0	0					

DISTRIBUTION for the half year ending 31st December, 1832.

1833		CURRENCY. £	s.	D.	1833		CURRENCY. £	s.	D.
JANUARY	Brennan, Rev. Michael,	30	0	0	JANUARY	MacDonald, Very Rev. Wm. P.,	27	0	0
	Bennett, Rev. James,	27	0	0		MacDonald, Rev. John, Perth,	27	0	0
	Cassidy, Rev. John,	27	0	0		MacDonald, Rev. John, St. Raphaels,	27	0	0
	Cullen, Rev. John,	27	0	0		MacDonald, Rev. Angus,	27	0	0
	Crowley, Rev. James,	27	0	0		O'Grady, Rev. William John,	27	0	0
	Campion, Rev. James,	27	0	0					
	Dempsey, Rev. Lawrence, £11 11 1 given him more than others, in consequence of the poverty of his mission at London and St. Thomas,	38	11	1		TEACHERS AND ECCLESIASTICS.			
						Butler, John, York,	10	0	0
	Downey, Rev. Daniel,	27	0	0		Dollard, Patrick, Sandwich,	10	0	0
	Foley, Rev. Patrick,	27	0	0		Kennelly, William, "	10	0	0
	Fraser, Rev. William,	27	0	0		Female Teachers, "	15	0	0
	Gordon, Rev. Edward,	27	0	0		MacDonell, Angus, Alexandria,	10	0	0
	Hay, Rev. George,	27	0	0					
	Lalor, Rev. Murth,	27	0	0		£500 Sterling reduced to Currency =	555	11	1

DISTRIBUTION of the Government appropriation for the half year ending 30th June, 1833.

1833		CURRENCY. £	s.	D.	1833		CURRENCY. £	s.	D.
JULY	Brennan, Rev. Michael,	23	3	0	JULY	Lalor, Rev. Murth,	23	3	0
	Bennet, Rev. James,	23	3	0		MacDonald, Very Rev. W. P.,	23	3	0
	Cassidy, Rev. John,	23	3	0		MacDonald, Rev. John, Perth,	23	3	0
	Cullen, Rev. John,	23	3	0		MacDonald Rev. John, St. Raphaels,	23	3	0
	Crowley, Rev. James,	23	3	0		MacDonell, Rev. Angus,	23	3	0
	Campion, Rev. James,	23	3	0		O'Meara, Rev. Timothy,	23	3	0
	Dempsey, Rev. Lawrence,	33	3	0		Amount paid to Clergymen in Kingston as per Receipts, (see No. 16 along with the Receipts.)	95	17	8
	Downey, Rev. Daniel,	23	3	0					
	Foley, Rev. Patrick, £36 2 5 given him in consequence of the poverty of his mission at the River Thames,	36	2	5		Butler, John, Ecclesiastic,	20	0	0
	Fraser, Rev. William,	23	3	0		£500 Sterling reduced to Currency =	555	11	1
	Gordon, Rev. Edward,	23	3	0					
	Hay, Rev. George,	23	3	0					

DISTRIBUTION for the half year ending 31*st December*, 1833.

1834		CURRENCY. £	s.	D.	1834		CURRENCY. £	s.	D.
JANUARY	Brennan, Rev. Michael,	18	0	0	JANUARY	Macdonald, Rev. John	18	0	0
	Bennet, Rev. James,	18	0	0		Macdonell, Rev. Angus	18	0	0
	Cassidy, Rev. John	18	0	0		Macdonagh, Rev. Patrick	18	0	0
	Cullen, Rev. John, £35 12 6 being paid to Mr. Bidwell's Agent for Lawsuit brought against Cullen by Ryan for checking him for his bad conduct in Church,	38	0	0		Moore, Rev. James	18	0	0
						Morin, Rev. J. B.	18	0	0
						O'Meara, Rev. Timothy	18	0	0
						Polin, Rev. Peter	18	0	0
	Campion, Rev. James,	18	0	0		ECCLESIASTICS & TEACHERS.			
	Downey, Rev. Daniel,	23	0	0					
	Foley, Rev. Patrick,	18	0	0		Dollard, Patrick	12	1	1
	Fraser, Rev. William,	18	0	0		Butler, John	15	0	0
	Fitzmaurice, Rev. Charles,	18	0	0		Kennelly, William	18	10	0
	Gaulin, Right Rev. Remigius,	50	0	0		Macdonagh, John	7	0	0
	Gordon, Rev. Edward,	18	0	0		Joseph Sawyers, York	10	0	0
	Hay. Rev. George,	18	0	0		McIntosh, John, Glengarry	15	0	0
	Lalor, Rev. Murth,	18	0	0					
	Lostrie, Rev. John,	25	0	0		£500 Sterling reduced to Currency	555	11	1
	Macdonald, Very Rev. W. P.,	18	0	0					
	Macdonald Rev. John of Perth,	18	0	0					

DISTRIBUTION of the Government Appropriation for the half year ending 30*th June*, 1834.

1834		CURRENCY. £	s	D.	1834		CURRENCY. £	s	D
JULY	Brennan, Rev. Michael	20	0	0	JULY	Macdonagh, Rev. Patrick	20	0	0
	Bennet, Rev. James	20	0	0		Moore, Rev. James	50	0	0
	Cassidy, Rev. John	20	0	0		Morin, Rev. J. B.	20	0	0
	Cullen, Rev. John	28	0	0		O'Meara, Rev. Timothy	20	0	0
	Campion, Rev. James	20	0	0		Venden, Poel Rev. Mr.	10	11	1
	Downey, Rev. Daniel £10 addition to his quota to pay expenses of lawsuit brot' against him by Lawyer King on the false evidence of Michel.	30	0	0		ECCLESIASTICS & TEACHERS.			
						Butler, John	13	0	0
	Frazer, Rev. William	20	0	0		Kennelly, William	12	0	0
	Gaulin, Right Rev. Remegius	50	0	0		Macdonagh, John	12	0	0
	Gordon, Rev. Edward	20	0	0		Dollard, Patrick	12	0	0
	Hay, Rev. George	20	0	0		Carrol, John, River Trent	12	0	0
	Lalor, Rev. Murth	20	0	0		Macdonell, Angus, Alexandria	12	0	0
	Lostrie, Rev. John	20	0	0		McIntosh, John, Kingston	12	0	0
	Macdonald, very Rev. W. P.	20	0	0		Sawyers, Joseph, Toronto	12	0	0
	Macdonald, Rev. John, Perth	20	0	0					
	Macdonald, Rev. John, St. Raphaels	20	0	0		£500 Sterling reduced to Currency	555	11	1
	Macdonell, Rev. Angus	20	0	0					

DISTRIBUTION for the half year ending 31*st December*, 1834.

1835		CURRENCY. £	s	D.	1835		CURRENCY £	s	D
JANUARY	Butler, Rev. John, £33 17 7 being paid to relieve him from limits of the Kingston gaol, where he had been confined by a verdict obtained against him by Lawyer King on false evidence	46	11	1	JANUARY	Macdonagh, Rev. John	14	0	0
						Moore, Rev. James	20	0	0
						Morin, Rev. J. B.	20	0	0
						Tervooren, Rev. Mr.	10	0	0
	Brennan, Rev. Michael	20	0	0		ECCLESIASTICS & TEACHERS.			
	Cassidy, Rev. John	20	0	0					
	Cannon, Rev. John	11	0	0		Dollard, Patrick	15	0	0
	Downey, Rev. Daniel	20	0	0		Farrel John	10	0	0
	Gaulin Right Rev. Remegius	50	0	0		Hay, John	15	0	0
	Gordon. Rev. Edward	20	0	0		Kennelly, William	12	0	0
	Hay. Rev. George	20	0	0		Macdonell, Allan	15	0	0
	Keegan. Rev. John	11	0	0		Carrol, John, River Trent	12	0	0
	Lalor, Rev. Murth	20	0	0		Macdonell, Angus, Alexandria	12	0	0
	Lostrie, Rev. John	20	0	0		McIntosh, John, Kingston	15	0	0
	Macdonald, Very Rev. W. P.	20	0	0		McSweeny, John, Sandwich	15	0	0
	Macdonald, Rev. John, Perth	20	0	0		Sawyers, Joseph, Toronto	12	0	0
	Macdonald, Rev. John, St. Raphael	20	0	0					
	Macdonell, Rev. Angus	20	0	0		£500 Sterling reduced to Currency	555	11	1
	Macdonagh, Rev. Patrick	20	0	0					

DISTRIBUTION of the Government Appropriation for the half year ending 30th June, 1835.

1835		CURRENCY. £	s.	D.
JULY	Brennan, Rev. Michael	17	0	0
	Bennet, Rev. James	17	0	0
	Butler, Rev. John	18	0	0
	Cassidy, Rev. John	18	0	0
	Comeren, Rev. John	17	0	0
	Campion, Rev. James	17	0	0
	Downey, Rev. Daniel	18	0	0
	Fraser, Rev. William	17	0	0
	Gaulin, Right Rev. Remegius	50	0	0
	Gordon, Rev. Edward	18	0	0
	Hay, Rev. George,	17	0	0
	Keegan, Rev. John	17	0	0
	Lalor, Rev. Murth	18	0	0
	Lostrie, Rev. John	17	0	0
	Macdonald, Very Rev. W. P.	17	0	0
	Macdonald, Rev. John, first	17	0	0
	Macdonald, Rev. John, second	17	0	0
	Macdonell, Rev. Angus	17	0	0
	Macdonagh, Rev. Patrick	17	0	0

1835		CURRENCY £	s.	D.
JALY	Macdonagh, Rev. John	17	0	0
	Moore, Rev. James	17	0	0
	Morin, Rev. J. B.	17	0	0
	O'Meara, Rev. Timothy	17	0	0
	ECCLESIASTICS & TEACHERS.			
	Dollard, Patrick	15	0	0
	Chisholm, James	15	0	0
	Farrel, John	12	0	0
	Hay, John	15	0	0
	Kennelly, William	12	0	0
	McSweeny, John	15	0	0
	Macdonell, Allan	15	0	0
	McIntosh, John	15	0	0
	Postage and stationary for three years	12	11	1
	£500 Sterling reduced to Currency	155	11	1

The Right Rev, Alexander Macdonell in account current with the Catholic Clergy, and Teachers of Upper Canada.

1832	REV. MICHAEL BRENNAN, Dr.	CURRENCY. £	s.	D.
Jan. 12th	To cash paid you as per Receipt,	33	13	4
July 9th.	To ditto " as per check on the Upper Canada Bank,	33	0	0
1833				
Feb'y 4th	To cash paid you as per Receipt,	30	0	0
July 17th	" "	27	13	0
1834				
Jan. 29th	" as per Check,	18	0	0
Sept. 16th	" as per Receipt,	20	0	0
1835				
January,	" "	20	0	0
July 21st.	" "	17	0	0
		199	6	4

1832	CONTRA, Cr.	CURRENCY. £	s.	D.
January,	By amount of your quota of Government Appropriation,	21	0	0
"	By amount of arrears due you by W. J. O'Grady,	12	13	4
July.	By amount of your quota of Goverment Appropriation,	33	0	0
1833				
January,	By amount of your quota of Government Appropriation,	30	0	0
July.	By amount of your quota at the meeting at Kingston, including expenses,	27	13	0
1834				
January,	" " "	18	0	0
July.	" " "	20	0	0
1835				
January,	" " "	20	0	0
July.	" " "	17	0	0
		199	6	4

1832	REV. JAMES BENNETT, Dr.	CURRENCY. £	s.	D
Feb'y 3rd	To Cash paid you as per Receipt,	21	0	0
July 9th.	" as per Check on the Upper Canada Bank,	33	0	0
1833				
Feb'y 4th	To Cash paid you as per Receipt,	27	0	0
July 16th	" "	30	13	0
1834				
Jan. 29th	" "	18	0	0
July 29th	" "	20	0	0
1835				
March.	To amount of your subscription to School House, as per order,	5	0	0
		154	13	0

1832	CONTRA, Cr.	CURRENCY. £	s.	D.
January,	By amount of your quota of Government appropriation,	21	0	0
July.	" " "	33	0	0
1833				
January,	" " "	27	0	0
July.	By amount of your quota at Kingston, including expenses,	30	13	0
1834				
January,	" " "	18	0	0
July.	" " "	20	0	0
1835				
July.	" " "	17	0	0
		166	13	0

1832	REV. JOHN BUTLER, Dr.	currency. £ s. d.
Sept. 26.	To Cash paid you, as per check on the U. C. Bank,	20 0 0
1833		
July,	To Cash paid you, as per receipt of £24 including £20 given you last September,	4 0 0
Sept. 24.	To Cash as per receipt,	9 15 0
1834		
July,	To Cash, as per receipt for sundry items paid for you in Montreal,	44 1 8
1835		
January,	To Cash paid you,	46 0 0
"	" paid Mr. McCunniff on your account,	6 12 0
April 28.	To amount of Books, Catechisms, &c., given you,	10 0 0
July 28.	To Cash paid you, as per receipt,	18 0 0
	£	160 8 8

1832	CONTRA, Cr.	currency. £ s. d.
July,	By amount of your quota of Government appropriation,	20 0 0
1833		
January,	" " "	10 0 0
July	" " "	20 0 0
1834		
January,	" " "	15 0 0
July,	" " "	13 0 0
1835		
January,	" " "	46 11 1
July,	" " "	18 0 0
	By balance due to Bishop McDonell,	17 17 7
	£	160 8 0

1832	REV. JOHN CASSIDY, Dr.	currency. £ s. d.
Jan. 9th,	To Cash paid you, as per receipt,	21 0 0
July 29th	" "	33 0 0
1833		
Jan. 27th	" "	27 0 0
July 16th	" "	28 3 0
1834		
Jan. 9th.	To Cash paid you, as per check on the Upper Canada Bank,	18 0 0
July,	To Cash paid you, as per Receipt,	20 0 0
1835		
February,	" "	20 0 0
July 17th	" "	18 0 0
	£	185 3 0

1832	CONTRA. Cr.	currency. £ s. d.
January,	By amount of your quota of Government appropriation,	21 0 0
July,	" " "	33 0 0
1833		
January,	" " "	27 0 0
July,	" including expenses at Kingston,	28 3 0
1834		
January,	" " "	18 0 0
July,	" " "	20 0 0
1835		
January,	" " "	20 0 0
July,	" " "	18 0 0
	£	185 3 0

1832	REV. JOSEPH CREVIER, Dr.	currency. £ s. d.
Mar. 24.	To Cash paid you, as per check on the U. C. Bank,	21 0 0
May 23.	" " "	25 0 0
	£	46 0 0

1832	CONTRA. Cr.	currency. £ s. d.
January,	By amount of your quota of Government appropriation,	21 0 0
"	By amount for a former period,	21 0 0
	By balance due to Bishop McDonell,	4 0 0
	£	46 0 0

1832	REV. JOHN CULLEN, Dr.	currency. £ s. d.
January,	To Cash paid you, as per check on the U. C. Bank,	21 0 0
May 9th.	To Cash paid you, as per receipt,	10 0 0
July 9th.	" "	33 0 0
Oct. 12th	" "	10 0 0
1833		
Mar. 7th	" " as per check on U. C. Bank,	17 0 0
July16th.	" as per receipts,	29 18 0
1834		
January,	" "	35 12 6
"	" "	10 0 0
Sept. 4th.	" "	20 0 0
	£	186 10 6

1832	CONTRA. Cr.	currency. £ s. d.
January,	By amount of your quota of Government appropriation,	21 0 0
July.	" " "	48 0 0
1833		
January,	" " "	27 0 0
July.	" " including expenses at the meeting at Kingston.	29 18 0
1834		
January,	" " "	38 0 0
July.	" " "	28 0 0
	£	186 18 0

Distribution of Government Appropriation

1832	REV. JAMES CROWLEY, Dr.	currency. £	s.	d.	1832	CONTRA. Cr.	currency. £	s.	d.
Jan. 30th	To Cash paid you, as per Bank Book,...	21	0	0	January,	By amount of your quota of Government appropriation, ...	21	0	0
July 9th,	" " as per check on the Upper Canada Bank,.....	33	0	0	July,	" " "	33	0	0
1833					1833				
Feb. 4th,	To Cash paid you, as per receipt,.....	27	0	0	January,	" " "	27	0	0
July 16th	" "	29	7	6	July,	" including expenses at Kingston,	29	7	6
	£	110	7	6		£	110	7	6

1832	REV. JAMES CAMPION, Dr.	currency. £	s.	d.	1833	CONTRA. Cr.	currency. £	s.	d.
July 30th	To Cash paid you, as per receipt,.....	20	0	0	January,	By amount of your quota of Government appropriation,.....	27	0	0
1833					July.	" " including expenses	27	5	6
Feb. 22th	" "	7	0	0					
July 16th	" "	27	5	6	1834				
					January,	" " "	18	0	0
1834					July.	" " "	20	0	0
Jan. 14th	" "	18	0	0					
Sep, 6th	" "	20	0	0	1835				
					July.	" " "	17	0	0
1835									
July 28th	" "	17	0	0					
	£	109	5	6		£	109	5	6

1835	REV. JOHN CANNON, Dr.	currency. £	s	D	1835	CONTRA. Cr.	currency. £	s	D
Mar. 13th	To Cash paid you, as per receipt,.....	11	0	0	January,	By amount of your quota of Government appropriation, ...	11	0	0
Aug. 31st	" "	17	0	0	July.	" " "	17	0	0
	£	28	0	0		£	28	0	0

1832	REV. LAURENCE DEMPSEY, Dr.	currency. £	s	D	1832	CONTRA, Cr.	currency. £	s	D
Jan. 30th.	To Cash paid you as per U.C. Bank Book	21	0	0	January,	By amount of your quota of Government Appropriation,.....	21	0	0
June 12th.	" as per Check on U. C. Bank,	15	0	0		" " "	33	0	0
July 10th.	" as per Receipt, ...	25	0	0	July.				
Sept. 14th	" as per Check on U. C. Bank,	15	0	0	1833				
					January,	" " "	38	11	1
1833					July.	" " including expenses			
Feb. 1st.	" as per Receipt, ...	27	0	0		at the meeting at Kingston,	43	9	0
July 16th	" "	33	9	0			.....		
"	" "	10	0	0			136	0	1
		.....				By balance due to Bishop McDonell, ...	10	8	11
	£	146	9	0			.....		
						£	146	9	0

1833	REV. DANIEL DOWNEY, Dr.	currency. £	s	D	1833	CONTRA. Cr.	currency. £	s.	D.
Jan. 14th.	To Cash paid you, as per receipt,.....	27	0	0	January,	By amount of your quota of Government			
July 16th.	" "	28	13	0		appropriation, ...	27	0	0
					July,	" " including expenses,	28	13	0
1834									
Jan. 18th.	" "	23	0	0	1834				
Sept. 24th	" "	30	0	0	January,	" " "	23	0	0
					July,	" " "	30	0	0
1833									
Sept. 21st	" "	4	15	0	1835				
					January,	" " "	20	0	0
1835					July,	" " "	18	0	0
Mar. 4th.	" "	20	0	0		By balance due to Bishop McDonell,....	4	15	0
Aug. 10th	" "	18	0	0					
	£	151	8	0		£	151	8	0

1832	REV. PATRICK FOLEY, Dr.	currency. £	s	d
Jan. 19.	To Cash paid you, as per check on U. C. Bank,	21	0	0
July 9.	To Cash paid you, as per receipt,	33	0	0
1833				
January,	" "	27	0	0
May 25.	" "	25	0	0
Sept. 18.	" "	30	14	10
1834				
Jan. 9.	" "	18	0	0
	£	154	14	10

1832	CONTRA. Cr.	currency. £	s.	d.
January,	By amount of your quota of Government appropriation,	21	0	0
July.	" " "	33	0	0
1833				
January,	" " "	27	0	0
July.	" " "	36	2	5
1834				
January.	" " "	18	0	0
	By balance due to Bishop McDonell,	19	12	5
	£	154	14	10

1832	REV. WILLIAM FRASER, Dr.	currency. £	s.	d.
Jan. 30.	To Cash paid you, as per U. C. Bank Book,	21	0	0
July 9.	To Cash paid you, as per check on U. C. Bank,	33	0	0
1833				
January,	To Cash paid you, as per receipt,	27	0	0
July 16.	" "	28	16	4
Feb. 3.	" to T. Dalton, as per your order	3	0	0
1834				
Jan. 9th.	To Cash paid you, as per check on U. C. Bank,	18	0	0
Aug. 28.	To Cash paid you as per receipt,	20	0	0
	£	150	16	4

1832	CONTRA. Cr.	currency. £	s	d
January,	By amount of your quota of Government appropriation,	21	0	0
July,	" " "	33	0	0
1833				
January,	" " "	27	0	0
July,	" " including expenses	28	16	4
1834				
January,	" " "	18	0	0
July,	" " "	20	0	0
1835				
July,	" " "	17	0	0
	£	164	16	4

1834	REV. CHAS. FITZMAURICE, Dr.	currency. £	s.	d.
January,	To Cash paid you, through Rev. Angus Macdonell, as per receipt,	18	0	0

1834	CONTRA, Cr.	currency. £	s.	d.
January,	By amount of your quota of Government appropriation,	18	0	0

1832	REV. EDWARD GORDON, Dr.	currency. £	s.	d.
Jan. 20.	To Cash paid you, as per receipt,	21	0	0
July 9.	" as per check on U. C. Bank,	33	0	0
1833				
Jan. 14.	" as per receipt,	27	0	0
July 16.	" "	27	3	0
1834				
Jan. 29.	" as per check on the U. C. Bank,	18	0	0
July 31.	" as per receipt,	20	0	0
1835				
Mar. 30.	" "	20	0	0
Aug. 14.	" "	18	0	0
	£	184	3	0

1832	CONTRA. Cr.	currency. £	s.	d.
January,	By amount of your quota of Government appropriation,	21	0	0
July,	" " "	33	0	0
1833				
January,	" " "	27	0	0
July,	" " including expenses	27	3	0
1834				
January,	" " "	18	0	0
July,	" " "	20	0	0
1835				
January,	" " "	20	0	0
July,	" " "	18	0	0
	£	184	3	0

1834	RT. REV. REMEGIUS GAULIN, Dr.	currency. £	s.	d
Jan. 13.	To Cash paid you as per receipt,	50	0	0
May 14.	To ditto remitted to you,	25	0	0
July 24.	" paid you as per receipt,	50	0	0
Oct. 13.	" "	20	0	0
1835				
Mar. 14.	" "	50	0	0
Sept. 1st.	" "	50	0	0
	£	245	0	0

1834	CONTRA, Cr	currency. £	s.	d
January,	By amount of your quota of Government appropriation,	50	0	0
July.	" " "	50	0	0
1835				
January,	" " "	50	0	0
July.	" " "	50	0	0
	By balance due to Bishop Macdonell.	45	0	0
	£	245	0	0

1832	REV. GEORGE HAY, Dr.	currency. £ s. d
Aug. 30.	To Cash paid you as per Receipt,.....	15 0 0
1833 Feb'y 4th	" as per Check on the Upper Canada Bank,.....	12 0 0
July 16th	To Cash paid you as per Receipt,.....	29 6 0
1834 Jan. 14th	" "	18 0 0
Decemb'r	" "	20 0 0
1835 Mar. 17.	" "	20 0 0
Aug. 5th	" "	17 0 0
	£	131 6 0

1833	CONTRA, Cr.	currency. £ s. d
January,	By amount of your quota of Government appropriation,.....	27 0 0
July.	" " including expenses,	29 6 0
1834 January,	" " "	18 0 0
July.	" " "	20 0 0
1835 January,	" " "	20 0 0
July.	" " "	17 0 0
	£	131 6 0

1835	REV. JOHN KEEGAN, Dr.	currency. £ s. d.
Jan. 5th	To cash paid you as per Receipt,.....	8 15 0
Aug. 11.	" as per Receipt,.....	17 0 0
	To Cash paid for you in Toronto,.....	2 5 0
	£	28 0 0

1835	CONTRA, Cr.	currency. £ s. d.
January,	By amount of your quota of Government Appropriation,.....	11 0 0
July.	" "	17 0 0
	£	28 0 0

1832	REV. MURTH LALOR, Dr.	currency. £ s. d.
Jan. 30th	To Cash paid you as per Upper Canada Bank Book,.....	21 0 0
July 9th	To ditto " as per check on the Upper Canada Bank,.....	33 0 0
1833 Jan. 28th	To Cash paid you, as per receipt,.....	27 0 0
July 16th.	" "	28 13 0
1834 Jan. 17th.	" "	18 0 0
Sept. 20th	" "	20 0 0
1835 Mar. 31st.	" "	20 0 0
Aug. 19th.	" "	18 0 0
	£	185 13 0

1832	CONTRA. Cr.	currency. £ s. d.
January,	By amount of your quota of Government Appropriation, ...	21 0 0
July.	" " "	33 0 0
1833 January,	" " "	27 0 0
July.	" " including expenses.	28 13 0
1834 January,	" " "	18 0 0
July.	" " "	20 0 0
1835 January,	" " "	20 0 0
July.	" " "	18 0 0
	£	185 13 0

1834	REV. JOHN LOSTRIE, Dr.	currency. £ s. d.
Jan. 14th	To cash paid you as per Receipt,.....	25 0 0
August.	" " "	20 0 0
1835 March,	" " "	20 0 0
June 23rd	" " "	15 0 0
July.	" as per draft of Bishop Dubois,	6 5 0
	£	86 5 0

1834	CONTRA. Cr.	currency. £ s. d.
January,	By amount of your quota of Government appropriation, ...	25 0 0
July,	" " "	20 0 0
1835 January,	" " "	20 0 0
July.	" " "	17 0 0
	£	82 0 0

1832	VERY REV. W.P. MACDONALD, Dr.	CURRENCY £ s d
Feb. 3	To Cash paid you as per Receipt,.....	21 0 0
July 9	" as per Check on the Upper Canada Bank,.....	33 0 0
1833		
Feb. 4	" " "	27 0 0
July 16	" as per Receipt, ...	23 3 0
1834		
Jan. 30	" as per Check, ...	18 0 0
July 2	" as per Receipt, ...	20 0 0
1835		
February,	" "	20 0 0
" 17	" paid Mr. MacCunniffe's Bill as per Receipt,.....	19 13 10
Mar. 9	" Paid your servant Catharine,....	30 0 0
Aug. 3	" as per Receipt, ...	17 0 0
	£	228 16 10

1832	CONTRA, Cr.	CURRENCY £ s. D
January,	By amount of your quota of Government appropriation,.....	21 0 0
July.	" " "	33 0 0
1833		
January,	" " "	27 0 0
July.	" " "	23 3 0
1834		
January,	" " "	18 0 0
July.	" " "	20 0 0
1835		
January,	" " "	20 0 0
July,	" " "	17 0 0
	By balance due to Bishop Macdonell,....	49 13 10
	£	228 16 10

1832	REV. J. MACDONALD, Perth, Dr.	CURRENCY £ s D
April 26	To cash paid you as per Receipt,.....	21 0 0
July 9	" " "	33 0 0
1833		
Feb'y 26	" " "	27 0 0
July 16	" " "	28 3 0
1834		
Jan. 13	" " "	18 0 0
July 31	" " "	20 0 0
1835		
Jan. 30.	" " "	20 0 0
August	" " "	17 0 0
	£	184 3 0

1832	CONTRA, Cr.	CURRENCY. £ s. D.
January,	By amount of your quota of Government appropriation,.....	21 0 0
July,	" " "	33 0 0
1833		
January,	" " "	27 0 0
July,	" " including expenses.	28 3 0
1834		
January,	" " "	18 0 0
July,	" " "	20 0 0
1835		
January,	" " "	20 0 0
July,	" " "	17 0 0
	£	184 3 0

1832	REV. J. MACDONALD, St. RAPHAELS, Dr.	CURRENCY £ s. D
Jan. 14	To Cash paid you, as per receipt,.....	21 13 4
July 9	" "	33 0 0
1833		
January,	" "	27 0 0
July 16	" "	23 3 0
1834		
Jan. 22	" "	18 0 0
July 31	" "	20 0 0
1835		
March 4	" "	20 0 0
August	" "	17 0 0
	£	179 16 4

1832	CONTRA. Cr.	CURRENCY £ s. D
January,	By amount of your quota of Government appropriation, ...	21 0 0
July,	" " "	33 11 0
1833		
January,	" " "	27 0 0
July,	" " "	23 3 0
1834		
January,	" " "	18 0 0
July,	" " "	20 0 0
1835		
January,	" " "	20 0 0
July,	" " "	17 0 0
	£	179 14 0

1832	REV. ANGUS MACDONELL, Dr.	CURRENCY £ s D	1832	CONTRA. Cr.	CURRENCY £ s D
January,	To cash paid you as per Receipt, ...	21 0 0	January,	By amount of your quota of Government appropriation, ...	21 0 0
July 9	" "	33 0 0	July,	" " "	33 0 0
1833			1833		
Jan. 23	" "	27 0 0	January,	" " "	27 0 0
July 16	" "	39 0 0	July,	" " including expenses	37 3 0
1834			1834		
Jan. 14	" "	18 0 0	January,	" "	18 0 0
Sept.	To Cash paid you, to build a school house in Sandwich, as per receipt, ...	50 0 0	July,	" "	20 0 0
Dec. 26	To Cash paid you, as per Receipt, ...	8 15 0	1835		
1835			January,	" "	20 0 0
Jan. 31	" "	40 0 0	July,	" "	17 0 0
Aug. 5	" "	17 0 0		£	193 3 0
				By balance due to Bishop McDonell, ...	60 12 0
	£	253 15 0		£	253 15 0

1834	REV. PATRICK McDONAGH, Dr.	CURRENCY £ s D	1834	CONTRA. Cr.	CURRENCY £ s D
Jan. 9	To Cash paid you, as per receipt, ...	18 0 0	January,	By amount of your quota of Government Appropriation, ...	18 0 0
Aug. 31	" "	20 0 0	July.	" " "	20 0 0
1835			1835		
Mar. 1	" "	20 0 0	January,	" " "	20 0 0
July 15	" "	17 0 0	July.	" " "	17 0 0
	£	75 0 0		£	75 0 0

1834	REV. JOHN MACDONAGH, Dr.	CURRENCY £ s D	1834	CONTRA, Cr.	CURRENCY £ s D
January,	To Cash paid you, as per receipt, ...	7 0 0	January,	By amount of your quota of Government Appropriation, ...	7 0 0
Sept.	" "	12 0 0	July.	" " "	12 0 0
1835			1835		
Mar. 1	" "	14 0 0	January,	" " "	14 0 0
July 22	" "	17 0 0	July,	" " "	17 0 0
	£	50 0 0		£	50 0 0

1834	REV. JAMES MOORE, Dr.	CURRENCY £ s D	1834	CONTRA. Cr.	CURRENCY £ s D
Jan. 30	To Cash paid you as per Receipt, ...	18 0 0	January,	By amount of your quota of Government appropriation, ...	18 0 0
July,	" "	20 0 0	July,	" " "	20 0 0
1835			1835		
Mar. 4	" "	20 0 0	January,	" " "	20 0 0
August.	" "	17 0 0	July.	" " "	17 0 0
	£	75 0 0		£	75 0 0

1834	REV. J. B. MORIN, Dr.	CURRENCY £ s D	1834	CONTRA. Cr.	CURRENCY £ s D
Jan. 22	To Cash paid you, as per receipt, ...	18 0 0	January,	By amount of your quota of Government appropriation, ...	18 0 0
Oct. 14	" "	20 0 0	July.	" " "	20 0 0
Nov. 21	" "	7 5 0	1835		
1835			January,	" " "	20 0 0
March.	" "	12 15 0	July.	" " "	17 0 0
Aug. 5	" "	17 0 0		£	75 0 0
	£	75 0 0			

1832	REV. W. J. O'GRADY, Dr.	CURRENCY £ s d	1832	CONTRA, Cr.	CURRENCY £ s d
Jan. 12	To Cash paid you, as per receipt,	39 0 0	January,	By amount of your quota of Government Appropriation, £21	39 0 0
"	To Cash paid you, as per check on the U. C. Bank,	89 13 4	"	By ditto for Mr. Butler's allowance £18,	
April,	To Cash paid you, as per your acknowledgement,	50 0 0	July,	By amount of your quota of Government appropriation	33 0 0
July 9	To Cash paid you, as per check on the U. C. Bank,	33 0 0	1833 January,	" " "	27 0 0
1833 Jan. 16	To Cash as per receipt,	27 0 0			£ 99 0 0
		£ 238 13 4		By balance due to Bishop McDonell,	139 13 4
					£ 238 13 4

1833	REV. TIMOTHY O'MEARA, Dr.	CURRENCY £ s d	1833	CONTRA. Cr.	CURRENCY £ s d
July 16	To Cash paid you, as per receipt,	28 16 4	July,	By amount of your quota of Government appropriation, including expenses at Kingston,	28 16 4
1834 Jan. 31	" "	18 0 0	1834 January,	By amount of your quota of Government appropriation,	18 0 0
Aug. 1	" "	20 0 0	July,	" " "	20 0 0
1835 March 4	" "	20 0 0	1835 July,	" " "	17 0 0
July 18	" "	17 0 0		By balance due to Bishop McDonell,	20 0 0
		£ 103 16 4			£ 103 16 4

1834	REV. PETER POLIN, Dr.	CURRENCY £ s d	1834	CONTRA, Cr.	CURRENCY £ s d
Jan. 29	To Cash paid you, as per check on U. C. Bank,	18 0 0	January,	By amount of your quota of Government appropriation,	18 0 0

1834	REV. J. F. TERVOOREN, Dr.	CURRENCY £ s d	1835	CONTRA. Cr.	CURRENCY £ s d
Oct. 27	To Cash paid you, as per receipt,	10 0 0	January,	By amount of your quota of Government appropriation,	10 0 0
" 29	" "	1 11 8			
		£ 11 11 8			£

1834	REV. J. VANDENPOEL, Dr.	CURRENCY £ s d	1834	CONTRA, Cr	CURRENCY £ s d
July,	To Cash paid you as per receipt,	20 0 0	July,	By amount of your quota of Government appropriation,	10 11 1
				By balance due to Bishop Macdonell,	9 8 11
		£ 20 0 0			£ 20 0 0

1834	JOHN CARROL, Teacher, Dr.	CURRENCY £ s d	1834	CONTRA. Cr.	CURRENCY £ s d
Aug. 13	To Cash paid you, as per receipt,	12 0 0	July,	By amount of your quota of Government appropriation,	12 0 0
1835 Mar. 5	" "	12 0 0	1835 January,	" " "	12 0 0
		£ 24 0 0			£ 24 0 0

1833	PATRICK DOLLARD, Dr.	CURRENCY £ s d	1833	CONTRA. Cr.	CURRENCY £ s d
January,	To Cash paid Rev. Angus Macdonell, on your account.....	10 0 0	January,	By amount of your quota of Government appropriation,.....	10 0 0
1834			1834		
Jun. 18	To Cash paid you, as per receipt,.....	12 1 1	January,	" " "	12 1 1
Sept.	" "	12 0 0	July,	" " "	12 0 0
1835			1835		
Mar. 1	" "	15 0 0	January,	" " "	15 0 0
July 22	" "	15 0 0	July,	" " "	15 0 0
	£	64 1 1		£	64 1 1

1834	JOHN FARREL, Dr.	CURRENCY £ s d	1835	CONTRA. Cr.	CURRENCY £ s d
Dec. 19	To Cash paid on your account, as per Mr. Larre's receipt,.....	8 0 0	January,	By amount of your quota of Government appropriation,.....	10 0 0
1835			July,	" " "	12 0 0
April 9.	To Cash as per Mr. Magon of Montreal's draft.....	10 0 0			
	£	18 0 0		£	22 0 0

1835	JOHN HAY, Dr.	CURRENCY £ s d	1835	CONTRA, Cr.	CURRENCY £ s d
Mar. 13	To amount paid you, as per receipt,.....	15 0 0	January,	By amount of your quota of Government Appropriation,.....	15 0 0
June 23	To Cash paid you, as per receipt,.....	15 0 0	July,	" " "	15 0 0
	£	30 0 0		£	30 0 0

1835	JAMES CHISHOLM, Dr.	CURRENCY £ s d	1835	CONTRA. Cr.	CURRENCY £ s d
June 23	To Cash paid you as per receipt,.....	15 0 0	July.	By amount of your quota of Government appropriation,.....	15 0 0
" "	To amount of draft drawn by Bishop Dubois of New York on Bishop McDonell on your account.....	25 0 0		By balance due to Bishop McDonell,....	25 0 0
	£	40 0 0		£	40 0 0

1832	WILLIAM KENNELLY, Dr.	CURRENCY £ s d	1832	CONTRA. Cr.	CURRENCY £ s d
January,	To Cash paid you through the Rev. Angus McDonell, ...	10 0 0	January,	By amount of your quota of Government appropriation.....	10 0 0
1833			1833		
January,	" "	10 0 0	January,	" " "	10 0 0
Sept. 21	" as per Receipt, ...	4 15 0			
"	" through Rev. Augus McDonell,..	12 10 0	1834		
Oct. 17	" as per receipt,.....	5 0 0	January,	" " "	18 10 0
			July.	" " "	12 0 0
1834					
Jun. 14	" thro' Rev. Mr. Bougert, Montreal,	6 0 0	1835		
			January,	" " "	12 0 0
1835			July,	" " "	12 0 0
Jan. 31	" to Mr. Magon of Montreal on your account,.....	6 6 0			
April 2	" to ditto as pe. his draft,.....	10 0 0			
Aug. 18	" as per Mr. Magon's draft,.....	10 0 0			
	£	74 11 0		£	74 10 0
				By balance due to Bishop McDonell,....	21 14 0

1832	WILLIM KENNEDY, Dr.	CURRENCY £ s d	1832	CONTRA, Cr.	CURRENCY £ s d
January.	To Cash remitted to Rev. John McDonell for your account,.....	9 0 0	January.	By amount of your quota of Government Appropriation, ...	9 0 0

1834	JOHN MACINTOSH, Dr.	CURRENCY £ s D	1834	CONTRA, Cr.	CURRENCY £ s D
Jan. 13	To Cash paid you, as per receipt,.....	15 0 0	January,	By amount of your quota of Government appropriation,.....	15 0 0
July 16	" "	12 0 0	July,	" " "	12 0 0
1835			1835		
Jan. 16	" "	15 0 0	January,	" " "	15 0 0
July 10	" "	19 0 0	July,	" " "	15 0 0
					57 0 0
				By balance due to Bishop Macdonell,....	14 17 9
	£	61 0 0			

1832	ANGUS MACDONELL, Teacher, Dr.	CURRENCY £ s D	1832	CONTRA, Cr	CURRENCY £ s D
Jan. 18	To Cash paid you, through Rev. John Macdonell, as per receipt,.....	10 0 0	July,	By amount of your quota of Government appropriation,.....	10 0 0
Aug. 19	To Cash paid you, as per receipt,.....	10 0 0			
1833			1833		
March.	" "	7 0 0	January,	" " "	10 0 0
1834			1834		
Sep. 28	" "	5 0 0	July	" " "	12 0 0
1835			1835		
Mar. 3	" "	12 0 0	January,	" " "	12 0 0
	£	44 0 0		£	44 0 0

1835	ALLAN MACDONELL, Dr.	CURRENCY £ s D	1835	CONTRA. Cr.	CURRENCY £ s D
March 13	To Cash paid you as per receipt, ...	15 0 0	January,	By amount of your quota of Government appropriation,.....	15 0 0
June 23	" "	15 0 0	July,	" " "	15 0 0
"	" "	25 0 0			

1835	JOHN MACSWEENY, Dr.	CURRENCY £ s D	1834	CONTRA. Cr.	CURRENCY £ s D
March.	To Cash paid you, as per receipt,.....	15 0 0	January,	By amount of your quota of Government appropriation,.....	15 0 0
July 23	" "	15 0 0	July,	" " "	15 0 0
	£	30 0 0		£	30 0 0

1834	JOSEPH SAWYERS, Dr.	CURRENCY £ s D	1834	CONTRA. Cr.	CURRENCY £ s D
Jan. 14	To Cash paid you, as per receipt,.....	10 0 0	January,	By amount of your quota of Government appropriation.....	10 0 0
July 31	" "	12 0 0	July,	" " "	12 0 0
1835			1835		
Mar. 7	" "	12 0 0	January,	" " "	12 0 0
	£	34 0 0		£	34 0 0

1832	FEMALE TEACHERS, *Sandwich*, Dr.	CURRENCY £ s D	1832	CONTRA, Cr.	CURRENCY £ s D
July 27	To cash paid you as per Receipt, ...	20 0 0	July,	By amount of your quota of Government appropriation,.....	20 0 0
1833			1833		
Jan. 23	To Cash paid you, as per check of £62 to Rev. Angus McDonell.....	15 0 0	January,	" " "	15 0 0
	£	35 0 0		£	35 0 0

MR. PARENT, Teacher, Dr	currency £ s d	1832	1832	CONTRA. Cr.	currency £ s d
To Cash paid you, through Rev. Angus McDonell.....	10 0 0	January,	January,	By amount of your quota of Government appropriation,.....	10 0 0

BALANCE OF ACCOUNTS.

	currency £ s d
Rev. John Butler, as per his account,.....	17 7 7
Rev. Joseph Crevier,.....	4 0 0
Rev. Lawrence Dempsey,.....	10 8 11
Rev. Daniel Downey,.....	4 15 0
Rev. Patrick Foley,.....	19 12 5
Rev. William Fraser,.....	3 0 0
Right Rev. Remegius Gaulin,.....	45 0 0
Very Rev. W. P. Macdonald,.....	49 13 10
Rev. W. J. O'Grady,.....	139 13 4
Rev. Timothy O'Meara,.....	20 0 0
Rev. J. Vandenpoel,.....	9 11 8
Rev. Angus Macdonell,.....	60 12 0
James Chisholm,.....	25 0 0
John Macintosh,.....	4 0 0
Allan Macdonell,.....	26 6 6
(Errors excepted.)	.....
Carried forward,.....£	430 1 3

	currency £ s d
Brought forward,.....£	430 1 3
The above balance has been paid by Bishop Macdonald to Clergymen, over and above their quotas during the time he has had the management of the Government Appropriation besides what he has been out on Postage and Stationary.	
Bishop Macdonell has also supported for four years past generally two, and always one Clergyman, with one or two Ecclesiastics, at his own expense without ever receiving a single dollar from the flocks upon whom his labours and those of his Clergymen and Ecclesiastics were bestowed. The expenses of those Clergymen and Ecclesiastics could not have cost him less than two hundred pounds a year,.....	700 0 0
.....	.....
£	1130 1 3

OUTLAYS on Churches exclusive of what has been advanced by Government.

	currency £ s d
Expended on the Church of St. Raphael, and still due as certified by D. Macdonell, Sheriff of the Eastern District, Maurice Coury, and Alexander Macdonell, Agent for the Church, ...	3663 15 0
Expended on the Church of Toronto and still due,.	713 15 8
" Kingston,.....	214 3 7
" Prescott,.....	75 0 0
Carried forward....£	4666 14 3

	currency £ s d
Brought forward.....	4666 14 3
Expended on the Church of Brockville,.....	72 0 0
" Bytown,.....	20 0 0
" Alexandria,.....	20 0 0
" Guelph,.....	70 0 0
" St. Thomas,.....	25 0 0
" Dundas,.....	12 10 0
.....	.....
£	4886 4 3

	currency £ s d
Outlays on Presbyteries and School Houses in Glengarry,.....	1500 12 9
" on the Presbytery of Kingston,.....	750 0 0
.....	.....
Carried forward.....£	2250 12 9

	currency £ s d
Brought forward.....	2250 12 9
Outlays on the School House in Kingston, ...	46 7 3
" on the School House at Sandwich,.....	50 0 0
£	2347 0 0

	currency £ s. d.
Paid for Bibles, New Testaments, and other Books of instruction for the use of the Catholic Inhabitants of Upper Canada,.....	433 0 0
Balance of accounts—brought down,.....	1130 1 3
Outlays on Churches do.	4886 4 3
do. on School-houses do.	2347 0 0
.....	.....
£	8706 5 6
To the above may be added the Salaries of three Priests and four Teachers of seven years that had been advanced by the Lords of the Treasury, and placed in the house of Garden, Auldjo and Maitland previous to its failure, which Bishop Macdonell	
.....	.....
Carried forward.....	8796 5 6

	currency £ s. d
Brought forward,.....£	8796 5 6
was obliged to pay to those individuals out of his own yearly pension, and the proceeds of his Lands to the amount of £3345 7s. 6d. less £600 paid to him by that Firm, paid as per opposite page,.....	2745 7 6
And also the expenses of Clothing, Boarding and Educating Twelve Priests, and many Students who discontinued their studies after supporting them some for four, some for six, and some for eight years, amounting to.....	1687 6 8
£	..... 13228 19 8

Thus shewing an aggregate sum of £13228 19s. 8d., including £1000 remitted by Cardinal Weld, disbursed by Bishop Macdonell for religious purposes during the thirty years he has been in the Province from his own property, his salary from Government, and the proceeds of Lands he received for his services to his country, and from his relatives exclusive of the Government appropriation to Catholic Clergymen and Teachers.

(Errors excepted,)
ALEXANDER MACDONELL.

PAYMENTS made to the undermentioned Clergymen and Teachers by Bishop McDonell.

	CURRENCY £	s	D
Paid Rev. William Fraser, as per award,.....	428	2	3
" " John Macdonald, as per Bond,.....	400	0	0
" " Angus Macdonell,.....	250	0	0
" James McPherson, as per receipt in full,....	502	14	1
Carried forward,.....£	1580	16	4

	CURRENCY £	s	D
Brought forward.....	1580	16	4
Paid John Murdock, as per ditto,.....	660	1	9
" Angus Macdonald,.....	963	3	5
" John Hammond,.....	141	6	0
£	3345	7	6

The circumstances under which the above monies were obtained and the cause of the loss to Bishop Macdonell were as follow—

In the year 1816, Earl Bathurst then Secretary of State for the Colonies, was so well pleased with the conduct of the Catholics of Upper Canada, in defence of the Province during the war between Great Britain and the United States of America, and the important services they rendered in repelling the invasion of the enemy, that, on Bishop Macdonell's representing to his Lordship the inability of those loyal and meritorious subjects of His Majesty, to support Clergymen or School Masters, his Lordship in concurrence with Viscount Sidmouth, then President of His Majesty's Council, authorised Bishop Macdonell to engage three Clergymen and four School Masters, at a hundred pound sterling each, per annum, with a promise that they should be paid by the Provincial Government of Upper Canada.

Bishop Macdonell accordingly engaged John Murdock, Angus Macdonald James Macpherson, and John Hammond, Teachers, and promised the Rev. Angus Macdonell, the Rev. William Fraser, and the Rev. John Macdonald, that they should receive their share of this expected bounty of Government. Upon the faith of this promise of the Colonial Minister, Bishop Macdonell placed those Clergymen and Teachers in the different parts of the Province where they were most wanted, but when the time of payment came, and he applied to the Provincial Government for the payment of the Salaries of the above mentioned individuals he was informed that there were no funds from whence such salaries could be paid, and was in consequence compelled to apply to the Home Government for redress, and it was not till after the lapse of seven years, and going himself to England with a Petition, and a recommendation from Sir Peregrine Maitland, the then Lieutenant Governor of the Province, that he obtained from the Lords of the Treasury the Salaries of those Clergymen and Teachers—but having deposited the money in the House of Garden, Auldjo, and Maitland, in London, for the purpose of remitting it to Canada, that House failed before the money could be drawn, and the individuals for whom the money was intended, considered Bishop Macdonell responsible for it, and he accordingly felt himself bound in honor to pay it, which he at length done by Instalments, as above stated.

DOCUMENTS

RELATING TO

TALBOT'S SETTLEMENT

F. B. Head,

The Lieutenant Governor transmits to the House of Assembly in compliance with its address dated 3rd instant and with reference to two addresses of the House, presented to his predecessor during the last session, copies of several documents, containing, he hopes, all the information required on the subject of the Talbot-settlement, and acquaints the House of Assembly that Patents to the settlers located under the superintendence of Col. Talbot are issued to them individually under the regulation of the year 1804, and the fee chargeable thereon, paid into the hands of the Receiver General, to the credit of the Territorial Revenue of the Crown, subject to the disposition of His Majesty's Government for uses within the Province.

Government House,
8th February, 1836.

In Council,
7th May 1803.

Read the following letter from James Green, Esq. Private Secretary to the Lieutenant Governor:—

Lt. Governors Office,
York, 4th May, 1803

Sir,

I am directed by the Lieutenant Governor to request that you will lay before the Executive Council the enclosed extract of a letter from the Right Honorable Lord Hobart, one of His Majesty's principal Secretaries of State, dated Downing street, 15th Feb'y., 1803.

(Signed)
JAMES GREEN,
Secretary.

John Small, Esq.

A true copy
JOHN BEIKIE,
Clerk Executive Council.

Extract of a letter from the Right Honorable Lord Hobart, one of His Majesty's principal Secretaries of State, dated Downing street, 15th February 1803:

"Mr. Talbot has applied for a grant of "land in the distant Township of Yar- "mouth in the county of Norfolk on Lake "Erie, as being from the nature of the soil "favourable to his design of raising Hemp "for exportation, and also affording scope "for the establishment of such a number "of families as may be induced to follow "him into the Province."

In consequence of the assurances which have been received that Mr. Talbot is in every respect qualified to prosecute the undertaking: I am commanded by his Majesty to authorise you to take the proper steps for passing without delay according to the usual form and subject to the customary reservations, a Tract of Five Thousand acres in his favour in the Township above mentioned, or if the same should have been already appropriated, in any other which he may select;—You are at the same time to give directions that a proportion of such townships immediately contiguous to Mr. Talbots Grant may for the present be reserved for the purpose of hereafter appropriating to him according to circumstances a further quantity at the rate of Two hundred acres for every family he may induce to settle there,, either from the continent of Europe or America, —provided he shall have surrendered Fifty acres of his original grant to each family for which he may claim, and that such family shall at the time be established in the actual possession of the said Fifty acres."

"I enclose a copy of Lt. General Simcoe's letter to me forwarding Mr. Talbot's application, and from the high terms in which he is therein mentioned, I am induced to recommend him to your protection and good offices, he will have the honor of delivering this letter to you."

Truly extracted
(Signed) JAMES GREEN,
Secretary.

Ordered to stand over for future consideration.

A true copy
JOHN BEIKIE,
C'lk. Ex. Council.

In Council, 4th May 1804.

The committee revised the extract from the Right Honorable Lord Hobart's letter

relative to Mr. Talbot's application for land in Yarmouth which was read in Council the 7th May, 1803, and ordered to stand over for future consideration.

Recommend that in obedience to His Majesty's command, as contained in Lord Hobart's letter, a grant of five thousand acres of Land in Yarmouth, or any other township not appropriated, do issue to Mr. Talbot, subject to the terms comprised in the Order of the thirtieth of December, 1802.

The Board is aware that Mr. Talbot has already received twelve hundred acres of land, but is of opinion that the royal command as expressed in Lord Hobart's letter, is differently penned from the orders which were transmitted respecting lands to be granted to the members of the Executive Council and the late Attorney General, in which latter cases the Board observes the orders were express, that six thousand acres of land should be granted including what had been before granted, but no such expression appears in Lord Hobart's letter in favor of Mr. Talbot, and Mr. Talbot states to the Board that Lord Hobart knew that he had before received twelve hundred acres, and that the five thousand were intended in addition.

A true copy,
JOHN BEIKIE,
Cl'k Ex. Cl.

In Council,
26th March, 1820.

Read the following letter from Colonel Talbot and the report on the subject of an additional grant of one hundred acres to active settlers under the superintendence of Col. Talbot.

York, January 24, 1820.

Sir,

I have the honor to inform Your Excellency, that I have completed the location of the lands especially put under my direction by virtue of orders from His Majesty's government in England, by placing a settler upon fifty acres for every two hundred.

As there are a great number of the above settlers active farmers with ample means of improvement, I beg leave to submit to Your Excellency whether such as can be well recommended might not be indulged with a grant of one hundred acres additional from the Crown, upon paying the present fees—I am induced to make this application from understanding that several persons who have already been granted two hundred acres have been favored with an additional hundred under the new regulations.

I have, &c.
(Signed) THOS. TALBOT.

His Excellency
Sir Peregrine Maitland,
K. C. B. &c. &c. &c.

A true copy,
JOHN BEIKIE,
Cl'k Ex. Cl.

REPORT OF THE COUNCIL ON THE ABOVE.

May it please Your Excellency:

On a letter addressed to Your Excellency by Colonel Talbot, dated 24th instant, referred to the Council by letter from Major Hillier of the 25th instant.—The Council considering that Col. Talbot receives two hundred acres from the crown for each settler to whom he has made a gratuitous conveyance of fifty acres, cannot recommend the proposition to grant to such settlers one hundred acres, but upon the recently adopted principle of creating a finance by the increased charge on the Patent, and upon such principle concur, if Your Excellency should think proper in such grant of an additional hundred acres on payment of the fee paid for the third hundred acres at this time, by such as have previously received grants for two hundred acres.

All which is humbly submitted.
By order,
(Signed)
WM. DUMMER POWELL,
C. J.

A true copy,
JOHN BEIKIE,
Cl'k Ex. Council.

In Council,
17th March, 1825.

Government House,
March 15, 1825.

Sir,

I am commanded to enclose you for

the information of the Honorable the Executive Council, a communication from the honorable Col. Talbot relative to remuneration for his Agency in selling Crown lands in the District of London—and with it an extract from a despatch addressed to the Lieutenant Governor by my Lord Bathurst on the 9th April, 1822, from whence His Excellency is led to conclude that His Majesty's government will not object to a fair remuneration being made to Colonel Talbot for his services in the matter alluded to.

I have the honor to be,
Sir,
Your most obedient serv't,
(Signed)
G. HILLIER.

The Honorable
The Presiding Councillor.

A true copy,
JOHN BEIKIE,
Clk Ex. C'l.

York, 15th March, 1825.

Sir,

In proceeding to obey the directions I have received relative to paying to the Receiver General the proceeds of sales of land made by me in the London District, I beg to submit for the consideration of the Lieutenant Governor that an allowance of three per cent is made to me on the proceeds of School lands in that District sold by me in behalf of the General Board of Education, and to request that His Excellency will be pleased to authorise a similar allowance for my Agency in selling the lands of the Crown.

I have the honor to be,
Sir,
Your most obedient,
Humble servant,
(Signed)
THOMAS TALBOT.

A true copy,
JOHN BEIKIE,
Clk Ex. C'l.

To
Major Hillier,
Private Sec'y to
His Exc'y the Lt. Gov'r
&c. &c. &c.

Extract of a letter from the Right Hon. the Earl Bathurst, dated Downing Street, 9th April, 1822.

"I should also mention that he has "shewn me an extract of a letter which he "addressed to your private Secretary, Ma-"jor Hillier, on the 6th October, 1820, in "consequence of his having been request-"ed by the Colonial Government to furnish "regular and constant returns of the indi-"viduals whom he had been employed to "locate without any sort of benefit to him-"self. To the proposition which he makes, "viz: that he should be allowed a clerk "at the public expense, there may be gen-"eral grounds of objection, but I am sure "you will see the expediency of recom-"mending a dispensation of all returns "from an individual under the peculiar "circumstances in which Colonel Talbot "stands, which are not essentially neces-"sary for ascertaining whether the condi-"tions upon which the grants have been "made are duly complied with; or if the "public service requires that they should "be furnished, that the last ought not to "be imposed without some adequate con-"sideration of this nature."

Truly extracted,
(Signed)
G. HILLIER.

A true copy,
JOHN BEIKIE,
Clk Ex. C'l.

On reference to Major Hillier's letter of the 15th instant, covering one of the same date from Colonel Talbot, and an extract from a letter from the Right honorable Earl Bathurst of 9th April, 1822.

The committee respectfully submit that there be granted to Col. Talbot as agent for such sale, receipt and payment of the money, three per cent to be deducted from the proceeds.

(Signed)
Wm. DUMMER POWELL,
C. J.
(Signed) P. M.

A true copy,
JOHN BEIKIE,
Clk Ex. C'l.

COPY.

No. 16.

DOWNING-STREET,
15th February, 1803.

SIR,

Several proposals have lately been submitted to the consideration of His Majesty's government, from persons who with different objects in view are desirous of employing their resources and exertions in the settlement and cultivation of lands in Canada.

Among the individuals who have addressed themselves to me upon this subject, Mr. Talbot who acted as private Secretary to Lieutenant General Simcoe in Upper Canada, appears not only from his character and military services, but from the accurate knowledge of the Province which during a long residence there, he has personally acquired, as well as from the nature of his plans, to merit particular attention.

This gentleman having already made some successful attempts in the culture of hemp, purposes to direct his attention to the growth and preparation of that valuable plant, and by his influence and example to promote and extend its cultivation, particularly among those settlers he conceives he may be able to introduce into the Colony, and to establish in his neighborhood.

He has therefore applied for a grant of land in the distant township of Yarmouth, in the County of Norfolk, on Lake Erie, as being from the nature of the soil, favorable to his design of raising hemp for exportation, and also affording scope for the establishment of such a number of families as may be induced to follow him into the Province.

In consequence of the assurances which have been received that Mr. Talbot is in every respect qualified to prosecute the undertaking: I am commanded by His Majesty to authorise you to take the proper steps for passing without delay, according to the usual form, and subject to the customary reservations, a grant of five thousand acres in his favor in the township above mentioned, or if the same should have been already appropriated, in any other which he may select.—You are at the same time to give directions that a proportion of such township immediately contiguous to Mr. Talbot's grant, may for the present be reserved for the purpose of hereafter appropriating to him according to circumstances, a further quantity at the rate of two hundred acres for every family he may induce to settle there, either from the continent of Europe, or America;—provided he shall have surrendered fifty acres of his original grant to each family for which he may claim, and that such family shall at the time, be established in the actual possession of the said fifty acres.

I enclose a copy of Lieut. General Simcoe's letter to me, forwarding Mr. Talbot's application, and from the high terms in which he is therein mentioned, I am induced to recommend him to your protection and good offices—he will have the honor of delivering this letter to you.

I must request you will favor me with your opinion how far it may be advisable with a view to the speedy settlement of the waste lands in the Province under your government, to make further grants upon the principle described in this letter to any other persons who holding a similar rank in society, may in like manner be disposed to devote their time and resources to speculations which must according to the degree of success reaped by the individual, produce a proportionate advantage to the public interests.

I have the honor to be,
Sir,
Your most obedient,
Humble servant,
(Signed)
HOBART.

Lieut. Gen. Hunter,
&c. &c. &c.

Copy.

Somerset street
Portman Square,
11th February, 1803.

My Lord,

In consequence of Mr. Talbot having acquainted me that Mr. Sullivan on his presenting a request for a grant of land in the Province of Upper Canada had intimated it would be proper I should inform your Lordship of Mr. Talbots es-

pecial services, I took the earliest opportunity of waiting upon your Lordship, and in consequence of the interview which I had the honor to hold with you yesterday, I obey your Lordships commands in detailing Mr. Talbots views, and the nature of his claims to the protection of His Majesty's government.

Upon my arrival in Canada to carry the constitution which had been granted to that colony into effect, Mr. Talbot accompanied me as my private and confidential Secretary into Upper Canada. He remained in my family four years, when he was called home as Major of the 85th Regiment, then ordered to Flanders, during that period he not only conducted many details and important duties incidental to the original establishment of a colony in matters of internal regulation, to my entire satisfaction, but was employed in the most confidential measures necessary to preserve that country in peace without violating on the one hand, the relations of amity with the United States; and on the other, alienating the affection of the Indian Nations, at that period in open war with them.

In this very critical situation, I principally made use of Mr. Talbot for the most confidential intercourse with the several Indian Tribes; and occasionally with His Majesty's Minister at Philadelphia;—these duties without any salary or emolument he executed to my perfect satisfaction.

I consider these circumstances my Lord, as authorising me in general terms to recommend Mr. Talbot to your consideration and protection. Mr. Talbot's specific application, which I beg leave to support to the utmost of my power, consists of two points. The first is for the grant of five thousand acres of land as a field officer actually and bona fide, meaning to reside in the Province for the purpose of establishing himself therein. The King's bounty having been extended to the field officers who had served during the American War in grants to a similar extent (exclusive of an allotment of land for every individual which their families might consist of) it was judged expedient by myself, Mr. Chief Justice Osgoode, and other confidential Officers of the Crown in that colony, to extend the provision of five thousand acres to any Field officer of character, who, bona fide, should become a settler therein, it being obvious that it was for His Majesty's interest that a loyal set of European gentlemen should, as speedily as possible, be obtained to take the lead in the several Districts. This principle, my Lord, was acted upon at the time of my departure from the country; and should I to this moment have remained in the government thereof, I could have seen no reason whatsoever for departing from it. In consequence had Mr. Talbot been totally unknown to me except by his character and the high rank he had borne in the King's service, I should have thought him a most eligible acquisition to this Province, and on this public ground, without hesitation, have granted him 5000 acres on the same principles that had been laid down and acted upon,—this is the first part of Mr. Talbot's request. The second request of Mr. Talbot is, that these 5000 acres may be granted in the township of Yarmouth, in the county of Norfolk, on Lake Erie, and that the remainder of that township may be reserved for such a period as may appear advisable to government, for the purpose of his settling it, on the following specific plan, namely that 200 acres shall be allotted to him for every family that he shall establish thereon, 50 acres thereof to be granted to each family in perpetuity, and the remaining 150 acres of each lot to become his property, for the expense and trouble of collecting and locating them.

Mr. Sullivan in a conversation, had suggested to Mr. Talbot the possibility of procuring settlers in this country, but many reasons oppose themselves to that idea, in which I have the honor of perfectly agreeing with your Lordship; but should it be practicable to turn the tide of emigration which government cannot prevent from taking place to the United States *ultimately* to rest in this Province—I beg to consider it as an object of the greatest national importance, and that will speedily fulfil the idea with which I undertook the administration of that government, under my Lord Grenville's auspicies of elevating this valuable part of His Majesty's dominions from the degrading situation of a petty factory, to be a powerful support and protection to the British Empire; in some instances, such a plan in the infancy of the government had great success, as I had the

honor of pointing out to your Lordship, and Mr. Talbot from habit, observation and nature, in my judgement, is perfectly well suited to give it a wider extent.

His plan is to introduce himself amongst a large body of Welch and Scotch families, who arrived at New York in the summer of 1801, and who have *temporarily* fixed themselves in the interior of that state —many of whom are already disgusted with the dissolute principles of the people there and feel strong inclination to return under the government of England, but do not possess the means of purchasing land or paying the fees demanded by the Province on grants. It remains only for me to add that Mr. Talbot having been very successful in the cultivation of Hemp, on proper principles, and to a greater extent perhaps than any other settler in the Province, is induced to prefer the distant township of Yarmouth as being from soil well adapted to the growth of this valuable commodity. It is his object to extend this cultivation through the whole township, and by precept and example to enforce principles of loyalty. obedience and private industry, amongst those with whom he will be surrounded. I cannot but hope that your Lordship will be struck with the manhood with which Mr. Talbot, whose situation in life cannot be unknown to your Lordship, after having arrived with great credit to the rank of Lt. Colonel, has preferred the incessant and active employment which he has undertaken, and that under your Lordships patronage may lead to the highest public advantage. On this public ground, (abstracted from my personal affection and regard for him) I hope that your Lordship will give directions to the Lieutenant Governor or person administering the government of Upper Canada, that the prayer of his petition be immediately granted—namely, "that "5000 acres be granted to Lt. Colonel "Talbot for his services, in the township "of Yarmouth, in the county of Norfolk on "Lake Erie, and that the remainder of "that township be reserved for him to set-"tle with proper subjects of his own sel-"ection, giving each famliy 50 acres of "land in perpetuity, and the remaining "150 acres of each lot to be granted to "Mr. Talbot."—And I further entreat from your Lordship's goodness and benevolence that Mr. Talbot may have the honor of being the bearer of your despatches on this subject, as he has for some time taken his passage on board of a vessel that will sail without fail on Tuesday next for New York.

I have the honor to be &c,
(Signed)
J. G. SIMCOE.

The Right Honorable,
Lord Hobart,
&c. &c. &c.

(Copy)

Downing Street,
26th February, 1818.

Sir,

I have had the honor of receiving your Despatch of the 18 November, in which you transmit to me various reports of the Executive Council of the Province on the subject of the extent of land which Colonel Talbot is authorised to claim under Lord Holbart's letter of the 15th February 1803, and communicate to me the intention of Colonel Talbot to appeal to His Majesty's government against the decision of the Executive council.

I have since the receipt of your despatch received a Memorial on the same subject from Colonel Talbot himself and from the consideration which I have in consequence given to the subject, I cannot but entirely concur in the opinion expressed by the council that the utmost grant authorised by Lord Hobarts letter does not exceed 20,000 acres, and altho' I have had reason to believe that Col. Talbot had previous to his departure from England been induced to entertain expectations of a larger grant, yet if Col. Talbot had no other claims to urge but what are founded upon that Despatch, I should have only had to confirm the decision to which the council have come. But the successful exertions which Colonel Talbot has made for the improvement of the lands under his charge and for the settlement of the townships with which he has been connected entitle him to the most liberal consideration of government, and I have therefore to signify to you the pleasure of His Royal Highness the Prince Regent, that you should for the next five years and no longer, reserve at Col. Talbot's disposal, under the conditions stated in Lord Ho-

bart's despatch of February 1803, such further proportions of the townships of Aldborough and Dunwich as were vacant at the time of Col. Talbot's commencing his settlement.

As it appears by Governor Gore's minute of June the 1st, 1817, that all locations are to be suspended in those townships until the decision of His Majesty's government upon Colonel Talbot's claims should be known, I cannot suppose that any measures taken by you can interfere with the arrangement which you are now instructed to make.—Should however any locations have been made in them during Col. Talbot's absence, you will consider yourself hereby directed to revoke them without delay.

Col. Talbot having further represented to me that doubts have been entertained as to the class of settlers which he might be at liberty to receive, I deem it necessary to inform you that the complete settlement of the townships under Colonel Talbot's charge being the main object which His Majesty's government have in view, it does not appear advisable to impose upon Col. Talbot's selection of settlers any other restrictions than those imposed by the several acts of parliament which have reference to settlement in North America, and to which all settlers in Canada are equally subjected, still less does it appear necessary to require from the settlers a previous examination at York before they can receive the locations assigned to them by Col. Talbot. I deem it necessary also on the present occasion to call your attention to the practice which has hitherto prevailed in the Province requiring the payment of fees immediately on the locations of land being made out and of not making out the deeds until some time after the settlement duties have been completed. The practice in either case appears to me to be fraught with the greatest inconvenience, and I have therefore to desire that the demand for the usual fees on grants of land be not made until the settlement duties have been completed, and that immediately upon their completion, the deeds be delivered to the settler without any further difficulty or delay, and without any restriction.

I have only in conclusion to express to you with reference to the subject of Colonel Talbot's settlements, the entire approbation of His Royal Highness the Prince Regent of the minutes of the Executive Council of the Province, of the 10th Aug't 1816, and to instruct you to conform in every respect to the arrangement therein submitted for the approval of His Royal Highness.

I have the honor to be,
&c. &c. &c.
(Signed)
BATHURST.

Mr. President Smith,
&c. &c. &c.

COPY.

DOWNING-STREET,
28th Feb'y, 1818.

SIR,

I have the honor to transmit to you the copy of a letter which has been addressed to my under Secretary by Col. Talbot, upon certain points connected with the settlements carried on under his superintendence in Upper Canada.

With respect to that part of his communication in which he states the grounds upon which the Colonial government refused the repayment of the sums adverted to in my Despatch of the 3d October, 1816, I am very far from acquiescing in the reasons assigned for this refusal or from considering Col. Talbot the less entitled to relief because in consequenee of his knowledge of that despatch he repaid to the settlers the several sums originally advanced by them, and I have therefore only to desire an immediate compliance with the terms of my former despatch.

With respect to the lands in the township of Harwich, I am decidedly of opinion that the Colonial government is in justice bound to secure the settlers in that township from any loss which they have sustained from the error of a public officer, the Surveyor General, in representing lands as vacant which were afterwards found to belong to previous occupants; I have therefore no difficulty in recommending that the lands upon which they are settled should be purchased at the expense of the Colony and assigned to the persons actually settled on them without any further charge; or if this be found impracticable, that the settlers should be paid for

the improvements which they may have made. The great advantages which must result to the Province from the completion of the Talbot road along the whole line, make me most desirous also to call your attention to the obstacles which the previous grant of other lands in the Township of Harwich to persons who have neither settled nor cultivated them opposes to this important work, and I conceive that I can not better consult the interests of the Province than by recommending to your consideration whether some arrangement may not be made with the proprietors of those lands or some legislative measure enacted by which Colonel Talbot might be left at liberty to introduce with respect to the lands adjoining the road in this quarter the same system of settlement which he has so successfully pursued in other parts of the Province.

I have the honor to be,
&c. &c. &c.
(Signed)
BATHURST.

Mr. President Smith,
&c. &c. &c.

COPY.

LIMNER'S HOTEL,
18th Feb'y, 1818.

SIR,

I have the honor to state to you the following circumstances respecting the lands formerly in the hands of Mr. Stanton. These lands were purchased by me for the purpose of transmitting them to certain settlers who were actually residing thereon at the time of the grant made to that gentleman, but who were not then possessed of the funds necessary to enable them to purchase. They having subsequently however found the means of repaying me, immediately after the receipt of a copy of Earl Bathurst's despatch of the 3rd October, 1816, approving of Lieut. Governor Gore's recommendation that I should be reimbursed for the sums so expended by me, I returned those poor people their money, conceiving that I should find no difficulty in obtaining the amount from the Receiver General of the Province agreeably to his Lordships instructions.—But upon making application at York, for this purpose, to my great surprise it was objected that by having returned the money in question, I had excluded myself from the benefit of my claim. I have therefore to solicit that the necessary steps may be taken to cause the terms of Earl Bathurst's order on the subject to be complied with.

With regard to the lands in the township of Harwich which had been located by me in consequence of an error in the Surveyor General's plan, which represented them as vacant lands, although it afterwards appeared that they had been granted out several years back under the King's patent, I have the honor to enclose herewith certain documents relative to this transaction which will sufficiently explain the nature of the expectations entertained by the persons most interested in it.

I have the honor to be,
&c. &c. &c.
(Signed)
THOS. TALBOT.

Henry Goulburn, Esq.
&c. &c. &c.

A petition to President Smith, from certain persons settled on Talbot road transmitting a valuation of their improvements and requesting remuneration. It is thought unnecessary to send these papers as they have already been presented to the Upper Canada government.

COPY.

COLONIAL OFFICE,
Downing Street,
9th April, 1822.

SIR,

I enclose a Memorial which has been presented to me by Colonel Talbot who will be the bearer of these despatches.—You will observe that this Memorial concludes by praying that his services and losses may be taken generally into consideration without pointing out any specific mode of compensation, but a letter which he has since addressed to my under Secretary, a copy of which I also enclose, will explain in what manner Col. Talbot conceives that this remuneration can be effected.

I am not aware what may be the objections to the remission of fees he requests, but being under the impression that the exertions of Col. Talbot entitle him to fa-

vor and encouragement, I am desirous that his application should be complied with, unless it should establish a precedent, which in your judgement would seriously affect the interests of your government. I beg also to refer to your consideration the claim which he makes for being allowed land for fifty highlanders, whom he states that he located upon his own lands under peculiar circumstances. On this claim, not being sufficiently acquainted with the circumstances, I can only say that the case if made out merits your favorable attention.

I should also mention that he has shewn me an extract of a letter which he addressed to your private Secretary Major Hillier, on the 6th October 1820, in consequence of his having been requested by the colonial gonernment to furnish regular and constant returns of the individuals whom he had been employed to locate without any sort of benefit to himself. To the proposition which he makes viz. that he should be allowed a clerk at the public expense, there may be general grounds of objection, but I am sure you will see the expediency of recommending a dispensation of all returns from an individual under the peculiar circumstances in which colonel Talbot stands, which are not essentially necessary for ascertaining whether the conditions upon which the grants have been made are duly complied with; or if the public service requires that they should be furnished, that the task ought not to be imposed without some adequate consideration of this nature.

Col. Talbot has in conversation adverted to townships reserved for the future endowment of a college which as yet remain in a state of wilderness. He suggests that for the purpose of condensing the population of that District, that these lands should be publicly sold and the proceeds of such sale should be set aside for accumulation for the same ultimate object. and it is stated that they would probably amount to thirty or forty thousand pounds if sold at the present time. I am well aware of the personal interest Col. Talbot may have in making this proposition and entertain some doubt how far under the probable depression in the price of land in consequence of Agricultural distress, this would be precisely the moment for making an advantageous sale; but at the same time it appears to me that great political advantage may be obtained by condensing the population &c.—that great loss is incurred by allowing such a property to remain without return and it will be for you to determine how far the loss on a sale made probably at an unpropitious moment may be compensated by an immediate realization of a productive fund.

I am disposed to approve the plan adopted by colonel Talbot for the location of grants immediately abutting upon the public roads, by which the sevenths reserved for the Crown and Clergy, are placed immediately in the rear of the road lots, the settlers upon which covenant to clear one half of the road immediately before them. It must certainly have the effect of more expeditiously completing the necessary communications by public roads, and I should be much inclined to recommend it to your consideration for general adoption if I were assured that such a plan would not be essentially injurious to the Crown and clergy reserves. The principle of making the title to the grant dependent upon the performance of the preliminary duties imposed upon the actual settlers, appears unobjectionable.

I have the honor to be &c.
(Signed)
BATHURST

Major General
Sir P. Maitand, *K. C. B.*
&c. &c. &c.

To the Right Honorable the Secretary of State for the Colonies.

The Memorial of Thomas Talbot Esq. Respectfully sheweth:—

That your Memorialist retired from the Army in which he held the rank of Lt. Colonel at the peace of Amiens, with a view of settling in Upper Canada, having become much attached to that Province, during his residence in the family of General Simcoe, the first Lieutenant Governor.

That in 1803 your memorialist repaired to Upper Canada with the most encouraging assurances from Lord Hobart and immediately commenced his settlement at Port Talbot on the Banks of Lake Erie upon an expensive scale.

That he had at the outset to contend with very uncommon difficulties arising principally from the want of communication with other settlements, he having selected for his residence a spot, then at least 100 miles from any inhabited part of Upper Canada.

That he remained in this insulated position upwards of 8 years, during which period a considerable population had grown up around him, and so highly did the then Provincial Government approve of the system adopted by your memorialist that the greater part of the London and Western Districts were placed under his direction for settlement, in 1811.

That this additional charge was attended with a vast increase of expense to your memorialist without any other remuneration than the prospect of beholding the surrounding wilderness transformed into a fruitful country filled with inhabitants.

That by his exertions in opening and settling roads for the purpose of connecting his settlement with those of the Eastward and Westward, as well as with that lately formed under his superintendence, along the river Thames, your memorialist's prospect was fully realized; and accordingly the whole of what is at present called the Talbot Settlement comprising the Townships of Middleton, Houghton, Bayham, Malahide, Yarmouth, Southwold, Dunwich, Aldborough, Orford, Howard, Harwich, Raleigh, Tilbury, East and West, Romney, Mersea, Gosfield, Maidstone, Sandwich, Westminster, Dorchester and London, has now become the most compact and flourishing settlement in Upper Canada, containing as it does, a population of at least 12,000 souls, and establishing an uninterrupted communication between the Eastern and Western extremities of Lake Erie, and the settlements to the northward.

That the present Colonial administration has been so thoroughly impressed with the superiority of your memorialist's mode of settlement over that heretofore practised, that it has endeavoured to introduce the system employed by your memorialist generally throughout the Province.

That so early as the breaking out of the late war with the United States of America, your memorialist had conquered the principal difficulties which obstruct the growth of New settlements; and as the produce of Land then sold at a fair price, your memorialist had a reasonable prospect of being rewarded for his long and vigorous executions and an expense of upwards of £15,000.

That from the character of the Talbot settlement and the principles of loyalty inculcated amongst its inhabitants it became peculiarly obnoxious to the enemy, and the more so, as your memorialist during the war commanded the Militia of the London and Western Districts and infused into them the spirit of his own settlers; two expeditions were therefore sent against Port Talbot, by which the settlement was nearly ruined.

That your memorialist returning to Port Talbot on the restoration of peace, found a large farm which he had cleared and brought into cultivation, completely laid waste by the enemy: his grist and saw-mills, erected by him at a very heavy expense for the accommodation of the surrounding settlers, burnt to the ground—all his effects carried off or destroyed, and his people reduced to the utmost distress and poverty. Nevertheless he did not despair but diligently set himself to repair the damages he had sustained in the best manner he was able.

That your memorialist continued to struggle against the difficulties of his situation for six years, hoping still for better times; but the vast emigration which has flocked into his neighbourhood since the general peace, (the majority of whom were of the poorest description and had been taught to rely upon the hospitality of your memorialist in the beginning of their labours,) together with the low price of produce, have completely exhausted the remainder of your memorialists capital, and reduced him to great straits; for his house has ever been open to settlers, till they could get their land into a sufficient condition to supply their wants. The result is, that your memorialist now finds himself after 19 years labor, and settling so great an extent of territory (without any charge to government whatever,) unable to continue his usual aid to settlers. He therefore prays that his services and losses may be taken into consideration, and such assistance granted as may enable him to

support the rank and influence which he has hitherto maintained.

And your memorialist will ever pray.

COPY.

125 Mount street,
3rd April, 1822.

SIR,

All I have to observe on the subject of the fees which I was compelled to pay by the Colonial Government of Upper Canada, before I could receive my patent, is this:—

When, in the year 1803, I first obtained the order for a grant of land from his late Majesty, under the administration of Lord Hobart, His Lordship verbally assured me that I should not be required to pay more than what was considered the most favorable fees, viz: £5 11 0 on every 1,000 acres. Notwithstanding which, I have been charged at the rate of £31 odd for the same—I may also remark, that in my Lord Bathurst's despatch of Feb., 1818, which I carried out, it was particularly recommended that I should be treated in every respect in the most liberal manner.

I therefore humbly hope that these circumstances may be taken into consideration and that instructions will accordingly be sent out directing the Colonial Government to repay me the overcharge beyond the £5 11 0 on all such grants of land as have been made to me.

I have the honor to be, &c.

THOMAS TALBOT.

R. WILMOT, Esq.
&c. &c. &c.

PRIVATE.

22nd March, 1822.

DEAR SIR,

There is a subject which I have hitherto omitted to mention to you, of some consequence to me. A large body of Highlanders having emigrated at the same time for the express purpose of settling under me, all of whom were connected by Clanship, and spoke no other language than the Gælic, it was impossible for me to separate them—I was therefore obliged to place 50 of these persons on my own lands above the number required by government. Might I venture to hope that an order will be inserted in your instructions to Sir P. Maitland, for my being allowed land in the same proportion for these 50 as for my other settlers.

I am, &c.

(Signed) THOMAS TALBOT.

ROBERT WILMOT, Esq.
&c. &c. &c.

COPY.

IN COUNCIL,
5th June, 1817.

To His Excellency Francis Gore, Esquire, Lieutenant Governor of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:—

The Council took into consideration Your Excellency's verbal reference at the last council, as to the extent of reserve to be made for location by Colonel Talbot under the authority of Lord Hobart's letter of the 15th Feb., 1803.

It appears from the report of the Surveyor General, that Colonel Talbot has already received grants to the extent of seventeen thousand acres, being 15,800 under the order from the Secretary of State, and the Council is of one opinion that a further reserve of four thousand two hundred acres is all that can be claimed by Colonel Talbot under the most liberal construction of the order in his favour.

It cannot be doubted that the order was predicated upon a project to benefit the colony by the culture of Hemp, and it was submitted to a reasonable trial.

The reserve of land in the Townships adjacent to his grant of five thousand acres was temporary, and to be limited by the discretion of the Provincial Government; but as to quantity by the order itself, viz: 200 acres for each settler who should be settled by Colonel Talbot on the cession of 50 acres of his original grant of 5,000, which plainly limits the future grants to 15,000 acres.

By the indulgence of the Provincial Government, the order for the original 5,000 acres was decided not to include 1,200 previously granted to him, and the location of 50 acres to settlers has been admitted without proof of their being of the description in the order, or that the

50 acres bestowed upon them by Colonel Talbot were part of his original grant.

It is apparent, under this latitude that the Province is at the disposal of Colonel Talbot, for if he is entitled in all time to come to receive 200 acres for each fifty which he might bestow on individual settler, out of his additional grants, he would be enabled with 17,000 acres, to claim more than 50,000; and so in progression, which the Council cannot conceive to have been in contemplation of His Majesty's government.

Therefore without any invidious retrospect to the manner in which Mr. Talbot may have complied with the spirit of Lord Hobart's letter, the Council respectfully submit that 4,200 acres of land be selected by Col. Talbot in the reserved townships of Dunwich and Aldborough to fulfil his compensation for location of one hundred settlers, the number of farms of fifty acres to be carved out of five thousand.

The Council further submits that as the class of settlers from the continent of America can no longer be admitted under His Majesty's late instructions, the grant of 4,200 acres be made at once, and all further introduction of settlers by Col. Talbot be prohibited from the communication of your Excellency's pleasure.

All which is humbly submitted.

By order,

W. D. POWELL,
Chairman.

COPY.

(Signed)

FRANCIS GORE,
Lieut. Governor.

The Lieut. Governor concurs with the Executive Council as to its construction in their report of the 5th instant, of the order in favor of Col. Talbot, limiting his locations to 20,000 acres of land, and also that his settlers should be emigrants direct from Europe, since the late instruction prohibiting settlers from the United States; but considering any grant of land beyond 1200 acres, not of the competence of the Provincial government, without the sanction of His Majesty, and of course upon the express stipulation of that sanction, cannot assent to the immediate grant of 4200 acres as recommended in the report, which however he will not fail to transmit to the Secretary of State.

In the mean time the townships of Dunwich and Aldborough will remain reserved from other locations until further instructions from His Majesty's government: and a copy of the report will be communicated to Col. Talbot with directions to forbear all further settlement of individuals without special sanction after examination at the Council as in the case of other settlers.

(Signed)

F. G.

Government House,
17th June, 1817.

COPY.

To His Honor Samuel Smith, Esq. Administrator of the Government of the Province of Upper Canada, &c. &c. &c.

IN COUNCIL.

The Memorial of Thomas Talbot, Esq. of Port Talbot.

SHEWETH:

That your Memorialist has received the report of Council dated 5th June, 1817, giving interpretation of my Lord Hobart's letter so entirely different from what your memorialist conceives it to mean, and what he is assured His Majesty's Ministers intended to convey, that he has determined on immediately proceeding for England for the purpose of ascertaining His Majesty's pleasure on the subject.—That as your memorialist intends being absent only a few months he requests that, your Honor in Council, will be pleased to direct that no locations be made in the land placed under your memorialist's superintendence.

And your memorialist as in duty bound,
Will ever pray.

THOMAS TALBOT.

York, 6th Nov'r, 1817.

COPY.

To His Honor Samuel Smith, Esquire, Administrator of the Government of the Province of Upper Canada, &c. &c. &c.

May it please Your Honor:—

The Executive Council has de-

liberately considered the Memorial of Col. Talbot (6th Nov. 1817) requesting the suspension of all location in certain townships heretofore placed under his superintendence during a projected voyage to England.

It appears by his memorial that the object of his voyage is to procure the sense of His Majesty's government on the extent of Lord Hobart's order (15th Feb. 1803) in his favor for lands in the townships of Dunwich and Aldborough, being dissatisfied with the construction of the Provincial government.

The Council esteem the occasion favorable to offer its sentiments upon the whole bearing of Col. Talbot's memorial, to explain what may require explanation in the last report on this subject, to His Excellency Lieut. Governor Gore (5th June, 1817), and to lay before your Honor for the information of His Majesty's government, the importance of a change at this period, in the course heretofore tolerated in respect of settling the waste lands in this Province without the immediate and direct participation of the Council and Surveyor General, the regular organs of the first location.

Upon a representation by Col. Talbot in 1803, that parts of this Province were favorable for the cultivation of Hemp, and to encourage experiment, His Majesty was pleased to authorise a grant to that gentleman of five thousand acres of land, at his selection, and a reserve of a competent portion of land in the adjacent townships to compensate him with 200 acres additional, for each 50 acres of his original grant which he might convey to an actual settler from the continents of Europe or America, for the purpose of raising Hemp.

The competent portion to be reserved for that purpose was strictly 15,000 acres, but the Provincial government left at his selection half of two townships equal of 61,000 acres.

The progress in this establishment has been slow; in fourteen years, compensation has been required for little more than fifty settlers, whilst many thousand acres of surveyed land remain unappropriated, and the ingress of settlers from the United Kingdom calls for fresh surveys.

To remove this obstacle to settlement, with as much tendency as possible for Mr. Talbot, the Council, assured that the culture of Hemp was no longer contemplated, and finding the continent of America excluded from producing settlers for Mr. Talbot, recommended that the full benefit of Lord Hobart's order, might at once be conferred on him by making up his grant 20,000, and throwing open the remainder of the land of the townships to ordinary location. This recommendation was founded on circumstances which could not have been foreseen.

His Majesty's government had prohibited the inundation of settlers from the United States, and had authorized the Consul of New York to grant certificates to emigrants from the United Kingdom, for one hundred acres of land in Upper Canada. When these people discovered that the soil and climate near to Col. Talbot's settlement were favorable, many flocked there without even presenting themselves to the government, and there found either a location of 50 acres as Colonel Talbot's settler, for which he in return claimed a grant of 200 acres; or they found a location of one hundred acres in certain lands submitted to the superintendence of that gentleman, as will be presently explained, and in either case the interests of the Colonial government are implicated.—When the emigrant possessing an authority to receive one hundred acres of land, finds himself limited to the possession of fifty, and that the government actually bestows on a stranger 200 acres on that account, no reasoning can remove the impression of something worse than mere absurdity.

The townships of Dunwich and Aldborough selected by Col. Talbot for his settlement, were isolated from other population by a large tract of forest, the more likely to continue unsettled, as several townships through which the road of communication must pass, were dedicated for the support of schools and future Seminaries of learning. Upon the representation of Mr. Talbot, a road was laid out from the Long Point settlement to his—the Reserves for the Crown and Clergy were removed from the road and lots were granted to certain individuals, actual settlers, on conditions, the great object of

which was to render the road practicable with the greatest expedition.

The interest Mr. Talbot had in this road induced Lieutenant Governor Gore to confide to him the superintendence of this actual settlement, and gradually he retained the nomination and location of the settlers as well as the supervision of their labours and the fulfilment of their engagements.

The settlers should each have received an order in council for his land, and the location of it should have been made by the Surveyor General, the fee for the survey and patent being first paid.

By relaxation in this orderly process with respect to all settlement the government remained ignorant of the quality of the settler, the Surveyor General ignorant of his location, and the Receiver General was unpaid. By these means a partiality was operated amongst the new emigrants which could not fail to produce an injurious effect. The emigrant applying to the Governor in Council received, it is true, an order for one hundred acres of land, but he could not take possession until the survey money, if not the patent fee, was paid, when if he passed by the Talbot school township road, &c., found 100 acres to enter upon without advance. Such as did not receive that advantage, felt the distinction and that it was an injury. At the moment when fresh surveys were called for to accommodate emigrants, and the want of money withheld the order for them it appeared that large tracts of surveyed land on the road and adjacent Townships of Bayham and Malahide, which Lieutenant Governor Gore had also subjected to the exclusive location by Colonel Talbot, were left apart, and that a large arrear of survey money and fees had accumulated to the amount of upwards of £4,000.

His Excellency Lieut. Gov. Gore, called upon Mr. Talbot for the deposit of fees and survey money on all locations made by him, not only in the Talbot school Township road, but in the townships of Bayham and Malahide, and restored those townships to the ordinary course of location, which it is the object of Colonel Talbot's memorial to continue to withhold.

The council, therefore, cannot advise yor honor to accede to his prayer, but humbly recommend that the actual locations in Bayham and Malahide as well as on the road, be ascertained, the state of the improvement &of the road, as also who have paid and who is in arrear for survey money & patent fee, in order that after six months from such report, the lots for which payment has not been made or on which the settlement duty has not been in progress may be opened for general location by the surveyor.

That in the mean time until such report be had, that all location on the road and in Bayham and Malahide be suspended to obviate the difficulties which might as heretofore accrue from double locations by distinct and several authorities.

All which is humbly submitted.

By Order,
WM. DUMMER POWELL.
C. J.

Council Chamber
8th November, 1817.

COPY.

YORK, March 16, 1825.

SIR,

I beg leave to represent to you for the information of His Excellency the Lieutenant Governor, that in consequence of the tract between the long wood road and the river Thames being reserved from location, and of the Northern parts of the townships of Eckfrid, Mosa, Carradoc & Lobo, being chiefly swampy, or what is not of that nature being principally located to Militia men, who are not actually resident thereon, all hopes of forming a compact settlement in that direction, which is most important to the eventual improvement of the principal road will be defeated, unless His Excellency shall be pleased to throw open for location the broken lots under 100 acres in the parts of those townships lying to the north of the long wood road lots.

I have the honor to be,
Sir,
Your most obedient
Humble servant,
(Signed,) THOMAS TALBOT.

To Major HILLIER, Secretary,
&c. &c. &c.

Surveyor General's Report on the foregoing communication.

Colonel Talbot has only been furnished

with the numbers of such lots for location north of the long wood road in the townships of Eckfrid, Mosa and Carradoc, as contain 100 and 200 acres, but not with the numbers and quantities contained in the several broken parts of lots, where the contents of each parcel, are less than 100 acres, such broken lots and parcels (whereof there are many) being reserved under Your Excellency's special order of the 27th December, 1820.

THOMAS RIDOUT,
Sur. Gen.

York, 16th March, 1825.

In Council,
17th March, 1825.

On the subject of Colonel Talbot's letter of the 16th inst., to Major Hillier, referred by command together with the Surveyor General's report thereon, the committee respectfully submit the great importance of that road from the long woods to the Thames, and that it is so desirable that no impediment should remain which can be removed, that if practicable, His Excellency would throw open for location the broken lots referred to by Colonel Talbot.

Wm. DUMMER POWELL,
C. J.

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copy.

No. 14.

Upper Canada, York,
3d April, 1836.

My Lord,

I lately received the enclosed memorial accompanied by a request that I would transmit it to your Lordship. Respecting its contents I have the honor to observe, that Col. Talbot has certainly spent a large portion of the most active part of his life, and I believe expended a very considerable private fortune in promoting the settlement of the district in which he resides. His remuneration for this service consists of a large tract of land neither capable of producing any annual income, not being disposable by sale at the present moment. He feels himself therefore reduced to the necessity of imploring some assistance from His Majesty's Government, and it would give me great pleasure if your Lordship should be enabled to afford him any relief. Col. Talbot is advanced in years, and it naturally moves regret that a gentleman who has given up his former profession and other prospects to devote his time and fortune to the assistance of indigent emigrants, and who is the founder of the extensive settlement which bears his name and affords testimony to his exertions in this cause, should feel himself harrassed by the pressure of circumstances at a period of life when he cannot look to personal exertion for relief.—Desirous however as I am that Col. Talbot should be in some manner assisted, I am compelled to confess that I am wholly at a loss to point out any Provincial Revenue, from which in the present state of our funds more especially that assistance could properly be dispensed. Perhaps something might be given him out of the proceeds of the unleased Crown Reserves when sold, and in such measure as your Lordship, if disposed to look with indulgence on his case, might deem it proper to direct.

I have the honor to be, &c.

(Signed)

P. MAITLAND.

Copy.

To the Earl Bathurst, K. G., His Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

My Lord,

About four years ago I had the honor of presenting a memorial for your Lordship's consideration, stating my exertions in forwarding the settlement of this Colony.

After twenty three years entirely devoted to the improvement of the Western Districts of this Province and establishing on their lands about 20,000 souls without any expense for superintendence to the government or the persons immediately benefited, but on the contrary at a sacrifice of twenty thousand pounds in rendering them comfortable, I find myself entirely straitened and now wholly without capital.

I gratefully acknowledge a very considerable grant of land from the Crown, but my agricultural labours have been unprofitable and must continue so, while the settlements are in progress, as the provisions

I raise are chiefly applied to the support of new comers, and although they may promise to pay, it seldom happens that they are able. and neither my situation nor inclination will permit me to resort to the usual method of compulsion, indeed to do so would, in many cases, be to destroy the fruit of my labor and to plunge them into greater distress than that from whence I had rescued them.

My services during the greater part of my life in improving this flourishing colony, are not, I believe, unknown to your Lordship.

I therefore request that your Lordship will take these services into consideration and allow me from the Crown revenue or other source, such annual remuneration, as to your Lordship may seem meet.

I have the honor to be,
Sir,
Yours, &c.
(Signed)
THO'S TALBOT.

York, Upper Canada,
February 18, 1826.

COPY.

DOWNING STREET,
8th June, 1826.

SIR,

I have the honor to acknowledge the receipt of your despatch of the 3rd April last, transmitting a memorial from Col. Talbot, praying, in consideration of the great expenses which he has incurred in settling poor emigrants and the zeal with which he has devoted himself to that object for many years, that some annual allowance may be made to him.

Having taken into consideration the prayer of this memorial, and your earnest recommendation that the laudable exertions of Col. Talbot, the sacrifice which he has made of his fortune and profession, and the extensive and flourishing settlement which he has founded, entitle him to reward, I have to convey to you my authority for making a payment of four hundred pounds per annum to Colonel Talbot from the funds which will be placed at the disposal of His Majesty's government by the Canada Company, to commence from the first of January last.

I have the honor to be,
Sir,
Your most obedient,
Humble servant.
(Signed)
BATHURST.

Major General
Sir Peregrine Maitland,
K. C. B. &c. &c. &c.

COPY.

DOWNING STREET,
7th May, 1828.

SIR,

I have the honor to transmit to you the copy of a letter from Colonel Talbot requesting that the tract of land, coloured red on the map inclosed by him, may be excepted from the new regulations for the sale of lands, and continued under his direction; and I am to request that you will report to me your opinion as to the propriety of acceding to Col. Talbot's application, and in the mean time, I am to desire that you will instruct the Commissioner of Crown Lands not to offer lands for sale in any part of the tract in question, until I have communicated to you my decision on the subject.

I have the honor to be,
Sir,
Your most obedient,
Humble servant,
(Signed)
W. HUSKISSON.

Major General
Sir P. Maitland,
K. C. B. &c. &c. &c.

COPY.

MOUNT STREET,
28th April, 1828.

SIR,

I have the honor to enclose you the sketch of the Western portion of the province of Upper Canada, which you were so obliging as to let me have, whereon I have colored in *red*, the tract, the whole of which I am desirous should be considered as the Talbot Settlement, and request that you will have the goodness to submit to Mr. Huskisson for his consideration, and should it meet with his approbation, I will

take the liberty of recommending that the settlement of such parcels of government lands as may be found not already to be located within the *red* figure, may be located under my directions and with the same conditions that I have hitherto acted upon with so much success, and that a communication to that effect may be forwarded to the Lieut. Governor of Upper Canada, in order to prevent any part of the waste land of the Crown comprised in the tract described being exposed for sale, or otherwise by the Commissioner, agreeably to the regulations of the 1st of March 1827.—My sentiments with respect to that system I did myself the honor of explaining to you in my letter dated the 21st of this month, which I trust may be considered sufficiently clear and satisfactory.

I have the honor to be,
Sir,
Your obedient servant,
(Signed) THOS. TALBOT.

R. W. Hay, Esq.
&c. &c. &c.

COPY.

38 Mount Street,
London,
1st March, 1829.

SIR,

In compliance with your wish I will state to you the terms of the application made by me, in the interview with which I was lately honored by Sir Geo. Murray respecting an allowance of two assistants in bringing into settlement the extensive tract of land in the London and Western Districts of Upper Canada, proposed to be placed under superintendence as well as with regard to the small remuneration then solicited for my own services on this occasion.

When it is considered that the extent of country to be settled is upwards of 300 miles in length and that they will be constantly engaged in travelling through it to watch over the progress of the settlers, I trust that Sir Geo. Murray will not be of opinion that a salary of £150 a year to each of my assistants is an improper demand; all that I solicit for myself is a salary of £200 a year to cover my own unavoidable expenses.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) THOS. TALBOT.

R. W. Hay, Esq.
Under Sec'y of State,
&c. &c. &c.

COPY.

No. 38.

UPPER CANADA,
York, 25th Sept'r, 1829.

SIR,

With reference to a despatch of the 7th May, 1828, addressed to Sir Peregrine Maitland, in which he was desired to report his opinion as to the propriety of acceding to Col. Talbot's application, that an extensive tract of country in the Western District should be excepted from the new regulations for the sale of land; I have the honor to state that I can see no advantage that will arise from placing a large number of townships beyond the control of the Commissioner of Crown Lands, who should be held responsible for the performance of the active duties of superintending the location of settlers.

It is right that Colonel Talbot should be allowed to retain under his management the townships in the London District that were originally given up to him, and which he has succeeded in settling under many difficulties, and in bringing early into cultivation. But as I understand that most of the waste lands referred to in Mr. Hay's despatch of the 3rd of March last, and which Col. Talbot wishes to be included in the Talbot settlement, will, from their situation and fertility attract settlers under whatever superintendence they may be placed, I should not think it advisable to consent to any arrangement for facilitating the location of emigrants except the one proposed in my despatch of the 18th of August, 1829.

I have the honor to be,
&c. &c. &c.
(Signed)
J. COLBORNE.

The Right Hon.
Sir Geo. Murray, G. C. B.
&c. &c. &c.

No. 14.

DOWNING-STREET,
5th February, 1831.

SIR,

I have the honor to transmit to you the enclosed extract of a letter from Mr. Richards, stating that upwards of 5,000 deeds remain to be taken out by the settlers who have been located under the superintendence of Col. Talbot, and suggesting that a time should be fixed for the settlers to take up their deeds, and that Col. Talbot should be required to render an account or statement of the landed concerns under his charge. As I entirely concur with Mr. Richards that the utmost inconvenience and confusion will result at no distant period, unless an arrangement is made for the issue of the Patents within a time to be limited, and that Col. Talbot should give in a statement of the landed affairs under his management. I am to desire that you will communicate with him on the subject, and that you will then submit for my consideration the measures which you would suggest for removing the irregularities to which I have called your attention.

I have the honor to be,
&c. &c. &c.
(Signed)
GODERICH.

Major Gen'l
Sir John Colborne,
K. C. B. &c. &c. &c.

COPY.

PORT TALBOT,
July 29th, 1831.

SIR,

I lose no time in doing myself the honor of acknowledging the receipt of Your Excellency's note of the 23rd inst., enclosing a copy of Lord Goderich's despatch dated the 5th February last.—The statements contained therein have not a little surprised me, being entirely at a loss how to account for the channel through which Mr. Richards obtained the information he has thought proper to give to His Lordship, as to upwards of 5,000 deeds, that that gentleman reports not to have been taken out by my settlers, for notwithstanding, that I have had the constant management of the Talbot settlement for upwards of 23 years, I am not aware of the number of Patents that may have issued, and it occurs to me that Lord Goderich is under the impression that I give the deeds to the persons to whom I locate land. All that I do, is, when a settler has complied with the conditions I require, of his performing the settlement duties, and that he is an actual resident on the lot I have located him for, makes an application for my certificate to that effect so as to enable him to procure his patent from the Crown, I give him the necessary document, but it is out of my power, to compel him to proceed sooner than he feels disposed, to York, to pay the Patent fee required on the grant; however I shall send a circular notifying to my settlers that it is absolutely required that all of them who may have completed their settlement duties, and fulfilled the conditions I impose on their locations, to apply for a certificate from me, and be prepared to take out their Patents, with as little delay as possible, as also to such persons as have already received certificates and who may not have made use of them. It is certainly true that until the last two or three years, there existed much difficulty in obtaining the amount of the fee, in money, as all payments for the produce of their farms was made in barter, but a great improvement has of late taken place, by grain and other articles of produce, commanding money payments, which removes the objections heretofore made by the settlers. And, Sir, you must know, that a great majority of the emigrants from Europe, do not possess the means of paying the fee required on grants of land, they generally having expended all, or nearly the whole of the money they might have had, before leaving the United Kingdom, in paying for their passage to America, and for the inland journey to this part of the Province, 700 miles from Quebec—so that should any of them have any sum remaining, it is required to purchase provisions and other articles absolutely necessary, for at least 13 months or two years, when what little ground they are able to clear and bring into cultivation, may supply their future wants, and it cannot be reasonably expected that such young beginners unacquainted with the mode of subduing the forest, can in less time than *five*

or six years after making the necessary reserve for the support of their families, have for market any surplus; besides my own experience of this country convinces me, that the most pernicious results would arise by issuing patents for land, until the locatee has faithfully performed the settlement duties required, and was an actual resident thereon, it being a notorious fact, in this colony, that the greatest mischief that has occurred, has arisen from premature patents, as the generality of persons obtaining them have in very few instances, made any improvement on the land so granted, and thus have obstructed the communications between settlements, by the tract continuing in its original state of wilderness, and for that reason I would not recommend that any settler, even possessing a sufficiency to pay down the fees, should receive the patent, until he had been actually a resident on the land, five years, in which time he becomes in most cases, attached to the spot and considers it his home. I was the first person who exacted the performance of settlement duties, and actual residence on the land located, which at that time was considered as most arbitrary on my part, but the consequence now is, that the settlers that I forced to comply with my system are most grateful and sensible of the advantage they could not otherwise have for a length of time derived by the accomplishment of good roads, and I have not any hesitation in stating that there is not another settlement in North America, which can for its age and extent exhibit so compact and profitably settled a portion of the new world, as the Talbot settlement. Under such a view I cannot imagine where the "inconvenience and confusion" are to be found. My population amounts to nearly 40,000 souls, and should your Excellency cause a search of the Executive Council and Provincial Secretary's offices to be made, I am of opinion that grants would be found, and patents executed, between 30 and 40 years ago, that the fees have not yet been paid on, and of course, the deeds not taken out, far exceeding in number what Mr. Richards reports mine to be.—Lord Bathurst, in his despatch to Mr. President Smith, of the 26th Feb., 1818, an extract from which I now enclose to you and I have uniformly acted with the strictest conformity to his Lordship's instructions, as it regarded my settlers.

I entertain a strong suspicion that Mr. Richards was not apprised whilst he was in Canada, of the irregularities I am accused of, and that he must have received the information he has given to Lord Goderich, since that gentleman's return to England, from a correspondent in this Province, who appears to have been totally ignorant as relates to the point in question. I shall in my own justification take the liberty of transmitting a copy of this letter to Lord Goderich without delay.

I have the honor to be, &c.

(Signed) THOMAS TALBOT.

His Excellency
Major General
Sir John Colborne, K. C. B.
&c. &c. &c.

COPY.

PORT TALBOT, April, 11, 1835.

SIR,

In answer to your letter of the 2nd inst., written by desire of His Excellency the Lieut. Governor, I have the honor to state that it is not in my power to report the number of acres settled under my superintendance, as all depends upon the performance of the settlement duties, until which duties are done I do not consider the location final.

That I have not received any fees or perquisites from settlers, and therefore can make no detailed return of the kind mentioned.

That I have sold no lands to settlers.

That I have nothing to do with preparing or procuring deeds for the settlers, and know nothing of the charge of obtaining them, or of the number of deeds that have issued.

My system has been to consider no settler as finally located, till he has performed the duties required of him; when those have been complied with, he obtains his certificate from me, and all information of what is done afterwards upon such certificates rests with the Government, who of course can state the number of such certificates which have been presented and the patents which have issued upon them.

I have known many instances of settlers keeping their certificates for years without making use of them.

Upon sale of school and college lands, I have from time to time received moneys all of which has been accounted for and paid over to the proper officers.

I have the honor to be,
Sir,
Your most ob't.
Humble servant,

(Signed) THOMAS TALBOT.

Lieut. Colonel Rowan, *Secretary, &c. &c. &c.*

STATEMENT *of Lands in the London and Western Districts which have been placed in the hands of the Hon. Thomas Talbot under Orders in Council and Orders from the Lieutenant Governor of this Province for the time being. Shewing the number of lots and number of acres under Patent; the number of lots and number of acres under location, and the number of lots and number of acres which have not as yet been returned by Colonel Talbot.*

Districts.	Townships.	Concession.	No. of lots under Patent.	Total No. lots under Patent.	Townships No. of acres under Patent.	No. of lots under location.	Total No. lots under location	Townships No. acres under cultivation	No. of lots not returned.	Total No. lots not returned.	Townships No. of acres not returned.	Grand total No. of acres	REMARKS.
London.	Southwold	Talbot road East North side.	31	....	6200	13	.. .	2600	....	....	.....	.....	Under authority of an order in Council dated 15th Feby. 1809, & of His Exc'y Lieut. Gov'r Gore dated Oct 6,1815.
		Talbot road East South side.	28	....	5600	33	....	2600					
		Talbot road North North side.	17	....	3400	36	...	7200	....	..	.. ...	.....	Under authority of His Exc'y Lt. Gov'r Gore, dated 12th Feb. 1811.
		Talbot road North South side.	21	....	4200	31	....	6200					
			97	....	19400	93	....	18600				38000	
				97			93						
	Yarmouth.	Talbot road East North side.	25	....	5000	2	....	400	....	....	... ..	.....	Under authority of an order in Council dated Feb. 15, 1809, & of His Exc'y Lt. Gov. Gore, dated Oct. 6, 1815.
		Talbot road East South side.	21	..	4200	7	....	1400					
		1st concession	9	....	2160	2	....	300	...	....	.....	.....	Under authority of His Exc'y Lt. Gov'r Gore, dated Feb'y 12, 1811.
		2nd and 3rd concessions	7	....	2000	3	....	500					
			62	....	13360	14		2600				15960	
				62			14						
	Malahide.	Talbot road East North side.	23	....	4600	12	....	2400					Under authority of an order in Council, dated 15th Feb. 1809; and of His Exc'y Lieut. Gov'r Gore, dated 6th October, 1815.
		Talbot road East South side.	24	...	2800	20	..	4000					
		1st concession	17	...	3400	4	...	800					
		2nd do	12	....	2400	4	....	700					
		3rd do	7	....	1300	10	....	2000	3	....	500		
		4th do	12	....	950	4	....	800	8	....	1400		
		5th do	10	....	1800	17	....	3000	1	....	200		
		6th do	..	....	.....	.....	....	.....	7	....	247		
		7th do	2	...	200	.....	....	.....	17	...	800		
		8th do	9	....	1600	11	....	900	5	....	1000		
		9th do	4	....	200	5	...	400	5	....	350		
			120	....	19250	87		15000	46	....	4497	38747	
				120			87			46			

London.	Bayham..	Talbot road East North side.	11	....	2200	16	....	3200					
		Talbot road East South side	13	....	2600	15	....	3000					
		1st concession	14	....	2900	5	...	900					
		2nd do	12	....	2300	3	....	500	1		200		
		3rd do	8	....	1500	8	....	1600					
		4th do	6	....	900	5	....	800	11		1700		Under the above authority.
		5th do	6	....	700	4	...	600	12		2000		
		6th do	2	....	238	1	....	200	14		1000		
		7th do	11	....	750	3	....	300	14		600		
		8th do	8	....	950	3	....	300	12		1500		
		9th do	3	..	400	0	....	.....	17		3000		
		10th do	4	....	600	3	....	300	9		1600		
		11th do	0	....			...	.....	11		350		
			98	98	16038	66	66	11700	101	101	11950	39688	
	Houghton.	Talbot road East North side	1	....	163	3	....	500	....				
		Talbot road East South side	....	....	.....	5	....	1000	1	....	100	.....	Under do. do.
			1	1	163	8	....	1500	1	1	100	1763	
	Middleton	Talbot road East North side	8	....	1600	28	....	5600	12		2400		
		Talbot road East South side	11	....	2000	33	....	6600	6		1200	.....	Under do. do.
			19	19	3600	61	61	12200	18	18	3600	19400	
	Westminster.	Talbot road East North side	12	....	2400	....	....	.....	18		3400		
		Talbot road East South side	13	....	2500	....	....	....	15		3000	.....	Under do. do.
			25	25	4900	....	....	.....	33	33	6400	11300	
	Dunwich. Aldborough	50 acres Locations equal to	240		30050 35400	... ...	....	....	....		....	65450	
	Mosa.	North of the Talbot road long woods	....	....	.....	...	....	.....	....	115	18331		Under the authority of His Ex'y Sir P. Maitland, K.C.B., Lt. Gov. dated 27 Jan. 1821 & 12th March, 1824.
		South of the Talbot road long woods	....	....	.....	....	....	.....	....	24	2400	.....	
											20731	20731	
	Ekfrid.	North of the Talbot road long woods	....	....	.....	...	....	.....	....	116	21681		
		South of the Talbot road long woods	....	....	.....	....	....	.....	....	24	2400		
											24081	24081	Under do. do.
	London.		27	27	2800	....	....	.....	...	321	55080	55080	Under do. do.
	Carradoc	North of the Talbot road long woods.	...	....	.....	....	....	.....	...	30	3600		
		South of the Talbot road long woods.	....	....						19	1900	.....	Under do. do.
											5500	55 0	
				689	144911		329	61600		848	128939	335700	Total London District.
Western.	Orford.	Talbot road West South side	8		1600	12	....	2400	6		1200		
		Talbot road West North side	11		2200	6	....	1200	9		1800	....	Under the authority of an order in Council dated 15 Feb. 1809 of His Exy.

Western.	Orford.	Middle road South side.	19		3800	18		3600	18		1750			Lt. Gov. Gore, dated 6th Oct. 1815 and of His Ex'cy. Sir P. Maitland, K. C. B., dated 27 Jan. 1821.
		Middle road North side.							51		1750			
				19			18			51	6500	13900		
	Howard	Talbot road West South side.	9		1800	2		400	15		3000			
		Talbot road West North side.	2		400				25		5000		Under	do do
		Middle road north&south side all vacant lots.	....		.....	....		.....	147		12028			
			11		2200	2		400	187		20028	22628		
				11			2			187				
	Raleigh.	Talbot road West North side.	9		1800	1		200	27		5600			
		Middle road north&south side all vacant lots.	....		.....	....		.....	134		21442		Under	do do
			9		1800	1		200	161		27042			
				9			1			161				
	Tilbury East.	Talbot road West North side.	4		800			.....	12		2400			
		Middle road north&south side all vacant lots.	....		.....	....	....	.....	137		25654		Under	do
			4		800				149		28054	28854		
				4						149				
	Tilbury West.	Middle road north&south side and all vacant lots.	....	....	.....	....	....	.....	122		23800		Under	do
			....	...	.....	...	....	... ..	....					
										122		23800		
	Romney.	Talbot road West North side all vacant.	2		200	18		3600	1		200		Under	do do
									47		9400			
			2		200	18		3600	48		9600	13400		
				2			18			48				
	Mersea.	Talbot road West North side.	...	....	.....	4		800	23		4600			
		Talbot road West South side. all vacant.	3		400	2		400	23		3000		Under	do do
									56		1100			
			3		400	6		1200	102		18600	20200		
				3			6			102				
	Gosfield.	Talbot road West North side.	....	....	.....	....	....	.....	23		2300			
		Talbot road West South side.	....	....	.....	....	....	.....	23		2300		Under	do do
									46		4600			
										46		4600		
	Maidstone	Talbot road West Middle road all vacant.	....	....	.....	...	....	.....	77		10697		Under	do do
										77		10697		

Western.	Rochester.	Middle road and all vacant.	...	....	.....	....	....	.....	62	62	9738	9738	Under do do
		Middle road and all vacant.	....	....	.....	....	....	.....	44	44	4446	4446	Under do do
				48	9200		45	9000		1053	163105	181305	Total Western District
				737	154111		374	70600		1901	293044	517005	Total in London and Western Districts.
	Zone Town of London.	Omitted.		....	.....	...	....	... ..	....	122	23438		

☞ Schedule of the Townships in the London and Western Districts that at present compose the Talbot Settlement.—See next page.

SCHEDULE *of the Townships in the London and Western Districts, that at present compose the Talbot Settlement.*

TOWNSHIPS.		REMARKS.
	Middleton.....	Talbot Road—the only land that was grantable, which is all located. The remainder of the townships being Crown, Clergy and School Reserves.
	Houghton..... ...	The same as above.
	Bayham.....	All located except the Crown and Clergy Reserves.
	Malahide...	The same as Bayham.
	Yarmouth	Talbot road and the Southern part of Lake Erie all located, excepting the Crown and Clergy Reserves. The Northern part of this township in the rear of the lots on Talbot road is Crown and Clergy and School Reserves.
	Southwold.....	The two Talbot roads all located—the remainder of this township with the exception of four concessions next the River Thames, deeded many years ago to non-residents, is Crown, Clergy and School Reserves.
	Dunwich..... } Aldborough..... }	The Southern parts of these townships, excepting the Crown and Clergy Reserves, are Col. Talbot's property. The Northern parts of them have been long since deeded to non-residents.
	Oxford	Talbot road and middle road—the only land granted which is all located—the remainder of this township being Crown, Clergy, and Moravian Indian Reserves.
	Howard....	The Talbot and middle roads and such other lots as were open for location are all located, the Northern part next the Thames deeded long since.
	Harwich...	There are no vacant lands in this township, it having been long since deeded to non-residents with the exception of a few actual settlers on the River Thames.
14,400	Raleigh	The Talbot and middle roads all located, and there appears on the plan of this township to be only 14,400 acres grantable, but chiefly of a low wet description of land.
15,300	East Tilbury.....	Talbot road all located. The middle road not yet located. Besides there appears by the plan of that township to be 15,300 acres grantable.
15,400	West Tilbury.....	The middle road not yet located, besides which there appears upon the plans of this township to be 15,400 acres grantable.
	Romney.....	Talbot road located excepting two blocks of land long since deeded to non-residents, the one of two and a half miles, the other of four and a half miles in extent. The plan of this township does not describe the vacant lands.
10,100	Mersea.....	Talbot road located, and there appears upon the plan of this township to be 10,100 acres of grantable land.
	Gosfield..	Talbot road all located, cannot state the vacant land.
	Colchester.....	Talbot road all located, cannot state the vacant land.
6,000	Maidstone.....	The Talbot and middle roads are located with the exception of some wet lots.—There appears on the plan of this township to be 6,000 acres grantable—the remainder has been decded to non-residents.
5,800	Rochester.....	The middle road located, with the exception of some wet lots—there appears by the plan of this township to be 5,800 acres of grantable land.—The remainder has been long since granted to non-residents.
1,200	Sandwich.....	Talbot road located—there appears by the plan of this township to be 1,200 acres grantable.
	Zone.....	The Southern part of this township is a Moravian Indians reserve. The Northern part located with the exception of some lots.
	Mosa..... } Ekfrid..... } Carradoc..... } Lobo..... ... ... }	Long Wood towlships—long wood road located. The Northern parts from that road so called and located in the Surveyor General's office to non-residents before the plans were furnished to Col. Talbot with the exception of a few actual settlers in Lobo; that a very few desirable lots for settlement remain in them for location. The Southern remainders of the three first mentioned of these townships between the long wood road and the Thames are preserved for sale by the government.
	London.....	All located excepting the Crown and Clergy Reserves.
	Westminster.....	The North branch of Talbot road and the public road to Oxford are located—the remainder of this township is Crown, Clergy and School Reserves.
68,200	Acres.	

Upper-Canada.

SCHEDULE of ACCOUNTS prepared to be laid before the 2nd Session of the Twelfth Provincial Parliament.

No. 1.—Statement of Monies paid to the Receiver General of Lower Canada, between the 1st January and 1st July, 1835, for duties collected at the Port of Quebec.
2.—Statement of Monies paid to the Receiver General of Lower Canada, between the 1st July 1835, and the 1st January 1836, for duties collected at the Port of Quebec.
3.—Abstract of Warrants issued on the Receiver General under Provincial Enactments, from 1st January to 30th June, 1835.
4.—Abstract of Warrants issued on the Receiver General under Provincial Enactments, from the 1st July to the 31st December, 1835.
5.—Statement of the Receiver General's Receipts and Payments of the Provincial Revenue for the year 1835.
6.—Account of Revenue arising from Duties on Importations from the United States of America.
7.—Account of Revenue from Duties on Licences issued to Shopkeepers, Innkeepers, Distillers, &c. from 5th January 1835, to 5th January 1836.
8.—Account of Revenue from Licences issued to Hawkers and Pedlers for the year 1835.
9.—Account of Revenue from Licences issued to Auctioneers, and on Sales at Auction.
10.—Statement of Monies outstanding in the hands of Collectors and Inspectors, on 1st January 1836.
11.—Statement of Monies paid to the Receiver General by Collectors and Inspectors, from the 1st January to the 10th February 1836.
12.—Estimate of the Civil Expenditure of 1836.
13.—General Estimate of the Expenditure and Resources of the Province for 1836.

Inspector General's Office, 10th Feb. 1836.

GEORGE H. MARKAND,
Inspector General.

[COPY No. 1.]

STATEMENT of MONIES paid into the hands of the Receiver General of Lower Canada, between the 1st January and 1st July 1835, arising from Duties on Importations by sea into the said Province, in virtue of the Imperial Act 14 Geo. 3, ch. 88, and of sundry Provincial Acts, to a proportion of which the Province of Upper Canada is entitled, agreeably to the provisions of the Imperial Act 3 Geo. 4, ch. 119.

ACTS.	Quarter ended 5 Jan'y. 1835.	Quarter ended 5 April, and up to 1 May, 1835
Under Imperial Act 14 Geo. 3, ch. 88,	8113 18 1	450 10 4
Under Provincial Act 33 Geo. 3,	1734 19 6	5 0 8
..... 35 do.	21828 14 11	97 5 1
..... 41 do.	1649 12 6	226 7 3
..... 53&55 do.	5381 11 6	421 1 1
..... 55 do.	855 7 9	29743 14 7
	39564 4 3	30943 19 0
		39564 4 3
		70508 3 3
Deduct sundry expenses of Collection,	.....	401 5 8
Net,	.....	70106 17 7
Proportion for Upper Canada, one-third, is, Currency,	.....	23368 19 2
Equal in Sterling to	.....	21032 1 3

(Signed) Joseph Cary, *Ins. Gen. P.P.Acc'ts.*
Quebec, 1st July, 1835.

(A true copy) GEO. H. MARKLAND,
Inspector General.

[COPY, No. 2.]

STATEMENT of MONIES paid into the hands of the Receiver General of Lower Canada, between the 1st July 1835, and the 1st Jan'y 1836, arising from Duties on importations by sea, into the said Province, to a proportion of which the Province of Upper Canada is entitled, agreeably to the provisions of the Imperial Act, 3 Geo. 4, chapter 119,

ACTS.	Quarter ended 5th July 1835. £	s	d.	Quarter ended 10th Oct. 1835 £	s	d.
Imperial Act 14 Geo. 3. chap. 88.....	21166	14	3	17682	1	10
Provincial Act 33 Geo. 3.....	476	4	10	841	11	10
..... 35	1747	16	7	8180	11	3
..... 41	434	17	5	198	18	11
..... 53 & 55 ..... ch. 2.	15093	1	9	8456	4	2
..... 55 ..... ch. 3.	1487	7	7	1541	1	8
	40406	2	5	36900	9	8
Amount to 5th July 1835, ...				40406	2	5
Amount paid on the quarter ending 5th January 1836, ...				15307	13	10
Currency, ...				92614	5	11
The proportion for Upper Canada ⅓ is				30871	8	7
Equal in sterling to £				27784	5	8

(A true copy) GEO. H. MARKLAND,
Inspector General.

(Signed)
JOSEPH CARY, *Ins. Gen. P. P. Accounts.*
Quebec, 1st January, 1836.

[No. 3.] **Upper Canada.**

ABSTRACT of WARRANTS issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, under the several Provincial Enactments, from the 1st January to the 30th June 1835, inclusive.

Enactment.	To whom paid, and for what Service.	Currency. £	s.	d.
1 Wm.4, ch.14	Lieutenant Colonel Rowan, Civil Secretary, being the amount of the Lieutenant Governor's salary for the half year ended 31 December 1834,.....	1111	2	2½
.... do	The Honourable and Venerable John Strachan, D. D. being the am't of his salary, as Member of the Executive Council, for the same period,.....	55	11	1¼
.... do	The Honourable Peter Robinson, his salary as do. for do.....	55	11	1¼
.... do	The Honourable George H. Markland, his salary as do. for do.....	55	11	1¼
.... do	The Honourable Joseph Wells, his salary as do. for do	55	11	1¼
.... do	The Honourable John B. Robinson, Chief Justice, his salary for the same period,.....	833	6	8
.... do	The Honourable Levius P. Sherwood, Judge of the Court of King's Bench, his salary for the same period,.....	500	0	0
.... do	The Honourable James B. Macaulay, Judge of the Court of King's Bench, his salary for the same period,.....	500	0	0
.... do	Robt. S. Jameson, Esq. Attorney Gen., his salary for the same period	166	13	4
	Carried forward, £	3333	6	7½

ABSTRACT OF WARRANTS, &c.—Continued.

Enactment.	To whom paid, and for what Service.	Provincial Currency.					
	Brought over, £	3333	6	7½			
1 Wm. 4, ch. 14	Christopher A. Hagerman, Esq. Solicitor General, his salary for the same period,	111	2	2½			
.... do.	John Beikie, Esq. Clerk of the Executive Council, his salary for the same period,	111	2	2½			
4 51	Lt. Colonel W. Rowan, Civil Secretary his salary for the same period,	104	3	4	3555	11	0½
....	Edward McMahon, Esq. chief Clerk in the Government Office, his salary for do	138	17	9			
....	Arthur Gifford, Esq. Clerk in the Government Office, his salary for the same period,	100	0	0			
....	James McDonell, Esq. Clerk in the Government Office, his salary for the same period,	85	0	0			
....	William Lee, Esq. Senior Clerk in the Executive Council Office, his salary for do	125	0	0			
....	James Stanton, Esq. Junior Clerk in the Executive Council Office, his salary for do	100	0	0			
....	James Nation, Esq. Senr. Clerk in the Inspect. Genl. Office, his salary for do	125	0	0			
....	Raymond Baby, Esq. Junr. Clerk in the Inspt. Genl's. Office, his salary for do.	100	0	0			
....	John Radenhurst, Esq. principal Clerk in the Surveyor General's Department, his salary for the same period,	150	0	0			
....	James G. Chewett, Esq. senior Surveyor and Draftsman in the Surveyor General's Department, his salary for the same period,	150	0	0			
....	George C. Ridout, Esq. second Clerk in the Surveyor General's Office, his salary for the same period,	125	0	0			
....	Mr. John M. Caldwell, junr. Clerk in the Surveyor General's Office, his salary for the same period,	85	0	0			
....	Mr. William Spragge, junior, Clerk in the Surveyor General's Office, his salary for the same period,	85	0	0			
....	Bernard Turquand, Esq. senior Clerk in the Receiver General's Office, his salary for the same period,	125	0	0			
....	Walter Rose, Esq. junior Clerk in the Receiver General's Office, his salary for the same period,	100	0	0			
....	Samuel P. Jarvis, Esq. Deputy Secretary and Registrar, his salary for the half year ending 31st December, 1834,	100	0	0			
....	The Honorable John B. Robinson, Speaker of the Legislative Council, his salary for the same period,	100	0	0			
....	The Honorable Duncan Cameron, Secretary and Registrar, the allowance for Contingencies of his Office, for the same period,	75	0	0			
....	Mr. James Bridgland, Keeper of the Court of King's Bench, his salary for the same period,	10	0	0			
....	Mr. Thomas Phipps, Usher of the Court of King's Bench, his salary for do	10	0	0			
....	Lt. Colonel W. Rowan, Civil Secretary; being on account of the contingent expenses of the Government Office, for the same period,	181	12	11			
....	James Nation, Esq. being the balance of his account of the contingent exp. of the Public Offices for 1834	34	6	5			
....	The Honorable George H. Markland, Inspector General, being the amount of his account of the contingent expenses of his Office, for the half year ending 31st Dec. 1834,	40	11	2½			
....	John Beikie, Esq. Clerk of the Executive Council, being the amount of his account of the ordinary and incidental expenses of his Office, for the same period,	64	7	0			
	Carried forward, £	2313	18	7½	3555	11	0½

ABSTRACT OF WARRANTS, &c.—Continued.

Enactment.	To whom paid, and for what Service.	Provincial Currency.					
	Brought forward, £	2313	18	7½	3555	11	0¼
4 Wm.4.ch.51	Mr. Claud Cartier, being the amount of the reward offered by Proclamation for the discovery of the body of Patrick Coyne, supposed to have been robbed and murdered in the London District,	50	0	0			
....	Samuel P. Jarvis, Esq. Clerk of the Crown in Chancery, being with the sum of £60 paid by Warrant, 8th Sept. 1834, the amount of his account of the expense of forwarding Writs for a General Election,	75	7	6			
....	Lt. Colonel W. Rowan, Civil Secretary, being the balance of his account of the contingent expenses of the Government Office, for the half year ended the 31st December, 1834,	193	2	1			
....	The Honorable John H. Dunn, Receiver General, being the amount of his account of the contingent expenses of his Office, for the same period,	83	17	6			
....	Lt. Colonel W. Rowan, Civil Secretary, being the amount of his account of disbursements for repairs of the Government House, for the year 1834,	200	0	0			
....	The Honorable Duncan Cameron, Secretary and Registrar, being the amount of his account of disbursements for Books for the Registry, of Land Patents and other public instruments,	81	18	9			
....	Robert S. Jameson, Esq. Attorney General, the residue of his Salary, for the half year ended 31st December, 1834,	433	6	8			
....	Christopher A. Hagerman, Esquire. Solicitor General, the residue of his salary, for the same period,	188	17	9½			
59 Geo-3,c. 13	The Honorable George H. Markland, Inspector General, his salary for the same period,	.....			3620	8	11
1 Wm.4,ch.15	The Honorable John H. Dunn, Receiver General, his salary for same period,	.....			202	15	6½
1 16	Samuel P. Jarvis, Esq. Clerk of the Crown in Chancery, his salary for the half year ended 31st December, 1834,	.....			388	17	9¼
41G.3,c 12 &c	Marshall S. Bidwell, Esq. Speaker House of Assembly, his salary for the same period,	.....			37	10	0
....	Grant Powell, Esq. Clerk Legislative Council, his salary for the same period,	100	0	0			
....	D'Arcy Boulton, Esq. Master in Chancery, his salary for the same period;	100	0	0			
....	The Reverend William Meaulay, Chaplain of the Legislative Council, his salary from the 1st July to the 31st Oct. 1834, inclusive,	25	0	0			
....	The Reverend Thomas Phillips, Chaplain of the Legislative Council, his salary from the 1st Nov., to 31st Dec. 1834, inclusive,	16	12	10½			
....	The Reverend Thomas Phillips, being the amount of his salary as Chaplain to the House of Assembly, from the 1st July to the 31st October, 1834	8	7	1½			
....	Stephen Jarvis, Esq. Gentleman Usher of the Black Rod, his salary for the half year ended 31 Dec. 1834.	16	12	10½			
....	James Fitzgibbon, Esq. Clerk of the House of Assembly, his salary for the same period,	25	0	0			
....	David McNab, Esq. Serjeant at Arms House of Assembly, his salary for do	100	0	0			
....	Mr. Hugh Carfrae, Doorkeeper Legislative Council, his salary for the same period,	25	0	0			
		10	0	0			
	Carried forward, £	426	12	9½	7805	3	2½

ABSTRACT OF WARRANTS &c.—Continued.

Enactments.	To whom paid, and for what Service.	Provincial Currency.					
	Brought over, £	426	12	9½	7805	3	2½
41 G. 3, c. 12. &c	Mr. Hugh McLennan, Doorkeeper House of Assembly, his salary for the same period,.....	10	0	0			
4 G. 4, c. 6.	Colonel N. Coffin, Adjutant General of Militia, his salary for the half year ended 31 Dec. 1834, ...	182	10	0	436	12	10½
....	Colonel N. Coffin, Adjutant General of Militia, the allowance for the contingencies of his office for the same period.....	42	10	0			
.... 27	Colonel Walter O'Hara, Assistant Adjutant General his salary for do.....	.....			225	0	0
2 20	Mrs. Elizabeth Law, her pension for the same period,	.....			100	0	0
4 G. 4, c. 28	Mr. James Carrol, his pension for the same period,	.....			10	0	0
2 25	Mr. John White, his salary for the same period....	.....			10	0	0
4 24	Mr. Peter Miller, his pension for the same period...	.....			10	0	0
.... 8	The Hon. George H. Markland, being for the purchase of books for common and sunday schools...	150	0	0	10	0	0
....	Henry Beasley, Esquire, Treasurer of the Gore District, being the sum appropriated in aid of common schools in the said district, for the year 1835.....	250	0	0			
....	Francis T. Billings, Esq. Treasurer of the Home District, being the sum appropriated in aid of common schools, in the said District, for the year 1835....	250	0	0			
....	Alexander M'Lean, Esq. Treasurer of the Eastern Districts, being the sum appropriated in aid of common schools in the said district for the year 1835..	250	0	0			
....	Adiel Sherwood, Esq. Treasurer of the Johnstown District, being the sum appropriated in aid of common schools in the said district for the year 1835..	250	0	0			
....	Thomas Markland, Esq. Treasurer of the Midland District, being the sum appropriated in aid of common schools in the said district for the year 1835..	250	0	0			
....	The Honorable Zaccheus Burnham, Treasurer of the Newcastle District, being the sum appropriated in aid of common schools in the said district, for the year 1835.....	250	0	0			
4 G. 4, c. 8	William Hands, Esq. Treasurer of the Western District, being the sum appropriated in aid of common schools in the said district for the year 1835.....	250	0	0			
11 G. 4, c. 35	Mr. John Eastwood, being the amount of certain duties on machinery for a paper mill, erected by him, refunded.....	.....			1900	0	0
.... 18	Mrs. Charlotte Wier, her pension, from 1st July, 1834, to 30 June 1835, inclusive.....	.....			18	6	8
11 10	William Young, Esq., President of the Agricultural Society of the County of Middlesex, being the allowance in aid of said society, for the year commencing 6 March, 1834.....	.....			20	0	0
....	John Macauley, Esq. President of the Agricultural Society, Midland District, being the allowance in aid of said Society, for the same period,.....	50	0	0			
....	William P. Jarvis, Esq. President of the Home District Agricultural Society, being the allowance in aid of the said society for the same period.....	100	0	0			
....	George Adams, Esq. President of the Niagara District Agricultural Society, being the allowance in aid of said society for the same period.....	100	0	0			
48 G. 3, c. 16. &c	Mr. Eli Chadwick, Master of the London District School, his salary for the half year ended 31 December, 1834.....	100	0	0	350	0	0
		50	0	0			
	Carried forward, £	50	0	0	10895	2	9½

ABSTRACT OF WARRANTS, &c.—Continued.

Enactment.	To whom paid and for what Service.	Provincial Currency.					
	Brought forward, £	50	0	0	10895	2	9¾
48G.3,c.16,&c	Mr. John Stewart, Master of the Bathurst District School, his salary for the same period.....	50	0	0			
....	Mr. Henry Hunter, Master of the Newcastle District School, his salary for the same period.....	50	0	0			
....	Mr. John Whitlaw, Master of the Niagara District School, his salary for the half-year ended 31 December 1834,.....	50	0	0			
....	The Rev. George Urquhart, Master of the Eastern District School, his salary for the same period....	50	0	0			
....	Mr. Colin Gregor, Master of the Ottawa District School his salary for the same period.....	50	0	0			
....	The Reverend William Johnson, Master of the Western District School, his salary for the same period,	50	0	0			
....	Mr. George Baxter, Master of the Midland District School, his salary for same period,.....	50	0	0			
....	Mr. John Smith, Master of the Johnstown District School, his salary from 7th April to the 31st December, 1834, inclusive,.....	73	13	11½			
....	The Rev. Moses March, Master of the Prince Edward District School, his salary from the 20th June to the 31 December, 1834, inclusive,.....	53	8	5¾			
3 Wm. 4, c.56	Henry Beasley, Esq. Treasurer of the Gore District, being the appropriation in aid of Common Schools for the year 1834, ...	.....			529	2	5¼
.... 34	Robert C. Wilkins, Esq. being on account of the appropriation for the erection of a bridge over the River Trent.....	.....			600	0	0
41 G. 3, c. 12,	Grant Powell, Esq. Clerk of the Legislative Council, being the allowance for Copying Clerks in his Office, 1st sess. 12 Prov. Parl.....	.....			900	0	0
....	James FitzGibbon, Esq. Clerk of the House of Assembly, being the allowance for do	25	0	0			
		25	0	0			
3 Wm.4, c. 18	Jonas Jones, Esq. being on account of the improvement of the River St. Lawrence, ...	10000	0	0	50	0	0
...	Jonas Jones, Esq. being on account of the appropriation for the improvement of the river St. Lawrence,	10000	0	0			
....	Jonas Jones, Esq. being on account of the appropriation for the improvement of the river St. Lawrence,	10000	0	0			
Address H. of Assembly	Marshall S. Bidwell, Esq. Speaker of the House of Assembly, being on account of the contingent expenses of the House of Assembly, 1st Session, 12th Pro. Parliament,.....	1000	0	0	30000	0	0
....	Grant Powell, Esq. Clerk of the Legislative Council, being to enable him to pay the contingent expenses of his office during the said session	2411	0	10			
....	James FitzGibbon, Esq. Clerk of the House of Assembly, for do.....	5093	5	4½			
....	Stephen Jarvis, Esq. Gentleman Usher of the Black Rod, for do.....	305	16	11			
....	David A. McNab, Esq. Serjeant at Arms House of Assembly, for do.....	667	13	6			
56 G. 3, c. 12,	Mrs. Catharine McLeod, her pension for the year 1834	.....			9477	16	7½
5 Wm.4, c. 33,	Lt. Col. W. Rowan, Civil Secretary, being to enable him to pay the postage on public letters to and from the Government Office, for the quarter ended 30th March, 1835,.....	149	15	6	20	0	0
....	James Nation, Esq. being on account of the contingent expenses of the Public Offices for the year 1835...	400	0	0			
	Carried over, £	549	15	6	52470	1	10½

ABSTRACT OF WARRANTS, &c.—Continued.

Enactments.	To whom paid and for what Service.	Provincial Currency.	
	Brought over, £	549 15 6	52470 1 10½
5 W. 4, c. 33	Robert Stanton, Esq. Government Printer, being on account for printing the Statutes for the year 1835,	500 0 0	
....	Lieut. Colonel W. Rowan, Civil Secretary, being the amount of his account of disbursements for repairs of Government House, for the year 1835.....	200 0 0	
			1249 15 6
5 W. 4, c. 42	John Macaulay, Esq., being on account of the appropriation for completing the Penitentiary at Kingston.....	.....	1000 0 0
.... 29	Alexander M'Lean, Esq. Treasurer of the Eastern District, being the sum appropriated in aid of common schools in the said district for the year 1835,	.....	500 0 0
.... 32	Thomas G. Ridout, Esq. being the amount advanced to the different Boards of Health in the Province, during the prevalance of the cholera in 1834, by the Bank of Upper Canada.....	.....	2099 17 0
3 35	The Honorable George Herchimer Markland, Inspector General, being the sum appropriated for Light Houses in the Province.....	.....	600 0 0
5 30	David Thorburn, Esq. being on account of the sum appropriated for the purchase of a Steam Dredging Machine.....	.....	500 0 0
.... 37	Mr. Joseph Swetman, being an increase to his salary as keeper of the False Ducks Light House for the years 1833 and 1834.....	.....	75 0 0
3 37	William Chisholm, Esquire, being the annual appropriation for the maintenance of a Light at the Burlington Bay Canal.....	.....	100 0 0
Address of the House of Assembly.	James G. Chewett, Esquire, being to reimburse him the expense incurred in surveying, making plans, estimates, &c. of Windsor Harbour.....	.....	27 16 6
5 W. 4, c. 40	John Macaulay, Esquire, President of the Mechanics' Institute at Kingston, being the sum appropriated in aid of that Institution.....	.....	100 0 0
.... 38	John Ropih, Esquire, President of the Mechanics' Institute at Toronto, being the sum appropriated in aid of that Institution.....	.....	200 0 0
.... 35	Mr. Dean S. Howard, being the sum appropriated to remunerate him for extra work performed on the River Trent Bridge.....	.....	575 0 0
Address of the H. of Assembly	Mr. Nichol H. Baird, being to enable him to proceed with certain surveys.....	.....	100 0 0
11 G. 4, c. 11	The Honorable John H. Dunn, Receiver General, being for the redemption of Government Debentures, Nos. 186 to 192, amounting to £19,000 with interest to 30th June, 1835.....	19159 5 9	
.... 12	The Honorable John Henry Dunn, Receiver General for the redemption of Government Debentures, Nos. 196, 199, 249, and 253, for £1,666 13s. 4d. c'y, with interest to 30th June, 1835.....	1689 0 11½	
Sundry Acts.	The Honorable John Henry Dunn, Receiver General, being the amount of pay list of interest on debentures for the half year ended 30 June, 1835.....	5089 12 6	
7 G. 4, c. 6	The Honorable John Henry Dunn, Receiver General, being the amount of Pay List of Militia Pensions to 30th June, 1835.....	.....	25937 19 2½
	Total Currency.....	.....	450 0 0
		.....	85985 10 1

Inspector General's Office,
10th February, 1836.

RECAPITULATION.

AUTHORITY.	SERVICE.	CURRENCY. £	s.	d.
1 Wm.4, ch.14	Administration of Justice and support of the Civil Government....	3555	11	0½
4 Wm.4, ch.51	Expenses of the Civil Government.....	3020	8	11
59Geo.3, ch.13	Inspector General's Salary.....	202	15	6½
1 Wm.4, ch.15	Receiver General's Salary.....	388	17	9¾
1 Wm.4, ch.16	Clerk of the Crown in Chancery, his salary.....	37	10	0
41Geo3, c12&c	Officers of the Legislature, their salaries.....	436	12	10½
4 Geo. 4, ch. 6	Adjutant General of Militia, salary and allowances.....	225	0	0
4 Geo. 4, ch. 27	Assistant Adjutant General of Militia, his salary.....	100	0	0
2Geo.4, c.20&c	Pensions.....	80	0	0
4 Geo. 4, ch. 8	Appropriations for Common and Sunday Schools.....	1900	0	0
5 Wm.4, ch.29	....Ditto.... for Common Schools.....	500	0	0
11Geo.4, ch.35	Duties on Paper Machinery refunded.....	18	6	8
11Geo.4, ch.10	Appropriations in aid of Agricultural Societies.....	350	0	0
48Geo.3, ch.16	....Ditto.... for District Schools.....	527	2	5½
3 Wm.4, ch.56	....Ditto.... for Common Schools.....	600	0	0
3 Wm.4, ch.34	On account of the erection of River Trent Bridge.....	900	0	0
41Geo.3, ch.12	Appropriation for Copying Clerks to the Legislature.....	50	0	0
3 Wm. 4 ch.18	On account of the Improvement of the River St. Lawrence.....	30000	0	0
Add. H.of Ass.	Contingencies of the Legislature.....	9477	16	7½
5 Wm.4, ch.33	On account of the Civil Expenditure for 1835.....	1249	15	6
5 Wm.4, ch 42	....Ditto, of the Kingston Penitentiary.....	1000	0	0
5 Wm,4, ch.32	Appropriation for cholera expenses in 1834.....	2099	17	0
3 Wm.4, ch.35	....Ditto....for the maintenance of Light Houses.....	600	0	0
3 Wm.4, ch.30	On account of, ditto for the purchase of a Steam Dredging Machine..	500	0	0
.... do	Increase of Salary to Light House Keeper at False Ducks.....	75	0	0
3 Wm.4, ch.37	Appropriation for Light at Burlington Bay Canal.....	100	0	0
Add. H.of Ass.	Expense of Surveying Windsor Harbour.....	27	16	6
5 Wm. 4, c. 40	Appropriation in aid of the Mechanics' Institute, Kingston.....	100	0	0
5 Wm.4, ch.38	....Ditto.....Ditto.....Toronto.....	200	0	0
5 Wm.4, ch.35	....Ditto... for extra work on River Trent Bridge.....	575	0	0
Add.H. of Ass.	On account of certain Surveys.....	100	0	0
Sundry Acts.	Redemption of Debentures and interest thereon.....	25937	19	2½
7 Geo. 4, ch. 6	Militia Pensions.....	450	0	0
	Total currency.....	85985	10	1
	Deduct the amount of John White's Warrant not presented..	10	0	0
	£	85975	10	1

GEO. H. MARKLAND,
Inspector General.

INSPECTOR GENERAL'S OFFICE,
10th Feb'y. 1836.

[No. 4.]

Upper Canada.

ABSTRACT of WARRANTS issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, under the several Provincial Enactments, from the 1st July to the 31st December 1835, inclusive.

Enactment.	To whom paid, and for what Service.	Currency. £	s.	d.
1 Wm.4, ch.14	Lieutenant Colonel Rowan, Civil Secretary, being the salary of the Lieutenant Governor for the half year ended 30th June, 1835,..	1111	2	2½
.... do	The Honourable and Venerable John Strachan, D. D. Member of the Executive Council, his salary for the same period,.....	55	11	1½
	Carried forward, £	1166	13	3¾

ABSTRACT OF WARRANTS, &c.—Continued.

Enactment.	To whom paid, and for what Service.	Provincial Currency.					
	Brought over, £	1166	13	3¾			
1 Wm.4, c. 14,	The Honourable Peter Robinson, member of the Executive Council, his salary for the same period....	55	11	1¼			
....	The Honourable George Herchmer Markland, member of the Executive Council, his salary for the same period, ...	55	11	1¼			
....	The Honourable Joseph Wells, member of the Executive Council, his salary for the same period.....	55	11	1¼			
....	The Honourable John B. Robinson, Chief Justice, his salary for same period.....	833	6	8			
....	The Honourable Levius P. Sherwood, Judge of the Court of King's Bench, his salary for the same period,.....	500	0	0			
....	The Honourable James B. Macaulay, Judge of the Court of King's Bench, his salary for the same period.....	500	0	0			
59 Geo-3,c. 13	The Honorable George H. Markland, Inspector General, his salary for the same period,.....	.....			202	15	0¼
....	John Beikie, Esq. Clerk of the Executive Council, his salary for the same period.....	111	2	2½			
1 Wm. 4,ch.15	The Honorable John H. Dunn, Receiver General, his salary for the same period				3277	15	6
5 33	Lt. Colonel William Rowan, Civil Secretary his salary for the same period.....	.....			388	17	0½
....	Edward McMahon, Esq. Chief Clerk in the Government office, his salary for the same period.....	104	3	4			
....	Arthur Gifford, Esq. Second Clerk in the Government office, his salary for the same period.....	150	0	0			
....	James McDonell, Esquire Junior Clerk in the Government office, his salary for the same period....	100	0	0			
....	William Lee, Esq. Chief Clerk in the Executive Council office, his salary for the same period.....	87	10	0			
....	Mr. James Stanton, Second Clerk in the Executive Council office, his salary for the same period.....	125	0	0			
....	Bernard Turquand, Esq. Chief Clerk in the Receiver General's office, his salary for the half year ended 30 June, 1835.....	85	0	0			
....	Mr. Walter Rose, Second Clerk in the Receiver General's office, his salary for the same period.....	150	0	0			
....	James Nation, Esq. Chief Clerk in the Inspector General's office, his salary for the same period.....	100	0	0			
....	Mr. Raymond Baby, Second Clerk in the Inspector General's office, his salary for the same period....	125	0	0			
....	John Radenhurst, Esq. Chief Clerk in the Surveyor General's office, his salary for the same period....	85	0	0			
....	James G. Chewett, Esq. Senior Surveyor and Draftsman in the Surveyor General's Department, his salary for the same period.....	150	0	0			
....	George C. Ridout, Esq. Second Clerk in the Surveyor Goneral's office, his salary for the same period,	150	0	0			
....	Mr. William Spragge, Junior Clerk in the Surveyor General's office, his salary for the same period,...	125	0	0			
....	Mr. John M. Caldwell, junior clerk in the Surveyor General's Office, his salary for the same period....	85	0	0			
....	Robert S. Jameson, Esq. Attorney General, the residue of his Salary, for the half year ended 30 June, 1835,.....	85	0	0			
....	Robert Stanton, Esq. Government Printer, being the balance of his account audited in Council, for printing the Statutes of the 1st Session of the 12th Prov. Parliament	375	0	0			
		128	18	6			
	Carried forward, £	2210	11	10	3869	8	9¾

ABSTRACT OF WARRANTS, &c.—Continued.

Enactment.	To whom paid, and for what Service.	Provincial Currency.		
	Brought forward, £	2210 11 10	3369 8 9½	
5 Wm.4.ch.33	Lt. Colonel W. Rowan, Civil Secretary, being to enable him to pay the postage of public letters to and from the Government Office for the quarter ended 30th June 1835,	102 11 8		
....	Lt. Colonel W. Rowan, Civil Secretary, being the balance of his account of the contingent expenses of the Government Office, for the half year ended the 30 June, 1835, audited in Council, 6th August, 1835,	189 18 8½		
....	John Boikie, Esq. Clerk of the Executive Council, being the amount of his account of the contingent expenses of his Office, for the same period, audited in Council 6th August, 1835,	73 19 7		
....	The Honorable John H. Dunn, Receiver General, being so much expended of the appropriation for printing the Statutes of 1835, to be transferred to the credit of the Crown Fund, in part re-payment of the sum of £764 18s 6d currency, advanced from that fund for printing the Statutes of 1834	371 1 6		
....	Lt. Col. William Rowan, Civil Secretary, being to enable him to pay the postage of Public Letters to and from the Government Office, for the quarter ended 30th September, 1835,	104 10 1		
....	The Honorable George H. Markland, Inspector General, being the amount of his account for the contingent expenses of his Office, for the half year ended 30th June, 1835, audited in Council 3rd December, 1835,	41 2 1		
....	Mr. Thomas Phipps, Usher of the Court of King's Bench, his salary, for the same period,	10 0 0		
....	Mr. James Bridgeland, Keeper of the Court of King's Bench, his salary for the same period,	10 0 0		
			3113 15 5½	
4 G. 4, ch. 6	Col. Nathaniel Coffin, Adjutant General of Militia, his salary for the same period,	182 10 0		
....	Colonel Nathaniel Coffin, Adjutant General of Militia, being the allowance for the Contingent Expenses of his office, for the same period	42 10 0		
			225 0 0	
....	Colonel Walter O'Hara, Assistant Adjutant General of Militia, his salary for the same period		100 0 0	
41G.3,c 12 &c	Marshall S. Bidwell, Esq. Speaker House of Assembly, his salary for the same period	100 0 0		
....	Grant Powell, Esq. Clerk Legislative Council, his salary for the same period,	100 0 0		
....	James Fitzgibbon, Esq. Clerk of the House of Assembly, his salary for the same period,	100 0 0		
....	The Reverend Thomas Phillips, Chaplain to the Legislative Council, his salary for the same period	25 0 0		
....	D'Arcy Boulton, Esq. Master in Chancery, his salary for the same period,	25 0 0		
....	Stephen Jarvis, Esq. Gentleman Usher of the Black Rod, his salary for the same period	25 0 0		
....	David McNab, Esquire, Serjeant at Arms, his salary for the half year ended 30th June, 1835,	25 0 0		
....	Mr. Hugh Carfrae, Doorkeeper Legislative Council, his salary for the same period	10 0 0		
....	Mr. Hugh M'Lellan, Doorkeeper, House of Assembly, his salary for the same period	10 0 0		
			420 0 0	
	Carried forward, £		7728 4 3½	

ABSTRACT OF WARRANTS, &c.—Continued.

Enactments.	To whom paid and for what Service.	Provincial Currency.		
	Brought over, £	.....	7728 4 3¼	
1 Wm. 4, c. 16	Samuel P. Jarvis, Esq. Clerk of the Crown in Chancery, his salary for the same period.....	.....	37 10 0	
4G.4, c.28, &c	Mr. James Carrol, his Pension for the same period..	10 0 0		
....	Mr. Peter Miller, his Pension for the same period...	10 0 0		
....	Mrs. Elizabeth Law, her Pension for the same period,	10 0 0		
			30 0 0	
5 Wm. 4, c. 29	F. T. Billings, Esq. Treasurer of the Home District, being the sum appropriated in aid of Common Schools in said District for the year 1835.....	750 0 0		
....	Adiel Sherwood, Esq. Treasurer of the Johnstown District, being the sum appropriated in aid of Common Schools in said District for the year 1835....	500 0 0		
....	William Clark, Esq. Treasurer of the Niagara District, being the sum appropriated in aid of Common Schools in the said district for 1835.....	500 0 0		
....	William Hands, Esq. Treasurer of the Western District, being the sum appropriated in aid of Common Schools in said District for 1835.....	350 0 0		
....	Thomas Markland, Esq. Treasurer of the Midland District, being the sum appropriated in aid of Common Schools in said District for 1835.....	550 0 0		
....	Zaccheus Burnham, Esq. Treasurer of the Newcastle District, being the sum appropriated in aid of Common Schools in the said District for the year 1835,	500 0 0		
....	Henry Beasley, Esq. Treasurer of the Gore District, being the sum appropriated in aid of Common Schools in the said District, for the year 1835....	600 0 0		
....	David Smith, Esq. Treasurer of the District of Prince Edward, being the sum appropriated in aid of Common Schools in the said District for the year 1835.....	200 0 0		
....	John McKay, Esq. Treasurer of the Bathurst District, being the sum appropriated in aid of Common Schools in the said District for the year 1835.....	500 0 0		
....	John Harris, Esq. Treasurer of the London District, being the sum appropriated in aid of Common Schools in aid of Common Schools in the said District for the year 1825.....	600 0 0		
4 G. 4, c. 8	John Harris, Esq. Treasurer of the London District, being the annual appropriation in aid of Common Schools in the said District for 1835.....	250 0 0	5050 0 0	
....	John McKay, Esq. Treasurer of the Bathurst District, being the annual appropriation in aid of Common Schools in the said District for 1835.....	250 0 0		
....	William Clarke, Esquire, Treasurer of the Niagara District, being the annual appropriation in aid of Common Schools in the said District for 1835....	250 0 0		
....	David Smith, Esq. Treasurer of the District of Prince Edward, being the annual appropriation in aid of Common Schools in the said district for 1835.....	250 0 0		
3 Wm. 4, c.18	Jonas Jones, Esq. Commissioner, being on account of the appropriation for the improvement of the River St. Lawrence.....	5000 0 0	1000 0 0	
....	Jonas Jones, Esq. Commissioner, being on account of the appropriarion for the improvement of the River St. Lawrence.....	20000 0 0		
....	Jonas Jones, Esq. Commissioner, being on account of the appropriation for the improvement of the River St. Lawrence.....	20000 0 0		
	Carried forward, £	45000 0 0	13845 14 3¼	

ABSTRACT OF WARRANTS, &c.—Continued.

Enactment.	To whom paid and for what Service.	Provincial Currency.					
	Brought forward, £	45000	0	0	13845	14	3¾
3 Wm.4, c. 18	Jonas Jones, Esq. Commissioner, being on account of the appropriation for the improvement of the River St. Lawrence.....	30000	0	0			
					75000	0	0
5 Wm. 4, c.43	Ebenezer Perry, Esq. Commissioner, being on account of a Loan to the Cobourg Harbour Company,.....	.....			500	0	0
5 Wm. 4, c.41	John D. Smith, Esq. Commissioner, being the sum appropriated for the erection of a Light House, on Gull Island Lake Ontario.....	.....			1000	0	0
59 G. 3, ch. 4	Mr. John Rae, Master of the Gore District School, his salary from the 6th December, 1834, to 30th June, 1835, inclusive.....	56	14	6			
48 G. 3, c. 16	The Rev. Hugh Urquhart, Master of the Eastern District School, his salary for the half year ended 30th June, 1835.....	50	0	0			
....	Mr. John Stewart, Master of the Bathurst District, his salary for the same period.....	50	0	0			
....	Mr. Eli Chadwick, Master of the London District School, his salary for the half year ended 30th June 1835.....	50	0	0			
....	John Whitelaw, M. D. Master of the Niagara District School, his salary for same period,.....	50	0	0			
....	Mr. Walter Crofton, Master of the Newcastle District School, his salary from the 15th May to 30th June, inclusive, ...	12	17	6			
....	Mr. George Baxter, Master of the Midland District School, his salary for the half year ended 30th June, 1835,.....	50	0	0			
....	Mr. Colin Gregor, Master of the Ottawa District School, his salary same period, ...	50	0	0			
....	Mr. John Smith, Master of the Johnstown District School, his salary same period.....	50	0	0			
....	Mrs. Jane Hunter, widow of the late Henry Hunter, Master of the Newcastle District School, being the amount of his salary from 1st January to 14th May, 1835, inclusive, ...	37	2	6			
....	The Rev. William Johnson, Master of the Western District School, his salary for the half year ended 30th June, 1835, ...	50	0	0			
....	The Rev. D. Macaulay, Master of the Home District School, his salary from the 16th March to 30th June 1835, inclusive, ...	29	11	1¾			
....	The Rev. Moses Marcus, Master of the Prince Edward District School, his salary for the half year ended 30th June, 1835, ...	50	0	0			
					586	5	7¾
5 Wm. 4, c.42	John Macaulay, Esq. being on account of the appropriation in aid of the Penitentiary at Kingston,.....	1000	0	0			
....	John Macaulay, Esq. being the residue of the appropriation in aid of the Penitentiary at Kingston, ...	1000	0	0			
					2000	0	0
5 Wm. 4, c. 37	Mr. Joseph Swetman, Keeper of the Light House at the False Ducks Islands, his salary for the half year ended 30th June, 1835,.....	.....			18	15	0
.... 12	The Honourable George H. Markland, Inspector General, being the additional appropriation for the support of Light Houses in this Province,.....	.....			1000	0	0
.... 11	John Macaulay, Esq. President of the Midland District Agricultural Society, being the sum appropriated in aid of said society for the year 1835,.....	100	0	0			
	Carried over, £	100	0	0	93950	14	11

ABSTRACT OF WARRANTS, &c.—Continued.

Enactments.	To whom paid and for what Service.	Provincial Currency.	
	Brought over, £	100 0 0	93950 4 11
5 W. 4, c. 11	David Pattie, Esq. President of the Agricultural Society of the County of Lanark, being the sum appropriated in aid of the said Society.....	50 0 0	
59 G. 3, c. 7,	Samuel P. Hurd, Esquire, Surveyor General, being for 10 original and 232 supplementary returns to District Treasurers	.....	150 0 0
5 W. 4, c. 30	Charles Duncombe, Esq. being on account of the appropriation for the purchase of a Steam Dredging Machine.....	.....	39 0 0
.... 39	Robert Reynolds, Esq, Commissioner, being the appropriation for the erection of a Light House at Hartley's Point, Lake Erie.....	.....	1000 0 0
7 Geo. 4, c. 6,	The Honorable John Henry Dunn, Receiver General, being the amount of Militia Pensions paid by him in advance for the half year ended 31st December, 1835	.....	800 0 0
Sundry Acts.	The Honorable John Henry Dunn, Receiver General, being the amount of interest on Government debentures paid by him during the half year ended 31st December, 1835.....	.....	500 0 0
Address of the H. of Assembly	Nichol H. Baird, Esq. Civil Engineer, being to enable him to proceed with certain surveys.....	.....	4854 17 6
		.....	150 0 0
	Total Currency...£	.....	101444 12 5

RECAPITULATION.

AUTHORITY.	SERVICE.	AMOUNT.
1 Wm.4, ch.14	Administration of Justice and support of the Civil Government...£	3277 15 6
59Geo.3, ch.13	Inspector General's Salary.....	202 15 6½
1 Wm.4, ch.15	Receiver General's Salary.....	388 17 9½
5 Wm.4, ch.33	Support of Civil Government.....	3113 15 5½
4 Geo. 4, ch. 6	Adjutant General of Militia.....	225 0 0
4 Geo.4, ch.27	Assistant Adjutant General of Militia.....	100 0 0
41Geo3, c12&c	Officers of the Legislature.....	420 0 0
1 Wm.4, ch.16	Clerk of the Crown in Chancery.....	37 10 0
4Geo.4, c.28&c	Pensions.....	30 0 0
5 Wm. 4, c. 29	Appropriation in aid of Common Schools	5050 0 0
4 Geo. 4, ch. 8	.....Ditto.....Ditto.....Ditto.....	1000 0 0
3 Wm. 4 ch.18	Improvement of the River St. Lawrence.....	75000 0 0
5 Wm.4, ch.43	Loan to the Cobourg Harbour Company.....	500 0 0
5 Wm.4, ch.41	Light House at Gull Island.....	1000 0 0
48 G.3, c.16 &c	District School Masters	586 5 7½
5 Wm.4, ch 42	Kingston Penitentiary.....	2000 0 0
5 Wm,4, ch.37	Salary of the Light House Keeper at False Ducks Island.....	18 15 0
5 Wm.4, ch.12	For the maintenance of Light Houses.....	1000 0 0
5 Wm.4, ch.11	Agricultural Societies	150 0 0
59 Geo.3, ch.7	Surveyor General's Returns to District Treasurers.....	39 0 0
5 Wm.4, ch.30	Steam Dredging Machine.....	1000 0 0
5 Wm.4, ch.39	Light House at Hartley's Point, Lake Erie.....	800 0 0
7 Geo. 4, ch. 6	Militia Pensions.....	500 0 0
Sundry Acts.	Interest on Government Debentures.....	4854 17 6
Add. H. of Ass.	Surveys.....	150 0 0
	Total currency.....£	101444 12 5

INSPECTOR GENERAL'S OFFICE,
10th Feb'y. 1836.

GEO. H. MARKLAND,
Inspector General.

[No. 5.]

Upper Canada.

STATEMENT of the Receiver General's Receipts and Payments of the Provincial Revenue, from the 1st January to the 31st December, 1835, inclusive.

RECEIPTS.	CURRENCY. £ s. d.	PAYMENTS.	CURRENCY. £ s. d.
Balance in the Receiver General's hands, 31 December, 1834, ...	28771 12 0¾	By amount of Warrants issued by His Excellency the Lieutenant Governor on the Receiver General of the Province as per abstract No. 3..	85975 10 1
Amount received from the Receiver General of Lower Canada, as this Province's proportion of Duties collected at the Port of Quebec on importations by sea, for the quarters ended 5th July and 10th October, 1834, and 5th January, 5th April, and up to 1st May, 1835,..	46173 4 1	By amount of ditto as per abstract No. 4.....	101444 12 5
Amount of the 24th Bank Stock Dividend, ...	1000 0 0	By amount of the Receiver General's allowance of one half per cent. on £46,173 4s. 1d. currency, received from the Receiver General of L. Canada.....	230 17 3¾
Amount of the 25th Bank Stock Dividend and bonus.....	2000 0 0		
Amount of proceeds of Bills of Exchange on London, ...	78583 6 8		
Amount received on account of Duties on importations from the United States of America, ...	13895 19 7		
Amount of do. on Hawkers' & Pedlers' Licences,.....	404 15 0		
Amount of do. on Licences issued to Auctioneers and on Sales at Auction, ...	530 3 8¾		
Amount of do. on Licences issued to Shopkeepers, Innkeepers, Distillers, &c.....	7166 8 4		
Amount received on account of Tolls collected, viz:—at the			
Burlington Bay Canal, £1733 8 5			
Brantford Bridge,..... 136 17 0			
York Turnpike Roads .. 456 0 0			
Kettle Creek Harbour.. 272 12 9			
	2598 18 2		
Amount received on account of interest on Loan to Cobourg Harbor Company, ...	88 2 6		
Amount of surplus road money from the Treasurer of the Midland District,.....	2 15 0		
Amount received on account of Ale and Beer Licences issued, ...	17 10 0		
Balance in advance by the Receiver General, on the 31st December, 1835,.....	6418 4 8¾		
Total Currency, £	187650 19 9¾	Total Currency, £..	187650 19 9¾

GEORGE H. MARKLAND,
Inspector General.

INSPECTOR GENERAL'S OFFICE,
10th Feb'y. 1836.

[No. 6.]

Upper Canada.

ACCOUNT of REVENUE arising from Duties upon Goods, Wares, and Merchandize, imported into this Province from the United States of America, from the 1st January to 31st December, 1835, as reported by the Collectors of Customs.

PORTS.	COLLECTORS.	Whole Collection. £	s	d	Expense of Collection. £	s	d	Net Revenue. £	s	d
River aux Raisin	John Cameron,	100	2	4	50	1	2	50	1	2
Cornwall,	William J. Crysler,	202	0	0	100	0	0	102	0	0
Prescott,	Alpheus Jones,	234	1	4½	100	0	0	134	1	4½
Brockville,	Richard D. Fraser,	549	9	1¼	100	0	0	449	9	1¼
Johnstown,	John Webster,	40	2	10	20	1	5	20	1	5
Gananoque,	Ephraim Webster,	29	19	0½	14	19	6¼	14	19	6¼
Kingston,	Thomas Kirkpatrick,	1517	17	3½	100	0	0	1417	17	3½
Bath,	Colin McKenzie,	199	9	9½	99	14	10¾	99	14	10¾
Hallowell,	Andrew Deacon,	249	11	5½	100	0	0	149	11	5½
Newcastle,	Bernard McMahon,	140	0	7½	70	0	3¾	70	0	3¾
Belleville,	Henry Baldwin,	252	19	7½	100	0	0	152	19	7½
Cobourg,	Allan McLean & Robert Brown,	360	9	9½	100	0	0	260	9	9½
Port Hope,	William Kingsmill,	378	11	3	100	0	0	278	11	3
York,	George Savage & Thomas Carfrae,	3750	15	2½	100	0	0	3650	15	2½
Burlington,	John Chisholm,	1438	11	10¾	100	0	0	1338	11	10¾
Dalhousie,	John Clark,	172	18	4½	86	9	2¾	86	9	2¾
Niagara,	Thomas McCormick	477	7	5½	100	0	0	337	7	5½
Queenston,	Robert Grant,	472	14	6	100	0	0	372	14	6
Chippewa,	Robt. Kirkpatrick and Jas. Secord,	503	7	7¾	100	0	0	403	7	7¾
Fort Erie,	James Kirby,	765	7	0¼	100	0	0	665	7	0¼
Dover,	George Ryerse,	204	4	9¾	100	0	0	104	4	9¾
Turkey Point,	James Mitchell,	27	0	0	13	10	0	13	10	0
Burwell,	John Burwell	112	19	7½	56	9	9⅜	56	9	9⅜
Talbot,	Mahlon Burwell	21	5	11	10	12	11½	10	12	11½
Amherstburgh,	Francis Caldwell,	196	4	10½	98	2	5¼	98	2	5¼
Sandwich,	William Hands,	259	17	3¾	100	0	0	159	17	3¾
Penetanguishine,	Thomas G. Anderson,	61	9	4	30	14	8	30	14	8
Stanley,	John Bostwick	835	5	2½	100	0	0	735	5	2½
Windsor,	Henry Boys	120	10	5½	60	5	2⅜	60	5	2⅜
Maitland,	Alexander McQueen,	59	7	3	29	13	7½	29	13	7½
Oakville,	William Chisholm,	117	8	11¾	58	14	5½	58	14	5½
Goderich,	John Galt,	46	2	7½	23	1	3¾	23	1	3¾
	Whole collection, £	13897	12	10¾						
	Expense of collection, £				2422	11	0			
	Net Revenue Currency, £							11475	1	10¾

GEORGE H. MARKLAND,

Inspector General.

INSPECTOR GENERAL'S OFFICE,
10TH FEBRUARY, 1836.

[No. 7.]

Upper Canada.

ACCOUNT of REVENUE arising from Duties on Licences issued to Shopkeepers, Innkeepers, Distillers, &c. from 5th January 1835, to the 5th January, 1836, as reported by the several Inspectors.

DISTRICT	INSPECTORS.	No. of Steam-boats.	No. of Shops.	No. of Inn-keepers.	No. of Billiard Tables.	Stills. Gallons.	Duty on Steam-boats £ s. d.	Duty on Billiard Tables. £ s. d.	Duty on Shops £ s. d.	Duty on Innkeepers. £ s. d.	Duty on Stills. £ s. d.	TOTAL. CURRENCY. £ s. d.
Ottawa.....	Donald McDonald.....	....	5	12	....	120	0 0 0	0 0 0	25 0 0	51 0 0	15 0 0	91 0 0
Bathurst.....	Anthony Leslie.....	1	45	72	....	468	5 0 0	0 0 0	225 0 0	347 0 0	58 10 0	635 10 0
Eastern	P. Vankoughnet	1	57	82	....	74	5 0 0	0 0 0	285 0 0	390 0 0	9 5 0	689 5 0
Johnstown ...	John Weatherhead,.....	1	42	58	....	80	5 0 0	0 0 0	210 0 0	343 0 0	10 0 0	568 0 0
Midland	James Sampson,.....	1	41	120	1	1276	5 0 0	40 0 0	205 0 0	805 0 0	159 10 0	1214 10 0
PrinceEdward	Adam Hubbs.....	....	19	27	....	176	0 0 0	0 0 0	95 0 0	125 10 0	22 0 0	242 10 0
Newcastle ..	Elias Jones,.....	....	48	85	....	1655	0 0 0	0 0 0	240 0 0	358 0 0	206 17 6	804 17 6
Home	Hon. Alexander McDonell.....	2	64	223	1	1574½	10 0 0	40 0 0	320 0 0	1211 0 0	196 16 3	1777 16 3
Gore	John Willson, ...	....	38	126	....	641½	0 0 0	0 0 0	190 0 0	593 0 0	80 3 9	863 3 9
Niagara*....	John Jordan, ...	....	6	28	....	....	0 0 0	0 0 0	30 0 0	111 10 0	0 0 0	141 10 0
London	James Mitchell,.....	....	19	61	....	769	0 0 0	0 0 0	95 0 0	190 10 0	96 2 6	381 12 6
Western, ...	William Hands	....	23	53	....	....	0 0 0	0 0 0	115 0 0	272 10 0	0 0 0	387 10 0
		6	407	947	2	6834	30 0 0	80 0 0	2035 0 0	4798 0 0	854 5 0	7797 5 0
Inspectors' Allowance,.....												680 9 10½
Nett Revenue, Currency, ...												£ 7116 15 1½

* The Returns from the Niagara District are only from 5th July 1835 to 5th January 1836—the late Inspector having made no Return for the quarter ended 5th April and 4th July. His Bonds are in the hands of the Attorney General for prosecution.

INSPECTOR GENERAL'S OFFICE,
10th Feb'y. 1836.

GEORGE H. MARKLAND,
Inspector General.

Upper Canada.

NAMES of Persons licensed as Shopkeepers to Retail Spirituous Liquors, from the 5th January 1835, to the 5th January 1836, as reported by the Inspectors of Licenses.

MIDLAND DISTRICT.

1 Helen Mair,
2 Bland & Co.
3 Jane McLeod,
4 Donald Stewart & Co.
5 James Williamson,
6 Peter O'Reilly,
7 William Portt & Co.
8 Alexander Fee,
9 Orton Handcox,
10 Joseph Carberry,
11 Cecil Morin,
12 Isabella Bowie,
13 George Armstrong,
14 Hugh McGinnis,
15 Patrick Egan,
16 Wm. Holdich,
17 Allan McPherson,
18 Thomas Rice,
19 Henry Lasher,
20 John Turnbull,
21 McNabb & Bell,
22 James Fraser,
23 Hugh Carnahan,
24 Benjamin Seymour
25 William P. Cook,
26 Samuel Rees,
27 John A. Blacker,
28 Charles Anderson,
29 Andrew Rhea,
30 Benjamin Davy,
31 Thomas Gordon,
32 James Dillon,
33 Joseph Bruce,
34 Rose & Cameron,
35 Matthew Rourke,
36 Thomas Douglass,
37 Edward Thomas,
38 James Macaulay,
39 R. D. Finlay,
40 Patrick Rodgers,
41 John Mowatt.

JOHNSTOWN DISTRICT.

1 Daniel F. Britton,
2 Rufus C. Henderson,
3 Benjamin Tett,
4 Samuel P. Thomas,
5 A. H. Griffin,
6 John Bland & Co.
7 James W. Parmenter,
8 John Redmond,
9 John McDonell,
10 Wm. Blackburn,
11 Alexander McQueen,
12 Samuel Reynolds,
13 Jacob M. Shriver,
14 William Gibson,
15 Moses Maynard & Co.
16 Lothrop & Arnold,
17 Ephraim Dunham,
18 Charles Jones,
19 Charles Jones,
20 Duncan McQueen,
21 William P. Loucks,
22 Kernham & Woods,
23 Edward Harrison,
24 A. & M. Morris,
25 James Shaw,
26 George C. Mittleburger,
27 H. & J. Jones,
28 Samuel Crane & Co.
29 Thomas Newson,
30 Ezekiel Phillips,
31 Thomas & Kenyon,
32 Averill & Hooker,
33 Averill & Hooker,
34 Walter Bouck,
35 Mather & McLean,
36 Hooker & Henderson,
37 E. M. & J. D. Church,
38 McDonell & McKay,
39 E. H. Whitmarsh,
40 Joseph K. Hartwell,
41 William Spotswood,
42 Wellington Landon.

NEWCASTLE DISTRICT.

1 McDonald & Co.
2 Playfair, McLean & Co.
3 William Robison,
4 Howard & Co.
5 J. B. Fortune & Co.
6 Thomas Allen,
7 James Calcutt, Junr.
8 Archibald Frazer & Co.
9 Benjamin Throop,
10 William Burnham,
11 Charles Bowman & Co.
12 David Smart,
13 John V. Boswell,
14 Dennis Driscoll,
15 Kenneth Mackenzie,
16 Henry B. Holland,
17 Thos. G. Hymers,
18 John Wilson,
19 Ralph Swinburne,
20 Obed Lindsey,
21 Walter W. Boswell,
22 Joseph Billis,
23 Peter O'Reilly,
24 James Lawless,
25 Conger & Scott,
26 Lewis Moffatt,
27 Frederick Ferguson,
28 William Hall,
29 James Curran,
30 John Brophey,
31 Thomas A. Corbett,
32 Charles McLean,
33 Wm. Hartwell,
34 Howard & Thompson,
35 John Crowford,
36 Thos. Crowford,
37 Adam Reid,
38 Mark Burnham,
39 John R. Benson,
40 Aughty Morrow,
41 Thomas Foster,
42 John Brown,
43 John McFaul,
44 Thomas Murphy,
45 John Steele,
46 Dugald Campbell,
47 Robert Waddell,
48 Jas Thompson.

EASTERN DISTRICT.

1 Philip Vankoughnett
2 Howard, Thomson & Co.
3 Peter McSweeney
4 George Robertson
5 William Clarke
6 Neil McIntosh
7 Angus McPherson & Co.
8 Peter McMartin
9 William Cline
10 Thomas Flynn
11 James McGillis
12 William Lindsay
13 Martin Carman & Co.
14 Rosett & Masson
15 William Mattice,
16 Mattice & Wagoner,
17 Will Lightness,
18 Guy C. Wood,

EASTERN DISTRICT.—Continued.

19	William Kyle,
20	James Sanderson,
21	John Proudfoot,
22	Michael Pillar,
23	James Grant,
24	Kezar & Dix,
25	Donald McNichol,
26	Peter, Chesley,
27	Charles Desormier,
28	Peter Tate,
29	James McKarney,
30	John Hamer,
31	James Holden,
32	Augus Catanach,
33	L. J. Laroque,
34	Angus McDonell,
35	Finlay Sinclair,
36	James McDonell,
37	Michael Smith,
38	Angus McDonell,
39	James Groves,
40	Norman C. Hover,
41	Duncan McIntyre,
42	Margaret O'Rourke,
43	Walter Bell,
44	J. & D. Link,
45	Simon Fraser, jr.
46	Donald McLennan,
47	Wm. J. Hamilton,
48	Howard & Co.
49	John Kennedy,
50	James Forsyth,
51	Chas. McKernaghan,
52	John Bell,
53	Caleb Knight,
54	G. A. Musson,
55	Charles Loney,
56	Richard Merriam,
57	Thomas McCaw & Co.

HOME DISTRICT.

1	P. A. Nichol,
2	Paul F. Whitney,
3	John Abbot,
4	James Mair,
5	Joseph Lee,
6	John Jennings,
7	Joseph Armstrong,
8	Joseph Cawthra,
9	John Cawthra,
10	James F. Westland,
11	Wm. H. Elliott,
12	John Sproule,
13	Alexander Leggo,
14	Edmund Harrison,
15	Peter Secord,
16	William Hayden,
17	James E. Smith,
18	G. M. Sanford,
19	John Armstrong,
20	Thomas Robson,
21	George Reid,
22	Grandeson Boyd,
23	Norton & McDonald,
24	John Carey,
25	Robert Darling,
26	J. & W. Gentle,
27	George Moore,
28	Robert McKay,
29	Richard Hutchinson,
30	Richard Machell,
31	John Welsh & Co.
32	James Townley,
33	Andrew Mitchell,
34	Peter Milne,
35	John Robinson,
36	Stephen Jeffrey,
37	W. C. Ross,
38	Thorne & Parsons,
39	Alfred Atkin,
40	Francis Ayerst,
41	Caldwell & Ross,
42	Keating & Auldjo,
43	Charles Scadding,
44	Murray, Newbigging & Co
45	Thomas Atkinson & Co.
46	Robert Wiseman,
47	Daniel Knowles,
48	Mary Crafts,
49	William Ware,
50	William Proudfoot,
51	Richard Crispin,
52	William French,
53	Archibald Barker,
54	James McGrath, junr.
55	Emanuel Playter,
56	Alexander Badenach,
57	Alexander Ogilvie,
58	Sproule & Kay,
59	Thomas Teatter,
60	Silas Burnham,
61	Margaret Andrews,
62	Roe & Laughton,
63	Roe & Laughton,
64	Henry Forbes.

GORE DISTRICT.

1	William Fuller,
2	John Galbraith,
3	Wm. E. Brown,
4	Smith & Chisholm,
5	John McFarlane,
6	John McFarlane,
7	G. A. Clark,
8	John Henry,
9	Manuel Overfield,
10	Daniel Campbell,
11	—— McKay,
12	James Reynolds,
13	E. & J. Ritchie & Co.
14	Daniel Snyder,
15	Thomas Browning,
16	Yound & Co.
17	John Miller,
18	George Lamprey,
19	William Law,
20	Job Loder,
21	John Findley,
22	John A. Wilkes,
23	Colin C. Ferrie,
24	Colin C. Ferrie,
25	Colin C. Ferrie,
26	John Downs,
27	William O'Reilly,
28	James Chip,
29	Edmund Heath,
30	Edward Montgomery,
31	Howley Williams,
32	Henry Root,
33	Robert Hughson,
34	George Brown,
35	Richard Irvin,
36	Alex. Fee,
37	John Secord,
38	Thomas Sandilands.

NIAGARA DISTRICT.

1	Bogan & co.
2	John L. Burns
3	William Mudie
4	Donald Robertson
5	Nelson Forsyth
6	John Balfour

LONDON DISTRICT.

1	Lawrason & Co.
2	Richard Brown,
3	Francis R. Carry,
4	James McLean,
5	Wm. F. & J. K. Gooding,
6	Greig & Co.
7	Cicero M. Ives,
8	Henry Finklo,
9	Newbigging & Co.

LONDON DISTRICT—Continued.

10	James Blackwood & Co.	13	Welcome Yale,	17	Dennis O'Brien,
11	Edward C. Taylor,	14	George H. Elliott,	18	John Jennings,
12	James McKenny,	15	Wm. Marygold,	19	James Farley.
		16	Douglas & Warren,		

WESTERN DISTRICT.

1	John Sloan,	9	James Baby,	17	Patrick Toban,
2	Lewis G. Gordon,	10	G. & H. Lee,	18	Thomas Paxton,
3	Vernal Sumner,	11	James Dougall,	19	William Ambridge,
4	John G. Wat[illegible]	12	Peter Taylor,	20	Henry Van Allan,
5	James Read & Co.	13	George Jacob,	21	George Durand,
6	Alexander Duff,	14	E. & A. Toulman,	22	Andrew Kemp,
7	Michael Smith,	15	P. F. Verhorff & Co.	23	William Duff.
8	Fisher & St. Clair,	16	P. F. Verhorff & Co.		

BATHURST DISTRICT.

1	William Morris & Co.	16	Bariello & Ramond,	31	Thomas Burgess,
2	Chas. P. Thompson,	17	Louis Grison,	32	McKennon & Boyd,
3	Henry Graham,	18	George Paterson,	33	John Martin,
4	R. Matheson & Co.	19	Wells & McCrae,	34	John Baird,
5	John Hall,	20	William Graham,	35	John Richey,
6	Edward Malloch & Co.	21	James Wylie,	36	James Inglis,
7	James Johnston,	22	Andrew Dickson,	37	Christopher Henry,
8	Wm. & John Bell,	23	Porter, Gamell & Co.	38	George Buchanan & Co.
9	Robert Bell,	24	Alex. Fraser,	39	Robert Moffatt & Co.
10	William Stewart,	25	Daniel O'Connor,	40	J. Goodman & Co.
11	Alpin McMillan,	26	Thomas Read,	41	Michael McBean,
12	Simon Fraser,	27	Rogers & Thompson,	42	Alexander McDonell,
13	Jno. Robinson,	28	Daniel Fisher,	43	John McGraves,
14	Henry Glass,	29	Gerard J. Nagle,	44	W. H. Thompson, & Co.
15	John McCarthy,	30	Jno. Drisdale & Co.	45	William Burton,

OTTAWA DISTRICT.

1	J. W. Marston,	3	Hamilton & Low,	5	John W. Grant.
2	Hamlet B. Mears,	4	G. & R. Lang,		

PRINCE EDWARD DISTRICT.

1	G. W. Randal & Co.	7	Edward Feegan,	14	Hugh Scanlan,
2	Stephen W. Randall.	8	John Foster,	15	David Barker,
3	Griffith Howell,	9	Henry Osterhout,	16	Robert Breeze,
4	Carpenter & Co.	10	Thomas McMahon,	17	E. D. S. & C. Wilkins,
5	Roderick Ross,	11	Andrew McMurray,	18	James A. Cummings,
6	Archibald McFaul,	12	Jas. & Jno. Miller,	19	R. I. Chapman & Co.
		13	Jno. Thirkell,		

RECAPITULATION.

Midland District	41
Johnstown..do	42
Newcastle..do	48
Eastern....do	57
Home.....do	64
Gore.....do	38
Niagara....do	6
London.....do	19
Western....do	23
Bathurst....do	45
Ottawa.....do	5
Prince Edward do	19
Total	407

Upper Canada.

NAMES of Persons Licenced as Innkeepers to Retail Spirituous Liquors, from the 5th January 1835, to the 5th January 1836, as reported by the Inspectors of Licenses.

MIDLAND DISTRICT.

No.	£	s.	d.
1 John Covert	7	10	0
2 Daniel Covert,	7	10	0
3 Cornelius Milligan,	5	0	0
4 John Nichall	7	10	0
5 James Campbell	5	0	0
6 John Taylor	5	0	0
7 Thomas D. Appleby	5	0	0
8 Daniel Ostram	5	0	0
9 Andrew Quackinbush	5	0	0
10 Robert Parker	5	0	0
11 Jacob Bonter	7	10	0
12 Francis Lefebre	7	10	0
13 William Bowen	5	0	0
14 Larry Lewis	5	0	0
15 John McGuire	10	0	0
16 Walter Deacy	5	0	0
17 Mary Marsh	10	0	0
18 Samuel Hinckley	5	0	0
19 John McCoy,	10	0	0
20 John Medcalf	10	0	0
21 John King	10	0	0
22 John Boyes	10	0	0
23 John Belanger	10	0	0
24 William Mathison	10	0	0
25 Edmund Noble	10	0	0
26 Andrew McDoo	5	0	0
27 David Leahy	10	0	0
28 John J. Rutter	10	0	0
29 Henry Mayo	10	0	0
30 Lydia Petrie	5	0	0
31 Samuel Rowe	5	0	0
32 Philip Whelpley	10	0	0
33 William McKenzie	7	10	0
34 John Lance	10	0	0
35 Flo. Donoghue	10	0	0
36 James W. Brown	5	0	0
37 Henry Simmons	5	0	0
38 James Matheson	5	0	0
39 Segro Carmino	10	0	0
40 Peter Moyer	5	0	0
41 Charles Ward	5	0	0
42 Archibald Chambers	10	0	0
43 P. J. Fitch	5	0	0
44 Eli Peters	5	0	0
45 Samuel Brown	5	0	0
46 James Birmingham	10	0	0
47 Patrick McNinch	20	0	0
48 George Counter	5	0	0
49 Timothy Donoghue	10	0	0
50 John Gordonier	5	0	0
51 Jacob Vancleck	7	10	0
52 Samuel Miller,	5	0	0
53 Robert Hampton	5	0	0
54 Mary Bowen	5	0	0
55 Hiram Weeks	20	0	0
56 John G. Clute	7	10	0
57 John Taylor	10	0	0
58 Ezra Lockwood	5	0	0
59 Henry Corby	7	10	0
60 Benjamin Olcott	10	0	0
Carried forward, £	446	10	0

No.	Brought forward, £		
	446	10	0
61 John W. Perry	5	0	0
62 Andrew Gerand	10	0	0
63 Simeon Ashley	5	0	0
64 William White	5	0	0
65 John Switzer	5	0	0
66 Guin Aylesworth	5	0	0
67 James Hall	10	0	0
68 Daniel Fraser	5	0	0
69 Margaret Franklen	5	0	0
70 Rachel Watson	5	0	0
71 John Young	5	0	0
72 William Brass	5	0	0
73 Richard Fraser	5	0	0
74 Stephen Griffith	5	0	0
75 William Carroll	10	0	0
76 Daniel Pringle	5	0	0
77 Fanny Adzit	5	0	0
78 Henry Fairfield	5	0	0
79 George Chartres	5	0	0
80 Milo Haight	5	0	0
81 Richard Ellerbeck	5	0	0
82 William Walker	5	0	0
83 William Chesnut	5	0	0
84 Thomas Bamford	10	0	0
85 William Ferguson	5	0	0
86 Thomas Saunders	10	0	0
87 John Horne	5	0	0
88 William Ellerbeck	5	0	0
89 Thomas Walker	5	0	0
90 J. B. Lockwood	5	0	0
91 A. Short	5	0	0
92 Joseph Lossee	5	0	0
93 Francis Dempsey	5	0	0
94 W. T. Fairman	5	0	0
95 Betila Figan	10	0	0
96 W. J. Elsworth	5	0	0
97 James McDonald	10	0	0
98 David Daley	5	0	0
99 James Meaghar	10	0	0
100 Charles McFarland	5	0	0
101 Edward Garneer	5	0	0
102 John Davy	5	0	0
103 Archibald Hitchcock	5	0	0
104 John Weis	5	0	0
105 Peter J. Lewis	7	10	0
106 James O'Connor	5	0	0
107 Jacob Steel	10	0	0
108 Jonas Vanalstine	5	0	0
109 Robert McIntyre	5	0	0
110 John Wendover	5	0	0
111 George Smith, jun.	7	10	0
112 Anson Haydon	5	0	0
113 Ellen Regan	5	0	0
114 O. G. Munger	7	10	0
115 Robert Kidd	10	0	0
116 Daniel Lake	5	0	0
117 John Sheerer	5	0	0
118 Thomas Collins	5	0	0
119 Henry Franklin	5	0	0
120 Herman Fairfield	5	0	0
Total Currency, £	805	0	0

JOHNSTOWN DISTRICT.

No.	£	s.	d.
1 Peter Cole	5	0	0
2 Arthur Wall	6	0	0
3 Samuel Cromwell	5	0	0
4 William Dack	4	0	0
5 John Pierce	4	0	0
6 Duncan Campbell	5	0	0
7 William Bilton,	5	0	0
8 Thomas Bear	5	0	0
9 Francis Lombar	5	0	0
10 Daniel Aiken	5	0	0
11 William Burke	6	0	0
12 Richard Lippincott	5	0	0
13 Thomas Becket	6	0	0
14 Joel D. Parmenter	6	0	0
15 Reuben Brooks	6	0	0
16 Eliakim D. King	5	0	0
17 Murray Seamans	6	0	0
18 Smith King	5	0	0
19 Orvin Stoddard	5	0	0
20 John Brundage	4	0	0
21 Lyman Stone	5	0	0
22 Wm Humphries	5	0	0
23 John Crafts	5	0	0
24 Warren Lyman	5	0	0
25 Ira Lewis	5	0	0
26 Roswel Wilder	10	0	0
27 John Sellick	4	0	0
28 Stephen Skinner	6	0	0
29 Theodore Doty	10	0	0
Carried forward £	158	0	0

No.	Bro't. forward,	158	0	0
30 Levi Davis		6	0	0
31 William M. Dunham		10	0	0
32 Isaac Cole		5	0	0
33 Thomas P. Kenyon		5	0	0
34 James Phillips		5	0	0
35 John Marshall		5	0	0
36 David Mair		10	0	0
37 Joseph P. Knyser		5	0	0
38 Martin Boon		10	0	0
39 Williston Stevens		5	0	0
40 John Forester		6	0	0
41 Nelson Glasier		10	0	0
42 Samuel Horton		4	0	0
43 Thomas Robinson		8	10	0
44 Ezekiel King		10	0	0
45 David B. Stevens		4	0	0
46 Samuel Monro		4	0	0
47 Biloni Oligney		3	0	0
48 George Lewis		6	0	0
49 Gabriel Forester		4	0	0
50 Oliver N. Bagg		4	0	0
51 Eri Lusher		8	10	0
52 John Yates		4	0	0
53 Abel Adams		4	0	0
54 Murray Seamans		4	0	0
55 Silas Thomas		10	0	0
56 Sarah Turner		10	0	0
57 Samuel Warner		10	0	0
58 Andrew Stratton		5	0	0
Total £		343	0	0

NEWCASTLE DISTRICT.

No.	£	s.	d.
1 Matthew Lawson	4	0	0
2 James C. Kemp	4	0	0
3 Jeremiah Wood	4	0	0
4 Sarah Canady	3	0	0
5 William Lawson	6	0	0
6 Henry Shiver	3	0	0
7 Stephen Merriam	3	0	0
8 George R. Harris	4	0	0
9 Henry Pomeroy	3	0	0
10 James Stone	3	0	0
11 Thomas D. Sandford	5	0	0
12 George Estcout	3	0	0
13 Elijah Smith,	4	0	0
14 Jno Arkland	4	0	0
15 William Black	3	0	0
16 George Drury	4	0	0
17 Aaron B. Soper	5	0	0
18 William Hamilton	4	0	0
19 Francis Ireland	4	0	0
20 Francis Best	3	0	0
21 Joseph Graham	3	0	0
22 William Grigg	6	0	0
23 Elijah G. Jillet	3	0	0
24 Thomas Graham	3	0	0
25 James Bym	3	0	0
26 Simon Kellog	5	0	0
27 T. B. Ketchum	6	0	0
28 John Chesney	3	0	0
29 Jacob Vanalstine	5	0	0
30 Edward Hull	3	0	0
Carried forward, £	116	0	0

No.	Bro't. forward £	116	0	0
31 Edward Clark		4	0	0
32 Robert Coleman		5	0	0
33 Jane Johnson		3	0	0
34 John Deyell		3	0	0
35 Wilson S. Conger		6	0	0
36 A. B. Carpenter		6	0	0
37 Robert Milburn		3	0	0
38 Thomas Salsbury		6	0	0
39 William Roseboro'		6	0	0
40 Timothy Donoghue		5	0	0
41 Robert Chambers		5	0	0
42 William Simpson		5	0	0
43 Denis Macaulay		6	0	0
44 Cyrus Weaver		6	0	0
45 E. R. Irish		3	0	0
46 William Lahey		3	0	0
47 Edward Morton		3	0	0
48 Robert Hilton		4	0	0
49 William Battle		6	0	0
50 Jacob Ford		4	0	0
51 Stephen Crandall		4	0	0
52 Allan McIntosh		3	0	0
53 Samuel Ramsay		4	0	0
54 Edward Pepper		5	0	0
55 Allan Elliot		4	0	0
56 James Ladner		6	0	0
57 Francis Beatie		3	0	0
58 Joseph Dover		3	0	0
59 Thomas Dixon		3	0	0
60 Thomas Johnston		3	0	0
Carried over, £		242	0	0

NEWCASTLE DISTRICT—Continued

No.	Bro't. over, £		
61	David Lindsay	3	0 0
62	Glover Bennet	6	0 0
63	Mark Huston	8	0 0
64	Robert Crowford	6	0 0
65	Thomas Watson	3	0 0
66	William S. Marsh	4	0 0
67	Gilbert Ford	6	0 0
68	Peter Shane	4	0 0
69	David Armstrong	3	0 0
70	Henry Fitzpatrick	6	0 0
71	Samuel Cottingham	3	0 0
72	Luther H. Bains	5	0 0
73	Barnabas Bletcher	5	0 0
	Carried forward, £	303	0 0

No.	Bro't. forward, £		
74	Hugh McFadden	5	0 0
75	Elizabeth Hutchinson	3	0 0
76	Alphonso Hinds	5	0 0
77	Joel Draper	4	0 0
78	John Lee	6	0 0
79	Lewis Stiles	6	0 0
80	John VanCamp	5	0 0
81	John Hodgson	3	0 0
82	Robert Hand	3	0 0
83	Peter Orcote	6	0 0
84	Richard West	6	0 0
85	James Wilson	3	0 0
	Total, £	358	0 0

EASTERN DISTRICT.

No.		£	s.	d.
1	Jacob Hanes	4	0	0
2	Maria Pierce	4	0	0
3	Michael Cook	4	0	0
4	William Wood	6	0	0
5	Eve Baker	4	0	0
6	Simon Baker	6	0	0
7	Daniel Proefle	4	0	0
8	Jno. W. Willard	4	0	0
9	Theodore Whitney	4	0	0
10	Nicholas Eamon	6	0	0
11	James G. Grant	4	0	0
12	Anne Mann	4	0	0
13	David Bruce	6	0	0
14	Sewell Cutler	6	0	0
15	Chesley Morgan	6	0	0
16	Samuel Ault	4	0	0
17	Thomas Moss	6	0	0
18	Joseph Southworth	4	0	0
19	John M. Merkley	4	0	0
20	David Summers	4	0	0
21	Christie McCrae	4	0	0
22	Duncan McLeod	4	0	0
23	Harmonus Cryderman	6	0	0
24	Charles Wesley	4	0	0
25	Elijah Burpee	6	0	0
26	Benjamin Wagoner	6	0	0
27	William Emery	6	0	0
28	Chas. Drummond	4	0	0
29	Samuel Gregory	6	0	0
30	Will Servois	6	0	0
31	Robert Blackwood	4	0	0
32	Samuel Moss	6	0	0
33	Matthias Monk	6	0	0
34	Farquhar McLennan	4	0	0
35	Ranald McDonell	4	0	0
36	Duncan McMillan	4	0	0
37	John J. Baker	4	0	0
38	Peter Bowen	4	0	0
39	John Wright	4	0	0
40	Daniel Campbell	4	0	0
41	Wm. Hollister	4	0	0
	Carried forward....£	194	0	0

No.	Bro't. forward, £		
42	John W. Baker	4	0 0
43	Jno. McDonell	4	0 0
44	John Cameron	4	0 0
45	Anne Black	6	0 0
46	James Rea	4	0 0
47	Philip Munro	4	0 0
48	Colin Chisholm	4	0 0
49	Sylvanus Town	6	0 0
50	Thomas Marshall	6	0 0
51	M. Burgeron	6	0 0
52	Wm. Snider	4	0 0
53	Adam Cockburn	4	0 0
54	Thomas Grey	4	0 0
55	Alexander McDonell	6	0 0
56	Mary Fraser	4	0 0
57	Cath. McDonell	4	0 0
58	Horace Spencer	6	0 0
59	Chris. Stoneburner	6	0 0
60	Barnabas Hollister	4	0 0
61	Peter Fobrier	4	0 0
62	John McCallum	4	0 0
63	Edmund Ryan	6	0 0
64	Jas. McLennan	4	0 0
65	Michael Swart	6	0 0
66	Donald McTavish	4	0 0
67	Archibald Stewart	4	0 0
68	Ellen McDonell	4	0 0
69	John McDougall	4	0 0
70	Hugh McMillan	4	0 0
71	John Proud	6	0 0
72	Dougal McMillan	6	0 0
73	A. W. Charlebois	4	0 0
74	John Chesley	6	0 0
75	John McIntosh	4	0 0
76	Daniel Clarke	4	0 0
77	Hiram Southworth	6	0 0
78	James McKenna	6	0 0
79	Wm. W. Wyman	6	0 0
80	John Lane	6	0 0
81	Thomas H. Maxwell	4	0 0
82	Jacob Baker	4	0 0
	Total....£	390	0 0

HOME DISTRICT.

No.	£	s	d
1 Lewis J. Clement	3	0	0
2 Robert McKay	3	0	0
3 J. A. & T. Dyson	5	0	0
4 John Leppard	4	0	0
5 A. M. Farewell	7	10	0
6 John Nixon	6	0	0
7 Peter Pickard	6	0	0
8 John Stockridge	5	0	0
9 George & John Ballinger	7	10	0
10 George Shew	6	0	0
11 Elizabeth Henderson	6	0	0
12 Mathew Lymburner	6	0	0
13 John Edmondson	4	0	0
14 William Todd	6	0	0
15 Elizabeth Palmer	6	0	0
16 Nathaniel Gamble	7	10	0
17 James Bailey	6	0	0
18 George Stevenson	6	0	0
19 John Mair	7	10	0
20 Daniel McLeod	7	10	0
21 Thomas Elliott	6	0	0
22 Thomas May & James Todd	6	0	0
23 Francis O'Hearn	7	10	0
24 John Nicholson	6	0	0
25 John Kerr	6	0	0
26 Alexander Erskine	6	0	0
27 Hiram Beach	7	10	0
28 David McCaslen	3	0	0
29 Richard Wetherell	7	10	0
30 Thomas Blenkinsop	6	0	0
31 James Hamilton	6	0	0
32 George Hunter	4	0	0
33 Joseph Hewett	6	0	0
34 George Warwick	3	0	0
35 W. Anderson & Co	6	0	0
36 Michael O'Connor	6	0	0
37 William Kendrick	7	10	0
38 Adney Penfield	4	0	0
39 John Mosley	7	10	0
40 John McNully	7	10	0
41 George Wills	6	0	0
42 Francis Phelps	7	10	0
43 John Arksey	7	10	0
44 Thomas Moore	6	0	0
45 Thomas Smith	6	0	0
46 Charlotte Matthews	6	0	0
47 Thomas McConkey	3	0	0
48 John Wesley	6	0	0
49 Thomas Wright	6	0	0
50 Michael Kane	6	0	0
51 Robert Horsely	6	0	0
52 John P. Plank	3	0	0
53 John McDonald	6	0	0
54 James Thomas	6	0	0
55 Joseph Clarke	6	0	0
56 M. L. Durham	6	0	0
57 Daniel Dewdney	6	0	0
58 John O'Connor	6	0	0
59 Richard Bugler	7	10	0
60 Thomas Grey	6	0	0
61 Daniel Simmons	6	0	0
62 John Colquhoun	6	0	0
63 John Fleming	6	0	0
64 Michael Whitmore	7	10	0
Carried forward..£	376	10	0

No. Brought forward, £	376	10	0
65 Thomas McDonald	3	0	0
66 Christopher McCrae	3	0	0
67 John Montgomery	7	10	0
68 John M. Waugh	6	0	0
69 Robert Alexander	6	0	0
70 Stephen Secord	6	0	0
71 John Bruce	3	0	0
72 John Francis	6	0	0
73 Samuel Taylor	6	0	0
74 William Phair	6	0	0
75 John Anderson	7	10	0
76 John D. Finch	7	10	0
77 William Crur	7	10	0
78 Thomas Reed	6	0	0
79 John Harley	6	0	0
80 George Dunnington	6	0	0
81 John Bishop, sen	6	0	0
82 Henry Henry	7	10	0
83 John Reed	6	0	0
84 Thomas Ransom	7	10	0
85 George Osburn	6	0	0
86 John Grantham	6	0	0
87 James Rumage	5	0	0
88 John Bingham	3	0	0
89 Dudley Root	3	0	0
90 Hugh Marlow	3	0	0
91 David Hart	6	0	0
92 Francis Taylor	5	0	0
93 Thomas Cockson	3	0	0
94 Thomas Shepard	7	10	0
95 Charles Hadley	7	10	0
96 George Black	7	10	0
97 William Frank	5	0	0
98 Jane Hunter	4	0	0
99 George Sisley	5	0	0
100 John Brown	6	0	0
101 George Playter	7	10	0
102 Richard Drury	3	0	0
103 John Saville	6	0	0
104 Thomas Anderson	6	0	0
105 James McLean	5	0	0
106 Jonathan Gates	7	10	0
107 Robert Nichol	3	0	0
108 John Hyde	7	10	0
109 Stanous Daniels	6	0	0
110 Joseph Butcher	3	0	0
111 Thrift Meldrum	3	0	0
112 James Trotter	6	0	0
113 John Craig	3	0	0
114 Edward Wright	6	0	0
115 George Jackson	4	10	0
116 Monis Lawrence	6	0	0
117 Alexander McGregor	4	10	0
118 James Stephens	7	10	0
119 William Gilmore	4	10	0
120 Francis Dempsey	4	10	0
121 Richard Hodges	3	0	0
122 Finnan McDonald	3	0	0
123 Cornelius Murphy	3	0	0
124 Patrick Handy	6	0	0
125 Robert Scott	6	0	0
126 John Stevenson	4	10	0
127 Wm. Mather	4	10	0
128 Francis Kirby	3	0	0
Carried forward..£	718	0	0

HOME DISTRICT—Continued.

No.	Bro't forward, £		
129	James Maddin	4	10
130	Charles French	7	10
131	Francis Morrison	6	0
132	John Bland	4	0
133	John Gilmore	3	0
134	Amos Marygold	5	0
135	John Chapman	7	10
136	Stiles Stevens	7	10
137	James Foley	4	10
138	Henry Jackson	7	10
139	Thomas Hutton	4	10
140	John Tilt	5	0
141	Alexander Armstrong	5	0
142	William Davis	4	10
143	Robert Bowman	4	0
144	Henry Fraser	3	0
145	James Fortier	4	0
146	Robert Wallace	3	0
147	Thomas McHaffe	4	10
148	John Swing	4	10
149	Thomas Hobson	4	10
150	Robert Cosway	4	10
151	John Baker	6	0
152	Moses Polly	5	0
153	Susan Renardson	4	10
154	Jacob Gill	3	0
155	John Healing	7	10
156	John Southern	3	0
157	G. B. Kendrick	6	0
158	William Mitchell	7	10
159	James Carnaghan	7	10
160	Parker Mills	7	10
161	Willam Campbell	6	0
162	John Mann	3	0
163	George Sloan	4	10
164	John Kitson	6	0
165	Samuel Packar	4	10
166	Patrick Mitchell	4	10
167	Joseph Roseboro	4	10
168	Joseph Farr	7	10
169	Amos Marygold	5	0
170	Thomas Thomas	4	10
171	Joseph Bettes	6	0
172	Thompson Smith	7	10
173	Richard Northcote	4	10
174	Mark Barker	5	0
175	George Henderson	4	10
176	David Ramsay	4	10
	Carried forward, £	965	10

No.	Bro't. forward, £		
177	James Watson	4	10
178	Joseph Price	5	0
179	William Lyons	4	10
180	Francis Logan	7	10
181	Martin Salsbury	5	0
182	Martin for 1833	5	0
183	... do .. 1834	5	0
184	John Creaser	3	0
185	Henry Searle	4	10
186	Edward Cornell	7	10
187	James McMillan	4	10
188	Thomas May	4	10
189	Hugh Carmichael	4	10
190	Asa Post	7	10
191	George G. Kent	7	10
192	Robert Finch	3	0
193	George Monkman	5	0
194	Peter Brown	4	10
195	Francis Guissome	3	0
196	William Scott	7	10
197	William Young	7	10
198	William McPherson	5	0
199	William Cook	6	0
200	Thomas Burn	7	10
201	Thomas Garlick	4	10
202	John Armstrong	4	10
203	Sydney S. Hamilton	4	10
204	Job Baker	4	10
205	Peter Stenhouse	4	10
206	Dugald Campbell	4	10
207	Robert Armstrong	5	0
208	Joseph Haverty	4	10
209	William Scott	4	0
210	Mathew Hayes	4	10
211	Traver Cushman	7	10
212	John Halam	4	10
213	Richard Evans	4	10
214	Elias Place	4	10
215	George Topscott	4	10
216	Woodbury Cord	5	0
217	John Bell	5	0
218	Robert Hodgson	5	0
219	William Billas	5	0
220	Joseph Abraham,	7	10
221	Thomas Montgomery	7	10
222	William Ketchum	6	0
223	Joseph Fulcher	5	0
	Total. £	1211	0

GORE DISTRICT.

No.	£	s.	d.
1 William Hobson	3	0	0
2 Charles McTague	4	0	0
3 Thomas Kelly	4	0	0
4 Edward Everett	3	0	0
5 Robert Patterson	3	0	0
6 Wm. Armstrong	3	0	0
7 William Nevills	4	0	0
8 Martin Dorley	3	0	0
Carried forward, £	27	0	0

No.	Bro't forward, £		
9	Rachael Dunham	4	0
10	Alexander Blythe	3	0
11	Thomas Wood & Co.	4	0
12	Samuel McAllister	5	0
13	George Micklebury	4	0
14	Henry Odle	4	0
15	Charles Odle	4	0
16	Samuel Stewart,	3	0
	Carried over, £	58	0

GORE DISTRICT—Continued.

No.	Brought forward,	£	s	d
17	Henry Mervin	4	0	0
18	James Hamilton	3	0	0
19	William Pinfold	3	0	0
20	Thomas Phillips	3	0	0
21	Charles Glover	6	0	0
22	William O'Reilly	6	0	0
23	Ephraim Post	6	0	0
24	Zebulon Andruss	6	0	0
25	Philip Buck	6	0	0
26	David Hagan	6	0	0
27	Patrick Smithwick	5	0	0
28	W. J. Sumner	5	0	0
29	Barnard Greggs	4	0	0
30	Jno. Triller	4	0	0
31	Jno. Drummond	5	0	0
32	Roger Crysler	4	0	0
33	Samuel Dakins	6	0	0
34	Robert Markle	4	0	0
35	Christian Bettschin	4	0	0
36	Theophilus Sampson	4	0	0
37	Adam Vanvolkenburgh	4	0	0
38	Henry Erb	4	0	0
39	David Shannon	3	0	0
40	William McDonell	6	0	0
41	Mahlon Palmer	6	0	0
42	Samuel Chandler	3	10	0
43	Caspar Roll	3	0	0
44	Adam Winters	4	0	0
45	William Unglemyers	4	0	0
46	Frederick Gaugle	4	0	0
47	Isaac Robertson	6	0	0
48	James Mullen	3	0	0
49	Joel Vanorman	4	0	0
50	Andrew A. Benjamin	6	10	0
51	Thomas Shaw	3	0	0
52	Thomas Ross	3	0	0
53	James Shortreed	4	0	0
54	Samford B. King	4	0	0
55	James Smith	8	0	0
56	John Bradley	8	0	0
57	Thomas Willson	8	0	0
58	Thomas Gillespie	8	0	0
59	Andrew Miller	3	0	0
60	Will. Garvin	8	0	0
61	John Pier	8	0	0
62	William Cattermole	8	0	0
63	Lyman Lull	4	0	0
64	Martha Witmer	3	10	0
65	Jacob Sticker	3	0	0
66	Henry McNelly	3	10	0
67	Anthony Morgan	4	0	0
68	James Dunn	6	0	0
69	James Westbrook	4	0	0
70	Thomas Wise	3	0	0
71	John Pier	6	0	0
	Carried forward.. £	323	0	0

No.	Brought forward, £	£	s	d
72	Herman G. Barlow,	4	0	0
73	Joseph Harris,	3	0	0
74	John Showers,	4	0	0
75	Richard Richies,	8	0	0
76	Richard Blackwell,	8	0	0
77	Richard Terry,	8	0	0
78	John Jones,	3	0	0
79	John J. Files,	4	0	0
80	George Rosedux	6	0	0
81	Charles Paine,	4	0	0
82	George Davis,	6	0	0
83	John Tidy,	6	0	0
84	Leonard Depur,	5	0	0
85	Augustus Jones,	4	0	0
86	William Lowell,	8	0	0
87	William Clement,	3	0	0
88	Charles Terrison,	3	0	0
89	Andrew Groff,	3	10	0
90	Jesse Swartz,	3	10	0
91	Peter Bomberger,	6	0	0
92	Henry Carpenter,	6	0	0
93	William Bunn,	8	0	0
94	Richard Haste,	4	0	0
95	David Thorpe,	3	10	0
96	James Colman,	6	0	0
97	Sylvester Garris,	4	0	0
98	William Daley,	4	0	0
99	John Kennedy,	8	0	0
100	W. D. Upton,	8	0	0
101	Samuel B. Goss,	4	0	0
102	Joseph Black,	4	0	0
103	John Carrol,	6	0	0
104	Amos B. Cooley,	6	0	0
105	Ananias Smith,	5	0	0
106	Samuel Denis	3	0	0
107	William Gilbert,	8	0	0
108	Cornelius Chuffield,	8	0	0
109	Michael Homer,	4	0	0
110	Edward Bowen,	3	0	0
111	John Wallace,	3	0	0
112	Robert Lowney,	4	0	0
113	Andrew Oliver,	3	0	0
114	James Cook,	4	10	0
115	Ebenezer Place,	5	0	0
116	Isaac Marlatt,	5	0	0
117	George W. Alderman,	5	0	0
118	Jonah Hill,	4	0	0
119	Robert Edgar,	6	0	0
120	Daniel Russel,	3	0	0
121	Robert Miller,	4	0	0
122	William Jones,	3	0	0
123	Richard Fish,	4	0	0
124	Patrick Flanaghan,	4	0	0
125	Andrew McVane,	4	0	0
126	Thomas Lyne	4	0	0
	Total, ... £	593	0	0

NIAGARA DISTRICT.

No.		£	s	d
1	William Anderton,	3	0	0
2	William Moffatt,	6	0	0
	Carried forward, .. £	9	0	0

No.	Brought forward, £	£	s	d
3	John Graham,	9	0	0
4	Thomas Wright,	6	0	0
		3	0	0
	Carried forward, .. £	18	0	0

NIAGARA DISTRICT.—Continued.

No.	Bro't. over, £		
5	Francis Proctor,	6	0 0
6	John Milton,	4	0 0
7	John Hart,	3	0 0
8	John Bradt,	4	0 0
9	Elijah Armstrong,	4	0 0
10	Patrick McMahon,	4	0 0
11	Walter Dittrick,	6	0 0
12	Adam Brown,	4	0 0
13	Richard Wood,	4	0 0
14	Adam Fralic,	4	0 0
15	Christopher Campbell,	3	0 0
16	Isaiah Starker,	4	0 0
	Carried forward, £	68	0 0

No.	Bro't. forward, £		
17	James Hurst,	3	10 0
18	John Huntley,	3	10 0
19	Robert Brown,	4	0 0
20	Sylvanus Cleveland,	3	10 0
21	James Dowdy,	3	10 0
22	Christopher Young,	3	0 0
23	Richard Yokem,	3	10 0
24	Paul Horton,	3	10 0
25	Robert Doan,	3	10 0
26	Jacob Osman,	3	10 0
27	Abraham Brown,	3	10 0
28	James Farman,	4	0 0
	Total, £	111	10 0

LONDON DISTRICT.

No.		£	s.	d.
1	Colin Ross	4	0	0
2	Thomas B. Woodcliffe	4	0	0
3	William Hicks	3	0	0
4	Patrick Gallaghar	3	0	0
5	James Hodgins	3	0	0
6	Richard W. Brennan	3	0	0
7	Elisha Ferguson	3	0	0
8	Daniel Caryl	3	5	0
9	Elijah Burch	3	0	0
10	William Willcox	3	0	0
11	Walter Chase	3	0	0
12	Alexander Daley	3	0	0
13	David Anderson	3	0	0
14	John Fenner	3	0	0
15	Silas Williams	3	0	0
16	Horace Cross	3	0	0
17	David Curtis	3	0	0
18	Richard Evans	3	0	0
19	Joseph L. Oden	3	0	0
20	Thomas Willan	3	0	0
21	Jonathan Miller	3	0	0
22	George Iver	3	0	0
23	Joseph Chatfield	3	0	0
24	Hugh McCann	4	0	0
25	Patrick Smith	3	0	0
26	Davy & Cock	3	0	0
27	John Liston	3	0	0
28	Henry Lewis	3	0	0
29	William Choate	3	0	0
30	Henry Rawlins	3	0	0
31	Ephraim Ayres	3	10	0
	Carried forward, £	96	15	0

No.	Bro't. forward, £			
32	John B. Martill	96	15	0
33	William Gray	3	0	0
34	Hester Wilson	3	0	0
35	Milo T. Pelton	3	10	0
36	Abraham Sutton	3	0	0
37	John W. Perry	3	0	0
38	George Miller	3	0	0
39	John B. Flanaghan	4	0	0
40	John Wallington	3	10	0
41	William Finch	3	0	0
42	Thomas Lamport	3	5	0
43	Sidney Boidbey	3	5	0
44	Murdoch McLennan	3	0	0
45	William Kitchen	3	5	0
46	Arthur Murphy	3	0	0
47	Thomas Butler	3	0	0
48	Samuel N. York	3	0	0
49	Joshua Putnam	3	0	0
50	Jacob Rymal	3	0	0
51	James Reynolds	3	0	0
52	David Hull	3	0	0
53	James O'Neil	4	0	0
54	Thomas Putnam	3	0	0
55	Charles Reeves	3	0	0
56	Jacob McQueen	3	0	0
57	Morris Kitley	3	0	0
58	Austin Stewart	3	0	0
59	P. Groff	3	0	0
60	J. Jenkins	3	0	0
61	John Freeman	3	0	0
	Total, £	190	10	0

WESTERN DISTRICT.

No.		£	s.	d.
1	William Roe	3	15	0
2	Charles Hairsine,	3	5	0
3	D. S. Baldwin,	3	5	0
4	Jacob Auberry	3	15	0
5	William Elliot,	3	5	0
6	Zadock Augustin,	3	5	0
7	James More,	3	5	0
8	William Hall,	6	5	0
	Carried forward, £	30	0	0

No.	Bro't. forward, £			
9	Oliver Aulin,	30	0	0
10	Michael Fox,	3	5	0
11	William Desmond,	4	10	0
12	John Williams,	7	10	0
13	Peter Stover,	3	15	0
14	Charles Rocheleau,	3	5	0
15	Thomas Sharp,	3	5	0
16	Jaques Senisac,	3	5	0
	Total, £	63	5	0

WESTERN DISTRICT—Continued.

No.	Bro't. forward, £		
17	Benjamin Chapin,	63	5 0
18	Edmund Baby,	4	10 0
19	Joachim Reneau,	3	5 0
20	Dominic L'Anglois,	6	5 0
21	Honor Hawkin,	4	10 0
22	Richard Goodbody,	6	5 0
23	John Mears,	3	5 0
24	John B. Pilette,	6	5 0
25	Joseph Masforton,	6	5 0
26	Andrew Kemp,	4	10 0
27	Francis Aulin,	6	5 0
28	Hugh O'Keane,	6	5 0
29	Bernard McKernon,	8	15 0
30	William Murray,	3	5 0
31	Jenette Benneteau,	8	15 0
32	John B. Petre,	6	5 0
33	John Fraxler,	6	5 0
34	William L. Smith,	3	5 0
35	William Brooker,	3	5 0
		6	5 0
	Carried forward, £	166	15 0

No.	Bro't forward, £		
36	Veronequi Morin,	166	15 0
37	John Johnson,	6	5 0
38	Samuel Dowler,	6	5 0
39	Walker Watson,	4	10 0
40	John McLean,	3	5 0
41	Joseph Dizelet,	8	15 0
42	Widow Cazavan,	3	5 0
43	Robert Mason,	8	15 0
44	Lewis Devenport,	8	15 0
45	Joseph House,	8	15 0
46	Anne Deake	8	15 0
47	John Gibson	6	5 0
48	Mrs. Donelly	3	5 0
49	Norman L. Freeman	3	5 0
50	John Dauphin	6	5 0
51	Olive Dumarse	6	5 0
52	John Jackson	6	5 0
53	Gustavus Arvison	3	5 0
		6	5 0
	Total, C'y..., £	272	10 0

BATHURST DISTRICT.

No.		£	s.	d.
1	James Donaldson	5	0	0
2	Daniel Johnson	5	0	0
3	John Chitty	8	0	0
4	Robert Grant	4	10	0
5	Josiah Bradley	4	10	0
6	Peter Ker	4	0	0
7	Pierre L'Esperance	5	0	0
8	Baptiste Homier	5	0	0
9	Busterd Green	4	10	0
10	Maney Knowlan	5	0	0
11	Edward Allen	5	0	0
12	Robert Makemsome	4	10	0
13	Narupe Paul	5	0	0
14	Simon Hogan	4	10	0
15	Alexander Maxwell	5	0	0
16	Richard M'Arthy	5	0	0
17	Johanna Cockran	5	0	0
18	Anne Burrows	4	10	0
19	Donald McArthur	5	0	0
20	Louis Rainville	5	0	0
21	James Murray	4	10	0
22	John Little	5	0	0
23	William Cross	8	0	0
24	Thomas Landon	5	0	0
25	Catharine Jackson	5	0	0
26	Louis Penard	5	0	0
27	Charles Magie	4	10	0
28	Joseph Legarey	5	0	0
29	Louis Cloutier	5	0	0
30	Robert Barry,	4	10	0
31	Hugh Bell,	4	10	0
32	William Fraser	4	0	0
33	John Preston,	4	10	0
34	George Nowlan,	5	0	0
35	Aaron P. Burrows,	5	0	0
36	Finlay McNaughton,	4	10	0
	Carried forward, £	178	0	0

No.	Bro't. forward, £		
37	Joseph Gallipe,	178	0 0
38	Thomas Murray,	5	0 0
39	Thomas O'Neil,	5	0 0
40	Michael Roddy,	6	0 0
41	James McFarlane,	5	0 0
42	William McAdam,	4	10 0
43	James McLeram,	4	10 0
44	John Lee,	5	0 0
45	Archibald McNee,	4	10 0
46	William Brown,	5	0 0
47	James Armstrong,	5	0 0
48	George Edge,	5	0 0
49	Thomas Scott,	5	0 0
50	Angus McGilvery,	4	10 0
51	Archibald Gillis,	5	0 0
52	William Wordie,	4	0 0
53	Ewen Cameron,	7	0 0
54	William Vaughan,	5	0 0
55	John McEwen,	4	10 0
56	Ewen Cameron,	5	10 0
57	John Grant,	5	0 0
58	Catharine Remington,	7	0 0
59	J. R. Stanley,	3	0 0
60	James McLean,	5	0 0
61	Charles Graham,	5	0 0
62	William Moore,	5	0 0
63	Widow Cown,	3	0 0
64	Watson Little,	5	0 0
65	John Armstrong,	5	0 0
66	William Bell,	4	10 0
67	Maria Hill,	4	10 0
68	Joseph Bourgeois,	5	0 0
69	John Ferguson,	5	0 0
70	Julius Burpee	3	0 0
71	John Johnston,	3	0 0
72	William Matheson,	3	0 0
		3	0 0
	Total,..£	347	0 0

OTTAWA DISTRICT.

No.	£	s.	d.
1 A. W. Wells	4	0	0
2 William Kirby	4	0	0
3 William Moody	4	0	0
4 Crosley & McArthur	4	0	0
5 John Dandy	4	0	0
6 John O'Brien	7	0	0
Carried forward, £	27	0	0

No.	Brought forward, £	27	0	0
7 Thomas H. Johnson		7	0	0
8 Donald McDonald		3	0	0
9 Charles Hersey		4	0	0
10 Thomas F. Lee		4	0	0
11 John Cunningham		3	0	0
12 Daniel Daraugh		3	0	0
Total, C'y....£		51	0	0

PRINCE EDWARD DISTRICT.

No.	£	s.	d.
1 Samuel Molyneux	3	0	0
2 Henry Lambert	3	0	0
3 Ananias C. Smith	4	0	0
4 Daniel Adams	5	0	0
5 Gilbert Weller	4	0	0
6 John Cooley	4	0	0
7 William Harmon	3	0	0
8 George Monro	4	0	0
9 George Lawrence	4	0	0
10 David M. Hopkins	7	10	0
11 Peter Stickles	5	0	0
12 John D. Dulmage	4	0	0
13 William Snider	5	0	0
14 Thomas Eyre	5	0	0
Carried forward.....£	60	10	0

No.	Brought forward.....£	60	10	0
15 Michael Nulty		7	10	0
16 Thomas Bentley		3	0	0
17 William Ogden		3	0	0
18 Samuel Pattingall		4	0	0
19 Samuel Monro		5	0	0
20 Daniel McFall		7	10	0
21 Timothy McGuire		3	0	0
22 Edmund Marsh		4	0	0
23 John Wileman		4	0	0
24 Peter Post		5	0	0
25 Joshua Redmon		7	10	0
26 Garret Striker		7	10	0
27 Philip Shorts		4	0	0
Total, C'y....,£		125	10	0

RECAPITULATION.

		£	s	d
Midland District,	120	805	0	0
Johnstown .. do	58	343	0	0
Newcastle .. do	85	358	0	0
Eastern ....do	82	390	0	0
Home .....do	223	1211	0	0
Gore .....do	126	593	0	0
Niagara ....do	28	111	10	0
London ....do	61	190	10	0
Western ....do	53	272	10	0
Bathurst ....do	72	347	0	0
Ottawa .....do	12	51	0	0
Prince Edward do	27	125	10	0
	£	4798	0	0

NAMES of Persons licensed as Distillers from the 6th January, 1835, to 5th January, 1836, as returned by the Inspectors.

		Galls.		£ s. d.
	MIDLAND DISTRICT.			
1	William Garrat	254½		
2	John Rennie	80		
3	Hunt & Co	302		
4	Alexander McHenry	25		
5	John F. Flindall	54½		
6	Hugh McGinnis	169		
7	Everett & Co	70		
8	Allan McPherson	241		
9	John Rennie	80		
			1276 galls. 2s. 6d.	159 10 0
	JOHNSTOWN DISTRICT.			
1	James Morrow	80	do. do.	10 0 0
	NEWCASTLE DISTRICT.			
1	James Calcutt	79		
2	John Bevis	177½		
3	John Simpson	142½		
4	Robert H. Throop	100		
5	Robert Hamilton	125		
6	John C. Boswell	80		
7	George Hall	113		
8	Robert Hoey	123		
9	Sally Crowford	134½		
10	Samuel Dixon	50		
11	Samuel Wainwright	120		
12	Eliakim Barnum	75½		
13	Robert Henderson	135		
14	G. W. Pepper	140		
15	John Gilchrist	60		
			1655 galls. 2s. 6d.	206 17 6
	EASTERN DISTRICT.			
1	P. McLean & Co	24		
2	James Lochead	50		
			74 galls. 2s. 6d.	9 5 0
	GORE DISTRICT.			
1	Chisholm & Co	30		
2	Jedediah Jackson	55		
3	John A. Wilkes	60		
4	John M. Tyson	60		
5	Jno. Mullins	40		
6	Alexander Rose	20		
7	John McFarlane	14		
8	James Crooks	100		
9	William Crooks	72½		
10	Thomas Perrin	40		
11	Andrew F. Kerby	100		
12	Samuel Chandler	50		
			641½ galls. 2s. 6d.	80 3 9
	LONDON DISTRICT.			
1	Welcome Yale	50		
2	Burleigh Hunt	50		
3	L. Cruttenden	62		
4	James L. Green	60		
5	Robert Green	50		
6	Cross & Fisher	100		
7	William Wilson	80		
8	Henry Anderson	100		
9	Andrew Mulkins	60		
10	Dennis O'Brien	97		
11	Charles Merygold	60		
			769 galls. 2s. 6d.	96 2 6
	Carried forward		4495½ do. a 2s. 6d.	561 18 9

		Galls.		£	s	d.
	BATHURST DISTRICT.					
			4495½ galls. 2s 6d.	561	18	9
1	William H. Thompson	65				
2	George Lyon	100				
3	Ronald Maxwell	35				
4	George Brown	50				
5	Robert Twaddle	42				
6	John Kerr	39				
7	Isaac Smith	86				
8	Peter McArthur	33				
9	Patten Smith	18				
			468 galls. 2s 6d.	58	10	0
	OTTAWA DISTRICT.					
1	Hamlet B. Mears		120 galls. 2s 6d.	15	0	0
	PRINCE EDWARD DISTRICT.					
1	Joseph Solmes	26				
2	Michael Nulty	100				
3	John Robinson	50				
			176 galls. 2s 6d.	22	0	0
	HOME DISTRICT.					
1	Thomas A Jebb	65				
2	John G. Watson	39				
4	Cornelius Van Ostrand	40				
4	Hamilton Hall	60				
5	JamesRobson	60				
6	George Proctor	80				
7	Adam Franks	32½				
8	Thomas Musson	48½				
9	John Battle	16				
10	William Arthurs	50				
11	Thomas Burrell	80				
12	Francis Logan	70				
13	William Armstrong	72½				
14	John Scott	70				
15	W. H. Lawler	40				
16	Archibald McTavish	11½				
17	WilliamStroner	28				
18	Ebenezer Beck	27½				
19	James McDavid	126				
20	Alexander Montgomery	78				
21	Archibald McCormick	10				
22	Roe & Laughton,	162				
23	Nicholas Howell	65				
24	William Crookshanks	194½				
25	Thomas Musson	48½				
			1574½ galls. 2s 6d.	196	16	3
	Total..Gallons,	6834	£	854	5	0

Recapitulation.

	Galls.
Midland District	1276
Johnstown....do	80
Newcastle....do	1655
Eastern.....do	74
Home .....do	1574½
Gore.....do	641½
London.....do	769
Bathurst.....do	468
Ottawa.....do	120
PrinceEdward do	176
Total..Gallons,	6834

Steam Boats Licensed.

1 Kingston,
2 Brockville,
3 Neptune,
4 Canada,
5 Transit,
6 Enterprise.

Billiard Tables Licensed.

To Jean Belanger, Kingston.
To Joseph Roseborough, Toronto.

[No. 8.]

Upper Canada.

ACCOUNT of REVENUE arising from Duties upon Licences issued to Hawkers and Pedlers, from the 1st January to the 31st December 1835, inclusive, as reported by the Collectors of Customs.

PORTS.	PERSONS LICENCED.	Description.	DUTY. £	s.	d.	TOTAL. £	s.	d.
River aux Raisins	Thomas Rigby,	On foot	5	0	0			
do	James McEwen	do	5	0	0	10	0	0
Cornwall	Peter Judge	do	5	0	0			
do	Peter McChristal	do	5	0	0			
do	A. D. Cromwell	One horse	10	0	0	20	0	0
Kingston	Bernard O'Neil	On foot				5	0	0
Belleville	William Hamilton	One horse	10	0	0			
do	Isaiah Clarke	On foot	5	0	0	15	0	0
Bath	Nicholas G. Ellis	One horse	10	0	0			
do	Guy Mervin	do	10	0	0			
do	Stephen Southworth	do	10	0	0			
do	Leicester Philps	do	10	0	0	40	0	0
Hallowell	Publius V. Elmore	do				10	0	0
Newcastle	Patrick Donoghue	On foot	5	0	0			
do	Alexander McDonald	do	5	0	0			
do	Patrick McManniman	One horse	10	0	0			
do	John Campbell	On foot	5	0	0			
do	John Lynch	do	5	0	0	30	0	0
Port Hope	Alexander McGrath	do				5	0	0
York	Duncan McLaren	do	5	0	0			
do	William Hunter	do	5	0	0			
do	Michael Bradley	do	5	0	0			
do	David Sharer	do	5	0	0			
do	A. Henderson	do	5	0	0			
do	William Robinson	do	5	0	0			
do	John Bogger	do	5	0	0			
do	John Byrne	do	5	0	0			
do	William Finlay	do	5	0	0			
do	—— McKnight	do	5	0	0			
Niagara	Thomas Robertson	do	5	0	0	50	0	0
do	Martin Moore	One horse	10	0	0			
Dalhousie	James Rennie	On foot	5	0	0	15	0	0
do	John Joyce	do	5	0	0			
do	John Richardson	do	5	0	0			
Burlington	James Campbell	One horse	10	0	0	15	0	0
do	William McAllister	do	10	0	0			
do	Milton Pomeroy	do	10	0	0			
do	E. F. Nickerson	do	10	0	0			
do	Coplin Stinson	do	10	0	0			
do	John Stinson	do	10	0	0			
do	L. Hughs	do	10	0	0			
do	George Bradshaw	do	10	0	0			
do	Lawrence Hatch	do	10	0	0			
do	Charles Eddy	do	10	0	0			
do	J. Webster	do	10	0	0			
do	S. Emery	do	10	0	0			
do	A. L. Sims	do	10	0	0			
do	M. Hausle	do	10	0	0			
do	John Fargue	On foot	5	0	0			
	Carried forward, £	do	5	0	0			
			140	0	0	215	0	0

HAWKERS' AND PEDLARS' LICENCES—Continued.

PORTS.	PERSONS LICENCED.	Description.	DUTY.	TOTAL.
	Bro't forward,	..... £	140 0 0	215 0 0
Burlington	John McIntosh.....	On Foot...	5 0 0	
.....do.....	Robert Smith.....	....do....	5 0 0	
.....do.....	Owen Carrigar.....	....do....	5 0 0	
				155 0 0
Chippawa	D. McThomas.....	One Horse.	10 0 0	
.....do.....	Robert Doan	Two Horses	15 0 0	
.....do.....	D. W. Stone	On Foot...	5 0 0	
.....do.....	H. P. Hawkins, ...	....do....	5 0 0	
.....do.....	Isaac Chambers.....	....do....	5 0 0	
.....do.....	Ira Scribner.....	....do....	5 0 0	
				45 0 0
Dover.....	Daniel Evans.....	One Horse.	10 0 0	
.....do.....	Henry Bowen	Two Horses	15 0 0	
				25 0 0
Stanley.....	Henry Eddy	On Foot...	5 0 0	
.....do.....	Charles C. Savage	One Horse.	10 0 0	
				15 0 0
Burwell	John Sullon.....	One Horse.	10 0 0	
.....do.....	Lewis Winans.....	....do....	10 0 0	
.....do.....	Thomas McDonell	On Foot...	5 0 0	
				25 10 0
Cornwall	William Bedstead.....	One Horse.	.....	10 0 0
			£	490 0 0
		Allowance to Collector, 5 per cent....		24 10 0
		Nett Revenue, Currency.....		465 10 0

GEORGE H. MARKLAND,
Inspector General.

INSPECTOR GENERAL'S OFFICE,
10th Feb'y. 1836.

[No. 9.] **Upper Canada.**

STATEMENT of REVENUE arising from Duties on Auctioneers' Licences, and on Sales at Auction from the 1st January to the 31st December, 1835, as reported by the Collectors of Customs.

PORTS.	PERSONS LICENCED.	DUTY. £ s. d.	TOTAL. £ s. d.
Kingston	James Linton	5 0 0	
.....do	Hugh Scanlan.....	5 0 0	
.....do.....	Robert Scanlan.....	5 0 0	
.....do.....	Thomas Baker.....	5 0 0	
			20 0 0
Hallowell.....	Alexander V. Allen.....	.....	5 0 0
Newcastle	Jesse Wells.....	.....	5 0 0
Belleville	Thomas L. Woods.....	.....	5 0 0
Cobourg.....	R. D. Chatterton.....	5 0 0	
.....do.....	S. P. Hart.....	5 0 0	
.....do.....	Ephraim Sandford	5 0 0	
			15 0 0
	Carried forward..£	.....	50 0 0

AUCTIONEERS' LICENCES—Continued.

PORTS.	PERSONS LICENCED.	DUTY.	TOTAL.
	Bro't forward, £	.....	50 0 0
Port Hope	Ezra Shelley	.....	5 0 0
York	Patrick Handy	5 0 0	
.....do.....	William Wakefield	5 0 0	
.....do.....	P. Burke	5 0 0	
.....do.....	James Henry	5 0 0	
.....do.....	A. Macdonald	5 0 0	
.....do.....	W. J. Crosby	5 0 0	
.....do.....	James M. Strange	5 0 0	
.....do.....	John S. Hermans	5 0 0	
.....do.....	Robert McClure	5 0 0	
			45 0 0
Burlington	Richard Wonham	5 0 0	
.....do.....	William Mathews	5 0 0	
			10 0 0
Dalhousie	Henry Chapman	.....	5 0 0
Chippawa	William Hepburn	.....	5 0 0
Sandwich	Hall & Thibo	.....	5 0 0
Stanley	J. K. Woodward	.....	5 0 0
Oakville	Elijah Dexter	.....	5 0 0
	Total, £	.....	135 0 0

DUTY ON SALES AT AUCTION.

Port of Brockville	£	20	0	0		
Kingston		166	8	3½		
Hallowell		2	0	6		
Belleville		6	0	2½		
Cobourg		0	6	8½		
Port Hope		16	4	0		
York		372	16	8½		
Burlington		7	3	0		
Chippawa		14	14	10½		
Amherstburgh		1	2	2½		
Sandwich		9	0	6	615	17 0
					750	17 0
5 per cent. allowance for collecting, £					37	10 10
Net revenue, £					713	6 2

GEORGE H. MARKLAND,
Inspector General.

INSPECTOR GENERAL'S OFFICE,
10TH FEBRUARY, 1836.

[No. 10.]

Upper Canada.

STATEMENT of MONIES outstanding in the hands of Collectors and Inspectors on account of Provincial Duties, on the 1st January, 1836.

COLLECTORS.	CURRENCY.			COLLECTORS.	CURRENCY.		
	£	s	d		£	s	d
				Brought forward, £	100	18	7½
John Cameron	64	17	6½	Alpheus Jones, ...	37	2	6½
William J. Crysler	36	1	11½	Richard D. Fraser, ...	363	16	4½
Carried forward, ..£	100	18	7½	Carried forward, ..£	501	18	6½

STATEMENT OF MONIES, &c.—Continued.

COLLECTORS.	CURRENCY.		
Brought forward, £	501	18	6½
John Webster	20	12	8
Ephraim Webster	1	5	3¾
Thomas Kirkpatrick	688	4	6¾
Colin McKenzie	30	7	0¾
Andrew Deacon	677	12	9½
William M. Bulloch	337	7	3¾
Bernard McMahon	62	11	1¾
Estate of the late Robert Smith	6	11	5¾
Henry Baldwin	93	17	4½
Dugald Campbell	694	11	11½
Robert Brown	139	2	2¾
Richard Bullock	138	17	5
William Kingsmill	304	19	7¾
George Savage, estate of the late	263	3	10½
Thomas Carfrae	204	5	8½
John Chisholm	595	11	2½
John Chisholm, for canal tolls	912	6	3
John Clark	32	1	8½
Thomas McCormick	105	4	4¾
Robert Grant	107	18	6¾
Robert Kirkpatrick	36	5	11¾
James Secord	203	13	6½
John Warren, estate of the late	105	15	2
Carried forward, £	6264	5	5½

COLLECTORS.	CURRENCY.		
Bro't. forward, £	6264	5	5½
James Kerby	116	10	1
George J. Ryerse	59	1	3¾
James Mitchell	83	1	3¾
Mahlon Burwell	11	2	11½
Francis Caldwell	38	4	11
William Hands	48	15	5
Thomas G. Anderson	75	18	5¾
John Galt	14	13	6¾
John Bostwick....£400 19 6¾			
..do..harbour tolls...371 9 4			
	772	8	10¾
John Burwell	74	4	11
Henry Boys	18	18	10
William Chisholm	36	19	1¾
Marcus F. Whitehead	78	8	0
Estate of the late John Wilson exclusive of the am't. collected in the years 1828, 1829, & 1830,	174	7	10¾
Estate of the late John Cameron,	26	12	4
Estate of the late Jno. Symmington	43	17	5
Estate of the late A. McMillan	34	4	5¾
C. A. Hagerman, late Collector	234	15	5¾
	8206	10	9¾

INSPECTORS.

The Honourable Alexander McDonell	£157	14	9¾
James Mitchell	671	9	4¾
Elias Jones	201	15	5¾
Philip Vankoughnet	1	9	5
John Willson	24	15	1½
Anthony Lesslie	17	3	3
John Claus	608	3	0¾
John Jordan	48	5	1½
Estate of the late Alexander McDonell	141	6	0
Donald McDonald	25	4	0
Adam Hubbs	31	14	5
Estate of the late Isaac Swayze	250	2	4
Estate of the late Oliver Everts	88	2	5
Estate of the late John Cumming	545	10	0
		2812	14 9¾
Walter B. Sheehan, Collector		214	19 0¾
Total Currency, £		11019	5 6¾
		11234	4 7¾

INSP. GEN. OFFICE, 10 Feb. 1836.

GEO. H. MARKLAND, *Insp. Gen.*

[No. 11.]

Upper Canada.

STATEMENT of MONIES paid to the Receiver-General, since 13th January 1836, in liquidation of Balances then outstanding, or on account of Duties subsequently collected.

COLLECTORS.	CURRENCY.		
	£	s.	d
Francis Caldwell	43	0	0
John Galt	5	5	9½
Henry Baldwin	110	0	0
Carried forward, £	158	5	9½

COLLECTORS.	CURRENCY.		
Bro't. forward, £	158	5	9½
Richard D. Fraser	369	0	0
William J. Chrysler	50	0	0
James Secord	125	0	0
Carried forward, £	602	5	9½

STATEMENT OF MONIES, &c.—Continued.

COLLECTORS.	CURRENCY.		
Bro't forward, £	602	5	9½
George Ryerse	28	10	0
John Clark	32	1	8½
Hon. James Kirby	74	10	0
Ephraim Webster	1	16	2
Thomas Kirkpatrick	650	0	0
Thomas McCormick	95	14	5
Bernard McMahon	30	10	0
Alpheus Jones	43	6	5
William Kingsmill	305	0	0
Mahlon Burwell	10	13	0
Robert Grant	107	18	6½
John Cameron	20	0	0
Carired forward, £	2002	6	0½

COLLECTORS.	CURRENCY.		
Bro't. forward, £	2002	6	0½
William Hands	49	12	6
Thomas Carfrae	193	12	0½
Robert Brown	163	13	6
Colin McKenzie	28	15	0
John Bostwick	607	0	0
Henry Boys	17	8	0
Dugald Campbell	350	0	0
Richard Bullock	138	17	4½
Christopher A. Hagerman	234	15	6
Walter B. Sheehan	212	12	9½
William Chisholm	12	10	0
John Burwell	31	0	0
£	4042	2	8½

INSPECTORS.

Philip Vankoughnett, £	400	0	0
John Wetherhead	295	4	0
Anthony Leslie	350	0	0
Elias Jones	199	7	6
Alexander McDonell	1297	7	9
John Jordan	486	5	0
James Mitchell	713	8	6½
Adam Hubbs	31	14	6
James Sampson	5	1	3
	3778	8	6½
Total, C'y. £	7820	11	3½

INSP. GEN. OFFICE, 10 FEB. 1836.

GEO. H. MARKLAND, *Insp. Gen.*

[No. 12.]

Upper Canada.

ESTIMATE of the CIVIL EXPENDITURE for the year 1836, exclusive of the appropriation by Statute 1 Wm. 4. Chap. 14.

	£	s	d	£	s	d
GOVERNMENT OFFICE.						
Secretary's Salary	208	0	0			
Four Clerks	840	0	0			
Contingencies	700	0	0			
EXECUTIVE COUNCIL OFFICE.				1748	0	0
Two Clerks	500	0	0			
Contingencies	125	0	0			
RECEIVER GENERAL'S OFFICE.				625	0	0
Three Clerks	675	0	0			
Contingencies	200	0	0			
				875	0	0
Deputy Secretary and Registrar for 1835 & 1836				400	0	0
INSPECTOR GENERAL'S OFFICE.						
Two Clerks	500	0	0			
Contingencies	100	0	0			
SURVEYOR GENERAL'S OFFICE.				600	0	0
Six Clerks				1290	0	0
Attorney General's additional salary				866	13	4
Solicitor General's ....do				377	15	7
Printing the Statutes				1000	0	0
Repairs of the Government House				200	0	0
Contingencies of the Public Offices				650	0	0
Casual and extraordinary expenses				600	0	0
Usher & Keeper of the Court of King's Bench				40	0	0
Total. C'y. £				9272	8	11

INSPECTOR GENERAL'S OFFICE,
10TH FEBRUARY, 1836.

GEORGE H. MARKLAND,
Inspector General.

[No. 13.] **Upper Canada.**

GENERAL ESTIMATE of the Expenditure and Resources of the Province for the Year 1836.

EXPENDITURE.	CURRENCY. £	s.	d.	RESOURCES.	CURRENCY. £	s.	d.
To complete the Service of 1835,	14363	0	0	Proceeds of Debentures negotiated in England, undrawn for, with premium of 10 per cent.....	379222	16	0
To interest on the Public Debt...	27463	0	0				
To administration of Justice, and support of the Civil Government, 1 Wm. 4, ch. 14.....	7223	0	0	Amount of this Provinces proportion of duties on Importation by sea at the Port of Quebec.....	55000	0	0
To Civil Estimate for 1836	9272	0	0				
To contingencies of the Legislature.....	10000	0	0	Duties on Licences for retailing Spirituous Liquors, Distilling, &c	7080	0	0
To Common Schools.....	3150	0	0	Duties on Importations from the United States of America	12000	0	0
To District School Masters.....	1200	0	0				
To Militia Pensions.....	900	0	0	Duties on Licenses to Hawkers and Pedlers.....	500	0	0
To Officers of the Legislature ...	890	0	0				
To maintenance of Light Houses.	1600	0	0	Duties on Licences to Auctioneers and at Sales on Auction.....	750	0	0
To Agricultural Societies.....	800	0	0				
To Adjutant General of Militia...	650	0	0	Bank Stock Dividends.....	2000	0	0
To Inspector General.....	400	0	0	Burlington Canal Tolls	1800	0	0
To Receiver General	778	0	0	Kettle Creek Harbour do.....	400	0	0
To Six Pensioners.....	120	0	0				
To Clerk of the Crown in Chancery	75	0	0				
To Steam Dredging Machine....	500	0	0				
To Keeper of the False Ducks Light House.....	37	10	0				
To Improvement of the River St. Lawrence.....	280000	0	0				
To Redemption of Debentures...	09245	6	0				
Currency, £	458672	16	0	Currency, £	458672	16	0

GEORGE H. MARKLAND,
Inspector General.

Inspector General's Office,
10th Feb. 1836.

No. 27.

DETAILED ACCOUNTS.

SCHEDULE of Contingent Accounts transmitted to the House of Assembly.

1. Repairs of the Government House, for the year 1834.
2. Ditto Ditto for the year 1835.
3. Contingencies of the Government Office to 30th June, 1835.
4. Ditto Ditto to 31st December, 1835.
5. Contingencies of the Executive Council Office to 30th June, 1835.
6. Ditto Ditto to 31st December, 1835.
7. Contingencies of the Receiver-General's Office, for the year 1835.
8. Contingencies of the Inspector General's Office to 30th June, 1835.
9. Contingent Expenses of the Public Offices for the year 1835.

INSPECTOR GENERAL'S OFFICE,
15th February, 1835.

GEORGE H. MARKLAND,
Inspector General.

UPPER CANADA.

DEBTOR, the Government of Upper Canada, to WILLIAM ROWAN, Esq., *Civil Secretary, for the undermentioned expenses incurred for repairs to the Government House, in the years* 1832 *and* 1834, *not heretofore brought into account.*

No. of Voucher.	DESCRIPTION OF WORK.	*Canada Cur.* £ s. d.
1	To John Ritchey, carpenter and builder, for work and materials	123 14 9
2	To Kennedy & M'Arthur, masons and builders, for work and materials	34 0 7¼
3	To Peter M'Arthur, mason and builder, for work and materials	28 0 1½
4	To John Craig, painter, for work and materials	14 4 6
		200 0 0

I William Rowan, do solemnly swear that the above account, amounting to the sum of £200, Canada currency, is just and true, to the best of my knowledge and belief.

Sworn before me at Toronto, Upper Canada, this 4th day of June, 1835. J. B. MACAULAY, *J. K. B.*

WILLIAM ROWAN.

Audited in Council, 4th June, 1835:
JOHN STRACHAN.

Account correct 4th June, 1835.
GEORGE H. MARKLAND, *Inspector General.*

UPPER CANADA.

DEBTOR, Government to WILLIAM ROWAN, Esq., *Civil Secretary, for the undermentioned expenses incurred for alterations and repairs in and to the Government House and Out-Offices, in the years* 1832, 1833, *and* 1834, *not heretofore brought into account.*

No. of Voucher.		*Canada Cur. Dolls. at 5s.* £ s d.
1	To John Ritchey, carpenter and builder, for work and materials	167 19 11
2	To Kennedy & M'Arthur, stone cutters and masons, for work and materials	11 4 10
3	To E. Robson, paper hanger, for paper hangings and work	8 3 9
4	To Sandover & Overend, for work	5 6 2
5	To William Musson, tinsmith, for eaves, gutters, pipes, &c.	7 5 4
		200 0 0

I William Rowan, do solemnly swear that the foregoing account, amounting to the sum of £200 Canada Currency, is just and true to the best of my knowledge and belief.

Sworn before me at Toronto, Upper Canada, this fifth day of March, 1835. J. B. ROBINSON, *C. J.*

WM. ROWAN.

Amount brought over £200 0 0
Add to the above £2 8s. 8d., being so much short added in voucher, No. 1 ..... 2 8 8

Currency £202 8 8

Audited in Council 5th March, 1835.

JOHN STRACHAN, *P. C.*

UPPER CANADA.

DEBTOR Government to WILLIAM ROWAN, Esquire, *Civil Secretary, for the Ordinary and Incidental Expenses of the Government Office, for the half year from the 1st January to the 30th June, 1835, inclusive.*

		£	s.	d.
1	To Mr. Walter McKenzie, his half year's salary as Extra Clerk in the said office from the 1st January to the 30th June, 1835,	83	6	8
2	To William Cloughly his half year's salary as Messenger and Keeper to the said office,	35	0	0
3	To Robert Algoo, his half year's salary as Assistant Messenger to the said office,	25	0	0
4	To the Post Office at Toronto for Postage,	252	7	2
5	To Thomas W. Moore, Agent for British Packets at New York, for Postage on Letters from the Office of the Lieutenant Governor passing through the United States, during the said period,	10	0	0
6	To Robert Stanton, for Printing done and Stationary furnished for the use of the said Office during the said period,	25	14	3
7	To Edward McMahon for Disbursements by him on account of the said office	10	17	9¼
	£	442	5	10¼

CREDIT.

By amount of the Lieutenant Governor's Warrants for Payment of Postage,	252	7	2

I, William Rowan, do solemnly swear, that the foregoing account amounting to the sum of Four Hundred and Forty-two Pounds Five Shillings and Ten Pence Halfpenny, Canada Currency, is just and true to the best of my knowledge and belief.

Sworn before me at Toronto, Upper Canada, this sixth day of August, 1835. } JOHN B. ROBINSON, C. J. WM. ROWAN.

Examined, GEORGE H MARKLAND, *Inspector General.*

Audited in Council, 6th August, 1835, JOHN STRACHAN, P. C.

UPPER CANADA.

DEBTOR Government to WILLIAM ROWAN, Esquire, *Civil Secretary to the Lieutenant Governor, for the Ordinary and Incidental Expenses of the Government Office, for the half year from the 1st July to the 31st December, 1835, inclusive.*

No. of Vouchers.	DESCRIPTION OF CHARGE.	£	s.	d.
1	To Mr. Walter McKenzie, his half year's salary as Extra Clerk,	83	6	8
2	To William Cloughly, his half year's allowance as Office Keeper and Messenger,	35	0	0
3	To Robert Aljoe, his half years allowance as Assistant Messenger,	25	0	0
4	To the Post Office at Toronto for Postage,	246	7	4
5	To Robert Stanton, for Printing, &c.	16	17	6
6	To Thomas William Moore, Agent for British Packets at New York, to reimburse him for Postage, &c.	10	0	0
7	To John Ritchey, Carpenter, for Work, &c.	7	2	6
8	To Edward AcMahon, for Disbursements on account of said office,	27	3	5
	£	451	2	5

CREDIT.

By amount received under Warrant for Postage	246	7	4

I, William Rowan, do solemnly swear that the foregoing account amounting to the sum of Four Hundred and Fifty One Pounds Two Shillings and Five Pence, Canada Currency, is just and true to the best of my knowlegde and belief.

Sworn before me at Toronto, Upper Canada, this 14th day of January, 1836. } J. B. MACAULAY, J. K. B. WM. ROWAN.

Examined, GEORGE H. MARKLAND, *Inspector General.*

Audited in Council, 15th February, 1836, PETER ROBINSON, P. C.

THE GOVERNMENT, to JOHN BEIKIE, Esq., *Clerk Executive Council, for the usual Allowances and Contingencies in the Council Office, from the 1st January to the 30th June, 1835, inclusive.*

No of Voucher.	ALLOWANCES AND CONTINGENCIES.	Provincial Curr'y Dollar at 5s. £	s.	d
1	Hugh Carfrae, his half year's salary as Doorkeeper to the Executive Council,	16	13	4
2	Robert Stanton, for Stationary, Printing, &c.	43	3	1
3	J. S. Howard, for Postage of Public Letters	14	3	2
	Provincial Currency, £	73	19	7

John Beikie, Esquire, Clerk Executive Council, maketh oath and saith that the above account, amounting to the sum of Seventy Three Pounds Nineteen Shillings and Seven Pence, Province Currency, is just and true to the best of his knowledge and belief.

Sworn before me at Toronto, Upper Canada, this Eleventh day of July, 1835. } JOHN B. ROBINSON, C. J. JOHN BEIBIE.

Examined, GEORGE H. MARKLAND, *Inspector General.*

Audited in Council 6th August, 1835, JOHN STRACHAN, P. C.

THE GOVERNMENT, to JOHN BEIKIE, Esq., *Clerk Executive Council for the usual Allowances and Contingencies in the Council Office from the 1st July to the 31st December, 1835, inclusive.*

No. of Voucher.	ALLOWANCES AND CONTINGENCIES.	*Pro. currency Dollar 5s.* £ s. d.
1	Hugh Carfrae, his half year's salary as door-keeper to the Executive Council	16 13 4
2	Robert Stanton, for stationary, printing, &c.	18 13 11
3	J. S. Howard, for postage of public letters	15 12 2
	Provincial Currency	50 19 5

John Beikie, Esquire, Clerk Executive Council, maketh oath and saith, that the above account, amounting to the sum of £50 19s. 5d., Province currency, is just and true, to the best of his knowledge and belief.

JOHN BEIKIE.

Sworn before me at Toronto, Upper Canada, this fifth day of January, 1836. } L. P. SHERWOOD. J.

Examined

GEORGE H. MARLAND, *Inspector General.*

Audited in Council, 7th January, 1836.

PETER ROBINSON, *P. C.*

UPPER CANADA.

ORDINARY and Incidental Expenses of the Receiver General's Office between the 1st January and 31st December, 1835, inclusive.

No. of Vouchers.	PAYMENTS.	Currency £ s. d	*Sterling. Dolls. at 4s. 6d* £ s. d.
1	To nine months' allowance for office rent from 1st January to 30th September, at £36 sterling, ℔ annum		27 0 0
2	To nine months' allowance for firewood, same period, £14 12s. 6d.		10 19 4½
3	To nine months' allowance for stationary fer the year		22 10 0
	To paid sundry editors and proprietors of newspapers for advertising, loans, exchanges, &c. viz:		
4	To Kingston Herald, advertising (in the year 1833)	3 19 0	
5	To Toronto Courier	3 9 7	
6	To Toronto Recorder	2 15 7	
7	To Toronto Correspondent and Advocate	0 11 3	
8	To Toronto Christian Guardian	1 16 11	
		12 12 4	= 11 7 1½
9	To paid Robert Stanton, Esq., for advertising in Gazette, Debentures, Redeemable Militia Pension List, Tenders for Exchange, furnishing Blank Debentures, &c., with paper for the same		56 9 2
10	To paid James S. Howard, Esq., Postmaster, for postage of letters on the public service during the year.		54 9 7½
11	To Disbursements by Mr. Turquand, for boxes to contain the public accounts and debentures for transmission to England, and cartage in removing office		0 13 6
			183 8 9¾

Amounting to £183 8s. 9¾d., sterling—dollars at 4s. 6d. Errors excepted.

JOHN H. DUNN, *R. G.*

John Henry Dunn, Esq., Receiver-General of Upper Canada, maketh oath that the foregoing account is just and true, to the best of his knowledge and belief.

Sworn before me at Toronto, Upper Canada, this thirteenth day of January, 1836. } JOHN H. DUNN.

Examined,

GEORGE H. MARKLAND, *Inspector-General.*

S. G. CHEWETT, *J. P. Home District.*

Audited in Council, 19th January, 1836.

UPPER CANADA.

THE GOVERNMENT, in account with GEORGE H. MARKLAND, Esquire, *Inspector General, for the Expenses of his Office from the 1st January to 30th June, 1835, inclusive.*

Voucher.		£	s.	d.
1	To James S. Howard, Post Master, for Postage of Public Letters to and from the Office for the above period,	37	16	10
2	To Robert Stanton, Esquire, his account for Stationary during the above period,	3	5	3
	Total Currency, £	41	2	1

George H. Markland, Esquire, Inspector General, maketh oath and saith that the above account, amounting to the sum of Forty One Pounds Two Shillings and one Penny, is just and true to the best of his knowledge and belief.

Sworn before me at Toronto, this Sixteenth day of November, 1835. } GEORGE H. MARKLAND.

J. G. CHEWETT, J. P. *Home District.*

Examined

GEORGE H. MARKLAND, *Inspector General.*

Audited in Council, 31st December, 1835,

P. ROBINSON, P. C.

THE GOVERNMENT, to JAMES NATION *Dr. to the Contingent Expenses of the Public Offices for* 1835, *viz:*

Voucher.		£	s.	d.
1	Sundry Persons, Firewood	147	9	0
2	James Bathie, Sawing do	24	0	6
3	Messrs. Ridout, & Co., Hardware,	21	6	6
4	Peter Paterson & Sons, Stoves,	8	10	0
5	Sundry Persons, Smith Work,	5	17	0
6	J. Johnson, Painting and Whitewashing	7	5	0
7	Sundry Persons, Carpenter's Work,	33	19	10
8	Andrew Hawkins, cleaning Offices East Wing, and Materials,	7	5	10
	Ditto allowance for Rent of House and Fuel, as Messenger,	8	17	6
9	Assistant Messenger, West Wing,	25	0	0
	Do do. East do.	4	17	6
10	John McCloskey, Sweeping Chimnies,	3	11	11
11	Mrs. M. Powell, her account of articles furnished.	6	13	7
15	Sundry small expenses,	11	3	11
	Allowance to Accountant 5 per cent, £	513	18	1
		15	15	10
12	Mrs. M. Powell, House Keeper, her salary and allowance for assistant, £	331	13	11
13	W. Walker, Messenger, his salary	75	0	0
14	J. McCloskey, do. his do.	50	0	0
8	Andrew Hawkins, do. his do.	25	0	0
		33	6	8
	Loss this sum overcharged in W. Maxwell's account of last year, £	515	0	7
		1	0	0
	Total Currency, £	514	0	7

James Nation maketh oath and saith that this his account is just and true to the best of his knowledge and belief.

Sworn before me at Toronto, this 18th day of January, 1836. } JAMES NATION,

J. G. CHEWETT, J. P. *Home District.*

Examined,

GEORGE H. MARKLAND, *Inspector General.*

Audited in Council 19th January, 1836.

PETER ROBINSON, P. C.

No. 28.

DOCUMENTS

ACCOMPANYING MESSAGE,

FROM

LIEUTENANT GOVERNOR

OF THE

15th FEBRUARY, 1836.

Copy.

No. 118.

DOWNING STREET,
6th March, 1833.

SIR,

By the accounts I have lately received of the proceedings of the Legislature of Upper Canada, I have learnt that the Attorney and Solicitor General of that Province, have in their places in the Assembly taken a part directly opposed to the avowed policy of His Majesty's Government.

As members of the Provincial Parliament Mr. Boulton and Mr. Hagerman, are of course bound to act upon their own view of what is most for the interest of their constituents and of the colony at large, but if upon questions of great political importance they unfortunately differ in opinion from His Majesty's government, it is obvious that they cannot continue to hold confidential situations in His Majesty's service without either betraying their duty as members of the Legislature, or bringing the sincerity of the government into queston by their opposition to the policy which His Majesty has been advised to pursue.

His Majesty can have no wish that Mr. Boulton and Mr. Hagerman should adopt the first of these alternatives, but on the other hand, he cannot allow the measures of His Government to be impeded by the opposition of the law officers of the Crown.

In order, therefore, that these gentlemen may be at full liberty, as members of the Legislature, to follow the dictates of their own judgment, I have received his Majesty's commands to inform you that he regrets that he can no longer avail himself of their services, and that from the time of your receiving this despatch they are to be relieved from the duties imposed upon them in their respective offices.

You will transmit copies of this despatch to Mr. Boulton and Mr. Hagerman.

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

(Signed) GODERICH.

M. GEN. SIR JOHN COLBORNE, K. C. B.
&c. &c. &c.

A true copy, J. JOSEPH.

Copy.

No. 121.

DOWNING STREET,
20th March, 1833.

SIR,

In reference to my despatch No. 118 of the 6th January last, I have the honour to acquaint you that His Majesty has been pleased to appoint Mr. Jameson to be Attorney General of Upper Canada. Mr. Jameson has been for some time Chief Justice of Dominica, and I have every reason to think that you will find his ability and discretion of great advantage to you in the administration of your government. He will take the earliest opportunity of proceeding to assume his duties.

With respect to the office of Solicitor General it is considered desirable that you should enjoy the assistance in that capacity of a gentleman possessed of local experience and already conversant with the pub-

lic business of the Province. I have therefore received His Majesty's commands to desire that you will furnish me with the name of some gentleman belonging to the bar of Upper Canada, who may be submitted to His Majesty as a fit person to receive the appointment of Solicitor General. You will of course lose no time in making to me the necessary communication on this subject, and in the meanwhile you will probably deem it advisable to confer an appointment to act as Solicitor General on the same individual whom you may recommend to fill that office permanently.

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

(Signed) GODERICH.

M. Gen. Sir John Colborne,
K. C. B. &c. &c. &c.

A true copy, J. JOSEPH.

Despatch from Sir John Colborne, transmitting resolutions from certain inhabitants of the town of Kingston.

Copy.

No. 43. York, Upper Canada.
8th *July*, 1833.

Sir,

At the request of Mr. John S. Cartwright, the chairman of a public meeting held at Kingston, on the 23rd of May, I have the honour to transmit to you a copy of the resolution adopted on that occasion respecting the removal of Mr. C. A. Hagerman, from the office of His Majesty's Solicitor General for Uppar Canada.

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

(Signed) J. COLBORNE.

The resolutions were sent in original and no record kept of them in the government office.

E. G. Stanley. &c. &c. &c.

A true copy, J. JOSEPH.

Despatch from Sir John Colborne, transmitting to Secretary for the Colonies, an address from certain inhabitants of the town of Kingston.

Copy.

No. 44. Upper Canada, York,
10*th July*, 1833.

Sir,

I have the honor to transmit to you the accompanying address to His Majesty from, certain inhabitants of the town of Kingston in this Province.

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

(Signed) J. COLBORNE.

Mem.—The address referred to, from certain inhabitants of Kingston to the King, was transmitted in original, and no copy of it kept at the government office. It contained an expression of approval of the law officers of the Crown being removed from their offices.

To the Right Hon'ble
E. G. Stanley, &c. &c. &c.

A true copy,
J. JOSEPH.

No. 31. Downing Street.
12*th September*, 1833.

Sir,

I have the honor to acknowledge the receipt of your despatch of No. 43, of the 8th of July last, enclosing a copy of certain resolutions adopted at a public meeting, held at Kingston, on the 23rd of May last, respecting the removal of Mr. C. A. Hagerman, from the office of His Majesty's Solicitor General of Upper Canada.

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

(Signed) E. G. STANLEY.

M. Gen. Sir J Colborne,
K. C. B. &c. &c. &c.

A true copy
J. JOSEPH.

No. 1.

(Copy.)

Upper Canada, York,
31*st January*, 1832.

My Lord:

In forwarding this address to the King from the House of Assembly expressing their attachment to His Majesty, and their gratitude for the happiness which is enjoyed by this Colony, I think it necessary to inform your Lordship that this address has probably been called forth in consequence of the conduct of Mr. Mackenzie the editor of the Colonial Advocate.

His Majesty's Ministers, were, I believe made acquainted with the character of this man, and with the mischievous tendency of his publications, before my appointment to this Government. He has not ceased for the last three years to publish and circulate statements evidently with an intention of keeping up excitement in this Province, and encouraging disaffection.

During the last summer and autumn after calling meetings in the Townships in the County of York, he proceeded to the Gore and Niagara Districts, and to some of the Eastern Districts, for the purpose of calling together the farmers and such persons as he might be able to collect at a short notice, with the assistance of his agents, and inducing them to adopt certain resolutions which he had prepared for their inspection.

These meetings were sufficiently numerous for the objects he had in view, to circulate his statements widely through the Province, and to enable him to bring his petitions before the Provincial Parliament and to forward copies of them to your Lordship.

Soon after the opening of the Session, he was expelled from the House of Assembly for a libel on the House; and on the day of his expulsion, he circulated handbills inviting the people to proceed in a body

to the Government House, and to request the Lieut. Governor to dissolve the Parliament; and the following day about 200 persons presented an address to me, a copy of which is enclosed (A); the intention of Mr. Mackenzie in following this course, and in conveying a petition to me, which he knew could not be complied with, was evidently to raise a clamour against the Executive Government, and encourage a belief that his expulsion had been effected through my interference.

He was re-elected on 2nd January, received a gold medal from some of his supporters in York, and took his seat the next day; but on again inserting the libel in his paper, for which he had been expelled, and sending the number of the Colonial Advocate containing it to all the members of the House, he was expelled and declared incapable of sitting in the House of Assembly during the present Parliament —Mr. Mackenzie then sent forth the atrocious address (B) to the people, and to the soldiers of the 79th regiment in Garrison at York, to which I beg leave to call the attention of your Lordship, as well as the Colonial Advocate, marked C.

Few of the farmers on whose support he counted, attended the meeting called by him. About three hundred persons however, were attracted by his notices to listen to his harrangue; the resolutions were adopted, and the petition to the King approved of, which he had prepared. He also proposed that a subscription should be immediately raised for the purpose of providing him with means to proceed to England with the petition.

This formidable demagogue has certainly contrived by his perseverance, cunning and falsehood, to cause and keep up a spirit of discontent among many ignorant farmers, particularly in the Home and Johnstown Districts; but the good feeling which generally prevails through the Province, at present, will be found quite sufficient to counteract the effect of his publications.

I have the honor to be, &c.

J. COLBORNE.

To The Right Honorable
Viscount Goderich,
&c. &c. &c.

No. 33.

Copy,

Upper Canada,
York, 18th June, 1832.

My Lord,

I have had the honor to receive Your Lordship's despatch of the 2nd of April marked "confidential," relating to the expulsion of Mr. Mackenzie, from the House of Assembly, and beg leave to state, that it was with great regret that I observed the course which the Assembly pursued at the commencement of the session with reference to his conduct; being persuaded that by drawing the attention of the House to his calumnies, he would be probably placed in the very situation in which he wished to exhibit himself.—But most of the members who insisted on his expulsion are altogether unconnected with the Executive Government, and, so far from being influenced by its opinion or supposed views, they appear desirous of making a display of their independence. The usual practice of Mr. Mackenzie has been to assert that he is persecuted by the Magistrates, and that the measures adopted to expose him have been projected and secretly encouraged by persons under the influence or control of the Executive Government. It is, however, evident, that a man who has edited such a paper as the "Colonial Advocate" for eight years must have raised up against him enemies in every part of the province. The object, apparently, of Mr. Mackenzie last session was to ascertain the extent to which he could carry his insults to the House. The members generally averse to sanction any summary proceeding, would, I believe, have readily received him after his first expulsion, had he not forced them to proceed against him by his repeating a libel with an audacity and defiance that rendered it very dificult for them to adopt any course calculated to counteract the effects of his efforts to keep alive excitement in the Province. A prosecution on the part of the Crown even recommended by the House, would have prolonged the excitement, and have embarrassed the local government in a greater degree than any other mode of proceeding, for there are few individuals in the Province who have any doubt of the seditious character of his publications, or of his intention to encourage disaffection. The annexed copy of a letter which he forwarded to me in the year 1829, will shew that he has long wished to establish it as a fact that he is persecuted by government, and calumniated by a certain number of papers under its control; but while he was writing this plausible statement, demanding my interferance to prevent the editors of papers from attacking his conduct, he knew that the only paper in the Province connected with the government (the Loyalist) had been discontinued at my recommendation. The injudicious acts of his opponents, at some public meetings at which he attended, offer, he imagines, another proof of the persecuting system supported by the local government.

Mr. William Kerr, a Magistrate of the Gore district, it is said, either sanctioned by his presence or encouraged the ill treatment which Mr. Mackenzie received from some young men of the town of Hamilton. In regard to this charge it may be necessary to remark, that the account of the transaction has only reached me through the public Journals. There are many magistrates, I have no doubt, unfit for their situation, in a Province located as this has been; but it is unreasonable to expect that a magistrate should be removed from the commission of the peace on an exparte statement.

The annexed communication in answer to a complaint against a magistrate, will explain the course generally followed in cases in which the conduct of the magistrates has been impugned.

I must request also the permission of your Lordship to offer some remarks on the address presented to me by Mr. Egerton Ryerson, two days before the opening of the last session of the Provincial Parliament, and framed obviously with the intention of inserting it in his Journal, & renewing at the commencement of the session an excitement on certain questions which were under the consideration of His Majesty's Government.

Having understood that the document attached to the address was written by a cousin of Mr. Ryerson a Baptist Minister, and that the Episcopal Methodist

Chapel at Brockville, had been used a few weeks previously to the presentation of this address, by Mr. Mackenzie on his visit to the Johnstown district for his political meetings, and with the annexed report from the Indian Department before me, I could not consistently forward the address of Mr. Ryerson without directing the attention of the conference to proceedings calculated both to injure the Episcopal Methodists as a religious body, and the interests of the Province, and expressing my disapprobation, although it could not fail to give a temporary advantage to factious individuals.

With respect to the remarks on the institution which has been raised up instead of a neglected Grammar School, it was my intention to impress on the conference that it was well adapted to the present views of the Colony; and therefore ought not to be condemned or depreciated by the Episcopal Methodist Ministers, who had formed their opinions without having had opportunities of judging of the utility of the liberal establishment endowed by His Majesty; and that the classical masters were elected in the first instance, at my request, from Oxford and Cambridge, solely on account of their acquirements and qualifications; and that no regulation existed as to future election of masters.

Mr. Mackenzie has now laboured for more than seven years, I believe, with activity and perseverance, to create discontent and disaffection in the Province. He posseses in a peculiar degree that cunning and effrontery which it is probable will generally attract the attention of some part of the population, and ensures the partial success of any demagogue. He has had recourse to every species of calumny, falsehood and deception, which would promote his views, and get his Journal and almanacks into circulation in the townships in which his misrepresentations are likely to make any impression; and by addressing his statements particularly to the natives of the United States, settled in Upper Canada, and inviting them to petition that their own magistrates, officers of militia, and Legislative Council, may be elected by the people; and by taking advantage of every temporary excitement, and of the injudicious acts of several of his opponents, he has enjoyed a popularity in this district for a longer period than persons of this description and character usually retain their mischievous influence. His efforts have, however, contributed more to injure the Province, at home, by turning from it a respectable class of emigrants, than to realize any of his projects; and he now finds himself checked by most of the respectable and intelligent classes of society, and firmly opposed by the exertions of a large number of inhabitants in each district entirely unconnected with the government.

The colony is affectionately attached to the mother country; and I shall be exceedingly dissappointed if it do not long remain happy and contented, and proof against the selfish intrigues of the turbulent person who is the principal subject of this communication.

I have honor to be, &c.

J. COLBORNE.

To the Right Hon'ble
Viscount Goderich,
&c. &c. &c.

(Inclosure in the above.)

York, August 11th, 1829.

Sir,

An opinion has gone forth, that the Government of the Province secretly approve of the grossest personal abuse when applied to persons, who like myself are at variance with the principles upon which your Excelleney has stated you would be guided in the administration of the affairs of the Province. This opinion is no doubt held by those persons up and down the country who laud your measures and seldom or ever see any thing to blame in your management—for the torrents of personal calumny which come from those persons, week after week, in an unwearied stream seems, as it were to increase of late rather than diminish. By such exhibitions of the weakness and wickedness of human nature, the provincial press is degraded, the morals of the people tainted, and your Excellency's Government, if it be a good one, lowered in the estimation of foreigners, on-lookers of these shameful squabbles. Ireland long tried the experiment of encouraging a cordon of super loyal presses at the public cost, as it is well known some of these are kept up in part, of which I complain—the result is before the world.

I shall not trouble your Excellency with a bundle of newspapers, owned and conducted by Magistrates, Government Schoolmasters, Adjutants, Judges, Post masters, and others, whose official station adds weight to their improper statements, but shall select one particular number of the "Niagara Herald," of which John Crooks, Esquire, one of His Majesty's Justices of the Peace for the Niagara District, and Post-master for the town of that name is the known and publicly avowed proprietor, to lay before your Excellency, as rather a worse than usual specimen of demi-official vituperation. A perusal of its contents will afford your Excellency an opportunity of checking an evil, which if left unnoticed by you, may, (as experience tells me) not be productive of the consequences which the admirers of such papers anticipate. Such language may hurt my feelings and give me pain and uneasiness, and no doubt does so; it may render unhappy for a time some of the members of my family, and the respectable persons composing the central committee may regret to see themselves (by name) bandied about as traitors, similar to those executed last war at Burlington heights—and all this without a shadow of truth, although stated on the authority of a British Magistrate—but in the end those who encourage such calumnies, will, I fear, have a day of counting and reckoning of a nature they do not now anticipate. As an individual held up to scorn by Mr. Crooks, I seek no damages, and I shall not harras myself by entering upon a tedious legal process in the courts (with one new trial after another for years,) on the condition of which I forbear to remark; it would afford me no pleasure to see Mr. Crooks degraded from the Magistracy, or turned out of the Post Office. All I ask is that he may be required to bring before the public the authority on which he has undertaken to assert that the committee on religious freedom are traitors, plotting against the government, and to substantiate the charges he has made against me, as an individual member of society, and of that committee, I know he cannot do this, and therefore shall,

secondly, ask that he be required to give as public a contradiction to his calumnies as may be in his power. If this is done, it will not only cause him to act with more caution in future, remembering the station he bears as s British Magistrate, but will aid in rendering more decent those presses which at present seem but to exist for the purpose of applauding your Excellency, and spreading defamation and calumny against the House of Assembly and its members, the central committee, and those persons who, like myself, think fit to express an opinion that your Excellency's mode of government is unconstitutional, opposed to free government, and forgetful of the best interests of the people of Canada. I once more ask your Excellency, as a man, and as a Magistrate, high in authority, to manifest your willingness to put an end to calumny, to read the paper herewith sent, and then to follow the golden rule in your proceedings thereon.

I have the honor, &c.

WM. L. MACKENZIE

STATEMENT of the Names and dates of Appointments of the present Members of the Executive Council, and of the Law Officers of the Crown, and when sworn into office respectively.

NAMES.		DATE OF APPOINTMENTS.	WHEN SWORN IN.
Peter Robinson,.....	Executive Councillor,	5th July,.....1827,	6th Feb'y,.....1828.
George Herchmer Markland,..	Executive Councillor,	6th July,.....1827,	6th Feb'y,.....1828.
Joseph Wells,.....	Executive Councillor,	13th Sept'r,....1830,	7th April,.....1831.
Christopher A Hagerman,.....	Solicitor General,....	....Not known,..... 1829.	19th Oct'r,.....1829
Robert S. Jameson,.....	Atorney General,....	26th March,....1833.	22d June,.....1833.

JOHN BEIKIE,
Clerk Executive Council.

EXECUTIVE COUNCIL OFFICE,
Toronto, 12th February, 1836.

Certain Gentlemen recommended by Sir John Colborne to be summoned to the Legislative Council.

Copy.

No. 70. TORONTO, UPPER CANADA,
18*th November*, 1834.

SIR,

I have the honor to state that in consequence of the decease of several of the members of the Legislative Council since the year 1830, the period at which the last appointments to the Council were made, I beg leave to suggest that:

Mr. Archibald McLean, *of Cornwall,*
*Mr. William Morriss, *of Perth.*
Mr. John Macaulay, *of Kingston,*
Mr. Geo. Hamilton, *of Hawkesbury,* &
Mr. Philip Vankoughnet, *of Cornwall,*

may be recommended to His Majesty to be called to the Legislative Council.

The qualifications of each of these gentlemen, which induce me to recommend them for this promotion, are contained in the annexed return.

I have the honor to be,
Sir, &c.
(Signed) J. COLBORNE.

The Right Hon'ble,
E. G. STANLEY,
&c. &c. &c.

MR. ARCHIBALD MCLEAN—A native of the Province, son of the late Neil McLean, a member of the Legislative Council—is an extensive proprietor of land, represented the county of Stormont in several Parliaments, and was Speaker of the last Assembly.

MR. WILLIAM MORRIS—A native of Scotland, and an opulent Merchant—entered the Province before the late war, has represented the county of Lanark in five successive parliaments.

* Note of these gentlemen—Mr. Morris alone, has taken the oath and assumed his seat in the Legislative Council, up to the present date, viz: the 15th February, 1836.

Mr. JOHN MACAULAY—An opulent Merchant, of Kingston, and a large proprietor of land—a native of the Province, and a son of a U. E. Loyalist; and from his character, intelligence, and acquirements, possesses great influence.

MR. GEORGE HAMILTON—A native of Ireland, and an intelligent Merchant, engaged in the Lumber Trade on the Ottawa—he has resided in the Province since the year 1818 or 1819, but he has been connected with it for a longer period.

MR. PHILIP VANKOUGHNET—A native of the Province, a son of a U. E. Loyalist, and during several Parliaments represented the county of Stormont.

A true copy. J. JOSEPH.

Copy of a Despatch oppointing sundry persons Legislative Councillors.

Copy.

No. 94. DOWNING STREET,

26th Fecruary, 1835.

SIR,

I have the honor to acknowledge the receipt of your Despatch No. 70, of the 18th November last, recommending the undermentioned gentlemen for the appointment of Legislative Councillors of Upper Canada, viz:

Mr. Archibald McLean,
Mr. William Morris,
Mr. John Macaulay,
Mr. George Hamilton,
Mr. Philip Vankoughnet.

Having submitted the names of these gentlemen to the King in Council, His Majesty has been pleased to approve of your recommendation, and I enclose herewith the necessary documents for summoning them to the Council accordingly.

I take this opportunity of transmitting to you, for your information and guidance the copy of a despatch which appears to have been addressed by Lord Goderich to the Governor of Lower Canada, and which I consider may equally apply to the Province under your government; and I have to request that in accordance with the arrangement therein proposed, you will require the usual Fee of £9 15s 6d, from each of the new Councillors for his respective Mandamus, and transmit the same to Mr. Wilder of this department.

I have the honor to be,

Sir, &c.

(Signed) ABERDEEN.

Major General
SIR JOHN COLBORNE,
K. C. B. &c. &c. &c.

A true copy. J. JOSEPH.

Extract of Despatch from the Right Honorable, the Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, to Lieutenant Governor, Sir John Colborne, dated Downing Street, 2d July, 1835.

"I have the honor to acknowledge the receipt of three despatches from yourself, the first dated the 23rd of March, and marked "confidential;" the others dated on the 15th and 20th of May. Nos. 15 and 21."

Truly extracted. J. JOSEPH.

NOTE.—The above mentioned despatches Nos. 15 & 21, transmitted the address of the House of Assembly to the King, complaining of the Legislative Council in rejecting certain measures adopted by the Assembly, and the resolutions of the Assembly claiming the right to control and appropriate the Crown Revenue.

No. 55.

Copy.) Mis:

TORONTO, 12th Sept. 1835.

MY LORD:

I have the honor to acknowledge the receipt of your despatch of the 2d July, and to acquaint your Lordship that in a few days I shall be able to enter fully into the subjects to which it refers, and to offer my observations and opinions to your Lordship on the questions which I consider as requiring the most serious attention of His Majesty's Government.

I have to forward the accompanying book containing the Report from the Select Committee of the House of Assembly on Grievances, and the documents to which it refers—by the annexed notes from the Clerk of the Assembly your Lordship will perceive the manner in which the Report was introduced, and the subsequent proceedings of the House relative to its reception.

I have, &c.

(Signed) J. COLBORNE.

The Right Honorable
THE LORD GLENELG,

A true copy. J. JOSEPH.

WEDNESDAY, *15th April*, 1835.

(Copy)

NOTE.—The Parliament was prorogued on the following day, the 16th of April.

Extract.

Mr. Perry from the select committee to which were referred the matters of the tenure on which the Executive Council in this Province hold their offices, and the composition of the Legislative Council, presented a Report, and the draft of an address which were received.

The Report was read.

For Report see Appendix.

The address was read twice.

On the question for concurrence being put

Mr. Solicitor General, seconded by Mr. Robinson, moved, in amendment, that the address be referred to a committee of the whole House this day.

Which was carried.

The House was put into Committee of the whole on the address.

Mr. Taylor in the Chair.

The House resumed.

Mr. Taylor reported that the Committee had amended the Address, and submitted the same for the adoption of the House.

On the question for receiving the Report the House divided—Yeas, 26—Nays, 16

The Address was ordered to be engrossed and read a third time this day.

Pursuant to the order of the day, the Address to His Majesty on the subject of the Legislative Council was read the third time.

On the question for passing the same;

Mr. Robinson, seconded by Mr. Morris, moves, in amendment that the following be added to the address:

"And in order that your Majesty may be enabled "more clearly to understand the nature of the repre- "sentations contained in this Address, we herewith "transmit copies of the several Bills referred to "therein, with the votes of the House of Assembly "upon the same."

On which the House divided—Yeas, 22—Nays, 19.

On the question for passing the Address to His Majesty on the subject of the Legislative Council, as amended,

Mr. Mackenzie, seconded by Mr. Wells, moved in amendment to the original motion, that the last paragraph in the Address be expunged, which was carried—Yeas 26, Nays 15.

The Address was then passed—Yeas 26, Nays 15.

Truly extracted.

(Signed) JAMES FITZGIBBON,

Clerk of Assembly.

Copy.

Memorandum shewing the purport of each of the six reports made to the House of Assembly by the Committee on Grievances previous to the seventh and principal report presented on the 10th of April, 1835,

1st report desires information from the Blue Book, on the subject of the Jury Laws and referring to Lord Howick's letter on the same, accompanied by an address requesting information on the appointments of Commissioners of the Peace, and it desires to ascertain the amount of balances of monies paid by the Canada Company in the hands of the several public accountants, banks, &c.

2nd Report—relative to the Post Office Department, with an address to His Excellency for information (inserted in the last and principal report.)

3rd Report—accompanied by a resolution for the adoption of the vote by ballot—a bill to prevent vexatious lawsuits, &c.—a bill to amend the law of libel; a bill to diminish the expense of advertising sheriff's sales, and a bill to provide for the distribution of the Statutes, and that they be printed by contract.

4th Report—reports a resolution on the petition of Thomas Appleton, teacher, Toronto, that £85 4s. be paid to him as teacher of a common school in the years 1822, 1823, 1824, 1825, 1826 and 1827, (contained also in the principal report.)

5th Report—on petitition of William Forsyth, late of the Niagara Falls, (contained in principal report.)

6th Report—on petition of John McCarroll complaining of misapplication of £50 road money by Robert Keevan, a Commissioner.

7th Report—the last and principal one, printed in one volume.

Copy.

Mr. Mackenzie, seconded by Mr. McIntosh, moves, that the entry on the Journals of the House of the second of November, 1832, of the Resolution,

"That William Lyon Mackenzie, Esq., returned "to serve in this Assembly as Knight Representa- "tive of the County of York, is the same William "Lyon Mackenzie mentioned in the said entries and "twice expelled this House, and declared unworthy "and unfit to hold a seat therein, during the present "Parliament, and by reason thereof the said Wil- "liam Lyon Mackenzie cannot sit and vote in this "House as a member thereof"—may be read.

Which was carried, and the Journals were read accordingly.

Mr. Mackenzie, seconded by Mr. McIntosh, moves, that the said resolution be expunged from the Journals of this House, as being subversive of the rights of the whole body of Electors of this Province.

On which the yeas and nays being taken, were as follows:

Yeas—Messrs. Alway, Bruce, Chisholm, Cook, Duncombe, *of Oxford*. Duncombe, *Norfolk*, Gibson, Hopkins, Lount, McDonell *of Glengarry*, McIntosh, McKay, Mackenzie, McMicking, Macnab, Moore, Morrison, Norton, Parke, Perry, Richardson, Rykert, Rymal, Shaver, Shibly, Small, Smith, Strange, Thorburn, Waters, Wells, Wilson, Woolverton—33.

Nays—Messrs. Caldwell, Lewis, McLean, Malloch, Morris, Robinson, Solicitor General, Tayler, Wilkinson—9.

The question was carried in the affirmative by a majority of 24, and the resolution was expunged accordingly.

Mr. Mackenzie, seconded by Mr. McIntosh, moves, that it be resolved that all the declarations, orders, and resolutions of this House respecting the

several elections of William Lyon Mackenzie, Esq. into Parliament for the County of York as void elections, and the incapacity of William Lyon Mackenzie, Esquire, to serve in the said Parliament, and for his expulsions therefrom, and disqualification by the mere force of a former vote or votes of expulsion, as also all orders, declarations and resolutions denying that the elections of William Lyon Mackenzie, Esquire, were good, true and valid, or affirming that the House having expelled and declared him unfit and unworthy to take a seat therein during the said Parliament, and that being convinced of the propriety of such expulsion and declaration, would not allow him to sit and vote, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this Province.

Which was caried—28 to 7.

NOTE.—The records of the two first expulsions each having been for a distinct and separate offence, remain untouched upon the Journals.

Copy.

FRIDAY, 10th April, 1835.

The House met.

Mr. Mackenzie from the Select Committee on Grievances presented a Report which was received.

Mr. Mackenzie seconded by Mr. McIntosh moved, that besides the usual copies of the Journals, 2,000 copies of the Report on Grievances this day presented to the House, together with the evidence, and the report, and evidence in the case of William Forsyth, with the address and answer, be printed in pamphlet form for the use of members, and that the Clerk be directed to address them to the members with the Bills on Trade, &c. formerly ordered to be printed during the recess.

Which was ordered.

The House then adjourned.

TUESDAY, 14th April, 1835.

The House met.

Mr. Mackenzie, seconded by Mr. Yager, moved, that the Clerk be ordered to prepare, at the close of the present session, lists of the Titles of all Bills which, having originated in this House during the last or present session of the Legislature, were rejected or declined to be acted on by the Legislative Council, or which having been sent up were alt red by the Legislative Council so as to cause their subsequent rejection in this House, or which having originated in, and been passed by, the Legislative Council, were afterwards rejected by this House; stating also the Titles of any Bills which being passed in the Legislative Council and Assembly, are refused the Royal assent, or reserved for the consideration of His Majesty; and that such list of bills be annexed to, and printed with the last Report of the Committee on Grievances, as ordered by the House to be printed in pamphlet form, as also the Leed's Ballot Bill, with the votes at its passage; the bill to amend King's College Charter, with the votes, and the general Education Bill from the select Committee on Education, with the votes.

In amendment, Mr. Robinson, seconded by Mr. Morris, moved, that all after the word moves in the original motion be expunged, and the following be inserted,

That the order for printing 2,000 copies of the last Report on Grievances be rescinded, and that the said Report be not entered on the Journals of this House—lost.

A true copy. J. JOSEPH.

Extract of Despatch from Sir John Colborne to the Lord Glenelg, His Majesty's Secretary of State for the Colonies, dated

TORONTO, 16th Sept., 1835.

"With these explanations if your Lordship should "think it expedient to lay the names of Dr. William "Warren Baldwin and his son Mr. Robert Bald- "win before His Majesty, I have to request that "Mr. Isaac Fraser, an intelligent and influential "settler, a son of a U. E. Loyalist, residing near "Bath in the Bay of Quinte, in the Midland Dis- "trict, may be also recommended for the Legisla- "tive Council.

[Truly Extracted.]

MATTERS RELATING TO LATE COLLECTOR AT KINGSTON.

Copy.

LIEUT. GOVERNOR'S OFFICE,
York, 26th July, 1818.

SIR,

Mr. Crooks and the Master of an American vessel, seized, as contravening the laws, in carrying freight from Port to Port in this Province, under regular clearance from the several Custom Houses, have made a representation to his honor the Administrator, which has been laid before the Executive council, on whose opinion and advice His Honor is pleased to direct, that the vessel and cargo be released to the owners, on the personal security of either to the amount of their respective value, on a fair estimate, to answer such judgment as may follow upon the information filed against the vessel and cargo, in the Court of King's Bench.

I have the honor to be,
Sir, &c.
SAMUEL P. JARVIS,
Secretary.

To C. A. HAGERMAN, ESQ.
Collector of Customs,
Kingston.

Copy.

GOVERMENT HOUSE,
21st December, 1835.

SIR,

I am directed by the Lieutenant Governor, to acquaint you, with reference to the Report of the Finance Committee appointed by the House of Assembly last Session, that he requests you will report how many years the sum of two hundred and eighty four pounds, fifteen shillings and five-pence, stated

to be outstanding in the hands of Mr. Hagerman, late Collector at Kingston, has been returned as due to the public, and that you will call on the accountant, if you have not already done so, for a full statement of the case, and on what authority he detained, in his hands, on closing his accounts with the late Inspector General, the amount alluded to by the Finance Committee.

His Excellency requests information also, as to the opinions of the different Committees on Finance, since the year 1827, by whom this disputed claim appears to have been investigated, and under what circumstances it was not mentioned in the accounts submitted to the House of Assembly last Session.

If the accountant on closing his accounts in 1828, retained the sum in question as a debt due by the King's Government, on account of a seizure made by him, and which he could not legally permit to be given up, all the circumstances respecting the case should have been reported for the information of His Majesty's government, by the Inspector General, and the balance claimed, should have appeared in the accounts of the funds under the controul of the Lords Commissioners of His Majesty's Treasury.

I have the honor to be, Sir, &c.
(Signed) WM. ROWAN.
The Hon. G. H. MARKLAND, *Inspector General.*

GOVERNMENT HOUSE,
30*th December*, 1835.

SIR,

In returning to you the accompanying statement respecting a balance still appearing in the public accounts as due by Mr. Hagerman, I am directed by the Lieutenant Governor to acquaint you that if the claim in question was permitted by the late Inspector General to remain unsettled for eleven years before Mr. Hagerman closed his accounts in 1828; and that he then entered his name among the balances due by Collectors as a public defaulter, the accountant has certainly reason to complain.

This claim has frequently been laid before committees of the House of Assembly, without the accountant being able to obtain his discharge; His Excellency therefore requests that the circumstances of this case may be again brought before the Committee of Finance that may be appointed in the next session, in order that the claim may be allowed or referred for the decision of His Majesty's Government.

I have the honor to be, Sir,
(Signed) WM. ROWAN.
The Hon. G. H MARKLAND, Inspector General.

Sir John Colborne, Knight Commander of the most Honourable Military order of the Bath, Lieut. Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &c. &c. &c.

No. 490.

To the Honorable JOHN HENRY DUNN.
Receiver General of the said Province.

You are hereby directed and required, out of such monies as are in or shall come to your hands for defraying the civil expenditure of this Province to pay or cause to be paid unto Christopher A. Hagerman, Esq.

£211 5 11½ Sterling. Dollars at 4s 6d. } Or to his assigns, the sum of two hundred and eleven pounds five shillings and eleven pence half-penny Sterling, equal to £234 15 6 Canada Currency, being the amount of a claim on the Crown fund conditionally admitted, per the annexed order in Council.

He having been in the actual discharge of his duty during that period.

And for your so doing this, with the acquittance of the said C. A. Hagerman or his assigns, shall be your sufficient warrant and discharge.

Given under my hand at Toronto, this twentieth day of January, 1836.

(Signed) J. COLBORNE.

By His Excellency's command,
(Signed) WM. ROWAN.

Examined.
G. H. MARKLAND,
Inspector General.

TORONTO, 22d Dec'r, 1835.

SIR,

In compliance with the request contained in your note of this day's date, that I should furnish for the information of His Excellency the Lieutenant Governor a detailed statement of the facts and grounds upon which I claim a discharge from all future responsibility as a public accountant, I have the honor to submit the following remarks, and at the same time beg to express my sincere gratification at the prospect of a decision upon a subject which I have long desired to bring to a conclusion.

Some time previous to the opening of the navigation, in 1817, the masters and owners of several British vessels represented to me (then being collector of His Majesty's customs at Kingston) in a formal manner, that their business was greatly injured by foreign vessels engaging in the coasting trade of the Province in contravention of the Navigation Laws of the Empire, and required me to interfere in my official character as collector for their protection, and as far as depended on me to put an end to a practice clearly illegal, and highly detrimental to the shipping interests of the colony.

Under such circumstances it is plain that the only proper course for me to pursue was to consult the laws and to enforce them. Upon reference to the statute 7 & 8 Will. 3, chap. 22, entitled "*An Act for preventing frauds, and regulating abuses in the Plantation Trade,*" I found that foreign vessels were expressly prohibited from carrying cargoes from one British port to another in any of His Majesty's Colonies or Plantations, and by the 4th section of the same statute I found that Governors of Colonies

were required *to take an oath* upon entering on the duties of their office, *to do their utmost to maintain these laws*, and in default of their doing so, were made liable to dismissal from office and the payment of a fine of £1,000 sterling. Notwithstanding the plain and imperative provisions of this statute and others bearing on the same point, I thought it advisable to take the specific instructions of the Government on the subject, and to guard (as far as depended on me) against any charge of injustice for enforcing laws of which individuals might alledge ignorance, I decided on giving these instructions when received, all the publicity in my power. I accordingly wrote to the Inspector General requesting him to inform me in what manner I should act in cases of complaint of foreign vessels being engaged in the coasting trade—in answer to which application *I received as my guidance* the opiuion of the Attorney General, to whom the subject had been referred, of which the following is a copy :

" I am of opinion that foreign vessels found engaged in the coasting trade are liable to seizure and condemnation if laden in, or carrying from, any one port or place in the Colonies to any other port or place in the same."

(Signed) D'ARCY BOULTON,
Att'y General.

Dated 28th April, 1817.

In pursuance of the intention above allude to, I caused this opinion to be inserted for several weeks, at my own expense, in the newspapers published in Kingston for the information of the public.

In the month of June following a complaint was made to me that a schooner, *built in the United States owned by a citizen of that country, and resident there, and wholly navigated by aliens* and then lying in the harbour of Kingston had, in violation of the laws referred to, engaged in the coasting trade, by receiving on board and carrying from Burlington Bay at the head of Lake Ontario, to Kingston, a cargo of flour. That it was my imperative duty to notice this complaint and seize the vessel and cargo, will, I take it for granted, be admitted, and that I should have incurred a heavy responsibility and rendered myself liable to immediate dismissal from office for neglecting the instructions that had been sent me, is equally certain. The vessel and cargo was accordingly seized and the circumstance reported to the proper officer.

The master and owner of the vessel, and the gentlemen to whom the flour belonged, shortly afterwards, as I am informed, petitioned the Lieut. Governor of the Province, praying restoration of the property seized, alledging ignorance of the law, and stating that they had been misled by the collectors at Burlington Bay, not having apprised them of its existence, and intimating as an additional excuse the very ground which had originally led to the seizure, viz: that foreign vessels had been in the practice of violating the navigation laws with impunity. It does not appear however from any papers that I have seen that the Collector referred to, knew that the vessel in question was a foreign bottom, and owned by a foreigner, as mentioned, although had such been the fact, it would not have altered the question as respected the liability of the vessel to condemnation, it might have subjected that officer to the responsibility of indemnifying the parties for the injury they had sustained through his misconduct, nothing more.

It is obvious that the Governor could not comply with the prayer of this petition.—*First*, Because his doing so would be in violation of his oath, and the duty expressly enjoined upon him, by the statute above referred to ; and *secondly*, because it would be an interference of the rights and emoluments of a public officer over which he had no controul, to which he was by law entitled, for the performance of a responsible, disagreeable and hazardous duty, and which he had executed in obedience to instructions from his Government, in a manner leaving no room for censure or complaint. Accordingly upon a reference to the Executive Council, it was declared by that body that, " they would not presume to recommend any order to the collector of Kingston for the actual release of the vessel and cargo," but " satisfied that an irregular practice had prevailed of transporting even public stores from one port to another in the Province under sanction of the government and its officers." It was recommended that the vessel and cargo should be delivered up to the respective owners upon security being given to the amount of the value of each to answer the event of an information, and that in case of difficulty to the *Foreign Master* to give such security, *that it should be provided by the government, with the assurance that in the event of legal conviction the proportion of the seizure to which the Crown and the person administering the government would be entitled, would not be exacted, leaving only*, therefore, *the share to which the collector had a claim* to be exacted. This report of the Council was never *communicated to me* (conclusive as it appears to be in favour of my claim) and it is only within the last week while collecting facts for this statement that I for the first time saw it. A letter however was addressed me by the private secretary of the president then administering the government, in which I was briefly directed to give up the vessel and cargo to the respective owners upon their entering into their *personal security* to answer thr result of the information to be filed by the Crown Officer. This of course was promptly complied with on my part, the vessel was valued at £255 currency—the flour at £364 currency, both items being reduced as low as it was possible to bring them with any regard to reason and truth. The master of the vessel was a stranger, and declared himself unable to give any security beyond his own Bond. I have never to my recollection seen him since, for the flour I took the bond of William Mitchell, Esq., at that time a wealthy and respectable Merchant in Kingston, but who afterwards died, and as I am told in embarrassed circumstances. This bond (now of no use) is in my possession.

These proceedings having occurred, the information was filed and a trial took place, when the jury, owing to some defect in the proceedings, or from misapprehension of the facts, returned a verdict for the claimant. This verdict, however, was so manifestly contrary to law, and if acquiesed in would have been attended with such evil consequences, that the Attorney General felt himself bound to move for a new trial, upon which occasion the law and every fact relating to the seizure was brought before the Court of King's Bench, and fully argued ; the judg-

ment of the court was afterwards solemnly pronounced, establishing the validity of the seizure, and its liability to condemnation, and as a consequence, setting aside the verdict of the jury, and ordering a new trial. These proceedings are of record in the Court of King's Bench, and of course can at any time be referred to.

Immediately, or very soon after this decision, the owner of the Hour (I have been informed) solicited the Government to stay the prosecution, and preferred a memorial to that effect, which was transmitted to England for the consideration of the Home Government. No official, and indeed I may say no direct, communication of the steps at any time taken, was ever made to me I was not asked to consent to any discharge of or delay in the prosecution; nor was I in any manner consulted, or advised with on the subject, notwithstanding the large personal interest I had in the result. If, therefore, delay has occurred in deciding on the claimants petition, it cannot be traced to any fault of mine; in truth, with respect to it, I had no particular interest; the Government had distinctly disavowed any design to interfere with my rights, and had proceeded in the implied recommendation of the Executive Council, that the master of the vessel should be indemnified from public funds in the event of condemnation—the Courts of highest authority had declared the seizure liable to condemnation, and so far the ends of the prosecution were attained—and it is not improbable that it was considered by the Executive unnecessary and inexpedient to incur further expense in the proceeding.

It would, I apprehend, be considered only reasonable that, under the circumstances I should have been immediately credited with my portion of the seizure made—it was my unquestionable and undisputed right, founded upon the express provisions of a British statute, and which no authority short of an Act of Parliament could deprive me of. I do not mean to say that any injustice was *intended* me, quite the contrary, I believe the delay in the settlement of the matter arose from a desire to be first informed of the decision of the King's government on the claimant's petition, and whether authority would be given to remit the portion of the seizure *due to the crown*, as recommended by the Council, that *the whole matter* might in such case be disposed of at once.

In my communications with the late Inspector General, I constantly urged that the matter should be finally disposed so far as related to me—he never in any instance intimated a doubt of my right to credit for one third the value of the seizure—on the contrary always admitted it, as did every other member of the government with whom I had any communication on the subject; and in which opinion, as I shall presently shew, the Legislature for the last seven years tacitly, at least, concurred.

Feeling however, that it was desirable to close discussion on the point, I addressed a letter to Mr. Baby the late Inspector General of public accounts on the 16th June, 1826, calling his attention officially to the subject, and stating, that if Government had decided on abandoning the prosecution, I should then claim indemnity for expenses incurred as well as my portion of the seizure, to this letter I received no official reply, but was informed by Mr. Baby, that upon enquiry of the then Attorney General, Mr. Robinson, he found that no answer had been received to the claimants petition. In 1828 I was appointed to a judicial situation in the Province when I resigned the office of collector, and when it became necessary to close my public accounts—I accordingly paid up all the balances of public money in my hands, reserving with the concurrence of Mr. Baby, one third the amount at which the seizure was appraised and the expenses incurred in securing it, a statement of which verified on oath accompanies this letter.

From that period to the present, no objection has been raised in any quarter to my retaining this indemnity—legally—equitably—and undeniably my due.—Until last winter a return was made to the Legislature shewing the sum outstanding in my hands, two successive Parliaments have passed away to whom the returns at each session were transmitted. On one or two occasions Mr. Baby of his own suggestion inserted a note at the foot of the returns stating my claim—and committees of the House of Assembly have inquired into the circumstances, and on being informed of them, expressed no sort of disapprobation of the course that had been pursued, and thus tacitly, as I have before stated, approving of it.

Still, however, it was no pleasant thing for me to see my name inserted in the returns annually laid before the Legislature, and I was of course anxious to be relieved from the further responsibility and to receive my quietus as a public accountant; and I accordingly again pressed the subject on the notice of government in January last. Upon enquiry into the subject at that time, you were so fully satisfied of the reasonableness of my claim, that although without the express authority of government you could not grant me a discharge, you thought it but justice that my name should be omitted from the list of persons appearing to be in arrear with the government, and when called upon for explanation by the finance committee you stated your reasons for doing so: without disputing or expressing any opinion on the justice of my claim, the committee objected to the course you had taken upon the ground that "as "the sum arising from the seizure would not have "been at the disposal of the Legislature (seizures "being crown revenue) the indemnity should have "been taken from the *crown revenues*, and not from "the Provincial funds,"—thus in fact adopting a principle I had all along contended for; in truth, at the time I closed my accounts, as before stated, a sum covering *all duties* collected by me was paid to the Receiver General; and in distributing the money, this fact ought to have been observed by the Inspector General, Mr. Baby, and a discharge given me for this account, leaving the unsettled balance applicable to the account for seizures, &c.—and this under any circumstances should now be done.

Upon giving the foregoing statement of facts, the consideration, I have no doubt it will receive, I do not imagine that it will be considered unreasonable in me again most earnestly but respectfully, to urge my claim to a final discharge. The claim I have set up arose, as I have shown, from the performance of an imperative and at the same time unpleasant and responsible duty; with respect to which I had no alter-

native between acting, as I did, and loss of office, and violation of law, in addition to which I may add, that were I now to relinquish my right, I should sustain a direct pecuniary loss to a considerable extent. It is well known that collectors in this Province have no means whatever of rewarding their Deputies and other assistants necessary to a custom house establishment, except from seizures—and in my case those persons always received the largest proportion of them—it is also proper to observe that there are no public storehouses or wharves for the reception and security of Custom-House seizures.—All these expenses fall on the Collector, and in the present instance amounted to a considerable sum.—Without adverting to circumstances sufficiently well known, I may, I hope be permitted to add, that *I am not that officer of Government* from whom pecuniary sacrifices should be exacted. And while I disclaim all intention of employing the language of complaint at the delay which has occurred in giving me the benefit of a plain and admitted right—a delay arising from no fault of mine, but from acts of the government over which I had no coutroul, and to which I was in no respect a party ; I trust I shall be excused for thus again earnestly preferring the claim to a discharge, which I have endeavoured to show, and I hope have succeeded in showing ought long since to have been granted me.

I have the honour to be, Sir,
Your most obedient humble servant,
C. A. HAGERMAN.

The Hon. G. H. MARKLAND,
Inspector General, &c. &c. &c.

HIS MAJESTY'S GOVERNMENT,

To C. A. HAGERMAN, late Collector of Custom at the port of Kingston, DR.

To my portion of the seizure of a schooner valued at,....£255 0 0		
To 184 bbls. of wheat flour valued at,.....	322 0 0	
To 42 bbls. of Rye flour valued at.....	42 0 0	
Being one-third of.....	619 0 0	£206 6 8
To amount paid for storage & unloading of flour, wharfage & securing schooner and sundry incidental expenses incurred in making the seizure and keeping it in a place of safety until delivered to claimants by order of Government		28 8 10
		£234 15 6

(Signed) C. A. HAGERMAN.
Toronto, 22d Dec. 1835.

Christopher Alexander Hagerman of Toronto, Esquire, maketh oath and saith that the foregoing account is just and true in all its particulars to the best of his knowledge and belief.

(Signed) C. A. HAGERMAN.

Sworn before me at Toronto this 28th day of December, 1835.

(Signed) J. B. MACAULAY, J. K. B.

Copy. *8th January*, 1835.

It is respectfully recommended that the within statement of Mr. Hagerman's claim be transmitted to the Executive Council for their consideration and report.

(Signed) GEORGE H. MARKLAND.
Inspector General.

Approved.
(Signed) J. C.

Copy of a Report of the Executive Council, approved by His Excellency the Lieutenant Governor, on the claim of Christopher Alexander Hagerman, Esquire, late Collector of the Customs at the Port of Kingston.

In Council, 15th January, 1836.

With reference to the accompanying statement of Mr. Hagerman, it is respectfully reported, that his claim upon the government appears to be fully established, and it is therefore recommended that the sum of £234 15 6 be paid to him out of the crown fund, upon his furnishing a bond conditioned to repay the amount should the claim not be admitted by the Lords Commissioners of His Majesty's Treasury.

It is also recommended, that a copy of Mr. Hagerman's claim, together with this order of Council be transmitted to such Finance Committee of the House of Assembly, as may be appointed, in order that they may not be ignorant of the nature of the claim, and the manner of its adjustment.

JOHN BEIKIE, *Cl'k Executive Council.*

Copy.

Know all men by these presents, that I, Christopher Alexander Hagerman, of the City of Toronto, in the Province of Upper Canada, Esquire, am held and firmly bound unto our Sovereign Lord the King, in the sum of four hundred and sixty-nine pounds, eleven shillings of lawful money of the said Province, which sum well and truly to be paid to our said Lord the King, his heirs and successors, I bind myself, my heirs, executors and administrators, firmly by these presents, signed by my hand, and sealed with my seal at Toronto aforesaid, this 17th day of January, in the year of our Lord one thousand eight hundred and thirty-six.

Whereas the said Christopher Alexander Hagerman, as late Collector of the Customs for the port of Kingston, in this Province has advanced a claim on His Majesty's government for the sum of two hundred and thirty-four pounds fifteen shillings and sixpence currency, and whereas the honorable the Executive Council by their report approved of by His Excellency, the Lt. Governor, bearing date the fifteenth day of the present month of January, have declared that the said claim appears to be fully established, and that therefore the said sum of two hundred and thirty-four pounds fifteen shillings and six-pence, should be paid to him the said Christopher Alexander Hagerman out of the Crown fund—upon the said Christopher Alexander Hagerman executing a bond conditioned to repay the amount, should the claim not be admitted by the Lords Commissioners of His Majesty's Treasury.

Now the condition of this obligation is such, that if the Lords Commissioners of His Majesty's Treasury upon an examination of the claim of the said Christopher Alexander Hagerman and the report thereon made by the honorable the Executive Council as aforesaid, shall disallow the same, and direct the amount to be paid the said Christopher Alexander Hagerman in pursuance of the said report to be refunded by him—if he the said Christopher Alexander Hagerman upon receiving notice of such disallowance of the said claim, shall forthwith repay the said sum of two hundred and thirty-four pounds fifteen shillings and sixpence, to His Majesty's Receiver General for Upper Canada, or to such other person as the Lieutenant Governor or person administering the Government of the Province shall appoint to receive the same, then this obligation to be null and void, otherwise in full force and virtue,.

(Signed) C. A. HAGERMAN, [L. S.]

Signed, sealed and delivered in presence of
(Signed) WM. C. KEELE, *Toronto.*

Approved.
(Signed) ROB'T S. JAMESON, *Attorney General.*

To the Honourable the Commissioners Doctors Morrison and Bruce, and the Honourable the Committee appointed upon the subject of Lunatic Asylums, &c.&c.&c

GENTLEMEN,

In obedience to your instructions, I beg leave respectfully to represent,—

That immediately after the prorogation of the last Session of Parliament, feeling the great importance of the subject and responsibility of the trust reposed in me, I obtained introductions (or introduced myself) upon the recommendation of the resolution of the Honourable the Commons House of Assembly, and the Honourable the Committee for obtaining information, to the Governors and Heads of Departments in many of the adjacent States of the American Union, with a view of facilitating my access to the best sources of information upon the various subjects embraced in that resolution. The opinions obtained are chiefly those of men who combine practical skill and experience with critical and extensive observation, and who have been appointed to office respectively on account of their superior knowledge and ability for the situations they occupy. It is true, that the great variety of matter embraced in your instructions, rendered it impossible that so much time and attention should be bestowed upon each subject as its importance required; and this inconvenience was much increased from the great distance between the places where this information could be best obtained. Notwithstanding which, I pressed on without intermission, from one point to another of the Union—passing through the Western, Middle, and Eastern States—visiting the heads of the different departments, and the different institutions, works, and improvements that were to be found in each of these States;—disregarding my own ease; often travelling by night, and in the most expeditious manner, from place to place, that I might have the more time to spend during business or visiting hours, with those from whom I sought information, and from whom I often received valuable reports, or references to books that I obtained at my earliest convenience. I devoted those hours that could be spared, from examinations and calls, to the making notes and memorandums of the various subjects of discussion during the previous day, or in preparing to benefit most, by the readiness of my questions, from those whom I expected to meet the following day. In this manner my whole summer was spent; so that after the prorogation of the last Session, I did not get to visit my own family until late in the Fall; and the extreme pressure of my private business during the very few days I was at home, and the collection of the great mass of useful matter from written and printed reports, works, and books, which I was anxious to refer to the Committee upon the various subjects to which they properly belong, that they might digest them and report to the Honourable the House of Assembly, as they might deem it expedient, has prevented my making an earlier report; but although I have been subjected to great bodily exertion and fatigue, I cannot refrain from remarking, that the generous, disinterested philanthrophy, of many gentlemen in the United States, far exceeded my expectations; especially in the south-western States, among whom, Lieutenant Governor Morehead, acting Governor of the State of Kentucky, interested himself in favour of my mission; introducing me to officers of the Government of that State, and of the United States, by which I was afterwards very materially benefitted, as well as giving me access to the books, reports, and accounts of the States, and furnishing me with printed copies of various reports upon subjects connected with my inquiries. This great and good man was conspicuous in all he did. On the subject of education, he was almost an enthusiast. So sanguine was he in view of its results, that, he considered, by proper attention to that subject, many of the pains and afflictions of this life might be obviated; practical morality and christianity promoted; civil,

political, and religious rights preserved; and the peace, prosperity, and happiness of a nation increased, just in the same ratio as useful practical knowledge is diffused among the people. His humane and generous feelings were evinced to me during a very severe, though fortunately short, attack of the disease incident to those hot climates upon northern constitutions, by his calling upon me daily during my illness, to inquire if I needed any thing, and sending his own physician, Dr. Hall, a very clever practitioner, to attend upon me, which he did faithfully, until I recovered, and without any fee from me. He was also deeply engaged in promoting the diffusion of useful information among the people. In this State, I witnessed a very convenient apparatus for suspending animation as punishment in the Penitentiary, and as a remedy in the insane Hospital at Lexington, which, when aided by the tranquilizing chair, according to the opinions of professors Dudley and Caldwell of Lexington, and Doctor Theobald, physician to the insane asylum, was thought to be of eminent service. The kindness of professors Dudley and Caldwell I shall have occasion to acknowledge in other parts of my report—few men have done more for the amelioration of the evils of life and the prosperity of their country; and few men more cheerfully communicate the results of their long experience and observation than those gentlemen. I had letters to them from the Rev. Mr. Peers of Louisville, who had been through the Eastern and Middle States with a commission to obtain information upon colleges and schools, and to whom I was very much indebted for the many valuable documents he furnished me with, as well as his own reports, which will be furnished to the Committee on Education for their consideration in a few days. He very kindly received me at his own house, and gave me an opportunity of witnessing the success of his system of education upon twenty-five boys, between the age of six and twelve, in whom he was endeavouring so to cultivate the intellectual faculties, as to give them the proper controul of their actions over the animal feelings and propensities by nature possessed. But I shall have occasion to refer to this subject again, when speaking of education, and often to acknowledge the kindness of this gentleman to me: he also gave me many letters of introduction to gentlemen in many of the principal cities of the Union, by whom I was kindly received, and aided in my endeavours to promote the objects of my journey. I did not find any mean illiberal jealousies among the members of the different professions, even among the ministers and preachers of different doctrines of religion—all was harmony, good will, and peace to all mankind; or if it was not, I had no cause to think differently. I was introduced to the Rev. Mr. Peers, an Episcopal clergyman, by the Catholic Bishop of Cincinnati, the Right Rev. J. B. Purcell, with whom I had the good fortune to have a short acquaintance: he has extended and exalted views of subjects connected with the general diffusion of literary, moral, and religious instruction among the great mass of the people, to which great object he devotes much of his time, and directs all his energies. The insane institutions, penitentiaries, and deaf and dumb schools, in the western, are not so far advanced in cheapness, convenience, accommodation, or advantageous application, as many of those in the eastern states; although the promoters of them are now beginning to be alive to these subjects throughout this whole country, and will no doubt in a few years have those various institutions established upon systems embracing all the recent improvements made in them, both in Europe and America; for I found that the Government of the different western states send commissioners annually to Great Britain, or the eastern states; and, upon some subjects, to various parts of the continent of Europe, to obtain the best systems and recent improvements in those institutions, and especially upon the subject of education and roads, rail-roads, macadamized roads, and wooden block roads, to which I shall again advert when reporting upon roads; but I must beg your indulgence for wandering so far from the subject matter of this report, and shall endea-

vour to give you a short account of the situation of the insane, and the institutions intended for their benefit in the United States, so far as I have been enabled to collect information.

The improvements recently made in the construction of hospitals for the insane, having reference to their comfort and classification in particular, have been so important, as to change materially the former character of these establishments. Such improvements have not been described with sufficient accuracy to convey to others a correct idea of their nature and extent. Under these circumstances, I visited and examined the principal Lunatic Hospitals in the atlantic, middle, and western States, and was politely favoured by their respective officers with minute descriptions of the different buildings, and of such improvements in them as experience has shewn to be necessary. Having examined these hospitals in immediate succession, and ascertained their relative advantages, I very highly approve of and hereby recommend the plan of an asylum for this province, which it is believed will combine all the advantages of the best institutions in America. The general plan is, that of the Massachusett's lunatic hospital, at Worcester. Various alterations taken from other institutions, or suggested by those connected with them, have been made in this plan, all of which, it is believed, will prove of decided advantage.

The structure will consist of a centre building and two wings, all extended upon the same front, and measuring 266 feet. The centre or principal edifice will be 81 feet long, by 45 feet in width, three stories and an attic in height, and ornamented in front with a plain portico, supported by four Ionic columns; the wings will extend to the right and left of the centre building. They are each ninety feet six inches in front, by one hundred feet in the rear, thirty-nine feet wide, and three stories high. They recede twenty-four feet from the front line, and are so united to the opposite ends of the centre structure, by one-half their width, that the corresponding half, or 19 feet 6 inches, will fall beyond its rear. This arrangement disconnects half the end of each wing from the rear of the centre building entirely, permitting, by means of a large window, the free circulation of the external air throughout the long wings, and thus securing the *more perfect ventillation* of separate buildings, while at the same time a free communication by stairways and thorough-fares, is preserved between both the structures.

The centre edifice, together with the wings, is to be built of brick, upon a basement of stone work, 7 feet high. The middle part of the basement will contain the *kitchen, baking, washing, ironing, and drying rooms.* That portion under the wings is designed for the repository of fuel and provision stores; also for workshops, in which certain of the insane may be occasionally employed in some manual occupation.

The centre part of the establishment will be chiefly appropriated to the officers and domestics of the Institution, and to such patients as may from time to time become convalescent. The front part of the first story will be divided into four rooms of convenient size. They will be occupied by the physician, the apothecary's shop, the library, and as ordinary sitting and dining rooms by the steward and family. The chambers in each story, immediately over the two middle rooms, and the sleeping apartments into which the attic may be subdivided, are intended for the steward's family and for such labourers and domestics as must necessarily be employed about so extensive an establishment. The four lateral apartments remaining in the front of the second and third stories, will be exclusively reserved for the convalescent patients. In the rear part of each story there are yet two rooms, which lie upon a direct line with the long halls in the wings; in these the several classes of patients will partake of their daily meals.

The wings in each story are opened throughout their centre by corridors or long halls, 14 feet wide, both ends of which communicate with the external air, by means of large windows. This admits of the most perfect ventilation.

On each side of these halls are placed the apartments of the insane. They are eighteen in number, in each story of both the wings. Every room is to be 8 feet wide, by 10 feet deep, in the clear. Each room is to accomodate a single patient, and will be provided with a bed and a permanent seat fixed in the angle of the walls. Each chamber has a door and one large window, with an upper and lower cast iron sash, securely fixed in the frame of the window The upper sash is glazed, the lower one is not. Immediately within the lower one is a wooden sash, also glazed, and corresponding in shape and appearance with the lower cast iron sash. This can be raised up or let down at pleasure, and, without the prison-like appearance of iron bars, this construction of the window insures every advantage of security, neatness and durability, and allows the patient the use and enjoyment of light and air.

Each wing will be heated by two Wakefield furnaces placed in the basements. From these the heated air will be conveyed in flues along the inner walls of the building, and discharged into the corridors of each story, and from thence into every chamber, through an unglazed sash, placed over the door of each apartment. The rooms occupied by the patients will be ventilated by means of small flues passing up through the body of the inner walls, and terminating in the attic story, which is to be further ventilated by open sky lights in the roof.

By this economical arrangement the air in each story of the wings can be regulated to any desirable point of heat, at all seasons of the year, and the unhappy patient, who is derived of reason, and cannot be trusted with fire, will at all times enjoy an agreeable temperature in perfect security. The dining rooms in the centre building are also to be fitted up with the same security as the patients' rooms in the wings, and when not occupied at meal times, may be used as day rooms by a certain class of harmless patients. These rooms, together with the centre edifice, should also be warmed by means of a large furnace placed in the centre of the basement. If necessary they can occasionally receive a supply of heated air from the apparatus in the wings. Occupying the rear of the first, second and third stories of the centre building; these several apartments are of course situated immediately over a part of the kitchen, in the basement, from which the food for the different classes of patients will be distributed to their several dining rooms, by means of sliding closets to be elevated through an open perpendicular space, by simple machinery for that purpose.

In the medical and moral treatment of the insane, one of the most valuable improvements consists in the *judicious separation of the patients into distinct and appropriate classes.* This great object should be accomplished in the Lunatic Asylum of this Province in the most perfect manner; each hall in the wings should have a separate stairway, leading into an outer court yard, containing about one third of an acre. Into those yards, each separate class will have ingress and egress as entirely unconnected with others as if they lived in different buildings, at the same time the whole body of the patients being excluded from the centre edifice, the officers of the Institution will be able to regulate all salutary visitations, while they can also protect the miserable inmates from the idle gaze of a vain and improper curiosity.

Each class of patients will be provided with a convenient *bathing room, wash room,* and *water closet,* and the different classes will at all times be under the immediate supervision of regular keepers, who will also be furnished with convenient and comfortable apartments.

In an establishment of the kind under consideration, a convenient and abundant supply of water will always be indispensible. This will be furnished from large reservoirs placed in the garret of each wing: they will be filled by the force-pumps to be worked by the patients themselves, and the water distributed by the means of small pipes through every part of the building when required for use.

In addition to the main edifice, one small detached building will be required at a future time for the accomodation of violent and noisy patients of each sex.

The site for the asylum should be elevated, commanding an extensive prospect of interesting scenery from which the inmates may look down upon the surrounding country without being too near, so as to be incommoded from the too frequent approach of the imprudent and thoughtless stranger or visiter. It should contain land sufficient to employ the whole number of insane in some interesting and profitable occupation as well as afford each class a large yard entirely separated from the yards of other classes, say fifty acres for buildings, yards, gardens and farm, which at £5 per acre would be £250, the expense of erecting the building as calculated by an experienced architect would be about £10,000, but as labour is one of the largest items of expense, I would suggest whether the labour of the convicts in the Penitentiary might not be employed advantageously here, as well as in the United States, in the erection of public works; this would afford a saving of estimate £400 or £500, which might be advantageously expended in building work-shops in which the insane who are mechanics might be employed, especially during foul weather, when they would not be advantageously engaged in gardening or farming.

The workmanship of the interior of the edifice is calculated to be plain and substantial, and no more embellishment of the interior than good taste, in so large a building, would seem to require.

An important measure towards the successful treatment of insanity is the proper location of the Asylum. It should be so situated as to enable the patients, in certain states of disease, to have ready access to objects and scenes that may interest them; and such as are calculated to induce a new train of thought, and consequent change in the operations of the mind. Solitude not only disposes to insanity, but enables the mind, when deranged, to dwell upon the original causes of alienation, and thereby to perpetuate the disease itself. In recent or violent cases of mania, the location is not material, the patients, in such cases, require a more active *medical treatment*, and need no other accomodations, as to the institution, than safe, commodious and well ventilated apartments. But after the acute stage of the disease is past, and the patients are convalescent; or the disease has assumed a chronic form; or in cases of partial derangement, in all which, the treatment will be chiefly moral, such a situation as before named, is found, from the experience of the best institutions to give additional effect to the ordinary occupations and amusements of the patients, in exciting and permanently impressing new ideas upon their minds.

The plan of the Institution is extensive, but not more so than the necessities of the Province will require, in a few years, while at present perhaps only one wing would be required to be finished. As the subject of mental derangement is daily acquiring additional interest and attention, the benefits of this establishment will soon be understood and duly appreciated by the public. The insane are no longer treated as the outcasts of society,or considered as unworthy of further regard than to be confined in common jails or poor houses. Their diseases are found to be curable, like other disorders of the human system.

A proportion amounting to ninety per cent of *recent cases* has been actually cured in some of the insane hospitals of the United States, and the patients restored to health, to their friends, and society. In other circumstances, when cures have been found to be impossible, either from the obstinate nature of the malady itself, or from the long continuance of diseased action in the brain, so much improvement is frequently accomplished as to render the subjects of disease comparatively comfortable. But to render the treatment of insanity thus successful, the patients must be entirely separated from their friends and from all objects with which they are familiar. This can only be effected by placing them in institutions for that purpose, and entirely under the control of strangers.

Here, through the influence of mild and gentle means, *without violence in any instance*, they readily submit to the requisite treatment, and not unfreqnently in short periods of time, their minds become tranquil, alienation ceases, and reason is restored.

To promote these desirable effects, in addition to other means, every thing about the asylum must contribute to the comforts of the insane. The rooms and halls must be spacious, well ventilated, and preserved of an agreeable temperature. The *patients must be divided into classes according to the grades of their disease*, and during convalescence, their accommodations made to correspond as much as possible with those of previous life.

About 120 patients can be accommodated in the edifice herein described, it may appear large for a new institution, but economy and convenience would recommend its construction at first of sufficient dimensions to answer the end of its establishment for a number of years to come, instead of enlarging it from time to time, as circumstances might require, besides, its general character and design will require it to be spacious.

It is to be a Provincial Institution, into which every member of Society needing its benefits, can be admitted.

It is not designed for the cure of the ordinary diseases of the body, but "*to restore the disjointed or debilitated faculties of a fellow creature to their natural order and offices, and to revive in him the knowledge of himself his family and his God.*"

I have adopted the language of the Directors of the Insane Asylum of the State of Ohio upon the subject as exactly conveying my view and opinion —these Directors are able and judicious gentlemen and my maxim is, "in the multitude of Council there is safety," the subject of lunacy has been until of late years less perfectly understood than any other complaint known to our country that is at this moment successfully treated, but thank Heaven that the disease of an organ of the mind is no longer considered a crime subjecting the unfortuuate subject of it to imprisonment, punishment and chains, and that with the exception of this Colony no other portion of America has their Insane confined in their jails, and I am well satisfied this will not be the situation of these unfortunate persons longer than until their number and present cost of support is known, and the Legislature have time to provide a suitable asylum for their relief.

The extracts from the reports of the Trustees of some of the Insane Asylums will afford you much satisfaction, I am convinced, by shewing the happy success that now so uniformly attends the present treatment of recent cases of lunacy in asylums, where the modern practice prevails, and where the liberal endowment and careful prudent management of the funds, have enabled the Trustees to carry into effect the true spirit and design of these humane institutions; among these, one of the most recent established and best conducted, is that above alluded to at Worcester, which, when completed, (for two new wings are now going forward,) with furniture and every thing complete, will cost about $75,000. It consists of one centre building 75 feet by 36 feet; two wings 100 feet each by 36; 90 feet front, 100 feet rear, projecting twenty feet back, with two additional wings of 100 feet each, with a hall in each for ventilation aud convenience, three stories high above the basement story, which is appropriated for lumber, fuel, &c.

Dr. Woodward's generosity was not confined to me; he afforded the Honourable the Commissioners of the State Lunatic Asylum of the State of Ohio, who, like me, visited the principal institutions of this kind in the United States, every information in his power; and their report to the Legislature—politely furnished me by Dr. Awl, one of the Directors—proves the high value they set upon the opinion of Dr. Woodward.

The plan proposed, and which I have the honour of recommending to you, gentlemen, is not precisely similar to any in the United States; it approaches nearest to the one at Worcester of any that is now built, and the alterations made in the plan recommended here, were suggested by the Superintendent of that Institution, Dr. Woodward, a gentleman who combines in himself those ennobling qualifications that so admirably fit him for his situation—firmness of purpose, skill in the business of his profession, with unbounded humanity and philanthropy, never tiring in his assiduity to promote the success of the Institution, or communicate the result of his long practice and experience while filling various situations in the Connecticut Retreat, and as Physician and Superintendent of the Institution over which he at present exercises such unbounded controul. He has been an observer of nature, possessed of a strong enquiring mind, whereby he has been enabled to obtain more practical good from less means, perhaps, than has been obtained for any other institution in America. Those institutions in the large cities of New York and Philadelphia are incomparable, but they have immense funds at their disposal from various sources, and have the advantage of long standing, as has also the Connecticut Retreat, a very superior institution, and happily situated with regard to the surrounding country, on a beautiful elevation in full view of the high road, the Connecticut river, and the city of Hartford, and yet sufficiently distant to preserve the inmates free from inconvenience, growing out of the too near vicinity of a city. Worcester Lunatic Asylum is also delightfully situated in full view of Worcester, and commanding a beautiful prospect of a delightful surrounding country. The Bloomingdale Asylum, situate about a half hour's ride from the noise and bustle of the city of New York, commands a prospect of a beautiful romantic scenery, having the East and North Rivers in full view, and the environs of the city in perspective, when viewed from the top of the building. The style and elegance of the buildings, walks, gardens and pleasure grounds, with the beautiful hedge fences, when observed at a small distance from its location, have more the appearance of a gentleman's country seat or villa, than an Hospital for the insane—a splendid monument of the humanity and philanthropy of the people of the State of New York, who have, besides this institution, two others that are in a prosperous condition, (the one at Hudson, under the superintendance of Doctors Whites, the father and son) proving how much good may be accomplished by individual enterprise when properly directed.

And how gratifying is the thought that the modern practice of the treatment of the insane, renders the recent cases as easily cured, when properly treated, as the ordinary diseases of the climate, and with *less expense;* for if seventy-five of the hundred may thus be cured—even though the expense of making those comfortable who are incurable, should be greater in an asylum than in the common jails of the District, where they are wretched, and make every body wretched about them, and their prospect of recovery rendered hopeless by their situation and want of proper treatment—yet lessening the number three-fourths, still lessens the expense. It is true, that many of those unfortunate beings still wander about the country, and subsist upon public charity, and thereby the government is not called upon to make provision for them; others are provided for in the jails; (whether according to law or not is not for me to inquire;) but as the provision is made by the local authorities, and in small sums at a time, the amount of the expense is hardly appreciated; yet I have good reason to believe, it is really much more than would be necessary to pay the interest on a sum of money sufficient to erect an asylum and support the inmates, as many of them might be able to contribute something from their *means* or by their *labour* towards their own expenses; and how flattering is the thought, that three-fourths of these unfortunate fellow beings may by this means be restored to their friends and to society.

I can only beg your indulgence for the numerous defects you must find in this, while I hope they may be imputed, not to the want of the importance of the subject, but to my want of time and ability to illustrate its advantages more clearly.

I have the honour to be,
Gentlemen,
Your Most Obedient Servant,
CHARLES DUNCOMBE,
Acting Commissioner for obtaining certain information.

APPENDIX TO REPORT.

The Trustees of the State Lunatic Hospital at Worcester, in their second annual report, of December 1834, say:—That the Hospital has been in operation very nearly two years. How far the institution was needed may be learned from the fact, that almost from the first moment of its being opened, the building has been filled with inmates; and during the last year, a large number have applied for admission, for whom no accommodation could be furnished. *Two hundred and seventy-two* patients in all have been received into the hospital, and *one hundred and fifty-four* have been discharged; leaving, on the 30th November, *one hundred and eighteen.*

Very many of the circumstances of a discouraging kind referred to in the last report, have ceased to operate. These circumstances were not merely incident to the commencement of a great undertaking, but were marked peculiarities in this undertaking. They demanded incessant watchfulness, and the constant exercise of the best faculties of all who were employed in the regular duties of the institution. The hospital is now in the train of successful and benign operation, and takes its appropriate rank amongst the noblest charities of the land.

The peculiar character of this institution should always be borne in mind, in forming a judgment of what has been accomplished, and in running a contrast of its results with those of any other institution of the same general character. This hospital is the receptacle of all persons arraigned as criminals, but found, by the proper judicial tribunals, to have committed the offences whilst in a state of insanity. It is the receptacle, also, of all lunatics who are adjudged to be so furiously mad, as to render their continuance at large manifestly dangerous to the peace and safety of the community; and of another class —a large one in all communities—that of pauper lunatics. These circumstances very essentially distinguish this institution as a lunatic hospital from other institutions of the same kind, both at home and abroad, and cannot be kept out of sight without injustice.

The class of *incurables* now embraces, and probably must always embrace, a large proportion of all the inmates of the hospital. This fact is an important one in reference to the success of the institution. Of the whole number, *one hundred and eighteen* in the hospital, over *seventy* belong to this class. Whilst the return of so large a body of our fellow-beings to the bosom and business of society is for the most part hopeless, the State may well console itself with the reflection, that their condition here is very essentially improved. The maniac of the most ferocious character has here been, not indeed cured, but tamed and restored to the comforts and decencies of life. The experiment of this institution has abundantly and happily shewn that there are very few cases of derangement or obliquity of intellect which may not be ameliorated by the kindly influences of *humane treatment.* In this respect, the bounty of the Commonwealth has not been misplaced.—

The result, in the opinion of the trustees, has entirely exceeded the most sanguine anticipations; and this alone is a consummation which can neither be weighed nor measured by any pecuniary considerations whatever.

Deeply important as this view of the institution at once becomes to every generous mind, its counterbalancing effect upon the general success of the hospital is not to be overlooked. With so large a proportion of those deemed incurable, the annual average of cures must be sensibly affected; and yet, even in this respect, the trustees believe there is cause for no small degree of satisfaction and gratulation. During the past year, *one hundred and nineteen* patients have been received into the hospital. Of these *fifty-five* were old cases, and *sixty-four* recent ones. In the same period, *one hundred and fifteen* have been discharged. Of these, *forty-nine* were old cases, and *sixty-six* recent ones. Of those discharged, *sixty-four* were cured, *twenty-two* improved, *sixteen* stationary, *four* idiotic, *eight* have died, and *one* has eloped. The cures amount to *fifty-five and three-fourths* per cent.

By an examination of the tables of *fourteen* French and *twelve* English hospitals, only two are found—one English and one French—in which the proportion of cures is a very little larger; and both of these were private institutions, where a selection of patients could be made. In *five* American hospitals, running through a period of more than one hundred years, the proportion of cures is less.

Of the *forty-nine* old cases discharged during the year, *ten* have been cured, *sixteen* improved, *fourteen* are stationary, *four* have died, and *one* has eloped—the cures amounting to twenty and an half per cent.

Of the *sixty-six* recent cases, *fifty-four* have been cured, *six* improved, *two* stationary, and *four* have died—the cures amounting to *eighty-two and a quarter* per cent.

The average of recoveries in this hospital (55¼ pr. cent) may very properly contrasted with that of several foreign public hospitals. In *thirteen* in Great Britain, the average is 35 per cent. In *five* French hospitals, it is 43 per cent In *four* in Germany, it is 31 per cent.

The average number of patients in this hospital during the year, has been *one hundred and seventeen.* Of these, *eight* have died, which is a proportion of *one in fourteen and five-eighths*, or 6 4-5 per cent. In French hospitals, where the tables have been examined, the average of deaths is *twenty-two* per cent;—and those of England, *twenty-four* per cent.

The number of town paupers in the hospitals at the close of the year, was *forty-seven*, and of state paupers, *thirty-two*. *Eleven* have been received during the year by order of the higher courts. Of the *two hundred and seventy-two* patients that have been in the hospital, *one hundred and sixty-three* were admitted by judicial authority, and *one hundred and nine* were private patients: *one hundred and sixty-five* were males, and *one hundred and seven* females: *one hundred and seventeen* were recent cases; *one hundred and fifty-five*, old ones. Of the *thirty-six* charged with high offences, who have been committed to the hospital since it was opened, eighteen attempted homicide, and nine actually committed the crime.

The public ought to be more deeply impressed than they seem as yet to have been, with the importance of placing all cases of insanity, whilst yet *recent*, under proper medical treatment. Nearly all patients labouring under recent attacks can, if subject to seasonable appliances, be restored to soundness and usefulness. The facts already stated in this report concerning the large class of incurables in the hospital, ought to inspire the community with unwonted vigilance. Under the influence of the most humane motives, the legislature have wisely directed, that the trustees may, at their discretion, receive poor patients, whether supported by any town or city, or not, recently attacked by insanity, for a less sum than the actual cost of their support. By a prompt

concurrence with the Legislature in the design of this generous provision, the evils of mental alienation may be brought under easy controul, and the quiet, good order, and happiness of the community, of families, and of individuals, be essentially subserved and promoted.

Some misconception has arisen in regard to the support of the inmates at the hospital, more particularly of the class of town paupers. The commonwealth having founded this institution, it has been supposed that the intention of the Government was, to provide for the support of all those who were unable to provide for their own. No change, it ought to be explicitly understood, has ever been made in the old laws upon this subject. The trustees, therefore, must continue to be governed by those laws, until the legislature shall direct otherwise.

An experiment to test the benefit of agricultural labour to the inmates, and its advantages to the institution, has been tried the past season, and has resulted most satisfactorily. In addition to the tillage land owned in connection with the hospital, a lot of *eight* acres in the immediate vicinity, was also hired at an expense, rent and manure included, of *seventy* dollars. The clear product from this lot, is estimated at about *two hundred and fifty* dollars; the product from all the land cultivated is estimated at about six hundred dollars. Labour is deemed an important means of cure in old cases, and is greatly beneficial to the inmates, affording them employment and recreation, of which they are at all times very desirous. It is believed that an appropriation for additional means of giving occupation to the patients—such as shops for various mechanical and handicraft pursuits, would answer a valuable purpose.

It has already been stated that the Hospital has been constantly full during the past year. For a period of five months, an actual record was kept of the number of applications for admission. The whole number was *ninety-three*; of these, *forty-seven* individuals were received, and *forty-six*, were necessarily rejected for want of room; within the main building, consisting of six extensive galleries for the accommodation of the inmates, it is found impossible to maintain the *classification, which is desirable and important.* The proportion too, of males to females, being very nearly two to one, renders it necessary to bring the latter together in two of the Galleries, making thereby the classification still more incomplete. Convalescents are compelled to intermingle with the unquiet and excited, and many inconveniences are felt which cause the appliances of art and skill to be less promptly effectual than they would be under other and more favourable regulations. These inconveniences may be remedied, and the general arrangements of the hospital be improved, by the erection of two additional buildings—one for the reception of convalescents, and the other for the incurable. The effects upon the great objects of the institution would be in the highest degree beneficial, and there would be, in all probability, in consequence of such an arrangement, a sufficient amount of accommodation for an increased number of curable cases.

The trustees refer with great satisfaction to the report of the Superintendent of the hospital, which is herewith communicated, for a large mass of minute details and important information concerning the condition of the Institution, and its inmates. The names of the trustees are as follows: W. B. Calhoun, Alfred Dwight Foster, F. C. Gray, Thomas Kinnicutt, and Thomas A. Green.

Worcester, December 10th, 1834.

TREASURER'S REPORT.

The treasurer charges himself with the balance on hand, December 16th, 1833, and with the amount of his receipts, on account of the Hospital, from all sources, from December 16th, 1833, to November 30th, 1834, inclusive, being..... $	18929 19	
Credit on several bills for ashes, soap-grease, flour barrels not included in the above sum.....	43 68	
		18972 87
He credits himself with the amount of payments (including $43 68, paid by credits for ashes, &c.) for claims against the Hospital accruing from December 1st, 1833, to November 30th, 1834, inclusive.....	16940 27	
And for the balance on hand December 1st, 1834, carried to new account	2032 60	
		18972 87

The amount for which the Treasurer charges himself is thus made up:

Balance of last year's account.....	83 08	
Borrowed on the personal responsibility of the treasurer, to meet payments due the first quarter of the year, when there was no money in the treasury, and before the appropriation was made by the Legislature, $1,100, deducting thirty days interest on $1000,	1095 00	
Received of the Treasurer of the Commonwealth, amount of two warrants,	7000 00	
Received of the city of Boston, towns, and individuals, for the support of patients.....	10626 51	
Amount of sundry small sums received by the steward for clothing furnished patients leaving the hospital, rails not wanted, &c.....	30 40	
Amount received by the Steward for oxen sold..	94 20	
Amount credited on several bills for ashes, soap grease, flour barrels, &c.	43 68	
	$	18972 87

The amount for which the Treasurer credits himself is thus made up, as appears by an analysis of all the vouchers of his account.

Improvements and repairs,	1003 25	
Furniture.....	488 52	
Salaries, wages and labor,	5206 52	
Provisions and Groceries,	5376 88	
Fuel and Lights.....	1917 17	
Clothing, Linen, &c.....	580 44	
Medical Supplies.....	431 00	
Hay.....	282 19	
Miscellaneous.....	1654 30	
Balance to new account..	2032 60	
Amount.....		18972 87

UNDER SALARIES, WAGES AND LABOR ARE INCLUDED, PAYMENTS AS FOLLOWS:

NAMES.	SERVICE.	COMPENSATION.	Am't paid within the year, fm. Dec 1, '33, to Nov 30, 1834, inclusive.	
			$ c.	
Samuel B. Woodward	Superintendent	$1,200 per ann. provisions fuel, &lights, house rent, chambermaid	1200 00	
Charles P. Hitchcock	Steward			
Mrs. Sophia Hitchcock	Matron	Board and $600 per annum	566 33	
George Chandler	Assistant Physician			
Alfred D. Foster	Treasurer	do. and $500 per annum	407 44	
Robert Barnby	Attendant	$100 per annum	100 00	As Apothecary to April 9th-$87 50 included.
David K. Hitchcock	do.	Board & $15 per month	180 00	
Mrs. Mary Hitchcock	do.	do 14 per month		
Salmon M. Dickenson	Kitchen Labourer	..... 2 per week	251 08	
Charles Newton	do.	..... 14 per month	118 53	
W. C. Brown	Watchman	..... 12 per month	112 40	
Samuel Colly	Attendant	..... 13 per month	19 50	
Mrs. Lydia Colly	Tailoress $2 per week	..... 14 per month		
Daniel Blackmer	Attendant	Housekeeper $3 per w'k to Aug. 1	275 62	
Nathan Davis	do.	Board & $14 per month	166 62	
Nathan Bliss	do.	do 14 per month	110 96	
Camden Maynard	do.	..... 14 per month	173 60	
W. E. Drury	do.	..... 14 per month	122 59	
Samuel Rice	Labourer	..... 14 per month	161 94	
Mrs. Elvira M. Rice	Attendant	..... 14 per month	177 49	
Nathan Parkhurst	do.	..... 2 per week		
Mrs. Parkhurst	do.	..... 14 per month	23 98	
Cyrus Lovell	do.	..... 2 per week		
S. M. Dickenson & C. Newton	Watchman	..... 14 per month	46 67	
Cornelia Blinn	Chambermaid	..... 13 per month for both	16 80	
Patia A. Rice	do.	..... 1 25 per week	28 04	
Sarah A. Rice	Attendant	..... 1 50 per week	8 14	
Almira Rice	Cook	..... 2 00 per week	18 85	
Chloe Hill	Washerwoman	..... 2 00 per week	17 16	
Abigail Simmons	Table Girl	..... 2 00 per week	63 42	
Louisa Harris	Domestic	..... 1 50 per week	48 00	
Lucy Ann Bascom	Attendant	..... 1 50 per week	3 50	
Melinda Hooker	Chambermaid	..... 2 00 per week	87 15	
Eleanor Chapin	Cook	..... 1 50 per week	72 30	
Susan Houghton	Table Girl	..... 2 00 per week	87 44	
Elizabeth Griswold	House-keeper	..... 1 50 per week	44 66	
Eunice Houghton	Ironer	..... 3 00 per week	104 15	
Abigail Gwinn	Attendant	..... 1 50 per week	36 00	
Amelia Marsh	Cook	..... 2 00 per week	55 44	
Almira Newton	do.	..... 1 75 per week	35 75	
Sarah Haywood	Chambermaid	..... 2 00 per week	83 21	
Lucy Loveland	Tailoress	..... 1 25 per week	16 25	
Abigail M. Converse	Cook	..... 2 00 per week	31 43	
Hannah W. Holman	Ironer	..... 1 75 per week	23 25	
Catharine Raynes	Washerwoman	..... 1 50 per week	24 20	
		..... 2 00 per week	16 59	
Amount of sundry sums paid sundry individuals, for labour for the Hospital, not regularly employed there, &c.				5136 48
				70 04
			$	5206 52

N. B. The persons named above are all who were regularly employed at any time in the year. The names of those employed November 30th, 1834, are appended to this Report.

Summary—November 30th, 1834.

THE SECOND REPORT OF THE STATE LUNATIC HOSPITAL.

Whole number of Patients admitted.

Males	165
Females	107
	272
Recent	117
Old	155
	272
By the Court,	163
By friends,	109
	272
Whole number discharg'd	154
Remained in the Hospital at the end of the year, Nov. 30, 1833..	114
Old cases	85
Recent cases	29
	114

Admitted into the Hospital the last year end'g Nov. 30, 1834.

Old cases	55
Recent cases	64
	119
Discharged	106
Died	8
Eloped	1
	115
Present number in the Hospital.	
Old cases	96
Recent cases	22
	118
Males	79
Females	39
	118
Average number for the year	117
Proportion of deaths 1 of	14⅜
Per cent of deaths	6 4-5

Discharged during the last year.

Recent cases	66
Old cases	49
	115
Of the cases discharged there have been	
Recovered	64
Improved	22
Stationary	16
Idiotic	4
Died	8
Eloped	1
	115
Of the old cases discharged.	
Recovered	10
Improved	16
Stationary	14
Idiotic	4
Died	4
Eloped	1
	49

Of the recent cases discharged.

Recovered	54
Improved	6
Stationary	2
Died	4
	66
Recovered of all the cases discharged 55¾ per cent.	
Recovered of all the old cases discharged 20½ per cent.	
Recovered of all the recent cases discharged 82½ per cent.	
Present number in the Hospital. Recent cases.	
Improved	13
Stationary	9
	22
Old cases.	
Improved	30
Stationary	62
Idiots	4
	96
	118

Foreigners.

Irish	17
West Indian	1
Canadian	1
Welsh	1
Scotch	1
Russian	1
Belgian	1
French	1
German	1
	25
Natives of other States.	
Virginia	1
Connecticut	2
N Hampshire	2
Rhode Island	1
Vermont	1
	7
Foreigners	32
Citizens	86
	118

Ages.

Under 20	6
Between 20 and 30	23
30....40	44
40....50	28
50....60	9
60....70	6
Over....70	2
	118
Duration of Insanity.	
Less than 1 year	22
From 1 to 5	2
5....10	24
10....20	24
20....30	5
Over30	2
Unknown	16
	118
Town paupers	47
State paupers	32

Admitted and Discharged.

Month.	admitted.	dischg'd.
December	11	11
January	8	6
February	7	9
March	13	6
April	17	17
May	5	12
June	11	7
July	11	11
August	8	12
September	12	5
October	7	11
November	9	8
	119	115

Applications rejected during the last five months..... 46
Admitted..... 47
93

Respectfully submitted.

(Signed) SAMUEL B. WOODWARD.

It appears by the Report of the President of the New York Hospital and Bloomingdale Asylum for the year 1834, that during that year there have been 1721 patients admitted into the Hospital, who, with 184 remaining there on the 31st December, 1833, make 1905 persons who have received the benefits of that institution during the year last past.

Of that number there have been cured 1266; relieved 69; discharged at their own request, 154; and as improper objects, 32; and there have been discharged as disorderly or have eloped,46; died 174; and there remained 164 in the Hospital on the 31st December, 1834.

The above numbers do not include the Insane Patients in the Bloomingdale Asylum, of whom, during the last year, 102 have been admitted, who, with 120 patients remaining in the establishment on the 31st December, 1833, make 222 persons who have received the benefit of the Asylum during the year 1834: of these 165 were old cases, and 57 recent cases, out of which number 51 have been cured, 16 have been discharged improved, 16 others at the request of friends, 20 pauper patients have been removed by the city authorities to Bellevue, 10 have died, 3 have eloped, and 103 remain in the Asylum on the last day of the year 1834.

The proportion of cures affected in the Asylum, whilst in itself it presents a very gratifying result, being 41 out of 57 recent cases, and 10 out of 165 cases of long standing, adds fresh evidence of the importance as stated in former reports, of a very early attention and application of medical and moral treatment to the first access of mental alienation. The great mass of these cases in the Asylum which seem to be without hope, are long neglected cases of town and city paupers.

The improvement most needed in the Asylum is a separate detached building for violent female patients, similar to the one erected a few years ago for male patients of the same class. This the governors hope to erect during the present year.

The whole amount of expenditure by this corporation for and during the year 1834, was sixty-three thousand nine hundred and sixty-eight dollars, fifty-five cents. The whole amount of receipts from all sources, was sixty-five five thousand nine hundred and fifty-nine dollars, thirty cents, leaving a balance in favour of this Corporation of nineteen hundred and ninety-dollars, seventy-five cents.

In the above aggregate sums are included the separate accounts of the two establishments under the charge of the corporation, viz. the Hospital in the city of New York, and the Asylum for the insane at Bloomingdale. The separate accounts of those two institutions present the following results for the year ending December 31st, 1834.

The New York Hospital has received during the year 1834 for the State annuity for the compensation from the United States for the board of sick and disabled seamen, from pay patients for library tickets to medical students, subscriptions of members and articles sold. Thirty-two thousand, three hundred and forty-seven dollars, forty-one cents.

During the same year there has been paid for the support of the Hospital, repairs medicines, surgical instruments, books, burials, and contingent expenses, the sum of twenty-seven thousand and forty dollars four cents shewing an excess of five thousand three hundred and seven dollars, thirty-seven cents of receipts above expenditures in the last year. Out of this excess the sum of three thousand four hundred and seventy dollars has been applied in aid of the sinking fund of the Bloomingdale Asylum.

During the year 1834 the Bloomingdale Asylum has received from the state annuity, from pay patients, for board, and for articles sold, thirty-three thousand six hundred and eleven dollars eighty nine cents. During the same period there has been paid on account of the establishment, for its sup-

port and the salaries of its physician and officers, and wages of servants, for payment of interest on its debt, and increase of the sinking fund provided for the liquidation of the principal, the sum of thirty-six thousand nine hundred and twenty-eight dollars, fifty-one cents, shewing a balance against the asylum of three thousand three hundred and sixteen dollars, sixty-two cents.

If, however, the sum of three thousand four hundred and seventy dollars applied as herinbefore stated *out of the saving of the New York Hospital* to the increase of the sinking fund and productively invested, be excluded from the account of expenditures on account of the Asylum there will remain a balance of one hundred and fifty-three dollars, thirty-eight cents, in favour of the Asylum.

The outstanding debts, due the Asylum amount to nine thousand nine hundred and thirty dollars; a considerable amount of this will be collected without difficulty, a part is undoubtedly desperate, and the rest doubtful. The debts of the two latter kinds are chiefly of an old date, and it is confidently believed that the rules for the collection and payment of the dues for board, adopted about two years ago, and now generally adhered to, will prevent hereafter any accumulation of doubtful outstanding debts.

The whole amount of debts due by this corporation on the 31st December, 1834, was one hundred and thirty-seven thousand dollars, being the same sum stated in the last year's report as being the amount borrowed for the purchase of ground and erection of buildings at Bloomingdale several years ago, and on terms which do not place the payment or redemption of the principal at present within the power of this institution.

The sinking fund which has been provided for the final payment of the debt when due, amounted on the last day of December, 1834, to 48,905 dollars 56 cents invested in stock of the Bank of America, and certificates of the New York Life and Trust Company, exhibiting an increase of the fund of eight thousand three hundred and twenty-four dollars during the last year.

The system of constant supervision and inspection by committees of the board of the two institutions under its care, now tested and perfected by many years' experience, has been continued to be applied with perfect regularity, and its good effects are to be seen in the continued and gradually increasing comforts and usefulness of the Hospital and Asylum which the Governors trust will shew that they have not been careless or unfaithful stewards of the public bounty so liberally bestowed for the relief of the diseased in body and mind.

(Signed) GEORGE NEWBOLD, *Prseident.*
ROBERT J. MURRAY, *Secretary.*

New York, March 3rd, 1835.

AN ACCOUNT of Patients admitted into, and discharged from the New York Hospital, and their diseases, during the year 1834.

Remaining December 31, 1833.

Pay patients in the Hospital, including United States seamen,	128	
Paupers,	56	
		184
Admitted from Dec. 31, 1833, to Dec. 31, 1834.		
Pay patients in the Hospital, including U. S. seamen	1365	
Paupers	356	
		1721
		1905

Discharged in 1834.

Cured	1266
Relieved	69
Request	154
Improper objects	32
Disorderly and eloped	46
Died	174
	1741
Remaining December 31, 1834.	
Pay patients in the Hospital, including U. S. seamen,	122
Paupers,	42
	164
	1905

BLOOMINGDALE ASYLUM REPORT.

Summary of the Report of Patients remaining in the Bloomingdale Asylum, on the 31st day of December, 1833, and of those admitted and discharged from that period to the 31st of December, 1834.

	Male.	Female	Total.
Remaining in the House December 31st, 1833	80	40	120
Admitted from that period to December 31st, 1834	67	35	102
	147	75	222

Discharged since Dec. 31, 1833.	Male.	Female	Total.
Recovered	38	13	51
Improved	8	8	16
Request	9	7	16
Sent to Alms House	13	7	20
Died	10	4	14
Eloped	2	0	2
Total discharged, died, & eloped.	80	39	119
Remaining in the House Dec'r. 31st, 1834	67	36	103
	147	75	222

Payments and Receipts of the New York Hospital and Bloomingdale Asylum.

Dr.				
Balance due N. Wetmore 31st December, 1833	$ 568	70		
General expenses New York Hospital for 1834	27040	04		
			27608	74
Balance due Ira Ford, Warden, 31st December, 1833	2255	83		
General expenses Bloomingdale Asylum, 1834	22934	99		
Paid Commissioners of the sinking fund	5250	00		
Paid interest on Bonds	8220	00		
Paid Insurance	202	50		
Paid George P. Morris, for Engraving	200	00		
Paid Dr. J. Macdonald, balance of appropriation	121	02		
			39184	34
Paid for Land at Bloomingdale	.....		523	00
Cash in Fulton Bank, 31st December, 1834	.....		230	74
		$	67546	82
Cr.				
Cash in Bank of New York, 31st December, 1833	.....		8	59
Cash received in 1834 for the State Annuity New York Hospital	12500	00		
Cash board of Seamen	16380	58		
Cash Pay Patients	2695	06		
Cash articles sold	501	77		
Cash Tickets sold Medical students	190	00		
Cash subscriptions of members	80	00		
			32347	41
Cash State annuity Bloomingdale Asylum	10000	00		
Cash Patients board	23505	60		
Cash articles sold	106	29		
Cash from Ira Ford, money advanced by him	1578	93		
			35190	82
		$	67546	82
Balance in Bank, 31st December, 1834		$	230	74

ABSTRACT OF EXPENDITURE OF THE NEW YORK HOSPITAL, 1834.

House Expenses.	$ cts.	$ cts.
Beef, 31,780½ lbs	1589 82	
Mutton and Veal, 20,951 lbs	858 02	
Fish	47 36	
Poultry	72 08	
Pork, 2439 lbs	130 87	
Wheat Flour, 343 barrels	1844 83	
Indian Meal, 10¾ cwt	19 82	
Rice, 4239 lbs	142 20	
Potatoes, 1640 bushels	701 08	
Vegetables	89 13	
Fruit	80 88	
Butter, 2524¾ lbs	446 95	
Cheese 96½ lbs	13 29	
Molasses, 119 gallons	37 90	
Vinegar, 11 barrells	38 75	
Sugar, 14,643¼ lbs	1321 15	
Tea, 1295 lbs	425 37	
Coffee, 1874 lbs	233 11	
Soap, 117 barrels	204 75	
Hard Soap, 361 lbs	22 60	
Oil, 590 gallons	494 53	
Candles, 179 lbs	21 83	
Salt, 13 sacks and 15 bushels	32 91	
Beer, 4 barrels	24 00	
Porter, 431 dozen	269 38	
Cider 2 barrels, and 17 doz	26 12	
Hay, 35,054 lbs	244 83	
Straw, 4,980 bundles	150 54	
Bran and Corn, 1946 bushels	238 42	
Earthenware	60 94	
Tinware	31 88	
Wooden Ware	46 37	
Ironmongery	130 55	
Cartages, 187 loads	82 12	
Stationery and Printing	205 24	
Wood 207 Loads	343 37	
Coal, 220 tons and 4 chaldrons	1414 25	
Charcoal	2 28	
Bread and Crackers	38 58	
Eggs	26 71	
Ice	20 00	
Yeast	11 50	
Bedding	1060 66	
Clothing	133 93	
Starch	3 63	
Stock	83 56	
Milk, 8019 quarts	320 76	
Carriage hire	21 75	
Insurance	96 00	
Murray Library	28 62	
		13985 22
Wages.		
Superintendant and Matron	1250 00	
Assistant Superintendant	311 06	
Clerk	800 00	
Apothecary	300 00	
Orderly man	96 00	
Nurses and Servants	3908 25	
		6665 31
Carried forward		20650 53

ABSTRACT, &c.—CONTINUED.

	Brought forward, $	20650 53
Liquors, 242 gallons of wine		247 95
Repairs		2676 24
Medicines		2222 24
Surgical Instruments		405 09
Seamens' Passages		66 79
Burials		326 41
Library		444 79
		27040 04

STATEMENT of amount of General Expenditures, and Receipts of the New York Hospital, for the year 1834.

	$ cts.		$ cts.
House expenses	13985 22	Amount rec'd for state annuity,	12500 00
Wages	6665 31	..do..for board of seamen	16380 58
Liquors,	247 95	..do..from pay patients	2695 06
Repairs	2676 24	..do..for articles sold	501 77
Seamens, passages	66 79	..do..for subscriptions	80 00
Medicines	2222 24	..do..for tickets sold to medical students	190 00
Surgical Instruments	405 09		
Library	444 79		
Burials	326 41		
Balance	5307 37		
	32347 41		32347 41
		By balance brought down	5307 37

BLOOMINGDALE ASYLUM.—*Account of general expenses for the year* 1834.

	$ cts.		$ cts.
Beef, mutton, and veal, 38,770 lbs.	1938 47	Brought forward, $	10632 37
Pork, 4 barrels, and 110 lbs. ham	70 17	Charcoal, 130 barrels	60 74
Poultry	51 21	Bedding	244 12
Fish	89 85	Carriage hire	276 14
Wheat flour, 227 barrels	1281 00	Freight and cartage	344 78
Rye flour, 5 do	20 00	Postage	26 50
Buck wheat, 1½ do	8 25	Stationery and printing	120 15
Indian meal, 1 cwt	2 00	Books	22 00
Rice, 1754 lbs	61 85	Earthenware	170 08
Crackers and biscuit	39 38	Ironmongery	146 34
Butter, 10,530½ lbs	1707 51	Tin ware	388 12
Cheese, 627 do	64 47	Wooden ware	282 44
Tea, 724 do	327 32	Furniture	217 90
Coffee, 623 do	83 66	Scrubbing and cleaning	77 50
Sugar, 7836 do	998 30	Smith work	221 02
Molasses, 676 gallons	237 73	Live stock	21 31
Vinegar, 4 barrels	16 38	Carriages and harness	114 20
Salt, 24 sacks and 24 bushels	33 75	Corn, oats, and shorts	415 62
Pepper	6 63	Hay, 18,275 lbs	118 87
Mustard, 6 kegs	14 25	Straw, 3076 bundles	118 61
Fruit	35 55	Manure	56 25
Spirits, 25½ gallons	44 32	Farming utensils	17 69
Wine, 146 gallons, and 1 doz	376 01	Seeds	14 48
Porter and cider, 65 doz	73 68	Discount and taxes	70 85
Beer, 1 barrel	6 50	Contingencies	223 64
Potatoes, 310 bushels	138 37	Medicines	206 29
Starch	2 98	Repairs	1228 29
Vegetables	5 50	Extra services	315 12
Ice	46 00	*Wages.*	
Clothing	1272 94	Physician, 1,500 00	
Soap	174 57	Warden and Matron, 1,336 41	
Oil, 135 gallons	139 25	Nurses, servants, &c. 3,600 58	
Tobacco	50 15		6436 99
Coal, 220 tons, and 1 chaldron,	1214 37	Cash refunded,	346 58
Carried forward, $	10632 37		22934 99

CONNECTICUT RETREAT.

EXTRACTS FROM THE REPORT OF THE VISITING PHYSICIAN FOR 1834.

There have been during the past year 116 patients in the Retreat, of whom, 70 have been under curative treatment. Of this number, 36 were old cases and 34 recent. Of the chronic cases 11 have recovered being in the ratio of 30 4-9 per cent; and of the recent, 31 have recovered, being in the ratio of 91 1-6 per cent; during the whole of this time almost the whole care of the Institution devolved on Dr. Wm. H. Rockwell, who for a number of years has filled the station of Assistant Physician. Great credit is due to him for the faithful and judicious manner in which he has fulfilled his arduous trust.

The order, neatness, and contentment which have prevailed through the whole establishment, give evidence that the steward and matron have fully sustained their well-earned reputation for a faithful discharge of their duties, and that the conduct of the attendants has been correct and considerate.

Your Committee have not only visited the institution at stated monthly periods, but individuals of their number have frequently called and examined the state of the institution at unexpected times, so that if abuses had existed, they could hardly have escaped detection.

The whole number of patients admitted since the establishment of the Retreat has been 516, of which 253 have been recent cases, and from which number 230 have recovered, a ratio of a little more than 90-9 per cent. Of 263 old cases, 62 have recovered, a ratio of 27-3 per cent.

TENTH REPORT by the Physician of the Connecticut Retreat for the Insane, of the number of Patients in the Institution, and of the result of their cases for the year ending the 31st March, 1834; Extracted from the Records of the Institution.

Remaining at the commencement of the year; old cases	40	
Recent ones	4	
		44
Admitted during the past year; old cases	38	
Recent cases	34	
		72
Total,		116
Of these there have been removed during the past year; old cases	33	
Recent cases	33	
		66
Remain,		50
To wit, old cases	46	
Recent cases	4	
		50

There have been seventy cases under curative treatment.

To wit, Old cases..... 36
Recent cases..... 34
Total under treatment.. 70

Of old cases under treatment: 11 have recovered; 3 convalescing; 8 much improved; 6 improved; 7 stationary; 1 died; total 36; affording a ratio of recoveries in the old cases equivalent to 30 4-9 per cent.

Of the recent cases under treatment: 31 have recovered; 2 much improved; 1 improved total 34. Being in a ratio of 91 1-6 per cent.

SUMMARY.

42 Recovered.
3 Convalescing.
14 Much improved.
12 Improved.
33 Stationery.
9 Insufficient trial.
3 Died.

116 Total.

(Signed) WILLIAM H. ROCKWELL,
Assistant Physician.

May 1st, 1834.

ABSTRACT of the general expenditure for the Retreat for the Insane for the year ending 1st, May, 1833.

	$ cts.
For current expenses paid the steward	6400 00
For salaries	1910 00
For Medicine	396 86
For improvements	1800 03
For Wine	408 76
For coal	343 70
For insurance money refunded, &c.	287 38
Am't. of drafts on the treas'y for the yr.	11546 73

H. HUDSON, *Chairman of Managers.*

ABSTRACT *of the general expenditure for the Retreat for the Insane, for the year ending May 1st, 1834.*

	$ cts.
For current expenses paid the steward	6900 00
For salaries	1605 70
For medicines for two years	724 77
For wine	308 46
For coal	329 00
For improvements	1075 44
For incidental, insurance, funeral exp. money refunded to patients, &c.	263 93
Am't. of drafts on the treas. for the year	11207 30

H. HUDSON, *Chair. of Man.*

ITEMS *of Household Expenses from May 4th, 1833, to May 3d, 1834.*

	$	
Meat	$	809 61
Bread stuff		628 51
Wood and charcoal		471 14
Butter		368 74
Cheese		54 44
Molasses		79 08
Tea		98 78
Sugar		185 94
Coffee and Chocolate		73 85
Fish		129 18
Fruit		46 64
Eggs		30 56
Oil		78 49
Repairs		354 75
Furniture and bedding		621 20
Clothing for patients to be repaid		598 92
Spirits, ale, wine, cider, vinegar, & milk		22 65
Hay and feed, and straw		160 30
Brooms		28 89
Stationery		20 79
Sand and lime		24 22
Postage		13 19
Small groceries		38 88
Soap		14 24
Labour for garden and farm		361 51
Domestics		506 13
Wages of attendants and nurses		1150 05
Incidental, includ. expense of returning patients, pasturage, cash refunded, &c		156 22
Amount expended	$	7126 90
Received of Treasurer		6900 00
Balance on hand on account		141 56
		$7041 56
Balance due the Steward		85 34
		$7126 90

Terms of admission to the Retreat.

For patients belonging to this state, to be accommodated in the wings, and who do not require a separate attendant, 3,50 per week.
For those with similar accommodations belonging to other states $4 do
For those who require a room in the centre building and a separate attendant, if of this state, $10.
For the same if from other states, $12 do.
No patient to be admitted for a shorter term than three months, and payment for that term to be paid in advance.
For the admission of patients apply to either of the Managers.

LIST of Patients remaining in the lunatic Asylum, Lexington, Dec. 31, 1834.

Total males 42, females 42, remain'g on the 31 Dec. 1833

Remained in Hospital Dec. 31, 1833. as per last report			66
Of whom have since died	6		
Eloped	0		
Discharged	9		
		— 15	
Rec. since last report, to Dec. 31, 1834			51
			117
Of whom have died	4		
Eloped	4		
Discharged	10		
		— 18	33
Remain December 31st, 1834			84
Of whom are boarders	21		
Paupers	63		
	84		
From May, 1824, to 31st Dec. 1834, there have been received, patients			448
Of whom have died	124		
Do. of cholera or its effects,	45		
	—169		
Discharged	167		
Eloped	28		
		—	364
Remaining			84
Males,	297		
Females	151		
			448

ABSTRACT of the Receipt and Expenditure of the Lunatic Asylum for the year ending December 31, 1834.

CHARGE—JANUARY 11th, 1834.

To balance in chairmans hands this day	2150 60¼
To State appropriation	6000 00
To cash received from boarders	893 15
	9043 75¼

DISCHARGED—DECEMBER 31st, 1834.

By amount paid for clothing	786 68
Furniture, Bedding, &c	491 16¼
Provisions, &c.	1978 43¾
Fuel	567 60
Salaries and hire	960 48¾
Medicine and attendance	143 37½
Conveying patients	550 25
Extras and repairs	182 65¼
Recovered patients per act 1828	5 00
Discount on Commonwealth notes	594 16
Balance in chairman's hands	2853 04½
	$ 9043 75¼

E. & O. E.
JANUARY 1st, 1835.

To balance bro't down	2853 04½

Lexington, January 1st, 1835.

NO. 35.

DOCTOR CHARLES DUNCOMBE'S

REPORT

UPON THE SUBJECT OF

EDUCATION,

MADE TO THE

PARLIAMENT OF UPPER CANADA,

25TH FEBRUARY, 1836.

THROUGH THE COMMISSIONERS

DOCTORS MORRISON AND BRUCE,

APPOINTED BY A RESOLUTION

OF THE

HOUSE OF ASSEMBLY

IN 1835,

TO OBTAIN INFORMATION UPON

THE SUBJECT OF

EDUCATION, &c.

Notice.

DR. C. DUNCOMBE gives notice that he will on Monday next move this House to go into Committee of the Whole to allow him to move for a grant of a sum of money to defray the expense of sending two persons to the United States to obtain information respecting the building and conducting a Lunatic Asylum; any recent improvements in Roads, Canals, Harbors, and Light Houses; Schools and Colleges; Currency, Banks and Finance; Commerce and intercourse with the United States or other countries.

Resolution.

RESOLVED, That there be granted to His Majesty the sum of one hundred and fifty pounds to pay the expense that three commissioners may be put to in obtaining the best information, plans and estimates of a Lunatic Asylum, and such information as they may deem necessary relative to the management and good government of such institutions, and also respecting the system and management of Schools and Colleges, and such other matters as are connected with the interest, welfare, and prosperity of this Province; and to Report to this House the result of their labor and investigation, at its next Session, and that Messrs. Drs. C. Duncombe, Morrison and Bruce be commissioners for the said purpose.

COMMITTEE ROOM, HOUSE OF ASSEMBLY, 16th *April*, 1836.

RESOLVED, That we, two of the Commissioners appointed by a resolution of the Commons House of Assembly, at its late Session, to obtain information relative to a Lunatic Asylum and other matters, agree that Doctor Charles Duncombe, one of the Commissioners by the said resolution also appointed, should go on any journey to the United States or elsewhere, to obtain such information as is desired by the said resolution.

[Signed.] T. D. MORRISON.
WILLIAM BRUCE.

A Copy of a Letter from the Commissioners to the Honorable the Speaker of the House of Assembly.

TORONTO, 24TH FEBRUARY, 1836.

SIR,

Doctors Duncombe, Morrison and Bruce being by a resolution of the Honorable the House of Assembly, appointed commissioners to inquire into "the system & management of schools and colleges," in order to report fully upon the systems of education pursued in the United States, one of our Commissioners, Dr. Charles Duncombe, was requested and authorised to visit that country, acquire a knowledge of the subject, and report thereon. That Gentleman has done so to our most entire satisfaction, and we have the honor herewith to hand you the result of his arduous labors and minute inquiries, in the documents now presented, viz:—*A Report upon Education*, accompanied by a Bill for the *Regulation of Common Schools in this Province*: this being our Second Report.

We have the honor to be, Sir,
Your most obedient humble servants,
T. D. MORRISON
WM. BRUCE.

To the Honorable
the Speaker of the
Commons House of Assembly.

Letter from Mr. Secretary Joseph, transmitting Lord Glenelg's Despatch, &c. to Dr. Duncombe.

GOVERNMENT HOUSE, TORONTO, 19th *March*, 1836.

SIR,—I am commanded by the Lieutenant Governor to forward to you the accompanying copy of a Despatch recently received by him from the Secretary of State for the Colonies (7 January, 1836, No. 11.) together with the documents* referred to in it as requested in your communication of the 25th of October last, addressed to the late Lieutenant Governor.

I have the honor to be, Sir,
Your most obedient, humble servant,
J. JOSEPH.

* REPORTS:
Superior Courts of Common Law.
Practice of Chancery.
Lunatic Asylums.
Education.

Charles Duncombe, Esq. M.P.P.
Acting Commis'r for obtaining information on various subjects.

No. 11. [Copy.] Downing-street, 7th January, 1836.

Sir.—I have had the honor to receive Sir John Colborne's despatch of the 4th November, No. 61, enclosing the copy of a letter from Mr. Duncombe, one of the commissioners appointed by the House of Assembly of Upper Canada, to obtain information respecting certain questions of public interest to the Province, and in reply I take the earliest opportunity of transmitting for that Gentleman's assistance, copies of the Parliamentary Reports for which he has applied.

I have, &c.
[Signed.] GLENELG.

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

REPORT.

To the Honorable the Commissioners appointed to obtain certain information during the recess of Parliament.

Doctors Morrison & Bruce,

Gentlemen,

In obedience to your instructions to me at our meeting at the close of the last session of Parliament, I proceeded immediately to the United States, to make observations and collect information in the best manner I could, upon the various subjects which this special committee had been required to investigate, but feeling the importance, if not the absolute necessity, of combining practical skill with extensive and critical observation upon the great variety of subjects entrusted to my care, I obtained introductions to the Governors and heads of the departments in many of the States, and at Washington, to whom I feel myself in duty bound to acknowledge the great obligations I am under to them for their liberal indulgence and kind attendance to my numerous enquiries, for the zeal and philanthropy with which they communicated their own ideas upon the subjects of their particular departments, and furnished me with letters and references to men of science and to reports and recent publications upon those subjects respectively. Their names deserve to be recorded and their memories to live in the affections of a grateful public—but the immensity of the number of those persons who have aided my inquiries precludes the possibility of my even naming them; and from the variety and multiplicity of subjects to which my attention was directed by the Resolution of the honorable the House of Assembly at its last session, and by your resolution honoring me with the situation of acting commissioner for procuring information upon certain subjects, I have been unable, as the importance of the subject of education required, to condense and digest the information placed within my reach by the heads of departments and officers of the literary institutions which I visited during my journeying in the Western, Middle, Eastern, and some of the Southern States, where every opportunity was afforded me for accomplishing my object, by the many valuable industrious labourers in the cause of science and literature who aided me in my inquiries as well by their opinions, freely expressed upon the literary institutions of foreign countries, where many of them had studied, and the honors of which had long been their boast, as by the progress of the same sciences and arts in America, under their own immediate superintendence, as also by books, pamphlets, and reports collected or made by authority of the different Legislatures of the states, by the different literary institutions, or by the philanthropy and enterprise of individuals, generally made by practical men, and after long and careful investigations, both in Europe and America, of the subjects upon which they have practically treated, especially where popular education has been made the subject of legislation.

In this report I have made free use of the information contained in the written and printed documents placed at my disposal, as well as the verbal information afforded me by those gentlemen who have so materially aided me in my pursuits. Upon this point I feel the obligations I am under to many gentlemen in various parts of the Union, and had commenced my report with an account of the information derived from the Rev. Mr. Peers, who had by the authority of the state of Kentucky, travelled, examined, and reported upon the subject of education in several other states to the Legislature of Kentucky, and by expressing my gratitude to Lieutenant Governor Morehead, acting governor of the state, for the philanthropy, zeal, and intelligence with which he freely communicated to me the information I desired upon this and many other subjects, connected with my inquiries; as well as to Professors Dudley and Caldwell of the Transylvanian University, but I found my report would have necessarily extended to an unpardonable length, so as never to have been read; and thereby the object for which this information was desired would have been defeated; I find myself therefore compelled to make such extracts from all the papers and other sources of information as have been placed within my reach as in my humble judgement would best conduce to the object designed—that of placing before the honorable the House of Assembly in as condensed a form as possible, the present state of the literary institutions most worthy of our imitation both in Europe and America.

In doing this I shall endeavour to be as concise as possible, using the opinions and even language of other men where they express my views of the subjects upon which they treat: the books, reports, addresses, and papers from which I have made the most lengthy and important extracts, are the reports and addresses made by the officers and members of Yale

College—of the common school committes Reports of most of the Western, Middle, and Eastern states, especially the cities of Boston, New York, Albany, Philadelphia, Baltimore and Cincinati, as well as from their reports and proceedings upon the subject of their infant schools city free schools, Grammar schools, literary institutes, eclectic institutes, and high schools, as well as monatorial schools, Lancaster schools, Manual Labor schools, primary schools, and writing schools, among which the regulations of the school committee of Boston is worthy of some particular notice—an essay upon female education by Catharine E. Beecher, written at the request of the American Lyceum, New York —an address proposing a plan of female education by Mrs. Willard, of the long established and highly respectable female seminary of the city of Troy, in the state of New York—a report from the Rev. R. O. Peers, of Louisville which was well worthy to have been copied had the limits of my report admitted it, as well as his propectus of the eclectic institute established by him at Lexington, and carried into successful operation—Dr. Fisk's inaugural address delivered at the opening of the Wesleyan University upon the science of education, in Middletown, Connecticut—An address of the Trustees of the New England Institution for the education of the blind—Dr. Drake's discourse on the character and prospects of the West, delivered to the Union Literary society of Miami University, Oxford, Ohio, at their ninth anniversary, 23rd September, 1834—Journal of the proceedings of a convention of Physicians of Ohio, held in the city of Columbus in 1835. Debates in the Assembly of the State of New-York, May 1835, on the bill relative to the rights and competency of witnesses—and an address on the vice of gambling delivered to the medical pupils of Transylvania University in 1834, by Professor Charles Caldwell, M. D. Report of the Committee on Education to the Legislature of Kentucky. Thoughts on the spirit of improvement, the selection of its objects, and its proper direction, being an address delivered, 1835, to the Agatherian and Erosophian Societies of Nashville University, Tennessee, by Professor Charles Caldwell, M. D. Daniel Drake, M. D. discourse on the Philosophy of Discipline in families, schools, and colleges, delivered before the Western Institute and College of professional teachers in Cincinnati, Ohio. Inaugeral addresses delivered at the opening of Morrison College, Lexington, by the Rev. B. O. Peers, President of the University. Four annual reports of the proceedings of the Western Institute and College of professional teachers, Cincinnati. The annual reports of the Dayton and other academic and manual labor institutions. The Rev. Mr. Marshall's observations upon literature and science. Report of the regents of the University of the State of New-York, on the education of Common School Teachers, Albany, 1835. Report to the House of Representatives by the Committee on Education, 1835. Digest of the laws and rules of exercise and discipline in Renselaer Institute. The laws of several States of the Union upon the subject of education. Report on the state of public institutions in Prussia, addressed to the Count de Montalivet, Peer of France, Minister of Public Instruction and ecclesiastical affairs by M. Victor Cousin, Peer of France, Councillor of State, Professor of Philosophy, Member of the Institute and of the Royal Council of Public Instruction, translated by Sarah Austin. Practical education, by Maria Edgeworth and Richard Level Edgeworth F. R. S. & M.R.I.A. The Schoolmaster's friend, with the Committee man's guide, containing suggestions on common education, modes of teaching and governing, by Theodore Dwight Junr. Dr. Drake's edition for 1835 of the transactions of the western College of Professional Teachers. Thoughts on Physical education, being a discourse delivered to a convention of teachers at Lexington, by Charles Caldwell, M. D. A view of the elementary principles of education, founded on the study of the nature of man, by G. Spurzhiem, M. D., of the Universities of Vienna and Paris, and Licentiate of the Royal College of Physicians in London. The introductory discourse, and the lectures delivered before the American Institute of instruction in Boston, 1834. The District School, by J. Orville Taylor. Discourses and addresses on the subject of American history, arts and literature, by Julian C. Verplank. Journal of the proceedings of a convention of literary and scientific gentlemen, held in the Common Council Chamber in the city of New York; together with occasional references to and extracts from the common standard works upon the subject of education.

The first principles of the system recommended in this report with regard to common schools, schools for the education of the poorer classes, and for the education of teachers or the *normal Schools*, made their appearance almost simultaneously in Great Britain and on the continent, as appears by the voluminous reports of Lord Brougham, (copies of which have been politely furnished me by Lord Glenelg,) and by Mr. Dick's very able and splendid report upon the common

Schools in some parts of Scotland, and by M. Cousin's reports of the schools in Prussia and Germany, and Bulver's observations upon education as a prevention of crime in France, so that when Lord Brougham declared that "the Schoolmaster was abroad" the remark applied with equal truth to some parts of the Continent, and to Scotland as to England. The glimmering of this beacon light was soon seen across the ocean, and lighted up a similar flame in the United States; Commissioner after Commissioner was sent to Scotland and to England by the authority of their State Legislatures to light their lamps at the fountain of science, that the whole continent of America might be ignited by the flame. In all free governments the welfare and safety of the government depend upon the national character of the inhabitants, and that national character depends upon their national education. In the United States, where they devote much time and expense towards the promotion of literature, they are equally destitute of a system of national education with ourselves, and although by their greater exertion to import the improvements made in Great Britain and on the continent, and their numerous attempts at systematising these modern modes of education so as to lay the foundation for a future perfect system of education adapted to the institutions of that country, they have placed themselves in advance of us in their common school system, yet after all their schools seemed to me to be good schools upon bad or imperfect systems; they seem groping in the dark, no instruction in the past to guide the future, no beacon light, no council of wise men to guide them more than we have, upon the subject of common schools; our schools want in character, they want respectability, they want permanency in their character and in their support. their funds should be sufficient to interest all classes of the community in endeavoring to avail themselves of them; but whatever the amount should be it should not be subject to any contingency, as an annual vote of the Legislature; it should be so arranged that all the inhabitants should contribute something towards its continuance, and all those who are benefitted directly by it should pay, in proportion to such benefit a small sum, but quite enough to interest them in the prudent expenditure of their share of the school moneys. I hardly know whether I ought not to apologise to you and to the House of Assembly for the length to which this Report is necessarily extended; if it is thought by any that such an apology is required, I refer them to the importance of the subject as a certain, and I trust to all "lovers of learning" as a satisfactory apology. But this I do know, I ought to explain why this report is so imperfect and defective.—It has been principally prepared and drawn up at unseasonable hours, while the whole of the busy nation were at rest, during the constant hurry and extreme pressure of an immense accumulation of unprecedented important Parliamentary business, while I was required to prepare reports upon various other important subjects, as the Lunatic Asylum, Penitentiaries, Prisons and prison discipline, Banks and Currency, and Commerce. I am aware that the subject of this Report is one of hackneyed discussion. *The science of education.* Nevertheles, the improvements of the present age in this science, and the increased conviction of its paramount importance. as a correlate to others, give it something of the character of novelty; as an old mine which had been supposed to be nearly exhausted. suddenly discloses a new vein, richer and purer than any before, so this old subject may present new and promising aspects, and offer up fresh and rich veins of thought and experiment. Such indeed is the interest now excited on this subject as to move the whole literary world. The spirit of reform is abroad, and is reconnoitering the whole field of operation with a vigilance and an energy that declares unequivocally, something must and *shall be done.* Nay, this work is already commenced, and, as Lord Brougham declares, "the Schoolmaster is abroad" Scotland has taken the lead, England is not far behind, Germany, Prussia, and France follow close in their wake, and enterprising, industrious, ambitious America, has launched her pinnance to contest for the palm with the old world. and in the United States important improvements have been introduced into the different grades of literary institutions. As antiquity is not always perfection, so innovation is not always improvement. While, therefore, we ought to be wholly uninfluenced by unprofitable traditions, however ancient and authoritative, we ought also to be equally guarded against doubtful and hazardous experiments, however specious and imposing.

Education should be directed in reference to two objects; the good of the individual educated, and the good of the world. The course to promote both objects, it is acknowledged, is nearly, if not quite, the same; but as men are too disposed to consider their own a separate interest, and are prompted by selfishness to act in exclusive reference to that interest, the only safe course is to provide for the education of youth in direct reference to the wants of the world. Thus every

desirable object will be secured; for although a fatal error may result from consulting only what *appears* to the interest of the individual himself, yet he cannot be educated wrong for *any* of the purposes of life, who is judiciously educated in reference to the public good. Hence in establishing a system of education, reference should be had chiefly to the condition and general interests of the great family of man; and next in importance is fixing upon that system and those principles of organization which are best adapted to the capacities of those who are to be taught, and the materials which it will be able to command in its operations, as teachers and assistants should be carefully noted. Then, having the proposed system, and the means of accomplishing it, in full view, aided by the light of past and existing experiment, it will be less difficult to introduce and establish the inductive system of education in this Province than it has been in any other part of the civilized world where it has been attempted.

I have said that in establishing literary institutions, reference should be had chiefly to the condition and interests of the world. This, it is true, is rather a principle of christianity than of worldly policy. It is founded however, on the true philosophy of our being, and is as much a dictate of individual, as of general interest. It is obviously the leading principle on which every Christian community should act. The world has had its infancy, its gradual development of character, its different stages of improvement in the arts and sciences, and its great variations in political governments and national ascendencies. Neither have these changes themselves been uniform, nor always for the better. Instead of a regular advancement of light, "shining more and more unto the perfect day," there has been an alternation, if not of night and day, at least of comparative light and darkness. It needs but a single attention to the subject to see that these changes and varieties must require a corresponding modification not only in the system of education, but also in the modes and means of instruction, and also in the course and character of the studies pursued. We must look then upon the world as it now is, and not as it has been. No philanthropist engaged in an enterprise of permanent interest to future generations, is qualified for his work unless he can make accurate calculations for the future as well as for the present. In many respects the present condition and future prospects of the world differ from all its past history. And here I will notice, first, the extensive and increasing intercourse which is maintained between different and distant parts of the earth. This is owing chiefly to the interests of commerce; and is one instance out of many, in which the spirit of enterprise for gain and individual wealth is subservient to the great interests of humanity. The merchant, aided by the great improvements in navigation, and other facilities of intercourse, penetrates every sea, bay, and harbor, and visits almost every clime. With him he takes, at a comparative small expense, travellers of all descriptions; adventurers, men of leisure, and of wealth; as also philosophers and men of seience who note the laws, and character, and literature of the people, and the geography and natural history of the country. From these and other causes the principle parts of the world are frequented by foreigners. In this way intelligence is communicated readily and constantly, and those who are separated from us by half the circumference of the globe become, as it were, our neighbors, and dwell among us. We thus acquire a common bond of interest, by which the different and distant nations are connected together. In consequence of some of almost every nation having visited foreign countries, in consequence of the dispersion of friends and acquaintances for the purposes of commerce, and other objects, in consequence of the investment of property abroad, and from various other causes, numerous connecting links bind distant nations together by a strong association. Thus local prejudices are subsiding, the improvements of one nation are becoming the property of all and the strong national barriers that have so long retarded the progress of civilization and improvement are fast melting down. This bond of union is greatly strengthened by the interests of commerce, for by commerce a mutual check is laid upon the encroachments of nations on each other; and thus a ground of national, as well as of individual intercourse is formed, and the different parts of the great human family are connected by official and national alliances. The general interests of learning, and the mutual alliance of the friends of literature also greatly increase this general union. These, though scattered over the world, form a republic of themselves, and are drawn together by cords that no distance can attenuate, and bound by connexions that no varieties can sever. They all drink of the same fountains without jealousy and climb up the same intellectual elevations without envy; for the attainments of each are the property of all. True philosophy has in it nothing of *party* and *caste*. Its votaries sit toge-

ther at the feet of their great teacher, the God of Nature humbly and patiently pushing the enquiry "What is truth," and the *eureeka* of one individual or nation rings round the earth with the rapidity of the winds, and is speedily re-echoed from every enlightened land in responsive acclamations.

The religious enterprises of the Christian Church give another striking feature to the character of the present age. The facilities of intercourse already alluded to, connected with other circumstances, have given a great impetus to these enterprises, and the influence of this religion in return adds much to the strength of those increasing ties by which different nations are bound to each other. The first principles of this religion is to count every man a brother. It looks abroad through the earth and says, "I am debtor, both to the Greeks and Barbarians, both to the wise and unwise." Its plants of benevolence therefore are bounded by no national lines or distinctions. It recognises a kingdom of a character and extent to comprehend and consolidate all other kingdoms, peoples and tongues; "a kingdom that shall never be destroyed." This kingdom is gaining strength and enlarging its operations; and wherever it goes it spreads the harmonising influences of its own spirit.

To the preceding characteristics of the present age, we may add the peculiar state of the political world. The advancement of political reform; the general movement among the people in different nations to assert their rights and secure their liberties; the increasing light on these subjects, are so much the topics of daily remark and of constant poetical and rhetorical declamation, that I need here only allude to them for the sake of shewing their relation to the varied subjects before us, and for the sake of shewing that in the political as well as in the religious world "the fields are white already for the harvest," yea, "the harvest is great and the skilful labourers are few."

And here before we advance further let it be observed that whether we view the subject by the light of history or by the light of revelation, or whether we consider the energetic character of those principles that are now in operation, we are in every case led to the same conclusion—that the march of the principles alluded to is onward, and if the proper means are used, will continue to be onward till the final renovation of our world.

But what has all this to do with the inductive system of education? Much every way—Education is to be second only to Christianity itself in carrying on this work. By this system and the education of teachers the youthful mind is disciplined, the arts and sciences are improved, the world is enlightened, and above all, by this an army of faithful, intelligent, enterprising, benevolent men are trained up, and sent forth to be leaders in the great enterprises of the day. I speak not now of one profession merely, ministers and merchants, lawyers and physicians, teachers and statesmen, farmers and mechanics, authors and artists, all are wanted in this work, and wanted in greater abundance than can be supplied. But they should be men of suitable attainments, and of a proper mould; and these depend much, very much, upon their education.

It has been supposed that there are too many in the learned professions already, and that therefore there are too many who obtain a liberal education. But this opinion is founded upon two errors:—One is that every liberally educated man must be above manual labor, and must therefore enter one of the learned professions; and the other is, that all who do enter those professions do it and have a right to do it from personal or family interests, and not for public good. —Whereas a liberal education ought not to unfit a man, either in *his physical constitution* or his *feelings*, for active business in any honest employment; and neither ought men who enter *any* of the learned professions, to excuse themselves from labor and privation for the good of the world. There is a great and pernicious error on this subject.

An education has a twofold object, namely, the perfection of the physical, intellectual, and moral powers of man, and the imparting to him a knowledge of the laws of his being. Each of these parts may be divided into general and particular. Education is *general*, while it regards its subject merely as a being susceptible of improvement, and capable of receiving knowledge; and *particular* when its instructions are imparted, to qualify the pupil for some particular station and specific duties in life. It is plain that a portion of the education of all, especially in its earliest stages, must be general: but it is equally evident that a greater portion must be particular; and this is especially true of that part of education which consists in the imparting of knowledge. Life is so short, and man's power of acquiring and of retaining is so limited, that it would be a vain at-

tempt to aim at making each know everything. Indeed, life is too short to master *one* science, or to become perfectly acquainted with one profession; and it is therefore much too short to master all, and yet much more too short to know all that can be known, and also to do all that ought to be done. The great object which we propose and recommend in this report upon the inductive system of education, is to remedy the defects of the present system, and prepare the rising generation for the regulation and enjoyment of free, civil, and religious institutions. We think the signs of the times and the present character of the world, demand this.—Hence, *now*, whatever may have been the state of things heretofore, it is criminal to acquire knowledge merely for the sake of knowledge.—The man must be disciplined and furnished according to the duties that lie before him.

An education should be such as to give energy and enterprise to the mind, and activity to the whole man. This depends, in part, upon the physical constitution. Hence the necessity of preserving a sound state of bodily health. To secure this, temperance and proper exercise are requisite.—But what exercise is best, as a part of a student's education, is still unsettled. Without stopping to discuss that point at large here, in my opinion, the best kind of gymnastics are the exercises of the field and of the shop, in some kind of useful labor. The moral as well as physical effect of such exercises is every way superior to that of others which have been introduced, to say nothing of the addition they make to the wealth of the community;—and if such exercises are objected to, because they are deemed by many as derogatory to their character, they ought so much the more to be insisted on. It was never designed that fashion and inclination should give rules for education, but education ought to direct fashion, and regulate the inclination. But whatever may be the mode of doing it, the strictest attention ought to be paid to the health of the student. This alone however will not be sufficient; the mind also should be cultivated in direct reference to the object of making the pupil a man of enterprise and activity. Every thing that is calculated to call forth such a spirit should be cherished, and every thing which discourages it should be discountenanced. The student cannot be too much impressed with the idea that to be a mere man of letters is not the way to be the most useful man. We want men who will take the field, and whose souls are fired with a zeal for active duties in the service of the world.

Closely allied to this spirit of enterprise, and eminently productive of it, are the principle and habit of self dependence which should imbue the minds of youth at an early age. Nothing is more important in the formation of an enterprising character than to let the youth early learn his own powers; and in order to this he must be put upon his own resources, and must understand if he is ever any thing he must make himself, and that he has within himself all the means for his own advancement. It is not desirable therefore that institutions should be so richly endowed as to furnish the means of education free of expense to those who are of an age to help themselves; nor is it desirable that any man or any society of men should furnish an entirely gratuitous education to the youth of this Province. All the necessary advantages for educating himself ought to be put within the reach of the young man, and if with these advantages, he cannot do much towards it, he is not worthy of an education. If it be said that self support, in part or in whole, is a tax upon time and a great draw back upon the student's acquirements; I answer that in the general, facts shew that such students are in advance of others in knowledge as well as in enterprise, and if they were not, still it is better that they should know less and do more, than that they should know more and do less.

The course above recommended will aid also in forming another trait of character and habit of life which is very important in this miscellaneous and changing world: I mean a facility in passing from one employment to another, and a ready adaptation of feeling to the various duties and changing circumstances of life. The intellectual and corporeal habits of most men are too inflexible, and the transition from one train of thought and from one class of exercises to another, altogether too difficult. They can move in straight lines, and in their old courses, to some purpose, but change their direction and employments, and they become almost useless to the community and to themselves. The amount of public and private loss sustained in this way is very great, and also very unnecessary. In most of these cases the mind might have been so trained that like a ship in good trim it would answer to its helm, and adjust itself to its circumstances however variable the winds and the currents in the stormy sea of life.

But of all the effects to be produced upon the mind by a proper course of training, nothing is more important than the spirit of benevolence

of an enlightened and universal philanthropy. Without the aid of education, even religion itself seems hardly sufficient to make a thorough and an enlightened philanthropist Hence if all the world would now be brought to possess a truly devotional character, they still might not have those enlightened principles of benevolence which are necessary for the general happiness of the world. The truth is, from the first dawning of reason to its maturity, mankind are trained each to look on his own things, and not on the things of another. The lessons of the nursery, the general course of domestic training, the policy of common schools, and the rewards and honors of the colleges, all tender to beget and foster a criminal selfishness. The education which leads to such a state of society is radically defective. Is there no way by which this selfish bias of the heart can be lessened, if not prevented? Far be it from me to teach that we are to be indifferent to our own interest. This is a kind of benevolence which may look well in theory, but it exists no where else, either in heaven or on earth; either in the bosom of Deity, or in the breast of his holiest creatures. Benevolence, therefore, should be incorporated into every system of education, not as a separate and an independent science, but as the seasoning of all and the final cause of all attainments.

In noticing the tone and character which are to be imparted to the mind by the hand of Education, I have purposely omitted all those principles which are the most commonly insisted on in training the young student, and have touched on those only which are less frequently urged, and which seem, nevertheless, of vital importance to the accomplishment of the proposed object—educating men for the good of the world.

My views on the importance of the study of the ancient classicks are briefly these:—Ancient literature ought always to find an honourable place in our colleges and universities. If a knowledge of the ancient languages were of no other importance than to preserve the purity of the Holy Scriptures, and secure a correct translation of them into other languages, this would of itself keep these languages in credit, and make a critical study of them necessary.—But such is the character of modern literature and of the science, that a few only need devote themselves to ancient literature in comparison with the many who can be better employed in other studies. Too much stress is now laid upon a knowledge of the ancient classics. It is still deemed heterodoxy to call any man learned who is not skilled in the Greek and Latin Languages. The tone and character of our present system of education were formed at the revival of letters after the dark ages. But though the causes which led to the present system have passed away, yet by an unprofitable adherence to the traditions of the fathers we *must* have it still, that what was once necessary to constitute a scholar is still indispensable for the same character. But the state of literature and the character of the sciences, are greatly changed. At the revival of letters in the fifteenth century almost all the learning in the world was locked up in two languages, then out of popular use. Hence to be a scholar it was necessary to be acquainted with Latin and Greek, and with the Roman and Grecian Literature. And indeed at that period the world had so far deteriorated from what it once was, that the only ready way to restore it to its former character was to reclaim the literature that had been buried for ages in the archives of antiquity,—to consult the manuscripts and symbols of ancient learning, and bring forth to light the obscured and forgotten truths of ancient research and labor. It was this which made the change of that day from darkness to light so sudden and glorious.—"We behold," said a learned author, speaking of those times "a flood of noon day bursting all at once over every quarter of the horizon, and dissipating the darkness of a thousand years." The fact was, the world had not to pass through another pupilage without text books or teachers.—It had not to serve another apprenticeship without patterns or masters. In the relics of former times there were rules and patterns and instructions in abundance. As soon therefore as a spirit of inquiry and a thirst for knowledge were excited, a great proportion of the light of antiquity burst at once upon the world.—This was the new sun that shone almost in meridian splendor at its first appearance. It had never been put out, but only obscured by the murky clouds of barbarism from the Scandinavian forests, and eclipsed by the smoke of superstition that went up from the pit of the *beast* and the *false prophet*. When this obscuration passed away, the sun of ancient science shone in its full orbed glory. The attainments of antiquity were soon mastered.—The art of Printing, which was invented about this time, gave a ready circulation to this knowledge in all the countries where it was sought.

Literature and science were no longer foreign plants, but had become indigenous in all places where they were cultivated. Neither were the treasures of science long locked up in an ancient and dead language, but were spread out in the vernacular tongue of every enlightened land. Large additions also were constantly made to the original stock; and vast treasures of wisdom and knowledge have been brought to light, which the eye of antiquity never saw, which the ear of the ancients never heard, and of which indeed they had never formed any conception. —Hence the fact now is, and it is a fact that cannot be denied, that there is very little left in the fields of antiquity to be explored. All that is important in ancient science, except what is peculiar to the languages themselves, have not only been clothed in a modern dress, but have been incorporated with, and made constituent parts of modern text-books. Modern literature, therefore, should be counted the great field of literary enterprise and study. If it be necessary that the antiquarian should still make his pilgrimage to the East, and dig after learned hieroglyphics in the ruins of the Acropolis, and in the subterranean depositories of Herculaneum and Pompeii; or if it be necessary, as undoubtedly it is, that some should devote themselves to a critical investigation of the ancient languages,—so let it be; but from such a tedious pilgrimage, and such an endless study the great body of students should be excused, that they may devote themselves more immediately and more effectually to the great and pressing wants of the world. It may, indeed, be proper, that most students who have an opportunity of commencing an education early, and of pursuing it without embarrassment, should obtain some general knowledge of the Greek and Latin languages; especially as there is an age in the developement of the youthful mind, in which language, perhaps, can be pursued to greater advantage than any other study;—and if at that age a good foundation can be laid for a knowledge of etymology, of philology in general, and for a more ready attainment of the modern languages, this would be advantageous to the pupil.

The proper organization of a board of instruction is a matter of great moment, and of difficult attainment. All agree that they should be united among themselves; that they should be men of learning, apt to teach, unimpeachable in their life, gentlemanly and winning in their manners, industrious in their habits, energetic and enterprising in their character, interested in their work, and faithful in the performance of their duties. But how to obtain such, how to keep them such after they are put in place, and how to get rid of them readily if they prove not to be such, are questions that have never been satisfactorily settled. After the greatest precaution, improper persons may be introduced ino the board of instruction, who may change the whole system. But it is probable that more failures result from a defective organization in the tenure and emoluments of office, than from the appointment of incompetent officers.

In all literary institutions, should not the faculties for the time being be authorised by law to have a voice in filling vacancies in their board, or in removing an uncomfortable associate, which however is not generally the case in the colleges of the United States, where the want of such a law, and the consequent evils, are daily loudly complained of.

There is no copartnership whatever that so imperiously requires union and confidence among the partners, as an association for the government and instruction of youth. And yet there are few associations even for the ordinary purposes of life, in which there is not greater precaution used to secure that union and mutual confidence, than in all literary seminaries that are but one advance above common schools. Again, when a person is elected to a seat in a college faculty, it is generally considered to be, at his own option, an appointment for life; except in those strong cases of immorality, or dereliction from official duty which will authorise formal charges and an impeachment. At any rate, under existing usages, any attempt to get rid of a president or professor is generally attended, not only with unpleasant consequences, but with serious injury to the institution. The effect therefore is as might be expected; incompetent and inefficient men often hold their offices for years, and not unfrequently for a long life, in the United States; in this way the funds of the institution are wasted, the benevolence of its patrons is abused, the department languishes, the students not only lose their time & money, but what is incomparably worse, there is a gap in their education which is never repaired. Add to these, the reputation of the institution itself sinks, the general literature of the country is depressed, and the world suffers an incalculable loss.

Another evil is, the salary and other rewards for the service of college officers do not depend at all, or in any adequate extent, upon the extent of the services rendered. The salary is fixed and limited. Whether the officer is energetic and enterprising, or otherwise, whether he gives

good satisfaction to his pupils, and draws many to his instructions or not, whether he does all he can to elevate and sustain the character of the institution, or leaves the whole weight and responsibility of its reputation upon others; in short, whether the institution flourishes or declines, *his* income is the same and his pay is sure.

If an officer should exert himself beyond his associates, or has health and mental energies which enable him to tower above the rest, he has not only no adequate compensation for his services, but he often has the mortification of seeing others in comparative idleness living upon the credit of his labors; under such circumstances it can scarcely be expected that any great enthusiasm would be excited to keep up the credit of a college, or advance the interests of education in the inferior seminaries of learning. If men are actuated by the love of science or are impelled by pure benevolence, neither nor both of these influences can induce them to make extra exertions for the world when the merits of those exertions are consumed by their incompetent or unenterprising associates.

It is probably owing to some or all of these causes, both in England and America, that there is less enterprise in the colleges than *out* of them. While the Universities of France, of Germany, and Scotland, have been contributing largely to the literary and scientific wealth of the day, what h s been done for a half century in the Universities of England or America?

They have in some cases abridged, compiled, and translated, but what have they added to the original stock?—Their citizens have enterprise, but, with a few honorable exceptions, they shew it every where else more than in their colleges and Universities. This is not the result of accident, there must be causes; and these causes should be removed. If what we have just been noticing be the causes, the remedy is plain. Human minds need excitements to action, and daily this is evident, not only from experience, but also from the course pursued by the all-wise Governor of the Universe, in the economy of nature, of Providence, and of grace.—He has made it for the interest of man to obey his laws, and to perform painful and laborious duties.—Now the perfection of philosophy is to carry out into all the departments of human life, the economy of God.—In all human enterprises therefore, we should shew our wisdom by doing as God does,—make it for the interest of those employed to be vigorous and faithful,—let their gifts make way for them, so that they shall receive a remuneration to themselves, and produce advantageous influences upon the community, commensurate with their talents and exertions. To be more specific in reference to the case before us.—Let the common schools be conducted by those who require and employ them—Let our higher seminaries be equally free—Let our faculties have a voice in the choice of men to fill vacancies in their board—Let suitable provision be made to remove inefficient men from office;—Stated and thorough examinations of the classes shonld be had under the direction of an impartial examining committee; and the proficiency of the students should be noted in direct reference to the competency of their instructors, as well as to determine the standing of students.—A college corporation ought to have a committee to examine into the standing of their officers of instruction, as regularly as one to audit the account of their Treasurer,—And to do this it is not necessary to examine these officers, their official character will be written on the mind of their pupils, and may be known and read of all men. It has been well said, that he "who cannot put his mark upon a student is not fit to have one." Examine this mark, and by its dimensions and character you will judge of the hand that made it.—Let it therefore be well understood as a condition of office that when a teacher's pupils are deficient he must give place to another.

That each instructer may have the credit and avails of his own labour, let his permanent salary be fixed at a bare competency for his own support, and let all beyond depend upon the general prosperity of the institution, and especially upon the extent and success of his own labors.

These general principles, if judiciously applied in the first organization of all our Provincial literary institutions, would be a great improvement.

Was it not that my report is swelling in size much beyond what I intended it should have been, I should have made some remarks upon the course of study to be pursued in the various classes of common schools, from the infant schools to the first class of those schools as well as to our high schools, *District schools*, (if continued) Grammar schools, Colleges, and University, comprehending the character and order of the studies, the text books and modes of instruction. But this would lead me into detail that would not be interesting, and I fear prevent the reading of what I deem important, and especially as I have already remarked upon the most important of those points, in my view of the character of the knowledge to be imparted to youth.

The *government*, *classification*, and *graduation* of students.

The government of a well regulated literary seminary is not a monarchy, an aristocracy, or a republic, but it is *patriarchal*. The nearer it approaches to this character, the more perfect it is.

Like a household, a literary institution should have but one head, and that head should have ability to govern, or he is unfit for his office. In this government, it is true, he ought to be assisted by the subordinate officers, but the government itself should be a unit, and receive its direction and influence from a common head.

The government of a seminary of learning, like a household, admits of no interference from abroad. A code of statute laws from a board of trustees, for the officers to execute among the students, will never be respected. Such a course, had not custom sanctioned it, would be deemed an insult to the immediate government and an outrage upon its authority. The student should feel that he is offending against his father and friend, and against the peace and prosperity of the community in which he has a common interest. Like a family, the intercourse between a student and the President and Professors should be of an affectionate and familiar character. Faculty meetings before whom the young transgressor is arraigned wth all the sternness of a public prosecution on the one hand, and with all the cunning duplicity of a studied defence on the other, should be avoided.

I cannot feel justified to close my remarks on the subject of Government without giving my decided testimony in favor of a moral and religious influence to aid in the government of youth. This is of paramount importance.—With such an influence government is easy; without it, good government is impossible.

On the subject of classification there has, of late, been much said, and much to the purpose; but there are still different opinions.—The question in dispute is simply this:—Ought scholars to be classed by the year as they now are in most colleges; or ought they to be classed according to their advancement in their respective studies, without reference to time?—The arguments in favor of the latter method, in my opinion, abundantly preponderate. Indeed I know of no plausible argument in favor of the prevailing course except it be the lessening of the labor of instruction. And this method was originally adopted, doubtless, not for the good of the pupil, but for the ease of his instructor. But what reason is there why college teachers should not labor as much as others? In high schools and academies, as also in primary schools, Teachers labor six and seven hours in the day, but in colleges not half that time, even in term time, and yet the officers have vacation one quarter of the year! Is there any good reason forthis? Let him that enters upon the care and education of youth make up his mind for responsibility and labor, and then he will be prepared to adopt a system of classification which, while it only doubles the duties of the teacher, will increase the advantages of the student tenfold.

Yes I believe in many instances it will add to the student's advantages tenfold. He will not beobliged to hasten over his studies without knowing them, in order to keep up with his class, neither will he be retarded in his progress to accommodate the dull or the feeble. If he loses any time by sickness or necessary absence, or if for want of quickness of apprehension in any particular branch he falls in the rear of his class, he will not, as is the case in most colleges either lose a year for the want of a few weeks or months, or what is more common,and still worse for the student, be dragged on to a disadvantage, and carried through *in name*, without *in fact*, knowing the science. In the proposed method of classification, the arbitrary and pernicious distinctions of superior and inferior grades will also be done away; and this will have a favorable bearing in more respects than one;—It will open the way for the honorable introduction of a very promising portion of youths into the college classes, who wish the advantages of the college for a course more or less extended in the sciences and modern literature, to the exclusion of the classics, and who, though most of the American Colleges have of late opened their classes for their reception, have not entered them, undoubtedly because they would have to do it under circumstances of inferiority, which American youth cannot readily submit to, and this will always be the case, probably so long as the present mode of classification is kept up—But this point will be more fully elucidated in the next topic of discussion, which is—the Graduation of Students.

Academic degrees are signs, true or false, of certain literary and scientific attainments.—But according to general usage, the first of these degrees requires a four years course in college, and, nominally at least, a knowledge of the Greek and Latin languages, and ancient literature, and the course to this degree is sub-divided into the yearly classification already alluded

to. The second degree also depends upon time, without even an inquiry into the candidate's literary advancement; so that when the first degree is conferred, the second might be added at once, with the proviso that it should not take effect under three years; and all the purposes of the degree would be answered. These leading features of college and University Constitutions were adopted at Cambridge and Oxford in England at an early period in the revival of learning, and from them the patterns have been furnished for American Institutions. It would be difficult, I think, to give a satisfactory reason at any period for this *annual classification*, and for making a given period of years an essential qualification for a literary degree; but there certainly was a reason, as we have shewn for making the Greek and Latin an essential part of a college course, and the same reason would require that literary degrees should be conferred on such only as underrtood these languages. But those reasons have passed away, and the whole system is now evidently defective.—The evils are twofold;—First, these degrees are after conferred on the undeserving; and secondly, they are often withheld from those who deserve them.

It is important that the world should know what to depend upon when a man presents a diploma from a literary institution. But it is a notorious fact that as these are now distributed they afford no satisfactory evidence that those who hold them are learned men.—And is this treating the cause of literature with respect, or the world at large with common honesty?—The patrons of learning have in this way lowered themselves and their institutions down to a reproachful level. They respect not their own literary standards and honors, and therefore the world at large will not respect them. These honors have been exposed in the market, and have been struck off, not indeed to the highest bidder but to almost any one who would reside within the college walls and pay the college bills for a given number of years. It is true if the student would get through without much study, he must be skilled in one art—that of deception and lying. One day he must be sick—another time he must mistake his lesson—then again he must over sleep himself by mistake, and the next time get a friend to write his exercise for him; and occasionally, especially when the author is treating upon a part of science easy to be understood, he must appear in recitation room and make a great display in the exhibition of what he knows.—If he does not understand these arts when he enters, he soon gets this part of his education, and readily qualifies himself for a degree in all the college arts of deception and falsehood. The fact is, the youth wants the honor of a degree, and is too lazy, or perhaps too dull to obtain the requisite qualifications in the given time; or his father or guardian has determined that his son or ward shall have the honors of a graduate, in either case the object of the boy will be to get on and get thro' without being denied his deploma. And unfortunately this is not difficult. *Time* having been fixed upon as one of the principal criteria of his advancement, this at length has come to be almost the only requisite, including perhaps what a youth would naturally acquire by being in a literary atmosphere, and mingling with books and students. If he is a little deficient the first year, it is a pity to put him back a whole year and therefore he is allowed to go on; and so he drags himself on, falling in the rear a little more every year, to the last; and now although he could not perhaps, on a fair examination, turn round and re-enter a fresh man, still, as he has gone through his *years*, and paid his bills, the least that can be done is to give him his degree and let him go, hence scores of *uneducated graduates* go forth yearly from literary institutions, with their deplomas signed and sealed, and their names splendidly enrolled as admitted *ad primum gradum in artibus*, in due and ancient form.

By this I do not mean that none get a good education in colleges. The greater portion, perhaps, are well educated. I only mean that many are graduated, and have the *testimonials* of education who have not the *character*.

On the other hand, the present principle of conferring degrees excludes from these testimonials all who have not, professedly at least, become acquainted with the ancient classics, whereas if these honors are of any value, they ought to be given to the proficient in modern literature and in the sciences, as well as to the classical scholar. I do not mean to say the same degrees should be given to both classes. If the present degrees are sanctioned and consecrated for particular attainments, I have no desire to see them changed, provided they are not prostituted to confer a deceptive honor on heads "that do not know and will not learn." But I insist that public and official testimonials ought to be given to the mere English scholar. In short let the deploma of a College tell the truth and nothing but the truth, respecting the literary and scientific attainments of the graduates, so far as this can be ascertained by a thorough and critical examination, and let it be denied to none who deserve it.

The leading principles here proposed, are such as appear to me to be the choice of those practical men who, from long experience and careful and critical observation have recommended, so far as I could comprehend their views; it is true some may be startled at what may seem to them hazardous innovations of old systems, but it should be understood that these principles, though unpractised among us, are not new; most of them have been adopted and successfully practised upon by some of the most flourishing institutions in Europe; and some of them have recently been incorporated into several collegiate institutions in the United States, & are strenuously advocated by many of the most enlightened men in the world.

But was there ever a more auspicious period than the present for literary reform? If I rightly understand the signs of the times, we stand upon the threshold of a new dispensation in the science of education, and especially in the history of common schools, colleges, and universities in this province. The flattering prospects of our being permitted legally to dispose of the school lands of this province, so long dormant—the sale and appropriation of the Clergy Reserves for the purposes of education, and above all by our having control of the other natural resources of the province, we shall be enabled to provide respectably and permanently for the support of literary institutions in every part of the province; while by remodelling the charter of King's College so as to adapt the institution to the present state of the science of education and wishes and wants of the people of this province, and by all our own literary institutions being so constructed as to serve as nurseries from which the youth may be transplanted to an institution where they may grow to maturity and spread out with the increasing improvements of the age, while at the same time they collect into a luminous focus every additional ray that emanates from the sun of science to renovate the tree of knowledge.

With such charming prospects before us, with what alacrity and delight can we approach the subject of education to make liberal, permanent and efficient provision for the education of all the youth of Upper Canada to cause "the blind to see, the deaf to hear, and the dumb to speak" and above all to make certain and extensive provision for the support of schools for teachers and tutoresses, and while upon the subject of "normal schools" I cannot too earnestly recommend the careful and attentive reading of the extracts made from the report of Victor M. Cousin upon that subject, and appended to this report.

Nor can I for the life of me comprehend why similar schools for the education of female teachers may not prove equally advantageous to the cause of education and to the happiness and ornament of society. And next, to provide competent female teachers. One of the first objects that need to be attempted in regard to female education, is to secure some method of rendering female institutions permanent in their existence and efficient in perpetuating a regular and systematic course of education. This is secured for the other sex by institutions so endowed that the death or removal of an individual does not hazard their existence or character. They continue year after year, and sometimes for ages, maintaining the same system of laws, government, and course of study. But in regard to female institutions, every thing is ephemeral; because in most cases every thing depends upon the character and enterprise of a single individual. A school may be at the height of prosperity one week, and the next week entirely extinct. Communities seem almost entirely dependent upon chance, both for the character and perpetuity of female schools. If good teachers stray into their bounds, they are fortunate; if poor ones, they have no remedy. Thus the character, the conduct, and the continuance of those who are so extensively to mould the character of the future wives and mothers of this province are almost entirely removed from the control of those most deeply interested.

One method which may tend to remedy the evil is the investment of property in buildings, furniture, and apparatus devoted to this object under the care of a suitable corporate body. It thus becomes the business of certain responsible men that the property thus invested shall secure the object for which it has been bestowed. But this method alone will not avail, for though the probabilities are greater that endowed institutions will be well sustained, it is often found that they do fail in securing a systematic and perpetuated plan of education. There needs to be added a well devised plan of Government and course of study, together with that division of labor existing in colleges which secures several able instructors to the same institution, and in such a way that the removal of any one teacher does not interrupt the regular system of the institution.

That this can be accomplished in regard to female institutions as well as those for the other sex, is no longer problematical, for it has already been done; and what has been done can be done again. One female institution, at least can be

referred to in which a regular system of government and instruction has been carried on for a course of years, until an adequate number of teachers and pupils has been fitted to perpetuate the system, so that as one teacher after another was called away, others were prepared to take their places; and thus the whole number of teachers, from the principal to the lowest monitor, has been repeatedly changed, and yet the same system and course of study have been preserved, while there is as fair a prospect of future perpetuity as is afforded by most colleges.

Another object to be aimed at in regard to female education is, a remedy for the desultory, irregular, and very superficial course of education now so common in all parts of our Province, and I may add in the neighboring country.—When young men are sent to obtain a good education, there is some standard of judging of their attainments, there are some data for determining what has been accomplished. But in regard to females, they are sent first to one school and then to another; they attend a short time to one set of studies and then to another; while every thing is desultory, unsystematic and superficial. Their course of study is varied to suit the notions of parents, or the whims of children, or the convenience of teachers; and if a young lady secures a regular & thorough course of education, it is owing either to the uncommonly good sense and efforts of parents, or to the rare occurrence of finding teachers sufficiently stationary and persevering to effect it

The remedy for this evil (in addition to what is suggested in previous remarks) is to be sought in co-operating efforts among the leading female schools in the Province, to establish a uniform course of education adapted to the character and circumstances of females, to correspond with what is done in colleges for young gentlemen. The propriety of giving titles of honor to distinguish females who complete such a course may and will be questioned. It certainly is in very bad taste, and would provoke needless ridicule and painful notoriety, except to those who propose becoming teachers.—But if the leading female institutions in this province commencing with those in this city, were to combine to establish a regular course of study which should be appropriate and complete, it would prove an honor and advantage to young ladies to have it known that their education was thus secured; and it would also prove an advantage to the schools, as they would thus gain the reputation of sending out uniformly well educated pupils—other schools would gradually adopt the same plan; and thus the evils alluded to, will, to a great extent, be remedied. These measures would have the same effect on female education as medical and theological schools have upon those professions—they tend to elevate and purify, although they cannot succeed in banishing, all stupidity and empiricism.

Another object to be aimed at in regard to female education is, to introduce into schools such a course of intellectual and moral discipline and such attention to mental and personal habits as shall have a decided influence in fitting a woman for her *peculiar* duties. What is the most important and peculiar duty of the female sex? It is the physical, intellectual, and moral education of children.—It is the care of the health and the formation of the character of the future citizen.

Woman, whatever are her relations in life, is necessarily the guardian of the nursery, the companion of childhood, and the constant model of imitation. It is her hand that first stamps impressions on the immortal spirit that must remain for ever,—and what demands such discretion—such energy—such patience—such tenderness, love and wisdom—such perspicuity to discern—such versality to modify—such efficiency to execute—such firmness to persevere, as the government and education of all the various that characters and tempers they meet in the nursery and school room. Woman also is the presiding genius who must regulate all those thousand minutiæ of domestic business that demand habits of industry, order, neatness, punctuality, and constant care. And it is for such varied duties that woman is to be trained. For this her warm sympathies, her lively imagination, her ready invention, her quick perceptions, all need to be cherished and improved; while at the same time those more foreign habits of patient attention, calm judgment, steady efficiency, and habitual self-control, must be induced and sustained.

Is a weak, undiciplined, unregulated mind fitted to encounter the responsibility, weariness, and watching of the nursery—to bear the incessant care and perplexity of governing young children—to accommodate with kindness and patience to the peculiarities and frailties of a husband—to control the indolence, wayward-ness and neglect of servants, and to regulate all the variety of domestic cares? The superficial accomplishments of former periods were of little avail to fit a woman for such arduous duties, and for this reason it is that as society has advanced in all other improvements the course of female education has been gradually changing, & some portion of that mental discipline once exclusive-

ly reserved for the other sex, is beginning to exert its invigorating influence on the female character both in England and America. At the same time the taste of the age is altered; and instead of the fainting, weeping, vapid, pretty plaything, once the model of female loveliness, those qualities of the head and heart that best qualify a woman for her duties, are demanded and admired.

None will deny the importance of having females properly fitted for their peculiar duties; and yet few are aware how much influence a teacher may exert in accomplishing this object. School is generally considered as a place where children are sent, not to form their habits, opinions and character, but sinply to learn from books, and yet whatever may be the opinion of teachers and parents, children do to a very great extent form their character under influences bearing upon them at school. They are proverbially creatures of imitation and accessible to powerful influences. Six hours every day are spent with teachers whom they usually love and respect, and whose sentiments and opinions in one way or other they constantly discover. They are at the same time associated with companions of all varieties of temper, character and habit. Is it possible that this can exist without involving constant and powerful influences either good or bad? The simple fact that a teacher succeeds in making a child habitually accurate and thorough in all the lessons of school, may induce mental habits that will have a controlling influence through life. If the government of schools be so administered as to induce habits of cheerfulness and implicit obedience, if punctuality, neatness, and order in all school employments are preserved for a course of years it must have some influence in forming useful habits. On the contrary, if a child is tolerated in disobedience and neglect, if school duties are performed in a careless, irregular and defficient manner, pernicious habits may be formed that will operate disastrously through life. It is true that mismanagement and indulgence at home may counteract all the good influences of school, and the faithful charge of parental duty may counteract, to some extent, the bad influences of school; but this does not lessen the force of these considerations.

Nor is the course of study and mental discipline of inferior consequence: the mere committing to memory of the facts contained in books, is but a small portion of education. Certain portions of time should be devoted to fitting a woman for her practical duties, such, for example, as needle work. Other pursuits are designed for the cultivation of certain mental faculties, such as *attention*, *perseverence* and *accuracy*. This for example, is the influence of the study of mathematics, while the conversation and efforts of a teacher, directed to this end, may induce habits of investigation and correct reasoning, not to be secured by any other method. Other pursuits are designed to cultivate the taste and imagination, such as rhetoric, poetry, and other branches of polite literature. Some studies are fitted to form correct moral principles and strengthen religious obligation, such as mental and moral philosophy, the study of the evidences of Christianity, the study of the Bible and of collateral subjects. Other studies are designed to store the mind with useful knowledge, such for example as geography, history, and the natural sciences. The proper selection and due proportion of these various pursuits will have a decided influence in forming the mental habits and general character of the pupils.

Another important object in regard to female education is the provision of suitable facilities for instruction, such as are deemed indispensable for the other sex, particularly apparatus and libraries.

The branches now included in a course of education for females of the higher circles have increased in the United States still nearly as much is attempted as, were it properly taught, is demanded of young men at college, little has been done to secure a corresponding change in regard to the necessary facilities to aid in female instruction.

To teach young men properly in chemistry, natural philosophy, and other branches of science, it is deemed necessary to furnish a teacher for each separate branch who must be prepared by a long previous course of study, who shall devote his exclusive attention to it, and who shall be furnished with apparatus at the expense of thousands of pounds, and to aid both teachers and pupils extensive libraries must be provided at the public expense.

But when the same branches are to be taught to females, one teacher is considered enough to teach a dozen such sciences, and that too without any apparatus, without any qualifying process, and without any library.

If females are to have the same branches included in their education as the other sex, ought there not to be a corresponding change to provide the means for having them properly taught; or are the female sex to be complimented with the intimation that a single teacher, without preparatory education, without apparatus, and without libraries, can teach young ladies what

it requires half a dozen teachers, fitted by a long course of study, and furnished with every facility of books & apparatus to teach young gentlemen. It is true such extensive public endowments are not needed for females as for the other sex, because their progress in many of the sciences never needs to be so extensive; but if these branches are to constitute a part of female education, is not *something* of this kind demanded from public munificence, that all be not left to the private purse of the teacher, who must furnish it from slender earnings, or remain unsupplied?

But the most important deficiency, and one which is equally felt by both sexes, is the want of a system of moral and religious education at school which shall have a *decided influence* in forming the character, and regulating the principles and conduct of future life.

When it is asserted that it is of more consequence that woman be educated to be virtuous, useful, and pious, than that they become learned and accomplished, every one assents to the truth of the position. When it is said that it is the most important and most difficult duty of parents and teachers to form the moral character, the principles, and habits of children, no one will dissent. All allow it to be a labor demanding great watchfulness, great wisdom, and constant perseverence and care. For what comfort would parents find in the assurance that their children are intelligent, learned, and accomplished, if all is to be perverted by indolence, vice, and irreligion? and what is the benefit to society, in increasing the power of intellect and learning, if they only add to the evils of contaminating example and ruinous vice?—The necessity of *virtuous* intelligence in the mass of the community is peculiarly felt in a form of government like ours—a beautiful appendage to the most perfect mixed monarchy, where the people are not held in restraint by physical force, as in despotic governments, but where, if they do not voluntarily submit to the restraints of virtue and religion, they must inevitably run loose to wild misrule, anarchy, and crime. For a nation to be virtuous and religious, the females of that nation must be deeply imbued with these principles; for just as the wives and mothers sink or rise in the scale of virtue, intelligence, and piety the husbands and the sons will rise or fall. These positions scarce any intelligent person will deny, so that it may be set down as one of the current truisms of society that the formation of the moral and religious principles and habits is the most important part of education, even in reference to this life alone. To this is added the profession of all who reverence christianity, that the interests of an immortal state of being are equally suspended on the same results.

But while this is the *verbal* opinion of society, what is the *practical* opinion, as exhibited in systems of education, particularly in schools.

We find in all communities a body of persons set apart for the express purpose of communicating knowledge and cultivating the intellect of childhood and youth; at the same time we find both parents and teachers uniting in the feeling that this is all that is required, and that it is not expected that they should attempt anything more. As the care of the intellect is the business given to teachers, we find that *some* success alway attends these efforts. However dull the child, or incompetent the teacher, at the end of each year it will be found that every child has learned something, and that the memory at least if no other faculty, is to some extent cultivated. Parents and school visitors find that the money employed is not spent entirely in vain, but that it does to some extent secure the object for which it was expended. But if parents or school committees should visit schools with such inquiries as these;—"How many pupils have improved in the government of their temper the past year?"—"How many are more docile and obedient?"—"How many are more strict in regard to veracity, honor, and honesty?"—"How many have improved in a spirit of magnanimity, self-command, and forgiveness of injuries?"—"How many have learned to govern their tongues by the law of charity, so as not to speak evil of others or to propagate scandal?"—"How many are more regardful of the duties owed to parents and mankind, and obliging to companions?"—"How many are more mindful of their highest obligations to God?"—and "How many, under the influence of fear and love to him, are practising more and more the self-denying duties of benevolence to all?"

Would not such questions, in most of our schools, awaken surprise, and be deemed irrelevant and almost impertinent, even if addressed to those whose express business it is to educate children.

Why is there this strange discrepancy between the avowed opinions and the practice of society?

Not because the moral and religious education of children is a matter with which teachers cannot profitably employ themselves. None will deny that teachers possessing the requisite character and experience, employed with the express

understanding that they are held responsible for the moral as well as the intellectual education of their pupils, and allowed sufficient time and opportunity for such duties, could exert a constant and powerful influence over young and plastic minds, placed for six hours each day under their entire control, and what peculiar advantages teachers enjoy, who, unbiassed by the partialities of parental fondness, can observe their charge when thrown into collision with all the various characters that meet in the school-room and play-ground, where often are developed peculiarities of character and temper that escape parental notice and care.

Nor does this strange inconsistency exist because teachers cannot give instruction in all the relative moral and religious duties, nor because they cannot become intimately acquainted with the peculiar temperament, habits, and deficiencies of every child, and point out its dangers and set before it the appropriate motives to excite to virtuous effort.

Nor is it because experience shews that it does no good to convince children of their faults, and to invite them to improvement. Nor is it because teachers cannot with propriety and success bring to bear upon the minds of children, the powerful motives of religious obligation; teaching them the claims of the Bible, the evidences of its authority, the proper mode of gaining a correct and independent knowledge of its contents while they daily appeal to it as the standard of moral rectitude, and employ its solemn sanctions to sustain its precepts.

Nor is it because parents all of them are so pre-eminently well qualified to understand and regulate the varieties of youthful character; a labor demanding such experience, wisdom, energy, perseverence, and self-denial; nor because they have such entire leisure to discharge these duties; nor because they are so entirely free from all liabilities to indolence, excessive indulgence, and blind insensibility to the faults of their children, nor because they always so wisely and so faithfully fulfil all these duties, that they have no need of such co-operating influences, from those whose business it is to aid in the education of children.

Nor, lastly, is it because there is any such essential difference in the religious opinions of the great Christian community that religious and moral instruction cannot be introduced into public schools without encroaching on the peculiarities of those who support them.

Those great principles of religious truth and moral duty in which all agree, are the only ones which are needed in the moral education of children at school.

All agree that the Bible is the true standard of right and wrong, and the only rule of faith and practice. All agree that the evidences of its divine authority should be understood, and that its contents should be studied.

All agree that the Bible teaches that mankind are in danger of eternal ruin; that all have become sinful, that a way of pardon and salvation has been secured through the atoning sacrifice of the Redeemer; that whenever love to God, and the desire to do his will, is the regulating principle of the mind, men are prepared for Heaven; and that without this character no happiness is to be hoped for in a future state; that no man will ever attain this character without supernatural aid from the Spirit of God; and that such influences are to be sought by prayer and the use of the appropriate means of religious influence; that as the Bible is the standard of rectitude in all moral and relative duties, children are to be educated to understand its precepts and urged by all the motives it presents to obey them.

There is not one of the largest Christian denominations that would refuse assent to any one of these positions, and these principles are all that need to be employed in forming the moral and religious character of children at school. The point in which these sects differ relate either to forms of church government, or to the rights of the church, or to the philosophy of religion, and these peculiarities never need be introduced into school, but can be taught by parents and religious teachers elsewhere.

But if any religious sect attach such importance to their own peculiarities as to fear the influence of religious instruction exerted by those who differ from them on these points, they could institute schools taught by persons of their own sect; and though they might involve some dangers and some evils, yet there would be the counterbalancing good which is often found to be the result of sectarianism, more would be accomplished in a good cause than would have been had no such jealousy existed.

One thing is certain, if religious influences are banished from our provincial system of education, every denomination will be injured in its most vital interests. For one who would be proselyted by a sectarian teacher, ten would be ruined by the vice and irreligion consequent on the subject of moral and religious influences.

Our schools must have these influences; but whether it shall be by the united or by the sepa-

rate action of religious sects is a matter of secondary consequence.

The reasons for the neglect of moral and religious education at schools are, in the first place, the fact that intellectual superiority has too high a relative estimation in society. Men do award to genius and knowledge an estimation not rendered to amiable character, true virtue, and sincere piety.

Another reason is that mankind are not aware how much might be effected by teachers, in the most important part of education, were they properly trained for these duties and allowed sufficient time and opportunity for the discharge of them.

Another reason is, that,to a very wide extent, teachers are not qualified for such duties,—do not know how to undertake them, and do not understand or feel their obligation on this subject.

And the last reason is, that such are the present systems of education, so many pupils aregiven to the care of one person,and so great a variety of branches are to be taught by a single individual,that in most cases it is utterly impossible for teachers to attempt properly to discharge their most important duty, without so neglecting what parents consider the *only* business of a teacher as to occasion dissatisfaction and the removal either of teacher or pupils.

Until public sentiment is so changed that teachers shall be educated for their profession, and parents are willing to pay the price for such a division of labor as will give time and opportunity for the discharge of their most sacred duties, it is desirable that conscientious teachers should realize how much is left undone in moral education that might be accomplished.

In regard to education the world is now making experiments such as were never before made. Man is demanding disenthralment alike from physical force and intellectual slavery; and by a slow and secret process one nation after another is advancing in a sure though silent progress. Man is bursting the chains of slavery, and the bonds of intellectual subserviency; and is learning to think, and reason, and act for himself, and the great crisis is hastening on when it shall be decided whether disenthralled intellect and liberty shall voluntarily submit to the laws of virtue and of Heaven, or run wild to insubordination, anarchy, and crime. The great questions pending before the world are simply these:—"Are liberty and intelligence, without the restraints of a moral and religious education, a blessing or a curse?"—"Without moral and religious restraints, is it best for man to receive the gift of liberty and intelligence, or to remain coerced by physical force and the restraints of opinions and customs not his own?"

The master-spirits of the age are watching the developments as they rise, and make their records for the instruction of mankind.

And what results are already gained?—In England the experiment has been made by Lord Brougham, and at great expense, knowledge has gone forth with increasing liberty, and all who have witnessed the results are coming to the conviction, that increase of knowledge, without moral and religious influence, is only increase of vice and discontent? And what are the results of the experiment in France?—The statistics of education shew that the best educated departments are the most vicious, and the most ignorant are the freest from vice,—and in that country, where the national representatives once declared that christianity should be banished, and the Bible burnt, and the sabbath annihilated, we now find its most distinguished statesmen and citizens uniting in the public declaration, that moral and religious education must be the foundation of national instruction. Victor Cousin, one of the most distinguished philosophers of the age, and appointed by the King of France to examine the various systems of education in Europe has reported as the result of his investigations, that education is a blessing just in proportion as it is founded on moral and religious principles.

Look, again, at Prussia! with its liberal and patriotic monarch, with a system of education unequalled in the records of time, requiring by law that all the children in the nation be sent to school from the first day they are seven years of age till the last day they are fourteen, with a regular course of literary and scientific instruction, instituted for every school, and every teacher required to spend three years in preparing for such duties, while on an average one teacher is furnished for every ten pupils through the province. The effects of merely intellecual culture soon convinced the monarch and his counsellors that moral and religious instruction must be the basis of all their efforts; and now the Bible is placed in every school, and every teacher is required to spend from one to two hours each day in giving and enforcing instruction in all the duties of man toward his creator, towards constituted authorities, and towards his fellow men.

The object aimed at is one immense and difficult enough to demand the highest exercise

of every energy and every mode of influence. If Prussia, with her dense population, finds one teacher for every ten children needful, the spareness of population in our wide territories surely demands an equal supply. At this rate *thirty thousand* teachers are this moment wanted to supply the destitute; and to these must be added every year *four thousand* simply to meet the increase of population. But if we allow thirty pupils as the average number for every teacher then we need *ten thousand* teachers for present wants and an annual addition of *one thousand* for increase of population. And yet what has been done—what is now doing—to meet this enormous demand? While Prussia, for years, has been pouring out her well educated teachers from her forty-five seminaries at the rate of one for every ten pupils; while France is organizing her normal schools in all her departments for the education of her teachers, and while every portion of the United States is alive to the subject of education—what is done in Upper Canada? What patriot—what philanthrophist—what christian, does not see that all that is sacred and dear, in home and country, & liberty, and religion, call upon him to awaken every energy and put forth every effort.

Does the heart fail and the courage sink at the magnitude of the work, and the apparent destitution of means? We have the means, we have the power. There is wealth enough. Nothing is wanting but a knowledge of our wants, our duty and our means, and a willing mind in exerting our energies. Our difficulties have been briefly noticed. It is the object of this Report to point out one important measure in the system of means that must be employed.

When we consider the claims of the learned professions, the excitement and profits of commerce, manufactures, agriculture, and the arts; when we consider the aversion of most men to the sedentary, confining, and toilsome duties of teaching and governing young children; when we consider the scanty pittance that is allowed to the majority of teachers; and that few men will enter a business that will not support a family, when there are multitudes of other employments that will afford competence and lead to wealth; it is chimerical to hope that the supply of such immense deficiencies in our national education is to come chiefly from that sex.—It is women, fitted by disposition and habits, and circumstances, for such duties, who, to a very wide extent, must aid in educating the childhood and youth of this province, and therefore it is that females must be trained and educated for this employment.—And most happily it is true that the education necessary to fit a woman to be a teacher is exactly the one that best fits her for that domestic relation she is primarily designed to fill.

But how is this vast undertaking to be accomplished? How can such a multitude of female teachers as are needed be secured and fitted for such duties? The following will shew how it *can* be done, if those most interested and obligated shall only *will* to have it done.

Men of patriotism and benevolence can commence by endowing two or three seminaries for female teachers, in the most important stations in the province, while to each of these seminaries shall be attached a model school supported by the children of the place where it is located. In these seminaries can be collected those who have the highest estimate of the value of moral and religious influence, and the most talents and experience for both intellectual and moral education.

When these teachers shall have succeeded in training classes of teachers on the best system their united wisdom can devise, there will be intructors prepared for other seminaries for teachers, to be organized and conducted on the same plan; and thus a regular and sytematic course of education can be disseminated through the province.

Meantime proper efforts being made by means of the press, the pupil, and influential men employed as agents for this object, the interest of the whole province can be aroused, and every benevolent and every pious female in the province, who has the time and qualifications necessary, can be enlisted to consecrate at least a certain number of years to this object. There is not a village in this province that cannot furnish its one, two, three, and in some cases more laborers for the field.

And as a system of right, moral and religious education gains its appropriate influence, as women are more and more educated to understand and value the importance of their influence in society and their peculiar duties, more young females will pursue their education with the expectation that, unless paramount private duties forbid, they are to employ their time and talents in the duties of a teacher, until they assume the responsibilities of a domestic life. Females will cease to feel that they are educated just to enjoy themselves in future life and realize the obligations imposed by heaven, to live to do good, and, when females are educated as they ought to be, every woman at the close of her school education will be well qualified to act as a teacher.

The establishment of institutions for the education of female teachers would also most successfully remedy all the difficulties in regard to female education which have been exhibited.—When female teachers are well trained for their profession, a great portion of the higher female schools will be entrusted to their care, and they will be prepared to co-operate in propagating a uniform and thorough system of female education, both intellectual and moral. When such teachers are scattered through the land, they will aid in enlightening the public mind in regard to permanently endowed institutions for females. By this means also essential aid will be rendered in advancing improvements in regard to physical education, in introducing useful exercises, in promoting a national taste for music, and in various other modern improvements.

It is perhaps here worthy of remark that from the reports of the temperance societies, both in Europe and America, seven tenths of all the common drunkards in the world are men who cannot read and write so well as to render these occupations agreeable and amusing to them. The mind of man, ever on the stretch for some active employment or amusement, when uneducated and unable to associate with men of letters, and incapable of reading, and the interest excited by books, by degrees relaxes and becomes almost unconsciously led into intemperance and vice:—as a proof, the fact that not more than 5½ per cent. of the individuals confined in Houses of Correction, Houses of Refuge, Bridewells, City and State Prisons, and Penitentiaries, have a common education. I shall be able to illustrate this fact in my report upon Penitentiaries, which I am preparing as fast as possible, with the little assistance I have. I will, however, here copy one extract from the report of the agent of the Sing Sing State Prison, of last year. The agent says that in the Sing Sing state prison containing 842 prisoners, there, in August last, only fifty had received any hing like an education;—The following is his statement.

"There are at present 842 prisoners;—of these 170 can neither read nor write—34 have never been at school—85 can read, but cannot write—510 can read and write, but most of them very imperfectly—42 had a common education—3 went through college; of the whole number 485 had been habitual drunkards, about one third of whom committed their crimes when actually intoxicated."

The Warden of the Eastern Penitentiary in Pennsylvania says, that in 1834, 219 prisoners in the whole had been received—of these 42 could not read nor write—59 could read but not write—118 could read and write, but 98 of them but very indifferently; leaving only twenty who had received any thing like a common education. If Legislators are justified in the enactment of laws for the punishment of crime, how much more ought they to be vigilant and active in adopting such measures as will be best calculated to suppress and prevent it; the door is now open, the means are now within their reach, the school funds of the province are about to be made available for purposes of education, and our future greatness depends much upon the first application that is made of these means;—then let the honorable the House of Assembly reflect maturely upon the propriety of establishing at once one seminary for teachers in the east—one in the centre, and one in the West part of this province—devoted principally to the education and qualification of teachers; and endow not less than one female seminary for the education of female teachers, and allow a portion of the school funds as soon as they are available for the purposes of education, to be set apart expressly for the support, qualification, and education of male and female teachers; one school of this sort will soon be required in every district of this province, and would, I verily believe, contribute more to the advancement of science and literature than the expenditure of much larger sums in the support of common schools or higher institutions of learning, and while I do not recommend the sinecure pension compulsary system of Prussia for adoption in this province, as is seen by the bill accompanying this report, but rely upon the exertions of teachers to secure to themselves continuance in their employment, and by the prudent saving the avails of their earnings, when they become by age or infirmities disqualified from teaching a school they may have the comforts of life secured to them by their former economy and industry; and I am the more explicit upon this point, as I believe that frugality and economy in a money-making country like ours, are virtues that ought to be taught the youth of the land. by the examples of their preceptors as well as their precepts; besides moral instruction is but badly taught by the profligate and intemperate; and I am much inclined to believe that "as is the master so is the child"—then pay your teachers—provide for their qualification—and be careful in their examinations and the examinations of their schools.

And perhaps the recent rapidly increased prosperity of the United States, and of the northern, eastern, and middle States in particular,

may be attributed more to the extensive and general diffusion of education through the medium of their common schools and other literary institutions, and the almost entire suppression of the use of distilled spirits among them than to any other causes. The millions of dollars worth of distilled spirits consumed in 1830 over and above the quantity consumed in 1835, shews how much has been saved in that item from the fire that not only burned up itself, but consumed with it *time*, character, and constitution, and with other expenses amounted altogether to a sum equal to all the revenues collected in the United States during the same period; but in my report upon prisons and prison discipline which I am preparing I shall give such authority for these opinions, as will be hardly questionable.

In submitting the accompanying bill, I have adopted such parts of the system referred to as are the most popular with those countries where the subject has undergone the most recent and thorough investigation—and while I claim no merit for anything original in the system of education thus attempted to be introduced, or for anything new in the bill by which this improvement is designed to be accomplished, I cannot refrain from remarking that it combines simplicity with precision—clearness with perspicuity—and is adapted in style and language to the capacities of those persons who are most interested in it, and is so clearly explained that the most ordinary mind can, if required, carry any of its provisions into complete effect. It is designed to be a system of common school education, founded upon the wisdom and experience of the past as developed in the reports of the most literary men of the age both in Europe and America. Lord Brougham's elaborate report shews how cheaply and perfectly a large community may be educated, where the work is undertaken in right earnest, and where a proper system is pursued. Mr. Dick, who has brought the system of education in Scotland to far greater perfection than any who had preceded him, illustrates the necessity of interesting parents and guardians in the education of their children, and modes to accomplish the object. Mr. Cousin, in his valuable report upon the Prussian system of education, proves that in absolute monarchies parents must be compelled to educate their children, or they neglect it; and it is contended that the state that has power to punish crimes, has, and of right ought to have, power to prevent it; by educating the children of the empire in science, morality, and virtue. In the United States various means have been adopted to educate the whole people so that mind shall rule, and in fact the energies of the civilized world seem directed to the same great and grand object, the moral and religious education of the whole people as the most effectual method of preventing crime and misery.

By this bill the inhabitants of every township may provide a portion of the funds necessary for the support of common schools by a *voluntary* tax upon their rateable property, and as an inducement to them to raise the funds required, one half of the public school money of each year is to be apportioned among such townships as raise a sum for the support of common schools not exceeding one penny in the pound. It also provides that each school district shall regulate its own affairs, build a school house, a house for the teacher with such comforts as they may think proper, establish mechanics' shops, or gardening for manual labor schools, by which the industrious may learn science, a trade, and make wages at the same time. It also provides for the education of teachers by establishing four normal schools there for the education of males and one for the education of females,—this has succeeded well in Prussia; why should it not succeed equally well in Canada? The nature & operations of the mind are the same in all countries, and the relations which exist between knowledge and the intellectual and the moral faculties, remain unchanged under every system of education and every form of government, & the practice of obtaining literary and scholastic information, by observation made under the direction of Government, by special commissioners for that purpose, to visit, consult, examine, and report the result of those investigations are not new, but the precedent has been established by the authority of some of the most enlightened countries both in Europe and America. But those exertions to correct by observation and comparison the defects and discrepancies of various institutions and systems of education, whether made by order of the Government, or by private philantrophy and enterprise, have been isolated, local and partial, and although their reports contain many important and interesting *facts* upon the several subjects thus investigated, they rather serve to show the defects in other institutions than lay down any general system of education not equally objectionable, and I must again repeat, the reason why we legislate so badly for the people upon this subject is, there is no instruction in the past.

If a general literary convention, composed of the men best qualified for the important subject

by their learning, ability, and independence of political, sectarian, and traditional prejudice, were to meet upon the subject of a general system of education founded upon *nature*, and adapted to the various capacities of the different sexes of all classes of community, and at all ages, such a system of education might be framed by such a convention after careful investigation and mature reflection, I am satisfied, as would be eminently useful to mankind, teaching by observation and constant practical demonstration on the part of the pupils themselves facilitate the acquirement of knowledge by giving the pupil clear and distinct *ideas* upon all subjects attempted to be taught him, by presenting every thing he is to learn to as many of his senses as he can approach the subject with thereby lessening the necessity of increasing the number of arbitrary names that must be learned before any familiar association is connected with them, which would serve the cause of literature, humanity, and philanthropy most materially.

I am quite satisfied that without regulations far more extensive than has yet been introduced, a control far more enlightened and constant than has yet been exercised, and fiscal aid far more ample than has yet been afforded, it is vain to expect that the character of our common schools can be truly and permanently improved.

In the United States, so far as I have witnessed and am capable of judging, their common school systems are as defective as our own. They have, according to their public documents, about eighty thousand common school teachers, but very few of whom have made any preparation for their duties; the most of them accidentally assume their office as a *temporary* employment.

Thus the lame and the lazy, because they will work cheap, are entrusted with the formation of the minds of our youth, who will to a certain extent copy their masters, and although their bodies may not limp, their minds will be both sluggish and deformed. Hence the necessity of having teachers correct gentlemanly persons well prepared for their arduous responsible office, and fit models for the youth of the country to imitate. Schools for the education of teachers should be immediately established and supported out of a fund permanently appropriated for that purpose.

Competent common school teacher inspectors should be appointed to prevent the disqualified from entering into the responsible *profession* of teaching.

The laxity or ignorance of many of our inspectors are the causes of the low and almost useless condition of many of our common schools. They have acted upon the principle that a poor school is better than none.—Universal correct education is the only true security of life and property.

In proportion to the aggrandizement of the province, will be the complication of the various branches of public instruction and the importance of the direction which the whole may receive from the hand of government—while the detais are left to the local powers, school districts or townships. Yet from what I have already witnessed of the rapid progress of education in some of the states of the Union, especially Kentucky, where the spirit of improvement, as well as the thirst for education, has but just commenced, I am satisfied that there, at least, a new era is forming in science and literature; for while reform is rapidly progressing in arts and sciences as well as constitutional governments, the education of our youth cannot go on the same circuitous route; but a system of educating, furnishing, and liberally paying a sufficient number of competent teachers commensurate with the wants of the people must be adopted and publicly and zealously supported; the situation of "common school teacher" must be rendered respectable and reputed to be an honorable employment that gentlemanly competent persons may seek it as a business for life; which may be done by a critical examination of the teachers and a frequent examination of the schools by public exhibitions of their improvements, and by publishing reports awarding "merit to whom merit is due."

The Inductive system, founded upon nature and supported by facts, is superseding the former abitrary copying system learned from books alone or principally;—by this system children are taught facts from observation and the examination of natural substances, which are presented to as many of the student's senses as are accessible, and number, color, sound, size, touch, form, and ponderosity, become familiar to them as properties of matter, by daily reference to the materials subjected to their examination, and as facts become strongly impressed upon the mind, the number of ideas is increased; they are soon enabled to comprehend the characters of those bodies as they are explained by their instructor, during experiments made by themselves for their analysis or decomposition; at the same time that the language peculiar to that science is learned without much exertion the fact the idea already existing in the mind the name, or word was needed, and thus the language of the science is taught without exertion,

and natural science is taught by observation, not by the recollection of arbitrary names and almost incomprehensible descriptions of ideas obtained only by long and constant application from books, but by the easy and perfect natural channels of the senses, the names connected with a science (in common so difficult to retain) become a part of the ideas equally natural and associated in a plain common sense manner with the ordinary operations of the mind, or the common occurrences of life. What an interesting epoch is this in the history of letters and of science generally! What an era in scholastic erudition, and what ample security for the future will be afforded the people through all such parts of the world in which useful science shall be generally taught—that governments shall be well administered, and popular rights respected and protected. If this reform in science should prevail and be universally adopted, the time will have arrived when ignorance "(satan) shall be bound for a thousand years."

The Rev. Mr. Peers of Louisville, Kentucky, is teaching his pupils the art of self government and self instruction, he does not govern at all by fear—his objection to fear as a governing principle is that it debases and lessens the dignity of man;—but he governs his pupils by cultivating and strengthening the ennobling and elevating faculties and feelings of our natures, strengthening the social virtues, and increasing intellectual enjoyment. How pleasing is the view of his twenty boys, in whose countenances are seen strong marks of manly reflection and thought, with a strong wish to be correct in all their answers to his questions, and desire to please, without one symptom of fear upon that or any other occasion; they are between the ages of six and twelve years, and although they have been under his charge but a few months, he has rendered moral instruction so familiar to their understanding that they enter into the examination of the few passages of scripture daily read and commented upon with interest and good feeling. His first year of instruction is a year of observation and experiment by which to store the minds of his pupils with facts and ideas that may serve as a basis for a superstructure of the most useful kind, not a parrot-like noisy or showy imitation of some eminent literary man, but the knowledge of *mind*, of *thought*, and of *reflection*, tracing effects, to causes and providing to avoid (or support the unavoidable) evil, and embrace and enjoy the blessings of this life as they are presented to us; they are already familiar with the first principles of chemistry and mineralogy, and performed without instruction several beautiful experiments, and explained the phenomena as they occurred in a manner not only satisfactory but pleasing—know something of botany, geology, and natural history, were (small as they are) entrusted with the management of the very valuable glass furniture of his beautiful and well selected laboratory, his electrifying machine (which cost $150;) his air pump was of nearly equal value. Though much cheaper furniture might have explained the facts as well as those that are so expensive, yet these, from their dazzling splendor, make a strong impression on the mind; everything being perfect in their construction no failure can defeat any experiment, and the mind has nothing to supply to make up a complete operation, and when another less perfect instrument shall be used by the students, and defects are found, their clear recollection of this and its operation will enable them to supply the defects.

By the "Inductive System," the students collect *facts* and accumulate *ideas* from *observation*, and having a mass of facts, a fund of ideas perfectly familiar and at command, they are prepared for study of such arts and sciences as require the exercise of the reasoning faculties, their laudable ambition is gratified by the certainty of success, and of the rewards most valued by the good and virtuous.

Lord Brougham says—"The *schoolmaster* is "abroad in the land"—"Mind begins to assume "her place, and ignorance, with her handmaid "vice, must recede before her like darkness be-"fore the morning sun, or clouds before the "wind. Blow, blow, breezes blow, rise, rise "resplendent orb, with thy universal vivifying "and darkness dispelling beams—and hasten "the great and the good reform when mind shall "rule."

All of which is most respectfully submitted.

CHARLES DUNCOMBE,
Acting Commissioner for obtaining certain information.

To the Hon. the Commissioners,
Doctors Morrison & Bruce.

APPENDIX.

EXTRACT FROM M. COUSIN'S REPORT, AND THE PREFACE TO THE ENGLISH EDITION.

By furnishing a Preface to the American edition of the Report of M. Cousin to the French Government, "On the state of public instruction in Prussia," the publication of which has excited such a lively interest in England as well as in France, I do not think it necessary to eulogize its noble author or the merits of his incomparable work. The fact that M. Cousin, the scholar, the philosopher, and the legislator, has examined and reported by an appointment of the *French Government*, the workings of that admirable system of instruction adopted by Prussia and Germany, is a sufficient guarantee to make this volume welcomed by every American citizen. Many parts of this system of public instruction are not adapted to the spirit and feelings of the American people, nor to their form of civil government;—Yet from the results of this great experiment in giving the *whole people* that *kind* and *degree* of instruction which they need, some of the most useful and practical lessons may be obtained. The nature and operation of the mind are the same in all countries, and the relations which exist between knowledge and the intellectual and moral faculties remain unchanged under every system of instruction and every form of Government.

In Prussia, for the last fifty years there has been, from experience and experiment, a constant accumulation of practical knowledge, the evils either of teaching or of legislating, which appeared, have received a remedy, and the highest point of excellence of one age has been made the sterling point of improvement by the age succeeding. This experimental knowledge is what we want; the reason why we legislate for the education of the people so badly, is, *there is no instruction in the past.* If full and able reports on the different systems of instruction had been made, there would be a record of practical information which would contain lessons more valuable to the teacher and legislator than all the new projected theories and systems that were ever promulgated. But on the great subject of education there has been no book kept; there is no light in the past to throw its rays into the future; no voice to teach, and no decisions to counsel. With us what was experiment fifty years ago is experiment still. That which was conjecture then is uncertainty now. On the subject of education, teachers and nations had but little communication with each other—no exchange of views and sentiments—no mutual aid—each one has toiled alone, and their pratical knowledge has been buried with them.

But M. Cousin has made a full and faithful statement of the works and practical application of the well tried school system of Prus-ia. The American edition of this work will furnish our legisl. tors, school committees and school teachers, with instruction not only from the highest authority, but also from the most enlightened source. The general circulation of this report will in my opinion greatly improve our organized systems of public instruction, and furnish some of the most useful and practical hints to the guardians and teachers of our schools.

The School systems which the several States in this Union, whith the exception of four or five, have devised and adopted are miserable, deficient, and defective. Perhaps the workings of our best systems are such that even these exceptions should not be made. Says a very distinguished jurist and philantrophist;*—"Looking to the models of Germany and France, no system of public instruction has yet been organized in any of the States, and in none has the appropriate work of legislation been more than commenced. I do not hesitate to avow the belief that without regulations far more extensive than have yet been introduced—a control far more enlightened and constant than has yet been exercised—and fiscal aid far more ample than has yet been afforded, it is vain to expect that the character of our common schools can be truly and permanently improved." In several of the States the "School Fund" is large, but not equally or judiciously distributed. In some of the States, again, these funds are of such a nature, or are so invested, that the annual income is but very small, while in many of the states this fund is so insignificant that it affords but little or no advantage to the schools.

There is some difficulty in fixing the size of the school fund. On this subject legislators and intelligent citizens have professed very different opinions. After having some opportunities for observing the influence of large and small school funds, I will take this opportunity to express my convictions on this disputed point.

The School Fund may be too large, unless it is sufficient to defray the *whole expense* of the schools. The princely school fund of Connecticut is an injury to her schools. In that state the District Schools are supported till the annual income of the public fund is exhausted—being about six months. The school houses are then closed for the remaining part of the year. Now, it is true, that what we get without asking for or praying for, we do not care much about. Personal observation has shewn me that the common schools in Connecticut are sadly neglected. The intelligent and wealthy citizens of this state, (and it is so in many of the other states,) support *private* schools, and entirely shun and overlook the District School. I do not think that the common schools of Connecticut are as good as the common schools of Massachusetts or New-York. And the cause of this inferiority lies in her large school fund:—It does too much for the people unless it does the whole. But the school fund of Tennessee is too small. Its assistance is not felt, and therefore offers no inducement to the parents for making additional appropriations. Unless the school fund is sufficient to educate the *whole people*, I think the one which is now distributed in the State of New-York is in size the most judicious. It pays about one-tenth of the whole expence of the schools. This usually is sufficient to make the people support a good school for three months, for unless they do this they cannot draw the public money. When it is left optional with parents whether they educate their children or not, it is desirable to offer such encouragement and assistance that they will feel disposed to do their duty. This New-York does; but without doing the whole there is danger of offering too much assistance, and this Connecticut does. The funds may be so small, again, as to make the people wholly indifferent to the Government aid; and this is the case with Tennessee.

Now, I would recommend, that each state should raise a school fund, sufficient to the entire support of the schools—that a suitable school-house and apparatus, with a dwelling-house for the teacher, be furnished by the state for each district, and that every school-house be supplied with a well-qualified teacher, who shall receive from the state a suitable compensation. This, I think, is the proper size of a school fund.

The great difficulty is to educate and *secure* the *services* of a suitable number of able qualified teachers. I know of nothing in which this Government is so deficient as it is in competent teachers for her elementary schools. The people of the United States employ annually at least eighty thousand common school teachers. Amongst these eighty thousand teachers but a very few have made any preparation for their duties; the most of them accidentally assume this office as an employment. Now the schools will be like their teachers. Hence the necessity of having the teachers well prepared for

* John Duer Esq.

their arduous responsible office. In Prussia they are prepared in the Normal schools. *Similar Institutions to these sho'd be established and supported with us by the State Governments.* The State of New York, which employs ten thousand elementary instructors annually, should have ten seminaries for the education of teachers. The labors of teachers on an average cannot be expected to continue for a longer term than ten years. At this estimate the State of New York will require one thousand new teachers every year. Each of the ten seminaries might annually graduate one hundred. This provision would supply our schools with competent instructors. I am happy to state that an arrangement similar to this is about to be made in our state. In a sufficient number of the organized acadamies there is to be a department for the express purpose of educating teachers for our common schools. The teachers of these departments are to be supported in part by the Regent's fund. This arrangement under the present state of things is thought preferrable to the establishments of separate distinct seminaries. In these departments for the education of teachers the students should become familiar with the branches they will be expected to teach, with the nature and operations of the young and growing intellect, and with the art of school government. Connected with each of these Normal schools (to use the Prussian name) should be a board of instructors, whose duty it should be to examine the students who have finished their studies and are disposed to offer themselves as teachers of common schools. It is sincerely hoped that the guardians of our elementary schools will be much more rigid than they hitherto have been. "In organizing the school system, inspectors were appointed to prevent the disqualified from entering into the responsible profession of teaching. They are to judge what candidates are prepared for instructing, and to admit none but such as are qualified. The lavity and ignorance of many inspectors are the two great causes of the low and useless condition of many of our common schools. They have acted upon the principle that a poor school is better than none, and have given certificates to those who they knew were unqualified. Thus the candidates examination under the board of inspectors is often little else than mere form and ceremony; affording no obstacle to ignorance and immorality, and no measure for the discovery and encouragement of real merit and ability."* The trustees of the Normal Schools may be appointed by the Legislature and constitute the board of inspectors.

Every state needs a separate officer of public instruction. The minister of public instruction in Prussia gives his whole atention to the school and state of education. But in our state the general superindent of common schools is likewise Secretary of State. This is too much for one officer. There should be nothing to direct the attention of that minister who has the general supervision of the people's education. This public officer should also take the highest rank. In Prussia or in France the minister of instruction ranks with the highest officer of state. But singular as it may seem, in our own country, where education, if possible, is much more important, this is not the case. *Several of the states even have never had any such officer!!!*

District libraries should be established.—Every school district should have a library. Merely teaching the people to read will benefit them but very little unless they are furnished with books. From the want of books people are ignorant, and not in this country, generally speaking, from an inability to read. This, perhaps, to those who live in cities and large villages, may seem untrue;—this favored part of our citizens are rather annoyed with the fertility of the press—they have a greater want for time than for books, to read. But it is not so with the inhabitants of the school districts; but very few books reach this numerous class of citizens.—In some places there are town libraries, but even these are not visited by one person out of fifty in the town—they are too expensive, or too distant, or too elevated for the capacities and tastes of a majority of the people. Whenever these town libraries, however, have been opened, they are well supported. Their history and condition tell us that the people in the country have a disposition to read if they can have the privilege.

If there were libraries in every school district containing a suitable number of books, and of the right class, the country would be more of a reading community than the city; but so few are the works that ever circulate out of the city and villages, that the majority of the people in the country, seldom read anything whatever. The district schools in the State of New-York teach the most of the children in the state how to read, yet but very few in after-life make any use of this power; a great part, in a short time after their school-days are ended, entirely lose the power, or at least so far as to be ashamed to use it. Consequently, with a great part, the time spent in learning to read is lost; and this is not from the want of an inclination to read but from the want of such facilities as district libraries would offer.

These libraries may be recommended by the State Legislature; but it would not, perhaps, be expedient for the Legislature to order them, and then lay a direct tax upon the districts for the necessary funds. If the Legislature by small appropriations should offer some encouragement to these libraries and strongly recommend them, the most of the districts would obtain them without hesitation or delay.

The District Library may be located in the school house; a suitable room or book case being provided for the books. The teacher of the District School may act as the Librarian; the trustees of the District or the Inspectors of the town may constitute the purchasing committee, or there may be one purchasing committee for the whole state; and this appointed by the Legislature. In the latter case the same harmony might exist with respect to the wishes of the different sects that now exists in the Sunday school union. One dollar a year from each inhabitant in the District would furnish a good library; this collection of books would enlighten the teacher as well as his scholars and employers. Connected with the library, if the inhabitants feel disposed, may be a small apparatus, philosophical and chemical; likewise at leisure and taste may be given a cabinet of minerals, an herbarium, &c.; these collections would excite an interest in the study of natural history—a study of great interest and usefulness to the cultivator and the mechanic.

In Prussia and in France a weekly paper and a monthly magazine are published by the government and sent to all the schools. The schools of the United States ask their respective State governments for the same assistance. I do not know that a part of the school fund could be more wisely expended than in defraying the expenses of a weekly paper for each elementary school. This paper should be devoted entirely to the great interest of primary education; it should contain the improvements which are made in education in all parts of the world, the condition and improvement of the schools in the United States—the intellectual and moral state of the country—the number of its schools—and the character and qualifications of their teachers; it should study the human mind and know what is adapted to it, and point out the distinction between a change and an improvement; it should discover and make known the origin of the defects in the present system of instructions; it should ascertain the number of children in the United States who are in school, and the number who have not or do not use the means of education; it should make known the progress which the scholars make, and the amount of knowledge which the children acquire in these primary schools; it should discover the interest which the parents take in the education of their children, and the protection and assistance which literary men give to elementary education; it should convince the people of the necessity of

* District School.

virtue and intelligence in a free government; it should describe the various approved systems of instruction and the forms of school government—the experience of aged teachers in imparting instruction in the elementary branches—the most approved school books and the best method of making the children feel an interest in their studies, and of making the schools pleasant and honorable. These are some of the high and important subjects of a government paper for the use of schools.

To send a copy of this paper to each of the Schools in the State of New York, ten thousand copies would be required.—This number could be published weekly for three thousand dollars a year. One thousand more would edit it, making in the whole an annual expense to the great "Empire State" of only four thousand dollars. I do not think that this amount could be appropriated to a better purpose. An organ like this through which we may speak to our schools is wanted exceedingly.

I will close with a few remarks on the claims of common schools. "The necessity of virtue and intelligence among a free people is always admitted; yet the great majority of our citizens are almost wholly indifferent to the District Schools, —*the very sources of a nation's intelligence;* for, it is well known, nineteen citizens out of twenty receive all their education in them. In our common schools our nation receives its character and education. Then is not the condition and character of these schools a matter of the highest importance? They have in embryo the future communities of their land: with them the empire and liberty of these States must rise or fall, for they are at once the repositories of freedom and the pillars of the republic. Should not every individual feel the deepest interest in their character and condition? Should not the strong arm of Government be thrown around them for a protection? And should not the wisdom of legislation watch over and counsel them with a parental solicitude? To what purpose shall we enact laws unless there is intelligence to perceive their justice—principle to which they can appeal? And what other fountains of intelligence have we for the *whole people* but our common schools? The learned and wealthy should likewise see that the education of the infant mind is far less expensive to them than the support of the aged criminals,—that the fruitfulness of their minds depends not so much upon the richness of the soil as upon the intelligence of the cultivators, and that the labor of him whose head can help his hands is far more profitable than the service of the ignorant. This more favored part of the community should see likewise that universal education is the only true security of life and property."*

The Factory Commission, the Poor Law Commission, and other public and private inquiries have tended more and more to reveal the extent and urgency of our own intellectual and moral wants; while the perfect and harmonious picture of a system of education in full activity among a whole people differing in religion, laws, language, and habits, which Mr. Cousin had laid before France, has attracted the attention of enlightened and benevolent men, and has been mentioned with the profound admiration due both to the system and to the author of the report in all the foremost Journals of the country in the pulpit, and in the senate.

These cheering symptoms of a general tendency of the public mind of England towards the subject of national education have been watched with solicitude, and hailed with delight by all who are impressed with its importance; but by none with so much as by Mr. Cousin himself, who, highly as he estimates the approbation of England, will think his reward far higher if the labors he has devoted to his native country shall turn to the profit of her true and energetic ally in the cause of human improvement.

I have translated this book in the hope that by placing it within the reach of those to whom not only the languages, but the size and price of the original, might prove obstacles, it might excite the notice of the classes most interested in its diffusion. With that hope I have laboured to make it as plain as I could; and though as a translation it can have no other merit, I will not disguise that on this head I am most anxious to find I have succeeded.—If not, I must plead in my own defence that nothing is so difficult as to find in the language of one country, words expressing the laws, institution, and usages of another.

I offer it to no one as an amusing book; and even while I say I hope I have made it plain, I mean only to the patient reader who will go through it. There is such a coherency of parts, both in the fabric it describes and in the description, that no one will fully understand it who cannot bear the toil of following the author step by step. Portions may be selected which shew the beautiful spirit pervading the whole, and which must, I should think, touch any human heart; but its merit as a piece of legislation—as a a system living and working—can only be appreciated when studied connectedly and in detail.

The reasons that have influenced me (with the author's concurrence) to omit the report on Royal and Ducal Saxony, which forms nearly half of the original volume, are mainly two:—First, the consideration mentioned above, that it was only by making a small and cheap volume that I could accomplish the end I chiefly aimed at; secondly, that the part I have omitted embraces secondary instruction, or the education given in the Gymnasia (*i. e.* learned or grammar schools) of Saxony, and also still higher department of Universities. M. Cousin was of opinion that it would be well not to divert any portion of public attention from the subject of primary instruction—i. e. that education which is absolutely necessary to the moral and intellectual well-being of the mass of the people. This alone is treated of here. If it should appear that the English public desires to hear more on this matter, I may perhaps, unless it happily fall into better hands prepare, under M. Cousin's direction, a volume on secondary instruction, including what he has already published on the learned schools of Saxony, and adding matter upon which he is at present occupied. But this will depend on the reception given to the present attempt.

Whether it be done or not, I entreat the reader never to lose sight of the fact that what is here laid before him, although having in relation to its special object a substantive completeness, is still only a part of the whole, and that it is *as a whole* that the national education of Prussia is so peculiarly worthy of admiration and of study. The introductory view of the "general organization" &c. gives the outline of which the first portion alone is, for the present, filled up.

Constituted as the government of this country is, and accustomed as it is to receive its impulses from without (a state of things approved and consecrated by the national ways of thinking) it would be contrary to reason and to experience for it to originate any great changes. This is not recognised either by governor's or governed as any part of its duty;—it is to the public mind therefore that those who desire any change must address themselves.

It is not worth while at the present day to discuss whether or not national education be good. It is possible to imagine a state of society in which the laboring man, submissive and contented under some paternal rule, might dispense with any further light than such as nature, uncorrupted by varied wants and restless competition, might afford him; but if that golden age ever existed, it is manifestly gone,—in this country at least, for ever. Here the press is hotter, the strife keener, the invention more alive, the curiosity more awake, the wants

* District School.

and wishes more stimulated by an atmosphere of luxury, than perhaps in any country since the world began. The men who in their several classes were content to tread step for step in the paths wherein their fathers trod, are gone. Society is no longer a calm current, but a tossing sea. Reverence for tradition, for authority, is gone. In such a state of things who can deny the absolute necessity for national education?

Supposing however all agreed as to this first point,—how many weighty and difficult questions still remain! How many obstacles present themselves to the adoption of that which here stands before us, not in theory and conjecture, but in tried and successful practice? It may be useful to consider a few of those objections.

And first, as to compulsory education.—The idea to which I have alluded above—that the prime excellence of a Government is to let alone,—is so deeply and universally prevalent here, that there is little chance of a measure, however beneficient, being popular, which is unquestionably an infringement of liberty. Leaving however the question whether exemption from restraint is of itself the great *desideratum* for *men*, we may safely affirm that for the class most deeply interested in the present inquiry—*children*, no such exemption is or can be contemplated or advised. The real point at issue is whether the constraint shall be a salutary or a pernicious constraint; a constraint by which their whole future lives are sacrificed to the present interests of the persons who have the disposal of them; or a constraint, the object and tendency of which is to secure to them for life the blessings of physical, moral, and intellectual health. "If children," says the writer of the excellent article in the Foreign Quarterly Review (No. 24) "provided their own education, and could be sensible of its importance to their happiness, it would be a *want*, and might be left to the natural demand and supply; but as it is provided by the parents and paid for by those who do not profit by its results, it is a *duty*, and is therefore liable to be neglected."

The interference which government has lately exercised on behalf of the children of the manufacturing population, has, however, settled the question as one of principle; it is no longer anything but a question of degree; for if the right of parents over their children can be invaded for the purpose of securing to children an exemption from one class of evils, it can in averting another; and according to all sound reasoning it ought, if those evils be shewn to be of sufficient magnitude, to claim interference. It is irrational to expect that persons who have not had the advantages of education can form any estimate of the nature and extent of those advantages.—"Persons," says the able writer just quoted "of uncultivated and torpid minds, are not aware to what an extent education can raise, enlarge, and stimulate the understanding; in how great a measure it insures a person's happiness, and makes him both independent of the world, and a safe and peaceable member of society." Here and there we find an individual to whom strong sense and a lively curiosity reveal the magnitude of his wants; but a man has already gone beyond the first rudeness and apathy of ignorance who longs for knowledge. Are, then, the rudeness and apathy of the fathers a reason for transmitting them unaltered to the children? Or, to go higher, are the false notions, the useless acquirements, the imperfect instruction of the ill-educated of the wealthier sort, a reason that because they are satisfied with themselves, an enlightened government should permit the same waste and destruction of moral and intellectual faculties to go on from generation to generation?

To those who are influenced by precedent I am thankful to be enabled to give the following facts, for which I am indebted to a gentleman to whom M. Cousin looks for all the assistance in the great cause of education, that profound and learned acquaintance with the subject, united to ardent zeal, can afford:—

"I have always been astonished that no researches have been made by any German into the antiquity of *Schulpflichtigkeit* (school obligation, i. e. the obligation of going to school) in the several states of the Empire.—The only work I know that touches on the subject is that of J. K. F. Schlegel '*Uber Schulpflichtigkeit and Schulzwang*,' (school compulsion) &c. 1834; but this only regards the Hanoverian dominions. From that book I learn that this obligation is *at least* as old as 1681 in the Principality of Calemberg; as 1689 in that of Celle; as 1663 in the Principality of Hildesheim; as 1752 in the Duchy of Bremen and Verden. From other sources I find that it is at least as old as 1643 in Saxe-Gotha; as 1767 in Lippe Detmold; as 1769 in Prussia. It has long been enforced in New England and Connecticut; and for the gentry, Barons, and freeholders of Scotland, there is an Act of the Scottish Parliament compelling them to send their sons to the grammar schools as far back as the fifteenth century,—1466 if I recollect right."

This may serve to correct the erroneous notion prevalent here, (among a host of others on the same subject) that the legal obligation to educate children is a modern invention of the "Military and despotic government" of Prussia. It is desirable that it should be distinctly understood, that though the following report relates to Prussia alone, the provision for popular education is by no means peculiar to that country. It is also common to speak of popular education as entirely the offspring of the reformation, and as if not peculiar to the protestant states, at least carried to a much higher pitch in them than in the catholic states.

"There is," says the high authority whom I have just quoted "no truth in this, in a general sense; and, on a particular comparison, in none of the Catholic states would the people be found so neglected in this respect as in Hesse Castle and even in Hanover, and the *Kingdom* of Saxony, pre-eminent for *classical* education, as far behind Bavaria and Austria in *popular* instruction. The Germans give as an instance of the low state of primary education in Royal Saxony, (the case is very different in the Duchies) that the places of schoolmasters are there commonly filled by mere candidates of theology. In Scotland we should think this qualification very high."

The best answer however to those who urge the supposed hardship to parents of being obliged to educate their children is to be found in the supplement at the end of the present volume, published last year, in which it has shewn, from indisputable documents, "that the parents of Prussia actually *anticipate* the period at which the legal constraint begins;" that the number of children attending the public schools in 1831 actually exceeded the whole number of children existing in the Monarchy, between the ages of seven and fourteen, the period prescribed by law, and out of this latter number we have to deduct, all who are educated at home, at private schools, all who are sick, &c.

Another misconception which appears to me common in this country is that the system of national education delineated by M. Cousin, is some new plan or mode of teaching. I have even seen objections made to it in print, on the score of the tyranny of compelling parents to educate children on this or that "method" approved by Government. It might seem sufficient to refer such objections to the book, but unfortunately this process is tedious, and in the mean while the reader who supposes they are acquainted with what they discuss, is misled. Not only (as will be seen in this report) is every parent at full liberty to educate his own children either in his own house, or at a private school, or at the schools provided by the State, but these latter schools are not even bound to any particular books or modes of tuition "in order"

as the law expresses it, "to impose no shackles on the constant onward course of improvement."

The choice of books is left to the masters and the local committees appointed by Government for the immediate superintendance of schools, and consisting chiefly of fathers of families resident in the parish which supports the school.—The conferences of school masters, (which, though voluntary, are encouraged by the Government,) are also for the express purpose of comparing their views and their experience, and thus carrying forward the improvement of the schools.—Whenever a choice of schools is within the reach of parents, that choice is left perfectly free, and on the grand subject of religious difference, it will be seen, that nothing can exceed the anxious care of the Government that the most delicate conscience should not be even alarmed, much less oppressed.—"Masters and Inspectors" says the law, "must most carefully avoid every kind of constraint or annoyance to the children on account of their particular creed," &c.

It has been asserted by some persons with an ignorance, which, if it be sincere, is so shameless that it almost deserves to be confounded with dishonesty, that the tendency of the system recommended by M. Cousin is anti-religious. To this every page of the book is an answer. Indeed were I to express a fear on this head, it is that it is far too religious for this country; that the lofty unworldly tone of feeling, the spirit of veneration, the blending of the love of God, and of the good and the beautiful with all the practical business and the amusements of life, is what will hardly be understood here, where religion is so much more disjoined both from the toils and from the gaieties of life. To me it appears that there is not a line of these enactments which is not profoundly religious. Nothing, it is true, is enjoined as to form or creeds; but, as Mr. Cousin truly says, "the whole fabric rests on the sacred basis of Christian love." As the most affecting, and I must say, sublime example of this spirit, I refer my readers—especially the humbler and, as I hope more numerous class of them, to the description of the little schools for training poor schoolmasters in such habits, and with such feelings as shall fit them to be the useful and contented teachers of the humblest cottagers of the most miserable villages.

Here is poverty, to which that of many among our working classes is affluence, and it is *hopeless*, for no idea is held out of advancement or change—Yet if ever poverty appeared on earth serene, contented, lofty, beneficient, graceful, it is here. Here we see men in the very spring time of life so far from being made, as we are told men *must* be made, restless, and envious and discontented, by instruction, taking indigence and obscurity to their hearts for life, raised above their poor neighbours in education, only that they may become the servants of all, and may train the lowliest children in a sense of the dignity of man and the beauty of creation in the love of God and of virtue."

I confess myself almost hopeless of the transplantation of such sentiments hither. Religion is made the theme of the fiercest and most implacable contention, mixed up with newspaper squabbles and with legal discussions; her bright and holy garments are seized and soiled by every angry and ambitious hand.

It seems to me, too, that we are guilty of great inconsistency as to the ends and objects of education. How industriously have not its most able and zealous champions been continually instilling into the mind of the people that education is the way to advancement—that "knowledge is power" that a man cannot "better himself" without some learning! and then we complain, or we fear, that education will set them above their station, disgust them with labour, and make them ambitious, envious, and dissatisfied! we must reap as we sow; we set before their eyes objects the most tempting to the desires of uncultivated men; we urge them on to the acquirement of knowledge by holding out the hope that knowledge will enable them to grasp these objects; if their minds are corrupted by the nature of the aim, and embittered by the failure which *must* be the lot of the mass who is to blame?

If instead of nurturing expectations which cannot be fulfilled, and turning the mind on a track which must lead to a sense of continual disappointment, and thence of wrong, we were to hold out to our humble friends the appropriate and attainable, nay, unfailing ends of a *good* education;—the gently and kindly sympathies; the sense of self-respect, and of the respect of fellow men; the free exercise of the intellectual faculties; the gratification of a curiosity that "grows by what it feeds on" and yet finds food for ever; the power of regulating the habits and the business of life, so as to extract the greatest possible portion of comfort out of small means; the refining and tranquilizing enjoyment of the beautiful in nature and art, and the kindred perception of the beauty and nobility of virtue; the strengthening consciousness of duty fulfilled; and to crown all "the peace which passeth all understanding;"—if we directed their aspirations this way, it is probable that we should not have to complain of being disappointed, nor they of being deceived. Who can say that wealth can purchase better things than these? And who can say that they are not within the reach of every man of sound body and mind, who by labor not destructive of either, can procure, for himself and his family, food, clothing and habitations?

It is true, the same motives wearing different forms, are presented to all classes. "Learn," that you may "get on," is the motto of English education. The result is answerable. To those who think that result satisfactory, a change in the system, and above all in the spirit of education, holds out no advantages.

There are two or three other points which I would fain recommend to the peculiar attention of the reader. One of the most important is the absolute necessity of securing a constant supply of well trained schoolmasters. Time and experience have, it is to be supposed, nearly removed the illusion of "mutual instruction" as a substitute for the instruction communicated by a mature to an immature mind; as an auxiliary in certain mechanical details, no one disputes its utility. Observation long ago convinced me of the entire truth of the maxim laid down by the Prussian government, and approved by M. Cousin, that "as is the master so is the school." On this subject I cannot refrain from quoting a German writer in whose opinion I fully concur.

"Such schools (the Lancasterian) are undoubtedly of use in countries like France, where almost nothing----or England where nothing systematic and adequate has been done for the education of the people; but they can never serve but as a temporary shift which cannot be taken as a substitute for education. They can do no more than give a certain mechanical dexterity in reading, writing, and cyphering. The religious instruction is confined to a soulless learning by rote. Instruction in language, singing, drawing, and in exercise of the intellect, are wholly wanting. The influence of the teacher on the mind and character of the scholar, or his own mental cultivation, are not so much as thought of. Thus then a system of tuition, the lifeless mechanism of which was fifty years ago appreciated in Germany, and laid aside for methods better calculated for the true culture of man, has been adopted by France, England, &c., with an ardour which betrays total ignorance of the advance of the science of education in Germany. The village schoolmasters of Germany do much more to form the minds of their pupils than Lancaster and Bell can do; and no German who knows what his country possesses, can recommend a system of teaching which may indeed be of use in harmonizing the lowest mob of England or of France, but where men and christians are to be formed, is defective and ill contrived.

A system of education is nothing without an unfailing sup-

ply of competent masters. It is the fashion to apply the "free trade" maxims to every thing. Reasons enough present themselves why such maxims are wholly inapplicable to this matter, but there is no room for them here. It may once for all safely be denied that the people can be judges of the quality of teachers as they are of bread or of shoes. To this the hundreds of children in the middle classes whose whole childhood is consumed in experimental wanderings from school to school, and the thousands and ten thousands of the lower, whose parents know little more than the fact that they pass a certain number of hours daily in a given room, can bear witness. The evil is an irrepairable one. Not only is the portion of time consumed in a bad or imperfect school irrecoverably gone, but bad habits of all kinds are acquired which no future education can entirely eradicate. The candid and rational among the less educated classes are glad to be aided by the friendly judgment of their more instructed neighbors on this point; and would, I doubt not, readily admit the advantage of having some better security than their own opinion, or rather conjecture, for the competency of the instructors of their children.

In every country where primary institution has been carried to a height, the necessity of establishments of this kind has been felt. In spite of the length of this preface, I cannot resist the temptation to add the following curious and valuable details on the history of seminaries for teachers, for which I have again to acknowledge my obligations to the learned author of the article on national education which appeared in the Edinburgh Review (No. 116) and which first called the attention af England to Mr. Cousin's report.

It is almost humiliating to have to notice another objection to this scheme of national education,—viz., that it is foreign an objection, which if carried through and acted upon consistently, would render the intercourse between civilized nations absolutely barren. But since there are, it seems, still persons with whom it has weight, it may be well to quote M. Cousin's striking appeal against similar prejudices in Faance.

"National rivalries or antipathies would here be completely out of place. The true greatness of a people does not consist in borrowing nothing from others, but in borrowing from all whatever is good, and in perfecting whatever it appropriate. I am as great an enemy as any one to artificial imitations; but it is mere pusillanimity to reject a thing for no other reason than that it has been thought good by others."

REGULATIONS

OF THE

School Committee of Boston.

According to the City Charter, twelve gentlemen are annually elected, one in each Ward of the City, who, "jointly with the Mayor and Aldermen, constitute the School Committee for said City, and have the care and superintendence of the public schools."

The public schools of this City consist of one Latin Grammar School, one English High School, nine Grammar and Writing Schools, including one for Africans, and sixty-four Primary Schools, including three for Africans; in which instruction is freely given to children of both sexes.

Chapter I.

Regulations relating to the Board of the School Committee.

1. At the first meeting in each year which shall be held on an early day, in the month of January, the Board shall be organized by appointing a Chairman, a Secretary, a Visiting Committee or Sub Committee for each school, consisting of at least seven for the Latin & English High Schools respectively, and of three for each of other schools, a standing committee on books, and a standing committee of reference, with the primary school committee.

Organization.

2. The Chairman shall preside at the meetings of this Board, shall call any special meetings thereof when he shall deem it necessary, or at the request of any two of its members in writing, and shall be the organ of communication with any other branch or branches of the City Government relative to any votes and doings of this body which may have respect to a co-operation with them in the transaction of business; copies of the same having been duly furnished by the Secretary.

In the absence of the Chairman his place shall be filled, pro tempore, by the Board.

Duties of the Chairman.

3. The Secretary shall have charge and custody of the records of the Board and of all papers directed by them to be kept on his files; he shall keep a fair and full record of all the proceedings of the Board, in each case stating the commission, and the names of the committee; he shall notify the meetings of all committees when requested by their chairman; and shall perform such other duties as may be assigned to him.

Duties of the Secretary.

4. The visiting or sub committees shall visit their respective schools at least once each quarter of the year, and as much oftener as they can make it convenient, for the purpose of attending carefully to all the exercises of each class; of inspecting the school bill and inquiring into the deportment and progress of the pupils, in order to commend good conduct and improvement, and discountenance negligence and vice. It shall be their duty to embrace these opportunities to converse freely with the instructors on the affairs of the schools, to elicit from them such occasional suggestions as may be turned to their benefit, to encourage the faithful and deserving instructor in his arduous duties, and to detect and mark delinquencies.

Duties of visiting or sub com's.

Quarterly Examinations.

The chairman, or some member of each sub committee, shall make a report in writing at each quarterly meeting to the school committee of their examination and its results, and of several circumstances above specified which may have occurred, and of any accommodations or indulgencies they may have granted to any instructor, or any alterations they may have authorised in their particular school. And at each quarterly meeting, the chairman, or any member of each sub committee who may be present, shall be called upon for such report; and in case of omission to make it the school committee shall pass a vote enjoining the sub committee to proceed without delay in the performance of such duty, and shall adjourn to receive their report.

Quarterly Reports.

The sub committee shall visit their respective schools at least one week previous to the annual exhibitions to select the candidates for the medals, and shall critically examine members of the first class for this purpose.—They shall have power to award not exceeding six medals in each school, excepting in the Hawes school, where not more than four, and in the African school, where not more than two shall be awarded to either sex; and it is understood that no scholar who has received a medal shall at any time afterwards be a candidate for another in a school of the same rank. "General scholarship" shall be taken into consideration in the assignment of medals.

Annual examination for Medals.

The chairman of each sub committee shall return the names of the successful candidates to the Secretary of this Board, at least three days previous to the day of exhibition.

The sub committees shall give their advice to the instructors on any emergency, and take cognizance of any difficulty which

Difficulties in the schools. may occur between the instructors and the parents of pupils relative to the government or instruction of their school. An appeal however to the whole Board is not hereby denied to any citizen.

In case of a vacancy in any school in the place of either of the instructors, the sub committee of the school shall, if they

Vacancies among the instructors. think proper, procure a temporary supply, and give notice of such vacancy to this Board, that they may proceed to fill the office in question.

In addition to these specific duties of the sub committees, it shall be their duty generally to make any temporary arrange-

General duties of sub committees. ment they may think proper relative to the discipline and instruction of their schools, or the convenience of the instructors in cases not provided for by the general regulations of this Board.

The chairman of each sub committee, or special, or standing committee, shall call a meeting of the same immediately after

Meetings of sub committees. their appointment, when the times of future meetings and such other arrangements shall be agreed on as shall be deemed by them expedient. All the official acts of such committees shall be done in meetings of the same duly notified by the chairman, and shall be expressive of the sense of a majority of any such committee, and when reported to this Board shall be submitted in writing.

5. Although the interests of the schools demand sub committees of this Board, each member of it shall consider it his duty

Duty of each member of the Board. to exercise a watch over the literary and moral improvement of every public school in the City, and to afford personal assistance at their visitations, exhibitions, and on all other occasions, according to his ability and convenience.

6. At the quarterly meeting in May, two examining committees shall be annually appointed by this Board consisting each of

Committee for the annual examinations. three members, the one for the English Grammar Schools, and the other for the Writing Schools; each of which Committees shall be joined by as many other members of the Board as can conveniently attend. Each of said committees in the month of May or June visit all the schools for which they are appointed, and critically examine the pupils in *all the branches* taught therein, in order to ascertain the condition of the schools, and shall report previous to the annual election of the instructors, that the appointments of the board on that occasion may be judiciously made. A similar annual and critical examination shall be made in the month of May or June of the Latin School and of the English high school, by the respective visiting committees of those schools; and a similar report for the same purpose and embracing the same objects shall be made by these committees.

7 At the quarterly meeting in August, committees shall be annually appointed who shall attend the annual exhibitions, shall

Committees for annual exhibitions. bestow the medals on the pupils to whom they have been previously awarded, and shall exercise such control over these exhibitions as they may judge proper. It is desirable that some one of the committee who examined the candidates for medals should bestow them.

7 In the month of August annually, all the instructors in the

Choice of Instructors. public schools shall be elected, and their salaries voted, and no alteration in the amount of salary of any instructor shall be made at any other time.

The masters of the several schools shall be elected by ballot, the other instructors shall be elected by nomination of their respective sub-committees, after they shall have conferred with the masters with whom said assistant instructors are to be associated.

9 In the month of January annually this board shall nominate and appoint a suitable number of gentlemen, whose duty collec-

Committee for primary Schools tively it shall be to provide instruction for children between four and seven years of age, agreeably to the direction of the town at the institution of the *Primary Schools*: and shall authorise the committee of these schools to organize their body and regulate their proceedings as they deem most convenient, and to fill all vacancies occurring in the same during the year; and this board will respectfully receive from them such communications as they may please occasionally to make on the subject of those schools.

10 Stated quarterly meetings of the school committee shall be

Quarterly meetings. held on the second Tuesday of February, May, August, and November, at four o'clock P. M. at the room of the Mayor and Aldermen.

Quorum. 11 A majority of this board is required to constitute a quorum, for the transaction of any business.

Chapter II.

Regulations common to all the public schools under the immediate superintendance of the school committee.

1. The instructors in all the public schools shall hold their

Instructions. offices one year, unless sooner removed by this Board; and no continuance or preferment of them in office shall be predicted on any considerations but those of moral and literary qualifications and practical skill.

2. As all the instructors derive their authority from this Board they shall be responsible to it for the faithful discharge of their

Relation of the instructors to the School Committee and to each other. duties, and shall all be equally respected and obeyed by their pupils.—The masters being more immediately responsible for the good order and improvement of the schools, shall hold priority of rank; and their directions in relation to teaching and all other internal business of the schools, shall be followed by the other teachers.

3. The instructors shall be punctual in their attendance at the hours appointed for opening the schools; strict regard shall also

Punctuality and fidelity of instructors. be paid to the hours assigned for dismissing the school; and during school hours the instructors shall faithfully devote themselves to the public service.

Prayer. 4. The morning exercises of all the schools shall commence with reading the Scriptures and prayer.

5. All the masters shall be required to keep bills or books, which shall be furnished at the public expense, and shall remain

Masters' Bills. the property of the schools, in which they shall record the names, ages, places of residence, and absence of their pupils, with such other particulars as shall enable the committees at their visitations to form an adequate idea of the state of the schools.

6. The head master of each School shall make to the Secretary of the Board a regular semi-annual return on the first

Masters semi-annual returns. week of February and August, of the number of pupils then *actually belonging* to his school agreeably to the blanks prepared for this purpose.

7. The masters shall commit to writing, in general terms, their

Rules of each school to be read aloud. requirements and prohibitions, and shall read or cause them to be read aloud in school at least once a month.

8. The instructors shall give the children constant employment and endeavour by judicious and diversified modes to render the

Discipline of the schools. Exercises of the schools pleasant as well as profitable, shall exercise firm, prudent and vigilant discipline; shall punish as sparingly as is consistent with securing obedience, and shall govern by persuasion and gentle measures so far as may be practicable.

9. The instructers may avail themselves of the assistance of

Assistance of pupils. their most advanced pupils whenever it can be faithfully and judiciously applied in order to render more effectual service to the schools.

Oral instruction. 10. It is desirable that oral instruction should be combined with the use of books in all the exercises.

11. For violent or pointed opposition to his authority in any instance, or for the repetition of an offence, the master may exclude a child from School for the time being, for the purpose of reflection and consultation, and thereupon shall inform the parent or guardian of the measure, and shall apply to the sub committee for advice and direction.

Suspension from School for particular offence.

Where the example of any pupil is very injurious and contagious, and in general in all cases where reformation appears hopeless; it shall be the duty of the master, with the approbation of the sub committee to have recourse to suspension from the school. But any child under this public censure who shall have expressed to the master his regret for his folly or indiscretion, as openly and explicitly as the nature of the case may require, shall give evidence of amendment, shall, with the previous consent of said committee be reinstated in the privileges of the school.

For general misconduct.

12. To promote the well being of their pupils, it shall be the duty of the instructers, as far as is practicable, to exercise a general care and inspection over them as well out of school as within its walls, and on all suitable occasions to inculcate upon them the principles of truth and virtue. And the master shall be required, subject to the advice of the sub committee, to expel from school any pupil who shall manifest an habitual and determined neglect of his duties.

General oversight of pupils by instructers.

13. In cases of difficulty in the discharge of their official duties, or when any temporary dispensation in their favor is desires the instructers shall apply to the sub committeed of their respective schools for advice and direction.

Sub committee give advice.

14. It shall be the duty of the instructors to exercise suitable vigilance with regard to the apartments of the same by them respectively occupied, that there may be no unnecessary injury sustained by them; their special attention is also required to the ventilation and temperature of the school rooms, and to the cleanliness and comfort of the pupils.

Care of buildings.

15. No instructer in the public schools shall be allowed to keep a private school of any description whatever, or to attend to the instruction of any private pupils before 6 o'clock P. M. except on Wednesday and Saturday afternoons.

Private schools.

16 No subscription, for any purpose whatever shall be introduced into any public school.

Subscriptions forbidden.

17. The books used and the studies pursued in all the public schools shall be such and such only, as may be authorized by this board.

Committee prescribe studies.

18. No pupils shall be allowed to retain their connection with any of the public schools, unless they are furnished with the books and utensils regularly required to be used in the schools respectively, except by permission of the sub committee.

Pupils required to have books.

19. There shall be a recess of from five to ten minutes for every pupil, each half day, that the children may not be injured by too long confinement.

Recess.

20. No pupil shall be allowed to depart before the appointed hours of leaving school, except in case of sickness or some pressing emergency, of which the master shall be judge.

21. No pupil shall be admitted to the privileges of one school who has been expelled from another, or while under the sentence of suspension.

Removal from one school to another.

Every pupil who shall be transferred from one public school to another of the same rank, shall be the bearer of a certificate from the head master of the school he leaves, expressing his standing and character, which shall be demanded of him, as a condition of his admission, by the master to whom he applies for that purpose. In this case no examination of his qualifications shall be required.

of the same rank

Children going from the public grammar and writing schools to the Latin or English High school shall also be the bearer of certificates setting forth character and qualifications as an indispensable condition of their being admitted to examination for the standing to which they aspire in those schools respectively.

of superior rank

22. No child shall be admitted into any of the public schools who is not the bearer of a certificate from a physician that he has been vaccinated or otherwise secured against contagion of small pox. This certificate shall not be required of the pupils who go from one public school to another.

Vaccination.

23. There shall be two exhibitions of the schools annually, viz:—the first of the boys' schools on the Wednesday next preceding commencement at the University in Cambridge; the second, of the girls' schools on the Wednesday next preceding the first Monday in November. At the former the Franklin medals, and at the latter the City medals, are to be bestowed.

Annual exhibitions.

24. The following holy days and vacations shall be granted alike to all the schools, viz:—Every Wednesday and Saturday afternoon throughout the year, Christmas day and fast day, Thanksgiving day, and the remainder of the week; the day of the General Election in January; one day in each year for the general training, when in Boston, the fourth of July; the week beginning on the first Monday in June; the remainder of the week after the exhibition of the schools in August, and the two succeeding weeks, and no other days except by a special vote of this board.

Vacations and holy days.

In audition to these, the Latin School and English High School shall be entitled to the three days of public exhibition at Harvard University, and to the week beginning on the second Monday in June.

Chapter III.

Regulations for the English Grammar and Writing Schools.

These Schools are the second in order in the system of public education established in this City. The following are their names, situation, and date of establishment.

1.	Elliot School, N. Bennet street.	For boys	1713.
2.	Adams School, Mason street.	For boys & girls	1717.
3.	Franklin School, Washington st.	For boys & girls	1785.
4.	Mayhew School, Hawkins st.	For boys	1803.
5.	Hawes School, South Boston.	For boys & girls	1811.
6.	African School, Belknap st.	For boys & girls	1812.
7.	Boylston School, Fort Hill.	For boys & girls	1819.
8.	Boudoin School, Derne street.	For girls	1821.
9.	Hancock School, Hanover st.	For girls	1822.

In these Schools are taught the common branches of an English Education. They are designed to conduct children from the primary schools to such an acquaintance with reading, writing, English grammar, geography, and arithmetic, as shall be sufficient for the ordinary purposes of life. To these schools apply the following regulations in addition to those laid down in the preceding chapter.

1. In each of these schools which is attended exclusively by boys, there shall be a master and an usher in the Grammar Department, and a master and an usher in the writing department. In those where females exclusively attend there shall be a master and three female assistants in each department. In those where boys and girls both attend, the place of one of the ushers shall be supplied by three female assistants.

Number of masters.

The Hawes school and the African school are exceptions to the above rule.

In the Hawes school there shall be a master and one usher, or two female assistants instead of an usher.

In the African school there shall be one master.

2. In every school the grammar master and the writing master shall each have the regulation and control of his particular department, so far as regards the classification, the mode of instruction, and the discipline of his pupils; provided that the regulations of one department do not interfere with those of the other; but in all cases involving the interests of both departments where a difference of opinion or conflict of authority shall arise

Head masters. } the grammar master shall be the head master of the school, and his decision shall be paramount.

3. Children may be admitted into the grammar and writing

Age, qualification for admission. } schools at the age of seven years who can read easy prose. They shall be examined by the head master; but no examination shall be made of those who bring a certificate of recommendation from the primary school committee.

Appeal. } In case any application shall be rejected by the master an appeal may be made to the sub committee of the school.

Time of admission. } 4. To prevent inconvenience to the instructers and derangement of the classes, no new pupil shall be admitted into these schools except on the first Monday of every month through the year, unless when transferred from one school to another.

Time of continuance. } 5. Boys shall not be permitted to retain their places in these schools beyond the day of their next annual exhibition after they shall have arrived at fourteen years of age, unless by special leave from the sub committee. Girls shall be allowed to attend these schools until the next annual exhibition after they shall have arrived at the age of sixteen.

Attendance in both departm'ts } 6. No pupil shall be allowed to give his general or exclusive attention in one department of the school without a special permit from the sub committee.

Hours of school. } 7. From the first Monday in April to the first Monday in October, annually, the hours for keeping these schools shall be from 8 o'clock, A.M. until 12, and from 2 o'clock, P.M. until 5; and from the first Monday in October to the first Monday in April from 9 to 12, and from 2 to half past four.

Dismission of younger children. } 8. From the first Monday in April to the first Monday in October, the younger children may be dismissed one hour before the regular time of closing the morning school.

Tardiness. } 9. Children belonging to these schools shall be required to be present within five minutes after the hour of opening the same; tardy children shall be received, but not without some notice of their fault.

Classes in grammar department. } 10. The grammar department of these schools shall be divided into four classes subject to such subdivisions as the master may judge expedient; the books and exercises shall be as follows:

Studies requir'd } Class IV. No. 1.—Emerson's National Spelling Book. 2. Pierpont's Introduction to the National Reader.

Class III. Nos. 1 & 2 continued, and 3.—Murray's English Grammar, abridged by Alger.

Class II. Nos. 1, 3, continued, and 4.—Pierpont's National Reader. 5. Field's Geography and Atlas. 6. Frosts excercise in parsing.

Class I. Nos. 1, 3, 5 continued, and 7.—Pierpont's American First Class Book. 8. Goodrich's History of the United States. 9. Exercises in composition and declamation.

Studies allowed } The following studies and books may be introduced at the discretion of the master:

Smellies Philosophy of Natural History, Ware's edition, Blake's conversations on Natural Philosophy, Worcester's Elements of General History, Parker's Exercises in English composition.

Bible. } On Monday the children who usually read in the first class book shall instead of it read in the Bible.

Studies required in writing department. } 11. The pupils of the writing department shall be divided into classes according to their progress: the books & exercises shall be as follows:

1. Emerson's North American Arithmetic, Part 1. 2. Colburn's first lessons in Arithmetic. 3. Colburn's sequel to First Lessons. 4. Robinson's Book-keeping.

All the children shall be taught writing and arithmetic daily; and the teachers are required to furnish the pupils copy slips written or from good engravings, or to write the copies themselves in the writing books.

The pupils of the first class shall be taught to make pens.

Chapter IV.

Regulations for the English High School.

This School is situated in Pickney street. It was instituted in 1821, with the design of furnishing the young men of this City who are not intended for a collegiate course of study, and who have enjoyed the usual advantages of the other public schools, with the means of completing a good English education to fit them for active life, or qualify them for eminence in private or public stations. Here is given instruction in the elements of mathematics and Natural Philosophy, in History, natural and civil, and in the French language. This institution is furnished with a valuable mathematical and philosophical apparatus for the purpose of experiment and illustration. To this school apply the following regulations in addition to those laid down in chapter II.

1. The instructers in this school shall be, a master, a sub-master, and so many assistants as shall give one instructer to every

Number of instructers. } thirty five pupils, provided that no additional assistant be obtained for any increase less than twenty one. It shall be a necessary qualification in all these instructers that they have been educated at some respectable college. In addition to these there shall be a teacher of the French language.

2. No boy shall be admitted as a member of this school under the age of twelve years; and the master shall require of every

age of admission } candidate for admission previously to examination, a certificate from his parent or guardian that he is of the age required.

time of entrance } 3. Boys shall be examined for admission into the school only once a year, viz: on the Tuesday and Friday next succeeding the exhibition of the school in August.

4. Candidates for admission shall produce from the masters of the schools they last attended, certificates of good moral character, and presumed qualifications for admission into this school. It shall however be the duty of the master to examine them in reading, writing, English grammar, modern geography, and Colburn's First Lessons in Arithmetic and Sequel, in which they shall be found to have made satisfactory progress in order to be admitted.

Qualifications for admission.

5. The school shall be divided into three classes; and such

Classes and Sections. } sections of these shall be formed as may be found expedient. Each class shall have its appropriate studies assigned it; and to every class and section of the same the master shall be required to give a due proportion of his personal attention.

Progress and continuance in schools. } 6. Individuals shall be advanced according to their scholarship, and no faster, and none shall be permitted to remain members of the school longer than three years.

Reviews. } 7. Each class or section shall occasionally be reviewed in its appropriate studies; and general reviews shall once a quarter be instituted in all the previous studies.

8. From the first Monday in April to the first Monday in October annually this school shall begin at eight o'clock A. M. and end at 12; and from the first Monday in October to the first Monday in April, it shall begin at 9 A. M., and end at 12

Hours of school

From the first Monday in April to the first Monday in October it shall begin at 3 P. M. and end at 6; and from the first Monday in October to the first Monday in April it shall begin at half past 2 P. M. and end at half past 4; except that in the months of March and October it shall begin at 3 P. M. and end at 5.

9. Tardiness beyond 5 minutes shall be considered a violation of school hours, and exclude the delinquent.

Tardiness.

10. The books and exercises required during the course of instruction in this school are the following:—

Studies required

Class III—No. 1. Colburn's Intellectual and written Arithmetic.—2. Worcester's ancient and modern geography.—3. Worcester's Elements of general History.—4. Goodrich's History of the United States.—5. Stansbury's Catechism on the constitution of the United States.—6. Reading, grammar, declamation.—7. Composition.—8. Colburn's Algebra.

Class II—Nos. 1. 2. 3. 4. 5. 6. 7. 8. continued,—and 9. Book-keeping by single and double entry.—10. Legendre's Geometry.—11. Natural Philosophy.—12. Paley's Natural Theology, with Paxton's Illustrations.

Class I—Nos. 5. 6. 7. 8. 9. 10. 11. 12. continued,—and 13. Paley's Moral Philosophy, Whitaker's edition.—14. Paley's Evidences of Christianity.—15. Practical Mathematics, comprehending navigation, surveying, mensuration, astronomical calculations, &c.; together with the construction and use of mathematical Instruments.—16 A course of experimental lectures on the various branches of natural philosophy.

The several classes shall receive instruction in writing.

The following studies are allowed in the first class if the master think proper to introduce them; Smellie's Philosophy of natural History, Ware's edition, Chemistry.—Intellectual Philosophy.—Linear drawing.—Logic.

Studies allowed

ADDRESS

OF

THE TRUSTEES

OF THE

New England Institution

FOR THE

EDUCATION OF THE BLIND

TO

THE PUBLIC.

It is four years since an act incorporating the Trustees of the new England Asylum for the blind was passed by the Legislature of Massachusetts. Why so much delay has occurred in commencing operations will be duly explained.

The Trustees have now the satisfaction of announcing that their institution has been in actual operation for five months; and that their most sanguine expectations of the capacity of the blind for receiving an education have been fully verified in the progress of the interesting beings under their charge. But before giving any account of the state of their institution the Trustees beg leave to make some general remarks on the blind; on the light in which they have been held, and the manner in which they have always been treated by their fellow men.

Blindness has been in all ages one of those instruments by which a mysterious Providence has chosen to afflict man; or rather IT has not seen fit to extend the blessing of sight to every member of the human family. In every country there exists a large number of human beings who are prevented by the want of sight from engaging with advantage in the pursuits of life, and who are thrown upon the charity of their more favored fellows. And it will be found that the proportion is at all times about the same in the same countries: for not only is the proportion of those who shall be born blind decreed in the statutes of the Governor of the world, but the number of those becoming so by what we call accident, is regulated by laws as infallible and invariable; and it is as little probable that by any accident all mankind should lose their eyes as that by any precaution all should preserve them. Blindness then is one of the evils entailed upon man, and it becomes him to grapple with it and try to diminish its pernicious effect.

The blind may be divided into two classes; those born blind, and those becoming blind by disease or accident: the latter class being infinitely the most numerous.

The frequency of blindness varies in different climates, and upon different soils; it is most frequent in that part of the temperate zone bordering upon the torrid, and decreases as we approach the poles. It has been ascertained by accurate censuses taken in different countries of Europe, that the number is fearfully great, and that although they are screened from the public eye they exist in almost every town and village. In middle Europe there is one blind person to every 800 inhabitants. In some Austrian provinces it has been accurately ascertained that there is one to every 845 inhabitants; in Zurich, one to 747. Farther North, between the 50th and 70th degree of longitude, they exist in smaller proportions; in Denmark are found one to every 1000. In Prussia there are one to every 900. Egypt is the country most afflicted with this evil, and it may be safely calculated that there are about one blind to every 300 seeing persons.

In our own country, no means have been taken to ascertain with exactitude the number of blind; the returns made by some censuses have been ascertained to be very erroneous; nor is there any reason to suppose that the laws which act on nations under the same latitude in Europe would be null here: indeed the Trustees have ascertained that in some small towns not exceeding 2000 inhabitants, and where the census gave but one or two blind, there really exist four, five, and six. These unfortunate beings sit and wile their long night of life away, within doors, unseen and unknown by the world; and society would be startled were it told that there exist in its bosom so many of its children who never see the light of heaven: it would hardly credit the assertion that there are more than *eight thousand blind persons in these United States*; yet such is undoubtedly the case.

The public must be ignorant of this fact; to suppose it is not so, and yet that it had done nothing for so large a class of the afflicted would be an impeachment of its charity and its justice; and the Trustees appeal to it in the full confidence that the ready answer will be "what can be done for them?"

Fellow citizens, much can be done for them; instead of condemning the poor blind man to stand at the corner of a street and ask for charity, or to remain cooped up within the walls of an almshouse, or to sit and mope away his solitary existence among his happier friends alike a burthen to them and himself—you may give to him the means of becoming an enlightened, happy, and useful member of society; you may give him and his fellow blind the means of earning their own live-

lihood or at least of of doing much towards it; you may light the lamp of knowledge within them, you may enable them to read the scriptures themselves,

"And thus, upon the eyeballs of the blind,
To pour celestial day."

All this you can do by the establishment of institutions for their education; and it is to demonstrate this fact that this circular is addressed to you. The Trustees do not ask assistance for the Institution alone, but they call upon the public to consider the situation of the blind everywhere, and everywhere to extend to them those benefits which are greater than the most liberal alms that can be bestowed.

This is not a common call, nor is it a common case, for the object proposed differs materially from most charitable establishments: first in that there is no possibility of deception, since no one can doubt or deny the claim which the blind have upon the charity of their more fortunate fellows; and second, that the object is an economical one to the community. It is to take from society so many *dead weights* that it is proposed to educate the blind and enable them to get their own livelihood: and society ought to consider any capital so invested as a *sinking fund* for the redemption of its *charitable debt:* as a provision for preventing the blind from becoming taxes to the community. In proof of his the trustees would try to draw the attention of the public to the different kinds of work which are performed by the blind in the different institutions in Europe; some of which may also be seen at the infant institution under their direction.

That a blind man may become a first rate professor of music; frequent example has taught every one; it remains however for many to be convinced that a blind man may become a good teacher of mathematics, the languages, and almost any science; that he may gain a decent livelihood by the labour of his hands in the fabrication of baskets, mats, mattrasses, twine, &c. &c. To do these things he needs only an apprenticeship in an establishment devoted entirely to this purpose, and pursuing a peculiar plan of education adapted to his wants, and it is in aid of their efforts to establish such an institution that the Trustees call upon their fellow-citizens for encouragement and support.

It is alike the character and honor of our age, that society is not content with administering charitable aid to the distressed, but that it seeks to strike at the root of the evil and prevent its recurrence; it remains yet for our country to apply this principle to the pauperism of the blind. It is not now the time to discuss the direct and indirect tendency of blindness to produce pauperism; suffice it to say the blind are generally paupers; they have always been so, and the place to seek the blind has always been at the way side begging for alms. Nothing was done for their education until about forty years ago, when the humane Abbe Hauy undertook to educate some blind children in his own house, and his success was so great that the Government of France employed him to establish an institution in Paris. This he did, and it became so interesting an object that he was called by the Emperor of Russia to St. Petersburg, for a similar purpose; and after successfully putting his system into operation there, he laid the foundation of a school for the blind at Berlin.—He invented the method of printing in raised characters made tangible and sensible to the blind; he also constructed maps, musical notes, &c. but left the subject in a very imperfect state at his death.

Similar institutions have been since founded, and are in successful operation in Amsterdam, Vienna, Dresden, London, Edinburgh, Glasgow, Liverpool, and other places, the condition and operation of which have been thus noticed in a report made to the trustees by Dr. S. G. Howe:—

"The European institutions for the education of the blind may be divided into two classes; those established and supported by the Governments, and those which owe their foundation and support to the charitable efforts of individuals; the latter are by far more useful than the former.

"There can be no more delightful spectacle than is presented by these establishments, where you may see a hundred young blind persons changed from listless, inactive, helpless beings, into intelligent, active, and happy ones; they run about and pursue their different kinds of work with eager industry and surprising success: when engaged in intellectual pursuits, the awakened mind is painted in their intelligent countenances; and when the whole unite in sacred music there is a display of deep felt interest, of fervid zeal, and animating enthusiasm, which I have never seen equalled.

"The proposed end of these different institutions is to give to the blind the means of supporting themselves, and this is effected with different degrees of success.

"I visited all the principal institutions for the education of the blind in Europe, and found in all much to admire and copy, but much also to avoid.

"Those institutions, which are founded and supported by the government, labor under many disadvantages necessarily attendant upon such a connexion; and it may be said without injustice to the persons employed, that they are obliged to follow such a system, and make such exhibitions as will redound rather to the glory of the state than the good of the pupils. Hence so much of useless parade and show—hence so much time and patience spent upon learning to perform surprising but useless things. Those, on the other hand, which are kept up by individual effort and public benevolence, fall into the error of considering their pupils too much as objects of charity, and of petting and caressing them too much.

"The institution for the education of the Blind at Paris, as it is the oldest, and as there is about it more show and parade than any othe in Europe, has also the reputation of being the best; but if one judges the tree by its fruit, and not by its flowers and foliage, this will not be his conclusion.

Its founder and the great benefactor of the Blind, the Abbé Hauy, invented and put into practice many contrivances for the education of the blind; and otherwise rendered the institution excellent for the age, and the time it had existed; but as he left it, so it has since remained. It receives, supports, and educates about a hundred blind youth; and there being no other in France, it follows that there are only one in 300 of their blind who receive an education. The great fault in the Parisian Institution is the diversity of employment to which the pupils are put; and the effort made to enable them to perform surprising but useless tricks. The same degree of intellectual education is given to all, without reference to their distinction in life; and a poor boy who is to get his livelihood by weaving or whip-making, is as well instructed in mathematics and polite literature as he who is to pursue a literary career. Now, there is no reason why a shoe-maker or a basket-maker should not be well educated; provided he can learn his profession thoroughly, and find the necessary leisure for study. But if this would be difficult for a seeing person, how much more is it so for a blind one, who to obtain any degree of excellence in a trade, must apply himself most intensely and most patiently. The necessity of this is made apparent by the situation of those youths who come out from the Institution at the end of the seven years passed there; they have devoted five hours per day to mechanical employment, but to so many different ones, that they know but little of any. Weaving, whip making, mat and net making and spinning, &c. &c. have so effectually divided their attention, that at the end of the year devoted to learning the one, they have almost entirely forgotten that which they acquired the year before.

"It has however, with all its faults, been productive of great good, and has sent out many pupils who are not only well educated and happy men, but most useful members of society; among others may be cited Mr. Paingeon, the celebrated Professor of mathematics at the University of Angiers. This interesting young blind man came forward as a candidate in the public controversy for the prizes in mathematics at Paris;—and after carrying them all off, was named to the professional chair at Angiers.

"There are in Germany five institutions for the education of the blind, which are carried to different degrees of perfection; some are under the direction indeed of men of science, but who are cramped in their exertions by various causes; others however are less fortunate.

"The one at Dresden, for instance, is under the management of a most excellent lady, but whose only merit is extreme kindness to her interesting charges; the intellectual education of the pupils

is almost entirely disregarded, and they are not taught to read or write: nor am I aware that if she had the disposition, she would have the power of giving them a better intellectual education.

"The institution of Berlin, under the direction of the excellent Professor Zeune, is better managed; but that gentleman cannot carry his views into operation: for instance, he is obliged to employ seeing teachers, because a commissioner wills it, where blind persons in his own opinion might perform the duty infinitely better. How often is it the case that in institutions of various kinds, the practical knowledge and experience of those immediately engaged are overruled by those who look into the subject but once or twice a year, and insist upon directing the whole.

"It may be safely said that none are so well fitted for teaching the blind as the blind themselves; nay more, the blind can become most excellent teachers of seeing persons: I have known a blind person manage a class of twelve seeing boys to perfection; and what was astonishing he had sufficient moral influence over them to keep them in the greatest order and prevent them from playing those tricks which boys will do when their master does not see them.

"In the Berlin Institution, as always must be the case in well regulated ones, great attention is paid to instructing the blind in music. Who does not know that the blind generally evince greater capacity and inclination for music than seeing persons; and who can doubt that the blind man who has acquired his knowledge of music scientifically, may teach it scientifically also, and thus fill a useful sphere in society?

"The Institution owes its existence indirectly to the illustrious Hauy who passed through that place on his way to St. Petersburgh whither he was summoned by the Autocrat to establish an Institution for the education of the blind. This latter however, though founded and encouraged by an Emperor, has falled into decay, while the Berlin establishment is continued almost solely by the philanthropic labors and hearty zeal of a few simple citizens.

"In the Berlin Institution, though the pupils are taught to read and write, they have very few printed books; and the information is given orally. This arises however from the expence of books, and not from any doubt of their utility; in fact Professor Zeune exerts himself to the utmost to increase his library for the blind.

"He prints with types filled with pin points. The pupils are taught also geography, history, languages, and the mathematical as well as lighter sciences. The time is partly occupied in learning different trades; and on the whole the pupils are as well if not better qualified to make their way in the world as those from the Paris Institution. There are four similar institutions in Germany, the best of which seems that of Vienna; there is also an excellent one at Zurich, which I did not visit.

"The Institution for Indigent Blind in London is an excellent and most charitable establishment, and productive of great good.

"It is indeed a most delightful sight to see so many blind youth assembled in the workshops, all neatly clad, and with smiling faces busily employed at their different trades; and all earning a large part of their livelihood by their own labor. Instead of the solitary helpless being which we so often see, the blind here presents us the spectacle of an active, industrious, and happy youth, who, finding constant occupation in the exercises of his physical powers, and being buoyed by the hope of rendering himself independent of charity, has no time and no inclination for repining at his lot, or for drawing unpleasant comparisons between himself and those about him.

"The Institution in London is intended merely for indigent blind, and their intellectual education is not at all attended to; nor do they occupy themselves about anything but their trades, with the exception of a little music. There seems to be a doubt in the minds of the person who directs the Institution, of the utility of teaching the youths to read themselves by means of raised letters; which is singular enough to one accustomed to see the immense usefulness and pleasure afforded to the blind by the use of these books.

"The doubt is apt to be raised however only by good men who question the utility of knowledge in any person, beyond the strict demands of his calling. It is said, that they can always have the assistance of a seeing person to read to them; but besides that the blind cannot always have such a person at their elbow, there is infinitely more pleasure and advantage to be derived from feeling out the letters themselves. They can stop, and go back, or read over a passage a dozen times, reflect upon it as long as they choose, and refer to it on any occasion.

"In Mathematical studies particularly, where only a few brief problems and rules are given, books printed with raised letters for the use of the blind are almost indispensably necessary. The advantage, nay! the necessity, of printing the Gospel in raised letters for the use of the blind will be apparent to every thinking Christian. There is a large number of our fellow creatures within our reach, who might be supplied with the New Testament at small expense compared with that laid out in sending it among distant heathen.

"It may be said indeed that the blind can hear the Bible read by their friends, while the heathen cannot; but on the other hand let one consider what a precious treasure a copy of the Testament in raised letters would be to a blind man; he would pore over it, read and re-read it, until every word became familiar; and how much greater probability there would be of its producing a good effect then in the hands of those who have a thousand other things to occupy their thoughts. Then too, let one consider the all-important nature of the study; and how jealous one should be of trusting to aught but the cool decision of his own reason.

"In fine let any pious christian put the case to himself and say whether he could be content with having the scriptures read by another; whether he could abstain from feasting his eyes on God's sacred pages; or refrain from shutting himself up in his closet with his maker and his revealed word."

"What his eyes are to him the fingers are to the man deprived of sight, and to the one equally as to the other is solitary reading and reflection a useful and healthful exercise.

"Nor to the blind alone would the Scriptures printed in raised letters be a precious treasure; there are many people who from weakness or temporary derangement of the organs of sight, would be happy to spare their eyes and read with their fingers. The acquisition of this faculty is not at all difficult, any person may in three or four days enable himself to feel out very easily the raised letters and read pretty fast.

"I mentioned in a letter from Europe to your sub-committee, a plan which I had conceived of publishing one of the Evangelists in raised characters; without now detailing on all the methods which I would substitute for those hitherto used, I may say that it is founded upon the only principle which can possibly obviate the immense inconvenience of bulk and expense, viz. that of contraction, or stenography; a principle which if acted up to may, I am convinced, render books for the blind as cheap and as compact as those printed for our use. Whether this system shall substitute tangible for the visible forms of letters, or whether the symbols shall represent sounds is a secondary question.

"The institution at Edinburgh is on the whole the best I saw in Europe, it comes nearer than any other to the attainment of the great object of blind schools, viz. enabling the pupils to support themselves by their own efforts in after life. The establishment is not so showy as that at Paris, nor has it the same means which the latter possesses, and which receives an allowance of 60,000 francs or $12,000 per annum from government; nor has it printed books for their use, still they receive most excellent education and learn some most useful trades. The mattress and matmaking business are carried on by the pupils with great skill and success, and many are enabled to earn per diem nearly enough for their subsistence. They are mostly day scholars, and receive a sum of money in proportion to the work they do.

"The mat and mattresses which come out of the Institution, and which are entirely the work of the blind, are certainly better made than any others in the city, and command a higher price in the market. The pupils are occupied also in making baskets, which is a clean and pleasant employment, but not altogether so profitable as the others. They display great ingenuity, and finish very fine and difficult pieces of basket work, but it is a branch in which they have less chance of successful competition with seeing persons.—Indeed one great fault in the systems generally followed in Europe is the attempt to counterbalance the natural infirmity of the pupil by his ingenuity, his patience, and the excessive nicety of his remaining senses, and to enable him to compete with seeing persons, in spite of the advantage they have over him. Now this ought not to be the leading principle; on the contrary, taking it for granted that the seeing person ever must have an immense advantage over blind in all handicraft works whatsoever, we should seek out for him such employment as least requires the use of eyes.

"There are some occupations, such as knitting, weaving, &c. which a blind person may perform nearly as well as a seeing one, but in the present age the introduction of machinery has superceded in a great measure this kind of labour. In mat making, the blind man can nearly compete with the seeing one, and therefore should it be taught him as a means of making himself useful, and necessary to others; for after all the efforts of charitable men this

unfortunate class will ever be in a precarious situation until they can become so useful as to command attention: men are charitable by fits and starts only, but self interest never sleeps; if the blind can appeal to this they are sure of being heard.

"Many of the pupils in the Edinburgh Institution are, as I observed, day scholars; that is, they reside with their friends, and come in to work and study every day, and an allowance is made to them proportioned to the work they do, if this is adequate to their support.

"I would observe that sufficient attention is not paid to the personal demeanour of the blind, either by their parents or in the public institutions; they contract disagreeable habits, either in posture or in movement; they swing their hands, or work their heads, or reel their bodies; and seem in this way to occupy those moments of void, which seeing persons pass in listlessly gazing about them. They are apt also to be exceedingly awkward and embarrassed in company, and are often very bashful while very vain; all this can be corrected by pursuing the same means as used with seeing children, and by accustoming them to society.

"Blind persons can become as well qualified as seeing persons for many employments which are generally thought beyond their powers, they can teach languages, history, geography, mathematics, and many other sciences, perfectly well; I know not why they should not make the first rate councillors, and think it possible that they might fill the pulpit both ably and usefully.

"I have the pleasure of calling my friend, Monsieur Rodenbach, member of the Belgian Congress, a man who possesses great influence, and who often makes that house ring with original and *naive* speeches; he is an agreeable orator, and an active business man, and a graceful member of society, and yet has been stone blind from his childhood.

"I hope that the blind will not have to struggle against unfounded prejudices in our country, yet much do I fear that they will; people are so accustomed to consider the blind as helpless dependents on others, that they will not believe them capable of a high and useful part in society, and when they see one of them, who by uncommon talent struggles and raises his head a little in the world, in spite of the weight by which society would sink him beneath its surface, they regard him as a passing wonder, and draw no inference in favor of his fellows in misfortune. That great mathematician and philosopher, the illustrious Saunderson, Professor at Cambridge who deserves a niche in the temple of fame between Newton and Laplace, drew one of his atheistical arguments from the false opinions of men concerning his powers; he said to a clergyman on his death bed, 'you would fain have me allow the force of your arguments drawn from the wonders of the visible creation, but may it not be that they only *seem to you wonderful*, for you and other men have always been wondering how I could accomplish many things which seem to me perfectly simple.'

"But to return to our notice of the different institutions; that at Edinburgh is certainly superior to any in England, and on the whole is so to that of Paris, and were it now in place I might detail to you many curious and interesting processes for facilitating the education of the blind; the general principle however is to combine intellectual and physical education in such a way as to qualify the blind for the performance of a useful part in the world; and of so storing the mind with knowledge that they may have a fund within themselves from which to draw in after life.

"The school at Glasgow is a more recent one, and is not yet equal to the one in Edinburgh in the advantages of intellectual education which it offers.

"The Liverpool school is remarkable for the very great degree of attention which is paid to the cultivation of the musical talents of the blind, and for their astonished success in it. An idea may be had of their proficiency from the fact that the product of their concerts is about $3500 annually.

"I shall take care to put into the hands of your committee a more detailed notice of the different establishments which I have visited, and I now close by respectfully submitting to you the conclusions at which I have arrived respecting the general management of your proposed Institution.

"Keeping steadily in view the principal object, qualifying the blind to act a useful part in society, one ought to adapt his education to the sphere which the pupil will fill; choosing for every one the occupation in which the least possible necessity exists for the use of the eyes.

"Those who are fortunate enough to be above any pecuniary wants, may occupy themselves entirely with the developement of their mental faculties, and the acquisition of all kinds of knowledge; alternating their studies only with such mechanical employments as may be necessary for physical health. I can conceive nothing more delightful than watching and administering to the intellectual wants of a blind person of good parts, as they gradually unfold themselves; and enabling him to wander at will among the fields of fancy and science. Such a person may attain a knowledge of the classics, of ancient and modern languages, and of almost all kinds of science. There is nothing to prevent his becoming an elegant and accomplished scholar, and of being qualified to adorn society as well as to be a contented and happy being himself. Think of such a person, and compare him with one sitting in intellectual and physical darkness, and say whether it is not worth while persevering in your undertaking.

"In the education of indigent blind children, or of those whose principal dependence must be on themselves, I should hope that our institution will avoid the extremes into which the French fall on the one hand, and the English on the other. We should dependently neither upon physical nor intellectual education, nor sho'd we lay down any general rule to be observed towards all pupils.—One ought to be even more observant of the bent of a blind boy's mind and the direction of his talent, than he is in the education of seeing children.

"Considering handicraft work to be the occupation in which the blind can compete to less advantage with seeing men than any other, it should be resorted to only in the case of those who manifest no decided talent for any thing else. Among twenty blind youth, there will probably be found four who possess a decided musical talent, this then should be assiduously cultivated, music sho'd be their principal study, and they should devote as much time as possible to it.

"If one or two should exhibit a strong inclination for mathematical studies, or display what may be called the teaching propensity that is the talent for communicating their knowledge, they should have these powers cultivated; they will surely do better by them in the world than by making baskets or mats.

"The majority whose talents are but ordinary should be taught some mechanical arts, such as mat, basket, or mattrass making and they should make it the chief object of their education to attain an excellence in them. I would not indeed prevent their learning to read and write, or acquiring a store of intellectual knowledge, but it should not be allowed to impede their way in learning their trade.

"I have often wondered, when in workshops of European blind institutions, that they did not have some one reading in the room while the pupils were at work. I do not believe that it would materially take off their attention from their occupation, and if they did not profit much from the reading, they would do so to a certain degree.

"The pupils who are to learn thoroughly any handicraft work, should not have their attention too much distracted by a multiplicity of occupations; it is true that there are some advantages attending the French method of teaching the children a half a dozen trades, as there are advantages attending almost every bad system; but they by no means outweigh the immense disadvantage of the want of that excellence in one trade which can only be acquired by strict and undivided attention to it.

"As the children destined to a trade should not devote too much of their time to intellectual pursuits, so on the other hand those educated for a higher occupation should not be left unacquainted with some mechanical occupations; they cannot have their mental powers always on the stretch, and as they have the same means of amusement as seeing children, they must be provided with some means of getting the necessary exercise and recreation.

"This may be obviated by a regular attention to work, and by introducing many amusements among them.

"I have often observed with a delighted eye the movement of the blind boys in Paris as they leave the institution to go to play; each grasps a cord held by a seeing boy, and follows him rapidly and unhesitatingly through narrow streets until they enter the immense "Garden of Plants" when quitting the string they run among the trees and frolic and play together with all the zest and enjoyment of seeing children. They know every tree and shrub, they career it up one alley and down another, they chase, catch, overthrow and knock each other about, exactly like seeing boys; and to judge by their laughing faces, their wild and unrestrained gestures, and their loud and hearty shouts, they partake equally the delightful excitement of boyish play.

"It appears to me very probable that the delicacy of health so often the lot of the blind is owing to the want of proper circulation of the blood; they being much of the time in a state of physical and mental rest.

"We must also adapt our institution to local circumstances, and

in our workshops try to produce those articles best adapted for sale in our market. I have no doubt that the profit of work done in this country by the blind will be infinitely greater than in any other, owing to the higher price of labor; and if one cannot make a blind man approach any nearer to the seeing workman in the amount of his gains, yet thanks to Providence, the gains of a laboring man with us are not so stinted that he would starve on their being diminished one quarter."

In submitting to the public this extract of the report of Dr. Howe, the Trustees are aware that they are furnishing to cavillers some opportunity of objecting to their infant establishment, on the ground that it is so difficult, even in Europe, to bring them to that degree of perfection which enables them to pay their own way; but besides that the Trustees are unwilling to suppress any evidence in the case, they are convinced that they can steer clear of many of the difficulties which are to be encountered abroad, and they insist that too much consideration cannot be given to the fact that they will have fewer obstacles to encounter, and more circumstances to favor them than their predecessors. It cannot be that in these United States there exists a parish which would not give a salary to a blind organist in preference to a seeing one, provided they were equally well qualified, yet in Europe this is the case. There is not here this fixed prejudice to struggle with, nor yet the immense obstacle of the low price of labor, which in many parts of Europe is in the direct ratio to the means absolutely necessary for supporting life.

They have too the light and experience which the others did not, and can profit by their experiments, successful and unsuccessful.

The Trustees are well aware that the advantages of an education cannot be extended to all the blind; and it is in the hope of doing some little good to them that the attention of their relatives is invited to some remarks on the subject of the domestic education of the blind:

"There is a great error prevalent among those who have friends or relations deprived of their sight; and who imagine that too much kindness or too much attention cannot be lavished upon them. This is entirely a mistake, and it is quite certain that the greatest obstacle to the education of the blind children who are received into the European Institutions, is that their previous treatment has been such as to prevent the developement of their remaining senses.

"Parents absolutely smother the faculties of a blind child in kindnesses; 'the poor dear thing' is blind, say they, 'it cannot feed itself; it is blind,' 'and cannot dress itself;' and if it ventures across the floor alone the anxious mother runs and silently removes every obstacle, instead of teaching it a lesson by letting it run against them, and bye and bye, when she is not near the child it may severely hurt itself by falling over something of which it never dreamed.

Then the blind are continually addressed in a strain of pity,—they are reminded every moment of their misfortune, and taught to believe themselves inferior to their fellows, and burthens upon society.

Now nothing can be more injurious than such treatment of blind children, and 'It is all important to disseminate' in the community useful knowledge on the subject of infantile and early education; the mother is the most influential teacher in the world; and if few have correct ideas of their influence and their duties as teachers of their seeing children, we may say that almost none understand how to act their parts in relation to a blind infant. The compassion of the woman, the affection of the mother, doubly claimed by the misfortune of her infant, grows into fond doting; and as the anxious bird in the eagerness to warm its shivering nestling may stifle it beneath its feathers, so the mother of the blind child renders it doubly helpless by an excess of solicitude about it; by preventing it from supplying its own wants or putting forth any of its own energies *

"It should be strongly impressed upon the mother of the blind child that she ought to do nothing for it which it can by any possible pains do for itself; she should allow it to roam about where it will; there is no fear of her suffering it to come to any serious harm; there is no danger that the tendrils of maternal affection should fail to twine about the frail plant, but there is danger that they may encircle it so closely as to stint forever its growth.

"It would be useless to quote the immense attainments of many blind persons who have had the advantages of a proper education, or have been endowed with great talents, for such examples would rather tend to discourage many blind than induce them to strive at imitation, but I may notice what I have repeatedly seen; the extraordindry difference between blind youth possessing the same natural advantages but differently treated by their parents. I have known young men who could not walk out without a guide, nor occupy themselves in any handicraft work, and who could not even dress or feed themselves; they were mopeing helpless dependents, sitting bowed under the weight of an infirmity, and the conciousness of their inferiority which was recalled at every movement by the officiousness of their friends; they were alike useless to themselves and burdensome to those around them.

"I have known others too without greater natural advantages, who required little more personal attendance than seeing persons, who never were assisted in shaving, or dressing, or feeding themselves, or going about in the neighboring houses; who could go all over a city; nay who could ride on horseback in the country, and mingle with grace and spirit in the waltz and the other amusements of society. These young men prided themselves in dispensing with the services of those about them as much as possible, and would take quite in high dudgeon any speech of condolence, orany allusions to their *inferiority*.

"In fact blind youth should not be reminded of his inferiority, nor taught to consider himself as inferior to his fellows; it is not only useless but discouraging, and his abilities ought not to be directed to the developement of those of his senses which remain to him. He ought to be made to attend to all his personal wants and comforts, he ought to be left to puzzle and grope out as many things as possible, and to be left rather in perplexity for an hour than receive assistance in the accomplishment of anything which it is morally impossible for him to do. And let me say that they can accomplish many things which to an inattentive observer would seem impossible; it would be hard, for instance, to convince many people that a blind man can by the sound of his voice ascertain whether a table or a sofa had been removed from a room which he had much frequented; that he can tell pretty correctly the age and size of a person from hearing him speak; or that he will correctly judge the character of another from the intonation of his voice in a conversation; that he can attain as much excellence in mathemetical, geographical, astronomical, and other sciences as many seeing persons, and that he can become as good a teacher of music, language, mathemetics, and other sciences, yet all this and more, can he do."

The Trustees have endeavored to base their institution upon broad and scientific principles, and have spared no pains to commence aright. They have procured from France one of the most accomplished young men who have been educated at the Paris Institution for the Blind; a young man whose acquirements in the classics, in history, mathematics, and general knowledge, would do credit to any seeing person of his age. He combines also with this the talent of communicating his knowledge to others.

The Trustees earnestly beg the attention of the public to this fact, which they consider of great importance, viz: the superiority of the blind to seeing persons as teachers of the blind; they agree with Dr. Howe that no person can so well understand and overcome the difficulties which a blind child has to encounter in learning, as one who had to encounter & overcome them himself. "I should consider," says he, "a school for the blind without blind teachers as necessarily imperfect."

The Trustees have also procured from Edinburgh a blind mechanic who teaches different kinds of work, which may now be seen at the institution.

They flatter themselves that they have already introduced into their institution some important improvements in the method of teaching the blind; as one instance, they would refer to the map at the end of this pamphlet which is a plan entirely new, and unknown in Europe. There the maps are made

* Dr. Howe's Report.

with infinite pains and expense, by glueing strings onto another map pasted on a board; besides the great expense and necessary clumsiness of which, they do not admit of the divisions and the lettering, which are here introduced. A map of this size would cost at Edinburgh, five dollars, and it would weigh three or four pounds, and not have half as many distinctions as this, which costs less than the one hundredth part of that sum.

The trustees deem it unnecessary to go into any particular detail of the method of instruction pursued at their institution, the specimens at the end of this pamphlet, the raised letters, the musical notes, &c. indicate that the touch is the sense upon which the blind depend for the acquirement of their knowledge. Their apparatus is as perfect, to say the least, as that of any other institution, and they confidently hope for success in accomplishing the object proposed by educating the blind.

Fully satisfied as the Trustees were themselves of the capacity of this neglected class for receiving an education, they were determined to prove it by experiment before making a call upon the public: on the return, therefore, of their agent from Europe with the blind teachers, they took seven blind persons from different parts of this State, varying in age from six to twenty years. These children taken at random have now been under instruction nearly five months, and can read correctly with their fingers, books printed for their use: they learn arithmetic faster than the generality of seeing children; they acquire more correct and definite notions of geography from their maps than seeing children can, since they are unassisted by the written names; and their progress in music is decidedly great. In regard to manual labor, some of the pupils can already fabricate mocassins and door mats, which are as strong and durable, and as handsome in appearance as those made and sold in our shops.

Finally, the Trustees considered that they have accomplished the most difficult part of the task in putting their institution into actual operation; they have planted the tree—it depends upon a generous public to water it and rear it; and they will only add, that if there be the slightest hesitation in the mind of any one about the propriety of oncouraging the charity—if there be any one who shall entertain the shadow of a doubt of the utility of their Institution, its doors are open, let him come and see for himself.

REPORT

OF

A COMMITTEE

OF THE

REGENTS OF THE UNIVERSITY

OF THE

State of New-York,

ON THE

EDUCATION OF COMMON SCHOOL TEACHERS.

Presented to the Regents at their annual meeting, on the 8th day of January, 1835, and adopted by them at a subsequent meeting on the 20th of the same month.

AN ACT
RELATING TO PUBLIC INSTRUCTION.

Passed 14th March, 1835.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§1. The Superintendent of Common Schools shall procure and furnish to each of the school districts in this State, two copies of the Report of a Committee of the Regents of the University on the education of Common School Teachers, presented to the Regents on the eighth day of January last, for the use of said districts.

STATE OF NEW YORK,
SECRETARY'S OFFICE.

Albany, 10th April, 1835.

The foregoing is the first section of an Act providing for printing and distributing to the school districts a report therein referred to.

Although the Act does not prescribe the particular manner in which the copies of the report shall be kept for the use of the districts to which they are to be sent, the intention of the Legislature will be best answered by putting them into the hands of the district clerks, who should circulate them for the perusal of the inhabitants, that all may be apprized of the provision made by law for the education of common school teachers.

JOHN A. DIX,
Supt. Common Schools.

At the annual meeting of the Regents of the University of the State of New York, held pursuant to the Statute in such case made and provided, at the Senate Chamber in the Capitol, on the 8th day of January, 1835.

PRESENT:
THE GOVERNOR,
THE LIEUTENANT GOVERNOR,

MR. YOUNG,	MR. SUDAM,	MR. CORNING,
MR. KING,	MR. DIX,	MR. WHETMORE,
MR. WENDELL,	MR. CAMPBELL	MR. McKOWN.
MR. PAIGE,		

Mr. Dix, from the committee appointed at a special meeting of the Regents of the University, on the 22nd day of May last, to prepare and report a plan for the better education of teachers of common schools, submitted a report, which having been read, was in part considered; the final consideration thereof being postponed to the next meeting of the Board.

The following is the report as first submitted to, and finally adopted by, the Regents:

REPORT

Of a Committee of the Regents of the University of the State of New York, on the education of common school teachers, presented to the Regents at their annual meeting at the Capitol, in the city of Albany, on the 8th day of January, 1835.

To the Regents of the University:

"At a meeting of the Regents of the University of the state of New York, held on the 22nd day of May, 1834, a certified copy of an Act of the Legislature entitled 'An Act concerning the Legislature fund' passed May 2d, 1834 was presented to the board and read; and it appearing that the subject matter

of the said act related to the application of part of the income of the literature fund to the education of teachers of common schools, under the direction of the Regents of the University, it was thereupon,

Ordered, That it be referred to Messrs. Dix, Buel, and Graham to prepare and report to the Regents at some future meeting a plan for carrying into practical operation the provisions of the said Act."

In discharging the duty confided to them under the foregoing resolution, the committee have been deeply impressed with the importance of the subject. They are satisfied that it will depend much on the measures which may be adopted by the Regents in pursuance of the authority conferred on them by the act of the 2d May last, whether the leading & acknowledged defect in our common schools, the want of competent teachers, shall be remedied, or whether it shall continue to embarrass, as it long has done the efforts of the Legislature and of individuals to carry out our system of popular institution to the great results which it is capable of producing. In its organization, and in the annual contributions which are made to its support, the liberality of the Legislature and of the people on whom the burden principally falls, is in the highest degree creditable to the state; and if the effects of a large expenditure of money, continued for a series of years, have not been as beneficial as might have been anticipated from the amount of the expenditure, the causes are to be found in some defects of the system, for which an early remedy should be provided.

The committee have already said that the principal defect is the want of competent teachers; and the position is indisputable, that without able and well trained teachers no system of instruction can be considered complete. Much may be accomplished by a judicious choice of the subjects of study, and by plans of instruction divested of every thing which is superfluous; but to carry these plans into successful execution, talents and experience are indispensable, and if they are wanting both time and money are misapplied, and the effort which is put forth falls short of its proper and legitimate effects.

In other countries seminaries for the education of teachers have been deemed an essential part of the system of primary instruction. M. Cousin, in the year 1832, in his report "on the condition of public instruction in some of the provinces of Germany" asserts that "primary instruction is wholly dependent on the primary normal schools," or schools for the education of teachers; and he observes that in France, thirty have been established, "of which twenty are in full operation forming in each department a great focus of illumination for the people."

In Prussia, the system of public instruction had an earlier origin, and results far more extensive and beneficial have been obtained. It is more complete in its organization, and more efficient in its practical operation than any similar system, of which we have any knowledge. In the year 1833 that Kingdom had forty-two seminaries for teachers with more than two thousand students, from eight to nine hundred of whom were annually furnished for the primary schools. The vocation of instructor is a public office as well as a profession. He receives his education almost wholly at the expence of the State; his qualifications to teach are determined by a Board deriving its authority from the Government; his salary cannot be less than a certain sum, which is augmented as occasion requires, and the local authorities are enjoined to raise it as high as possible above the prescribed minimum. Finally, when through age or infirmity he becomes incapable of discharging his duties, he is allowed to retire with a pension for his support. These provisions of law have made the business of teaching highly respectable, and have secured for the primary schools of Prussia a body of men eminently qualified to fulfil the elevated trust confided to them.

It must be confessed that the efficiency of these measures is derived in a great degree from their compulsory character, and that they could only be carried into complete execution by a government having the entire control of the system of public instruction. It was apprehended that the subjection of the system to the discretion of the persons on whose contributions the schools depend for their support, might frequently thwart the government in its measures, and sometimes wholly defeat them. For this reason, parents are required by law to send their children to school, and they are punishable by fine if they refuse or neglect to do so. For the same reason the principle part of the expenditures necessary to comply with the law in maintaining the primary schools, paying the salaries of teachers, providing school houses with their appurtenances, furniture, books, maps, and apparatus, is paid by property and income in proportion respectively to the amount of each in value, and those on whose contributions the maintainance of the schools depends, are neither allowed to judge of the extent of the provision required for the objects referred to, nor to have any voice in the selection of their teachers, those provided by the state being employed under the direction of an authority independent of them. These features of the system are in a great degree irreconcilable with the spirit of our political institutions; but the committee believe that public opinion may be stimulated to a just conception of the importance of making more ample provision for teachers, and thus supplying a deficiency, apart from which our system of popular instruction would be in equal inefficiency, as it is now superior in extent, in proportion to our population, to any other in the world.

Common school instruction in this state existed a long time upon the foundation of voluntary private contribution, before it was recognized and reduced to a system by public law. The result was to put in requisition the services of large numbers of persons who by long practice had been familiar with the business of teaching; and it is doubtless to be ascribed in no inconsiderable degree to this circumstance, that the necessity of making some provision for the education of teachers was not felt at the time the common school system was established.

Although this important subject had been repeatedly recommended to the attention of the Legislature by several of the Governors of this state, no provision was made by law in conformity to these recommendations, until the year 1827, when an act was passed adding to the capital of the Literature Fund the sum of one hundred and fifty thousand dollars, for the avowed object of promoting the education of teachers. But as the annual income of the Literature Fund has been heretofore distributed among the academies in thes tate, without any restrictiction as to its application. it has in very few instances been devoted to the object in view of the law. To this remark there are however several exceptions. The St. Lawrence, Oxford and Canandaigua academies have each established a course of lectures and exercises for the preparation of teachers, and such has been their success with a very limited contribution from the public treasury that an augmentation of the means of some of the academies is obviously all that is necessary to render such a course of instruction of inestimable value to the common schools of the state. In the neighbourhood of the St. Lawrence academy, the school districts are almost entirely supplied with teachers educated at that institution; and so beneficial has been the effect of introducing into the schools a better class of instructors, and more efficient plans of instruction, that the compensation of teachers is already, on an average, from thirty to forty dollars per annum more than it was before the academy had established a department for training them. The influence of these measures upon the public opinion of a small section of the country furnishes the strongest ground of assurance that it is necessary

only to extend them in order to produce the same results on a more extensive scale.

It may not be improper to remark that the question of creating separate seminaries for the education of teachers has been repeatedly before the Legislature, but after full examination it was deemed more advantageous to engraft upon the existing academies departments of instruction for the purpose.

This may now be considered the settled policy of the State, and it will therefore be necessary only to inquire in what manner it can best be carried out to its results.

The Act of the 2nd May, 1834, authorises the Regents of the University to distribute the excess of the annual revenue of the Literature fund, or portions of it, over the sum of twelve thousand dollars, "if they shall deem it expedient, to the academies subject to their visitation, or a portion of them" o be expended in educating teachers of common schools; & it is made the duty of the trustees of academies to which any distribution of money shall be made, to apply it to the purpose specified "in such manner and under such regulations as said Regents shall prescribe."

The Regents are therefore entrusted with an unlimited control over such portions of the excess of the revenue of the Literature fund as they may think proper to appropriate to the purposes of the law last quoted; and as this is the first instance in which the contributions of the State to this great object have been accomqanied with such a delegation of authority as is necessary to ensure its execution, it appears to the committee that a most important and delicate duty is devolved on them. The first step towards the execution of the plan adopted by the Legislature for the education of common school teachers is now to be taken. We are to lay the foundations of a system which may become an essential part of our plan of common school instruction, and which if properly organized may be the means of remedying existing deficiencies and elevating the standard of education to a grade in some degree commensurate with the high responsibilities which the constitution of this State has cast upon its citizens as incidents of the condition of citizenship. If we are successful, the foundations which will now be laid may hereafter be made to sustain a system adequate to the wants of all the common schools in the State. The point therefore which of all others the committee deem it indispensable to secure, is *efficiency in the departments to be created.* The funds at the disposal of the Regents being limited in amount, the aim of the committee has been to devise such measures as on a limited scale would be most efficient. The sum in the treasury applicable to the object expressed in the resolution is ten thousand and forty dollars and seventy-six cents; and the annual excess of the revenue of the Literature Fund, after distributing twelve thousand dollars to the academies, as required by the Act of the 22nd April, 1834, will amount to about three thousand five hundred dollars. The sum first mentioned is now applicable to the establishment of departments of instruction for common school teachers in the existing academies; but it is obviously too small to admit of a general distribution among them; and if it were adequate to the establishment of a department in each, the annual surplus of revenue applicable to the support of those departments would be too small, when divided among so great a number, to be of any practical utility. It has appeared indispensable to the committee therefore that the academies selected for the purpose should be limited in number. If departments can be established in which even a small number of teachers can be well prepared for the business of instruction, the good effects which would result from the improvements they would introduce into the common schools, would be likely to become so manifest as to lead to more enlarged provisions for the purpose of extending the benefits of the system. The committee therefore, as they have already observed, deem it of the utmost importance that the department to be organized should be put on such a footing as to ensure efficiency in the extent of the means at the disposal of the Regents: that the end proposed should be to prepare a limited number of well educated teachers, rather than a large number with inferior qualifications. This end must necessarily be attained by selecting for the purpose a limited number of academies. At the same time the public convenience would demand that the number should not be too limited, but that one should be within the reach of every county in the State: although it is manifest that the efficiency of the departments will be in the ratio of the sum expended on their organization, and the amount annually contributed to their support. The least number which could perhaps be selected consistently with the general convenience, would be eight, or one in each Senate District; and the committee are of opinion that eight might be maintained without putting at hazard the great object of rendering them equal to the preparation of well instructed and competent teachers.

The committee are aware that the establishment of these departments on the most favorable footing will not remove every difficulty; that there are others inherent in our system of common school instruction which may not be so easily obviated. The inhabitants of school districts have, through the trustees who are elected by their suffrages, the selection of their teacher and the regulation of his wages; and if the state were to prepare a sufficient number of teachers to supply all the districts, there would be no absolute certainty that they would find employment. There would be no probability that they would find, after devoting the best part of their lives to the business of teaching, a provision for them in their old age.

With regard to the first difficulty referred to, it may be safely calculated that the people will, when the good effects of improved modes of teaching are brought directly under their observation, make more liberal contributions to the support of competent teachers.

With regard to the second, there is good reason to doubt, so far as the public is concerned, whether in the end a provision of law which holds out to any class of men the assurance that they will at all events be employed or supported for life, would be salutary in its effects. The greatest stimulus to improvement is unquestionably the necessity of arduous and unceasing exertion. Places of trust in which the incumbents are permanent, are not, as a general rule, those which are best administered. The efforts of the incumbents are most likely to be fresh and vigorous when they are in danger of being displaced by other individuals of superior qualifications, and when the tenure of office is made to depend on the ability with which its duties are discharged. If therefore the compensation of teachers were equal to that of other employments, the public end would probably be as well answered as by securing to them an unfailing provision for life.

It would be extremely difficult, even if it were desirable under our institutions, to make the system of public instruction compulsory by subjecting it wholly to the regulation of the government; and it must be admitted that this is the feature of the Prussian system from which it derives its principal efficiency. The occupation of teachers must therefore necessarily be with us somewhat less certain; and it will require stronger persuasives to induce individuals of competent abilities to enter into and pursue it as a permanent vocation. This is an inconvenience for which there is not perhaps a perfect remedy, although it is conceived that it may be in a great degree obviated by the adoption of measures which will secure to them a better compensation for their services.

Much may undoubtedly be done by providing for the education of a certain number of individuals, and by sending them abroad among the common schools to raise, by the exhibition of the improved methods which they have gained, the standard of education to the level of their own superiority over the

great mass of common school teachers. In this manner the inhabitants of school districts may, and doubtless will, in most cases, be led to make more enlarged and permanent provision for those to whom the instruction of their children is entrusted; and to the adequacy of these provisions the standard of education will acquire and maintain a uniform and certain relation.

The committee then would recommend that one academy in each senate district be selected for the purpose in view, and that the selection be made from those which from their endowments and literary character are most capable of accomplishing it. The object to be attained is public, and the interest of one academy or another cannot properly be taken into consideration with a view to influence the choice which may be made from among them.

Should this recommendation be adopted by the Regents it will remain only to consider:—

1st. On what principle the funds applicable to the establishment or organization of the departments shall be apportioned to the academies which may be selected for the purpose.

2nd. On what principle and to what extent the annual excess of the revenue of the Literature Fund applicable to the support of the departments shall be apportioned to the academies in which they may be established.

3rd. What shall be the organization of the departments.

1st. As to the course (or subjects) of study.

2nd. As to the duration of the course.

3rd. As to the necessary books apparatus;—and

4th. What evidence of qualification to teach shall be given to the individuals who may be trained in the departments.

These subjects will now be considered in the order in which they are stated.

1st. On what principle the funds applicable to the establishment or organization of the departments shall be apportioned to the academies which may be selected for the purpose.

As a general remark it may be observed in this case as it has been already said in relation to the selection of the academies, that the object in view is public, and that the only legitimate consideration is in what manner it can best be attained. Under this view of the subject no embarrassment can arise as to the question of allowing the academies which may be selected to participate in ratio of their respective wants, in the funds to be applied. The departments should all be placed in their organization on the same footing; they should have the same apparatus, and be provided in all respects with equal facilities for commencing the contemplated course of instruction. It may, and doubtless will, happen that some of the academies will be found in better condition than others for commencing such a course, and to render the departments equally efficient it may be necessary to apportion the funds applicable to their establishment in unequal sums among the academies selected. It will therefore be advisable, after fixing upon the apparatus, maps, &c. which may be required, to ascertain how far the academies are provided with them, and to distribute the funds with reference to the deficiencies which may be found to exist.

The funds now in the treasury applicable to the object amount to $10,040 76; but of this sum the committee are of opinion that not more than $4000 should be applied to the establishment of the departments. The sum of $500 for each will, it is believed be adequate to the object in most cases; and as some of the academies may not require so large an an amount, a surplus may remain and be applied to deficiencies in others or carried to the fund applicable to the annual support of the departments.

If the sum of $4000 only be appropriated to the establishment of the departments, a surplus of about $6000 will be left for future uses; and for reasons which will be hereafter explained, it may be important to keep on hand an annual surplus to meet any deficiency in the revenue of the Literature Fund in succeeding years.

2nd. On what principle and to what extent the annual excess of the revenue of the Literature Fund applicable to the support of the departments shall be apportioned to the academies in which they may be established.

If the departments are to be maintained at all, it is necessary that there should be apportioned annually to each of the academies in which they shall be established, in addition to the amount to which these academies will be entitled under the general annual apportionment, a sum as nearly adequate as possible to the support of a competent instructor. The largest sum which can be regularly apportioned to each is four hundred dollars: and it is conceived that each of the academies referred to should receive that sum annually, without reference to the number of pupils in training.

With such a permanent provision the object of the academies will be to render the departments efficient, rather than to secure the greatest possible number of pupils. The rule suggested ought not to be carried to an extreme; and if in the course of time any academy should be found, without good cause, to have failed in promoting the object in view to a reasonable extent, another should be selected and substituted for it, so that the public munificence may not be expended in vain. If after appropriating to each of the academies the sum above mentioned, a further sum could in any year be safely apportioned to them, the most equitable rule would seem to be to distribute it in proportion to the whole number of pupils in training for common school teachers, and to the aggregate length of time in such year during which they shall have been so trained according to the prescribed plan. It is on a similar principle that the greater part of the revenue of the Literature Fund is now distributed under the general law: and after securing a proper degree of efficiency in the departments to be created, there can be no reason to apprehend inconvenience from stimulating the efforts of those who have the direction of the academies, to augment the number of their pupils, and thus to extend as widely as possible the benefits of the system.

The proposed sum to be apportioned annually as above suggested for the support of instructors in the eight departments is three thousand two hundred dollars; and this is about as much as can be regularly applied to the object. The capital of the Literature Fund amounts to $262,573 10; and the annual income will not fall short of $15,500. Of the last mentioned sum $12,000 must be apportioned to all the academies subject to the visitation of the Regents pursuant to the Act of 22nd April, 1834, to be expended under the direction of the trustees towards paying the salaries of tutors.

Only $3,500 will therefore remain to be applied annually to the support of the departments for the instruction of common school teachers.

It is true that there will be on hand, after applying $4000 to the organization of those departments, about $6000 applicable to their support. But it is to be considered that a large portion of the capital of the Literature Fund consists of bonds and mortgages on which the interest is not always regularly paid, and it is desirable to keep in the treasury a surplus of a few thousand dollars, to meet in future years any deficiency which may grow out of such irregular payment of interest, for it is of the greatest importance that the acadamies in which the departments are established should never be disappointed in the anticipated annual contribution to the support of the instructors of those departments. By the arrangement suggested the contribution will be rendered certain, and should it be deemed safe at any future time to distribute a portion of the surplus on hand, after paying out three thousand two hundred dollars for the support of instructors, such distribution might be made on the principle before suggested, and the amount

so distributed applied to the purchase of books, or to such other objects as the Regents might designate.

It is also to be observed that under the act of 22d April 1834 applications may be made from other academies for a portion of the excess of the revenue of the fund, for the purchase of philosiphical and chemical apparatus &c. And although the Regents have by that act a discretion as to making any application of such excess to the object referred to, it may be desirable in some cases to have funds at command for the purpose. Far this reason also it is important that the whole surplus on hand should not be expended.

3rd. What shall be the organization of the departments.

I. As to the course (or subjects) of Study.

In determining the course of study, the committee have thought it proper to designate as subjects to be taught all which they deem indispensable to be known by a first rate teacher of a common school.

In fixing a standard of requirement in any pursuit, it is always desirable to raise it as high as possible; for the qualifications of those who follow it will incline to range below and not above the prescribed standard. In this case as the principal object is to influence public opinion by exhibiting the advantages of that practical skill which may be gained by proper training, care should be taken that those who are relied on to exert the influence referred to should be made fully adequate to the task.

In select schools in our cities and large schools, qualifications of a still higher grade than those in contemplation for common school teachers, may be required: but as it is not intended with regard to the latter to dispense with any essential branch, so it is not intended to exact any thing which is not indispensable. If the subjects which they will now proceed to state in their proper order, be taught in such a manner and to such an extent as to be thoroughly understood by the pupils, the committee feel confident that the course will be found equal to the object to be obtained.

It is proper to premise however that no individual should be admitted to the teacher's department until he shall have passed such an examination as is required by the following extract from the ordinance of the Regents of the University to entitle students to be considered scholars in the higher branches of English Education:

"No students in any such academy shall be considered scholars in the higher branches of English education within the meaning of this ordinance, until they shall, on examination duly made, be found to have attained to such proficiency in the arts of reading and writing, and to have acquired such knowledge of the elementary rules or operations of arithmetic, commonly called notation, addition, subtraction, multiplication and division, as well in their compound as in their simple forms, and as well in vulgar and decimal fractions as in whole numbers, together with such knowledge of the parts of arithmetic commonly called reduction, practice, the single rule of three direct, and simple interest, as is usually acquired in the medium or average grade of common schools in this State, and until they shall also on such examination be found to have studied so much of English grammar as to be able to parse correctly any common prose sentence in the English language and to render into good English the common examples of bad grammar given in Murray's or some other like grammatical exercises, and shall also have studied in the ordinary way some book or treatise in geography equal in extent to the duodecimo edition of Moore's, Cumming's, Woodbridge's, or Willett's geography, as now in ordinary use."

SUBJECTS OF STUDY.

1. The English language.
2. Writing and drawing.
3. Arithmetic, mental and written: and book-keeping.
4. Geography and general history combined.
5. The history of the United States.
6. Geometry, Trigonometry, Mensuration and Surveying.
7. Natural Philosophy and the Elements of Astronomy.
8. Chemistry and Mineralogy.
9. The Constitution of the United States and Constitution of the State of New York.
10. Select parts of the revised Statutes, and the duties of public officers.
11. Moral and intellectual philosophy.
12. The principles of teaching.

These subjects are not intended to exclude others should the academies think proper to introduce them. The Regents should however, insist that the foregoing be thoroughly studied, and that they be not allowed to give way in any degree to others; nor should any others be required in order to entitle the pupils to the prescribed evidence of qualification.

The committee will now proceed to state some of the most important suggestions which occur to them in relation to the several subjects of study enumerated; not for the purpose of pointing out in every case the whole extent to which the course is expected to be carried, but to designate certain particulars which they deem most worthy of attention.

The English language.—This branch constitutes the most extensive and perhaps the most important field of instruction for a teacher. Unless the pupil is thorougly master of his own language, he cannot be a competent instructer. The utmost pains should therefore be taken to give him an acurate knowledge of it; and the proper process of instruction is that which it will be his business to employ in giving instruction to others.

He should be made familiar with the best methods of teaching the alphabet and the steps by which children can be conducted with the greatest facility through the first lessons which the receive. Rules for spelling should also be learned, and their application shewn, particularly in the orthography of compound and derivative words, the plurals of nouns, the inflexions of verbs and the comparison of adjectives; and in these exercises black boards or slates should be used, so that the eye as well as the ear may be made instrumental to the correction of errors.

In reading, the lessons should embrace a just enunciation of sounds as well as words, and a careful regard to distinctness of pronunciation, as well as a proper fulness and modulation of the voice. A clear and correct enunciation is of the highest importance to a teacher whose defects are almost certain to be communicated to his pupils; and it is therefore indispensable that reading with criticisms in orthoepy, accent, emphasis, cadence and punctuation, should constitute a part of the exercises in this branch of study.

The pupil should not only be practised in reading the English language with accuracy and distinctness, but he should be taught to write it correctly. He should be made thoroughly acquainted with its structure and its idiomatic peculiarities. In addition to the ordinary routine of parsing, the principles of universal grammar should be critically discussed, the structure and philosophy of language, should be made the subject of a minute investigation, the offices which are performed by the different words of a sentence, and the rules by which their relations to each other are governed, should be explained until the whole subject is thoroughly understood.

Original composition, and declamatian from the writings of chaste authors, are also an essential part of the course: the first for the purpose of facilitating a correct understanding of the laws of language and the acquisition of a correct style, and the second for the purpose of cultivating a distinct articulation as well as a refined taste. In both, the utmost care should be taken to select subjects on a level with the capacity of the pupil, so that his interest may be kept alive and the mind not tasked beyond its powers; and he should be perpe-

tually cautioned against the error of an affected or artificial manner. Nature is always simple, and for that reason always effective.

In the Kinderhook Academy, in which a department for the education of teachers has been recently introduced, a complete course of instruction in the English language has been adopted, embracing the following details:

1. Orthography. Sounds of Letters. Rules for spelling. Spelling Words of doubtful or various orthography.

2. Pronunciation.

3. Etymology. Prefixes. Terminations. Derivations & definitions. Synonymes. Inflexions.

4. Syntax.

5. Prosody, in all its parts.

6. Punctuation. Use of Capitals. Abbreviations.

7. Reading.

8. Composition. Weekly exercises—topics selected with reference to the business of teaching.

9. Extemporaneous speaking—subjects connected with the business of teaching.

10. Rhetoric. So much of Blair's rhetoric (Mills' edition) as treats of language.

11. History of the language as contained in Johnson's and Walker's prefaces to their large dictionaries.

Although the committee have not in the course of study designated Rhetoric as a distant branch, they consider it advisable that all the academies in which departments are established should introduce so much as is contained in the above synopsis of the course in the Kinderhook Academy.

Writing and drawing.—Every pupil must be able, before he leaves the institution to write a good hand. For this purpose he should be made to practice from the beginning of the course, under the personal direction of the tutors, with the best writing materials, and with proper attention to the positions of the body, arm and hand.

For beginners, slates may be used with great advantage, as suggested in Taylor's District School.

Much may be gained by reducing to writing parts of the prescribed course, if done with attention to the manner in which it is executed: but in all these exercises the tutors should take care to check any appearance of negligence or haste. By a careful attention from the outset to the correct formation of the letters, and to those circumstances which must concur to enable one to write with freedom, a good style of writing may be acquired without the least difficulty; but it will be almost a hopeless attempt if bad habits are contracted before the hand writing is completely formed.

Drawing is only expected to be taught so far as it may be necessary for the purpose of mapping. In learning geography the pupils should be required to delineate on the black board the outlines of the general divisions of the earth, the different countries, oceans, rivers, &c., and they should afterwards be practised in similar delineations, executed with care, on paper. In geometry, trigonometry, mensuration, and surveying, linear drawing will be indispensable, and the tutors should study to convert the exercises to the best use.

Arithmetic.—In this branch the pupil must be thoroughly instructed in the four ground rules of arithmetic, as well in their compound as in their simple forms, and as well in vulgar & in decimal fraction as in whole numbers; the single rule of three together with reduction, practice, interest, fellowship, barter, &c. so that the course shall be at least equal in extent to that contained in Daboll's arithmetic. In all the operations performed by the pupils black boards should be used for demonstrations and illustrations, and every lesson should be explained until the pupil comprehends it thoroughly. In nothing is the dependence of one step on another so complete as in the science of numbers; and if the pupil leaves behind him any thing which he does not distinctly understand, his progress must always be difficult, and the result of his calculations uncertain. In facilitating a clear perception of abstract numbers and quantities, visible illustrations should be liberally employed. Mental aritmetic may also be advantageously resorted to, and indeed may be deemed indispensable as a discipline to the mind. To all these exercises a practical direction should as far as possible be given by selecting as subjects for practice those familiar operations of business with which the pupils must be conversant in after life. Thus the mind may be strengthened by the same process which is storing it with useful information.

A knowledge of arithmetic enters into so many of the common operations of life that it is not only an essential part of the most ordinary education, but it should be so thorough that an application of the rules of the science may be made with ease and certainty. As a mental discipline also the study is of great value; and it should be so conducted as to secure all the benefits which it is capable of producing. The aim should be to make it an exercise of the reasoning faculty, and not, as it has usually been, a mere exertion of memory. A facility in performing the operations of arithmetic may be acquired without a distinct understanding of its principles; but to render sure and easy an advance into the branches of mathematics, for which it is a necessary preparation, a clear and familiar knowledge of principles is indispensable.

Book-Keeping.—A simple course of Book-keeping should be taught in every common school, and it is therefore an essential part of the course of instruction for a teacher.

The method pursued in the St. Lawrence Academy is perhaps as concise and as likely to be successful as any that could be devised. The system contained in the first part of Preston's Book-keeping is taken as a guide. "The pupil is first taught to rule his book, and is then required to carry his slate to the recitation room ruled in the same manner. For several of the first lessons examples of accounts are taken where the articles delivered are charged directly in the individual's account. The teacher then reads the several charges, which the scholar copies on his slate, and the scholar is required, as an exercise in writing, to transfer the account to his book. The teacher then proceeds with the charges in the short specimen of day-book entries, giving as many at one lesson as the scholar will be able to transfer with care in the allotted time to his day-book. When the several charges are copied into the scholar's day-book, he is required to post his book."

In this manner a sufficient knowledge of book-keeping for ordinary purposes may be readily acquired, and the student may improve as much in penmanship as though he had passed his whole time in writing after a copy.

Geography and General History.—Geography, to be profitably studied, must be continually explained by maps and the globe. Neither the artificial nor the natural divisions of the earth, nor the proportions which its several parts bear to each other, and to its whole surface, can be readily comprehended without having recourse to visible demonstrations. To young pupils there is a difficulty, even with the aid of maps and globes, in communicating a distinct conception of the positive or relative magnitude of different countries, or the remoteness of different places from each other. Much depends on minute and patient explanation, especially in that part of geography which treats of the physical divisions of the earth, including continents, peninsulas, islands, oceans, lakes, rivers, mountains, &c.

Physical geography, or that part of the description of the earth, which treats of its natural features, is of great interest and importance; the more so as with it are necessarily interwoven matters which in strictness belong to the department of astronomy. The figure and motions of the earth; the causes of the variation in the length of the days; the seasons; the principles upon which the tropics and polar circles are drawn at their respective distances from the equator; the general features of the earth's surface, embracing a knowledge of the influence of elevation above the sea upon

temperature, climate, productions, &c.; a description of volcanoes and earthquakes; the various theories relative to the causes of eruptions and shocks; the atmosphere, winds and their agency in the distribution of heat and moisture, embracing the subject of rain, fogs, dew, hail, &c.; the theories relative to tides; a description of the most remarkable currents in the ocean; and all those natural causes by which the condition of the various parts of the earth are influenced, should be briefly, but clearly and carefully explained.

In this branch will also be included a general knowledge of the geological structure of particular regions and their most remarkable productions, animal, mineral and vegetable. In the St. Lawrence academy the whole subject of physical geography is systematically and critically discussed; commencing with the "history of the science and the adaptation of the objects it embraces to awaken interest by their endless diversity," and running through the details of the science in a complete course of seventeen lectures.

With a description of the different countries of the earth, some account of their inhabitants, forms of government and religion, and their general statistics, must also be united. Nor will this suffice to render the view complete. We must not be content to see the earth and its possessors as they are. We must look also at what they have been, through the lights of history. A general idea of the progress of each country from infancy to age, from weakness to power, or from dominion to servitude, should be acquired; their most distinguished men, and some of the most remarkable events which have accompanied their growth and decay, should be pointed out, and a cursory survey of the whole earth in its relations both of time and space, should be taken by the pupil. The undertaking may seem arduous, but it may be executed under judicious direction with much less time than would be supposed necessary to accomplish it. The course of history should be equal to that contained in Tytler's Elements of General History, ancient and modern.

The course in geography should not be less in extent than that contained in Woodbridge and Willard, the volume in general use in the common schools. The course should be accompanied with copious illustrations by lectures and by reference to larger works, so that the pupils may be made familiar with the sources from which they may be able to enrich the instruction they themselves give when may they become instructers.

History of the United States.—The History of the United States is so essential, that it may justly be treated as a distinct branch of study. In this a mere outline is not sufficient. The pupil should understand, in all its details, the history of his own country. He should begin with its discovery, and first settlement, and trace it through the various stages of its colonial dependence to its emancipation from the control of the mother country. In the character of the men who stood foremost in the contest for independence, the measures of provocation by which they were roused to resistance, the trials through which they passed, the reverses which they sustained, the triumphs which they achieved, and the great political principles which were vindicated by them, these are lessons of instruction not inferior in value to any which can be drawn from the history of any other age or people; and if the mind of every youth can be made familiar with them, and his feelings imbued with the moral which they contain, no better security can be provided against the degeneracy of that unconquerable spirit in which the foundations of our freedom were laid.

Geometry, Trigonometry, Mensuration, and Surveying.—The committee regret that they cannot refer to any single work which contains such a course on all these subjects as they deem necessary. The works on each separate subject are in general too extensive for the purpose in view. The course should be altogether practical in its character, and should be divested of every thing superfluous. The principles of geometry and trigonometry, should be so thoroughly understood that their application may be made with facility. The pupils should be able to measure solids as well as surfaces with ease; and they should be made as well acquainted with the rules of surveying and the intruments used for the purpose as to be able to ascertain heights and distances, and determine the contents of a given piece of land with readiness and precision.

As the Committee are unable to refer to any modern work precisely adapted to the course required on all these subjects, they propose to leave the extent of the course at present to the academies, with the single remark that each pupil should have such an acquaintance with each of the specified subjects as is necessary for every practical purpose.

Natural Philosophy and the Elements of Astronomy.—The course in natural philosophy will embrace a clear understanding of the several properties of bodies, gravitation, the laws of motion, simple and compound, the mechanical powers, the mechanical properties of fluids, the mechanical properties of air, the transmission of sound, and optics. Each academy should be furnished with a complete philosophical apparatus, and all the subjects should be taught with full illustrations. A practical direction should, as far as possible, be given to the science, by teaching the proper application of its laws to useful purposes. It is from this course that those who intend to devote themselves to mechanical pursuits may reap the greatest benefits; and it is of the utmost importance to introduce it into the common schools. The first step towards the accomplishment of this object is to prepare instructers competent to teach it; and it is for this reason that it should constitute a particular object of attention.

In connection with natural philosophy there should be a brief course of instruction in the principles of astronomy. The nature and causes of the earth's motions, the planets and their motions, their size and positions in relation to the earth and the sun, their satellites, the cause of eclipses, the variations of the seasons, the length of the days, the causes of heat in summer, &c., should all be made familiar to the pupils. Each academy should be furnished with an orrery, a moveable planisphere, a tide-dial, and a set of globes: and nothing which is capable of being illustrated by apparatus should be taught without illustration.

The same apparatus may be employed for the illustration of subjects connected with physical geography, between which and that part of astronomy which treats of the earth's motions and the effects consequent upon them, there is a very close connexion. In pointing out some of the subjects which belong to the department of physical geography, some of the foregoing have been already enumerated, as the motions of the earth, the seasons, tides, &c. It is indeed not always easy, nor is it always necessary, to assign to each science its exact boundaries: so far as instruction is concerned, the separation of one from another is of no practical importance, so that all the subjects are clearly understood.

Chemistry and Mineralogy.—The course in mineralogy and chemistry is not expected to be carried far. It is intended that each academy shall have a small cabinet of minerals and the pupils should be able to distinguish the different specimens which should be well characterised, and to understand clearly their composition and distinctive properties. Chemistry should be taught in such a manner as to elucidate these distinctions in the mineral kingdom, and to

give a correct knowledge of the properties of the various bodies and substances which are in most common use; and its application to agriculture and the useful arts should be made a prominent subject of instruction. Mineralogy is usually a preliminary of the science of geology; but it is not expected that the latter will constitute a subject of study, excepting so far as is connected with physical geography, which will necessarily embrace some account of the structure of the earth, with a description of the principal classes of rocks and the mineral and metallic substances with which they are found united. One of the most salutary effects of combining with elementary education some knowledge of the foregoing subjects is to guard against the impositions so frequently practised upon the ignorance of the uninformed in the discovery of some unknown and often worthless substance to which an imaginary value is assigned. It is exceedingly desirable to spread correct notions concerning lime-stone, gypsum, and coal, and the ores of iron, lead, copper, &c. The modes of verifying their composition should be made familiar; and it should be understood in what proportions quantity should be combined with quality in order to reward labor.

Those experiments in chemistry, which are merely calculated to produce brilliant effects without subserving a useful purpose should be laid aside, and others of a more practical value substituted for them. The course will necessarily be limited, and it should possess in utility what it lacks in extent.

In the foregoing branches there may, and doubtless will be felt the want of proper class books, those in general use not being so directly adapted as is desirable to teach the application of the sciences to practical purposes. The committee trust that the organization of the departments may lead to the preparation of suitable books on all the subjects in respect to which they may be wanting; and indeed they are encouraged to believe that a work on chemistry will appear at no distant time, the whole aim of which will be to shew the application of the science to the useful arts. Until these deficiencies shall be supplied, the Regents must trust to the academies to extract from the existing works all which they may deem best suited to the objects of the prescribed course. Nothing perhaps can be better calculated to accomplish these objects than the preparation of lectures on the different subjects of study, taking care to illustrate every thing which is taught by demonstrations and experiments. So far as instruction is carried it should be thorough and clearly understood.

The constitution of the United States, and the constitution of the State of New York.—Every citizen, in order to exercise discreetly and intelligently the right of suffrage, upon which questions of constitutional power are frequently dependent, must understand the provisions of the constitution of the United States and the constitution of his own State; and, there cannot perhaps be a better mode of attaining the object than to require each pupil to make a brief analysis of both. With regard to the constitution of the United States, he should be required to specify the qualifications and disabilities of the members of the Senate and House of Representatives, the rights and privileges of each house, the powers of congress, the powers prohibited and reserved to the states, the limitations of the legislative, judicial, and executive authorities, and the manner in which the various officers of the government are respectively chosen or appointed. In short, all the provisions of the original instrument and of the successive amendments which have by virtue of the proper ratifications by the states, become a part of it, should be thoroughly understood by the pupil. In like manner he should know the qualifications of the various officers of government in his own state, the several divisions of authority provided by the constitution; the organization of the legislative, judicial, and executive departments; the powers respectfully allotted to them; the rights of the citizens; and for the purpose of impressing strongly on the mind these fundamental principles and provisions of law which every citizen owes it to the public and himself to understand, the pupils should be required to make an analysis of the constitution of New York, which should be carefully examined by the instructer. In pointing out the principal and most important provisions of both instruments so far as they confer power or restrain its exercise, the reasons on which the grant in the one case or the prohibition in the other is founded, should be clearly explained. Questions of disputed right growing out of the provisions of either instrument had better be passed by; but if they are made a subject of comment, the arguments on both sides should be fairly stated. Schools for popular instruction depart from the end of their institution when they are made subservient to the propagation of particular tenets on any subject which is open to a diversity of opinion. In every matter which enters of necessity into the proposed plan, it should be the aim of the instructer to furnish his pupils with all the materials for forming unprejudiced opinions, but to leave their minds free from all bias.

Select parts of the Revised Statutes, and duties of public officers.—A compendious work on the duties of public officers was published a few years since at Utica, and it embraces all that the committee deem requisite under this head. It is hardly necessary to add that under a form of government which throws open to all its citizens the avenues to political power, it is important that all should have, in early life, a general knowledge of the duties which they may be called on to discharge, or over the faithful performance of which by others it will be their province, in common with their fellow citizens, to exercise a constant supervision.

Appended to the work referred to, there is a short treatise on the domestic relations which may properly be considered as an exposition of the eighth chapter of the second part of the Revised statutes, and is all that is necessary on this particular subject. There is also an article on wills, and another on executors and administrators. It is to be regretted that a work containing the most important principles of civil and criminal jurisprudence, cannot now be referred to as proper to be used for the proposed course. Until such a one shall be prepared, the principals of the academies should be charged with the duty of extracting from the Revised statutes such portions as will shew the particulars necessary to give validity to conveyances, the time limited for commencing suits, the rules relative to fraudulent conveyances and contracts as to goods, chattels, and things in action, and the offences to which penalties are annexed, as contained in chapter 3rd of the 2nd part; Title 2nd chapter 7 of the 2nd part; chapter 4th of the 3rd part, and chapter 1st of the 4th part. The aim should be to extract only such portions of these chapters as contain some essential fact or principle without which the responsibilities or the rights of the parties interested in the subject matter would not clearly apprehend.

Moral and intellectual Philosophy.—The laws which should govern all men, both with respect to the investigation of truth and to the discharge of the duties resulting from the relations which they bear to each other and to the author of their existence should be familiar to every teacher, particularly as his own moral character is subject to a periodical examination by the inspectors. A knowledge of these laws is indispensable to those whose province it will be to watch over the developement of the moral and intellectual faculties, and direct them to their proper objects. The study itself is not only valuable as a discipline to the mind, but as a means of acquiring an influence over the minds of others. Although a facility for distinguishing the shades of character which exist in those with whom we are brought into contact, and thus ascertaining how far and how readily they are likely to be

actuated by particular motives, can only be gained by continued experience; our progress may be aided by attending to the principles which enter into the mental constitution of all mankind.

Dr. Abercrombie's treatise entitled "Inquiries concerning the intellectual powers and the investigation of truth," is well adapted to give a clear and correct conception of that part of the subject; and the five firsts books of Paleys' "Principles of Moral and Political Philosophy," will suffice for the other part of the course. In general, the subject matter of the latter is more practical, and better calculated to delineate with accuracy "the offices of domestic life" than most of the popular treatises on the same subject; and it has an advantage over them in giving an explanation of some of the obligations resulting from the rights of property, and from contracts with regard to its transfer and use.

The political part of the work, or the sixth book, should not, for various reasons, be made a part of the course. Of these, it is perhaps only necessary to assign a single one,—the obvious objection of making the course too extended.

The family library edition of the former, and several school editions of the latter, have each appendeded to them a series of questions upon their respective contents for the examination of students.

The principles of teaching.—In this branch instruction must be thorough and copious. It must not be confined simply to the art of teaching, or the most succesful methods of communicating knowledge, but it must embrace also those rules of moral government which are as necessary for the regulation of the conduct of the teacher as for the formation of the character of those who are committed to his care.

Although this branch of instruction is mentioned last in the order of subjects, it should in fact run through the whole course. All the other branches should be so taught as to be subservient to the great object of creating a facility for communicating instruction to others. In teaching the principles of the art it would be desirable to make Hall's Lectures on school keeping a text book; and Abott's Teacher, Taylor's District school, and the Annals of Education, should be used as reading books for the double purpose of improvement in reading the English language, and for becoming familiar with the most improved modes of instruction and the best rules of school government. From the Annals select parts only would be chosen for the purpose.

The pupils in the departments should be practised in all that can devolve on a teacher. It is of the first importance that they should be made, each in turn, to conduct some part of the recitations, to prepare proper questions on the particular subject of study, and to illustrate it by explanations for the purpose of improving their colloquial powers, and thus giving them a facility for explaining whatever they may be required to teach in the future office of instructer. The tutor should then go over the whole ground after them, pointing out their errors or defects, and giving them credit for whatever may appear to merit commendation. In this manner the future teacher will readily acquire a facility for communicating instructiou, which is one of the highest elements of his art.

In all these exercises the language of the pupils should be watched and criticised, every want of perspicuity pointed out, and a rigid conformity to the true standards of etymology and pronunciation insisted on. At the same time everything artificial or affected in tone or manner should be studionsly avoided; and the pupils should be taught that elocution is always effective in proportion as it is natural and unconstrained.

It has been customary in the examination of teachers with a view to determine their qualifications to ascertain only whether they possess a proper knowledge of the subjects in which they are expected to give instruction. But although this is in general the only object of inquiry, it is in fact a very erroneous criterion of their ability to teach. The possession of knowledge does not necessarily carry with it the faculty of communicating knowledge to others. It is for this reason that the best methods of imparting instruction should be made a subject of instruction to those who are preparing themselves for the business of teaching. They should know how to command the attention of their pupils, to communicate the results of their own researches and experience in the manner best calculated to make a lasting impression on the mind, to lead their pupils into the habit of examining for themselves instead of being directed at every step of their progress by their instructer, and thus to observe, investigate, and classify objects, to combine the fruits of their observation, and draw conclusions from the facts which they have obtained. Under such a system of instruction and exercise; the mind cannot fail to gain strength, and to acquire that salutary confidence in the result of its own operations which is the best safeguard against the prevalence of error, and against those impositions which are almost necessarily the fruit of imbibing opinions, without a rigid scrutiny into the nature of the foundations on which they rest.

In carrying into execution the plan of instruction about to be established, it should not be for a moment forgotten by those who are charged with this important task, that the object of education is not merely to amass the greatest possible amount of information, but at the same time to develope and discipline the intellectual and moral faculties. It is in vain that the stores of knowledge are enlarged if the skill to employ them for useful purposes be not also acquired. At every step the mind should be taught to rely on the exercise of its own powers. The pupils should be required to assign reasons for every position assumed in their various studies, not barely with a view to give them a thorough comprehension of the subject, but for the purpose also of cultivating that habit of critical investigation which is unsatisfied until every part of the subject of inquiry is understood. The result of common school education in most cases is to burden the memory with facts and rules of which the proper practical application is but imperfectly comprehended. This defect is at war with the spirit of the age, which is to probe to its inmost depths every subject of knowledge and to connect the results of our inquiries to useful purposes. Practical usefulness is the great end of intellectual discipline; it should be kept steadily in view by the teacher, and he will soon learn that his lesson when its reason and its object are presented to the mind of his pupil, will arouse an interest which in the absence of this ful understanding of the subject, he would have labered in vain to excite.

In the present condition of our common schools much time is lost and labor misapplied by injudicious systems of instruction; they are fields for collecting facts and details rather than for disciplining the faculties. This radical error should be corrected. Pupils should be made to think for themselves instead of treasuring up merely the results of other men's thoughts. The great instrument of reform will be to make demonstration keep pace with knowledge. Nothing should be left unexplained; nor should any thing be allowed to rest on mere authority, excepting where from the nature of the subject, it admits of no other foundation.

Subjects which are susceptible of demonstration must however not be studied to the neglect of those which are not. First principles, and certain classes of facts, are of such a nature that the mind can only take notice of them as such without being able to assign the reason of their existence.—Separately, they are proper subjects for the attention and memory; but not for the reasoning powers until they are considered in the relations which they bear to others. They are however the materials on which the mind is to be employed. Nor should it be forgotten that there are mental processes de-

pending wholly on an exercise of memory, which constitute a valuable intellectual discipline. In cultivating the reasoning powers the memory should also be strengthened by habitual exertion, and stored with useful facts. The mind cannot be brought into complete exercise without a systematic discipline of all its faculties.

To almost every species of instruction the inductive method may be applied to great advantage. Nature herself seems to teach that the observation of facts should precede inductions, and that general principles can only be deduced from particular facts. An intelligent instructer will know how to apply the rule and convert it to the most useful purposes.

In determining the proper organization of the departments the committee have fully considered the question whether the studies and recitations should be distinct from the ordinary academic exercises; and although they are disposed to leave this in some degree to the discretion of the academies, yet they are decidedly of the opinion that convenience coincides with good policy, in requiring that pupils who are in a course of training for teachers should be taught in connexion with the other students. So far as mental discipline is concerned both classes of pupils require the same mode of training, and to a certain extent the same studies will be pursued. Whenever the pecular duties of teachers are the subject of study and examination separate recitations will become necessary; and although an instructer is proposed to be maintained in each of the departments to be organized, this provision should not be deemed to preclude a division of labor, or to devolve on the individual thus supported the task of conducting the pupils in a course of preparation for teaching through all the studies required to be pursued. On the contrary it may be both convenient and profitable to assign recitations in different branches to different teachers, according to their peculiar fitness, and thus bring into the most efficient action the united skill of all. In this respect the Regents must rely on the principal of each academy to make such arrangements as to convert the intellectual force under his control and direction to the best possible use in furthering the great object in view.

The committee cannot forbear to add that the instructers in the academies with which the proposed departments may be connected should labor to impress on the minds of those who may be preparing themselves for the vocation of teaching a deep sense of the responsibility which belongs to it. There is in truth no other in which a conscientious and discreet discharge of its appropriate duties can well produce more beneficial or lasting effects. It is from the conduct and precepts of the teacher that the minds committed to his guidance are destined to receive impressions which may accompany the individuals through life, and give a determining cast to the character. In his demeanor they may read impressive lessons of moderation, forbearance, and self control; from his rules of government they may learn the value of firmness, justice and impartiality; or they may find in exhibitions of petulance, unsteadiness of purpose, and unjust distributions of favor, a license for the indulgence of their own prejudices and passions. Nothing is more vital to the successful government of the teacher and to the execution of his plans of instruction, than a steady self command. The most certain mode of bringing his own authority into contempt is to shew that he is not his own master. The moral atmosphere of the school room will be pure or impure according to the conduct and character of him who presides over it. On his example will in no inconsiderable degree depend for good or evil the destiny of numbers whose influence will in turn be felt by the political society in the operations of which they are to take an active part. The teacher should be made to feel so sensibly the importance of his position that it may be continually present to his thoughts, and become the guide and rule of his actions. He should bear perpetually in mind that he is the centre of a little system, which, as time advances, is destined to spread itself out and carry with it, for the benefit or injury of all which it reaches, the moral influences imparted by himself.

It is equally important that teachess should become acquainted with their own capabilities and inspired with the feeling that they may by their own industry raise their qualifications to any standard. The discipline of their own faculties should not terminate with the close of their course of preparation. The intervals of teaching may be filled up by studies which will not only be a source of constant improvement in their vocation, but which will elevate their own character, enlarge their stock of moral and intellectual power, and render them better qualified for success in any other pursuit in life. In proportion as their ability is increased will be their chances of procuring prominent situations as teachers with adequate compensation. Their qualifications, and the successful results of their labors, will stand so strongly in contrast with those of ordinary teachers as to create a competition among districts which are desirous of obtaining their services, and thus secure a competent provision for their support.

It must be confessed that there is much in the present prospects of those who intend to devote themselves to the business of teaching, which is calculated to produce indifferencer and to damp exertion. The vocation does not now ensure constant employment, and therefore is not to be relied on as a certain support; nor does it yield rewards at all adequate to its toils and sacrifices. But it is not improbable that more liberal views will prevail in relation to the remuneration of teachers; and it is certain that the most effectual method of bringing about such a change is a course of conduct and an exhibition of skill on their part which will elevate the character of their vocation, and by making the public more sensible of the value of their services, will secure a proportionate increase of compensation. Teachers should feel that without a deep interest in their occupation they cannot bring into operation the talent required to do themselves justice, and to convince the public of the necessity of a higher standard of education. Time may be necessary to produce upon the public mind the requisite impression; but there is no reason to doubt the result. If in the mean time they lose through the narrow views of their employers, something of the indemnity to which they are entitled for their labors in a most difficult and responsible sphere of action, let them not superadd to this loss a sacrifice of their own reputation by a careless or imperfect discharge of their duties. Let them resolve to gain in character what they may lose in pecuniary profit; and let them be assured that if any thing can succeed in obtaining from the public the justice which they seek, it is a course of generous devotion on their part to the great cause of education. If such a course should fail to win from those on whom they are now dependent a corresponding return of benefits, it is to be hoped that the time is not far distant when the value of their labors will be better appreciated, and complete justice awarded to them.

II. *As to the duration of the course.* This is necessarily regulated by the number and extent of the subjects of study. In the Prussian Seminaries, in which the requirements for the teachers of the first grade are about equal in importance to those which the committee have proposed for the departments in question, the term of study is three years; and they are of the opinion that a shorter period would not be sufficient for a strict compliance with the contemplated course. As has already been observed, the object in view is to prepare teachers of the first grade; and every other consideration should give way to this. It should be recommended to the trustees of the acadamies in which the departments may be established, to make the rate of tuition for those who intend in good faith to devote themselves to the business of teaching as low as possible; and to regulate the terms of instruction in such a manner that the pupils in the teachers' department who are sufficiently advanced may have an opportunity

of taking schools during the three winter months. They may by this means earn something to enable them to complete their course of instruction, and at the same time improve themselves by making a practical application of the knowledge which they will have gained during the rest of the year. To accomplish this object it may be necessary to have only two terms per annum of four months each. The pupils must not only be required to comply with the entire course, but they must understand thoroughly every subject of study before they receive a diploma or certificate of qualification. In this respect the Boards from whom the evidences of qualification are to issue must practise the greatest caution.—Their own and the public interest alike demands it. The system cannot become popular unless it is made equal to its objects. A single individual educated in one of the proposed departments, and going forth to teach with a diploma, but without the requisite moral and intellectual qualifications, would do much to bring the whole system into disrepute. The regents should, therefore insist strongly on the fidelity of the academies to withhold the necessary evidence of qualification to teach from all who are not entirely worthy of it.

The trustees and officers of the academies which may be selected cannot fail to perceive that a most favorable opportunity will be presented to them for elevating the character and extending the reputation of their institutions. Whether they succeed in doing so must depend on the fidelity and zeal with which the prescribed plan of instruction shall be carried into effect. They cannot but perceive also, that if through the want of proper exertions any one of them should fail to give satisfaction, and thus render it incumbent on the regents to transfer the department to some other institution, a duty would devolve on the latter as disagreeable to themselves as it would be prejudicial to the character of the academy, in relation to which its performance would be required.

The committee propose that full reports shall be annually made by the academies with regard to the departments. These reports should contain the name of every person receiving a diploma, and the date on which it was issued, so that a complete register of those who have passed through the prescribed course of training will be on file with the Secretary of the board for any necessary purpose of reference. The reports should also show the condition of the departments as to the number of pupils, the time each has been in training, the books in use, the extent to which each book has been studied, the state of the libraries and apparatus, and in short every thing which is contained in the reports now made to the Regents in relation to other students. They should also exhibit every thing which may be calculated to point out defects and suggest improvements, and they should be accompanied with such observations as may have occurred to the officers of the academies in carrying into execution the prescribed plan. The form of the report need not differ materially from that now used, excepting so far as it may be necessary to embrace new items of information. The form, accompanied with the necessary instructions, would they have supposed, be most properly prepared under the direction of the Secretary of the Regents.

III. *As to the necessary books and apparatus. Books.* Each academy should be furnished with a library well stored with the best authors on the prescribed subjects of study. The committee propose to leave the selection of the books for further consideration. A list can be made out on consultation with the academies and presented at a future day for the sanction of the Regents. As these books will be wanted for examination and reference, several copies of the same work will be required.

The committee have had under consideration the expediency of designating all the class books which shall be used in the departments to be established, or of leaving them to be selected by the academies: and although they deem it of great importance to reduce the course of study to the greatest possible precision, they have come to the conclusion that it is better at present to adopt the latter course. The principal consideration by which they have been guided, is the belief that the Regents may, by allowing the academies to make the selection in the first instance, and requiring them to state in their annual reports the books which they have used, and their reasons for preferring one author to others in common use, be furnished with the means of making a selection themselves at a future day, should it become necessary, for the purpose of securing entire uniformity.

At the same time they would suggest that it will in general be found most advantageous to use for the instruction of teachers the books from which they will be required to teach in the common schools. Larger and more copious treatises on all the subjects of instruction will, it is true, be necessary for the course of study in the departments: but the principal use of the latter will be for reference, and for the purpose of more full illustrations than are afforded by the smaller works.

Apparatus. The following list includes all the apparatus and maps which the committee deem necessary at present, with the prices annexed, so far as they can be ascertained:—

No. 1.	Orrery	$20 00
	Numeral frame and geometrical solids	2 50
	Globes	12 00
	Movable plamisphere	1 50
	Tide dial	3 00
	Optical apparatus	10 00
Box No. 2.	Mechanical powers	12 00
Box No. 3.	Hydrostatic apparatus	10 00
Box No. 4.	Pneumatic apparatus	35 00
Box No. 1.	Chemical apparatus	25 00
	100 specimens of mineralogy	10 00
	Electrical machine	12 00
	Instruments to teach Surveying	80 00
	Map of the United States	8 00
	Map of the State of New York	8 00
	Atlas	5 00
	Telescope	40 00
	Quadrant	15 00
		$309 00

The price of the entire apparatus, including maps, for each department, will not much exceed three hundred dollars, so that about two hundred dollars will remain to be appropriated to the purchase of books for each.

The apparatus in contemplation of the committee, and understood to be the best of the kind, is prepared by Brown and Pierce of Boston, and may be procured in the city of New York.

4th. What evidence of qualification to teach shall be given to the individuals who may be trained in the Departments.

In the Prussian and French Seminaries of teachers different grades of qualification are recognized, and the certificates which the pupils receive on completing their course of preparation are framed according to their respective ability to teach. If the departments about to be established were to be adequate to supply with teachers the districts throughout the State, such a distinction might be desirable. But as the number of teachers will necessarily be limited; and as one of the most important effects to be anticipated and desired from the establishment of these departments is to influence public opinion, and by an exhibition of improved methods of teaching, to correct prevailing errors with regard to the necessity of providing such a compensation for teachers as shall be in some degree adequate to the value of their services, all the pupils who are in training should be encouraged to complete the prescribed course of preparation. The only distinction proposed to be taken by the committee for those who have gone through the entire course is between those who are, and those

must after all rest upon the representation of the officers of the respective academies, they propose to let it issue from the latter, and purport to be what it must be from the necessity of the case. They have drawn a form for a diploma which is hereunto annexed, marked A., and which, from its terms, can only be given to those who have completed the course of instruction prescribed by the Regents, and have passed a satisfactory examination in all the subjects of study.

The examination should be public, and be made in the presence of the principal and a majority of the trustees of the academy.

The diploma will not of course dispense with the necessity of a certificate from the inspectors of common schools of the town, in order to enable the individual to whom it is given to teach a common school and receive the public money. The existing rule of law in this respect will not be affected. Every individual engaged in instructing a common school must once in each year be examined by the inspectors, and receive a new certificate of qualification. There would be a difficulty in dispensing with this rule, as one of the objects of such a periodical examination is to pass judgment upon the moral character as well as the ability of the individual, who may, by contracting bad habits, become totally unworthy of being entrusted with the education of children. The only advantage therefore which the diploma will give, is the assurance that the individual who holds it has been regularly trained for his vocation.

It may often happen that students will not be disposed or able to go through the whole of the prescribed course of instruction for teachers. In this case the principals of the academies should be at liberty to give them a certificate setting forth the particular studies they have pursued, with such opinion of their moral character and their qualifications to teach the branches which they have studied, as they may be considered entitled to. But this certificate should be merely under the signature of the principal, and not under the seal of the institution; for the committee deem it of the utmost importance that no evidence of qualification should be given which can be mistaken for the diploma received by those who have completed the prescribed course. To avoid all misapprehension, the committee have prepared and hereunto annexed a form for such a certificate, marked B.

The committee deem it within the scope of the reference to them to designate for the consideration of the Regents the academies with which the proposed departments may, in their opinion be most advantageously connected. They would therefore respectfully suggest the following, viz.

1st	District,	Erasmus Hall, Kings county.
2nd	do.	Montgomery, Orange county.
3rd	do.	Kinderhook, Columbia county.
4th	do.	St. Lawrence, St. Lawrence county.
5th	do.	Fairfield, Herkimer county.
6th	do.	Oxford, Chenango county.
7th	do.	Canandaigua, Ontario county.
8th	do.	Middlebury, Genesee county.

In making this selection the committee have been guided in the preferences they have given by one of two considerations: 1st. That the value of the philosophical and chemical apparatus and library was superior to that of others in the district; or 2nd, that by reason of their endowments or their peculiar consideration, the course of education in the academies selected would be likely to be least expensive to students. The only instances in which they have departed in any degree from this standard are in the 6th and 7th districts. The Oxford academy has a small amount invested in apparatus, &c. and the Canandaigua Academy is in a large village, where the expense of board might be supposed to be greater than in places of less importance. But each has already a department for the instruction of teachers in full operation; and the endowments of the latter are so ample that the rate of tuition is extremely low, so much so as to compensate for a somewhat higher standard of expense in the item of board. Upon full consideration, they are of opinion that neither of these academies could be advantageously exchanged for others in the districts in which they respectively lie.

Should the funds at the disposal of the Regents be so augmented hereafter as to admit of an additional expenditure for the support of the departments, the committee are of opinion that great benefit might be derived from a course of lectures, accompanied with experiments, on Chemistry and Mineralogy, and natural Philosophy and Astronomy, by an individual who would make it his whole business to lecture on these subjects. The pupils in each department might be prepared by the study of the proper text books so as to be ready at a specified time for the lecturer, who would carry his apparatus with him, and who from his familiar knowledge of the subjects could in a course of lectures of not more than one month in duration in each of the academies, give more practical information than could be gained in the ordinary way in a much longer period. The services of an individual of competent talents might undoubtedly be secured for $1000 per annum, This sum, with what he would be likely to receive from other students not in training for the business of teaching who might wish to attend the lectures, would cover his expenses and afford him an adequate compensation for the service rendered. The time occupied would not exceed eight months, and the lectures would be given during such portions of the year as to leave the individual employed the entire winter to lecture in other institutions. Thus for the sum of $1000 per annum the students in the eight departments would be carried through the entire course in the subjects which present the greatest difficulty, from the necessity of being taught by individuals familiar with them and with the use of the apparatus by which they require to be illustrated.

With this object might be combined another not less important. The individual thus employed by the Regents might be required to examine into the entire condition of the departments, and report to them all the information which may be necessary to enable them to determine whether the prescribed plan is carried into complete and efficient execution.

As the Regents have not now the means of making this addition to the proposed plan, and as it will not be necessary until the departments shall have been organized and put fairly in operation, the committee merely suggested it at this time as a subject worthy of future consideration.

In concluding their report the committee beg leave to observe that a matter of so much importance, in which the ground to be occupied is yet untried, many considerations may have escaped their notice which may be disclosed when the proposed plan is put in operation. They do not present it with the confidence that it is perfect, or that experience may not dictate salutary alterations in it, but as the best which, with the lights before them, they have been able after full consideration to devise.

All which is respectfully submitted.

Albany 8th January, 1835.

(A.)

DIPLOMA.

The Regents of the University of the State of New-York having established in this institution a department for the education of common school teachers.

WE, the President of the Board of Trustees, and the Principal, of the Academy, do hereby certify that A. B. of the town of in the county of in the State of has completed the course of instruction and passed a satisfactory examination in all the subjects of study prescribed by the Regents for the department; that he has sustained, while at the institution, a good moral character, and that he is fully

qualified to teach a common school of the first grade. In testimony whereof we have hereunto affixed our signatures, together with the seal of the institution at in the county of this day of 18 .

A. B. *President.*
C. D. *Principal.*

(B.)

Certificate to be given to students who have not completed the prescribed course of instruction for teachers.

day of 183 .

I, the Principal of the Academy do hereby certify that A. B. of the town of in the county of and State of has attended a course of instruction at this institution in the art of teaching; that he has sustained a good moral character; and although he has not completed the course of study prescribed by the Regents of the University for common school teachers, he has studied, and is competent to give instruction in the following subjects, viz:—

A. B. *Principal.*

P. S.—If the individual is not well qualified to give instruction in all the subjects of study, those which he is competent to teach should be specified.

EXTRACTS

FROM THE

ANNUAL REPORT

OF THE

SUPERINTENDENT OF COMMON SCHOOLS

IN THE

State of New-York,

FOR THE YEAR 1836.

It appears by the above Report addressed to the Legislature on the 6th of January, 1836:

1. That there were, on the last day of December, 1834, 10,132 organized school districts in the State, from 9676 of which annual reports have been made to the Commissioners of Common Schools.

2. In all the districts from which reports have been received, schools have been kept during the year 1834—an average period of eight months.

3. The whole number of children over five and under sixteen years of age, residing, on the last day of December, 1834, in the school districts from which reports have been received, was 543,085, and the whole number of children who had attended school during the year 1834 in the same districts was 541,401. It is proper to state that the reports from the school districts do not shew the whole length of time during which each child has attended school. They shew only how long the schools have been kept open, and how many children have received more or less instruction.

4. The number of children attending the common schools compared with the number of districts from which reports have been received gives an average of about 56 children to each district. This is as large a number as can be advantageously attended to by a single teacher. In a few districts two teachers are employed, but these cases are rare, and the average number of children annually instructed by each teacher is at least 50. As the whole number of children are not every day in attendance the classes will average something less. Upon the whole the number of children in proportion to the number of districts may be considered about what it should be.

5. Under any view of the subject it is reasonable to believe that in the common schools, private schools, and academies, the number of children actually receiving instruction is equal to the whole number between five and sixteen years of age.

6. *Estimates and Expenditures of the School monies.*

By the Reports of the Commissioners of Common Schools it appears that the sum of $314,749 36 was paid by them to the trustees of school districts in their respective towns in April, 1835. The amount of public money expended by the Trustees in the year 1834 for the payment of the wages of teachers was $312,181 20, of which sum $100,000 was received from the Common School Fund, $193,590 28 was levied by taxation on the property of the inhabitants of the several towns and cities in the State, and $18,620 92 was derived from the local funds belonging to particular towns.

The amount paid during the same period for teachers' wages, besides the above amount of public money, was $419,878 69, and exceeds by the sum of $21,741 65 the amount paid for teachers' wages, besides public money in the year 1833. The whole amount paid for teachers' wages in 1834 was $732,059 89, excepting a few thousand dollars expended in the city of New York for school houses, by the public school society.

The whole amount therefore expended for teachers' wages in 1834 exceeds the amount so expended in 1833 by the sum of $17,768 92.

7. The actual expense of the common school system may be stated as follows: In this estimate the three first items are estimated on the basis assumed in former reports. The others are drawn from the reports of the Commissioners of Common Schools:

Interest at 6 per cent on $2,165,200, invested in school houses	$129,912 00
Annual expense of books for 541,401 scholars at 50 cents each	270,700 00
Fuel for 9,826 school houses at $10 each	98,260 00
Public money as appears by the returns	312,181 20
Amount paid for teachers wages, beside public money as appears by the returns	419,878 69
Total	$1,230,931 89

In this amount the expense of repairing school houses is not included.

8. By referring to the accompanying table marked B, it appears that public money amounting to the sum of $314,769 36 was distributed to the common schools in April, 1835. The amount distributed from the common school fund is $100,000. The sum required by law to be raised on the towns is also $100,000. By reference to the table marked H, it will be perceived that the local funds of the towns have yielded $18,620 92. The additional sum of $72,674 6 is raised by law in the city of New York, and the sum of $1,262 77 in the city of Albany, for common school purposes. All these sums make an aggregate of $292,557 75, leaving the balance of $22,191 61 to be accounted for in order to make up the sum of $314,769 36 just mentioned. On examination of the reports from the Commissioners of common schools it is manifest that this balance must have been raised by taxation upon the towns, in pursuance of that provision of the Revised Statutes, vol. 1, p. 304, which authorises the inhabitants at their annual town meeting to direct such sum to be raised for the support of common schools as they may deem necessary, not exceeding the amount required by law to be raised in the town for that purpose. The following statement will shew the number of towns in each county in which such sum has been raised by a vote of the inhabitants, in addition to the amount required to be raised by law. In most of the cases the additional sum is equal to the amount received from the common school fund, so that double that amount is actually raised in the towns referred to, and the inhabitants have gone to the extent of the authority conferred on them by law to tax themselves for the support of common schools.

9. *Commissioners of Common Schools.*

Three persons are appointed under the title of Commissioners of Common Schools at the annual meeting in each town. Their duties are to regulate the boundaries of the school districts within the towns for which they are chosen, to alter existing districts, and form new ones when it becomes necessary for the convenience of the inhabitants. They receive from the County Treasurer, with whom it is deposited, the quota of the revenue of the Common School Fund to which the town is entitled, and from the collector,

of the town the equal amount raised upon its taxable property; and they apportion these sums among the school districts of the town according to the number of children over five and under sixteen years of age residing in each district;—provided a school has been kept in it three months by a qualified teacher during the preceding year, and provided also, the school moneys received in the year have been applied to the compensation of such teacher. That receive the annual reports of the trustees of the school districts, and from them prepare a consolidated report setting forth certain particulars specified in the statute to be transmitted to the superintendant.

10. *Inspectors of Common Schools.*

Three Inspectors of Common Schools are annually chosen in each town. Their duties are to examine all persons offering themselves as candidates for teaching common schools in the town; to visit all the common schools at least once in each year, and they may "give their advice and direction to the trustees and teachers of such schools as to the government thereof and the course of studies to be pursued therein."

11. The *Commissioners* of common schools have by virtue of their office the same powers, so that there are always six persons in each town authorised to act as inspectors.

12. In the examination of a candidate for teaching, if the inspectors are satisfied that he is qualified with respect to moral character, learning, and ability, they give him a certificate. He is then a qualified teacher for one year, unless his certificate is previously annulled on a re-examination, which the inspectors may require if they deem it necessary. So long as he holds a certificate dated within one year, he may receive the public money as a compensation in whole or in part for his services. Trustees of school districts may employ a teacher who has not been inspected, or who on examination has not been deemed qualified by the inspectors, but no such teacher can receive any portion of the public money for his wages.

13. All examinations must be made at a regular meeting called for the purpose, and attended by at least three inspectors.

14. It must be manifest on the slightest consideration, that the success of the common school system, so far as concerns the great ends of education, will depend in a higher degree on the inspectors than on any other class of officers connected with its administration. With them it lies to fix the standard of qualification for teachers, and thus to determine the amount of ability which the latter shall bring to their tasks. If the requirements of the inspectors are small, the qualifications of the teachers will as a general rule be slender, and to these the standard of education in the town will gradually conform. In practice, the rule has perhaps been reversed. The inspectors have usually, in granting certificates, been influenced by the state of education in the town, and have thus conformed to an existing standard, instead of establishing a new one of a higher grade. The superintendent has therefore uniformly urged upon the inspectors the importance of assuming a high standard of qualification, and of requiring all candidates to be tried by it. That this duty is not always properly discharged is not to be disguised. Inspectors have sometimes given a certificate of qualification to a teacher for a summer school, and, at the expiration of the term, annulled it upon the ground that he was incompetent to teach a winter school, which is usually attended by a larger proportion of older scholars. This distinction is wholly unauthorised by law, and whenever an opportunity has offered it has been condemned in pointed terms. It is no hardship to adopt, in all cases, the highest standard of requirement. School districts, it is true, are often of very small pecuniary ability; but in order to entitle a school district to a share of the income of the Common School fund, the Statute demands only that a qualified teacher shall be annually employed for three months. It does not even require that a school shall be kept by any teacher for a longer period. There is no school district which is not capable of complying with this rule, even if a teacher of undoubted qualifications were in all cases to be required. Inspectors should therefore aim to advance the standard of requirement for teachers as much as possible. Without their aid opinion may do something, but it is in their power, by setting up a higher rule of qualification, and enforcing a strict conformity to it in every case, to elevate the character of the common schools to a grade which would leave little else to be desired. As will be seen in another part of this report, ample provision has recently been made by law for the education of teachers, and the inspectors may, in the manner above suggested, become in an eminent degree instrumental in securing employment for them.

15. There is another part of their duty of equal importance in its consequences, if it is faithfully and efficiently discharged. They are authorised to give "their advice and direction" "as to the course of studies to be pursued" in the common schools. This is a power involving in its exercise the greatest responsibility: and although it might be limited by a narrow construction of the law to a right to direct the order in which the particular studies chosen by some other authority should be pursued, it can hardly be taken, when viewed in connection with the other provisions of the statute in relation to the inspectors, in so restricted a sense. Indeed the phrase "course of studies" in its technical acceptation must be understood as comprehending a particular series of subjects, and the particular order in which they are to be studied. Certain it is that the inspectors in some towns have taken upon themselves to direct the studies to be pursued in the common schools within their jurisdiction; and in one case an application was made to the superintendent to define the limits of their authority, both with respect to the course of studies and the selection of school books; the inspectors having, in the case referred to, given their direction to the teacher in both these points. The matter was not brought before him in the shape of an appeal, and no decision was pronounced upon it: but with the consideration he had given to it he was at the time strongly inclined to a construction of the law in favor of the right of inspectors to direct the teachers of common schools within their jurisdiction as to the particular subjects which should be taught. With regard to the right of the inspectors to direct what class of books shall be studied in the common schools, he would have entertained but little doubt. This is manifestly a larger power than that of determining what subjects of study shall be taught. To direct a particular class book to be used, not only prescribes the subject of which it treats, but includes a specification of the extent to which it shall be studied, and in some degree also, the mode in which it shall be taught—for the manner in which a subject is treated is often the most essential part of the treatise, so far as it is a vehicle of instruction. The power of prescribing class books has not been given in express terms, nor is it perceived that it can be derived by implication from any of the powers delegated by law to the officers concerned in the supervision or management of the common schools. But with respect to subjects of study, the case is entirely different. The languag of the law seems to sanction the construction which gives to the inspectors authority to direct what they shall be; and it is consistent with the other important division of their duties, which includes the examination of teachers, and determines their ability to give instruction in particular branches or subjects. The latter being fixed, the examination would have reference to them, and the standard of requirement be settled according to a just and uniform rule.

The exercise of the authority to direct teachers as to the subjects of study to be taught, is a very delicate and responsible duty; and, if it be wisely executed, it cannot fail to exert a most beneficial influence upon the common schools. But if the authority of the inspectors were restricted to the mere examination of teachers they might make it highly efficient as an instrument of advancing the standard of education. They might decline to grant a teacher a certificate unless he was qualified to give instruction in the branches or subjects which in their opinion ought to be taught in the common schools. Indeed such is their duty now; and independently of the obligation of performing it fearlessly and faithfully, there is, as has been already shewn, no hardship in its performance with respect to any of those who come within the sphere of their authority.

16. *Trustees of School Districts.*

In each school district there are annually chosen three Trustees, whose duty it is to call special meetings of the inhabitants whenever they deem it necessary; to make out all tax lists when taxes are voted by the inhabitants of the district; to build or repair the school house; to provide fuel, or to purchase a lot for a school house; to make out all rate bills (tuition bills) from the lists kept by the teachers; to exempt indigent persons from the payment of their proportion of such rate bills; to have the custody of the district school house; to contract with and employ all teachers, and to provide for the payment of their wages in the manner already explained under the head of "expenses."

The Trustess of school districts are the immediate representatives of the inhabitants; and as they owe their election to them, they may be considered as controlled by the public opinion of the districts in the discharge of their duty, so far as the law has left them any discretion as to the manner of performing it. They are charged with the management of the principal internal affairs of the district, and as the inhabitants residing within it pay more than three quarters of all the expenses of the school, the law has virtually deposited with them the control of almost all that concerns it. With respect to the formation of school districts, and the regulation of the boundary, a different principle prevails. The commissioners of common schools, in whom this authority is vested, are town officers; they are chosen by the suffrages of all the electors, and though they may be said to be accountable to all the districts, the voters for town officers being composed substantially of the voters in school districts, they cannot be considered as controlled by the opinion of any particular district, when it is at variance with others in matters connected with the discharge of their duties. The same principle prevails with regard to the election of inspectors. They also are town officers, and the law has very properly confided the duty of pronouncing upon the qualification of teachers, and directing the course of studies to be pursued in the common schools to individuals who, from the manner in which they are chosen, are not directly accountable to the inhabitants of any particular district. To return to trustees of school districts. Although the law has given them certain powers, the successful exercise of some of these powers must depend on its accordance with the wishes of the inhabitants. Thus the trustees have the absolute right of employing all teachers. But if they were to engage an individual who for any reason was obnoxious to the inhabitants, the latter might refuse to send their children to school, and thus subject the trustees to some embarrassment in providing for the payment of his wages. They might, it is true, pay him the public money; but as this would soon be exhausted, they would be obliged to collect the residue of those persons who send their children to school, and the greater part of the burthen would fall upon the trustees themselves and the few who should favor their views. Under the Prussian system this result could not happen, as all parents are required by law to send their children to school. The spirit of our common school system is to refer almost all matters relating to the districts which are of an internal or domestic character to the inhabitants themselves; and from the organization of the districts the powers of the trustees are necessarily exercised, so far as any discretion is admissable, in subordination to the opinion of the district. But where the law has prescribed positive rules for their government, those rules are of course to be obeyed, even though such obedience were to conflict with the wishes of the inhabitants.

It is proper to add in this place that at the annual meeting of the inhabitants of each district, a collector and clerk are chosen together with the trustees.

The duty of collector is to collect and pay over to the trustees the amount of all tax lists and rate bills delivered to him for that purpose. The trustees may, before delivering to him any warrant for the collection of moneys, require him to give a bond in double the amount of the sum to be collected, conditioned for the faithful execution of his duties.

The duty of the clerk is to keep a record of all the proceedings of the district, to give notice of the time and place for all meetings of the inhabitants, and to keep and preserve all books, &c. belonging to his office.

Under a law passed at the last session of the Legislature authorising the inhabitants of school districts to purchase district libraries, a librarian may also be chosen at the annual meeting.

17. *Inhabitants of School Districts.*

In addition to the right of annually choosing officers for their respective districts, the inhabitants have power, by a majority of votes, to designate a site for the district school house, and to lay taxes on the taxable property of the district to purchase a district library and a suitable book case; to purchase or lease a site for a school house, to build, hire, or purchase such school house, to keep it in repair, and to furnish it with necessary fuel and appendages. By the construction given to this part of the statute by the superintendent, the term "appendages" is limited to a few simple articles which are indispensable to the comfort and health of the pupils, such as a broom, a water pail, a stove, a wood-house, &c. The inhabitants have no power to tax themselves excepting for these enumerated objects, and whenever it is desired to raise money for any other purpose it must be done by voluntary contribution.

18. The standard of qualification for voters is so low that scarcely any individual is excluded from the exercise of the right of suffrage in respect to matters concerning the school district in which he resides. If he has been assessed in the town to work on the highway during the year, or the preceding year, he may vote at school district meetings for any authorised object. He has a voice in the choice of district officers, and though wholly destitute of property himself, he may contribute to lay a tax on the property of the district. In some cases therefore, property may be taxed for common school purposes against the wishes of its possessors; but as the objects of taxation are extremely limited, no danger is likely to arise from the abuse of this power. In the case of school houses, always the greatest object of expenditure, there is a further safeguard: no tax exceeding four hundred dollars can be voted for that object, unless the commissioners of common schools of the town certify that a larger sum is necessary. The tax for purchasing libraries is limited to $20 the first year, and to $10 per annum for subsequent additions to it; and all other taxes must, from the nature of the objects, be small in amount.

19. The effect of these provisions with respect to taxation in school districts in most cases is that the inhabitants tax themselves liberally for all the authorised objects referred to.

20. There is one particular in which the same praise is not so generally due. It is the case of all others in which a suitable liberality is most necessary to accomplish the objects of the system, and in which the greatest want of it has heretofore been shown. The school houses are usually comfortable and the physical wants of the scholars are sufficiently provided for. But with respect to their moral and intellectual improvement there is in general a great deficiency. The only material defect in the system is the want of competent teachers. The cause of the defect is an unwillingness on the part of the inhabitants to pay such wages as to secure the services of individuals of suitable qualifications. That much of the prevailing apathy on this subject is owing to the want of attention to its importance, will hardly be denied. Our common school system has been but a few years in operation, and it is only recently that it can be considered as having gained a solid foundation. In building up and bringing to perfection its external organization, the internal condition of the schools has been in some degree neglected.

21. Public attention has, within the last eight years been more strongly attracted to this part of the system, and in many districts correct views begin to prevail with regard to the impolicy of expending money unprofitably upon incompetent teachers. To the exertions of individuals to correct erroneous impressions on this subject, the countenance and co-operation of the Legislature have been superadded. By an act passed in the year 1834 the Regents of the University were authorized to appropriate a portion of the income of the Literature fund to the education of teachers. This authority was promptly exercised, as will be hereafter seen, and the plan adopted by the Regents has been carried into execution. So long as the wages of teachers were extremely low, men of talents would not devote themselves to the business of teaching, nor could they afford to fit themselves for it by a regular course of preparation. The rate of compensation for teachers is gradually advancing; in some part of the State good wages are paid, and many individuals are preparing themselves for teaching as a permanent vocation. As they find employment, the demand for them will increase; for as the benefits of instruction by a well trained teacher become apparent, the influence of the example will extend to neighbouring districts; and these causes acting reciprocally upon each other, cannot fail to produce important effects.

22 The Legislature has done all that can be accomplished by legislation to promote the cause of common school education, excepting by a resort to compulsory enactments. The spirit of our institutions is averse to measures of this description. The success of the common school system has been mainly accomplished by arguments addressed to the reason and the interests of the people. Without a radical change of policy, the improvements of which it is susceptible can only be introduced through the influence of the same motives. The superintendent has heretofore expressed the belief that nothing was wanting but a full view of the subject on the part of the inhabitants of school districts, to bring into the schools a better grade of teachers. He has seen nothing to shake his confidence in this opinion, although it must be admitted that the change for the better on which it is founded proceeds by very slow

degrees. When the measures adopted by the Regents of the University shall have been carried into full effect, a more rapid and general improvement may reasonably be anticipated. These measures will now be briefly considered.

23. *Education of Common School Teachers.*

In pursuance of the provisions of the act before referred to, bearing date the 2nd of May 1834, and authorising the Regents of the University to apply a part of the income of the Literature Fund to the education of common school teachers, a plan was reported to the Regents for the purpose of carrying into effect the intention of the act on the 8th of January 1835, and adopted at a subsequent meeting of the Board. The outlines of the plan are briefly as follows:—

24. An Academy was selected in each of the eight senate districts, and a department engrafted upon it for the education of teachers. To support these departments each Academy received from the Literature Fund a sufficient sum to procure the following articles of apparatus, viz:—

An Orrery.
A Numeral Frame and Geometrical Solids.
A pair of Globes.
A moveable Planisphere.
A Tide Dial.
An Optical Apparatus.
The mechanical powers.
A Hydrostatic apparatus.
A Pneumatic apparatus.
A Chemical apparatus.
One hundred specimens of mineralogy.
An electrical machine.
Instruments to teach surveying.
A map of the United States.
A map of the State of New York.
An Atlas.
A Telescope.
A Quadrant.

In addition to this provision, the sum of $191 was appropriated to enlarge the library of each of the academies in which a department was established. These expenditures were intended merely to put the departments in operation. For their support, each department is to receive annually, to pay the salary of a tutor, the further sum of $400 from the Literature Fund, which, in addition to the means of the academies, was deemed adequate to the object.

25. The students in the departments are required to be thoroughly instructed in the following branches or subjects:—

1. The English language.
2. Writing and drawing.
3. Arithmetic; mental and written, and Book-keeping.
4. Geography and general history combined.
5. The History of the United States.
6. Geometry, Trigonometry, Mensuration, and Surveying.
7. Natural Philosophy and the Elements of Astronomy.
8. Chemistry and Mineralogy.
9. The Constitution of the United States, and the Constitution of the State of New York.
10. Select parts of the Revised Statutes, and the duties of Public Officers.
11. Moral and Intellectual Philosophy.
12. The principles of Teaching.

To these subjects it is understood to be in contemplation of the Regents to add Algebra.

26. The term of study is three years, but only eight months in each year are devoted to instruction. There is a vacation of four months in winter, to enable the students, many of whom will, it is supposed, need such a resource, to teach a district school, and thus earn something to support them in completing their course of preparation. At the end of the term each student is to be examined publicly, and if he passes a satisfactory examination in all the prescribed subjects of study, he is to receive a diploma under the seal of the academy.

27. The departments were organized in the summer of 1835, and in several of the academies they are already in successful operation. For the purpose of securing entire uniformity in the course of study and the results, the principals of the academies were intended to meet a committee of the Regents of the University in the City of Albany on the 1st of September last, and settle some preliminary arrangements. The meeting was attended by seven of the eight gentlemen, who were several days in session; the extent to which instruction in each subject of study should be carried was agreed on, and a comparison of opinions was made on every question connected with the management of the departments under their direction. The course has commenced on a uniform plan in all, and it will be carried out in such a manner as to secure uniform results. The influence of a large number of individuals thoroughly trained to the business of teaching, cannot, if they find employment, be otherwise than beneficial; and it may do more than all other causes combined to bring about a salutary reform in the only particular in which the common school system can be considered materially defective. If the liberal provisions of the legislature are not met with a corresponding liberality on the part of the people of the State, the measure adopted by the Regents of the University will be fruitless. The individuals who shall have prepared themselves for the business of teaching must abandon it unless it yield them a fair remuneration for their services. But on the other hand, if sounder views on this subject shall be found to prevail; if the inhabitants of school districts will but see their true interest in employing well trained teachers, our common schools will soon bear, in their intellectual condition, and honorable relation to the other parts of the system, and exhibit in all its internal etails, the same order and perfection which prevail in its organization. The provisions of the law have been ample, and it remains only to give an impulse to that affective public opinion which when once moved is sure to bring about the results to which it is directed. To this end the attention of all the friends of education should be turned. The people have the principal control of the system, and their opinions must be influenced. Discussion in almost any shape may promote the object. It attracts the attention of individuals and the public and even though it may not always point to the true remedy, when it has exposed a defect, it can hardly fail to draw out the views of others and shed light on the subject.

28. In passing the law under which departments for the education of teachers have been established, the Legislature has merely provided for the more complete execution of a design long entertained; so far as respects the employment of the academies for the purpose. The propriety of founding separate institutions upon the model of the seminaries for teachers in Prussia, was for several years a subject for public discussion in this State. It was contended on the one hand that such institutions would be more likely to secure the object in view; and on the other that it might be as effectually and more readily accomplished through the organized academies. By the act of the 13th April, 1827, the avowed object of which was "to promote the education of teachers," the sum of one hundred and fifty thousand dollars was added to the capital of the Literature Fund, the income of which is appropriated to the support of the academies, subject to the visitation of the Regents of the University. Thus, although the plan of engrafting upon the academies departments for the preparation of teachers may not have been contemplated at that time, yet this measure is to be regarded only as a more complete developement of the design of the Legislature in passing the act referred to.

29. *School District Libraries.*

By an act passed at the last Session of the Legislature, the inhabitants of the school districts were authorized to vote a tax not exceeding $20, to purchase a library for their common use, and such additional sum as should be deemed necessary to procure a book case. They were also authorised to vote a further tax, not exceeding $10 in any one year, to make additions to the library. As has been already stated, they were empowered by the same act to choose at the annual meeting of the district a librarian whose duty it should be to take charge of the library and have the care and custody of it under such regulations as the inhabitants of the district should prescribe.

30. The object of this provision has not been in all cases distinctly understood. It was not so much for the benefit of children attending school as for those who have completed their common school education. Its main design was to throw into School Districts and place within the reach of all their inhabitants a collection of good works on subjects calculated to enlarge their understandings and store their minds with useful knowledge. It was believed that such a measure would come strongly in aid of other provisions adopted with a view to the intellectual improvement of the great body of the people, and to point them to the true sources of their respectability and power. Works of a juvenile character would not therefore as a general rule be suited to the purposes of the law. For a more full understanding of the

subject the following extract from the report of the superintendent for the year 1834, in introducing it to the attention of the Legislature, is subjoined.

"If the inhabitants of School Districts were authorised to lay a tax upon their property for the purpose of purchasing libraries for the use of the District, such a power might, with proper restrictions, become a most efficient instrument in diffusing useful knowledge, and in elevating the intellectual character of the people. A vast amount of useful information might in this manner be collected where it would be easily accessible, and its influence could hardly fail to be in the highest degree salutary by furnishing the means of improvement to those who have finished their common school education, as well as to those who have not. The demand for books would ensure extensive editions of works containing matter judiciously selected at prices which competition would soon reduce to the lowest rate at which they could be furnished. By making the imposition of the tax wholly discretionary with the inhabitants of each district, and leaving the selection of the works under their entire control, the danger of rendering such a provision subservient to the propagation of particular doctrines or opinions, would be effectually guarded against by their watchfulness and intelligence. The power of the inhabitants to lay taxes is restricted to specific objects, and a legislative act would be necessary to enlarge it."

31. The law has already been carried into effect in numerous instances, and all that is necessary to ensure a much more extensive application of its provisions is a cheap edition of books on useful subjects, and unexceptionable both in their matter and style. The superintendent has been requested in one instance to make a selection of books for a school district, and in several other cases incidental questions connected with the collection of taxes for this purpose have been brought before him, showing conclusively that the law has already attracted a good deal of attention, although it was very recently passed, and cannot yet be generally known.

32. *General Observations.*

Some of the most prominent features of the common school system have thus been briefly surveyed, and its policy, so far as respects the distribution of power through which it is controlled, has been cursorily examined. It is, emphatically, an institution for the people, and to them has been allotted a large share in its administration. On the zeal with which their task has been performed, and on a degree of importance which they attach to its elevation to a grade commensurate with its high objects, must depend to a very considerable extent the rank they will hold in the political system under which they live, and the part they may take in giving a direction to its movements. If in any country knowledge is power, it is here. The influence of all others is feeble in comparison with it. With us there is no system of entails, or rule of primogeniture to perpetuate wealth or family distinctions. Wealth may indeed give its possessor some advantages in society; but on that theatre of exertion where the political condition of men and communities is determined for good or for evil, it is of no account. In this field the contest must be decided by intellectual force; and those whose destinies are involved in the issue should take care that they are not deficient in the preparation necessary to enable them to maintain their ground against the combinations of more practised and less virtuous competitors. On the part of the people contests for great principles are always deemed to involve, directly or indirectly, their inalienable rights. With what effect can those rights be vindicated without a sufficient degree of information to see how they are in danger of being impaired? How else shall the people amid contending appeals to their understandings and interests, be able to distinguish the true from the false? It is in the common schools alone that the knowledge indispensable to their safety can be acquired; for in them a vast majority of the entire population receive all their education. There are few social institutions which have not, at some period in the history of mankind, been made subservient to the purposes of usurpation and tyranny. Schools of a popular character are in less danger than any other of being perverted to such a use: they have never been made, nor from their nature is it easy to make them, an engine for the dissemination of principles tending to dissolve the bonds of society, or to subvert the great maxims of human liberty. Literary institutions less popular in their organization may be more easily made the instruments of such abuse. The supervision to which they are subjected is more restricted, and their accountability is not always so direct. But if the common schools are in no danger of being approached for sinister objects, there is another which it is equally important to avert. There is danger that they will never answer the ends of their institution, if the teachers, the body of men who are relied on to infuse in them the moral and intellectual improvement which constitutes the vital principle of the whole system—are not fully adequate to the task. Will not those who are the most deeply interested in elevating the standard of education adopt the only measure by which the object can be accomplished? Will they not bring to this subject the practical good sense by which they are distinguished, and see in this, as in all other cases, that even the ends of economy are best answered by employing those who are most skilled in their art? The value of the common school system is universally acknowledged and felt in this State. In this respect public opinion needs no impulse. But it is no more than just to say that the importance of a higher standard of education is not so generally or correctly appreciated. Opinion has however made some advances in this particular; and a confident belief is entertained that the liberal provisions of the legislature for the preparation of teachers will meet with such a reception from an enlightened people as to remedy effectually the only material defect in our common school system, and leave nothing to be desired in relation to it, excepting that it may be permanent in its duration.

B.

Summary of an abstract made from the returns of Common Schools in the State of New York in the year 1835.

COUNTIES.	No. of towns and wards in each county.	Whole No. of school districts in the towns which have made returns.	Whole No. of school districts which have made reports.	Average No. months in which schools have been kept in counties.	Am't of public money received & expended in the districts as stated in the returns during the year 1834.	Amount paid for teachers' wages be-side public money.	No. of children taught in the school districts which have made returns	No. of children between the ages of 5 & 15 y'rs resid'g therein as stated in said returns.	Amount of public money distributed to the districts by the commissioners in April 1835.
					$	$			$
Albany	14	156	151	9	7021 71	11528 32	11686	15231	6350 12
Allegany	23	263	254	6	3695 95	6938 36	12181	10572	3692 77
Broome	11	135	126	7	2116 95	3835 91	6173	5693	2193 18
Cattaraugus	23	202	178	6	2665 85	4464 88	8370	7151	2629 86
Cayuga	22	264	261	8	7389 23	9877 56	15309	15453	7612 20
Chautauque	24	306	281	7	5047 05	9245 50	15413	13807	5415 63
Chenango	19	291	278	7	5835 73	7548 50	13499	11870	5902 62
Clinton	8	113	108	6	3142 74	3114 18	5673	6213	3172 33
Columbia	19	188	187	9	3891 65	11882 86	9157	10670	3848 51
Cortland	11	168	165	7	3577 24	4480 81	8562	7315	3539 24
Delaware	18	256	243	7	3493 61	7201 62	11491	9988	3493 70
Dutchess	18	206	196	9	5371 34	14887 23	9827	12504	5508 60
Erie	22	239	226	7	4841 66	9441 91	14285	14791	4829 87
Essex	15	146	131	6	2203 82	3861 40	6301	5825	2444 74
Franklin	12	95	90	6	1860 40	2100 61	4051	3811	1877 19
Genesee	24	344	336	8	6340 75	15319 47	20353	17775	6579 18
Green	11	152	148	8	3387 87	7043 89	7750	8238	3661 67
Herkimer	18	196	191	8	3969 16	8398 95	10992	10604	3918 16
Jefferson	19	312	299	7	6392 59	11632 88	17160	15789	6526 74
Kings	14	20	18	12	1421 84	4043 73	1466	5562	2137 50
Lewis	11	116	112	7	1865 68	3097 83	4952	4812	1872 56
Livingston	12	167	163	8	3870 44	7926 99	9200	9258	3794 70
Madison	13	222	219	7	5370 26	7490 89	12688	11389	5601 83
Monroe	21	242	235	9	6731 09	15394 41	16420	16514	6261 95
Montgomery	20	226	222	8	4672 27	11533 16	12352	14145	4684 05
New York	15	78	78	12	93827 18		14721		93827 18
Niagara	11	136	117	7	253957	5839 15	6654	7176	2579 59
Oneida	29	360	350	8	8233 28	12666 03	19793	24376	8282 32
Onondaga	18	304	299	8	9300 46	11419 87	17859	17733	9214 74
Ontario	14	218	206	8	4644 45	12011 81	11780	11867	4812 37
Orange	14	188	178	9	4828 50	4524 77	10935	13158	4770 70
Orleans	8	122	118	8	2764 24	6231 49	7688	6844	2754 73
Oswego	20	226	206	7	4368 52	541 1 09	10347	10317	3998 94
Otsego	22	322	320	7	5586 31	10671 77	17172	15278	5283 35
Putnam	5	68	64	8	1337 17	3855 28	3083	3514	1323 43
Queens	6	77	64	10	2481 02	7647 49	3244	6102	2509 73
Rensselaer	19	192	184	8	5110 35	10063 78	11078	13824	5187 91
Richmond	4	18	18	10	758 20	2112 26	971	2191	758 20
Rockland	4	34	32	10	958 34	3745 52	1627	2514	1001 08
Saratoga	20	207	199	8	4172 42	10280 47	11099	11128	4107 92
Schenectady	7	54	53	8	895 48	2002 31	2736	3165	956 91
Schoharie	10	162	159	8	2877 33	6626 83	8047	9141	2935 28
Seneca	10	110	110	8	4099 39	5955 08	6818	7017	4260 63
St. Lawrence	24	310	292	6	7020 60	6381 98	12802	12348	6085 63
Steuben	24	289	263	6	4649 93	8012 83	13808	12327	4848 08
Suffolk	9	131	124	9	2759 00	9283 01	7521	7763	2784 59
Sullivan	9	88	80	7	1909 38	2580 26	3358	3807	1966 05
Tioga	19	226	201	7	3663 70	6013 59	9763	9727	3823 97
Tomkins	10	214	209	8	7001 11	6609 01	12649	12925	7679 34
Ulster	14	164	157	8	3892 58	9055 90	8511	11422	3882 28
Warren	9	105	93	5	1296 70	2068 08	3697	3436	1293 68
Washington	17	254	242	7	4569 27	9991 92	12732	11759	4465 81
Wayne	15	205	201	8	4529 61	8957 66	12547	12013	4488 74
Westchester	21	142	135	10	3696 39	12653 93	7001	9693	3858 79
Yates	8	103	103	8	2033 86	4513 5	5910	6240	2150 43
TOTAL.	842	10132	9676	8	312181 20	419878 69	511401	543085	314749 36

Having decided that it would be expedient to recommend an immediate distribution of the income of the fund, the committee next proceeded to consider upon what principle this distribution should be made. This was regarded by the committee as a question of some delicacy, and they have given to it the mature deliberation which its importance required. They have also consulted some of the persons most interested in the subject of popular education in this neighborhood, and have taken advantage of the presence of an intelligent citizen of the State of New York to obtain information as to the results of the method adopted in that great and flourishing member of the Union. The information thus obtained has been compared with that afforded by the published accounts of the state of education in foreign countries as far as they could be conveniently consulted, and by such other sources as were accessible to the committee. In answer to their inquiries on these points, the committee were favored by a highly respectable and intelligent subject of the King of Prussia, now travelling in this country, with a concise, and at the same time, very succinct exposition of the Prussian system, which has become celebrated throughout the christian world. A copy of this paper is submitted with the present report. From the best consideration which they have been able to give to the subject, the committee were satisfied that the distribution of the income of the fund should be so regulated as to stimulate the exertions of those who receive it, rather than to relieve them from any portion of the taxes which they now pay for the purpose of education. The amount now raised, though considerable, is not burthensome to the people, and is cheerfully contributed for an object which is generally acknowledged to be of paramount importance. If the effect of the fund were merely to change the form in which this amount is raised, it would be of little or no benefit to the community. If it can be so managed as to increase the amount, and at the same time to improve the methods of applying it, the results will be highly important and may even constitute an epoch in the history of education in this commonwealth.

The act of the last General Court which established the fund, provided that the income should be distributed among the several towns and districts. The committee propose to adopt this provision as the basis of the system of distribution, and with a view to the promotion of the first of the two objects just alluded to, namely

that of making the fund as far as possible an instrument for increasing the amount of money appropriated to the purpose of education they recommend that one half of the income should be distributed to the towns *in shares proportioned to their population*, and the other half *in shares proportioned to the amount of money which they shall raise themselves for the use of schools*. On this plan, if of two towns of equal population, say one thousand inhabitants each, one shall raise a thousand dollars for the purpose of education, and the other five hundred dollars, the former will receive two thousand dollars from the income of the fund, and the latter fifteen hundred, or in that proportion. In this way it is hoped and believed that the fund, instead of inducing the people to relax in any degree from the efforts which they now make, will operate as a bounty upon new and still more liberal contributions.

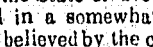
The other of the two objects just alluded to as those to which the fund might be made subservient, namely, the improvement of the methods of applying the money thus raised to the purpose of education, is perhaps even more important than that of increasing its amount. It is thought by some intelligent persons that the amount now annually raised in this commonwealth for the use of schools, and which is calculated at about one million dollars, would, if applied in the best possible manner, be amply sufficient for every useful purpose. Unfortunately the methods of applying it are often very defective. In the construction of the buildings, in the amount and quality of the books and scientific apparatus, and especially in the system of procuring teachers, the committee are persuaded that there is great room for improvement, and they believe that a portion of the proceeds of the fund may be employed with great advantage in endeavoring to promote it.

The last of these points, namely, the method of procuring teachers, is the one which now engages, perhaps more strongly than any other, the attention of the friends of education throughout the christian world. The great superiority of the Prussian system, which, as the committee have before remarked, has become celebrated, is supposed to result from the care bestowed upon this department. In that kingdom a distinct class of schools is appropriated especially to the education of teachers, and the masters of the common schools are all taken from among the persons educated in these seminaries. In the State of New York the same system has been recently adopted in a somewhat different and perhaps less effective form. It is believed by the committee that an appropriation of a portion of the income of the fund to the education of teachers upon some well devised plan would do more for the cause of public instruction in this commonwealth than almost any innovation on the existing institutions that could well be imagined. In consequence of the shortness of the time which they have had at their disposal, and of the amount of other business which has devolved upon them, the committee have not yet had it in their power to mature such a plan, and they respectfully request permission to submit a separate report upon this subject at a future day.

The committee propose, as has been already remarked, to make it a condition of the distribution of the income of the fund that the towns shall maintain *efficient school committees*, and make regular returns of the state of their schools. It is believed that the operation of the fund in these respects will supersede the necessity of any direct action upon the subjects of the orders referred to the committee as enumerated above, and they accordingly request that they may be discharged from the further consideration of the same.

In pursuance of the views detailed above, the committee beg leave to report a bill providing for the distribution of the income of the School Fund.

For the Committee,
(Signed) A. H. EVERETT



The following paper was prepared by a gentleman now travelling in this country as commissioner from the King of Prussia, to collect information on the subject of our political and social institutions. It consists of the answers to a series of questions proposed to him by the superintendent of the schools of the State of New York. The source from which it proceeds entitles it to implicit confidence, and although very succinct, it may be read with advantage as a summary of the information contained in the extended and valuable work of Professor Cousin on that subject.

OUTLINE
OF THE
PRUSSIAN SYSTEM OF EDUCATION.

FIRST QUERY.

How are the Seminaries for the education of Teachers supported in Prussia—at the expense of the Government or the Department?

The seminaries for the teachers of primary schools are entirely supported by Government from the general school fund, which has two separate divisions—the Catholic school fund and the Protestant school fund.

The expense of these seminaries belongs to the ordinary annual budget of the Ministry of Public Instruction, which is only subjected to a common *visa*, but not to an extraordinary scrutinizing revision, if it does not contain new items which were not before introduced into it.

Some of the seminaries have ancient endowments in landed property which contribute to diminish the expense of the Royal Treasury, but the departments have nothing to spend for *this* part of popular education. In the year 1831 the annual expense for thirty-three seminaries amounted to nearly $80,000, whereof the Treasury had only to pay about $60,000.

At the beginning of 1833 there were forty-two seminaries in the kingdom with a population of thirteen millions of inhabitants. To each of these seminaries a small elementary school for children of the city is attached, but merely as a means to develope the practical skill of the future teachers. The expense of the seminaries makes nearly the fifteenth part of the entire expense of the primary schools. The expense of the primary schools is borne nearly in such proportions by the state, and by the parishes, or rather "communes" consisting of a village or of a city, that the last contributes nineteen-twentieths of the expenditure, and the state only one-twentieth part.

SECOND QUERY.

Do the pupils who are trained to the business of teaching, pay, while at the seminaries, the expenses of their board and tuition, or are they supported in whole or in part by the state?

The whole expense of the erection of seminaries and of providing them with suitable buildings wherein the professors and the pupils live, as well as with a library, apparatus for instruction, and musical instruments for the exercise of the pupils is borne by the state. As to the board of the pupils, it is paid for by far the greatest proportion of them, and provided for all by the state. There is only a small part of the pupils for whom the magistrates of the places of their nativity and residence, or their relatives make a small annual payment to the treasurer of the seminary.

Those pupils which receive their education and support wholly from the state are legally bound to fill during a certain number of years the situations of schoolmasters to which they are elected, receiving always the annual salary attached to each of these situations. The length of time during which they have to fill in this way some place of schoolmaster offered to them is three years. Should they not choose to accept such an appointment when offered to them, they have to pay to the treasurer of the seminary where they were educated, for each year of instruction $14 and the whole amount of their board.

Of the forty-two seminaries existing first January 1833, twenty-eight were large, with 25 to 100 pupils. The law, which from unavoidable circumstances has not always been observed, prescribed never to have more than sixty or seventy pupils in a seminary. These seminaries were entirely supported from the state or from their own funds. The remaining fourteen seminaries, which may be called branch seminaries, count each of them six to eighteen pupils, sometimes under the superintendence of an experienced clergyman or rector, and in these the state contributes only a part of their income.

In some of the larger seminaries the state gives, besides board, a small gratuity to some of the best and most informed pupils, who act as assistant teachers of their younger fellow students.

The number of pupils in these forty-two institutions amounted, at the above mentioned period, to more than two thousand, the number of situations for school masters to about twenty-two thousand, and the number of pupils formed for these situations, annually leaving the seminaries to about eight or nine hundred. The annual vacancies in the situations of schoolmasters amount to about three or four per cent, so that with due allowance for pupils selecting other situations, or retained by bodily infirmities there, there still remains a sufficient number of candidates for such appointments, and

the possibility of making their examinations as rigorous as they ought to be.

The expenditure of the state for the seminaries amounts annually to a little more than $80,000.

THIRD QUERY.

What is the term or duration of the course in the seminaries?

The usual length of the course of education in the seminaries is *three* years, each year having two terms. In the smaller or branch seminaries forming schoolmasters for the poorest and most thinly inhabited villages the course is limited to two years.

The schoolmasters which have an appointment are sometimes (perhaps every year) assembled at the nearest seminary for the purpose of receiving there during three or four weeks, a term of instruction on methods newly invented in the progress of the art of teaching.

Besides this, the most distinguished or most active schoolmasters receive from the Consistory of the Province small premiums in money or books. The schoolmasters of the circles (nearly equal to one or two townships) have, under the protection of the Government, weekly conferences where they discuss the different methods of instruction, comment on new works on education, keep exact minutes of these transactions, and read their own observations or papers on these subjects.

FOURTH QUERY.

What are the subjects of study in the seminaries?

The age of entering into the Seminaries is between sixteen and eighteen years, and the pupils are free from any service in the army or in the Militia during time of peace.

The Seminaries wherein no pupil can be received who has not gone through the elementary instruction, or whose morality is subject to the least doubt, are destined to form teachers for the elementary or primary schools, as well as for the middle or citizens' schools, where no instruction in the classical languages is given.

The parts which constitute the course of instruction for such teachers are :—

1. Religion—Biblical history, introductory and commentatory essons on the Bible, systematic instruction on the religious and moral duties of man.

2. The German language in an etymological and grammatical point of view.—Exercises in expressing thoughts and reasoning orally and by writing.

3.—Mathematics.—Arithmetic as well from memory or intellectual as by putting down the numbers, geometry, stereometry and trigonometry.

4. A knowledge of the world, consisting in an acquaintance with the most important events or objects in history, natural history, natural philosophy, geography, and cosmography, or physical geography.

5. Musical instruction, consisting in the theory and practice of singing, theory of music, instruction in playing on the violin and the organ.

6. Drawing according to the system of Peter Schmid, and penmanship.

7. The theory of education, the theory and practice of teaching and their connexion with religious service, the liturgy.

8. Gymnastic exercises of all kinds.

9. Where it is practicable, theoretical and practical instruction in horticulture, in the cultivation of fruit trees and husbandry. In the country the dwelling house of the schoolmaster has a garden, serving as a nursery and an orchard, for the benefit of the schoolmaster who resides there, without paying any rent or local taxes, and for the instruction of the village. In latter years the rearing of silkworms and the propuction of silk has been frequently tried by the schoolmasters in the country, the Government furnishing mulberry trees and other materials.

What is still more important than this complete course of instruction, is the *spirit of religious and moral industry and self-denial which pervades the seminaries*, continually supported and inculcated by the directors, all highly distinguished men of piety and learning, and by the strict discipline under which the pupils live, without feeling themselves fettered by it.

FIFTH QUERY.

How far is instruction in each subject of study carried? For instance, where does the course of Mathematics terminate, and to what extent is geography taught?

The answer to this question may be found already in the preceding one.

On the whole the schoolmaster is so trained that he may form in connexion with the Rector, even of the remotest village, where the last mentioned is always President *ex-officio* of the school committee elected by the inhabitants, a central point of religious, moral, and intellectual information, sending its beneficent, and cheerful beams through the whole extent of the little community.

This whole system of instruction tends to a religious and moral end, and rests on the sacred basis of christian love. As the most affecting, and indeed, sublime example of this spirit, I mention the little or branch seminaries for training poor schoolmasters in such habits and with such feelings as shall fit them to be useful and contented teachers of the poorest villages. Here is poverty to which that of the poorest laborers in this country is affluence,—and it is *hopeless*, for to this class of schoolmasters no idea is held out of advancement or change. Yet if ever poverty on earth appeared serene, contented, lofty, beneficent, it is here. "Here we see," as the well-informed English translator of Cousin's Report on the state of Public Instruction in Prussia says,—"Here we see men in the very spring-time of life, so far from being made, as we are told men must be made, restless and envious and discontented by instruction, taking indigence and obscurity to their hearts for life; raised above their poor neighbors in education, only that they may become the servants of all, and may train the lowliest children in a sense of the dignity of man, and the beauty of creation, in the love of God and virtue."

SIXTH QUERY.

What apparatus is required in the Seminaries? For instance, what in Chemistry, Natural Philosophy, and other branches?

The first thing requisite for the larger seminaries is a house, with ground for gymnastic exercises, for horticulture, and an orchard with fruit trees to teach pomology, &c. attached to it.

Besides this, a library composed principally of works on theology, moral philosophy, the art of teaching and systems of education, historical and geographical compendiums, books on natural history, natural philosophy, husbandry, cultivation of fruits and vegetables, rearing of bees and silk worms, the German classics, and musical works and compositions. Farther, a number of musical instruments—violins, flutes, pianos, and a large organ.

The apparatus for chemistry and natural philosophy comprises only those instruments which are requisite for those primary branches of both sciences that may be of use to the future schoolmaster, and also a small cabinet of natural history, consisting of minerals, plants, and animals.

MISCELLANEOUS OBSERVATIONS.

After having answered as satisfactorily as it was possible at the present moment in a situation without access to the official sources of information, the queries proposed to me, I take the liberty to add a few observations on some other points intimately connected with the Prussian system of primary education, and serving perhaps to elucidate my preceding answers.

1. *The compulsory system of primary education*, first introduced in 1819 in Prussia existed there as well as in the remainder of Germany in a certain way, some centuries before. This system which has been enforced already by the first settlers in New England, and which was introduced by the Prussian Government in the provinces formerly under the dominion of France, slowly and with due forbearance, is now hailed by nearly all the inhabitants of the kingdom as the greatest benefit that could be bestowed upon them. This is proved by the following official numbers of the civil inhabitants, of the children between the first day of their seventh and the last of their fourteenth year, the age of school compulsion, and of the primary, middle, and grammar schools with their teachers and pupils. The number of inhabitants was taken by census, and the number of children from seven to fourteen years ascertained in the rule well known to political economists, that among 1,000 inhabitants of a country taken on average 429* are from the beginning of the seventh to the end of the fourteenth year.

1831.	Inhabitants (without the army)	12,780,745
	Children from 7 to 14 years	2,043,030
	Primary schools	21,889
	Teachers in primary schools of both sexes	24,919
Scholars Elm. Schools	boys 987,475 / girls 930,359	1,917,834

*This must have been an error, it should have been 160 instead of 429.

Middle schools (for boys 481, for girls 342)	823
Teachers in middle schools, (male 2,296, female 514)	2,810
Scholars in Middle schools { boys 56,879 / girls 46,598 }	103,477
Colleges for Citizens and Grammar Schools	140
Teachers in Colleges and Grammar Schools	1,493
Scholars in Colleges and Grammar Schools	26,041

Taking together the scholars of the three mentioned gradations, we find.

Scholars in elementary schools	1,917,834
Scholars in middle schools	103,477
Scholars in Colleges for citizens, and grammar schools	26,041
	2,047,352
Number of children from 7 to 14 years	2,043,030

We find therefore, though many children are retained by bodily or mental infirmities, from visiting the public schools, and though many children of the higher classes are educated at home or in private boarding schools, that *more* children visit the public schools that are legally bound to do it. This arises from the circumstance that many children are sent to school before the prescribed age of six years, or go there after the beginning of the fifteenth year, proving at the same time the good sense of the population and the value they set upon a religious and moral instruction.

2. It will not be useless to give here a short enumeration of the *subjects taught in the elementary schools and in the middle schools*, the latter being for those who do not pretend to attain the highest degree of perfection in the different trades, commerce, manufacturing business, &c. &c.

ELEMENTARY SCHOOLS.

*1. Religious instruction.
2. German language.
3. Elements of Geometry and Drawing.
*4. Calculation and practical Arithmetic.
5. Elements of Geography, General and Prussian History, and Natural Philosophy.
*6. Singing.
*7. Reading.
*8. Writing.
*9. Gymnastic Exercises.
10. Simple manual labors, agricultural instruction.
*11. For girls, female work.

MIDDLE SCHOOLS.

1. Religion and Morals.
2. German language, Reading and Composition in style, the German classics.
3. Foreign modern languages.
4. As much Latin as is necessary for the exercise of the mental faculties and the power of judgment.
5. Complete practical Arithmetic and the Elements of Mathematics.
6. Natural History, Chemistry, and natural Philosphy, to explain the phenomena of nature.
7. Geography of the Globe, and its position in the solar system.
8. History, especially of Prussia.
9. Drawing.
10. Writing in the highest perfection.
11. Singing.
12. Gymnastic exercises.

3. It will, I think, not be thought superfluous, if I close these observations by a *list of the best German school books* introduced into the Prussian schools. A set of these, partly for translating, partly for imitating them, would certainly be a useful acquisition for this country, the Germans having occupied themselves for many centuries with the different methods of teaching, and according to their fundamental principle "as is the master so is the school" always rejecting the Monitorial or Lancasterian system, which can only be useful as an auxilary in certain mechanical details, but which, on account of its lifeless mechanism, ought never to be employed where *christians* are to be formed.

LOGICAL EXERCISES.

(The Logical Exercises, a kind of instruction peculiar to Germany, consists in devoting an hour or two each day by the teacher to keep up a conversation with his pupils, to impart to them in this conversation facts relating to history, Natural History, Geography, &c., and by eliciting from their answers and observations relating to such facts, to sharpen their judgment, and to awaken their faculties of thought and reflection. We think these exercises which must be seen to be well understood, next to religious instruction the most important branch of the whole system excluding by its very nature the use of monitors.)

Herewith I close this short paper on the state of primary education in Prussia, which, incomplete as it is, in combination with the fact that regular quarterly returns on all juvenile delinquincies in the kingdom, are sent by the courts of law to the minister of public instruction, and that we have in Prussia now, twenty-eight institutions for juvenile delinquents, or houses of reform, *none for more than sixty pupils all of the same sex*, will give some idea of the subject treated. But I must still add that all this is only a part of the whole system, and that it is as a whole that the national education of Prussia is worthy of study and imitation. No work can be better adapted to give an introductory view of the general organization of this system, than Mr. *Cousin's* report on the state of Public Instruction in Prussia, printed in the beginning of this year in London.

New York, 12th December, 1834.

*The subjects marked with an asterisk *must* be taught, even in the poorest village schools, the others can *there* be dispensed with.

Extracts From the works of Miss Edgeworth.

To make any progress in the art of education, it must be patiently reduced to an experimental science; we are fully sensible of the extent and difficulty of this undertaking, and we have not the arrogancy to imagine, that we have made any considerable progress in a work which the labours of many generations, may, perhaps, be insufficient to complete; but we lay before the public the result of our experiments and in many instances the experiments themselves.—In pursuing this part of our plan, we have sometimes descended from that elevation of style which the reader might expect in a quarto volume; we have frequently been obliged to record facts concerning children which may seem trifling, and to enter into a minuteness of detail which may appear unnecessary.—No anecdotes, however, have been admitted without due deliberation; nothing has been introduced to gratify the idle curiosity of others, or to indulge our own feelings of domestic partiality.

In what we have written upon the rudiments of science, we have pursued an opposite plan, so far from attempting to teach them in detail, we refer our readers to the excellent treatises on the different branches of science and on the various faculties of the human mind, which are to be found in every language.—The chapters that we have introduced upon those subjects, are intended merely as specimens of the manner in which we think young children should be taught. We have found from experience that an early knowledge of the first principles of science may be given in conversation, and may be insensibly acquired from the usual incidents of life; if this knowledge be carefully associated with the technical terms which common use may preserve in the memory, much of the difficulty of subsequent instruction may be avoided.

The sketches we have hazarded upon these subjects, may to some appear too slight and to others too abstruce and tedious. To those who have explored the vast mines of human knowledge, small specimens appear trifling and contemptible, while the less accustomed eye is somewhat dazzled and confused by the appearance even of a small collection; but to the most enlightened mind, new combinations may be suggested by a new arrangement of materials, and the curiosity and enthusiasm of the inexperienced may be awakened, and excited to accurate and laborious researches.

With respect to what is commonly called the education of the heart we have endeavoured to suggest the easiest means of inducing useful and agreeable habits, well regulated sympathy, and benevolent affections. A witty writer says, "Il est permis d'ennuyer en moralites d'ici jusqùà Constantinople" unwilling to avail ourselves of this permission we have sedulously avoided declamation, and wherever we have been obliged to repeat ancient maxims and common truths we have at least thought it becoming to present them in a new dress.

On religion and politicks we have been silent because we have no ambition to gain partizans or to make proselytes, and because we do not address ourselves exclusively to any sect or to any party. The scrutinizing eye of criticism, in looking over our table of contents, will also probably observe that there are no chapters on cou

rage and chastity. To pretend to teach courage to Britons, would be as ridiculous as unnecessary; and except among those who are exposed to the contagion of foreign manners we may boast of the superior delicacy of our fair country-women, a delicacy acquired from domestic example, and confirmed by public approbation. Our opinions concerning the female character and understanding have been fully detailed in a former publication; and unwilling to fatigue by repetition, we have touched but slightly upon these subjects in our chapters on temper, female accomplishments, prudence, and economy.

We have warned our readers not to expect from us any new theory of education; but they need not apprehend that we have written without method, or that we have thrown before them a heap of desultory remarks and experiments which led to no general conclusions, and which tend to the establishment of no useful principles; we assure them that we have worked upon a regular plan, and where we have failed of executing our design, it has not been for want of labor or attention. Convinced that it is the duty and the interest of all who write to enquire into what others have said and thought upon the subject of which they treat, we have examined attentively the works of others, that we might collect whatever knowledge they contain, and that we might neither arrogate inventions which do not belong to us, nor weary the public by repetition. Some useful and ingenious essays may probably have escaped our notice; but we flatter ourselves that our readers will not find reason to accuse us of negligence, as we have pursued with diligent attention every work upon education that has obtained the sanction of time or of public approbation; and tho' we have never bound ourselves to the letter, we hope we have been faithful to the spirit of their authors. Without encumbering ourselves with any part of their systems which has not been authorized by experience, we have steadily attempted immediately to apply to practice such of their ideas as we have thought useful; but while we have used the thoughts of others, we have been anxious to avoid mean plagiarism; and wherever we have borrowed, the debt has carefully been acknowledged.

The first hint of the chapter on Toys was received from Dr. Beddoes; the sketch of an introduction to chemistry for children was given to us by Mr. Lovell Edgeworth; and the rest of the work was resumed from a design formed and begun twenty years ago. When a book appears under the name of two authors it is natural to enquire what share belongs to each of them; all that relates to the art of teaching to read in the chapter on tasks, the chapters on grammar and classical literature, geography, chronology, arithmetic, geometry and mechanics, were written by Mrs. Edgeworth and the rest of the book by Miss Edgeworth. She was encouraged and enabled to write upon this important subject by having for many years before her eyes the conduct of a judicious mother in the education of a large family. The chapter on obedience was written from Mrs. Edgeworth's notes, and was exemplified by her successful practice in the management of her children; the whole manuscript was submitted to her judgement and she revised parts of it in the last stage of a fatal disease.

EXTRACTS

FROM AN ADDRESS TO THE PUBLIC

PARTICULARLY TO THE MEMBERS OF THE

Legislature of New-York,

PROPOSING A PLAN FOR IMPROVING

FEMALE EDUCATION

BY

EMMA WILLARD.

ADDRESS, &c.

The object of this address is to convince the public that a reform with respect to female education is necessary; that it cannot be effected by individual exertion, but that it requires the aid of the Legislature: and further by showing the justice, the policy, and the magnanimity of such an undertaking, to persuade that body to endow a seminary for females as the commencement of such reformation.

The idea of a college for males will naturally be associated with that of a seminary instituted and endowed by the public; and the absurdity of sending ladies to college may, at first thought, strike every one to whom this subject shall be proposed. I therefore hasten to observe that the seminary here recommended, will be as different from those appropriated to the other sex, as the female character and duties are from the male. The business of the husband is not to waste his endeavours in seeking to make his orchard attain the strength and majesty of his forest, but to rear each to the perfection of its nature.

That the improvement of the female education will be considered by our enlightened citizens as a subject of importance, the liberality with which they part with their property to educate their daughters, is a sufficient evidence; and why should they not when assembled in the Legislature, act in concert to effect a noble object, which, though dear to them individually, cannot be accomplished by their unconnected exertions.

If the improvement of the American female character, and that alone, could be effected by public liberality, employed in giving better means of instruction: such improvement of one half of society, and that half, which barbarous and despotic nations have ever degraded, would of itself be an object worthy of the most liberal government on earth; but if the female character be raised, it must inevitably raise that of the other sex: and thus does the plan proposed offer as the object of legislative bounty, to elevate the whole character of the community.

As evidence that this statement does not exaggerate the female influence in society, our sex need but be considered in the single relation of mothers. In this character, we have the charge of the whole mass of individuals who are to compose the succeeding generation; during that period of youth when the pliant mind takes any direction to which it is steadily guided by a forming hand. How important a power is given by this charge! yet little do too many of my sex know how either to appreciate or improve it. Unprovided with the means of acquiring that knowledge which flows liberally to the other sex—having our time of education devoted to frivolous acquirements, how should we understand the nature of the mind, so as to be aware of the importance of those early impressions which we make upon the minds of our children? or how should we be able to form enlarged and correct views, either of the character to which we ought to mould them, or of the means most proper to form them aright?

Considered in this point of view, were the interests of male education alone to be consulted, that of females becomes of sufficient importance to engage the public attention. Would we rear the human plant to its perfection, we must first fertilize the soil which produces it. If it acquires its first bent and texture upon a barren plain, it will avail comparatively little should it be afterwards transplanted to a garden.

In the arrangement of my remarks, I shall pursue the following order:—

1st. Treat of the defects of the present mode of female education and their causes.

2nd. Consider the principles by which education should be regulated.

3rd. Sketch a plan of a female seminary.

4th. Shew the benefits which society would receive from such institution.

Defects in the present mode of Female Education and their causes.

Civilized nations have long since been convinced that education, as it respects males, will not like trade regulate itself; and hence they have made it a prime object to provide that sex with every thing requisite to facilitate their progress in learning: but female education has been left to the mercy of private adventurers: and the consequence has been, to our sex the same as it would have been to the other, had legislatures left their accommodations and means of instruction, to chance also.

Education cannot prosper in any community, unless from the ordinary motives which actuate the human mind, the best and most cultivated talents of that community can be brought into exercise in that way. Male education flourishes, because from the guardian care of Legislatures, the presidencies and professorships of our colleges, are some of the highest objects to which the eye of ambition is directed. Not so with female institutions. Preceptresses of these are dependent on their pupils for support, and are

consequently liable to become the victims of their caprice. In such a situation it is not more desirable to be a preceptress than it would to be a parent, invested with the care of children, and responsible for their behaviour, but yet depending upon them for subsistence, and destitute of power to enforce their obedience.

Feminine delicacy requires that girls should be educated chiefly by their own sex; this is apparent from considerations, that regard their health and conveniences, the propriety of their dress and manners, and their domestic accomplishments.

Boarding Schools, therefore, whatever may be their defects, furnish the best mode of education provided for females.

Concerning these schools, it may be observed.

1st. They are temporary institutions, formed by individuals whose object is present emolument. But they cannot be expected to be greatly lucrative; therefore the individuals who establish them cannot afford to provide suitable accommodations, as to room. At night the pupils are frequently crowded in their lodging rooms; and during the day they are generally placed together in one apartment, where there is a heterogeneous mixture of different kinds of business, accompanied with so much noise and confusion as greatly to impede their progress in study.

2nd. As individuals cannot afford to provide suitable accommodations as to room, so neither can they afford libraries and other apparatus necessary to teach properly the various branches in which they pretend to instruct.

3. Neither can the individuals who establish these schools afford to provide suitable instruction. It not unfrequently happens that one instructress teaches at the same time, and in the same room, ten or twelve different branches. If assistants are provided, such are usually taken as can be procured for a small compensation. True, in our large cities, preceptresses provide their pupils with masters, though at an expense which few can afford—yet none of these masters are responsible for the general proficiency or demeanor of the pupils. Their only responsibility is in the particular branch which they teach; and to a preceptress who probably does not understand herself, and who is therefore incapable of judging whether or not it is well taught.

4. It is impossible that in those schools such systems should be adopted and enforced as are requisite for properly classing the pupils. Institutions for young gentlemen are founded by public authority, and are permanent; they are endowed with funds, and their instructors and overseers are invested with authority to make such laws as they shall deem most salutary. From their permanency, their laws and rules are well known. With their funds they procure libraries, philosophical apparatus, and other advantages, superior to what can elsewhere be found; and to enjoy these, individuals are placed under their discipline, who would not else be subjected to it. Hence the directors of these institutions can enforce, among other regulations, those which enable them to make a perfect classification of their students. They regulate their qualifications for entrance, the kind and order of their studies, and the period of their remaining at the seminary. Female schools present the reverse of this. Wanting permanency, and dependent on individual patronage, had they the wisdom to make salutary regulations, they could neither enforce nor purchase compliance. The pupils are irregular in their times of entering and leaving school; and they are of various and dissimilar acquirements. Each scholar of mature age thinks she has a right to judge for herself respecting what she is to be taught; and the parents of those who are not, consider that they have the same right to judge for them. Under such disadvantages, a school cannot be classed, except in a very imperfect manner.

5. It is for the interest of instructors of boarding schools to teach their pupils showy accomplishments rather than those which are solid and useful. Their object in teaching is generally present profit. In order to realise this, they must contrive to give immediate celebrity to their schools. If they attend chiefly to the cultivation of the mind, their work may not be manifest at the first glance; but let the pupil return home, laden with fashionable toys, and her young companions filled with envy and astonishment, are never satisfied till they are permitted to share the precious instruction. If it is true, with the turn of the fashion, the toys which they are taught to make will become obsolete; and no benefit remains to them of perhaps the only money that will ever be expended on their education; but the object of the instructress may be accomplished notwithstanding, if that is directed to her own, rather than her pupil's advantage.

6. As these Schools are private establishments, their preceptresses are not accountable to any other particular persons. Any woman has a right to open a School in any place: and no one, either from Law or custom, can prevent her. Hence the Public are liable to be imposed upon, both with respect to the character and acquirements of preceptresses. I am far however from asserting that this is always the case. It has been before observed, that in the present state of things the ordinary motives which actuate the human mind would not induce ladies of the best and most cultivated talents to engage in the business of instructing from choice. But some have done it from necessity, and occasionally an extraordinary female has occupied herself in instructing because she felt that impulse to be active and useful which is the characteristic of a vigorous and noble mind; and because she found few avenues to extensive usefulness open to her sex. But if such has been the fact, it has not been the consequence of any system from which a similar result can be expected to occur with regularity; and it remains true that the public are liable to imposition both with regard to the character and acquirements of preceptresses.

Instances have lately occurred in which women of bad reputation, at a distance from scenes of their former life, have been entrusted by our unsuspecting citizens with the instruction of their daughters.

But the moral reputation of individuals is more a matter of public notoriety than their literary attainments; hence society are more liable to be deceived with regard to the acquirements of instructresses, than with respect to their characters.

Those women however who deceive society as to the advantages which they give their pupils, are not charged with any ill intention. They teach as they were taught, and believe that the public are benefitted by their labors. Acquiring, in their youth, a high value for their own superficial accomplishments, they regard all others as supernumerary, if not unbecoming. Altho' these considerations exculpate individuals, yet they do not diminish the injury which society receives; for they shew that the worst which is to be expected from such instruction is not that pupils will remain ignorant; but that by adopting the views of their teachers they will have their minds barred against future improvement by acquiring a disrelish, if not a contempt, for useful knowledge.

7. Altho', from a want of public support, preceptresses of boarding schools have not the means of enforcing such a system as would lead to a perfect classification of their pupils; and altho' they are confined in other respects within narrow limits yet because these establishments are not dependent on any public body within these limits, they have a power far more arbitrary and uncontrolled than is allowed the learned and judicious instructors of our male seminaries.

They can, at their option, omit their own duties, and excuse their pupils from theirs.

They can make absurd and ridiculous regulations.

They can make improper and even wicked exactions of their pupils.

Thus the writer has endeavoured to point out the defects of the present mode of Female Education, chiefly in order to shew that the great cause of these defects consists in a state of things in which Legislatures, undervaluing the great importance of women in society, neglect to provide for their education, and suffer it to become the sport of adventurers for fortune, who may be both ignorant and vicious.

Of the principles by which Education should be regulated.

To contemplate the principles which should regulate systems of instruction, and consider how little those principles have been regarded in educating our sex, will show the defects of female education in a still stronger point of light and will also afford a standard by which any plan for its improvement may be measured.

Education should seek to bring its subjects to the perfection of their moral, intellectual, and physical nature; in order that they may be of the greatest possible use to themselves and others, or, to use a different expression, that they may be the means of the greatest possible happiness of which they are capable, both as to what they enjoy and what they communicate.

Those youth have the surest chance of enjoying and communicating happiness who are best qualified both by internal dispositions and external habits, to perform with readiness, those duties which their future life will most probably give them occasion to practice.

Studies and employments should therefore be selected, from one or both of the following considerations; either because they are peculiarly fitted to improve the faculties; or because they are such

s the pupil will most probably have occasion to practice in future life.

These are principles on which systems of male Education are founded, but female Education has not yet been systematized.—Chance and confusion reign here. Not even is youth considered in our sex, as in the other, a season which should be wholly devoted to improvement. Among families, so rich as to be entirely above labor, the daughters are hurried through the routine of boarding school institution and at an earlier period introduced into the gay world and thenceforth their own object is amusement. Mark the different treatment which the sons of these families receive. While their sisters are gliding through the mazes of the midnight dance they employ the lamp to treasure up for future use the riches of ancient wisdom; or to gather strength or expansion of mind in exploring the wonderful paths of philosophy. When the youth of the two sexes has been spent so differently, is it strange or is it nature in fault, if more mature age has brought such a difference of character that our sex have been considered by the other, as the pampered wayward babies of society who must have some rattle put into our hands to keep us from doing mischief to ourselves and others!

Another difference in the treatment of the sex is made in our country, which though not equally pernicious to society is more pathetically unjust to our sex. How often have we seen a student who returns from his literary pursuits, finds a sister who was his equal in acquirements, while their advantages were equal, of whom he is now ashamed. While his youth was devoted to study, and he was furnished with the means, she without any object of improvement, drudged at home to assist in the support of the father's family, and perhaps to contribute to her brothers subsistance abroad; and now, a being of a lower order, the rustic innocent wonders and weeps at his neglect. Not only has there been a want of system concerning female education, but much of what has been done has proceeded upon mistaken principles.

One of these is, that, without a regard to the different periods of life, proportionate to their importance the education of females has been too exclusively directed to fit them for displaying to advantage the charms of youth and beauty.—Tho' it may be proper to adorn this period of life yet it is incomparably more important to prepare for the serious duties of mature years. Tho' well to decorate the blossoms, it is far better to prepare for the harvest in the vegetable creation, nature seems but to sport, when she embellishes the flower, while all her serious cares are directed to perfect the fruit.

Another error is, that it has been made the first object in educating our sex to prepare them to please the other. But reason and religion teach that we too are primary existances; that it is for us to move in the orbit of our duty around the holy centre of perfection, the companions, not the sattelites of men; else instead of shedding around us an influence, that may help to keep them in their proper course, we must accompany them in their wildest deviations.

I would not be understood to insinuate that we are not, in particular situations, to yield obedience to the other sex. Submission and obedience belong to every being in the universe, except the great master of the whole. Nor is it a degrading peculiarity to our sex to be under human authority. Whenever one class of human beings derive from another the benefits of support and protection, they must pay its equivalent obedience. Thus while we receive these benefits from our parents we are all without distinction of sex, under their authority; when we receive them from the Government of our country we must obey our rulers; and when our sex take the obligation of marriage, and receive protection and support from the other, it is reasonable that we too should yield obedience. Yet is neither the child or the subject, nor the wife under human authority, but in observance to the divine.

Our highest responsibility is to God and our highest interest is to please Him; therefore to secure this interest, should our education be directed.

Neither would I be understood to mean that our sex should not seek to make themselves agreeable to the other. The error complained of is that the taste of men whatever it might happen to be has been made a standard for the formation of the Female character. In whatever we do it is of the most importance, that the rule by which we work should be perfect. For if otherwise what is it but to err upon principle? A system of education which leads one class of human beings to consider the approbation of another as their highest object, teaches that the rule of their conduct should be the will of beings imperfect and erring like themselves, rather than the will of God, which is the only standard of perfection.

Having now considered Female education both in theory and practice, and seen that in its present state it is in fact a thing "without form and void" the mind is naturally led to enquire after a remedy for the evil it has been contemplating.

Can individuals furnish this remedy? It has heretofore been left to them and we have seen the consequence. If education is a business which might naturally prosper if left to individual exertion, why have Legislatures intermeddled with it at all? If it is not, why do they make their daughters illegitimate, and bestow all their cares upon their sons.

It is the duty of a Government to do all in its power to promote the present and future prosperity of the nation over which it is placed. This prosperity will depend on the character of its citizens. The characters of these will be formed by their mothers, and it is through the mothers that the Government can control the characters of its future citizens, to form them such as will ensure their country's prosperity. If this is the case, then it is the duty of our present Legislature to begin now to form the characters of the next generation by controling that of the Females, who are to be their mothers, while it is yet with them a season of improvement.

But should the conclusion be almost admitted that our sex too are the legitimate children of the Legislature; and that it is their duty to afford us a share of their paternal bounty; the phantom of a College learned lady would be ready to rise up and destroy every good resolution, which the admission of this truth would naturally produce in our favor.—

To shew that it is not a masculine education that is here recommen[illegible] to afford a definite view of the manner in which a female institution might possess the respectability, permanency and uniformity of operation of those appropriated to males; and yet differ from them, so as to be adapted to that difference of character and duties to which the softer sex should be formed, is the object of the following imperfect

SKETCH OF A FEMALE SEMINARY.

From considering the deficiencies in Boarding Schools much may be learned, with regard to what would be needed, for the prosperity and usefulness of a public seminary for females.

1. There would be needed a building with commodious rooms for lodging and recitation, apartments for the reception of apparatus, and for the accommodation of the domestic department.

2. A library containing books on the various subjects in which the pupils were to receive instruction; musical instruments, some good paintings to form the taste and serve as models for the execution of those who were to be instructed in that art; maps, globes and a small collection of philosophical apparatus.—

3. A judicious Board of trust competent and desirous to promote its interests, would in a female, as in a male literary institution be the corner stone of its prosperity.—On this board it would depend to provide,

4th. Suitable instruction. This article may be subdivided under four heads.

1. Religious and moral.
2. Literary.
3. Domestic.
4. Ornamental.

1. Religious and moral.—A regular attention to religious duties, would, of course be required of the Pupils by the laws of the Institution. The Trustees would be careful to appoint no instructers who would not teach religion and morality, both by their example and by leading the minds of the Pupils to perceive that these constitute the true end of all Education. It would be desirable that the young ladies should spend a part of their Sabbaths in hearing discourses relative to the peculiar duties of their sex. The evidences of Christianity and moral Philosophy would constitute a part of their studies.

2. Literary Instruction.—To make an exact enumeration of the branches of literature, which might be taught would be impossible, unless the time of the pupils' continuance at the seminary, and the requisites for entrance were previously fixed. Such an enumeration would be tedious, nor do I conceive that it would be at all promotive of my object. The difficulty complained of is not that we are at a loss what sciences we ought to learn, but that we have not

proper advantages to learn any. Many writers have given us excellent advice with regard to what we should be taught, but no Legislature has provided us the means of instruction. Not, however, to pass lightly over the fundamental part of education, I will mention one or two of the less obvious branches of science, which, I conceive should engage the youthful attention of my sex.

It is highly important that females should be conversant with those studies which will lead them to understand the operations of the human mind. The chief use to which the philosophy of the mind can be applied, is to regulate education by its rules. The ductile mind of the child is entrusted to the mother; and she ought to obtain every possible assistance, in acquiring a knowledge of this noble material, on which it is her business to operate, that she may best understand how to mould it to its most excellent form.

Natural Philosophy has not often been taught to our sex. Yet why should we be kept in ignorance of the great machinery of nature, and left to the vulgar notion that nothing is curious but what deviates from her common course? If mothers were acquainted with this science they would communicate very many of its principles to its children in early youth.

From the bursting of an egg burried in the fire, I have heard an intelligent mother lead her prattling enquirer to understand the cause of the earthquake. But how often does the mother from ignorance on this subject, give her child the most erroneous and contracted views of the causes of natural phenomena; views, which, though they may afterwards learn to be false, are yet from the laws of association, ever ready to return, unless the active powers of the mind are continually upon the alert to keep them out. A knowledge of natural philosophy is calculated to heighten the moral taste, by bringing to view the majesty and beauty of order and design; and to enliven piety, by enabling the mind more clearly to perceive throughout, the manifold works of God, that wisdom, in which he hath made them all.

In some of the sciences proper for our sex, the books written for the other would need alteration; because in some they presuppose more knowledge than female pupils would possess; in others, they have parts not particularly interesting to our sex, and omit subjects immediately relating to their pursuits. There would likewise be needed for a female seminary some works, which I believe are no where extant, such as a systematic treatise on housewifery.

3. Domestic Instruction—Should be considered important in a female seminary. It is the duty of our sex to regulate the internal concerns of every family, and unless they be properly qualified to discharge this duty, whatever may be their literary or ornamental attainments, they cannot be expected to make either good wives, good mothers, or good mistresses of families; and, if they are none of these they must be bad members of society; for it is by promoting or destroying the comfort and prosperity of their own families, that females serve or injure the community.

To superintend the domestic department, there should be a respectable lady, experienced in the best methods of housewifery, and acquainted with propriety of dress and manners. Under her tuition the pupils ought to be placed for a certain length of time every morning. A spirit of neatness and order should here be treated as a virtue, and the contrary if excessive and incorrigible, be punished with expulsion. There might be a gradation of employment in the domestic department, according to the length of time the pupils had remained at the institution. The older scholars might then assist the superintendent in instructing the younger, and the whole be so arranged, that each pupil might have advantages to become a good domestic manager by the time she has completed her studies.

This plan would afford a healthy exercise. It would prevent that estrangement from domestic duties, which would be likely to take place in a length of time devoted to study, with those to whom they were previously familiar; and would accustom those to them, who, from ignorance might otherwise put at hazard their own happiness and the prosperity of their families.

These objects might doubtless be effected by a scheme of domestic instruction; and probably others of no inconsiderable importance. It is believed that housewifery might be greatly improved by being taught not only in practice but in theory. Why may it not be reduced to a system as well as other acts?—There are right ways of performing its various operations; and there are reasons why those ways are right; and why may not rules be formed, their reasons collected; and the whole be digested into a system to guide the learner's practice?

It is obvious that theory alone can never make a good artist; and it is equally obvious, that practice unaided by theory, can never correct errors, but must establish them. If I should perform any thing in a wrong manner all my life, and teach my children to perform it in the same manner, still through my life and theirs it would be wrong. Without alteration there can be no improvement; but how are we to alter so as to improve, if we are ignorant of the principles of our art with which we should compare our practice, and by which we should regulate it?

In the present state of things it is not to be expected, that any material improvements in housewifery should be made. There being no uniformity of method prevailing among different housewives, of course the communications from one to another are not much more likely to improve the art than a communication between two mechanics of different trades, would be to improve each in his respective occupation. But should a system of principles be philosophically arranged, and taught both in theory and by practice, to a large number of females whose minds were expanded and strengthened by a course of literary instruction, those among them of an investigating turn, would, when they commenced house-keepers, consider their domestic operations as a series of experiments, which either proved or refuted the system previously taught. They would then converse together like those who practice a common art, and improve each other by their observations and experiments; and they would also be capable of improving the system by detecting its errors, and by making additions of new principles and better modes of practice.

4. *The ornamental branches* which I should recommend for a female seminary, are drawing and painting, elegant penmanship, music and the grace of motion,—Needlework is not here mentioned.—The best style of useful needlework should either be taught in the domestic department or made a qualification for entrance: and I consider that useful which may contribute to the decoration of a ladies' person, or the convenience and neatness of her family.—But the use of the needle for other purposes than these, as it affords little to assist in the formation of the character, I should regard as a waste of time.

The grace of motion must be learned chiefly from instruction in dancing. Other advantages besides that of a graceful carriage, might be derived from such instruction, if the lessons were judiciously timed. Exercise is needful to the health, and recreation to the cheerfulness and contentment of youth. Female youth could not be allowed to range unrestrained to seek amusement for themselves. If it was entirely prohibited, they would be driven to seek it by stealth, which would lead them to many improprieties of conduct and would have a pernicious effect upon their general character, by inducing a habit of treading forbidden paths, the alternative that remains is to provide them with proper recreation, which, after the confinement of the day, they might enjoy under the eye of their instructers.—Dancing is exactly suited to this purpose as also to that of exercise; for perhaps in no way, can so much healthy exercise be taken in so short a time. It has besides this advantage over other amusements, that it affords nothing to excite the bad passions, but on the contrary its effects are to soften the mind, to banish its animosities, and to open is social impressions.

It may be said that dancing would dissipate the attention and estrange it from study.—Balls would, doubtless, have this effect; but let dancing be practised every day, by youth of the same sex, without change of place, dress, or company, and under the eye of those, whom they are accustomed to obey, and it would excite no more emotion than any other exercise or amusement, but in degree as it is of itself more pleasant.—But it must ever be a grateful exercise to youth, as it is one, to which nature herself prompts them, at the sound of animating music.

It has been doubted whether painting and music should be taught to young ladies, because much time is requisite to bring them to any considerable degree of perfection, and they are not immediately useful. Though these objections have weight, yet they are founded on too limited a view of the objects of education. They leave out the important consideration of forming the character. I should not consider it an essential point that the music of a lady's piano should rival that of her master's; or that her drawing room should be decorated with her own paintings rather than those of others, but it is the intrinsic advantage which she might derive from the refinement of herself that would induce me to recommend to her an attention to these elegant pursuits. The harmony of sound, has a tendency to produce a correspondent harmony of soul; and that art which obliges us to study nature, in order to imitate her, often enkindles the latent spark of taste,—of sensibility for her beauties, till it glows to adoration for their author, and a refined love of all his works.

5. There would be needed for a female, as well as for a male

seminary a system of laws and regulations so arranged that both the instructers and the pupils would know their duty; and thus the whole business move with regularity and uniformity.

The laws of the institution would be chiefly directed to regulate the pupil's qualifications for entrance, the kind and order of their studies, their behaviour while at the institution, the term allotted for the completion of their studies, the punishments to be inflicted on offenders, and the rewards or honors to be bestowed on the virtuous and diligent.

The direct rewards or honors used to stimulate the ambition of students in colleges are first, the certificate or diploma, which each receives who passes successfully through the term allotted to his collegiate studies; and secondly the appointments to perform certain parts in public exhibitions, which are bestowed by the faculty, as rewards for superior scholarship. The first of these modes is admissible into a female seminary; the second is not; as public speaking forms no part of female education. The want of this mode might, however, be supplied by examinations judiciously conducted. The leisure and inclination of both instructers and scholars, would combine to produce a thorough preparation for these; for neither would have any other public test of the success of their labors. Persons of both sexes would attend. The less entertaining parts might be enlivened by interludes where the pupils in painting and music would display their several improvements. Such examinations would stimulate the instructers to give their scholars more attention, by which the leading facts and principles of their studies would be more clearly understood and better remembered. The ambition excited among the pupils would operate without placing the instructers under the necessity of making distinctions among them, which are so apt to be considered as invidious, and which are in our male seminaries, such fruitful sources of disaffection. Perhaps the term allotted for the routine of study at the seminary, might be three years, the pupils probably would not be fitted to enter till about the age of 14. Whether they attended to all or any of the ornamental branches, should be left optional with the parents or guardians. Those who were to be instructed in them, should be entered for a longer term, but if this wa sa subject of previous calculation no confusion should arise from it. The routine of the exercises being established by the laws of the institution, would be uniform and publicly known, and those who were previously acquainted with the branches first taught, might enter the highest classes; nor would those who entered the lowest be obliged to remain during the three years. Thus the term of remaining at the institution, might be either one, two, three, four or more years; and that without interfering with the regularity and uniformity of its proceedings.

The writer has now given a sketch of her plan. She has by no means expressed all the ideas which occurred to her concerning it; she wished to be as concise as possible, and yet afford conviction that it is practicable to organize a system of Female Education, which shall possess the permanency, uniformity of operation, and respectability of our male institutions; and yet differ from them, so as to be adapted to that difference of character and duties to which early instruction should form the softer sex.

It now remains to enquire more particularly what would be the benefits resulting from such a system.

BENIFITS OF FEMALE SEMINARIES.

In enquiring concerning the benefits of the plan proposed, I shall proceed upon the supposition that female seminaries will be presented throughout our country.

Nor is this altogether a visionary supposition if one seminary should be well organized its advantages would be found so great, that others would soon be instituted, and that sufficient patronage can be found to put one in operation, may be presumed from its reasonableness, and from the public opinion with regard to the present mode of female Education. It is from an intimate acquaintance with those parts of our country, where education is said to flourish most, that the writer has drawn her picture of the present state of female instruction, and she knows, that she is not alone in perceiving or deploring its faults. Her sentiments are shared by many an enlightened parent of a daughter, who has received a boarding school education. Counting on the promise of her childhood, the Father had anticipated her maturity as combining what is excellent in mind with what is elegant in manners. He spared no expense that education might realize to him, the image of his imagination. His daughter returned from her boarding school, improved with fashionable airs and expert in manufacturing fashionable toys; but in her conversation, he sought in vain for that refined and fertile mind, which he had fondly expected. Aware that his disappointment has its source in a defective education he looks with anxiety on his other daughters whose minds, like lovely buds, are beginning to open. Where shall he find a genial soil in which he may place them to expand? Shall he provide them male instructers? Then the graces of their persons and manners and whatever forms the distinguishing charm of the feminine character, they cannot be expected to acquire. Shall he give them a private Tutoress? She will have been educated at the boarding school, and his daughters will have the faults of its instruction second handed. Such is now the dilemma of many parents; and it is one from which they cannot be extricated by their individual exertions. May not then the only plan which promises to relieve them expect their vigorous support.

Let us now proceed to enquire what benefits would result from the establishment of female seminaries.

They would constitute a grade of public education superior to any yet known in the history of our sex; and through them, the lower grades of female instruction might be controlled. The influence of public seminaries over these, would operate in two ways; first by requiring certain qualifications for entrance, and secondly by furnishing instructresses initiated in their modes of teaching and imbued with their maxims.

Female seminaries might be expected to have important and happy effects on common schools in general, and in the manner of operating on these would probably place the business of teaching children in hands now nearly useless to society; and take it from those whose services the state wants in many other ways.

That nature designed for our sex the care of children, she has made manifest by mental as well as physical indications. She has given us in a greater degree than men the gentle arts of insinuation, to soften their minds and fit them to receive impressions, a greater quickness of invention to vary modes of teaching to different dispositions; and more patience to make repeated efforts. There are many females of ability to whom the business of instructing child en is highly acceptable and who would devote all their facu ties to their occupation. They would have no higher pecuniary object to engage their attention and their reputation as instructers they would consider as important; whereas, whenever able and enterprising men engage in this business they consider it merely as a temporary employment to further some other object, to the attainment of which their best thoughts and calculations are all directed. If then women were properly fitted by instruction, they would be likely to teach children better than the other sex; they could afford to do it cheaper; and those men who would otherwise be engaged in the employment, might be at liberty to add to the wealth of the nation by any of those thousand occupations, from which women are necessarily debarred.

But the females who taught children would have been themselves instructed either immediately or indirectly by the seminaries. Hence through these the Government might exercise an intimate and most beneficial control over the common schools.—Any one who has turned his attention to this subject must be aware that there is great room for improvement in these, both as to the modes of teaching and the things taught, and what method could be devised so likely to effect this improvement, as to prepare by instruction a class of individuals, w! ose interest, leisure, and natural talents would combine to make them pursue it with ardour. Such a class of individuals would be raised up by female Seminaries. And therefore they would be likely to have highly important and happy effects on common schools.

It is believed that such institutions, would tend to prolong or perpetuate our excellent Government.

An opinion too generally prevails, that our present form of government though good cannot be permanent, other republicks have failed and the historian and philosopher have told us, that nations are like individuals; that at their birth they receive the seeds of their decline and dissolution. Here deceived by a false analogy, we receive an apt illustration of particular facts, for a general truth. The existence of nations cannot in strictness be compared with the duration of animate life; for by the operation of physical causes this, after a certain length of time, must cease; but the existence of nations, is prolonged by the succession of one generation

to another, and there is no physical cause to prevent this succession going on in a peaceable manner under a good government till the end of time. We must then look to other causes than necessity for the decline and fall of former republicks. If we could discover these causes and seasonably prevent their operation, then might our latest posterity enjoy the same happy government with which we are blessed; or if but in part, then might the triumphs of tyranny, be delayed, and a few more generations be free.

Permit me then to ask the enlightened politician of my country whether amidst his researches for these causes he cannot discover one, in the neglect which free governments in common with others have shewn, to whatever regarded the formation of the female character.

In these great Republicks which have fallen off themselves, the loss of republican manners and virtues has been the invariable precursor, of their loss of the republican form of government. But is it not in the power of our sex to give society its tone, both as to manners and morals? And if such is the extent of female influence, it is wonderful that republicks have failed when they calmly suffered that influence to become enlisted in favor of luxuries and follies wholly incompatible with the existence of freedom.

It may be said that the deprivation of morals and manners, can be traced to the introduction of wealth as its cause. But wealth will be introduced; even the iron laws of Lycurgus could not prevent it. Let us then inquire if means may not be devised to prevent its bringing with it the destruction of public virtue, may not these means be found in education?—In implanting in early youth habits that may counteract the temptations to which, through the influence of wealth, mature age will be exposed? and in giving strength and expansion to the mind, that it may comprehend and prize those principles, which teach the rigid performance of duty? Education it may be said has been tried as a preservative of national purity. But was it applied to every exposed part of the body politic? For if any part has been left within the pestilential atmosphere of wealth without this preservative, then that part becoming corrupted would communicate the contagion to the whole; and if so then has the experiment whether education may not preserve purity, never yet been fairly tried. Such a part has been left in all former experiments. Females have been exposed to the contagion of wealth without the preservation of a good education, they constitute that part of the body politic least endowed by nature to resist, most to communicate it.—Nay not merely have they been left without the defence of a good Education, but their corruption has been accelerated by a bad one. The character of women of rank and wealth has been and in the old governments of Europe now is all that this statement would lead us to expect. Not content with doing nothing to promote their country's welfare, like pampered children they revel in its prosperity, and scatter it to the winds with a wanton profusion; and still worse—they empoison its source by diffusing a contempt for useful labor. To court pleasure their business, within her temple in defiance of the laws of God and man they have erected the idol fashion, and upon her altar they sacrifice, with shameless rites, whatever is sacred to virtue or religion. Not the strongest ties of nature—not even maternal love can restrain them! Like the worshipper of Moloch, the mother while yet yearning over the new born babe, tears it from the bosom which God has swelled with nutrition for its support, and casts it remorseless from her, the victim of her unhallowed devotion.

But while, with an anguished heart, I thus depict the crimes of my sex, let not the other stand by and smile. Reason declares that you are guiltier than we. You are our natural guardians,—our brothers—our fathers and our rulers. You know that our ductile minds readily take the impressions of Education. Why then have you neglected our Education? Why have you looked with lethargic indifference, on circumstances ruinous to the formation of our characters, which you might have controlled?

But it may be said the observations here made, cannot be applied to any class of females in our country. True they cannot yet; and if they could it would be useless to make them; for when the families of any country have become thus debased, then is that country so corrupted that nothing but the awful judgments of Heaven can arrest its career of vice. But it cannot be denied that our manners are verging towards those described, and the change, tho' gradual, has not been slow; already do our daughters listen with surprise when we tell them of the republican simplicity of our mothers. But our manners are not as yet so altered, but that throughout our country they are still marked with republican virtues.

The inquiry to which these remarks have conducted us is this—What is afforded by the plan of female education, here proposed, which may teach or preserve among females of wealthy families, that purity of manners which is allowed to be so essential to national prosperity, and so necessary to the existence of a republican government.

1. Females by having their understandings cultivated, their reasoning powers developed and strengthened, may be expected to act more from the dictates of reason and less from those of fashion and caprice.

2. With minds thus strengthened they would be taught systems of morality enforced by the sanctions of religion; and they might be expected to acquire juster and more enlarged views of their duty and stronger and higher motives to its performance.

3. This plan of education offers all that can be done to preserve female youth from a contempt of useful labor. The pupils would become accustomed to it in conjunction with the high objects of literature, and the elegant pursuits of the fine arts, and it is to be hoped that both from habit and association, they might in future life regard it as respectable.

To this it may be added that if housewifery could be raised to a regular art, and taught upon philosophical principles, it would become a higher and more interesting occupation, and ladies of fortune, like wealthy agriculturists, might find, that to regulate their business was an agreeable employment.

4. The pupils might be expected to acquire a taste for moral and intellectual pleasures which would buoy them above a passion for show and parade, and which would make them seek to gratify the natural love of superiority by endeavoring to excel others in intrinsic merit rather than in the extrinsic frivolties of dress, furniture, and equipage.

5. By being enlightened in moral philosophy, and in that which teaches the operations of the mind, females would be enabled to perceive the nature and extent of that influence which they possess over their children, and the obligation which this lays them under to watch the formation of their characters with unceasing vigilance to become their instructors, to devise plans for their improvement, to weed out the vices from their minds, and to implant and foster the virtues. And surely there is that in the maternal bosom which when its pleadings should be aided by education, will overcome the seductions of wealth and fashion, and will lead the mother to seek her happiness in communing with her children and promoting their welfare, rather than in a heartless intercourse with the votaries of pleasure; especially when, with an expanded mind, she extends her views to futurity, and sees her care to her offspring rewarded by peace of conscience, the blessings of her family, the prosperity of her country, and finally with everlasting happiness to herself and them.

Thus laudable objects and employments would be furnished for the great body of females who are not kept by poverty from excesses. But among these as among the other sex, will be found master spirits who must have pre-eminence at whatever price they acquire it. Domestic life cannot hold these because they prefer to be infamous, rather than obscure. To leave such without any various road to eminence, is unsafe to community; for not unfrequently are the secret springs of revolution set in motion by their intrigues. Such aspiring we will regulate by education; we will remove obstructions to the course of literature, which has heretofore been their only honorable way to distinction; and we offer them a new object, worthy of their ambition; to govern and improve the seminaries for their sex.

In calling on my patriotic countrymen to effect so noble an object, the consideration of national glory should not be overlooked. Ages have rolled away;—barbarians have trodden the weaker sex beneath their feet;—tyrants have robbed us of the present light of heaven, and feign would take its future. Nations, calling themselves polite, have made us the fancied idols of a ridiculous wrship, and we have repaid them with ruin for their folly. But where's that wise and heroic country which has considered that our rights are sacred, though we cannot defend them? That though a weaker, we are an essential part of the body politic, whose corruption or improvement must effect the whole? And which having thus considered, has sought to give us by education, that rank in the scale of being to which our importance entitles us? History shews not that country. It shews many whose Legislatures have sought to improve their various vegetable productions, and their breed of useful brutes; but none whose public councils have made it an object of their deliberations to improve the character of their women. Yet though History lifts not her finger to such an one, anticipation does—she points to a nation, which, having thrown off the shackles of authority and precedent, shrinks not from schemes of improvement because other nations have never attempted them, but which in its pride of independence, would rather lead than fol-

low in the march of human improvement. A nation wise and magnanimous to plan; enterprising to undertake—and rich in resources to execute. Does not every American exult that this country is his own? And who knows how great and good a race of men may yet arise from the forming hand of mothers, enlightened by the bounty of that beloved country,—to defend her liberties,—to plan her future improvement,—and to raise her to imparalleled glory?

EXTRACTS FROM PROFESSOR EATON'S WORKS.

The Rensselaer Institute may be considered as the *common workshop* for all Colleges, Acadamies, and other literary and scientific Seminaries of learning. It is truly a school of *scientific manual* labor.

1 The most distinctive character in the plan of the school consists in giving *the Pupil, the place of teacher in all his exercises.* From schools or colleges where the higher branches are taught to the common village schools. The teacher always improves himself more than he does his pupils. Being under the necessity of relying upon his own resource, and of making every subject his own, he becomes an adept as a matter of necessity.—Taking advantage of this principle, students of Rensselaer Institute *learn*, by giving experimental and demonstrative lectures.

2. In every branch of learning the pupil begins with its practical application, and is introduced to a knowledge of elementary principles from time to time, as his progress requires. After visiting a bleaching factory, he returns to the laboratory and produces clorine gass and experiments upon it, until he is familar with all the elementary principles appertaining to that curious substance. After seeing the process of tanning, he enters the laboratory with most ardent zeal for a knowledge of the principles upon which the tanner's operations depend.—He can now apply the experiment for making an insoluble precipitate tanning and animal gelatin, also the soapy compound of animal oil and an alkaline earth, &c. After seeing buhr mill-stones consolidated by a gypsum cement, he is anxious to try the experiment of disengaging the water of combination in the gympsum, to absorb the effect of re-absorption. By this method a strong desire to study an elementary principle is excited, by bringing his labors to a point where he perceives the necessity of it, and its direct application to a useful purpose.

3. Corporeal exercise is not only necessary for the health of students, but for qualifying them for the business of life. When such exercises are chosen by students they are not always judiciously selected. Such exercises as running, jumping, climbing, scuffling and the like, are calculated to detract from that dignity of deportment and carriage, which becomes a man of science.—Therefore a system of exercises is adopted at this school, which, while it improves the health, also improves the mind, and excludes those vulgarisms, which too often become habitual among students. Such exercises as land-surveying, general engineering, collecting and preserving specimens in botany, mineralogy, zoology, examining work-shops and factories, watching the progress of agricultural operations, making experiments upon nutritious matters proper for vegetables, &c. are made the duties of students as afternoon amusements.

These principles have now been practically applied for nine years, to the full satisfaction of the patron and trustees.

The learned of both continents seem to have been simultaneously impressed with the importance of a change in the system of education. The common routine, which has held the human mind in a state of abject servitude for ages, can be no longer tolerated. The aspiring energies of youth had been chained down to a kind of literary bondage, and genius had been jaded and fatigued like a beast of burden. The student spent many years in studying hard names, and a routine of rules, whose applications he was not permitted to know. His ardent curiosity was checked in embryo, and his studies were directed by the rod in early years, and by fines, admonitions, rustications, and expulsions, in his approach to manhood.

A method was loudly demanded which should be adapted to the native curiosity and ardor of youth,—a method which should put in requisition all the strong faculties, and which should enliven, not depress, the ardor of genius.

Rosseau's scheme of education, by first awakening and then gratifying curiosity, appeared to be just. That the student should see every branch of human learning practically applied, and should be presented with the object of each branch at his first entrance upon it, became the general opinion. For example, that in learning land surveying, the student should be first taken into the field and then shewn how to use the compass and chain, then to plot his survey and to measure the superficial areas That mathematical rules should be explained to him from time to time as his own progressive operations demanded; but that he should not be made to plod through a discouraging set of abstract rules, ignorant of their uses and of the principles upon which they are founded. Having thus become familar with the objects of his study, he will pursue with a zeal bordering on enthusiasm, all that part of mathematical studies which is connected with land surveying. In the same manner all the energies of his mind may be successfully excited in the study of mensuration, of astronomy, of natural philosophy, of chemistry, of natural history, and in truth of every department of human learning.

Though all agreed in the object to be effected, there was, and still is, much diversity of opinion respecting the most advisable course to be adopted in detail. A scheme appears eligible on paper, if drawn up by a lively fancy which fails when an application is attempted;—and unfortunately, even the improvement of the youthful mind became a subject of miserly speculation; and many new schools were set up and presented to the public with all the fulsome boasting of patent medicine. These mushroom institutions had a tendency to dampen public zeal, which if rightly directed would most effectually ameliorate the condition of man. But when parents have spent their hundreds at these much famed schools, and have been subject to the distressing reality that their children's stock of useful knowledge was improved but little, and that their morals were often degenerated, they were very naturally disposed to fall back upon the old system of education.

One of the greatest impediments in the way of success is that a great proportion of our best citizens are not aware that the human mind, like the body, has a limit to its strength, consequently it is an easy task to inculcate a general belief that the school is best which proposes the largest number of studies. As far as this opinion prevails no progress can be made in improving the course of education. This is one of the worst evils of the old schools; the mind is distracted among a multitude of objects and succeeds in nothing.

It is not pretended that the Rensselaerean plan will correct all the evils complained of, nor that the object proposed is wholly compassed by it, but this school was not set up for the sake of the school itself. Most schools are successful when they obtain patronage, even at the expense of other schools. This school is successful when it causes *other schools* to improve their mode of instruction so that they may become more useful to the community. The objects of the patron of this school are effectedby the successful application of its principles at any place on either continent. Its pupils are now applying its principles from Georgia to Canada; and as far as they succeed, so far this school has prospered in the object of its establishment. That its general object is approved is evident from the fact that the school does not furnish *competent* instructors sufficient for one-half of the applications received from respectable Villages, Acadamies, &c.

On the 5th of November, 1824, the Honorable Steven Van Rensselaer wrote a letter to the Rev. Dr. Blatchford, requesting him to open this school on the first Monday of January, 1825, and take charge of it as President. In the same letter he appointed Amos Eaton, senior Professor, and Lewis C. Beck, junior Professor. He appointed a Board of Trustees also, with ten articles or orders for the temporary government of the school. In this letter he stated that the school was instituted for the purpose of giving instruction "in the application of science to the common purposes of life," and that his principal object was to "qualify teachers for instructing the sons and daughters of farmers "and mechanics in the application of experimental chemistry, "philosophy, and natural history, to agriculture, domestic econ-"omy, the arts and manufactures." He added—"from the trials "which have been made by persons in my employment during "the last summer, I am inclined to believe that competent in-"structors may be produced in the school at Troy, who will be "highly useful in diffusing knowledge with its application to the "business of living. It seems to comport better with the habits "of our citizens and the genius of our Government to place the "advantages of useful improvements equally within the reach of

"all. Whether my expectations will be realized or not, I am "willing to hazard the necessary expense of making the trial."—In obedience to this request, Dr. Blatchford and Professor Beck devoted much of their attention, and Professor Eaton the whole of his time and attention to experiments upon the minds of young men who were above the age of seventeen years. Professor Eaton has continued his exertions nine years; but Dr. Blatchford and Professor Beck have been succeeded by others.

On the 29th December, 1824, the Board of Trustees was called together by the President. At this meeting the name "Rensselaer school" was given to the institution; and at this and two following meetings (March the 11th and June 5th, 1825,) a code of bye-laws was adopted, and Mr. Van Rensselaer's letter was adopted as the constitution.

The school went into operation on the first Wednesday in January, 1825. After a series of successful trials for about fourteen months it was incorporated.

DUTIES AND EXERCISES OF THE RENSSELAER INSTITUTE.

CONDENSED FROM THE STATUTES, BY-LAWS, ORDERS OF THE FACULTY, AND ESTABLISHED USAGES.

DUTIES OF ACTING OFFICERS.

1st. The President, or (if absent from the City of Troy) a resident Vice President, should supervise the whole course of instruction. He should see that the professors and other teachers perform their respective duties faithfully—that the morals of students are well guarded and preserved—that no amusements or practices of an immoral tendency be admitted—that a due degree of energy be maintained in all the departments of learning. Finally he is bound by his acceptance, (though it is not a pay office) to keep a watchful eye upon whatever may affect the education and discipline of the institution.

2nd. The Prudential Committee should supervise whatever concerns the conveniencies, the property, and expenses of the school. They should endeavor to accommodate the school in the use of the library, apparatus, cabinets of specimens, &c.; but so to order their use as to guard against all waste and negligence, and by all reasonable restrictions to preserve the property of the school. They should endeavor to guard against burdening students, parents, and guardians, with unnecessary expenses; they are required by law duly to consider the expediency and inexpediency of establishing a bill of fare, boarding house, where plain board of enumerated articles of food can be had at a very low price. Also to consider the expediency and inexpediency of providing manual labor at the various trades in Troy, where students may pay for board for a definite number of hours labor in each afternoon. Finally they are invested with the full powers of the whole board of trustees from one sitting of the board to another. And though they receive no compensation for their services, duly requires of them frequent visits at the school, and frequent and careful examinations into whatever appertains to their department.

3d. The Senior Professor and Agent.—During the nine years in which the Institution has been in operation, these two offices have been united; though their union is not required by law. The two offices conjoined constitute a kind of executive officer for carrying into operation the commands of the Patron, President, Trustees, and Prudential Committee. He is always to reside at the institute, and he receives all students into the two departments, and judges of their qualifications for admission; he directs all the immediate teachers, he arranges the students into sections, directs the whole course of studies, and decides in all cases of duty which are not definitely settled by law. But any of his acts may be annulled or varied by the President or resident Vice President. Any teacher or student may appeal to these, his superior officers, from his decisions.

He directs in the use of the Library, Apparatus, Specimens, &c.—but any student may appeal from his orders to the prudential committee, who are the proper guardians in the use of the property of the institution. He receipts all moneys paid to the school under the signature of the agent for the institute; for which he is obliged to account to the Treasurer when required. The property of the Institution being under his charge he has the right and it is his duty to defend it as in cases of private property.

As senior professor he is required to give instruction to the teachers and students in every department of learning taught at the Institution; but he is never to be confined to any one division or to one room,—he is to visit every department daily, and make himself acquainted with the character, talents, and application of each student. He is to give about four lectures each week before all the students of the Institute; and his whole annual course of about one hundred and sixty lectures shall present in regular succession, Mathematics, Rhetoric, Logic, the general principles of national and municipal Law, Geology, Mineralogy, Botany, Zoology, Chemistry, and Mechanical Philosophy. All his lectures shall be fully illustrated with mathematical instruments, cited cases, specimens, apparatus, and experiments.

4th. The Junior Professor is to perform all the duties of the senior Professor in case of absence or sickness, and the prudential committee may make arrangements with him to give instruction perpetually at the Institution on definite subjects.

5th. An Adjunct Professor is to perform all the duties of the Professorship to which he is attached; and assist in teaching according to the directions of an acting Professor or President.

6th. An Assistant Professor is to assist in teaching as directed by the Professors or President. In case of the absence of all his superior officers he shall have the power and perform the duties of Professor.

7th. A Special Assistant is to perform the duties especially assigned to him until the termination of his appointment, and for the time being is to be obeyed and respected by the students.

8th. A Monitor (usually called the officer of the day) is to ring the bell at sun rise and again at 20 minutes. He is to examine the students at five minutes after the second bell, or get a teacher to do it;—he is to give the first lecture in his own division—to notify the Professor of his time to lecture and to criticise. He may excuse from lecturing on good reasons—he may give short leave of absence—he must report all defaulters—he shall ring the bell to convene the students to receive orders for the afternoon—at 2 o'clock he shall give the Professor a list of the names of all who go out in the afternoon, with their respective employments—he shall sweep out all the lecture rooms on the evening of his day, and shall enforce cleanliness in the public rooms—he shall be obeyed and respected for the time being, according to the by-law respecting assistants.

ROUTINE OF EXERCISES.

1. *Sabbath morning.*—One hour's examination on sacred history.

2. *Religious Worship.*—Every student must attend religious worship on the sabbath; but he is not restricted to any denomination.

3. *Monday morning.*—One hour's examination in moral philosophy and the philosophy of the human mind.

4. *Common morning Examination.*—On all days excepting Sundays and Mondays, an examination on the subjects of the students' lectures of the preceding day.

5. *Forenoon exercises.*—After morning examination each student shall give an extemporaneous lecture. These lectures, followed by criticisms, continue until one o'clock, P. M., excepting Saturdays.

6. *Afternoon exercises.*—Students are to be called together at 2 P. M. daily, and distributed into groups for their respective exercises; an account of their due execution of the duties assigned them has to be rendered at the next morning examination. The afternoon exercises consist in surveying, engineering, mensuration, taking latitude and longitude, height and distances, collecting and analyzing specimens in mineralogy, geology, and zoology—calculating water pressure, the power of machinery, &c. But the most important duty is that of preparing next day's lecture.

7. *Parliamentary exercises* shall be attended one evening in each week. Every student shall conduct himself thereat according to our national parliamentary rules.

8. *The Library* is to be always placed in a reading room to which students may have access from sunrise to sunset, according to the rules of rotation to be prescribed by the faculty. No ink, or pen which has been dipped in ink, shall be in the limits of the reading room. No book shall be taken out of the library except in case of necessity, to be determined by the oldest member of the faculty present at the institution—and in such case it shall not remain out exceeding six days.

But the oldest Professor may order books out to aid in preparing text books or manuscript note books, &c. for the use of the Institution.

9. *When a student is giving a lecture*, he shall have two auditors at least, to be appointed in rotation, who shall be critically attentive to him. Others who are in the room shall not speak aloud, nor make any disturbance or noise; but they will not be under obligation to listen to the lecture, except to a monitor or teacher.

10. *No student shall scuffle* nor put his hand on another in sport, nor throw any stone or other missile, nor do any act of violence, nor any ungentlemanly act, within the yard or lot occupied by or attached to the Institution.

11. *No student shall litter* or strew over any part of the road, yard, or building, with plants, minerals, or any other thing whatever, which shall give any uncleanly appearance. No minerals shall be carried into any room above the cellar or basement, excepting a single suit for instruction to be neatly put up in cases, and then first to be inspected by the senior Professor; and no student shall ever drive a nail, peg, &c. into any wall, nor attach anything to it, nor sever anything from it, without permission from the senior Professor.

12. *Examination* for the Rensselaer degrees takes place in October annually, at the end of 24 weeks after the last Wednesday in April. The examiners are appointed by the Patron. They are always selected from among gentlemen of talents and learning who have no connexion with the Institution. No Professor or other Teacher is permitted to give any opinion on the subject of the qualification of any candidate;—and no student ever knows the part on which he is to be examined until he is called on by the examiners. No one can be a candidate unless he has devoted at least one full year to classical learning; and at least 24 weeks to experimental and demonstrative chemistry, mechanical philosophy, natural history, and practical surveying and engineering. This is necessary for the degree of A. B. (r. s.), and another full year is necessary for the degree of A. M. (r. s.)

13. *Course of Studies in the Experimental Department.*

1. *Practical Mathematics*, including surveying, engineering, hydraulics, machinery, navigation, latitude and longitude, &c. &c. from the 3rd Wednesday in November, 12 weeks.

2. *Discipline in extemporaneous Speaking.* The subjects used are rhetoric, logic, geology, applied to physical geography, and history applied to civil geography, 4 weeks.

3. *Natural History*, including botany, geology, mineralogy, and zoology. In this course organic chemistry and vegetable and animal physiology are studied with a full course of experiments with tests, solar microscope, &c. But one week is occupied at the beginning with botany. Each student collects every species in flower within five miles, names and preserves plants, until the first Wednesday in July; but he does this as an afternoon amusement. However he is hereafter to exhibit his collection to the examiners as his own property, and give evidence of his knowledge of it. From the first Wednesday in July until the commencement of the chemical course, he lectures on vegetable affinities and philosophy,—from the last Wednesday in April, 12 weeks.

4. *Chemistry and Mechanical Philosophy* occupy the forenoon of five days in each week for the last 12 weeks of the year, beginning 12 weeks after the last Wednesday in April. Surveying, engineering, collecting and analyzing plants, and preparing for the next day's experiments and lectures occupying the forenoons, 12 weeks.

5. *Chemical and Philosophical* substances consumed are furnished by the student; also light articles of glass ware, &c.—The Institution furnishes the following articles, only for students.

Lecture rooms sufficient for the plan of education.

A reading room containing a choice collection of scientific books, maps, and globes.

A natural history room, furnished with collections of minerals, fossil relics, plants, animals, a goniometer, balance, blow-pipe, and tests.

A Philosophy and Mathematical Room furnished with an air-pump, a forcing-pump, barometers, thermometers, pluviometer, solar-microscope, megascope, standing microscope, magic lantern, telescope, lenses convex and concave, mirrors, prisms, electrical machine, galvanic battery electro, magnetic instrument, magnets, sextant, mechanical powers, black boards, hydrostatic bellows, hydrostatic and hydraulic cylinders and tubes, hydrometers, glass pumps, 3 sets of surveying instruments, level, quadrant, and levelling pole.

Three laboratories, one for all simple principles excepting metalloids and metals,—two for the metalloids and metals,—three for analyzing animal waters and soils. These rooms are furnished with the necessary forges, furnaces, bellows, lead pots, Argand's lamps, common lamps, sufficient coal and oil, tables, counters, seats, iron retorts, or gun barrels for gasses, anvils, anvil hammers, cisterns, pipes for conducting gasses from the barrels, gass pistol, iron stand, iron mortar, and mercurial bath. All breakage, waste of mercury or any other injury done to apparatus, is charged to the section using them, unless the individual is known who committed the act.

13. *Boarding and Lodging*, are taken at any place, at the option of the guardian or student. Price for room and board generally $2 per week if the student brings his lodging, $2 25c. if lodging and the washing of bedding is furnished; washing of clothes is uniformly 50 cents for a dozen of pieces. Young persons and other distant students are mostly boarded at the Institute at the above prices.

ON THE EDUCATION OF THE DEAF AND DUMB.

A great change has taken place in the manner of educating the deaf and dumb in almost every Institution of high character both in Europe & America, and the total is more than a hundred writing *articulation* and a labial alphabet are at this moment taught, and the use of methodical signs is discontinued in the very school in which they had their origin; the Institution of Paris has entirely changed its ground, and articulation is taught in all its classes. Even religious exercises are no longer conducted by signs; but public prayers are daily articulated in presence of the pupils. The course of education has been much improved by bringing it to the test of Philosophical experiment. The aim of the Instructers is to ascertain the moral and intellectual condition of those who are entrusted to their care, previously to all instruction, and by combining with the fruits of their own observation, a critical comprehension of the methods of teaching, devised by the most distinguished Instructers of the deaf and dumb, to furnish their pupils, in the shortest practicable period, with the most simple and efficient instrument of intercourse with the world, and of supplying as far as possible the place of that source of information from which they are cut off forever. The great end of their labors is to enable the public to communicate with facility with those among whom he is destined to move; and for this purpose the whole course of instruction, thus far, has been mainly directed to the acquisition of written language. Sign language is so far employed as to teach the meaning of words and the ideas which they represent, but beyond this it is not deemed desirable to continue it. Written language being the only medium through which the deaf and dumb can communicate with the world, it is considered important to employ it in all their exercices that they may be familarly acquainted with its use.

There is one improvement in this branch of the art of teaching, based upon the characters of Sicard, now adopted, or rather originating in the New York Institution. It is a complete system of *grammatical symbols*,—a very important auxiliary in the instruction of language. The characters of which it consists denote not merely the different parts of speech; but they likewise undergo systematic modifications corresponding to the inflections of language, and bearing a strong analogy in idea to the modifications of meaning attendant upon those inflections. They exhibit thus, nouns and pronouns in their several cases, adjectives in the different degrees of comparison, and the verb in all its varieties of form, whether as transitive or intransitive, active or passive, past, present or future, affirmative, conditional, hypothetical or imperative, or in the infinitive or principal forms. This system is very readily comprehended by the pupils, it is in fact idea graphic, and the simplicity of its fundamental principles renders it very easily explicable to any person who will devote a few moments to its examination.

From this brief account of its nature its utility is obvious. It is syntax painted to the eye, superceeding the necessity of abstract rules, always difficult to be remembered and especially so for the deaf and dumb. The essentials of the proposition, the subject and the attribute occupy here that prominence which belongs to them, and the relative importance of the direct and indirect complements are evident to mere inspection. Grammar, in fact, becomes a subject of easy intuition, and hence rules are unnecessary, until the pupil is introduced once more to the same subject as a science.

It is a matter of experience that we are often able to read a language with facility, which we are equally unable to write and to

speak. In like manner the deaf and dumb will often comprehend sentences addressed to them, and even narrations of length when they are too little accustomed to use language themselves, to be able to express similar ideas in words without some assistance.—The difficulty which they encounter is a difficulty of construction Instead of wasting time in such a case, by explaining at length what is the arrangement of words proper to be employed, the symbols are spread out before the learner, and the difficulty is at once removed. In this process there is nothing arbitrary which the caprice of a particular language has not rendered so; for so far as reason is to be found in the great principles of general grammar for our specific forms of speech, the symbols explain themselves.—It is thus that they materially abbreviate the processes of the school room, and afford an equal assistance to the teacher and to the pupil.

In another respect they afford a material aid in the instruction of the deaf and dumb to teach language to this class of persons, is to pass through a process similar to that by which we may suppose language to have been originally instituted. The necessity of each new form of speech must be made to appear, before its use can be insisted on. The learner must therefore be led to the real intuition of all those circumstances which render a new form of language desirable, and which constitute the reason of its establishment.—This process is necessarily slow, and when it has been once or twice repeated it becomes desirable to possess some simple and intelligible sign, by which it may be distinctly recalled to the mind, without actually retracing its several steps. Such signs are found in the grammatical symbols. These are the brief representatives of those combinations of circumstances which give rise to their corresponding forms of speech. They render easily comprehensible ideas which on account of their complexity, it is difficult for the mind to grasp, so long as it is necessary to consider them in detail. The symbols are also useful in correcting the original compositions of the pupils. Arbitrary correction is of little utility—a change of phraseology without a reason assigned, is not long remembered, and if it were, would scarcely be generalized so as to prove of use in any other than a case precisely similar. To point out the place of the error, and cause it to be both discovered and corrected by the pupil himself, is therefore what is desirable. When other means fail for the accomplishment of this object, the placing of the grammatical symbols over the words of the sentence, will often render the error glaring, and the correction immediate.

In fine, the grammatical symbols, may, in some respects, be compared to the signs used for the purposes of abreviation in mathematics. They have also an advantage of which the deaf and dumb experience peculiarly the benefit, that they abstract the thoughts entirely from the subject of discourse, and fasten them directly and distinctly upon the principles of construction applicable to the case. In regard to the practicability and advantage of teaching the dumb to speak, the President of the New York Institution thus reports:—

As soon as convenient after my arrival in London, I visited the Institution in Surrey, formerly under the care of Dr. Watson, and now under that of his son. I was received by Mr. Watson with great kindness, and shewn through the building, which is convenient and well adapted to its objects. It contains about 220 pupils; 12 or 14 private pupils reside apart from the others, in Mr. Watson's family. I had an opportunity of witnessing the instruction of the pupils, which very nearly resembles ours, except in two particulars—the use of the double-handed alphabet (certainly I think not so simple and convenient as that performed with a single hand,) and the teaching of articulation. I made very particular enquiry of Mr. Watson in relation to his views of the expediency of the latter, and found his opinion as the result of his father's, and his experience entirely favorable to its use. I saw and conversed with two men, one of whom had been employed in some subordinate station in the asylum 27 years, and the other a shorter time. They both spoke without much apparent difficulty, and in a voice far more agreeable than I had before heard, one of the tutors, also a deaf mute, appeared to understand me readily by the motion of my lips, only occasionally requiring a repetition of the words. He was kind enough to shew me some of his compositions, which were not only correctly written, but evinced a well disciplined understanding, and a pious heart. His enunciation was not materially unpleasant, though by no means so easy and agreeable as that of persons generally, who possess their hearing. But the most gratifying evidence of the practibility of teaching the deaf and dumb to speak, was in the performance of a beautiful boy, between 12 and 13 years of age, who recited an address which had been prepared to be spoken by him at the ensuing annual dinner of the friends of the Institution, at which the Duke of Gloucester is to preside. He delivered the whole memoriter in a sweet, pensive tone of voice, in which though there was some monotony, yet I was astonished at the accuracy of his emphasis and accent, and of the perfect correctness of his memory. Mr. Watson gave me an opportunity of witnessing the attempts at speaking of several of the other pupils, more of whom equalled those already mentioned, and some were not capable of uttering any sounds that did not grate unpleasantly upon the ear. Upon the enquiry being made by me whether all the pupils were taught to speak, Mr. Watson answered in the negative. The experiment to instruct them is made on all, but from malconformation of the organs of speech or other causes, it frequently fails, and the attempt is relinquished. It is a remarkable fact, that a pupil of this school, after completing his education, and proving himself a young man of excellent talents and attainments, studied law, and has been admitted to its practice, and promises to be very able and useful in the duties of a chamber counsel.

As evidence of the extent to which the intellectual faculties of deaf and dumb persons may be carried, a few of the answers of the Parisian pupils are subjoined, to questions of the nature of which they could have had no previous intimation.

When Clerc was asked if he loved the Abbé Sicard, he replied in the following words: "Deprived at birth of the senses of hearing, and, by a necessary consequence, of speech, the deaf and dumb were condemned to a most melancholy vegetation, the Abbé de l'Epee and the Abbé Sicard were born, and these unfortunate persons, confided to their regenerating care, passed from the class of brutes to that of men, whence you may judge how much I must love the Abbé Sicard."

Massieu, being once asked the difference between God and nature, replied, "God is the framer, the creator of all things. The first beings all sprang from his divine bosom. He said to the first, *you shall produce the second;* his wishes are laws,—these laws are nature."

"Eternity," he said, "is a day without yesterday or to-morrow."

"Hope is the flower of happiness."

"Gratitude is the memory of the heart."

A Mr. Albert Newsam, an artist, educated by the State of Pennsylvania, in the Deaf and Dumb Asylum at Philadelphia, has been complimented by a resolution of the House of Representatives there, for the fine specimens of Lithographic drawing, executed and presented by him to the legislature. And

The following specimen of uncorrected composition, by a lad only 15 years of age, a pupil of the New York Institution will be read with interest.

THE EARTH.

The earth is a globe on which we live. It revolves around the sun every year. The earth is round, for the moon shews us that during an eclipse the former makes upon the latter a round shadow. The earth turns round its axes once in a day, and the sun attracts it revolving round it. We cannot fall up off the earth, for it attracts us. When a ship comes from down the curve of the earth, we can see its upper sails at first; and when the ship descends the curve towards us, we can see over it whole. The earth draws the moon revolving round it. If the sun did not draw the earth revolving round it, and if the earth did not attract the moon revolving round it they would fly away.

The people in India think that four great elephants carry the earth on their backs—but they are much mistaken, for how can the elephants stand! Some of the ancients used to think that a great giant carried the earth on his shoulders, but they did not show on what he could stand.

The Indians in America think that the earth is carried by a great turtle on his back.

These people in India and America are ignorant, and do not know the true God, and that he created the world.

There is a star on the north, which is fixed in the sky. It is called the North Star, when we descend the curve of the earth from the North Star we cannot see it; but when we ascend the curve to it, we can see it.

The northern pole is very severely cold, and there is great ice there in winter, because the sun is not in the part of the sky near it for six months; but in the summer there are heat and light of the sun in a day of six months.

The southern pole resembles the northern.

The sun goes from the southern pole towards the northern in the summer, and afterwards returns from the northern pole towards the southern in winter.

SPECIMENS OF THE POETRY OF THE DEAF AND DUMB.

By a young gentleman, an assistant in the school at Hartford, in the State of Connecticut, who was *four* years under instruction and who says of himself: "after four I was cut off entirely from common conversation, and I have no recollection of hearing poetry before that time."

TO A SNOW STORM IN APRIL.

Last lingerer of winter's wrath!
Why fall so thinly, slow and long,
Why tremble on thy airy path
As if aware the deed was wrong—
And why dissolve the moment, when
The earth receives thee to her bronst?
Say—art thou conscious? hast thou been
Inhabitant of holier rest,
Than our low world can bid the share,
And art thou whence pure spirits are?

Why not assume the ancient frown;
And in its wild and mazy rage,
Sweep like a mountain torrent down—
With wind and ocean battle wage?
Awaken up the strife that seems
Asleep, or in confused dreams
Of langour buried—why not show
Thy power and end it at a blow—
And suffer nature to proceed
And turn thee forth, & smiling joy succeed.

Age, thou art sent to say, 'Farewell,'
And give assurance that the pride
Of winter is at least to dwell
Where Northern lightnings coely glide:
To roar upon the chained deep,
And revel 'mong the icy rocks,
Displaced and started from their sleep,
And bounding o'er in thunder shocks
Bidding the fearless mariner—
Tho' vain it be—beware!

Then hie away to thy far home,
And bear with thee our wishes best;
And when the summer's past and gone,
Thou wilt return a welcome guest.

VERSES written on the New-York Institution for the Deaf and Dumb, from the published poems of JAMES NACK.

Of ignorance the former victims, here
Rise to a nobler and a happier sphere;
The blessings their unhappy lot denied,
Again by Education are supplied;
To burst the clouds that wrapt the mind in night;
To gaze on science in her shrine of light,
When friends beloved in social converse meet,
To interchange with them communion sweet;
With warm affections eloquence to tell,
What fond emotions in the bosom swell;—
These blessings they have found,—nor these alone,
They know the most sublime that can be known,
They know a God!—to him their steps are led,
The path of Everlasting joy to tread,
Their knees are taught to bow his Throne before;
Their hearts a friend and Father to adore.

Before her God upon the bended knee.
In fervent pray'r the cherub infant sues
Her raven hair in tremulous wreaths entwining,
Upon her cheeks carnation bed reclining,
While she might seem to the enthusiasts' eyes
Descended in her beauty from the skies.
Her lips are mute,—but from her heart a prayer
Ascends to heaven, is heard and answered there:
And would'st thou know what from that heart proceeds?
For those who led her to a God she pleads,
That all the blessings they to her hath giv'n,
May be on earth repaid them, and in Heav'n.

Extracts from a Circular of the New York Institution for the instruction of the Deaf and Dumb.

1835.

BUILDINGS, SITUATION AND ACCOMMODATIONS.

The buildings occupied for the purposes of the Institution, are situated in the twelfth Ward of the City of New York on a gentle eminence, three and a half miles distant from the City Hall.—The ground occupied by the main building, with that adjacent to the extent of one acre, is the property of the Institution. In addition to this, nine acres are held by lease from the City Corporation; of which a part is under cultivation and a part constitutes an extensive lawn, immediately in front of the building; where the male pupils amuse themselves at proper hours, in athletick sports. The whole, taken together, extends along fiftieth street from the fourth avenue, on which is constructed the New York and Haarlem rail-road, to the fifth.

Though situated within the chartered limits of the City, the Institution is entirely removed from the vicinity of the dense population; standing isolated, at a distance of more than a mile from the pavements. It constitutes a little community within itself and is as much secluded from intercourse with others, as in any situation it could possibly be.

The main building, in the dimensions of its plan, is one hundred and ten feet by sixty. In elevation it embraces five stories, including the basement, and is surmounted by a square tower or observatory, commanding an extensive and beautiful prospect. Its rooms are spacious and arranged with a due regard to symmetry as well as convenience. The whole centre of the building on each of the three lower floors is occupied by those apartments in which there is occasion for all the pupils to assemble; as for example, the chapel, the dining room and the school rooms. These common rooms separate the male department, at the eastern extremity from the female at the western. The chief merit of the arrangement consists in its preserving these two departments as far as relates to the accommodations, amusements, and pursuits of the pupils out of school so independent in every particular, as to constitute of them two separate and distinct communities; while, for the purposes of instruction, intellectual, moral and religious, they may conveniently and speedily be united into one. Each department has it separate flight of stairs extending from the basement to the dormitory on the highest floor, its separate area in the rear, its separate pleasure grounds, and its separate communication with the public road: so that for the ordinary purposes of life, there is no occasion to pass from one to the other.

Beside the principal building in which the pupils with their instructers reside, there is another containing tools and accommodations for the practice of manual labor, in the attainment of certain selected mechanical arts. This building is of two stories, and, with the wings is 105 feet in length by 25 in width.

INTERNAL ORGANIZATION.

The internal organization of the establishment may be considered as resolving itself into three principal divisions; to wit, domestic economy, government, and education. These are all under the control of the Principal, who is, of course, responsible to the Board of Directors for the manner in which affairs may be administered.

I. Under DOMESTIC ECONOMY may be embraced whatever relates to the physical wants of the pupil. With regard to those it is unnecessary to be specific. It is sufficient to say that the provision made to meet them is perfectly adequate to its object; while the degree of system, which prevails throughout the whole arrangement, renders its operation as imperceptible as it is efficient. One or two particulars, however, deserve notice.

1.—The Female pupils are under the immediate charge of an experienced Matron, whose careful attention is bestowed as well upon the formation of their manners, as upon suitable provision for the promotion of their comfort and happiness. It is a source of much satisfaction to the Board, that the kindness with which the duties of the Matron have been discharged, has been such as to secure to her the affection of those committed to her care, and lead them to regard her rather as a friend than as a Governess.—The knowledge of this fact will do much to remove the solicitude always felt by parents at a distance, especially for their female offspring.

2.—A bathing establishment is provided for the pupils, and the use of it rigidly enforced.

3.—Board is supplied at the immediate expense of the Directors.

4.—The Instructers take their meals at the same tables and at the same hours with their pupils, all the tables are furnished with food of the same description.

5.—Spacious and airy apartments are reserved for the sick, if such there should be.

II. The GOVERNMENT of the Institution is that of a well ordered family. The principal is regarded as a parent; and this title is not unfrequently applied to him, spontaneously, by the pupils. The immediate administration of government over the males, is committed to the instructers in succession. It is recognized as a fundamental principle, that, to provide against any evil is better than to rectify it after it has occurred; constant supervision is, therefore, exercised over the pupils as well in their hours of relaxation, as in those of study. By this means a more correct deportment is secured on their part, while at the same time the difficulties always arising out of the multiplicity of standing rules are avoided. No pupil is permitted to leave the Institution unaccompanied, without a written permission. The government of the females when not occupied in the school-room, belongs to the matron. In their sitting room, they are likewise usually accompanied by the seamstress from whom they receive instruction in needle-work, and who has it in her power to exert over them a beneficial influence. The whole system of government is subject to the constant oversight of the principal.

III. EDUCATION subdivides itself into four departments; the

physical, the mechanical, the intellectual, and the moral and religious. The first two of these are intimately connected.

1. *Physical Education*, however in the ordinary acceptation of the term, embraces only that which is intended to give elasticity and vigor to the muscular system; to preserve a suitable equilibrium in the developement of its powers; to accustom the body to that kind and degree of exposure, observed to be most favorable to strength of constitution, and least propitious of the growth of effeminate habits; to give nature, in short, full and free scope in the formation of the animal man. For this purpose exercise in the open air should be encouraged of such kind as to call into action all the muscles of the body indiscriminately. As great a space of time is daily devoted to this object, as is consistent with proper attention to the other branches of education, and as its relative importance demands.

2. *Mechanical Education*, on the other hand, without requiring the equal exertion of every portion of the physical system, is still useful as a species of exercise; while it gives over a certain set of muscles, that degree of command, which, as applied to a particular art, constitutes skill. It may be said to form a branch of the preceding; to which it bears the same relation, as in the intellectual department, the cultivation of a particular study to mental developement in general. In an institution for the deaf and dumb, the mechanical education of the pupils is of very high importance. Necessitated, as from the nature of things, most of them must be, to depend upon the labor of their hands for subsistence we should but half discharge our duty to them, should we suffer them to leave us without some species of knowledge, which could be turned, in this way to immediate account. In the New York Institution a choice is offered between five occupations, viz: Book-binding, cabinet-making, tailoring, shoe-making, and gardening; the male pupils are engaged in some one of these occupations about four and a half hours daily, under the superintendence of skilful workmen. The female pupils, in the meantime, are employed, under the direction of the seamstress, in sewing, knitting, &c. &c., or, under that of the matron, in light household affairs, with the proper management of which it is essential that they should become acquainted. In this latter branch of industry, the principle of a division of labor is introduced, which is useful, not only as promoting expedition, but also as securing to the pupil the benefits of this kind of experience, and at the same time materially diminishing the burthen.

3. *The Intellectual Department* of education, if it will not rank in importance with that of morals and religion, requires, at least, the exercises of talent, industry and perseverance, in a higher degree than any other. The difficulty of the task of teaching the deaf and dumb, the intimate connexion of this subject with that of metaphysics, the depth of the speculations to which the investigations of the science has given rise, and the contrariety of the opinions which have prevailed in relation to the details of its practice among its professors, are matters of which little is yet generally known in this country. The first and great object in the intellectual education of the deaf and dumb, is of course to impart to them a knowledge of the usual medium of communication among mankind, viz: Alphabetic language and as such a language can have no existence for them, except in a visible form; it is the early and constant effort of the instructers in the New York institution, to induce their pupils to receive words under that form, precisely as those who speak receive articulate sounds, viz. as the immediate signs of ideas. When this object is fully attained, that which is peculiar in the education of the deaf and dumb is completed.

During that portion of each day which is spent in the School Room the instructer labors to pass over as much ground in the prosecution of his general plan as possible. During the hours of evening study, the same ground is reviewed by the pupil, and made he subject or the material of independent composition. When the pupil is sufficiently advanced in the knowledge of language to be able with the help of some explanation, to pursue common books, some compendium of Geography, history, or Arithmetic is placed in his hands, and he is required like other children to spend his time on a particular portion, and be ready for examination upon it on the following morning. So short a time is allotted to the deaf and dumb, generally, in public Institutions—that is a time so short, when considered in connexion with the amount they have to acquire, and the immense disadvantages under which they labor; that no instructer would be justified in attempting to introduce into the School room, as subjects of regular instruction, any branches of knowledge of a higher order than those which constitute what is called a common education; nevertheless, lectures are delivered at regular intervals, so arranged as not to interfere with the business of the schools, on select portions of the following subjects:—

1. The political, civil, and social relations of man.
2. Universal History
3. Chemistry, natural philosophy, and astronomy.
4. Universal Geography.
5. Natural History.
6. The origin, progress, and present state of the useful and ornamental arts.
7. Biography.
8. Book-keeping.

To those courses, it is proposed to add others, as the number of instructers employed by the Institution is increased.

The institution is now in possession of a considerable library of miscellaneous books; it possesses, also, the largest collection of French, German and English works relating to the art of instructing the deaf and dumb, in its theory and practice, at present existing in the United States. It has likewise a small library of juvenile books for the use of the pupils, models for instruction in drawing, and a philosophical apparatus for use in experimental lectures, to which it is from time to time, making additions.

The classes are seven in number, each under the care of the teacher, who remains connected with them, during the whole period allotted to their education. Occasional instances occur, in which a pupil is transferred from one class to another. This is always done when the purposes of classification which are to bring together those who are most nearly equal in attainment, or in capacity for improvement, and to make a fair distribution of the labor of instruction, can thus be more completely answered. It is the duty of the Principal to spend as much time in each of the classes as the nature of the various calls upon his attention will allow. The benefit of his experience becomes thus felt, throughout the Institution An intelligent instructer, though new to the employment, with models of lessons or of processes not only explained to him but actually put to use and exhibited in practice before his eyes, will proceed with a much higher degree of confidence than he could possess, if entirely unassisted. The whole experience of another is, in fact, rendered disposable to him; and this, united with his own observation, cannot but render instruction much more efficient in every class, than could be the case under any other arrangement.

4. *Religion* and *Morality* are inculcated together, and constitute a single department of Education. No opportunity is suffered to escape, of impressing upon the mind of the pupil, his duty to his Maker, and to his fellow-men; and the word of God is constantly referred to as the basis of every moral precept; we need but speak to the conscience of any human being, to draw from him the admission, at least to himself, that he is a sinner. We need but appeal to his reason, to convince him that he is therefore deserving of punishment. To point out the office of the Mediator, to shew the necessity of repentance and trust in him for salvation, is the object always kept in view in the system of Moral and Religious Education, pursued in this institution.

Morning and Evening Prayers, and religious worship on the sabbath, are conducted in the language of signs.

DIVISION OF TIME.

Such being the general plan of economy, Government and Education in the institution. It only remains, in order to afford a complete idea of its operations, to consider the method which prevails in the division of time, and the succession of employments. The breakfast hour, in winter, is half-past six; in summer half-an-hour earlier—the hour of rising, six or half-past five. From the table the male pupils, pass under the eye of an instructer, to the shops or gardens. The females are, in the mean time, occupied in domestic employments, sewing, &c. under the direction of the matron and seamstress. At fifteen minutes before nine notice is given to all to prepare for school, very particular attention is here paid to established habits of cleanliness of person and neatness of dress; and to prevent the formation of those of an opposite nature. Before the 15 minutes have expired the pupils are all seated in order, in their respective sitting-rooms. From these they are summoned to the chapel; the female pupils first taking their places, and after them the males. A passage of Scripture is here explained and applied, followed by a prayer, in the language of signs; the exercises occupying about a quarter of an hour. The male pupils with their

teachers, then withdraw to their several school-rooms, and after them the females; passing from story to story, such of them as belong to classes on the floor above, by opposite flights of stairs, and entering the school-room by opposite doors. At half-past 12 the classes are dismissed. The pupils are then immediately summoned to dinner; after dinner there is an interval for recreation, until half-past one, when the classes re-assemble. At three the pupils return to the chapel, as they left it; an examination takes place upon the meaning and explanation of the passage explained in the morning, and prayers succeed. The male pupils then again repair to their mechanical employments, and the females to their appropriate occupations. Supper takes place at six. When this is passed the pupils resort to their sitting-rooms, for the evening. Here the same order is preserved as in a school. At eight o'clock, the very young pupils are sent to bed; the majority retire at about half past nine; though, occasionally, some of the more advanced are suffered to write or read till a later hour.

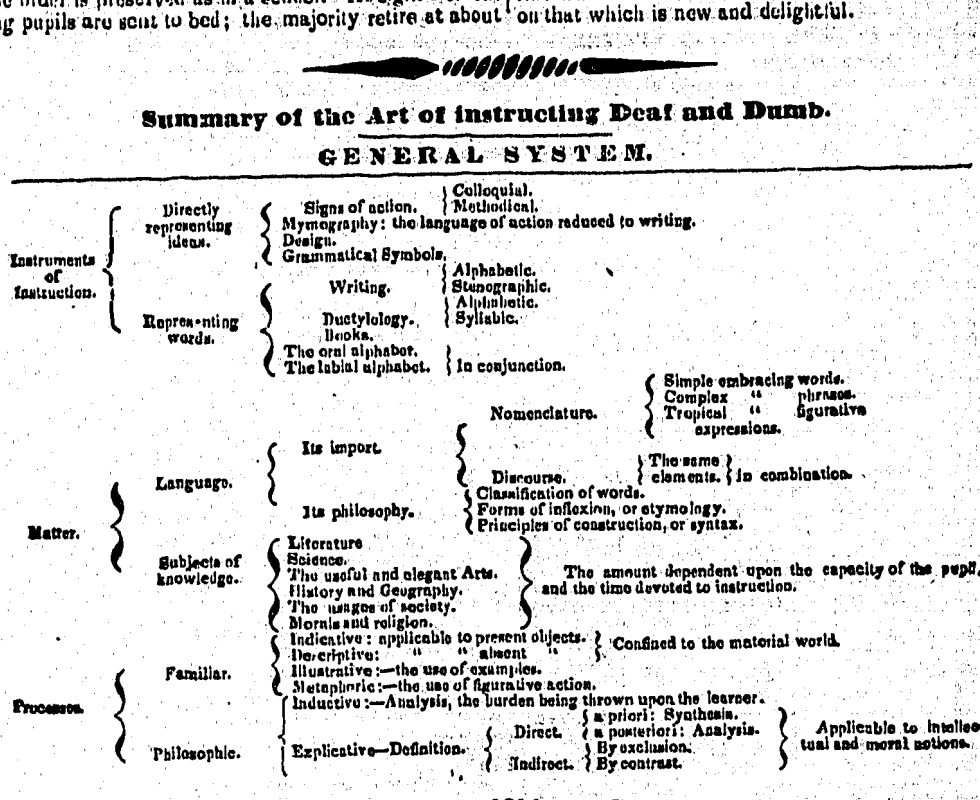
The above is generally the winter arrangement. In summer the time is divided somewhat different.

The history of a day in the institution, which has just been given is the history of a week, and of a year.

If there seem to be any thing like monotony in the perpetual recurrence of the same circle, it must be remembered that this is the monotony of method, without which, nothing can any where be effectually accomplished. The monotony is farther, more apparent than real; since it is the body only that retraces, each day, the steps of the preceding; while the mind is pressing forward in a line which never returns into itself, and fastening continually upon that which is new and delightful.

Summary of the Art of instructing Deaf and Dumb.

GENERAL SYSTEM.



CONDITIONS OF ADMISSION.

I. Pupils are provided for by the Institution, in all respects, clothing and travelling expenses excepted, at the rate of one hundred and thirty dollars each per annum. Clothing will also be furnished by the Institution if desired, at an additional annual charge of thirty dollars. Payment is required semi-annually in advance.

II. The regular time of admission is at the close of the vacation, which extends from the fifteenth of August to the first of October. No pupil will be received at any other time, except in very extraordinary cases.

III. No deduction will be made from the annual charge in consequence of absence on any account whatever except sickness, nor for the vacation.

IV. Pupils are at liberty to reside during the vacation in the institution, without extra charge.

V. Applicants for admission should be between the ages of ten and 25 years. The institution will not hold itself bound to receive any not embraced within this rule, but may do so at discretion.

VI. Satisfactory security will be required for the punctual payment of bills and for the suitable clothing of pupils.

VII. Applications from a distance, letters of enquiry, &c. must be addressed post-paid, to the Principal of the Institution. The selection of pupils to be supported at the public expense, is made by the Secretary of State at Albany to whom all communications on he subject must be addressed.

VIII. Should objections exist to the admission of any individual the Board reserve to themselves or their officers a discretionary power to reject the application.

The above terms are to be understood as embracing the entire annual expense to which each pupil is subjected, stationary and the necessary school books are furnished by the institution. No extra charge is made, in case of sickness, for medical attendance medicines, or other necessary provisions.

It is suggested to the friends of deaf mute children, that the names of familiar objects may be taught them with comparative ease before their admission, and that the possession of such knowledge in any degree materially facilitates their subsequent advancement. To be able to write an easy hand, or at least to form letters with a pen, is likewise a qualification very desirable. In reference to this subject, it is recommended that the words which constitute writing lessons or *copies* preparatory to admission should be such as have been previously made intelligible to the learner.

In the case of each pupil entering the institution, it is desirable to obtain written answers to the following questions; particular attention to this subject is requested.

1. Was the deafness from birth, and owing to some original constitutional defect; or was it produced by disease or accident; and if so in what way and at what time?

2. Are there any cases of deafness in the same family, or among any of the ancestors of collateral branches of kindred; & how and when produced?

3. Is the deafness total or partial and have any means been employed to remove it, and what are the results of such efforts?

4. Have any attemps been made to communicate instruction, and is the individual acquainted with any trade or art, or with the mode of forming letters with a pen?

b. Is the individual laboring under any bodily infirmity, such as palsy, nervous trembling, or malformation of the limbs, or does he or she show any signs of mental imbecility or idiotcy?

6. What are the names, occupation and residence of the Parents?

7. If either of the Parents is dead, has a second connexion been formed by marriage.

8 What are the number and names of their children?

The present number of pupils in the New York Institution is 137. In 1834 the number of the deaf and dumb in the United States in a course of education was 460. In 1830, the number of the deaf and dumb in the United States, between the ages of 14 and 25 was 1,905. Whole number of all ages.... 6,106

Number of deaf and dumb in Europe..... 140,000

Number of deaf and dumb in the whole world,... ... 546,000

DEAF AND DUMB IN THE UNITED STATES.

CENSUS OF 1830.

STATE OR TERRITORY.	White Deaf and Dumb.	White Population	Proportion of Deaf & Dumb, 1 in	Colored Deaf and Dumb.	Colored Population.	Proportion of Deaf & Dumb, 1 in	Total Deaf and Dumb.	Total Population	Proportion of Deaf & Dumb, 1 in
Maine.....	189	398263	2107	5	1192	238	194	399455	2059
New Hampshire	143	268721	1816	2	607	157	265	269335	1715
Massachusetts..	295	603359	2045	9	7049	783	304	610408	2008
Rhode Island...	50	93621	1872	4	3578	894	60	97199	1620
Connecticut....	203	291803	1426	6	3072	1315	209	297675	424
Vermont.....	174	279771	1607	5	891	178	179	280662	1567
New York.....	83	1373663	2241	43	44945	1045	879	1918608	2113
New Jersey.....	222	300266	1362	15	20557	1370	237	320823	1354
Pennsylvania....	724	1309900	1808	39	38366	963	763	1348266	1767
Delaware.....	35	57601	1645	9	19147	2127	44	76748	1744
Maryland.....	153	291108	1902	96	153932	1602	249	447040	1795
Virginia.....	425	694300	1633	130	517105	1978	555	1211406	2183
North Carolina..	230	47284	205	83	205144	1194	313	737987	2358
South Carolina..	176	257863	1482	69	323329	4689	245	581185	2372
Georgia.....	145	296806	2047	59	220017	3729	204	516823	2533
Alabama.....	89	190406	2139	23	119121	5178	112	309527	2764
Mississippi.....	29	70444	2429	12	66178	5515	41	136622	3332
Louisiana.....	49	89441	1825	21	126295	6014	70	215736	3082
Tennessee.....	172	535745	3115	28	146158	5220	200	681904	3409
Kentucky.....	303	517787	1709	46	170130	3698	349	687917	1971
Ohio.....	428	928822	2168	9	9574	1064	437	937963	2146
Indiana.....	141	339399	2407	3	3632	1210	144	343031	2382
Illinois.....	60	155061	2585	0	2394		60	157455	2625
Missouri.....	27	114795	4251	1	25560	3207	35	140355	4010
Arkansas.....	10	29671	2967	4	4717	1179	14	34388	2170
Florida.....	5	18385	3677	6	16345	2724	11	34730	3157
District of Columbia.....	14	27565	1969	2	12271	6135	16	39831	2461
Michigan.....	15	31234	2082	0	293		15	31639	2109
GRAND TOTAL...	5363	10532060	1965	743	2198542	2131	6106	12730702	2106

NOTE.—The table differs in some of its columns from the official returns. This difference arises from the fact that allowance is here made for the pupils which were at that time connected with the Deaf and Dumb Institutions in Connecticut, New York, and Pennsylvania, from other States.

(TRANSLATION.)

Rules of the Royal institution for the Deaf and Dumb at Paris.

Beside the government pupils received and maintained at the Royal Institution, either gratuitously, or on the payment of one half, or of two thirds the usual rates; and the two classes of day-scholars founded by the City of Paris, this establishment receives an indefinite number of boarders of both sexes.

We will not here repeat the admirable effects produced in the education of the Deaf and Dumb, by the process of that art which has been established by the benefactors of the human race.

We will not here repeat that it puts these unfortunates in possession of all religious and moral benefits of which they would, without its aid, have remained entirely deprived; that it introduces them to the bosom of society from which they would have been excluded; that rescuing from a state almost savage, it elevates them to the dignity of man, in giving a spring to the reason and social affections; so that parents who have children afflicted, with this misfortune, would be guilty of the greatest injustice, if they neglected the occasion here offered to them, of affording to these children all the benefits of which they have been deprived.

But it is deemed incumbent on us to communicate to parents that during several years past, the education of the Deaf and Dumb has received at the Royal Institution at Paris, important ameliorations;—The methods of teaching have been improved by experience and new discoveries;—by the better distribution of the pupils, and by the selection and increased number of teachers and assistants:—finally a decree of the minister of the interior has established a council of improvement composed of savans, the most capable, by their knowledge to advance this art. Besides the essential branches of the Institution, which comprise reading and writing —The French Grammar—Religion—Ethics—Arithmetic—the Elementary principles of Geography and History, there is for the scholars of both sexes, a class of drawing; several workshops have been established for the boys. To shops for joiners, tailors and shoe-makers where the pupils make what is necessary for the establishment, are now added,—A shop for Turning; A shop for Engraving; And a shop for manufacturing cabinet ware. In all of which the most finished articles are made.

A new Building on the point of completion is appropriated for the accommodation of others, particularly for workers in watch-making book-binding, &c.

So that the pupils on leaving the establishment, are prepared to embrace a gainful profession, and experience has shewn that they succeed even better than other children in those kinds of employment, which, as has been selected for them, require extreme attention of the eye and great precision of hand.

Girls learn all kinds of work proper to the sex. One of the instructresses teaches likewise embroidery to those whose friends desire it.

The girls occupy a separate building, communicating neither with the street nor with the one for the boys, and see none but their parents. They never go out except but to promenade, and then altogether—a large garden serves for recreation.

The food is wholesome, and the situation most salubrious. The children are surrounded, in health and sickness, with all the attention which an active and tender solicitude can suggest.

No boarder is admitted, until it is properly certified that he is deaf and dumb, and this infirmity verified at his arrival. Neither is any boarder admissible, if he labors under any contagious disease, or epilepsy or without having had the small pox or without having been either inoculated or vaccinated.

There is no entrance as a boarder but between the 15th Oct. and 15th of November.

The price of board is 900 francs for boys and 800 for girls; payable quarterly in advance.

Every boarder whose family does not reside in Paris must have a responsible inhabitant of that city to act for his friends—to pay punctually for his board, and who may be resorted to when the necessities of the scholar, or any other circumstance may render it proper.

Boarders may be entered at the age of seven years. In consideration of the price fixed for board, families will incur no expense for extraordinaries.

It is forbidden that any person connected with the institution, should accept of a gratuity in any shape.

The friends of the children can have, if they wish, every quarter, a certificate of their health and progress.

Subjoined is a list of the clothes which the scholars of either sex must bring with them.,

Boys—3 pair sheets—6 napkins—6 pocket handkerchiefs—six shirts—6 cravats—6 pair cotton stockings mixed grey—a French coat of grey mixed cloth collar and facings blue—vest and breeches of same—jacket and pantaloons of brown stuff, to work in—3 cotton caps, one round hat, 3 pair of shoes, 2 combs 1 fine, 1 box, 1 trunk to lock.

Girls—three pair sheets—6 towels—6 chemises—6 pair of cotton stockings, 4 blue, 2 white—6 pocket handkerchiefs—one hat of black straw, uniform—6 caps—6 night caps—6 white muslin neck handkerchiefs—2 colored do.—1 woolen shawl—2 colored aprons—1 woolen petticoat—2 colored do.—2 white do—2 whalebone corsets—1 woolen knit under jacket—1 white robe of muslin—3 colored do.—2 pair shoes, 2 combs 1 fine, 1 trunk to lock.

All to be entirely new, and in failure to find these, the parents to pay the value of 250 francs.

ADMINISTRATION OF THE ROYAL INSTITUTION.

The Duke of MONTMORENCI.
The Baron DEGERANDO.
The Duke of DOUDEAUVILLE.

The Count ALEXIS DE NOAILLES.
GUENEAU DE MUSSY, *Physician in ordinary to the King.*
The Baron RENDA.
The Abbe BURNIER FONTANEL.
Director—The Abbe PERIER.
Agent—General Baron KEPPLER.
Physician—The Chevalier ITARD.

N. B. The director is to be addressed on all subjects about the instruction and education of the children, and

The Agent General on all matters touching the admission of pupils—the payment of board economical interests, &c.

In the last chapter of a work evincing much learning & research by Rembt, Tobias Guyot, Doctor of Laws, the author directs what ought to be avoided and what followed, in legislating about deaf mutes.

He excludes from the class of real deaf and dumb all who are merely hard or dull of hearing; all who have become deaf after having enjoyed their hearing for some years; all who are without the ability to speak, though they are able to hear; all who in consequence of disease, are sometimes but not always deaf; and finally, all whose sense of hearing has been restored by art. Having given this negative statement he next offers his positive definition thus:—*They only are deaf mutes who are so from birth or from such early infancy that they have never acquired a knowledge of sounds, and have remained deaf forever after.* The consequence of which defect is, that they neither speak nor understand those who do speak, nor make any communication of language by the voice.

After various observations he proceeds to the two-fold inquiry. 1st. What is the disposition and nature of the uninstructed Deaf Mute? and 2nd, what are those of the educated and instructed? On the first of these questions, he considers the deaf mute as in some respects inferior to a brute; though with this memorable difference that he may be taught to understand and to act, and thus perform functions that solely belong to rational creatures. Of the five senses, he considers touch, taste and smell as corporeal; while sight and hearing have a particular reference to the mind.

Deaf mutes when uninstructed, are, he observes, very much prone to imitation; insomuch, that they more resemble apes than men, particularly as they make no distinction between good and bad. They have keen curiosity—are very restless—and exceedingly prone to anger—shunning the society of men—prone to suspicion—and only fearing bodily pain.

His observations on the second query, are briefly these:—Their education is considered as beginning in private, though public instruction is incomparably preferable. The remarks contained in his dissertation refer especially to the latter. Yet with all the information he can be made to acquire, he can only be aided to a certain degree. The absence of hearing restricts necessarily his perfectibility; because he is deprived of that continual repetition of things, truths, comparisons, and deductions, which persons having the sense of hearing enjoy. Whence it happens that a large portion of what they have learned sooner slips from the memory than in those who hear, and by repeated hearing, have ideas formed, inculcated, and faithfully retained in the recollection. Though much has been done for their improvement in the schools established over many parts of civilized Europe, such as writing, reading, and even spelling, it must not be supposed that they equal others even in speech or writing, and however taught or instructed these do not wholly lay aside the nature of deaf mutes, since he defect of hearing remains. Still many of them have gained an acquaintance with the nature of things, of cause and effect, and of the reasons for human actions. They become rational and moral beings—worship the Deity—and are not ignorant of law and right. They love their parents, love those who have conferred benefits on them. They love mankind, good name, and even grow fond of labor. They submit to order, and willingly afford assistance to others. Having become more cultivated, they seek the conversation of others, and delight to make communications of their own thoughts.

But they retain the vice of curiosity, which, however puerile in them, is, nevertheless, by the trouble it gives to others, not unfrequently the cause of quarrels, the apology and explanation of which is, the ignorance of so many things which those who hear, can so easily and so frequently comprehend as matters withheld from deaf mutes. They accordingly become very impatient, if they to whom they address themselves, do not immediately understand them. Having craved excuse for their excessive curiosity, he makes an apology for their ignorance of those things which can only be acquired by speech, and by intercourse with those who hear. For having now become conscious of their imbecility, they readily yield to the counsels of those who hear. They love to imitate them, but not so much as formerly. They imitate bad as well as good with very little discrimination, for although they may have learned to distinguish between good and bad, the formation of a just criterion between them is always a work of difficulty, in relation to practice and to persons; points on which they very easily err and are deceived.

By the absence of the celestial gift of hearing, the deaf mutes, unless tutored by art, remain ignorant of the Deity and of divine things, and of all the civil duties of virtue and morality. They have so little sympathy, that they are not moved by the miseries nor tears of others, but exhibit the semblance of wooden images in the form of man. They are lustful and lecherous; being under less restraint than those who hear from the advice and instruction of parents, masters, and others in authority. Yet they have some superiority as relates to visible objects; though this advantage seems to be but of little use in the main, through the difficulty of communication with those who hear.

The author manifests extensive knowledge of the subject by references to such writers as Heinicke, Eschke, Ernsdorfer, Petschke, Moritz, Reiche, as well as Sicard, Cuvier, Bebian, Desmortiers, Alloy, Kress and Hard.

The Constitution and By-Laws of the Pennsylvania Institution for the Deaf and Dumb.

CONSTITUTION.

ARTICLE 1ST.

The title shall be "The Pennsylvania Institution for the Deaf and Dumb."

ARTICLE 2ND.

The school shall be located in Philadelphia.

ARTICLE 3RD.

The institution shall be supported by the annual subscriptions of its members, by life subscriptions, by such aid as the Legislature of the state may be pleased to afford, by donations and legacies, and by the payment for the education of children by the Parents or others who may have the ability so to do.

ARTICLE 4TH.

The officers of the Institution shall be a President, four Vice-Presidents, (and the number of Vice Presidents may be increased, from time to time, by a by-law or by-laws as circumstances may require in extending the benefits of the Institution throughout the state; a Treasurer and recording Secretary. They shall be ex-officio members of the Board of Directors hereinafter provided for.

ARTICLE 5TH.

The President or in his absence one of the Vice Presidents, or in the absence of both, a chairman to be appointed by the members present, shall preside at all meetings of the association, have a casting vote when the members are equally divided upon any question, (but no other) and shall perform such other duties as may be required of them by the by-laws.

ARTICLE 6TH.

The duties of the other officers shall be such as are implied in their titles, and shall be prescribed in the by-laws.

ARTICLE 7TH.

There shall be a Board of 24 Directors, composed of members of the Institution, who shall annually at the meeting next succeeding their Election, appoint one of their number to act as corresponding secretary of the institution, their other duties shall be such as may be defined by the by-laws. There shall also be a committee of twelve ladies selected annually by the board of Directors, at their first meeting in the month of May, to aid in the management of the establishment, under such provisions as may be from time to time prescribed by the by-laws.

ARTICLE 8TH.

Any person may be a member, who shall sign this constitution and pay a sum not exceeding three dollars per annum, or such gross sum, in lieu thereof, to constitute a member for life, as may be prescribed in the by-laws; provided such sum shall not exceed twenty dollars.

ARTICLE 9TH.

The members of the Institution shall meet annually on the first Wednesday in May, in the city of Philadelphia, (at such hour as the Directors may prescribe) for the election of Officers and Directors, as well as for the transaction of such business as may be

then laid before them, and to receive the annual report of the Directors. Adjourned and special meetings may be held as shall be provided for by the by-laws.

ARTICLE 10th.

The Association shall have power to make by-laws, as well as to carry into effect the provisions herein contained as to make other rules and regulations consistent herewith.

ARTICLE 11th.

The right of membership may be relinquished, and the resignation addressed in writing to the board of Directors, shall be accepted by them provided the member shall have discharged all demands due to the Institution.

ARTICLE 12th.

The funds of the Institution shall be at the disposal and under the management of the Board of Directors; subject, however, so far as relates to that part derived from the life subscriptions, to such restrictions as may be imposed by the by-laws.

ARTICLE 13th.

Amendments or additions may be made to these articles, or to the by-laws which may be made under them, having been first proposed in writing at one meeting and adopted at a succeeding meeting, by two thirds of the members present, there being at least thirty-three members at said meeting, but not otherwise.

BY-LAWS

OF THE

PENNSYLVANIA INSTITUTION

FOR THE

DEAF AND DUMB.

SECTION 1.

The Treasurer shall, annually and previous to entering upon the duties of his office, give to the President in his private, and not official capacity, in trust for the Institution (or in the event of the institution becoming incorporated, then to the Institution under its corporate title) his bond, with two sureties, who shall be approved of by the board of Directors, in the penal sum of $4,000, conditioned for the faithful discharge of his duties as Treasurer.

He shall receive and account for all moneys belonging to the Institution, whether they arise from the annual contributions of the members, donations, legacies in cash bequeathed to the Institution, interest that may accrue on investments, or any other source whatever.

He shall also hold, and be accountable for all evidences of stock or other transferrable property of the Institution, which may be placed in his hands by the Board of Directors, for which he shall give them a receipt in a book to be kept by them for that purpose.

Whenever the cash in his hands shall amount to the sum of one hundred dollars, (or at his option a smaller sum) he shall deposit the same in one of the Banks of this city, in his name as Treasurer, and not in his private capacity, to be drawn therefrom only for the purposes of the Institution.

He shall pay all orders for money drawn on him by order of the Board of Directors, which shall be signed by the President of said Board, and countersigned by their Secretary.

He shall keep proper books of account, wherein he shall make faithful entries of all his receipts and expenditures, and shall preserve vouchers for all his payments.

He shall exhibit annually (or oftener, if required so to do by the board of directors,) a statement of his accounts, in order that they may be laid before the members of the annual meeting.

He shall keep in a book to be provided for the purpose, an alphabetical list of the names of the members, so arranged, that the annual payments made by the members may be distinctly shewn.

His books of accounts shall be at all times subject to the inspection of the President, Vice Presidents, and any member of the Board of Directors.

SECTION 2.

The Recording Secretary shall transcribe into a book kept by him for that purpose, the constitution, these by-laws, and such other by-laws as may be made from time to time. He shall preserve a record of the proceedings, of the members at their annual or other meetings; he shall keep a list of the names of the members noting the period of their becoming so in a book provided specially for that purpose; and he shall also note down against their names the time when they may cease to be members, either by death, resignation, or otherwise; a copy of which shall be furnished to the Treasurer whenever such cessation of membership may occur.

It shall be the duty of the Recording Secretary to act as Secretary to the board of directors and preserve correct minutes of their transactions, which shall be transcribed into a book kept for that purpose, as well as for recording the proceedings of the annual and other meetings of the Institution.

He shall give written or printed notices to the members of the board of directors, of the place and time of holding their meetings, and shall also give public notice in two or more of the newspapers of the city, of all proposed general meetings of the Institution, for at least four days previous thereto except the annual meeting, of which not less than ten days previous notice shall be given.

SECTION 3.

The corresponding Secretary shall be charged with the duty of maintaining such correspondence with individuals, or similar associations at a distance as shall be directed by the board of directors, or that may arise from the nature of the institution. He shall preserve copies of all letters written by him in the performance of his duties, and cause them to be recorded. He shall also preserve copies of all communications relative to the objects of the Institution, whenever their import may be deemed of sufficient interest by the board of directors to warrant it. His records shall be subject at all times to the inspection of the board of directors, or any member of it, and shall also be laid before the general meetings, either at their request or at the board of directors.

SECTION 4.

The board of Directors shall not apply the funds of the Institution for any purpose unconnected with its special objects. They shall have power to make laws and regulations for their own government as well as that of the establishment to be placed under their immediate care and supervision. They shall make all contracts in relation thereto, the amount of which shall be binding on the Institution, and paid for out of its funds; provided that in the expenditure of, or making contracts, amounting to $500 or more, there shall be a majority of the whole board to sanction the same.

It shall be their duty to procure an order book, with marginal reference from which all their warrants on the Treasurer shall be taken, which warrants shall be signed by their President, (or presiding officer as the case may be,) and counter signed by their Secretary. They shall hold stated meetings of their board at such place, as they may determine upon, at least once in every month; they may from time to time examine into the state of the funds of the Institution, and require from the Treasurer a statement of his accounts, whenever they may deem it proper so to do; they shall examine and act upon all bills and accounts exhibited against the Institution, and on finding them correct shall order their payment by a warrant on the Treasurer. It shall be their duty to lay before the annual meeting of the Institution, a report of their proceedings for the preceding year, accompanied with an exhibit of the receipts and expenditures, and a general statement of the funds of the Institution.

SECTION 5.

The duties of the Ladies committee shall be prescribed by the board of Directors.

SECTION 6.

The money arising from the life subscriptions of the members, (of which the Treasurer shall keep a distinct account,) shall be invested either in the United States, State, or city Stock.

SECTION 7.

The annual contribution, until otherwise directed by the Institution, shall be two dollars; and the sum to be paid in lieu thereof, to constitute a member for life, shall be twenty dollars.

SECTION 8.

The annual contributions of the members shall be considered due from them on the day of the annual meeting in May, and payable in advance; provided that no person who shall sign the con-

stitution at any period less than three months previous to said day, shall be bound to pay in advance to the day of the first succeeding annual meeting, but to that of the second period after his signing.

SECTION 9.

No person shall be considered a member until he shall have signed the constitution and paid the sum of two dollars, the amount of the first years' contribution, agreeable to the provisions of the seventh section of these by-laws.

SECTION 10.

The officers of the Institution, and the board of Directors, shall be elected by ballot, by the members in person, (if not by proxy,) who shall have paid their dues up to the period of the election; the name of each candidate shall be written or printed on the same ticket designating the office intended, and the person having the highest number of votes shall be declared duly elected. Notice shall be given by the recording secretary of the time and place of holding the election, through the medium of one or more of the newspapers, for at least three days previous thereto.

SECTION 11.

Special meetings may be called by the President, the Board of Directors, or at the request of ten members addressed in writing to the President.

SECTION 12.

Any member who shall refuse or neglect to pay the annual contributions for three years successively, shall be deemed as having relinquished his right of membership; a return of all delinquents shall be made by the Treasurer once in every year to the Board of Directors, who shall act thereon as they may deem expedient to enforce payment.

SECTION 13.

Twenty-five members shall constitute a quorum for the transaction of the ordinary business of the Institution.

SECTION 14.

In case that any office shall become vacated by resignation or otherwise, such vacancy shall be supplied by the Board of Directors until the next election.

SECTION 15.

The unappropriated funds of the Institution may be invested in stock or deposited in the saving fund Society, by the Board of Directors, whenever they may consider it expedient so to do.

SECTION 16.

All evidences of stock belonging to the Institution, shall be held in the name of the Treasurer, in trust for the Pensylvania Institution for the deaf and dumb, until the association may become incorporated, when they shall be held under the corporate title.

SECTION 17.

A common seal for the use of the Institution shall be devised and procured by the Board of Directors, placed in charge of the Treasurer, and shall be affixed to such papers and documents as shall be ordered by the Association or Board of Directors.

SECTION 18.

A suitable person may be appointed by the board of Directors, as collector of the annual contributions, &c. whenever it may be deemed necessary.

SECTION 19.

Whenever the funds of the Institution will justify, measures shall be adopted by the board of Directors for commencing the Institution, and relief of those deaf and dumb persons who may apply for the benefits of the Institution.

Bulwer's France.

EDUCATION IN FRANCE:—The following statement is extracted from the Review Encyclopédique, which gives as its authority, an Essay upon the moral statestics of France, lately presented to the Academy of Sciences.

DISTRIBUTION OF INSTUCTION.

Number of order.		Number of young men knowing how to read and write out of every 100.	Number of order.		Number of young men knowing how to read and write out of every 100.
1.	Meuse (Maximum)	74	44.	Gers	38
2.	Doubs	73	45.	Vaucluse	37
3.	Jura	73	46.	Ain	37
4.	Haut Marne	72	47	Charente	36
5.	Haut Rhin	71	48.	Aude	34
6.	Seine	71	49.	Saône-et-Loire	32
7.	Hautes Alpes	69	50.	Lot-et-Garoune	31
8.	Meurthe	68	51.	Cantal	31
9.	Ardennes	67	52.	Pyrénnées Orientales	31
10.	Marne	63	53.	HauteGaronne	31
11.	Vosges	62	54.	Aveyron	31
12.	Bas Rhine	62	55.	Sarthe	30
13.	Cote D'or	60	56.	Loire	29
14.	Haute Saone	59	57.	Isère	29
15.	Aube	59	58.	Landes	28
16.	Mozelle	57	59.	Vendié	28
17.	Seine et Oise	56	60.	Lozére	27
18.	Eure et Loire	54	61.	Loir-e -Cher	27
19.	Seine et Marne	54	62.	Ardeche (Minimum)	27
20.	Oise	54	63.	Indre et Loire	27
21.	Hautes Pyrenees	53	64.	Tarnet Garone	25
22.	Calvados	52	65.	Vienne	25
23.	Eure	51	66.	Isle et Vilaine	25
24.	Aisne	51	67.	Loire Inferieure	24
25.	Corse	49	68.	Lot	24
26.	Pas de Calais	48	69.	Var	23
27.	Youne	47	70.	Maine et Loire	23
28.	Basses-Pyrénées	47	71.	Creuse	23
29.	Basses Alpes	46	72.	Haute Loire	21
30.	Nord	45	73.	Tarn	20
31.	Rhône	45	74.	Maine	20
32.	Hérault	45	75.	Mayenne	19
33.	Orne	45	76.	Puy de Dôum	19
34.	Somme	44	77.	Arriége	18
35.	Seine Inferieure	43	78.	Dordogne	18
36.	Bouches-du-Rhone	38	79.	Indre	17
37.	Manche	43	80.	Côtes du Nord	16
38.	Loiret	42	81.	Finisterre	15
39.	Drome	42	82.	Morbihan	14
40.	Deux-Sévres	41	83.	Cher	13
41.	Gard	40	84.	Haute Vienne	13
42	Gironde	40	85.	Allier	13
43.	Charente-Inferieure	39	86.	Corrége	12

Average of the Kingdom..... 38.

This is the distribution of instruction in France:—While the average number of children at school in the United States and different States of Europe in proportion to the number of inhabitants, gives this result:—

United States	1	Scholar on	4	Inhabitants
Pays de Vaud	1	do.	6	do.
Wirtemberg	1	do.	6	do.
Prussia	1	do.	7	do.
Bavaria	1	do.	10	do.
England	1	do.	11	do.
Austria	1	do.	13	do.
France	1	do.	20	do.
Ireland	1	do.	21	do.
Poland	1	do.	78	do.
Portugal	1	do.	88	do.
Russia	1	do.	367	do.

In connexion with the foregoing, Mr. Bulwer refers to a new and very remarkable work by Mr. Guerry, (*Statistique Morale de la France.*) and asks what influence instruction has with the following calculations on crime?

Dividing France into five *regions* or districts, composed each of seventeen departments, and dividing the crimes committed in each of these regions into two classes, i. e. crimes against pro-

perty, and "crimes against the person," the following table, taking one hundred as the number of crimes committed in, gives the result of Mr. Guerry's calculations.

Division of France into Five Regions.	POPULATION.
North.—Aisne, Ardennes, Calvados, Eure, Manche, Marne, Meuse, Moselle, Nord, Oise, Orne, Pas-de-Calais, Seine, Seine-Inferieure, Seine-et-Marne, Seine-et-Oise, Somme.....	8,757,700
South.—Ardèche, Arriège, Aude, Aveyron, Bouches-du-Rhone, Gard, Haute-Garonne, Gers, Herault, Lot, Lozerre, Hautes-Pyrénées, Pyrenees-Orientales, Tarn, Tarn-et Garonne, Vaucluse, Var.....	4,826493
East.—Ain, Basses-Alpes, Hautes-Alpes, Aube, Côte-d'or, Doubs, Drôme, I-Sère Jura, Haute-Marne, Meurthe, Bas-Rhin, Haute-Rhin, Rhone, Haute-Saone, Saone-et-Loire, Vosges.....	5,840,996
West.—Charente, Charente-Inferieure, Côtes-du-Nord, Dordogne, Finisterre, Gironde, Isle-et-Vilaine, Landes, Loire Inferieure, Lot-et-Garonne, Maine et Loire, Mayenne, Morbihan, Basses-Pyrénées, Deux-Sevres, Vendée, Vienne,.....	7,008,788
Centre.—Allier, Cantal, Cher, Correze, Creuse, Eure-et-Loire, Indre, Indre-et-Loire, Loire, Loire-et-Cher, Loiret, Haute-Loire, Nevre, Puy-de-Dôme, Sarthe, Haute-Vienne, Youne.....	5,238,905
Corse.....	185,079
Total Population.....	13,857,961

CRIMES AGAINST THE PERSON.

Regions.	1825.	1826.	1827.	1828.	1829.	1830.	Average
North.....	25	24	23	26	25	24	25
South.....	28	26	22	23	25	23	24
East.....	17	21	19	20	19	19	19
West.....	18	16	21	17	17	16	18
Centre.....	12	13	15	14	14	18	14
Total.....	100	100	100	100	100	100	100

CRIMES AGAINST PROPERTY.

Regions.	1825.	1826.	1827.	1828.	1829.	1830.	Average
North.....	41	42	42	43	44	44	42
South.....	12	11	11	12	12	11	12
East.....	18	16	17	16	14	15	16
West.....	17	19	19	17	17	17	18
Centre.....	12	12	11	12	13	13	12
Total.....	100	100	100	100	100	100	100

Of all the marvellous calculations, says Mr. Bulwer, ever yet published, this calculation is perhaps the most marvellous; for whatever the basis on which the computation is made, it is not a whit the less wonderful that it should in six successive years give an almost similar result; and this, not in one species of crime—not in one division of France—but in all the divisions of France, and in each distinct class of crime!—Thus maintaining between the different portions of the Kingdom a particular and almost invariable criminal ratio (if I may thus express myself,) which none of the many casualties to which human life is subject seem effectually to alter or control.

A difference of this kind cannot be the effect of law, for the law in all parts of France is the same; it cannot be the effect of accident, because it would not, surely, in that case, perpetually recur. What has instruction to do with it—I mean that kind of instruction on which persons considering these subjects usually found their propositions?

A.

INSTRUCTION.

DISTRIBUTION OF INSTRUCTION IN THE FIVE REGIONS.

ENROLLED YOUNG MEN.

Proportion of the young men who can read and write, out of those inscribed on the register of the military census.

On 100 young men knowing how to read and write.

Regions.	Years.....1827.	1828.	1829.
East.....	51	E..... 55	E..... 58
North.....	48	N..... 53	N..... 55
South.....	32	S..... 33	S..... 34
West.....	26	W.... 27	W.... 27
Centre.....	24	C..... 25	C..... 25

B.

ACCUSED.

Proportion of the number of accused knowing at least how to read, out of the total number of accused brought before the Court of Assize.

On 100 accused knowing how to read.

Regions.	Years.....1828.	1829.	1830.
East.....	52	E..... 52	E..... 53
North.....	49	N..... 47	N..... 47
South.....	31	S..... 28	S..... 30
West.....	25	W.... 25	W.... 24
Centre.....	29	C..... 23	C..... 23

C.

PUPILS.

Proportion of the number of male pupils compared with the population.

Year..... 1829.

East.....	1 pupil	on	14	inhabitants.
North.....	1	do.	16	do.
South.....	1	do.	43	do.
West.....	1	do.	45	do.
Centre.....	1	do.	48	do.

INFLUENCE OF THE SEXES.

CRIMES AGAINST THE PERSON.

Nature of the Crimes.	Proportion of the Sexes to every 100 cases. Men.	Women.
Slave Trade.....		
Forfeiture.....		
Violation of Public decency.....	*100*	—0
Breach of the sanitary laws.....		
False witnessing in civil matters.....		
Rape.....	99	1
Rape or intent to on children.....	99	1
Bigamy.....	98	2
Contempt of Court, &c.....	98	2
Threatening under conviction.....	97	3
Political offences.....	97	3
Murder.....	96	4
Cutting and Maiming.....	95	5
Rebellion.....	91	9

*In these tables the *maximum* is indicated by the Algebraic sign and the *minimum* by the sign.

Nature of the Crimes.	Proportion of the Sexes accused for each crime 100 cases. Men.	Women.
Assasination (murder premeditated)	89	11
False witness and bribery	85	15
Escaping from prison	83	17
Cutting and maiming parents and guardians	80	20
Begging, accompanied with violence	79	21
Criminal conspiracy	80	20
Parricide	64	36
Poisoning	55	45
Assault upon children	50	50
Abortion	28	72
Castration	25	75
Infanticide	6	94

CRIMES AGAINST PROPERTY.

Smuggling, Breaking open of sealed things, Loss of a ship by negligence, Barratry, Fraudulent use of a blank signature	100	—0
Exaction and corruption	99	1
Forgery of seals	98	2
Distribution of moveable and immoveable property	98	2
Forgery of Bank notes	95	5
Frauds in Commercial documents	93	7
Robbery on the High-way	92	8
Suppression of title deeds	90	10
Pillaging and destroying of furniture	89	11
Frauds	89	11
Fraudulent bankruptcies	86	14
Frauds by fictitious characters	86	14
Counterfeit coin	86	14
Burning property, (various)	84	17
Thef	83	17
Sacrilege	78	22
Extortion of signatures	71	29
Firing of buildings	70	30
Pillaging and destroying of grain	69	31
Robbery in dwelling houses	60	40

CRIMES AGAINST THE PERSON.

Numbers.	Nature of Crimes.	No. of Crimes Per Annum.	In 1,000.
1	Cutting and maiming	368	197
2	Murder	298	160
3	Assassination (murder premeditated)	255	137
4	Rebellion	190	105
5	Rape and assault, with intent to	173	93
6	Do. do. on children	133	71
7	Infanticide	118	63
8	False witness and bribery	87	47
9	Cutting and maiming parents, guardians, &c.	85	46
10	Poisoning	40	21
11	Criminal conspiracy	22	12
12	Crimes against children	20	11
13	Parricide	13	7
14	Abortion	12	7
15	Bigamy	11	5
16	Contempt of Court and its officers	9	5
17	Begging, accompanied with violence	9	5
18	Political offences	6	3
19	Threatening	6	3
20	Breaking Prison	1	
21	Breach of the sanitary laws	1	
22	Castration	1	
23	False witnessing in civil cases		2
24	Violation of public decency	1	
25	Forfeiture		
26	Slave-trade		
	Total	1865	1000

Numbers.	CRIMES AGAINST PROPERTY.	No. of Crimes Per Annum.	In 1,000.
1	Robbery (differing from the following)	3219	610
2	do. in dwelling houses	1043	198
3	Fraudulent offences (differing from the following)	255	48
4	Forging in commercial documents	106	20
5	Robbery on the High-way	159	30
6	Fraudulent bankruptcy	105	20
7	Burning of buildings, &c.	87	16
8	Sacrilege	54	10
9	Frauds under false pretences	48	9
10	Counterfeit coin	46	9
11	Exaction and corruption	39	7
12	Extortion of signature	27	5
13	Destruction of moveable or immoveable property	24	5
14	Pillage and destruction of grain	23	4
15	Burning of various objects	18	3
16	Counterfeiting seals, &c.	9	2
17	Pillage and destruction of furniture	6	1
18	Suppression of titles or deeds	4	
19	Forgery of Bank notes	3	
20	Defrauding the Public Treasury	3	
21	Smuggling	2	
22	Breaking open of sealed things		3
23	Loss of a Ship by negligence of the Pilot	2	
24	Barratry		
25	Abuse of a blank signature		
		5282	1000

CRIMES AGAINST PERSONS.

No.	Departments.	1 accused out of — Inhabitants	No.	Departments.	1 accused out of — Inhabitants
1	Corse	2100	25	Vienne	15010
2	Lot	5885	26	Corrèze	15262
3	Arriège	6173	27	Marne	15602
4	Pyrénées—Orientales	6728	28	Aude	15647
5	Haute Rhine	7343	29	Haute Loire	16170
6	Lozére	7710	30	Haute-Vienne	16256
7	Aveyron	8236	31	Basses-Pyrénées. Average, 17085.	16722
8	Ardeche	9474	32	Puy de Dôme	17250
9	Doubs	11560	33	Hautes Alpes	17488
10	Mosselle	12153	34	Calvados	17577
11	Hautes Pyrénées	12223	35	Landes	17687
12	Bas-Rhine	12300	36	Loiret	17722
13	Seine-et-Oise	12477	37	Yonne	18006
14	Herault	12814	38	Cantal	18070
15	Basses Alpes	12935	39	Siene-Inferieure	18355
16	Tarn	13019	40	Deux-Sévres	18460
17	Gard	13115	41	Haute-Garonne	18642

18	Var.....	13145
19	Drôme.....	13396
20	Bouches du Rhone	13409
21	Vaucluse.....	13576
22	Seine.....	13945
23	Tarn-et-Garonne.	14790
24	Eure.....	14795
49	Aube.....	19602
50	Vendee.....	20326
51	Loir-et-cher....	21292
52	Eure-et-Loire....	21368
53	Dordogne.....	21585
54	Cher.....	21934
55	Isle-et-Vilaine ...	22138
56	Seine-et-Marne..	22201
57	Haute Saône....	22339
58	Lot-et-Garonne...	22969
59	Pas de-calais	23101
60	Morbihan.....	23316
61	Gironde.....	24096
62	Meuse.....	24507
63	Charente.....	24964
64	Nievre.....	25087
65	Jura.....	26221
66	Aisne.....	26226
67	Haute-Marne....	26231
	Forwarded.	
42	Gers.....	18642
43	Charente-Inferieure	18712
44	Isère.....	18785
45	Rhone.....	18793
46	Vosges.....	18835
47	Indre-et-Loire....	19131
48	Loire-Inferieure..	19314
68	Meurthe	26574
69	Nord.....	26740
70	Allier.....	26747
71	Loire.....	27491
72	Oise.....	28180
73	Orne	28329
74	Meyenne	28331
75	Cotes-du-Nord....	28607
76	Laone-et-Saône..	28391
77	Aine.....	28870
78	Maine-et-Loire...	29592
79	Finisterre.....	29872
80	Manche.....	30078
81	Cote d'or.....	32256
82	Indre.....	32404
83	Somme.....	33592
84	Surthe.....	33913
85	Ardennes.....	35203
86	Creuse.....	37014

CRIMES AGAINST PROPERTY.

No	DEPARTMENTS.	Accused out of Inhabitants.	No.	DEPARTMENTS.	Accused out of Inhabitants.
1	Seine.....	1368	25	Landes	6170
2	Seine-Inferieure..	2906	26	Nord.....	6175
3	Seine-et-Oise....	3879	27	Tarn.....	6241
4	Eure-et-Loire....	4016	28	Haute-Vienne....	6402
5	Pas-de-Calais....	4040	29	Yonne.....	6516
6	Aube.....	4086	30	Ille-et-vilaine..	6524
7	Calvados.....	4500	31	Oise.....	6659
8	Rhone.....	4504	32	Avey-ron.....	6731
9	Mosselle	4529	33	Meurthe.....	6831
10	Corse.....	4889	34	Finisterre.....	6842
11	Vienne	4710	35	Deux Sévre.....	6863
12	Eure	4774	36	Indre-et-Loire....	6909
13	Haut-Rhine	4915	37	Cotes-du-Nord..	7059
14	Bas-Rhin	4920	38	Somme	7144
15	Marne.....	4950	39	Haute Garonne..	7204
16	Loiret	5042	40	Basses Alpes....	7280
17	Bouches-de-Rhone	5291	41	Gironde.....	7423
18	Charente Inferieux	5357	42	Manche.....	7424
19	Aisne.....	5521	43	Vendee.....	7566
20	Vaucluse.....	5731	44	Indre.....	7624
21	Seine-et-Marne..	5786	45	Pyrénées-Orientales	7632
22	Doubs.....	5914	46	Drôme.....	7759
23	Lozére.....	5990	47	Haut Saône.....	7770
24	Loire-et-cher	6017	48	Allier.....	7925
	Average....6031		68	Haute Marne....	9539
49	Morbihan.....	7940	69	Var.....	9572
50	Gard.....	7990	70	Ariége.....	9597
51	Jura.....	8059	71	Hautes-Pyrences.	9797
52	Hautes-Alpes	8174	72	Dordogne.....	10237
53	Nièvres.....	8236	73	Ardéche.....	10263
54	Orre.....	8248	74	Aude.....	10431
55	Sarthe.....	8294	75	Gers.....	10486
56	Isère	1326	76	Cher	10503
57	Maine-et-Loire...	8520	77	Saône-et-Loire....	10708
58	Basses Pyrénées.	8533	78	Herault.....	10954
59	Tarne-et-Garonne	8680	79	Cantal.....	11045
60	Ardennes.....	8847	80	Puy-de-dôme....	12141
61	Lot-et-Garonne..	8943	81	Loire.....	12065
62	Vosges	9044	82	Corrége.....	12949
63	Lot.	9049	83	Charente.....	13018
64	Côte-d'or.....	9159	84	Ain.....	15890
65	Meuse.....	9190	85	Haute-Loire....	18045
66	Mayenne.....	9198	86	Creuse.....	20235
67	Loire Inferieure..	9392			

EDUCATION BILL.

Preamble.

WHEREAS, the promotion of the Education of the youth of this Province is indispensible to the domestic and social happiness, to the commercial prosperity and national greatness, and to the peace, welfare, and good government of the same: and whereas the common school system of this Province has not produced the benefits so much desired by the thinking portion of its inhabitants: and wherefore it is expedient to alter, amend, and reduce to one act the several provisions of the same.

Be it &c.—That from and after the 1st day of January 1837, there shall be granted to His Majesty annually out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General unappropriated, for the use of common schools in this Province, the sum of fifteen thousand pounds.

Superintendent, when & how to be appointed.

And be it &c.—That whenever the permanently available public school fund of this Province, arising from any source whatever, shall amount to ten thousand pounds per annum, it shall and may be lawful for the Governor, &c. to appoint under the seal of this Province, a superintendent of common schools, whose duty it shall be among other things to prepare and submit an annual report to the Legislature, containing:

His duties.

1. A statement of the condition of the common schools of the province.
2. Estimates and accounts of expenditures of the school monies.
3. Plans for the improvement and management of the common school fund, and for the better organization of the common schools:—and
4. All such matters relating to his office, and to the common schools, as he shall deem expedient to communicate.

Apportionment and ratio of apportionment.

And be it, &c.—That in every year, immediately following a year in which a census of the population of this Province shall have been taken, the Superintendent shall apportion the school monies to be annually distributed amongst the several districts of this Province, and the share of each district amongst its respective towns and cities, in the following manner: the one moiety thereof shall be apportioned among the several towns and cities of the Province, according to the ratio of the number of children over five and under sixteen years of age, as compared with the population of the whole Province according to the last preceding census, and the other moiety among the several townships in proportion to the amount of school monies raised in the several townships in this Province, except as is hereinafter provided.

Increase of school monies, how apportioned.

And be it, &c.—That if an increase of the school monies to be distributed, shall take place in any other year than the one immediately following a census, the Superintendent shall apportion such increase amongst the several districts, cities, & towns, according to the ratio of the apportionment then in force.

Proceedings when census defective.

And be it, &c.—That when the census or returns, upon which an apportionment is to be made, shall be so far defective, in respect to any district, city, or town, as to render it impracticable for the Superintendent to ascertain the share of school monies, which ought then to be apportioned to such district, city, or town, he shall ascertain by the best evidence in his power, the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

Proceeding when town altered, &c.

And be it &c.—That whenever, in consequence of the division of a town or the erection of a new town in any district, the apportionment then in force, shall become unjust, as between two or more towns of such district, the Superintendent shall make a new apportionment of the school monies next to be distributed amongst such towns, ascertaining by the best evidence in his power, the facts upon which the ratio of apportionment as to such towns shall depend.

And be it, &c.—That the superintendent shall certify each apportionment made by him to the Go-

Certificate and notice of apportionment

vernor, and shall give immediate notice thereof to the clerk of the peace of each district interested therein, stating the amount of monies apportioned to his district and to each town and city therein, and the time when the same will be payable to the commissioners of such town or to the chamberlain of the city of Toronto.

Regulations respecting forms, &c.

And be it, &c.—That the superintendent shall prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper, for the better organization and government of common schools, to be transmitted to the officers required to execute the provisions of this Act throughout the Province.

Expenses how paid.

And be it, &c.—That all monies reasonably expended by him in the execution of his duties, shall upon due proof, be allowed to him by the Governor, and be paid out of the Treasury.

Distribution of the common school fund. When paid.

And be it, &c.—That the sum annually to be distributed for the encouragement of common schools, shall be paid on the first day of February, in every year, on the Warrant of the Governor, to the Treasurers of the several districts, and the Chamberlain of the city of Toronto.

Treasurer to apply for and receive.

And be it, &c.—That the Treasurer of each district, and the Chamberlain of the city of Toronto, shall apply for and receive the school monies apportioned to their respective districts as soon as the same become payable.

To give notice.

And be it, &c.—That each Treasurer receiving such monies, shall give notice in writing, to some one or more of the commissioners of common schools of each town or city in his district, of the amount apportioned to such town or city, and shall hold the same subject to the order of such commissioners.

Monies remaining, how disposed of.

And be it, &c.—That in case the commissioners of any such city or town, shall not apply for and receive such monies, or in case there are no commissioners appointed in the same, before the next receipt of monies apportioned to the district; the monies so remaining with the Treasurer shall be retained by him, and be added to the monies next received by him for distribution from the Superintendent of common schools, and be distributed therewith and in the same proportion.

Clerk of the Peace.

And be it, &c.—That whenever the clerk of the peace of any district, shall receive from the superintendent of common schools, notice of the apportionment of monies to be distributed in the district, he shall file the same in his office, and transmit a certified copy thereof to the district treasurer, and also to the clerk of each township, to be by him laid before the school commissioners of such township; which sum so apportioned, together with the sum raised in that township by the vote of its qualified voters at their last preceding annual township meeting, shall be apportioned by the said township commissioners among the several school districts of the township as follows: one moiety to be apportioned to each district, in proportion to its number of children between the ages of five and sixteen exclusive; and the other moiety, to be divided among the school districts, in the township in proportion to the amount of money actually paid by each district towards the Teacher's wages in such district.

His duty on receiving notice of apportionment.

Duty of commissioners.

And be it, &c.—That the commissioners shall cause and require the collector of each town, by their warrant to him, to pay the monies so added when collected, retaining his fees for collection, to some one or more of the commissioners of common schools in such town for the use of common schools therein, whose receipt therefor, shall be sufficient evidence of payment.

And be it, &c.—That if there shall not be any commissioners of common schools, in such town when the monies are collected, the collector shall pay the same, retaining his fees for collection, to the district treasurer to be by him apportioned among the several cities and towns in the district, and distributed in the manner herein provided.

When monies to be paid to treasurer.

Superintendent's duties, pro. tem. to be exercised under the superintendence of the governor.

And be it, &c.—That until a superintendent of common schools shall have been appointed in this Province, it shall be the duty of the Governor, &c. to cause the duties of that office to be executed under his superintendence, and all the duties of the other officers of the several districts, cities, or towns in this Province, shall be transacted and done between them and the Governor of this Province, in the same manner as they are by this Act required to be done by them, and to the Superintendent of common schools in this Province.

Town clerk to give am't of school monies to clerk of the peace,

who apportions, &c.

And be it, &c.—That it shall be the duty of the town clerk of every township, with as little delay as possible after the annual township meeting, to make out and transmit to the clerk of the peace for his district, the amount of money to be raised in his township for the support of common schools, who shall apportion the same, upon the rateable property of such township, in the same manner as the other monies, to be raised and collected in that township shall be apportioned to be collected.

Commissioners and inspectors.

To be elected at the annual town meeting. 3 commissioners & 3 inspectors

And be it, &c.—That at the township meeting, convened under the authority of an Act passed in the 5th year of the reign of His Majesty William the fourth, entitled an "Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of township officers in this Province, except an act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled "an act to regulate line fences and water courses," and to repeal so much of an act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled "an act to provide for the nomination and appointment of parish and town officers within this Province," as relates to the office of fence viewers being discharged by overseers of highways and roads, there shall be elected in the same manner as other township officers, three persons in each township to be school commissioners of such township, and three persons who shall be school inspectors for the same.

Commissioners to give bonds in double the amount, &c.

And be it, &c.—That the commissioners of the several townships so chosen, as aforesaid, shall be annually required to give bonds to the treasurer of the district, in double the amount of the sums liable to pass through their hands, during the period of their continuance in office.

Powers and duties of commissioners.

Aad be it, &c.—That it shall be the duty of the commissioners of common schools, in each township,

To divide their township into districts.

1. To divide their township into a convenient number of School Districts, and to regulate and alter such districts as hereinafter provided.

to describe and number the school districts.

2. To describe and number the School Districts and to deliver the description and numbers thereof in writing to the Town Clerk, immediately after the formation or alteration thereof.

to apply for and and receive all school monies from the district treasurer and township collector.

3. To apply for and receive from the District Treasurer, all moneys apportioned for the use of common schools in their township, and from the Collector of the Township all moneys raised therein for the same purpose as soon as such moneys shall become payable or be collected.

to apportion the monies so received, according to the ratio of children over 5 and under 16.

4. To apportion the school monies received by them on the first Tuesday in April in each year among the several School Districts, parts of districts, and the neighbourhoods separately set off within their Townships as follows: one moiety in proportion to the number of children residing in each over the age of five and under that of sixteen years, as the same shall have appeared from the last annual reports of their respective Trustees; and the other moiety in proportion to the amount actually paid for teachers wages, during the year, as compared with the whole amount paid in such Township for teachers wages during the same period.

5. If the Commissioners shall have received the

monies to be apportioned within ten days after receipt.

School monies of their Township and all the Report from the School Districts therein before the first Tuesday of April, they shall apportion such monies as above directed within ten days after receiving all of the said reports and the said monies.

to sue for and collect fines and forfeitures, ex-officio.

6. To sue for and collect by their name of office all penalties and forfeitures imposed in this Act, and in respect to which no other provision is made, which shall be incurred by any officer or inhabitant of their Township; and after deducting their costs and expenses, to add the sums recovered to the school monies received by them to be apportioned and paid in the same manner.

Double districts.

And be it, &c.—That whenever it may be necessary or convenient, to form a district out of two or more adjoining townships, the commissioners from each of such adjoining townships, or the major part of them, may form, regulate and alter such district.

Consent of trustees.

And be it, &c.—That no alteration of any school district, made without the consent of the trustees thereof, shall take effect until three months after notice in writing, shall be given by the commissioners, to some one or more of such trustees.

When monies to be withheld

And be it, &c.—That in making the apportionment of monies among the several school districts, no share shall be allotted to any district, part of a district, or separate neighborhood, from which no sufficient annual report shall have been received, for the year ending on the last day of December, immediately preceding the apportionment; excepting all cases where a school district shall have been formed at such a time previous to the first day of January, as not to have allowed a reasonable time to have kept a school therein for the term of three months; such district having been formed out of a district or districts, in which a school house shall have been kept for three months, by a teacher duly qualified, during the year preceding the first day of January.

Exception.

And be it, &c.—That no monies shall be apportioned and paid to any district, or part of a district, unless it shall appear by such report, that a school had been kept therein for at least three months, during the year ending at the date of such report, by a qualified teacher, and that all monies received from the commissioners during that year, have been applied to the payment of the compensation of such teacher; or, as excepted in the last clause of the preceding section of this Act.

Ib.

And be it, &c.—That no part of such moneys shall be apportioned or paid to any separate neighborhood, unless it shall appear from the report of its trustee, that all moneys received by him from the commissioners, during the year ending at the date of such report, have been faithfully applied in paying for the instruction of the children residing in such neighborhood.

As the preceding.

And be it, &c.—That if after the annual reports from the districts shall have been received, and before the apportionment of the school moneys shall have been made by the commissioners, a district shall be duly altered, or a new district be formed in the township, so as to render an apportionment founded solely on the annual reports, unjust, as between two or more districts of the township, the commissioners shall make an apportionment among such districts, according to the number of children in each over the age of five, and under sixteen years; ascertaining that number by the best evidence in their power, and in proportion to the amount of school monies raised in the said township as aforesaid.

Case for new apportionment

Monies in commissioners' hands one year to be added to and apportioned with next year's receipts

And be it, &c.—That all monies apportioned by the commissioners, to the trustees of a district, part of a district, or separate neighborhood, which shall have remained in the hands of the commissioners for one year after such apportionment, by reason of the trustees neglecting or refusing to receive the same, shall be added to the monies next thereafter to be apportioned by the commissioners, and shall be apportioned and paid therewith, and in the same manner.

Monies not apportioned for two years, returned to district treasurer for subsequent apportionment

And be it, &c.—That in case any school monies received by the commissioners, cannot be apportioned by them, for the term of two years after the same are received, by reason of the non compliance of all the school districts in their township with the provisions of this Act, such moneys shall be returned by them to the district Treasurer, to be by him apportioned and distributed, together and in the same manner with the moneys next thereafter to be received by him for the use of common schools.

Commissioners to report annually.

And be it, &c.—That it shall be the duty of the commissioners in each township, between the first day of July and the first day of October in each year, to make and transmit to the district Clerk of the Peace a report in writing bearing date on the first day of July, in the year of its transmission, and stating,

the number of school districts, &c.

1. The whole number of School Districts and neighborhoods, separately sett off within their township.

the districts, &c. which have reported.

2. The Districts, parts of Districts, and neighborhoods, from which reports shall have been made to the commissioners, or their immediate predecessors in office, within the time limited for that purpose.

the length of time a legal school has been kept.

3. The length of time a school shall have been kept in each of such districts or parts of districts, distinguishing what portion of that time the school shall have been kept by qualified teachers.

amount of public monies received.

4. The amount of public moneys received in each of such districts, and parts of districts and neighborhoods.

number of children taught.

5. The number of children taught in each, and the number of children over the age of five and under sixteen years, residing in each.

whole amount of monies received within the year distinguishing the sources.

6 The whole amount of moneys received by the commissioners or their predecessors in office, during the year ending at the date of their report, and since the date of their last preceding report; distinguishing the amount received from the district Treasurer, from the township collector, and from any other, and what source.

made of expenditure.

7. The manner in which such moneys shall have been expended, and whether any, and what part remains unexpended, and for what cause.

Clerk of the peace to report commissioners' neglect to township clerk.

And be it, &c.—That in case the commissioners in any township shall not, on or before the first day of October in any year, make such report to the Clerk of the Peace for the district, it shall be his duty to give immediate notice of such neglect to the clerk of such township.

Forfeiture for neglect.

And be it, &c.—That the commissioners neglecting to make such report within the limited period shall forfeit severally, to their township for the use of the common schools therein, the sum of two pounds ten shillings; and the share of school moneys apportioned to such township for the ensuing year may, in the discretion of the Superintendent of common schools, be withheld, and be distributed among the other townships in the same district, from which the necessary reports shall have been received.

Commissioners liable for amount.

And be it, &c.—That where the share of school moneys apportioned to a township, shall thus be lost to the township by the neglect of its commissioners, the commissioners guilty of such neglect, shall forfeit to their township the full amount, with interest, of the moneys so lost; and for the payment of such forfeiture they shall be jointly and severally liable.

Township clerk to prosecute, &c.

And be it, &c.—That it shall be the duty of the clerk of the township upon notice of such loss, from the superintendent of common schools, clerk of the peace, or district treasurer, to prosecute without delay in the name of the township for such forfeiture, and the monies recovered shall be distributed and paid by such township clerk to the several districts, parts of districts, or separate neighborhoods of the township, in the same manner as it would have been the duty of the commissioners to have distributed and paid them, if received from the district Treasurer.

And be it, &c.—That the commissioners in each town shall keep a just and true account of all school

Commissioners to keep an account,

monies received and expended by them, during the year for which they shall have been chosen, and shall lay the same before the board of auditors of their accounts at the annual meeting of such board in the same year.

And

And be it &c.—That the commissioners of common schools in each township, shall, within fifteen days after the termination of their respective offices, render to their successors in office, a just and true account in writing, of all school monies by them respectively received, before the time of rendering such account, and of the manner in which the same shall have been appropriated and expended by them; and the account so rendered, shall be delivered by such successors in office, to the township clerk, to be filed and recorded in his office.

Render to successors all accounts of monies,

And

(If any)

Pay balance.

And be it &c.—That if on rendering such account any balance shall be found remaining in the hands of the commissioners, or any of them, the same shall be immediately paid by him or them, to his or their successors in office, or some one of them.

If appropriated to be paid accordingly.

And be it &c.—That if such balance or any part thereof shall have been appropriated by the commissioners to any particular school district, part of a district, or separate neighbourhood, and shall remain in their hands for the use thereof, a statement of such appropriation shall be made in the account so to be rendered, and the balance paid to such successors in office shall be paid over by them according to such appropriation.

Forfeiture for neglect.

And be it &c.—That every commissioner of common schools, who shall refuse or neglect to render such account as is above required, or who shall refuse or neglect to pay over to his successor in office, any balance so found in his hands, or to deliver a statement of the appropriation, if any there be, of such balance, shall for each offence forfeit the sum of twenty-five pounds.

Successors to prosecute.

And be it &c.—That it shall be the duty of such successors in office, to prosecute without delay, in their name of office for the recovery of such forfeiture, and to distribute and pay the monies recovered, in the same manner as other school monies received by them.

Suit how brought.

And be it &c.—That such successors in office may bring a suit in their name of office, for the recovery with interest of any unpaid balance of school monies that shall appear to have been in the hands of any previous commissioner on leaving his office, either by the accounts rendered by such commissioner or by other sufficient proof.

Ib.

And be it &c.—That in case of the death of such commissioner, such suit may be brought against his representatives, and all monies recovered shall be applied in the same manner as if they had been paid over without suit.

Corporation.

And be it &c.—That the commissioners of common schools in each township shall have the powers and privileges of a corporation, so far as to enable them to take and hold any property transferred to them for the use of common schools in such township.

Clerk of commissioners his duties.

And be it &c.—That the clerk of the township, by right of office, shall be the clerk of the commissioners of common schools in each township, and it shall be his duty,—

1. To receive and keep all reports made to the Commissioners, from the Trustees of School Districts, and all the books and papers belonging to the Commissioners, and to file them in his office.

2. To attend all meetings of the Commissioners, and to prepare under their direction, all their reports, estimates and apportionments of school money and to record the same and their other proceedings, in a book to be kept for that purpose.

3. To receive all such communications as may be directed to him by the superintendent of Common Schools, & to dispose of the same in the manner directed therein.

4. To transmit to the Clerk of the Peace for the District, all such reports as may be made to such Clerk by the Commissioners.

5. To call together the Commissioners, upon receiving notice from the Clerk of the Peace that they have not made their annual report, for the purpose of making such report.

And generally to do and execute all such things as belong to his office, and may be required of him by the Commissioners.

Of the inspectors of common schools, Who

And be it &c.—That the commissioners of common schools in each township together with the other inspectors elected in their township, shall be the inspectors of common schools for their township.

Their duty as teachers.

And be it &c.—That it shall be the duty of the inspectors of common schools in each township or any three of them, at a meeting of the inspectors called for that purpose, to examine all persons offering themselves as candidates for teaching common schools in such township.

Ib.

And be it &c.—That in making such examination it shall be the duty of the inspectors to ascertain the qualifications of the candidate in respect to *moral character*, learning and ability.

Ib.

And be it &c.—That if the inspectors shall be satisfied in respect to the qualifications of the candidate, they shall deliver to the person so examined, a certificate signed by them, in such form as shall be prescribed by the superintendent of common schools.

Ib.

And be it &c.—That the inspectors, or any three of them may annul any such certificate given by them or their predecessors in office, when they shall think proper, giving at least ten days previous notice in writing, to the teacher holding it, and to the trustees of the district in which he may be employed, of their intention to annul the same.

Ib.

And be it &c.—That the inspectors, whenever they shall deem it necessary, may require a re-examination of all or any of the teachers in their township, for the purpose of ascertaining their qualifications to continue as such teachers.

Ib.

And be it &c.—That the annulling of a certificate shall not disqualify the teacher to whom it was given, until a note in writing thereof, containing the name of the teacher, and the time when his certificate was annulled, shall be made by the inspectors and filed in the office of the clerk of their township.

Ib.

And be it, &c.—That where any school district shall be composed of a part of two or more townships, or any school house shall stand on the division line of any two townships; the inspectors of either township may examine into and certify the qualifications of any teacher, offering to teach in such district in the same manner as is provided by the preceding sections of this article; and may also in the same manner annual the certificate of such teacher.

Ib. As to visiting schools.

And be it, &c.—That it shall be the duty of the inspectors to visit all such common schools, within their township as shall be organized according to law, at least once a year, and oftener if they shall deem it necessary.

Ib.

And be it, &c.—That at such visitation the inspectors shall examine into the state and condition of such schools both as respects the progress of the scholars in learning, and the good order of the schools, and may give their advice and direction to the trustees and teachers of such schools, as to the government thereof, and the course of studies to be pursued therein.

Ib.

And be it, &c.—That each of the inspectors, by agreement with or direction of the other inspectors, may be assigned to a certain number of school districts, which it shall be his special duty to visit and inspect.

Formation of school districts &c.

And be it, &c.—That whenever any school district shall be formed in any township, by the commissioners of common schools, it shall be the duty of some one or more of the commissioners, within twenty days thereafter, to prepare a notice in writing describing such district, and appointing a time and place for the first district meeting, and to deliver such notice to a taxable inhabitant of the district.

Commissio'rs to give notice.

Notice for first meeting.

And be it, &c.—That it shall be the duty of such inhabitant to notify every other inhabitant of the district, qualified to vote at district meetings, by reading the notice in the hearing of such inhabitant, or in case of his absence from home, by leaving a copy thereof, or of so much thereof as relates to the time and place of such meeting at the place of his abode, at least six days before the time of the meeting.

When to be renewed.

And be it, &c.—That in case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble or form a district meeting, when so notified, or in case any such district, having been formed and organized in pursuance of such notice, shall afterwards be dissolved so that no competent authority shall exist therein to call a special district meeting, in the manner hereinafter provided, such notice shall be renewed by the commissioners, and served in the manner above prescribed.

Penalty for not serving notice.

And be it, &c.—That every taxable inhabitant to whom a notice of a district meeting shall have been properly delivered for service, who shall refuse or neglect to serve the notice in the manner above in this article enjoined, shall for every such offence, forfeit the sum of one pound five shillings.

Inhabitants, when to assemble.

And be it, &c.—That whenever any district meeting shall be called in the manner prescribed in the preceding sections of this article, it shall be the duty of the inhabitants of the district, qualified to vote at district meetings, to assemble together at the time and place mentioned in the notice.

Qualification of voters.

And be it, &c.—That no person shall vote at any school-district meeting, unless he shall be a freeholder in the township where he votes, or shall have been assessed the same year in which he votes, or the preceding year, to pay taxes therein; or shall possess personal property to the amount of twelve pounds ten shillings, liable to taxation in the district; and every person not so qualified, who shall vote at any such meeting, shall for each offence forfeit the sum of two pounds ten shillings.

Powers of district meetings.

And be it, &c.—That the inhabitants so entitled to vote when so assembled in such district meeting, or when lawfully assembled at any other district meeting, shall have power, by a majority of the votes of those present—

1st.—To appoint a moderator for the time being.

2d.—To adjourn from time to time, as occasion may require.

3rd.—To choose a district clerk, three trustees, and one district collector, at their first meeting, and as often as such offices or either of them become vacated.

4th.—To designate a site for the district school house.

5th.—To lay such tax on the taxable inhabitants of the district, as the meeting shall deem sufficient to purchase, or lease a suitable site for a school house, and to keep in repair and furnish the same with necessary fuel and appendages.

6th.—To repeal, alter, and modify their proceedings from time to time, as occasion may require.

Annual meeting.

And be it, &c.—That in each school district an annual meeting shall be held, at the time and place previously appointed: at the first district meeting and at each annual meeting, the time and place of holding the next annual meeting shall be fixed.

Special meeting.

And be it, &c.—That a special meeting shall be held in each district, whenever called by the trustees; and the proceedings of no district meeting, annual or special, shall be held illegal, for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice, was wilful and fraudulent.

Limitation of tax.

And be it, &c.—That no tax to be voted by a district meeting for building, hiring, or purchasing a school house, shall exceed the sum of one hundred pounds, unless the commissioners of common schools of the township in which the school house is to be situated, shall certify in writing their opinion that a larger sum ought to be raised, and shall specify the sum; in which case, a sum not exceeding the sum so specified shall be raised.

Joint meeting of com'rs.

And be it, &c.—That if the commissioners of common schools in any township, shall require in writing the attendance of the commissioners of any other township or townships, at a joint meeting, for the purpose of altering a school district, formed from their respective townships and a major part of the commissioners notified, shall refuse or neglect to attend, the commissioners attending, by a majority of votes may call a special district meeting of such district for the purpose of deciding on the proposed alteration; and the decision of such meeting shall be as valid, as if made by the commissioners of all the townships interested, but shall not proceed no further than to dissolve the district formed from such townships.

Altering dist. school house disposed of.

And be it, &c.—That when a new district shall be formed from one or more districts, possessed of a school house and in cases where any district from which such new district shall be in whole or in part formed, shall be entitled to other property than its school house, then the commissioners of common schools, at the time of forming such new district shall ascertain and determine the amount justly due to such new district, from any district, out of which it may have been in whole or in part formed, as the proportion of such new district, of the value of the school house and other property belonging to the former district, at the time of such division.

Proportion how ascertained.

And be it, &c.—That such proportion shall be ascertained, according to the taxable property of the inhabitants of the respective parts of such former district, at the time of the division, by the best evidence in the power of the commissioners: and deduction shall be made therein for any debts due from the former district.

How levied and applied.

And be it, &c.—That such proportion when ascertained shall be levied, raised and collected, with the fees for collection, by the trustees of the district retaining the school house or other property of the former district, upon the taxable inhabitants of their district, in the same manner as if the same had been authorised by a vote of their district for the building of a school house; and when collected, shall be paid to the trustees of the new district, to be applied by them towards procuring a school house for their district; and the monies so paid to the new district shall be allowed to the credit of the inhabitants who are taken from the former district, in reduction of any tax that may be imposed for erecting a school house.

Dist officers. Tenure.

And be it, &c.—That the clerk, trustees, and collector of each school district, shall hold their respective offices, until the annual meeting of such district, next following the time of their appointment, and until others shall be elected in their places.

Vacancies, how filled.

And be it, &c.—That in case any such office shall be vacated by the death, refusal to serve, removal out of the district, or incapacity of any such officer, and the vacancy shall not be supplied by a district meeting within one month thereafter, the commissioners of common schools of the town, may appoint any person residing in such district to supply such vacancy.

Forfeiture.

And be it, &c.—That every person duly chosen or appointed to any such office, who without sufficient cause shall refuse to serve therein, shall forfeit the sum of one pound five shillings; and every person so chosen or appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of two pounds ten shillings.

Resignation.

And be it, &c.—That any person chosen or appointed to any such office, may resign the same in this manner: any three commissioners of the Court of Requests of a district may, for sufficient cause shewn to them accept the resignation of any town-

ship officer of their township, or of any officer of a school district, and the acceptance of such resignation shall be a bar to the recovery of either of the penalties mentioned in the preceding section. The commissioners of the Court of Requests accepting the resignation shall give notice thereof, to the clerk or to one of the trustees of the school district to which the officer resigning shall belong.

Duty of dist. clerk.

And be it, &c.—That it shall be the duty of the clerk of each school district,

1. To record the proceedings of his district in a book to be provided for that purpose by the district, and to enter therein true copies of all reports made by the trustees of his district, to the commissioners of common schools.

2. To give notice of the time and place for special district meetings, when the same shall be called by the trustees of the district, to each inhabitant of such district liable to pay taxes, at least five days before such meeting shall be held, in the manner prescribed by this Act.

Adjourned meetings.

3. To affix a notice in writing of the time and place for any adjourned district meeting, when the same shall be adjourned for a longer time than one month, in at least four of the most public places of such district, at least five days before the time appointed for such adjourned meeting.

Notice of annual meetings.

4. To give the like notice of every annual district meeting.

5. To keep and preserve all records, books and papers belonging to his office, and to deliver the same to his successor in office, in the manner, and subject to the penalties provided by law, in relation to the clerk of the township.

Duty of trustees.

And be it, &c.—That it shall be the duty of the trustees of every school district, and they shall have power,

1. To call special meetings of the inhabitants of such district, liable to pay taxes, whenever they shall deem it necessary and proper.

2. To give notice of special, annual, and adjourned meetings, in the manner prescribed in the last preceding section, if there be no clerk of the district, or he be absent or incapable of acting.

3. To make out a tax list of every district tax, voted by any such meeting; containing the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, set opposite to his name.

4. To annex to such tax list a warrant directed to the collector of the district for the collection of the sums in such list mentioned, with five per cent thereof for his fees.

5. To purchase or lease a site for the district school house, as designated by a meeting of the district, and to build, hire, or purchase, keep in repair and furnish such school house, with necessary fual and appendages, out of the funds collected and paid to them for such purposes.

6. To have the custody and safe keeping of the district school house.

7. To contract with and employ all teachers in the district.

8. To pay the wages of such teachers when qualified, out of the monies which shall come into their hands from the commissioners of common schools, so far as such monies shall be sufficient for that purpose; and to collect the residue of such wages, excepting such sums as may have been collected by the teachers from all persons liable therefor.

9. To divide the public monies received by them, whenever authorised by a vote of their district, into not exceeding four portions for each year; to assign and apply one of such portions to each quarter or term during which a school shall be kept in such district, for the payment of the teacher's wages during such quarter or term; and to collect the residue of such wages, not paid by the proportion of public money allotted for that purpose, from the persons liable therefor, as above provided.

10. To exempt from the payment of the wages of teachers, such indigent persons within the district, as they shall think proper.

11. To certify such exemptions and deliver the certificate thereof to the clerk of the district, to be kept on file in his office.

12. To ascertain, by examination of the school list kept by such teachers, the number of days for which each person not so exempted shall be liable to pay for instruction, and the amount payable by each person.

13. To make out a rate bill, containing the name of each person so liable, and the amount for which he is liable; adding thereto five per cent of the sum due from him, for collectors fees; and to annex thereto a warrant for the collection thereof.

14 To deliver such rate bill, with the warrant annexed, to the collector of the district, who shall execute the same in like manner with other warrants directed to him by them.

Taxes how apportioned.

And be it, &c.—That in making out a tax list, the Trustees shall apportion the tax on all the taxable inhabitants within their district, according to the valuations of the taxable property which shall be owned or possessed by them, at the time of making out the list, within the district, or which being intersected by the boundaries of the district, shall be owned or possessed by them, partly in such district and partly in any adjoining district; but where taxable property shall be owned by one inhabitant and possessed by another, only one of them shall be taxed therefor.

Ib.

And be it, &c.—That any person owning or holding any real property within any school district, who shall improve and occupy the same by his agent or servant, shall, in respect to the liability of such property to taxation, be considered a taxable inhabitant of such district, in the same manner as if he actually resided therein.

Ib.

And be it, &c.—That if there shall be any real property within a district, cultivated and improved, but not occupied by a tenant or agent, and the owner of which shall not reside within the district, nor be liable to be taxed for the same in an adjoining district, such owner shall be taxable therefor in the same manner as if he were an inhabitant of the district—but no portion of such property, but such as shall be actually cleared and cultivated, shall be included in such taxation.

Valuation how ascertained.

And be it, &c.—That the valuations of taxable property shall be ascertained as far as possible, from the last assessment roll of the township; and no person shall be entitled to any reduction in the valuation of such property as so ascertained, unless he shall give notice of his claim to such reduction, to the trustess of the district before the tax list shall be made out.

Ib.

And be it, &c.—That in every case where such reduction shall be duly claimed, and in every case where the valuation of taxable property cannot be ascertained from the last assessment roll of the township, the trustees shall ascertain the true value of the property to be taxed, from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner, as the township assessors are required by law to proceed, in the valuations of taxable property.

Exemption in certain cases.

And be it, &c.—That every taxable inhabitant of a district, who shall have been within four years set off from any other district, by the commissioners of common schools, without his consent, and shall, within that period, have actually paid in such other district, under a lawful assessment therein, a district tax for building a school house, shall be exempted by the trustess of the district where he shall reside from the payment of any tax for building a school, house therein.

Time of making tax list.

And be it, &c.—That every district tax shall be assessed and the tax list thereof be made out by the trustees, within one month after the district meeting in which the tax shall have been voted.

Remedy for tenant against owner.

And be it, &c.—That where any district tax for the purpose of purchasing a site for a school house, or for purchasing or building, keeping in repair or furnishing such school house with necessary fuel and appendages, shall be lawfully assessed and paid by any person, on account of any real property, whereof

he is only tenant-at-will, or for three years, or for a less period of time, such tenant may charge the owner of such real estate with the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

Fuel how provided.

And be it, &c.—That when the necessary fuel for the school of any district shall not be provided by means of a tax on the inhabitants of the district, it shall be the duty of every person sending a child to the school to provide his just proportion of such fuel.

Proportion how determined.

And be it, &c.—That the proportion of fuel which every person sending children to the school shall be liable to provide, shall be determined by the trustees of the district, according to the number of children sent by each; but such indigent persons as in the judgment of the trustees shall be unable to provide the same, shall be exempted from such liability.

When trustees to furnish and charge delinquent.

And be it, &c.—That when any person liable to provide fuel, shall omit to provide the same, on notice from any one of such trustees, it shall be the duty of the trustees to furnish such fuel and to charge the person so in default, the value of, or amount paid for the fuel furnished.

Ib.

And be it, &c.—That such value or amount may be added to the rate bill of the monies due for instruction, and may be collected therewith and in the same manner; or the trustees may sue for and recover the same in their own names, with costs of suit.

Warrant.

And be it, &c.—That the warrant annexed to any tax list or rate bill, shall be under the hands & seals of the trustees or a majority of them, and shall command the collector to collect from every person in such tax list and rate bill named, the sum therein set opposite to his name.

Ib.

And be it, &c.—That the warrant annexed to any tax list for the collection of a district tax for erecting or repairing any school house, shall command the collector, in case any person named in such list shall not pay the sum therein set opposite to his name, on demand, to levy the same of his goods and chattels, in the same manner as on warrants issued to the collectors of townships.

Trustees may renew or sue delinquent.

And be it, &c.—That if the sum or sums of money payable by any person named in such tax list or rate bill shall not be paid by him or collected by such warrant within the time therein limited, it shall and may be lawful for the trustees to renew such warrant in respect to such delinquent person; or in case such person shall not reside within their district at the time of making out a tax list or rate bill, or shall not reside therein at the expiration of such warrant, and no goods and chattels can be found therein, whereon to levy the same, the trustees may sue for and recover the same in their name of office.

Annual rep't of trustees.

And be it, &c.—That if the monies apportioned to a district by the commissioners of common schools shall not have been paid, it shall be the duty of the trustees thereof to bring a suit for the recovery of the same, with interest, against the commissioners in whose hands the same shall be, or to pursue such other remedy for the recovery thereof as is or shall be given by law; and the monies when recovered, shall be applied by them in the same manner as if they had been paid without suit.

How made.

And be it, &c.—That the trustees of each district school shall after the first day of January in every year, and on or before the first day of March thereafter, make out and transmit a report in writing to the commissioners of common schools for such township, dated on the first day of January in the year in which it shall be transmitted.

Its contents

And be it, &c.—That every such report signed and certified by a majority of the trustees making it, shall be delivered to the township clerk and shall specify,

1. The whole time any school has been kept in their district, during the year ending on the day previous to the date of such report, and distinguishing what portion of the time such school has been kept by qualified teachers.

2. The amount of monies received from the commissioners of common schools during such year, and the manner in which such monies have been expended.

3. The number of children taught in the district during such year.

4. The number of children residing in the district on the last day of December previous to the making of such report, over the age of five years, and under sixteen years of age, (except Indian children otherwise provided for by law), and the names of the parents or other persons with whom such children shall respectively reside, and the number of children residing within each.

Qualified teachers.

And be it, &c.—That no teacher shall be deemed a qualified teacher within the meaning of this act, who shall not have received, and shall not then hold a certificate of qualification, dated within one year, from the inspectors of common schools for the township in which he shall be employed.

District formed from 2 townships, how to report.

And be it, &c.—That where a school district is formed out of two or more adjoining townships, it shall be the duty of the trustees of such district, to make and transmit a report to the commissioners of common schools for each of the townships out of which such district shall be formed, within the same time and in the same manner, as is required in this act; distinguishing the number of children over the age of five and under sixteen years, residing in each part of a district, which shall be in a different township from the other parts, and the number of children taught, and the amount of school monies received for each part of the district.

Separate neighborhoods how to report.

And be it, &c.—That where any neighborhood shall be set off by itself, the inhabitants of such separate neighborhood shall annually meet together, and choose one trustee; whose duty it shall be every year, within the time limited for making district reports, to make and transmit a report, in writing, bearing date on the first day of January, of the year in which it shall be transmitted, to the commissioners of common schools of the township from which such neighbourhood shall be set off, specifying the number of children over the age of five and under sixteen years, residing in such neighborhood; the amount of monies received from the commissioners since the date of his last report, and the manner in which the same have been expended.

Penalty for false reports.

And be it, &c.—That every trustee of a school district, or separate neighborhood, who shall sign a false report to the commissioners of common schools of his township, with the intent of causing such commissioners to apportion and pay to his district or neighbourhood a larger sum than its just proportion of the school monies of the township, shall, for each offence, forfeit the sum of six pounds five shillings, and shall also be deemed guilty of a misdemeanor.

Property of districts how held.

And be it, &c.—That all property now vested in the trustees of any school district, for the use of schools in the district, or which may be hereafter transferred to such trustees for that purpose, shall be held by them as a corporation.

Trustees account.

And be it, &c.—That the trustees of each school district shall on the expiration of their offices, render to their successors in office, and to the district, at a district meeting, a just and true account, in writing, of all monies received by them respectively, for the use of their district, and of the manner in which the same shall have been expended; which account shall be delivered to the district clerk, and be filed by him.

Balance paid to successors.

And be it, &c.—That any balance of such monies which shall appear from such account to remain in the hands of the trustees, or either of them, at the time of rendering the account, shall immediately be paid to some one or more of their successors in office.

Forfeitures for negligence

And be it, &c.—That every trustee who shall refuse or neglect to render such account, or to pay over any balance so found in hands, shall, for each offence, forfeit the sum of six pounds five shillings.

How prosecuted.

And be it, &c.—That it shall be the duty of his

successors in office to prosecute without delay in their name of office, for the recovery of such forfeiture, and the monies recovered shall be applied by them to the use and benefit of their district school.

Remedy ag'st former trust's.

And be it, &c.—That such successors shall also have the same remedies for the recovery of an unpaid balance in the hands of a former trustee, or his representatives, as are given to the commissioners of common schools against a former commissioner and his representatives; and the monies recovered shall be applied by them to the use of their district, in the same manner as if they had been paid without suit.

Bonds to be delivered.

And be it, &c.—That all bonds or securities, taken by the trustees from the collector of their district, shall on the expiration of their office, be delivered over by them to their successors in office.

Fees of collection.

And be it, &c.—That the collector of each school district shall be allowed five per cent on all sums collected and paid over by him.

His duty in collecting tax.

And be it, &c.—That it shall be his duty to collect and pay over to the trustees of his district, some or one of them, all monies which he shall be required by warrant to collect, within the time limited in such warrant for its return, and to take the receipt of such trustee or trustees for payment.

To give bond

And be it, &c.—That every collector of a school district, shall before receiving any warrant for the collection of monies execute a bond to the trustees of his district when required by them, in their corporate name, with one or more sureties, to be approved by one or more of the trustees, in double the amount of taxes to be collected, conditioned for the due and faithful execution of the duties of his office.

If not how to proceed.

And be it, &c.—That if any collector shall not execute such bond within the time allowed him by the trustees for that purpose, which shall not be less than ten days his office shall be vacated, and the trustees may appoint any other person residing in the district, as collector in his place.

Forfeiture for neglect.

And be it, &c.—That if, by the neglect of the collector, any monies shall be lost to his district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to his district the full amount of the monies thus lost, and shall account for and pay over the same to the trustees of his district, in the same manner as if they had been collected.

Trustees may sue.

And be it, &c.—That for the recovery of all forfeitures, and of balances in the hands of a collector which he shall have neglected to pay over, the trustees of the district may sue in their name of office; and shall be entitled to recover the same with interest and costs, and the monies recovered shall be applied by them in the same manner as if paid without suit.

Appeal no superintendents

And be it, &c.—That any person considering himself aggrieved in consequence of any decision made.

1. By any school district meeting.

2. By the commissioners of common schools, in the forming or altering, or in refusing to form or alter any school district, or in refusing to pay any school monies to any such district.

3. By the trustees of any district in paying any teacher or refusing to admit any scholar gratuitously into any school.

4. Or concerning any other matter under the present article;

May appeal to the superintendent of common schools, whose decision thereon shall be final.

Of certain duties of the clerk of the peace for the district

And be it, &c.—That it shall be the duty of each Clerk of the Peace for the district, between the first day of October, and the first day of December, in every year, to make & transmit to the superintendent of common schools, a report, in writing, containing the whole number of townships in his district, distinguishing the townships from which the necessary reports have been made to him by the commissioners of common schools, and containing a certified copy of all such reports.

Penalty for neglect.

And be it, &c.—That every Clerk of the Peace who shall refuse or neglect to make such report, within the period so limited, shall, for each offence, forfeit the sum of twenty five pounds to the use of the school fund of the Province.

How prosecuted & applied.

And be it, &c.—That it shall be the duty of the superintendent of common schools to prosecute without delay, in his name of office, for such forfeiture, and to pay the monies recovered, into the treasury of the Province, to the credit of the school fund.

Notice to cl'ks of townships.

And be it, &c.—That it shall be the duty of each Clerk of the Peace, after the first day of October in every year, in case the commissioners of common schools, of any township in his district, shall have neglected to make to him their annual report, to give notice of such neglect to the clerk of the township who shall immediately assemble such commissioners for the purpose of making their report.

Site of school house, how changed.

And be it, &c.—That whenever a school house shall have been built, or purchased for a district, the site of such school house shall not be changed, nor the building thereon be removed, as long as the district shall remain unaltered, unless by the consent in writing, of the commissioners of common schools, or a majority of them, of the township or townships within which such district shall be situated, stating that in their opinion such removal is necessary; nor then, unless two-thirds of all those present at a special meeting of such district, called for that purpose and qualified to vote therein, shall vote for such removal and in favor of such new site.

Vote by ayes and nays.

And be it, &c.—That such vote shall be taken by ayes and nays, and the name of each voter with the vote that he shall give, shall be entered by the clerk in the records of such school district.

Notices.

And be it, &c.—That every notice of a district meeting called in pursuance of this Act, shall state the purpose for which such meeting is called.

Sale of school lot & building.

And be it, &c.—That whenever a site of a school house shall have been changed as herein provided, by the inhabitants of the district entitled to vote, lawfully assembled at any district meeting, such meeting shall have power, by a majority of the votes of those present, to direct the sale of the former site or lot, and the buildings thereon, and appurtenances, or any part thereof, at such price and upon such terms as they shall deem most advantageous to the district, and any deed duly executed by the trustees of such district, or a majority of them, in pursuance of such direction shall be valid and effectual to pass all the estate or interest of such school district, in the premises intended to be conveyed thereby, to the grantee named in such deed; and when a credit shall be directed to be given upon such sale, for the consideration money, or any part thereof, the trustees are hereby authorised to take, in their corporate name, such security by bond and mortgage, or otherwise, for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the district, in the manner they are now required by law to account for monies received by them; and the trustees of any such district for the time being may, in their name of office, sue for and recover the monies due and unpaid upon any security so taken by them or their predecessors in office, with interest and costs.

Avails how to be applied

And be it, &c.—That all monies arising from any sale made in pursuance of the last preceding section, shall be appropriated to the payment of the expenses incurred in procuring a new site, and in removing or erecting a school house, or either of them, so far as such application thereof shall be necessary.

Provision for educat'g male & female teachers.

And be it, &c.—That whenever the permanently available school funds of this Province, shall exceed ten thousand pounds per annum by not less than one thousand pounds, one thousand pounds annually shall be set apart and appropriated by the superintendent towards the endowment and support of four schools in this Province for the education of teachers, three of which shall be for the education and qualification of male teachers, and one for the education and qual-

ification of female teachers within this Province; and that the same shall be located in such parts of the Province as shall be provided by some future Act of the Legislature.

Garden, &c. plot provided for.

And be it, &c.—That it shall and may be lawful for any school district in any township in this Province, when two-thirds of the taxable inhabitants of that school district shall think fit, and shall by their vote, authorize the levying and collecting a tax for the same, to the amount of any sum, not exceeding one hundred pounds, except as is provided for raising a larger sum than one hundred pounds for building a school house to be raised, levied and collected in the same manner as the tax for building a school house is, by this act authorised to be raised, levied and collected; to authorise the trustees of such school district to raise, levy and collect the monies so voted, and therewith to purchase or lease a lot or parcel of land, farming utensils, seeds, grains and grasses for the use, benefit and behoof of that district, for the use of the teachers of the school, or to be annually apportioned among the scholars of the school; or otherwise employed and occupied, for the profit and instruction of the school or parts thereof, in horticulture, agriculture, or otherwise, growing plants, fruits, grasses and grains, as the trustees together with the school teacher for the time being may think fit; and the avails and profits thereof to be applied, laid out, given and expended in the advancement of the true interests of that school district, to the scholars cultivating the same or otherwise, according to just and equitable principles as the said trustees, together with the teacher may think fit.

Mechanical arts.

And be it, &c.—That it shall and may be lawful for any school district in any township in this Province, when two-thirds of the taxable inhabitants of that school district shall think fit, and shall by their vote authorise the levying and collecting a tax for the same to the amount of any sum not exceeding one hundred pounds, excepting as is provided in the preceding section to be raised, levied and collected, in the same manner as the tax for building a school house is by this act authorised to be raised, levied and collected, to authorise the trustees of such school district, to raise, levy, and collect the monies so voted, and therewith to purchase or lease any shop, work-house, mechanical tools and materials, for the purpose of enabling the scholars of the school taught in that district profitably to employ a portion of their time in the acquiring a knowledge of such mechanical skill, art, business or profession, as the trustees together with the school teacher of such district shall think fit, and to apply the profits of the business to the best interests of the district as they may deem expedient.

Act when to take effect.

And be it, &c.—That this Act shall take effect immediately after its passage.

APPENDIX.

Form of a District rate bill, or tax list. (This form is to be used when a tax is voted for fuel, or when a school bill is to be collected by warrant.) ☞When the warrant is attached to rate bill for teachers wages, instead of the valuation of "*real and personal estate*," (as in the second form) the caption may be made thus;—the warrant attached, to be the same in both cases.

RATE BILL *of the persons liable for teachers wages, in district No.* ———, *in the township of* ———, *for the school term ending* ——— 18—.

NAMES.	No. of days sent	Amount of School Bill including Collectors fees.
A. B., &c.	100	0 5 8

LIST *of* TAXES *payable by the following persons, taxable inhabitants of District No.* ——— *in the Township of* ——— *made by the Trustees of said District, on the* ——— *day of* ——— 18 , *in conformity to law.*

NAMES.	Valuation of Real Estate.	Personal Estate.	Total.	Amount of Taxes.
A. B....	£ 250	£ 50	£300	£1 10
C. D....	375	125	500	2 10
E. F....	500	200	700	3 10

Form of warrant.

District of } ss. } To the collector of school District No. in the township of in the district aforesaid, greeting:

You are hereby commanded and required to collect, from each of the inhabitants in the annexed tax list, or rate bill, named, the sum of money set opposite to his name in said list, and within thirty days after receiving this warrant, to pay the amount thereof collected by you (retaining five per cent for your fees,) into the hands of the trustees of said district, or some or one of them, and take his or their receipt therefor; and if any of the said inhabitants shall not pay such sum, on demand, you are hereby further commanded to levy the same of his goods and chattles, together with the costs and charges of such levy and sale, in the same manner as on executions issued by a commissioner of the court of Requests.

Given under our hands and seals this day of 18

A. B. [L. S.]
C. D. [L. S.] } Trustees.
E. F. [L. S.]

Note

The tax list must be made out within one month after the district meetings in which the tax was voted. The collector in executing this warrant will proceed in the same manner as on an execution issued by a commissioner of the court of Requests.

[When a tax is voted for building or repairing a school house, the caption as on page , for taxes for fuel, will be followed, and the warrent annexed to such tax list, and valuation, will be in the following form:]

District of } ss. } To the collector of school district number in the township of in the district of greeting:

You are hereby commanded and required to collect, from each of the inhabitants of said district, in the annexed tax list, named, the sum of money set opposite to his name in said list, and within thirty days after receiving this warrant, to pay the amount thereof collected by you, (retaining your fees for collection,) into the hands of the trustees of said district, or some or one of them, and take his or their receipt therefor: and in case any person named in such list, shall not pay the sum therein set opposite to his name, on demand, you are hereby

commanded to levy the same by distress and sale of the goods and chattles of the said delinquent, in the same manner as on warrants issued by the commissioners of the courts of request to the collectors of taxes.

Given under our hands and seals, this ——— day of ——— in the year of our Lord, one thousand eight hundred and ———

A. B. [L. S.]
C. D. [L. S.] } Trustees.
E. F. [L. S.]

Form of a Bond to be given by a District Collector.

Know all men by these presents, that we, A. B. and C. D. (the collector and his surety) are held and firmly bound to E. F. and G. H. &c., trustees of school district number——— in the township of ——— in the sum of [*here insert a sum double the amount to be collected* to be paid to the said E. F. G. H. &c., trustees aforesaid, or to the survivor or survivors of them, or their assigns, trustees of said district, to the which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals, and dated this ——— day of ——— 18—, &c.

The condition of this obligation is such, that, whereas the above bounden A. B. has been chosen (or appointed as the case may be) collector of the above mentioned school district number ——— in the township of ——— in conformity to the Act for the support of common schools; now, therefore, if he the said A. B. shall well and truly collect and pay over, after deducting five per cent as his fees, the monies assessed upon the taxable inhabitants of said district, in a rate bill or tax list, dated the ——— day of ——— 18— and this day received by the said collector, which assessment amounts to a total sum of ——— pounds ——— shillings and ——— pence, and shall in all respects duly and faithfully execute the said warrant; and all the duties of his office as collector of such district; then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed, and delivered in presence of } A. B. [L.S.] C. D. [L.S.]

Form of the apportionment of Fuel, to be made by the Trustees, when the same has not been provided by a tax on the District.

We, the trustees of district No. ——— in the township of ——— do certify that each person whose name is hereunto annexed, is liable to provide the proportion of fuel set opposite his name, for the use of the school in said district, viz:

NAMES.	No. of Children sent.	Amount of Wood.
A. B.....	2 children.....	.....1 cord.....
C. D.....	4 do.	.....2 do. .....
E. F.....	6 do.	.....3 do. .....

Given under our hands at ——— this ——— day of ——— 18—.

A. B.
C. D. } *Trustees.*
E. F.

Form of a District Report to be made by the Trustees to the Commissioners of Common Schools.

To the Commissioners of Common Schools in the Township of ———.

We, the trustees of school district number ——— in said township, in conformity with the statute for the support of common schools, do certify and report, that the whole time any school has been kept in our district during the year ending on the date hereof, and since the date of the last report, for said district, is [*here insert the whole time any school has been kept in the district school house, although for a part of that time it may have been kept by teachers not approved by the inspectors*] and that the time during said year, and since last said report, such school has been kept by a teacher (or teachers as the case may be) duly appointed and approved in all respects according to law, is [*here insert same with precision.*] That the amount of money received in our district from the commissioners of common schools, during the said year, and since the date of the said last report, is [*here insert the whole amount, although it may have been received in whole or in part, by predecessors in office*] and that the said sum has been applied to the payment of the compensation of teachers employed in said district, and qualified as the statute prescribes. That the number of children taught in said district, during said year, and since last said report, is [*here insert same, not by conjecture, but by reference to the teacher's list or other authentic sources*] and that the number of children residing in our district on the last day of December last, who are over five and under sixteen years of age, is [*here insert the number taking in such only as permanently resided in the district on the last day of December, and who are then over five and under sixteen years of age*] and that the names of the parents, or other persons with whom such children respectively reside, and the number residing with each, are as follows, viz:

PARENTS, &c.	No. OF CHILDREN.
A. B.....	... .5.....
C. D.....	... .3.....
E. F.....	....2.. .....

And we further report, that our school has been visited by the inspectors of common schools, or one of them during the year preceding this report, [*once in each quarter; or more, or less, or not at all, as the case may be.*] and that the sum paid for teachers' wages, over and above the public monies apportioned to said district, during the same year, amounts to £ ——— [*this blank is to be filled with the sum total of all the school bills for the year, which are made out after applying the school money to the payment of teachers' wages.*]

Dated at ——— this first day of January, in the year of our Lord one thousand eight hundred and ———.

A. B.
C. D. } *Trustees.*
E. F.

Form of a district report, where the district is formed out of two or more adjoining townships.

To the Commissioners of Common Schools of the Township of ———.

We, the trustees of school district number ——— formed, partly out of the said township, and partly out of the adjoining township of ——— do in conformity with the statute for the support of common schools certify and report.

That the whole time any school has been kept in our district during the year ending on the date hereof, and since the date of the last report for said district, is [*here insert the whole time any school has been kept in the district school house, although for a part of that time it may have been kept by teachers, not approved by the inspectors*] and that the time during said year, and since the last report such school has been kept by a teacher, [*or teachers, as the case may be,*] duly appointed and approved in all respects according to law, is [*here insert the same with precision*] that the total amount of money received by said district, from the commissioners of common schools of the respective townships out of which said district is formed, since the date of the last annual report of said district, is [*here insert the whole amount, although it may have been received in whole or in part, by predecessors in office,*] and that the said sum has been applied to the payment of the compensation of teachers employed in said district, and qualified as the statute prescribes.

That the number of children taught in said district, during said year, and since said last report, is [*here insert same, not by conjecture, but by reference to the teacher's list, or other authentic sources,*] and that the number of children residing in our district, on the last day of December last, who are over five and under sixteen years of age, is [*here insert the number, taking in such only as permanently resided in the district, on said day, and who were then over five and under sixteen years of age.*] and that the names of the parents, or other persons with whom such children respectively reside, and the number residing with each, are as follows, viz:

PARENTS.	NUMBER OF CHILDREN
A. B.	5
C. D.	3
E. F.	2

And we do further specify and report, that of the said sum of money so as above stated to have been received in our said district, the sum of [*here state the same*] was received for, and on account of that part of said district lying in the said township of ——— and the sum of ——— for and on account of the other part thereof, lying and being in said township of ——— that of the said children, so as above stated to have been taught in our said district, the number belonging

to that part of said district, lying in the said township of is and that the number belonging to the other part thereof, lying in the said township of is

That of the said children, between the said ages of five and sixteen years, so as above stated to reside in our district, the number residing in that part of said district, lying in the said township of is and that the number residing in the other part thereof, lying in the said township of is

We further report that our school has been visited by the inspectors of common schools, or one of them, during the year preceding this report; [*once in each quarter, or more or less, or not at all, as the case may be*] and the sum paid for teachers' wages, over and above the public monies apportioned to said district, during the same year, amounts to —— pounds —— shillings and —— pence, of which the sum of —— pounds —— shillings and —— pence, were paid by that part of the district lying in the township of ——, and —— pounds —— shillings —— pence, by the part lying in the township of —— [*This blank is to be filled with the sum total of all the school bills for the year, which are made out after applying the school money to the payment of teachers' wages.*]

Dated at this first day of January, in the year of our Lord one thousand eight hundred and

A. B.
C. D. } Trustees.
E. F.

Form of notice for a special district meeting.

To the Clerk of District No.——

The Trustees of district No.—— at a meeting held for the purpose, have resolved that a special meeting be called at the school house on the day of 18 at o'clock, noon, of that day, for the purpose of [*choosing a collector in place of A. B. removed, or whatever the object of the meeting may be*] and for the transaction of such other business as the meeting may deem necessary.

You will therefore notify each taxable inhabitant of the district, by reading this notice in his hearing, or if he is absent from home, by leaving a copy of it, or so much as relates to the time and place of meeting, at the place of his abode, at least five days before such meeting.

Dated at this day of 18

A. B.
C. D. } Trustees.
E. F.

Form of notice for an adjournnd District Meeting, to be posted up in the district.

SCHOOL DISTRICT NOTICE.

Notice is hereby given, that a meeting of the freeholders and inhabitants of this school district, authorised by law to vote therein, will be held at on the day of next [*or instant. as the case may be*] at o'clock in the noon, pursuant to adjournment.

Dated at school district No. in the township of this day of A. D. 18

A. B. *District Clerk.*

N B.-If it be the annual meeting, it should be so termed in the notice

☞ These notices are to be posted up in four of the most public places in the district, at least five days before the annual, or any other meeting which has been adjourned for more than one month.

Form of minutes to be kept by the District Clerk of proceedings of District Meetings.

At a meeting of the freeholders and inhabitants of school district number in the township of , held pursuant to adjournment, at on the day of 18 , (or if it be the annual meeting, say, "at an annual meeting of, &c. held pursuant to appointment and public notice, at &c."—or if it be a special meeting, say, "at a special meeting of, &c. called by the trustees of said district, and held pursuant to special notice, at, &c. on the day of, &c.) A. B. was chosen moderator, and C. D. was present as district clerk, (or if the clerk be not present, say E. F. was appointed clerk, pro tem.)

Resolved unanimously, (or by a majority of votes present, as the case may be) here enter the proceedings of the district in the form of resolutions, and with as much precision and certainty as possible.

Let the minutes of the proceedings always be signed by the Moderator and clerk, in the district book.

ALTERING SITE OF SCHOOL HOUSE.

In order to change the site of the school house, as provided by this Act, it is necessary:

1st. To obtain the written consent of a major part of the commissioners of the township, or of each township to which the district belongs

2d. To call a special meeting in the notification of which, the purpose of the meeting shall be stated.

3rd. To obtain the concurrence of two thirds of the qualified voters of the district, when thus specially called together.

4. To have the vote taken by ayes and nays, and the name of each person and the vote he gave, taken and recorded.

In taking the vote by ayes and nays, it will be necessary for the clerk to make a list of the names of the voters present, with two columns at the end of the names, one headed "aye," and the other "nay."

To ascertain the ayes and nays, the names are called over, and if the voter is in favor of the motion, a mark is made opposite his name under "*aye*." If against it, a like mark is made under "*nay*."

	AYE.	NAY.
Mr. Morehouse	—	
Mr. Curtis		—
Mr. Budd	—	
Mr. Carrol	—	
Mr. Bettis		—
Mr. Hough	—	
	4	2

The Clerk will record these proceedings in the district book, in the following form:

At a meeting of the freeholders and inhabitants of district No. in the township of , held at the school house, in pursuance of notice to all the taxable inhabitants of said district, on the day of , A. B. was chosen moderator and C. D. was present, as district clerk, (or E. F. was appointed clerk, pro. tem.) the written consent of the commissioners of common schools having been read, stating, that in their opinion, the removal of the site of the school house in said district is necessary, and the subject having been submitted to the meeting and the question taken by ayes and nays, it was carried (or lost) two thirds of all those present at such special meeting having (or not as the case may be) voted for such removal, and in favor of such new site. Those who voted in the affirmative were Mr. Morehouse, Mr. Budd, Mr. Corrol, and Mr. Hough; those who voted in the negative were Mr. Curtis and Mr. Bettis.

Ayes—4. Nays—2.

COMMISSIONERS AND INSPECTORS.

The following provisions relate to the commissioners and inspectors of common schools.

"Commissioners of common schools must be electors of the township for which they are chosen."

"Every person chosen commissioner or inspector of common schools, before he enters on the duties of his office, and within ten days after he shall be notified of his election, shall cause to be filed in the office of the township clerk, a notice in writing, signifying his acceptance of such office."

"If any person chosen or appointed to either of the offices named in the last section, shall not cause such notice to be filed, such neglect shall be deemed a refusal to serve."

"If any person chosen commissioner or inspector of common schools, shall refuse to serve therein, he shall forfeit for the use of the township, the sum of two pounds ten shillings."

"In each township, the township commissioners and township clerk, or any two of them, shall constitute a board of auditors to examine the accounts of the commissioners of common schools of such township, for monies received and disbursed by them. The board of auditors of township accounts shall meet for the purpose of examining the same annually, in each township in this province, on the Tuesday preceding the annual township meeting to be held in such township."

"The electors of each township shall have power, at their annual township meeting, to establish the compensation of the commissioners and inspectors of common schools."

COMMISSIONERS OF SCHOOLS.

Form of proceedings of commissioners in relation to forming and altering school districts.

The commissioners of common schools of the township of having met at the house of in said township in pursuance of previous notice to each of the commissioners, do hereby adopt the following resolution in relation to the division of said township into school districts, viz:

Resolved unanimously, [*or by a major part of the commissioners as the case may be,*] that district No. 1, shall consist of Lots Nos. 1, 2, 3 and 4: district No. 2, of Lots No. 5, 6, &c. [*here, the boundaries of the district should be fully set forth; and when the district is described by giving the names of the inhabitants, the addition should be made, of the land occupied by the several persons named. This will prevent cavil in case the occupancy is changed. Where an individual is transferred from one district to another, the resolution ought to express, whether it was done with or without his consent, as this fact is material in case he claims an exemption from tax under section . In altering a district, the consent of the trustees should be annexed to the resolution of the commissioners as follows:*

"We consent to the above alteration of district No. "

Dated

A. B.
C. D. } *Trustees.*
E. F.

NOTE—[*If the trustees or a major part of them, will not consent, then the commissioners should give notice, in writing, to one or more of them, setting forth the alteration made, viz:*]

"To the trustees of school district No. . Please to take notice, that we have this day altered your school district in the following manner—[*here give a particular description of the alteration—and that*] said alteration will take effect after three months from the service of this notice.

Dated at this day of 18

A. B.
C. D. } *Commissioners of Common Schools.*

(This notice, or the consent of the trustees, should form a part of the description which is given to the township clerk for recording; and if it is the notice, a commissioner should annex his certificate, that a copy of the notice was duly served on one of the trustees, giving the date of such service.)

[Whenever a new district shall be formed, one or more of the commissioners must prepare a notice in the following form, directed to one of the taxable inhabitants of the district, viz:]

TO A TAXABLE INHABITANT OF DISTRICT No

SIR—By virtue of the statute relating to common schools, you are hereby required to notify, (by reading this notice in his hearing, or in case of his absence from home, by leaving a copy thereof, or to such as relates to the time and place of meeting, at the place of his abode) each of the taxable inhabitants residing in district No. and described as follows, viz: *[here give the bounds and description of the district]* to meet at in the township of on the day of at o'clock, in the noon, to elect district officers, and to transact such other business as may be necessary in the organization of said district.

Dated at this day of 18

A. B. *Commissioner.*

[In forming a district from two or more townships, the above notice should be signed by one commissioner from each township.]

Form of the annual Report of the Commissioners of Common Schools.

To the Superintendent of common schools, of the Province of Upper Canada.

We, the commissioners of common schools of the township of in the district of in conformity to the statute in relation to common schools, do report that the number of entire school districts in our township organized according to law is (——) and that the number of parts of school districts in said township is (——), that the number of entire districts from which the necessary reports have been made for the present year, within the time limited by law is (——), and that the number of parts of districts from which such reports have been made is (——), that from the said reports, the following is a just and true abstract, viz:—

	Districts and parts of Districts from which reports have been made	Whole length of time that any school hath been kept therein.		Length of time such school has been kept by approved teachers.		Amount of Money Received.	Number of children taught.	Number of children over five and under sixteen	Amount paid for teachers wages besides public monies.	Number of times each school has been inspected
		Mos.	Days.	Mos.	Days.					
No. Districts. Parts of Districts.										
TOTAL										

And we the said commissioners, do further certify and report, that the whole amount of money received by us, or our predecessors in office, for the use of common schools, during the year ending on the date of this report, and since the date of the last report for our township is , of which sum the part received from the district treasurer is , the part from the township collector is

[and if there be any other source from which any part has been received, here state it particularly], that the said sum of money has been apportioned and paid to the several districts from which the necessary reports were received by the commissioners. That the school books most in use in the common schools in our township, are the following, viz: *[here specify the principal books used.]*

Dated at the first day of July, in the year of our Lord one thousand eight hundred and

A. B.
C. D. } Commissioners.
E. F.

NOTE.—The commissioners in making their annual report, should be careful when they make the abstract of districts formed from two or more townships, to include in their report of their township, only such of the children between five and sixteen and those taught, as reside in that part of the district belonging to the same township, for which the commissioners are making their report, and in putting down in the commissioners report the amount paid for teachers' wages, over and above public money, the same rule should be observed.

(The above report must be made and transmitted to the Clerk of the Peace for the district, between the first day of July and the first day of October. The columns of figures should be added up by the commissioners. The Clerk of the Peace, between the first of October and the first of December should transmit to the superintendent of common schools, a report containing a list of the townships in his district, distinguishing the townships from which the necessary reports have been made to him, together with a certified copy of all such reports.)

INSPECTORS OF COMMON SCHOOLS.

1. Three inspectors are required to sign the certificate for a teacher; and three should hold a meeting for the examination of a teacher.
2. The commissioners are by virtue of their offices authorised to act as inspectors
3. Teachers are required to be inspected and to obtain certificates every year.
4. It is the duty of the inspectors to visit each school, at least once in each year.
5. The inspectors are allowed such compensation as may be decided upon by a vote of the township meeting.

Form of a Certificate to be given to a Teacher.

We the subscribers, inspectors of common schools for the township of in the district of DO CERTIFY that at a meeting of the inspectors called for that purpose, we have examined *[here insert the name of the teacher]* and do believe that he *[or she, as the case may be]* is well qualified in respect to moral character, learning and ability, to instruct a common school, in this township, for one year from the date hereof.

Given under our hands at this day of 18

A. B.
C. D. } *Inspectors of Common Schools.*
E. F.

C2

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EDUCATION,

2ND SESSION, 12TH PARLIAMENT, 1836.

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REPORT

OF

SELECT COMMITTEE ON PETITION OF DONALD CAMERON,

of Thorah.

To the Honorable the Commons House of Assembly:

The Select Committee to which was referred the petition of Donald Cameron, Esq. of Thorah and Eldon, have enquired into the several matters embraced in the petition, and herewith respectfully submit the following report:

In 1825, Mr. Cameron applied by memorial to the Lieutenant Governor in Council, stating that he had, at great expense, brought from Scotland to Upper Canada, about seven hundred settlers, and praying that a township on the Grand or Ottawa River might be granted him wherein to locate his followers. The Council decided that after Mr. Cameron should have afforded certain items of information, vouchers and certificates, described by them and mentioned in the appendix to this report, he should have the unlocated lands in Eldon and Thorah, whereon to locate his settlers, besides twelve hundred acres of a grant to himself, as a remuneration. It appears that his explanations were highly satisfactory and that the lands were granted him. The appended paper No. 16, shews that difficulties afterwards arose between Mr. Cameron and the Governor relative to the manner in which the former ought to have performed his part of the agreement, and that Mr. Smalley of North Gwillimbury was appointed a commissioner to examine and report on the condition of the settlers; which he did, in terms very unfavorable to Mr. Cameron.

Mr. Smalley reported that three hundred and eighty of Mr. Cameron's lots were vacant; but upon reference to the schedule of lots given to Mr. Cameron to locate, we find that that was a larger number than had been given to him, consequently there must have been an error in the instructions given to Mr. Smalley, or he may have misunderstood them. Mr. Cameron brings forward proof that several hundred persons were on the land given him to locate at the time Mr. Smalley found only twenty-nine souls. This is a great discrepancy.

It appears that one of the results of Mr. Smalley's report was the notice numbered 18 in the appendix; warning the settlers, and giving a list of those whom Mr. Smalley had reported as being on their farms when he visited these townships.

Mr. Cameron considered himself and the locatees harshly and unfairly dealt with by the local government—as Lord Bathurst had directed Sir Peregrine Maitland in 1823 to assign a convenient tract for the location of the emigrants Mr. Cameron was then about to bring to Canada.

The latter applied to His Majesty by petition, and there were other memorials sent to England complaining that the Scotch Emigrants had been unjustly and cruelly deprived of their lands, some of which memorials are annexed—(see appendix Nos. 1 & 2.)

The certificates and memorials Nos. 3, 4, 5, 6, 10, 12, 13, 14 & 15, contain abundant proofs from settlers magistrates, commissioners of the court of requests and other persons well qualified to judge of the great value of Mr. Cameron's exertions to settle Thorah and Eldon, and afford presumptive proof that he has been far more successful than the report of the Executive Council (No. 16.) seems to indicate.

Mr. Cameron has produced to Your Committee a statement in detail of the expenses he incurred, on the faith of the British Government, which amounts to a large sum, and it does thence appear that he has been hardly dealt with.

He is desirous that a commission of several respectable and well informed persons should be appointed to inquire fully in the townships as to what has been his conduct—or that such other redress might be afforded him as may be within the means of the government.

Your Committee cannot undertake to pronounce a judgment on the case submitted for their consideration, because they have been unable to go fully into its merits; but they are decidedly of opinion that Mr. Cameron has shewn good cause why an immediate and strict investigation should take place.

They would have reported herewith an address calling on the Lieutenant Governor to appoint a commission for the purposes of justice; but calling to mind that His Excellency is surrounded by advisers in whom the country has no confidence, and that he himself is a stranger to Upper Canada & its inhabitants—they can only express their sorrow that in the present state of public affairs the constitutional means by which the House of Assembly can aid in the redress of such alleged grievances as those of which the petitioner complains have been impaired.

SAMUEL LOUNT, *Chairman.*

Committee Room, House of Assembly,
12th day of April, 1836.

APPENDIX TO REPORT.

No. 1.

COPY,

To the King's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Satisfied of Your Majesty's earnest parental, desire to promote the happiness and welfare of all classes of Your Majesty's faithful and loyal subjects, we the undersigned inhabitants of this province of Upper Canada beg to express our unfeigned attachment to Your Majesty's person and government, and approach the Royal

Throne with the confident assurance that our reasonable wishes will receive the most attentive and candid consideration and that the alarming evils will be effectually averted.

On or about the 20th June 1833, Lord Bathurst directed Major General Sir P. Maitland, K. C. B. to assign to the emigrants going out to Canada with Mr. Donald Cameron, a convenieut tract of land for their settlement; the said Donald Cameron presented a petition on the 5th November 1825 to His Excellency Sir P. Maitland, the Lieutenant Governor of Upper Canada, and His Honorable Council praying for a township of land for his followers and himself under the petitioner's direction.—And an order in Council on the 8th of March 1826 was issued for the townships of Thorah and Eldon for Cameron and followers for said Donald Cameron's service for three years at great trouble and expense, respectfuliy recomending that on account of his great exertions twelve hundred acres should be granted to him by way of remuneration, and that his followers be located in Thorah and Eldon if these townships be entirely open.

Surveyor General's Office York,
11th March, 1826.

Sir,

Having received His Excellency the Lieutenant Governor's permission to furnish you with the plans of the townships of Thorah and Eldon. I herewith transmit them to you. I have marked the Crown and Clergy Reserves, and also such lots as have been located on those plans; you can insert and submit the locations you wish to make when the plans are to be returned to me, in order that I may submit them for confirmation.

I am Sir,
Your obedient servant,
(Signed) THO'S RIDOUT,
Surveyor General.

To Donald Cameron, Esq.

In the month of April 1826 Donald Cameron, Esq. proceeded to Thorah and Eldon with a number of men in his employment to open roads in the above townships and neighbourhood, and after the above mentioned Cameron had got the road made, at great expense and much fatigue both of mind and body to himself and some of his locatees and settlers, he brought Thorah and Eldon into value and repute. The most of the tickets were issued and confirmed before the 14th June 1828, and in less than three years and a half from the date of that order in Council of the 8th March 1826 having been made to Donald Cameron, land had risen in value from less than seven-pence per acre to, from seven shillings and six pence to twenty shillings currency per acre in Thorah; and from seven shillings and six-pence per acre, shortly after, to twelve shillings and six-pence like currency, in Eldon and in like proportion in the neighbouring townships—and this rise in price on the said lands was chiefly through the means and great exertions of Donald Cameron, which can be proved by the inhabitants of the neighbouring townships, as well as by the annexed petitions and certificates. That this was the prosperous state of Thorah and Eldon in the month of June 1829, and although the above Cameron was so much the cause of the prosperity of the above settlement on the 17th of November 1829—the then acting Council appeared to us to be determined to ruin said Cameron and locatees, by trying to deprive them of their grants which had been assured to them by the predecessors of the present Gevernor and Council. Such was the cruel treatment that Cameron and the locateess experienced from the acting Council, in this case, for nearly the last four years—that we cannot view them as otherwise than as the ruin of Cameron and locatees, and their poor and helpless families, who thought to have received more justice in Canada. But still we remain in hopesof seeing the day in which the locatees and Cameron shall receive their just due, which cannot be denied them before an upright and unbiassed tribunal, for what Donald Cameron, Esq. and the locatees suffered at the hands of those who we believe are paid to do them justice, and to guard the interests of Your Majesty's faithful people in this country, altho' we consider their conduct to be quite the reverse, and greatly to the injury of many of Your Majesty's dutiful and loyal subjects in this Province for the last 4 years or since they have been in office.

Wherefore Your Petitioners most humbly and earnestly pray, that Your Majesty will order Your Government to protect and see justice done to the locatess and settlers, and Donald Cameron who has done so much good to a large body of your Majesty's subjects in this Province, from the severe proceedings of the above mentioned Council.

To this our humble petition, we entreat your Majesty's early consideration and an answer to Donald Cameron, Esq. of Thorah, and as your Majesty's faithful subjects in duty bound will ever pray.

(Signed by)
KENNETH CAMPBELL
And 140 others.

Thorold, 16th June, 1834.

(Copy No. 2.)

To the Kings most Excellent Majesty.

Most Gracious Sovereign:

Satisfied of your Majesty's earnest and parental desire to promote the happiness and welfare of all classes of your Majesty's faithful and loyal subjects, we, the undersigned inhabitants of the Townships of Lochiel and Lancaster in the Eastern District and County of Glengarry, Province of Upper Canada, beg leave to express our unfeigned attachment to Your Majesty's person and Royal Family and Government; and we further beg leave to approach the Royal Throne with the confident assurance that our reasonable wishes will receive the most attentive and candid consideration and that the alarming evil will be effectually averted.

On or about the 20th June, 1823, Lord Bathurst directed Major General, Sir Peregrine Maitland, K. C. B. to consign to the emigrants going to Canada with Donald Cameron Esq. a convenient tract of land for their settlement, and said Donald Cameron presented a petition on the 5th November 1825, to his Excellency Sir Peregrine Maitland the Lieutenant Governor of Upper Canada, and his Hon. Council, praying for a Township of land for his followers and himself, under the Petitioners' direction: and an order in Council on the 8th of March 1826 was issued for the townships of Thorah and Eldon, for Cameron and followers—for said Donald Cameron's service for three years at great trouble and expense, respectfully recommending that on account of his great exertions twelve hundred acres should be granted to him by way of remuneration, and that his followers be located in Thorah and Eldon, if these townships be entirely open.

Surveyor General's Office York,
11th March, 1826.

Sir,

Having received His Excellency the Lieut, Governor's permission to furnish you with the plans of the townships of Thorah and Eldon, I herewith transmit them to you.—I have marked the Crown and Clergy Reserves, and also such lots as have been located on those plans.—You can insert and submit the locations you wish to make, when the plans are to be returned to me, in order that I may submit them for confirmation.

I am Sir,
Your obedient servant,
(Signed) THO'S RIDOUT,
Surveyor General.

To Donald Cameron, Esq..

Notwithstanding Earl Bathurst's answer to the Lieut. Governor and the above order in Council, and His Excellency's order to Donald Cameron, Esq. to locate his followers in Thorah and Eldon for said Cameron's services and great trouble and expense—and afterwards the above mentioned Cameron and some of his followers, raising the townships of Thorah and Eldon from the low value of less than 7d per acre to the present great value, and raising the neighbouring townships in proportion in value and rendering great service to a large body of Your Majesty's dutiful and faithful subjects, the present or acting Council are trying to ruin the said Donald Cameron and a large body of locatees of Thorah and Eldon, by trying to deprive them of their right to the lands granted and assigned to them by Lord Bathurst Your Majesty's former Secretary, and the former Lieutenant Governor and Honorable Council.

Wherefore we Your Petitioners, most humbly and earnestly pray that Your Majesty will order Your Government to protect and see justice done to the locatees and settlers, and Donald Cameron, Esq. who has done so much good to a large body of Your Majesty's subjects in this Province from the unjust proceedings of the above mentioned Council.

To this our humble petition we entreat Your Majesty's early consideration, and an answer in behalf of the locatees, to Donald Cameron, Esq. of Thorah, and as Your Majesty's faithful subjects are in duty bound, we shall ever pray.

Lancaster, 27th November, 1834.

Wm. McMillin,
Angus McMillan,
Alex. McBean,
John McMillan,
F. McBean,
Allan Cameron,
Duncan McMillan,
Archibald McMillan,
Wm. McMillan,
Malcolm McMillan,
Donald McMillan,
Duncan McMillan,
John ✕ Fisher,
Murdock ✕ McLean,
Peter ✕ McLean,
Timoothy Donovan,
John Donovan,
David Donovan,
John McIntosh,
Dugald McIntosh,
Dugald McIntosh,
Arch'd ✕ McMillan,
John ✕ McMillan,
Dugald ✕ McMillan,
William McMillan,
Miles McMillan,
Allan McMillan,
Richard Donovan,
Miles ✕ McMillan,
Wm. McMillan,
John McMillan,
Allan ✕ McMillan,
John McMillan,
Dugald McMillan,
Ewan McMillan,
Allan McMillan,
Ewan McMillan,
John McMillan,
Alex. ✕ McMillan,
Donald McMillan,
Dugald ✕ McMillan,
Ewen McMillan,
Alex. McMillan,
Duncan McMillan,
James Benton,
John McMillan,

Miles McMillan,
Angus McMillan,
John McMillan,
Rod'k Obleman,
Angus Cameron,
Duncan Cameron,
Ronald Cameron,
Angus Kennedy,
Alex. Kennedy,
Duncan Kennedy,
John Kennedy,
Donald McGillivray,
John McGillivray,
Donald McDonald,
Charles McDonald,
Kenneth McDonald,
Rod'k. McDonald,
Angus McDonald,
Hector McDonald,
Alex. McDonald,
Malcolm McDonald,
Lauchlan McDonald,
Alex. McLeod,
Kenneth McLeod,
Donald Dewar,
Donald McLeod,
Angus McLeod,
Donald McGillivray,
Norman McLeod,
Norman McDonald,
John McLellan,
Alex. McLeod,
Roderick McLeod,
Donald McLeod,
Kenneth McLeod,
Donald McLeod,
Duncan McPhee,
Donald McPhee,
Alex. McPhee,
John McPhee,
Arch'd McGillivray,
Hugh ✕ Chisholm,
Arch'd McInnis,
Alex. McInnis,
Alex. McInnis,

John ✕ McInnis,
John ✕ McRae,
Duncan McGillis,
John ✕ McIntyre,
Murdock McPherson
John Chisholm,
Donald McDonald,
Angus McDonell,
James McDonald,
Donald McDonell,
Dugald McGillis,
Alex. McDugald,
Allan McDonald,
John ✕ McDougald,
Angus McDougald,
Hugh McDonald,
Duncan McDonald,
Alex. McDonald,
Ronald McDonald,
Roderick McDougald,
Alex. Brands,
Donald Chisholm,
Charles McMaster,
Alex. Chisholm,
Alex. McPherson,
Ewen McDonald,
Alex. McInnis,
Donald McDonald,
Donald McDonald,
Roderick McLennan,
Finlay McRae,
John R. McDougald,
Ewen McDonald,
John McDougald,
Arch'd McInnis,
John McDonald,
John McDonald,
J. ✕ McBean,
J. ✕ Millar,
Peter Grant,
Hugh Grant,
Finlay Grant,
Donald McPherson,
John McBean,
John Pattingall,
Robert Currie,
J. Cameron,
John W. Blue,
Duncan McPherson,
Donald ✕ McLennan,
William Stewart,
John McPherson,
John Anderson,
Alex. ✕ McDonald,
John McDonald,
Angus McDonald,
Ronald McDonald,
Charles LaClair,
Angus McDonald,
William Ayre,
Christopher McRae,
Hugh McDonald,
John Sutherland,
Donald ✕ McDonald,
John Grant,
Donald McIntosh,
Alex. McDonald,
John McDonald,
David Marshall,
Duncan ✕ McDonald,
Alex. ✕ McDonald,
Donald ✕ McDonald,
John ✕ Cameron,
John Sterling,
Joseph Sutherland,

Donald McNiel,
Malcolm McDonald,
Malcolm McNiel,
Niel McDonald,
Jacob Ochiltree,
Norman McDonald,
Donald Gillespie,
Angus McDonald,
Alex. Kennedy,
Wm. McLellan,
Paul Kennedy,
Hugh Kennedy,
Ronald McDonald,
Angus McDonald,
Norman McDonald,
Alex. McDonald,
John Kennedy,
Austin McDonald,
Alex. McDonald,
John McDonald,
Donald McMillan,
Angus McDonald,
Duncan Kennedy,
Donald Kennedy,
Angus Kennedy,
Ronald McDonald,
John McDonald,
Duncan McDonald,
Roderick McInnis,
Kenneth McInnis,
Arch'd McDonald,
Donald McGillis,
John McGillis,
Roderick McDonald,
Ronald McDonald,
Alex. ✕ McDonald,
Angus McDougald,
Arch'd McDougald,
Donald McDonell,
Alex. McDonell,
Donald Cameron,
Donald McDonald,
John McDonald,
Donald McDonald,
Angus McDonald,
Alex. McKenzie,
Angus McDonald,
Angus McDonald,
Donald Cameron,
Donald McDonald,
John McDonald,
Alex. McLennan,
Duncan McDonald,
Duncan McDonald,
Angus Cameron,
John Richison,
Donald McMillan,
John Chisholm,
Hugh McDonald,
Simon McDonald,
Lauchlan McDonald,
Ewen McDonald,
John McDonald,
Ronald McDonald,
Ronald McDonald,
John McDonald,
John McDonald,
Donald McDonald,
Angus McDonald,
John McDonald,
Arch'd Cameron,
Alex. McDonald,
Donald McDougald,
Allan McDonald,
Allan Fraser,

Murdock Munroe,
Hugh Munroe,
Arch'd Chisholm,
Donald Ross,
John W. Moore,
John Cameron,
Peter Cameron,
Arch'd Cameron,
John Cameron,
Alex. McPhee,
John McDonald,
Malcolm McNiel.

(No. 3.)

Thorah, 13*th July*, 1835.

We, the subscribers, do hereby certify that we came to the townships of Thorah and Eldon about eight years ago, and we are well aware that before and when Donald Cameron, Esq. received his grant of land in the above mentioned townships, about nine years ago, the said order or grant of land made to him for his services and heavy outlays might be purchased in the said townships for from 6d. to 9d. currency per acre—and that until the said Donald Cameron caused roads to be opened from Lake Simcoe through the above mentioned townships to the Danford Road in Whitby, a distance of more than forty miles, besides different other roads for the convenience of said townships and their neighborhood, in consequence of which lands raised in value to from seven shillings and sixpence currency per acre in said and adjoining townships—which took place in about three years after the said Donald Cameron received his grant of land and all this rise in price through the perseverance and means of said Donald Cameron united with his followers and settlers' labor on said roads, notwithstanding the different orders and reports that passed and circulated since the month of June 18 till October 1830, in the cause of said Donald Cameron and followers, settlers and locatees of said Thorah and Eldon, and the above orders and reports so well calculated to prevent the followers and settlers of said Donald Cameron from coming to the said townships, and to mar and did mar the interests of Donald Cam ron and a great many of his locatees and followers, as they were given to understand by the then acting Council and their numerous subalterns who sounded their orders and reports so well that they were to be deprived of their land in Thorah and Eldon notwithstanding their just and lawful claim to it in the acting Council's report of 1830—They stated that there was only 29 persons in Thorah and Eldon appeared to come there with Donald Cameron—This statement is as incorrect as the most part of this Council's report.—We do further certify that in the month of October 1830 there was no less than from six hundred and sixty to seven hundred of Donald Cameron's settlers and followers arrived in the said townships.

[*Signed*]

Kenneth Campbell,
Alexander Campbel,
Ewen Cameron,
Andrew McPherson,
H. Ewings,
Ewen Cameron,
Alexander McEwen,
D. Cameron,
Gregor McCullock,
Duncan McRae,
Donald McRae,
Christopher McRae,
Angus McLaren,
John McInnis,
James Cameron,
John Cameron,
Samuel Cameron,
Priscal Godfrey.
Godfrey Mabee,
Donald Cameron,
Archibald McFayden,
Finlay McRae,
Alexander McDonald,
Donald Cameron,
Donald ✕ McDonald,
Archibald McDonald,
James McDonald,
Alexander McDonald,
James Campbell,
William McRae,
John ✕ McRae,
Ronald McDonald,
Alexander McDonald,
Donald McDonald,
Joseph McDonald.

(No. 4.)

Thorah, 17*th August*, 1835.

This is to certify, that we, the undersigned, were marred of the lots we received from Donald Cameron, Esq. in Thorah and Eldon, as his followers and settlers, being located to other persons, notwithstanding that we have been a year and some of us three years previous improving and residing with our families on said lots or half lots, and improved them considerably. This has done us a great injury, as it was the means of bringing us to Toronto (late York) several times, a distance of upwards of 70 miles. This and the like conduct of the acting Council in this case has done much injury to said Donald Cameron, Esquire, and his settlement for the last six or seven years, notwithstanding the great and valuable service he has done to this part of the country and to a large body of His Majesty's subjects therein.

[*Signed*]

Archibald McDonald,
Ewen Cameron,
Jas. McDonald,
Donald Cameron,
Jas. McLauchlin,
Donald Cameron,
Ewen Cameron,
John Cameron,
Arch'd McFayden,
Alex'r McEwen,
Samuel Cameron,

(No. 5.)

Eldon, 7*th June*, 1834.

We, the undersigned Commissioners of the Court of Requests, Division No. 8, in the Newcastle district, do hereby certify that we have been acquainted with Donald Cameron, Esq. for the last seven years, during which he has at all times made all possible exertions in his power to promote the settlement of this part of the country, and in improving the roads, &c. &c.; and that we are perfectly aware that his exertions and influence and means have been of very great service to this part of the country generally.

[Signed] H. EWING, J. P.
D. WILLIAMS,
J. FURGASON,
D. CAMERON,
KEN. McCASKULL.

(No. 6.)

We, the Commissioners of the adjoining Division No. 17, of the Home District, do certify, that the above certificate is, to our knowledge, no exaggeration of Mr. Donald Cameron's services, which have been of great benefit to this part.

[Signed] JOHN E. WHITE, J. P. *Com'r C. R.*
S. M. CAMERON, *Com'r C. R.*
D'N. CAMERON, *Com'r C. R.*
WM. JOHNSON, J. P. *& do.*
FR'S OSBORNE, J. P. *& do.*

Thorah, Sept. 1834.

(No. 7.)

Thorah, 30*th Nov.* 1829.

We, the undersigned inhabitants of the townships of Thorah and Eldon, bind and oblige ourselves to pay annually, to an eligible Clergyman of the Church of Scotland, for officiating every Sunday in such place of assembly as may be appointed for that purpose, the sum set opposite our respective names, till such time as the same may be liquidated by the aid of Government, the increase of inhabitants, or any other assistance which may accrue—the payment to be made a year after he has actually commenced preaching:—let it be understood the place of worship will be fixed in the most central place that the congregation will deem fit.

[Signed]	£	s.	d.
Donald Cameron	7	0	0
Kenneth Cameron	4	0	0
L. M. Cameron	3	0	0
L. Cameron	3	0	0
Archibald McBain	1	10	0
John Mathison	0	15	0
Archibald McMillan	1	0	0
Donald Cameron	1	0	0
Alexander Campbell	1	10	0
Ewen Cameron	1	0	0
H. Ewing	4	0	0
James Cameron	1	10	0
Gregor McCulloch	1	0	0
Duncan Cameron	0	15	0
Alexander McEwen	1	5	0
Thomas Calder	1	5	0
Archibald McPhaden	1	15	0
James McAlpin	1	0	0
Alexander McAlpin	0	15	0
Duncan McIntyre	0	10	0
Andrew McIntyre	0	10	0
S. H. Farnsworth	1	10	0
Donald McLean	0	10	0
Robert Waddle	1	0	0
James Ritchie	1	0	0
Wm. Ritchie	0	5	0
Wm. McRae	1	0	0
John McRae	1	0	0
Angus McLaren	1	5	0
Angus McIntyre	0	10	0
Donald Cameron	1	0	0
James Campbell	1	0	0
Samuel Cameron	1	0	0
John Cameron	1	0	0
Wm. McIntosh	1	0	0
Hector McDonald	1	0	0
John Campbell	1	10	0
James McLauchlan	1	10	0
Arch'd McFayden	1	10	0
Colin Campbell	1	0	0
Andrew McPherson	1	0	0
James McPherson	1	0	0
Donald Guthrie	1	0	0
——— Pascal	1	0	0
Hugh McCorquadale	0	10	0
Donald Calder	2	10	0
Alexander Calder	0	10	0
Duncan Calder	0	5	0
Mrs. Isabella Calder	0	5	0
Alexander McRae	1	0	0
Donald Rao	0	15	0
Wm. McLeod	0	10	0
A. Ross	1	0	0
Elizabeth McKenny	0	10	0
A. McIntyre	1	0	0
John Campbell	0	10	0
Peter Campbell	0	10	0
Neil Campbell	0	5	0
Donald McLaren	1	5	0
John McGee	0	5	0
Michael McBride	0	10	0
Wm. Gibbs	2	0	0
John McAlpin	0	5	0
Hugh McMillan	0	5	0
Alexander McMillan	0	5	0
Duncan Campbell	1	0	0
George Campbell	0	5	0
Duncan McCoridel	0	5	0
Francis Osborne	2	0	0
Kenneth Cameron	1	0	0
Ann Camoron	0	5	0
Jane McBain	0	5	0
Peter Cameron and Lochlan Cameron	2	10	0
Wm. Brandon	1	10	0
Wm. Parliament	1	0	0
John Hay	0	10	0
James Sutherland	0	10	0
Irvine Johnston	1	0	0
Godfrey Mabee	1	0	0
Alexander Campbell	0	5	0
James Campbell	0	5	0
Arch'd Campbell	0	5	0
Gilbert McAlpin	0	5	0
Eachem McEachem	0	10	0
Hugh McEachem	0	5	0
Wm. McDougald	1	0	0
Dugald McEachen	0	5	0
John Cameron	0	10	0
D. Cameron	0	5	0
A. Cameron	1	0	0
D. McLemond	0	10	0
A. Calder	1	5	0
Robert McKay	0	15	0
Wm. Turner	2	0	0
John Morrison	1	0	0
John Movat	1	0	0
Peter McKaskie	0	10	0
A. Graham	0	10	0
Hugh Chisholm	1	0	0
	102	15	0

(No. 8.)

Copy of a minute in Council made upon the petition of Donald Cameron and other inhabitants of the townships of Thorah and Eldon, praying for a grant of one of the Clergy Reserves or any other convenient lot for the use of the church of Scotland in their neighborhood, as they have subscribed above £80 for the support of a Scotch clergyman.

In Council, the 6th February, 1830—*Ordered*—That it be referred to the Commissioner for Crown Lands, to set apart some vacant lot of 200 acres that may serve for the accommodation of a Minister of the Church of Scotland as prayed for in the petition, and that an application be made to His Majesty's government to sustain a Grant in trust for that purpose.

Mr. Cameron will please to select a Lot and acquaint Mr. Robinson with the number. (Signed) P. ROBINSON. 18th Feby. 1830.

(No. 9.)

[Copy.] *Commissioner of Crown Lands' Office,* Toronto, 7th April, 1836.

Sir:

In reply to your letter of 2d instant. I beg to inform you, that Lot No. 2 in the 1st Con. of Thorah, is vacant—and a memorandum has been entered in my book to reserve it from sale in consequence of its having been selected by you for a Glebe for the Presbyterian congregation of the Kirk of Scotland.

I am,
Sir,
Your most obedient
Humble servant,
P. ROBINSON.

D. Cameron, Esq.

(No. 10.)

To His Excellency Sir John Colborne, K. C. B. Lieut. Governor of Upper Canada, and Commander of His Majesty's Forces therein, &c. &c. &c.

We, the undersigned, His Majesty's dutiful and loyal subjects, inhabitants of Brock, from the long absence of our much esteemed friend Donald Cameron, Esqr., ha[s a]

been constrained to enquire the cause, and being informed he is confined in York Jail to the great damage of our new settlement, humbly pray your Excellency that said Donald Cameron, Esq. be liberated, if it be consistent with the unparallelled laws of our beloved country. Our friend doubtless has his fault, but his unremitting exertions in facilitating the prosperity and settling this part of the country, and his staunch loyalty, must ever have a great influence on the affections of our loyal but little flock.

And as in duty bound your petitioners will ever pray.

Brock, 4th April, 1832.

(Signed)

Charles Low,	Denis L. Lynch,
James Doyle,	Austen Hall,
Thomas Ewart,	Joel Horner,
Arch'd C. McFadden,	Michael Horner,
James Vrooman,	John Merry,
Charles D. Sheldon,	Wm. Richardson,
Asa Richardson,	W. Saunders,
Philip St. John,	Ed. Ferguson,
John Waggoner,	Abraham Ferguson,
John P. Parliament,	Wm. Parliament,
Samuel Humphrey,	L. Davidson,
James Humphrey,	David Shell,
Henry Edwards,	L. Cameron,
Neil McFadden,	Donald W. ✕ Right,
John Hume,	John Brandon,
Michael Malone,	Hugh Wilson,
Timothy Doyle,	Walter Wilson,
John Doyle,	Wm. Brandon,
James Doyle, junr.	Neil McKinnon,
Benjamin White,	Irvine Johnston,
Kenneth Cameron,	Cha's Johnston,
William Richards,	Cha's Sproule,
James Smith,	Adson ✕ McWine,
James H. Humphrey,	Patrick Hogan,
John Irvine,	Michael Hogan,
Mark McManus,	Matthew Hogan,
Oliver Thomas,	Cha's McFadden,
Andrew Hill,	Hector McFadden,
Charles Smith,	Hector McLean,
Edward Davies,	John McPhadden,
William Davies,	M. Sullivan,
Wm. Williams,	Murdock McIntyre,
Wm. McKaskill,	Michael Malone,
Alexander McMillan,	James Malone,
Alexander Chisholm,	Donald McFadden,
Alexander McKaskill,	Neil McFadden,
Wm. Williams,	Cha's McFadden,
John Asling,	Arch'd McPhaden,
Wm. Stroner,	John Sullivan,
Wm. Young,	Randal Wixon,
John Dobble,	Alexander McPhaden,
James McAliff,	Hector McFadden,
James Taylor,	Malcolm McFadden,
Godfrey Maybe,	Hector McDonald,
Tobias Maybe,	Neil McPhadden,
M. Richardson,	Neil McIntyre,
John Vanhorn,	Donald McKinnon.

(No. 11.)

Donald Cameron, Esq. offered each of us in the year 1826, our choice of 200 acres of land in the township of Thorah, free of all incumbrances for settling and clearing 3 or 4 acres on the same before June 1827—We did not consider it worth while going so far back, for the sake of 200 acres of land, as the said D. Cameron, Esq., only commenced settling Thorah and Eldon in May 1826—We thought the said land would not be of value for a length of time.

(Signed) D. WILLIAMS.
July, 1834. SAMUEL UMPHREY.

(No. 12.)

MARIPOSA, APRIL 22, 1832.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

We, the undersigned inhabitants of the townships of Mariposa and Georgina, are sensible that the unremitting exertions of Donald Cameron, Esq. in bringing forward emigrants to the townships settling by him and to the neighboring part of the country, have been the means of raising the land from 6d per acre to the high price it is at present—and we are fully sensible how far his exertions has enhanced the value of our property in these townships.

(Signed)

James Donnell,	James Doyle,
Neil Paton,	James Dority,
D. Williams,	John Griffin,
W. B. Robertson,	Donald King, junr.
John Moout,	John Campbell,
James Fitzsimmons,	Norman McLeod,
Edward Coffin,	Peter McArthur,
Donald King, senr.	Christopher McRae,
Peter McIntyre,	John Paryton,
Wm. McLeod,	Francis Bedard,
James P. Bromers,	Simon Secord,
Wm. Smith,	Samuel Park,
Benjamin Dickolo,	John L. Cheney,
James J. Donnell,	Thomas McDonald,
Niel McDonald,	John Rose,
Wm. Doyle,	John Nugent,
Wm. Elves,	Alexander M. Campbell,
Wm. McIntosh,	Benjamin Jefferson,
David Brady,	Titus Odiser,
Joseph Fynes,	Wm. McRae,
Wm. Patton,	Wm. Allen,
Alex'r ✕ Chisholm,	Neil Patton,
Anthony Toran,	John Currie,
John McRae,	Russel Wilson,
Colin Dickolo,	Thomas McDonald,
Peter Bushy,	Francis Elves,
John Donnell,	George Copland,
Donald Munro,	Dn. Munro.
Andrew McPherson,	

No. 13.

To His Excellency the Lieut. Governor of Upper Canada &c. &c. &c. in full Council.

We His Majesty's dutiful and loyal subjects, inhabitants of the townships of Thorah and Eldon, are constrained by the most painful necessity to represent to Your Excellency in Council the injury which has been done to this settlement for some time back, particularly for the last three months, by the reports circulated and afloat in York and through the country, as we have reason to believe, by the Hon. Peter Robinson, that many of the locatees of Thorah and Eldon were immediately to be deprived of their land. This disagreeable intelligence has been communicated to us and other parts of the country, by Enad Smally, Esq. who has been sent out we believe by some one of the Council, to inspect these two townships, apparently as a preparatory step for that purpose. These reports, whether true or false, seem to have taken their full origin from a letter said to be sent to one of the members of the board, not signed but acted upon in Council of 17th Nov. 1829, and again of March 9th, 1830, complaining of Donald Cameron, Esq. as doing injury to the settlement of Thorah and Eldon.—Had it not been for these reports and this unusual order in Council, apparently brought about by that weak and unfounded document first alluded to, we have reason

to believe our population since the month of May last would have received an addition of at least Two hundred individuals,—we now beg leave to represent to Your Excellency in Council that these reports and this uncommon step attendant upon them, must be the ruin of the settlement, and inevitably that of many persons who might otherwise we believe become since, some of our most valuable inhabitants and members of our community.

We have however the fullest confidence that Your Excellency wish the advice and wisdom of your full Council, will be pleased to see the locatees and inhabitants of Thorah and Eldon dealt with as those of other townships in our immediate vicinity, at least as far as the progress of the settlement with Donald Cameron, Esqr's great exertions and heavy outlays in populating this part of the country merit.

By the annexed certificate of inhabitants of Thorah and Eldon, Your Excellency in Council may in some measure judge how erroneous and unfounded the letter said to be addressed to one of the members of the Council has been, and on the contrary how beneficial the services of Donald Camer on, Esq. have been considered by the subscribers as well as by a former Council—and we therefore trust that Your Excellency in Council will be pleased to give it due attention, and an answer to the foregoing at your earliest convenience through the said Donald Cameron, Esq.

(Signed) ANGUS McLARREN,
and about 70 others.

No. 15.

Thorah, 18th March, 1830.

To His Excellency Sir John Colborne, K. C. B. &c. &c.

We the undersigned inhabitants of the townships of Thorah & Eldon, having heard with feelings of the deepest regret that some person or persons unknown have circulated reports detrimental to the character of D. Cameron, Esq. to the Legislative Council—do take the earliest opportunity of contradicting the same—and further unanimously certify that the said Donald Cameron, Esq. has been most unremitting in his exertions for the welfare of these two Townships, and have also to state that he has been particularly active in every thing tending to induce emigrants to come not only to the above mentioned townships, but to the neighbouring parts of the country—besides we are fully sensible of the heavy expenses he has been at in bringing emigrants to this part of the country.

Signed,
Duncan McDonald,
Finnan McDonald,
Donald McDonald,
John McInnis,
Wm. McIntosh,
Kenneth Cameron, Senr.
S. H. Farnsworth,
Kenneth Campbell,
Joseph McDonald,
Arch'd McDonald,
James ⋈ McDonald,
Angus Campbell,
William McRae,
John Cameron,
Hector McDonald,
Ewen Cameron,
Alex. McDonald,
Andrew McPherson,
Donald Cameron,
Hugh McCorquadale,
Arch'd McPhaden,
Thomas Calder,
James McPherson,
James Cameron,
Alex. Cameron,
Angus McLaren,
Christopher McRae,
Duncan McRae,
Wm. Gibbs, Ensign 8th R. V. Battalion,
Donald McDonald,
Alex. McDonald,
Duncan Cameron,
James ⋈ Campbell,
Ronald McDonald,
John Morrison,
Donald Calder,
Allan Grant,
Alex. Calder,
Arch'd McBean,
Hugh Chisholm,
L. M. Cameron,
Kenneth Cameron,
Donald Cameron,
Alex. Campbell,
Donald Guthrie,
Gregor McCulloch,
James McAlpin,
Alex. McAlpin,
Duncan McIntyre,
P. Cameron,
Duncan Campbell,
Angus McIntyre,
Andrew McIntyre,
Colin Campbell,
John Matthews,
Alex. Campbell,
Michael McBride,
Donald McLean,
James Sutherland,
Donald Cameron,
Samuel Cameron,
Wm. Turner,
Wm. McRae,
Finlay McRae,
Arch'd McDonald,
Francis Osborne, J. P.
John Graham,
H. Ewing,
James ⋈ Godfrey,
John Mowat,
Alex. McRae,
Duncan Cameron,
Arch'd McPhaden,
Arch'd McMillan,
D. Cameron.

No. 15.

Thorah, 26th Nov. 1828.

We the under subscribers do hereby certify that we came here with Donald Cameron, Esq. and in all our transactions with him by word or writing he was as good as his promise, and often much better than he was bound to do for us. and had it not been for his humane conduct, many of us would not have come to Canada, nor afterwards to this place.

Signed,
Alex. McDonald,
Ronald McDonald,
Arch'd McDonald,
Samuel Cameron,
Alex. McDonald,
John McRae,
Duncan McDonald,
Christopher McRae,
Alex. Campbell,
Isabella ⋈ McRae,
Arch'd McBain,
Donald Cameron,
Donald Cameron,
Gregor A.
Alex. McBain,
Kenneth Campbell,
James Cameron,
Flora McRae,
Donald Giethrie,
Duncan Campbell,
Duncan McIntyre,
James McAlpin,
Alex. McAlpin,
Angus McIntyre,
Arch'd McIntyre,
Andrew McIntyre,
Arch'd McInnis,
William McRae,
Ewen Cameron,
Duncan McRae,
Finlay McRae,
Arch'd McDonald,
Donald McRae,
Hugh ⋈ Chisholm,
Duncan Cameren,
Wm. ⋈ McIntosh,
Donald ⋈ McDonald,
Allan Grant,
Hugh Grant,

No, 16.

Extract from the Report of the Executive Council on the report of the acting Surveyor General, respecting the townships of Thorah and Eldon, 26th Nov. 1831

The Council have had before them the report of the acting Surveyor General respecting the townships of Thorah and Eldon, accompanied by two reports by Arad Smalley, Esq. shewing the result of his personal inspection of those townships recently made by order of Your Excellency for the purpose of ascertaining their present actual condition in regard to settlement and improvement.

And upon a consideration of these documents and a review of the former acts of the government, affectiug the townships of Thorah and Eldon, the Council beg leave respectfully to report:—That on the 12th Nov. 1825, Mr Donald Cameron, formerly an inhabitant of Lancaster in this Province, prepared a petition to His Excellency Sir Peregrine Maitland, Lieut. Governor, in Council, setting forth that between the years 1821 and 1824, he had brought out from Scotland to this country about 140 families, consisting of upwards of 670 individuals—that he had incurred thereby great trouble and expense—that the persons he thus bro't out were then in the county of Glengarry, except a few who removed in Lower Canada—and he prays that a tract on the Ottawa River, in the District of Bathurst, might be assigned for settlement of his people, and that a grant might be made to himself individually, in consideration of his exertions. Mr. Cameron at the same time produced documents containing an assurance from His Majesty's

Secretary of State that the persons who might emigrate to Canada under his directions should receive such grants of land as had been made to the Emigrants from Ireland in 1823.

That on the 21st November, 1825—the Council reports upon this petition as follows:—

The board having heard Donald Cameron and examined his petition and documents—find—that a list of the settlers who have, as he asserts, come into the Province through his agency, should be furnished, giving their age, and whether heads of families or single; the correctness of which lists to be certified by two or more Magistrates acquainted with the people and the principal facts.

That a list of those who came out at their own expenses, be furnished; and a list of such as required from Mr. Cameron assistance, with their acknowledgment of such assistance annexed, under their own hands.

And also what private agreement or agreements existed between Mr. Cameron and any or all of the settlers whom he has brought out.

That Mr. Cameron in consequence of this report, transmitted to Major Hillier, early in February 1826, various papers, for the purpose of proving the facts which the Executive Council in the above report, requested to be established. That in the course of the same month, Mr. Cameron attended the Council, and signified his desire that the townships of Thorah and Eldon might be assigned to his settlers, if the Government should determine favorably upon the prayer of his petition.

That on the 8th March in the same year (1826) the Council having then before them the information which they had exacted, make this second report upon Mr. Cameron's petition—

Mr. Cameron having complied with what was requested of him by the Order in Council of the 21st of November last, giving full satisfaction to the Board that he has been very instrumental in bringing out to this Province upwards of six hundred emigrants, men, women, and children; in which service he has been employed upwards of 3 years at great trouble and expense—respectfully recommend.—that on account of his great exertions 1200 acres be granted to him by way of remuneration, and that his followers be located in Eldon and Thorah, if these townships be entirely open, as it is desirable that a few Scotch settlers should be placed in the Newcastle and Home Districts, allowing Mr. Cameron one year from the 1st of May to bring his people forward as they are at present engaged in different parts of the Province in labor for the support of their families. The Board would further recommend, that as all these people have arrived in the Province before the usual mode of granting lands was suspended, the heads of families who have five children or upwards be granted 200 acres, and such as are single and have small families be granted 100 acres.

That the 1st day of May, 1827, being the time appointed according to the report within which Mr. Cameron was to place his settlers upon the land reserved for them, he addressed on the 2d of April, 1827, another petition to His Excellency the Lieutenant Governor in Council, setting forth that several of his followers were then actually settled upon and improving their lands—but that a number of them being in the employ of Lumber Merchants, who failed during the last season, had in consequence met with disappointments which left them without the means of proceeding and put it out of their power to join him within the period limited by the Order in Council of the 8th of March, 1826—and he prays such futher time to bring forward the remainder of his people as to His Excellency should appear meet.

Upon which petition the period was extended to the 1st of November, 1827.

That on the 6th November, 1827, after that period had actually expired, Mr. Cameron preferred another petition, setting forth that upwards of 150 of his followers had been located in the townships of Thorah and Eldon—that some of them being still employed in the lumber business, and others, owing to the hard times, were yet unable to arrange their affairs so as to enable them to remove—that he had found it impossible to bring the whole of them forward within the time limited by the Order in Council of the 4th of April last—but that he had reason to believe, that a short time only would be required to bring the rest forward—the whole of the remainder—and he prayed for such further extension of time for the completion of the settlement of said townships as to His Excellency should appear meet.—Upon which petition the period was further extended to the 1st *day of July*, 1828.

(No. 17.)

REMARKS BY Mr. CAMERON.

I, Donald Cameron, petitioned in the month of November 1825 for a township of land, and having been examined on the 21st of that month, and re-examined in February, and again on the 8th of March, 1826—the Council then finding that my services were of great value to this Province, and a great body of His Majesty's subjects, instead of a township as petitioned for, received all the vacant lands in the townships of Thorah and Eldon, amounting to 296 lots for my followers and myself (as per statement received from the Surveyor General's office by command of His Excellency the Lieut. Governor) on the 11th March, 1826, delivering up to me the plans to locate whomsoever I wished in the townships of Thorah and Eldon as a remuneration for my services and heavy outlays—at the same time a portion of the township of Thorah was unsurveyed, being considered a swamp by the former Surveyor. The survey of that portion took about 5 lots of the above number to survey it, and about 40 lots more condemned being swampy, thus leaving about 251 lots that I claim for my locatees and myself.

No. 17, Continued.

I being privileged from the 1st May, 1826, to the 1st July, 1828, to bring my people forward, which was to patronage them, that is to say to give location tickets to them according to His Excelledcy's instructions (York, March 11th, 1826) which will plainly shew the nature of my authority, and not as the Council would try to make it appear, to place them on the land, which would be so unreasonable.

How could it be possible that I could keep vacant 380 lots out of 251 which I have clearly shewn above is all I claim for my locatees and myself.

I am further astonished at the assertions of the Council in stating that there were only 29 persons that went to the above townships as my settlers previous to September 1830, when they had a petition before them from a subscription made at Thorah in Nov. 1829, which would naturally shew the Council that there was about 500 persons of the church of Scotland went to Thora & Eldon before that time of D. Cameron's followers, as well as about half of the above number belonging to the Catholic church went there as Cameron's followers—at the same time this will shew that about 700 persons went to Thorah and Eldon as my settlers when the Council would wish to maintain that there was only 29 persons—then stating in the meantime that I kept 380 lots vacant when there was but 251 in all that I claim—in which about 700 persons went to settle, which can be proved if required. The above assertion of the Council is like the most part of their report against the locatees and myself—much like the anonymous and unsigned letter which is brought against me in such a forcible manner in this long and groundless report, as an instrument to ruin the poor people and myself.

That in January 1829, several persons stating themselves to be located on lots in the Township of Thorah, but not alleging that they had actually gone into the Township, petitioned through Mr. Cameron as their agent, setting forth that they were poor and unable to perform the settlement duty and requesting six month's further time—upon which petition it was ordered that an extension of six months be given to the parties as they seemed to have relied upon Mr. Cameron's knowledge of the circumstance as sufficient inducement; but that strong proofs should have been adduced, and will be required, upon similar applications in future.

That on the 18th of October 1829, Mr. Cameron *signified* himself agent for upwards of forty persons; preferred another petition to the government in which it was stated, that those persons had been located in Thorah and Eldon, and had been unable from poverty and sickness to perform the settlement duties; but that they were determined to settle upon their lands as early as they could next summer (1830)—they therefore prayed an extention of time till July 1830.

Upon which petition it was recommended and approved by your Excellency, that with respect to such of the petitioners as had actually gone upon their land and performed any part of the settlement duty, the period should be extended for six months beyond the time appointed in their tickets: but that with respect to those who have never taken actual possession, no pledge of indulgence be given.

That on the 23d of November, 1829, another petition was preferred to your Excellency, expressed to be a petition signed by Mr. Cameron as agent for the same persons nearly as were included in the last petition, and praying nearly in the same terms for an extension of time for performing the settlement duties.

That for some months before this time various petitions of individuals had been before the Council, occasioned by difficulties growing out of private transfers and exchanges made by Mr. Cameron of lots in the townships of Thorah and Eldon. That it appeared further to the Council that the most of the lots in these townships being in the names of some persons on the Maps as followers of Mr. Cameron—while it was stated that but a small proportion was in fact occupied or in any manner improved.

That those circumstances were sufficient to produce, and did produce in the Council a conviction that some examination was necessary, and that the prosperity of the measure was rendered further apparent by an anonymous paper which had been addressed to the Hon. and Rev. Dr. Strachan, one of the members of the council, which represented abuses which ought not to be suffered to exist.

That the council neither assumed a statement contained in that paper to be true nor grounded any acts upon them further than to take occasion in reporting upon the last mentioned petitions of the 23d November, 1829, to make the recommendation contained in their minutes upon that petition which is as follows:—

"The council beg to refer to the minutes of council, 17th November, 1829, upon similar petitions from Mr. Cameron, as containing their opinion in respect to the indulgence proposed to be given."

The council deem it to be their duty to lay before his Excellency, a letter not signed but addressed to one of the members of the board, and complaining of injuries done to the settlement by lots being covered by Mr. Cameron by the names of Locatees who are either imaginary or who have no idea of becoming actual settlers. Without vouching in any degree for the truth of a statement so made, the council deem it proper to recommend that an enquiry into the true state of the settlement be made by His Excellency's directions in the presence of some of the most respectable inhabitants of the township, and that Mr. Cameron has notice of it, in order that if the complaint made against him be unfair, he may be able to shew it satisfactorily.

That Mr. Cameron was called before the Council, and being informed of the intended inquiry, expressed himself fully satisfied with the course that your Excellency had appointed—Mr. Smalley to make the pro-

REMARKS BY Mr. CAMERON.

The unfounded assertions of the Council in part, may be seen by reference to Document A. and F. and G. as well as many others if required.

I should feel most happy if His Excellency would be pleased to order a commission of six or eight men to proceed to Thorah, one-half named by the above Council or His Excellency, the other half by myself, with power for the above commissioners to name an Umpire, or any other proper mode to investigate or sound the conduct of the Council, the people and myself, in the above cause—this would show an impartial trial.

According to the extract of the Council's report of the 26th November, 1831, would deprive most of the locatees of their lands—but upon reconsideration, the Council (appeared to me) finding themselves wrong or deceived by Mr. Smalley or others, made an Order in Council on the 26th of January, 1834, "That the locatees of Thorah and Eldon should be confirmed in their locations."

That notwithstanding this order of the 26th Jan'y, 1834 and others, purporting that the locatees should be confirmed in their locations, the office still continued to locate to others, and give deeds of the above lands, contrary to right and reason.

(No. 17 *continued.*)

REMARKS BY Mr. CAMERON.

The petitions referred to him by the Council, I have never seen nor heard of before—and if in existence, why did they not show them to me?—& would in a few words say, I believe them to be much like the anonymous paper which they have taken so much pains to notice for the want of better *proof*, to *substantiate* their *foul* and *unfounded* report against me and the locatees of Thorah and Eldon.

No. 17 Continued.

REMARKS BY Mr. CAMERON.

Had His Excellency's Council sent the commission as he talked of, I believe it would had a good effect—instead of sending Mr. Smalley, (a man so highly recommended by the council) which it seems in this case, cost the country a great deal of money—who never called upon me and whose statements many of which I can prove to be quite false, and according to the Council's report he has perjured himself.

posed examination of Thorah and Eldon—a gentleman of honor and integrity and discretion, and a very old inhabitant of that part of the Province, which lies in the neighborhood of those townships. That his report made out at a considerable charge to the government, exhibits the result of a personal inspection of every lot mentioned in the schedules—and that the Council having carefully examined it together with the report of the acting Surveyor General, finds that the agreement entered into by the government with Mr. Cameron has ended in the following consequences.

Mr. Cameron, in March, 1826, at Thorah and Eldon, set apart for his settlers whom he stated to have arrived in the Province and to be nearly seven hundred in number. They were to have been placed on their lands by the 1st of May, 1827, and afterwards the period was extended to the 1st July, 1828.

In September, 1830, it is found that only sixteen Lots are occupied in Thorah and thirteen in Eldon, by persons appearing to have come there as Mr. Cameron's settlers, but the Council is not satisfied that all or nearly all of these persons were Emigrants brought by Mr. Cameron from Scotland.

In Thorah more than 110 Lots located to Mr. Cameron's settlers are unoccupied, and in Eldon more than 270, making about 380 Lots, which by these occasions in the names of persons who have never yet made their appearance, has been withheld from grants to actual settlers.

And it is further ascertained by this report that for one lot in Thora and forty one in Eldon, descriptions have been applied for the production of the requisite affidavits proving the performance of settlement duties, when in fact such duties have not been performed, and the government has been imposed upon by palpable and barefaced forgery.

On a review of the whole matter the Council recommends that none of the lots which, according to the Surveyor General's schedule compiled from Mr. Smalley's report shall appear to have actual occupants upon them shall be in any manner interfered with, unless the respective occupants shall neglect to complete their settlement duties within such a period as your Excellency shall think reasonable; in particular cases this right of each respective occupant however, must of course be subject to further investigations, when there are conflicting claims of others as there appear to be in several cases before the Council, owing principally to the trafficking transactions of Mr. Cameron the agent, whose name is in some way connected with many of the lots.

No. 17 continued.

Remarks by Mr. Cameron.

It seems, as the Council would wish to make it appear, that I have nothing to do with the lots in Thorah and Eldon; but where they to tell the truth, they would find my name was connected with 251 lots and not as an agent. But this charge of the Council is unfounded like many others.

2nd. That no lot be disposed of by the government on which the settlement duties are either done or have been in great part performed, until 12 months have elapsed from the publication of a notice by government calling upon Mr. Cameron's settlers by name who have been located and have performed the whole or the greater part of the settlement duties, to repair to their lands & become actual residents upon them—but that at the expiration of that period all lots which shall remain unoccupied by any settler who can shew himself to have emigrated from Scotland under Mr. Cameron's superintendence, shall be considered as vacant and grantable; and that all such settlers are to understand, that notwithstanding their residence, they will forfeit their rights to the lots unless within the said twelve months their settlement duties shall be fully performed.

3rd. That all lots in Thorah and Eldon (excluding reserves) on which settlement duties were not done wholly or in the greatest part, when inspected by Mr. Smalley and on which he found no occupant, shall be treated as vacant and grantable.

No. 17 continued.

Remarks by Mr. Cameron.

Notwithstanding the direct order in Council that no locations should be made in my name after the date of this report, I believe on seeing the injustice of the above order, they did grant location tickets in my name.

4th. That no locations be granted hereafter to any person as a follower of Mr. Cameron, but that all who have neglected hitherto to avail themselves of the order in their favor, can obtain lands in the same manner only as other settlers.

5th. That the Attorney General be instructed to proceed against the persons falsely swearing to the performance of settlement duties, and to take measures for their immediate apprehension.

It is most amusing to see in the Council's report a direction to the Attorney General to prosecute for perjury, the people performing the settlement duties in Thorah and Eldon.

But it appears the Council was wise enough to drop this prosecution, as their honors seem to know the unjustness of their charge against the above.

Truly extracted.

JOHN BEIKIE.

No. 18.

Copy of the Advertisement published in the Gazette, by order of the Lieutenant Governor in Council, 1830.

Executive Council office, York, 26 Nov. 1830.

Notice is hereby given by order of his Excellency the Lieutenant Governor in Council, that no Lot in the Townships of Thora and Eldon will be disposed of by the Government on which the settlement duties are either done, or have been in great part performed, until twelve months have elapsed from this date.

That the persons whose names are hereunto annexed, who have been located in the said Townships of Thorah and Eldon as Mr. Donald Cameron's settlers, and who have performed the whole or the greater part of their settlement duties, are hereby called upon to repair to their lands, and become actually resident upon them within twelve months from this date, taking notice, that at the expiration of the said term, all Lots in the said Townships which shall remain unoccupied by any settler who can shew himself to have emigrated from Scotland under Mr. Donald Cameron's superintendance, shall be considered as vacant and grantable And that all such settlers are to understand, that notwithstanding their residence, they will forfeit their right to the lot, unless within the said twelve months, their settlement duties shall be fully performed.

JOHN SMALL
C. E. C.

List of Settlers located by Mr. Donald Cameron in the Townships of Thorah and Eldon.

TOWNSHIP OF THORAH.

NAMES.	LOT.	CON.	ACRES.
Alex. Stewart	14	1	200
Duncan McRae.....N. ½	15	1	100
Finlay McRae.....S. ½	8	2	100
Francis Marciem.....S. ½	11	2	100
John Chisholm	14	2	200
Alex. Grant (Penn.)	10	3	200
Donald Cameron	6	5	200
Farquahar McLellan	9	8	200
Alex. McRae	8	10	200
Archd. McDonald.....S. ½	9	10	100

TOWNSHIP OF ELDON.

NAMES.	LOT.	CON.	ACRE.
Donald McDonald	5	2	200

No. 37.

REPORT ON PETITION OF N. COZENS.

To the Honorable the Commons House of Assembly,
&c. &c. &c.

The Committee to whom was referred the Petition of NELSON COZENS, beg leave respectfully to *Report:*

That your Committee have had under their examination the several documents in support of Petitioner's claim on His Majesty's government for compensation for lands on the Grand River; which documents set forth the purchase by Petitioner's father in 1796, for a valuable consideration, of a Tract of Land from the Six Nations Indians, under their power of Attorney to their publicly acknowledged Agent, the late Captain Joseph Brant; and that Petitioner's father received from said Captain Brant, as Agent aforesaid, a deed of conveyance therefor, with the

sanction of the government of this Province expressed in a certificate of such sale under the hand and seal of office of the Secretary of the Province; also setting forth that in the absence of said deed, power and certificate, the lands so purchased were subsequently disposed of by the government of this Colony to others.

Your Committee upon investigating the subject, and comparing Mr. Cozen's claim with others of a similar nature, which have been, and continue to be recognized by the government of this Colony, are clearly of opinion that the Petitioner has fully substantiated the justice of his claim upon His Majesty's government for an equivalent to the lands in question.

Your Committee in thus declaring their unqualified conviction of the establishment of the claim in question, feel called upon to notice the opinion of the Attorney General upon the stbject thereof, and its bearings as expressed in his report contained in the appendix hereto; and feel bound in justice to declare that in their opinion the said report is contrary to known facts and bears more the marks of legal evasion than of a just and dispassionate treatment of an equitable case between subject and subject, or a subject and His Majesty.

Your Committee in conclusion, beg respectfully to suggest to your Honorable House the adoption of the following address.

All which is most respectfully submitted,

PETER PERRY,
Chairman.

COMMITTEE ROOM, *Commons House of Assembly, April* 14, 1836.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, beg leave humbly to request your Excellency to transmit to His Majesty's government the report of the select committee to whom was referred the petition of Nelson Cozens, together with the claim preferred by him to the late Lieutenant Governor in Council and documents thereto belonging, in order that the same may be submitted to the early and favorable consideration of His Most Gracious Majesty.

(Signed) MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly, 14th April, 1836.

(No. 1.)

COPY.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

In Council.

The Memorial of Joshua Y. Cozens of Cornwall, in the Province of Upper Canada, Esquire,

MOST RESPECTFULLY SHEWETH:

That your Memorialist was entrusted with private despatches from Mr. Hammond, the British Minister Plenipotentiary to the United States of America in 1791, to Lord Dorchester at Quebec, containing secret information obtained by Colonel Beckwith, who was in Philadelphia for the express purpose of watching the proceedings of the United States Congress, with the idea that the State of Vermont was upon the eve of revolutionizing Lower Canada.

That your Memorialist took charge of despatches from Lord Dorchester to Governor Simcoe whom your Memorialist met in Montreal at the head of his Regiment, the Queen's Rangers, proceeding to Upper Canada, to establish that Colony in the blessed Constitution which it now enjoys, and as Lieutenant Governor thereof.

That your Memorialist had also letters of introduction to Governor Simcoe, from the letters of Mr. Hammond, British Minister, recommending your Memorialist as the son of a tried loyalist, who had rendered important services in behalf of His Majesty's arms during the late war; and that after presenting said despatch and letters Col. Simcoe remarked to your Memorialist that he well remembered the great services rendered by your Memorialst's father, by whom he added his life had been preserved when upon a charge against the enemy, forcing across a bridge in New Jersey, the day previous to the business so well known that took place at Paoli.

That Colonel Simcoe requested your Memorialist immediately on his return to Philadelphia, where your Memorialist owned a large property, to dispose of the same and retire into Canada, where, it was promised your Memorialist should be provided for, by being placed in such a situation as his services and activity merited.

That your Memorialist with his cousin Samuel D. Cozens, son of Captain Daniel Cozens, then on the half-pay of the British Army, arrived at Niagara in June 1793, bearing despatches from Mr. Hammond, the British Minister, and with an open letter from him, in favor of your Memorialist and relative, recommending them for advancement, as sons of meritorious British subjects, in whom unbounded confidence might be placed, and who had repaired to Canada under the declared intention of settling therein as advised by Governor Simcoe.

That your Memorialist was again favorably received by Governor Simcoe, who promised a grant of 1200 acres of land to each and every of the Cozens's who might become settlers in the Province of Upper Canada, which promise was fulfilled, as will appear by a reference to the Minutes of Council.

That your Memorialist was promised to be placed in a public office of profit, but was kept constantly engaged during the period of Governor Simcoe's presiding over the Province, travelling upon secret services to Philadelphia and Quebec, and back and forth between the United States and the Provinces.

That your Memorialist is the person who carried the despatches at different times when General Wayne was expected to attack Upper Canada, and that your Memorialist passed through Wayne's army, on discoveries in disguise, and at the consequent hazard of his life.

That your Memorialist sold all his property in Philadelphia and repaired to Upper Canada, with its proceeds in cash; and with the consent and persuasion of Governor Simcoe, your Memorialist purchased from Captain Joseph Brant, and Chiefs of the Five Nations Indians, a Township or Tract of Land, situate on the Grand River, being in the District of Gore, the boundaries whereof, are set down and described in the deed thereof, of which a copy is hereto affixed.

That your Memorialist received intelligence from a friend and correspondent in London, that the township of land purchased as above by your Memorialist, might be sold to advantage in London to a Company of Hamburgh Merchants and others, who had thither fled on the invasion of their Territory by the French, and who were desirous of emigrating to British America and becoming settlers in Upper Canada.

That your Memorialist consequently empowered a Mr. Samuel Clark, a Merchant going to London on commercial business as his Agent, for the purpose of selling said township of land, as above referred to, upon condition of actual settlement thereon, agreeably to the wishes of Governor Simcoe, who personally assured your Memorialist that to ensure the title which your Memorialist held by deed from Captain Brant as aforesaid being known as fully and completely executed, he Governor Simcoe, would cause a further confirmation of the validity of said deed, there being no Registry offices yet established, to be made in Council.

That your Memorialist's Agent, said Samuel Clark, returned to America in 1798-9, without effecting a sale, as employed to and instructed by your Memorialist; and left the said original deed of said land from Captain Brant as aforesaid to your Memorialist in London. That the said Clark in 1800 became insolvent, and it was a long time before your Memorialist could ascertain where said Clark had removed to, and resided.

That your Memorialist on hearing of the failure of selling the land aforesaid, and that the original deed and other papers and charts thereof had been left in London, revoked all power which had been given by your Memorialist to said Clark who, your Memorialist learnt had deposited said deed from Brant with the firm of Barrell and Servanté, merchants in London, with power to sell the same to settlers.

That your Memorialist made every possible exertion to regain possession of said deed from Brant so deposited in London, and for that purpose employed a Mr. Joseph B. Henshaw, an important merchant from Liverpool to Boston and New-York, to obtain said deed for your Memorialist by application to Barrell & Servanté, as before named, in London.

That your Memorialist was informed by said Henshaw that after personal application and search in London, he could only learn that shortly after the deed aforesaid had been left with said Barrell & Servante, the firm became insolvent, and that the parties were deceased; and all that could be known was that said deed had been pledged, as was supposed at that time with said firm of Barrell & Servanté, by said Clark, for a debt incurred by him with them of about £300 sterling.

That your Memorialist for years made every enquiry his limited means admitted of, in search, by personal applications of correspondents, and by letters directed to London to discover and regain said deed, but without being successful.

That at the time your Memorialist purchased said land from said Brant there were not yet any Registry Offices established in the Province wherein to record deeds of land; but that said deed was regularly executed and acknowledged before Doctor Kerr (Robert) then Surrogate Judge of the Home District, as will appear from the copy of said deed hereto annexed, which acknowledgment was considered an additional confirmation of the titles or deeds of conveyance.

That your Memorialist paid £500 in specie to said Captain Brant, at the execution of said deed of conveyance, the consideration money therein mentioned; and a further sum subsequently of £500 for which your Memorialist holds Captain Brant's separate receipt.—That your memorialist begs further to state to your Excellency in Council that he was kept employed in secret services during the Presidency of Mr. Russell, and that such further services were of a nature as follows, that is to say:—

On your Memorialist's arrival in Philadelphia in 1797 with despatches to Mr. Liston, British Minister, your Memorialist was informed by him and Mr. Phineas Bond, British Consul, that a *Mr. McLean*, one of the Emissaries of *Adet*, Minister from the French Republic to the United States, (and who were denounced by proclamation by General Prescott) was at that moment in that city, concerting plans, and receiving means from said French Minister, for the purpose of inducing his Britannic Majesty's subjects in Lower Canada to revolt, and thereby to overthrow the Canadian Government.

That your Memorialist was strenuously pressed in the absence of any other person whose fidelity had been tested, to become again the bearer of despatches to Governor Prescott at Quebec, which your Memorialist declined, for the reason that he had already sacrificed four years in like secret services, involving the chances of loss of life, and without receiving the promised rewards or full remuneration for his necessary excessive expenditures—partly drawn from his own private funds; and being then much in arrears by loss of horses and extra expenses defrayed by himself, while thus adventuring hazardously for the good of his Majesty's Government and the British Province of Upper Canada.

That your Memorialist confidently looked forward, however, to the fulfilment of all the promises made him by Governor Simcoe of reward for the duties alluded to.

That assurances were then given to your Memorialist by Mr. Liston, that he would write to Governo-

Prescott to cause your Memorialist to be amply remunerated for the services by him rendered, of which your Memorialist would be furnished with sufficient vouchers from the Minister and Consul, to and from whom, your Memorialist had been entrusted with despatches and verbal communications of the vitalest importance to the British American Provinces.

That your Memorialist thereupon resumed the arduous duty—took charge of all commissions and despatches confided to him, *twelve hours after said McLean's* departure from Philadelphia, and by dint of management, and forced progress by night and by day succeeded in reaching Quebec *Twenty Four hours before* the arrival there of said Mr. McLean.

That the intelligence then and there imparted by your Memorialist to the ear of the Governor, proved in its results to have been of the greatest consequence to the Government of Lower Canada; having derived such information from that unfortunate person McLean, by means of an introduction to him in Philadelphia, as by your Memorialist's timely and unwearied exertions, defeated the projects then on foot for the dismemberment of the Colony from its parent government.

That Governor Prescott informed your Memorialist, that he had received a private letter from Mr. Liston, requesting that your Memorialist might be placed in some lucrative office, that might permanently reward your Memorialist and compensate him for the duties he had gone through.

That Governor Prescott observed to your Memorialist that there was no suitable vacancy at the moment at his disposal; but that he would bestow upon your Memorialist a Lieutenantcy without purchase, in a British Regiment which your Memorialist begged to decline accepting, for the reason then plainly and particularly stated, that your Memorialist had by consent and persuasion of Governor Simcoe, as before stated, purchased from said Captain Joseph Brant and Five Nations Indians, a large and valuable tract of land, as before alluded to, under prospect of advantageously settling the same, and in doing which (his funds being exhausted) your Memorialist craved His Excellency Governor Prescott's interest.

That His Excellency Governor Prescott assured your Memorialist that to effect a speedy and unquestionable sale of said lands to actual settlers, he would cause that public confirmation should be made of your Memorialist's deed from Brant and Five Nations, as aforesaid, by virtue of a Mandamus from His Majesty.

That your Memorialist here inserts for the perusal of your Excellency in Council, extracts from letters of official acknowledgement of the receipt at the hands of your Memorialist, of the important despatches, at Quebec, to which your Memorialist has already begged your Excellency's attention as before written.

"General Prescott has directed me to acknowledge the delivery of the important despaches from Mr. Liston in the month of April last, as you think it might be of advantage to you to have an official acknowledgement of this service; His Excellency has therefore authorized me to transcribe the following passage from one of Mr. Liston's letters"—viz:

"I have delayed despatching them from here for some days, on account of the difficulty of finding a confidential person to whom I could entrust them. The bearer, Mr. Joshua Y. Cozens has been employed in preference upon this occasion; and because he may be able personally to give a degree of information concerning *Adet's emissaries into Canada.*"

(Signed) HERMAN WITINUS RYLAND,
Private Secretary.

That your Memorialist trusting with unshaken confidence in the honor of that blessed government, for which your Memorialist's father fought, bled and died; and for which your Memorialist has through two wars fought and bled; (having during the last war been wounded and left a cripple with a dislocated right shoulder, when at the head of his Company as Captain in 1st Regiment Stormont Militia, during an incursion into the enemy's country, as Volunteers under Col. Scott, of His Majesty's 103 d Regt. in 1814)—still looks forward to that government, now by your Excellency happily administered, for a ratification of the purchase made by him of said Captain Brant, of the tract of land aforesaid, in the absence of the original deed which would establish your Memorialist's title, and for the absence of which original deed, your Memorialist has herein endeavoured fully, fairly and he trusts most satisfactorily to your Excellency in Council to account.

That your Memorialist is the father of twelve children, in the support of which family, under the pain and disability of his wounded right shoulder, your Memorialist has been constrained to call for a part or the earnings as an accountant, of *his son Nelson Cozens*, who has arrived at the age of maturity, in whose breast your Memorialist takes pride in asserting he early instilled principles of loyalty.

That Your Memorialist having conveyed to his said son Nelson all the right and title to said township or tract of land, purchased as aforesaid from said Capt. Brant, and to Your Memorialist belonging, now therefore humbly prays that Your Excellency in Council will be pleased to grant to Your Memorialist's said son Nelson such confirmation of title to said land, in the absence of said original deed, as Your Memorialist respectfully expresses his feelings of having justly acquired by honorable purchase, in good faith, and in the hope of enjoying the advantages of which legal purchase Your Memorialist was withheld from seeking by application that compensation from His Majesty's Government which Your Memorialist humbly and earnestly conceives due his hard services, and it may be added consequent ill fortune.

That your Memorialist prays your Excellency in Council may, in the event of any part of said land being regranted or disposed of by the Crown, to settlers or others, cause that an equivalent thereto be granted to Your Memorialist's said son Nelson in lieu thereof.

And your Memorialist as in duty bound will ever pray.

(Signed) J. Y. COZENS.

1st *July*, 1834.

[Original filed in Executive Council Office.]

(No. 2.)

To His Excellency Sir John Colborne K. C. B: Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

IN COUNCIL.

The Petition of Nelson Cozens, of Cornwall, Eastern District of Upper Canada,

Humbly Sheweth,

That your petitioner is the son of Joshua Y. Cozens of Cornwall aforesaid, whose Memorial to your Excellency in Council is hereto affixed;—has arrived at the age of thirty three years—was honored with an Ensigncy in 2nd Reg't. Stormont Militia in 1822, and has for many years been engaged in the occupation and duties of an accountant.

That your Petitioner in consideration of sums of money by him advanced to his father, said J. Y Cozens at various times, to assist in the maintenance of a numerous family, (your Petitioner's sisters and brothers) they being in indigent circumstances; has become invested with all the right and title possessed by your petitioner's father aforesaid, to a certain tract of land, by him purchased from the late Capt. Joseph Brant and the Five Nations Indians, lying upon the Grand River in the District of Gore, described in the Memorial from your petitioner's father, and defined in its boundaries in the accompanying copy of said Brant's Deed to your petitioner's father.

That your petitioner humbly solicits the attention of your Excellency in Council to the circumstances attending the original Deed from said Capt. Brant to your petitioner's father aforesaid as by him detailed in said Memorial, which particular circumstances have extended to this day to prevent your petitioner's father from entering upon said land or making use thereof to his benefit.

That your petitioner, labouring in the vocation of an accountant as aforesaid, has not been possessed of the means of making personal search in London for the original deed of said land to your petitioners father but has maintained a correspondence thereto relating, during a term of seven years, with persons in England to discover, but without effect, said original Deed.

That your petitioner convinced of the fidelity of the statements set forth by your petitioner's father in his Memorial aforesaid, and impressed with the justice of the claim preferred by him, as well as of that of your petitioner's present solicitations, founded upon said claim, Humbly prays that your Excellency in council will take into consideration the entire facts as embodied in said memorial regarding the original purchase of said land, the subsequent loss of said Deed, and the continued obstacles to the recovery thereof.

That your petitioner humbly prays your Excellency in council will upon satisfactory proof of the honorable mode pursued by your petitioner's father in acquiring said Deed by purchase as aforesaid, of the manner in which said deed was executed and certified, and is now transferred to your petitioner by a quit claim Deed of said land, cause your petitioner to be put in possession of said tract of land, by such power as your Excellency in council, in confirmation of your petitioner's legal claim may deem proper.

That your petitioner not having the present means of becoming fully acquainted with the actual condition of said lands, begs that your Excellency in council will, in case of said land or part thereof having been reconveyed or disposed of by the Government, grant to your petitioner other lands in lieu thereof as an equivalent.

That your petitioner humbly solicits your Excellency's regard to such passages in your petitioner's father's memorial, as give an outline of the early life of your petitioner's father, as connected with the political history of that period and with the settlement of the Provinces, and of the service in which he engaged at the peril of life and sacrifice of time and money, under promises made him by one of your Excellency's distinguished Predecessors, Governor Simcoe, which service, so rendered by your petitioner's father, tended in a great degree to the happy establishment of that Government over which your Excellency now wisely presides.

That your petitioner, like his father, is firmly attached to the constitution as preserved under your Excellency's guardianship; and that the feeling of loyalty which your petitioner cherishes has associated him in life with such principles and such persons as he respectfully asserts would not dishonor your Excellency's confidence and support.

That your petitioner humbly prays your Excellency in council may be pleased to take into consideration the various facts herein detailed as combined with those of your petitioner's father in his accompanying memorial, to the end that your petitioner and his father may hope for early relief.

And your petitioner as in duty bound, will ever pray.

(Signed)

NELSON COZENS.

City of Toronto
14th July, 1834.

[Original, in office of Exec. Council.]

(No. 3.)

Eastern District } Before me Guy C. Wood, Esquire, one of His Majesty's Justices of the Peace in and for said District, personally appeared Joshua Y. Cozens of the town of Cornwall in the said District, Esquire, and being sworn, deposeth and saith,—That he deponent purchased of Captain Joseph Brant, for himself and as agent for the Five Nations Indians, a certain Township of Land, situated in the Province of Upper Canada, being a part of the tract of land belonging to said Indians, and known by the name of the Grand River Tract in the now District of Gore, in the said Province, and described as follows:—

Beginning at a corner stone adjoining a certain Tract of Land purchased of the said Indians by William Wallace and Isaiah Tiffany, said corner stone being thirty six miles above the forks of said Grand River, and running from thence the different courses of the said Grand River Tract twelve miles square—containing 92,160 acres more or less.—And deponent saith that he received a Warrantee Deed written upon parchment for said Township of land, duly *executed by the said Joseph Brant* with a power of Attorney annexed thereto, signed by the principal chiefs, authorising the said captain Joseph Brant to grant bargain, and sell the same, said Deed bearing *date the eighth day of October*, 1796. That at the delivery of said *Deed*, deponent paid to the said Joseph Brant a consideration of *Five hundred pounds* in specie, in the presence of Robert Kerr Esq., Judge of His Majesty' Surrogate Court for the Home District, and Angus McDonell Esq. Barrister at Law, who were the subscribing witnesses to said Deed of bargain and sale to him deponent, his heirs and assigns forever in fee simple.

And the deponent further saith that in the *month of June* 1797, *he paid* to the said Joseph Brant, a further *consideration of the sum of Five Hundred*

pounds for which he received the said Joseph Brant's receipt acknowledging said sums of money to be in full of all demands for said Township of Land until he received an acquittance of all claims from government for said Township of land, when deponent was to have paid a further sum of £1000

And deponent further saith that at the time he first bargained with the said Joseph Brant for said Township of land, he deponent was employed in the secret services of Governor Simcoe and informed His Excellency that he could effect a purchase by Deed in fee simple for said Township of land.

That deponent's object was to bring on fifty settlers from the United States, old Tories, loyalists and loyalists sons—true British subjects.

And deponent further saith that His Excellency advised deponent to close the bargain and take the Indian title, and he would confirm it, less 2-7ths—and advised deponent to take his conveyance to Europe, where it would command a large sum.

And deponent further saith that he empowered a Mr. Samuel Clark of Middleton, State of Connecticut, a British subject, and importing Merchant, to sell said land in Europe, who repaired to London in the year 1797 with said deed,—That after he, Clark, arrived in London, deponent received a letter informing him that a Mr. Broom, Agent to a company of Merchants in Hamburgh, was in the City of New York, who wished to purchase a large tract of land in America to send out settlers on—that deponent repaired to New York and made a conditional agreement with said Broom for five shillings sterling per acre, for said township of land, if his deponent's agent had not disposed of it on his arrival in London.

That deponent referred Mr. Broom to Governor Simcoe for a confirmation of the Indian title to said township of land.

That the said Broom and deponent's agent, Clark, waited upon Col. Simcoe who then resided 80 miles from London, who informed them that he was no longer Governor of Upper Canada, and referred them to the Administrator and Council of Upper Canada who would confirm the title by reserving 2-7ths, upon which Mr. Broom advised the said Company to advance the first payment for said township of land—deponent having agreed to receive one-half in cash and merchandise, and the other half in a year;—But deponent's agent, Clark, would not consent, nor give up the papers, saying he could sell the said township for 7s. 6d. per acre.—And deponent further saith, that after his said Agent had remained in London nearly three years, and had not effected a sale of said township, returned to America; (one of his partners in trade having caused a failure to a large amount in his own business.)

That deponent, soon after his arrival, had an interview with his said Agent, who informed him as above stated, and that he had been sadly disappointed in effecting a sale, and had left the deed and papers thereunto belonging with a Mercantile House trading under the firm of Barrell & Servante in London with a power to sell the said township to the said Hamburgh company. And deponent further saith, that his said agent, Clark, *shortly afterwards absconded*, and could not be found by him deponent until the year 1805, when he informed deponent *that he had pawned said Brant deed*, for £250 sterling.

And deponent further saith, that he then wrote to the house of Barrell & Servante but got no answer—that he again went in pursuit of his said agent, Clark, but could not find him until the year 1818, when he was in a state of stupifaction occasioned by living a life of inebriety; but obtained such information as to find such a firm as Barrell & Servante.

That in the year 1821 deponent ascertained that the said partners had *failed in business* soon after the said deed and papers had been placed in their hands, and that their business had been placed in the hands of assignees, but could not learn who the assignees were—that the said *Barrell & Servante were both dead.*—And deponent further saith, that being in indigent circumstances was not enabled to go to Europe in search of said deed, having paid his *all* for said township of land, and has been obliged to raise a family of twelve children by his daily labor and industry.

That he has continued writing from year to year and every year since the year 1805 endeavouring to find said deed to enable him to lawfully claim and settle his family on said lands; at last has found through a relative of Barrell, that it appears in a ledger of his deceased uncle that deponent's agent, Clarke had left titles to lands in America describing them as follows:

"Brant's deed to Cozens, Cozen's power to Clark, "Clark's power to Barrell & Servante."—And also the amount of about £250, advanced by said firm to said Clark—but no account of any sales, neither can deponent ascertain who the assignees were with whom it is presumed the said deed still remains, or their heirs, in all probability, among papers which are considered of no value or have been lost—or so mislaid as not yet to be found, and deponent saith that his said agent, Clark; is also dead.

(Signed) J. Y. COZENS.

Sworn before me at Cornwall, in said District, this 1st day of July, 1834.

(Signed) G. C. WOOD, *J. P.*

(No. 4.)

Lower Canada, District of Montreal. } Before me the Honorable Jean Roch Rolland, one of the Justices of His Majesty's Court of King's Bench in and for the Province of Lower Canada, personally appeared Joshua Henshaw of St. Therese in the Parish of Chambly, gentleman, and being duly sworn deposeth and saith—That he was present in the City of Middletown and State of Connecticutt in the year 1796 when Joshua V. Cozens, Esq., now of Cornwall in the Province of Upper Canada, put into the hands of Samuel Clark of said Middleton, merchant, since deceased, a deed of bargain and sale written on parchment, purporting to be made by one Joseph Brant, and signed by him in his own right and as agent for the Five Nations of Indians; there was likewise an instrument either annexed to the said deed or accompanying the same, the deponent at this distance of time does not recollect which, purporting to be a power of attorney from the principal Chiefs of the said Indians to the said Joseph Brant with their names and crosses fixed to the same, and appearing to be duly executed, authorizing and empowering said Brant as their agent to sell a certain tract of land to the said Cozens, being according to my best recollection described as a part of a certain parcel or tract of land known by the name of the Grand River Tract in the Province of Upper Canada, belonging to the said Five Nations of Indians,

said tract of land containing to the deponents best recollection and belief 92,160 acres, more or less, he having a copy of said deed in his possession for many years, and thinks he still has one, as he has seen it within two or three years, but cannot readily find the same; and this deponent further saith that he was a witness to the letters of attorney executed by the said Joshua Y. Cozens to the said Samuel Clark authorizing him to sell the said tract of land in Europe, where he intended to proceed for that purpose; and the deponent further says that the said Clark thinking the deponent more conversant in transactions of this nature than himself, requested him to examine said deeds and papers to ascertain whether the chain of titles were regular, and the other writings and papers correct, which the deponent carefully did, and as far as his recollection serves him found them correct; and further that said Clark did proceed to London for the purpose of disposing of said land and continued there for more than three years and not effecting a sale of said land or any part thereof returned to America to the house of the deponent, being his brother-in-law, where his family at this time was, said Clark informed this deponent that he had left said deeds &c. &c. with authority to sell said lands with a mercantile house trading under the name and firm of Barrell & Servante in London; and this deponent further says, that some years since having a son in London said Clark requested him to write to his son to make application for this deed and papers and procure and bring them with him on his return, which the deponent did, and after much enquiry and trouble his son was only able to ascertain that the said house of Barrell & Servante had long before become bankrupt and both deceased—(that their papers and effects had passed into the hands of assignees, and the deponent believes that application was made to the assignees for said deed and papers, but that none could be found; and the deponent further saith that since writing the above he has found said copy of said deed and herewith annexes the same.

(Signed) JOSHUA HENSHAW.

Sworn at Montreal this 9th day of October 1833, before me.

(Signed) J. R. ROLLAND, J. B. K.

(No. 5.)

This Indenture made the eight day of September in the year of our Lord one thousand seven hundred and ninety-six, between Captain Joseph Brant of the Province of Upper Canada for himself and Agent for the Five Nations of Indians, he being lawfully appointed and invested with full and sole power to convey and confirm all the right, power, interest, claim or demand of all and every part or parcel of a certain tract or body of land belonging to him the said Captain Joseph Brant and the Five Nations of Indians, and Joshua Y. Cozens of the town of York and Province aforesaid, of the other part;

Whereas General Haldimand in 1784 being Governor and Commander-in-Chief of His Majesty's Province of Quebec now known by Upper and Lower Canada, having full and sole power to give, grant, convey and confirm any part or parcel, tract or tracts of His Majesty's lands in the Province aforesaid, and the said Governor Haldimand did for certain losses and good services, give, convey and confirm unto Captain Joseph Brant aforesaid, for himself and the Five Nations of Indians, their heirs, executors, administrators and assigns, a certain tract of land known by the name of the Grand River Tract, bounded as follows;—Beginning at Lake Erie where said Grand River empties, and extending to the head of the waters of said river, six miles in width on each side said river, reference being had to said deed of gift and conveyance, bearing date the 25th day of October, 1784, which is recorded in the Secretary's office of the Province of Upper Canada in Lib. A, folio 8, will more fully appear.

Now this Indenture witnesseth, that the said Capt. Joseph Brant for and in consideration of the sum of five hundred pounds, estimating dollars at eight shillings, to him in hand well and truly paid by Joshua Y. Cozens aforesaid, at or before the ensealing and delivery hereof, the receipt whereof is hereby acknowledged,—Hath granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said Joshua Y. Cozens, his heirs and assigns, a certain tract of land, being a part of the aforesaid tract known by the name of the Grand River Tract, lying and situated as aforesaid, and bounded as follows;—Beginning at the corner stone adjoining a certain tract of land purchased of the Five Nations of Indians by William Wallace and Tiffany, the 1st of May, 1796, said corner being 36 miles distant from the Forks of said river, running from thence the different courses of the Grand River tract twelve miles square, containing ninety thousand acres, more or less, together with all and singular the improvements, ways, waters, water-courses, rights, members, privileges, hereditaments and appurtenances whatsoever to the same belonging or appertaining; with the reversions and remainders, rents, issues and profits thereof and every part thereof, and also all the right, estate, title, interest, profit, claim and demand whatsoever of him the said Joseph Brant for himself and Agent for the Five Nations of Indians of, in and to the said 90,000 acres and every part thereof either in Law or Equity, to have and to hold the said 90,000 acres, hereditaments and premises hereby granted, mentioned or intended to be, with the appurtenances, unto the said Joshua Y. Cozens, his heirs and assigns forever,—And the said Captain Joseph Brant for himself and the Five Nations of Indians aforesaid, and their heirs, doth covenant, promise, grant and agree to and with the said Joshua Y. Cozens, his heirs and assigns by these presents in manner following, that is to say,—That he the said Captain Joseph Brant for himself and the Five Nations of Indians and their heirs the said tract of land, hereditaments and premises here by granted and every part thereof with the appurtenances, unto the said Joshua Y. Cozens, his heirs and assigns against him the said Captain Joseph Brant and the Five Nations of Indians and their heirs, and against all and every other person or persons whatsoever, lawfully claiming any estate, right or title therein, shall and will warrant and forever defend by these Presents,—In witness whereof the said Captain Joseph Brant for himself and Agent for the Five Nations of Indians as aforesaid, hath hereunto set his hand and seal, dated the day and year first above writtten.

(Signed) JOSEPH BRANT, [L. S.]

Signed, sealed and delivered in the presence of

Note—Hlings in the eleventh line interlined before signing.

A. MACDONELL,
ROBERT KERR.

Received on the day of the date of the above written Indenture, of the above named Joshua Y. Cozens, five hundred pounds in full of the consideration money above mentioned.

(Signed) JOSEPH BRANT.

In presence of

A. MACDONELL,
ROBERT KERR.

Before me Robert Kerr, Esq. Judge of His Majesty's Surrogate Court in and for the Home District of the Province of Upper Canada, and one of the Justices assigned to keep the Peace in and for the same, piersonally appeared Captain Joseph Brant, principal Chief and Agent duly authorised, nominated and appointed for, by and in behalf of the Five Nations of Indians who solemnly acknowledged the within grant to be his act and deed, and his hand and seal to be thereunto subscribed and set, and that as such he had duly delivered the same to the within grantee Joshua Y. Cozens, in faith of which, I have granted the present certificate, sealed with my seal this thirteenth day of September in the year of our Lord one thousand seven hundred and ninety-six.

(Signed) ROB'T KERR, [L. S.]
Surrogate H. D. & J. P.

(COPY.)

What is contained on three pages next preceeding together with the words "and sole" in the first page, in the fifth line from the top interlined is a true copy of the original, having been carefully examined and compared by me. In faith whereof I have hereunto subscribed my name, and affixed my seal of office this 24th day of December, 1796.

MATTHEW T. RUSSELL,
Notary Public.

State of Connecticut, } ss.
Middlesex County. }
[L. S.]

Note.—This taken from a copy in the hands of J. B. Henshaw, New York.

(No. 6.)

Know all men by these presents, that Joshua Young Cozens of the town of Cornwall in the Eastern Disrict of the Province of Upper Canada, Esquire, for and in consideration of the love and affection that he hath for his son Nelson Cozens, as also for the further consideration of a title for two hundred acres of land in East Hawkesbury, sold for two hundred pounds, as also two hundred pounds in cash paid at different times heretofore, making four hundred pounds of lawful money of Upper Canada, the receipt whereof is hereby acknowledged.—He the said Joshua Y. Cozens hoth given, remised, released and forever quit claimed, and by these presents DOTH for himself and his heirs, give, remise, release and for ever quit claim unto the said Nelson Cozens of Cornwall in the District and Province aforesaid, gentleman, and to his heirs and assigns forever, all and singular that certain township or tract of land situate, lying and being in the District of Gore in the Province of Upper Canada, containing by admeasurement ninety-two thousand one hundred and sixty acres of land be the same more less; which said township of land is bounded as follows, that is to say, beginning at the corner stone adjoining a certain tract of land purchased of the Five Nations of Indians by William Wallace and Isaiah Tiffany the first of May, 1796, said corner stone being thirty miles distance from the Forks of the Grand River and running from thence the different courses of the Grand River Tract twelve miles square, which said township or tract of land being a part of that certain tract of land known by the name of the Grand River Tract, which was given and granted by General Frederick Haldimand, Governor and Commander-in-Chief of his Majesty's Province of Quebec (now known by Upper and Lower Canada) having full and sole power to give, grant, convey and confirm any part or parcel, tract or tracts of land, that is his Majesty's lands of the Crown in the Province aforesaid; and the said Governor Haldimand did in the year 1784 for certain losses and good services give, grant, convey and confirm unto Captain Joseph Brant for himself and the Five Nations of Indians, their heirs, executors, administrators and assigns that certain tract of land known by the name of the Grand River Tract, and bounded as follows, beginning at the Lake Erie where said Grand River empties, and extending to the head of the waters of said Grand River, six miles in width on each side of said Grand River. Reference being had to a deed of gift and conveyance bearing date the 25th day of October, 1784, which is recorded in the office of the Secretary of the Province of Upper Canada in Liber A folio 8, will or may more fully appear. Which said title was ratified by John Graves Simcoe, Esquire presiding as Lieutenant-Governor of the Province of Upper Canada in the year 1793, as may appear by the survey of said tract-land registered in the Surveyor-General's office by order of his Excellency Governor Simcoe. And whereas the said Captain Joseph Brant for himself and agent for the Five Nations of Indians aforesaid, did grant, bargain, sell, convey and confirm unto the said Joshua Y Cozens the said township of land above-mentioned being part of the said above-mentioned Grand River Tract containing 92,160 acres of land, more or less as aforesaid. Now know ye, that the said Joshua Y. Cozens for and in consideration of the love and affection that he hath for his said son Nelson Cozens, and the sum of four hundred pounds paid by the said Nelson Cozens as aforesaid, hath given, granted, bargained, sold, remised, released, and forever quit claimed, and by these presents doth give, grant, bargain, sell, remise, release, and forever quit claim unto the said Nelson Cozens and his heirs forever the said township or tract of land with the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the same unto the said Nelsen Cozens, his heirs and assigns forever.—So that neither he the said Joshua Y. Cozens nor his heirs nor any other person or persons for him or them, or in his or their names, or in the name, right, or stead of any of them, shall or will by any ways or means hereafter, have, claim, challenge or demand any estate, right, title or interest of, in, or to the said premises above-mentioned or any part thereof, but they and every of them shall be literally excluded and barred forever by these presents. In witness whereof the said Joshua Y. Cozens hath to these presents set his hand & seal at Cornwall in the Eastern District afore-

said, this second day of July in the year of our Lord one thousand eight hundred and thirty-three (1833.)

(Signed) J. Y. COZENS, [L. S.]

Signed, sealed and delivered in the presence of }

(Signed) ISAAC BROCK COZENS,
" DONALD MILLER,
" THOMAS MARSHALL.

£400.—Received on or before the day of the date of the foregoing deed of the therein mentioned Nelson Cozens, the sum of four hundred pounds of lawful money of Upper Canada, being togéther with the love and affection as a father to his son the full amount of the consideration money mentioned in the said hereinbefore mentioned deed.

I say received by me,

(Signed) J. Y. COZENS.

Witness,

(Signed) ISAAC BROCK COZENS,
DONALD MILLER,
THOMAS MARSHALL.

(No. 7.)

Extract of Letters from Joshua Y. Cozens to his Agent, Samuel Clark, London.

MONTREAL, 4th Jan'y, 1798.

DEAR SIR,

I wrote you in September but can receive no answer from you since, I once wrote you the papers necessary to attend the Brant title would come on by the Halifax mail, which I certainly expected would have been executed, but was not effected. I have been trying ever since to obtain them but could not until within a fortnight, I have obtained *the inclosed*, with the *Secretary's Seal of Office*, which I conceive will be every thing."

MONTREAL, 7th March, 1798.

DEAR SIR,

Yours inclosed to Mr. E. Smith I received, which astonished me, as you say you have not heard from me since April, as I have wrote at least ten letters since that, and have sent *two certificates, two months different* in date,—as follows—"a copy of Haldimand's deed to the Six Nations—a confirmation of four townships by government empowering Brant to convey in fee simple, referring to my deed as one, and it being clear of mortgage—this *certified by the Secretary, with the Provincial Seal affixed thereto*—this is all I could get which is certainly every thing necessary.

(No. 8.)

Upper Canada, Eastern District, } Before me James Pringle, one of His Majesty's Justices of the Peace in and for said district, TO WIT.

personally appeared Joshua Y. Cozens, of Cornwall, in said district, Esquire, and being duly sworn deposeth and saith—That when in the year 1796 he deponent received by purchase from Capt. Joseph Brant, and as Agent for the Six Nations Indians, a *Warrantee Deed* for a townsihp of land on the Grand River, supposed to be that designated as Block No. 4, &c. in the Gore District, containing 92,160 acres, he deponent would have had said deed recorded but was prevented from so doing by the absence at Montreal of the Registrar, John Powell, Esquire, and no other person being at the office authorised to make records at his office;—That Dr. Kerr thereupon assured deponent that the acknowledgement of the due execution of said deed before him, as Judge of the Surrogate Court, was quite sufficient without its being recorded, which acknowledgement was made.—And deponent further saith, that on sending said deed to England he retained a duly certified copy thereof, witnessed by two Lawyers named Hosmer, brothers, both of whom are now dead.—That said certified copy was with many other papers and documents public and private, totally destroyed in the interior of said District whither they had been removed for safety by John Low Farrand, Esq., then Registrar and Clerk of the Peace for said District, on the invasion of the Province by General Wilkinson's army in 1813;—And deponent further saith, that in 1797 his Agent, Clark, in London, wrote to deponent that he had or was about to negotiate with a Company of Hamburgh Merchants, for the sale of said township of Land, but that they did not fully comprehend the nature of the said Warrantee Deed as based upon the Indian title; whereupon deponent obtained and forwarded to said Agent in London, for the full satisfaction and conviction of said Merchants, as to the strength, legality and validity of said deed, *a certificate* with *Seal of Office thereto attached*, from Wm. Jarvis, Esquire, *Provincial Secretary* of Upper Canada, setting forth the full knowledge, consent and approval by government of said sale by said Captain Brant to deponent, who immediately forwarded to his said Agent in London said certificate, in a letter, which letter also bearing the various Ship stamps and Post marks, deponent lately obtained from said Clark's last residence and has now in his possession, together with another letter recapitulating the substance of said certificate and the fact of its having been forwarded;—And doponent further saith, that in dining with the late Sir John Johnson, Superintendant General of Indian Affairs in Canada, Sir John Johnson in the presence of his private Secretary Captain P. Langon, and *other gentlemen guests*, speaking of said purchase by deponent and Warrantee Deed aforesaid from said Capt. Brant, expressed himself fully and freely to deponent, and assured deponent that as to his title from Brant none could possibly be better.—That the only government question that could arise might originate in the constitutional reservations of two-sevenths;—That shortly after said conversation and opinion of Sir John, deponent had an interview with said Captain Brant, who promised to obtain from government and deliver to deponent, a full relinquishment of said two-sevenths, upon the receipt from deponent of a further consideration of £1000 as specified by deponent in anterior depositions by him made, but that deponent always considered upon possessing the opinion and assurances as aforesaid of Sir John Johnson, also that of said Capt. Brant that the Government Patent for said land, substituted for said Warrantee Deed, could only be desirable or deemed preferable in case of sale of said lands to persons abroad, or strangers at a distance not

ully acquainted with the Indian title as derived from Governor Haldimand.

(Signed) J. Y. COZENS.

Sworn before me at Cornwall, in the Eastern District, this 23d day of Feb'y, 1835.

(Signed) JAMES PRINGLE, J. P.

(No. 9.)

Lower Canada, *District of Montreal.* } Before me Jacob Glen, Esquire, one of His Majesty's Justices of the Peace for the said district, personally appeared *Joshua Henshaw* of St. Therese, gentleman, and being duly sworn deposeth and saith—That he was personally present at Middletown in the State of Connecticut in the year A. D. 1796 and saw put into the hands of Samuel Clark of said Middletown, a deed of bargain and sale duly executed, signed by one Joseph Brant for himself and as agent for the Five Nations of Indians, for a tract or township of land belonging to the said Indians (as said deed expressed) situated upon the Grand River in the Province of Upper Canada, containing 92,160 acres more or less, *as appears from a copy of said deed in the hands of the deponent*, together with a power of attorney either annexed to or accompanying said deed, the deponent does not recollect which, with a number of signatures and crosses, purporting to be the names and signatures of the Chiefs of said Five Nations of Indians, authorising the said Brant to sell and convey said tract or township of land; and the deponent further says, that said deed of conveyance was to Joshua Y. Cozens and by him delivered to said Clark, accompanied with a power of attorney authorising said Clark to sell and dispose of the same in Europe.

And further, that the said Clark did go to London with said deed and writings, for the purpose of selling the said land, and continued there nearly three years—and the deponent received letters from said Clark after his arrival there, and this deponent says that in A. D. 1797 he was informed by said Cozens that he had made a conditional sale of the said tract or township of land for one dollar the acre, if his agent had not sold it previously to the person's arrival in London from America, a Mr. Broom, agent for a company in Hamburgh, and that said Cozens wished the deponent to communicate this information to said Clark his agent, with his intention of embarking for Europe himself according to the deponent's best recollection after confirming the sale in America, & the deponent accordingly wrote to said Clark communicating this information and requesting him to forward said deeds and papers by the British Packet as being the most safe mode of conveyance, and to remain in London until the time should expire for making the first payment and receiving the same, all which appears by a letter written by the deponent to said Clark at said time to the above effect, and now before him; and the deponent further says that he gave his deposition before the Hon. J. K. Rolland, J. B. R. at Montreal in October last at the request of said Cozens, and not at that time having the said letter could not recollect the circumstances stated above.

(Signed) JOSHUA HENSHAW.

Sworn before me at Chambly, this 22nd day of May, A. D. 1834.

(Signed) JACOB GLEN, J. P.

For the District of Montreal.

(No. 10.)

Memorandum of an agreement made and entered into this 14th day of July, A. D. 1796 by and between Joshua Y. Cozens, and Capt. Joseph Brant, both of the Province of Upper Canada, viz:—Said Cozens doth promise and agree to and with the said Capt. Brant for himself and the Five Nations Indians, to confirm by an instrument of writing for that purpose, to pay or cause to be paid to them the Five Nations £1200 per year, estimating dollars at 8s. each in consideration of a certain tract of land to contain 100,000 acres, belonging to the said Five Nations, known by the name of the Grand River Lands, they confirming the same to said Cozens by Deed. Said Cozens to be at liberty to pay the principal when he shall or may think proper, estimating the same at £20,000 currency as aforesaid.—Said Cozens doth further agree that if the said Capt. Brant cannot accommodate him the said Cozens with the aforesaid number of acres, to confirm as aforesaid to him the said Capt. Brant of the Five Nations, six hundred pounds per year, currency as aforesaid, in consideration of 50,000 acres when confirmed by deed to him the said Cozens, he being at liberty to pay the principal as above, estimating the same at £10,000 currency, as aforesaid.

Said J. Y. Cozens doth further agree to give or cause to be given unto the aforesaid Capt. Brant, exclusive of the aforesaid consideration, £500 like currency if said Capt. Brant confirms to said Cozens by Deed 100,000 acres, and if said Capt. Brant should confirm by Deed 50,000 acres, said Cozens to give or cause to be given to him said Capt. Brant £250 currency as aforesaid, exclusive of the consideration as aforesaid.

As witness our hands and seals.

(Signed) J. Y. COZENS.

(Signed) JOS. BRANT.

(N. B.—There are no witnesses to this memorandum.)

WELLINGTON SQUARE, 20th April, 1835.

DEAR SIR,

The annexed is a true copy of an agreement between your father and the late Captain Jos. Brant, which is quite different from the receipt you showed me, mentioning £1000 as the full consideration money. And upon reference to your father's letters to the late Mr. Durand, I find the copy of an indenture inclosed, in which indenture £500 is stated as the consideration money—the thing does not appear clear to me. I have therefore written to the Lieutenant Governor's office, requesting to be present when your claim is taken up by the Executive Council.

And I am, dear Sir,

Your obed't Servant,

(Signed) WILLIAM J. KERR.

NELSON COZENS, Esq. Toronto.

Upper Canada, *Eastern District,* TO WIT: } Before me, Wm. Bruce, one of His Majesty's Justices of the Peace in and for the said District, personally appeared Joshua Y. Cozens of Cornwall in the said district, Esq. and being duly sworn deposeth and saith,—That he deponent entered into a memorandum of agreement in the month of July in the year 1796 with the late Capt. Joseph Brant, pur-

porting to be an agreement for 100,000 acres of land belonging to the Five Nations of Indians, and known by the name of the Grand River Lands, which said 100,000 acres was to consist of Block No. 3, which the said Capt. Brant had granted to Wm. Wallace and Isaiah Tiffany as he Capt. Brant informed deponent; and deponent further saith that the said Capt. Brant informed him that Wallace and Tiffany had failed in paying what they had promised on the first of May previous, and that he Capt. Brant entered into an agreement with him deponent to confirm a title for 12 miles square, being block No. 3, and 800 acres supposed to be a bed of Iron Ore—That deponent agreed to pay for said 100,000 acres of land at the rate of £20,000 N. Y. currency, to be at liberty to pay either £1200 annually or to pay the principal when the yearly amount was to cease; that deponent also agreed to pay a further sum of £500 *New York currency*, when he should receive a deed in fee simple for 100,000 acres or £250 if only 50,000 acres were confirmed by deed.—And deponent further saith, that he set out from Niagara, on the 16th July 1796 for Philadelphia for £2000, which he had placed in the hands of Mr. Phineas Bond, the then British Consul; that deponent returned to Niagara where he arrived on the 2nd of September, and when and where he again met with Capt. Brant at Dr. Kerr's, who informed deponent that he had come to a further understanding and agreement with Wallace and must cancel the agreement he had entered into with deponent, which deponent agreed—that the agreement was in Capt. Brant's desk at the Grand River, 60 miles from Niagara—that Capt. Brant promised to send said memorandum to the care of Dr. Keer, who was to destroy it in the presence of deponent; and deponent further saith, that a day or two afterwards when Capt. Brant ascertained that deponent had £500 in his trunk and a draft on Mr. Russell, Receiver General of the Province for 650, he Capt. Brant proposed selling to deponent a township 12 miles square, supposed to contain 92,160 acres—that after two days continually occupied in bargaining for said township with the assistance of Dr. Kerr, deponent purchased said township for £2000 currency—£500 at the time of receiving the deed or title, £500 to be paid in one year, and £1000 to be paid when deponent should be furnished with vouchers that the government had no claim to said township of land—That Mr. Angus McDonell was about to insert in the deed of conveyance the £2000 consideration, which ought to have been, but Capt. Brant would not agree to have more inserted therein than he was about to receive, to wit, the £500, but would of course give a receipt for the next payments as part of the consideration money, which he did on receiving the second payment in 1797—and deponent further saith the said township so by him purchased, was considered as the poorest of the Indian Tract, and that it was but of little value—that Capt. Brant assured deponent that 30,000 acres were good land, and that the rest he had not fully explored being far distant from his settlement, and was not expected by the chiefs to ever be settled, and only valued as hunting ground*—That deponent being employed in secret services was sent with despatches to Mr. Liston, British Minister at Philadelphia, and did not afterwards return to Upper Canada but remained settled in Montreal until 1799; and deponent further saith that Capt. Brant at the time of receiving the second payment of £500 declared to deponent that he had sent the former memorandum of agreement for Wallace's township to Dr. Kerr, which he since told him to destroy.

(Signed) J. Y. COZENS.

Sworn before me at Cornwall, this 30th day of April, 1835.

(Signed) Wm. BRUCE, J. P.

* See evidence of Brant's Executor, Augustus Jones, Esquire, Surveyor, No. 71.

(No. 11.)

"Received June 26th, 1797, of Mr. Joshua Y. "Cozens, the sum of five hundred pounds making "one thousand pounds Halifax currency, with the "five hundred pounds he paid me when I signed a "deed to the said Joshua Y. Cozens in October 1796, "for a township of land, being part of the Grand "River tract, containing 92,160 acres, purchased by "the said Joshua Y. Cozens from me and as Agent "for the Five Nations of Indians; and I hereby ac- "knowledge said above sum to be in full of all de- "mands for said township of land, until I deliver said "J. Y. Cozens a full relinquishment from government "that they have no claim on said lands, which I bind "myself and heirs, as Agent aforesaid, to do.

"JOSEPH BRANT."

(No. 12.)

ROCHESTER, May 13th, 1836.

SIR,

Yours of the 22d ultimo, as also that of your father's came duly to hand, giving me to understand that you had a claim before government for a tract of land on the Grand River purchased of the Indians, and that the deed from Captain Brant with a copy of a Power of Attorney from the Chiefs to Brant, was lost in London—and that you wished to know if I recollected your having such a deed.

I think that I do remember hearing the deed read, and that Devenport Phelps, Esq. was present, and that he gave his opinion that it was a strong deed.

I send you a copy of the Government deed to Wm. Wallace, confirming the Indian title to block No. 3, on the Grand River, which has reference to the Haldimand title to the Indians. The right for them to dispose of their lands, and that of Captain Brant to convey the same in fee simple, by a special power of Attorney from the Indian Chiefs.

AN ABSTRACT OF THE POWER.

"In witness whereof we have hereunto set our hands and seals, the same being first read and fully explained to us in behalf of our said Nations, the seventeenth day of May, in the year one thousand seven hundred and ninety-six, and in the thirty-sixth year of the reign of our Father His Britannic Majesty King George the Third.

TEHARCHOHEN,	[L. S.]
THANEYAGEARAT,	[L. S.]
KAGONTINAYEN,	[L. S.]
THAHOSONNENGHTON,	[L. S.]
AYANATE,	[L. S.]
ABINCANIM,	[L. S.]
SHAGYADEYOGHSTA,	[L. S.]

OGHNAONGHTON, [L. S.]
SHAYENDOHHCAGH, [L. S.]
OGHSITA, [L. S.]
NIGHMASAKWATON, [L. S.]
KASENBROTON, [L. S.]
GONGHSANIYANTHE, [L. S.]
KANENTAKOWRAA, [L. S.]
TEHANENHARENTON, [L. S.]
SHONOGHSOCOAM, [L. S.]
TENATASEREYAGE, [L. S.]
ALOYHSERONGEGH, [L. S.]
SHOJAWEAGHSEE, [L. S.]
KAYINDADERHON, [L. S.]
JAMES, [L. S.]
NEHAWEANAHA, [L. S.]

Signed, sealed and delivered in presence of
ALEXANDER STEWART,
ROBERT KEKR.

The word "in" in the last line but one interlined before execution.

A true copy,
JAMES WALLACE.

(No. 13.)

Copy,

State of New York, to wit: Before me, H. Humphrey, Justice of the Peace for the city of Rochester in the State of New York aforesaid, personally appeared James Wallace, of the city of Rochester in the State of New York aforesaid, Esquire, and after being sworn deposeth and saith,—that in the year 1796 deponent in company with Joshua Y. Cozens, Davenport Phelps, Esquire, and a number of others at Niagara, Province of Upper Canada, Mr. Cozens informed the company then present that he had just received a deed for the township of land he had purchased from Captain Brant for himself, and as agent for the Five Nations of Indians, being the next tract of land adjoining block number three sold to Wallace and Tiffany—That Cozens asked lawyer Phelps, then present, what he thought of the form of said deed of conveyance; Phelps replied it was as good and valid a title as could or need be drawn; that deponent further saith, that he has heard Captain Brant declare that his intentions and reasons for selling those lands was to enable the Indians to improve their lands and farms below, and that he had first offered to sell to Governor Simcoe for the government; that Governor Simcoe declined purchasing, but told him to sell to them that would give the most; that deponent further saith that this tract of land was called No. 4 and extended up to what was called the Purchase Line.

JAMES WALLACE.

Sworn before me this 14th day of Sept. 1835.
H. HUMPHREY, J. P.

No. 14.

Copy.

Brant's Deed to Cozens.
Cozen's Deed to Clark.
do Power to Clark and other immaterial papers.
Clark's power to Barrell & Servante.

London, 16th March, 1799.

Mr. Samuel Clark,

Sir,

The above are the papers belonging to you which remain in our hands of all those formerly deposited by Mr. Henshaw and yourself.

We have accepted your bill in favor of Stevens & Rankin for £216 3 3, payable 14th & 17th March, 1800. If you do not find it absolutely necessary to appropriate this money to the use of the Carver estate, or if we do not come into the commission of that business, we then rely on your honor to remit us the same soon as you possibly can, not failing to do it in time to meet the payment.

Mr. Cox not having got his documents ready we cannot write Mr. Johnson by this conveyance, however it will be best for you to see Mr. Johnson as soon as you arrive, and tell him we are promised the documents so as to come by next packet—nor would it be amiss if Mr. Johnson would send us for our satisfaction his opinion what will be done, and whether any difficulty will arise in the recognition of the title to Carver's daughter, and as it is possible we may commit some informality in the papers now to be sent, we should be much obliged if Mr. Johnson would enumerate to us the most essential documents as they strike him, and any particular form which may be required by the laws of New York for our guidance.

By communicating what you know of the matter you may aid him in this information.

We wish you a good voyage,
Being very respectfully,
Sir,
Your obed't Servants,
(Signed) BARRELL & SERVANTE.

London, 16th March, 1799,
Mr. Sam'l Clark.

☞ Original letter of Barrell & Servante, every word of which being in the proper hand writing of the senior partner Mr. Colborn Barrell.

Quod Attestor,
(Signed) THEODORE BARRELL.
27th May, 1835.

Copy,

I the subscriber, Theodore Barrell, do hereby declare that the letter on the other half of this same sheet of paper, addressed to Mr. Samuel Clark and subscribed Barrell & Servante, dated at the commencement, and likewise at the close, London 16th March 1799, and attested on both sides of the same, in lines at right angles with the contents, by myself as the original letter of said Barrell & Servante, is in every part of it in the original hand writing of my father's brother Mr. Colborne Barrell, at the time of writing it senior partner of the commercial firm of Barrell & Servante, agents for the disposal of lands in North America, having agency offices at No. 24 Threadneedle Street, No. 48 Upper Marylebone Street, and principally at No. 6 Ingram Court, Fenchurch Street. I furthermore declare that I cannot possibly be mistaken in the hand writing of the letter now vouched to be that of my uncle Colborne Barrell, with which I have been most familiar from the time of early youth, and having compared it with numerous other letters and documents at this moment in my

possession touching the original deed from Capt. Joseph Brant, with power from the several Chiefs of the Six Nations to sell to Cozens. I can say nothing more than I wrote in date second of February of the present year to Mr. Nelson Cozens, which communication may be relied on, as I vouch for the facts detailed in that letter, copy of which I transcribed in page 149 of my letter book for the present year, now received by me and confirmed. It is my own conjecture, amounting to conviction, that the documents belonging to the firm of Barrell & Servante, which were deposited after the decease of Mr. Colborne Barrell, in a certain trunk in an upper room of the linen draper's shop of Mr. Henry Servante, Junior, in New gate Street, from whence I took the original journal of the said firm some time in the winter of 1804, 1805, if not disposed of or destroyed as useless rubbish, or by vermin, must, after a lapse of so long a course of years, in a climate so humid as that of London, have perished by natural decay—and that the deed of said bond with power from the several Chiefs of Six Nations to sell to Cozens was among those documents I verily believe.

Witness my hand, village of Ulster }
Friday, 27th May, 1835. }
(Signed) THEODORE BARRELL.

British Consulate, New York.

I hereby certify that Theodore Barrell to me personally known appeared personally before me and affirmed to the truth of the above statement subscribed by him.

In testimony whereof I have hereunto affixed my seal of office this 30th May 1835.

(Signed) JAMES CLARK BUCHANAN.
[L. S.] *British Vice Consul.*

(No. 15.)

Extracts from the memorandum book of Samuel Clark (Cozen's Agent in London) in his own hand writing, kept by him while in London 1797-8 *&c.*

"Papers left with Barrell & Servante as per their letter of acknowledgment.
"Indians power to Brant.
"Brants' Deed to Mr. Cozens.
"Cozens's Deed to Clark.
"Cozens's power to Clark.
"Jarvis' certificate—with Haldimand's Grant.
"Chart of Lake Ontario—chart of Glanford, shewing the adjacent site."

"Expenses from London to Honiton, Devonshire, to see Governor Simcoe on the Canada business."

"Stamp, acknowledgement &c. of power of Attorney to Barrell & Servante, for Brant's land."

"Paid for examining the records at the office of Trade and Plantations for the record of Brant's title."

(No. 16.)

Copy, MONTREAL, 22 Dec. 1818.

J. Y. COZENS, Esq.

DEAR SIR,

I last evening received a letter from Boston relative to the land, the contents of which I communicate and shall wait your answer, which I request you to give without delay. A nephew of one of the partners of the house with whom Mr. Clark left the deeds happened to be in Boston on the receipt of your letter. He says the house failed—his uncle died; these deeds together with all property which they possessed were put into the hands of assigness. He presumes nothing has been done with them, and that they can still be procured by refunding what was advanced upon them—this he will undertake to do provided he can be adequately remunerated; that is to receive a proportion of the advantages which may result from his exertions—he therefore wishes to have the following questions answered before he will embark in the business. What is the quantity of land? What its situation? or local advantages? Whether any part is settled? Its distance from York? Its present value? Whether there any and what objections to its title (except the absence of the deeds) and finally whether there would arise any obstacles to the immediate possession on procuring the deeds?

If you will be good enough to answer the above questions, as far as in your power, I will forward you the result.

With esteem, your ob't Servant,
J. HENSHAW.

(No. 17.)

NOTICE.*

Whereas the subscriber did in the year 1796, constitute and appoint Samuel Clark, of Middletown, State of Connecticut, United States, Merchant, his Attorney to sell and convey in Europe a township of land containing 92,160 acres purchased by the subscriber from Captain Joseph Brant and the Chiefs of the Five Nations of Indians, said land situate on the Grand River, Province of Upper Canada.

I hereby, as formerly revoke and disannul said letters of Attorney, and all right or title given to the said Samuel Clark or any other person or persons whatsoever, and that no person or persons have any just right or title to said township of land or any part thereof, except myself.

(Signed) J. Y. COZENS.

Upper Canada, New Longueil, }
District of Ottawa, 24th of }
February, 1825. }

A true copy,
(Signed) JOHN BEIKIE,
Clk. Ex. Council.

KNOW ALL MEN BY THESE PRESENTS,—That I, Joshua Y. Cozens, of Upper Canada, did empower Joseph Burnham Henshaw, of Boston, now of New York, Merchant, my Attorney, by letter dated 29th March, 1825, to demand and receive from Samuel Clark, late of Middletown, Connecticut, Merchant, or from any other person, all papers and writings whatsoever by me heretofore given, in any wise relating to a certain tract of land by me purchased from Captain Joseph Brant for himself and Agent for the Five Nations of Indians, being twelve miles square, containing ninety-two thousand one hundred and sixty

* Published in the Registry Office, District of Gore.

acres, known by the name of the Grand River Tract in Upper Canada; and also therein empowered said Henshaw to grant, bargain, and sell all my title to said land; but not being satisfied with the proceedings of said Henshaw, he having neglected the trust reposed in him, I do hereby revoke and disannul every part of said Power of Attorney, and declare all proceedings thereon, either heretofore or hereafter, to be null and void and of no effect, any thing contained in said letters of Attorney to the contrary notwithstanding.

Witness my hand, this twelfth day of February, 1827.

JOSHUA Y. COZENS.

To all whom it may Concern,—Know ye, that whereas I did in the year 1827, publicly revoke the above mentioned letters of Attorney given to the said Joseph Burnham Henshaw, in the words above stated, which was inserted in the New York American Newspaper of 1st March, 1827; and I do hereby again revoke and disannul every part of said power of Attorney, and all or any power in what manner soever heretofore by me given to the said Henshaw, either by letters of Attorney, or by any letter or writing whatsoever, relative or relating to the said tract of land above mentioned, by me purchased of the Five Nations of Indians, containing 92,160 acres, as aforesaid; and declare all proceedings thereon, either heretofore or hereafter, to be null and void and of no effect, any thing to the contrary thereof, or therein or thereby, to the contrary notwithstanding, having sold and conveyed said tract of land to Nelson Cozens, late of Cornwall, Upper Canada, now of the city of New York; and I do also hereby revoke and disannul all authority or propositions heretofore made (if any) by letter or otherwise to David Page, late of Middletown, State of Vermont, touching or concerning the said above-mentioned township or tract of land, by me purchased from the Five Nations of Indians as aforesaid, in the year 1796.

Witness my hand, this twelfth day of February, 1834.

J. Y. COZENS.

New York Courier and Enquirer,
13th May, 1834.

(No. 18.)

(Copy.)

Liverpool, 8th Nov'r, 1828.

Mr. J. B. HENSHAW,

Dear Sir,

I now hand you the answer received from the Board of Trade, to our application, from which it seems you have been misled—If I can do any thing more in the business command me.

I inclose my Broker's circular, and remain,

Dear Sir,

Your's truly,

[Signed] THO'S WRIGHT WATSON.

(Copy.)

Board of Trade,
Whitehall, 3rd Nov'r, 1828.

Gentlemen,

I am directed, by the Lords of the Committee for Trade to acknowledge the receipt of your letter of the 30th ultimo, and to acquaint you that there is no trace whatever in the Records of this Office of the deeds to which you refer,—no such deeds would have been received here if they had been brought to this Department.

I am,

Gentlemen,

Your obd't servant,

[Signed] THOMAS LACK.

To

Messrs. Watson & Byrom,
Liverpool.

(No. 19.)

Copy, from "The Times" *London Newspaper, dated Friday, July* 15, 1831.

"Barrell and Servante.—The above firm carried on business in Ingram Court, Fenchurch Street, about the year 1800, as Agents for the sale of lands in North America.

"The advertiser is desirous of finding out their Successors, and any person who can give information respecting them will be rewarded for his trouble on application to Mr. Thomas Ward, 84 High Holborn."

No. 20.

London, 2nd Decr. 1831.

Mr. Nelson Cozens
New York,

Sir,

I am sorry at not having been able to obtain for you any satisfactory information relative to the papers left in the possession of Barrell and Servante, otherwise I should have communicated it to you at an earlier period.—Some time after the receipt of your letter I had continued to make enquiries among the oldest Merchants and others in the City but could obtain at most a bare recollection that such a firm had existed. Mr. Marchant the printer, in Ingram court, recollected the house where they resided, but that was all the information I could gather from him—He was the oldest inhabitant, having resided there upwards of 30 years.—I also tried what could be learnt at the North & South American coffee House, but without any further success. I then put the *Advertisement* into the *Times* newspaper of which I sent you a copy, and this enabled me to find out the residence of the widow of the late of *Mr. Servante*, No. 18 Hunter Street, Brunswick Square, and also that of *his daughter*, No 7 Lower Terace, Islington. This was communicated to me by *George Service* who had several journies with me to see the parties, and to whom I paid £1 for his trouble.

I then waited some time (and having left my address with each of the parties) in hopes that they would be able either to find out the papers sought for, or to furnish me with some additional clue for obtaining them. I have, however, heard nothing from them since, and therefore conclude, that whatever may have become of these documents remains at present wholly unknown.

Mrs. Servante told me that they had not been in her possession, but Miss Servante does appear to have some, connected with the sale of lands in North

America, part of which I saw, but the names and places were wholly different from those you mention. I send you a letter from Mr. Rowbotham, who did not call on me till this week, and if I should learn any thing more you may depend upon hearing from me, but I really think the case is hopeless.

What appears to render it more so is that the papers had been passed about through various hands without any regular account of them being taken.

I am Sir,
Your most obed't Servt.
(Signed)
THOS. WARD.

(No. 21.)

LONDON, March 12th, 1833,
7 Lower Islington Terace.

SIR,

You will no doubt have felt surprised that I sho'd not sooner have replied to your latter dated November 1st, which I should have done but felt desirous to make what inquiry I could previous to answering you.

Between 20 and 30 years ago, before my brother married, I kept his house in Newgate Street, and remember an old trunk being there, which contained charts and papers on American business,—after he married I went out into a situation in a school, and at the time of his removing from Newgate Street I was a considerable distance from London, and consequently know nothing more relating to things that were there before that time.—Since I received your letter I have endeavoured much to find out not only from Messrs. Bakers, who succeeded my brother in the house, but also from the party that succeeded them, whether I could obtain any knowledge or trace of the trunk, thinking that perhaps there might have been papers in it relative to your business, but without effect, as they all assure me they have not the least recollection of any thing of the kind. The last party which I wrote to, and who now reside in Yorkshire, have only replied to the enquiries I made of them very lately, owing I find to my letter having been mislaid and consequently not knowing how to direct to me, until it was found again; I merely mention this circumstance that it may account to you for not hearing from me sooner.

Among the few papers that I have relating to the American business there are three letter books, and in one of them some copies of letters on the subject upon which you are making enquiry. Whether these might prove serviceable I cannot tell—perhaps they might, and if there is any one in London that you wo'd like to appoint to call upon me to read them or to copy them out, the book shall be shewn.

My real opinion respecting the greater part of the American papers is that they have got lost, or destroyed, owing to there not having been any one person in particular appointed to take care of them. I never heard of any one being left Executor.—I am sure my dear father had none, having nothing to bequeath to his family but that which must ever be most highly prized (a good name).—He died in the year 1817, and for many years previous to that time had been in very slender circumstances and under the necessity of doing with very confined apartments.—Had he kept house until the time of his death, and room had been no object, perhaps there might have been trunks or boxes of the papers still existing.—My brother has been dead some years, and Mrs. Servante has not any papers upon the subject.—She is the second wife and was not married to my brother till after he had left Newgate Street.—At the time Mr. Ward applied to me I was not aware of there being any mention of the subject you are enquiring about in one of the day books, or would have requested him to have read them, and I find he is since dead.—The only loose papers I can find I have enclosed. I have some grants almost in a mildewed state, of land in Montgomery County, Georgia, with the name of Sarlin attached to them, and signed by the Governor George Matthews, 1794, and truly glad should I have been had they been applied for, as it might not only have proved useful perhaps to the parties themselves, but also to myself and sister who for years past have been struggling hard to earn a respectable living.

You mention in your letter having engaged different gentlemen to call upon me to make enquiry and I think it proper to remark that no one has ever applied to me for information but Mr. Ward, and the papers I now enclose I had not then found.—Sincerely wishing that the grants or deeds had been in my possession which I can assure you they are not.

I remain,
Sir,
Your obedient servant,
(Signed) E. SERVANTE.

To
Mr. NELSON COZENS,
108 Broadway,
New York,
America.

(No. 22.)

VILLAGE OF ULSTER,
Monday, 9th December, 1833.

SIR,

Though you have a dark passage to grope thro by dint of perseverance the fortunate outlet may possibly be discovered. It is true that Stevens and Rankin were once creditors of Barrell & Servante; but that the original deed from Brant was assigned to that firm seems most unlikely, because their claim was discharged, as is certain from the following extract verbatim from the same journal which I cited before. Recollect this journal is only a continuation of a preceding one; how far Stevens & Rankin were concerned in that preceding journal may be infered from a catalogue of "*Bills and Notes due*" by Barrell & Servante when the journal now in my possession began—January 1800. Among the catalogue I find the following:

1799 March 14th—Samuel Clark on us to Stevens & Ranken, due March 17th 1800.....£216 8 8

After this we find no further mention of the business until February 1801—then come the following which I extract from among other entries, verbatim as they appear.

Samuel Clark, Dr. to Stevens & Rankin, for interest, noting and charge of protest. £ 11 2 8

*Stevens & Rankine, Dr. to Theodore Barrell, for Monroe's bill on Baillie & Co..... ..... 130 5 5

* Monroe's bill on Baillie & Co. was a remittance from Demarary to my uncle in London by myself.

Stevens & Rankine, Dr. to bills for C. B. on H. Servante, Junr., Jan'y 29th due 1st April. 50 0 0
Stevens & Rankine, Dr. to cash, paid them in full to this day..... 58 3 7
Samuel Clark, Dr. to office, for discount allowed besides the above..... 1 1 7

In my former communication you will find I noticed the following entries:

1800, Feb'y 8th, Samuel Clark, Dr. to Stevens & Rankine, for the nett insurance of his goods by the Little Sarah for New York, per their account..... 11 3 6
Samuel Clark, Dr. to agency, for our commission on £227 6 9 at 5 percent.... 11 7 4

If the preceeing entries are carried to the ledger, thus would stand the accounts in Feb'y 1801.

Samuel Clark.				Stevens & Rankine.					
216	3	3	* Monroe's bill on Baillie & Co: was a remittance from Demerary in London by myself	£130	5	5	216	3	3
11	2	8		50	0	0	11	2	8
1	1	7		58	3	7	11	3	6
11	3	6							
11	7	4	no credit						
250	18	4		238	9	0	238	9	5

From all this it is plain you must seek elsewhere for the depositary of the original deed. I almost think that Barrell & Servante had no assignees. Mr. Servante kept himself out of the way of arrests, and tho' my uncle died at my fathers house, yet was he a prisoner of the Poultry counter at the suit of one of the creditors, and removed only in his last sickness as I suppose, for I was not there, on my fathers responsibility. I have no plausible conjecture than that the Deed might have been removed with the other papers from Ingram Court to the residence of *Mr. Henry Servante Junr. in Newgate street*, where I well remember a Trunk in a large upper room in which he told me that papers of the concern were inclosed: but that they contained nothing that could diminish the desperate state of Bankruptcy.—My intimacy with the younger Servante was during a residence I made in London in 1834 and 1835.—Some private papers of my uncle might have been left at my father's; I have an indestinct recollection of such in a closet at his house, but they were on topics altogether distinct from business. However I will endeavor to get more certain information when I next write to my sisters who live near London. *Miss Eliza Servante*, the daughter of my uncles copartner, would, I doubt not, if properly applied to, search among her father's old papers, if she has them, and the point could be cleared up.—Either this Lady, or a *Mr. Tulk* a very intimate friend of both the deceased, respecting whom she purhaps can inform; or *Mr. Hindmarsh* a noted printer in those days, might be able to say positively whether there was an assignee, and indicate who he was. The fact is clear that Brant's deed was left as security for Clark's punctuality; now if you or your father prove that the deed is indeed yours, which I believe it to be, any honest holder of the same will give it up on satisfaction being mede for Clark's debt, if not otherwise extinguised.

The Journal which I possess, in my uncle's own hand writing, was given me by *Mr. Servante, junior* to whom I expressed a desire to know how certain remittances I had made from Demerary had been applied. He took it out of the trunk I mentioned in the upper story, giving me permission at the same time to look over the papers: but I never considered it worth the trouble.

Some years ago I was applied to for information respecting my uncles assignees, or where the papers of the firm of Barrell & Servante could be found. The application was made to me in the City. And my verbal reply, whatever it may have been, was noted down by him who enquired in pencil. This might have been one in behalf of your father.

I do not know that any thing I can say further might throw light on the mystery—If a letter to Miss Eliza Servante should be considered desirable, I will cheerfully furnish you with one, cautioning you however not to subject her to charge of postage. A letter to my own sisters will avail you nothing; I will acquaint you with such answer as they make to my enquiries of them.

I am ignorant of Mr. Stayner's address, or perhaps might write him. I presume he will have communication with my sisters previous to his return, and doubt not his readiness to oblige, especially as his trouble will extend no further than to make the enquiries of my sisters and of Miss Eliza Servante, of whom he may learn from them. Should the latter permit access to her father's old papers, Mr. Stayner would on examination of the parchment deeds easily ascertain the grant to Brant, and with it might find the transfer to your father, your father's power to Clark, and Clark's authority to Barrell & Servante. A letter from yourself to Mr. Stayner, backed by a suitable introduction from Mr. Macaulay, at Kingston, would amply suffice.

Your friend, &c.

THEODORE BARRELL.

No. 23.

Village of Ulster, Sangerties
15th January, 1834.

Mr. Nelson Cozens,

SIR,

As you deem it important to be furnished with a letter from me to the daughter of that Mr. Servante' who was of the firm of Barrell and Servante in London, I have prepared a letter for her, to be inclosed to a sister of mine living near Islington, in the belief that she knows where Miss Servante resides which I do not: and that she will give or transmit it to her. I give you a transcript of my letter on the other half sheet, having said every thing in my power to revive her recollections, and to stimulate her diligence in the search for mislaid documents which you so much require. Should Miss Servante', or my sister after communicating with her, give me any more information on the subject, I will not delay to impart the same to you.

Stranger as I am to the widow of Mr. Henry Servante juuior, even as much so as yourself, I really do not think a letter from me could promote your views, and therefore content myself with asking her sister-in-law to apply to her, if she believes her possessed of the trunk in question, which I really do not think likely. Although I have mentioned Mr. Tulk and Mr. Hindmarsh, I suspect them to be numbered with the dead many years ago. Mr. Barrell, now were he living, would be little short of a hundred years old: I have an impression that neither of these gentlemen were his junior. On the whole, I fear your search for the documents will be altogether bootless. If that

trunk was left at Newgate Street, the papers have most probably been wrappers to pennies-worth of cheese in what they call chandler's shops in that country; (retail groceries) and the Parchment cut into tailor's measuring slips. I say not this to discourage your pursuit, but to incline you to prosecute your rights in some more effectual way, and to moderate your disappointment, should Miss Servante's reply strengthen my conjectures.

I should be gratified if I could render you assistance —and remain

Your sincere wellwisher,

THEODORE BARRELL.

Copy of a letter to Miss Eliza Servante under cover to my sister Abigail Barrell—Old Street Road—London.

VILLAGE OF ULSTER,
State of New York, 6th Jan'y, 1834.

DEAR MISS SERVANTE,

Although five or six and twenty years have passed since we have seen each other, I have still a pleasing remembrance of the satisfactory acquaintance I had with your family. Mrs. Barrell to this day often speaks of the kind attention shewn to herself in particular, and we have always felt deep interest in the occasional communications of your concerns by my sisters. Not long ago my reminiscences were revived by the perusal of a letter in your hand writing to a Mr. Nelson Cozens, a gentleman of the city of New York, being in reply to some interrogatories on your father's and my uncle Colborn's concerns. It is in behalf of Mr. Cozens that I more especially address you at this time. His father many years ago purchased from some Indian Chiefs, certain Territories in Canada, granted to them by the British government in remuneration of services. Mr. Cozens, the father, took advantage of a certain Mr. Clark's going to England to send the title deeds there, to sell the lands to speculators or intended settlers as was customary with American lands. Barrell and Servante were Agents for such sales, as you cannot but well remember. With them Mr. Clark left all the necessary documents and they were authorised to make sales, &c. Canada lands were then in no repute, and Barrell & Servante did nothing more than keep the documents until their failure in business and subsequent death.—The tide of emigration having now set in that direction, these lands are so desirable that settlements are continually making thereon, and pretenders to the ownership of the territory are robbing Mr. Cozens of his just right, through his incapacity to prove his title by reason of the loss of the original documents deposited with Barrell & Servante.

The question is, where can these documents be, that Mr. Cozens may recover them? If Barrell & Servante had assignees, of which I am very doubtful, they would be the proper persons to apply to—and they would restore the documents on reimbursement of whatever claims might stand on the Bankrupt books against Mr. Clark, as Attorney for Mr. Cozens. You perhaps can say who the assignees were, or may learn the fact from Mr. Tulk, Mr. Hindmarsh, or some other friend of your father or my uncle. But if they had no assignees; and I am strongly impressed that I learnt as much from your brother and from my father; where were the books and papers deposited, and are they yet extant?—If you can have access to them, Mr. Cozens may through your medium recover his property, if the documents were kept with the other papers. To facilitate the search he will describe to you particularly what they consist in. I suppose they may be of parchment, which will be more readily discovered.

In the year 1805, my uncle being deceased but your father still living, I was desirous to know what application they had made of some remittances I sent them from Demerary. Your brother Henry took me into an upper room of the house at Newgate street, and shewed me a chest or trunk I do not remember which, containing all the business papers, so he told me, of Barrell and Servante.—Had there been assignees, I think the papers could not have been there; and he gave me permission to examine them at my leisure. I however had no curiosity to return to them, but took a Waste Book or Journal, in my uncle Colborn's hand writing, which I still possess, neither your father nor brother caring about its return. It commences in January 1800, and the last item is entered in August 1802. I think it highly probable the documents of such importance to Mr. Cozens, were in that same chest or trunk. Do you know or can you by inquiry find out what became of the same? Was it left in the house at Newgate street, or carried to Homerton where your father resided? Or might it not have been removed into the country with your brother? If the latter, could not you make enquiry of his widow, to whom I would myself write had I been acquainted with her. Your brother, you may remember, was not married when I was in England.

All this may look like imposing a great deal of trouble on you, but I do not believe you will shrink from it when you reflect what would be the course your father would take were he living. Certainly he would desire that every man should have his own.—The receipts of Barrell and Servante, which Mr. Cozens possesses, will shew whether the deposite of the documents was without consideration in the ordinary way of an agency, or in pledge for advances made to Mr. Clarke, or others for Mr. Cozens. Whatever the terms were Mr. Cozens professes the most cheerful willingness to comply with. I might suspect the possibility of papers belonging to Barrell and Servante, having been left on my uncle's decease, at my father's house, and now at my sisters control. But I am convinced of the contrary, well remembering that nothing was there but certain writings of my uncle on subjects very foreign to business. If you reside still in the neighbourhood of my sisters, or continue your ancient intimacy with them, do me the favor to communicate to them such reply as you may be enabled to make, which they will forward to me. I hope it will be favorable to Mr. Cozens.

Mrs. Barrell unites with me in affectionate regard. The little girl you may not have forgotten, has been a number of years married; and is in her turn the happy mother of three as promising children as may any where be met with. We have two other children settled in life, a daughter and son, with families too; and one unmarried daughter of nineteen.

Farewell, dear Miss Servante, may you long live happily.

Your old Friend,

THEODORE BARRELL.

No. 24.

Village of Ulster,
19th December 1834.

Mr. Nelson Cozens,

Sir,

I received your letter from Cornwall, Upper Canada, yesterday evening.—The following extract of a letter from my sister in London, dated 5th September, will show you the utter hopelessness of further application there for the lost deeds.

"Your letter to Miss Servante I sent to her on the "very day it came but I find with her that the subject "of it is quite a hopeless business. She described to "us at great length a vast deal of trouble she had taken "of late years in endeavoring to find out what had be-"come of the old Trunk of papers of which you speak; "it would be useless to give you the particulars, if I "could of the many long walks, rides, postage of let-"tors, which she could ill spare, and fatigues she has "had, all ending in disappointment in seeing after "persons, some of whom she found had long been "dead, others totally ignorant &c. &c. My opinion "of Miss Servante is, that in any thing she takes in "hand she is indefatigable and her desire on her own "account, in this instance, has as she tells me led her "to leave no stone unturned in order to succeed if pos-"sib'e. She expresses surprise that Mr. Cozens sho'd "still have hopes from her, when she has been per-"fectly explicit to him many times. Not choosing to "write again herself she desired me to explain to you, "and above all things to discourage any future applica-"tion either to herself or to her brother's widow, both "of whom are utterly unable to assist him with a single "paper, or in any other way. I have no doubt from "all that I have heard that the trunk & all its contents "have been destroyed as valueles; and Miss Servante "seems to have arrived, with great reluctance, at that "conclusion also; and to have made up her mind to be "at no more voluntary trouble and expense about it, "as she cannot see another single step left for her "which she can take in the business, having, I have "no doubt, racked her invention to the uttermost.

Miss Servante is probably removed from London, as she contemplated joining a married sister in some more central part of the kingdom. I hope you will desist from writing here again, as it is next to impossible to correspond between those regions and England, without a charge for postage in the latter place. So is it too between Canada and this place. You think you pay the postage there, but it is only to the lines; and postage is again exacted at the office here.

You hope I may have come to the knowledge of some new fact favorable to your hopes from my possession of Barrell & Servante's Journal; but you may be assured that except the extracts I formerly furnished, there is not an item that can any way elucidate the subject.

I should have been pleased could I have rendered you more effectual service, but now entirely despair of it.

Your sincere well wisher,
THEODORE BARRELL.

Mr. Nelson Cozens

(No. 25.)

Mr. Nelson Cozens:

Sir,

In 1804 and 1805—during a residence of near two years in England I was on terms of much intimacy with Mr. Henry Servante, surviving partner of the late firm of Barrell and Servante, of Ingram Court, London, Agents for the sale of American lands; of which firm my uncle, Mr. Colborn Barrell, deceased a year or two before, had been the senior or most active partner. I was likewise intimately acquainted with the son of Mr. Servante, a linen draper residing for many years in Newgate Street—at that time a single man with his sister Miss Eliza Servante at the head of his domestic establishment.

Owing to heavy advances on lands of which they held the title deeds, Barrell and Servante failed in business I believe in 1802—or possibly about the close of 1801. My uncle Mr. Colborn Barrell was arrested and for a time was a prisoner I think in the Poultry Counter; but Mr. Servante kept out of the way, having lodgings a few miles from the City, at Homerton. My uncle being taken sick was removed to my father's house where he shortly afterwards died.

I learnt from both the Servantes that all the paper securities of Barrell and Servante had been removed into the house at Newgate Street, together with their books of account.

Mere curiosity incited no desire on my part to investigate a concern which the Servantes who were best acquainted with it conceived to be in a desperate state; but stimulated by my father, at that time living, who had been drawn in, to vest a considerable sum in what was then known by the title of the North American Land Company, and which suddenly had ceased to be productive, I wished to look a little into their affairs to be satisfied whether or not that particular scheme had been fairly conducted, and to ascertain where a remedy should be sought, if Mr. Servante's own surmises were well grounded that there might have been foul play among some high sounding names in Philadelphia.

To satisfy my wishes the Servantes gave me free access to an upper room in the house at Newgate St., in which as they assured me, were deposited all the effects from the counting house, in Ingram Court.—Among the books of account I judged that a certain journal embracing the time of the transactions I would enquire into might be useful to me, and with the sanction of the two Servantes I took it to my lodgings, and as they were altogether indifferent whether I returned or kept it, I never carried it back, but retained and have it in possession at this date. I remember indeed their pressing me to take away all the books and papers: but after a cursory examination of them, felt no inclination to burden myself with what I considered useless rubbish.

I perfectly remember in that room one large trunk, containing accounts, letters, invoices and other documents usually found in the counting houses of men of business, all done up and labelled in the exactest form. Some few of these I was induced to look into—but judging them of no use left them as I first had found them after visiting the trunk a second, perhaps a third time. I remember too that others beside ordinary mercantile packages were in that same trunk; documents of various kinds, some on parchment, some paper, with seals and colored ribbons, as legal instruments are often-times prepared by lawyers. But for me to say that the original deed from Captain Joseph Brant with power from the several Chiefs of Six Nations to sell to Cozens, was actually among them, and seen there by me would be egregiously absurd. And

yet it is highly probable that those identical papers did pass through my hands, for into that very trunk must they have been put, as that alone contained all the deeds and securities Barrell and Servante had in their possession when they failed.

And although in the year 1799 I was living in the Dutch Colony of Demerary, and consequently could not witness events happening in London at the time, yet am I as sure as if I had been present that on the 16th day of March in that year, those identical papers were remaining in the hands of Barrell and Servante; for I see the fact attested in an origidal letter of that date to Mr. Samuel Clark with the to me well known signature of that firm, every letter and figure of which letter being in the proper hand-writing of the senior partner of the firm my uncle Colborn Barrell; in which I cannot be mistaken having been intimately acquainted with it during more than half a century.—Moreover it so exactly accords with the writing in the journal before alluded to, and with very many other specimens I am able to exhibit, that any observer competent to judge of such things would instantly pronounce that one and the same hand alike executed the whole.

A circumstance strongly corroborative of the fact that the deeds and powers were deposited in Barrell & Servante's hands is that they made Mr. Clarke advances to the amount of two hundred and fifty pounds, eighteen shillings and four pence sterling. Commission merchants are not in the habit of making advances without good security—and such securities as deeds of lands and powers to sell, were what these gentlemen dealt in. Now that advances were made, the journal in my possession attests. It commences in January 1800, and among a catalogue of bills and notes payable introductory to the years business, I find:

"1799, March 14—Samuel Clark on us to Stevens & Ranken, due March 17th, 1800....£216 3 3."

Observe how exactly this corresponds with the letter to Mr. Clark dated two days afterwards.

"We have accepted your bill in favor of Stevens & Rankin for £216 3 3, payable 14th & 17th March, 1800."

The following items I extract from the journal before me picked out from the hatergenous entries with which the book is filled, and which alone have any connection with or in any wise concern the individual Samuel Clark.

1800, Feb'y 8th,—Samuel Clark, Dr. to Stevens & Rankin, for the nett insurance of his goods by the Little Sarah for New York, per their account.....£	11	3	6
Samuel Clark, Dr. to agency, for our commission on £227 6 9 at 5 percent....	11	7	4
1801, Feb'y.—Samuel Clark, Dr. to Stevens & Rankin, for interest, noting, and charges of protest.....	11	2	8
Stevens & Rankin, Dr. to Theodore Barrell, Monroe's bill on Baillie and Co.....	130	5	5
Stevens & Rankin, Dr. to bills for C. B. on H. Servante, Junr., dated 1st April	50	0	0
Stevens & Rankin, Dr. to cash, paid them in full to this day.....	58	3	7
Samuel Clark, Dr. to office, discount allowed beside the above.....	1	1	7

These eight items being duly posted shew that Samuel Clark was, as I have already stated, actually indebted to Barrell & Servante in the sum mentioned: and not only that it was for a responsibility which might never have been made good, but that Stevens and Rankin were faithfully paid in the manner detailed.

The only further consideration now seems to be, what has become of Joseph Brant's original deed with power to Cozens to sell from the Indian Chiefs?—This must be answered most discouragingly.—It was doubtless in the trunk so often mentioned in an upper room at Mr. Servante's, the linen draper in Newgate Street. That gentleman married, removed from the city, and died several years ago. But it does not appear that the trunk of papers was removed with him, otherwise Miss Eliza Servante, who owns herself privy to its existence, would not have taken a journey from the country to see for it in the upper apartment of that same house, which she did a few months ago at my solicitation, as you will find particularly described in an enclosure from London which I transmitted to you so lately as 19th December last. Worn out with the utter hopelessness of recovering these documents, the trunk itself being no longer to be found, she desists from further vain pursuit. And it is my own conjecture amounting to conviction that the documents are irretrievably lost. In the lapse of so long a course of years neglected in a garret in a climate so humid as that of London, if not destroyed by rats or moths, or dispersed among the neighboring Chandler's shops by apprentice boys and servants, to envellope cheese or snuff, it is most rational to suppose that they have mouldered into dust. In either case they are certainly lost to the world.

The foregoing being all I can say on a subject which has so much agitated you of late, I am glad to relinquish the subject with my hearty good wishes that you may reconcile the disappointment easily.

I am sincerely,
Your obedient,
THEODORE BARRELL.

Village of Ulster,
2d February, 1835.

Postscript.—I received your letter dated 12th ult. on Monday the 2nd, you will see in the preceding what I can say, and am willing to attest if my doing so can be of any service to you. In regard to the form I could wish you to be explicit. A simple attestation before our Village Justice of the Peace might probably be rejected in any court of law in Canada. Would it not be better that you take advice from some Counsel? Sometimes evidence is required by interrogatories sanctioned previously by one of your Judges, and by him addressed to one of our competetent authorities to take evidence. Then follows the attestation of our County Clerk—the County-town being 14 miles distant from this—that such a Judge or Justice is of competent appointment—and then again the Governor certifies that such a one is County Clerk. All this I have myself had to go through in the British Colony of Barbadoes. However, do you direct, and I will follow instructions.* I will keep a copy of what I have written above to save you the

* Much trouble might be saved perhaps by a deposition attested by the British Consul. A journey however to the City would be very expensive until the breaking up of the River allows Steam-boats to ply. Then, what the Consul's exaction might be, I am altogether ignorant.

trouble of transcribing, if your Counsel deems that that alone, in its epistolary form, will answer, with the addition at bottom of an attestation before a Commissioner appointed to take acnowledgements, or a Justice of the Peace. And perhaps you may think I act prudently in detaining Mr. Colborn Barrell's original letter, that such particular form of verification may be added to it as your Counsel may deem requisite.

Two dollars were likewise inclosed in your letter; I presume sufficient for the payment of fees.

I shall truly be glad if your perseverance meets with the recompense I think it deserves.

I will lose no time unnecessarily on receipt of your definite instructions.

Your sincere well-wisher,
THEODORE BARRELL.

Village of Ulster,
Ulster County,
Thursday, 5th February, 1835.

(No. 26.)

Copy of Minute in Council, approved by His Excellency the Lieutenant Governor, on the Petition of Nelson Cozens respecting a claim to a certain tract of land said to have been purchased by his father, Joshua Y. Cozens, from the Six Nations Indians.

In Council, 31st July, 1834.

Referred to the Trustees for the Six Nations Indians to be reported on by them before further decision.

(Signed) JOHN BEIKIE,
Clk. Ex. Council.

To
Joshua Y. Cozens, Esq.
&c. &c. &c.

(No. 27.)

Cornwall, 27th September, 1834.

The Honorable
G. H. Markland,

Sir,

Under favor of the liberty you politely granted me in Toronto, to address you again on the subject of my petition upon my father's purchase from Captain Brant, I now beg to inclose you the third affidavit furnished by Joshua Henshaw, Esq., of St. Therese, dated the 20th instant. This aged gentleman is the brother-in-law of the late Samuel Clark, my father's agent to London, and was present when the papers were put into Clark's hands—examined them himself, because of his legal knowledge of conveyancing, and was privy to all the transactions between my father and Clark his agent. This document will, I trust, conclusively shew that the title from my father was never transferred in fact, and that whatever papers David Page holds from father to Clark are such only as were required for the latter to act upon as an agent; and it is to those papers that Page looks for a continuation of whatever title or claim he dishonestly acquired from Clark. I should never have spoken of, or done more than to allude to this same Page, but for the purpose as it were of rendering "assurance doubly sure" in obtaining from him the Notarial copies of originals in corroboration of facts sworn to in the several affidavits affixed to my petition—and which seemed at the date of my going to Detroit to be called for by the Council and Trustees. When I took the liberty of requesting by note that some steps might be taken by the Council or Trustees whereby a strong inducement might be held out to Page to bring forth the papers that his daughter E. Page had written to Mr. Lee respecting, it was not with any other idea of benefiting by such auxiliary assistance, than that of clearly confirming all the assertions which my father and I had already advanced; at the same time too that such additional documentary evidence would be in your hands, I would have the proud satisfaction of establishing honestly the most important fact by the very means which had been resorted to by a villain fraudulently to profit by the paper he had purloined. Not having heard from Toronto on this affair since I had the honor of speaking to you on the subject, I am ignorant as to whether any further matter has been received from Page, either by His Excellency the Lieutenant Governor, the Executive Council, or Mr. Lee himself as agent; and I cannot but indulge the hope that should the certified copies of papers still be thought by the Council and Trustees of consequence to be exhibited by me, and through fear or design be withheld by Page, some further allowance will be made for the almost total impossibility of their being obtained contrary to Page's consent, without the tedious process of Chancery proceedings and the delay that may be occasioned by legal evasions. I do humbly conceive the propriety of some such step on the part of the Council or Trustees as would embolden Page to produce all the papers he holds. For the result of such production let me again, Sir, beg to assure you that I feel most certain and secure. I predict as well the total confusion and disgrace upon the part of Page, as the fullest establishment of the facts of my petition.

I beg also to inclose to you my father's affidavit going to shew that whatever power he gave to Clark as agent, he fully and repeatedly revoked, with whatever formality of publishing was required. This affidavit added to Joshua Henshaw's, will, I hope, remove from your mind all doubts of the man Page's deep and nefarious designs.

In addition I beg to send you copies of two letters addressed by me to Page, to which he denied me any reply & also one of an earlier date--back as far as 1830, from me to my father on my first seeing Clark a few months before his decease. I can solemnly swear to the facts in that letter as stated to me, and coming from Clark's own lips, viz:—that Page had purloined all the papers he once held belonging to my father.—Mr. Lambert's letter, also inclosed, will acquaint you of the manner in which Page treated my letters, and the several questions put to him about the land, and refusal to show certain papers spoken of.

In conclusion, I beg to request that I may be made acquainted at the earliest day with whatever may transpire upon this important business either before the Executive Council or the Trustees, and that as I trust there has been no semblance of aught than the most honest and unreserved openness on my part, in the most minute manner, amounting perhaps to unnecessary freedom of remark, there will be as little delay or obstruction to the final security of my claim as the magnitude and nature of the case will admit of.

I have the honor to be, Sir,
Respectfully your obedient servant,
NELSON COZENS.

(No. 28.)

Copy.

St. Therese, 20th Sept'r, 1834.

J. Y. Cozens, Esq.

Dear Sir,

My son has just handed me your favor of 15th inst. requesting some further testimony to points which I did not touch upon in my last affidavit, and which are so clear in my mind that I have no hesitation in complying with your request without delay—as I am morally certain that you could not have disposed of them (the lands) at any period subsequent to your placing the papers in Clark's hands—because you could not have had access to the papers and vouchers to satisfy any purchaser of the validity of your title to those lands, and no person would probably purchase without this satisfaction. I therefore feel perfectly confident that your title to these lands, for any disposition that you have made of them, is as good at this time as it was at the time when Brant made the conveyance to you.

Yours, &c. &c.

J. HENSHAW.

(No. 29.)

Copy,

Lower Canada, *District of Montreal*, to wit: } Before me, George Johnson Holt, one of His Majesty's Justices of the Peace in and for the said district, personally appeared Joshua Henshaw, of St. Therese, gentleman, and being duly sworn deposeth and saith—That in addition to the deposition by him, made and taken before J. Glen, J. P. &c. &c. on the 22d May, 1834, that the deed of bargain and sale from Joseph Brant and as Agent to the Indians, to Joshua Y. Cozens, executed in the year 1796, for a tract of land situated on the Grand River in the Province of Upper Canada, which deponent saw put into the hands of Samuel Clark, of Middleton, State of Connecticut, deceased, for the purpose of selling the same in Europe as Agent to the said Cozens, was at the time, as the deponent has no reason for doubting, and really believes, the sole property of said Joshua Y. Cozens as expressed in said deed, as no other name was mentioned as being concerned or interested with said Cozens—that said deed, power of attorney and other papers were given to said Clark to enable him to sell said tract of land in Europe, and that he the deponent understood and verily believes that the said Joshua Y. Cozens purchased the said township or tract of land solely upon his own account and not in partnership with any other, and agreeing to allow said Clark a share of the profits arising from the sale of said land; and the deponent further saith, that the said Clark informed him upon his return from Europe, that he had left said deed and papers with a Mercantile house trading under the firm of Barrell & Servnate, in London, with power for them to sell and dispose of the same at a limited price, but that the said Cozens still retained the same right and power to controul the disposition of said lands that he ever had, that is until an actual sale made by this house—the lands were in every respect his the said Cozens's property, and the deponent further says that he verily believes and has no reason for doubting that said Cozens is still the rightful owner of said lands; for that he is fully impressed with a belief that he has seen a letter or letters from said Barrell & Servante to said Clark informing him that the sale of lands in Europe had become flat, meaning that they were no longer in demand, and that they could not effect a sale of any part of this tract—and the deponent further says that he really believes that the said deed from Brant to Cozens, with the papers, are lost, or in some way mislaid so that they cannot be had. As he at the request of said Cozens took much pains to recover them but without success.

JOS. HENSHAW.

Sworn before me at St. Therese, in said District, this 20th day of September, A. D. 1834.

G. J. HOLT, J. P.

(No. 30.)

Copy,

Eastern District, to wit: } Before me Philip Vankoughnet, one of His Majesty's Justices of the Peace in and for the said District, personaally appeared Joshua Y. Cozens of Cornwall in the said District, Esquire, and being duly sworn deposeth and saith;—That in addition to a former deposition made by deponent respecting the purchase of a Township of land situated on the Grand River in the Province of Upper Canada, from Joseph Brant for himself and as agent for the Indians, that he deponent purchased said township of land on his own account, and the consideration money he paid, to wit, £1000 for the same was his own; and not in partnership with Samuel Clark or any other person or persons; and deponent further saith that he never conveyed the said township or any part thereof to the said Clark, but only authorised him by power of Attorney, and a *blank* conveyance if found necessary to fill up, to enable him to convey the right and title of deponent as his agent, should he the said Clark effect a sale thereof in Europe at not less than one dollar per acre; and deponent further saith on being informed by his said agent Clark, when he returned from Europe in 1799 that he had not effected a sale of said township, and had left said deed from Brant to deponent and all the papers relative thereto in London, that deponent immediately revoked all power and authority that he had invested or theretofore given to the said Clark; and further that in the year 1809 deponent published said revocation in a public newspaper, edited and then printed at Niagara; and deponent further saith that he also published said revocation by having it put up in the Register Office of Mr. Durand for the Gore District in the year 1825, requesting said notice to be kept in said Register Office, together with a copy of the deed from Brant to deponent until he deponent should lay his claim for said township of land before the government of the Province or receive a satisfactory compensation for the same from the Mohawk Indian Department.

J. Y. COZENS.

Sworn before me, the 27th day of September, 1834.

P. VANKOUGHNET, J. P.

(No. 31.)

CORNWALL, 6th October, 1834.

The Honorable GEORGE MARKLAND,

SIR,

I took the liberty of inclosing to you on 27th Sept. sundry letters and affidavits confirming additional facts relating to my father's purchase from Capt. Brant and Indians and tending to prove his sole and undivided interest therein at and since the date thereof, tending likewise to subvert the false title which David Page asserts having derived from Clark, father's agent, by which he fraudulently obtained the notarial papers now in his hands. The affidavit I have now the pleasure on my part to inclose for your examination and that of the Hon. Dr. Strachan (and if you please to be added then to all the others that have reached your hands thro' His Excellency in Council and otherwise) goes still further, and tends to criminate Page, who it will be perceived has juster claims upon the State Prison, than upon lands or equivalents—It is dated Middlebury, Vt. (where Page resided) and made by the *daughter* and son-in-law with whom Clark lived at the time—sworn to, under seal, 19th Sept. and now received by me by mail. This with Mr. Henshaw's and my father's affidavits of a corroborative nature, will dismiss the idea of any joint interest. Weight will no doubt be given to the early and recent revocations of all powers, published by medium of newspapers and public notices in Durand's Registry Office near the Grand River land; always keeping alive and in view my father's claim to such a tract.

I have exercised the liberty you kindly granted me to address you, and have now as I conceive established the requisite facts concerning that swindling alien Page, whose character is known to Mr. Campbell of the (Toronto) Ontario House.

The reply Mr. Lee said he designed making as agent, to the letter from Page was to the purport of advising an appeal to the Lieut. Governor. Whatever shape the papers come in Mr. Lee if advised thereof will doubtless give me the earliest notice.

But my fears are that those notarial copies will not be brought forward unless some means are resorted to, different from the many exertions already used by my father and me personally with Page by persuasions, threats—even stratagems and other devices, all fruitlessly. Those papers would confirm all that has otherwise been confirmed (in the simple unadorned language in my petition and my father's memorial, relating to the purchase and title) by the several affidavits from Mr. Henshaw of St. Therese—that the papers were as described.

What can I—what shall I do further, and immediately?

To hasten a decision upon my petition, there is no question that will not be most candidly, honestly answered, no matter what its nature, and no steps that shall not to the uttermost of our means be speedily taken, if advised or suggested by the Venerable Archdeacon and yourself.

I fear you will deem me impatient in my importunities, and beg to be pardoned for my anxiety. I am out of employment, my means are limited, my friends few, and from the partial reduction of the Carvill's establishment in New York, by necessity, my occupation there is gone. This will plead for me with you and Dr. Strachan, and will show how confidently and firmly I repose my present and ultimate hopes in the issue of the case in your hands.

I have the honor to remain,

Sir,

Most respectfully your ob't Servant,

NELSON COZENS.

No. 32.

Toronto, 6th December, 1834.

Dear Sir:

I duly received yours of 27th September and 25th November, and would have answered the former long since, but nothing new having occured respecting your claim I had not anything to communicate. Since your last I have received from Charles Berczy, Esq. the Postmaster at Amhertsburgh, the following six copies of papers which I shall hand over to the Trustees of the Indians, viz:

1. Indenture made 8th September, 1796, between Capt. Joseph Brant for himself and agent for the Five Nations, and Joshua Y. Cozens of the Town of York, of a part of a certain tract of land known by the name of the Grand River Tract, containing 90,000 acres, consideration £500, estimating dollars at 8s. and witnessed by A. Macdonell and Robert Kerr.

2. Indenture made 13th Oct. 1796, between Joshua Y. Cozens and Samuel Clark of the town of Middleton, State of Connecticut, of the above tract, consideration $90,000, witnessed by S. Titus Hosmer and H. L. Hosmer.

3. Indenture made the 25th March, 1825, between Samuel Clark and David Page of the town of Middlebury, State of Vermont, the above land, consideration $100,000, witnessed by Joel H. Reed and Peter Starr.

4. Power of Attorney dated 17th May, 1796, from the Five Nations Indians to Capt. Joseph Brant, to receive all sums of money from Joshua Y. Cozens & to convey land to him.

5. Power of Attorney, dated 13th Oct. 1796, from Joshua Y. Cozens to Samuel Clark "to bargain, sell and convey, or otherwise dispose of as he may think advisable" the foregoing Tract of Land, witnessed by H. L. Hosmer and S. Titus Hosmer.

6. Power of Attorney, dated 14th Feb. 1827, from Samuel Clark to David Page, to demand and receive of and from Colborne Barrell and Henry Servante of Ingram Court, Fenchurch street, London, the four papers Nos. 1, 2, 4, and 5, which he (Clark) left with them about the 17th September, 1808.

I am, dear Sir,

Your obedient servant,

[Signed] WM. H. LEE.

NELSON COZENS, Esq.

No. 33.

STATE OF VERMONT, } Before me Samuel
COUNTY OF ADDISON, } Smith, Esq. clerk of the
TO WIT: } County Court for the

said County, personally appeared Samuel Hart of Middlebury, in said county, hatter, and Sarah Hart, his wife, and daughter of Samuel Clark formerly of the town of Middleton, State of Connecticut deceased, and being duly sworn depose and say—that David Page, late of Middlebury, now of Anncerbour, Michigan Territory, persuaded deponents father, the

said Samuel Clark, by having a number of private meetings with him apart from his children and friends, "to put him, Page, in possession of certain papers, then in his, Clark's possession, relating to the purchase of a township of land situated on the Grand River, Province of Upper Canada, purchased from Captain Joseph Brant for himself and Agent for the Five Nations Indians, by Joshua Y. Cozens, now of Cornwall, Upper Canada, in the year 1796," which the said Samuel Clark was empowered by the said J. Y. Cozens to sell in Europe as his Cozens's agent, that the papers alluded to were notarial copies of the deed from Brant to Cozens, with a power of Attorney annexed to it from the Indian Chiefs to Brant, also blank conveyance and letters of attorney from Cozens to Clark, to enable him to sell said township of land in Europe, which said deed and papers were left with a Mercantile house (by Clark) in London, in or about the year 1799, the foregoing, deponents verily believe to be the true statement of said papers between Cozens and Clark, all which power from Cozens to Clark was to enable him to sell as Agent in Europe, and for no other purpose, which power was never acted upon as per their information from their deceased father, &c. And deponents further say, that they are confident that the said David Page has never paid the said Samuel Clark or his heirs or assigns any thing whatsoever for said papers, and verily believe that he, Page, obtained them in a fradulent manner, the said Samuel Clark being at the time in a state of dotage, his mental faculties being so impaired as to render him incapable of transacting any business of consequence.

(Signed) SAMUEL H. HART.
" SARAH B. HART.

Sworn before me, and my Seal of Office hereunto affixed, this 19th day of Sept'r, 1834.

(Signed)
SAMUEL SWIFT,
Clerk, &c.

Addison County Court,
Vermont,
[L. S.]

(No. 34.)

Eastern District, } Before me, Guy C. Wood, Esq.
TO WIT: } one of His Majesty's Justices of the Peace in and for the said District personally appeared Joshua Z. Cozens of the town of Cornwall in said District, Esquire, and being duly sworn deposeth and saith: That a certain Deed of conveyance which appears to have been made from deponent to Samuel Clark, late of Middletown, State of Connecticut (deceased) in the year 1796 purporting to be a Deed of bargain and sale of a certain Township of land containing 92,160 acres, situated on the Grand River, Province of Upper Canada, which was purchased by deponent from Capt. Joseph Brant for himself and as Agent for the Five Nations of Indians in the year 1796, was given by deponent to said Clark for the purpose of selling said Township of Land in Europe, as the agent of deponent;—That deponent gave to said Samuel Clark a power of Attorney to sell said Township of Land at the time above mentioned—that upon taking the opinion of an Attorney at Law, a Mr. Hosmer of Middletown aforesaid, he advised that the said letters of Attorney ought to be attested by the signature and seal of the Governor of the State, to make it valid in Europe, and recommended a conveyance to accompany the power, should it be objected, and as the vessel that the said Samuel Clark, deponents agent, had taken passage in was about to sail, and before the Governor's signature could be obtained from Boston, deponent furnished the conveyance *in Blank*, with power to be filled up in Enrope if found that the Power of Attorney was objected to *and necessary to complete a sale in Europe.*

And deponent further saith possitively that he did not bargain and sell said Township of Land to the said Samuel Clark nor receive any consideration thereon whatsoever, but that said Samuel Clark at the time of executing said writings was indebted to deponent for engagements entered into with the said Samuel Clark for lands by them purchased in the year 1795, to a large amount; and deponent further saith that he purchased said Township of Land from Capt. Brant after the said Clark left the Province and had returned to Middleton, and paid the consideration money in all £1000; with his own money, and that neither the said Clark nor any other person had any share or right in the same, nor has yet, except his deponents son Nelson, and deponent further saith that the said Samuel Clark after his return to America from Europe in the year 1799 declared to deponent that he had left said Deeds, Power of Attorney and all papers and writings relative thereto with a Mercantile House trading under the name and firm of Barrell and Servante in London; and deponent further saith that the said Samuel Clark came into this Province in the year 1795 with letters of introduction to Wm. Jarvis the Secretary of the Province, and others, recommending him as the son of a Mr. Clark who was for many years a Minister of the Gospel of the Episcopal Church in Middleton, previous to and during the American Revolutionary War, and that his said Father retained his loyalty to the King of Great Britain to the day of his death, and that the said Samuel Clark made known his political sentiments when in this Province, as a natural born British Subject willing to take the Oath of Allegiance and become a settler in the Province, and this deponent further saith that he entered into an agreement with the said Samuel Clark to purchase Township Lands that had been granted to certain persons and associates in Governor Simcoe's time, and that deponent and said Clark did purchase the one third part of the then named Township of Glanford in the year 1795 from Davenport Phelps of Niagara, Esq. for which they gave their promissory notes jointly and severally to be paid by instalments for the sum or consideration of £2345 14s 0d and to receive a conveyance for the same on receipt of the first payment which deponent paid and received the title after the said Clark had left the Province, a copy of which conveyance attends this affidavit, and out of which grew the debt due from Clark hereinbefore alluded to; and deponent further saith that the principle he acted upon in endeavouring to negociate with DAVID PAGE, was to obtain the Deed from Brant to deponent, and the other documents relative thereto as the said Page assured deponent that he knew where said papers were and could lay his hands upon them at any time if deponent would engage to pay him excessive remuneration, or would give deponent $10,000 for his right and title for said Township of Land, but upon his offering to sell to said Page depoment discovered that he was a Yankee Speculator and dishonest man, and that all the papers he had got in possession of relative to said Township of Land, the just property of deponent, had been fraudulently obtained from deponents former agent Clark, when in a deranged state of mind, &c., which has been proved by the depositions of Joshua Henshaw now of St. Therese, Lower Canada, and Samuel Hart and wife the son-in-law and daughter of said Samuel Clark of Middlebury, State of Vermont, with whom Clark lived some years and died with them, and who lately informed deponent that their said Father had suffered for some years previous to his death under aberrations of mind in such a degree as precluded the possibility of his being

sensible of the nature of any instrument he may have been induced by said Page to subscribe.

J. Y. COZENS.

Sworn before me the 2d day of Jan'y. 1835.
G. C. Wood,
Commissioner K.B.

(Copy.)

(No. 35.)

Cornwall, 3d Jan. 1835.

The Honb'le
George H. Markland.

Sir:

I beg leave to say that my father yesterday inclosed to you another deposition of his, explanatory as well of the character of his late agent Samuel Clark, as of the only interested connection in landed matters between them;—all for the purpose of elucidating the subject of my petition and claim, yet under the consideration of the Trustees of the Six Nations Indians.

Being made aware, by Mr. Lee's late letter to me, of the presentment by David Page of several copies of notarial transcripts from my father's original deed from Capt. Brant and Chiefs, and other documents, I hastened to seek for either of the two *Hosmers*, witnesses to the blank deed to Clark, described in my father's last mentioned deposition, as a subsidiary paper to be made applicable to the exigencies of a case of sale by Clark in England of the land in question. To my inquiries of the postmaster of Middleton, Connecticut, the friend of the very notary, Russell, who transcribed the certified copies now in the hands of David Page, I have this morning received the enclosed, viz:—Joshua Stow's letter dated 25th ultimo. I beg to say by my father's dictation in this particular that the Captain Cozens named, was his uncle, the late Capt. Daniel Cozens [half pay] one with my father, of the first settlers in the Province, and the Mr. Peters was the brother-in-law of the late Provincial Secretary Jarvis. It seems to have been at the instance of the Hosmers, men of legal eminence, that the blank deed was drawn up as a precautionary measure against delays or objections in the absence of the Gubernatorial seal and sign. Both those gentlemen are now unfortunately for us as it appears deceased.

I had lately the pleasure of receiving an answer from my young friend Mr. Wm. H. Herchimer of Queen's college, Oxford, to a letter written him from New York city in 1833. The purport is that he could gain no intelligence respecting the original papers in question for which he was good enough to assist me in making search.

A few days since, having previously written to Theodore Barrell Esq. some of whose letters to me on the subject in hand are already before you and who is a nephew of one of the late firm, *Barrell* and Servante, with whom the Brant Deed to father was by Clarke deposited in London, I received the inclosed reply dated 19th ult:. It is discouraging to me, indeed, but will I trust tend to your conviction of the degree of exertion used by me, and others for me, in ascertaining whatever to a certainty might be the actual case of the lost Deed. This Mr. Barrell is also a connection of Mr. Stayner, D. P. M. Gen'l by whom the former's letters to his sisters and to *Miss Servante* were borne to London a year since, Mr. Stayner likewise through a friendly request from Mr. Macauly made himself, personally, yet alas! ineffectually, all the enquiries he could while in London about the lost papers and the parties concerned. This Miss *Servante* of whom Mr. Barrel speaks in his letter is the daughter of the other of the firm of Barrell and *Servante*, and a former letter of hers is already in your hands. It was to her he addressed the long letter a copy of which is contained in one of the two letters from him to me which accompanies the pocuments under your notice, and to which the extract is an answer, may I crave a reference to that letter of his in conjunction with his present one?—From these combined failures I have now too certain cause to fear the original deed is irrecoverably lost.

It had perhaps been advisable for me in September last, at addressing to you old Mr. Joshua Henshaw's (of St, Therese L. C.) 3rd affidavit, to have allowed the envelope in which it came to my Father by mail; to accompany it. Upon recurring to it, its tenor seems of so positive a character, as scarcely to fail, taken relevantly with my Father's proclaimed, sole and undivided right yet existing in him in fee simpleto interest you in perusing it. I beg now herewith to offer it.

The epistolary testimonials presented to you, in collateral confirmation, as far as they extend, of various passages in our amplified, perhaps ill digested petition, memorial and narrations, will I doubt not meet with the Honorable Trustees' concurrent approval—written as such papers generally are with a freedom and familiarity in contrast with more formal qualified documents. In this case, an indifferent one to the parties writing them, they pass from my hands bearing accumulating convictions of the immutable verity of the main facts I have humbly sought to bring before you. Their substance, now by your permission submitted to you, will I flatter myself accord with your conceptions and be regarded as auxiliaries tending to perfect the minuter links of the chain on which my father and I have long indefatigably wrought.

Of Mr. Page's unfounded pretensions I can only again repeat that whatever of a certified nature he may produce of originals, cannot fail to add weight on our part to the facts assumed in the premises; whatever he does advance as matter of right to him, in the land we claim, either directly or otherwise, must in the prevalence of equity, and please Heaven shall be, totally overthrown.

I beg, Sir, to apologise by my anxieties in this business, for again troubling you with statements which the Honorable the Trustees may not have taken for granted, and which any peculiar circumstances, that I may yet be ignorant of, unfolded by Mr. Page's circumventions, or emanating from his intermediate claim, may eventually require being made.

I have the honor to be,
Sir,
Most respectfully,
Your obedient servant,
NELSON COZENS.

(No. 36.)

Post Office Middletown Ct. Dec. 25th 1834.

Nelson Cozens Esq.

Dear Sir:

Your favor of the 13th instant is at hand.—I was well acquanted with S. Titus Hosmer and Hezekiah L. Hosmer, Esquires—They were both brothers and both Lawyers—are both dead—H. L. Hosmer died at Hudson in the State of New-York many years since, Judge S. T. Hosmer died in this town a few months since.

As I know nothing of the case you mention I cannot afford you any assistance that I know of.

In the spring of 1796 on my way with four boats and about 40 men to that which is now the state of Ohio, I became acquainted and journeyed with two gentlemen from Rome to Oswego—one by the name of Capt. Cozens who was then charged with despatches from Mr. Bond then charge d'affaires to Governor Simcoe—when provision was made by Congress for carrying into effect what was called *Jays Treaty*.

The other a Mr. Peters who I believe was brother-in-law to the Secretary of State in one of the Canadas. I mention this to acknowledge the very friendly favors I then received from those gentlemen, especially from Capt Cozens who I have not since seen. Possibly he may be a connection of yours, if so and he is living, where you can see him, please to present to him my grateful respects.

and say to him that it would give me great pleasure to meet him again in this world of changes.

I am, respectfully,
Your obedient serv't,
JOSHUA STOW.

(No. 37.)

City of Toronto, 24th Jan'y, 1835.

SIR,

I beg to inform you that the several documents and papers from time to time transmitted by you to the Trustees of the Six Nations Indians, in support of your claim to a tract of land on the Grand River, alleged to contain about 92,160 acres, and to have been purchased from the late Captain Joseph Brant, the Agent of the Indians, *have been fully investigated by the Trustees,** and they have come after due deliberation, to the determination of requiring in this, and all other cases, the production either of the *original* deed from Captain Brant *or a certified copy of it from the Register.*† It would appear from the papers, that you are not, for the reasons there assigned, in a situation to comply with the former of these two requisitions, and it will be for you now to see whether you can supply the secondary evidence required in the absence of the first. Unless this can be done, your claim, amongst many others, cannot receive the sanction of the Trustees. No claims supported merely by affidavit will be admitted.‡

I remain, Sir,
Your very obed't serv't,
[Signed] WILLIAM HEPBURN.
A Trustee of the Six Nations Indians.

P. S.—You will be good enough to remember that all correspondence with the Trustees must be *post paid.*

To Mr. Joshua Y. Cozens,
Cornwall, U. C.

No. 38.

Cornwall, 2d February, 1835.

WM. HEPBURN, Esq.

SIR,

I beg to acknowledge the receipt of your letter of 24th January, addressed to my father J. Y. Cozens; wherein you state as a primary requisite to the establishment of our claim, for which I had the honor in July last to present to His Excellency the Lieutenant Governor my petition, the production of the original deed from Captain Brant to my father; or a certified copy from the Register as a secondary evidence demanded by the Trustees of the Six Nations Indians.—Having the various documents before you, establishing the fact of the existence at one time of said original deed, and forcible scriptory testimony under seal to a copy of the same, being a true copy thereof in the absence and irrecoverable loss of said original, I had strong hopes, unchecked by the difficulties of procuring the vouchers so furnished, that the fullest admission would be made by the Honorable the Trustees of the validity of our claim, and thus enable His Excellency the Lieutenant Governor, unhesitatingly to yield to the prayer of my petition.

In the context of the several depositions from time to time obtained and forwarded for your consideration will be discovered a recital of the peculiar hardships under which our case has so long existed.—The various dates of communications during upwards of twenty years, will exhibit a like accumulation of disappointments and breaches of trust and trials of fraud, on the part of correspondents and agents. Taken together, they will, I presume, appear to you of good foundation for our hopes that no fears on our part or expectations on that of others should be allowed to prejudice our case, nor obstruct the plain and straight forward path we have trodden in the advancement of our claim, nor yet should any particular circumstance that time had not obliterated. There has ever been but one point from which we have proceeded in our endeavours to possess ourselves of the originals and all other papers, there is but a single point held in view to which those endeavors are yet directed—the scrupulously exact and just narrative of facts—the simple acknowledgement by the Trustees and His Excellency the Lieutenant Governor of our equally just claim. In no case of equity could matters have been more fully developed than we have sought to expose in the facts of ours. In this feeling which we always have entertained and always will, in closest adherence to positive facts within our knowledge, I cannot but solicit your candid reply hereto; and take the liberty of asking you whether you have not already, through other hands than ours, had ocular evidence before you of a *certified* or *notarial* copy of the original deed in question. I beg your indulgence in this particular. There has been and will be good faith on our part, throughout. I trust you have observed nothing in our exposition to render you doubtful. Let me therefore, Sir, entreat you to inform me whether an attempt has not been made by one *Page* (of whose base character I have supplied you proofs and possess further still stronger proofs, from Vermont) to establish, through a direct application from himself, or indirectly through the medium of an Agent of high respectability, by the production of a *notarial copy* of our deed from Captain Brant, a right by purchase to the land in question.—Such papers as that man Page possesses, were obtained by stealth—by arts of fraud, in hope of profiting by them, and by repeated attempts to make sale of his unfounded claim.

I cannot, Sir, doubt the pure and honorable intentions of the Trustees of the Six Nations, nor can I question their desire that justice should, in this case of ours, as in all others pertaining to their concern, have its full effect: and I therefore beg permission to say, that should such secondary proof as is demanded, and as constituting that degree expected in the absence of a positive and original deed, have been brought forward by any other persons, and by them submitted to the consideration of either of the Honorable Trustees, I most sincerely and respectfully beg to be informed of it. I do so the more fervently, for that no allusion has been made in your letter to the attempts which an unprincipled speculating alien has made to form the semblance of a title, and contravene our rights. Of those attempts, fruitful of such difficulties to my father and me for a series of years—full relations have been written down in the papers before you.

The certified Notarial copy of the original deed is known to have been in the hands of the Page spoken of. To obtain it my father and I at the first moment

* See his evidence before Committee.
† See his evidence respecting a claim by Thomson made in the loss or absence of the original conveyance; and as to its being Recorded in a Registry destroyed.
‡ See his evidence to the contrary.

of learning its nature travelled far and near, and pursued our exertions to the sacrifice of such amounts of time and money as we could in our circumstances too ill afford. That Notarial deed has been, I verily believe, in Upper Canada—it has been attempted to be exhibited to the inspection of the Trustees either in its reality or form and substance.—May I, Sir, therefore under these assertions, be pardoned in asking if any such document has appeared to the Trustees?

In conclusion, I beg to ask whether a friendly co-operation would be denied me by the Trustees in gaining sight or possession through their and our combined efforts of the Notarial deed alluded to.

I humbly submit the foregoing with a respectful reference from myself, through you, to the Honorable Mr. Markland—and

I am,
Sir,
Most respectfully,
Your very obd't servant,
NELSON COZENS.

(No. 39.)

City of Toronto, 9th Feb. 1835.

Sir:

I am in receipt of your letter of the 2d inst. which came to my hands this morning.

I am not aware that any notarial copy of the alledged deed from the late Captain Brant to your father has been produced to the Trustees by Page or any person on his behalf, at least I have searched among the papers and cannot find any such document; but even were such evidence forthcoming I am not sure that it would induce the Trustees to deviate from the rule laid down by them and to which I referred in my former letter, viz: of requiring in all cases the production either of the original deed from Capt. Brant or a certified copy of it from the Register, and the inclination of my opinion is that it would not.

I remain, Sir,
Your very ob't serv't,
[Signed] WILLIAM HEPBURN.
A trustee of the Six Nations Indians.

Mr. Nelson Cozens,
Cornwall, U. C.

No. 40.

No. 11 King Street, Toronto,
24th March, 1835.

Lt. Colonel ROWAN,
Private Secretary,
&c. &c. &c.

SIR,

I have the honor to address you on the subject of my petition presented in July last to His Excellency the Lieutenant Governor, praying a confirmation of title to such part of 92,160 acres of land as was yet unsold on the Grand River, of a Tract purchased in 1796 by my father, by warrantee deed to him from Capt. Brant, for six Nations of Indians, and for an equivalent for that portion of said tract which had been disposed of by Government.

My petition, I learned, had, with the memorial from my father and several other documents, been referred early in July to the Trustees for the Indians, and during eight and a half months that have since elapsed, I have used all possible means to furnish the Trustees with such conclusive vouchers as would leave all the facts of my case as narrated by me and sworn to by others, fully corroborated. I received at Cornwall, late in February last, a letter from Wm. Hepburn Esq, Trustee, stating a determination on the part of the Trustees not to admit the validity of any claim upon Indian lands, unless accompanied with the original contract, from Brant, or its certified copy from the original. The impossibility of my compliance therewith, for the causes assigned in my petition and my father's memorial to His Excellency, led me me hither on 1st inst., and into an explanatory conversation with Mr. Hepburn. I produced Capt. Brant's recipt for the second payment by my father, of £500 Halifax currency, a copy whereof had been furnished the Trustees; I also personally endeavoured to remove whatever doubts were apparent in the minds of the Trustees, and succeeded I believe by the above receipt, citing all the material points save the boundaries of the land, and by other confirmatory papers, in establishing the fact of the existence at one time of the warrantee deed from Brant, its deposit in London and subsequent loss.

I had engaged on my father's account as early as the year 1825, in enquiries and searches for the lost originals in London, and continued the pursuit up to the close of 1830, when perceiving how tardy had been my advance, my father invested in me his entire title to the lands in question, and I then with all possible energy renewed my exertions, which I have uninterruptedly continued to this moment, at all the expences my limited means allowed, and eventually at the loss of my Mercantile situation.

My father accompanied me hither in July last, hoping for an opportunity of personally relating to His Excellency in Council, the numerous circumstances and particulars attending his purchase and deed from Brant, and its loss in London. He hoped also for his Excellency's gracious permission to reount the various eventful and unhappy changes and embarrassments in a long life. Those opportunities did not occur.

I beg again to allude to and transcribe the recipt referred to, for the second £500 paid by my father to Brant.

(Copy.)

"Received June 26th, 1798 of Mr. Joshua Y. Cozens the sum of Five hundred pounds Halifax currency, making one thousand pounds Halifax currency with the £500 he paid me when I signed a Deed to said Joshua Y. Cozens in October 1796 for a Township of Land, being part of the Grand River Tract containing 92,160 acres, purchased by the said Joshua Y. Cozens from me and as agent for the Five Nations of Indians; and I hereby acknowledge said above sum to be in full of all demands for said Township of Land, until I deliver to said Joshua Y. Cozens a relinquishment from Government that they have no claims to said Land, which I bind myself and heirs and as agent aforesaid to do.

(Signed) JOSEPH BRANT.

I now, Sir, respectfully request you will signify to His Excellency the Lieutenant Governor, my humble prayer that all the documents and papers whatsoever bearing upon my case, consigned to the Trustees, a schedule of which is annexed, may be withdrawn; and that His Excellency in Council will be graciously pleased to take the same again into consideration; that he will review the various documents alluded to,

consecutively and collectively, and that he will be pleased to cause such an expression of opinion upon the merits thereof as it may please him to sanction.

I beg humbly to speak my hopes for such a decision by His Excellency in Council, as will involve any power in a high Court of Equity, unprescribed by legal rules; and I beg to state my conviction of the justice of ascribing to His Excellency in Council and to His Excellency's favorable comprehensive decision the most plenary power of the highest equitable tribunal.

I have the honor to be, Sir,
Respectfully your obe't serv't,
NELSON COZENS.

(No. 41.)

The following letter from Samuel Clark written on the eve of embarking to return to America, is from a copy in the hand writing of one of the firm of Barrell and Servante—the original having been by them sent as is said;—"Sent the original to S. Barrell. 6th March, 1801, per the Minerva, with other papers."

London, 16th March, 1799.

Messrs. Barrell & Servante,

GENTLEMEN,

The goods which I purchased of Stevens and Rankin amount to £216 3 3 for which you have accepted my bill at 12 months. Should there not be a necessity of appropriating them to the prosecuting the establishment of the *Carver* claim (for which purpose the purchase was made) I shall without fail remit you the amount in time to meet the payment of the bill. Any communication you wish to forward me, you will direct to the care of Mr. Daniel Henshaw, Albany. The goods above mentioned are at my own risk.

I am with respect,
Your humble servant,
SAM'L CLARK.

(No. 42.)

(Copy.)

Toronto, 21st April, 1835.

Lt. Col. Rowan,
Private Secretary,
&c. &c. &c.

Sir:

I had the honor to address you on the 24th March, on the subject of my father's purchase from Captain Brant, and begged His Excellency the Lieutenant Governor in Council would take into consideration the subject of that purchase, as contained in my father's memorial and my petition presented in *July* last; that His Excellency would for that purpose cause the various documents and papers in support of the claim to be withdrawn from the Trustees of the Six Nations Indians, into whose hands they had been transferred, and from whom I have received, after an interval of *nine months* no definite reply. I beg to say that I have been two months in town, but feared, during the sitting of the Parliament, to make any encroachments upon His Excellency's time.

I am greatly anxious personally to submit to His Excellency in detail, the numerous hardships of the case in question, and the various difficulties under which my father and I labor in maintaining our title and substantiating our rights. But should such a personal interview be deemed by his Excellency unnecessary, I have in that case to request your recurrence to the substance of my last communication, and to pray that his Excellency will grant me such an investigation of the matter in Council, as will lead to a final decision upon the question. And in consideration of the length of time already elapsed since the setting forth of the claim in question, I have to pray his Excellency will permit my personally explaining before the Council all such circumstances relating to the case, as may seem to require exposition.

I pray His Excellency to appoint the earliest day on which my claim may be taken up; and I beg you to assure His Excellency that I shall feel sentiments of gratitude for any facilities that may be afforded for the full and early consideration of a matter which, though brought forward by me alone, involves the interests of my father and his *other eleven unprovided for children.*

Those children, let me in digression observe, look to my father and me alone for present support; *and he of my brothers to whom I looked for joint exertion having become a Maniac,* I cannot but feel hopes that His Excellency's knowledge of such facts, and the recollection of my father's many difficult and important services, commencing in 1791 as detailed in his Memorial of July last to the Lieutenant Governor, will induce an early and favorable entertainment of our claim.

I have the honor to be,
Sir,
Most respectfullly, yours
NELSON COZENS.

P. S.

Wednesday, 22d April, 1835.

Mr. Cozens begs permission to say, in addition to the foregoing, that he looks upon his father's situation in life as one of a peculiar nature—being attended for a series of years with more than ordinary hardships and distress;—he having met with frequent disasters before the late War—with a casualty which deprived him of the free use of his right arm while in actual service as Captain of Militia at the head of his Company *during the War;* and with several unlooked for as unmerited disappointments of office from government since. He having also an existing, perhaps never to be indemnified claim, as heir for losses sustained by *his* father during the *old War* as a refugee Tory;—his having also (unkindly) without assigned cause, been excluded from a new Commission of the Peace, as Magistrate, during Governor Maitland's administration, although six hundred freeholders petitioned for his continuance in such an office, and for the reasons of his exclusion,—but ineffectually.

The writer hereof, therefore, humbly hopes that his father's services, losses, hardships and disappointments, his tried loyalty through *two Wars*—as also the loyalty and attachment of his children—together with the merits of the pending claim, may all be fully reflected upon by His Excellency the Lieutenant Governor.

Respectfully
NELSON COZENS.

To
Lieut. Col. ROWAN,
&c. &c. &c.

(No. 43.)

GOVERNMENT HOUSE,
Toronto, 23d April, 1835.

SIR,

I am directed by the Lieutenant Governor to acquaint you in reply to your communication of the 21st inst., that you must be aware that your father's claims are altogether of a private nature. Your statements of July and March last were immediately referred to the Executive Council, and also to the Trustees of the Six Nations; and although His Excellency does not think that the Executive Government will have it in their power to grant any relief to you, he will transmit your letter to the Executive Council, and suggest the expediency of your being heard by the Council in explanation of the various documents relating to the negociation with the late Captain Joseph Brant for a portion of the Indian lands.

I am,
Sir,
Your obd't serv't,
[Signed] WM. ROWAN.

Mr. NELSON COZENS,
&c. &c. &c.

(No. 44.)

EXECUTIVE COUNCIL CHAMBERS YORK,

FRIDAY, 14th MAY, 1830.

PRESENT.

The Hon. Jno. Bev. Robinson Chief Justice, *Chairman.*
" " James Baby.
" " & Ven. J. Strachan, D. D. Archd. of York.

To His Excellency Sir John Colborne, K. C. B. Lieut. Governor of the Province of Upper Canada, and Major General commanding His Majesty's forces therein, &c. &c. &c.

May it please Your Excellency:

In obedience to the desire, &c.

The Council beg to lay before Your Excellency the following Report on the history and present state of the several Trusts created for the benefit of the Five Nations of Indians in the County of Haldimand in this Province.

The Five Nations, sometimes designated, (with less propriety) the Six Nations on Grand River were acknowledged to have had such strong claims upon the consideration of His Majesty, from their devotion to the Royal cause during the American Rebellion, and the loss they sustained, that it was one of the first concerns of the Government on return of peace to provide for them in this country.

Sir Fred. Haldimand 1784 Oct. 25th by an instrument under his hand and Seal at arms declared "that they and their posterity should be allowed to possess and enjoy a Tract of Land six miles in depth each side the Grand River running into Lake Erie, being part of a large Tract lately purchased by Government from the Chippawa Indians."

Lands thus set apart for Five Nations, extensive and well situated—but soon encroached upon by the whites and settlers—and the Indians hunted upon the grounds of the Chippawas with whom they were friends.

In 1796 the Five Nations in a great measure civilized—among them many were christians—wished to dispose of portions of their large tract and retain enough to cultivate and raise a fund by sales as an annuity for their comfort, such occurred to themselves or was suggested by their white friends.

Captain Joseph Brant their principal Chief who resided near them and who from his influence among them and his intelligence, took a prominent part while he lived in all their transactions, was by a solemn Act in Council appointed the Agent or Attorney of the Five Nations to negotiate with the Government whatever might be necessary for effecting their wishes upon this occasion.

The principal chiefs and warriors in the name of the whole executed on 2d Nov. 1796 a formal power of Attorney authorising Captain Brant to surrender into the hands of the Government, certain portions of the lands possessed by them, and for which they had found or intended to find purchasers, to the end that His Majesty thus holding those portions of their lands relieved from the pledge, which had been given for their exclusive possession, might make a clear and free grant in fee simple by Letters Patent to such persons as the Indians might agree to sell to. This method of proceeding was clearly in accordance with the nature of the tenure under which the Five Nations held, and was in principle at least, as proper as could be devised for protecting the interest of the Indians and guarding them against hasty and indiscreet sales.

The Tract which Captain Brant was authorised to surrender was described in the power of Attorney referred to, and was stated to contain 310,391 acres.

The object of the surrender was therein expressly stated to be that the same lands "might be re-granted by His Majesty to such person or persons as their brother and Agent Captain Brant might think meet and proper, and full authority was by the same instrument given to Capt. Brant to nominate to the administrator of the Government such person or persons in order that grants under the Great Seal of the Province might issue for their (the purchasers) further satisfaction."

By the same power of Attorney authority was given to *Capt. Brant* after the passing of such grants "to ask and receive such security or securities, *either in his own name or the names of others to be by him then and there nominated* as he or they might deem necessary for securing the payment of the several sums of money that should become due and owing from the purchasers, *and likewise to receive all such sum or sums of money as should be due and owing therefor, and to give acquittances in as full a manner as all his constituents (the Indians of the Five Nations) could do if personally present.*" Under this authority it is supposed, with the perfect knowledge and approbation of the Indians, sales of very large Tracts were effected by Capt. Brant, and on 5th Feb. 1793, pursuing the power delegated to him, he executed in the name of the chief warriors of the Five Nations a formal Deed surrendering relinquishing and quitting claim for the Five Nations their possession of such parts of the said lands as are mentioned in a Schedule to that Deed annexed, "beseeching that His Majesty would be pleased to grant the same in fee simple to the persons mentioned in the said Schedule for the several and respective considerations to the said land annexed, which the Five Nations were to receive from the said persons as equivalent to the same."

The schedules specifies the following tracts and particularizes

				Acres.
Block No. 1	sold to P. Stedman	£8,841 0 0,	about	94,305
" 2	" " Richard Beasley, Jas. Wilson & Jno. B. Rousseau....	8,987 0 0	——	94,012
" 3	" " Wm. Wallace	16,364 0 0	——	85,075
" 4	No purchase or price named			28,512
* "	— W. Jarvis, Esq.	5,775 0 0.	——	30,000
† "	— Given originally to John Dockstader by him sold for the benefit of his Indian children to Benjamin Canby,	5,000 0 0	——	19,000
		£44,867 0 0,	acres	350,904

It occurs to us to remark upon this schedule, that the lands specified in it *somewhat exceed in the whole the quantity which is mentioned in the power of Attorney to Capt. Brant*—a difference *probably* unimportant as the boundaries given in the last mentioned instrument were it is *presumed*, understood and intended to comprise all the tracts particularized in the schedule.

To the tracts set opposite to the name of Mr. Jarvis and Benjamin Canby * *no names are given in the schedule*, but they are tracts described in subsequent acts and proceedings as Block No. 5 & 6.

The *making these contracts with the individual purchasers, and the fixing the consideration*, were as it appears *the acts of the Indians themselves* either concluded upon in their Councils *or negociated by their agent Capt. Brant who was fully authorised for that purpose.*

The government of this Colony seems merely to *have assented to the general measure* and *to have given their sanction and assistance* in the *conviction that it would be beneficial to the interest of the Indians.*

There is indeed strong reason to believe from communications received by Mr. President Russell from His Grace the Duke of Portland, the Secretary of State for the Colonies which have been submitted to the Council upon an occasion connected with these transactions, that His Majesty's Government were not without extreme reluctance brought to give their sanction to these transfers of land reserved for the use of the Five Nations, and it is important to bear in mind that in one of these despatches it is plainly declared that the previous sanction of His Majesty must be received before any similar negociation shall be entertained by this government in future—better for Indians now had Duke of Portland's advice been followed, i. e. making Government of England the *purchaser* at same price as they were willing to sell to individuals—Government yielded too easily to the importunities of the Chiefs to confirm their sales.

Before the execution of the formal surrender above mentioned, this government had been *fully apprised of the particulars of each sale* that had been effected, and patents had been prepared for conveying the parcels to the respective purchasers, so that on the 5th Feb'y 1798 when the surrender bears date, Capt. Brant attended before Mr. President Russell in Council, and as Attorney for the Five Nations, delivered into the hands of the President the deed of surrender to His Majesty for the several tracts described in the schedule, and the same being accepted, the Attorney General for this Province, Mr. White being also in attendance produced five deeds of grant for the several parcels (*a purchaser not having been yet found for Block No. 4 as appears by the schedule*) which grants or Letters Patent the President signed in presence of the Council, and ordered that the Great Seal of the Province should be affixed thereto, and that the Secretary of the Province should be instructed not to deliver the said deeds to any of the parties to whom the said lands are thereby conveyed, unless they shall produce and leave with him a receipt under the hands and seals of the Hon. David W. Smith, Wm. Claus, Esq. & Alex. Stuart, Esq. Trustees, authorised by the Five Nations to receive mortgages of the said lands, that the said persons have done every thing required of them and necessary to secure to the Five Nations and their posterity the stipulated annuities and considerations which they agreed to give for the same.

The above is an extract of the recorded proceedings of the Executive Council on the occasion, from which as well as from previous and subsequent transactions it is evident that the most sincere desire was entertained by the Government to comply with every reasonable wish of the Indians in regard to the disposition of their lands, and to concur with them for their good in securing the full accomplishment of their wishes.

It is but just to remark that *Capt. Brant* though himself an individual of the Five Nations, and a principal Chief and warrior among them, was also a person possessed of a good English Education and of superior intelligence, the intimate friend and associate of many of the most respectable white inhabitants of the Province, familiar with their transactions and mode of dealing and fully as *capable* (as his correspondence in the possession of the Council shews) of *managing business by writing*, or verbally, as most of those with whom he might come in contact. The *Indians* also by the instrument they executed *had reposed in him untimited confidence*, and under such circumstances the Government might well be excused if they did not assume so minute and immediate a control, or make so particular an enquiry into the circumstances of each contract, as duty and humanity might have constrained them to do in the case of Indians wholly uncivilized, and not represented by so intelligent and responsible an agent of their own choice. Indeed there is much reason to believe from a review of these proceedings that any apparently *unnecessary interference* of that kind *might not have been graciously received. Appointment of agents gave great trouble to the Government.* Power to Brant gave him authority to nominate three Trustees—Smith, Claus and Stewart—to receive the securities from the purchasers, Government merely assenting to the desires of the Indians.—*First idea of alienating a portion of their lands originated with themselves* and pressed upon the Government—*they or Brant found* purchasers and made bargains and Brant nominated the Three Trustees by their express authority and sanction.

The Government have nevertheless from time to time at the request of the Five Nations to adjust matters for them and aid in the safe disposition of the Trust Funds.

For many years past all affairs of the Indians have been transferred from the Civil Government to the Military Service, but recently put again in charge of the civil administration to extricate their pecuniary concerns from difficulty and perplexities. The result of enquiries are that No. 1, containing 94,305 acres sold to Stedman for £8,841 after various transfers (and the discovery of a forgery pretending to assign from Stedman to a man in the United States) this Tract at last came into the possession of Hon. Wm. Dickson, principal and interest paid up about 1816.

Number two, of 94,012 acres to Beasley and others £8,887 paid up. No. 3, respecting this tract there are no documents whatever in the Executive Council. The registry of the Letters Patent which followed the surrender has been referred to, & it is there recited that one William Wallace the Grantee (purchaser from Brant) had given security for the money to the trustees, but where the Mortgage or other security may be, whether any thing has been paid for the principal or interest, and what remains due, the Council have no means of knowing—applied to proper source for information (Claus) without effect.

Block Number 4 has been sold to the Hon. Thomas Clark, who has given his bond dated 25th October, 1806 for £3,564 payable in a *Thousand years* from the date, to William Claus and Alexander Stewart, Esquires, and the interest to be paid annually. The Council are not aware whether any Mortgage has been given, or what has been received from Mr. Clark either for principal or interest. It is most probable that the interest has been regularly paid as Mr. Clark is perfectly responsible and punctual in his transactions.

Number five originally contracted for by Mr. Jarvis was afterwards sold to Lord Selkirk for £3,850, and has come into the hands of Henry J. Boulton, at present Attorney General.

The principal is unpaid but the interest has been discharged until within the last three years, and the present proprietor is ready to pay the arrear under the direction of the Government for the use of the Indians if he can be secured against any legal claims of the representatives of the late Col. Claus. It appears by some of the papers before us that £600 New York currency had been paid by Mr. Jarvis, the first purchaser, on account of the principal, which sum was repaid to Mr. Jarvis by the Earl of Selkirk to secure the sum remaining due £3,475 and interest, a Mortgage was given by Lord Selkirk to Wm. Claus, Esq. as sole trustee for a term of years, his Executors therefore have the legal interest in this security.

Number Six, described in the Schedule as 19,000 acres with the sum of £5,000 affixed to it, is said with Schedule to have been given to John Dochstader and sold by him for

the benefit of his Indian children, to Benjamin Canby. We imagine that no part of the principal or interest has been paid and it is doubtful if the Indians as a body have any interest in the purchase money. Sale made by Canby for the benefit of Dockstader's Children.

On Blocks one and two there is nothing due. On Three and Four we are not sure that Mortgages were taken—presume they were similar to that of Mr. Beasley, of which a copy is before us—the form is by conveying the lands to the Trustees, in fee as joint tenants, (expressly noticing the trust) and subject to be defeated by payment of the purchase money in one thousand years with interest in meantime annually, with covenants to pay and condition of re-entry on non-payment. ——— Smith always in England has not acted, he holds the estate and is in fact sole siezed, being the only surviving Trustee—therefore in his power to enforce payment by authorizing his name to be used here in any action of Ejectment, debt or covenant necessary.

5. A mortgage by Lord Selkirk for the sum due £3475 to Wm. Claus Esq. his executors administrators—for 1000 years—Claus deceased, his executors to enforce this mortgage.

No. 6. To Canby—he managed contrary to injunctions by the Government to obtain his Patent without bond or mortgage—Government enquired and found he got it surreptitiously—is yet living and believed to be a man of property—upon the propriety of enforcing it the Council perusing correspondence from Capt. Brant, and the substance of several Indian Councils and the conflicting nature of the transactions of those Councils can form no satisfactory opinion—Claus died—Stuart died much earlier—connected by marriage with the Mohawk Nation—Smith in England never acted.

Col Claus as in the case of Lord Selkirk took security in his own name, Stewart being dead and Smith in England as Brant and chiefs desired he would.

Recommended that Sir David Wm. Smith, Bart. who resides at Alnwick, Northumberland, resign to some one to represent him here.—Col. Claus made a will and his executor is the only one who can sue for the securities given only in Claus' name. Col. Claus always anxious to submit every thing to the Government and from documents marked I, 16, he was ready to do so on 18th May, 1804. When he died, Indians appointed his son John Claus a Trustee (1826?) he for 2 years failed to give the Indians an account of their affairs,—they complained of non payment of dividends, &c. the council examined what documents they had, but had to refer to Mr. Claus and Capt. John Brant, the latter attended in Council but his answers to questions intended to be put to the former gave little information. Claus refused to appear, he has all his father's papers on Indian affairs as Truster, but there is no Court of Equity to compel his yielding them, besides the Indians have no corporate capacity whereby to sue, unless in all their names—a thing impossible. A bill was framed by Legislative Council, but rejected by the Assembly. Governor Hunter ordered affairs of the Indians to be looked into 24th June, 1803, and 18th May, 1804, and reports of these two days contain all the information the Government then possessed on the subject. Governor Gore ordered 3d Novem'r 1806, papers to be deposited in Council office, to show the investments of monies for the Indians remitted to England, viz:—3 per ct. Consolidated Bank Annuities. £5,666 9 3 sterling, so invested as to purchase £9,244 5 11, 3 p. ct. The Council cannot say what part of all the monies received the above sum embraces. From account furnished us by your Excellency, dated 17th Feb. 1826, it appears sums of money had been lent by the Trustees to individuals on interest, it is hoped on good security. No account up to Col. Claus' death of how he stood with the Indians. A sterling bill of £772 is so carried to Col. Claus' credit as to give him the advantage of the exchange, probably 10 p. ct. In their Councils the Indians were not always consistent, sometimes desiring that confirmations be made by government of portions of land to those white persons settled thereon, and at other times wishing the contrary as to the same persons. The speeches in Council relating thereto are, 1st 10th & 13th March, 1809, and Captain John Brant promised 1830 to send down additional information, but it did not come.—The Indians sometimes complained of the Whites encroaching on them, then would sanction it and loudly assert their right to lease and sell as they chose. Had the Chiefs been allowed to do as they liked they would soon have got rid of their lands. Governor Haldimand gave it to them and to their posterity, by an instrument under his sign manual which assured them they might enjoy it forever. It is hardly necessary to remark that an estate in fee simple in lands belonging to the crown could not be conveyed by Sir Frederick Haldimand's mere licence of occupation under his seal. Letters patent under the Great Seal of England, or of the Province of Quebec, could alone have conferred such a title. That the Indians were never to alienate their lands without the assent of the crown was expressly proclaimed by royal proclamation in 1763 when Canada had been finally ceded to Great Britain. The speech and letter of Lord Dorchester in 1788-9 are most express on this point with reference to the Five Nations in particular, and several proclamations published in this Province have given notice of this restriction from an early period.

In conclusion the Council recommend that the Crown Officers or the Superintendant of the Five Nations, be instructed to ascertain what sales have been made of the Indians and how far the conditions complied with, and how made available.

That the opinion of the Crown Officers be taken as to how the trust in Mr. John Claus can be divested and how get account of affairs at his father's death—that an assignment he obtained from Sir D. W. Smith of the trust in him—that a bill be proposed by the Legislative Council as before, at next Session—that a full Council be called by the Indians on the Grand River and in presence of the Superintendent (Capt. John Brant) and other officers as Your Excellency may appoint, and a report be made of their affairs.

The Council cannot avoid adverting to a document which they have found among the papers relating to the Five Nations, purporting to be the copy of a deed executed by the Hon. William Dickson in March 1809 by which he engages to transact all necessary professional business for the Indians. The consideration for this promise was a grant of land which the Five Nations made to Mr. Dickson with the assent of the Crown. But it is no longer necessary that the government should be at the expense of proceedings to protect the interest of the Indians.

On 26th Feb'y and 14th April 1807 are proceedings in the Executive Council books—refer to Council book D. page 342 and 346, and page 359 and 378, entered. It there appears Col. Claus gave account to that time of money received of £8718 10 0 Provincial Currency, and had remitted to Sir John Johnson, Bart, a joint trustee, £8117 and paid Indians & Brant the difference £601 0 0.—Col. Claus held these securities for monies lent to individuals by Capt. Brant, viz:

To Robert Kerr, Esq. on bond & mortgage	£187	10	0
" Thomas Ridout, Esq. on bond, ...	400	0	0
" Alex. Stewart. Esq. on do	187	10	0
	£775	0	0

The Council suppose the £400 to Mr. Ridout to have been paid up, ignorant of the other sums.

In page 343 will be found particular information respecting No. 3, sold to Wm. Wallace—the Indians acknowledge themselves to have been paid by Wallace for

	Acres.
That of the same tract they had given to Mrs. Ann Claus, daughter of Sir Wm Johnson, ..	7,000
To Capt Brant	10,000
Sold to Capt. Pilkington R. E. for security they say had been given to the trustees.....	5,000
Given to Mr. Beasley to make up a deficiency in No. 2 sold him.....	15,000
	3,000
	40,000

The remainder of No. 3 being 45,185 they had agreed to sell to Jacob Erb and others for 1/4 8 per acre to be paid 1st May, 1807.

John Claus writes (1830) to the Executive Council, as follows:

To JOHN SMALL. Esq.
&c. &c. &c.

In reply I beg leave to state for the information of His Excellency that an imperious regard which I owe to the interests of my father's family and my own, constrains me to decline affording any information or explanation whatever on the subject of the trust unsolicitedly committed by the Indians to my charge, and whenever the Executive Government of Upper Canada shall see proper to confirm by Patent a certain tract of land situated on the Grand River and surrendered by the Indians for the benefit of my father and his heirs, I shall cheerfully resign a situation which has only been prolific of trouble, ingratitude and misrepresentation.

I am Sir,
Your most ob't humble Serv't,
(Signed) JOHN CLAUS,

A true copy,
(Signed) JOHN BEIKIE,
Confid. Clerk.

True extracts,
(Signed) JOHN BEIKIE.
Clerk Ex. Council.

No. 45.

THE REPORT

Of the Honorable John Henry Dunn, the Honorable George Herchimer Markland, and William Hepburn, Esquire, the Trustees appointed by His Excellency the Lieutenant Governor, on behalf of the Six Nations Indians, to investigate and report for his information, on claims preferred by various persons to lands belonging to the said Six Nations and situated on the Grand River.

The Trustees, in laying their report before Your Excellency, for your information and consideration, think it proper and satisfactory briefly to advert to the principles by which they have been guided in the present inquiry, and in coming to their decisions upon the various claims submitted to their investigation:—and they would, in the outset, observe, that the several claims classed in manner hereinafter referred to being *equitable* only, and not in any light to be viewed as *legal* rights, the Trustees have considered the present inquiry simply as a mode adopted by Your Excellency of satisfying yourself, through their medium, by a calm and impartial investigation into the nature of those claims, how far the Crown is equitably and conscientiously bound to sanction them, and not imposing on the Trustees the strictness of a legal investigation, which indeed the actual situation of the Indians, with respect to the Crown, entirely precludes, inasmuch, as after giving the most extensive effect possible to the Grant of Sir Frederick Haldimand, hereinafter alluded to, it confers an equitable title merely upon the Indians in the Grand River lands, leaving the legal title still vested in the Crown.

The Trustees are satisfied, from copies laid before them of the correspondence in the year 1797, between the late President Russell, and Captain Joseph Brant, deceased, as well as of a Power of Attorney, dated 10th October, 1804, and executed it appears by the Sachems and Chiefs, at a Council specially convened for the purpose, that Captain Joseph Brant was the accredited Agent of the Six Nations Indians, and invested with full power on their behalf to obtain deeds from the Crown conveying the tracts of land granted to them on the Grand River by the late Governor Sir Frederick Haldimand in the year 1784; and which grant, it would seem from the correspondence above alluded to, was confirmed by the Home Government during the Duke of Portland's administration. It also appears from the copy of the Power of Attorney, that Captain Joseph Brant had also full power, on behalf of the Indians, to *sell* such parts of their lands for their benefit as he should think fit; and the Trustees consider that having such authority, he had a right to *grant leases* of those for 999 years, (a term equivalent to a fee simple,) if he so thought proper, and this mode of conveying them he most usually adopted.

Numerous claims have been submitted to the Trustees and taken into their careful consideration, and the documents accompanying them have been thoroughly investigated; from which it appears that some of the claimants seek a confirmation from Government of their alleged titles on the ground of having derived them under leases for 21 years, or for a less term from individual Indians residing upon different portions of the Indian Territory: others under leases for similar terms from one or more of the Chiefs; some under bare permissive occupations from individual Indians or Chiefs, (all of which three described classes of claimants appear to have paid a greater or less consideration for their lands to the parties from whom they purchased, and in many instances to have made considerable improvements on the lands,)—others as the children or descendants of Indian women, with respect to whom a custom is alleged to exist among the Indians entitling them to portions of their lands—and others again claim either under existing or lost or destroyed grants in fee simple or leases for 999 years executed by Captain Joseph Brant, as the Agent of the Indians, for valuable considerations therein expressed to be paid to him; which deeds almost invariably recite or refer to the powers of selling and leasing vested in him, and are stated to be granted in execution of them. In some instances these latter deeds appear to have been (though it is conceived unnecessarily) confirmed at Indian Councils subsequently held, but in the great majority of cases they seem not to have been so confirmed.

Whether Captain Joseph Brant did or not on all occasions execute the trust reposed in him faithfully towards the Indians, the Trustees are unable to judge, no evidence having been laid before them upon that subject; and it is indeed only right to observe, that no improper conduct whatever has been imputed to him before the Trustees; and they are therefore, bound to assume that he discharged his duty with due fidelity. This, however, is a question wholly immaterial, as the Trustees conceive, to the present inquiry, as the Indians, so far as regards third persons, are doubtless bound by the acts of their Agent in all matters within the fair and legitimate scope of his authority, whatever legal redress the Indians might have had against him for any damage accruing by reason of the breach, neglect or abuse, of the confidence they had reposed in him.

The Trustees having duly weighed the several classes of claims above referred to, came to the decision of allowing such of them only as are preferred under grants and leases executed by Captain Joseph Brant, as the lawfully constituted Agent of the Indians, the originals of which have been or can be produced; and they would here observe, that they do not find from any documents in their possession, that any person or persons, after the death of Captain Joseph Brant,

was invested with powers similar to those conferred upon him, notwithstanding the assumption of them on the part of certain individuals.

The Trustees would further observe, that they have adjudicated upon the claims mentioned in the two following schedules to this Report upon the principles above adverted to; but they have abstained from setting out the facts of each case, as it would have greatly swelled and incumbered the Report, and unnecessarily, it is thought, when it will be seen that reference is made in the Schedules to the bundles and numbers of the papers in the possession of the Trustees, containing a full detail of such facts, to which immediate reference can be at any time had if required.

And lastly, the Trustees would add, that they have confined their attention solely to the single point, whether the *original* claims ought or not in equity to be confirmed by the Crown; and have wholly excluded from their consideration, the claims of parties under *derivative* titles, finding it would lead to a very wide and difficult field of enquiry, upon which the Trustees could not hope to arrive at any satisfactory result.

All which the Trustees beg most respectfully to submit to Your Excellency's consideration.

JOHN H. DUNN,
GEORGE H. MARKLAND,
WILLIAM HEPBURN.

Indian Office Toronto,
1st January, 1835.

To Claimants of Lands of the Six Nations Indians, on the Grand River.

Notice is hereby given, that all persons deriving title under the several parties whose claims to lands belonging to the Six Nations Indians, on the Grand River, are recommended to His Excellency the Lieutenant Governor to be confirmed by the report of the trustees, and which claims are enumerated in the first schedule to the said report, are required forthwith to transmit all deeds, documents and papers, in support of such derivative titles, *post paid*, to William Hepborn, Esq. city of Toronto, one of the said trustees; and further, that upon the leases from the late Capt. Joseph Brant, or certified copies thereof from the Register being produced, as required by the said report, in proof of the validity of the original claims, and the derivative titles under the same being satisfactorily deduced, deeds will be issued by the Crown to the parties who upon such investigation shall be found equitably entitled to receive the same.

J. GIVINS,
Chief Superintendent of Indian Affairs in Upper Canada.

INDIAN OFFICE, TORONTO,
1st February, 1835.

To claimants of lands of the Six Nations Indians on the Grand River.

Notice is hereby given, that all persons deriving title under the several parties whose claims to Lands belonging to the six nations Indians on the Grand River, are recommended to His Excellency the Lieut. Governor to be confirmed by the report of the trustees, and which claims are enumerated in the first schedule to the said report, and also, all persons deriving title under any other parties whose claims may have been investigated and confirmed since the publication of the said report, or which may hereafter be investigated and confirmed, are required to transmit all deeds, documents and papers, in support of such derivative title, *post paid*, to William Hepburn, Esquire, City of Toronto, one of the said trustees, on or before the 1st April next ensuing, the date hereof, otherwise in default thereof, such persons will be excluded from all benefit under the present investigation before the said trustees—and further, that upon the leases from the late Captain Joseph Brant, or certified copies thereof from the Register, being produced as required by the said report, in proof of the validity of the original claims, and the derivative titles under the same, being satisfactorily deduced, deeds will be issued by the Crown to the parties who upon such investigation shall be found equitably entitled to receive the same.

J. GIVENS,
Chief Superintendant Indian Affairs in Upper Canada.

No. 46.

Report of the Trustees of the Six Nations Indians upon the accompanying Petition of Mr. Nelson Cozens referred to them for that purpose by the Honorable the Executive Council, on 31st July, 1834.

The Trustees in their investigation of the various claims submitted ro them by individuals for a confirmation of their titles by the crown to lands belonging to the Six Nations Indians on the Grand River, recommended such claims only for confirmation by the crown as were founded upon leases or conveyances executed by the late Captain Joseph Brant, who, upon the evidence laid before the Trustees, appeared to them clearly to have been the accredited agent of the Indians, and whose acts in the sale and leasing of their lands had been many years since fully sanctioned by the Home Government.

That this was the rule by which the Trustees were guided in the investigation referred to, will be satisfactorily seen on reference to their report on Indian claims sometime since published.

But although the Trustees felt themselves bound to sanction the sales and leases made by Capt. Brant, they have done so in such cases only, where either the original conveyance or lease, or a certified copy from the Register could be produced as evidence of the claimant's title.

They have uniformally rejected every other species of evidence (such as affidavits, &c. accounting for the loss or destruction of the original documents) having much reason to apprehend that had such evidence been admitted the Trustees would have opened a wide door for the commission of fraud.

But lest injustice might be done in some instances by the application of the rule, the Trustees have where the parties have desired it, referred the matter to the Indians in Council assisted by their Superintendent Major Winniett, and if they were satisfied of the justice of the claims the Trustees have invariably recommended a confirmation of the titles, thereby avoiding on the one hand any infraction of their rule, and on the other the defeat of Justice by the rigorous operation of it.

Such being the course of proceeding adopted, the Trustees found on investigating the claim of the pre-

sent petition, that neither the original document executed by Capt. Brant nor a certified copy of it from the Registor could be produced in support of the claim as required by their rule, above adverted to, and the Trustees therefore feel that they cannot without a most unjustifiable deviation from their own uniform practice recommend the confirmation of the present petitioner's title, or the payment of an equivalent for his land, unless he obtains the sanction of the Indians in Council, agreeably to the course above alluded to.

As regards the equitable circumstances disclosed in the documents accompanying the petition, the Trustees cautiously abstain from commenting, leaving them to operate with the weight to which they may be considered entitled in the view of the Executive Council.

The Trustees feel that they have discharged their duty in thus reporting upon the present claim for the reasons they have assigned, and would now leave the case with the Executive Council to be dealt with as they may deem most consistent with equity, desiring merely to call the attention of the Council to the long period during which the petitioner has slept upon his rights, and permitted sales of the land included in the alleged conveyance from Captain Brant to take place, without any notice, so far as the trustees are informed, having been given by or on behalf of the petitioner to the proper authorities of the existence of the present claim.

All which is most respectfully submitted to the consideration of the Honorable the Executive Council.

[Signed] WILLIAM HEPBURN.
A Trustee of the Six Nations' Indians.

City of Toronto,
19th May, 1835.

A true copy,
(Signed) JOHN BEIKIE,
Clk. Ex. Council.

(No. 47.)

EXECUTIVE COUNCIL CHAMBER AT TORONTO

SATURDAY, 30th MAY, 1835.

PRESENT.

The Hon & Ven. Jno. Strachan, D. D. Archd. of York,
(*Presiding Councillor.*)
Peter Robinson.
George Herkimer Markland.

May it please Your Excellency:

The Council have had under consideration the Petition of Nelson Cozens, and Joshua Y. Cozens in which the former claims, as assignee of the latter, a quantity of land equal to about 92,000 acres lying in the Grand River Tract, said to have been purchased by Joshua Y. Cozens from the late Capt. Joseph Brant, for a valuable consideration.

The Council have taken much trouble to investigate the claim, and have perused the various documents produced to substantiate it. They however consider it a question involving such important interests both to the Crown and to the party, that they are unwilling to assume the responsibility of advising Your Excellency upon the subject without first obtaining the opinions of the Crown Officers, to whom they recommend that the several documents should be referred for their report thereon, as under any circumstances it is probable that their judgment will be required for the information of His Majesty's Government, to whom the matter will be referred.

(Signed.) JOHN STRACHAN,
P. C.

(Signed) J. C.

A true copy.
(Signed) JOHN BEIKIE,
Clerk Executive Council.

(No. 48)

Attorney General's office,
19th June, 1835.

To,

Lieut. Col. Rowan, Secretary to his Excellency the Lieutenant Governor &c. &c. &c.

SIR,

I have the honor to return the Memorial of Mr. Cozens and the papers which accompanied it, which were referred to me by command of His Excellency the Lieut. Governor.

I think that in finally considering this claim His Excellency, in council need not again undergo the labour of reading through the whole of these voluminous documents—They consist chiefly of evidence, or what is intended to be evidence of the former existence of a lost deed of conveyance from Captain Joseph Brant to Mr. Cozens, of a Township upon the grand River 12 miles square containing upwards of ninety two thousand acres, a paper writing purporting to be a copy of which, is appended to the Memorial, together with extensive correspondence between Mr. Nelson Cozens aed others with reference to the loss of the original.

I have no doubt that such an instrument did exist, and for argument sake will give to the alleged copy all the benefit which Mr. Cozens could have derived from the original.

This admission will disencumber the case of all the documents except the Memorial and affidavit annexed, the copy of Brants Deed together with his receipt, the memorandum of agreement between Brant and Cozens, and the subsequent and supplemental affidavit of Mr. Cozens.

If Mr. Cozens claim were confined to any legal right which he could acquire under the Deed from Brant as agent for the Indians, it is clear that it must be dismissed. Brant could not either alone or with the consent of the Indians sell the Lands of the Crown which had been appropriated to the perpetual occupation of themselves and their posterity by Governor Haldimand; even supposing the consideration paid were a fair one. If any doubt were ever entertained upon this point, it has been completely removed by the late decision of the Court of King's Bench in the case of Doe ex dem Jackson vs Wilks.—In this view it would have been a transaction between the Memorialist and Brant which the Law could not have supported or the Governor have recognized.

Mr. Cozens however claims the equitable intervention of the Executive Government to confirm his title to the Land in question in consequence of the purchase having been made under the sanction of Governor Simcoe, who it is insinuated rather than positively asserted, was desirous of rewarding the services rendered to the state by Mr. Cozens, by thus giving full effect to a beneficial purchase from the Indians, in addition to a grant from the Crown of twelve hundred acres, which it appears was made by Governor Simcoe "to each and every of the Cozens." The expressions used by the Memorialist are that he "by the consent and persuasion of Governor Simcoe purchased from Brant and the five nations Indians, a large and valuable tract of Land." That Governor Simcoe personally assured Memorialist that to ensure the title which Memorialist held by deed from Captain Brant being known as fully and completely executed, he, Governor Simcoe, would cause a further confirmation of the validity of said Deed, there being no Registry offices established, to be made in Council." In his affidavit too, in support of the

Memorial, he states, "that His Excellency advised deponent to close the bargain and take the Indian title, and he would confirm it less 2-7ths and advised deponent to take his conveyance to Europe where it would command a large sum." And it is further stated "that Governor Prescott assured Memorialist that he would cause that public confirmation should be made of Memorialist's Deed from Brant and the Five Nations by virtue of a Mandamus from His Majesty.

It is somewhat remarkable that so many years should have been allowed to elapse by Mr. Cozens without any attempt on his part to substantiate his claim. For several years after the loss of the Deed Capt Brant was living, and others who could have borne witness to the bona fides of the transaction and the sanction which it is alleged to have received from the Executive government. It is indeed singular that in the year 1798 when all the sales made in pursuance of the Power of Attorney executed by the Indian Chiefs to Brant on the 2nd November 1796 were confirmed, and which sales were the only alienations of lands on behalf of the Indians then admitted or known, no allusion whatever is found to this vast claim of Mr. Cozens, as His Excellency will find on reference to the elaborate report upon the subject of these alienations made by the Executive Council and dated 14th May 1830. The Block or Township No. 3 alluded to by Mr. Cozens as having been the subject of an agreement between him and Brant, and lying adjacent to the one stated to have been finally purchased by him, appears from the Schedule in that report to have been sold for £16,364 though it contains less land by more than eight thousand acres than that which is the subject of the present claim.

This delay is not sufficiently explained by saying that Mr. Cozens was making fruitless searches after the Deed which had been sent to Europe; for as Mr. Cozens then knew that the title was not complete without the confirmation of the Crown, and that the Crown would only confirm purchases fairly made, he must have known equally well that it was *then* and not at the distance of thirty years that his equitable claim against the Executive Government could be best proved, if it were capable of being proved at all.

As the only evidence respecting the terms and conditions of this bargain with the Indians and the concurrence of Governor Simcoe therein consists in the statement of Mr. Cozens himself in support of his own claim, (for I cannot on account of his assignment to his son consider him as a disinterested witness) such statement ought at least to be consistent with itself, and not repugnant to conscience and probability.

The memorial and affidavit in support are dated 1st July, 1834. Mr. Cozens states that the consideration of this purchase from Brant of the township on the Grand River, twelve miles square, containing 92,160 acres was one thousand pounds, currency, which was to be "in full of all demands until he received an acquittance of all claims from Government for the said township of land, when deponent was to pay a further sum of £1.000."—That he paid Brant £500 on receiving the deed which bears date 8th Oct. 1796, and made another payment of £500 on 26th June, 1797, and he exhibits a receipt from Brant which is in the following words:

"Received June 26th, 1797 of Mr. Joshua Y. Cozens the sum of Five hundred pounds Halifax currency, making one thousand pounds Halifax currency with the £500 he paid me when I signed a Deed to said Joshua Y. Cozens in October 1796 for a Township of Land, being part of the Grand River Tract containing 92,160 acres, purchased by the said Joshua Y. Cozens from me and as agent for the Five Nations of Indians; and I hereby acknowledge said above sum to be in full of all demands for said Township of Land, until I deliver to said Joshua Y. Cozens a relinquishment from Government that they have no claims to said Land, which I bind myself and heirs and as agent uforesaid to do. JOS. BRANT."

It may be remarked that in the deed of October 1796, and in the receipt endorsed upon it, the sum of £500 is mentioned as the full consideration, and that the lands professed to be conveyed are particularly described as adjoining a certain tract purchased of the Five Narions Indians by Wm. Wallace and Isaiah Tiffany 1st May, 1796, being Block No. 3 before referred to.

In the month of April 1835, while Mr. Cozens claim was before His Excellency in Council, an original memorandum in the handwriting of Mr. Cozens, and signed by himself and Capt. Brant, is discovered among Brant's papers, bearing date 14th July, 1796, less than three months anterior to the date of the deed, and to all appearance is the agreement upon which the intended sale was founded, and if so, the consideration alluded to in the latter part of the above receipt is very widely different from the one stated by the memorialist. The substance of this agreement is that Cozens should secure to Brant for himself and the Five Nations Indians the sum of £1,200 per annum, estimating the dollars at 8s. in consideration of their conveying to him a tract of their land of one hundred thousand acres, Cozens to be at liberty to pay the principal £20,000, New-York currency, when he thought proper, or half that quantity of land at a proportionate consideration. And it ends with this remarkable proviso, "said J. "Y. Cozens doth further agree to give or cause to be gi-"ven unto the aforesaid Capt Brant, exclusive of the "aforesaid consideration, five hundred pounds like cur-"rency, if said Capt Brant confirms to said Cozens by "Deed, one hundred thousand acres, and if said Capt. "Brant shall confirm by deed fifty thousand acres, said "Cozens to give or cause to be given to him, said Capt. "Brant two hundred and fifty pounds currency.

"Witness our hands and seals

J. Y. COZENS
JOS. BRANT."

When the discovery of this agreement is reported to Mr. Cozens, he sends a supplemental affidavit explaining this memorandum as referring to a transaction distinct from that upon which he founds his present claim. He represents it to have been an agreement to purchase, not the land conveyed by the Deed of 8th October 1796, but the adjoining Tract (Block 3) recited in the Deed to have been recently sold to Wallace and Tiffany. This affidavit tends to any thing but to remove from my mind the difficulties which stand in the way of Mr. Cozen's claim.

I do not understand how Brant on the part of the Indians could negotiate to sell, and Cozens be willing to purchase, for twenty thousand pounds (besides a gratuity to the Agent of £500 one Township or Block of land, and that at the same time or immediately afterwards the adjacent Township of like extent should be sold to Mr. Cozens by the same parties for one thousand—with another upon a contingency, without any gratuity to the agent whatever.

I cannot find that their was ever a time when the last mentioned price would have been deemed a fair consideration for land on the Grand River. Nor can I persuade myself that Governor Simcoe would be desirous of rewarding the services of Mr. Cozens at the expence of the Indians by promoting with his advice and "persuasion" this bargain for "a large and valuable tract of land" which was in Europe to "command a large sum" upon terms so inequitable.

It would seem that Mr. Cozens when he made his supplementary affidavit was conscious that there must appear a considerable discrepancy in this part of his case, for he now represents "this large and valuable tract of land" of which he was to make so advantageous a purchase by the advice and persuasion of Governor Simcoe, as being "considered the poorest of the Indian Tract and but of little value."

Upon a perusal of this affidavit it will further appear that this negociation was entered into, not by the advice and persuasion of Governor Simcoe, but of Brant himself, who upon Mr. Cozens, return from Philadelphia on the 2d September, 1796, "ascertained that deponent had £500 "in his trunk and a draft on Mr. Russell the Receiver "General for £650, and proposed selling to deponent a "Township twelves miles square, supposed to contain

"92,160 acres—that after two days continually occupied in "bargaining for said Township with the assistance of Dr. "Kerr, deponent purchased the said township for two "thousand pounds currency."—He then proceeds to explain why £500 only was inserted by Brant in the Deed, as the consideration, instead of £2,000, which he says "ought to have been"—all of which is possible, but it is exceedingly unsatisfactory. At all events adopting the account of the transaction as now given by Mr. Cozens, I cannot discover what countenance Governor Simcoe gave to it, so as to bind his Majesty's present Representative on account of his sanction, to confirm the sale. I can see nothing in it but a bargain between Mr. Brant and Mr. Cozens.

Had it not been for the explanation given by this supplementary affidavit, there would have been no great difficulty in coming to a conclusion, however erroneous that conclusion might in reality have been. Taking the agreement of 14th September, 1796 as that upon which the deed of the 8th October, 1796 was based, I should have been inclined to look upon it as a speculation by which upon payment of £500 to Brant, an instrument was given upon which Mr. Cozens might enter into contracts with purchasers in Europe, as he avows his intention to have been, and thus obtain the means of paying the £1,200 New York currency interest on the £20,000 New York c'y principal. The fact of £500 only appearing on the deed as the consideration, would not, under such circumstances have appeared more singular than it does as explained by Mr. Cozens. It is not necessary to examine what would have been Mr. Cozens' claims to the assistance of the Executive Government upon this agreement, since he repudiates it as having been cancelled by mutual consent, and rests his claim upon a distinct transaction.

Whatever may have been the real terms and conditions of such transaction, taking it as described in the affidavit above quoted, I can look upon it in no other light than a speculative bargain between Brant and Mr. Cozens which Brant had no right to make, and which he certainly never recognized and which not succeeding in England was allowed to drop altogether. There is no evidence whatever that the alienation was ever sanctioned by the King's Government then, and unless His Excellency views the case in a very different light there is little probability of its being confirmed now.

I have the honor to be,
Sir,
Your most obd't,
Humble servant,
[Signed] ROBERT S. JAMESON,
Att'y Gen'l.

A true copy.
[Signed] JOHN BEIKIE,
Clerk Ex. Council.

(No. 49.)

Solicitor General's Office,
Toronto, 22nd June, 1835.

In the matter of the claim of Joshua Y. Cozens.

I concur in the opinion expressed by the Attorney General in his report to His Excellency the Lieutenant Governor, of the 19th instant, that Mr. Cozens has not established his right to the indemnity he claims.

It may be questionable whether in Equity he ought not to be reimbursed any money he may have actually paid to the late Capt. Brant, by the heirs of that Chief—but it does not appear to me that His Majesty's Government can be called on to interfere in the matter.

(Signed) CHR'S. A. HAGERMAN,
Solicitor General.

To,
Lieut. Col. ROWAN,
Civil Secretary, &c. &c. &c.

A true copy,
(Signed) JOHN BEIKIE,
Clerk Executive Council.

No. 50.

Toronto, 16th July, 1835.

Col. ROWAN,
P. S. &c. &c.

SIR,

I beg leave to enquire whether any decision has been yet arrived at by His Excellency the Lieutenant Governor's Executive Council upon my long pending claim; and to assure you that any information you may have at present in your power to impart to me upon the subject, or as to the period when I may hope for some definite expression of the Lieutenant Governor's determiaation thereupon, will tend greatly to losson the tedium I experience in the protracted, though doubtlessly unavoidable delay, and the wearisome, disheartening suspense I have so long, patiently and quietly endured.

With great respect,
Sir,
Your very obed't. Servant,
N. C.
No. 11 King Street.

Government House,
18th July, 1835.

SIR,

I am directed by the Lieutenant Governor to acquaint you with reference to your letter of the 16th instant, that in consequence of the annual sitting of the Heir and Devisee Commission the Executive Council have not been able to reconsider your claim since the Law Officers of the Crown made their report on it.

I am Sir,
Your obedient Servant,
WM. ROWAN.

NELSON COZENS, Esq.

(No. 51.)

Copy of Report of the Executive Council, approved by His Excellency the Lieutenant Governor, on the Claim of Nelson Cozens.

Dated 21st July, 1835.

The Council have had under consideration the claim of Mr. Cozens together with the opinion of the Crown Officers upon the subject, and they concur in their decision that the applicant has not established his right to the indemnity he asks from His Majesty's Government. Any money which he may have advanced to Capt. Brant will remain as an equitable claim against his heirs which the Council do not feel called upon to take cognizance of.

(Signed) JOHN BEIKIE,
Clerk Executive Council.

To
JOSHUA Y. COZENS, Esq.
&c. &c. &.

(No. 52.)

Government House,
27th July, 1835.

Sir,

With reference to your letter of 25th inst. I am directed by the Lieutenant Governor to acquaint you that instructions shall be transmitted to the Clerk of the Council to permit you to take copies of any of the documents connected with your claim, and also the opinions of the Law Officers of the Crown and the Trustees of the Six Nations on your case.

I am also to state that His Excellency will lay before the Executive Council your application to be permitted to refer to certain official papers relating to the claim of your father, and that he is persuaded that you will find no difficulty in obtaining the information you are desirous to be provided with.

I am Sir,
Your obedient Servant,
(Signed) WM. ROWAN.

N. Cozens, Esq.

No. 53.

Government House,
31st July, 1835.

Sir,

I am directed by the Lieutenant Governor to acquaint you that your letter of 30th inst. will be laid before the Executive Council, which will assemble on Thursday next.

I am Sir,
Your obedient Servant,
(Signed) WM. ROWAN.

Nelson Cozens, Esq.

[*This in answer to my demand for my original papers by which my claim was brought forward*]

(No. 54.)

Toronto, 26th August, 1835.

Col. Rowan,
Private Secretary, &c. &c. &c.

Sir,

I beg leave again to present to His Excellency the Lieutenant Governor's notice the subject of my petition and my father's memorial for the Grand River Lands. I availed myself of His Excellency's permission to examine those documents in the office of Executive Council which relate to the Six Nations affairs, and made copious extracts therefrom; in those documents there appears nothing to operate against the many facts of the case as delineated in my father's statements.

I have maturely considered the report drawn up by the Attorney General, in his official capacity, and adopted by the Executive Council; I have duly weighed the objections which are therein arrayed against the claim, and I conceive them to be such as upon reconsideration will not appear insurmountable. There is a possibility it will be admitted, that had the question been dealt with, free from any colouring which was certainly aimed at being thrown upon it by the counter claim for a portion of those lands by W. J. Kerr, Esq. who must be considered an interested party, it would not have been treated in the terms used in the report.

The decision of the Executive Council led me to hope that they were convinced of the truth of my father's statements; but that they deemed it necessary that redress should be sought for from Brant's heirs. But from what would seem to be the operation of our laws, I should be sorry to imagine that ought was intended by the Honorable the Executive Council that could possibly be construed into evasion.

I perceive no mode of procedure now, but that of throwing myself upon the combined generosity and justice of the government.

I see no remedy, nor the possibility of prosecuting the matter, even by any *amicable* suit against any party concerned.

But the government, His Majesty's government are intermediately in the possession of the disputed lands, and it is upon them, upon His Excellency the Lieutenant Governor, that I again humbly call for aid, in this a matter of such peculiar hardships.

I respectfully solicit His Excellency's reverting to the Report of the Trustees, to my father's Memorial supported by his own and others' affidavits, and to the final report of the Attorney General.

In the latter it will be seen that the only important obstacle presented by the Trustees, viz: the particular degree of evidence for the existence of Brant's deed to Cozens, quoted in Brant's receipt, is entirely removed by the inevitable admission of the Attorney General that the deed did exist, having as he properly observes *no doubt of it.* The Trustees had laid down a rule of evidence as their guide, to which they consider themselves bound invariably to adhere. But for that rule it must be supposed they would at once freely have admitted the conclusive proofs which are allowed by the Attorney General, as to their being a deed from Brant.

That objection, then, the only one insisted upon by the Trustees, being done away with, there remain only two others adhered to by the Attorney General. I say, *only two,* because the right of Brant to sell is not only acknowledged by the Executive Council, in their issuing Patents free of reservations, and admitting that it devolved upon Brant alone while acting as Agent, to name the purchasers; but has been repeatedly set forth to a certainty by the published advertisements of the Trustees. One of those other objections is as to the consideration—its amount and value. In answer thereto I have first to notice that the Attorney General has made a comparison of Cozens' £1000 paid down in specie, with the promise of another £1000 upon contingency, to Brant, for the lands in question, with the price of Wallace's tract, viz:—No. 3, which was the very highest priced tract that had been sold; and passing over larger tracts, 1 and 2 which brought only half the sum of No. 3, yet selects the last as a criterion of value, although Cozens asseverates to the fact of that being the one he and Brant formed the written memorandum agreement upon, viz: for 100,000 acres. Upon it there was a Mine of Iron Ore. But the adjoining tract, of which Block No. 4 (Nichol) is the first one-third was looked upon as the poorest, upon the whole, save that portion, one-third, vouched for by Brant to be good land. For Cozens' tract ultimately deeded to him, £2000 would be nearly 6d. an acre. Now the Records of sales in the Executive Council Office of lands in not only that day, by several years subsequent thereto, will shew that that price was a very common one. It was the rate at which good lands, much nearer to markets than No. 4 could be bought.—It was remarked to Wm. Hepburn, Esq. Trustee, and repeated to the Attorney

General that Cozens asserted that *all Yonge Street* might have been purchased in his day, for 1s. Halifax Currency, per acre, to which both declined assenting. Now it is a matter of easy proof that several of Cozens' relatives sold nearly 4,000 acres in Vaughan, upon Yonge Street, several years after his purchase, some at 5d. some at 6d. and at 7½d. the acre. Years and years ulterior thereto, as is universally known, U. E. and other rights, with the privilege of choosing were disposed of in scores for $5 the 200 acres.

Indeed Mr. Strange in 1828 writes to Mr. Galt (as is published) that lands in the Gore District had to his knowledge been bought for 1s. per acre; and gives an instance of a Deputy Surveyor selling a 200 acre lot for a barrel of Pork.

But returning to sales of large tracts.—In 1806 or thereabout, a very considerable period after Cozens' purchase, were sold by government, the townships of Norwich and Dereham, both most eligibly situated, and nearer the mouth of the Grand River and to Lake Erie by perhaps 100 miles. They are each 12 miles by 9 and yet they together brought only £3062 5 0. It is upon record. The proceeds were applied to cut out the main road hence to the Bay of Quinte. This alone is sufficient to give an estimate of Cozens' purchase.

There remains but the concluding objection to be disposed of—the *Memorandum Agreement, discovered* as is said and produced and characterized by Mr. Kerr. This memorandum is so viewed by the Attorney General and so made use of, as to occasion pain to the feelings of any one entertaining a strict sense of honor and honesty. It is hard, Sir, it is very hard, that my father's affidavit in this case should be discarded.—Even allowing him to feel an interest in an event, and in this matter, his right to which he invested in me, as well for *value received*, as for *natural affection*, can it be imagined that any consideration short of that which can be classed with *life* would operate to bias or to prejudice his solemn declaration before high Heaven? and opposed to that declaration under oath, what has appeared to tend to a contrary conviction? Is it the Power of Attorney from the Chiefs to Brant, designated as a deed of Gift; dated in 1804 and unknown to the light for 31 years? I should hope that whatever has impressed the Attorney General with an idea of his having properly treated that memorandum, may be put forth in some more tangible shape than surmise or opinion, in opposition to an asseveration of a man who can fully appreciate the sanctity of an affidavit.

I would beg, Sir, that I might call His Excellency's attention to this last—this perhaps only objection of the Attorney General, and to the consideration as well of my father's statements, as of any thing, be it what it may, from which a construction of the memorandum, such as the Attorney General has put upon it, can possibly be derived.

Beset on all sides by the early difficulties of the case and the late objections heaped upon the claim, I feel myself incompetent to convey to His Excellency, without the use of terms which if dictated in the warmth of feeling might engender pain, the precise situation and difficulty in which the claim now stands.

Of my father's purchase, payments and deed, what doubt does there remain? to the internal evidences of facts stated, independant of outward proofs, what reasonable objections can yet exist? to an equitable claim for equivalent what can be justly adduced in opposi-

tions of our limited means of sustaining further exertions what can be required to be known beyond our repeated assertions?

What then Sir, must we suffer not only delays but losses in contending? and contending with whom? With the powerful! the government itself!

Forbid it Heaven! that Cozens, the father, should be denied the aid and mediation in his old days, of that government which it was the pride and boast of his youth to abide by and defend, and I the son, pray that the day may be late in which I can have to think or to speak of that government with enmity or distrust.

I have the honor to be,
Sir,
Respectfully,
Your ob't Servent,
NELSON COZENS.

Copy, N. C.

Toronto, 27th August, 1835.

Col. Rowan,
Private Secretary, &c. &c. &c.

Sir,

Were I impressed otherwise than with the justice and extreme hardships of the case of my claim, or were I sensible that it could be divested of that equitable ground upon which I studied to introduce it to the notice of His Excellency the Lieutenant Governor, I should have been far from continuing to urge a scrutiny of its merits; I should have been far from devoting to it my entire time and the whole sum of my means, even to the extent as I assure you has been the case, of the loss of the occupation in which I was engaged. Fourteen months have gone by since the preliminaries of the claim were arranged and presented, and fully have my feelings and anxieties in the matter been put to the test.

But, Sir, while my hopes endure in the honor and magnanimity of a government I yet look up to with a degree of filial reverence, I cannot relinquish my claim to it's protection.

I must therefore ask your bearing with me yet further Sir, while I respectfully ask leave to submit through your hands to His Excellency the Lieutenant Governor the accompanying strictures upon the report of the Attorney General.

I humbly offer the review of that report, Sir, with the most entire confidence in its minutest correctness, and I pray His Excellency may be induced to give it an attentive perusal and his serious consideration.

It is a matter upon the final disposition of which rests very much of the worldly comforts and future prospects of a large family of us, who are sprung from those who long did honor and service to that Crown to which we continue to pay reverence and owe allegiance.

It is not an ordinary litigation between individuals of recent occurrence and limited amount, but an old transaction founded in justice, suffered to linger under long and accumulating adversities attending my father's career in life; and a subject upon which the full force of moral obligations in the liberal doctrine of contracts, should be permitted to exercise its influence.

It could not I hope have been desired by the Attorney General's Report that we should be precluded the means of any redress; and yet upon an extended

view of its bearings, its adoption will necessarily tend to that effect.

Let me crave His Excellency's reflection upon my comments and upon the tendency to which the report, as it now stands, must lead.

I continue to hope that His Excellency may see grounds for recommitting the case. There is much it will be admitted to be said in favor of the claim—there is *much* already by admission established in support of it—there is no one fact adduced to invalidate the statements made, nor any truth to overthrow them.

Must not my confidence, Sir, then remain unimpaired, in its justice? It does Sir.

I have no other wish—I never conceived the idea of a demand—I have no other wish than to meet with fair and honorable, with equitable dealing, on the part of the government, and some *reasonable* equivalent, how can it, how will it withhold from us? The possession of the lands is theirs, the power to yield or retain is theirs. On our part there may be what amounts to weakness, to be sure, yet Sir there is justice, say that the degree be deemed inconsiderable—there is the money paid, and its value swelled by a long time—there are the circumstances under which it was paid. Let these Sir, I pray you, be kept in view in thinking upon the question.

The outlines of the work were at first perhaps not deeply, but they were faithfully sketched—and did the picture of our case enjoy but the benefits of its natural lights and shades, the lineaments of its unalterable truth would prominently appear. As it is, I beg His Excellency to look upon it as the work not of strangers in the land.

I humbly beg His Excellency to consider that such terms as one man of probity & a sense of honor wo'd feel impelled to extend to another, ought not in the exercise or indulgence of that honor to be denied to the prayers of those who now feelingly supplicate him through

Sir,
Your respectful and ob't Servant,
NELSON COZENS.

Copy N. C.

On the Attorney General's Report upon Cozens' claim.

The evidence in support of the claim consisted of papers Nos. 1 to 50 inclusive, the most material of which were those in support of the absent originals, viz:—of,

Power of Attorney—from the Six Nations to Captain Brant to sell to Cozens, and convey lands in fee simple and receive money, 17th May, 1796.

Warrantee Deed—from Brant (for self and as Agent) to Cozens for a tract bounded upon Block No. 3, and containing 92,000 acres—October 1796—the consideration money £500, witnessed by Angus M'Donell (Collackey) the Lawyer, who wrote the deed, having Governor Haldiman's Grant before him; and Dr. Robert Kerr, one of the Judges of the Home District, before whom Brant made formal acknowledgement of the consideration money as endorsed thereon.

Receipt (original) *by Brant* from Cozens for £500 in June, 1797, being £1000 *in full* until the Government Patent issued—this receipt recites the deed, number of acres, and binds to furnish Cozens the Government Patent whenever he paid up the second £1000 as specified in Cozens' affidavit and Langon's bond.

Certificates by Jarvis, Provincial Secretary, with seal of office affixed, that the sale of four townships, specifying that to Cozens in particular had been made by Brant under the sanction and approval of the Government.

(See Cozens' letters of 1798, *Jan'y, &c.) dated last of* 1797? *1st of* 1798?

Of the disposition of those originals and their probable loss (excepting the original receipt as above exhibited) proofs are adduced in the letters and memorandums of Samuel Clark (Cozens' agent to London) in letters from Barrell and Servante with whom they were deposited;—in the statements and affidavits of Cozens, Henshaw and others, all more or less particularlizing the incidents and circumstances attending them and their ultimate deposit in London. The sale and deed to Cozens was well known to the Trustees and all connected with the Government at that day, and Col. Claus repeated it by letter to the Executive Council, saying that No. 4, &c. had been sold to Cozens—this letter was in 1803 and is among the Indian papers in Executive Council. Alexander Stewart, Esq. another Trustee, also knew of the sale, and hesitated when called upon by Col. Claus to participate as Trustee in the execution of a deed of sale from the Government of that part of Cozens' purchase designated as Block No. 4, now in the township of Nichol, as late as October 1806.

It was, indeed, matter of notoriety among all the officers of the Executive Government, that Cozen's purchase began with Block No. 4, and ran six miles in depth on each side of the Grand River, and when in February, 1798, Brant for the Six Nations formally surrendered the lands then sold by him, that the Government might issue Patents. No. 4 was also specifically denoted as being sold—it so appears on the schedule accompanying the surrender on that day, and Brant declared it to be sold, and though he handed in no name as purchaser, nor the amount of the sale, yet he continued to protest against the Trustees taking upon themselves, as late as 1806, to dispose of what it devolved solely upon him, as agent, to nominate the purchaser for. When in October of that year Col. Claus urges, in apparent haste, that Mr. Stewart should assist in effecting and concluding the sale to Thomas Clark, and importunes him to complete it by execution of the conveyance, the latter remonstrates, terming it a *rash step* and one not free from *interestedness* and marked with circumstancs of a *delicate* nature—as appears in Col. Claus's copies of communications between them. Up to 1803, Brant having withheld the name and amount of purchase of No. 4 from the Government and Thomas Clark and Augustus Jones being in treaty with the Trustees and the Government for purchasing Grand River lands, Col. Claus writes to John Small, Esquire, clerk of the Executive Council, that it appeared Block No. 4 "had been originally sold to Joshua Y. Cozens—afterwards to Wilson and subsequently to a Mr. Beale, neither of whom had complied with the conditions of sale." It does not appear that Wilson and the others, were even purchasers separate from his partner Richard Beasley concerned in Block No. 2,—Brant, up to 1806 recognized to the Government no purchaser for No. 4, but continued asserting its being sold, and that he would nominate to the Government the purchaser when called upon for the Governmet Patent. Cozens' deed, &c. being in England, and not supposed or feared to be at all lost or mislaid till after 1805, when his applications home

ended in disappointment, it could not be produced as the leases for Blocks Nos. 1, 2, 3 were, for the purpose of exchanging for a Government Patent; nor indeed did it appear necessary at that moment, for the sale was advised and approved of by Governor Simcoe—it was certified by the Secretary of the Province—the deed from Brant was fully and formally executed with its peculiar solemnities before Dr. Robert Kerr, and an acknowledgment thereof signed by Captain Brant before him as one of the Judges of the Home District, in 1796, and it was not more than eight or nine months afterwards that Brant was paid the second £500, for which he gave his separate *Receipt*, the original whereof has been and now again is exhibited, stating that sum together with the amount named in the deed as the consideration-money, viz: £500, in all £1,000 *in cash*, to be *in full*—in full until he should, as he bound himself and heirs, and as *Agent* furnish to Cozens, when called upon so to do, the Government acquitance, shewing that they had no claims upon the land; on which Cozens was further to pay £1,000, as stated in his affidavit and borne out by the conditions of Captain Langon's bond.

In the Report by the Trustees, upon a reference to them by the Executive Council, upon Cozens' claim, it is distinctly set forth that they felt themselves bound to adhere in all cases to a rule they had laid down, not to admit any claim which was unsupported by the original conveyance from Brant, whose acts are invariably acknowledged by the Trustees as binding, lawful and valid on the part of the Six Nations, or else substantiated by a copy thereof from the Register.—Brant's receipt, together with other papers produced, wherein all the main points of the Deed are quoted, or referred to, save only the *boundaries* of the land, seemed clearly to tend to the full proof of the existence of the Deed; yet the Trustees, however thorough might, and indeed must have been their conviction, continued unwilling to deviate from their prescribed rule of evidence, and under that mode of thinking and acting they Report and return the claim to the Honorable the Executive Council, for their equitable treatment of the case, and that under that view they might conclude upon the fact which the Trustees were only loth to admit, lest it should form a precedent and thus lead to a deviation from the rule they had established. There is not a doubt that had the original deed from Brant to Cozens been produced, or according to the required proofs, its certified copy from the Register, the great, the only objection indeed insisted upon by the Trustees to the admission of the claim would, as it must necessarily have been, totally removed.

Now the only fact requiring full and positive proof by the rule of the Trustees, which they seem bound to observe, is by the admission of the Attorney General most perfectly established. He at the very outset of the Report, which he draws up upon an investigation of the documents pertaining to the claim, freely admits the existence at one time of the deed from Brant to Cozens, the warranty deed, a plain copy whereof was before him. He says that "he has no doubt such an instrument did exist" and having no doubt thereof, he unequivocally accords to Cozens the full benefit to be derived from such an instrument, and all the advantages he could obtain from it were the original deed present. This admission by the Attorney General made no doubt with reluctance and only after the strictest examination and weighing of the various documents produced in evidence of the Deed with its accompanying Power of Attorney from the Six Nations to Brant to sell to Cozens and convey in fee simple, wholly removes the *only* objection which the Trustees had brought forward as a bar to their allowing the claim. The Trustees knowing that no question could ever fairly arise as to Brant's power and agency, required *in all cases* such and such proofs of his act and deed, and entertained those claims, and those only, that came supported by the particular description of proofs; thus what they deemed deficient in point of form, not substance, in Cozen's claim, the Attorney General fully and freely admits, "*not having a doubt of it.*"

After having removed from the minds of the trustees the only difficulty which they dwelt upon as insurmountable by the operation of the rule of evidence which they had laid down to abide by in all cases, to the exclusion thereby of all cases and claims unsupported as thus required; the Attorney General revives a subject which the Trustees, as well as the Executive Council, had so long set at rest, and had mutually with the Six Nations agreed ever to regard in future in but one point of view, viz:—*the right of Brant to convey.* Hereupon is built the opening, the great leading objection which the Attorney General assumes as conclusive in law against Cozens' claim, and this too in defiance of the expressed opinions and conclusions of the Executive Council—the repeated public notices published by the Trustees in accordance with the opinions of the Council, likewise their several official advertisements in the government and other newspapers to the contrary notwithstanding.

A reference to those public advertisements will demonstrate the strikingly opposite views taken of Brant's conveyances to the Trustees, assenting to and upholding on the one hand Brant's Acts where proven, and the Attorney General on the other in his report pertinaciously controverting and opposing that right.

The bearings upon Brant's transactions, he constantly personating the Six Nations, as their head Chief and accredited Agent, in all things appertaining to them to do for them, and under the sanction of the government, are Sir Frederick Haldimand's written assurance that the promises of Sir Guy Carlton (then his predecessor, and afterwards his successor) made to the Six Nations upon their *services and losses of territory*, should be to the utmost realized, so soon as the troubles consequent upon the war were fairly over. This was in 1779—in 1784 he carried into effect those purposes towards them by a free, and as the Six Nations on their part ever considered and to this day declare to have been their uniform and continued understanding thereof an unconditional grant to them of the Grand River Tract—They accepted the grant, thus understanding it, declaring at that time and afterwards, that short of *Four Millions* acres of arable land, would not compensate for the losses they had sustained in the heretofore happy valley of the Mohawk.

They spoke not of the sufferings they had endured and hardships encountered in services under their leader Brant, but reposing their faith in promises, and relying upon the expressions so addressed to them, they with one voice exclaimed that they confided fully in their Father the King, whose word they added *lasts for ever*, and in the mediation or instrumentality of his servant Gavernor Haldimand, who was to effect the negociation between them.

They took possession of the tract under the impression which to this day is fresh upon them—that it was theirs to do with it as best comported with their wishes, wants and circumstances. Difficulties however growing out of misconceptions and perhaps mismanagement of their concerns, arose to require Brant's journey to England, where as far as he and those whom he represented were concerned, the King in Council removed the troubles that were engendered here between the Executive Council and Brant; and his powers as Agent, and his acts as such and as head Chief were fully recognized before Governor Simcoe's departure, and in 1798 were set at rest for ever.

Lord Dorchester the Governor in Chief, had previously ordered the Indian Department, upon the Six Nations having commenced exercising their declared and admitted right to sell their lands, to sound them upon the subject of selling the whole tract to the government and to report and consult with Governor Simcoe upon the terms and so forth. In May 1796 when an extensive sale was made by Brant, of No. 3 to Wallace and Tiffany, Brant made public declaration that upon his offering to sell all the land to Governor Simcoe, that distinguished man declined purchasing for the cogent reason that the government could not themselves dispose of their own lands; and that therefore Brant was at full liberty so far as he or the government were concerned, to sell to the highest bidder, and effect the most advantageous disposition of the lands that it was in his power to do. He therefore did sell publicly and privately, and those sales were subsequently with those previously made, fully ratified by the government who to those who could and did come forward, surrendering their *leases* (for be it remembered that Cozens alone, at the date he purchased, purchased by Warranty Deed) the Patents of the Crown issued, free of any reservation or deduction—Cozens had proposals from Brant, and consulting with Governor Simcoe upon those overtures, received that gentleman's unreserved approval of his so investing his money, and indeed it became matter of advice and persuasion to Cozens to purchase.

Upon the latter's return from Philadelphia, where he settled up all his business and sold his property, he again with Brant entered into treaty on the subject, and after fully discussing its merits, and agreeing upon terms, he in presence of Dr. Kerr, Brant's intimate friend, and Angus McDonell, Esq. (Collacky) a lawyer of eminence, paid Brant £500 in specie, and Brant delivered his Warrantee deed for the tract twelve miles square, bordering and bounded upon the tract they had previously bargained for—that is previously negotiated for as expressed in their memorandum agreement in July before Cozens' journey to Philadelphia, That tract sold to Wallace and Tiffany, as noted in deed to Cozens, had been leased to them, but the terms of payments had not been complied with when Cozens and Brant formed the memorandum agreement for 100,000 acres to include that, and at the like nominal price. When Cozens returned, the failures of Tiffany to pay with Wallace his portion, led Brant to extend forbearance to Wallace, by repeated prayer so to do, and consequently he bargained anew with Cozens for the adjoining tract.

When Cozens had foregone the agreement for 100,000 acres to comprise that sought for by Wallace and Tiffany, and received his deed for the next tract,—Tiffany still failing to comply with his part of the agreement, it died of course, in the manner Cozens and Brant's memorandum had expired, and upon Wallace having alone re-engaged with Brant their bargain ended in a new sale, and instead of a long lease to Wallace and Tiffany, Brant gave a deed to William Wallace alone, in January 1797;—But as already mentioned, the lease being to Wallace and Tiffany, their names are in October 1796 coupled together and quoted by the deed to Cozens, which would otherwise have by no means possible been the case. Accompanying Brant's deed to Cozens was a full and formal Power of Attorney from the Six Nations signed by their Chiefs authorizing Brant as their Agent *to sell lands to Cozens and to receive money*—that Power is with the Deed.

The Attorney General's objections resolve themselves into three. The first having been reviewed and its diametrical opposition to the opinion conveyed in legal terms by the Trustees as to their understanding of the subject, it may be required to notice the incidental remark of the Attorney General growing out of his denial of Brant's power to convey. It is that Cozens should allow so many years to elapse without attempts to substantiate his claim. Setting aside the cruelty of this remark of which that man's feelings can hardly be divested who goes through a full perusal of all the attendant documents explanatory of the difficulties with which Cozens contended; it will be sufficient to observe, that to render the Attorney General's objections at all available, it must be argued that Cozens had always the second £1000 at his command—that he was aware before 1805 when his first fears took ground, that the deed, absent, was to all purposes irrecoverably lost,—that no misfortunes or disappointments ever occurred to him, nor succeeded upon the failure of his Agent—that he had wherewithal to travel abroad in search of his papers—that there was no fear of any jealousy ever springing up in the breasts of Trustees or others interested of early advantageous purchasers from Brant;—indeed to be brief, it would needs be assumed in concurrence with the Attorney General that prosperity in all shapes accompanied Cozens, and that what under Providence occurred to mar his prospects, were purely the consequences of wilful negligence or indifference.

But if faith be to be reposed in the asseverations of men of various conditions in life, and as various in all other respects as total disinterestedness can render them, then is the very reverse of the Attorney General's inferences most clearly and conclusively established.

The Attorney General declines viewing the case as one of an equitable nature. He does not consider that Cozens having made over his right and title th the purchase in question to his son Nelson, for *value received* as well as for that equally strong consideration *natural affection*, can claim that weight to be given to his affidavits that would be due to those deposed by one *wholly uninterested*. Waving what may be known by the Attorney General professionally, to be really legally objectionable, let the case of Cozens be otherwise looked upon, i. e. his affidavits. He is now upwards of 70 years of age. He has been an active man, and with the ills and privations attending a long and eventful life, the vicissitudes he has encountered have combined to impose upon him a hard service. His constancy and zeal during youth and the concluding years of the old war—his activity in aiding his father and those who fought with him in that perilous time—his early sufferings from spolia-

tions made upon his father's estates, this day unpaid, unrecompensed, his having been chosen to succeed his uncle (a captain worn out in the regular service) to bear despatches of a secret and most confidential nature, for several years, between the British ministers and Canada—the unbounded and well reposed confidence placed in him by General Simcoe and other Governors—his loyalty to one cause, and continued strenuous defence thereof with that of his country during our last war—his exertions and ever prominent personal alacrity throughout that period—not to repeat his consequent misfortunes and numerous disappointments—with the loss of the free use of his right arm—and these *without a murmur* against the government he has lived but to protect and defend.—All these trials let it be ventured to be said do not warrant the probability, it might be said the possibility, that any consideration of less consequence than life, if life itself could be staked, would operate with Cozens to sway his word much less his declaration under oath, of events and incidents, circumstantially and substantially as they were, and existing facts as they are.

Bearing upon those facts also, whether closely or remotely, are the affidavits of all living witnesses whose memories serve them to add their testimony in relation to the business in discussion. Opposed to those affidavits what are there? Vague conjectures in the shape of doubts—mere imaginings indulged in querulously and ingeniously—without one single circumstance whereon to build a positive assertion, or even one proof to which aught but an unsound opinion could cling to—and so far short of probability or reason are such remarks, that the opinion they would studiously convey must be discarded as untenable. Such are the contents of the report of the Attorney General, and all in the very face of ample details in the Memorial, succinct and explicit statements under oath, and a combination of peculiar circumstances derived from memorandums, letters, &c. of various dates & origin, composing such auxiliary supports to the claim advanced, as scarcely any thing the production of the originals themselves not excepted, could superadd to.

The second main objection insisted upon by the Attorney General is that £1000 paid in cash, with another as a contingency, making in all £2000 was never a fair consideration for 90,000 acres of land. He says *he cannot find* that that sum was ever considered a fair price for lands on the Grand River. He adduces the sum paid, or agreed to be, for Block No. 3, £16,364. Cozens' affidavits, against the facts of which nothing can be brought forward of a contrary nature, distinctly declares, that he bargained with Brant in the first instance, by memorandum agreement, before returning to Philadelphia, for about 100,000 acres, to include Block No. 3, originally agreed for by Wallace and Tiffany, but in the interim forfeited by the non-compliance of Tiffany,—together with so much more than No. 3 as would include a Mine of Iron Ore, and make up 100,000 acres, at the rate of £20,000 New York currency.

But on Cozens' return from Philadelphia, as is shewn more explicitly in the sequel hereto, Wallace had managed to make good *his* conditions with Brant as to the first payment, and thus retained what is described strictly as No. 3. The consideration was £16,364, payable by instalments or rather yearly interest. There were 86,300 acres. The Attorney General points out this sum, the very highest ever given up to the period of purchase, and compares it with Cozens' purchase. If the Attorney General had receded a step or two, and recurred to Block No 1, situated in a more eligible position as regards trade, navigation, and the conveniences of roads and markets, 48 miles nearer the mouth of the River and to Lake Erie, he would have discovered that that Block would present in its price more to wonder at than did Cozens' purchase. But he seems designedly to have selected the highest sum for a comparison with that given for what, as far as the uppermost 2-3rds on the River were known or described, were feared to be as bad as Captain Brant had tacitly allowed, and was in reality what was loooked upon as the least valuable of the tracts sold.

Now Block No. 1, containing 94,300, thus admirably situated as compared with No. 4, &c. with also clearings and settlers upon it, sold for £8,840. No. 2 of 94,000 sold for £8,800; these sums are separately but half that of No. 3; they are each for far greater quantities of Land, and yet witness the disparities between them. How is this to be accounted for?—And yet it must be, as it certainly ought, fairly accounted for before wonder be excited that Cozens bought 90,000 acres more than 48 miles higher up the stream in the wilderness, with not an acre known to be cleared, with but 1-3rd of the tract vouched for by Brant to be really good land (the other 2-3rds having been traversed only by the Hunters) for £1000 in cash and another £1000 upon contingency.

Cozens states that the £1000 additional was to be paid to Brant whenever he should come forward and demand of him an acquittance from Government that they had no claim upon the Tract:—And Brant acknowledges in his receipt of the second £500 that the £1000 then so paid was *in full* until he did furnish the same, and which he in conclusion binds himself and heirs and as agent aforesaid to do. It will be seen that this sum, £2000, was to the full extent of the value of that land at that period. Were it otherwise it is very far from being probable that Brant after executing the deed to Cozens, and receiving the first £500 would wait from October 1796 till June 1797 for the second £500, and then, after an interval of 9 months sign a *receipt in full until, &c.* when by the production of the memorandum agreement, which had not been as he promised sent down to Dr. Kerr for destruction in Cozens' presence, if realy as the Attorney General would anxiously have it, it were the ground work of Cozens' final purchase, he could scarcely fail overthrowing the entire bargain. But such an extravagant idea had no foundation. Such was not the case between Brant & Cozens. Facts upon record, to possess a knowledge of which any person placed in the Attorney General's situation, and too slightly acquainted, if acquainted at all by a few years residence with the early history of Upper Canada, and its landed interests and transactions, may succeed by merely turning to the annual transfers of land from one hand to another. As the most authentic source however, the Executive Council will furnish every information. Had the Attorney General pursued the enquiry beyond the first and only instance he thought proper to adduce, he would have learnt that the townships of NORWICH and DEREHAM, both large townships, perhaps quite equal in extent to Cozens' purchase, each of them separately, and situated not far from Lake Erie, well watered, and most advantageously circumstanced in having the chief road

of the Province running beside or through them, sold for (£3062 5 0.) Three thousand and sixty-two pounds five shillings for both townships together, and this in 1806 or later, or full 10 years after Cozens for his purchase had paid down £1000 in cash, for only the 1-3rd part of which, being good, Brant would pledge his veracity. This is perhaps the most clear and palpable instance of disparity of price, quality & situation between the purchasers named that could be submitted in refutation of the Attorney General's arguments or rather his inferences. This is speaking however only of quantities of land of great magnitude. These sales of Norwich and Dereham, be it remembered were made to the best bidders, and the minutes of the sales are recorded in the Chambers of the Executive Council.

When it was observed to Wm. Hepburn, Esq., Trustee, that Cozens declared that in his early day he saw that *all Yonge Street* might have been bought at the rate of 1*s.* Halifax per acre that gentleman, the trustee whose opinions upon Cozens' claim were to be respected, and whose only serious doubts of the *bona fide* agreement with Brant were as to the amount of the consideration, expressed these words, "*I doubt it.*" To give no character to this utterance, and to charge it, with allowances, to Mr. Hepburn's short residence in this country, his limited acquaintance with early and it may be added with even very late land sales, to his unchanged English notions and conceptions of the value of 90,000 acres of land, tho' in the wilderness, and purchased no less than 40 years ago, what can be urged for the Attorney General who had before him or at his command and beck all the means of acquiring the truth in a matter upon which his opinion was to have a powerful, and as it most unfortunately seems to have had a decisive effect? He has in his report laid full stress upon the consideration money. But he was not ignorant that the sum would be persisted in by Cozens as being at the day of its payment a most valuable consideration. It was remarked to the Attorney General also that all the lands on *Yonge Street* could have been purchased at 1*s.* per acre, as observed to Mr. Hepburn, taking good and bad, far and near. At this he evinced a feeling of unbelief—tho' it was repeated to him that several of Cozens' friends, and one of his own name did actually sell near 4000 acres upon Yonge Street, viz: in Vaughan, several years afterwards for some 5d. some 6d. and some 7½ the acre—the standard rates at those days for those good lands, and only 9 or 12 miles distant from York the capital of the Province.—To descend to a later period—down to 1828. At that day Mr. Strange, a land agent, making a report to John Galt, Esq. for the information of the Canada Land Company, says he had known 200 acres in the Gore District, (and not far from Cozens' tract) to have been purchased from a Surveyor for a barrel of pork, and not long before the time at which he was writing, that rights had freequently been bought, with the choice of selecting situatinns for location for $5 the 200 acre lot—that in that same year 1828 he could purchase lands in the Gore District for 1*s.* per acre. These are cases in point, not to speak of the sales to the Land Company, nor of those also in other and more Eastern portions of the Province throughout which the same ratio for wild lands prevailed.

It was totally unnecessary for the Attorney General to speak exultingly of the sales of lands on the Grand River being made in some cases at $3½ per acre. It is allowed that in some few cases such was the fact.—But how were those lands situated, and what was their real as well as comparitive value? Blocks 1 and 2 sold nominally for 3*s.* New York currency, but 'twas by long leases. In 1792 and up to 1798 it is well known that 3*s.* New York currency or 1*s.* 10½*d.* Halifax was the maximum, as 6*d.* Halifax was not I will say the mininum, but the average price of lands choicely situated—as witness the sale of No. 4 one-third of Cozens' purchase by the Government and Trustees in 1806 to Thomas Clark for 4*s.* New York currency per acre, 10 years after Cozen's purchase—and sold to Thomas Clark too, who was a, perhaps *the* monied man, of the day, on a lease of 1,000 years.

But upon this head it will not be desired further to remark, the universal experience and knowledge of every old inhabitant of the Province, tending to the support of the foregoing statements and triumphantly overturning the influences and suppositions of the Attorney General.

It is proper to remind of the fact, that at the period of Cozens' purchase specie was so enhanced in value, and all other mediums of exchange so greatly depreciated by the effects of a recent war, that merchandise, bought for cash in Lower Canada or New York, would produce a clear profit upon the Frontier of between 300 and 500 per cent. sometimes 600 per cent. advance. What then at that accumulating rate would Cozens' £1000 consideration money paid down in cash, have amounted to at this day, under the ordiuary prospects and profits of prudent mercantile operations? and in conjunction therewith what has been the comparative value of lands and their fluctuations in price during that long interval? Much more might fluently be said upon these points, but enough has been said to establish the desired truth of the matter.

We now arrive at the third and in the Attorney General's exclusive mode of treating it, equally important objection. The memorandum agreement, already alluded to at large, which Cozens upon Governor Simcoe's opinion and persuasions entered into with Captain Brant for a Tract to embrace Block 3 bargained for with Wallace & Tiffany, previously to Cozens going to settle his affairs in Philadelphia and returning with his money—is *discovered*, as it is said in April, 1835, and brought forward by W. J. Kerr, Esq., with permission to appear with it in Council when Cozens' claim is taken up, for the purpose, if for any purpose at all, of defeating the claim.—And how is this to be achieved? It is to be performed by the Trustees the only Agents the Government treats with upon the Indian affairs? Or what is the purport of this memorandum agreement? It is, as it reads, agreed between Cozens and Brant that 100,000 acres of undescribed lands shall be saleable by the one to the other at the nominal rate of £20,000 New York currency, the maximum price of the choice of any lands upon the Grand River, not upward from No. 3 but downward, including No. 3 to the lake. It is said, of course it must be said to form even the very slightest objection at all, or to serve any purpose whatever of its being produced that it was the bargain for the identical land, viz:—92,000 acres afterwards deeded by Brant to Cozens. This bold assertion is made in opposition to a full, distinct and apparently to the unprejudiced, a most satisfactory explication made by Cozens under oath, and previously made to the party holding and as is said *discovering* the paper. Cozens states that No. 3 was sold to Wallace and Tiffany. Such was the case in May 1796,

at the time he and Brant made the memorandum; which upon the execution of the deed, subsequently died of course, Wallace and Tiffany had not as Brant averred complied with the requisitions of their bargain. In July 1796, when the memorandum was written, Brant proposed to sell 100,000 acres to Cozens which was to comprise all of No. 3, not so called at that day, and to embrace a Mine of Iron Ore—in which case no objections from the prevailing prospects of such a possession could arise to the maximum price of that tract. Cozens then proceeded to Philadelphia and brought in his money—£500 in specie, and Drafts on the Public chest of the Province, drawn by the British Minister. Brant now observed that he had received money in the interim for No. 3, upon the original promise between him and Wallace and Tiffany—that Wallace had in the mean time paid, though Tiffany had not, on the contrary he had gone away:—therefore Brant contracted anew with Cozens, and in the presence and with the intermediation of his friend Dr. Kerr, sold Cozens the adjoining tract for the amount specified, viz:—£2000 Halifax currency.—The memorandum agreement having then of course expired, was to have been destroyed by Brant, but being as he said in his desk at home at the Mohawk Village, 80 miles distant, should be sent down to Dr. Kerr and be destroyed in Cozens' presence. Cozens was not a Lawyer, Brant and Dr. Kerr were looked upon as being men of honor.

The deed to Cozens states explicitly the bounds of his purchase to be upon those of No, 3, naming *Wallace and Tiffany* as the purchasers of that tract, or rather Cozens' Tract is said to be bounded upon and commencing after that sold Wm. Wallace and J. Tiffany. These names being given, the Attorney General following the view taken of the memorandum agreement, and the purpose for which alone it could have been brought forward, viz:—to attempt to designate that and the subsequent sale and deed to have been for the same land, quotes the circumstance of Cozens' Deed mentioning Wallace and Tiffany's Tract. Now the deed to Cozens does indeed mention those two names, and conjointly—it is totally impossible to separate them in the deed, and this will exhibit one of the many fallacies of the opposite reasoning.—There is not an other reference of consequence made by the Attorney General to those names, nor to any dates not mentioned casually. He takes for granted that the memorandum agreement was the one out of which grew the deed to Cozens, and for the same land.

Now there is day and date for every transaction bearing upon Block No. 3 in relation to its sale. In September 1796 when Cozens returned, Wallace and Tiffany's Tract, included as agreed in the 100,000 acres was withheld from Cozens by reason of further terms between them and Brant, and a payment made in the interim to Brant by Wallace. Therefore he sells to Cozens the adjoining Tract, and the deed quotes *Wallace and Tiffany*. But when a subsequent payment became due what was the consequence? A recurrence between them and Brant of the former difficulty such as intervened and held when the memorandum agreement was written and when No. 3, their Tract was to be sold to Cozens, because of forfeiture, and the failure on their part to pay up the sum stipulated for. The difficulty arose out of Tiffany's delinquency, and were it not for the great exertions of Wallace alone, in making good his payment, that Block No. 3 would have been a second time in the market. Tiffany had gone to the United States to raise money for his share of the dues, and not returning to fulfil his engagement, Wallace did it alone, but it was not till after Cozens' deed had been delivered him and the money paid. Then it was that instead of the names Wallace and Tiffany standing together as formerly coupled, and as quoted in deed to Cozens in 1796 a new conveyance was made, viz: in January 1797, and made out to *Wm. Wallace* alone. If the Attorney General had considered this circumstance, or had alluded at all to January 1796, he must have thought there had happened some event resembling the occurrences described by Cozens in his affidavit, to account for the singularity of Wallace and Tiffany being quoted as proprietors of No. 3 under direct purchase from Brant in May 1796 and then again conveyed to Wallace alone in January 1797. —The same record that contains the deed of No. 1, 2 and 3, on their being surrendered and regranted by Patents, contains the same above mentioned distinct and separate dates. Can it be possible that the Attorney General would assume, and permit himself to take for granted, in a serious case like the present, the mere assertion and surmise of an interested party, a rival claimant of part of those lands, to the entire exclusion of references and investigation of facts registered in deeds and in their records, however laborious and tedious such references might be? Such it is to be feared has been the case, for there is not throughout the Report the least mention of the particulars of these dates and circumstances respecting No. 3, which are so intimately, if not inseparably allied to Cozens' purchase. In support furthermore of the Attorney General's imaginings, from whatever person or source derived, it is added that Cozens' purchase was a mere speculative bargain, out of which he was to realize in Europe the means of further payments. In this the Attorney General seems to hesitate when he compares such a belief with the insuperable fact of the consideration money named being in accordance with the real payment, £500. It must indeed to any man, let alone the Attorney General, seem somewhat astounding that in a mere matter of speculation a large tract of land should be offered for sale through a specious purchase and under no bonds or realities, with a consideration named of only £500; and this too offered in England—in England of all places in the known world. Yet the Attorney General will not admit such a difficulty in the way of credibility to be greater than in his view of the question, attends the transaction on other sides.

One would have supposed that if money were designed to be raised desperately by such means, the very first occurrence would be carefully to render the article on sale as apparently valuable as possible; and it is certain that the Attorney-General will readily admit upon reflexion that it was not by a reduction of £20,000 New York, down to £500 Halifax consideration, such an object would be accomplished. It would be singular indeed that Brant should insert £20,000 New York currency in his leases for No's. 1, 2, 3, up to the date of Cozens' purchase, and yet in a matter of a speculative nature, where every thing depended upon external proofs of valuable consideration, as well as valuable land, there should be only £500 Halifax currency at the same time he would be in receipt of another £500 from Cozens, making up the real sum agreed upon, before it was more than

possible that a sale could be effected in England—for the second £500 was paid in June 1797.

It is also extraordinary that, carrying out the Attorney General's idea of speculation, Brant should give his receipt in full, not in *part* of the consideration, not *on account*, as would be proper in such case, but *in full*. And in full of what? In full as the receipt specifies for the consideration of the 92,000 acres, in full of the agreement and Warranty Deed—in full of all acts done by him as far as they went, and *in full* until, &c.—until that acquittance was furnished which the agitated question by Government of *Reservations*, might render it necessary and indispensable to Cozens to obtain; and then, and not till then, was he, as his various affidavits and memorial state, to pay Brant other £1000, but for the consideration money, the second payment, as the receipt states, was *in full*.

Such and such only are the real facts of the case which divested of the Attorney General's hypothesis present no intricacies beyond an ordinary comprehension, and against which not a syllable of proof nor a counteracting evidence is adduced to prop the mere opinion or surmises which the Attorney-General if he did not primarily conceive has at least entertained and adopted.

It is not desired to animadvert with unnecessary severity upon the Report of the Attorney-General; but it cannot be overlooked that there appears to be something resembling an inuendo occasionally, and something bordering upon hypercriticism, which do not amount to any proof and cannot claim other notice than such as is inevitable to the feelings of those aggrieved.

It is important, as bearing upon this matter, that Wm. J. Kerr, Esquire *discovers*, viz:—in January 1835, six months after the presentation of Cozens' claim became public, a Power of Attorney and Deed of Gift, as it were combined in one parchment paper, from the Chiefs to Captain Brant, of a Tract of the Grand River Lands, and this *Gift* is dated 1804, 31 years ago. This the Attorney General may not with propriety have felt himself called upon to speak of in the remarkable Report now under review—nor is it known whether this *Gift* was required by the Executive Council to be submitted to the Crown Officers for their legal judgment upon it. But it will be all important to keep trace of that document in connection with Cozen's claim lest peradventure it should eventually appear that the lands alledged to have been the object of that *Gift* and amounting to 30,000 acres constitute a part of the same tract conveyed by Brant in 1796 by Deed to Cozens under due power from the Six Nations. This *Gift* was claimed by Mr. Kerr before the Council, not on the part of Brant's heirs, but in the name of Mrs. Brant, his widow. The Gift has also been so described as, (so it has been represented to the writer hereof by the claimant) not to trench upon the Lands transferred by Government in 1806 under Brant's remonstrances against it, to Thomas Clark, brother-in-law to Mr. Kerr as above. All these incidents are deemed worthy of note and remembrance. So, too, Mr. Kerr just named is married to a daughter of Brant's.

NOTES.

Cozens' claim was presented through the medium of sundry documents amounting in number to 50. The Attorney General select only 4 viz. Memorial of Cozens,—one of his 5 affidavits and the memorandum agreement—and mentions Brant's receipt only incidentably—thus *simplifying* the case as he terms it, and as he observes to the Lieutenant Governor *disencumbering* it, to the exclusion of a bond between Cozens and the Secretary of Sir John Johnson the superintendant General to all Indian affairs throughout Canada; which bond relates to Cozens purchase and is described in his affidavits. He excludes also from notice proofs of Secretary Jarvis having issued Certificates, under seal of office, that Cozens' purchase was made by sanction and approval of the Government & subject to no claim upon it by them. The testimony thereto, the certificates being with the lost Deed, is contained in two letters, the originals produced and read in Council, bearing the several ship letter stamps and letter marks of the Post Offices; written by Cozens in 1798 to his Agent Samuel Clark in London, as follows—(The first inclosing one of Jarvis' Certificates, the 2nd referring to the same, and specifying the forwarding of *two* of them at different dates.)

"MONTREAL 4th January 1798.

"I wrote you in September, but can receive no answer "from you since. I once wrote you the papers necessary "to attend the Brant title would come on by the Halifax "mail" &c.

"I have obtained *the inclosed, with the Secretary's seal of office.*"

(Signed) J. Y. COZENS.

"MONTREAL 7th March 1798.

"I have sent two certificates two months different in "date, as follows—" A copy of Haldimands Deed to Six "Nations—a confirmation of 4 Townships by Government "empowering Brant to convey in fee simple referring to "my Deed as one and it being clear of mortgage—this *cer-*"*tified by the Secretary* with the *Province seal affixed there-*"*to* &c."

(Signed) J. Y. COZENS.

NOTE—Of the subject of consideration money as named in Deed, the following may be some explination. On the 19th April 1830 an Indenture was made between George 4th and Six Nations for 807 acres of the Grand River Lands, the consideration money named is 5s *in full*. How will the Attorney General view this and reconcile it with his remarks upon Cozens' £1000 paid in Cash, which was a full price and double the amount named in the Deed?

Norwich and *Dereham*, townships of the 1st magnitude sold in the Council Room A. D. 18—Present the Hon. Robert Hamilton, Rev. Mr. Addison, William Willcocks Esq. The two townships brought together £3,062 5 0, part of that land sold shortly after for 2s. 6d.=$\frac{5}{8}$ per acre.

Letter in Col. Claus' hand writing, among Indian papers in the Executive Council Office, to Alex. Stewart Esq. a Co Trustee, dated

"NIAGARA 31st October 1806.

DEAR SIR,

I am anxious to know before the Toronto sails, if you will sign the mortgage and certificate for Block No. 4 for Mr. Clark it being the particular wish of the Six Nations, as expressed in their speech delivered 23rd ulto. at the Beach in public Council.

I am &c.

(Signed) W. CLAUS.

To. ALEX. STEWART Esq.

ANSWER.

"OCTOBER, 31st 1836.

Dear Sir;

After the answer given last night by me to Mr. Clark, I am surprised in being pressed in the business. I unequivocally told him that I would *not* sign it, without either legal advice, and perhaps I might have added *disinterested*. The whole of this transaction is in the present juncture too delicate for me to comment upon. I shall take no rash steps.

Yours, &c.

(Signed) ALEX. STEWART."

A true copy.

(Signed) W. CLAUS.

Now of the Council of 23rd September 1806, Captain Brant accused John Norton the Chief of having forged a speech for the signatures of himself and other Chiefs and passed it off as the real one delivered at the Beach above named, and which was directly contrary in purport and effect. He (Capt. Brant) also protested by letter to Governor Gore on the following November 4th against the sale of *any* lands above No. 3 as it devolved upon him to name the purchaser.

It appears in Executive Council 18th May 1804 that the Six Nations still continued that right they originally asserted to the land on the Grand River, "to do as they thought best with it" The same occurs almost annually up to present 1835. In 1811 they accuse Claus of deception and mismanagement. See Speech. The sale of No. 4 to Clark (Thos,) in 1806 seems to have been attended with an unaccountable mystery and haste not incidental to honest actions—Brant and Chiefs remonstrate and Trustee Stewart demurs.

N. B. All the foregoing pages addressed to Col. Rowan and by him inclosed and sent to Executive Council (See Governor's *initials* Executive Council.)

Endorsed also on the back as follows, "Letters, &c. Nelson Cozens 26th, 27th Aug. Government House 27th August 1835—referred to the Hon Executive Council.—By Command.

W. ROWAN.
Government.

"NELSON COZENS."

(No. 55.)

GOVERNMENT HOUSE,
27th August, 1835.

SIR;

I am directed to acquaint you that the Lieutenant Governor will forward your statements of the 26th and 27th inst. to the Executive Council.

I am,
Sir,
Your ob't Servant,
(Signed) Wm. ROWAN.

This is in answer to my strictures, &c.

No. 56.

Copy of a minute in Council, approved by His Excellency the Lieutenant Governor on the memorial of Nelson Cozens with a letter addressed to Col. Rowan.

In Council 3rd September, 1835.

With reference to the above, the Council do not consider it expedient to occupy Your Excellency by any detail of the particulars and facts alluded to, in the first place because they could not advise Your Excellency to adopt and act upon a decision contrary to the opinion of both the Crown Officers; and next, because under any circumstances they would deem it as not acting in accordance with the Instructions of the King's Government to dispose of so momentous a question without a reference of the whole matter to that Government.

The only course left for them is therefore to suggest to Mr. Cozens, that as he is dissatisfied with the conclusion that has been arrived at here, he may make his appeal to His Majesty and the Council will readily report for the information of the Secretary of State, that the documents offered for their consideration are in conformity with the details furnished by Mr. Cozens, if they prove to be so.

(Signed) JOHN BEIKIE,
Clerk Executive Council.

Mr. NELSON COZENS,
Toronto.

(No. 57.)

To His Excellency Sir John Colborne, Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please Your Excellency:

Fifteen months have nearly elapsed since my Father and I presented to Your Excellency the claim for Grand River Lands, out of that period my Father during two journies hither to devoted four months. I have bestowed in *personal* attendance upon its progress 10 months. During all this period we incessantly prayed in feeling and respectful terms for an early investigation of our case in Council. In July 1834 it was referred by the Executive Council to the Trustees of the Six Nations who returned no answer until pressed to do so in May last. It was still uninvestigated by that Hon. body until last July, when my Father was in attendance with me, and in waiting upon the Council, to be heard give a statement and his testimony. He was not admitted but Wm. J. Kerr Esq. a person deeply interested himself, was admitted to speak before the Council, if not in his own interest and behalf of a claim for a portion of my Father's purchase, he was at least permitted to speak *against* our claim, on the part as it was averred of the Six Nations, whether accreditedly or not is unknown. He was allowed also to give *his opinion* and definition of a "memorandum agreement" in opposition to facts set forth by my Father *under oath*. The prayer of my Petition and my Father's memorial, together with our united addresses to Your Excellency and the Council was that our case might be acted upon conscientiously and in a manner after that of cases of Equity. The first intimation of the Attorney General's having been called upon in the matter induced me clearly to state the question to that gentleman and to place before him certain facts, the importance of which was and is infinite, and the truth of which no human testimony can overthrow. Such truth as is established by official records, and the concurrent experience of living witnesses. Those statements, thus founded, thus important, were scarcely noticed by the Attorney General, and only remarked upon in discredit, and as the sequel of his Report manifests, totally unregarded. The Solicitor General then became the object of like statements and to him I explicitly laid down the matters of fact which I had previously placed verbally before his learned colleague. I did and yet do deem them matters of truth within that gentleman's own personal experience. What I of my age and observations know in regard thereto, he individually and officially, most certainly in his professional capacity need not to be taught. Yet with all those declarations before them, they have concurred in a report endorsed by the Council tending to the establishment of propositions which inferences alone give support to, and which it has been shewn to Your Excellency in my strictures upon that report are void of foundation. The Council adopted that report, Your Excellency approved it. We prayed for the Council's Report—*their* report—*their* free undisguised opinions upon the merits of the claim—*their* full conviction upon all the circumstances adduced.—Yet none has been given us.—There has been no communication from that body upon the subject, save their concurrence, in the briefest possible terms, with the report of the Attorney General.

Your Excellency was dissuaded by the Atttorney General from perusing all the documents passing through his hands, out of *fifty* of which he discarded *forty six*, and framed his issue upon the materials of but *four*. Your Excellency has read my strictures upon that decision and consequently my disproofs of those premises which the Attorney General assumed. Your Excellency has likewise noticed the two communications I had the honour to annex thereto. The Council by Your Excellency's command have again spoken upon the subject, but to what extent? to what effect? there is yet no expression of opinion upon the claim, no expression of opinion upon the strictures. There is a studied avoidance of the least remark or reflection which might be construed to deviate from the unhallowed spirit of the Report.

In respectful confidence do I assure Your Excellency that there is fear on the part of that Honorable body, I speak it, Your Excellency, with great deference, and yet with deep sorrow, to depreciate the opinions advanced by the Attorney General. Has it then arrived at this pass, I ask it honestly and respectfuly of Your Excellency, that Your Excellency's council shall be moulded in their views by the views and *exparte* statements of a gentleman, who though high in rank, as in Your Excellency's confidence, I have fully proven to have acted and to have decided most erroneously, most irrationally? is not the silence of the Council, may it please Your Excellency, upon my strictures, some little evidence of the unhappy character of the Report? I repeat it to Your Excellency, and again I do so with respect, that no human testimony can be induced to shake the foundation of my strictures. They proudly assent facts—they embody however only a repition of my declarations seasonably conveyed to the Crown Officers, to which declarations nothing save heedlessness, discredit and disrespect has been extended.

The writer of the Trustees Report disbelieved, the Attorney General doubted and the Solicitor General remained silent. And upon what occasion? upon that of my asserting the prices of lands to have been as low in 1806 as those my Father purchased and paid for in cash in 1796. The sales in the Executive Council Chambers support my assertions, and hundreds of witnesses can confirm it. They question the right of Brant to sell and convey;—The Reports of the Executive Council and their actions clearly substantiate what I put forth as law of the land adopted and acted upon by all former Attorneys General, and sanctioned by Your Excellency's predecessors. The Trustees cannot and do not but concur and act accordingly. The Executive Council Report in 1830, the Attorney General and Solicitor General Report in 1835. What the law was to the former, forms no precedent for the guidance of the latter. Mr. Kerr is allowed to speak against our claim, and produces a paper, under his construction of it, which my Father solemnly describes objectively and under his oath. But the Attorney General slights that oath and entertains but one opinion the opinion of Mr. Kerr. Let me call Your Excellency's attention to the fact of that opinion thus ventured by Mr. Kerr. What will Your Excellency think of the Acts and of the character of that same Mr. Keer's Father, who as a Judge in the Home District took Brant's acknowledgement upon the back of that Deed to Cozens, to the contents and execution of which he was also a subscribing witness, and in whose presence the first £500 was paid, if as Mr. Kerr the son would have it to be, the "memorandum agreement" alluded to the same land Deeded, and was allied to that transaction? But *Doctor* Kerr was a man of honor.

I am growing tedious to Your Excellency, but I am discharging a christian duty in maintaining my rights, & in retaining my opinion of those rights and which proofs, as strong as those I have presented to Your Excellency's notice can alone affect. In this discouraging present stage of my case, what can I do but again appeal to Your Excellency? Not now to Your Excellency in Council do I appeal.—I appeal to Your Excellency and to Your Excellency alone do I appeal, in my character of an humble obedient subject of a King to whom I bear allegiance, as to the Governor of Upper Canada the administrator of its Government and the proud Representative of His Majesty. I am aggrieved, Your Excellency. I have spoken to that effect—I have feelingly and often written to that effect I write it again, and I do so sorrowfully to your Excellency, despairing of that hearing and that faithful upright decision by Your Excellency's Executive Council which I felt myself prepared and as it were justified in almost swearing to in advance. Yet what, let me pray Your Excellency to think, have been the character and hues of that decision, of that report, which gave an opening for the strictures produced?

Thus far I stand upon the vantage ground from which I again repeat; without the hazard of displeasing a personage of Your Excellency's sense of honor and truth, no human force can dislodge me. I have asserted plain facts to Your Excellency, and the facilities of rendering those facts into truths evident, are within the walls of Your Excellency's Executive Council Office. I pray Your Excellency to meditate one moment more upon our case. View it, if it please Your Excellency as we have set it forth unadornedly, with the simplicities belonging to truth. View it as one bearing upon the happiness and comforts here of those who have only honesty of purpose, truth of assertion, and justice of right beside them—who have no power derivable from rank, wealth or talent, but bent upon establishing by honorable means alone their just title to the lands laid claim to.

I pray your Excellency to cause a revision of that Report, so odious and indefensible—to cause it to be reversed. If I have furnished a means in my disproofs, let them in the name of Equity be enforced.

I pray Your Excellency to cause that Report to be set aside. Let it be Your Excellency's pleasure to hear me when I solemnly declare to Your Excellency that that Report is founded upon the grossest errors. It is a matter of opinion, not of law, with the Attorney General, and that opinion is most egregiously unsound. If I have used freedom herein beyond measure, I pray Your Excellency not to ascribe it to a want of that respect I study to bear and to feel toward Your Excellency.

Your Excellency's devoted
and faithful humble servant,
NELSON COZENS.

Toronto, 9th September, 1835.

(No. 58.)

Copy.

GOVERNMENT HOUSE,
Toronto 21 Sept. 1835.

SIR:

I am directed by the Lieutenant Governor to acquaint you, with reference to the remarks which accompanied your note of this morning, that His Excellency will transmit to the Executive Council any observations you may have to offer on your claims—that your case has been necessarily submitted to the Council, and that if you are dissatisfied with their report or decision you may appeal to His Majesty's Government.

I am, Sir,
Your obedient servant,
Wm. ROWAN.

Mr. J. Y. Cozens.

(No. 59.)

NIAGARA, 30th October, 1806.

Copy.

No. 1.

Alexander Stewart, Esq.

DEAR SIR:

If you have ten minutes time, I wish you would call up, to execute the mortgage for Block No. 4, and sign the certificate for the issue of the Patent to Mr. Clark, agreeably to the wish of the Six Nations.

I am, dear Sir,
Yours,
W. CLAUS.

True copy.

(Signed) W. CLAUS.

Verbal answers to the within, that he was ill, but would try and be up in the evening.

(Signed) W. CLAUS.

NIAGARA, 31st October, 1806.

Copy.

No. 2.

Alexander Stewart, Esq.

DEAR SIR:

I am anxious to know before the Toronto sails, if you will sign the mortgage and certificate for block No. 4 for Mr. Clark, it being the particular wish of the Six Nations as expressed in their speech delivered 23rd ultimo, at the Beach in public Council.

I am, dear Sir,

Your obedient Servant,

(Signed) W. CLAUS.

A true copy.

(Signed) W. CLAUS.

No. 3. OCTOBER 31st, 1830.

(Copy)

Col. Claus,

DEAR SIR:

After the answer given last night by me to Mr. Clark, I am surprised in being pressed in the business. I unequivocally told him that I would not sign it, without other legal advice, and perhaps I might have added *disinterested*. The whole of this transaction is in the present juncture too delicate for me to comment upon. I shall take no rash steps.

Yours truly,

(Signed) ALEX. STEWART.

True copy.

(Signed) W. CLAUS.

(No. 60)

Extract from Journals of House of Assembly 1806, January and March, page 192. See article JOHN CLAUS.

"Two of the Trustees Mr. Smith and Mr. Stewart, "*merely signed their names* when documents were pre- "sented, to give effect to the steady *perseverance of the* "*other.*" [See evidence of Angustus Jones, before committee on Cozen's claim. See also the above Mr. Stewart's correspondence with Col. Claus and the Speech of Indian Chiefs 1811.]

(No. 61.)

Copy.

To the Superintendent General of Indian affairs;

BROTHER:

We this day have met in Council to consult each other, and to collect and express our opinions one towards the other, upon the calamitous situation in which we find ourselves placed, by the unexampled and wanton cruelty which has been exercised to the faithful supporters of their Father across the great water, by his Agents for these many years past.

Brother:—We felt proud to be called the allies of so great a King; and the Mohawks have not forgotten the great sacrifice they have made, when they took up the hatchet to fight his battles. They look back to the fertile fields which they have abandoned and which they moistened with the blood of many of their most brave warriors.

Brother:—We thought when the servant of our Father [Governor Haldimand] gave us in his name, the lands upon the Grand River that we should be secure, and without interruption enjoy it as our own.

Brother:—In this we have been most egregiously deceived, and to our great surprise and grief, we find ourselves by the contrivance of artful, faithless and wicked men stript of our property. What little is yet left us we are denied the lawful right of controuling or disposing of without our master's leave.

Brother:—We are determined no longer to be asleep, nor give up our just rights to children and base selfish men their wicked advisers.

Brother:—We have often requested you to give us an answer concerning our money, which you among others many years ago received in trust for us, arising from *lands which we resigned to the King's government according to their desire.*

Brother:—We have been told again and again that it was sent to England, but that is all we have heard of it, promises and empty words will not satisfy us, it is time to have a direct answer one way or the other; tell us no more tales, for on them we cannot be fed or clothed.

Brother:—You continually advised us to be of one mind yet at the same time you have spared no pains to create jealousies and distrust among us, and that by a partial distribution of the presents which our Father intended should be justly and equitably distributed to all.

Brother:—In all this we do not see that honor and sincerity which we had a right to expect from you.

Brother:—We call upon you to look back to the promises made to us, and the way we [and a great number of chiefs who have gone to their Fathers, and are here no more] have conducted ourselves since our first connexion with our Father the King. We have acted like men, honorable and unsuspecting, and should it happen through your fault that our hands should unlock, we think your fingers would straighten first.

Brother:—As respects the white people on the Grand River, they were placed there by our forefathers and ourselves, and according to the rules of christianity, we cannot pull to pieces what has been solemnly past and done.

Brother:—We respect our word, when once pledged, and we cannot think of disturbing the greatest or the meanest among them we will not make a God of one man and a beast of another.

Brother:—As to the great fire placed at the Onondago Village, we think it our own as we found the wood and made the fire.

Brother:—We further understand that the sale of the Stedman Township so called is about to be completed; we feel satisfied at this but should have been more so, had it been done years ago, according to our wishes.

Brother:—It is expected that your word of honour will be binding upon you in regard to Mr. Augustus Jones, whom we named as purchaser (and no other person) on the 26th November 1808, and who was accepted by yourself.

Brother:—We also expect that the money which may be raised on the sale of this Township may not be sent to England like the former, but that it should be at our disposal, for we think we can make better use of it.

Brother:—We apply to you as the person appointed to watch over our interest as your own, and not suffer us to be imposed upon. It is very true we are ignorant, but is it a sufficient reason that because we are the aboriginal inhabitants of the wilderness, and not learned in the arts of white men, that we should be plunderd, and our rights trodden under foot?

Brother:—We demand of you that only to which we think we have a claim, namly, Justice, and if it cannot be found here, we have been led to believe it may be obtained from our Father the King, whom we think must be the fountain of Justice.

Grand River, 18th April, 1811.

[Signed.]

TEHARCHOHEN,
JACOB LEWIS,
BLI KEN RA GEN GO WA,
ARON TEKNATOGEN,
DHOMAS TAVIS,
WIL HESSE,
JOHN PETERS,
HENRY A. HILL,
PETER VARONGALLAYEN,
JOHN TEYON HAGER,

And Eighteen others, whose names are not sufficiently distinctly written to copy.

To

WM. CLAUS,

Superintendant Gen'l of Indian Affairs.

No. 62.

TORONTO, 28th September, 1835.

To Col. Rowan,
&c. &c. &c.

SIR:

I beg leave to offer the following pages of additional remarks upon the subjects of the Attorney General's Report upon my claim;—that His Excellency the Lieut. Governor may be pleased to peruse them in connexion with the communications I had the honor to address to His Excellency on the 9th inst.

With great respect
Sir,
Your obedient Servant,
NELSON COZENS.

P. S.—I beg also to submit two vouchers obtained since the production of the main body of Documents presented before the Hon. the Executive Council, viz;—Theodore Barrell his verification of an original letter, and James Wallace's deposition on Brant's sales in 1796.

N. C.

NOTES TO MY STRICTURES ON ATTORNEY GENERAL'S REPORT.—NELSON COZENS.

The grant from the King, by Governor Haldimand, to the Six Nations is regarded by the Attorney General, guided it is very probable by anterior opinions, as merely a right of occupation. He denies any ambiguity to exist in the instrument. I would ask what, if there be no ambiguity in the terms of the grant, is the generally accepted meaning of these words—"*to them and their posterity to enjoy for ever.*" The Six Nations were a powerful body and the natural inference to be drawn from the fact of their strength, numbers and services, and the mighty consequences likely to be produced by their alliance with other Tribes in opposition to the King's cause, is that they were capable of exacting their own terms. Their demand for remuneration by the King, for their services and loss of Territory in the United States was made many years before the date of Haldimand's grant. Previous to 1799 they had preferred a claim upon the King for compensation in lieu of that which in fighting his ultimately unsuccessful battles, they had lost forever. They declared that less than four millions of acres of arable land would not be equivalent to the territory they had abandoned. Six miles on each side the Grand (or Ouse) River from its source to its embouchure were given them. What are the contents of that Tract? How did they ask it—on what terms? They ever practised one set of terms, and those terms were clear and unequivocal. "We thought when our Father the King gave us this land, it was ours to enjoy for ever and to dispose of as we should think best." What do these quoted words imply, which are so similar to the words of the grant? Either they were designedly written in correspondence and coincidence with the terms of the demand or claim or they were expressly intended to become obnoxious to legal evasion. But the latter of the two, is the least honorable, least rational, and least probable conjecture. The Attorney General insists upon there being no ambiguity in the grant, and that it will not bear the honorable, rational and probable construction the Six Nations accorded and do accord to it. Why then, let me ask the Attorney General, was the Parchment Deed prepared in the year 1793—5 which pointedly forbade the Six Nations to dispose of any of the prescribed lands of which they were in possession? What was the origin of that Deed? Was it presented to the Six Nations? Yes, to Brant, who personated them it was shewn once, and but once. He appeared at the seat of Government with his face painted. He swore that if ever it was again presented or spoken of he would dig up the tomahawk from beneath a butternut tree where it was known to have been buried, and would come down upon the Government with 10,000 warriors. What effect had this language? That of the fullest acknowledgment by the government of the entire right of the Six Nations to the Tract they were upon. President Russell seems by the Duke of Portland's despatches to have been compelled by Brant to act upon the principle of the grant as construed by him and his chiefs, being the very precise terms upon which they received it.

The new Deed therefore disappeared and was never again brought to light until early in 1834, for the purpose of giving a semblance of truth to the exposition of Haldimand's grant emanating from some expounder of our Laws, that extraordinary Deed I say *went out*—it was withdrawn into Lower Canada—to Quebec, where some wicked head gave it origin. Let me ask the Attorney General if he has seen that Deed.

Does it contain the great seal so particularly alluded to by him as bearing a mystic virtue a sort of *abracadabra* in the absence or want of which no Deed,—no conveyance, though signed by the Governor General in the name of the King, and indeed so countersigned as to speak the very imperial language of the King, by concluding with the words "in the 25th year of our Reign," is genuine?—But what was the object of Brant's journey to see the King? This may be answered, not by the Attorney General, in his scantiness of early historic knowledge, and his proneness to *infer* upon all occasions; but by the following extract from a letter of Thomas Acton Coffin to Joseph Chew Esq., dated "Quebec 15th April 1795. Lord Dorchester wishes that Col. "McKee might dissuade the Indians from selling their lands "on the Grand River, but if they persisted in doing so, to "sound them on the subject of selling the whole to the government, and to consult *Governor Simcoe* as to the measure and terms thereof—if by yearly annuity &c. and not to decide it till further orders."

In 1796, the very next year, and after Blocks No. 1 & 2 each 12 miles square had been leased for 999 years, Brant made public sale of adjacent tracts.—James Wallace, the living brother of William, the purchaser of block no. 3, in his affidavit says, that Brant declared publicly he had offered the whole Indian Tract to Governor Simcoe, who declined purchasing it, or having any thing to do with more lands, when the Government could not even get rid of their own; and advised Brant to sell to the highest bidders.

Cozens in his affidavits and Memorial declares it was by the advice and persuasion of Governer Simcoe, with whom he was deservedly intimate, that he invested his money brought from Philadelphia in September 1796 in the purchase of a Township from Brant. The Attorney General sneers at the idea of Governor Simcoe's advising and persuading. Yet the Executive Council in 1830 write that the sales by Brant were by consent and approval of the Governor, i. e. that the Governor extended his *sanction and assistance*. Why were Government patents issued? This question I answer by saying that it would be a cogent if not the whole reason for passing a patent through its labyrinth of forms, that it secured to the Government, I mean to the Clergy after 1791, one seventh of the whole Indian tract which the King before his act of 31 had secured for ever to the Six Nations exempt from any taxes or duties or reservations whatever.

The Indians desiring the improvement of their settlement, the lands they disposed of above Brantford enabled them to enhance the value by increased cultivation of their farms nearer to Lake Erie. They always conceived they had the fullest right to do so, and from their earliest, up to their latest grand Councils, they unequivocally assumed the power to dispose of their property as they deemed most beneficial to themselves.

They held Councils in 1784 in 1792—95—96—98 in 1802—3—4—5—6—7—9—11 in 1826—29—30 and 33, the primary objects of which were to discourse together on their land affairs to reiterate their original right and title to the entire proprietorship of the Grand River Tract; and making such concessions to the King and the Colonial Government as the persuasions and entreaties of the several Indian agents and interpreters led them to confide in and approve of, as acts and favors of friendship between them and their Father the King whom they continued to revere.

Taking up a medium date between 1784 and 1834, say 1802, and putting aside all intermediate transactions, the Indians in Council 10th Nov. of that date, proclaim to the government and the country that they would resist any encroachment upon their lands and any interference in the management by them of its sales, against any party whatsoever; deeming it a duty and a virtue to maintain their

rights inviolate which Governor Haldimand for the King had so fully and clearly conveyed to them.

I know not whether the Indian Councils were held yearly of course, but the periodical dates quoted above are those on which there were conventions of the Chiefs for the purposes expressed, and those purposes thus expressed were matters of cogitation in the Executive Council 18th May, 1804.

It appears that after the death of Mr. Stewart, Colonel Claus was the only managing Trustee, and upon him at Brant's decease devolved the whole transactions of the Indians. He was their grand factor who kept their accounts and their monies. But gradually the Chiefs grew dissatisfied, and their complaints of mismanagement began even in 1811 to appear alarming. In that year they plainly evinced a determination of acting in such a decided manner as to preclude all possibility of future misconceptions. While Brant lived and regulated them, they were generally unanimous, but when their white Agents and Trustees became pensioners upon their estates they were liable to the consequences which ensued from dissensions, envy and jealousies. Of the Council which they called and held in September 1806 it may be said that there was foul play on the part of some one besides Norton. It seems a sale was in negotiation by Col. Claus with some person for Block No. 4 being a part of Cozens' purchase.

Cozens bought and paid for his Tract in 1796 before the appointment of any Trustees, and when Brant alone was the Agent and authorised representative of the Six Nations and so acknowledged by the Government.

It may be said that at Col. Claus' appointment as a Co Trustee, and up to 1606 he had only a knowledge of Cozens having negotiated with Brant: but that he was aware of Cozens' payment of £1000, and of the warrantee Deed from Brant, who that judges for himself can deny?

But this is certain that the sale to Thomas Clark of No. 4 in 1806 was attended with such remarkable incidents as to render the fairness of his purchase more than doubtful. Those doubts may be shaped thus.—What were the inducements for the Scotchman Norton to fabricate a false report of the speech of 23rd Sept. 1806 delivered at the Beach, of the fact of which, Brant's written declarations and deprecations are proof, as shewn also in his protests addressed to Governor Gore, in which he loudly exclaims against the treachery practised by Norton in gaining his and other Chief's signatures to the spurious speech and in which he forbids the sale of No. 4 to any one not named by him, as he had disposed of it already.

What was the origin of the flat refusal on the part of Mr. Stewart to conform to the wishes of Thos. Clark when the overtures of the sale between Claus and him were then going on? What were the motives of Col. Claus in hurrying the sale to Thomas Clark to a close, and importuning Mr. Stewart to officiate in the transfer? What were the true reasons for Mr. Stewart in the letter to Col. Claus characterizing the sale as a matter *not disinterested* and for styling it one of *a delicate nature and too much so to comment upon*—and that in it he would take further legal advice, and would take no rash steps? These circumstances demand explanation. The sale was carried thro' against the express wishes of the Chiefs whom Brant spoke and wrote for—it was made to Thomas Clark—it was of block No. 4, so designated two years after Cozens' purchase; it was about 1-3d of that purchase and the very third which 10 years previously had been vouched by Brant to Cozens as being the best part of the 12 miles square, and being all the first quality of land. It was sold for about £3,000 payable after the expiration 1000 (one thousand YEARS) interest yearly. Was the Government knowing to all the particulars of Thomas Clark's method of negotiating with the Indians for No. 4? They must have had knowledge of it, else why would Brant's protest appear in Council, & why would they issue a Patent in 1806 for the very land which had been acknowledged in the schedule of 1798 to have been sold? Was the Government aware of the sale to Cozens? Yes most decidedly—most unquestionably. Did not Mr. Jarvis the Provincial Secretary issue his Certificates officially, of the Government sanction and approval of the sales of lands by Brant, comprehending that to Cozens in particular? That certificate was sent by Cozens to London, and was there received by his agent who deposited it with the original Warrantee Deed from Brant and Power of Attorney. That certificate had the Provincial Secretary's seal of office attached to it. Was not that known to the Government. It may be said that Col. Claus might or might not have known in 1798 that Cozens had in 1796 paid £1000, and received his Deed; but it appears from his letters addressed to John Small Esq., Clerk of the Executive Council in 1803 that he then knew there had been a sale by Brant to Cozens. The latter was absent in Lower Canada, and in the eastern District, and was totally ignorant of their proceedings in 1803, and unsuspecting of any sale of his lands in 1806 or subsequently. He was conscious of the knowledge every officer of consequence in and attached to the Executive Government had of his fair and honorable purchase from Brant, and could not suspect a resort to bribing the Chiefs, to forging speeches, to connivance of a Trustee, to the interposition and interference of the Government which he knew were acquainted with his purchase; Cozens knew his Deed from Brant would speak for itself and that the Government had confirmed every act of his as far as related to this purchase. When a few years before the war he began to dread the fate of the Deed, and to fear its loss, he consulted with Mr. Attorney General Boulton (the elder) who advised him to strive further to get hold of the Deed, without which it would be vain to come forward and the land would not disappear and was far distant—not then very saleable—that every thing wo'd depend upon the Deed, no question or doubt being ever entertained as to its validity nor as to its existence. But it was not upon record, and the Government required a surrender of all conveyances from Brant whenever they issued their Patent Deed.

Had it been suspected by Cozens that dishonesty was in practice against him—that speeches were prepared by persons, in anticipation of the meeting of Indian Councils, (for it seems that when certain objects were to be accomplished against the doing of which the chiefs were certain to rebel, set speeches, denominated "proposed speech" were in readiness to receive by a slight of hand pass the real signatures of the main body of the chiefs, as for instance in the case of the speech which Norton imposed upon Brant and to which he obtained his and other signatures, & which soon proved to be an accommodation speech upon which the sale to Thomas Clark was introduced and effected;) I say had Cozens suspected such surreptitious movements, he would instantly and most effectually have brought to light whatever of mystery and doubt these dealers in Indian credulity had drawn over the transactions in question.

The Attorney General would appear desirous of defending most stoutly any acts of any of the officers of the Government however distant the transaction, however high or low the character, so long as the rank is important. Well it is good to defend reputation, but not at the sacrifice of truth, and the rights of the poor. If the government in a body have interposed between Cozens and his rights, and have assumed the responsibilities growing out of a second sale and grant by them to Thomas Clark, a favourite of the government and a rich man (though not perhaps because a rich man) of the land, the sale of which to Cozens they had ten years previously confirmed, why let the men who formed and executed the Deeds of that Government now answer for their injustice. The man who as trustee wrote in 1803 that Brant had sold to Cozens, writes in 1806 that he the Trustee had sold to Thos. Clark, and by the wishes of the chiefs expressed in a forged speech! Another official signs a certificate and attaches a seal of office thereto, that Cozen's purchase was by consent and approval of the Government, and in a few months only, less than six, he officially passes through his hands the schedule naming the sale tho' in blank, of what was latterly named No. 4; and yet he subsequently passes a Deed under perhaps the very seal and press of his office which stamped his certificate relating to Cozen's purchase, in the name of Thomas Clark!!

Brant enraged with such proceedings writes in a determined manner to Governor Gore, protesting against the sale, yet he is not heeded and the sale is effected, though Mr. Stewart styles it not disinterested—too delicate to com-

ment upon—indicative of rashness, and requiring legal advice before he would conform to the proposals made to him.

The Attorney General's obligations compel him to advocate these acts, even such acts, and even the acts of others not in the government, so long as his employers in the government are at all concerned in the issue, no matter if they interpose between any humble individual and him whose title they would defend against all but themselves.

There were present at the moment when Cozens paid Brant the consideration money, Dr. Kerr, Mr. Lynch, and *Mr. Stewart*, the trustee. Well indeed might the latter hesitate when called upon by Col. Claus to sign with him the deed to Thos. Clark! Well indeed might he term the affair a delicate one, *too* delicate to comment upon—Well might he write that he would take no rash steps. Well might he, a witness to the payment of the consideration money by Cozens to Brant pause and allude to Claus' negociation as being at variance with the wishes of the Chiefs and directly opposed to Brant's protestations, and as one requiring legal advice. Mr. Stewart, himself a lawyer and one of the trustees, designates this hasty sale to Thomas Clark of a part of the land paid for by, and deeded to Cozens, as a transaction of too delicate a nature to comment upon. His words are,

"31st October, 1806.

'Dear Sir,

"After the answer given last night by me to Mr. Clark, I am surprised in being pressed in the business. I unequivocally told him that I would not sign it, without other legal advice, and perhaps I might have added *disinterested*. The whole of this transaction is in the present juncture too delicate for me to comment upon. I shall take no rash steps.

Yours,

ALEX. STEWART.

'To, Col Claus."

What is there within the bounds of probability that could have prompted such a letter, which Col. Claus acknowledged to have received, but something dishonest? From what but treachery could it have possibly arisen? No—let Cozens speak out and the mystery will be unravelled. Recur again to the bond between him and Langon, Sir John Johnson's Secretary, recur to its dates and its covenants, the purpose for which it was done, and let Cozens be heard to explain why that bond was not acted upon or its engagements carried through.

Sir John Johnson was the superintendant General of all Indian affairs throughout Canada. Capt. Patrick Langon was his private Secretary. Did the latter early in 1798, go forward to pay for Cozens to Brant the 2nd £1000? Had he the money ready to do so? was Col. Claus the medium through which the payment was to be made, if made at all? was there any understanding between Langon and Claus, as to the Patents issuing in Capt. Langon's name? was there any understanding between them, and what did it arise from? What promises, and to whom were they required to be made for a portion of Cozens' purchase upon the Patents going out in Langon's name? Cozens will reply hereto, and if required will do so under oath.

That Brant's Deed to Cozens was valid—that a valuable consideration, viz: £1000 had been paid—that the purshase was made by consent and approval of the government, and that Secretary Jarvis, under seal certified thereto, were all matters of fact needing no further conviction with the Trustees and the Government; they knew however that it was desirous the Government Patent should issue and thus secure a reservation of other lands, according to the Constitutional requisition; they also knew that such Patent would be desired by Cozens, and perhaps indispensable for the purpose of sale in England, and to accompany the transfer to be made at sale by Cozens; and Claus it appears having failed to obtain Langon's consent to a participation in the benefits of a sale abroad, more easily effected perhaps then through a Government Deed, negotiates a sale, as Trustee, to Thomas Clark in 1806, and thus drawing forth from Mr. Stewart his opinion of that sale.

Unfortunately the certificate alluded to is with the lost Deed in London, but that it did exist, strong proofs are adduced in addition to Cozens' affidavits by the two letters produced and read in Council written by him from Montreal in 1798 to his Agent in London, the 1st inclosing as it says the 1st certificate: the second referring to the 1st and an intermediate letter and describes the contents of previously forwarded letters with Secretary Jarvis' certificates. These old mutilated letters bear all the original Post marks, letter stamps and ship—letter marks of the date. The one is dated,

"Montreal, 4th Jun., 1798.

"Dear Sir,

"I wrote you in September but can receive no answer "from you since—I once wrote you the papers necessary "to attend the Brant title would come on by the Halifax "mail, which I certainly expected would have been execu- "ted, but was not effected. I have been trying ever since "to obtain them but could not until within a fortnight. I "have obtained THE INCLOSED with THE SECRETARY'S "SEAL OF OFFICE, which I conceive will be every thing."

Again Cozens writes his Agent—

"Montreal, 7th March, 1798.

"Dear Sir,

"Yours inclosed to Mr. E. Smith I received which "astonished me, as you say you have not heard from me "since April, as I have wrote at least ten letters since that, "and have sent TWO CERTIFICATES *two months different in "date, as follows*, copy of Haldimand's deed to the Six Na- "tions—a confirmation of *four townships by Government "empowering Brant to convey in* FEE SIMPLE, REFERRING "TO MY DEED AS ONE, and it being *clear of mortgage, this* "CERTIFIED BY THE SECRETARY WITH THE PROVINCE "SEAL AFFIXED THERETO. This is all I could get which "is certainly every thing necessary."

Of these papers, viz: Langon's bond and the two above letters, the first of which was the very envelope which contained Jarvis' certificate, not one word is said by the Attorney General, who never even names them. Not a word is mentioned of any other documents among the 50 in number before him, even to state what they were, what intended to substantiate, or what of weakness or strength there might be about them. In fact the whole treatment of the case as it is exhibited in his report, is distinguished by short-sightedness of views, imbecility of reasoning and inferences untrue to the facts developed.

The Executive Council in 1880 assert Brant's full and indisputable power to sell, convey and receive. The Atty. General at once denies it and in fact ridicules it. The Executive Council deemed £3,062 a fair price for *two* of the largest townships of land, through which a high road ran—near to the lake and to settlements with other advantages. The Attorney General in effect denies that also, for he says £2000 would not have been a fair price for Cozens' township, ten years before the sale of the above two, though situated as they were and are so far apart.—Denying a valuable consideration he terms it a speculation.—Now, what is the character or nature of a *speculation*, in the Attorney General's opinion? Is it where a fair consideration is paid at the average, at the standard price of lands in 1796, which bears so small a proportion to the prices of the same lands 40 years thereafter?

What is it likely that the price will be per acre for a Tract of Land bought in 1830 from the Indians, by the Government, viz: in the name of George the 4th amounting to 807 acres at the period when 40 more years shall have expired? Will it be £5 or more likely £15 per acre? and yet the sum of the consideration money paid therefor is only 5s (five shillings). But the Attorney General's mode of induction is a novel one, it takes not in either things prospective or retrospective—neither dates, names nor occurrences bear weight with him, when jumping at a conclusion, as may be seen in his passing over the names of Wallace and Tiffany quoted in Cozens' deed—and the new agreement between Brant and Wallace, and the *Deed* not lease, to the latter, in his own name, on 17th January 1797, a date and transaction not adverted to

by the Attorney General notwithstanding their deep importance.

The moment I learnt the papers had been referred to the Attorney General I threw myself in his way—I begged to assist him in the arrangement and collocation of them which he declined, stating his intimacy with all sorts of transactions and every possible case however intricate—being professionally acquainted with all difficulties likely to bear upon things of the kind. But after a day or two I repeated my visit and offers, when he seemed desirous of knowing whether I relied much upon the saying that Governor Simcoe bestowed upon the purchase both his sanction and advice. I said I did rely upon that as well as other circumstances—to which it was said that it appeared to him as if that was a matter which could serve me very little. Such an unexpected observation startled me. I knew it was right in endeavouring to place information before a person whose short residence in the country would probably need it but I feared to speak freely upon the whole matter, but as it seemed to me I should be thought to be obtruding my speech upon one whose duty perhaps forbade him to do more than civilly listen to me.

He afterwards writes down in his report the great improbability that Governor Simcoe should have been desirous of rewarding Cozen's services to the state, at the expense of the Indians, as he says is insinuated rather than asserted. Where, let me ask, is it even *insinuated*? All that Cozens says in his memorial and affidavits is that his purchase was by consent and persuasion of Governor Simcoe; so to invest his money and was not that a propriety in its highest sense? What said the Executive Council in 1830? That the Government *assented to the measure* (the sales of Brant for Indians) and seem to have *given their sanction and assistance*, in the conviction that it would bt *beneficial to the interests of the Indians*. Can it be that the Attorney General has quoted the "elaborate report of the Council" as above without perusing it or extending the least faith to its contents? Who drew up that report of the Executive Council? The very hand which wrote another report, or rather decision of the Judges in the case also alluded to by the Attorney General, viz:—that of *Jackson vs Wilkes*. Of this last case I have no means of gaining a knowledge. It ought not to be weighed against the deliberate report in Council—The council are equitable in character as a tribunal the Judges constitute but a legal commission.

In relation to Col. Claus the superintendant of Indian affairs in Upper Canada, the Chiefs in a grand Council held in 1811 thus deliver themselves in a speech remarkable for a bold and uncompromising tone of resistance to the frauds practised upon them by the *Trusteeship* of their affairs, so often exclaimed against and denounced by their favorite Brant.

A pity it is—an exceeding great pity, that reflections should be made upon those who are dead, yet more is the pity that the living should undergo the penalties not intended for them. For those who are absent; let those who are living, and participated, and perhaps designed whatever of a dishonorable character then transpired now bear the blame.*

In 1806 the sale of part of Cozens' purchase to Thos. Clark was by Brant, for his kindred, solemnly protested against. The following are extracts from the great speech delivered as above and signed by 28 chiefs, commencing with that celebrated old Patriarch and Warrior *Tekarihogen*, and concluding with *Justice Thomas*.—to Col Claus, with whom was the comptrollership of their affairs.

"Brother:—We are this day met in Council to consult "each other, and to collect and express our opinions one "towards the other, upon the calamitous situation in "which we find ourselves placed, by the unexampled and "wanton cruelty which has been exercised to the faithful "supporters of their Father across the great water, by "*his Agents* for these many years past."

"Brother:—We thought when the servant of our Father "[Governor Haldimand] gave us in his name, the lands "upon the Grand River that we should be secure, & without interruption enjoy *it as our own*."

"Brother:—In this we have been deceived, and to our "great surprise and grief, we find ourselves by the contrivance of artful, faithless and wicked men stript of our "property. What little is yet left us we are denied the "lawful right of controuling or disposing of without our "master's leave."

"———— promises and empty words will not satisfy "us, it is time to have a direct answer one way or the other; "tell us no more tales, for on them we cannot be fed or "clothed."

"————*You* continually advised us to be of one mind "yet at the same time you have spared no pains to create "jealousies and distrust among us."—"In all this we do "not see that honor and sincerity which we had a right "to expect from you."

"Brother:—We have acted like men, honorable and "unsuspecting, and should it so happen, through your "fault, that our hands should unlock, we think your fingers would straighten first."

"Brother:—We demand of you that only to which we "think we have a claim, namely, Justice, and if it cannot "be found here, we have been led to believe it may be obtained from our Father the King, whom we think must "be the fountain of Justice."

These last words in particular portray the features of the case between them and their Trustees, whose appointment gave dissatisfaction at a very early period, as may be seen in a speech or part thereof in the Indian Department Office, marked A.

Down so late as 1833 (July) they express continued censure of acts done *for* them and not *by* themselves. The Trustees have a full portion of obloquy dealt out to them, as they seem to have had a very considerable portion of lands from them undeservedly.

Echo and Clear Sky repeat the assertions made from 1784 downward of *their* understanding of their title from the King, between whom and them, they say, "the chain of friendship if it rusts a little, yet brightens again, being of silver." How expressive of their trust and confidence in their King!

The Executive Council in 1803 had it in contemplation they say to grant a Patent for block No. 4 but "owing to "some circumstances which did not distinctly appear to the board, in 1798, no grant was ever made" what were those circumstances but the actual purchase and payment by Cozens of the Tract which that was part of?

The Government acknowledged 13th August 1806 that they were bound to grant a Patent *No.* 4 &c. when Brant should designate to them the purchaser.

Col. Claus writes to John Small Esq. Clerk of the Executive Council in 1803 that Brant had sold No. 4 &c. (quere 4 only?) to Cozens at 50 cents per acre, and yet the same Col. Claus strikes a bargain for No 4 and sells to Thomas Clark for the same price. Those were remarkable times when No. 4 stood stationary in price for 10 *years*.

The only admission made by the Attorney General is the existence at one time and subsequent loss, of the warranty deed from Brant to Cozens which circumstance is a more important one than the Attorney General was probably aware of.

From the general tone of his report it will be argued that the proofs of the conveyance from Brant to Cozens, founded upon the acknowledged power so to do, must have been well founded, to merit the full admission, as far as their existence at one time, in 1796, require to be established, from one of the Attorney General's precision. He quotes also Brant's receipt for the 2nd payment. If the Deed did exist and was honorably and in good faith executed and delivered, if Brant received a second £500, eight or nine months thereafter, for which he gave his *receipt in full*, until &c. &c. if he had the power which the Government have ever acknowledged he had, to do so and if the consideration as the Council do tacitly, and all

* Hon. Thomas Clark was alive when this document was read in Council. Nelson Cozens.

the country at large must fully admit being a valuable and adequate consideration, what is there in the world to prevent or to affect the establishment of the claim set forth, and the speedy restitution of the property claimed? I ask this of the Government. Are there ill feelings, jealousies or envies in way? Surely such feelings ought not to be cherished! what then is the obstacle? Is the Attorney General's report alone in the way? This I do fear is the case. I really fear that my having proved his Report to be a false report, a delicacy of a nature not to be commented upon, as Mr. Stewart wrote to Col. Claus, renders it expedient that of the *Report* and the *appellant*, it is not the former that must be sacrificed. I say sacrificed, for things have gone that length now, that either the Report or the review thereof must be declared to be false—the one upheld, the other repudiated. Let it come to this. I am before the only equitable tribunal technically speaking in the Province. Before them have been placed and read both the Report and its disproofs. No character has been assigned to either, save the concurrence at the first with the report, the question being again before them, I look either for their acknowledgement of the truth of my Statements in relation to the Report, or the reason of their rejection.

I pray my interest, indeed my sacred rights, may not be put in jeopardy, to screen, out of delicacy, to his feelings and his rank, the Attorney General of Upper Canada if in my dissection of his official paper I have disclosed inefficiency, partiality, or prematurity of judgement.

I put my trust in His Excellency the Lieutenant Governor; if in Council again, then to His Excellency still, for to him do I look up for a dignified stand against the unfair decision of his Attorney General, which it is not a trifling exertion on the part of any of His Excellency's Council individually to be foremost in hazarding.

When in February last, I returned to Toronto, to enquire into the delays of examining some papers, and the loss of others, I was informed that Wm. J. Kerr Esq. had presented a claim as the heir of Brant for about 30,000 acres. Mr. Kerr explained to me that according to a diagram in his hands, not fully understood by the Trustees, it was for a portion of land not comprehended within Cozen's purchase. It would appear however that his voucher, dated in 1804, eight years after equally as strong a power of Attorney from all the Chiefs to Brant to sell to Cozens and to convey, and a much stronger separate deed, being one of warranty, were executed, specifies that this tract now newly and unexpectedly claimed by Mr. Kerr is certainly upon Cozens' purchase. This document it seems lay hidden for 31 years. Never was it heard or spoken of since Brant's death, and not one word is said or known respecting it in any of the Indian papers or records.

The circumstances of its execution and the peculiarity of mode in which the document is precluded from the benefit of Brants' legal heirs, merit some little attention. The subscribing witnesses ought to be keown, and since so much has turned up of a suspicious character, 'tis but fair that all should suffer, who have been accessary to fraud.

The trial of witnesses may sometimes be resorted to effectually to disclose secret incidents.

It would be worthy enquiry whether Brant ever subsequently to 1806 made known to the Government the existence in 1804 of a Power of Attorney and Deed combined in one Instrument to him from the Chiefs, for a part of that very tract, which he, under their special Power for that purpose, sold for cash and conveyed by deed to Cozens in 1796,—Lands which Col. Claus rendered his extraordinary co-operation hastily, and more than suspiciously to effect a conveyance of to Thomas Clark, in 1806.

If the claim presented by Mr. Kerr be a just and a real one, and actually originated in 1804, the date assigned to it, why was it not known when the land it describes came to be sold by Col. Claus in 1806 and, when Brant himself stood up and averred, as he had previously averred, viz:—in 1796, he had disposed already of that land: and in fact had included it in a schedule of tracts for which on application by the lessees or nominees, the Government Patents were forthwith to be issued; tracts among which was *that in particular* which in the Records of the Executive Council office from 1796 to 1803, will be seen the government repeatedly asserted their having pledged themselves to grant a Patent for, when called upon by Brant, upon whom alone that act devolved, to do so.

The difficulty attending the reply to this question deters me by no means from making it.

Of the specious mode of reasoning adopted by the Atty. General in his report, the following is a speciment—"*It is somewhat remarkable that so many years should have been allowed to elapse by Mr. Cozens, &c.*" and in the succeeding paragraph "*It is indeed singular, &c.*" compare this with the instances adduced by Mr. Abercrombie "On the Intellectual powers," p. 3, on fallacies, viz:—"Fallacies are introduced in what may be termed an oblique manner, or, as if upon a generally admitted authority: the effect of this is to take off the appearance of the statement being made directly by the author, and resting upon his own bare authority, by which we might be led to examine its truth. For this purpose it is put, perhaps in form of a question; or it is introduced by such expressions as the following.—"It is a remarkable fact, &c."—"it is somewhat singular," &c.

(No. 63.)

Toronto, 27th Nov., 1835.

Col. Rowan,
Private Secretary,
&c. &c. &c.

Sir,

I had the honor to address you on the 9th September inclosing my third appeal to His Excellency, the Lieutenant Governor upon my claim; and I subsequently presented to His Excellency's consideration extended and familiar remarks thereto relating, as additional comments to the body of my *strictures* which it became necessary for me to place before His Excellency in Council upon the *report of the Attorney General*.

Attached to my last communication to His Excellency were *two vouchers* not before read in Council; one of 1799, from Barrell and Servante, London, the other from James Wallace of September last.

My father, Sir, came up a third time from Cornwall, praying His Excellency for permission to be heard speak upon the claim, in Council, and begging the favor of His Excellency's personal attendance there. This, observe Sir, was a third journey made by my father, and a third petition to be heard speak in Council of such matters as affect the claim—as for instance the early and constant knowledge of the Executive government of his purchase and deed from Brant under Power, &c. of the payment therefor, and the government approval under the certificate of the Secretary of the Province—There was no hearing allowed him.

Where, Sir, are the papers I have above enumerated?—Are they still before His Excellency? Or have they been thrown aside as unworthy of notice? Or transmitted by His Excellency to the Executive Council? It is two months Sir, since I took the liberty of addressing His Excellency under a most reasonable hope that the whole claim might undergo a new investigation—and that His Excellency might himself so far deviate from the usual routine of duties as to call for and peruse the entire documents pertaining to the claim. The principal object I had in view was to purge the whole matter of that most unfounded and inconsiderate report so hazardously put forth by the Attorney General; and thus to render the claim, by the preparatory adoption on the part of the Executive Government of the truths and incontrovertible reasonings of my *strictures* upon that *report*, in a fit state for any tribunal in the world to receive and decide upon.

Now why, let me take the liberty of enquiring Sir, has no notice been given to all this? Are my patience which has been great to a degree unexampled and my means which

are but too limited to be still further taxed? Have I Col. Rowan, been viewed by the eye of a tactician, and my slender resources regarded as giving promise of my being soon obliged to *raise the seige and retire?* Reccollect if you please sir, that this latter interval of 2 months is not a solitary instance of delay and silence in the period since I first approached His Excellency with my claim in *July* 1834. Let me therefore I beg of you sir, be given to understand if I am required to undergo further probation of virtues and forbearance of right. My wearied though not totally exhausted patience will admit the former—my arguments and elucidations of the claim justify the expression of the latter. I am fully content sir, that if the Government of Upper Canada feel unauthorised to allow or to entertain my claim, to the amount of a reasonable compensation, it should be referred to the King; but sir I am not and never will be content that it should be accompanied with a document which I have proved to be composed of the grossest, not to say unpardonable, mis-statements and fallacies.

I prayed His Excellency and now repeat that prayer that said Report be thrown aside as a wolfully ignorant and unjust production, if it escape the charge of wickedness it cannot that of weakness. I pray then sir, that His Excellency may cause my being speedily informed whether I am to remain further in suspense—whether the Report named is to be considered inseperable from the claim—whether I am to expect from the Executive Council a full and conscientious declaration of *their* opinion of the claim; or whether in the absence of the latter I am to be doomed again to recur to the labour of the desk or the ditch for the purpose of acquiring wherewith again to assert my rights—even tho' many years more elapse—and thus re-appearing to supplicate for justice, render myself liable as has my Father been, under misfortunes, for so long a period to that *feeling* remark from the Trustees to the Council "How long the Petitioner has slept upon his rights!"

I am,
Sir,
most respectfully
Your very obed't servant,
NELSON COZENS.

(No. 64.)

GOVERNMENT HOUSE,
Toronto, 10th Nov'r, 1835.

SIR;

I am directed to acquaint you with reference to your letter of the 7th inst., that when you first made your application to the Lieutenant Governor on the part of your father respecting his claim on the late Joseph Brant, His Excellency considered your case from the statements placed before him to be a private transaction which could not be settled or disposed of by the local government.

The Lieutenant Governor at your solicitation laid your statement and papers before the Executive Council, who after a minute examination of them referred them to the Law Officer of the Crown for his opinion. You have been repeatedly informed of the decision of the Executive Council, that the Executive Government have it not in their power to afford you relief.

I am desired to state further, that your different appeals and statements have been forwarded for the consideration of the Executive Council.

I am,
Sir,
Your ob't Servant,
(Signed) Wm. ROWAN.
Mr. NELSON COZENS.

No. 65.

TORONTO, 11th Nov'r, 1835.

COL. ROWAN,
Private Secretary,
&c. &c. &c.

SIR:

In thanking His Excellency the Lieutenant Governor for the reply I yesterday received through you to my letter of the 7th instant, I must beg the liberty with grea deference to His Excellency's opinion of the private character of my claim, to explain, that my reasons for retaining a belief opposed to His Excellency's are—1st. The public, authorised character of Brant as the only fully accredited and invariably acknowleged Agent of the Six Nations Indians.—2ndly. The only contending party upon whom my claim under any mode of procedure whatever would rest, being the Executive government of this Colony. Upon the latter I again humbly call to report in conformity with the details of the case presented through statements, vouchers, &c., so that all parties here, agreeing upon the facts elicited, will abide the issue of a reference to His Majesty. To support the first reason it needs but to refer to the lengthy Report of the Executive Council May 1830, and the general and special reports printed and written by the Trustees of the Six Nations.—In enlarging upon the second proposition above, I have to suspect that an important fact has been overlooked by His Excellency—I would respectfully call His Excellency's attention to the isolated position in which, as regards the action of the law, the Six Nations in reality stand—being subject to no consequences, as the Executive Council aver, of the proceedings that might be instituted against them as a body, originating in the acts of their duly constituted Agent, Captain Brant, whose power the Executive government always did and yet do acknowledge. The sale to my father was an act of a public and lawful Agent, approved and sanctioned, nay almost as the Council say in 1830, was sometimes the case, assisted by the government. The sale was known, early and late, to the Executive Government, and yet in 1806 a Patent was suffered to issue to Thomas Clark for a portion of the purchase, although Brant cautioned and protested to Governor Gore against it—and though Stewart, a Trustee, wrote to Claus, the principal Trustee, in terms indicative of the absence of justice in the hasty transfer to Clark.

What the Crown has granted the Crown must defend. How then I would respectfully enquire can the act of Brant a public agent doing for a body in alliance with the Crown and by the Crown defended and protected and patronized, yet out of the reach of the law of contracts as regards prosecutions, be termed one of a private nature? The government having become possessed of the lands including my Father's purchase, ulterior to the date of the deed to him, and having granted by patent a portion thereof, are no doubt the party on one side concerned, and it behoves them to treat for the same in a spirit of amity and fairness due to the loyalist who has called upon them therefor, and to the extent of their power derived from the King.

I have taken the liberty of thus reasoning upon the subject with His Excellency the Lieutenant Governor under the firmest conviction of the soundness of my arguments; and I trust it will appear satisfactory to His Excellency, that my mode of treating the case, in regard to its public or private character is strictly correct, and that it warrants my dissenting from His Excellency's view of it.

It is true that I have been informed of the brief remarks of the Hon. Executive Council upon the claim, but the necessity having arisen for further action thereon, by the production of new facts originating in a counter claim for a part of my father's purchase as well as from adverse views of the consideration money, &c. paid, I deemed it necessary to recur to his Excellency again—that unfair inferences might not pass unnoticed nor erroneous statements go undetected. I consequently strove to divest the matter of mystery, and having His Excellency's approbation that the Executive Council should reflect upon the materials before them, I have to return thanks therefor; and I hope for an early opportunity of further expressing my gratitude to His Excellency for such indulgence, should the Executive Council in their good pleasure recommend to His Excellency the allowance of the boon prayed for in the document remaining in their office.

I beg His Excellency to admit the plea of my long suspense, since July, 1834, and personal attendance here to the loss of all engagements of a business nature, during first, 3 months in 1834 and the whole period since 24th Fe-

bruary last; as an excuse for the urgency of my last letter, and the design and tenor of the present.

I have the honor to be,
Sir,
Your very ob't servant,
NELSON COZENS.

(No. 66.)

Government House,
Toronto, 12*th Nov.* 1835.

Sir,

I am directed by the Lieutenant Governor to acknowledge the receipt of your communication of the 11th inst., and to acquaint you that His Excellency is of opinion that the claim which you have brought before the Executive Council, rests on a private transaction between your father and the late Joseph Brant, and that no relief whatever can be afforded by the Executive Government as to the disposal of this case.

I am Sir,
Your obedient Servant,
(Signed) WM. ROWAN.

Mr. Nelson Cozens.

(No. 67.)

Toronto, 13th November, 1835.

To Col. Rowan,
Private Secretary,
&c. &c. &.

Sir,

I have the honor to acknowledge the receipt this morning of your communication of yesterday, conveying the opinion of His Excellency the Lieutenant Governor that my claim for Grand River Lands purchased by deed from the accredited agent of the Six Nations Indians under the sanction of the Executive Government of this Province, which recognized the Agent named, as well as the sale to my Father (granting a certificate to that effect under the Provincial Secretary's Seal of office) is now regarded as a matter of a private nature between my Father and the late Capt. Joseph Brant.

Having entered upon the several questions which must necessarily connect themselves with such a view of the case, and having already produced arguments adapted to the treatment, as I thought, of every possible point of subject, I am apparently forbidden to prolong the discussion of matters of a nature affecting the faith of the Executive Government of this Colony.

Great indeed is the mutation which our language is doomed to suffer in the following expressions; the words of the Executive Government, as recorded in their Council in 1830, the echo of earlier reports, bear no signification whatever. Writes the Chief Justice of Upper Canada, as Chairman of the Honourable the Executive Council on the 14th of May 1830 in the Council Chamber, the following words of a report approved of by His Excellency Sir John Colborne: "*The Government of this Colony seems merely to have assented to the* GENERAL MEASURE (i. e. the sales by Brant in fee, or endless leases) *and to have given them their sanction and assistance in the conviction that it would be beneficial to the interests of the Indians.*

What in the name of any power on earth could they do more than *assent, sanction* and *assist?*—the almost precise words of my fathers affidavit as to the Government approval of his purchase. The Trustees of the Indians, on 19th May 1835, "Reccommend such claims for confirmation by the Crown as were founded in leases or conveyances executed by the late Capt. Joseph Brant, who upon the evidence laid before the Trustees appeared to them clealy to have been the accredited agent of the Indians, and whose acts in the sale and leasing of their lands had been many years since fully sanctioned by the Home Government.

"The Executive Council as above further say, "they surrendered into the hands of Government certain portions of the lands possessed by them, and for which they "*had found* or *intended to find purchasers,*"—"the object of the surrender was therein expressly stated, that the same lands might be re-granted by His Majesty to such persons as their Brother and Agent, Captain Joseph Brant, might think most meet and proper, &c."—and further, "in order that grants under the Great Seal of the Province might issue for the purchasers' *further satisfaction,*"—Again are these words, "the making these contracts with the individual purchasers, and the fixing the consideration, were as it appears the acts of the Indians themselves, either concluded upon in their Council or negociated by their Agent, Captain Joseph Brant, who was *fully authorised for that purpose.*"—These are but a few of the thousand like declarations throughout every report of the Executive Council and the Trustees that I have had before me;—they suggest by the way the following queries. Did the surrender to Government include all Cozens' purchase? What person was it to whom No. 4, &c. was sold by Brant as by him asserted in Council and by them admitted in 1798? By what authority was the sale of No. 4, &c. (one-third of Cozens' purchase) which Colonel Claus informed the Executive Council in 1803 had taken place, made to Tho's Clark in 1806 in defiance of Brant's remonstrance? Had the Trustees any power to sell while Brant was alive? Did the Executive Government know that Cozens had purchased? Did they know in 1798 he had a deed in fee simple? Did the Provincial Secretary certify thereto? Was that sale, deed, &c. known in Council when Tho's Clark obtained a Government Patent? What occasioned the extraordinary correspondence between the Trustees, Alex. Stewart, Esq. and Col. Claus, 31st October, 1806, at the sale to Tho's Clark? Here I will pause and take leave to ask if His Excellency the Lieutenant Governor will be pleased to reflect upon the conclusion to which replies to the above, either negatively or affirmatively must inevitably lead. It must be allowed that the report of the Executive Council in 1830 and those of the Trustees in 1834–5, are in direct opposition to that of the Attorney General. To whose injury does it operate? To whose benefit does it incline?

I have a favor to request of His Excellency the Lieut. Governor. It is permission under His Excellency's favor to refer to correspondence on Indian Affairs as recorded in the Office of the Executive Council, to which correspondence I have yet had no access, and which it is my earnest desire to be acquainted with. If such a reference should be permitted by His Excellency, I shall feel myself most happy in relieving the Clerk of the Executive Council of any unnecessary trouble by pointing directly to the documents which are supposed to contain matter of connection with my father's purchased tract, and I therefore beg the favor of His Excellency causing permission to be given me to make extracts therefrom if it seem desirable, as also to receive from the office the papers furnished by me, so soon as they shall have been disposed of definitely, in relation to the claim before them.

I have the honor to be,
Sir.
Your obedient Servant,
NELSON COZENS.

No. 68.

Government House,
14*th Nov'r,* 1835.

Sir,

I am directed by the Lieutenant Governor to acquaint you in answer to your application to be permitted to refer to certain documents in the Executive Council Office relating to Indian Affairs, that His Excellency can see no objection to your being furnished with any infor-

mation connected with your claim, that can be obtained in the Council Office. His Excellency is desirous however that you should be reminded that the case which you have brought before the Executive Council, cannot be disposed of by the local government.

I am Sir,

Your obd't serv't,

[Signed] WM. ROWAN.

Mr. NELSON COZENS.

(No. 69.)

(COPY.)

Copy of a Minute in Council, approved by His Excellency the Lieutenant Governor, on the several applications of Mr. Nelson Cozens, relative to his claim for lands on the Grand River.

IN COUNCIL, 19th Nov'r, 1835.

The Council having taken into consideration the communications of Mr. Cozens, can only recommend a reference to the order of the 3rd of September last, in which they are more fully confirmed.

They see no objection to copies of the correspondence desired being given which Mr. Cozens considers necessary to elucidate his case.

(Signed) JOHN BEIKIE,
Clerk Executive Council.

Mr. NELSON COZENS, Toronto.

No. 70.

To the Honorable the House of Representatives of Upper Canada, in Provincial Parliament assembled.

The Petition of Nelson Cozens, of Cornwall, in the Eastern District, son of a U. E. Loyalist,

HUMBLY SHEWETH:

That your petitioner and his father Joshua Y. Cozens, of Cornwall, did in July, 1834, present by Petition and Memorial to His Excellency the Lieutenant Governor in Council, a claim for a tract of land immediately above Block No. 3, so called, upon the Grand or Ouse River purchased by Petitioner's father in 1796 from the late Capt. Joseph Brant, the accredited and acknowledged public Agent of the Six Nations Indians, for a valuable consideration, by deed of bargain and sale and warranty under special Power from the Chiefs to Brant to sell and convey to Cozens, and under the sanction and approval of Governor Simcoe signified by the hand and seal of the Provincial Secretary.

That said Power of Attorney, Deed of conveyance on Parchment, and Government certificate, were at the instance of Governor Simcoe, entrusted by Cozens to his confidential Agent and borne to London for the avowed purpose of disposing of to British emigrants and actual settlers; but that upon failure to dispose thereof after two or three years, said Agent returned to America, depositing said original deed and documents with an eminent Mercantile house in London, which shortly after became insolvent, and the partners whereof, Messrs. Barrell and Servante, in a few years both died.

That owing to a series of adverse circumstances up to the period of the last war, your petitioner's father, as is known to members of your Honourable House, was debarred the means of personally seeking to recover said deed and papers, which until of late years he had no just ground to fear were lost; and that from the close of the war to the present, such have been the hardships through which your petitioner's father has struggled in the care of a large family, with his right arm crippled, that it was impossible he could have personally made those exertions for the recovery of his absent titles which his friends and agents and his son, your petitioner, have for the last 10 years unceasingly continued.

That your petitioner in whom is now vested his father's right detailed most accurately and minutely to His Excellency in Council, the numerous particular circumstances attending the titles in question, and prayed for the recognition by government of your petitioners right to such portion of the land described, as His Majesty's Colonial Government were presently in possession of; and for an equivalent for that portion which with the knowledge of the previous sale by Brant to your petitioner's father, they the government had ceded to others.

That upon reference of the matter by the Executive Council to the Trustees of the Six Nations, and their report thereon, it was submitted to the legal Crown Officers, and firstly underwent an investigation by the Attorney-General of Upper Canada, a person of then only two years residence in the country; unqualified for the high office he fills, and wofully ignorant of the early history of the landed transactions of this Colony.

The Attorney General's report thus made, was concurred in by the Executive Council and approved by His Excellency.

Your petitioner obtained a copy thereof and having proved the entire report to have been based upon error and injustice, and so far convinced the Executive Council and His Excellency the Lieut. Governor of the falsities and fallacies thereof as to cause a third hearing upon it; and it becoming inevitable that either your petitioner or the learned Attorney General the first legal adviser of the Crown in Upper Canada, must be sacrificed, your petitioner was informed that His Excellency the Lieut. Governor inclined to view the case as one of a private nature; and that the honourable the Executive Council of Upper Canada could not consistently with their instructions from the home government, advise the Lieut. Governor to act in opposition to his first legal adviser the Attorney General; and your Petitioner on manifesting his dissatisfaction at the defence of error and imbecility, was given to know that he might appeal if he desired to his Majesty's Government.

Your Petitioner still humbly remonstrated in mild, feeling and respectful language, against the Attorney General's Report—begged it might be set aside, or that the Council might express their undisguised opinion thereof; solemnly declaring his readiness to appeal to His Majesty, but condemning the attachment to the claim of the unfounded Report of the Attorney General.

Your Petitioner therefore humbly calls upon Your Honourable House the Representatives of his Country to afford him that remedy which in this case has been denied him; he prays Your Honourable House will cause an investigation into the merits of his claim upon the Government—the treatment it had experienced during his personal attendance thereon pending most of the interval since *July* 1834, entreating the Lieutenant Governor and Council to hear him, to reason with him, or promptly to decide with him.

Your Petitioner prays your Honorable House will receive and examine the various vouches pertaining to the claim in question, and pass judgment upon that report of the Attorney General, which the Liutenant Governor and Council have forborne to condemn or defend; and that Your Honorable House will so act as will ensure to your Petitioner and his aged Father, His Majesty's favourable reception of the claim in question, to the end that Your Petitioner and his Father may be speedily re-invested with their equitable rights;

And Your Petitioner will ever pray

NELSON COZENS.

Toronto, Upper Canada, 21st January, 1836.

(No. 71.)

COMMITTEE ROOM,
Thursday, 10th Feb'y, 1836.

PRESENT:

Messrs. PERRY,
COOK, and
YAGER.

AUGUSTUS JONES, Esquire, of Cold Spring, Surveyor, called in.—Shewn a receipt purporting to be that of the late Captain Joseph Brant from Joshua Y. Cozens for £1000, dated June, 1797—Says the signature is that of Captain Joseph Brant—Says he is Executor to the estate of the late Captain Joseph Brant;—had various conversations with Capt. Brant, respecting Grand River lands—that Captain Brant frequently spoke of having sold to Joshua Y. Cozens the tract of land commencing above the tract sold Wm. Wallace—Was engaged by Captain Brant to survey Grand River lands.—Along the River, which was crooked, the Indians were hunting, and they described the land as being low, and gave a bad account of it, that is, the upper part of the tract sold to Cozens,—about two-thirds of it:—disagreement arose between Captain Brant and Col. Claus, the acting Trustee,—the latter always encouraged a party of Indians and other persons adverse to the former to create dissensions—*Claus principally managed the Affairs of the Indians alone, without consulting the Chiefs or Brant:*—Witness is shewn a letter dated Fort George, 31st December, 1803, addressed to John Small, Esq., Clerk of the Executive Council—says the signature is that of the late Col. W. Claus:—Shewn also a letter or copy of a letter in said Claus' hand writing, from Alexander Stewart, Esq. dated October 31st, 1806, addressed to said Claus—purporting to be a copy—says the handwriting is that of Claus.—Shewn a paper purporting to be a speech of Indian Chiefs of Six Nations, addressed to Col. Claus, Trustee, dated Grand River, 18th April, 1811—Signed by Tekaribogen and others, Chiefs,—cannot say for certain if it be authentic, it is on the subject of complaint against the Trustee, and is in principle the same as Captain Brant entertained of the Trustee and his management.

AUGUSTUS JONES,
D. P. S.

(No. 72.)

COMMITTEE ROOM, 13th Feb., 1836.

PRESENT.

MESSRS. PERRY,
CHISHOLM &
BRUCE.

WM. HEPBURN Esq. Trustee, called in and heard speak as follows:—Is the acting trustee, examined Brant's receipt from Cozens for money paid for Grand River Lands, never investigates the consideration of Leases from Brant, but upon being convinced of the originality of the conveyances produced, or certified copies thereof reports favorably to the Governor, and the Patent issues;—says that Patents have issued to persons who appear to have paid but a trifling if any amount for Lands, and Lands too in considerably large tracts to various persons. *Every conveyance from Brant, as agent, allowed without any investigation by the Trustees of the consideration.* There are cases referred to the trustees by the Executive Council, on which that council required a report by the trustees, where the original conveyance is lost, and which claim depends upon the satisfactory proofs of the existence at one time of an original deed—the case of David Thomson is of this nature, and involves the tract of about 4000 acres. The trustees reported thereon that there was sufficient evidence of the existence of that deed, and recommended the admission of the claim, and that a patent might issue, as tho' the original deed had been produced.

INTERROGATED.

When you made the following remark in your report of 19th May, 1835. "Calling the attention of the Executive "Council to the long period during which the petitioner "has slept upon his rights and permitted sales of the land "included in the alleged conveyance from Capt. Brant to "take place without any notice, *so far as the trustees are* "informed," was it in reference to *an investigation of all the documents* accompanying the petition and claim of Mr. Cozens? *No:—I did not investigate the documents.**

WILLIAM HEPBURN.

(No. 73.)

COMMITTEE ROOM,
House of Assembly,
23rd February, 1836.

PRESENT:

PETER PERRY, *Chairman.*
CHISHOLM, and
BRUCE.

ATTORNEY GENERAL *Interrogated.*

Question 1.—Did you understand that the Government were not authorized to recognize the sales of Captain Brant?

Answer 1.—The Government are authorized and have recognized all sales made by Brant under sanction of the Government.

Q. 2—Had you examined Mr. Cozens' papers previous to making your Report?

An. 2—I did of course very carefully and frequently examine them.

Q. 3—Were the admissions of the existence of the Deed to Cozens founded upon the papers of the claim?

An. 3—Of course it was—but this and all admissions in the Report being for arguments sake, must be taken with relation to the reasoning upon the case generally.

Q. 4—Have parallel cases been referred to you, to that of Mr. Cozens?

An. 4—In my capacity as confidential law adviser of the Executive, many cases parallel in their nature are referred to me.

Q. 5—In cases where the purchasers from Brant appeared satisfactory, what has been the nature of your Reports?

An. 5—I am not at liberty to state what have been my answers to particular cases referred to me from the Executive.

Q. 6—Have you reported unfavorably upon any cases referred to as above!

An. 6—I respectfully submit that my last answer applies also to this question.

Q. 7.—How do you reconcile your answer to the 1st question with your Report and decision upon Cozen's claim?

An. 7—I never considered the case of Mr. Cozens as coming within that class. It is not one of those sales which have been sanctioned by the Government and to which I referred, I particularly meant the sales made under the power of attorney given to Brant by the Indians and which was recognized by the Government.

Q. 8.—Do you say the sale to Cozens was not made in pursuance of that power of attorney.

An. 8—It could not; inasmuch as the transaction is stated by Mr. Cozens himself to have taken place long anterior to the date of the power of attorney referred to.

Q. 9.—Are you aware that the Government have recog-

* NOTE.—Compare this confession with his assertion in his letter 24th January, 1835.

nized purchases from Brant independent of any power of Attorney?

An. 9.—I have no knowledge of any such cases.

Q. 10.—Is the circumstance of Cozens' Deed from Brant appearing to you not to have originated in a power of attorney, that which led to your reporting unfavourably upon his claim?

An. 10.—The want of authority on the part of Brant, whether derived from power of attorney or otherwise appeared an important objection; my opinion however against Mr. Cozens' claim was drawn generally from the evidence adduced by Mr. Cozens himself, in its support, which appeared to me unsatisfactory.

Q. 11.—To what particular part of the evidence do you allude, as being unsatisfactory?

An. 11.—My objections are more fully stated in my Report than I could set forth from my reccollection of the documents before me when I made that Report; I particularly however allude to the affidavits of Mr Cozens.

Q. 12.—Are you aware of the Executive Government having ever rejected any claims under Brant on the plea of inadequacy of price?

An. 12.—I do not know what the Executive government may have done in the cases alluded to.

Q. 13.—Do you think it would be fair and right for the Government to do so?

An. 13.—I am incompetent to give an opinion upon a supposed case: the particular circumstances of each case may be so different.

Q. 14.—Do you understand the Government recognized sales by Brant upon the expediency of the cases as they were presented, or upon one general principle?

An. 14.—I cannot take upon myself to say what might be the principle reasons that actuated the Executive Government at that time.

Q. 15.—In a legal point of view do you consider a man's title might be defeated for want of a fair consideration?

An. 15.—Want of fair consideration is one among many circumstances which might legally be brought forward to vitiate a sale, but in itself it is not conclusive.

Q. 16.—In your Report you particularly dwell upon the circumstance of Mr. Cozens not having paid a fair consideration for the land; were you aware then that vast tracts of land, about the time of Mr. Cozen's purchase, and since, have been sold for about 5d. or so per acre?

An. 16.—I am not aware of sales upon such terms. My remarks upon the smallness of the sum stated to have been paid by Mr. Cozens, were made chiefly with reference to contemporaneous sales alluded to in my report which were made at so very different a rate.

Q. 17.—Had you known that equally large tracts of land in 1828 to 1831 had ceen sold equally low, would you have laid the same stress upon the consideration?

Q. 17.—I do not think that my general impression respecting Mr. Cozen's claim would have been materially altered, though the particular fact of price might have appeared less remarkable.

Q. 18.—Supposing the objections as to Brant's power and the stress laid upon the consideration were removed, what would then be your decision or report?

An. 18.—If those two objections were removed, of course the reasons founded upon them must, as far as they are of importance, be removed also.

Q. 19.—Are you aware that the Government have of late recognized purchases under Brant of long standing?

An. 19—I am aware that they have recognized such purchases.

Q. 20.—Are you aware that the purchase of Block No. 3 by Wallace and Tiffany was confirmed?

An. 20.—I belive so.

Q. 21.—Do you know if the sale was made by Brant to Wallace and Tiffany previous to that made to Cozens?

An. 21.—I believe the date is anterior.

Q. 22.—From what source did you derive your knowledge of the Indian title?

An. 22.—From Haldimand's Grant.

Q. 23.—Do you know of any other title?

An. 23.—I am not aware of any instrument other than that of Sir Fredk. Haldimand.

Q. 24.—Do you consider the circumstance of a free grant of 1200 acres of land made to Mr. Cozens and to his brothers as U. E. Loyalists, by Governor Simcoe as weakening his claim to the Grand River lands?

An. 24.—I do not say that it *weakens* his claim, because I cannot persuade myself that he ever had any claim.

Q. 25.—Supppose that he had a claim for the purchase of this Grand River Land?

An. 25.—If he *had* such claim I do not affect to see that the Grant of 1200 acres would in any way interfere with it.

Q. 26.—Explain then why you introduced that grant of lands from the Government to Cozens into your Report upon his claim for Grand River lands?

An. 26.—I introduced that as I have introduced many other parts of Mr. Cozens' statements that I might test their consistency generally.

Q. 27.—Did you think it necessary to adduce the sale of Block No. 3 as of the highest price, rather than that of No. 1 and 2, lower down the River, as a comparison with Cozen's purchase?

An. 27.—Being *adjoining Blocks* the comparison in price appeared to me to be the more remarkable, as the value might be supposed to be the same or nearly so.

ROBERT S. JAMESON.

(No. 74.)

Sheriff's sales by Public Auction of Lands for Taxes as per Journal of the House of Assembly 1832-3, *Page* 156 *and Supplement.*

		No. of acres sold.	For £	s.	d.	Minimum.	Maximum.	Average.
1831	Western District	22340	690	9	9½	3¾d	2s.	7¼d
1829	London do.	69705	2257	10	10	3¾d	1s2d	6d
1831	Niagara do.	4297	356	14	3	1s.	17s.	1s8d
1830	Home do.	55129	1739	8	0	3¾d	4s6d	7½d
1831	Newcastle do.	90783	2805	8	2¾	3¾d	1s2d	7¼d
	Midland do.	76779	1835	5	6	3¾d	2s6d	5¾d
1830	Johnstown do.	93710	2212	12	0½	3¾d	7½d	5¼d
1829	Bathurst do.	6860	321	19	6	3¾d	1s1¼	9¾d
1828	Eastern do.	89780	1762	7	0½	4½d	11d	4½d
		529383						
	Less redeemed	22403						
		506'80						

District of Gore 1831.—*See Journals* 1832-3.

			£			
Ancaster.....	1269	Acres for		20	12	3¾
Barton.....	310	do.		5	0	9
Beverley.....	8345	do.		135	4	6½
East Flamboro'..	1369	do.		22	4	11
West Flamboro'..	1600	do.		25	19	10
Binbrook.....	4290	do.		69	12	4¼
Glanford.....	2212	do.		35	18	3
Nelson	514	do.		8	6	6¼
Saltfleet	986	do.		16	0	8¾
Trafalgar	1170	do.		19	0	3
	22065			358	0	5½
		Charges....		16	17	0
			£.	341	3	5½

General average per acre 3¾d.—£3 5s. for 200 acres.

(No. 75.)

Copy.

In Council, 15th April, 1800.

The Board resumed the consideration of the sales of Dereham and Norwich and proceeded to declare the purchasers.

THE PURCHASERS ARE AS FOLLOWS:

IN NORWICH.

All 3,000 acres each.	Angus MacDonell, Esq..	Block No.	1	£	168 15 0
	William Willcocks, Esq.	Block No.	2	..	100 10 0
	Rev'd Edmund Burke,..	Block No.	3	..	168 15 0
	Hon. Peter Russell,.....	Block No.	4	..	150 0 0
	Mrs. Willcocks	Block No.	5	..	100 10 0
	Miss Phœbe Willcocks..	Block No.	6	..	100 5 0
	Mr. George Landman...	Block No.	7	..	100 0 0
	Hon. Rob't Hamilton...	Block No.	8	..	100 0 0
	Miss Maria Willcocks..	Block No.	9	..	100 10 0
	Hon. Rob't Hamilton...	Block No.	10	..	100 0 0
	Hon. Rob't Hamilton....	Block No.	11	..	100 0 0
	Capt. Wm. Fitzgerald..	Block No.	12	..	100 0 0
	Miss Eugenia Willcocks	Block No.	13	..	100 0 0
	Rev'd Robert Addison..	Block No.	14	..	100 0 0
	Rev'd Robert Addison..	Block No.	15	..	100 0 0
	Mr. Hugh Hood Farmer,	Block No.	16	..	100 0 0

IN DEREHAM.

All 3,000 acres each.	Ball & Co.....	Block No.	1	£	140 12 6
	Ball & Co.....	Block No.	2	..	140 12 6
	Ball & Co.....	Block No.	3	..	140 12 6
	Ball & Co.....	Block No.	4	..	140 12 6
	Hon. Robert Hamilton..	Block No.	5	..	100 0 0
	Hon. Robert Hamilton..	Block No.	6	..	100 0 0
	Rev'd Robert Addison..	Block No.	7	..	100 0 0
	Rev'd Robert Addison..	Block No.	8	..	100 0 0
	Rev'd Robert Addison..	Block No.	9	..	100 0 0
	Mr. Hugh Hood Farmer.	Block No.	13	..	100 0 0
	Rev'd Robert Addison..	Block No.	14	..	100 0 0

Recommended that Letters Patent of Grant be immediately prepared for the above named persons, free of expense—Where there are more than one Grantee, the grant to be in common—The deeds not to be issued until further orders.

A true copy,

(Signed) JOHN BEIKIE,
Clerk Executive Council.

Copy.

In Council, 27th March, 1800.

The Board directed the Clerk to write a circular letter to the following effect to the several persons who have been declared purchasers of Blocks in the townships of Dereham and Norwich.

Council Office,
27th March, 1800.

Sir, or Madam,

I have the honor to inform you that you have this day been declared in Council to be the purchaser of Block No. —— in the township of ————, at the price of ————.

I am at the same time to require that you will, on or before the 1st day of May next give in to this Board the names of the persons whom you propose as security for the due payment of the second and third instalments, and that you will on the 31st of the same month pay your first instalment into the hands of the Receiver General at York, on which day you will, on taking the oaths of allegiance to His Majesty, receive Letters Patent of Grant free of expense.

I am, &c.

A true copy.

[Signed] JOHN BEIKIE,
Clerk Ex. Council.

Schedule *of Papers relating to Petition and Claim of Nelson Cozens.*

1. Memorial J. Y. Cozens, 1st July, 1834—Joshua Y. Cozens.
2. Petition of Nelson Cozens his son—14th July, 1834.
3. Deposition of Joshua Y. Cozens—1st July, 1834.
4. Deposition of Joshua Henshaw—9th October, 1833.
5. Copy of Brant's Deed under Power from Chiefs to Joshua Y. Cozens.
6. Quit claim Joshua Y. Cozens to his son Nelson—2nd July, 1833.
7. Two Letters from J. Y. Cozens to his Agent, Samuel Clark, in London, dated Montreal, January and March, 1798.
8. Deposition of J. Y. Cozens, of Jarvis' certificate, &c. 23d February, 1835.
9. Deposition of Joshua Henshaw—22d May, 1834.
10. Deposition of J. Y. Cozens, memorandum agreement, and Kerr's letter, April, 1835.
11. Captain Brant's receipt for £1000 paid by J. Y. Cozens June, 1787.
12. Letter of James Wallace to Nelson Cozens, 13th May, 1835.
13. Deposition of James Wallace, 14th September, 1835.
14. Barrell and Servante's original letter, London, 16th March, 1799, certified by Theodore Barrell before British Consul.
15. Samuel Clark (Cozens' Agent) memorandums kept in London, 1798-9, &c.
16. Letter, Joshua Henshaw to J. Y. Cozens, 22d December, 1818.
17. Revocations by J. Y. Cozens of Powers to S. Clark, Joseph Burnham Henshaw, and Page, 1825, 1827. and 1834.
18. Applications in London about the Brant deed, &c. November, 1828.
19. Times Newspaper (London) 15th July, 1831.
20. Letter, Tho's Ward, Esq. London, to Nelson Cozens, New York, 2d December, 1831.
21. Letter, Eliza Servante, London, to Nelson Cozens, New York, 12th March, 1833.
22. Letter, Theodore Barrell to do. do. 9th Dec. 1833.
23. do. do. do. do. 15th Jan. 1834.
24. do. do. do. do. 19th Dec. 1834.
25. do. do. do. do. 2d Feb. 1835.
26. Minute in Council on Nelson Cozens' Petition and reference to Trustees, 31st July, 1834.
27. Letter, N. Cozens to Hon. G. H. Markland, one of the Trustees, 27th September, 1834.
28. Letter, Joshua Henshaw to J. Y. Cozens, 20th September, 1834.
29. Deposition of Joshua Henshaw, 20th September, 1834.
30. Deposition of J. Y. Cozens, 27th September, 1834.
31. Letter, Nelson Cozens to Hon. G. H. Markland, 27th Sept'r, 1834.
32. Letter, Wm. H. Lee to Nelson Cozens, 6th Dec. 1834.
33. Depositions of Sam'l Hart and his wife, 19th Sep. 1834.
34. do. J. Y. Cozens, 2nd January, 1835.
35. Letter, N. Cozens to Hon. G. H. Markland, 3d Jan. 1835.
36. do. Joshua Stow to N. Cozens, 25th Dec'r, 1834.
37. do. Wm. Hepburn to N. Cozens, 24th Jan., 1835.
38. do. N. Cozens to Wm. Hepburn, 2nd Feb., 1835.
39. do. Wm. Hepburn to N. Cozens, 9th Feb., 1835.
40. do. N. Cozens to Col. Rowan, 24th March, 1835.
41. do. Samuel Clark to Barrell and Servante, London, 16th March, 1799.

43. Letter, N. Cozens to Col. Rowan, 21st April, 1835.
43. do. Col. Rowan to N. Cozens, 23rd do.
44. Report Ex. Council, Indian Affairs, 14th May, 1830.
45. Report (printed) of Trustees of Six Nations—no date—with two notices from U. C. Gazette, (official) 25th February, 1835.
46. Report of Trustees on Cozens' claim, 19th May, 1835.
47. Report of Executive Council on do. and reference to Crown Officers, 30th May, 1835.
48. Report of Attorney General on do. 19th June, 1835.
49. Report of Solicitor General on do. 22d June, 1835.
50. Letter, N. Cozens to Col. Rowan, and answer, 16th and 18th July, 1835.
51. Report of Executive Council, 21st July, 1835.
52. Letter, Colonel Rowan to N. Cozens, 27th July, 1835.
53. do. do. do. 31st do.
54. Strictures by N. Cozens on Attorney General's report, 26th and 27th August, 1835.
55. Letter, Colonel Rowan to N. Cozens, 27th Aug. 1835.
56. Minute of Executive Council. *on appeal to the King*, 3rd Sept'r, 1835.
57. Address, N. Cozens to Sir John Colborne, Lieutenant Governor, 9th Sept'r, 1835.
58. Letter, Colonel Rowan to J. Y. Cozens, in answer to prayer to appear before the Goverdor in Council, 21st Sept'r, 1835.
59. Letters between Stewart and Col. Claus, Trustees, October, 1806.
60. Extract from Journals of House of Assembly, 1830, page 192, John Claus.
61. Speech by Chiefs of the Six Nations to Col. Claus, Trustee, 18th April, 1811.
62. Notes, additional to strictures by N. Cozens, see No. 54, 28th Sept'r, 1835.
63. Letter, Nelson Cozens to Col. Rowan, 7th Nov. 1835.
64. do. Col. Rowan to N. Cozens, 10th do.
65. do. N. Cozens to Col. Rowan, 11th do.
66. do. Col. Rowan to N. Cozens, 12th do.
67. do. N. Cozens to Col. Rowan, 13th do.
68. do. Col. Rowan to N. Cozens, 14th do.
69. Minute of Council (reference to former of 3rd Sept'r), 19th Nov'r, 1835.
70. Petition of Nelson Cozens to Commons House of Assembly, January, 1836.
71. Evidence of Augustus Jones, Esquire, 10th Feb. 1836.
72. do. W. Hepburn, Esq. Trustee, 13th do.
73. do. Att'y General (Jameson) 23rd do.
74. Sales of lands, and the rates, at Auction, 1828 *a* 1831, see Journals of House of Assembly, 1832-3, page 156 Appendix.
75. Ditto of Townships of Norwich and Dereham.

(No. 38) See (No. 91.)

No. 39.

MESSAGE

From His Excellency the Lieutenant Governor transmitting School Reports.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, copies of such Reports of Trustees of District Schools, and of Boards of Education, as have been received for the year 1835.

GOVERNMENT HOUSE,
25th February, 1836.

DISTRICT SCHOOL REPORTS.

ANNUAL REPORT OF THE OTTAWA DISTRICT SCHOOL.

To His Excellency Sir John Colborne, K. C. B., Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The undersigned majority of the Trustees of the District School of the Ottawa District;

HUMBLY REPORT:

That the Annual Public Examination of the said School was this day held at the School-house in Longueil, pursuant to public notice to that effect.

Since the last annual report an increase of six has taken place in the number of Pupils, there being at present twenty-eight, four of whom are studying the Latin language.

The meeting was numerously attended by the friends of the Pupils, who witnessed with much satisfaction the evident advancement of the Scholars in their respective departments of study.

The Trustees have much pleasure in repeating their former commendations of the attention of the Teacher, Mr. Gregor, and of the competent manner, in which that gentleman fulfils the important duties confided to his charge.

All which is humbly submitted.

(Signed) GEORGE HAMILTON,
T. KEARNS,
RICH'D PHILIPS HOTHAM.

Longueil, June 30th, 1835.

A true copy.

COPY.

REPORT OF THE JOHNSTOWN DISTRICT SCHOOL—BROCKVILLE, FOR 1835.

I.—Time.

1st.—*Hours of attendance.*—The School has been regularly opened every morning with prayer and calling of the list at a quarter before nine o'clock; but in the summer months, from April to October, there was school every morning from 6 o'clock to 8, partly to overtake some extra subjects of study and partly to diminish the duration of attendance during the heat of the day—The school continued in the former part of the day till half past twelve—It met again in summer at 3 o'clock P. M. but in winter at 1, and continued two hours and a half. Thus making an aggregate of about seven hours attendance every day except on Wednesday and Saturday which are half holidays.

2d.—*Its general distribution.*—The forenoons have been chiefly occupied with studies in the department of language, viz: English, Latin, and Greek, Reading, Grammar, Translations, Compositions, &c.—but on Wednesday and Saturday, Geography has been substituted for one of the ordinary lessons in this department.—The afternoons were employed in Writing, Ciphering, Mathematics and History.

II.—Studies.

3.—*Subjects.*—1st. Language, English, Latin and Greek.—History, Composition and Elocution. 2d. Mathematics, Geometry, plane and solid; Trigonometry, plane and spherical, Algebra, Mensuration, Book-keeping, Arithmetic, Geography. Writing and Stenography. 4. Text Books—1st. English Mavor's spelling book, Walker's Dictionary, New Testament, Paley's Works, English Reader, History of England (Goldsmith's), Murray's Grammar, Kirkman's Elocution, &c.

2nd. Latin, Ruddiman's Grammar; Seley's or Westminster Grammar;* Corderius;* Select Lessons;* Cornelius Nepos;* Cæsar;* Sallust;* Livy;* Phœdrus;* Ovid:* Virgil;* Horace;* Terence; Exem: Minora; Mair's Intro; Adam's Antiquities;

3rd. Greek—Grammar—Moore's; Mathias's;* New Testament; Xenophon; Herodotus; Homer; Potter's Antiquities;

4th. Mathematics, &c.—Euclid;* Leslie Ingram for Geometry and Trigonometry; Algebra; Bonnycastle and Bridge;*—There is no work on Book-keeping suited to affairs in this Province; an attempt has been made to supply for the school this defect by adopting Morrison's excellent work as a basis; In Arithmetic; Colburn's In-

* Used in College at Toronto—The Text Books of which will soon supersede all others in the School.

tellectual Arithmetic—Bonnycastle's,* Ingram's, Walkingham's;—In Geography—Woodbridge's, Bell's (6 vols. 8 vo.), Keith on the Globes, &c., Guy's Astronomy; Mavor's Stenography simplified.

5th.—*Method of Instruction.*—The above enumeration of Studies and Text Books by no means gives an adequate idea of the business. Of the scholars, and the extent of their pursuits besides the ordinary business of a school in the regular recitation of the appointed lesson; each class has been compelled frequently to review what had been already learnt, to condense it; to abstract principles from their illustrations, to illustrate afresh these principles by new and familar examples, and thus at once thoroughly to understand the subject, to expand their views concerning its use; and so to judge and reason clearly and accurately on all topics. These effects have been further heightened by a system of interrogation often extending far beyond the immediate topic of study—but tending more fully to explain it—to shew its relation to kindred topics, and the connection between all the branches of human knowledge,—to elicit the views of the scholars themselves; and so, by exposing their mistakes, and making them seek and give a reason for every thing, to teach them to correct what they perceived to be erroneous, and believe more firmly and on better grounds what they discovered and felt to be true and right.—This is really a system of logic not the less useful and valuable because stript of its abstract and scholastic dress.—Thus in Grammar and Composition, besides reciting the principles, definitions, and rules, and applying them to analysis of the numerous and well selected examples contained in Murray's large exercises, the scholars have been led constantly to apply them to every work they might be reading to illustrate them in frequent and extensive translations from the classic authors already enumerated. The design of this is to cultivate their capacity to discern good composition, to form surely and soundly their taste and habits of mind, and give them the desire and ability to imitate or practice what their judgments approve. This has been especially the case with the more advanced scholars who have been taught to consider the origin and structure of language in general—its progressive variations—the canons by which it should be tried and established, and the applications of these universal principles of all languages to the regulation of their vernacular tongue.

III.—Scholars.

6. The accompanying sheet exhibits concisely the number and names of the scholars who have attended during any part of the year; all the branches which they have studied, whether successively or at one time, the highest rate of charge during the whole period—though that was often much lower, especially when more than one scholar attended from the same family, in which case a considerable deduction from the current rates has been made. The last column indicates who have left, and how many remain—the whole number has been 68; of whom 40 remained all the vacation. The average is about 45—the highest at once was 51. Several who reside at a distance are detained by the season—the whole number that have not paid any thing has been 8. These were not expected to pay—several others have not yet paid, and some have paid in part, but both of these latter are expected still to pay.

IV.—Teaching.

7. A preceding paragraph has explained in some degree the system of teaching—the objects sought and the means of endeavoring to attain them. This will explain what have been the agents in putting these means into operation. The monitory system or that of mutual instruction so far as was deemed prudent in the circumstances of the school has been adopted. The best scholar of each superior class has been distinguished by being called on to aid or superintend a class inferiorto his own. Besides this—Mr. Isaac Gregory was employed regularly as an assistant, receiving in addition to his education £20 per annum—likewise Mr. Richard Chaffey and Mr. Thomas Reynolds each receiving his education for his assistance. Another regular assistant was engaged at £50 per annum, but the impropriety of his conduct prevented

* Used in College at Toronto—The Text Books of which will soon supersede all others in the School.

his remaining—I have myself been in school every hour, never having been once absent from either sickness or accident.

(Signed) JOHN SMITH,
Teacher.

A true copy.

Copy.

No.	NAMES	STUDIES.						Fees per q'r	Present Situation.
								None.	Clean & att'd S. R. Sev't
1	Adam Finley	English						£1 10 0	Left School.
2	Albert Richards	English	Latin	Geography				1 5 0	Left School.
3	Alex. Hartwell	English		Geography	Book-keeping			1 10 0	Kingston.
4	" Logie	English	Latin	Geography				1 0 0	Prescott.
5	" McDonell	English						1 0 0	1
6	Allan Fraser	English						1 10 0	Left School.
7	Andrew Freeland	English	Latin	Geography				1 0 0	Left School.
8	Arthur Hume	English						1 0 0	2
9	Arthur McLean	English						1 10 0	Merrickville.
10	Brock Landon	English	Latin	Geography				1 5 0	3
1	Charles Glasford	English		Geography				1 10 9	4
2	" Jones	English	Latin	Geography		Mathematics	Stenography	1 15 0	5
3	" McDonald	English	Latin & Greek	Geography				1 10 0	6
4	David Craih	English	Latin	do				1 10 0	Napanee.
5	Donald Macpherson	English		do	Book-keeping			1 10 0	7
6	Edward Arnold	English	Latin	do				1 0 0	8
7	" Hubbell	English						1 10 0	9
8	" Jones	English	Latin	do				1 0 0	Left School.
9	Francis Jones	English						1 5 0	10
20	" Scott	English		do				1 5 0	11
1	George Hartwell	English		do				1 10 0	12
2	" Hubbell	English	Latin	do				1 10 0	23
3	" McLean	English	Latin	do				1 0 0	14
4	" Malloch	English						1 10 0	Left School.
5	" O'Neil	English	Latin	do			Stenography	1 5 0	Left School.
6	" Stratford	English		do	Book-keeping			1 10 0	Left School.
7	Henry Freeland	English				Mathematics		1 10 0	15
8	" Glasford	English	Latin	do				1 10 0	16
9	" Hubbell	English	Latin	do				1 0 0	17
30	" Jones	English						1 5 0	18
1	Herbert Sabine	English		do				0 0 0	My Son-19
2	James Smith	English						0 0 0	Cleaned S R—Left school
3	John Abbot	English						1 0 0	20
4	" Chaffey	English						1 0 0	21
5	" Cowan	English						1 0 0	22
6	" Glasford	English						1 10 0	23
7	" Murphy	English	Latin	do				1 10 0	24
8	" Pennock	English	Latin	do				1 15 0	25
9	" Reynolds	English	Latin & Greek	do		Mathematics		1 15 0	Left School.
40	" Scott	English	Latin & Greek	do				1 5 0	26
1	" Wilsteed	English		do				1 5 0	Left School.
2	Joseph Sabine	English		do					
3	Isaac N Gregery	English		do		do	do		As't Vermont University.
4	Milton Schofield	English			Book-keeping			1 5 0	Left School.
5	Oscar Buell	English	Latin	do		do	do	1 15 0	27
6	Patrick Freeland	English	Latin	do				1 10 0	Left School.
7	" Kelly	English							Cleans S.—28
8	Philander G. Fitch	English	Latin & Greek	do				1 15 6	Student of Medicine.
9	Richard Carley	English	Latin	do		do	do	1 10 0	29
50	" Chaffey	English	Latin	do	Book-keeping				Assistant—30
1	Robert Hume	English				do	do	1 0 0	Left School.
2	" Macdonald	English	Latin	do				1 0 0	31
3	" Smith	English		do					My Son-32
4	Samuel Clark	English		do				1 5 0	33
5	" Flint	English						1 0 0	Left School.
6	" Ross	English						1 0 0	Left School.
7	Stephen Richards	English	Latin & Greek	do				1 15 0	Potsdam
8	Terrence Merrick	English	Latin	do		do	do	1 15 0	Student of Law,
9	" Smyth	English	Latin	do		do		1 10 0	Merrickville,
60	Thomas Fraser	English	Latin	do				1 10 0	34
1	" Harrison	English	Latin	do				1 10 0	Left School.
2	" Reynolds	English	Latin & Greek	do	Book-keeping				Assistant left.
3	William Clark	English		do		do	do	1 10 0	35
4	" Crosthwaite	English						1 0 0	Left School.
5	" Miles	English	Latin	do				1 10 0	36
6	" Morris	English						1 0 0	37
7	" Sherwood	English		do				1 5 0	38
68	Worship McLean	English	Latin & Greek	do		do	do	1 15 0	39

In many instances the rates here specified have not been charged. Seme scholars have attended during part of their time only to one branch, though at the close of their term they may have been studying all that are ascribed to them. Again when 2 or 3 have come from one family $\frac{1}{4}$ or $\frac{1}{6}$ has been deducted, sometimes more according to circumstances; as in the last instance where three are not charged equal to two.

A true Copy.

REPORT
OF THE
MIDLAND DISTRICT SCHOOL.

Copy.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please Your Excellency:

The Trustees of the Public District School for the Midland District respectfully report and submit for Your Excellency's information, the present state of the Seminary under their charge and superintendence.

It will appear from the schedule accompanying the report and containing the classes of the Pupils of the Midland District School, at the public examination held on the 24th day of July, 1835, that the Institution embraced five classes, and that the entire number of scholars in the several classes amounted to thirty and two. The ages of the pupils did not exceed fifteen, and some were below nine years of age; affording evidence from their juvenile ages, and the branches of education, in which they were examined, that they had succeeded many who had retired from the District School, and had entered upon a course of study and employment to qualify themselves for the several professions in life. In their turn they are now in a course of discipline and education to become useful and respectable members of society in public and private life, and to reflect credit and distinction upon the Teacher who now fills that office.

The Trustees respectfully remark to Your Excellency that the Pupils in their examination afforded proofs of attention and diligence in their studies; and evinced a laudable spirit of emulation for pre-eminence and distinction in the classes to which they are assigned; and the Trustees further add that Mr. Baxter continues to discharge the duties of Master of the Midland District School with the confidence and approbation of the Trustees, and with an encouraging share of public patronage.

While, however, the state of the Public School and the progress of the Pupils are satisfactory to the public, the Trustees have cause to regret the want of a new and suitable edifice for the accommodation of the Pupils, and the comfort of the Master. The erection and appropriation of a decent building for these objects is a tribute justly due to the cause of literature and science, from whose diffusion and extension next to religion, society derives its most valuable blessings. It is to be hoped that measures will soon be taken to obtain from Government the pecuniary aid and supplies required for an edifice, and in the furtherance of which laudable object, the Trustees are fully sensible that Your Excellency will readily promote the undertaking.

All which is respectfully submitted.

(Signed) GEORGE O'KILL STUART,
THOMAS MARKLAND,
JOHN MACAULAY,
JAMES SAMPSON.

Kingston, 22d November, 1835.

A true copy.

COPY.

Classification of the Pupils of the Midland District School at the Public Examination, on the 24th of July, 1835.

CLASS 1st.

Robert Talbot.....	15	years of age	Græca Minora—Ovid, Grammar, Geography, Arithmetic, Recitation, &c.
Peter Baxter.....	13	do.	
Daniel McLeod.....	13	do.	
Charles Tolkien....	10	do.	
James Atkinson....	15	do.	
Moses Binley.....	14	do.	

CLASS 2nd.

Henry Woods.....	12	years of age	Lectiones Selectæ Grammar, Geography, Arithmetic &c.
Neil MacLeod.....	11	do.	
Joseph Binley.....	12	do.	

CLASS 3rd.

Henry Talbot.....	11	years of age	English Grammar, Geography, Arithmetic, Reading, &c.
Thomas Musson...	11	do.	
Thomas Anderson..	10	do.	
William Garratt....	13	do.	
Geo. M. Wilkinson,	11	do.	
Andrew Hardie,....	15	do.	
Robert Garratt.....	11	do.	
Philip Talbot.....	13	do.	

CLASS 4th.

Alfred Thomas.....	13	years of age	English Grammar, Arithmetic, Reading, Writing, &c.
James Bain.....	10	do.	
Henry Bamford ...	13	do.	
George Thomas....	14	do.	
Harry Thomas.....	12	do.	
Henry Sellars.....	9	do.	
Alexander Bamford.	9	do.	
William Wilson....	10	do.	
James Macleod.....	9	do.	
Henry Bradford....	9	do.	

CLASS 5th.

Joseph J. Belonge..	10	years of age	Arithmetic, Reading, Writing, and Spelling.
Thomas Bamford...	12	do.	
Thomas Moran.....	13	do.	
James Farrel.....	11	do.	
Adam Laidlaw.....	8	do.	

Total number of Boys..... 32

A true copy.

COPY.

REPORT

OF THE

NIAGARA DISTRICT SCHOOL,

UNDER THE TUITION OF

Dr. JOHN WHITELAW,

WHICH WAS PUBLICLY EXAMINED BY THE TRUSTEES ON THURSDAY THE 24th DEC., 1835.

CLASSES.	No. of Pupils.	BOOKS USED.
	Total 37	
Greek.	2	Moore's Gram'r Tes'ament
Latin No. 1.	8	Adam's Gram—Hist. Sacra
No. 2.	2	Do. do. Cornelius Nepos.
No. 3.	2	Do. do. Cæsar—Ovid.
English Grammar,		
No. 1.	15	Murray's Grammar,
No. 2.	14	Do. do. & Exercises.
Arithmetic,		
No. 1.	16	Daboll's Arithmetic, &c.
No. 2.	12	Do. do.
Reading,		
No. 1.	3	Mavor's Spelling Book.
No. 2.	12	Testament—Murray's Introduction.
No. 3.	14	
Writing,	33	Murray's Eng. Reader, &c.
Geometry,	5	Simpsons Euclid. &c.
History & Geography	12	Goldsmith's Rome, &c. Olney's Geo. Harris' Globes.

REMARKS.

The Pupils in the Greek Class evinced a minute knowledge of the elementary principles of that language.—The Latin Class read in Cæsar and Ovid with correctness and fluency, and the Class in Geometry demonstrated propositions from the first book of Euclid with accuracy.

The greater part of the boys in the school were examined in the principles of English Grammar, English reading, arithmetic, writing and gave satisfactory evidence of progress.

Upon the whole we declare our satisfaction with the proficiency of the pupils (most of whom are under the age of twelve years) and our increasing conviction that the public school for this district under its present management deserves well our approbation, and commends itself to public patronage.

(Signed) THOMAS CREEN,
ROBERT McGILL,
GEORGE BALL,
D. McDOUGAL,
WILLIAM CLARKE.

Niagara, 24th Dec. 1835.

A true copy.

COPY.

REPORT

OF THE

BOARD OF EDUCATION

FOR THE

DISTRICT OF OTTAWA.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The undersigned a majority of the Members of the Board of Education of the District of Ottawa;

HUMBLY REPORT:

That a meeting of the Board was this day held at the Court House in Longueil in the said District, pursuant to public notice to that effect.

The number of Common Schools reported for the current year is twenty-nine, comprising about six hundred and thirty-four scholars; the schools appear to be conducted in accordance with the Statutes which have been made for their regulation; and the Board recommend that the sum of three hundred and forty-nine pounds nine shillings and seven pence, be appropriated for the support of the said schools for the fiscal year ending on the first day of June next inclusive of the Clerk's salary.

The present situation of the affairs of the common schools, however, is such as to demand from the Board some additional remarks which they respectfully beg leave to submit to Your Excellency's consideration.

It is known that the population of the District has increased upwards of seven hundred in the year ending on the first day of April last; and a similar rate of increase is reasonably supposed to have taken place between that day and the present.

It would be natural to expect that, with so large an addition to the population a corresponding increase would take place in the number of common schools; but, on the contrary, on comparing the present list with the last year's report, there appears a decrease of three in the number of schools, and a proportionate deficiency in the number of scholars.

This declension in the prosperity of the common schools is, however, the natural result of the suspension of the payment of the funds allowed by law for their support: a fact which it becomes the unpleasant but imperative duty of the Board to state and explain.

When Mr. Donald McDonald Roy was removed from the office of Treasurer of the District by the Court of General Quarter Sessions in the month of April last, one of the causes which led to his removal was, the very general complaint of the Teachers and Trustees of the common schools of the irregularity and inattention which that officer had for a long time manifested in his administration of the Common School Fund.

The amount recommended by this Board to be appropriated for the support of the schools for the year commencing on the 1st of June, 1834, and which Mr. McDonald ought to have applied for, and undoubtedly might have obtained, in the course of last winter, remained then, and does still remain, in the Provincial Treasury. Of this sum (amounting to nearly £350,) the Teachers for the last mentioned period have been hitherto deprived through what the Board conceive to be the unjustifiable conduct of the late Treasurer.

By the Provincial Statute of 60th Geo. 3rd, chap. 7, section 5th, it is enacted that

"it shall not be lawful for the Governor, Lieutenant Governor, or Person administering the Government, to issue any further Warrant on the Receiver General to any "District Treasurer, until a faithful account shall be rendered, authenticated by "proper vouchers, and attested by the oath of the respective Treasurers, of the expenditure of the sums already advanced, or to be hereafter advanced, on account "of their respective Districts."

Shortly after the removal of Mr. McDonald from the Treasury, his successor, Mr. Johnson, applied to the Receiver General for the amount, which as above stated, had been appropriated for the support of the common schools for the then current year; but was informed, in reply to his application, that it would not be granted until the late Treasurer had complied with the requisitions of the above recited clause.—Upon receipt of this information the Treasurer waited on his predecessor in person, and requested him to furnish the vouchers and accounts as required by law; but the latter peremptorily refused to do so, and has ever since persisted in his refusal.—The consequence is that the Teachers not only remain unpaid, for the year commencing on the 1st June, 1834, but they must also remain unpaid for ever hereafter, unless the late Treasurer can be compelled to furnish his accounts or unless the law itself be altered.

With the view of remedying as far as lies in their power a grievance so serious, and so justly complained of, the Magistrates of the Disirict in General Quarter Sessions, have caused proceedings to be instituted in His Majesty's Court of King's Bench against the late Treasurer: but accidents have occurred to delay the course of those proceedings, rendering the prospect of obtaining ultimate justice very remote. Under these circumstances the Board most respectfully represent, that where, as in the present instance, the administration of the fund in question has been transferred to a new recipient, it really seems hard that a large and respectable body of men employed in the important task of instructing the youth of the country, should be injured and impoverished by the deprivation of their principal means of support, through the obstinacy of any public servant whose official delinquency has occasioned his removal.

The Board are aware, however, that no discretionary power remains with Your Excellency to overlook or dispense with the direct provisions of the statute; they only desire to place the subject in such a point of view as to demonstrate the propriety of a speedy alteration of the law in question to suit an emergency of this nature, and to render justice to the parties injured.

All which, nevertheless, is humbly submitted.

(Signed) GEO. HAMILTON, *Chairman.*
ALEXANDER GRANT,
PHILO HALL.

COURT HOUSE, LONGUEIL,
District of Ottawa, January 5th, 1836.

A true copy.

REPORT OF THE BOARD OF EDUCATION FOR THE EASTERN DISTRICT.

COPY.

To His Excellency Sir John Colborne, K. C. B., Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The Board of Education for the Eastern District, beg leave to Report:

That from the 1st July, 1834, to 31st December, 1834, reports were received

from ninety-six schools, by which it appears, that two thousand six hundred and twelve pupils were receiving instruction in the ordinary branches of a common education. The sum of three hundred and fifty-eight pounds, seventeen shillings and three pence was divided amongst the Teachers during this half year.

From 1st January, 1835, to 30th June, there were ninety-nine schools and two thousand, seven hundred and eighty-three pupils. The amount paid from the Government allowance was three hundred and fifty-eight pounds and sixpence.

From the 30th June to 31st December last, there appears to have been a diminution in the number of schools as well as pupils, the number of the former being reduced to eighty-three, and the pupils to one thousand, seven hundred and seventy-seven. The Trustees of the several schools express themselves satisfied with the conduct of the Teachers generally, and the Board have no reason to doubt, that much benefit has been derived from the monies provided by the Legislature.

ARCH'D McLEAN, D. MACDONELL, JOS'H ANDERSON, } *Members of the Board of Education, Eastern District.*

CORNWALL, January 2, 1836.

Copy,

STATEMENT of payments made to the Teachers of Common Schools in the District of Johnstown for the year ending 6th March, 1835.

NAMES of Teachers of Common Schools approved of by the Board of Education for the District of Johnstown for the year commencing 7th March, 1834, and ending 6th March, 1835, both days inclusive:

No.	Names.	Townships.	No. of Scholars.	No. of Months.	Place of Nativity.	Amount to each tech'r.	Remarks.
1	James Allen.....	Elmsley	25	12	Ireland,	12 12 0	
2	Henry Bull	South Gower..	20	12	U. Canada,	12 12 0	
3	George B. Butcher...	Kitley	24	12	England,	12 12 0	
4	Joseph Baird	Yonge	24	2	Ireland,	12 12 0	
5	William Blackburn ...	Brockville	35	6	Scotland,	6 6 0	
6	John Brennan.....	Kitley	25	12	Ireland.	12 12 0	
7	Oren Blodget...	Oxford.....	20	6	U. Canada,	6 6 0	
8	Jacob Brown.... ...	Elizabethtown,.	26	6	Ireland,	6 6 0	
9	Edward Birks.....	Augusta	26	6	England,	6 6 0	
10	Jehial Collins.....	Augusta	20	6	U. Canada,	6 6 0	
11	James Clapperton	Augusta	24	12	Scotland,	12 12 0	
12	Abner E. Chipman...	North Crosby..	20	6	U. Canada,	6 6 0	
13	Thomas Costen.....	Gananoque	20	6	Ireland,	6 6 0	
14	David Connell	Elizabethtown .	20	6	U. Canada,	6 6 0	
15	Bury Collins.....	Lansdown	21	12	England,	12 12 0	
16	John Dempsey.....	Lansdown	24	6	Ireland,	6 6 0	
17	John Healy.	Yonge	20	12	Ireland,	12 12 0	
18	Neil Dunbar.....	Elmsley.....	36	12	S[illegible]tland,	12 12 0	
19	Æ.H. Davidson.....	Bastard	24	9	[illegible] Canada,	9 9 0	
20	Joseph L. Dowsley...	Yonge	20	12	[illegible]land,	12 12 0	
21	William Dowling.....	Wolford.....	20	12	Ireland,	12 12 0	
22	John Evans	Augusta.....	20	6	England,	6 6 0	
23	William Evatt.....	Yonge	25	6	Ireland,	6 6 0	
24	Samuel D. Fowler....	Elmsley.....	24	12	Scotland,	12 12 0	
25	Edward Fennesy.....	Yonge	25	12	Ireland,	12 12 0	
26	James Ferguson.....	Yonge	20	6	Scotland,	6 6 6	
27	William MaGee Freer	Bastard	25	12	Ireland,	12 12 0	
28	John Gamble	Oxford.....	22	12	Ireland,	12 12 0	
29	Francis Gardiner.....	Kitley	24	6	Ireland,	6 6 0	
30	Jesse Gilbert	Elizabethtown .	30	12	U. Canada,	12 12 0	
31	Thomas Gruff.....	Marlborough ..	24	9	Ireland,	9 9 0	
32	William Park Houston	South Gower..	25	12	Ireland,	12 12 0	
33	William Houston.....	Elmsley.....	24	9	Scotland,	9 9 0	
34	William Hines.....	Brockville	52	9	Ireland,	9 9 9	
35	Andrew Holmes.....	Oxford.....	24	9	England,	9 9 0	
36	Russell F. Hildreth..	Augusta	23	6	U. Canada	6 6 0	

No.	Names.	Townships.	No. of Scholars.	No. of Months.	Place of Nativity.	Amount of each tech'r.	Remarks.
37	Henry L. Hagerman..	South Gower..	22	12	U. Canada,	12 12 0	
38	John B. Jones.....	Elizabethtown .	20	12	Ireland,	12 12 0	
39	Peter Jones	North Gower ..	20	9	B. subject,	9 9 0	
40	William Kingston....	Augusta	20	12	Ireland,	12 12 0	
41	James Knox	Leeds....	20	12	Ireland,	12 12 0	
42	George Landreth.....	Elizabethtown .	20	12	Ireland,	12 12 0	
43	Turner Lillie	Yonge	20	6	U. Canada,	6 6 0	
44	Alexander Miller....	Elmsley	28	12	Scotland,	12 12 0	
45	Benjamin McNagh...	Bastard	30	6	U. Canada,	6 6 0	
46	William Maxwell.....	Kitley	20	6	U. Canada,	6 6 0	
47	John O'Neill	Bastard	24	12	Ireland,	12 12 0	
48	Edmund R. Phillips ..	Montague	26	12	B. Subject,	12 12 0	
49	William Roberts.....	Marlborough ..	42	12	Ireland,	12 12 0	
50	John McDonald.....	Augusta	26	12	Scotland,	12 12 0	
51	Michael Ryan	Lansdown	20	6	Ireland,	6 6 0	
52	Frederick Rowlandson.	Merrickville ...	21	6	England,	6 6 0	
53	Oliver O. Stowell	Elizabethtown .	20	6	B. Subject,	6 6 0	
54	Francis Smith	Brockville	42	6	Ireland,	6 6 0	
55	John Smith	Bastard	20	6	Ireland,	6 6 0	
56	John Strachan.....	Gananoque .. .	50	6	Scotland,	6 6 0	
57	Samuel S. Scovill...	Leeds.....	20	9	U. Canada,	9 9 0	
58	George H. Shipman..	Elizabethtown .	20	6	U. Canada,	6 6 0	
59	William R. Thornhill.	Lansdown	22	12	Ireland,	12 12 0	
60	John Wright.....	Elizabethtown .	20	9	Scotland,	9 9 0	
61	Benjamin Warren	Elizabethtown .	25	12	Ireland,	12 12 0	
62	Walter Whelan	Augusta.....	21	12	Ireland,	12 12 0	
63	Joseph Wood...	Prescott.....	29	12	England,	12 12 0	
64	Walter H. Wells.....	Yonge	20	6	L. Canada,	6 6 0	
65	Henry Washburn.....	Kitley	24	6	U. Canada,	6 6 0	
66	Zedediah Wing, jun'r.	Lansdown	20	9	U. Canada,	9 9 0	
67	John W. Wilson	Oxford	24	12	Ireland,	12 12 0	
68	Philip Wing.....	Yonge	32	6	U. Canada,	6 6 0	
69	Lucas West	Elizabethtown .	20	6	Ireland,	6 6 0	
70	Daniel Wing	Yonge.....	27	12	U. Canada,	12 12 0	
71	William G. White....	Yonge.....	23	12	Canada,	12 12 0	
72	Gersham Wilson.....	Yonge.....	20	12	B. Subject,	12 12 0	
73	J. W. Yates.....	Yonge.....	24	12	U. Canada,	12 12 0	
74	William Pitt, Clerk of Board of Education, Dist. of Johnstown salary,					10 0 0	
	Paid Treasurer per centage.....					22 10 0	
	Paid postage, agency, &c. &c.....					2 9 0	
						750 0 9	

A true copy. [Signed] JONAS JONES, *Chairman*.

FIRST REPORT

OF THE

BOARD OF EDUCATION

FOR THE

PRINCE EDWARD DISTRICT—1835.

Copy.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

The Board of Education for said District respectlly Report:

That in consequence of the recent organization of said District into a separate jurisdiction, the situation and standing of the common schools in said District could not conveniently be ascertained and regulated in time to report thereon in 1834,

The Board now finds there are forty common schools in said District, the Teachers of which are mostly men of good moral habits and of good English education, the Board are using their endeavors to get employed in said schools altogether such Teachers as are designed by law.

That about one thousand scholars are taught in said schools, Spelling, Reading, Writing, English Grammar, Arithmetic, Geography, History, &c.

The Board are gratified in being able to report that they are assured the rising generation are receiving great benefit from the common schools in said District;—which benefits are greatly advanced by the benevolence of the Government, in aiding said schools by a yearly allowance of money, which now seems to give encouragement for Teachers of respectability and education to offer themselves to fill such situations.

The Board feeling anxious for the prosperity of the pupils, and the promotion of good schools, recommend the continuation of the liberal support above mentioned; without which the said schools would inevitably decrease in the benefits and advantages now derived therefrom.

By order of the Board,

SIMEON WASHBURN,
Chairman.

HALLOWELL, 14th July, 1835.

A true copy.

REPORT

OF

COMMON SCHOOLS

ESTABLISHED IN THE

DISTRICT OF NIAGARA,

For the half year ending May thirty-first, eighteen hundred and thirty-five.

TOWNSHIPS.	TEACHERS NAMES.	Period of Time.	No. of Months.	No. of Scholars.	Distribution.	Remarks.
Niagara, (St. David's).	Dennis B. Hanlon....	1st Dec. '34 to June 1st, '35	6	44	5 12 6	
Niagara.....	John Oakley.....	do do	6	26	5 12 6	
Thorold.....	David P. Brown.....	do do	6	40	5 12 6	
do	John Kirk	do do	6	23	5 12 6	
Stamford..... ...	James Ramsay	do do	6	30	5 12 6	
do	Truman Whiston.....	do do	6	39	5 12 6	
do	James Spencer... ...	do do	6	44	5 12 6	
Bertie.....	Walter E. Murray....	do do	6	35	5 12 6	
Pelham	Jos. A. Wilford.....	do do	6	44	5 12 6	
do	Alexander McGlashan.	do do	6	40	5 12 6	
do	Charles Girven.....	do do	6	23	5 12 6	
Moulton.....	John Armour	do do	6	37	5 12 6	
Grimsby.....	Amos S. Kinsley....	do do	6	25	5 12 6	
do	Henry Smith...	do do	6	29	5 12 6	
Niagara, (Queenston).	Robert Beattie.....	do do	6	34	5 12 6	
Niagara.....	L. C. Kearney.....	do do	6	21	5 12 6	
do	James O'Connor.....	do do	6	22	5 12 6	
do	David Anderson.....	do do	6	22	5 12 6	
do	Cormick H. Benson..	do do	6	30	5 12 6	
Thorold.....	David Black.....	do do	6	30	5 12 6	
Pelham.....	Thomas Ray.....	do do	6	45	5 12 6	
Louth.....	Thomas Foley.....	do do	6	40	5 12 6	
Grimsby.....	Isaac B. Howard.....	do do	6	23	5 12 6	
Grantham.....	John Campbell.....	do do	6	26	5 12 6	
Niagara.....	David Thompson.....	do do	6	66	5 12 6	
Clinton.....	Egbert B. Dunning...	do do	6	34	5 12 6	

TOWNSHIPS.	TEACHERS NAMES.	Period of time.	No. of Months.	No. of Scholars.	Distribution.	Remarks.
Niagara	Matthew Warner	1st Dec. '34 to June 1st 35.	6	33	5 12 6	
Clinton	John Brown	1st June '34 to do	12	21	13 2 6	
Gainsborough	F. C. Ellis	Dec. 1st do	6	25	5 12 6	
Niagara	Peter H. Swartz	do to do	6	32	5 12 6	
Louth	Robert D. Seneaton	do to do	6	34	5 12 6	
Canboro'	Allen W. Williams	do to do	6	26	5 12 6	
Gainsborough	M. W. Secber	do to do	6	33	5 12 6	
Rainham	James W. Perkins	1st June '34 to do	12	30	16 5 0	
Clinton	Columbus Gilded	1st Dec. to do	6	32	5 12 6	
Willoughby	John Smith	do do	6	25	5 12 6	
Stamford	Henry Webster	do do	6	24	5 12 6	
					237 10 0	
		To Treasurer's commission			7 10 0	
		Secretary Do			5 0 0	
					£250 0 0	

(Signed) ROBERT McGILL,
ROBERT HAMILTON,
THOMAS CREEN,
Secretary.

The Hon.
G. H. MARKLAND,
Inspector General. U. C.
A true copy.

COPY.

SECOND REPORT
OF THE
COMMON SCHOOLS
ESTABLISHED IN THE
DISTRICT OF NIAGARA—FOR 1835.

TOWNSHIPS.	TEACHER'S NAMES.	PERIOD OF TIME—1835.	No. of Months.	No. of Scholars.	Distribution.
Niagara	David Thompson	1st June to 1st December	6	45	12 0 0
Moulton	John Armour	do to do	6	28	12 0 0
Niagara	Henry St. Leger	do to do	8	22	13 10 0
Pelham	Freeman Elridge	do to do	6	20	12 0 0
Clinton	Wm. H. Hutchinson	do to do	6	26	9 0 0
Niagara	David Anderson	1st March to do	9	35	14 6 3
Stamford	James Spencer	1st June to do	6	43	12 0 0
Clinton	Egbert B. Dunning	do to do	6	25	12 0 0
do.	Jacob Shelly	1st March to do	9	24	13 10 0
Willoughby	James P. Foster	1st June to do	6	27	9 0 0
Thorold	Alex'r Charteris	do to do	6	29	9 0 0
Caistor	Rob't B. Campbell	do '34 to do	12	34	17 12 6
Grimsby	Isaac B. Howard	1st June '35 to do	6	27	12 0 0
Louth	John Myers	1st Sept'r to do	3	40	4 10 0
Clinton	Eben'r Canier	1st June to do	6	20	12 0 0
Thorold	Edward Cohoe	do to do	6	30	9 0 0
Crowland	Bethel S. Fan	do to do	6	29	9 0 0
Pelham	Alex'r Gainer	1st Sept'r to do	3	28	6 0 0
Clinton	Philip Wisner	1st June to do	6	22	9 0 0
Grantham	Harvey L. Wilkins	do to do	6	25	9 0 0
do.	Benj'n Hodgkinson	do to do	6	36	9 0 0
do.	Rob't Beattie	do to do	6	45	12 0 0

Townships.	Teacher's Names.	Period of Time—1835.	No. of Months.	No. of Scholars.	Distribution.
Grimsby	Amos S. Kinsley	1st June to 1st December.	6	29	12 0 0
Thorold	Robert Heron	1st Dec'r '34 to do	12	31	17 12 6
Rainham	Amasa Killog	1st June to do	6	23	12 0 0
Grantham	William Kane	do to do	6	20	12 0 0
Niagara	John Oakley	do to 1st September	3	23	6 0 0
Gainsboro'	F. C. Ellis	do to 1st December	6	31	12 0 0
Stamford	James Ramsay	do to do	6	36	12 0 0
Bertie	Walter E. Murray	do to do	6	24	12 0 0
Gainsboro'	Wm. Howard	do to do	6	23	9 0 0
Clinton	Edward Meadowcroft	do to do	6	44	9 0 0
Niagara	P. Herbert	do to do	6	25	9 0 0
do.	George S. Ramsay	1st January to do	11	20	15 3 9
Pelham	Thomas Rae	1st June to do	6	26	12 0 0
Walpole	Seth E. Ryerson	1st Dec. '34 to do	6	20	9 0 0
Niagara	Dennis B. Hanlon	1st June to do	6	36	12 0 0
do.	Cormick M. Benson	do to do	6	22	12 0 0
Clinton	John Brown	do to do	6	22	12 0 0
Bertie	Tho's Fitzgerald	do to do	6	31	9 0 0
Crowland	William Lutton	do to do	6	32	9 0 0
Stamford	William Leahy	do to do	6	57	9 0 0
Louth	Thomas Foley	do to do	6	35	9 0 0
				£	480 0 0
		Treasurer, 3 per cent			15 0 0
		Secretary			5 0 0
		Amount of Grant for 1835		£	500 0 0

REMARKS.

The above Teachers were publicly examined by the Board of Education in the different branches taught in their respective schools, particularly in Orhography, English Grammar, Writing and Arithmetic, and a strict regard was had to the qualifications necessary for the proper instruction, and management of a respectable school. It was painfully manifest that a higher standard of qualifications in the Masters generally of our common schools is called for and a more liberal public provision for their support required.

The amount provided by law for the support of common schools was apportioned to approved Teachers in July. The annual grant in Jannary of this year, with due regard to the period within the year for which a proportion could be claimed. The number of schools and consequently of Pupils has considerably increased.

(Signed) ROBERT McGILL,
ROBERT DICKSON,
ROBERT HAMILTON,
THOMAS CREEN.

The Honorable
G. H. Markland,
Inspector General, U. C.

A true copy:

DISRICT OF BATHURST.

Perth, 16th March, 1836.

Sir,

I herewith send to your office the Annual Return of Assessments, and received and expended by the Treasurer of the Bathurst District up to 31st Dec. 1835.

I have the honor to be, Sir, Your obedient Servant,

J. McKAY, Treasurer, B. D.

J. Joseph Esq. &c. &c. &c.

DISTRICT OF BATHURST, Dr. IN ACCOUNT WITH THE TREASURER Cr

1835	Paid Assessors Beckwith for 1834		7	14	7
	" Dr. Christie Coroner, order of Ses.		3	1	8
	" Gaolers Account,	do.	52	3	3
	" Comr's Lanark Bridge	do.	10	0	0
	" " Fergusson's do	do.	10	0	0
	" " Richmond do	do.	25	9	0
	" Crier & Constable attendance	do.	4	10	7½
March Sessions 1835	" D. Fraser, Esq. late M. P. P.	do.	4	10	2
	" Jas. McLairn, Constable	do.	0	14	9
	" A. Gilmour, do	do.	0	12	0
	" Stovepipes for Gaol,	do.	0	17	2
	" Dr. Reade attending prisoners	do.	1	5	0
	" Clerk of Peace presentments	do.	5	3	10
	" do account	do.	13	4	3
	" Rob't Currie, Land Surveyor	do	5	0	0
	" Com'r bridge Drummond St.	do.	25	0	0
	" Messrs. Waddle & Ferguson	do.	39	18	6
	" Chairman's allowance	do.	5	0	0
	" Clerk of the Peace account	do.	68	11	10
	" J. Greenly rates returned	do.	0	2	10
	" Constables bringing prisoners from Bytown	do.	14	0	6
	" Criers allowance & constables	do.	4	5	7½
June Sessions 1835	" Gaoler's account	do.	44	3	10
	" Dr. Reade attending prisoners	do.	1	5	0
	" Sheriff's account	do.	11	14	6
	" Jno. Dewar, Blacksmith	do	1	8	4
	" J. McIlinguhams for an insane child	do.	7	10	0
	" Chairman's allowance	do.	5	0	0
	" Clerk of the Peace account	do.	9	16	0
	" John Stewa t printing	do.	0	10	0
	" J. Taylor, Esq. for Provincial Justice	do	1	5	0
	" Henry Orr painting C. House	do.	1	14	2
	" G. H. Reade, Esq Coroner	do.	1	8	0
	" Dr. do. attending prisoners	do.	1	5	0
	" Thomas Sproule Coroner	do.	3	6	8
	" Sheriff's account	do.	12	10	0
	" do do	do.	6	0	0
	" do do	do.	6	0	0
September Sessions 1835	" do do	do.	16	5	6
	" J. Young Gaoler account	do.	52	5	0
	" Criers allowance & constables	do	10	11	2
	" Constables attending assizes	do.	13	15	0
	" R. Kellogg, repairing gaol	do.	8	4	9
	" Chairman's allowance	do.	5	0	0
	" J. Voss plastering & white-washing gaol	do.	7	9	6
	" W. Morris, Esq. M. P. P.	do.	58	0	0
	" J. B. Lewis do do	do.	36	0	0
	" J. Taylor do do	do.	58	0	0
	" E. Malloch do do	do.	60	0	0
	" Clerk of the Peace	do.	1	6	0
	" John Kennedy constable	do.	3	15	0
	" John Thompson printer	do.	1	6	10
	" Joshua Davies mason	do.	4	6	3
	" P. McIlroy cooper	do.	0	14	0
	" P. Nevens rates returned	do.	0	2	6
	" John Tremble constable	do.	2	0	0
	" Dr. Reade attending prisoners	do.	1	5	0
	" J. Perkins constable	do,	1	5	0
	" Jno. McIntyre, Esq, coroner	do.	1	19	2
	" Self Wild Lands Returns	do.	5	15	0
	" Treasurer's disbursements	do.	15	6	4
	" Insurance C. House for 1836	do.	12	10	0
December Sessions 1835	" Gaolers account or of Sessions	do.	35	6	0
	" G. H. Reade, Esq. Coroner	do.	1	4	10
	" do Clerk of the Peace	do.	12	18	9
	" Dr. J. Wilson on inquest	do.	1	3	4
	" Rev. Jno. Smith rates return'd	do	0	14	6
	" D. Hogg High Constable	do.	6	19	0
	" Constable attending Sessions	do.	3	10	0
	" Geo. Stone constable	do.	0	15	0
	" Clerk of the Peace	do.	5	19	5
	" Chairman's allowance	do.	5	0	0
	" Jas. Murdock rates returned	do.	1	2	6
	" Mrs. Duncan's insane child	do.	12	10	0
	" John Stewart advertising	do.	0	12	6
	" Wm. Spalding mason	do.	4	8	0
	" 19 Wolf Scalps @ 20s.	do.	19	0	0
			£904	8	11

1835 Jan'y 1.	Balance in the Treasurer's hands	8	19	2¾
	Rec'd from the Collector Bathurst	119	11	6
	" " Drummond	154	12	4¾
	" " Beckwith	108	0	5
	" " Darling	8	2	1¼
	" " Dalhousie	65	4	3
	" " Goulburn	98	0	0
	" " Huntley	61	9	9¾
	" " Lanark	104	8	7¼
	" " March	40	17	5¾
	" " Nepean	75	0	0
	" " Pakenham	19	0	0
	" " Ramsay	107	13	2
	" " McNab	30	9	3
	" " Sherbroke S	6	8	7
	" " Sherbroke N	13	12	0
	" " Horton	17	13	11¼
	" from the Sheriff W. L. Sales	5	13	8
	" by the Treasurer W. L. money	27	15	1½
	" from D. Hogg Street Surveyor, Perth	6	12	6

Carried over £1079 4 0½

1835.													
					Amount brought up.....£			904	8	11	Am't bro't up...£	1079	4 9 0½
Assessors	Lanark..... £	7	6	2	Dalhousie.....	3	10	4	10	16	6		
	Ramsay.....	7	15	0	Drummond.....	11	5	1	19	0	1		
	McNab.....	2	3	8	Bathurst.....	8	8	9	10	12	5		
	Horton.....	1	7	0	March.....	2	19	5	4	6	5		
	Huntley.....	4	6	7	Beckwith.....	6	9	10½	10	16	5½		
	Darling.....	0	12	0	.....				0	12	0		
	N. Sherbrooke.....	0	19	1	.....				0	19	1		
	Paid Sheriff Powell, order				of Sessions.....				6	5	0		
Town Clerks.	March.....	0	15	0	Drummond.....	0	15	0	1	10	0		
	Huntley.....				N. Sherbrooke....								
	Do. 1834.....	1	10	0	Do. 1834...	1	10	0	3	0	0		
	Darling.....	0	15	0	McNab.....	0	15	0	1	10	0		
	Bathurst.....	0	15	0	Horton.....	0	15	0	1	10	0		
	Goulburn.....	0	15	0	Beckwith.....	0	15	0	1	10	0		
	S. Sherbrooke....				Peckenham								
	Do. 1834....	1	10	0	do. 1834...	1	10	0	3	0	0		
	Lanark.....	0	15	0	Nepean.....	0	15	0	1	10	0		
	Ramsay.....	0	15	0	.....				0	15	0		
Collectors	Lanark.....	5	8	8	March.....	2	0	10	7	9	6		
	Ramsay.....	5	7	7	McNab, 1834.....	1	1	0	6	8	7		
	Darling.....	0	8	5	Huntly.....	3	1	6	3	9	11		
	McNab.....	2	9	3	Drummond.....	7	16	3	10	5	6		
	Dalhousie.....	3	5	2	Horton.....	1	8	3½	4	13	5½		
	S. Sherbrooke.....	0	6	6½	N. Sherbrooke....	0	14	0	1	0	6½		
	Bathurst.....	7	3	5½	Beckwith.....	5	8	0	12	11	5½		
	Paid Sheriff serving Notices—order Session.....								2	11	0		
	" Sheriff Quarterly allowance, Dec'r do.								12	10	0		
	" C. H. Sache, District Clerk, do.								1	0	0		
	" A. Hacket, Judge's order, do.								2	0	0		
	" Patrick Kennedy, constable, do.								0	5	0		
	" 4 per cent to Treasurer on £1046 6s. 10d.....								41	17	0¾	Dec.31—Balance against the District..	8 19 10¼
						£		1088	3	10¾		£ 1088	3 10¾

Dr. *District of Bathurst in account with the Treasurer.* Cr.

STATEMENT OF MONIES RECEIVED FOR WILD LANDS TO BE EXPENDED ON ROADS.

1835	£	s.	d.	1835	£	s.	d.
Dec. 31.—Balance in the Treasurer's hands.....	36	15	6¾	Jan'y 1.—Balance in the Treasurer's hands.....	19	12	10½
				Dec 31.—Sums received by the Treasurer	17	2	8¼
	36	15	6¾		36	15	6¾

J. McKAY,
Treasurer, Bathurst District.

Examined and Audited agreeable to order of Sessions and Vouchers and found correct.

Sworn before me this 15th day of March, 1836.

JOHN McINTYRE, J. P.

Dr. EASTERN DISTRICT IN ACCOUNT CURRENT WITH ALEX. McLEAN, TREASURER. Cr.

1835								
Jan'y 29.—	To amount brought from last settlement			25	19	2½		
30.—	To cash paid	G. C. Wood, Esq.	insurance on gaol	18	15	0		
	do.	J. Craig,	his order of Sessions	1	10	0		
	do.	Jas. Gillie,	do do	8	2	0		
	do.	P. P. Empy,	do do	2	4	6		
	do.	H. Pitts,	do do	6	3	2		
	do.	J. Craig,	do do	2	10	0		
							65	3 10½
March 10.—	do.	Alex. M'Kinnon, collector of Lochiel, his fees for 1833		9	1	8		
	do.	Town clerk of Lochiel, his fees		0	15	0		
	do.	A. M'Kinnon & C. Chisholm, assessors for Lochiel, their fees for '32		13	2	1½		
							22	18 9½
	do.	do & do do for 1833		12	17	1½		
	do.	Colin Chisholm, collector of Lochiel, his fees for 1832		9	4	6½		
	do.	Town clerk, Lancaster, for 1834		0	15	9		
	do.	J. Piller, for killing a Wolf		1	0	0		
							23	16 8
	do.	J. P. Empey, one of the assessors of Williamsburgh, his fees for '33		8	7	4½		
	do.	David Fetterly, his order of Sessions		1	5	0		
	do.	D. M'Swain, for killing a Wolf		1	0	0		
	do.	D. Fetterly, his order of Sessions		3	3	0		
	do.	A. Bedstead, for killing a Wolf		1	0	0		
							14	15 4½
	do.	M. Swartzfayer, do		1	0	0		
	do.	G. Anderson, Esq. his order of sess'ns		25	0	0		
	do	A. French, returning officer for Williamsburgh, his order of Sessions		21	0	0		
	do	Wm. Barton, for killing a Wolf		1	0	0		
	do	P. VanKoughnet, his order of sessions		26	17	6		
							74	17 6
	do	A. D. Summers & M. Cook, assessors for Winchester, their fees for 1834		1	11	8½		
	do	P. M'Dougall, his order of Sessions		18	0	0		
	do	Town clerk of Winchester, his fees for 1831		0	15	0		
	do	James Pringle, returning officer for Stormont, on account of his order of Sessions		8	0	0		
	do	H. Meddich, for killing a Wolf		1	0	0		
							29	6 8½

1835								
Feb'y. 14.—	By cash from	Alex. McDugall	collector of Lancaster on ac't of rates for 1834	100	0	0		
March 10.—	By cash from	do	do	61	0	9		
	By cash from	C. Chisholm	collector of Lochiel on account of rates for 1832	32	0	6½		
	By cash received from	Alex. McKinnon	collector of Lochiel for 1833	55	18	1		
	By cash from	Alex. McKinnon	collector of Lochiel for 1834	26	19	8½		
							275	18 3½
	By cash from	W. McDonell	collector of Charlottenburgh for 1833	105	2	1½		
	By cash from	do do	on ac't of rates for do do for 1834	163	2	4		
	By cash from	J. Cameron	collector of rates for Kenyon for 1833	66	11	1½		
							334	15 6½
13.—	By cash from	Gilbert Morgan	collector of Osnabruck for 1834	40	0	0½		
April 18.—	By cash from	do do	do for do	96	7	6½		
	By cash from	J. J. Merkly	collector of Williamsburgh on ac't of rates for 1834	111	0	1		
	By cash from	A. D. Summers	collector of Winchester on ac't of rates for 1834	16	18	9½		
							264	6 5½
	By cash from	Jacob Brouse	collector of Matilda on ac't of rates for 1834	83	0	1½		
	By cash from	John White	collector of Mountain in full for 1834	66	13	4		
							149	13 5½
	By cash from	A. McDugall	collector of rates for Lancaster for 1834	28	0	0		
	By cash from	A. D. Summers	collector of Winchester for 1834	2	15	0½		
	By cash from	Philip Shaver	collector of Matilda on ac't of rates for 1833	57	14	3½		
							88	9 3½
	By cash from	Wm. McDonell	collector of Charlottenburgh on ac't of rates for 1834	156	17	10½		
	By cash from	Duncan McMillan	collector of Finch in full for 1834	19	15	0½		
	By cash received on unoccupied lands in the District since last session			62	2	11½		
							238	15 10½

March 28.—To Cash paid John White, collector of Mountain his fees for 1834			3	6	8		
do.	Town Clerk of Mountain 1834		0	15	0		
do.	Jas. Curry, one of the Assessors for Lancaster, his fees for 1834		7	6	5		
do.	Fred'k Paupst for killing 2 Wolves.		2	0	0		
do.	J. Barkley for killing a Wolf		1	0	0		
do.	A. Bedstead do do		1	0	0		
do.	A. Wylie his orders of Sessions		3	15	0		
do.	do do do.		4	2	6		
do.	Robert Grant, one of the Assessors of Osnabruck, his fees for 1834		8	14	2½		
do.	James McDonell, Esq. his orders of Sessions		39	3	11		
do.	Town clerk of Kenyon, his fees for 1834		0	15	0		
do.	N. Eastman, his two orders of Sessions		7	2	6		
						79	1 2½
do.	J. White, one of the assessors of Mountain, his fees for 1834		4	12	4		
do.	A. McLean, Clerk of the Peace, his order of Sessions		44	9	4		
do.	D. Daily, his order of Sessions		1	0	0		
do.	John McLennan, one of the assessors for Lancaster, his fees for 1834		7	6	5¾		
do.	Geo. S. Jarvis, Esq. returning officer for Cornwall, his order of Sessions		3	5	0		
do.	John Hunter, his do do		3	2	4		
						63	15 5¾
do.	do his do do		0	13	9		
do.	P. P. Empey, his do do		8	10	0		
do.	J. McDonell, gaoler, do do		16	17	1		
do.	W. McDonell, collector Charlottenburgh, do do		10	17	2½		
do.	J. McKenzie, one of the assessors for Charlottenburgh, his fees for 1833		14	9	6½		
						46	17 7
do.	Wm. McDonell, one of the assessors for Charlottenburgh, his fees for 1833		14	9	6½		
do.	Wm. McDonell, collector for Charlottenburgh, his fees for 1833		20	0	1½		
						34	9 8
	Carried forward, £					455	2 10¾

Carried forward .... £	1351	18	0¼	

	Brought forward.....£				455	2 10¾
March 28.—To Cash paid	Town clerk, Charlottenburgh, his fees for 1833		0	15 0		
do.	A. Campbell, his order of Sessions		1	10 0		
do.	James Grant, do do		12	10 0		
do.	A. Campbell, do do		1	1[illegible] 0		
do.	Alex'r Grant, do do		2	5 0		
do.	D. McDonell, do do		5	0 0		
do.	D. Grant, do do		2	13 2½		
do.	D. McArthur, do do		0	16 3		
					26	19 5½
April 6.——do.	G. C. Wood, Esquire, agent for the Bank of U. C. on account of principal and interest of debt due said bank		375	0 0		
7.——do.	J. W. Empey, his fees as assessor of Osnabruck for 1833		8	2 7		
do.	R. Fetterly, for killing a Wolf		1	0 0		
do.	J. Waldroff, one of the assessors of Osnabruck, his fees for 1833		8	2 7		
					392	5 2
do.	J. Bockus his order of Sessions		1	0 0		
do.	John Waldroff do do		8	11 9		
do.	Thos. Bowers do do		5	10 0		
do.	do do do		2	0 0		
do.	J. Grant do do		1	0 0		
do.	J. C. West for killing a wolf		1	0 0		
					19	1 9
do.	P. P. Shaver for killing a wolf.		1	0 0		
10.——do.	Town Clerk, Osnabruck 1834		0	15 0		
do.	John Waldroff one of the assessors of Osnabruck his fees for 1834		8	14 2¼		
do.	George Grant & H. Shaver their orders of Sessions		10	0 0		
do.	John McDonell Gaoler per order		5	0 0		
do.	Alex. Grant his order of Sessions		1	0 0		
do.	in favor of late Treasurer		21	5 6½		
do.	Town clerk of Matilda, for 1834		0	15 0		
					48	9 6¾
23.——do.	John McDonell, gaoler, on account of order		53	2 11		
do.	Alex. Grant, his order of Session		1	5 0		
do.	John Pitts, his do		2	8 9		
do.	Wyman & Carter, for printing District accounts		10	0 0		
do.	John White, his order of Sessions		0	10 0		
					67	6 8
	Carried forward.....£				1009	5 8

Brought forward.....£				1351 18 0¼
Carried forward..... £				1351 18 0¼

April 23.—To one set land accounts furnished Gazette		5	0	0	
To one do do Observer		5	0	0	
27.—To cash paid John McLennan, assessor for Lancaster, his fees for 1834		14	11	10¾	
					24 11 10¾
do. John McDonell, gaoler, his order of Sessions		11	1	5	
do. A. McDonell, for killing a Wolf		1	0	0	
do. J. McGillis, his order of Sessions		2	10	0	
do. C.C. Furren & W. Campbell, do do		40	0	0	
					54 11 5
do. J. McDonell, gaoler, do do		41	3	7½	
do. John Kelly, do do		1	0	0	
To Treasurer's per centage		69	0	6½	
To balance in Treasurer's hands this day		152	5	10¾	
					263 10 0½
				£	1351 19 0¼

Approved in open Sessions, this 30th April, 1835.

(Signed) ANGUS McDONELL, *Chairman.*

April 30.—To cash paid D. Æ. McDonell, his wages as M. P.		61	0	0	
do. Wm. Bruce, his wages as M. P.		61	0	0	
May 4.——do. Peter Baven his order of Sessions		1	0	0	
do. H. Spencer his do do		2	10	0	
do. do. do. his do do		1	5	0	
do. Aaron Dunn his do do		1	0	0	
do. W. Dusler, his do do		7	0	0	
do. J. W. Loucks his do do		25	0	0	
					98 15 0
do. Peter Weaver for killing a wolf		1	0	0	
do. do do for do do		1	0	0	
do. A. Dunn his order of Sessions		5	0	6	
June 2.——do. P. Van Koughnett his do do		16	8	3½	
do. W. Hutchins his do do		0	15	0	
do. P. VanKonghnett his do do		0	17	0	
do. A. Dunn his do do		2	10	0	
do. F. S. Brown his do do		2	0	0	
do. P. VanKoughnett Esq do do		9	16	6	
					39 7 3½
do. B. Whittaker assessor for Williamsburgh his fees for 1834		7	17	0	
Carried forward..... £					138 2 3½

April 30.—By amount in Treasurer's hands		152	5	10½	
May 29.—By Cash from Alexander McDugall, collector of Lancaster for 1834		3	2	6	
do. Chesley Morgan, collector of Cornwall and Roxborough, on account of rates for 1833		7	9	4½	
do. John McDonald, collector of Cornwall and Roxborough, on acc't of rates for 1832		14	5	0	
do. J. W. Loucks, collector of Williamsburgh for 1833		30	0	4¼	
do. J. W. Loucks, collector of Williamsburgh for 1833		45	9	11¼	
do. J. Brouse, collector of Matilda		22	15	0	
do. J. Merkley, collector of Williamsburgh for 1834		91	5	5	
do. G. Morgan, collector of Osnabruck for 1834		22	0	6	
do. do. do. on account of J. Waldroff, collector of do. for 1833		8	5	0	
					396 19 0
Carried forward..... £					396 19 0
				£	1351 19 0¼

1835			£			
		Brought forward.....		138	2	3½
June	2.—To cash paid	W. Casselman his order of Sessions	2 12 6			
	do.	H. A. Curtis for killing two wolves	2 0 0			
	do.	H. Baxter for killing one do	1 0 0			
	do.	A. Dunn his order of Sessions....	1 0 0			
	do.	Alex. Grant do do	1 15 0			
	do.	W. Head do do	0 2 6			
	do.	J. W. Loucks do do	4 15 7			
	do.	Town Clerk Finch his fees for 1834	0 15 0			
	do.	A. Dunn his order of Session....	0 15 0			
	do.	W. Hutchins do do	0 15 0			
	do.	D. McGillis do do	0 10 0			
	do.	D. McMillan for killing a wolf. ...	1 0 0			
	do.	Peter Stuart his order of Session.	0 15 0			
	do.	D. McMillan do do	0 10 0			
	do.	John Kelly do do	0 15 0			
	do.	P. P. Empy do do	4 0 0			
	do.	Wm. Mackenzie assessor for Charlottenburgh his fees for 1834....	14 12 9½			
				45	10	4½
July	1.———do.	*Robert Whitfield his order of Sessions*.....	2 5 0			
	do.	H. Spencer do do	2 3 10			
	do.	D. McMillan assessor for Finch his fees for 1834.....	1 4 11½			
	do.	D. McMillan collector of do his Fees.....	1 15 7¾			
	do.	J. McMillan assessor of Finch his fees for 1834...	1 4 11½			
				8	14	4¾
	do.	Alex. McLeod Town Clerk Charlottenburgh his fees for 1834....	0 15 0			
	do.	Alex. Grant his order of Sessions	2 0 0			
	do.	Dr. Sterling four orders of do	13 11 9			
	do.	W. McDonell assessor for Chalottenburgh his fees for 1834.....	14 12 9½			
	do.	Wm. McDonell collector of do do his fees for 1834.....	20 4 5½			
	do.	Jas. McDonell Esq. his order of Sessions.....	5 0 0			
	do.	Neil McDonell do do	2 0 0			
				58	4	0
"	11———do.	G. C. Wood Esq. Agent for Bank of Upper Canada on account of Principal and Interest due said Bank.....	150 0 0			
		To amount of Treasurer's per centage.....	15 17 4½			
				165	17	4½

1835			£			
		Brought forward.....		396	19	0
May	29.—By cash from	Wm. McDonell, collector of Charlottenburgh for 1834..... ..	84 9 0¾			
June	29.———do.	J. Link, collector of Finch on account of rates for 1833.....	8 16 7			
	do.	D. McMillan, collector of Finch on account of rates for 1834.....	15 18 2¾			
July	11.———do.	A. McDugall, on account of rates for Lancaster for 1834.....	3 10 0			
				112	13	10½
		By amount received on Wild Land in the District since last Session.....	39 7 8			
		By cash received from Bank of Upper Canada on account of second loan for building Gaol and Court house, received 16th May last.....	500 0 0			
				539	7	8

July 11.—	To amount transferred to Goal and Court house funds, being for building the Gaol and Court house, (less the Treasurers per centage £20 0 0			480	0	0			
							500	0	0
	To balance reserved this date for Bank of Upper Canada						71	12	1½
						£	1049	0	6½

By amount bro't down	£	1049	0	6½

Approved in open Court, this 16th July, 1835.

(Signed) DAVID JONES, *Chairman.*

July 18.—	To Cash paid Sheriff McDonell, his order of Sess'n			30	0	0			
do.	do.	do.	his salary to April, 1835	60	0	0			
do.	Order of Session to John Gibson			49	6	3			
do.	A. French, coroner, his three orders			10	7	0			
							149	13	3
do.	John S. Keith, his order of Sessions			1	5	0			
do.	Arch'd Musson, his	do	do	3	4	0			
August 8.——do.	G. C. Wood, Esq. Postage account			1	9	1			
do.	Town Clerk, Finch, his fees for 1833			0	15	0			
do.	P. P. Empy, his order of Sessions			1	17	0			
							8	10	1
do.	Angus McDonell,	do.	do.	13	1	3			
do.	P. P. Empy,	do.	do.	5	0	0			
do.	James Bender,	do.	do.	0	9	0			
do.	Alexander Grant,	do.	do.	1	10	0			
							20	0	3
do.	Peter McDugal,	do.	do.	3	0	6			
do.	John McDonell, gaoler, on account of his order of Session			29	12	3			
	To three sets land accounts to Treasurer			15	0	0			
	To Treasurer's per centage			6	19	9			
							54	12	6
							232	16	1
	To amount brought down			58	1	0¾			

Sept'r 10.—	By Cash from Sheriff McDonell on account of sale of Wild Lands for taxes in 1831			90	0	0			
do.	John Waldroff, collector of Osnabruck, on account of rates per said township for 1833			42	4	2			
do.	Received tax taxes on Wild Land since last Session			42	10	10½			
	By balance due the Treasury this day			58	1	0¾			
							232	16	1
							232	16	2

Approved in open Sessions, this 14th day of October, 1835.

(Signed) DAVID JONES, *Chairman.*

I do solemnly swear that the foregoing is a just and true copy of the accounts of the Eastern District for the period therein contained, to the best of my knowledge and belief.

ALEXANDER McLEAN, *Treasurer, Eastern District.*

Sworn before me, at Cornwall, this 13th day of January, 1836.

JAMES PRINGLE, *J. P.*

TREASURER'S OFFICE,
Brockville, 1st January, 1836.

SIR:

I have the honor to transmit, herewith for the information of His Excellency the Lieutenant Governor, a statement of Treasury accounts for the District of Johnstown—from 16th March, 1835, being the date of the last publication and up to 31st December, 1835, inclusive.

I have the honor to be,
Sir,
Your obedient servant,
A IEL SHERWOOD,
Treasurer District Johnstown.

Lieut. Col. WM. ROWAN,
Private Secretary, &c. &c. &c. Toronto.

STATEMENT *of Treasurer's accounts for the District of Johnstown, from the 16th March, 1835, to 31st December, 1835, inclusive, the 16th March, 1835, being the date of the last publication.*

1835.	TREASURY,	Dr.	1835.	CONTRA,	Cr.
17th March	Paid Christopher Leggo, gaoler, in advance of next May Sessions' salary	25 0 0	16th March	Balance in the hands of the Treasurer this date	49 0 5½
"	Paid constable John Wilson, order of Sessions	2 5 0	21st "	Received from Sam'l Horton, collector, Elizabethtown, 1834	12 10 0
14th April	Paid Doctor E. Hubbell, for the support of Edward Matheson, an Insane man, order of Sessions	10 0 0	20th April	Received from Thomas Barber, do. for Burgess, 1834	10 0 0
20th "	Paid Thomas Barber, collector, Burgess, 3 Wolf scalp certificates	3 0 0	11th May	Received from Arthur McLean, do. for Elizabethtown, 1833	6 5 0
18th May	Paid Roswell Everts, collector, Augusta, 5 Wolf scalp certificates	5 0 0	18th "	Received from Roswell Everts, do. for Augusta, 1834	22 14 0
20th "	Paid constable Albert Hartwell, order of Sessions	0 15 4	23rd "	Received from Samuel Horton, do. for Elizabethtown, 1834	30 0 0
22d "	Paid Dr. E. Hubble, for the support of E. Mathewson an insane man,	6 4 2	1st June	Received from Alex'r M'Crea, do for Wolford, 1834	21 18 3½
"	Paid C. Leggo, gaoler, in full of balance due on his order of Sessions, £25 having been previously paid.	52 18 3	"	Do. from do. for do. a seed horse,	1 0 6½
"	Paid Sheriff, order of Sessions for summoning Juries, making schedules and attending court	10 0 0	10th "	Received from Barnabas M'Cargar, collector for South Gower, 1834	5 0
"	Paid returning officer for county of Leeds, 1835, for charges, &c. order of Sessions	6 10 0	26th "	Received from John Purvis, do. for Yonge, 1834	11 18 10½
25th "	Paid Jas. Jessup, clerk of the peace in part payment of ditto for May sessions	20 0 0	27th "	Received from Hiram Norton, Esq Duncan Robinson's fine for assault and battery	1 17 6
1st June	Paid Walter McCrea, assessor, Wolford, 1834	1 17 2	4th July	Received from Roswell Everts, collector for Augusta, 1834	4 5 0
3rd "	Paid James Jessup, clerk of the peace, in part payment of order of sessions, (May sessions)	20 0 0	8th "	Received from George Spencer, do for Edwardsburgh, 1834	42 1 7½
5th "	Paid coroner, Robert Edmondson, order of sessions	1 16 9	27th "	Rec'd from Barnabas M'Cargar, do. for South Gower, 1834	18 0 10
"	Paid William Buell, Esq. for printing, &c. &c. order of sessions	12 5 0	30th "	Received from Roswell Everts, do. for Augusta, 1834	6 18 0
"	Paid do. do. do. do.	3 8 4	11th Aug't	Received the amount on the proportion of Absentees lands for District purposes	87 7 6¼
20th "	Paid Dr. E. Hubbell, for support of Edward Matheson an insane man,	2 0 0	21st "	Received from Samuel Horton, collector, Elizabethtown, 1834	75 0 0
"	Paid Dr. E. Hubbell, for do. do.	2 0 0	16th Sept'r	Received from John Pierce, do. for Marlborough, 1834	6 9 7½
26th "	Paid J. Purvis, assessor, Yonge, 1834	5 1 9½	4th Nov'r	Received from Philemon Pennock, do. for Augusta, 1835	70 0 0
27th "	Paid Wm. Martin, path master, Wm. Robertson's fine for assault and battery	1 17 6	16th "	Received from do. do. do. 1835.	31 5 0
7th July	Paid Dan'l McLeod, order of sessions	0 10 6	19th "	Received from Wm. Manhard do. for North Crosby, 1834	8 1 9
8th "	Paid George Spencer, a collector, one Wolf scalp certificate	1 0 0	28th "	Received from Daniel Philips, do. for Yonge, 1835	62 10 0
"	Paid Geo. Spencer, do. 2 do.	2 0 0	3rd Dec'r	Received from John Craig, do. for Oxford, 1835	52 4 6
"	Paid Henry Bolton, assessor, Edwardsburgh, 1834	3 11 6	5th "	Received from Samuel Horton, do. for Elizabethtown, 1835	31 15 0
"	Paid David Snider, do. do. 1834	3 11 6	12th "	Received from Philemon Pennock, do. for Augusta, 1835	59 0 0
"	Paid A. C. Montgomery, town clerk Edwardsburgh, 1834	1 0 0	23rd "	Received frow John Leggett, do. for South Crosby, 1834	5 0 4
			23rd "	Received from John Leggett, do. for do. 1835	21 0 4
	Carried forward.....£	203 12 9½		*Carried forward*.....£	751 4 2½

1835	Treasury,	Dr. £	s	d
	Brought forward. ....£	203	12	9½
9th June	—Paid Jas. Jessup clerk of the peace, being balance in full of salary, May sessions, 1835.	26	2	3
13th "	Paid Dr. E. Hubbell, for support of Edward Matheson an insane man	6	0	0
27th "	do. R. Christie and Nicholas J. Shaver, assessors, South Gower, 1834, ...	2	2	4
"	do. William Beach, town clerk, South Gower, 1834, ...	1	0	0
7th Aug't	—do. John H. Smith, constable, order of sessions, ...	0	7	6
"	do. constable Albert Hartwell, do.	0	17	6
"	do. constable Jn. H. Smith, do.	0	10	0
11th "	do. Treasurer's per centage on £194 9s 8d.....	7	15	7
"	do. do. do. on £87 7s 6½d	3	9	10
"	do. do. do. on 54 12s 2½d	2	3	8
13th "	do. Dr. E. Hubell, for attendance on Edward Matheson an insane man, order of sessions, ...	5	0	0
14th "	do. Jas. Jessup, clerk of the peace in part of salary for August sessions, 1835, ...	15	0	0
18th "	do. C. Leggo, gaoler, order of sessions, being salary for August ditto.	55	12	2½
"	do. Sheriff, order of sessions, for allowance August ditto	10	0	0
20th "	do. constable John H. Smith ditto for 3 days attendance at court..	0	7	6
"	do. do. do. for do ..	0	12	0
21st "	do. Mary Ann Stafford, balance due for keeping Edward Matheson an insane man, ...	3	7	6
"	do. William Horton, town clerk, Elizabethtown, 1834, ...	1	0	0
"	do. Samuel Horton, collector, 4 Wolf scalps certificates, ...	4	0	0
"	do. Deputy Sheriff James Beattie Powell, order of sessions, ...	4	8	2
"	do. do. do. do.	1	2	6
"	do. Jas. Jessup, clerk of the peace, balance in full of order of sessions for August sessions, 1835, ...	26	7	10½
22nd "	do. Eli Chamberlin, surveyor of roads, order of sessions, ...	5	19	9
"	do. Geo. Lewis, for building hustings Leeds election, ...	5	0	0
"	do. Francis Hacket, for repairing school house, order of sessions..	3	17	10
26th "	do. constable John M'Collough, order of sessions, ...	6	11	0
10th Sept'r	—do. Geo. L. Burritt and Cormick Conner, assessors, Marlborough 1834, ...	1	10	7
"	do. John Pierce, assessor, Marlborough 1833, ...	0	13	8
"	do. George L. Burritt, town clerk ditto 1834, ...	1	0	0
26th Oct'r	—do. Francis Thomas, town clerk, Yonge, 1834.	1	0	0
4th Nov'r	—do. Philemon Pennock, collector, one Wolf scalp certificate, ...	1	0	0
6th "	do. Doc'r E. Hubbell, order of sessions for attending sick prisoners,...	6	5	0
"	do. do. for do.	6	5	0
"	do. Jas. Jessup, clerk of the peace, for making up the representative tax, ...	27	0	0
"	do. Paul Glassford, for one dozen chairs for the use of the court house, ...	2	2	6
10th "	do. Treasurer's per centage on £151 9s. 7½d.	6	1	2
12th "	do. C. Leggo, gaoler, order of sessions, ...	66	0	9½
	Carried forward.....£	516	6	6

1835	Contra,	Cr. £	s	d
	Brought forward.....£	753	4	2½
24th Dec'r	—Received from George Spencer, collector, for Edwardsburgh, 1835	50	0	0
30th "	do. from Cornelius Callaghan, do. for North Gower, 1835, ...	15	7	5
31st "	do. from Edward Green, do. for Rear Leeds and Lansdowne.	45	5	8½
	Carried forward.....£	863	17	3½

1835	Treasury,	Dr,
	Brought forward.....£	516 6 6
12th Nov'r	—Paid Sheriff, allowance for August assizes for 1835, order of sessions	11 5 0
"	do. Sheriff, order of sessions, being allowance for November sessions, ...	10 0 0
"	do. five constables, ditto for 2 days attendance each at court ditto.	1 5 0
28th "	do. Jas. Jessup, clerk of the peace order of sessions, ...	36 18 0
3rd Dec'r	—do. Stephen Page, collector, Oxford 1834, (being over paid by said collector)	4 12 6
"	do. constable Martin Conner, order of sessions, ...	1 12 0
"	do. Abraham Beach, road surveyor, order of sessions,...	3 0 0
5th "	do. constable Chas. Kilborn, do.	0 17 6
"	do. constable James Bilton, do.	3 0 10
7th "	do. Robert Shepherd, do.	3 0 0
8th "	do. coroner Jas. L Schofield, do.	9 17 0
"	do. do. do. do.	5 5 9
"	do. Alexander Morris, Esq. for insurance of the court house, from 9th December, 1835, to 9th December, 1836, ...	9 0 0
10th "	do. constable, John H. Smith, order of sessions, ...	1 10 0
"	do. coroner, Alexander Grant, ditto, ...	1 7 3
"	do. James Hume, for sundry printing, ditto, ...	12 6 8
"	do. Thomas Freet, for support of Mrs. McGuire an insane woman, ditto, ...	7 5 0
"	do. Martin Dewey, for work at the court house pump, ditto	2 12 2
12th "	do. constable, Andrew Birdsell, ditto, ...	0 17 0
"	do. constable, D. Chatterton, ditto, ...	1 18 0
14th "	do. constable, Jabez Landers, ditto, ...	1 10
"	do. coroner, Alexander Grant, ditto, ...	1 7 9
15th "	do. Skinner and Shepherd, ditto,	2 4 4
"	do. do. do. ditto,	1 2 2
19th "	do. constable, Richard Sheffield, ditto, ...	3 0 6
21st "	do. Deputy Sheriff James Beattie Powell, ditto, ...	7 8 9
22nd "	do. constable, John McCollough, ditto, ...	1 13 2
23rd "	do. Robert and John Leggett, assessors South Crosby, 1834,.....	2 3 0
"	do. Chapman Pennock, town cl'k ditto, 1834, ...	1 0 0
"	do. constable William Singleton, order of sessions, ...	1 0 4
"	do. Dr. E. Hubell, for attendance on criminals, ditto,.....	6 5 0
"	do. do. for bedding and clothing for Ed. Matheson, ditto	5 13 3
26th "	do. Thos. Freel for the support of Mrs. Margaret Maguire, ditto ...	10 16 0
"	do. David Mair, for work on public drain, ditto, ...	7 2 4½
30th "	do. Richard Martin & Silas Eastman, assessors, N. Gower, 1835	0 18 6
"	do. Benjamin Eastman, town clerk, North Gower, 1835.....	1 0 0
31st "	do. Commissioners Ches'r Gurney and R'd Johnson, order of ses'ns	26 7 1
"	do. Ed. Green & Hiel Slater, assessors, Rear Leeds and Landsdowne, 1835, ...	3 1 0
"	do. Rob't Garry Sawn, clerk, do do	1 0 0
"	do. Treasurer's per centage on £381 10s. 0½d.	15 5 2½
	£	748 14 6½

1835	Contra,	Cr.
	Brought forward.....£	863 17 3½
	Total-received, ...	863 17 3½
	Sum paid out, ...	748 14 6½
	Balance, ...£	115 2 9

ADIEL SHERWOOD, *Treasurer District of Johnstown.*

SIR:

KINGSTON, 4th JANUARY, 1835.

Enclosed is a Copy of the Account Current of the Midland District delivered the Magistrates in Session on the 28th April, 1835.

I have the honor to be,
Sir, your most obedient servant,
THOMAS MARKLAND,
Treasurer of the M. District.

To Colonel Rowan.

MIDLAND DISTRICT.

DR. Midland District in account current with THOMAS MARKLAND, Esquire, *Treasurer.* CR.

DATE.	TO WHOM PAID.	FOR WHAT.	AM'T.	C'Y.
1834				
April 13	To Mary Buchan	A Lunatic, to 13th March	2	0 0
	do do	do to 13th April	2	0 0
	Allan McPherson, Esq.	Bridge over Nappance river	50	0 0
	Jacob Hover	Repairing Court House Ad. town		18 6
23	Anthony Manahan, Esq.	For Bench Warrant	11	0 4
25	Dr. James Geddes	Physician to Gaol to 25 April	12	10 0
26	John Kirby, Esq	On account of loan M. District	300	0 0
May 7	John McFarlane, Esq.	For Printing	14	14 9
8	George Hunter	For Services	1	12 9
9	Hugh C. Thomison, estate	For Printing	20	17 6
	Capt. Walker, 66th Regt.	Sustenance for E. Flyn, private 66th	4	8 4
14	John Ashley	Sundries furnished Goal	14	14 10
	do	Am't of Provisions furnished for gaol	3	5 6
17	Patrick Fleming	For Glazing	3	6 0
18	Francis Bertrand	Work at Court House	36	5 10
19	Samuel Shaw, Esq.	Coroner	40	5 0
22	William Coverdale	Work at Court House	25	11 2
	Joseph Corbier	For 720lbs Beef for Gaol	6	0 0
26	William Waddington	720lbs beef for Gaol	4	12 6
27	Henry Savery	Water for use of Gaol	8	13 0
29	James Bowie	Crier of the Court	10	0 0
	do	For attending Sessions	5	0 0
	William Wright	For work done	3	5 0
	Alexander Ross	For work done	6	11 3
June 2	Simeon Washburn, Esq	Coroner	6	15 0
	Thomas Mason	For Blacksmith's work	11	2 4
	Mary Buchanan	Lunatic to 13th May	2	0 0
7	Hugh C. Thomson's estate	M. P. 1834	63	0 0
	John Campbell, Esq.	M. P. 1834	56	0 0
	Richard Schobell	Buckets for Gaol	2	1 0
	William Lyall	Jobs for Gaol		8 0
		Carried forward	728	18 7

By amount of balance as per	Account 15th April	1835	97	10	8½
" township Adolphustown	In full	1833	63	10	0
" " Tyandinaga	In full		44	10	0
" " Marmora	In full		18	15	9
" " Pittsburgh	In full		30	19	10
" " Camden & Sheffield	In full	1832	1	18	7
" " Camden & Sheffield	In part	1833	100	3	0
" " Richmond	In full	1832	44	15	2
" " Richmond	In part	1833	60	0	0
" " Portland	In full	1833	34	1	0
" " Thurlow	In full	1833	228	15	10
" " Ernestown	In full	1833	279	13	3
" " Fredericksburgh	In full	1833	115	10	1
" " Loughborough	In full	1833	41	19	1
" " Hungerford	In part	1833	10	0	6½
" " Kingston	In full	1831	9	15	2
" " Kingston	In part	1834	381	10	2½
" " Hillier	In full	1830	21	12	6½
" " Adolphustown	In full	1831	11	17	1
" " Marysburgh	In full	1831	8	2	3½
" " Portland	In part	1832	5	6	0½
" " Amherst Island	In full	1833	3	3	3
" " Pittsburgh	In part	1834	56	0	0
" " Amherst Island	In full	1834	29	16	11
" " Pittsburgh	In full	1832	18	14	4
" " Huntingdon	In full	1834	18	2	1
" " Rawdon	*In full*	*1834*	*29*	*10*	*9*
" " Wolf Island	In part	1833	28	15	8
Sundry Townships from John McLean, Esq., Sheriff sale of Lands	For arrears of Taxes		66	16	7
	Carried forward		1861	5	9

DATE.	TO WHOM PAID.	FOR WHAT.	AM'T C'Y.
1834			
		Bro't forward....£	728 18 7
June 23	To James Samson, Esq.....	M. P. 1834.....	58 9 0
25	Peter Perry, Esq.....	M. P. 1834.....	61 10 0
26	John Ashley.....	One quarter's salary to April 1834..	31 5 0
	Mary Buchanan.....	A lunatic to 13th May.....	2 0 0
	do. do.	do. to 13th June.....	2 0 0
27	Reuben White, Esq.....	M. P. 1834.....	52 0 0
July 9	Dr. James Geddes.....	Physician to gaol to 9th July	12 10 0
14	Mary Buchanan.....	A lunatic to 13th July.....	2 0 0
15	Archibald McGreer.....	For part of lot No. 20, sold by sheriff	1 12 6
	Edward McCory.....	For ringing alarm bell for fire.....	0 12 6
16	John Counter.....	Bread furnished gaol.....	34 7 6
21	Andrew Maine.....	Over charge on town lot.....	0 7 0
Aug't 1	Edward Barrigan.....	For services.....	0 10 0
20	Mary Buchanan.....	A lunatic to 13th August.....	2 0 0
22	John Ashley.....	Salary gaoler to 26th July.....	31 5 0
27	do. do.	For sundries furnished prisoners....	12 13 7
Oct'r 14	Malcolm Ramsay.....	Poll clerk, Frontenac, 1834.....	6 0 0
15	Mary Buchanan.....	A lunatic to 13th September.....	2 0 0
	do. do.	do. to 13th October.....	2 0 0
16	John Lambert.....	Attending election.....	3 0 0
	Richard Gibson.....	do do	3 0 0
21	Dr. Thomas Robinson....	Physician to gaol.....	8 6 8
	William McKay, Esq....	Poll clerk, Addington.....	24 0 10
22	Edward Carscallen.....	Apprehending D. McDonell.....	0 15 0
23	Estate Dr. James Geddes.	Physician to gaol.....	4 3 4
24	Azel Cook.....	Erecting hustings, Kingston.....	2 0 0
38	Simon Macaulay.....	Poll clerk, Town Kingston.....	2 0 0
Nov'r 3	Anthony Marshall, Esq....	Poll clerk, county Hastings.....	20 15 0
	David J. Smith.....	Poll clerk, town Kingston.....	4 10 0
4	Estate H. C. Thomson, Esq.		7 19 2
8	Thomas Ramey	Services court house Aldolphustown	2 0 0
10	Daniel Ansley.....	Over charged for rates.....	0 4 7
	Peter Perry, Esquire.....	Redemp'n money lot 9, 4 con. Camden	4 7 0
12	Mary Buchanan.	A lunatic to 13th November.....	2 0 0
Dec'r 4	Henry Lavery.....	Water for gaol.....	0 3 10
10	John Ashley.....	Salary gaoler to 6th October	31 5 0
15	Mary Buchanan.....	A lunatic to 13th December.....	2 0 0
19	Edward Noble.....	Fuel furnished gaol.....	5 0 0
1835			
Jan'y 3	Court House and Gaol....	For insurance from 3rd Jan. 1834 to 3rd January, 1835.....	18 15 0
7	David Thorpe.....	Coroner, Fredericksburgh.....	10 11 8
10	Sylvester Holden..... .	Beef furnished gaol.....	24 10 8½
18	do. do.	do. do.	7 13 2½
24	Mary Buchanan.....	A lunatic to 13th January.....	2 0 0

		Bro't forward....£	1861 5 9
Township of Thurlow.....	In part..	1834	176 0 0
Township of Ernestown....	In part.....	1834	163 0 0
Wolf Island.....	In part.....	1834	11 12 7½
Township of Loughboro'....	In part.....	1834	25 0 0
Township of Tyandinaga....	In full....	1834	47 19 3
Township of Portland.... ..	In full.	1834	34 17 8
Township of Kingston.....	In part.....	1834	81 0 0
Allan McLean, Esquire,...	For back taxes	....	34 7 6
Amount of Absentee rates	From April, 1834, to April,	1835	149 14 2

			£	s	d
Feb'y 3	A. Gerrow.	Repairing court house Adolphustown	2	5	1¼
9	John McLean, Esquire..	Sheriff attending election Frontenac and other services.....	48	1	8
	John Ashley..... ...	Salary gaoler to January.....	31	5	0
14	Henry Sherry.....	Cess Pool for gaol.....	9	0	0
17	Edward Noble.....	Wood for Court House..... ...	26	1	4¼
18	Mary Buchanan.....	A lunatic to 13th February.....	2	0	0
	Jol n Ashley.....	Sundries furnished for gaol	21	1	10
	do.	Taking prisoners to Adolphustown..	11	4	0
21	Jacob Hover....	Repairing court house do.	0	12	4
25	Dr. Thomas Robinson....	Physician to gaol, 1 quarter, January	12	10	0
March 7	Walter Earls.....	Painting at Court House.....	0	14	0
12	James Nichalls.....	Clk of the Peace, salary to Jan'y 1835	136	7	0
	Mary Buchanan...	A lunatic to 13th March.....	2	0	0
24	George Oliver.....	Work done at the gaol.....	2	5	4
27	Anthony Buisault	Mason work done at the gaol.....	23	2	1
April 21	Edward Noble.....	For 33¼ cords wood furnished gaol..	14	8	7½
14	Josiah Lankins	For floating bridge Ernesttown....	5	0	0
	Mar-hall Bidwell.....	M. P. 1834.....	63	0	0
	Sundry highway surveyors	As per list and account for 1834....	29	15	0
	Sundry ass'ssors.....	do. do. do. ...	158	2	9
	Sundry constables.... ..	do. do. do.	49	1	4
	Sundry town clerks.....	do. do. do.	11	0	0
	Thomas Markland, Esq'r	Stationary and postage...	2	0	0
	Thomas Markland,.....	So much over credited district 1826	74	19	7
	47 Wolf certificates....	. . . . .	47	0	0
	Commission on £2584 17s	a 4 per cent..... ..	103	7	10½
	Amount of balance carried	down.....	463	19	4¼
		£	2584	16	11½

KINGSTON, 28th April, 1835.

	£	s	d
	2584	16	11½
By amount of balance brought down.... £	463	19	4½

THOMAS MARKLAND,
Treasurer.

Hallowell, 4th January, 1836.

Sir:

I have the honor to enclose you my account current with the District of Prince Edward made up to the first of April last—being the period when the District accounts are made up and laid before the Magistrates.

I have the honor to be, Sir,
Your obedient Servant,
DAVID SMITH,
Treasurer Prince Edward District.

To Lieutenant Colonel Rowan,
Secretary to His Excellency the Lieutenant Governor, Toronto.

DISTRICT OF PRINCE EDWARD.

Dr. *District of Prince Edward in account current with David Smith, Treasurer.* Cr.

1834			£	s.	d.	1834		£	s.	d.
April 1	To balance due this day	....	175	19	0	April 1	By cash received of P. Dempsey, collector for Amelia-sburgh, in part	77	18	1
	To paid A. Werden & Jn. Roblin, Esq's, M. P. per order	1	115	0	0		By Asa Werden, cash loaned from him on acc't of district	34	0	0
	" T. Morgan & D'l Hare, assessors for 1833 do.	2	21	2	0		By cash received from Stephen Niles, collector for Hillier for 1833, in part	12	10	0
	" Richard Russell, constable, do	3	2	0	0					
	" Philip Shorts, constable. do	4	1	15	0	4	do. D. Stinson, for a fine on D. M'Crimon, for swearing	0	2	0
	" Thomas Flagler, Hillier, town clerk, do	5	0	15	0		do. S. W. Randall, collector for Sophiasburgh for 1833, in part	10	0	0
	" G. McGuire, town clerk, Marysburgh, do	6	0	15	0					
	" Aaron Bull, constable, do	7	0	10	0	5	do. A. Kerr, do. for Marysburgh, in part ... £20 0 0			
	" D. Hare, road surveyor, do	8	0	11	3	19	do. do. do. do. do. ... 30 0 0			
	" Henry Ashly, for sundries, do	9	1	3	0			60	0	0
10	" Philip Shorts, constable, do	10	1	12	5					
19	" P. V. Elmore, surveying gaol limits, do	11	2	0	0	24	do. Thos. Markland, Esq. Treasurer Midland District, amount of rates and assessments due this District in full	115	13	2
24	" John Watkins, for spikes per his account, do.	12	0	16	3					
June 6	" McLeod and Gill, contractors, do	13	400	0	0	26	do. S. Washburn, Esq. for a fine on W. Armstrong for swearing	0	1	0
July 10	" Henry Ashley, do	14	5	12	6					
	" Henry Ashley, do	15	15	12	6	May 20	do. S. W. Randall, collector for Sophiasburgh for 1833, in part	25	10	6
	" Richard Russel, constable, do	16	0	15	0					
	" Discount on Building Committee's note, renewed for 90 days for £400, do	....	6	2	4	June 6	do. Calvin Pier, do. for Hallowell, in full for 1833	16	3	9
Sept'r 1							do. For 8 lbs. Spikes, *a* 35s. per cwt	0	2	10
6	" J. McFarlane & Co. for Dist't books pr acc't do.	17	4	18	0		By nett proceeds of building committee's note discounted at Commercial Bank, £400, less 90 days interest and agency	392	17	8
8	" McLeod & Gill, contractors, on acc't pr receipt	18	10	0	0					
26	" John Rose, road surveyor, per order	19	2	1	3					
Oct'r 4	" M'Leod & Gill, extras done on gaol & court house do	1	295	15	3	July 19	By cash received of P. Dempsey, collector for Ameliasburgh, in full for 1833	0	4	7
15	" L. Lyons, constable, do	2	1	0	0					
	" William Young, constable, do	3	1	0	0					

	"	F. Mitchell, baker's account of Bread, do.....	4	2 15 10		
25	"	Charles Saylor, road surveyor, do.....	5	2 10 7½		
Nov. 24	"	ditto ditto do.....	6	1 2 6		
27	"	For one Stove and Pipes per Mr. Stevenson, do.	7	3 5 0		
Dec. 2	"	Committee's note in full to Commercial bank, do.	8	400 0 0		
3	"	H. Ashley, gaoler, half year's salary, do.....	9	31 5 0		
4	"	J. W. Martin's account, do.....	10	5 13 3		
	"	John Jones, Blacksmith's account, do.....	11	33 19 6½		
6	"	Sheriff Bullock's election account, do.....	12	24 10 0		
	"	J. M'Leod & endorsed on his note due 1st June	13	4 4 11		
18	"	William Rorke, for a stove, per order.....	14	4 5 0		
	"	John Rose, road surveyor, do.....	15	0 7 6		
1835						
Jan. 7	"	J Dougall&B Dorland, ass'rs for Hillier, '34, do.	16	9 19 1		
10	"	William Rorke for sundries, ...do.	17	7 4 11		
	"	John Roblin, Esq., M. P. for 1834, do.....	18	54 10 0		
	"	Barnard Smith, constable, do.....	19	3 0 0		
14	"	D. B. Stevenson, Esq., for sundries, do.....	20	47 16 7½		
15	"	L. Lyons, constable, do.....	21	1 5 0		
16	"	William Vandusen, constable, do.....	22	0 15 0		
19	"	Henry Ashley, gaoler, do.....	23	1 17 6		
20	"	Richard Bullock, Esq., do.....	24	28 8 0		
22	"	William Young, constable, do.....	25	0 10 0		
Feb. 2	"	John Arthur, constable, do.....	26	1 5 0		
7	"	G. McGuire, town clerk, Marysburgh, do.....	27	3 10 0		
March 6	"	Henry Ashley, gaoler, do.....	28	15 12 6		
	"	Barnard Smith, constable, do.....	29	1 11 11		
10	"	A Dougall & J Young, ass'rs, Hallowell, 1834, do.	30	19 14 2		
11	"	Charles Bockus, Esq., for sundries, do.....	31	5 9 10		
26	"	Joseph Wilson, Printer, do.....	32	5 0 9		
31	"	District Postage account, do.....	33	0 14 3		
	"	J. Richards and A. Kerr, assessors for Marysburgh for 1834, do.....	34	8 1 2		
	"	Philip Shorts, constable, do.....	35	1 2 4		
	"	ditto ditto do.....	36	0 17 0		
	"	ditto ditto do.....	37	1 15 0		
	"	ditto ditto do.....	38	2 7 5		
	"	S. Washburn, Esquire, for sundries, do.....	39	15 1 10⅓		
	To David Smith's Treasurer's commission on £770 17s. 11d. a 4 per cent.....		....	30 16 8		
April 1	To balance on hand.....		....	42 9 11		
			£	1888 10 10		

Aug't 2	do. S. W. Randall, collector for Sophiasburgh for 1833, in part.....	32 5 0	
4	do. A. Kerr, collector for Marysburgh for 1833, do.	13 5 5	
Oct'r 1	do. Charles Boggar, Esq. for fines.....	0 6 0	
4	By amount of three notes discounted at the Bank of Upper Canada, £100 each, nett proceeds.....	295 15 3	
8	By cash received of Stephen Niles, collector for Hillier for 1833, in part.....	10 0 0	
1835			
Jan'y 8	do. Wm. Dougall, Esq. for a fine on P. M'Carty, for assault on D. Youmans.....	0 5 0	
	do. D. Stinson, Esq. for a fine on James Glann for swearing.....	0 1 0	
	do. S. W. Randall, collector for Sophiasburgh, in full for 1833.....	19 18 8	
Feb'y 24	do. D. Stinson, Esq. for a fine for swearing.....	0 6 0	
	Ameliasburgh, J. W. Cryderman, collector;—		
	Amount of Assessment Roll for 1834...£138 6 11		
	Assessor's per centage.....£8 19 6		
	Collector's 5 per cent..... 6 15 6		
	Town Clerk..... 0 15 0		
	Absentees..... 2 17 4		
	19 7 4		
	Marysburgh, Andrew Kerr, collector.	118 19 7	
	By amount of Assessment Roll in full for 1834.....	117 2 4	
	Hallowell, David Orser, collector.		
	By cash received on account of Assessment for 1834,	273 5 0	
	Sophiasburgh, Samuel G. Porter, collector.		
	By cash received on account of Assessment for 1834,	125 0 0	
	Hillier, Thomas Flagler, collector.		
	By cash received on account of Assessment for 1834,	136 11 0	
	do. do. of Thomas Nash, Esq. for fines.....	0 7 0	
		1888 10 10	

Sworn before me, this 29th day of December, 1835, at Hallowell, THOMAS NASH, J. P.

Amount of money borrowed..£1062 6s 1d.

D. SMITH, *Treasurer, District of Prince Edward.*

DISTRICT OF NEWCASTLE.

ACCOUNT of money paid by the Treasurer for the District of Newcastle out of the Assessments of said District from the first day of January to the thirty-first day of December, 1835.

		£	s	d
To balance due from last year.....		3	10	4¾
To amount paid collectors of assessments their poundage.....		90	19	5
do.	collectors in abatement..	57	16	7½
do.	assessors, their poundage	117	19	3
do.	town clerks for services.	29	5	0
do.	surveyors of highways...	52	6	3
do.	constables for services..	106	15	5
do.	coroners for holding inquests.....	71	4	8
do.	for set of weights and measures.....	5	17	2
do.	for wolf scalp certificates	23	0	0
do.	for work, improving and repairing court house..	81	7	5½
do.	Members of Parliament, their wages.....	207	10	0
do.	for distributing assessment rolls.....	6	10	0
do.	for repairing pump in gaol yard.....	3	10	0
do.	for provisions, &c. for prisoners in gaol.....	136	12	9
do.	the gaoler his salary....	97	10	0
do.	for medical aid for indigent persons.....	2	5	6
do.	for printing.....	13	13	4½
do.	for insurance of gaol and court house.....	7	10	0
do.	the clerk of the peace for services.....	58	15	0
do.	one year's interest on district debt.....	150	0	0
do.	medical aid for prisoners in gaol.....	12	10	0
do.	for wood for use of the gaol.....	60	2	7
do.	Attorney's costs, suit against Ops collector...	7	3	1
do.	Sheriff for services performed.....	47	15	4
do.	Returning officers for holding elections.....	49	0	0
do.	H. Ruttan, Esquire, for Bouchette's maps.....	4	15	0
do.	the Treasurer for making up returns of wild land to be sold for taxes....	25	0	0
do.	four per cent on £1655 17s. 5½d.....	66	4	9
	£	1596	9	2¼
Balance due the District.....		59	8	3
	£	1655	17	5¼

AMOUNT of money received by the Treasurer for the District of Newcastle on account of said District from the first day of January to the thirty-first day of December, 1835.

	£	s	d
By amount received from collectors of assessments for 1830.....	28	1	2
By amount received from collectors of assessments for 1833.....	200	16	4½
By amount received from collectors of assessments for 1834.....	953	13	7
By amount received from collectors of assessments for 1835.....	195	5	0
By amount on wild land assessments, exclusive of road tax.....	278	1	4
£	1655	17	5¼

ZACCHEUS BURNHAM,

Treasurer District of Newcastle.

HOME DISTRICT.

DR. *The Home District in account current with F. T. Billings, Esq. Treasurer.* CR.

1834.					1834				
Sept. 9	To paid Clerk of the Peace, amount of his account to 11th July, per order Chairman in General Quarter Sessions.		86	5	5	July 1	By am't in treasurer's hands this day	29	13	10¾
	do. Wm. Higgins, High Constable, quarter's salary, to 30th June.....		12	10	0	1835 Feby 21	By balance of assessment roll for 1832, received of the collector, township of York.....	7	5	10½
30,	do. Charles Barnhart, Gaoler, Quarters Salary, and for a Turnkey		31	5	0	1834 Sept'r 9	Do. do. Township of Mono,..	1	13	6
Oct. 18	do. Wm. Higgins, High Constable, Quarters Salary to 30th September.....		12	10	0	1835 Jan'y 3	By amount received of the collector of Toronto, on account of assessment roll 1833.....	30	0	0
13,	do. Wm. Hepburn, Returning Officer 2nd Riding County of York, amount of election expenses, under the Act of 1833		24	10	0		By balance of assessment roll for 1833, received of the collector, township of Vaughan....	20	13	0
	do. Charles Barnhart, Gaoler, for articles, and bread purchased for Gaol, Quarter ending 31st March, per certificate Clerk of the Peace		34	1	3		By balance of assessment roll 1833, rec'd of the collector of Whitby	62	15	6
20,	do. Charles Barnhart Gaoler, for articles and Bread purchased, and maintenance of the destitute Insane in jail, Quarter ending 30th June		77	7	10		By balance of assessment roll for 1833, received of the collector, township of York.....	107	9	8¼
	do. Mr. G. Duggan, Coroner, amount of his account to 31st July, per certificate Clerk of Peace.....		11	19	9	Feby 14	By balance of assessment roll for 1833, received of the collector, township of Albion.....	17	10	0
	do. Alexander Thompson, amount of his account for flagging in front of the bay, per certificate, Clerk of Peace.....		48	4	6	18	By amount received of the collector, township of Tecumseth, am'nt of assessment roll 1833. 52 16 2½ Absentees & over charges 7 18 7			
Dec. 3	do. Mr. John Sprague, Returning Officer Town of York, election expenses under the Act of 1833.....		24	10	0		44 17 7½			
	do. Mark Dawson, amount of over charge in Assessment Roll, Etobicoke 1832...		0	16	9		Collector 5 pr. ct...2 4 10 Assessors 7 do. ..3 2 10 Town clerk.....0 5 0			
	do. John McMaster, Town Clerk of Mono, for notifying Assessors, 1834.....		0	10	0		5 12 8	39	4	11½
Dec. 22	do. T. McFarlane, Town clerk of Adjala, for notifying assessors, 1834...		0	10	0	23	By balance of assessment roll for 1833, received of the collector of the township of Markham....	139	2	4
1835. Mar. 22	do. F. T. Bunt, Town Clerk of Vaughan, for notifying Assessors, 1834.....		0	10	0	1834 Aug't 6	By amount received of the collector of the township of Pickering, balance of assessment roll for 1833.	4	4	4½
May 1st	do. Mr. Stanton for printing & advertising district account per order Chairman, general Quarter Sessions.....		15	17	8	1835 April 18	By amount received of the collector of Mono, amount of assessment roll 1833..... 21 9 4 Absentees, &c..... 1 19 10½			
Jan. 6.	do. L. Bright Crier of the Court of general Quarter Sessions, 6 months salary....		10	0	0		19 9 5½			
1834. Dec. 31	do. Bank of Upper Canada, six months Interest upon District Loan, £3,000.....		90	0	0		Collec'r 5 pr. ct..0 19 5 Asse's'rs 7 do. ..1 7 3 Town clerk.....0 5 0			
	do. Sundry persons, 8 Constables employed at the Court of Oyer and Terminer from 14th to 29th October, per certificate of the Sheriff....		28	0	0		2 11 8	16	17	9½
	Carried forward..£		509	8	2	1	By amount received of the collector of the Gore of Toronto, am'nt of assessment roll 1833...	15	0	0
							By amount received of the collector of North Gwillimbury, amount of assessment roll 1834.. 20 10 8¾ Absentees, &c..... 0 6 4½			
							20 4 4¼			
							Collec'r 5 pr.ct...1 0 2 Asses'rs 7 do. ..1 8 3¼ Town clerk.....0 5 0			
							2 13 5¼	17	10	11
						Feb. 16	By amount received of the collector township of Georgina, amount of assessment roll 1834.. 19 18 9 Absentees, &c..... 0 11 11			
							19 6 10			
							Collector 5 pr.ct...0 19 4 Assessors 7 do. ..1 7 0 Town clerk.....0 5 0			
							2 11 4	16	15	6
							Carried forward....£	525	17	4

			£	s	d
1834		*Bro't forward* ... £	509	8	2
Dec. 31	Paid to	Five constables employed at the court of general Quarter Sessions from 18th to 20th November, per certificate of the Sheriff... ..	4	10	0
1835					
Feb. 18	do.	Mr. B Thorn, Returning Officer 1st Riding County of York, election expenses under the Act of 1833....	21	10	3
Jan. 13	do.	W. B. Reeve Town Clerk of Toronto Township notifying Assessors.....	0	10	0
Jan. 27	do.	M[illegible]son for services as a Constable per certificate Clerk of Peace.....	0	14	0
Feb. 11	do.	D. McBean, Town Clerk of Thorah, for notifying Assessors, 1834	0	10	0
Feb. 16	do.	Alexander Lawson, Town Clerk of Georgina, notifying Assessors, 1834.....	0	5	0
Feb. 3	do.	Wm. Johnson, Town clerk of Chinguacousy notifying Assessors, 1834.....	0	10	0
Feb. 19	do.	Henry Ewings, Deputy Surveyor for surveying a road in Brock, per certificate Clerk of the Peace.....	10	15	0
	do.	Dr. Perrior, for examining & opening the body of John Runion, per certificate clerk of Peace...	3	15	0
Feb. 18	do.	Wm. Higgins, High Constable, Quarters Salary to 31st December.....	12	10	0
	do.	H. Huntley, Town Clerk of Adjala, for notifying an Assessor, 1835.....	0	5	0
	do.	Charles Barnhart, Gaoler, for articles and bread purchased and for maintenance of the destitute Insane in Gaol, Quarter ending 30th April, per certificate Clerk of Peace	98	17	3
Mar. 19	do.	Mr. F. Leys, Returning Officer 3rd Riding County of York, election expenses under the Act 1833.....	24	10	0
	do.	Messrs. Widmer and Diehl, for attendance and Medicines furnished criminals in Gaol, per certificate Clerk of Peace.....	20	1	0
Mar. 19	do.	John Fenton for fire-wood furnished the Police, Treasurers and Clerk of the Peaces Offices, per certificate clerk of peace.....	9	15	0
	do.	Wm. Nicolls, town clerk of Markham, for notifying assessors 1835.....	0	10	0
April 16	do.	Chas. Barnhart, gaoler, for articles and bread purchased, and for maintenance of the destitute Insane in gaol, for one quarter, per certificate clerk of peace.....	98	3	1½
March 6	do.	T. Nixon, services as a constable per certificate clerk of peace	1	5	0
April 1	do.	Clerk of the Peace, amount of his account from end of July Sessions to 16th January, 1835, per order chairman in Genl. Qr. Sessions	106	8	9
		Carried forward....£	927	12	3½

			£	s	d	£	s	d
1835		*Bro't forward*....£				525	17	4
Mar. 11	By amount received of the collector of Brock, amount of assessment roll 1834... .....47 10 7½							
	Absentees, &c.....1 3 0½							
			46	1	7			
	Collector 5 pr.ct... 2 6 0							
	Assessors 7 do. .. 3 4 6							
	Town clerk..... 0 5 0							
			5	15	6	40	6	1
	25	By amount received of the collector of East Gwillimbury, amount of assessment roll 1834.. 90 0 2½						
	Absentees and errors.... 3 17 7							
			86	2	7½			
	Collector 5 pr.ct...4 6 1½							
	Assessors 7 do. ..6 0 6							
	Town clerk.....0 5 0							
			10	11	7½	75	11	0
	26	By amount received of the collector of Uxbridge, amount of assessment roll 1834..... 20 2 5						
	Absentees, &c..... . 0 11 3							
			19	10	8			
	Collector 5 pr.ct...0 19 6							
	Assessors 7 do. ...1 7 4							
	Town clerk.....0 5 0							
			2	11	10	16	18	10
	31	By amount received of the collector of Caledon, amount of assessment roll 1834.....57 15 1						
	Absentees, &c 2 15 5½							
			54	19	7½			
	Collector 5 pr.ct.2 14 11							
	Assessors 7 do. 3 16 11½							
	Town clerk....0 5 0							
			6	16	1½	48	2	9
	April 14	By amount received of the collector of Whitby, amount of assessment roll 1834.....173 1 1						
	Absentees, &c.... .... 5 18 9½							
			167	2	3½			
	Collec'r 5 pr.ct. 8 7 1½							
	Assessors 7 do. 11 13 11							
	Town clerk... 0 5 0							
			20	6	0½	146	16	3
	June 27	By amount received of the collector of Etobicoke, amount of assessment roll 1834... .... 79 8 6½						
	Absentees,&c..... 4 4 0							
			75	4	6½			
	Collector 5 pr.ct...3 15 2							
	Assessors 7 do. ..5 5 3							
	Town clerk.....2 5 0							
			9	5	5	65	19	1½
	May 12	By amount received of the collector of Innisfil, amount of assessment roll 1834.....16 15 2						
	Absentees, &c.... .. .. 1 5 11							
			15	8	3			
	Collector 5 pr. ct. 0 15 5							
	Assessors 7 do. 1 1 6							
	Town clerk..... 0 5 0							
			2	1	11	13	6	4
	22	By amount received of the collector of Oro, amount of assessment roll 1834.....42 0 7½						
	Absentees, &c..... 7 17 1½							
			34	3	8			
		Carried forward ...£				932	17	8½

1835		*Bro't forward....£*		927 12 3½
April 1	Paid	T. Chapman town clerk of Uxbridge, for notifying assessors.....		0 10 0
	do.	T. Bacon, town clerk of Caledon, for notifying asses'rs		0 10 0
	do.	George Duggan, Coroner, amount of his account for services up to 3rd March, per certificate clerk of the peace...		31 14 4½
	do.	H. C. Thomson, for printing and advertising, per certificate clerk of the peace..		0 15 0
	do.	Mr. Patterson, for nails and tacks, per certificate clerk of the peace.....		0 11 6
10	do.	Mr. G. Lount, returning officer County Simcoe election expences under the act of 1833.		24 10 0
15	do.	F. Moore, town clerk Whitby, for notifying assessors 1835		0 10 0
	do.	Sundry persons witnesses in a criminal action, the King vs. Garrett, Bulley and Rooney, per order of the court.....		9 17 6
16	do.	Dennis Higgans, an indigent witness in the case King vs. John Shire, per order of the court....		1 5 0
May 1	do.	Charles Barnhart, gaoler, a quarters salary to March 30 and for a Turnkey.....		31 5 0
5	do.	D. Gibson, deputy surveyor of highwsys, for surveying a road in the Home district, per certificate clerk of peace		3 15 0
	do.	W. Sleigh, town clerk of Pickering, for notifying assessors 1835....		0 10 0
1	do.	Thomas Henderson, returning officer 4th riding county of York, election expenses under the act 1833.....		11 10 0
6	do.	A. Smalley, deputy surveyor laying out a road..21 12 6 & am't of acc't as coroner, per certificate clerk of the peace, 2 4 0		23 16 6
	do.	John Ferguson, deputy surveyor of highways for services, per certificate clerk of the peace...		4 15 0
	do.	Thomas Boyd, deputy surveyor of highways for services, per certificate clerk of the peace.....		1 17 6
	do.	R. Donaldson, services as a constable, per certificate clerk of the peace.....		22 14 8
	do.	David Spragge, services as a constable, per certificate clerk of peace.....		0 5 10
9	do.	Wm. Higgins, high constable, quarters salary to 31st March....		12 10 0
12	do.	Wm. Bartram, for wood furnished gaol, per certificate clerk of peace.....		13 10 0
	do.	Robt. Roberts, services as a constable, per certificate clerk of peace.....		3 3 8
		Carried forward....£		1127 8 10

1835		*Bro't forward....£*		932 17 8½
			34 3 8½	
		Collectors 5 pr cent, 1 14 2		
		Assessors 7 do 2 7 10		
		Town clerk, 5 0		
			4 7 0	23 16 6
June 26		By am't rec'd of the collector of Pickering, am't of assessment roll 1834 ...	112 1 1	
		Absentees and errors.	5 7 7	
			106 13 6	
		Collectors 5 pr cent, 5 6 8		
		Assessors 7 do. 7 9 4		
		Town clerk, 5 0		
			13 1 0	93 12 6
June 1		By am't rec'd from the Collector of Scarborough, am't of assessment roll 1834.....	91 0 8	
		Absentees and errors	12 10½	
			90 7 9½	
		Collectors 5 pr cent, 4 10 5		
		Assessors 7 do. 6 6 6½		
		Town clerk, 5 0		
			11 1 11½	79 5 10
July 10		By amount received from the collector, Township of York, account of Assessment Roll, 1834..		53 15 0
April 14		By amount received of the collector Township of Toronto, on account of Assessment Roll for 1834....		162 15 0
April 1		By amount received of the collector Tecumseth, on account of Assessment Roll 1834.....		23 10 0
Mar. 31		By amount received of the collector of Vaughan on account of Assessment Roll for 1834.....		102 0 0
July 27		By amount received from the collector of West Gwillimbury, on account of Assessment Roll 1834		68 5 0
		By amount received of the collector Township Albion, on account of the Assessment Roll for 1834...		17 10 0
		By amount received of the collector Township of Adjala, on account of the Assessment Roll for 1834.		9 15 0
		By amount received of the collector of Markham, on account of the Assessment Roll for 1834.....		198 10 0
		By amount received of the collector Township of Mono, on account of the Assessmennt Roll for 1834		18 7 9
		By amount of Assessment Tax received on Wild Lands.....		308 9 0
		Carried forward ....£		2098 9 3½

1835			£	s	d
		Bro't forward.... £	1127	8	10
May 12	Paid to	Charles Barnhart, gaoler, a quarters salary, and for a Turnkey.....	31	5	0
28	do.	Wm. Rutherford, town cl'k Oro, notifying asses'rs 1835	0	10	0
	do.	Sundry persons, for board & maintenance destitute Insane, per order general Qr. Sessions...	30	5	0
June 1	do.	Mr. W. L. Mackenzie, for printing and advertising, per order of the chairman..	2	12	10
	do.	Wm. Devenish, town clerk of Scarborough, notifying assessors 1835.....	0	10	0
July 9	do.	Wm. Reynolds, services as a constable, per certificate clerk of peace.....	0	15	0
7	do.	T. Perritt, am'nt of account for blankets furnished for prisoners in gaol, per certificate clerk of peace.....	11	19	9
9	do.	Mr. G. Duggan, coroner, amount of acc't for services per certificate cl'k of peace	10	4	3
13	do.	Mr. Jn. Ridout, agent, 12 months Insurance on gaol and court house..... .	22	0	0
	do.	Dr. Hornby, for opening a corpse and giving evidence to a coroner's inquest, per certificate clerk of peace..	3	0	0
	do.	R. C. Denham, for tin work in the gaol, per certificate clerk of peace.....	5	18	4
15	do.	Wm. Higgins, high constable Qr's salary to 30th June	12	10	0
2	do.	J. Wood, over charge in assessment roll township of Etobicoke, per certificate clerk of peace.....	0	4	8
1	do.	A. Smalley, dep'y surveyor for laying out a road in East Gwillimbury, per certificate clerk of peace.....	1	17	6
2	do.	L. Bright, Crier general Qr. Sessions, 6 months salary..	10	0	0
1	do.	Charles Wilson, town clerk Innisfil, notifying assessors 1835.....	0	10	0
	do.	H. Donaldson, service as a constable per certificate Clerk of Peace..... ...	1	15	0
3,	do.	Charles Barnhart, Gaoler, a Quarters Salary, and for a Turnkey.....	31	5	0
4,	do.	P. Henderson for cleaning stoves and pipes in jail, per certificate Clerk of the Peace.....	1	0	0
11,	do.	Thomas Dalton, for printing per certificate Clerk of Peace.....	0	15	0
	do.	A. Freeborn, services as a constable, per certificate Clerk of Peace.....	0	17	6
Aug. 15	do.	T. Edmonson, services as a constable, per certificate Clerk of Peace.....	2	5	4
	do.	Thomas Scripture, services as a constable, per certificate Clerk of Peace.....	11	8	10½
1,	do.	Mr. King, for advertisements per certificate, Clerk of Peace.....	2	8	9
		Carried forward ...	1323	1	7½

			£	s	d
		Bro't forward.... £	2098	9	3½
		Carried forward.... £	2098	9	3½

1835			£	s	d
		Bro't forward....£	1323	1	7½
Aug. 11	do.	J. Hyde, services as a con. constable, per certificate Clerk of Peace.....	2	0	0
July 13	do.	Dr. Duggan, for opening a corpse and giving evidence Coroner's Inquest, per certificate Clerk of Peace...	4	5	0
Aug. 14	do.	Charles Barnhart, Gaoler, for articles and bread purchased and for maintenance of the destitute insane in Gaol, one quarter, per certificate Clerk of Peace....	84	12	9½
July 16	do.	A. Goodfellow, Town Clerk of West Gwillimbury, notifying assessors	0	10	0
Aug. 3	do.	Drs. Widmer and Diehl, for attendance and medicines for prisoners in Gaol to 1st April, per certificate Clerk of Peace.....	9	13	9
	do.	W. B. Jarvis, Esquire, Sheriff, amount of Disbursements for carrying into execution the sentence of the Court in April Assizes, per certificate Clerk of Peace..	33	4	1
June 30	do.	Bank of Upper Canada, six months interest on District Loan.....	90	0	0
	do.	Self for four returns of wild lands, eight years in arrear for assessment tax, under the Act of 1825.....	20	0	0
	do.	Sundry persons for 87 wolf's scalps, under the act of 1830	87	0	0
July 13	do.	John Fenton, for fire-wood furnished Clerk of the Peace Police and Treasurer's office, per certificate Clerk of Peace.....	13	10	0
	do.	Mr. A. Smalley, coroner, amount of disbursements, per certificate clerk of peace...	3	15	0
Aug. 1	do.	W. B. Jarvis Esq amount of disbursements to 30th June, percertificate clerk of Peace	246	7	10
	do.	Sundry persons constables, employed at the Courts of Quarter Sessions and Assizes, to July 1835, per certificate of W. B. Jarvis Esq. Sheriff.....	49	15	0
	do.	Amount of the Treasurer's commission, at 4 per cent, on £2,068 15 4¾.....	82	15	0
	do.	Amount over credited the Township of Chingaucousy, assessment roll 1833.....	3	10	7
Aug. 31	do.	Balance in hands of the Treasurer	44	8	7½
		£	2098	9	3½

			£	s	d
		Bro't forward....£	2098	9	3½
		£	2098	9	3½

F. T. BILLINGS,
Treasurer Home District.

Sworn before me, this 18th day of November, 1835, in the City of Toronto.
FRANCIS LEYS, *J. P.*

This account examined and audited, this 7th day of December, 1835.

JAMES F. SMITH, *J. P.*
PETER PATERSON, *J. P.*

DISTRICT OF GORE.

District of Gore, Dr.

In account with the Treasurer.

1834								
Oct. 23	To Paid	Master John Crooks per order of Matthew Crooks, John Haycock and Alexander Roxberry, Esqrs. road tax due Ancaster		1	3	16	7	
Nov. 7	do.	Joseph Hilts per order from Thomas Trout and Chas. Kennedy, Esquires, road tax due Erin		2	4	2	0	
8	do.	Jacob Snider, do. do. do. road tax due Erin		3	1	9	9	
18	do.	Henry Couse, do. do. do. do. Garrafraxa		4	2	15	0	
	do.	William White, do. do. do. do. do.		5	3	0	0	
	do.	Francis Hadley, do. do. do. do. do.		6	6	10	0	
26	do.	John McKee, do. do. do. do. do.		7	16	8	6	
	do.	ditto do. do. do. do. do.		8	6	6	3	
	do.	John Dobbin, do. do. do. do. do.		9	11	10	0	
28	do.	Alexander Brown, do do. do. East Flamboro'		10	2	0	0	
29	do.	Joseph Hilts per order from Thomas Trout and Chas. Kennedy, Esqr's, road tax due Erin		11	6	14	0	
	do.	Order of Sessions to Wm. M'Coy, Esq. surveyor of highways		12	7	10	0	
	do.	do. Wm. McCoy, Esq., Returning Officer's clerk, for the County of Wentworth		13	13	10	0	
	do.	do. to Charles Durand distributing collectors' roll		14	8	12	6	
Dec. 18	do.	Daniel McMullen, per order of Thomas Trout and Charles Kennedy, Esquires, road money due Erin		15	3	15	0	
	do.	Order of Sessions to Thomas Gillesby, constable services		16	2	5	0	
	do.	do. James Willson, constable services		17	1	0	0	
	do.	do. James Adair, do. do.		18	2	15	0	
20	do.	do. William Yellowly, carpenter work about the gaol		19	1	15	0	
23	do.	do. Jacob Hagle, constable services at the Assizes		20	2	10	0	
27	do.	do. Robert L. Hughson, keeping a dead body for coroner		21	0	15	0	
1835								
Jany. 6	do.	do. David Chambers, constable services		22	1	7	6	
	do.	do. George Hobson, watching prisoners by order of the Judge of Assize		23	16	15	0	
13	do.	do. Robert Marnell, for arresting a prisoner		24	0	18	0	
	do.	do. Silas B. Winters, constable services		25	8	7	6	
	do.	do. James McCarum, ditto		26	1	17	6	
	do.	do. William Dyson, ditto		27	1	17	6	
14	do.	do. Joseph Gilkes, ditto		28	5	14	0	
	do.	do. William M. Jarvis, Esq. balance on an order for £59 15s. 6d		29	36	2	7½	
	do.	do. Thomas Gillisby, for constable services		30	2	19	6	
	do.	do. ditto ditto		31	2	2	0	
	do.	do. Dennis Malone, one year's salary washing for prisoners		32	34	1	0	
								221 1 8½
	do.	do. Dennis Malone, for fire wood furnished the gaol and court house		33	9	15	0	
	do.	do. Henry McSherry, three months salary as Turnkey		34	12	10	0	
	do.	do. William McCoys, Esq. to H'y Kunty, constable services attending the county election		35	3	0	0	
	do.	do. H. G. Barnard, for bringing witnesses from York, in the case of the King against Tenyke and McDougall		36	5	17	6	
			Carried forward £					221 1 8½

1835								
		Brought forward.....				£	221	1 8½
Jan. 14	To Paid Order of Sessions to Silas B. Winters, summoning coroner's jury.....		37	0	19	6		
	do.	do. Henry Kunty, for constable services..	38	1	5	0		
	do.	do. John Martin do do ..	39	3	5	0		
	do.	do. Henry Kunty, do do ..	40	2	10	0		
	do.	do. James Willson, do do ..	41	1	5	0		
15	do.	do. Elos Bunnell.....	42	6	10	0		
	do.	do. Carpenter & Case, work done at the court house.....	43	16	2	5		
16	do.	do. To the executors of the late John Duggan.....	44	2	13	4		
17	do.	do. John G. Kimboll, for constable services	45	1	15	0		
	do.	do. J. Gardner, do	46	2	10	0		
	do.	do. William M. Jarvis Esq. to A. K. Smith poll clerk's fees for the election in Halton.....	47	4	0	0		
	do.	do. Aaron Shafer, constable services.....	48	2	0	0		
	do.	do. do do	49	3	16	6		
	do.	do. Michael Burkholder, per coffin and burial of a pauper.....	50	1	0	0		
20	do.	do. Henry Duffy, as a witness in the case of the King.....	51	0	7	6		
	do.	do. Thomas Williams, constable services	52	2	0	8		
	do.	do. James Glover, do	53	0	15	0		
	do.	do. do do	54	2	10	0		
	do.	do. David C. Beasley, coroner's do	55	5	19	2		
	do.	do. James Wilson, constable do	56	2	10	0		
	do.	do. William Scollick & William Ellis Esq to Isaac Masters, road tax due Waterloo.....	57	8	9	6		
23	do.	do. William Scobell, bread furnished the prisoners.....	58	27	5	11		
	do.	do. James Wilson, constable services....	59	2	0	0		
24	do.	do. John Barber, do	60	2	10	0		
	do.	do. Jonathen Moone, summoning a coroner's jury.....	61	1	1	0		
25	do.	do. Stephen Randall, for printing.....	62	15	18	0		
							148	1 0½
	do.	William B. Proctor Esq. six months interest on a balance of a debenture from the 20th May 1834 to the 20th November 1834.....	63	6	0	0		
	do.	B. Corwin, one years' interest on a debenture from the 26th August 1833 to the 26th August 1834.....	64	6	15	0		
	do.	James Lewis, do do do the 11th July 1833 to the 11th July 1834.....	65	3	15	7¾		
	do.	William M. Jarvis Esq. Returning Officer's fees for the county of Halton.....	66	5	0	0		
	do.	Isaac Kelly, for one wolf scalp per certificate.....	67	1	0	0		
	do.	Jacob McCarty, do do	68	1	0	0		
	do.	David Miller, do do	69	1	0	0		
	do.	Jacob Beltchner, do do	70	1	0	0		
	do.	Christian Ritch, do do	71	1	0	0		
	do.	Abraham Clemer, do do	72	1	0	0		
	do.	Thomas Evans, do do	73	1	0	0		
	do.	White Nortes, a Simcoe Indian for one wolf scalp per certificate.....	74	1	0	0		
	do.	William Johnson, one do do	75	1	0	0		
	do.	Abraham Kelly, do do	76	1	0	0		
	do.	William Henry, a Seneca Indian do	77	1	0	0		
	do.	Vrooman, two do	78	2	0	0		
	do.	John Cornell, two do	79	2	0	0		
	do.	Leister Smith, per Returning Officer's certificate for constable services.....	80	2	0	0		
	do.	Henry Beasley for Returning Officer's ordor for poll clerk's fees for town election.....	81	3	0	0		
	do.	C. C. Ferrie per order of Wm. McCoys for part of the expense of erecting a booth for the Co. election	82	5	0	0		
	do.	C. C. Ferrie, Returning Officer for the town of Hamilton being part of the expense of erecting a booth	83	5	0	0		
		Carried forward.....				£	369	2 8½

1835								
		Brought forward.....				£	369	2 8½
Jan. 25	To paid C. C. Ferrie Returning Officer for the town of Hamilton being part of the expense of erecting a booth		84	3	15	0		
	do. Thomas Gillesby, per order of C. C. Ferrie for constable services at the town election.....		85	1	10	0		
	do. Charles Duffy, do		86	1	17	6		
	do. Order of Sessions to James Fish for coffin and burial of a pauper.....		87	1	0	0		
	do. do. David Beasley, coroners services....		88	9	19	7		
	do. do. Walter Bradt, constables do		89	2	10	0		
	do. do. Charles Duffy, do		90	4	0	0		
	do. do. Charles Harris, do		91	1	2	0		
	do. do. John Kennedy, do		92	0	17	6		
							78	2 2¼
26	do. Anthony Maloche, per order of James M. Cawdell, clerk of Assize.....		93	1	0	0		
	do. John Bucken, for one wolf scalp per certificate.....		94	1	0	0		
	do. Jacob Cummins one do do		95	1	0	0		
	do. do one do do		96	1	0	0		
27	do. Order of Sessions to Dennis Malone one quarter's salary.....		97	25	0	0		
	do. do Robert Berrie, Esq. 2 years office rent		98	27	0	0		
	do. do do for 2 copies revised statutes		99	4	0	0		
	do. do do clerk of the Peace service		100	94	17	0		
	do. do do do		101	41	18	8		
	do. do James Kirkpatrick services as coroner		102	10	4	5		
Feb. 4	do. do Joseph Roleston		103	20	0	0		
	do. do Peter Horning, amount awarded him by a jury for land taken for a road.....		104	23	8	9		
	do. do. Doctor H. Smith half year's salary as physician to the gaol.....		105	15	0	0		
	do. do. Winchester and Spencer for making shackles for prisoners.....		106	2	0	7½		
	do. do. William Allison, constable attending Assizes.....		107	2	10	0		
	do. do. Michael Hogan, do services		108	0	10	8		
	do. do. Henry Koons, for keeping a dead body		109	1	17	6		
	do. do. do constable services.....		110	1	15	0		
	do. do. do do		111	1	0	0		
5	do. do. Henry McSherry, one quarter's salary		112	12	10	0		
6	do. do. Francis Weaver, amount awarded him for land taken for road.....		113	15	0	0		
18	do. do. William Scobell.....		114	29	19	4½		
19	do. Ephraim Cress for four wolf's scalps per certificates.		115	4	0	0		
	do. Cash remitted Clark and Street one year's interest on a district debenture from the 1st January, 1834, to the 31st December 1834.....		....	180	0	0		
	do. Order of Sessions to William Proudfoot Esq for glass furnished.....		116	3	5	0		
	do. do. Benjamin Smith, amount awarded him by a jury for land taken for a road.....		117	3	0	0		
	do. do. Charles Duffy, constable services attending Assizes.....		118	2	10	0		
	do. do. James Stringer, do do		119	2	18	9		
	do. do. John Martin, do do		120	5	14	0		
	do. do. John Duffy, do do		121	1	0	0		
	do. do. Russel Prentiss for four inkstands....		122	0	5	0		
							535	4 9
March 9	do. John McKerlie, for two wolf scalps per certificate...		123	2	0	0		
	do. John Kennedy, for three do ...		124	3	0	0		
	do. George Armstrong, per order of H. Strange and Jas. Crawford Esq. road tax due Eramosa.....		125	5	0	0		
	do. Levi Hill, for one wolf scalp per certificate.....		126	1	0	0		
	do. Luderick Kribbs, one do do		127	1	0	0		
	do. John R. McKerlie, 2 do do		128	2	0	0		
	do. William Abbott, 1 do do		129	1	0	0		
	do. Charles Kennedy, 1 do do		130	1	0	0		
	do. John Stull, 1 do do		131	1	0	0		
		Carried forward.....				£	982	9 7¾

1835		*Brought forward*.....	£				986	9 7¾
March 9	To paid Joseph H. Hilborn, one wolf scalp per certificate.....	132		1	0	0		
	do. Willard Sherman, 1 do do	133		1	0	0		
	do. Jacob Teeple, 1 do do	134		1	0	0		
16	do. Remitted the Hon. J. Elmsley one years' interest on a district debenture for £1398 0 0 from the 15th October 1833 to the 15th October 1834.....	.....		83	17	6		
20	do. Thomas Ismond, per order of Henry Trout & Charles Kennedy Esqrs. road tax due Erin.....	135		6	5	0		
	do. Matthew Smith, per order of H. Trout and Charles Kennedy Esqrs do do	136		4	15	7		
	do. John Stringler, do do	137		4	13	3		
	do. David Clink, do do	138		2	14	6		
	do. Jacob Smith, do do	139		1	18	3		
	do. Charles Roswell, one wolf scalp per certificate.....	140		1	0	0		
	do. Jesse Merradigh, 1 do do	141		1	0	0		
	do. John Root, 1 do do	142		1	0	0		
	do. George Taton, 1 do do	143		1	0	0		
	do. Daniel Chambers, 1 do do	144		1	0	0		
	do. John Willson, 1 do do	145		1	0	0		
24	do. William Biggar, 1 do do	146		1	0	0		
28	do. W. B. Proctor, one quarters' interest on a balance of a debenture from the 20th November 1834 to the 20th Feb. 1835.....	147		3	0	0		
29	do. Thomas McClure, for one wolf scalp per certificate	148		1	0	0		
30	do. Order of Sessions to James Ruthven and Co. per stationary.....	149		2	12	10½		
	do. do. Michael Hogan, constable services...	150		3	10	0		
April 1	do. John Hull, per one wolf scalp per certificate.....	151		1	0	0		
							142	6 11½
3	do. James Jones, 1 do do	152		1	0	0		
	do. do 1 do do	153		1	0	0		
15	do. Order of Sessions to Doctor Wells, medical attendance on prisoners.....	154		16	15	0		
16	do. do. Samuel Smith for surveying road.....	155		5	10	0		
18	do. do. William Franks, for attending court..	156		2	15	0		
	do. do. M. Hogan for constable services.....	157		1	5	0		
	do. do. John Oles, do	158		2	13	0		
	do. do. H. McShery, one quarter's salary.....	159		12	10	0		
	do. do. W. Jones, constable services.....	160		2	3	6		
	do. do. J. Springstead do	161		0	10	0		
	do. do. D. C. Beasly, coroner do	162		13	17	10		
	do. do. Isaac Springstead, constable do.....	163		0	9	4		
	do. do. Joseph Gardner, do	164		1	18	6		
	do. do. John Ellis, do	165		1	10	4		
	do. do. Aaron Lane do	166		2	10	0		
	do. do. William McCoy Esq Surveyor of highways.....	167		6	7	6		
	do. do. J. T. Law do do	168		1	2	6		
	do. do. William Wintermute, for two wolf scalps.....	169		2	0	0		
	do. Henry B. Bawman, 1 do	170		1	0	0		
	do. Griffith Lloyd, 5 do	171		5	0	0		
	do. Zacariah Jacobs, per order of D. K. Servos and J. Secord Esqrs road money due Glanford.....	172		3	10	0		
20	do. Order of Sessions to Isaac Robinson, constable services.....	173		1	17	6		
	do. do. M. Hogan, do	174		1	0	0		
	do. do. W. Bradt do	175		1	0	0		
	do. do. John Benjamin do	176		1	7	0		
	do. do. James Wilson do	177		1	0	0		
	do. do. E. & J. Ritchie & Co. Oil furnished for court house.....	178		14	0	3		
	do. do. Dr. James Hamilton,.....	179		3	0	0		
							108	12 3
	do. do. Benjamin Harris, repairing lock.....	180		0	10	0		
	do. do. Caleb Hopkins, M. P.....	181		48	0	0		
	do. do. James Durand, M. P.....	182		48	10	0		
		Carried forward.....	£				1237	8 10½

1835		*Brought forward*.....	£			1237	8 10½
April 20	To Paid Order of Sessions to Thomas Williams, constable services.....	183	2	17	0		
	do. do do do do	184	1	8	6		
	do. do do do	185	3	10	0		
21	do. do Robert Miller.....	186	0	15	0		
	do. do Widow Owen, per coffin of Jas Coffin	187	1	0	0		
	do. do John Hogan, advertising writ of election	188	0	15	0		
						107	5 6
	do. Job Loder per balance due on an order of Sessions to W. Scobell, baker, for £59 6s 10½.....	189	43	16	10½		
	do. Order of Sessions to D. C. Beasley, coroner services	190	14	8	7		
	do do R. Berrie, Esq, clerk of the peace....	191	64	13	3		
	do do D. Malone, for salary, washing, &c...	192	41	5	7		
	do do John Rae, for half year's rent of school house.....	193	7	10	0		
	do do Aaron Fletcher, for coffin and burial of a pauper.....	194	1	0	0		
	do do Barney McSherry, taking Roney out of the Province.....	195	21	7	6		
	do. do John Hogan, for Printing.....	196	1	15	0		
	do. do J. G. Kimball, constable services.....	197	1	15	0		
	do. do Dr. W. Crayne.....	198	1	3	4		
	do. do Dr. Thomas Rolph, attendance on coroner's jury.....	199	4	13	4		
22	do. do Joseph Rolestone, high constable.....	200	20	0	0		
	do. do William Scobell, bread furnished the prisoners.....	201	36	4	8		
	do. do H. Smith, M. P.....	202	48	10	0		
	do. do do Medical attendance.....	203	4	5	0		
	do. do do do do	204	5	0	0		
	do. W. B. Proctor, Esq. one quarter's interest on a balance of a District debenture, from the 20th Feb'y, 1835, to the 20th May, 1835.....	205	3	0	0		
	do. Order of Sessions to the Rev. Alex'r Gale.....	206	1	11	8		
	do. do Wm. Roe, constable services.....	207	2	10	0		
27	do. do Elijah Secord, Esq. one year's rent per Treasurer's office.....	208	10	0	0		
29	do. do S. Randal, per advertising sessions...	209	0	5	0		
	do. Moses Puddecon, an Indian, for one wolf scalp per certificate.....	210	1	0	0		
May 1	do. Order of Sessions to C. Duffy, constable services....	211	1	0	0		
5	do. do Dr. D. Campbell, for attending gaol and coroner's inquest.....	212	3	15	0		
16	do. do Lester Smith, constable services.....	213	2	10	0		
	do. do James Kerr, do do	214	2	15	8		
	do. do E. Lesslie & Sons, for stationary....	215	4	2	0		
	do. James Kerr, per constable services for attending the county election of Halton.....	216	2	0	0		
June 2	do. Order of Sessions to J. Rymal, M. P.....	217	48	10	0		
	do. do B. McSherry, for guarding prisoners by order of the Judge of Assize.....	218	16	15	0		
						417	2 5½
	do. do Abraham Springstead, constable services.....	219	2	10	0		
	do. do John Wallace, do do	220	0	13	6		
	do. do Silas B. Winters, do do	221	2	10	0		
	do. do John Benjamin, do do	222	1	11	8		
	do. do John Donaldson, do do	223	2	15	0		
	do. do Thomas Williams, do do	224	7	14	2		
	do. do A. McNab, Esq. M. P.....	225	48	0	0		
	do. Jacob L. Smith, for one wolf scalp per certificate...	226	1	0	0		
	do. Order of Sessions to Sheriff Jarvis, for services.....	227	51	3	9		
	do. do Joseph Magey.....	228	17	10	0		
	do. do Silas B. Winters, for constable services	229	0	3	4		
	do. do Henry Kootz, do do	230	1	10	6		
	do. do Thomas Dalton, for carpenter work..	231	1	10	0		
	do. do Lesslie & Sons, for stationary.....	232	3	16	0		
		Carried forward.....	£			1761	

1835 June 2	*Brought forward*.....	£			1761 16 9½
	To Paid William B. Proctor Esq. one quarter's interest on a balance of a debenture from the 20th May, 1835, to the 20th August, 1835.....	233	3 0 0		
	do. Assessors 7 per cent on £2018 4 8.....		141 5 6		
	do. Collectors 5 do " 2116 12 5¼.....		105 16 7½		
					392 10 0½
	do. Treasurer's 4 do " 2116 12 5¼.....		84 13 3½		
	do. do do " 35 10 0.....		1 8 5		
	do. do do " 126 7 9½.....		5 1 1		
	do. do do " 88 18 2¼.....		3 11 1½		
					94 13 11
	do. Forty-four notifications, 5s.....		11 0 0		
	do. Twenty bonds, 5s.....		5 0 0		
	do. Amount of postage of sundry letters.....		0 8 1½		
					16 8 1½
	do. Balance due.....				253 17 4¾
				£	2519 6 2¼

The District of Gore,

Cr.

1834 October 18	By balance due per account rendered.....				82 5 9½
1835 April 1	By Cash received for assessment and road tax in Erin.....		5 9 8½		
	do do do Eramosa.....		2 1 11¾		
	do do do Esquesing.....		1 1 8		
	do do do Garrafraxa...		54 15 8½		
	do do do Trafalgar....		4 13 5½		
	do do do Nelson.....		4 11 3		
	do do do Waterloo.....		3 6 3½		
	do do do Woolwich....		6 2 4		
	do do do Beverly.....		25 7 2½		
	do do do Glanford.....		2 7 8		
	do do do East Flamboro		2 14 2		
	do do do Salt-fleet.....		3 2 9¾		
	do do do Binbrook....		10 11 8		
	do do do Ancaster.....		3 1 10¾		
					126 7 9½
	do from the Collector of East Flamboro'.....		52 10 0		
	do do West Flamboro'.....		105 16 5¾		
	do do Waterloo.....		229 8 11		
	do do Wilmot.....		62 3 0		
	do do Woolwich.....		49 3 5		
	do do Dumfries.....		147 10 4½		
	do do Beverly.....		72 3 7		
	do do Guelph.....		67 19 2		
	do do Puslinch.....		33 9 0		
	do do Erin.....		41 8 10		
	do do Eramosa.....		33 6 1		
	do do Nassagaweya.....		33 13 5		
	do do Esquesing.....		116 14 2		
	do do Nelson.....		128 2 5		
	do do Trafalgar.....		198 1 11		
	do do Barton.....		161 17 6		
	do do G. River Tract.....		171 3 0		
	do do Glanford,.....		59 13 9		
	do do Ancaster.....		175 12 10		
	do do Binbrook.....		28 6 8		
	do do Saltfleet.....		120 16 10		
	do do Nichol.....		21 7 7		
	do do Garrafraxa.....		6 12 8		
					2116 12 5¼
	Carried forward.....			£	2325 6 0

1835			*Brought forward*.....£		2325	6 0
April 1	By Cash received from John Brubbacher, exempt money for 38 Menonists in Waterloo and Woolwich for 1834.....		19 0 0			
do	Isaac Masters do. 32 do. Waterloo and Wilmot, do.....		16 0 0			
do	Rees Tunis do do.....		10 0			
do	George Hamilton, Esq. on acc't.....		69 2 0		104	12 0
do	For assessment and road tax on wild lands from 1st April, 1835, to the 1st July 1835.					
do	do	do	Ancaster.....	17 8 9		
do	do	do	Binbrook.....	5 8 3		
do	do	do	East Flamboro.	6 1 10½		
do	do	do	Beverly.....	2 16 10½		
do	do	do	Glanford.....	2 8 9		
do	do	do	Woolwich.....	16 19 3		
do	do	do	Waterloo.....	6 0 2		
do	do	do	Erin.....	10 18 0		
do	do	do	Eramosa.....	5 11 0½		
do	do	do	Garrafraxa....	12 10 11½		
do	do	do	Nassagaweya...	1 9 9½		
do	do	do	Nelson.....	19 6½	88	18 2¾
do	From A. T. Kerby and Jas. Hamilton Esq., a fine from one Chaufin for an assault.....				0	10 0
					2519	6 2¾
July 1	By balance due the District.....£				253	17 4¼

The above account was examined by the committee of accounts and found correct

(Signed)

RICHARD BEASLEY, *J. P.*

District of Gore }

Henry Beasley of the Township of Barton, in the Gore District, Esquire, Treasurer of the Gore District, maketh oath and saith the above account contains a true statement of the moneys received and disbursed by him as such Treasurer to the best of his, deponents knowledge and belief,

HENRY BEASLEY.

Sworn in open Court this 25th July 1835, before

(Signed)

RICHARD BEASLEY, *J. P.*

Dr. *Niagara District in account with William Clarke, Treasurer.* *Cr.*

1834 Ap'l	To balance from last account....		67	11	5½	1834	By Cash received from D. McDougal, proceeds of Cholera Hospital at Niagara.....	6 10 7
	" errors in addition "		1	10	0			
	" paid O.S. W. Crooks, M.P.P....	1	56	10	0		By cash, proceeds of Treasurer's note discharged.....	73 17 6
	" Peter Wheeler, goaler.....	2	96	4	8			
	" do do	3	31	18	9			
	" Ephraim Wheeler, turn key.....	4	14	5	0			
	" do do	5	12	7	6			
	" J. Docstader, constable.....	6		9	0			
	" do do	7	3	2	6			
	" P. Bateson, do	8	1	7	6			
	" do do	9		10	0			
	" J. Dockstader do	10	3	2	6			
	" A. McKee, crier.....	11		15	0			
	" George Waggoner, bridge.....	12	14	15	0			
	" D. Thorburn, furnish'g sick emig.	13	6	7	0½			
	" A. Wintemule, constable	14	5	10	0			
	Carried forward . . .£		316	5	11		*Carried forward* ...£	80 8 1½

1834						
Ap'l	*Bro't forward*....£		316	5	11
	To S. Wood, coroner.....	15	7	17	6
	do do	16	3	1	0
	L. Donnolly, constable.....	17	0	17	6
	do do	18	0	15	4
	Ephraim Wheeler, Turnkey,.....	19	12	7	6
	Charles Richardson, clerk of peace	20	10	5	0
	Mrs. D. Muirhead.....	21	7	10	0
	Paid Treasurer's note discharged for District.....	22	75	0	0
	O. S. James Cummings, a bridge..	23	25	11	10½
	Alex. Hamilton, Returning officer	24	12	10	0
	do Sheriff.....	25	24	0	0
	do do	26	11	15	6
	do do	27	1	1	11½
	J. Dockstader, constable.....	28	2	15	0
	Paid O S. W. Telfer, surgeon....	29	6	5	0
	W. Claus, Returning officer.....	30	5	0	0
	do do	31	2	10	0
	H. Brown, constable.....	32	2	10	0
	Thos. York, serv. at gaol.....	33	1	10	0
	P. Wheeler, gaoler.....	34	71	11	7
	C. Richardson, C. P.....	35	48	1	6
	do do	36	3	1	10
	J. Kidd, Deputy Sheriff.....	37	1	17	6
	Thomas McMahon, constable....	38	1	5	0
	P. Goodle, keeping an insane person...	39	2	5	0
	do do	40	3	5	0
	C. Richardson, C. P.....	41	17	14	0
	Ephraim Wheeler, Turnkey.....	42	27	13	9
	John Clench, dist. Coll'r rolls ...	43	8	10	0
	Thomas Hero, sweep...	44	0	15	0
	B. Corwine, int'st on Niagara bond	45	6	0	0
	W. Telfer, Surgeon.....	46	6	5	0
	do do	47	2	0	0
	Messrs. Telfer & Porter, surgeons.	48	1	0	0
	do do	49	1	0	0
	do do	50	1	5	0
	P. Bateson, constable.....	51	0	10	0
	D. Thomson, poll clerk.....	52	2	0	0
	W. Cockle, do	53	6	0	0
	Johnston.....	54	12	10	0
	J. P. Hammett, constable.... . .	55	2	11	3
	Johnston Stewart, poll clerk.....	56	7	0	0
	J. Dockstader, constable.	57	3	2	6
	A. Fanwell, do	58	2	5	0
	A. Fanwell, do	59	0	15	0
	A. McKee.....	60	5	10	0
	Walter Elliott, constable.....	61	0	10	0
	do do	62	0	11	3
	do do	63	2	5	0
	do do	64	1	9	6
	do do	65	0	15	0
	Dr. Raymond, keeping an insane person.....	66	30	0	6
	Thomas York, services gaol.....	67	3	0	0
	A. McMillon, poll clerk.....	68	6	0	0
	A. Wilkinson, returning officer..	69	12	10	0
	P. Goodle, keeping an insane person.....	70	3	5	0
	C. Hall, coroner	71	3	5	8
	W. D. Miller, do.....	72	5	0	0
	do do.	73	4	16	0
	do do.	74	7	7	0
	Mrs. Leonard, for Sheriff Leonard	75	20	0	0
	J. Dockstader, H. constable.....	76	3	2	6
	C. Richardson, C. P. ass't and aggregate copy.....	77	31	10	0
	J. Hawn, sexton.....	78	0	7	6
	Or. Judge of Assizes, witnesses, cor.	79	5	0	0
	O. S. David Davis, services.....	80	1	0	0
	C. Richardson, C. P,.....	81	20	13	10
	John Hawn, sexton.....	82	0	5	0
	Joseph Clement, fuel for gaol. ...	83	2	3	9
	L. Hicks, services.....	84	2	0	0
	L. Donnolly, constable.....	85	12	10	0
	Carried forward....£		954	10	6

Bro't forward ...£	80	8	1
Carried forward..£	80	8	1

1834			£	s	d
	Bro't forward.... £		954	10	6
Ap'l	To paid O. S. C. L. Hall, services..	86	10	0	0
	A. Morris, do	87	0	9	7
	John Gilleland, do	88	0	7	6
	do do do ...	89	4	17	6
	William Murray, constable.....	90	1	10	0
	M. Bunville, services.....	91	12	10	0
	Jos. Burzie, keeping an insane person.....	92	6	5	0
	Barton Fan, a Bridge.....	93	50	0	0
	George Clarke, constable.....	94	2	5	0
	C. Richardson, C. P.....	95	15	0	0
	H. Anderson, services.....	96	3	0	0
	M. Palmer, do	97	0	15	0
	C. Richardson, C. P.....	98	16	10	9
	J. Secord, keeping a poor family.	99	3	0	0
	Thomas Dority, constable.....	100	0	15	0
	do do	101	0	12	6
	do do	102	0	12	7
	J. Cleveland, do	103	1	9	0
	B. Roddy, do	104	0	11	3
	do do	105	2	10	0
	J. Waters, do	106	1	5	0
	W. Crooks.....	107	6	0	0
	J. & R. Wagstaff	108	3	14	3
	James Burger, constable.....	109	1	10	8
	J. Archer, do	110	0	11	3
	do do	111	3	0	0
	W. Cook, over taxed part of his lands, being within the Indian line...	112	4	16	1
	P. Proctor, constable.....	113	1	6	0
	P. Goodle, keeping an insane person.....	114	5	5	0
	J. P. Hammett, constable.....	115	3	0	0
	do do	116	0	11	3
	R. Wheatly, do	117	2	5	0
	Cymus Hall, coroner.....	118	6	8	10
	A. Chapman, services.....	119	13	4	0
	H. McKerney, constable.....	120	3	3	0½
	J. B. Wragg & Co., Iron for the gaol.....	121	20	0	0
	W. Camp, constable.....	122	1	9	7
	M. Dobie, services.....	123	0	16	10
	Charles Fell, surveyor.....	124	5	12	6
	R. Forrest, keeping an insane person.....	125	2	12	6
	Jacob Gander, constable.....	126	3	5	10
	D. Clendunner, lumber for gaol..	127	20	0	0
	L. Clement, furnishing gaol....	128	12	2	6
	L. Donnelly, constable...	129	2	15	0
	do do	130	0	7	6
	D. Dunton, services.....	131	2	4	10½
	M. Stephenson, do	132	1	17	6
	John Lyons, Registrar..... ...	133	7	0	0
	J. Clement, furnishing prisoners.	134	7	17	6
	R. M. Clement, do .	135	2	7	6
	G. H. Ken, a bridge.....	136	12	0	0
	D. Dunton, constable..... ..	137	1	0	0
	R. Wright, do	138	0	11	6
	H. Brown, do	139	1	0	0
	John Clyde, carpenter.....	140	10	0	0
	F. Goodle, keeping an insane person.....	141	5	5	0
	S. E. Seward, constable.....	142	2	5	0
	J. Dockstader, rl. do	143	3	13	6
	P. Wheeler, gaoler.....	144	60	11	8
	E. Wheeler, turnkey...	145	24	2	3
	C. Richardson, C. P.....	146	50	0	0
	S. Heron, printing.....	147	11	6	6
	G. P. Krusey, constable.....	148	3	14	4
	D. Bomsteel, supporting an idiot	149	17	3	9
	W. Clarke, over assessed two persons.....	150	1	6	4
	Geo. A. Ball, surveyor, &c.....	151	4	17	6
	R. Wright, work done at gaol...	152	81	5	0
	. Proctor, crier.....	153	2	0	0
	Carried forward.... £		1526	3	6

		£	s	d
Bro't forward.... £		80	8	1
Carried forward... £		80	8	1

1834				
Ap'l	*Bro't forward...* £	1526	3	6
	To paid O. S. John Clyde, carpenter..... 154	4	10	0
	Jos. Huler..... 155	0	12	6
	Robert Hamilton and Alexander Hamilton, carrying prisoners to Kingston..... 156	14	17	6
	Alexander Hamilton, sheriff..... 157	16	0	0
	Rufus Wright, constable..... 158	1	10	0
	Wolf scalp certificates	56	0	0
	Collectors.....	78	4	2
	Assessors, assessing.....	69	2	10½
	——— census.....	51	18	6½
	Town clerks.....	17	10	0
	Balance in Treasurer's hands.....	177	0	2
		2013	9	3

	Bro't forward.... £	80	8	1
	Amount received from the different townships.....	1890	3	3½
	Amount received from wild or unoccupied lands.....	78	9	10½
	Sheriff—for arrear taxes for Walpole and Rainham....	53	10	0
		2102	11	3
	Treasurer's commission 4 per cent on £2102 11 3. £84 2 0			
	Statute allowance for wild land account... 5 0 0			
		89	2	0
		2013	9	3
		£ 2013	9	3

WILLIAM CLARKE,
Treasurer, Niagara District.

Niagara, April Sessions, 1835.

[No: 1.]

ABSTRACT *of Miscellaneous Disbursements made on account of the London District; from the first of April,* 1834, *to the thirty-first of March,* 1835.

TO WHOM PAID AND FOR WHAT SERVICE.	Amount Currency.		
Paid collectors amount for absentees, viz :—			
Burford 1830, 1831, 1832.....	2	8	5½
Bayham 1833	2	1	1½
Windham 1833.....	3	1	4½
Westminster 1833.....	2	11	8
" Members of Assembly, viz :.....			
Mahlon Burwell.....	61	0	0
Thomas Hornor.....	58	0	0
William Wilson.....	58	0	0
Charles Duncombe.....	58	0	0
Colin McNilledge.....	58	0	0
do for 1832.....	20	0	0
" Mrs. Nichol, for the services of the late Robert Nichol, as a member of Parliament in 1819.....	23	0	0
" Daniel McCall, heir to the late Duncan McCall for his services as do in 1832 and 1833.....	18	10	0
" William Young Esq. for two vols. of the Statutes of the Imperial Parliament..	5	0	0
" Doctor George Moore for services as a coroner, &c. in 1834.....	20	0	0
" Daniel Miller for over assessment made by the Southwold assessor	1	2	6
" John O'Brien for do made by the London assessor.....	0	7	6
" Thomas Hodgkinson, for printing the district accounts from March 1832 to June 1833.....	4	15	0
" George J. Goodhue Esq for postage of the public letters of the district, ending at the April sessions 1834.....	6	17	8½
" Agent of Alliance office for removal of Policy No. 25949 due 29 July 1834..	20	0	0
" Messrs. Clark and Street on account of their loan to the commissioners of the London gaol and Court House.....	10	1	4½
" Albert Ellis for making a desk for the Sheriff's office.....	3	10	0
" Dennis O'Brien for sundries..... ...	8	17	8
Carried forward.... £	445	4	4¼

TO WHOM PAID AND FOR WHAT SERVICE.	Amount Currency.		
Bro't forward.... £	445	4	4¼
Paid William Robertson and brothers for sundries.....	0	15	0
" Finlay Malcolm for over assessment made by the assessor of Oakland in 1833...	4	13	2¾
" Jacob Patrick, so much paid by him to the Sheriff for the purchase of lots No 1. 2. and 13 in 13th concession of Townsend and afterwards sold by the said Sheriff in mistake at the land sale in 1830.....	3	10	3¼
" James Givens Esq. for his attendance as Returning Officer at the Middlesex election in 1834.....	30	10	0
" Collectors amount for absentees, viz :—			
Malahide for 1833.....	3	2	1½
Zorra for 1833.....	0	14	5½
Dereham for 1834.....	0	1	10½
Lbo for 1834.....	0	2	7
Mosa for 1834.....	1	11	5¼
" A. A. Rapalje Esq. for his attendance at the Norfolk election to return two members to Parliament in 1834.....	23	5	0
" John B. Askin Esq. Clerk Peace for making out 35 collection rolls at 30s £52 10 0—2 Supplementary do. £3 0 0—aggregate statement of the assessment of the district for the L. Governor £4 10 0—aggregate statement of the population of the district for do £3 0 0—aggregate statement of the population of the Canada Company's Tract for do for 1834 £1 0 0	64	0	0
" John Busteed & brothers for printing...	0	8	6
" do do do for 1834	4	14	2
" Dr. Hiram D. Lee, so much paid by him for the maintenance and support of a destitute sick female.....	6	7	6
" George J. Goodhue Esq. for postage of the public letters of the district to Ja-			
Carried forward..... £	589	0	5½

	Bro't forward....£	589	0 5
	nuary 1835.....	1	12 6
"	John Harris Esq., amount paid by him into the pretended Bank at Kingston	2	10 0
"	Timothy Kilburn, for support of an indigent person to April Sessions 1834..	3	0 0
"	Albert Ellis, for a wash-hand stand, &c. for the Judge's room.....	2	10 0
"	John B. Askin, Esq. clerk peace, for sundries furnished by order of the Magistrates in 1832.....	5	15 4½
"	John Jennings, for locks, &c. for the school house at London.....	0	9 2
"	John B. Askin, Esquire, clerk peace, for making out returns for the House of Assembly in 1831.....	3	0 0
"	Thomas Parkinson, for over assessment made by the London assessor in 1833	0	11 3
"	P. Graham, Esq.....£ 8 2 6		
"	John Bostwick, Esq.. 8 2 6		
"	William Young, Esq... 0 7 6		
"	John B. Askin, Esq...13 7 6—for taking an investigation in the case of G. W. Husteed and Peter Van Every, by order of the Lieut. Governor...	30	0 0
"	Thomas Hodgkinson, for printing.....	1	7 6
"	The collector of Walsingham for absentees for 1834.....	0	7 5
"	The do of Ekfrid for 1833	1	1 1½
"	The do of Dunwich for 1834	2	18 6
"	The do of London for 1834	10	9 6
"	Town clerks as per Voucher No. 1....	39	5 0
"	Fees to assessor, as per voucher No. 2.	139	5 8
"	197 Wolf scalps at 20s.....	197	0 0
"	John B. Askin, clerk peace, so much allowed for stationary and fuel for his office for one year ending at the April Sessions, 1834.....	17	0 0
"	Mahlon Burwell, Esq. so much due the late Roswell Mount, Esq. for his attendance in Provincial Parliament as M. P. for Middlesex	17	10 0
"	Andrew Thomson, amount for absentees in Williams for 1834	3	4 1
"	fees to Collectors, viz:		
For the Year 1833.	Charlottville	7	9 1
	Malahide.... ..	7	2 6
	Mosa	1	14 9¼
	Bayham...	6	11 9¾
	Yarmouth...	9	5 6½
	Southwold..	8	19 8
	London.....	12	9 10¾
	Nissouri....	2	11 4¾
	Middleton & Houghton	1	19 5
	Windham...	4	1 4½
	Williams....	0	7 0
	Blenheim...	3	5 3½
	Norwich.....	7	19 5
	Carried forward...£	1150	5 9¼

	Bro't forward....£	1150	5 9¼
For the year 1834.	Walsingham	3	11 10
	Lobo.....	2	14 10
	Mosa....	1	18 7
	Dunwich....	3	11 9
	Nissouri....	2	19 2
	Zorra.....	5	0 5
	Middleton & Houghton	0	9 6
	Williams.... ...	0	17 2
	Blenheim....	3	16 2
"	John B. Askin Esq. Clerk of Peace, for making out 33 assessment lists for collectors £49 10 0—3 supplementary do £4 10 0—aggregate statement of the assessments of the district £1 10 aggregate statement of the population of the district £1 0 0 for 1832....	56	10 0
"	Jeromus Rapelje for absentees in Yarmouth for 1828.....	2	5 0
"	John P. HodgRnson, for absentees in Malahide for 1834.....	1	9 9
"	James Ingersoll Esq., for his attendance at the Oxford Election, to return two members to Parliament in 1834.....	22	18 9
"	George J. Goodhue Esq., for Postage of the public letters of the District, from April to January Sessions 1835.... .	7	9 10
"	Messrs. Clark & Street, on account of their loan to the commissioners of the London Gaol and Court House.....	126	11 6¾
"	John Harris Esq., interest on £300, for one year to 1st March 1835..... .	18	0 0
"	do interest on £50 for one year to 17th November 1834.....	3	0 0
"	do interest on £300 for one year to 3rd March 1835.....	18	0 0
"	Jacob Potts Esq., interest on £100 for one year to 4th November 1834... .	6	0 0
"	Mrs. Anne Smith Interest on £25 for one year to 14th May 1834.....	1	10 0
"	John Harris Esq., amount loaned to the commissioners for building the Gaol and Court House at London £300,—Interest on do. for one month to 31st March 1835 £1 10.....	301	10 0
"	John Harris Esq. amount loaned to do. for do £50,—Interest on do for 4½ months, to 31 March 1835 £1 2 6	51	2 6
"	John Harris Esq. amount loaned to do. for do. £300,—Interest on do. for 28 days to 31 March 1835 £1 7 7	301	7 7
"	Postage on the public letters of the District to 31st March 1835.....	2	3 3
	Total....£	2095	3 5

[No. 2.]

ABSTRACT *of Judicial Disbursements made on account of the London District, from the 1st of April, 1834, to the 31st of March, 1835.*

TO WHOM PAID AND FOR WHAT SERVICE.	Amount Currency.	TO WHOM PAID AND FOR WHAT SERVICE.	Amount Currency.
Paid A. A. Rapelje. Esq. services as sheriff up to April sessions 1834.....	99 10 11	*Bro't forward*.....	119 10 11
" Gideon G. Bostwick, services as crier of the court, to ditto.....	20 0 0	Paid to Constables for services for 1833 & 1834 viz:	
		Thomas Knight.....	15 0
Carried forward.....	119 10 11	*Carried forward*.....	120 5 11

	Bro't forward.....	120	5 11
	James Cuddy and Richard McCutcheon.	1	0 0
	James Cuddy and four others.....	7	10 0
	James Cuddy and William Morgan.....	7	11 8
	Richard McCutcheon	2	1 6
	Zenus B. Myrrick	7	13 8
	Patrick Rowan	1	12 7
	Elisha Hull		17 6
	Henry Mansville...	2	10 0
	Peter Schram, high constable	13	4 6
	Peter Schram and 6 others	17	0 0
	John Elliott	12	9 6
	Christopher Cornell	7	15 0
"	James Cuddy for attending the April court as a witness in the case of trespass and assault	4	10 0
"	John Brown for attending do. with 6 witnesses, the King vs. Michael Body.....	9	0 0
"	Dr. George Moore for attending the sick in Gaol and services as a coroner in 1834...	16	5 0
"	John Stephens for conducting a prisoner from Bear Creek to London...	1	10 0
"	Dr. Thomas Hawkins for medical attendance, and for an opinion in a case of manslaughter	2	10 0
"	Constables for services, viz:		
	Elisha Hull 1832.....	1	0 0
	Nelson Perkins 1833 & 1834.....	19	6 10
	John O'Neil, high constable, 1834	15	0 0
	Samuel L. Lummer 1834	2	15 0
	Samuel Tubb 1832....	3	17 11
	John Mar 1834	3	1 8
	Carried forward.....	280	9 1

	Bro't forward.....	280	9 1
	Samuel Guernsey.....	4	7 6
	John Winters 1833 & 1834.....	11	2 2
	Linus Forbes 1833 & 1834.....	4	8 0
	Joseph Barnes 1834	3	2 3
	Philip S. Ward 1833	1	5 0
	John O'Neal, high constable 1833	3	0 0
	James Elliott 1834...	2	1 0
"	Henry Stringer for conveying a prisoner to goal in 1833		10 0
"	Jn. Loder for use of a house furnished the magistrates in Bayham to take examinations relative to a skeleton found in 1833	1	5 0
"	John Fero, for services as a constable in Woodhouse and Townsend in 1833.....	3	10 0
"	Peter Schram for one quarter's services as high constable in 1834	5	0 0
"	William Jury, James Cuddy and Richard McCutcheon for services as constables in Adelaide 1833 and 1834	8	9 10
"	John Hamilton, Sarah Hamilton, Lotitia Sullivan & James Follis Clark, for their attendance at the Court of Assize, on an indictment on the part of the Crown against Thomas Cooper for a charge of murder, by order of said court.....	3	0 0
"	John Brown for attending do. on an indictment on the part of the Crown against William Kemble for uttering counterfeit promissory note.....	1	0 0
	Total.....	332	9 10

[No. 3.]

ABSTRACT *of Disbursements for Gaol and Public Works made on account of the London District, from 1st of April, 1834, to 31st March, 1835.*

TO WHOM PAID AND FOR WHAT SERVICE.	Am'nt Currency.	TO WHOM PAID AND FOR WHAT SERVICE.	Am'nt Currency.
Paid Samuel Park for provisions furnished the prisoners in gaol, to April Sessions 1834....	38 1 11	*Bro't forward*... £	216 19 2¾
" Ditto for services as gaoler, for one year up to April Sessions 1834..	100 0 0	" Green and Atkins for 2042 feet of Oak plank, for fitting up the debtors apartments in the gaol..	5 2 0
" John Scatchard, Esq. for sundries....	2 18 9¾	" Lewis Hartman, for fitting up the debtors apartments in the gaol.. ...	20 11 10
" William Wheeler & Co. do	4 17 6	" Samuel Durant, for fitting up shelves in the audit room in the court house....	1 12 6
" Wm. Robertsons & Brothers, do	2 12 6	" Samuel Park, for provisions furnished the prisoners in gaol to October Sessions 1834.	10 13 6
" Christopher Williams, for finishing the debtors apartments in the gaol	40 19 8	" Messrs. Lawrason & Co. for a stove for the debtors room in the gaol ...	2 15 0
" Samuel Park, for provisions furnished the prisoners in gaol to July Sessions 1834	16 2 5		
" Ditto for ditto to January 1835	9 11 10¼		
" William Haskett, for glazing..	1 14 7		
Carried forward . . £	216 19 2¾	Total..... £	257 14 0¾

[No. 4.]

ABSTRACT *of Road Disbursements made on Account of the London District, from the 1st of April, 1834, to the 31st of March, 1835.*

Paid Benjamin Springer, Esquire, for services as a surveyer of highways, to April sessions, 1834.....	7 0 0	*Bro't forward*....£	16 0 0
" Bela B Brigham, Esq. for do. 1834...	3 15 0	" Bela Brigham Esq. for do....	8 0 0
" Peter Carroll Esq. for do. 1833 & 1834.	4 0 0	" Richard Brown Esq. for do. 1834.....	3 0 0
" Mahlon Burwell Esq. for do. 1834.....	1 5 0	" John Bostwick Esq. for do. 1834.....	1 10 0
		" do do do... ...	1 10 0
Carried forward....	16 0 0	*Carried forward*....	30 0 0

Bro't forward....	30	0	0
" Lyman Forbes, so much awarded by a jury for a road cut across his land in London, 1831	7	12	6
" Thomas Ryal for do cut across his land in Southwold, in 1834....	5	0	0
" Benjamin Loyd for do. do.	1	17	6
" John Leitch, for do. do	7	10	0
" Lucious Bigelow for do. cut across his land in Yarmouth, in 1834...	6	17	9
Carried formand....	58	17	9

Bro't forward....	58	17	9
" Isaiah Campbell for cutting a road from Jacob Doty's to Dundas street in 1831	25	0	0
" R. Thornton & H. C. Hale for cutting the Oxford road in 1831....	25	0	0
" Alexander McKenzie for labour performed on the Carradoc and Lobo road in 1831....	5	0	0
" Benjamin Springer, Esq. for surveying a road in London, in 1834.... .. .	2	0	0
Total,...	115	17	9

[No. 5.]

ABSTRACT *of Monies received on account of the London District, from* 1st *April*, 1834, *to* 31st *March*, 1835.

BY WHAT RECEIVED.		Am'nt Currency.		
By balance due from Norwich for 1829....		8	12	4½
By amount received from John Ferguson, collector of London for 1832, being the amount of Charles McIntosh's tax returned as an absentee		0	3	6
By am'nt received from the collector of	Walsingham.....	71	17	2½
	Lobo	54	16	1½
	Mosa	40	2	5
	Dunwich	74	10	7
For the Year 1834	Nissouri	59	3	7¼
	Zorra	100	8	5
	Middleton ...	34	3	2
	Williams	20	3	10
	Bleinham	76	2	11½
	Charlotteville....	128	15	1½
	Woodhouse	125	3	1
	Middleton	51	9	5
	Adelaide ...	21	0	0
	Ekfrid..	18	1	4
	Carradoc	33	11	11
By part of assessments for the Year 1834	Bayham	83	5	5½
	South Dorchester	8	0	0
	Norwich	144	4	6¾
	Delaware	26	0	8
	Yarmouth ...	157	15	0
	Southwold	85	12	6
	Dereham ...	3	18	9½
	West Oxford..	56	10	0
Carried forward....		1483	12	0½

BY WHAT RECEIVED.		Am'nt Currency.		
Bro't forward....		1483	12	0½
By part of assessments for the Year 1834	Windham ...	59	3	9
	Townsend	38	8	9
	Goderich	14	8	5
	Burford.	24	11	0
	Westminister....	110	8	11
	Aldborough	20	12	0
	London.	93	0	4½
By balance received from the collector of	Charlotteville....	129	8	0
	Malahide	06	14	3
	Mosa... ...	5	16	8
	Bayham	82	16	5
	Yarmouth	30	8	2
	Southwold	107	0	0
	London.	131	3	4
	Nissouri	28	6	9
	Middleton and Houghton	14	16	5
	Windham	21	19	7
	Williams.	2	7	7
	Bleinham	65	5	11
	Norwich	125	4	11½
By part of assessments for the year 1833	East Oxford	27	10	0
	West do	15	5	0
	Burford ...	54	8	5
By amount received on account of Wild land assessments		649	5	0¾
Total.....£		3442	1	9¼

The London District, in account Current with the Treasurers, from 1st *April* 1834 *to* 31st *March* 1835.

Dr. *Cr.*

	Am'nt Currency.		
To amount of Miscellaneous disbursements as per voucher No. 1....	2095	3	5
" " of Judical disbursements, as per voucher No. 2.....	332	9	10
" " of Gaol &c., disbursements, as per voucher No. 3..	257	14	0¾
Carried forward....£	2685	7	3¾

	Am'nt Currency.		
By Balance in the Treasury on the 31st March, 1834.....	211	15	10½
" amount received on account of the District, as per voucher Number 5	3442	1	9¼
Carried forwar....£	3653	17	7¾

Brought forward....£	2685	7	3¾	*Brought forward*....£	3653	17	7¾
To amount of road, disbursements, as per voucher No. 4.....	115	17	9				
	2801	5	0¾				
" 4 per cent on £2801 5 0¾ due the Treasurer.....	112	1	0				
	2913	6	0¾				
" Balance in Treasurers hands, carried to new ac't.....	740	11	7	Total.....£	3653	17	7¾
Total.....£	3653	17	7¾	By balance in the Treasurers hands carried to new ac't.....£	740	11	7

JOHN HARRIS, *T. L. D.*

Treasurer's Office, London, 1st April, 1835.

Approved in committee,
(Signed) PETER CARROLL, *Chairman.*

In open Court of General Quarter Sessions, the above account current, with the abstract of Disbursements, and abstract of Receipts, as also the Vouchers which relate to the above charges, having been examined, the same is approved, leaving a balance in the hands of the Treasurer, of seven hundred and forty pounds eleven shillings and seven pence.

(Signed) WILLIAM YOUNG, *Chairman.*

Dated London, this 17th July, 1835.

John Harris, Treasurer London District, maketh Oath that the within Account contained on two sheets is a true copy of the Districts as audited the 17th July, 1835.

JOHN HARRIS.

Sworn at the town of London, this third day of October, 1835, before me,
WILLIAM YOUNG, *J. P.*

The Townships in the county of Middlesex, London District, in account with the Treasurer, on account of Road Tax from 1st July, 1831, to 31st March, 1835.

CARRADOC.

Dr.	Am'nt. Currency.				Cr.	Am'nt. Currency.		
Paid James Fisher....	9	3	9	By balance brought forward.....	7	13	5
" Thomas Nagle...	5	0	0	By amount received on account including balance from Sheriff on account of sales.	35	2	0½
" Horace Cooly.....	6	17	9				
" 3 per cent on £6 8 10, due the Sheriff.		3	10½				
	2	5	4½				
" 4 per cent on £21 5 4½ due the Treasurer...		1	0				
" Balance in the Treasury....	20	13	1½				
Total....£	42	15	5½	Total....£	42	15	5½

BAYHAM.

Paid 3 per cent on £8 16 5 due the Sheriff on account of sales.....		5	3½	By balance brought forward.....	3	8	5½
" Balance in the Treasury....	7	9	10	By amount received on account including balance from Sheriff, on account of sales.	4	6	8¼
Total....£	7	15	1½	Total....£	7	15	1½

LONDON.

Paid Balance due the Treasurer.... ...	5	18	2	By amount received on account including balance from Sheriff on acc't. of sales. .	7	19	9½
" George J. Goodhue, Esq...	11	0	0	By balance due the Treasurer....	11	10	6½
" Tilly Hubbard....	1	15	0				
" 3 per cent on £3 14 1 due the Sheriff on account of sales....		2	2½				
	18	15	4½				
" 4 per cent on £18 15 4½ due the Treasurer....		15	0				
Total....£	19	10	4½	Total....	19	10	4½

MALAHIDE.

Paid balance due the Treasurer....	1	2	1½	By amount received on account including balance from Sheriff on acc't. of sales.	30	4	6
3 per cent on £10 0 8½ due the Sheriff on account of sales		6	0½				
	1	8	1½				
4 per cent on £1 8 1½ due the Treasurer....		1	2½				
Balance in the Treasury..	28	15	3				
Total....	30	4	6	Total ...	30	4	6

ALBOROUGH.

Paid the Honorable Thomas Talbot	26	13	4	By balance brought forward . . .	3	1	3½
do. do. do.	40	0	0	amount received on account including balance from Sheriff on acc't. of sales.	87	15	4½
3 per cent on £58 13 0½ due the Sheriff on account of sales . . .	1	15	2½				
	68	8	6½				
4 per cent on £68 8 6½ due the Treasurer	2	14	8½				
Balance in the Treasury	19	13	4½				
Total....	90	16	7½	Total——	90	16	7½

DUNWICH.

Paid balance due the Treasurer..	9	13	4½	By amount received on account, including balance from Sheriff on account of sales	34	12	3½
The honorable Thomas Talbot	49	9	4½	By balance due the Treasurer	27	13	1½
3 per cent on 37l. 0 5 due the Sheriff on account of sales.	1	2	2½				
	60	4	11½				
4 per cent on 50l. 11 7 due the Treasurer....	2	0	5½				
Total....	62	5	5	Total ...	62	5	5

SOUTHWOLD.

Paid Caughlan Lunley...	4	0	0	By amount received on account, including balance from Sheriff on acc't of sales	27	17	0
Jediah Young and Abraham Griffin....	7	10	0	By balance brought forward	25	12	9½
Caughlan Lunley...	10	0	0				
3 per cent on 36l. 14 6½ due the Sheriff on account of sales	1	2	0½				
	22	12	0½				
4 per cent on £22 12 0½ due the Treasurer....	0	18	0½				
Balance in the Treasury	29	19	8½				
Total.....	53	9	9½	Total.....	53	9	9½

SOUTH DORCHESTER.

Paid 3 per cent on 171*l.* 16 1½ due the Sheriff on account of sales.....	5	3	1	By amount received on account, including balance from Sheriff on account of sales....	77	2	1½
4 per cent on 5*l.* 3 1 due the Treasurer.....	0	4	1¼	" balance brought forward...	11	8	7¾
Balance in the treasury	83	3	7				
Total.....	88	10	9¼	Total.....	88	10	9¼

NORTH DORCHESTER.

Paid 3 per cent on 13*l.* 7 8 due the Sheriff on account of sales	0	8	0¼	By balance brought forward...	9	5	6¾
Balance in the treasury...	35	16	6	" amount received on account, including balance from Sheriff on account of sales.....	26	19	0
Total.....	36	4	6¾	Total.....	36	4	6¾

LOBO.

Paid Andrew Martin	9	0	0	By balance brought forward...	13	17	5¾
3 per cent on 25*l.* 19 6½ due the Sheriff on account of sales	0	15	7	" amount received on account, including balance from Sheriff on account of sales.....	26	15	5
	9	15	7				
4 per cent on 9*l.* 15 7 due the treasurer.....	0	7	9¾				
balance in the treasury....	30	9	6				
Total.....	40	12	10¾	Total.....	40	12	10¾

WESTMINSTER.

Paid Sylvanus Reynolds	5	0	0	By balance brought forward...	2	13	7¾
John B. Askin, Esq.....	4	0	0	" amount received on account including balance from Sheriff on account of sales.....	12	13	10
3 per cent on 12*l.* 16 5¾ due the Sheriff on account of sales	0	7	8¼				
	9	7	8¼				
4 per cent on 9*l.* 7 8¼ due the treasurer....	0	7	6				
balance in the treasury....	5	12	3				
Total.....	15	7	5¼	Total.....	15	7	5¼

DELAWARE.

Paid Duncan McKenzie	57	0	0	By balance brought forward.	69	16	6
do do	10	0	0	" amount received on acc't, including balance from Sheriff on account of sales	9	19	4½
Duncan Forbes.	6	15	0	" balance due the treasurer...	41	12	8½
Joel Westbrook.	1	6	6				
Andrew Martin.	24	15	0				
do do	8	0	0				
Abijah Martin...	6	15	0				
3 per cent on 72*l.* 16 3 due the Sheriff on account of sales	2	3	8¼				
	116	15	2¼				
4 per cent on 116*l.* 15 2¼ due the treasurer	4	13	4¾				
Total	121	8	7	Total.....	121	8	7

EKFRID.

				By amount received on account	6	5	0

YARMOUTH.

Paid Thomas Hardison	55 0 0	By balance brought forward...	63 8 8¾
Stephen A. Secord	29 0 0	By amount received on account, including balance from Sheriff on account of sales.....	31 3 2
	84 0 0		
4 per cent on 84*l.* due the treasurer	3 7 2¾		
Balance in the treasury...	7 4 8		
Total.....	94 11 10¾	Total.....	94 11 10¾

MOSA.

		By amount received on account, including balance from Sheriff on account of sales.....	22 15 0

JOHN HARRIS, *T. L. D.*

Treasurer's Office, London, 1st April, 1835.

The above account current, contained in five sheets, with the different townships, in the County of Middlesex, as also the Vouchers, which relate to the same having been examined, the same is approved, leaving such balances in the hands of the Treasurer as appear by the account current, within set forth.

Dated London, this 17th day of July, 1835.

(Signed) WILLIAM YOUNG, *Chairman.*

Approved in committee,

(Signed) PETER CARROLL,
Chairman Committee.

The Townships in the County of Oxford, London District, in account with the Treasurer, on account of Road Tax, from the 1st of July, 1831, to the 31st of March, 1835.

DR. CR.

BLENHEIM.

	Am'nt Currency.				Am'nt Currency.		
Paid Silas Martin....	20	0	0	By balance brought forward...	60	1	11½
Jeremiah Corwin	12	10	0	By amount received on account, including balance from Sheriff on account of sales.....	72	1	0
Dentin Burns	9	6	0				
Samuel Tubb....	5	6	0				
Samuel Crosby..	6	2	9½				
Peter Bastedo....	15	0	0				
3 per cent on 90*l.* 11 6¾ due the Sheriff on account of sales	2	14	4				
	80	13	1½				
4 per cent on 80*l.* 13 1½ due the treasurer.	3	4	6¼				
Balance in the treasury...	48	5	3¾				
Tot a.....	132	2	11½	Total.....	132	2	11½

OXFORD EAST.

Paid balance due the Treasurer	16	1	8¾	By amount received on account, including balance from Sheriff on acconnt of sales.....	57	9	11
Caleb Bayber	25	0	0				
3 per cent on 37*l.* 6 1½ due the Sheriff on account of sales	1	2	4½				
4 per cent on 26*l.* 2 4½ due the treasurer...	1	0	10¾				
Balance in the treasury...	14	4	11				
Total.....	57	9	11	Total... ..	57	9	11

OXFORD WEST AND NORTH.

Paid William Marrigold	2	10	0	By balance of Oxford West....	9	18	5
James Ingersoll, Esq.....	2	10	0	do do North	1	16	7
David W. Cronk	7	10	0	" amount received on account, including balance from Sheriff on account of sales.....	23	8	4½
Enoch Rendich.	3	14	8	" balance due the Treasurer.	3	6	1½
Oliver M. Teeple	2	10	0				
David Cronk	7	10	0				
Samuel P. Teeple	10	0	0				
3 per cent on 25*l.* 7 8 due the Sheriff on account of sales.	0	15	2½				
	36	19	10½				
4 per cent on 36*l.* 19 10½ due the Treasurer	1	9	8				
Total.....	38	9	6	Total.....	38	9	6½

NISSOURI.

Paid Donald McDonell	5	0	0	By balance brought forward	18	13	11¼
Hugh McDermid	5	0	0	By am't received on acc't including balance			
John Scatchard, Esq.	20	0	0	from Sheriff on acc't of sales	136	4	1
James Ingersoll, Esq.	40	0	0				
3 per cent on £84 4 5, due the Sheriff on acc't of sales	2	10	0¼				
Total....£	72	10	6¼				
4 per cent on £72 10 6¼ due the Treasurer	2	18	0¼				
Balance in Treasury	79	9	5¾				
Total....£	154	18	0¼	Total....£	154	18	0¼

DEREHAM.

Paid Benjamin Hill	5	0	0	By balance brought forward	48	5	11¾
Alanson Smith	1	15	7½	By amount received on acc't, including ba-			
George Tilson	10	0	0	lance from Sheriff on acc't of sales....	101	3	9½
Daniel Dean	10	10	0				
James Ingersoll, Esq.	60	0	0				
3 per cent on £139 13 0 due the Sheriff on acc't of sales	4	3	9¼				
	91	9	4¾				
4 per cent on £91 9 4¾ due the Treasurer	3	13	2				
Balance in the Treasury	54	7	2½				
Total....£	149	9	9¼	Total ...£	149	9	9¼

BURFORD.

Paid John Weir	17	10	0	By balance brought forward	72	16	9½
Garner Hawley	2	10	0	By am't received on acc't including balance			
Jonathan Sprague	1	19	4½	from Sheriff, on account of sales.....	75	13	8½
Harvey Sprague	2	10	0				
Hiram Spragge	10	0	0				
James Perry	2	8	0				
Samuel Throop	3	0	0				
Amos Hunter	18	9	4½				
James Throop	16	12	6				
3 per cent on £103 9 5 due the Sheriff on acc't of sales	3	2	0¾				
	78	1	3¾				
4 per cent on £78 1 3¾ due the Treasurer	3	2	5¼				
Balance in the Treasury	67	6	9				
Total... £	148	10	6	Total....	148	10	6

NORWICH.

Paid Joseph Crane	6	18	1	By balance brought forward	36	0	11½
Abraham Swartwart	5	1	3	By amn't received on acc't including balance			
3 per cent on £48 19 1½ due the Sheriff on acc't of sales	1	9	4½	from Sheriff, on acc't of sales	52	12	2¼
	13	8	8½				
4 per cent on £13 8 8½ due the Treasurer		10	9				
Balance in Treasury	74	13	8¾				
Total ...£	88	13	1¾	Total....£	88	13	1¾

ZORRA.

Paid John Hatch, Esq.			35 0 0	By amount brought forward			4 16 1¼
Jacob Ernest			2 10 0	By am't received on acc't including balance			
James Ingersoll, Esq.			32 10 0	from Sheriff, on acc't of sales			177 8 7¾
Alvin Turner			5 0 0				
James Ingersoll, Esq.			30 0 0				
Daniel Turner			8 16 10				
3 per cent on £115 18 10½ due the Sheriff on acc't of sales			3 9 6¾				
			117 6 4¾				
4 per cent on £117 6 4¾ due the Treasurer			4 13 10½				
Balance in the Treasury			60 4 6				
Total	£		182 4 9	Total	£		182 4 9

OAKLAND.

Paid 3 per cent on £11 10 9 due the Sheriff on account of sales			0 11	By balance brought forward			7 11 5
4 per cent on £0 6 11 due the Treasurer			3¼	By amn't received on acc't including balance from Sheriff on acc't of sales			1 12 9¾
Balance in the Treasury			8 17 0½				
Total			9 4 2¾	Total	£		9 4 2¾

BLANDFORD

				By balance brought forward			4 14 10

JOHN HARRIS, T. L. D.

Treasurer's Office, London, 1st April, 1835.

The above account current with the different Township's in the county of Oxford, contained in four sheets, as also, the vouchers, which relate to the same, having been examined, the same is approved leaving such balances, in the hands of the Treasurer, as appears by the account current within set forth.

Dated London, the 17th day of July, 1835.

(Signed) Wm. YOUNG, *Chairman.*

Approved of in Committee,

(Signed) PETER CARROLL,
Chr. Committee.

The Townships in the County of Norfolk, London District in account with the Treasurer, on account of Road Tax, from 1st July 1831, to 31st March, 1835.

Dr. *Cr.*

TOWNSEND.

		Am't. Currency.				Am't. Currency.
Paid J. W. Powell, Esq.		25 0 0	By balance brought forward			1 1 2¾
G. C. Salmon, Esq.		10 0 0	By amount received on account including balance from Sheriff on account of sales.			52 14 3¾
3 per cent on £77 4 3½ due the Sheriff on acc't of sales		2 5 8½				
		37 5 8½				
4 per cent on £37 5 8½ due the Treasurer		1 9 10				
Balance in the Treasury		14 19 11½				
Total	£	53 15 6	Total	£		53 15 6

CHARLOTTEVILLE,

Paid Samuel Johnston...	2	13	1½	By amount received on account including			
do do	3	6	3	balance from Sheriff on acc't. of sales...	39	12	4½
Jacob Potts, Esq....	25	0	0	By balance brought forward	29	4	10
3 per cent on £57 14 4½ due the Sheriff on account of sales	1	14	7½				
	32	14	0				
4 per cent on £32 14 due the Treasurer	1	6	1¾				
Balance in the treasury	34	17	0¾				
Total....	68	17	2½	Total....	68	17	2½

WALSINGHAM.

Paid Joseph Jackson	25	0	0	By balance brought forward	88	19	6½
Jacob Potts, jun. Esq.	25	0	0	By amount received on account including			
Colonel Salmon	70	0	0	balance from Sheriff on acc't. of sales.	65	10	9¾
3 per cent on £102 8 6 due the Sheriff on account of sales	3	1	5¼				
	123	1	5¼				
4 per cent on £123 1 5¼ due the Treasurer....	4	18	5¼				
Balance in the Treasury..	26	10	5½				
Total....	154	10	4¾	Total ...	154	10	4¾

WINDHAM.

Paid J. W. Powell, Esq..	40	0	0	By balance brought forward . . .	51	7	0
William Willson....	17	10	0	amount received on account including			
J. W. Powell, Esq..	29	0	0	balance from Sheriff on acc't. of sales.	93	12	5¾
Geo. C. Salmon, Esq.	10	0	0				
3 per cent on £106 15 9¾ due the Sheriff on account of sales	3	4	1¼				
	99	14	1¼				
4 per cent on £99 14 1¼ due the Treasurer	3	19	9				
Balance in the Treasury	41	5	7¼				
Total....	144	19	5¾	Total....	144	19	5¾

WOODHOUSE.

Paid Robert Marr	15	0	0	By balance brought forward	3	12	11¼
Edward P. Ryerse..	6	5	0	By amount received on account, including			
3 per cent on 45l. 13 7¼ due the Sheriff on account of sales.	1	7	4¾	balance from Sheriff on account of sales	23	16	1
	22	12	4¾				
4 per cent on 22l. 12 4¾ due the Treasurer....	0	18	1				
Balance in the Treasury	3	18	6½				
Total....	27	9	0¾	Total ...	27	9	0¾

JOHN HARRIS, *T. L. D.*

Treasurer's Office, London, 1st April, 1835.

In open Court of General Quarter Sessions, the above account current, with the different Townships, in the County of Norfolk, contained in two sheets, as also the Vouchers which relate to the same, having been

examined, the same is approved, leaving such balances, in the hands of the Treasurer, as appears by the account current within set forth.

Dated London, this 17th July, 1835.

(Signed) WILLIAM YOUNG, *Chairman.*

Approved in committee,
(Signed) PETER CARROLL, *Chairman.*

John Harris, Treasurer of the London District, maketh Oath that the within Account contained in three sheets is a true copy of the Road accounts with the different townships as audited the 17th July, 1835.

JOHN HARRIS.

Sworn at the town of London, this third day of October, 1835, before me,
WILLIAM YOUNG, *J. P.*

WESTERN DISTRICT.

DR. *The Western District, in account with* WILLIAM HANDS, *Treasurer of the said District,* CR.

No	1834			£	s	d
1	July 8	To my allowance for absentee land account		5	0	0
		To paid a warrant to P.P. Leroux		6	7	6
2		do	do Geo. P. Kirby	12	15	0
3		do	do Benj'n Knapp	1	0	8
4		do	do Nelson Boyce	0	10	2
5		do	do Gregorie Leduc	0	7	3
6		do	do Crier	1	0	0
6		do	do J. Woods	4	2	6
8		do	do John Marrow	2	17	0
9		do	do Clk of the Peace	37	3	1
10		do	do Sheriff	17	14	0
11		do	do Gaoler	19	15	0
12		do	do Wm. Westaway	0	4	6
13		do	do Wm. Ambridge	5	13	4
14		do	do Francis Primo	0	5	0
15		do	do Clerk of Peace	12	6	1
16		do	do John Cowan	20	12	6
17		do	do Wm. Ambridge	12	6	4½
18		do	do Daniel Crow	2	0	0
19		do	do R'g officer of Kent	24	10	0
20		do	do do Essex	24	10	0
21		do	do Wm. Sanford	0	8	6
22		do	do Gaoler	24	17	0
23		do	do W. R. Wood	0	11	3
24		do	do Crier	1	8	0
25		do	do Laurent Meloche	0	3	9
26		do	do Jos. C. Lewis	0	4	8½
27		do	do John Marrow	9	14	0
28		do	do Francis Primo	2	8	10
29		do	do W Hands, late sheriff	2	12	0
30		do	do Jos. Clark	2	2	3
31		do	do Wm. G. Hall	4	10	5
32		do	do W. G. Hall, coroner	3	10	0
33		do	do Clerk of Peace	17	14	10½
34		do	do Solon T. Thebo	2	10	6
35	Oct. 14	do	do do do	0	10	0
36		do	do Deputy Sheriff	0	11	3
37		do	do Dr. Johnson	11	15	0
38		do	do Sheriff	33	2	3½
39	1835					
40	Jan. 13	do	do John Jones	1	5	8
41		do	do Wm. Ambidge	8	4	5
42		do	do C. & E. Akerly	2	5	0
43		do	do John O. Mara	3	0	0
44		do	do Joseph Clark	1	1	0
45		do	do Honor Hawken	0	10	0
46		do	do Gaoler	19	15	0
47		do	do John Unsworth	1	2	6
48		do	do J. S. Williams	1	0	0
49		do	do W. R. Wood	10	10	0
			Carried forward	378	8	0½

	1834			£	s	d
	July 8	By balance due the District		24	18	11½
		By over charge on last year's acc't		0	3	7
	9	By the collector for Camden & Dawn in full for 1833		1	10	5
		do. Sandwich		100	19	6
		do. Colchester on account of 1827 to 1832		12	10	0
		do. Harwich do. 1833		3	10	5
		do. Chatham do. 1833		10	18	5
		do. Howard in full for 1832		4	4	7¾
		do. Maidstone & Rochester do.		1	4	1
		do. Colchester 1834		53	9	9½
		do. Oxford		31	10	2¾
		do. Tilbury and Romney on account of 1831		3	10	0
		do. Gosfield in full for 1834		63	3	11½
		do. Malden do		76	12	9½
		do. Mersea do		25	9	7
		do. Chatham do		27	14	9½
		do. Raleigh do		52	15	7
		do. Romney in full for 1834		9	10	4
		do. Sombra, Moore and Walpole Island		24	6	0½
		do. Howard		72	7	4
		do. Zone		25	0	9¾
		do. Camden and Dawn		35	13	4½
		do. Malden in full for 1833		22	1	6½
		do. East and West Dover		7	10	0
		By cash from the Sheriff for land sold by him for arrears of taxes		5	6	8¼
		By cash for absentee land assessments		175	1	10½
		By balance		120	5	4½
			Currency £	991	9	11¾

			Bro't forward....	378	8	0¾	
50	Jan. 13	To paid a warrant to	Dr. McMullin	3	2	6	112
51		do do	Sheriff.....	49	1	3	113
52		do do	Cl'k of the Peace	20	11	7½	
53		do do	Sol. T. Thebo..	1	17	6	114
54		do do	Cr'er of the Court	1	0	0	
55		do do	C. Brown, Cons'e	1	19	9	115
56		do do	John Cowan...	6	14	2	116
57		do do	Edw'd Boismeir..	2	14	0	117
58		do do	Charles Elliott..	2	10	0	118
59		do do	Crier.....	0	5	0	119
60		do do	Wm. G. Hall, Coroner	23	17	2	120 121
61		do do	John Ferries....		10	1	122
62		do do	J. H. Wilkinson..	0	11	0	123
63		do do	Dr. Phillips....	2	0	0	124
64		do do	Peter Stratch...	1	17	6	125
65		do do	J. S. Williams.	0	15	0	
66		do do	F. Lesperance..	1	4	9	
67		do do	John Mesmore..	3	15	0	126
68		dd do	James Baby...	7	17	6	
69		do do	James Baby surveyor of roads	5	0	0	127 128
70		do do	Cl'k of the Peace	27	4	8	129
71	April 14	do do	John Morrow...	17	8	4	130
72		do do	P. P. Labrox...	7	17	6	131
73		do do	John Unsworth..	2	5	0	132
74		do do	Andrew Peltier.	2	8	3	133
75		do do	Wm. Ambridge Coroner.....	8	8	6½	134
76		do do	Fr's. Marchand, crier	0	15	0	135
77		do do	Gregoire Basmier	3	16	3	136
78		do do	Wm. Duff.....	1	17	6	
79		do do	Wm. G. Hall, Coroner	12	1	1	137
80		do do	G. Moore, ass't. Gaoler	7	12	6	138
81		do do	J. L. Williams..	3	0	0	139
82		do do	Laurent Melochie	0	5	0	140
83		do do	John Cowan....	20	3	4	
84		do do	Gaoler	19	15	0	141
85		do do	Sheriff	36	0	7½	
86		do do	J. A. Wilkinson	3	0	0	142
87		do do	F. Marchand...	0	5	0	
88		do do	Francis Primo..	4	0	0	
89		do do	Jos. Clark, Constable	1	10	0	143
90		do do	Sheriff.....	0	12	6	
91		do do	Inspector of Licenses	0	10	0	
92			Assessor's Commission for Mersea 1834.....	1	9	9½	144
93			Collector's do do	1	4	5¾	
94			Town Clerk do	0	15	0	
95			do do 1835	0	10	0	145
96			Collector's do Malden 1833.....	3	16	0¾	
97			do do 1834	3	16	6¼	146
98			Assessor's do do	4	12	4¾	
99			Collector's do Camden and Dawn, 1833....	1	10	5	
100			do do 1834	1	15	7¾	147
101			Assessor's do do	2	9	11	
102			Town Clerk do do	0	15	0	148
103			Collector's do Raleigh	2	17	7¾	
104			Assessor's do do...	3	4	1	139
105			Town Clerk do 1835	0	15	0	
106			Collector's do Howard 1832	3	1	¾	
107			do do 1833	3	10	6¼	
108			do do 1834	3	16	2	
109			Town Clerk do 1834 & 1835.....	0	10	0	150
110			One of the Assessor's do do 1835.....	2	5	0	
111			Collector's do Harwich, 1833.....	1	4	6½	151
			Carried forward..... ...	739	18	9¼	

			Bro't forward...	739	18	9¼	
		To paid Assessor's do	do 1834	1	11	0¼	
		To paid Town Clerk commission	for Harwich, 1835.. ...	0	15	0	
			Collector's do Chatham 1834.....	1	7	6	
			Assessor's do do. .	1	11	0¼	
			Town Clerk do do...	0	15	0	
			Assessor's do Romney..	0	10	6¼	
			Town Clerk do do...	0	15	0	
			Collector's do Orford...	1	11	6	
			Assessor's do do..	1	15	2½	
			Town Clerk do do...	0	15	0	
			Collector's do Gosfield	3	1	1¼	
			Assessor's....do....do...	3	4	5	
			Town Clerk....do.....	0	15	0	
			Assessor's ...do....Bomben, More and Walpole Island, 1833.....	0	14	0	
			Collector's...do...Maidstone and Rochester, 1832....	0	14	10	
			Assessor's.....do....1834	1	2	5½	
			Town Clerk...do....1835	0	15	0	
			Collector's do Zone..1834	1	4	11¼	
			One of the Assessor's do	0	15	2¼	
			Collector's do Colchester	2	13	5¾	
			Assessor's ....do....do..	3	2	4¾	
			Town Clerk....do....do.	0	15	0	
			Assessor's do Sandwich	10	10	3	
			Town Clerk do do 1835	0	10	0	
			Town Clerk do Camden, do.	0	15	0	
			Collectors do E. & W. Dover, 1832 & 1833	2	10	11¾	
			Assessors do do. 1834	1	14	0¾	
			Town Clerk do 1835	0	15	0	
			for a Law Dictionary for the use of the District..	3	10	0	
			for repairing road across & along McKee farm	12	10	0	
			Jacque Rearerne per order of C. Eliot and A. Unsworth Com'rs for repairing gaol	2	10	8½	
			Pierre Groux per order of John S. Williams & S. Thebo, com'rs for building a pound...	0	17	6	
			S. S. Thebo per order of C. Eliot, Esq. com'r. for receiving fugitives from justice	4	0	0	
			12 month's allowance to F. Marchand, crier of the court	6	0	0	
			Fr's. L'Herreux, per order of E. Reynolds and A. Unsworth, com'rs for repairing gaol	7	0	0	
			John Morrow per order of do. do.... ...	13	5	5	
			E. Boismeir per order of do. do....	13	16	10½	
			Freight of books for Board of Education..	0	7	3	
			Gideon Pense per order of C. Eliot, Esq. com'r. for receiving fugitives from justice	4	5	0	
			Edward Boismeir per order of E. Reynolds and A. Unsworth com'rs for repairing gaol...	18	0	2	
			Orders of J. Woods and J. Prince, com'rs for ex-				
			Carried forward....	873	11	8¼	

	Bro't forward	873	11	8½		*Bro't forward*....	948 7 3½
	pending £40 on the road leading from Sandwich to the Black Stump	20	11	3		My allowance for absentee land acc't this year.....	5 0 0
152	A Warrant to F. Marchand Crier	0	5	0		Commission on disbursements £953 7 3½ at 4 per cent.....	38 2 8½
153	do. F. Wilkinson	0	13	4		Currency....£	991 9 11½
154	John Morrow, per order of E. Reynolds and Ab'm. Unsworth com'rs. for repairing gaol.....	0	6	0	July 8	Balance due Wm. Hands Treasurer.	120 5 4½
	53 Wolf Scalp certificates	53	0	0			
	Carried forward....	948	7	3½			

Sandwich, 8th July, 1835.
WILLIAM HANDS, *Treasurer W. D.*

17th July, 1835.
Approved having been previously sworn to by Mr. Hands and duly examined by the Court.
JOHN PRINCE, *Chairman.*

No. 44.

MESSAGE FROM HIS EXCELLENCY

WITH

Despatch

ON THE

SUBJECT OF PRISON DISCIPLINE.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, the accompanying copy of a Despatch from His Majesty's Secretary of State for the Colonies on the subject of Prison Discipline, together with the copy of an act recently passed by the Imperial Parliament relative thereto.

The Lieutenant Governor also forwards to the Assembly, copies of Reports of the Chief Justice and Judges; and of Magistrates of several Districts, respecting the condition of the Gaols and treatment of Prisoners therein,—to which important subject he invites the attentive consideration of the House.

Government House, 7th March, 1836.

(For Despatch see printed Journal, Page 261.*)*

(Copy)

TORONTO, 22*nd December*, 1835.

Report of the Chief Justice and Judges on the subject of Gaols and the treatment of Prisoners in Upper Canada.

MAY IT PLEASE YOUR EXCELLENCY:

The Judges take the liberty of suggesting to Your Excellency, that the treatment of Prisoners confined on criminal charges in the several Gaols in this Province appears to call for the establishment, by Legislative authority, of more precise and satisfactory regulations than are at present provided.

In some of the Districts, the Gaol allowance of food to such Prisoners includes a proportion of meat and vegetables, but we are not sure that this is the case generally; and we are informed that the Magistrates of the Home District have, for a long time, declined to authorise the furnishing of any other diet than bread and water. At the present time, during the inclemency of a severe winter, there are in Gaol of the Home District many prisoners both convicts and persons yet untried, who have no other sustenance.

It may probably be difficult, or impossible, for the Magistrates in some of the Districts to defray, out of the present rates, all the charges to which the District funds are liable; but it appears to the Judges that there can be no claim upon those funds entitled to take precedence of the indispensable charge for providing whatever may be necessary for preserving prisoners from absolute suffering. The wants of medical attendance, fuel, bedding, clothing and food; should, we conceive, be provided for in all cases to such an extent as to prevent absolute suffering, and the danger of permanent injury to the health of the prisoner.

We do not conceive that bread and water alone ought to be considered a sufficient diet, though in the quantity and quality of the meat and vegetables to be added to it, it will of course be reasonable and necessary to consult economy.

With respect to convicts under sentence of death for murder, whose term of imprisonment cannot be long, the law makes special provision; but with regard to other convicts, a better diet than bread and water should, we think, be supplied; and most certainly those prisoners who are awaiting their trial should not be restricted to what is barely sufficient, even under more favorable circumstances, to sustain nature.

Such bedding also and coarse warm clothing, as may be necessary, ought in our opinion to be furnished; and, if the charge of providing these things, together with the other expenses of the District, cannot be defrayed out of their ordinary means, it may be found expedient to apply to the Legislature to bestow their consideration upon the subject.

Our reason for troubling Your Excellency with this representation, at the present moment, is, that there are now confined in the Gaol of this District a number of prisoners, some of whom, we have reason to apprehend, are in a state of suffering from the want of what we regard as the absolute necessaries of life; and we earnestly recommend their case to the immediate notice of the government.

We are aware that private charity might, and would, if appealed to, extend its aid to those miserable objects; but besides that such a resource is precarious and unsteady, it is already heavily burthened by other claims; and the proper maintenance of prisoners seems to us to be a charge peculiarly incumbent upon the civil authority.

We have the honor to be,
Your Excellency's most obedient,
Humble Servants,
JOHN B. ROBINSON, C. J.
L. P. SHERWOOD, J.
J. B. MACAULAY, J.

GAOL REPORTS.

OTTAWA DISTRICT—GAOL REPORT.

(Copy.)

LONGUEIL, *February 9th*, 1836.

SIR,

In reply to the Government Circular of 22d Dec., last, on the subject of the maintenance of Prisoners confined in the Ottawa District Gaol, I have the honor to state that I laid the same before the Court of General Quarter Sessions of the Peace of the said District at its recent sittings, and I am requested by the Court to certify, for the information of His Excellency the Lieutenant Governor, that by a permanent order of Court passed at the General Quarter Sessions, on the 23rd of September, 1830, all prisoners confined in the said Gaol, except prisoners for debt, are allowed one pound and a half of bread, and half a pound of pork per diem, with a sufficiency of water; and further that an adequate supply of firewood and blankets is at all times provided.

I have the honor, &c.

(Signed) GEORGE HAMILTON, *J. P.*
Chairman Quarter Sessions,
District of Ottawa.

JOHN JOSEPH, Esq.,
Civil Secretary,
&c. &c. &c. Toronto.

BATHURST DISTRICT—GAOL REPORTS.

(Copy.)

PERTH, *25th January*, 1836.

SIR,

I have to acknowledge the receipt of your letter of the 22nd ult., enclosing a printed copy of a representation made by the Judges respecting criminals confined in the District Gaols of this Province, in reply to which I beg to say, that I laid the same before the Magistrates, and on their behalf I am authorised to state, that the prisoners confined within the Gaol of this District have at all times been treated with the greatest humanity and made as comfortable as circumstances and their unfortunate situation could admit of; they have always been allowed bread, meat, vegetables, fuel, and blankets, as well as medical aid when required, and no complaint as yet has ever reached the ears of the magistrates on that head; this liberality however has caused a great drawback on the limited funds of our district, and prevents the magistrates from adopting many measures of utility in contemplation for the public good, and although very desirable and absolutely necessary, the want of funds prevents the accomplishment of many requisite improvements, suggested and recommended by both Magistrates and Grand Juries; this being the case the Magistrates respectfully recommend that some provision may be made by a Legislative enactment for the maintenance of Prisoners and Insane persons in each district; the funds of this district are now inadequate to the maintenance of so many prisoners as are from time to time confined within our gaol, and the operation of the late law for the appointment of Township Officers will swallow up the amount of assessment to that degree that it will put it out of the power of the magistrates to make the usual provision for the support of the prisoners.

I have, &c.

(Signed) A FRASER,
Chairman Quarter Sessions,
Bathurst District.

To Lieut Col. ROWAN,
Civil Secretary, Toronto.

(Copy.)

MIDLAND DISTRICT,—GOAL REPORT.

To His Excellncy Sir John Colborne, K. C.B., Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

The Magistrates of the Midland District in General Quarter Sessions assembled, most respectfully beg leave to bring under Your Excellency's notice the absolute necessity which it is obvious to them exists, of a semi-annual circuit of the Judges of the Court of King's Bench for the purpose of holding Courts of Oyer and Terminer and General Goal delivery in each District.

In consequence of the increase in population there is an increase of crime, as well as of litigation of private rights; and instances similar to those requiring the late special Court of Oyer and Terminer conceded to this District by Your Excellency, are daily occurring in all the Districts of the Province, and unhappily compel the Magistrates to urge the matter thus on Your Excellency's consideration.

Although by that special commission the Goal of this District was delivered on the 29th day of last month, yet the Calender now affords four instances of commitment for Felony since that time; and of such unfortunate persons there may be individuals innocent of the offences laid to their charge; but who must remain incarcerated until the next annual circuit, unless the general wish for a second circuit be in the mean time acceded to; herein operating injuriously to the accused, and to the pecuniary interests of the District.

The Magistrates therefore most respectfully beg leave to submit the matter to Your Excellency's attention; and to entreat that your Excellency will be pleased (if you see fit) to recommend it to the consideration of the Legislature at its next session.

JOHN MACAULAY,
Chairman, Q. S. M. D.

KINGSTON, *Oct. 21st*, 1835.

MIDLAND DISTRICT GAOL REPORT.

(Copy.)

KINGSTON, *30th December*, 1835.

SIR,

I have had the honor to receive your circular letter of the 23rd instant, accompanying the

printed copy of a representation from the Chief Justice and Judges respecting the allowances to prisoners confined in the District Gaols, and the regulations which the magistrates can legally authorise in their respective districts, and further conveying the desire of His Excellency the Lieutenant Governor that the magistrates may comply with the recommendation of the judges relative to the food, clothes, and bedding which should be provided for prisoners during the present winter.

I beg to state that on the 28th instant, immediately after the receipt of your communication, I laid it before such of the magistrates of the district as could be conveniently assembled in special sessions, who after its perusal, accompanied by the Sheriff and the Gaoler, proceeded to inspect the cells and debtors apartments, in the gaol of this district, and inquired of the inmates separately whether any of them had suffered from the recent severity of the weather, or from want of necessary sustenance. I am gratified to have it in my power to state that the result of this inspection was most satisfactory.—The appearance and condition of the gaol were unexceptionable in all respects. The prisoners as well as the debtors have sufficient and suitable food, clothes and bedding, and their rooms and cells are furnished with stoves and due supply of fuel.—The magistrates felt on this occasion that they were justified in the reliance they have always placed on the humanity and attention of Mr. Ashley, the Gaoler, in the discharge of his duties.

It will be seen by the return of the gaoler, that the number of persons now in confinement, under his custody is small, viz:—

Convicted of Murder,	1
Sentenced for Trespass,	1
Charged with Offences,	4
Prisoners in Cells,	6
Debtors,	2
Total,	8

The Prisoner under sentence of Death subsists on the allowance customary in such cases, but complains of the discomfort of his shackles, from which, however, the magistrates could not undertake to relieve him.

Two of the persons charged with offences, furnish themselves with food at their own expense. The other two receive each, one pound of bread, one pound of beef, and half a pound of potatoes daily—a similar allowance is extended to both the individuals confined in the debtors rooms.

I take the liberty of herewith submitting for His Excellency's examination, a copy of the rules and regulations framed under the authority of the statute by the justices of this district in sessions, and confirmed by the judge of assize, in the year 1833. These rules will, I trust, shew that in the Midland District due care is taken to protect persons committed to the gaol from suffering by reason of the rigours of the winter or the want of sufficient food.—This has indeed been always a primary consideration with the magistrates, and they have not allowed any question of finance to interfere with it, although a heavy debt has unfortunately for some time past pressed severely on the revenue of the district.

It will be noticed that in conformity to these regulations, the gaoler is bound to produce at the Quarter Sessions, semi-annual statements, in the months of April and October, by which means a record is preserved in the office of the Clerk of the Peace of all commitments within the District, with the names of the persons committed, and of the court, or magistrates by whom such persons were committed, the nature of the offence, and the time and manner of discharge.

The physician and surgeon make quarterly reports on the health of the prisoners and the several cases of sickness which have occurred with the term just ended. For his services he is allowed a compensation of fifty pounds per annum—and though engaged for the benefit of the inmates of the cells only, he never hesitates to extend his professional aid to unfortunate and pennyless debtors when required. It is understood to be the duty of the physician to direct any change in the diet of prisoners, which the state of their health may from time to time render advisable.

As it frequently happens that persons are imprisoned for debt, who are without the present means of subsistence, the gaoler, under the eighteenth rule makes him an allowance of food at the expense of the District, and reports thereupon at the next adjourned Sessions to the magistrates, who direct it to be continued, if it is ascertained that the party thus relieved, is actually destitute.

The course of my inquiries respecting penitentiary institutions having led me to observe the manifold defects which prevail in the plans of the common gaols erected as well in Canada as in the United States, it has been my earnest desire to devise some essential improvement, that might hereafter be adopted in the construction of our District Prisons.—It is important to prevent our Common Gaols from becoming schools of vice, in which by means of the intercourse which may be maintained among prisoners associated in large rooms or cells the elder criminals have opportunities of contaminating the minds of the younger and less experienced offenders. To check this spread of moral depravity, is better than to punish for it, after its developement and exhibition in actual deeds of villainy—and this is, perhaps, all that can be accomplished by any improvement that is attainable in the architecture and discipline of Common Gaols.

It is clear that the first step which should be taken by Society for the prevention of the growth of vice is the careful and correct education of youth, not merely by instruction, elementary or otherwise, in profane literature, but by the unremitting inculcation of Religious truths and impressing on the Juvenile mind the necessity and value of self restraint. The polity of nations even the most enlightened has not yet devoted suitable attention to this high duty, on which rests so much of social order and happiness, as well as of individual purity of life and manners. A wide field here expands before the labors of Christian Philanthropists and Statesmen, which it will daily become more imperative on them to occupy, as mankind advance in the path of civilization and refinement because the incentives to crime are multiplied

according to the increase of wealth and luxury and it cannot be doubted, that if men are not under such circumstances carefully impressed in their youth with a deep sense of their moral obligations, they will sink under temptations, and indulging freely in their vicious and criminal propensities incur the penalties of the law, and be exposed to public disgrace and punishment. Early religious instruction should form the basis of all schemes of national education, without it, a people may become eminent in general literature and intelligence, but not in morals. —But to return from this digression;—I beg to remark that with the aid of Mr. Powers, Deputy Warden of the Penitentiary, I have nearly completed the plan of a District Goal, in which I have endeavored to provide for the separation and classification of Prisoners in such a manner, that while they may be allowed greater purity of air and better opportunities of exercise, than are attainable in the present Goals, their intercourse with each other shall be either prohibited entirely or regulated in any other way that may be considered desirable.—It is my intention to submit this plan, when prepared, to the Judges, and request them to examine and determine whether it may not be well to recommend it for general adoption on all future occasions of constructing District Prisons.

It appears to me that the present manner of proceeding in building Gaols is an unfortunate one. When the Justices of a District undertake business of this nature they appoint a Committee to superintend it; which commonly consists of certain members of their own Body, and perhaps the Sheriff or Clerk of the Peace. These gentlemen immediately procure a number of Plans from the best builders in their part of the Province, discuss their several merits with an intention of ascertaining the best, and finally select one, which after being acted on at no trifling expense, turns out to be defective in many important particulars. This scene is repeated in the very next District, in which a Goal is to be built.—The superintending Committee of one District does not profit by observation of the errors committed by that of another District. They are in fact, all without experience, when they commence their duties, and the experience which each Committee subsequently acquires is lost, not only to its particular District, but to the whole country.—Now, I am inclined to think that this evil might be remedied, if the Executive Government were authorised to select and establish a general Plan for the construction of goals and court houses, from which no deviation should be allowed, except by consent of an Inspector of Prisons, appointed under the provisions of a Statute, whose other duties are implied by his name; or if the Institution of such an Office should not be approved of by the Legislature, let a Board be created at Toronto, consisting of three or more persons, to which all plans for District Prisons should be submitted for approval.—If even this suggestion should be discountenanced, it might possibly be arranged that no departure from the Plan sanctioned for general use by the Government should be attempted until confirmed by a provisional Board to be composed of the Judge of Assize and Crown Officer on the circuit for the year, and the Chairman of the Quarter Sessions for the time being.—The objection which lies to this proposal is that the Judge of Assize and Crown Officer might be unable to bestow as much attention to the matter as would be requisite for a satisfactory decision.

Be pleased to pardon me for troubling you with remarks, which are not directly called for by your Circular. The public importance of the subject to which they relate even as it respects mere pecuniary considerations will I trust plead in my behalf.

I have the honor, &c,

(Signed) JOHN MACAULAY,
Chairman Quarter Sessions,
Midland District.

Col. Wm. Rowan,
&c. &c. &c.

(Copy.)

JAILOR'S RETURN.

NAMES.	COUNTRY.	CRIME.	When committed.	By whom committed.	REMARKS.
John M'Auliffe.....	Ireland.....	Murder.....	Sept. 28, 1835	S. Shaw, Coroner, ..	Found guilty—rec's 1½ lb bread daily
Oliver Osburn.....	United States.	Forgery.....	Oct. 10, 1835	A. Manahan, Esq...	Rec's 1lb bread, 1lb beef, ½lb potatoes.
Benjamin L. Hinckley.....	United States.	Enticing a soldier to desert.....	Oct. 10, 1835	T. Askew, Esq.	" " "
William Carrel.....	United States.	Stealing £500.....	Oct. 17, 1835	By the Court, ...	Furnishes himself.
Andrew M'Ardle.....	Ireland	Stabbing, with an intent to kill.....	Nov. 7, 1835	B. Fairfield and others,	" "
Thomas Kennon.....	Ireland	Trespass under summary punishment act	Nov. 8, 1835	A. Marshall, Esq.	Receives 1½lb bread
DEBTORS.					Both receive the Gaol allowance: 1lb bread, 1lb beef, ½lb Potatoes, the gaol allowance.
Peter Grant.....	.....	.....	.....	.....	
Francis M'Connell.....					

(Signed) JOHN ASHLEY, *Gaoler, M. D.*

Kingston, *December 28th*, 1835.

HOME DISTRICT,—GAOL REPORT.

TORONTO, *8th December*, 1835.

Copy,

SIR,

I have the honor to transmit to you for the information of His Excellency the Lieutenant Governor, a petition drawn up by the Grand Jury of the Home District at the last Assizes, accompanied by a representation of the Justices in Quarter Sessions, upon the urgent necessity of adopting immediate measures for erecting a more sufficient gaol.

The petition is addressed to the House of Assembly, and was delivered to the Court with the paper which accompanies it, in order that the subject might through the interposition of the government be pressed upon the favorable consideration of the Legislature.

I beg also to transmit to you a presentment of the Grand Jury of the District of Niagara, at the last Assizes respecting the gaol of that District, upon which it may appear proper to His Excellency to make some communication to the Legislature.

I have the honor, &c.

(Signed) JNO. B. ROBINSON.

LIEUT. COL. ROWAN,
&c. &c. &c.

To the Honorable the Commons House of Assembly, in Provincial Parliament Assembled.

The Petition of the Grand Jury of the Home District,

RESPECTFULLY SHEWETH:

That the Gaol of the District is insufficient for the safe keeping of prisoners; is so ill arranged that the prisoners cannot be permitted to take air and exercise without affording them facilities of escape which in the exercise of a sound discretion neither the sheriff or Gaoler can permit them to have recourse to; and that from the great increase of population in the District it is become insufficient for the proper accommodation of the prisoners committed to it. That under these circumstances the Magistrates, the Sheriff and the other persons exercising authority in the District are either impeded and embarrassed in the performance of their respective duties, or suffer loss and damage through the escape of prisoners and from other causes. That increased rigour is necessarily exercised towards the prisoners, debtors as well as criminals, causing them to suffer more than the laws would sanction or humanity approve. That this state of things has existed for upwards of eight years, the evil complained of increasing from year to year. That repeated applications have been made to the Legislature for an Act to increase the taxation of property within the District to enable the Magistrates to apply the needful remedies to these evils, but that hitherto no such inactment has been passed. That the Grand Jury now applies to the present Parliament for relief in the premises, and to this petition annex certain resolutions, adopted by the Magistrates at a general meeting in Session assembled, with the view more strongly to impress upon the Legislature the necessity of making Legislative Provision for the relief of the District during the next Session of Parliament.

The Grand Jury therefore prays that such additional assessment be laid on rateable property throughout the district as may be deemed sufficient for the increasing wants of the district.

For self and fellows,

JAMES FITZGIBBON,
Foreman.

GRAND JURY ROOM,
City of Toronto, 17*th Oct.*, 1835.

(Copy.)

Home District P.

IN GENERAL QUARTER SESSIONS,
Tuesday, 30th June, 1835.

PRESENT:

D'ARCY BOULTON, Esq., *Chairman.*
Frederick S. Jarvis, Esq., J. P.
George Monroe, Esq., J. P.
William Thompson, Esq., J. P.
Charles Fothergill, Esq., J. P.
John Cowan, Esq., J. P.
Alexander Armstrong, Esq., J. P.
R. C. Gapper, Esq., J. P.
Benjamin Thorne, Esq. J. P.
P. Paterson, Esq., J. P.
John Baldwin, Esq., J. P.
John Barwick, Esq., J. P.
John Lynch, Esq., J. P.
Alexander Wood, Esq., J. P.
John Dawson, Esq., J. P.
Peter Neeson, Esq., J. P.
Wm. Crookshank, Esq, J. P.
Wm. Parsons, Esq., J. P.
Robert Stanton, Esq., J. P.
C. C. Small, Esq., J. P.
Robert Gillespie, Esq., J. P.
J. B. Warren, Esq., J. P.

The magistrates present having had laid before them the communication from the Lieutenat Governor, with the representation of the Grand Jury at the last assizes with respect to the inadequacy and insecurity of the Gaol of the Home District have personally visited the building, and fully concur in the representation made by the Grand Jury as to the necessity of opening, if practicable, a new Gaol for the Home District, and it was Ordered—

That a committee of five (three of whom to form a quorum) be appointed to make the necessary inquiries on the subject embraced in the foregoing resolution, and to report to a General Meeting of the Magistrates of the District at such time as they may be prepared to do, and that the Clerk of the Peace do give notice of such General Meeting when he is informed that the Committee is so prepared, and that the said Committee consist of the following gentlemen:—

Grant Powell,	F. S. Jarvis,
Alexander Wood,	C. C. Small,
Christopher Widmer,	

MONDAY, *3rd August*, 1835.

PRESENT:

GRANT POWELL, *Chairman—pro hac vice.*

Hon. J. Elmsley,
George T. Dennison, Esq. J. P.
Alexander Wood, Esq. J. P.
John Lynch, Esq. J. P.
William Campbell, Esq. J. P.
John King, Esq. J. P.
James Fitzgibbon, Esq. J. P.
William Gamble, Esq. J. P.
John Phillips, Esq. J. P.
Christopher Widmer, Esq. J. P.
William Thompson, Esq. J. P.
P. Paterson, Esq. J P.

The Committee appointed by the order of the Sessions of the 30th June last, to inquire into and Report on the subject of the Lieutenant Governor's communication relating to the Gaol of the District, having taken the subject into consideration and being fully impressed with its importance as connected with the due and efficient administration of the Criminal Law have embodied their sentiments in a series of resolutions, and which being presented to the Court as their report was accordingly read as follows;—

Resolved, That in the opinion of this Committee the Goal of the Home District, from the materials of its construction, is altogether unfit for the safe keeping of the Prisoners, and that it is necessary for the proper administration of the Criminal Law that a Prison of greater security should be provided with the least probable delay.

Resolved, That as the funds of the District still remain burthened with a great portion of the Debt contracted under the sanction of the Legislature for the erection of the present Goal and Court House, it is in the opinion of the Committee inexpedient to incur further debt under the present rate of assessment while that burthen remains.

Resolved, That in the opinion of this Committee it would not be prudent as regards the public health to shut up the only space, with the exception of the Burial Ground, situated amongst the densest population of the City, by selling the Goal and Court House for building lots, the only means now available whereby the expense of erecting a safe and sufficient Goal can be met.

Resolved, That in the opinion of this Committee the greatly increased wealth, population, and prosperity of the Home District will fully justify a small addition to the now almost nominal local taxation; and that an additional assessment on rateable property throughout the District of ½d., in the pound for six years to be applied solely to that especial purpose would be the means, and as far as this committee can judge the only means of effecting a loan whereby the object of the reference to this committee can be obtained without great delay.

Resolved, That in order to carry into effect the views of this committee, the Grand Jury at the ensuing Assizes and also at the Quarter Sessions supported by the sanction of the Magistrates, be urged to unite in laying the case before the Legislature at its next session, and praying for an act giving authority to impose the required increased rate of Assessment.

Ordered—That the foregoing report be adopted, and that the Clerk of the Peace do cause the same to be laid before the Grand Juries at the ensuing Assizes and Quarter Sessions, with the view mentioned in the last resolution; and also that he do forthwith give notice in the *Gazette*, and some others of the Newspapers—of an intended application to the Legislature for authority to impose the additional rate above alluded to."

Truly extracted,

(Signed) S. WASHBURN.

TORONTO, *13th October*, 1835.

GORE DISTRICT GOAL REPORT.

(Copy.)

DISTRICT OF GORE, UPPER CANADA,
COURT HOUSE, HAMILTON, *20th Oct.* 1835.

SIR,

In reference to your letter of the 1st of August last, accompanying an extract of a Despatch from the Secretary of State for the Colonies in reference to a Petition from the late James Owen McCarthy,—The Magistrates of the Gore District in General Quarter Sessions assembled—beg leave respectfully to state that not only at and during the Courts of Quarter Sessions and Assizes but at all other times the Goal, particularly the cells have always been found in a state of as great cleanliness as their crowded state would admit of; and that no situation in the Province can exceed the scite of the Hamilton Gaol for freedom from damp, the same being built on an eminence of dry sandy soil; but from the cells being partly under ground, they must necessarily be affected in wet weather;—Indeed the magistrates have greatly to regret that from being restricted in the first instance, in the amount of the loan required, they were compelled to abandon an equally eligible situation with two acres attached thereto on the opposite side of the street intended for a Gaol and yard, and to erect on the present scite a Gaol and Court House in one building—so much (in the increased population of the District) to the detriment of the Gaol, that they have been compelled to give public notice that they intend to apply to the Legislature at its next session for authority to raise an additional half rate for the purpose of building a new Gaol, and liquidating the District debt;—succeeding in which they hope to be enabled to build a Gaol proportionate to the increased population and crime attendant thereon, and in a manner the most conducive to the health of the prisoners confined therein.—However, as the Penitentiary in the Midland District is so far finished as to free the District Gaols of the Province annually of a good number of criminals, and if, added to this, a second circuit, (the necessity of which has been so often urged) was to ensue during the year, the Gaols would be still more unincumbered for the use of the District Prisoners, who, if the state of the District funds would admit, might be beneficially employed—making use of the Gaol as the law contemplated as a house of correction. From the number and hardened character of

the prisoners remanded from the Quarter Sessions to the Assizes, the District has been put to no inconsiderable expense of guarding the Gaol by night and by day, not for a short period only but for the space of a whole year from one assizes to another, must urge still more strongly (connected with the interest of a dense and still increasing population) the absolute necessity of a second circuit.

I have the honor to be, &c.

(Signed) GEORGE HAMILTON,
Chairman Quarter Sessions,
District Gore.

By order of the Court,
ROBERT BERRIE,
Clerk Peace.

(Copy.)

DISTRICT OF GORE, COURT HOUSE,
HAMILTON, *15th January*, 1836.

SIR,

In reply to your letter of the 23rd December last respecting the allowance of food, clothing, and other necessaries to the prisoners confined in the Gaol of this District, I beg to state for the information of His Excellency the Lieutenant Governor, that I had the honor to lay the same before the Magistrates of the District in General Quarter Sessions assembled, who, having taken the same into their most serious consideration have desired me in their name to say:—That the Justices have at times authorised the prisoners to receive an allowance of meat, potatoes, &c., and at other times the limited means at their disposal have induced them to restrict prisoners in the allowance of meat, while they have on the other hand increased the quantity of bread; but at all times the prisoners have received so ample a supply as to silence or prevent all complaint; but the Justices would be desirous of having either some well concerted and approved directions of the Judges, comprising the most complete instructions for the whole economy for the management of the Gaol—to whose suggestions they have at all times been dispossd to give the force of law—or otherwise that the whole arrangement should be defined and regulated by the Legislature.

It has also been an object of the greatest solicitude with the Justices that the Goal should be kept as clean and comfortable as circumstances would allow, and they have also been at great pains, and put the District to very considerable expense in providing Clothing and Bedding, Stoves and Fuel, that there might be as much comfort as would be compatible with safe keeping or answer the intendment of Law.

I have, &c.,

(Signed) GEORGE HAMILTON,
Chairman Quarter Sessions.

To COL. ROWAN,
&c. &c. &c.

NIAGARA DISTRICT.—GOAL REPORT.

(Copy.)

The Grand Jurors on their Oaths present that they have examined the Goal and have the satisfaction of being able to report, that the comforts of the Prisoners seem to be as well attended to as the construction of the Building and the very limited means of accommodation will admit of.

The Grand Jury are of opinion that the Ward for Criminals is not calculated to contain more than twenty Prisoners, though at one period during the current year thirty-five were under confinement.—If it were enacted that two Gaol Deliveries were to be held annually in this District the accommodation would probably be sufficient, but the impurity of the air, owing in some degree to the want of ventilation, but chiefly to the injudicious location of the building which precludes the possibility of draining, cannot in the opinion of the Grand Jury be effectually remedied.—The Grand Jury have examined the Prisoner Donolly,—from the statements of the Goaler and Prisoners, and the certificate of the Physician in attendance, it appears that he is still evidently insane, and consequently the necessity of his confinement still continues and the Grand Jury confidently trust that the Legislature will speedily give their attention to the necessity of instituting a Provincial Asylum for the safe keeping and proper treatment of persons so unfortunately afflicted.

In closing the responsible duties which the Laws have conferred upon the Grand Jurors, they feel impressed with the conviction that much the greater portion of crime which has come under their cognizance has been occasioned by the intemperate use of ardent spirits, which the vast number of Taverns and Tippling Houses in every part of the District, and more particularly in the Towns and Villages cause to be but too easily procured. They are fully aware that the Law vests the practical right of granting Licences in the majority of the Magistrates in sessions, but from the Houses having been long kept as places of resort, and the proprietors in many cases not having any other apparent means of supporting their families, the evil has been suffered to continue and probably will exist till the Legislature in its wisdom shall by Law, devise some effectual method of rendering the Taverns what they ought to be, places of accommodation for travellers and not what they too often are Asylums for drunkards.

T. BUTLER, *Foreman.*
JAMES ROBINSON,
DAVID BOYD,
JOHN GIBSON,
JOHN C. BALL,
G. CONOLLY,
E. S. ADAMS.
NATHAN PAWLING,
J. H. MACKENZIE,
JACOB KEEFER,
CHARLES BAIN,
MALCOLM LAING,
WILLIAM SHOOS,
ROBERT HAMILTON.

GRAND JURY ROOM,
NIAGARA, *8th Sept.* 1835.

LONDON DISTRICT—GAOL REPORT.

(Copy.)

LONDON, 31*st December*, 1835.

SIR,

I beg to acknowledge the receipt of your circular of the 23rd instant, enclosing copy of a repre-

sentation from the Chief and Puisne Judges respecting an allowance of food to Prisoners confined in District Gaols, with His Excellency's suggestions thereon

For His Excellency's information I beg to state, that at an early period after the formation of the London District the subject matter of recommendation now emanating from the judges was taken into the serious consideration of the magistracy—and though not expressly authorised by Legislative enactment to incur an expense out of the District Funds for the maintenance of prisoners, or the supplying of medical aid, bedding or warm clothing during the inclemency of winter to convicts, persons committed for trial, or even to indigent debtors—the London Magistrates in the exercise of their power over the District Funds felt it an imperitive duty and thought themselves fully justified in ordering all such and other necessary expences of the Gaol to be paid out of the funds so entrusted to them—economy being ever most rigidly observed.

By an order of sessions made at Christmas, 1830 and which has the sanction of the present magistracy, 1½lb bread, 1lb meat per diem, with potatoes or other vegetables in season, when such can be obtained, was ordered to be distributed by the Gaolor to each prisoner in his custody, whether under sentence or merely committed, charged with felony or larceny and this has also been extended to indigent debtors previous to their obtaining the usual order for payment by the plaintiff in action, of the allowance of a dollar per week.

At the October Sessions, 1832, a Medical Gentleman was appointed as Surgeon and Apothecary to our District Gaol at a salary of £15 per annum, he finding all medicines.

Necessary bedding for the health and comfort of the prisoners, whether criminals or debtors, has at all times (& in extreme cases warm clothes has also) been supplied to the destitute.

As His Excellency is pleased to intimate that it is his intention to lay before the Legislature at their next sitting the observations of the Judges—presuming that it will not be deemed improper on my part as Chairman of the London Sessions, I now venture to suggest to His Excellency's consideration some other topics connected with the gaols throughout the Province.

As the health of the prisoners in our several gaols appears to be a main object to which the Judges have directed their attention, I beg to state that the Gaol in this District, and I believe it is the case with many others throughout the Province, is ill constructed, badly ventilated, and without yards where the prisoners can at seasonable hours take air and exercise, which I consider most essential to the preservation of health.

This subject has long occupied the serious attention of the magistracy of the District—all are convinced of the importance of it—Grand Juries both at the Sessions and Assizes have invariably presented our gaol as most insecure, and wholly unfit for the purpose Within the last year several successful attempts at escape by debtors have occurred and the magistrates are now most desirous of effectually remedying so serious an evil. Plans for certain alterations in the present building have been agreed to, tho' even such would still leave the gaol very far from complete, but the tenders sent in for carrying on these works, exceed any funds at the disposal of the magistracy—and it is generally considered more desirable that an entire new gaol should be erected contiguous to the present Court House rather than to make the proposed amendments and additions, and in the end such would also prove the cheapest course. However this cannot be accomplished unless the Magistrates are empowered by Parliament to continue for three years the present Tax of on third of a 1d. in the Pound, on all rateable property—without His Excellency's recommendation to the Legislature to take the subject of enlarging Goals and improving the condition of Prisoners into their serious consideration, and the matter being made a *General Measure throughout the Province*, my brethren doubt whether the present Parliament would pass an act for the sole purpose of falling in with the views of the Magistracy of the London District, however desirable the attainment of the object may be.

Another advantage of not less importance might be obtained by authorising the Magistracy generally to enlarge and improve Goals, viz: The setting apart a Room in every Goal as a Chapel for the performance of Divine Worship, at least once a week. Not a Goal in England is without this, and not one in Canada supplied with any thing of the sort.—The Magistrates should of course be empowered to appoint and remunerate a Chaplain, at least to the extent of £20 or £25 a year from the District Funds.

Convicts under sentence of death (with the sanction of two Magistrates) should be attended by any Minister or Preacher of whatever denomination they may desire.

Trusting I shall be pardoned for troubling His Excellency with these observations,

I have the honor, &c.,

(Signed) WILLIAM YOUNG,
Chairman,
London District Quarter Sessions.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly such further reports respecting the state of the gaols and the treatment of prisoners as have been received since his message to the House on that that subject of the 7th instant.

GOVERNMENT HOUSE,
28th March, 1837.

REPORT of the chairman of the Quarter Sessions Home District, on the state of the Gaol, and the treatment of prisoners therein.

To His Excellency Sir F. B. Head, K. C. H. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

Previous to the departure of His Excellency Sir John Colborne, a reference was made to the magistrates of the Home District on the subject of a letter

addressed to His Excellency by the judges of the Court of King's Bench, with respect to the treatment of prisoners confined on criminal charges in this province "as appearing to them" to call for the establishment by Legislative authority of more precise and satisfactory regulations than are at present provided" and alluding more particularly to the allowance of food made to prisoners in this district, making various suggestions as to their treatment in other respects, as to medical attendance, fuel, bedding and clothing; to prevent absolute suffering, and the danger of permanent injury to the health of the prisoners, and stating that if the charge for providing these things together with other expenses of the district cannot be defrayed out of the ordinary means it may be found expedient to apply to the Legislature to bestow their consideration on the subject.

The reference thus made to the magistrates, involving as it does a great variety of considerations and requiring information on several points connected with it, which rendered certain returns and statements necessary, has unavoidably delayed their making a more immediate answer, and being anxious of placing the subject in as full and ample a manner as possible before the Executive Government, in the event of its being brought under the consideration of the Legislature, they trust the delay will be accounted for from the desire to collect & afford every information within their power on a subject of so much importance.

After procuring these returns and statements and having given to the whole matter their most attentive consideration, the magistrates in adjourned Quarter Sessions beg leave most respectfully to report for Your Excellency's information:

That in the early settlement of the Province, and from the thin and scattered state of the population of this district, as well as the comparative absence of crime, and the unfrequent detention of persons in custody on civil process for debt, the means for the safe-keeping of criminals and others, was, perhaps, but a secondary consideration—a known place for their reception under the proper officers, was, at such period, all that was found to be indispensably necessary, and for many years without any serious inconvenience being found to result from such an arrangement, an ordinary building, constructed in almost the rudest manner, with a common enclosure marking its precincts, was found sufficient for the existing wants of the district.

As the population increased and with it the inmates of the prison began to be more numerous, the necessity for a building better adapted for their safe custody became apparent, but in the absence of any express provision for defraying the charge of such an erection as well as the increased expense which must be incurred for a sufficient establishment for its support, it was some time before such an undertaking could be commenced. As the subject continued to press upon the consideration of the magistrates it received from time to time their attention. After various suggestions for providing the necessary accommodation and convenience for the then increasing wants of the district, and with a view of its being afforded without causing any additional burthen upon the inhabitants by additional assessments or taxes—the result of these deliberations was an application to the Legislature in the year 1823, for authority under the sanction of law, to loan an amount for the purpose of erecting adequate buildings for a Court House and Gaol, to be repaid from the income of the district, with interest in a given number of years. This mode having received the approval of the Legislature, and an act being passed, the present buildings which are used as a Court House and Gaol were erected, without any additional rate or tax upon the inhabitants, and since which time all necessary repairs as well as incidental expenses in the supply of various articles for the use and convenience of prisoners, and salaries &c. to the officers, have been defrayed from the ordinary rates of the district.

With respect to the buildings, & the Court House especially, it may be stated, that from the circumstance of their being situated in the Home District at the seat of Government their occupation has at different times been unavoidably rendered subservient to other purposes generally useful, but not immediately applicable to the especial purpose for which they were intended.—Such as for the sittings of the King's Bench, in which the business of the public generally throughout the province is attended to: and at one period when the Legislature was unfortunately deprived of its usual place of meeting by accidental fire, as the place for the meeting of the two houses.

At the period of the erection of those buildings it is also proper to observe, that in the proposed accommodation considered as necessary, at a time when though the population had considerably increased it was yet comparatively limited in amount, that accommodation was estimated for, and made rather with a regard to the ordinary increase of inhabitants than with any reference to the rapid growth of numbers, the result of an unexpected emigration from the Mother Country, which has of late years brought to the province so great an increase of population, and in the benefits of which the Home District has had the good fortune to partake, in, perhaps, a larger proportion, than any other district in the province.

From these remarks the Magistrates trust it will be apparent that while it is admitted that the present buildings are not efficient for the purpose intended to the existing state of the population, that efficiency was duly consulted at the period of their erection when the amount of that population with a reference to its ordinary increase, would not as they think have justified them either in soliciting from the Legislature its authority, or expending in their construction, a larger sum, in advance, by way of loan on the credit of the district. Other causes which have had the effect of producing to a considerable extent, the present inefficiency from their occupation for other purposes than those which were contemplated will be adverted to hereafter.

In illustration of what has been before alluded to, however, it may be sufficient to Rate the amount of population at the three following periods.

In 1820—The Home District, including the town of York contained		12,845
In 1827—When the New buildings were completed the amount was.....		21,329
In 1835—The district contained....	47,543	
The City of Toronto. do.	9,252	56,795

From which it will be observed that the buildings which were erected without any additional tax having been imposed, at a period when the accommodation required was regulated with a view to the ordinary increase of a population of 21,329 have within the short period of eight years been found inefficient in consequence of the rapid and extraordinary growth of numbers by emigration for a population of more than 56,000, when the inhabitants of the town alone, which at the former period were included within the Jurisdiction of the district, bears a proportion of nearly one half of what the whole then amounted to, and since which period from the increased growth of the town (now City of Toronto) it has been found expedient to give it a separate jurisdiction with enlarged means for defraying its expenses while at the same time the buildings in question have been placed equally at the disposal of the corporate body for the administration of justice, the district rates remaining the same as they were in the year 1827.

A return is annexed A. of the state of the Gaol with the number of prisoners confined, embracing also other general information under the several heads, on reference to which it will be seen that during one year the total number of persons received into the Gaol was two hundred and ninety five, of which were committed by the district magistrates fifty three, leaving city commitments two hundred and forty two, and that during the continuance of the city corporation (little more than two years) the whole number of commitments by their authority has been four hundred and twenty eight.

Independent of the ordinary expenses incurred for the safe keeping of prisoners within the Gaol, and for which purpose it was more expressly designed from the necessity of the case, and in the absence of other provision for such an object an additional item of expenditure of no inconsiderable amount has been incurred in the care and maintenance of insane persons. The return before alluded to gives the particulars in this respect, and in the return B. is shewn the expense under the head for the year 1835 for this description of persons kept in the Gaol of the Home District, amounting to £216 15 9. In this return is also shewn the current gaol expenses for 1835, £516 8 11. It is proper to observe that this extraordinary application of such a building as well as the attendant expense, is imposed by law in which no extra provision is made for the concurrent extra charges to be incurred, but which the magistrates of the district are bound to see borne from the ordinary rates, in an estimate fixed by a grand jury, and which at the time those rates were imposed were not contemplated as being applicable to other than ordinary district purposes. The provision thus made for the care and maintenance of the insane, was in the first instance confined to the Home District, but was afterwards extended by a general act to the several districts throughout the province. During the interval however it became the painful duty of the magistrates of this district, attended too with some expense, to cause the removal of some insane persons who had been sent from other parts to this district, where the only legal provision existed at the time.

It is with great satisfaction that the magistrates have in prospect the relief which may be expected in this respect from its having attracted the attention of the Legislature, where measures they understand are in progress, which they have no doubt will have the effect of providing more ample means than can be expected within the walls of a gaol, for the care and support of a portion of the community labouring under the severest of all dispensations, and which, while it will render them the object of general care to the whole Province will, at the same time, free its several from an expense not specially provided for, insuring to the unfortunate beings the objects of solicitude, a greater degree of comfort and convenience, than can possibly be extended to them under the present inefficient, though allowedly expensive, system. It would add much to the relief of the district, if in any comprehensive measure which may be adopted, provision were made for refunding the amount expended in an object which had never been contemplated under the ordinary assessment for District purposes. While adverting to the subject of extraordinary items of expense it may not be improper to observe, that in former years the detention of persons under sentence, was from the circumstances of the case, to a certain extent unavoidably confined to the gaol of the District; imprisonment being in most cases the ordinary punishment for minor offences, the maintenance of prisoners imposed upon the district funds, and in the absence of any provision or means for putting them at labour of some kind, that maintenance was without any return, the prisoners being in a state of idleness. The establishment lately of a Provincial Penitentiary holds out the expectations that in future years, if such establishment continues to receive liberal support for its due efficiency, relief may be anticipated in this respect, at the same time however while remaining for their trial, the evil must still continue to be felt to a certain extent, and which can be only further lessened by the holding the courts of assize more frequently than at present. In this respect, it must be admitted, that the Home District is more favoured than the outer districts, as an assize is held within its limits twice in the year, while in the other districts they are held but once a year. The population of the province being taken at 400,000, it may not be unreasonably held that in either case the recurrence of assize courts is not adequate to the wants of the community, putting out of consideration the great convenience which might otherwise be afforded to civil suitors and to the public business generally.

Another item of expense which has been laid upon the ordinary funds of the district, by a late act of the Legislature, is the defraying the expenses of elections, and for which no extra provision has been made. At the last general election in 1834 the amount of this item (being for poll clerks and their disbursements) was £134 0 0. It is true that under ordinary circumstances this item of expense will occur only once in four years; but some contingency upon it may from time to time be expected to occur in the event of death or any new election being ordered.

But by far the most serious additional expense which has been imposed upon the district funds without any special provision being made for defraying it, leaving it to be paid from the ordinary rates, is the late act commonly known as "the township officers bill;" under the provisions of this act a very large number of public officers who are to be paid

for their service are appointed in each township.—Three commissioners and a clerk, four in all at the total charge for each township of £1 0 0 per diem while employed—the minimum of their attendance to township matters being fixed at three days—the maximum left to their own discretion, according to the quantum of service which the commissioners may find it necessary to devote to the transaction of the township business. In this state of the law it is quite impossible for the magistrates to form any idea of the probable amount which may be required to meet the demand under this particular head of service; but whatever it may be it is incumbent upon them under the provisions of the statute to defray it without any mode being pointed out by which any deficiency in the ordinary funds is to be made up, to meet this new and unascertained expenditure. It is sufficient to observe that these demands cannot fail of being very considerable in amount—& the magistrates feel themselves bound to state their apprehension that either their claimants must be disappointed in that prompt payment which is desirable to public officers acting under a law granting compensation, or that other items of equally beneficial and unavoidable expenditure must be delayed in the payment, and great difficulty and embarrassment ensue, unless some amendment is made in the law with a view to the relief of district funds.

An item of expenditure which also occurred during the late afflicting visitation by cholera, the magistrates beg leave to take this opportunity of adverting to. In the years 1832 and 1834 when the pestilence raged in this city with a destructive virulence the expenditure of money within strictly legal bounds was absorbed in the pressing calls upon all classes for the immediate relief of the numerous sufferers.

The greater part of the expenses incurred on those occasions were promptly met and covered by the Legislature in the repayment of sums advanced from public sources. The exigency of the case however included some outlay from the funds of the district which could not properly be asked for or included in those repayments. It was on the pressure of such an emergency when other suitable buildings could not be found for the increased number of patients, that the magistrates felt that they could not hesitate at such a time of general suffering and distress to accept the kind suggestion of His Excellency Sir John Colborne, in the offer of a piece of ground on which to erect an additional building for the accommodation required at the moment, and for future use in the event of a recurrence of the calamity.

It was under these circumstances that the additional brick building on the westerly corner of the square on which the general hospital stands was erected in 1832, under the direction of the magistrates of the district now known as "the Emigrant Asylum" and which proved of infinite service during 1832 and 1834 while the cholera raged in the city. The building having been erected in haste at a time when materials and labour were difficult to be procured and high in price, the magistrates are aware that the expence was greater than it would have been under other circumstances. The pressure of suffering and the necessity of meeting it by immediate measures were such, however, as they felt fully justified them in the course adopted. The expenditure on the occasion with some additional items necessarily attendant on it amounted in all to £283 13 3. The land on which the building is erected being in trust to others for a special purpose is now of course without the controul of the magistrates and is devoted to other useful purposes—they would however beg leave to suggest whether some arrangement might not be effected by which the district funds would be made good the amount expended in the providing a building so indispensibly necessary at the time, and which has since been found beneficial for other purposes not immediately connected with the district.

From the observations thus offered it will be seen that although with an increased population the amount of rates must also have experienced a somewhat proportionate degree of increase, yet that the funds arising from this source have at the same time been rendered applicable to other purposes than those previously contemplated, leaving them chargeable, not only with those ordinary items of district expenditure which the law in the first place had in view but rendering them by subsequent statutes, chargeable with the payment of other and new services without providing any additional means for meeting them.

It must be observed also that since the passing of the act establishing the city corporation (formerly included in the district) the district Gaol and Court House having by the act been declared applicable to the city purposes, have been equally at the disposal of the city authorities, while the rate paid by the *citizens* for *district* purposes remains as before the passing of that act. The return annexed with the number of persons confined for a certain period shews the great disproportion between city and district prisoners, yet the district rate is chargeable with the maintenance of the whole number a proportionate share of expenses not having as yet been defrayed by the city authorities. The collection of the district rate within the *city* is all placed under the direction of the city authorities, to be paid over to the district treasurer, under the act of incorporation, this collection has no doubt been duly enforced, but it is with extreme regret that the magistrates are compelled to state that the proceeds have only in part been rendered available for district purposes; and in order that this part of the subject may be placed in as clear a point of view as possible the following statement it is hoped will serve to shew the difficulties which the district must continue to labor under in pecuniary matters, unless the necessary amendment is made in the law on the subject. The latest official return to which they can refer on this point is that of 1834 but which will be sufficient for the purpose of illustration.

From this the following is made to appear.

	Population 1835	Taxes collected	Rate per head
Home District,	47,543	£2,300 16s. 11½d.	11½d.
City of Toronto.	9,252	2,336 16 6	5s. 0½

The result of the operation of the law as it now stands, is to entail on the district funds the whole care and charge of city prisoners, which independent of the increased expenditures which have been imposed upon them without any extra means for defraying the additional charges, cannot fail of impressing upon the magistrates the conviction, that unless a remedy is applied in the proper quarter it will not

be in their power to meet these increasing demands with that degree of punctuality so desirable in the conduct of public affairs. It may be proper also to observe in this place that of the debt incurred for the erection of the present buildings £3000 remain yet unliquidated and that by the provision of the act authorising the loan for the purpose, a fixed amount per annum is expressly directed as having a priority over other claims or demands. It is under these views that the magistrates are of opinion that the expense attendant upon providing all the items enumerated in the letter from the Judges, desirable as they may be considered together with other expenses which have been adverted to cannot be defrayed out of the ordinary means, and that the subject is one which may be considered as highly deserving the consideration of the Legislature, as they have before mentioned they cannot but apprehend the most serious embarrassment unless a favorable consideration is bestowed upon the subject generally.

With these observations which are most respectfully submitted for Your Excellency's information and consideration, the magistrates beg leave to proceed to the more immediate subjects which are embraced in the letter from the Judges as relating to this district.

With respect to food—the ordinary allowance to prisoners confined in the Gaol has been limited to a supply of bread.—In most cases the class of persons who have been committed has been such that either with means of their own or the assistance of friends, any extra wants could, it is presumed, be supplied. In such instances, however, as may have occurred, where this may not have been the case, and when the necessity has been pointed out, this extra provision has not been withheld.

The ingress and egress of friends to the Gaol, with articles of food for prisoners, has been attended to by affording every reasonable facility for the purpose.

On the subject of medical attendance they beg leave to observe, that it has been their constant care to have a gentleman who stands deservedly high in his profession, employed in attendance upon prisoners in the Gaol and who is ever prompt in giving his immediate attention to every call that is made upon him. That this department has met with its proper degree of attention may be attested by the fact, that during the three last years there have occurred but three deaths within the walls of the prison, and it is hoped that this fact may serve further to attest that the general state of the Gaol under the superintendance of the persons in charge of it, may reasonably lead to the conclusion that it must have been such as to preclude as far as it was practicable the chance of suffering on the part of the prisoners—and the more especially that in addition to this general state of good health which has so fortunately prevailed, even during times of more than ordinary calamity, it is not within the knowledge of the Magistrates that the health of any prisoner after being discharged has suffered in his ability to labor if so disposed in any degree lessened.

With respect to fuel, bedding and clothing, of the two first items, the annexed return will shew that with regard to them, there has, as the Magistrates trust, been no want of proper attention, and that the comfortable warmth of the building during the inclement season as far as a due regard to safety is concerned, has not been lost sight of. In the article of bedding, supplies have been furnished from time to time as may have been found necessary, the destruction of them by refractory prisoners, in a wanton manner has been the cause of repeated complaints on the part of the Sheriff and his Gaoler, but in no case has the real wants of any persons confined in the Gaol been suffered to remain unprovided for, in consequence of the improper conduct of their more unworthy associates. Clothing for ordinary prisoners has not heretofore been considered an item which should be incurred at the District expense.—The insane have been provided in this respect, and the charge has been of considerable amount, that the apparent condition of some of the prisoners in the gaol may have given rise to an apprehension that they were in a state of suffering, the Magistrates cannot presume to deny; without more particular inquiry, it may probably have been confined to such of them as from their own intemperate conduct and continued insubordination it may have been found necessary to keep within more than usual restriction—they would however express their hope that from the known humanity of the Sheriff, that apparent suffering may be attributed to other causes than the want of absolute necessaries; the Grand Juries of the district, both of the superior and inferior courts have on several occasions made their presentments to the Courts on the state of the Gaol, and though very generally of late years they have felt themselves called upon to express their opinion as to the inefficiency of the buildings to the existing wants of the country, they have not found occasion to complain of the conduct of the persons in charge of it, in the general care and treatment of prisoners consistent with a due regard to their safe keeping and the responsibility imposed upon them. On the subject of presentments relating to the Gaol, documents are annexed which it is hoped may be useful in any examination which may be had on the subject of this report;—It is as respects the article of food perhaps that the apprehensions alluded to are chiefly grounded, and in this matter the Magistrates, if on a full consideration of the subject it should be considered necessary and proper to extend to prisoners, such an indulgence, would have much satisfaction in having it in their power to afford a more ample and permanent provision, while the whole charge of city prisoners however continued to devolve upon them any hope they may have in this respect has but little prospect they fear of being realised.—From every consideration it would be preferable that the distinct Jurisdictions should be rendered liable for the safe keeping and maintenance of those whom they may commit to Gaol,—in distinct buildings for the purpose, and chargeable each to its distinct funds.—In the mean time the Magistrates have assumed the responsibility of ordering in the Gaol, a daily issue of soup, at a cheap rate and of a wholesome and good quality. They cannot but be aware, however, that this will afford but limited relief, if the number of city prisoners should continue in the same proportion as it has done for the time past, they doubt whether strictly speaking, they would be justified in continuing such an allowance at the district expense to those who may be committed by a jurisdiction which is not rendered liable to a proportionate share of that

expense,—the subject they apprehend cannot but be considered as well worthy the attention of the Legislature. As regards the inefficient state of the building, it is beyond all doubt that for the present population increasing as it is, this cannot be denied, and that it must be apparent to general observation that for the purpose to which it is now by law rendered applicable in the safe keeping of ordinary offenders and those under sentence of imprisonment—in the asylum it is made to afford to the insane—in being rendered applicable for all city purposes, serving as it does for a lock up house for disorderly persons and night brawlers—and when the maintenance of any of these classes cannot be compensated for in any way by useful labor—it is perfectly inadequate; and that the period has arrived when the means for erecting proper and commodious buildings, applicable to the district purposes is loudly called for. It is with those views of the subject therefore that the Magistrates, in presenting this report avail themselves of the opportunity of respectfully soliciting that your Excellency would be pleased to suggest to the Legislature the adoption of such measures as to your Excellency may appear advisable for a general revision of the laws, on the subject of prisons—and the maintenance and support of the several descriptions of persons alluded to as would ensure the means for such desirable ends and at the same time lead to such a regard in the construction and accommodations of buildings as would enable a proper degree of attention in the classification of offenders to be observed, and the introduction of a system of moral discipline, and useful employment while under confinement than it has been found practicable heretofore to enforce.

All which is most respectfully submitted.

By order of the Magistrates in Quarter Sessions.

D. BOULTON,
Chairman.

Toronto, *9th March*, 1836.

Sheriff's Office,
Toronto, *7th January*, 1836.

Sir,

In compliance with the orders of the Magistrates, I have prepared a report of the Gaol, which will be found annexed, shewing at one view the state of the same, with regard to the number confined therein—the furniture, food, clothing, &c.

The Gaoler is of opinion that if a sum equal to £350, was judiciously expended the Gaol could be made "the *best* and *safest* in the province." I am of a different opinion.—I consider any large sum a complete loss. The building is ill fitted for convenience, being so arranged as to prevent any classification of prisoners—any accommodation as to air, exercise, or the calls of nature, and from the quality of the material of which it is built—so easy for prisoners to escape from—frequent escapes have taken place of late from the upper, centre, and under ground cells—the latter of which from being damp are unwholesome—the Gaoler is now planking with oak one of the lower cells by way of experiment, and he is in hopes that it may be made secure.

The necessity of Iron Bedsteads, and a day room where no communication can be had by the prisoners with their sleeping apartments is essentially necessary. Provision should be made for their allowance to be cooked and served to them and no cooking allowed in the cells.

I am of opinion that at least one *regular meal* of cooked provisions consisting of meat and vegetables, together with a moderate supply of bread would be not only humane but what reason would dictate, as it is unreasonable to suppose that every person confined is guilty of the crime laid to his charge—and if guilty the law does not contemplate injury to his health from a want of food.

The expense of increasing the Gaol allowance and providing the means of attendance will add very materially to the charge upon the district funds—no permanent benefit can accrue so long as the present building is used and I see no other remedy than that now contemplated by the Magistracy, viz: the erection of a new Gaol of durable materials, so arranged that every convenience can be had for the prisoners at a moderate expense, and from the circumstance of having made a good deal of enquiry into prisons and houses for the insane, I would not hesitate to state that in a properly arranged building, fourfold convenience would be afforded at the same expense which is incurred in the Goal of this District.

I would respectfully recommend if a new Gaol be built, that some person (and I would gladly undertake the task) be sent to the neighboring country with a skilful architect to visit and take plans of such buildings as would be considered the most eligible for the intended Gaol in order that when a new one is erected, not only an ornamental building, but one that for years to come would afford such accommodation that every attention to the health and safe keeping of the prisoners should be afforded.

I have the honor to be,
Sir,
Your obedient servant,
W. M. JARVIS,
Sheriff.

To S. Washburn, Esq.,
Clerk of the Peace, H. D.

ACCOUNT of sums paid and received by the Treasurer of the Home District—1832

	£	s	d
Wolf Scalps	56	0	0
Medical attendance Gaol	18	17	6
Insurance Gaol and Court House one year	20	0	0
Coroners	99	3	10
Constables	39	10	8
Fitting up Court House & painting	302	7	4
Building Cholera Hospital	179	10	0
Cholera expenses and disbursements	91	13	6
Witnesses in criminal cases	3	10	0
Town Clerks	8	0	0
Surveyor of highways	44	11	6
Printing	27	17	1
Sheriff	158	0	8
Interest on District loan	180	0	0
Carried forward	1229	2	1

	£	s	d
Brought forward	1229	2	1
High Constable's salary	50	0	0
Crier Quarter Sessions ditto	20	0	0
Gaoler and Turnkey do.	125	0	0
Clerk of Peace, services and disbursements	300	2	11
Maintenance of insane	139	8	7½
Gaol expenses	152	13	4
Treasurer	109	8	8
Members of Parliament	104	0	0
High Constable amount of disbursements	11	8	2
Amount received £2253 5 7 £	2241	4	0
Less balance in hand 12 1 4	2241	4	0

ACCOUNT of Sums paid and received by the Treasurer of the Home District—1833.

	£	s	d
Sheriff	394	6	9
Town Clerks	11	0	0
Cholera	12	9	9
Constables	91	10	3
Gaol			
Bread	16	4	5
Disbursements	109	9	2
Insane	177	14	1
Repairing Humber Bridge	27	10	11
Amount expended on road to Don Bridge	50	0	0
Witnesses Criminal Cases	7	19	3
Coroner	94	5	0
Members' wages	104	10	0
Wolves	60	0	0
Poll Clerks	6	15	0
Carried forward	1063	14	7

	£	s	d
Brought forward	1063	14	7
Printing	3	8	0
Surveyors of Highways	15	2	6
Fire wood for District Offices in Court House	12	10	0
Insurance Gaol and Court House	20	0	0
Legal opinion	4	13	10
Clerk of Peace	155	17	4
Treasurer	94	8	11
Gaoler and Turnkey Salary	125	0	0
High Constable do.	50	0	0
Crier Quarter Sessions do.	20	0	0
One year's Interest on District Loan	180	0	0
Amount Received £1881 9 0 £	1851	15	2
Less bal. in hand 29 13 10	1851	15	2

ACCOUNT of sums paid and received by the Treasurer of the Home District—1834.

	£	s	d
Gaoler and Turnkey, salary	125	0	0
High Constable do.	50	0	0
Crier Quarter Sessions do.	20	0	0
Poll Clerks, Election expenses	134	0	0
Constables	129	9	10
Coroners	70	17	4
Surveyors Highways	56	2	10
Printing	22	9	3
Medical attendance, Gaol	29	14	9
Goal			
Bread	86	19	9
Articles and disbursements	89	6	6
Maintenance of Insane	247	0	9
Blankets, Gaol	11	19	9
Wood, Gaol	13	10	0
Tinsmith's work, Gaol	5	13	4
Nails for Court House	0	11	6
Carried forward	1092	15	7

	£	s	d
Brought forward	1092	15	7
Fire-wood for District Offices in Court House	23	5	0
Bank of U. C. Interest on Loan	180	0	0
Insurance, Goal and Court House	22	0	0
Indigent Witnesses	11	2	6
Wolves Scalps	87	0	0
Town Clerks	8	0	0
Clerk of Peace	192	14	2
Sheriff	279	11	11
Treasurer	102	15	0
Over charges on Assessment Rolls	5	12	0
Cleaning Stoves in Court House	1	0	0
Flagging in Market St., fronting Bay	48	4	6
Amount received £2095 9 3 £	2054	0	8
Less balance 44 8 7	2054	0	8

F. T. BILLINGS, *Treasurer Home District.*

ACCOUNT of sums due to sundry persons by the Home District to 31st Dec. 1834.

	£	s	d
Mr. Fenton, Police Clerk, arrears of Salary	80	0	0
Mr. Billings, Treasurer, balance of Police account, 1834	164	3	6
Mr. Higgins, High Constable, arrears of salary	22	10	0
Mr. Stanton, account for printing	2	0	0
Law Society, for furniture for Judges Room in Court House	40	0	0
R. Blevins, for planking part John's St.	14	0	0
Robert Blevins, balance of his account as Road Master	30	0	0
Gaoler & Turnkey's Quarters salary	31	5	0
High Constable, 2 Quarter salary	25	0	0
L. Bright, Crier, salary	10	0	0
Gaol expenses for Quarter ending 30th June	60	14	9
Gaol expenses for Quarter ending 30th September	60	10	11
Gaol Bread Bill, amount ending Sep.	23	6	11
W. B. Jarvis, Esq., Sheriff, amount of account	120	1	0
Bank of Upper Canada	220	0	0
Members wages for 1835	279	10	0
Sundry persons	44	6	4
Clerk of Peace's account to 1st July	95	3	8
Carried forward	1322	12	1

	£	s	d
Brought forward	1322	12	1
Constables last Assizes	60	0	0
£	1382	12	1
Probable Gaolers account, for Quarter ending 31st Dec. 1835	144	13	1
£	1527	5	2
Amount of debt due to Bank of Upper Canada	3000	0	0
Probable amount due the Home District, sundry Townships on Assessment Rolls, 1834	400	0	0
City of Toronto Corporation, amount of Assess't collected, 1834 & 1835	1000	0	0
£	1400	0	0
Rent, 5½ years from Trustees of Presbyterian Church, commencing 1st July, 1830	148	10	0
Rent, 3½ years from Trustees of Methodist Chapel, commencing 1st July, 1832	94	10	0
£	243	0	0

ACCOUNT of Expense of Gaol—1835.

	£	s	d
200 Cords of Wood, @ 11s. 3d.	112	10	0
Water	30	0	0
White Washing	11	14	4
Wm. Bertram, Wood, (Cords)	13	10	0
J. L. Perrin, for Blankets	11	19	9
J. C. Denham for Tinsmith's work	5	13	4
Carried forward	185	6	8

	£	s	d
Brought forward	185	6	8
Medical Attendance and Medicines	29	14	9
Gaolor and Turnkey's salary	125	0	0
Bread	86	19	9
Articles	89	6	7
£	516	8	11

ACCOUNT of Expense for maintenance of Insane persons confined in Gaol—1835.

	£	s	d
1st Quarter	46	4	0
2nd Quarter	60	18	6
3rd Quarter	66	2	0
Carried forward	173	4	6

	£	s	d
Brought forward	173	4	6
4th Quarter	43	11	3
£	216	15	9

F. T. BILLINGS,

Treasurer Home District.

RESOLUTIONS RESPECTING A NEW GAOL.

The Committee appointed by the order of General Quarter Sessions of the peace for the Home District, held 30th June, 1835, to enquire into and report on the subject of the Lieutenant Governor's communication, relating to the gaol of the district, have taken the subject into consideration, and fully impressed with its importance as connected with the due and efficient administration of the criminal law, have embodied their sentiments in a series of resolutions which they present as their report.

Resolved—That in the opinion of this Committee, the Gaol of the Home District, from the nature of the materials of its construction, is altogether unfit for the safe-keeping of prisoners, and that it is necessary for the proper administration of the criminal law, that a prison of greater security should be provided with the least possible delay.

Resolved—That as the funds of the district still remain burthened with a great portion of the debt contracted under the sanction of the Legislature, for the erection of the present Gaol and Court House, it is in the opinion of this committee inexpedient to incur further debt under the present rate of assessment while that burthen remains.

Resolved—That in the opinion of this Committee it would not be prudent, as regards the public health, to shut up the only public open space, with the exception of the burial ground, situate amongst the densest population of the city, by selling the Gaol and Court House reserve for building lots—the only means now available whereby the expense of the erection of a secure and sufficient gaol can be met.

Resolved—That in the opinion of this Committee, the greatly increased wealth, population and prosperity of the Home District, will fully justify a small and temporary addition to the now almost nominal local taxation, and that an additional assessment on ratable property throughout the district of a halfpenny in the pound, for six years, to be applied solely to that especial purpose would be the means, and as far as this Committee could judge, the only means of effecting a loan, whereby the object of the refernce to this Committee can be obtained without great delay.

Resolved—That in order to carry into effect the views of this Committee, the Grand Jury at the ensuing assizes, and also at the Quarter Sessions, supported by the sanction of the Magistrates, be urged to unite in laying the case before the Legislature at its next session, and praying for an act giving authority to impose the required increased rate of assessment.

In addition, the Committee would further suggest that, in the event of the success of their recommendation, the space between the present Gaol and Court House will afford ample room for the new edifice, and the present buildings, or gaol alone, might be transferred to the city authorities for a Bridewell or any other such purpose, under the exclusive controul of the municipal tribunals, and further, that the Provincial Penitentiary being now in operation, for the reception of convicts, will, in a great measure, render the district gaols prisons for the detention of persons charged with offences.

Copy.

GRAND JURY PRESENTMENT.

Upper Canada,
Home District,
to wit:

The Grand Jury report that they have visited the Gaol of this District, they found the Wards much crowded, and one of them exceedingly close, but have nothing to charge upon the persons to whose care it is entrusted. The Grand Jury, however, feel it imperative upon them to represent, that the building is totally inadequate for the purpose of confining the number of persons now imprisoned with a due regard to their health. The prisoners complained that their allowance of one pound of bread per diem, was not sufficient, and also that they were not provided with a sufficiency of bedding to protect them from the cold in winter, and that their blankets were never changed. That the pickets enclosing the yard are quite in a decayed state, and wholly ineffectual to prevent the escape of prisoners, and the Grand Jury are decidedly of opinion that the gaol is wholly insufficient, as a general receptacle for prisoners committed by the civil and district authorities consistently with a due regard to health—and the Grand Jury would, therefore, earnestly recommend the Magistrates to apply to the Legislature for the purpose of enabling them to sell the present gaol and site thereof, and to apply the produce towards the erection of a new gaol more suited to the existing wants of the district, and if necessary to raise, by a tax thereupon, such a sum as may be required to answer such purpose, in case the district funds should prove deficient.

Alexander Wood,	Francis Hinks,
James F. Smith,	William Roe,
Geo. Gurnett,	Jesse Ketchum,
P. M'Donald,	Geo. P. Ridout,
Wm. Hepburn,	Peter Paterson,
Thos. Carfrae,	Jas. Buchanan.

GOVERNMENT HOUSE,
Toronto, 9th June, 1835.

SIR,

I am directed by the Lieutenant Governor to request, that the accompanying copy of a presentment of the Grand Jury of the Home District may be laid before the Chairman of the Quarter Sessions and the Magistrates of the district, and to observe that the defects in the construction and arrangement of the goal of this district have been so frequently brought before the Chairman of the Quarter Sessions, it appears expedient that a special meeting of the Magistrates should be called as soon as possible, in order that such active measures may be adopted by them as may be required to remedy the evils arising from the state of a gaol, which the Grand Jurors are of opinion is, in every respect, unfit for the reception of prisoners.

I have the honour to be,
Sir,
Your most obedient
Humble servant,
(Signed,) WM. ROWAN.

CLERK OF THE PEACE,
Home District.

GONERNMENT HOUSE,

Toronto, 25th April, 1835.

SIR,

I am directed by the Lieutenant Governor to forward to you the accompanying copy of a presentment by the Grand Jury to the Court of the last Assizes for their district, respecting the district gaol, and to request that you will be pleased to lay the same before your brother Justices for such observations as they may think proper to make on the subject for His Excellency's information.

I have the honor to be,
Sir.
Your most obedient
Humble servant,
(Signed,) WM. ROWAN.

THE CHAIRMAN
Quarter Sessions, HOME DISTRICT.

Home District.

OFFICE OF THE CLERK
OF THE PEACE,

Toronto, 10*th March*, 1836.

SIR,

By directions of the Magistrates in adjourned session assembled, I have the honor herewith to enclose to you their report on the subject of the prison discipline, and arrangement of the public gaol of this district, having reference to the report of the Judges to His Excellency Sir John Colborne and by him referred to their Lordships for their consideration.

I have the honor to be,
Sir,
Your most obedient
Servant,
S. WASHBURN.

J. JOSEPH, ESQ,

GAOL REPORT.

PRISONERS' NAMES.	Ages.	Sex.	DIET PER DAY.	Whether for trial or under sentence.	Number of children permitted to remain in the Gaol.
James Smith, X	48	Male.	Each prisoner is allowed one pound of the common baker's bread, baked in the city, and as much water as they may choose to use, they are also allowed as much other food as their friends will furnish.	Under sentence.	
Edward R. Wyatt, X	42	Male.		Ditto.	
John Shaw, X	36	Male.		Ditto.	
Margaret Stevenson, X	42	Female.		Ditto.	Two children.
William Brown, O	31	Male.		For trial.	
George Humphrey, O	28	Male.		Under sentence.	
William Willoby, O	41	Male.		Ditto.	
Daniel Dutton, P	19	Male.		For trial.	
Margaret Flanagan, X	23	Female.		Ditto.	
William Hawke, X	40	Male.		To give bail to keep the p.	
Eliza Broghan, X	38	Female.		For trial.	One child.
John Carter, X	48	Male.		Under sentence.	
Oliver Johnson, X	15	Male.		Ditto.	
Patrick Bartles, X	21	Male.		Ditto.	
Charles Wells, X	26	Male.		Ditto.	
Mary Oliver, (the elder) X	48	Female.		For trial.	
Mary Oliver, (the younger) X	11	Female.		Ditto.	
Frederick Shell, P	37	Male.		Under sentence.	No allowance of bread for children or to any other person not committed for crime.
Nathan King, X	25	Male.		For trial.	
Andrew Jones, X	18	Male.		Ditto.	
Isaac Duncan, X	26	Male.		Under sentence.	
Jacob Bryan, X	25	Male.		Ditto.	
Thomas Hutton, X	21	Male.		To give B. to keep the peace	
Mary Clendinning, X		Female.		For trial.	
John Crookshank, X	23	Male.		Ditto.	
Catharine Riley, X	25	Female.		Ditto.	

Prisoners marked X are committed by the city authorities 21
Prisoners marked O are committed by the last assizes 3
Prisoners marked P are committed by the district magistrates 2
Total 26

Medical assistance is only given to the Criminals, and they are well attended to; they are often unwell, owing to the late diet furnished them, though on several occasions the Gaoler has given them soup, &c. Soup with the one pound of bread per diem would be a great benefit to the Criminals.

CLOTHING.

No Clothing of any description allowed to any prisoners either debtor or criminal.

BEDDING AND FURNITURE.

32 Blankets, 12 Bed Ticks, 2 Cooking Stoves and utensils, 4 Brooms, 3 Water Pails, 3 Wash Tubs, 12 small Wash Tubs, 1 Axe, 1 Saw, 6 common Stoves.

ROOMS OCCUPIED BY PRISONERS.

12 Rooms and Cells.

STOVES AND FIRE PLACES.

6 Stoves during the day, and one day and night for an insane woman; one fire place in the summer, one fire place and two Cooking Stoves.

WOOD.

The average quantity of fuel for the last three years has been about two hundred cords.

STRAW.

Two Tons of Straw per annum.

DEBTORS.

The number of Debtors now in Gaol, is thirteen, and one hundred and seventy-four have been confined during the last year, twenty-one of whom have been without any means of support. No relief allowed to Debtors from any public funds, with the exception of five shillings per week in certain cases, which sometimes is long in being ordered, from which cause great suffering arises.

CRIMINALS.

295 have been committed during the last year; out of that number 242 have been committed by the city authorities, and 53 by the Home District Magistrates and the Assizes. Since the incorporation of the City its authorities have committed 428 prisoners for not shorter periods than forty-eight hours.

PERSONS EMPLOYED.

One Gaoler at £125 per annum, who employs and pays £25 to a Turnkey. He has other assistance rendered by Debtors, to whom he has to make remuneration. His duties are arduous in the extreme, and in addition to the superintendance of the Gaol and the care of prisoners, has a very unpleasant duty in taking charge of the insane. The salary allowed is quite too small, and few persons would accept the office if a vacancy were to occur. The Gaoler has no fees—his losses in boarding Debtors generally amounts to more than his profits, and I believe he has now two persons in confinement for debts incurred by them while in custody on former writs.

There are four insane persons in Gaol, viz: Margaret Finch, committed in 1821; John Long, in 1832, George Adamson, in 1832; John Morrison, in 1834.

Margaret Finch, is about 40 years of age, has not been a single day sick the last five years—enjoys a good appetite—is very simple and quiet; she married and resided near or at the Humber, many years. She has a brother now living in Etobicoke—a son of about twenty-two years near Brantford, in the Home District—her husband lives in the State of New York.—She receives more care and better attendance than the others, having extra coffee, tea, milk, toast, &c., and yet at the same time it is found almost impossible to keep her clean.—She is furnished with the cheapest and most simple clothing as are all the others. John Long, an Negro, 29 years of age—born in the Township of York, Home District—he did not generally reside in this town—he has one or two brothers in Toronto—he is 3 or 4 times a month very outrageous and becomes quite unmanageable. George Adamson, 36 years of age, is an Englishman—resided 7 or 8 years in Chinguacousy, where he married a Miss Hopkins—she and her father yet live in that township—he is religiously insane. John Morrison, 47 years of age—lived several years in the township of Toronto—has no friends or relations—is frequently very bad. They are all furnished with good wholesome soup once a day—meat twice a day with bread—one blanket to each male, the females three blankets.

REPORT.

Chairman of Quarter Sessions on the state of the Goal and Treatment of Prisoners in the Newcastle District.

COLBORNE, 16*th March*, 1836.

SIR,

I have the honor to acknowledge the receipt of your letter of 29th ultimo, conveying the commands of his Excellency the Lieutenant Governor, and calling my attention to the circular letter issued from the Government office on the 23rd December last, relative to the Gaol, and the treatment of the prisoners in the District of Newcastle, and as his Excellency has been pleased to direct that I should transmit for his information any observation that myself and brother Justices might deem necessary to offer regarding the Gaol and the treatment of the prisoners in the Newcastle District.

In compliance therefore with His Excellency's commands, I would beg leave to submit the accompanying report of Messrs. Perry and Ham, (two Magistrates of this District), relative to the state of the Gaol and prisoners therein, which you will please have the goodness to lay before his Excellency. This report so far as I know conveys a correct statement of the condition of the prisoners in the Gaol at present.

On referring to the report of the Gaol Committee, his Excellency will perceive that all the prisoners appear to be well provided with bedding and fuel; but some of them complain of not having sufficient bread allowed them per day for their support. The prisoners that complain most, appear from the Report to be James Johnstone and Sylvester Glen. The female prisoner Mrs. Cooper, as mentioned in the report, seems to complain of being in a weakly condition and wants wine. In taking the respective cases of these three prisoners into consideration, please inform his Excellency the Lieutenant Governor, that I shall in the mean time recommend to the Committee of Supply, to allow the Gaoler to increase the allowance of bread to the prisoners, Johnstone and Sylvester Glen; and should the Gaol Physician deem it necessary to allow Mrs. Cooper, some wine or any other restorative, he may see proper to recommend.

On submitting the circular of the 23rd December last, with the copy of a representation from the Chief Justice and Judges, respecting the allowance of food to prisoners, &c., to the consideration of the Magistrates, at the last Quarter Sessions, held in January, they did not then deem it necessary to order any report of the state of the Gaol and of the prisoners to be made, in consequence of the Grand Jury having given a very favorable report of the state of the Gaol and the prisoners. The Magistrates when assembled in Quarter Sessions declined making any provision for the prisoners, as they supposed it was not necessary after hearing the report of the Grand Jury; and besides, they considered that they had no legal authority to make any further allowance to the prisoners. I perfectly coincide with the Committee in expressing their opinion, that the allowance of food to prisoners and their treatment should be more amply provided for by Legislative enactment, when the Magistrates would have it in their power to administer to the wants and necessities of destitute and sick prisoners more efficiently and humanely than the existing Gaol regulations authorise them to do at present. It was my original intention to have extended these desultory remarks, but having been lately visited with severe bodily indisposition, and just recovering therefrom—I have nevertheless deemed it to be my duty, with all due deference to submit the foregoing observations to his Excellency's consideration as early as possible, and would respectfully beg to apologize for their present crude and incomplete form.

I have the honor to be,
Sir,
Your most ob't and very humble serv't,
JOHN STEELE,
Chairman Quarter Sessions,
NEWCASTLE DISTRICT.

To JOHN JOSEPH, Esq.,
Secretary,
GOVERNMENT HOUSE, TORONTO.

To the Chairman of the Quarter Sessions, in and for the Newcastle District.

SIR,

We the undersigned Committee for supplying the Newcastle District Gaol, have according to your request, examined the prison of said Gaol and prisoners confined therein, on the 12th day of March instant, and now beg to report the result of our examination.

The first prisoner on the Calender is Joseph Chisholm—says he has comfortable bedding and plenty of fuel. The second prisoner, is James McCammis—says he has one and a half pounds of bread per day, and with his own means makes himself comfortable—bedding and fire comfortable.

The third prisoner, is John Green—does not find the allowance of one and a half pounds of bread per day sufficient—gets meat from the Gaoler occasionally—bedding and fire comfortable.

David Cooper, has Gaol allowance, one and a half pounds of bread per day, and from some means obtained heretofore by his wife sewing, who is confined with him, has made them tolerable comfortable.

Mrs, Cooper, wife of the said David Cooper, says she now is in a very feeble state; and requires some wine and some other necessaries to make her comfortable—bedding and fire comfortable.

James Johnstone, says he has one and a half pounds of bread per day, not sufficient—leaves him in a very feeble and hungry state—bedding and fire comfortable.

William Philp—has bread and water, is comfortable on the same—bedding and fire comfortable.

William Hurst, says one and a half pounds of bread per day would not be sufficient; but his wife works out and provides meat and other necessaries—bedding and fire sufficient.

Sylvester Glen, says one and a half pounds of bread per day is not sufficient—feels bad with hunger and weakness—bedding and fire sufficient.

Thus the Committee aforesaid have gone through the Gaol and examined the prisoners from the Sheriff's Calendar, which is hereunto annexed—the present regulations of the Gaol is one and a half pounds of bread per day for each criminal together with water, bedding, and fire. Medical aid in all cases has been furnished, and for the last few years a regular salary has been given to a medical gentleman. We beg further to state that we are of opinion that in most cases a little beef and pork, together with some Rice or Oatmeal is necessary for the comfort of prisoners—but we are clearly of opinion that the district funds with the heavy debt of two thousand pounds hanging over it, and due for building the said Gaol and Court House, will not admit of any further claims than the law allowances for prisoners.

We, the Committee aforesaid, think it advisable and would recommend that a fund should be provided by the Legislature and given to the Magistrates of the District for the purpose of providing necessaries for prisoners confined in the Gaol, over and above the present law allowances, when they with a medical adviser find it absolutely necessary for the preservation of a prisoner's health.

We are,
Sir,
Your very ob't humble serv'ts,
EBENEZER PERRY, } *Committee*
GEORGE HAM, J. P. } *of Supply.*

CALENDAR of Prisoners in Newcastle Gaol, 12th March, 1836.

NAMES.	WHERE BORN.	AGE.	CRIME.	BY WHOM COMMITTED.	DATE OF COMMITMENT.	REMARKS.
					1835	
Joseph Chisholm..	Scotland,	24	Manslaughter,	Judge of Assize,	18th Sep'r.	Sentenced 12 mo.'s Imp.
James McCammis.	Ireland,	27	Assault,	Judge of Assize,	18th Sep'r.	Sentenced 6 mo.'s Imp.
John Green.....	U. States,	35	Horse stealing,	Judge of Assize,	18th Sep'r.	Sentenced 8 mo.'s Imp.
David Cooper.. } Hannah Cooper. }	England,		Killing a man,	E. Sandford, Esq.	11th Nov.	
James Johnston...	U. Canada,	32	Stealing,	Quarter Sessions,	12th Jan'y.	Sentenced 3 mo.'s Imp.
William Phillips...	England,	36	Stealing,	Quarter Sessions,	12th Jan'y.	Sentenced 6 mo.'s Imp.
William Hurst....	England,	29	Stealing,	John Brown, Esq.	Dec. 28, 1835	
Sylvester Glen....	U. Canada,	27	Stealing,	S. Hawley, Esq.	Jan. 21, 1836	

H. RUTTAN, *Sheriff.*

REPORT.

Chairman of Quarter Sessions of the District of Prince Edward, on the state of the Gaol and the treatment of Prisoners.

CoBOURG, *March 7th*, 1836.

SIR,

I have the honor to acknowledge the receipt of your letter of the 29th ultimo, relative to a circular letter from the Government office, of the 23rd December last, respecting the treatment of prisoners in the Gaol of the District of Prince Edward.

In reply thereto, I beg to enclose a copy of the "Rules and Regulations," adopted by the Magistrates in General Quarter Sessions of the Peace, in April, 1834, and which, in September of the same year, were approved by the Chief Justice; by which it will appear that the humane suggestions of the Judges of the Court of King's Bench, had been anticipated by the Justices of the Peace for the District of Prince Edward; and since I have had the honor of being Chairman of the Quarter Sessions, I have invariably directed the attention of the Grand Jury to the state of the Gaol, and the treatment of the prisoners confined therein; and I have always had the satisfaction of learning that the regulations adopted by the Magistrates were duly observed by the Gaoler, and that there was no cause for complaint on the part of the prisoners.

I have the honor to be,

Sir,

Your most ob't humble serv't,

D. BETHUNE,

Chairman Quarter Sessions,

DISTRICT OF PRINCE EDWARD.

RULES AND REGULATIONS.

DISTRICT OF PRINCE EDWARD, *To Wit.* } To be observed and obeyed within the Gaol of the District of Prince Edward—framed and drawn up by the Justices of the Peace of the said District, in General Quarter Sessions assembled.

1st. The lower apartments of the Gaol, commonly called the cells, shall be appropriated for the safe keeping of persons convicted of or charged with felonies, or misdemeanors, or committed for want of sureties. The apartments in the second, or upper floor of the Gaol, shall be appropriated for the safe keeping of debtors, and persons confined for contempt of Court in civil process.

2nd. The male and female prisoners shall be confined in separate cells or parts of the prison; and the prisoners of each sex divided as far as the dimensions, plan and accommodations of the building may allow, into distinct classes, so that prisoners of the following classes shall not intermix, viz: 1st. Prisoners convicted of felony. 2nd. Persons convicted of misdemeanors. 3rd. Persons committed on charge or suspicion of felony. 4th. Persons committed on charge or suspicion of misdemeanors, or for want of sureties. 5th. Vagrants.

3rd. The Gaoler shall keep a book containing a register of the persons confined in the cells, specifying the offences with which such persons are severally charged, or of which they are convicted; and stating their classification and separation in the different cells, which book shall be regularly submitted to the Magistrates, when in Quarter Sessions assembled, for their inspection and examination, in the months of April and October, in each and every year.

4th. No prisoner is to be put in irons, except in cases of absolute and unavoidable necessity; and the particulars of every such case are to be entered in a Journal by the Keeper, who shall submit the same unto the Magistrates at the first Quarter (or adjourned) Sessions, held in the township of Hallowell. No prisoner shall be kept in irons longer than may be found strictly necessary.

5th. Prisoners who receive no allowance from the District, may procure for themselves and receive, any hour within the time prescribed in a subsequent regulation, a reasonable quantity of plain, wholesome food, as well as bedding, clothing and other

necessaries; provided that such supplies shall neither conduce to extravagance nor to luxury. All articles of clothing, bedding and other necessaries, admitted under this rule into the gaol, shall be strictly examined by the Gaoler, or his deputy, in order to ascertain that no such articles are introduced as may facilitate the escape of any prisoner.

6th. No prisoner who is confined under the sentence of any court, or in pursuance of any conviction before a Justice, shall receive any food other than the Gaol allowance, as provided by Law.

7th. Prisoners shall be provided at the expense of the District, with suitable bedding—when they cannot provide the same at their own expense.

8th. As much air shall be allowed the prisoners as the situation and plan of the Gaol will allow.

9th. The walls and ceilings of the cells, rooms and passages, used by the prisoners, on both floors of the Gaol shall be cleansed and lime washed at least once in each year, in the month of April or May. The floors of the several cells and rooms in use shall be washed or cleansed once a fortnight, or oftener if required—a reasonable supply of water, soap and towels, shall be furnished the prisoners in the cells for the purpose of washing themselves, as the same shall be found requisite.

10th. Prisoners committed for trial, or convicted of any offence may see persons with whom they wish to communicate, at the doors of their cells, each day in the week, between the hours of nine and ten o'clock in the forenoon, and the hours of one and two o'clock in the afternoon. The Keeper of the Gaol or his deputy shall be present on all these occasions, and shall take care that no articles are given to the prisoners by their friends that may enable them to make their escape. Provided that persons convicted, and sentenced to die, or to the cells, for any enormous offence, shall not be allowed any communication without leave of the Sheriff.

11th. Prisoners confined for debt may have communication with their friends at the grated door of the upper range of apartments, each day in the week, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, in summer; and in winter, from nine o'clock in the morning until four o'clock in the afternoon;—the Gaoler or his deputy being careful to ascertain that no articles are given to the debtors by their friends, that may enable them to make their escape.

12th. Letters, newspapers, or packages left at the Gaoler's apartment for his prisoners, shall be delivered to the person for whom they are intended without delay: the Gaoler or deputy ascertaining as correctly as possible (without opening any letter) that nothing is enclosed that might tend to effect an escape.

13th. No gaming shall be allowed among the prisoners.

14th. Upon the death of a prisoner, notice shall be forthwith sent by the Gaoler to a Coroner of the District, and also to the nearest relative of the deceased, if practicable.

15th. For disregard and disobedience of prison rules and regulations, assaults in prison, profane cursing and swearing, indecent or refractory behaviour, on the part of any prisoner, the Keeper of the Gaol is authorised to put the offender into solitary confinement, and keep him on bread and water only for a space of time, not exceeding 24 hours; noting the particulars of all such cases in his Journal.

16th. It shall be the duty of the Surgeon, employed in behalf of the District, to attend the Gaol, administer to the medical wants of the prisoners in the cells, and report to the Justices at their Sessions, in April and October, in each year, the state of the health of the prisoners, and the number and nature of the cases in which his services have been called for in the course of each term.

17th. In all cases where application shall be made for support from the District by any person confined for debt or committed for trial, the Sheriff, provided he is satisfied that such prisoner has no other means of procuring provisions, shall be authorised to furnish to each prisoner so applying, sixteen ounces fresh beef or twelve ounces of salt pork, one pound of potatoes, half a pound of bread, with an allowance of salt daily; and that the Sheriff shall report such cases to the next ensuing adjourned Quarter Sessions, when such allowance shall be confirmed or withheld according to the evidence which may be then and there produced.

18th. No Beer, Wine, Cider, or other fermented Liquors, shall be admitted for the use of any prisoner confined for debt, or committed for trial, except as follows: viz:—one pint of wine, or one quart of beer or cider for the use of each prisoner daily, who may provide these liquors at his own cost, or at the cost of his friends.

19th. Divine Service may be performed in the upper and lower range of apartments, on Sunday, by such Clergyman as may be appointed by the Sessions for that duty, or by other Clergyman who may offer his services.

20th. No Tap shall be kept in the prison, nor shall spirituous liquors of any kind be admitted for the use of prisoners, except in conformity to the 15th Section of the Statute, 32 Geo. III, chap. 6. which provides as follows:

"*Provided always*, that no license shall be granted for retailing any spirituous liquors within any of "the said Gaols or prisons, and if any Gaoler, Keeper, or Officer of any Gaol or prison shall sell, lend, "use or give away in such Gaol or prison, or knowingly permit or suffer any spirituous liquors or "strong waters to be sold, used, lent or given away "in such Gaol or prison, or brought into the same, "other than except such spirituous liquors or strong "waters as shall be prescribed or given by the prescription and direction of a regular Physician, Surgeon or Apothecary; every such Gaoler, Keeper, "or other Officer shall for every such offence, forfeit "and lose the sum of twenty pounds, current money "of this province; one moiety thereof to His Majesty, his heirs and successors, for the public uses "of the said province, and the support of the Government thereof; and the other moiety of the said "sum with full costs of suit to such person or persons as will sue for the same, in any of His Majesty's Courts of Record in this province, by action of "debt, bill, plaint, or information, and in any case

"any such Gaoler, or other officer, being convicted "thereof, as aforesaid, shall again offend in like man- "ner, and be thereof, a second time, lawfully con- "victed, such second offence shall be deemed a for- "feiture of his office."

21st. The Keeper and his deputy are strictly forbidden to demand or receive any fee, perquisite or gratuity from any prisoner, or other person, on any pretext whatsoever.—The Keeper is allowed a reasonable salary from the funds of the District, according to the 7th Section of Statute, 32 Geo. III, ch. 6, by which it is enacted, "That it shall and may be "lawful for the said Justices, within the respective "limits of their commissions assembled as aforesaid, "or the greater part of them, and they are hereby "authorised and empowered to ascertain and appoint "a reasonable yearly salary, according to their dis- "cretion, to be paid to the Gaoler; and that the said "salary shall be in place of all fees, perquisites or im- "positions of any kind or sort whatsoever, and that "it shall not be lawful for the said Gaoler, or any "officer belonging to the said Gaol to demand or re- "ceive any fee, perquisite, or other payment, from "any prisoner, who may be confined within any of "the said Gaols or prisons."

22nd. That the Keeper of the Gaol shall cause these rules and regulations, when printed to be fixed in some conspicuous part of the Gaol, for the information and guidance of the prisoners and others.

23rd. All lights to be extinguished in the debtors apartments at ten o'clock at night, except in particular cases, at the discretion of the Gaoler.

I do hereby certify that the foregoing is a true copy of the rules and regulations proposed to be observed in the Gaol of the District of Prince Edward, as amended by the Committee named for that purpose at the Quarter Sessions, in April, 1834, and presented to the Court in the same Sessions, upon which it was ordered that the same should be submitted to one of the Judges of the Court of King's Bench for his approval and confirmation.

I do hereby certify that a copy of the foregoing rules and regulations was submitted to the Honorable John Beverly Robinson, Chief Justice of the Court of King's Bench, in September, 1834, and was by him approved.

DAVID L. FAIRFIELD,
Clerk of the Peace,
P. E. District.

Clerk of the Peace's Office,
Hallowell, *4th March*, 1836.

Brockville, *5th March*, 1836.

Sir,

I have the honor to acknowledge the receipt of your letter of the 29th ultimo, and had previously called upon the Gaoler to make a report upon the state of the Gaol, &c. after the receipt of Colonel Rowan's letter of the 23rd December, referred to in yours.

From the terms of that letter, however, I did not understand that any observations were called for from the Justices. The accompanying report will, I trust, give the required information.

I have the honor to be,
Sir,
Your most ob't servant,
JONAS JONES.

J. Joseph, Esq.,
Secretary, &c.

REPORT of Christopher Leggo, keeper of the Gaol in the District of Johnstown, on the treatment of prisoners confined therein.

The cells in the main building of the gaol are appropriated to the safe keeping of all prisoners other than debtors, and persons confined for contempt of Court in civil process. The females in all cases are kept separate from the males, and the prisoners classed according to the nature of their offences, as well as the accommodation of the gaol will admit. The wards in the two wings are appropriated to debtors. A book is kept by the gaolers containing a register of every person confined in the cells—specifying by whom committed—the time of his commitment—the offence with which he is charged or convicted—the time of his discharge, and by whom, or in what manner—which book is laid before the Justices at every General Quarter Sessions of the Peace, to be then signed by the Chairman in proof of the same having been there produced.

For attempts to escape—disobedience of prison rules—assaults in prison—profane cursing & swearing—indecent or refractory behaviour—disturbance of gaoler or other prisoners, the keeper of the gaol is authorised by the rules and regulations framed by the Justices of the Peace in General Quarter Sessions assembled, and approved by a Judge of the Court of King's Bench, pursuant to the sixteenth section of the Provincial Statute 32, Geo. 3rd, Chap. 8, to put the offender into solitary confinement, and keep him on bread and water only, for a time not exceeding 24 hours at any one time; and in case of absolute and unavoidable necessity only, may put prisoners in irons. The particulars of all cases of solitary confinement or putting in irons to be noted at the time, in the book before mentioned.

Prisoners may see persons with whom they wish to communicate at the doors of their cells (the gaoler or keeper being present) each day in the week, Sunday excepted, between the hours of nine and ten in the forenoon, and one and two in the afternoon, except persons under sentence of death who are not allowed to have any communication with other persons without leave of the Sheriff. Clergymen and the physician appointed to the gaol, are admitted at all times. It is the duty of the physician employed in behalf of the district to attend the gaol, administer to the medical wants of the prisoners in the cells, and report to every General Session of the Peace the state of the health of the prisoners, and the number and nature of the cases in which his services have been required. Prisoners who receive no allowance from the district may procure for themselves, and receive at any hour within the time prescribed above, a reasonable quantity of plain wholesome

food as well as clothing, bedding and other necessaries, under the inspection of the gaolor. Destitute prisoners are provided with suitable bedding at the expense of the district and a supply of water, soap and towel for washing. As much air as the situation and plan of the gaol will admit is allowed the prisoners. The walls and ceilings of the cells, the debtors wards, and the passages are cleansed and lime washed two or three times in the year—the floors once a fortnight and sometimes oftener. In case a prisoner confined for debt shall in the judgment of the gaoler be unable to provide himself with subsistence, or without friends able to do so, he is provided with food sufficient to keep him from want 'till the next Session, when the case is reported, and such allowance is confirmed or withheld according to circumstances. No beer, wine, cider, or other fermented liquors, are admitted for the use of any prisoner or debtor, (unless prescribed by the physician appointed for the district) except in quantities to be specified at the time by the gaoler—nor are spirituous liquors admitted within the gaol except as provided in the fifteenth section of the 32 Geo. 3, Chap. 8. Letters, newspapers or packages left at the gaolers appartments for prisoners are delivered to the person for whom they are directed without delay, the gaoler or keeper having satisfactorily examined the same by opening sealed letters or otherwise, which he generally does in their presence. No cards, dice, or gaming are allowed within the gaol, nor lights admitted in the cells except at the discretion of the gaoler, in case of necessity, and all lights are extinguished in the debtors' wards at ten o'clock, except at the discretion of the gaoler under the like necessity. Upon the death of a prisoner notice thereof is sent to a coroner of the district, and to the relations of the deceased, if practicable. Divine Service may be, and is occasionally performed on Sundays in the halls or passages. Sufficient wood for cooking and warmth is provided by the gaoler for all the cells and wards occupied.

Sixty-four prisoners have been committed to the gaol within the last year—two of whom were for murder, one for arson, twenty-six for larceny and other felonies, one for forgery, thirty-three for misdemeanors, and one for returning from banishment.

C. LEGGO.

District of Johnstown Gaol, 5th March, 1836.

REPORT of the Chairman of the Quarter Sessions, Western District, on the state of the Gaol and treatment of the Prisoners in that District.

SANDWICH, 10*th March*, 1836.

SIR,

In replyt o yours of the 29th instant, calling "immediate attention to the circular of the 23rd of December last, relative to the gaol and the treatment of prisoners in the Western District," I have the honor to state that I laid that circular and its printed enclosure, the representation of the Judges, before the last Court of Quarter Sessions. The magistrates being therein simply recommended to supply the prisoners with "such an allowance of food as may be deemed necessary during the present winter," immediately acquiesced as the enclosed certificate will evince; and, understanding the arrangement made by them would be merely temporary, in fact, "during the present winter," that the subject would "be more precisely regulated by a Legislative enactment" they did not imagine the circular required from them either an answer or opinion, and consequently discussed the matters no further than to add to the prisoners former allowance which daily consisted of water and one pound and a half of bread.

In justice to our magistrates I must observe that "the wants of fuel and bedding" have always been provided, not only "to such an extent as to prevent absolute suffering" but, to such an extent as to render the prisoners comfortable; "clothing" has also been provided when required and a medical gentleman has constantly attended the gaol, therefore, the only respect in which the benevolent suggestions of the Judges have not been anticipated, is in the article of food, hitherto confined, in the Western District, to bread and water. The diet of prisoners since I have been chairman has been, more than once deliberated upon, and, I think, meat would have been granted, had it not been deemed more injurious than beneficial to their health during the rigid confinement, which their security necessarily demanded.

The chief question with us has been, whether humanity did not urge us rather to consult the health of the body than the gratification of the palate; however the paucity of our district funds also, in some measure, enforced our decision. For some years past the Legislature has increased our annual disbursements, without providing any additional means to meet those expenses. Our present revenue is far inadequate to carry on the business of the district properly, and will shortly be much more so, in consequence of the operation of the new township officer's law. The treasurer and I were compelled last year to make ourselves privately responsible to the Commercial Bank for a loan to the district for its immediate and pressing wants to the amount of £189 7 10. Our poverty, indeed, does not even permit any assistant to the gaoler, except in cases of urgent necessity. Our gaol too has been constructed on such an injudicious plan that there is only one fire-place in the whole building, and that is in the keeper's private apartment. This was one reason why, at the last Sessions, we did not order meat during the summer—there is no fire place by which the prisoners meat can be cooked—in the winter they can dress it themselves by their own stove.

I have deemed it my duty to mention the foregoing circumstances, not in the slightest degree to obstruct any generosity that can be shewn to an unhappy class of beings. It would be a subject of public regret, if a measure calculated to alleviate their misfortunes did not succeed, and it is to prevent any after difficulties from retarding the charitable and truly laudable intentions of the Judges, that I would endeavor to invite the attention of the Legislature to create funds for these increasing charges upon the districts.

I have the honor to be, Sir,
Your most obedient and
Most humble Servant,
CHARLES ELIOT,
Chairman, Q'r. Ses. W. D.

JOHN JOSEPH, Esq.
Civil Secretary, &c. &c.

At the General Quarter Sessions of the Peace holden at the Court House Sandwich, which commenced on the twelfth and ended on the sixteenth day of January, in the sixth year of our Sovereign Lord William the Fourth.

Ordered—That Prisoners be allowed half a pound of meat per day each, during winter, and butter and cheese at discretion of Sheriff during summer, agreeable to a recommendation from His Excellency the Lieutenant Governor.

I certify the above to be a true copy.

CHARLES ASKIN,
Clerk Peace, W. D.

ASSESSMENT RETURNS

FOR THE YEAR 1835.

AGGREGATE ACCOUNT of the Rateable Property in the Ottawa District, for the Year 1835.

TOWNSHIPS.	LANDS.		HOUSES.																MILLS.			Store-houses.	Merchant shops	Stone horses for covering mares, hire or gain.	Horses of three years old and upwards.	Oxen of four years old, and upwards.	Milch cows.	Horned cattle from two to four years old.	Curricles, gigs or other carriages, with two wheels kept for pleasure.	Waggons kept for pleasure only.	Number of rateable inhabitants.	Amount of valuation of property assessed.	Amount of rates, at one penny per pound.	Rates for the wages of the Representatives of the County of Prescott, being in the ratio of one half of the assessed tax.	Rate for the wages of the Representative of the County of Russell, being the ratio of eleven-eighths of the assessed tax.	Total amount to be collected
	Uncultivated.	Cultivated arable pasture, or meadow	Square or hewed timber on 3 sides, 1 story	Additional fire-places	Squared or hewed on two sides, two stories	Additional fire-places	Framed, under two stories.	Additional fire-places	Frame of two stories	Additional fire-places	Additional fire-places	Brick or stone, of one story.	Additional fire-places	Framed Brick or stone, of two stories.	Additional fire-places	Wrought by water, with 1 pair of horses.	Additional pairs of stones.	Saw-mills.														Currency. £ s. d.	Currency. £ s. d.	£ s. d.	£ s. d.	Currency. £ s. d.
Hawkesbury (east)	14003	2016¼	32	1	...	...	8	..	..	..	...	..	6	3	3	1	5	1	3	2	124	124	307	46	.....	...	163	10783 17 0	44 18 8	22 9 4½	.....	67 8 0½
Hawkesbury (west)	16633	4606	88	3	1	..	27	6	..	..	5	1	5	11	2	6	4	1	8	4	212	167	552	168	3	2	251	19403 12 0	80 16 11½	48 8 6½	.....	121 5 6
Longueil	12003½	3357½	56	5	3	..	31	10	..	..	4	1	6	7	...	...	...	...	...	...	169	104	285	74	9	9	170	12434 19 0	51 16 3	25 18 1	.....	77 14 4
Alfred	4271	297	6	..	...	..	1	..	..	..	1	..	...	..	...	...	...	...	...	...	13	26	41	20	.....	...	31	1697 4 0	7 1 5½	3 10 9	.....	10 12 2½
Caledonia	6189	993	15	..	...	..	1	..	..	..	2	..	1	..	1	...	2	..	..	...	53	30	149	30	.....	...	72	4076 16 0	16 19 9½	8 9 8½	.....	25 9 6
Plantagenet	11517	1342	30	..	...	..	5	1	..	..	...	..	...	..	1	...	1	..	1	...	59	112	206	63	.....	...	118	6476 8 0	26 19 7½	13 9 7	.....	40 9 2½
Clarence	5781	363	2	..	...	..	...	..	..	..	...	..	...	..	...	...	...	...	...	...	12	32	47	25	.....	...	31	1949 4 0	8 2 5½	.....	7 2 3½	15 4 9
Cumberland	6985	395	2	..	...	..	3	..	..	..	...	..	...	..	...	...	3	..	..	...	10	32	41	10	.....	...	33	2578 0 0	10 14 10	.....	9 8 2½	20 3 0½
Gloucester	17238	1859	13	1	...	..	3	5	..	..	1	1	1	2	1	5	2	..	2	...	72	110	302	88	.....	...	186	9016 12 0	37 11 5	.....	32 18 9½	70 10 2½
Osgoode	13442	852	4	..	...	..	...	..	..	..	...	..	...	..	...	...	...	...	...	...	14	82	153	68	.....	...	101	4587 8 0	19 2 4	.....	16 15 10½	35 18 2½
Russell	2226	74	...	..	...	..	1	..	..	..	...	..	...	..	...	1	...	2	..	...	4	12	12	7	.....	...	9	1027 4 0	4 5 7	.....	3 15 0	8 0 7
Cambridge, no setls	.....	.....	...	..	...	..	...	..	..	..	...	..	...	..	...	...	...	...	..	...	...	...	...	...	.....	...	...	.....	.....	.....	.....	.....
Total	110288¼	16354¼	248	10	4	..	85	22	..	..	13	3	19	23	9	12	20	2	17	6	742	831	2095	599	12	11	1165	74031 4 0	308 9 4½	114 6 0½	70 0 2	492 15 7

I certify that the above aggregate Account is correctly compiled from the several Assessment Rolls of the District of Ottawa, for the year 1835.

RICHARD PHILLIP HOTHAM,

Clerk of the Peace, District of Ottawa.

L'ORIGNAL, *July 16th* 1835.

AGGREGATE of the Assessment Rolls for the District of Bathurst, for the year 1835.

| TOWNSHIPS. | ACRES of LAND | | HOUSES. | | | | | | | | | | | | MILLS. | | | | | | | | | | | |

AGGREGATE ACCOUNT of the Rateable Property in the Eastern District, for the Year 1835.

TOWNSHIPS.	LANDS.		HOUSES.										MILLS.			Store houses.	Merchant shops.	Stone horses for covering mares for hire or gain.	Horses of three years old and upwards.	Oxen of four years old and upwards.	Milch cows.	Horned cattle from two to four years old.	Carriages, gigs or other carriages with 2 wheels, kept for pleasure.	Waggons kept for pleasure only.	Town lots.	Amount of valuation of Property Assessed.	Amount of Rates at one penny per pound.	Amount of additional half-penny per pound for Gaol and Court-House	Total Amount to be Collected.
	Uncultivated.	Cultivated.	Squared or hewed timber on 2 sides, 1 story.	Additional fire-places.	Square or hewed on 2 sides, 2 stories.	Framed under 2 stories	Additional fire-places.	Brick or stone, of one story.	Additional fire-places.	Framed brick or stone of two stories.	Additional fire-places	Wrought by water with one pair of stones.	Additional pair of stones	Saw mills																
																										Currency. £ s. d.	*Currency.* £ s. d.	£ s. d.	*Currency.* £ s. d.
Osnabruck	33419	9734	34	..	...	171	4	3	..	11	3	3	..	7	..	17	...	661	106	1087	267	3	13	....	37957 16 0	158 3 2	79 1 6¾	237 4 8¾
Charlottenburgh	58938¼	16426½	299	..	...	167	6	6	1	11	13	4	2	6	..	5	...	1000	196	2016	545	1	8	....	52926 9 0	245 10 6¾	122 15 3½	363 5 10
Williamsburgh	29590	6314½	22	..	1	104	5	7	2	7	7	...	..	4	1	10	4	501	115	803	190	....	....	....	27620 10 0	115 1 7	57 10 9¼	172 12 4¼
Finch	*9365*	*935*	*14*	..	...	*1*	..	...	..	...	..	*1*	*2*	*1*	..	..	...	*82*	*30*	*197*	*22*	....	....	....	*4862 0 0*	*20 5 2*	*10 2 7*	*30 7 9*
Mountain	13999	2079	5	..	...	8	..	...	..	...	..	1	..	3	..	2	...	101	118	276	75	....	....	....	8291 16 0	34 10 10	17 5 5	51 16 3
Winchester	6089½	509	...	..	...	5	..	...	..	...	..	1	1	2	..	..	...	35	40	92	16	....	....	....	3033 18 0	12 12 10	6 6 4½	18 19 2¾
Matilda	25317	5181	2	..	...	55	7	7	..	2	4	1	..	1	..	3	...	344	107	692	141	....	....	....	18931 8 0	78 17 7¼	39 8 9¾	118 6 5¼
Lancaster	40238	7431	87	..	...	60	4	6	..	4	3	4	2	6	..	5	2	554	76	1102	247	....	7	....	30940 12 0	128 18 5	64 9 2½	193 7 7½
Lochiel	43351	6306	19	..	...	8	..	3	..	...	..	3	..	3	..	3	2	464	112	991	224	....	....	....	24861 4 0	103 11 10½	51 15 11	155 7 9½
Kenyon	43956	3412	23	..	...	2	..	...	..	...	..	...	..	2	..	2	1	317	82	706	128	....	....	....	18642 4 0	77 13 6½	38 16 9	116 10 3½
Cornwall and Roxborough	50808½	12317½	151	3	...	316	23	19	7	26	20	3	2	6	..	28	2	1078	249	1779	292	13	9	240	68068 4 0	283 12 6	141 16 2¾	425 8 8¼
Total	355071½	70645½	656	3	1	897	49	51	10	61	50	21	9	41	1	75	11	5137	1231	9741	2147	17	37	240	302,136 1 0	1258 18 1	629 3 11	1888 7 0

ARCHIBALD M'LEAN,

Clerk of the Peace, Eastern District.

AGGREGATE ACCOUNT of the Rateable Property in the Johnstown District for the Year 1835.

| TOWNSHIPS. | LANDS | | HOUSES. | | | | | | | | | | | | | | | | MILLS. | | | | | | | | | | | | | | | |

AGGREGATE ASSESSMENT of the Midland District, for the Year 1835.

	NAMES OF TOWNSHIPS, &c.	LANDS. No. of Acres Uncultivated.	LANDS. No. of Acres Cultivated.	TOWN LOTS. Kingston.	TOWN LOTS. Bath.	TOWN LOTS. Belleville.	HOUSES. Squared or hewed timber 2 sides 1 story, 2 fire-places.	HOUSES. Additional fire-places.	HOUSES. Framed under 2 stories.	HOUSES. Additional fire-places.	HOUSES. Squared timber, two stories.	HOUSES. Additional fire-places	HOUSES. Framed Brick or stone 1 story, not more than two fire-places.	HOUSES. Additional fire-places	HOUSES. Framed brick or stone two story, 2 fire-places.	HOUSES. Additional fire-places	MILLS. Water, one pair of stones.	MILLS. Additional pairs	MILLS. Saw mills.	Merchant's shops.	Store-houses.	Stone Horses for covering mares for hire.	Horses 3 years old and upwards.	Oxen 4 years old and upwards.	Cows.	Horned Cattle, 2 to 4.	CARRIAGES. Close 4 wheels.	CARRIAGES. Phætons or open, 2 wheels	CARRIAGES. Curricles, gigs, &c. 2 wheels.	CARRIAGES. Pleasure waggons.	VALUATION. £	s.	d.	Amount of Assessment, at one penny in the pound. £	s.	d.
Frontenac.	Town of Kingston	.....	.....	693	....	....	24	3	280	74	3	...	34	12	238½	413	...	...	...	68	11	1	134	....	110	.....	3	3	8	8	84610	0	0	352	10	10
	Township of Kingston	32740	12145	....	....	....	3	...	189	23	1	...	64	23	35	27	2	4	7	3	....	...	619	266	1313	261	....	....	5	15	43492	0	0	181	4	4
	Pittsburgh	17162	4515	....	....	....	33	...	....	....	....	....	60	9	21	9	1	...	5	4	....	...	229	156	424	185	....	....	1	2	17230	0	0	71	15	10
	Loughborough	14096	5815½	....	....	....	28	1	5	....	1	...	....	....	1	....	1	...	4	1	....	...	243	156	592	228	....	....	....	....	15613	0	0	65	1	1
	Portland	10339	2559	....	....	....	2	...	3	2	....	...	5	....	....	....	....	....	....	....	....	1	113	127	279	142	....	....	....	....	7782	0	0	32	8	6
	Wolfe Island	7315	1909	....	....	....	14	3	....	....	1	...	....	....	1	2	....	....	....	....	....	....	89	96	270	82	....	....	....	....	5771	0	0	24	0	11
		81562	26943½	698	....	....	104	7	497	99	6	...	163	44	296½	451	4	4	16	76	11	2	1427	801	2988	898	3	3	14	25	174493	0	0	727	1	6
Lennox and Addington.	Earnestown	36045	20897½	....	32	....	12	...	286	32	3	...	11	2	41	31	6	4	9	10	2	4	966	326	1385	574	...	2	4	9	62696	0	0	261	13	0
	Fredericksburgh	22199	13617	....	....	....	13	...	95	....	....	....	61	11	17	5	2	1	2	4	...	4	688	261	1262	348	....	....	....	20	38573	0	0	160	14	5
	Adolphustown	5250	6043	....	....	....	....	...	61	17	....	....	....	....	13	12	...	...	1	1	...	1	204	64	381	94	...	...	1	20	14097	0	0	58	14	9
	Richmond	22129	5993½	....	....	....	11	...	75	4	....	....	....	....	11	11	2	3	3	8	...	3	322	183	715	217	....	....	....	....	22551	0	0	93	19	3
	Camden	30305	8583½	....	....	....	3	...	46	4	....	....	4	...	1	1	3	3	8	4	...	...	346	316	922	345	....	....	....	....	27058	0	0	112	14	10
	Sheffield	5630	587	....	....	....	1	...	1	....	....	....	....	....	....	....	1	...	1	....	....	....	27	63	93	18	....	....	....	....	2814	0	0	11	14	6
	Amherst Island	8225	2575	....	....	....	10	...	....	....	....	....	1	...	....	....	....	....	....	....	....	....	107	123	266	69	....	....	....	....	7001	0	0	29	3	5
		129783	58301½	....	32	....	50	...	546	57	3	...	77	13	83	60	14	11	24	27	2	12	2660	1336	5524	1665	...	2	5	49	174890	0	0	728	14	2
Hastings.	Sidney	30941	14324	....	....	....	8	...	188	7	....	...	3	2	18	8	3	...	9	4	...	4	522	373	1145	392	....	....	....	8	41341	0	0	172	5	1
	Thurlow	26999	10171	....	....	212	4	...	238	42	....	...	11	1	70	92	6	5	10	19	2	1	572	241	1081	310	....	....	3	23	51738	0	0	215	11	6
	Rawdon	6994	1575	....	....	....	3	..	20	7	....	...	2	4	....	....	1	...	2	1	...	...	83	90	205	74	....	....	....	....	6373	0	0	26	11	1
	Marmora	7644	1006	....	....	....	....	...	8	...	2	2	....	....	....	....	1	...	1	....	....	....	32	64	120	62	....	....	....	....	4059	0	0	16	18	3
	Huntingdon	8695	1222	....	....	....	....	...	....	....	....	....	....	....	....	....	....	...	....	....	....	....	57	82	153	51	....	....	....	....	4246	0	0	17	13	10
	Hungerford	10125	736	....	....	....	....	...	2	1	....	....	....	....	....	....	1	...	1	....	....	....	36	77	97	45	....	....	....	....	4016	0	0	16	14	8
	Madoc	7887	932	....	....	....	....	...	....	....	....	....	....	....	....	....	1	...	1	....	....	....	39	70	115	46	....	....	....	....	3745	0	0	15	12	1
	Tiandinaga	17224	3227	....	....	....	3	...	19	2	....	....	....	....	1	3	1	...	6	1	...	4	172	234	471	137	....	....	....	....	13221	0	0	55	1	9
		116509	33190	....	....	212	18	...	475	59	2	2	16	7	89	103	14	5	30	25	2	9	1503	1231	3387	1115	...	...	3	31	128739	0	0	536	8	3
	Total	227854	118437¾	698	32	212	172	7	1498	215	11	2	256	64	368¼	614	34	18	70	128	15	23	5605	3368	11899	3673	3	5	22	105	478127	0	0	1992	3	11

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I do hereby certify that the above statements have been truly taken from the original Rolls deposited in my office; and that the Total Assessment therein is £1992 3s. 11d.

KINGSTON, *February*, 1836.

JAMES NICKALLS, JUN., *Clerk of the Peace, Midland District.*

AGGREGATE ACCOUNT of the Rateable Property in the Prince Edward District for the Year 1835.

TOWNSHIPS.	LANDS.		HOUSES.								MILLS.			Store houses.	Merchant shops.	Stone horses for covering mares for hire or gain.	Horses of three years old and upwards	Oxen of four years old and upwards.	Milch cows.	Horned cattle from two to four years old.	Curricles, gigs or other carriages with 2 wheels, kept for pleasure.			Waggons kept for pleasure only.	Amount of valuation of Property assessed.	Amount of Rates, at one Penny per Pound	Representatives wages & charges for collecting & assessing.	Total amount to be collected.
	Uncultivated.	Cultivated.	Squared or hewed timber on 2 sides, 1 story.	Additional fire-places.	Framed under 2 stories	Additional fire-places.	Framed of two stories.	Additional fire-places	Brick or stone, of 2 stories.	Additional fire-places.	Wrought by water with one pair of stones.	Additional pairs of stones.	Saw mills								Chaises &c.	Curricles.	Gigs.		Currency.	Currency.	Currency.	Currency.
																									£ s. d.	£ s. d.	£ s. d.	£ s. d.
Hallowell	37572	22274	25	2	262	40	12	40	67	68	5	4	8	4	15	7	977	321	2034	452	1	7	9	76	62153 0 0	425 19 3½	68 17 2	494 16 5½
Sophiasburgh	24573	14240	4	....	1	1	163	9	38	33	5	3	4	2	6	6	639	275	1168	302	..	1	2	50	43356 0 0	270 19 6	45 7 2	316 6 8
Ameliasburgh	26589	10521	28	....	91	7	3	....	12	7	2	1	3	..	3	1	465	293	913	284	..	1	1	7	30784 0 0	192 8 0	31 16 8½	224 4 8½
Hillier	16621	12793	7	....	115	3	....	....	7	7	3	....	6	4	6	..	390	190	762	173	..	..	5	12	30963 0 0	193 10 1½	32 6 4½	225 16 6
Marysburgh	23205	9072	10	....	85	2	4	1	5½	4	2	2	8	..	6	2	415	291	886	249	..	..	..	14	28280 0 0	176 15 0	29 11 3½	206 6 3½
Total	128560	68900	74	2	554	53	182	50	179½	119	17	10	29	10	36	16	2906	1367	5763	1460	1	9	17	165	201536 0 0	1259 11 11	207 12 8½	1467 10 7½

DAVID L. FAIRFIELD,

Clerk of the Peace, District of Prince Edward.

AGGREGATE ACCOUNT of the Rateable Property in the Newcastle District, for the Year 1835.

TOWNSHIPS.	LANDS		HOUSES.						MILLS.			Store houses.	Merchant shops.	Stone horses for covering mares for hire or gain	Horses of 3 years old and upwards.	Oxen of 4 years old and upwards.	Milch cows.	Horned cattle from 2 to 4 years old.	Carricles, gigs, or other carriages with 2 wheels, kept for pleasure.	Waggons kept for pleasure only.	Close carriages, with 4 wheels, &c.	Number of persons assessed.	Town lots in Port Hope.	Amount of valuation of property assessed.	Amount of rates, at one penny per pound.	Amount of Rates for the Members of Assembly	Total amount to be collected
	Uncultivated.	Cultivated arable pasture or meadow.	Squared or hewed timber on two sides, one story.	Additional fire-places.	Framed under two stories.	Additional fire-places.	Brick stone or framed of 2 stories.	Additional fire-places.	Brick or stone, of 1 story.	Wrought by water with one pair of stones.	Additional pairs of stones.	Saw mills.													Currency. £ s. d.	Currency. £ s. d.	£ s. d.	Currency. £ s. d
Hamilton	26702	13159½	10	..	268½	59	57	99	6	3	4	13	2	19	3	574	262	1022	457	5	45	10	593	....	50391 19 0	209 19 3½	28 14 9½	238 14 0½
Murray	2844½	7773½	16	..	90	6	20	20	....	1	1	6	5	9	1	347	374	743	123	1	....	4	333	....	28557 18 8	113 19 10	15 8 1	134 7 11
Cramahe	24859	10039	14	..	137	6	26	31	....	3	1	9	0	7	2	335	300	730	241	....	....	28	403	....	31623 6 8	131 15 3½	17 11 11½	149 7 3
Monaghan	14361½	1615½	....	..	77	11	13	1	....	2	2	1	1	14	2	151	193	351	174	....	....	1	268	....	17750 18 0	73 13 3½	9 18 6½	83 11 9½
Seymour	19156	1203	1	1	1	....	1	1	....	1	0	3	....	1	....	17	124	102	27	....	....	....	117	....	7252 0 0	30 3 3	4 1 4	34 4 7½
Haldimand	22730	12483	12	..	101	7	17	33	....	4	3	9	....	3	5	383	296	801	309	5	....	7	401	....	29370 15 0	122 7 5	19 0 0	141 7 5½
Smith	21172	4077	....	..	7	....	....	....	....	....	....	2	....	....	....	66	215	333	209	....	....	....	91	....	6230 16 0	26 3 5½	3 12 3½	29 15 9
Percy	6670	1855	....	..	23	17	2	3	....	1	1	4	....	....	....	80	84	162	94	....	....	....	56	....	2044 8 0	8 10 4½	1 2 6½	9 12 11
Ennismore	5112	604	....	..	....	....	....	....	....	....	....	....	....	....	....	4	44	48	42	....	....	....	56	....	16334 5 0	63 0 11½	9 2 8	77 3 7½
Otonibee	29420	4268½	....	..	49	6	4	6	....	1	....	2	....	2	....	54	261	396	225	....	....	1	292	....	5983 7 0	24 18 7½	3 7 6½	28 6 1½
Asphodel	13253	1619½	....	..	3	....	....	....	....	1	....	2	....	1	....	22	111	124	76	....	....	....	87	....	7974 2 0	33 4 4½	4 10 0	37 14 5
Douro	16385	1730	....	..	....	....	....	....	2	....	....	3	....	....	....	37	143	175	57	....	....	....	145	....	5586 8 0	23 5 8½	3 2 3½	26 7 11½
Dummer	18194	875	....	..	....	....	....	....	....	....	....	....	....	....	....	2	88	164	42	....	....	....	169	....	5586 8 0	23 5 8½	3 2 3½	127 14 2
Cavan	36705	8553½	....	..	11	....	5	....	....	3	1	4	....	3	2	251	436	804	306	....	....	....	437	....	25217 3 0	105 1 3½	22 12 10½	210 2 10½
Hope	27835	10531½	2	..	139	10	42	49	2	3	5	13	4	12	3	491	323	863	213	2	8	5	492	179	41515 6 0	172 19 7½	37 3 3½	86 1 6½
Clarke	19620½	6244½	2	2	33	10	4	7	....	1	....	3	....	2	1	199	307	452	173	....	....	....	280	....	17015 19 0	70 17 10½	15 3 8	42 7 0½
Ops	23977	1198	....	..	2	....	....	....	....	1	....	1	....	1	....	9	120	211	47	....	....	....	237	....	8340 16 0	34 15 0½	7 12 0	27 1 4
Eldon	14332	1163	3	..	....	....	....	....	....	....	....	....	....	1	....	7	63	166	42	....	....	....	125	....	5337 16 0	22 4 9½	4 16 6½	58 19 1½
Emily	26470	2686	1	..	2	....	....	....	....	2	....	2	....	3	....	63	207	293	146	....	....	....	302	....	11654 16 0	48 11 0½	10 8 1½	20 5 9½
Mariposa	10468	799	1	..	....	....	....	....	....	....	....	....	....	....	....	21	101	150	50	....	....	....	104	....	4001 12 0	16 13 5½	3 12 4½	107 1 5½
Darlington	25748	5686	3	..	66	7	14	15	....	2	1	5	....	6	1	200	291	560	193	....	....	4	351	....	21287 18 6	88 4 0½	18 17 4½	6 12 9½
Half of Manvers	3748	252	....	..	....	....	....	....	....	....	....	....	....	....	....	3	32	47	15	....	....	....	33	....	1307 12 0	5 9 0	1 3 9½	
Total	4345264½	94418½	65	3	1049	139	205	265	10	29	19	82	12	83	20	3319	1405	7695	3267	13	53	60	5571	179	356536 9 10	1484 13 6½	248 10 1½	1733 3 8

T. WARD,

Clerk of the Peace, Newcastle District.

AGGREGATE ACCOUNT of the Rateable Property in the Home District, for the year 1835.

TOWNSHIPS.	LANDS.		HOUSES.										MILLS.			Store-houses.	Merchant shops	Stone horses or covering mares, for hire or gain.	Horses of three years old and upwards.	Oxen of four years old, and upwards.	Milch cows.	Horned cattle from two to four years old.	Carricles, gigs or other carriages, with two wheels kept for pleasure.	Waggons kept for pleasure only.	Amount of valuation of Property Assessed.	Amount of Rate at one penny per pound.	Representatives Wages.	Total Amount to be Collected
	Uncultivated.	Cultivated arable pasture, or meadow	Square or hewed timber on 3 sides, 1 story	Additional fire-places	Squared or hewed on two sides, two stories	Additional fire-places	Framed under two stories.	Additional fire-places	Brick or stone, of one story.	Additional fire-places	Framed Brick or stone, of two stories.	Additional fire-places	Wrought by water, with 1 pair of stones.	Additional pairs of stones.	Saw-mills.										Currency. £ s. d.	Currency. £ s. d.	£ s. d.	Currency. £ s. d.
York	36357	13674	53	....	26	8	178	3	7	5	59	31	5	7	27	..	3	2	697	441	1240	299	4	16	51555 0 0	214 1 5	27 2 1½	241 3 6½
Uxbridge	5107	1660	8	....	....	....	6	....	....	....	3	3	1	....	4	..	....	....	84	67	149	67	....	....	5691 8 0	21 18 8¾	2 4 9¾	24 3 6
Thorah	9914	813	5	1	....	....	....	....	....	....	....	....	1	....	1	..	....	....	15	55	101	33	....	....	3691 12 0	15 7 8¼	1 12 11½	17 0 8
Georgina	8932	1218	10	4	....	....	....	....	....	....	1	1	1	....	2	..	2	....	28	72	95	48	....	....	4229 8 0	20 6 9½	2 4 7	23 11 4½
North Gwillimbury	7780	1836	9	1	....	....	....	....	....	....	1	1	....	....	1	..	1	....	79	61	181	89	....	....	5434 12 0	22 12 9¾	2 16 6	25 9 3¾
Caledon	30698	4207	13	....	....	....	1	....	....	....	....	....	2	....	1	..	2	1	44	306	410	234	....	....	14785 8 0	60 11 6¾	6 18 5	67 9 11¾
Essa	5757	403	....	....	....	....	....	....	....	....	....	....	....	....	....	..	....	....	5	53	69	37	....	....	2066 0 0	8 12 1¾	0 18 3	9 10 4¾
Mono	15253	1551	3	....	....	....	....	....	....	....	....	....	2	....	1	..	....	....	13	119	201	109	....	....	6189 0 0	25 16 0¾	2 14 7¾	28 10 8¼
Brock	23902	3187	9	....	....	....	....	....	....	....	....	....	2	....	3	..	....	....	78	158	312	162	....	....	11100 4 0	46 6 2	5 10 0	51 16 2
Vespra	10643	756	4	....	....	....	1	2	....	....	7	....	....	....	3	3	3	....	26	59	54	28	....	....	5030 12 0	20 19 3	2 4 3¾	23 3 6¾
Markham	43107	20370	73	1	11	....	145	....	1	....	40	8	6	5	21	13	13	2	838	462	1727	678	1	....	60749 18 0	252 2 10	27 19 2¼	280 2 0¼
East Gwillimbury	18593	6643	2	....	....	....	93	....	....	....	19	5	3	5	3	..	2	....	302	149	604	215	....	2	21510 4 0	89 19 0¾	10 16 2	99 15 2¼
Reach	9118	1002	1	....	....	....	....	....	....	....	....	....	....	....	....	..	....	1	33	69	125	37	....	1	4002 12 0	16 13 4¾	1 16 11	18 10 3¼
Chinguacousy	47293	12217	11	....	....	....	27	....	....	....	....	....	2	....	4	..	4	1	293	555	1030	403	....	2	32039 18 0	133 12 10¾	16 4 4	149 17 2¾
Pickering	33169	10171	10	....	....	....	73	10	....	....	9	9	2	....	11	1	9	3	336	450	889	481	....	....	32358 16 0	134 15 9¾	16 14 5¼	151 10 2¼
Toronto, old survey	14465	7161	35	2	....	....	77	3	2	4	14	17	4	2	11	7	2	2	217	211	567	147	....	....	23152 4 0	96 17 11	10 11 3	107 9 2
Toronto	21265	13023	22	....	5	....	123	....	1	....	35	....	2	2	7	..	6	1	368	436	961	415	....	2	35750 0 0	148 15 2	16 14 6½	155 9 8½
Tecumseth	22935	4474	2	....	....	....	4	....	1	....	1	....	....	....	3	..	....	....	152	253	447	175	....	....	13665 12 0	56 19 9	6 14 0	63 13 9
Medonte	17051	707	9	4	1	....	....	....	....	....	....	....	....	....	3	..	....	....	8	56	75	13	....	....	5665 12 0	22 16 5¼	3 19 10½	26 16 3¾
Scarborough	22742	8109	43	....	4	....	46	....	2	2	10	8	2	1	9	..	....	....	289	251	689	202	....	....	22537 16 0	94 6 4½	10 13 6	104 19 10½
Oro	32646	1629	....	....	....	....	2	....	....	....	1	....	....	....	....	..	2	....	22	136	233	88	....	....	10351 4 0	42 17 7	6 0 11	48 18 6
Adjala	12449	1134	....	....	....	....	....	....	....	....	....	....	....	....	1	..	....	....	12	104	164	83	....	....	5005 16 0	20 16 11	2 13 3	23 10 2
Whitby	36661	14523	10	....	1	....	155	33	1	....	13	14	3	2	14	1	14	5	495	563	1163	460	....	7	44598 8 0	186 16 3¾	19 10 1½	206 6 5¼
Innisfil	12034	854	1	....	1	1	....	....	....	....	....	....	....	....	....	..	1	....	25	99	130	35	....	....	4583 0 0	19 1 11¾	2 3 0¾	21 4 11¾
Whitchurch	25852	10937	24	1	3	....	110	....	....	....	49	13	4	5	8	..	14	5	482	219	923	365	....	....	37154 4 0	154 7 10¾	15 1 8¼	169 9 7
West Gwillimbury	30964	5563	3	....	....	....	25	4	....	....	3	1	1	....	4	..	5	....	193	325	511	147	....	1	19143 16 0	78 14 3¾	7 6 3¼	86 0 7
King	29964	5569	5	....	2	....	35	....	....	....	9	6	4	1	6	..	....	1	219	299	612	222	....	....	20648 4 0	86 1 3	9 10 6¾	95 11 9¼
Gore of Toronto	12655	3170	....	....	....	....	7	6	....	....	....	....	....	....	3	..	4	....	92	191	312	243	....	....	9363 0 0	40 19 6¾	4 6 3¼	45 5 10
Orillia	4207	156	5	....	....	....	....	....	....	....	....	....	....	....	....	2	2	....	10	35	36	8	....	....	2234 2 0	9 6 2¼	1 0 6¼	10 6 9
Albion	26289	4173	2	....	....	....	2	....	....	....	....	....	2	....	3	..	....	....	93	296	392	152	....	....	13484 0 0	56 1 1¾	6 1 5¼	62 2 7¼
Vaughan	39016	11699	39	....	21	3	64	9	1	....	21	15	4	8	13	..	7	2	315	487	919	362	....	....	37901 18 0	157 17 10	17 0 8¼	175 7 6¼
Etobicoke	16029	6751	7	4	....	....	46	16	3	3	2	5	3	1	11	..	3	....	237	236	560	172	....	....	18734 12 0	78 2 6¼	8 14 2	26 16 8¼
Tiny and Tay	4501	603	16	....	3	....	11	1	....	....	2	....	....	....	4	..	....	....	20	36	78	43	....	....	5293 0 0	21 19 10¾	2 8 2	22 8 0¾
Flos	3475	125	2	....	....	....	1	....	....	....	....	....	....	....	....	..	1	....	2	16	12	2	....	....	1022 0 0	4 7 10¾	0 11 2	4 19 0¼
Total	690753	179518	430	18	78	12	1232	88	18	14	298	189	57	37	180	6	103	27	6022	7332	15141	6259	5	31	592019 16 0	2460 2 11¾	279 9 1	2739 12 0¾

OFFICE OF THE CLERK OF THE PEACE, HOME DISTRICT,
Toronto, 31st December, 1835.

S. WASHBURN,
Clerk of the Peace, Home District.

AGGREGATE ACCOUNT of the Rateable Property in the Gore District, for the year 1835.

TOWNSHIPS.	LANDS.		HOUSES.										MILLS.			Merchant's shops.	Store-houses.	Stone Horses for covering mares for hire.	Horses 3 years old and upwards.	Oxen 4 years old and upwards.	Cows.	Horned Cattle, 2 to 4.	Curricles, gigs or other carriages with 2 wheels, kept for pleasure.	Wagons kept for pleasure only.	Amount of valuation of Property assessed.	Amount of Rates, at one Penny per Pound	Rate for Members' wages at one sixth — In the Town of Hamilton, at one penny per pound.	Exemption money for Quakers, Mennonists and Tunkers, at 10s each.	Total amount to be collected.
	No. of Acres Uncultivated.	No. of Acres Cultivated.	Squared or hewed timber 2 sides 1 story, 2 fire-places.	Additional fire-places.	Squared or hewed timber on 2 sides, 2 stories.	Additional fire-places.	Framed under 2 stories.	Additional fire-places	Brick or stone, of 1 story.	Additional fire-places	Framed brick or stone of two stories.	Additional fire-places	Water, one pair of stones.	Additional pairs	Saw mills.										Currency. £ s. d.	Currency. £ s. d.	£ s. d.	£ s.	Currency. £ s. d.
Dumfries	72360	35690	41	...	2	....	88	2	8	...	8	7	2	3	9	...	8	...	408	781	1095	403	....	10	59078 0 0	246 3 2	40 9 11	9 10	286 13 1
West Flamboro'	12572	51061	5	...	....	....	138	25	6	1	56	58	4	8	9	6	16	...	283	134	447	114	3	24	27770 0 0	115 14 2	19 3 3	0 0	134 17 5
Nelson	26822	10370	6	...	1	....	83	20	5	3	16	14	1	...	9	2	5	3	232	235	493	231	1	11	32008 0 0	133 7 4	22 4 5	0 0	155 11 9
Waterloo	51666	17771	67	...	57	....	85	...	....	...	86	...	4	3	16	...	7	3	557	633	1074	781	....	...	55565 0 0	231 10 5	38 2 8	66 10	269 13 1
Woolwich	13557	3043	13	...	14	....	....	....	....	...	6	...	1	...	1	...	...	2	87	92	198	128	....	-	10425 0 0	43 8 9	7 15 9	6 10	51 4 6
Erin	21603	2695	1	...	....	....	6	...	....	...	....	...	1	...	1	...	...	1	66	172	295	152	....	..	10010 0 0	41 14 2	6 16 6	0 0	48 10 8
Garrafraxa	4688	262	....	...	....	....	....	...	....	...	....	...	....	...	1	...	...	...	4	33	47	24	....	....	1655 0 0	6 17 11	1 2 3	0 0	8 0 2
Beverl	27343	6208	21	...	....	....	21	...	....	...	2	...	....	...	1	...	...	...	198	339	537	208	....	....	18782 0 0	78 5 2	13 0 5	0 0	91 5 7
Wilmot	23373	5281	....	...	6	....	5	...	....	...	3	...	....	...	2	...	...	...	79	370	390	173	....	....	16492 0 0	62 14 4	11 9 2	3 10	80 3 6
Trafalgar	40331	16083	12	3	....	....	197	37	....	...	22	17	4	1	4	...	...	...	519	605	1375	494	....	14	50254 0 0	209 7 10	34 13 9	0 0	244 1 7
Esquesing	38204	10749	....	...	....	....	40	25	....	...	....	...	....	...	22	1	13	3	234	740	1206	633	....	....	29633 0 0	123 14 0	20 4 3	0 0	143 18 8
East Flamboro'	12612	4325	6	...	....	....	40	14	....	...	7	13	3	2	3	...	...	...	136	184	309	142	....	11	13200 0 0	55 0 0	8 6 2	0 0	63 6 2
Guelph	9623	5692	11	2	1	....	52	...	16	2	8	15	3	...	7	...	4	...	234	195	352	137	....	12	23559 0 0	93 3 3	16 3 7	0 0	114 6 10
Puslinch	28556	1914	3	...	1	....	5	...	....	...	6	...	....	...	3	...	6	1	150	195	352	137	....	....	10299 0 0	42 18 3	7 3 2	0 0	50 1 5
Nichol	25716	336	....	...	....	....	1	...	....	...	....	...	1	...	3	...	...	1	8	218	295	87	....	....	7414 0 0	30 17 10	5 1 10	0 0	35 19 8
Nassageweya	14678	2136	....	...	....	....	1	...	....	...	....	...	....	...	3	...	...	...	9	98	109	68	....	....	8170 0 0	34 0 10	5 3 4	0 0	39 4 2
Eramosa	17782	2548	1	...	....	....	....	...	....	...	....	...	....	...	3	...	...	...	17	183	265	35	....	....	2374 0 0	34 17 10	5 14 2	0 0	40 12 0
	421425	176664	187	5	82	....	762	123	35	6	220	124	21	22	96	9	60	15	3022	5191	8742	3964	9	82	382747 0 0	1594 15 3	262 15 0	86 0	1957 10 3
Town of Hamilton	1357	841	3	...	....	....	112	24	82	55	7	3	...	...	...	3	15	2	201	148	4	18	13	23	17982 0 0	74 18 6	74 18 6	0 0	149 17 0
Barton	7733	6476	29	...	1	....	73	23	13	4	10	12	1	1	5	1	2	3	304	284	352	122	3	27	19946 0 0	83 2 2	13 12 7	0 0	96 14 9
Ancaster	23774	14732	25	...	4	1	170	30	4	3	35	23	2	2	6	...	4	5	627	253	1053	381	2	34	41723 0 0	173 17 3	28 13 10	0 0	202 16 1
Saltfleet	15626	3307	22	...	1	....	87	22	3	5	10	8	1	...	6	...	5	1	365	317	719	218	6	23	24819 0 0	103 3 3	17 1 3	0 0	120 9 11
Glanford	10243	4783	15	...	....	....	19	3	3	3	....	...	...	...	3	...	...	2	192	120	348	183	3	2	12252 0 0	51 1 0	8 6 3	0 0	59 7 3
Grand River Tract	22050	12395	51	...	1	1	172	23	2	...	46	63	5	3	6	...	24	2	479	538	893	264	8	41	34338 0 0	143 1 6	24 1 11	0 0	167 3 5
Binbrook	9504	2225	10	...	....	....	7	...	....	...	....	...	...	...	2	...	...	1	66	118	194	82	....	....	6592 0 0	27 9 4	4 9 3	0 0	31 19 0
	90287	49764	155	...	7	2	640	125	107	70	108	109	9	6	28	4	50	16	2234	1778	3563	1263	35	150	157652 0 0	656 18 0	171 9 10	0 0	328 7 10
Total	511712	226428	342	5	89	2	1402	248	142	76	328	233	30	28	124	13	110	31	5256	6969	12305	5232	44	232	540399 0 0	2251 13 3	434 4 10	86 0	2685 18 1

ROBERT BERRIE, *Clerk of the Peace, Gore District.*

AGGREGATE ACCOUNT of Assessment for the District of Niagara, for the Year 1835.

Names of Towns and Townships, County of Lincoln and Haldimand	LANDS. Uncultivated.	LANDS. Arable.	Town Lots in Niagara and Queenston, Indians, York and Simcoe.	HOUSES. Squared or hewed timber on two sides, and one story.	HOUSES. Additional fire-places.	HOUSES. Squared timber, two stories.	HOUSES. Additional fire-places	HOUSES. Framed under 2 stories	HOUSES. Additional fire-places.	HOUSES. Brick or stone of 1 story, not more than two fire-places.	HOUSES. Additional fire-places.	HOUSES. Brick or stone of two stories, not more than 2 fire-places.	HOUSES. Additional fire-places	HOUSES. Framed under 1 story.	HOUSES. Additional fire-places	MILLS. Wrought by water with one pair of stones.	MILLS. Additional pairs of stones.	MILLS. Saw mills.	Merchant shops.	Store houses.	Stone horses for covering marks for hire or gain.	Horses of three years old and upwards.	Oxen of four years old and upwards.	Milch cows.	Horned cattle from two to four years old.	CARRIAGES. Close 4 wheels.	CARRIAGES. Pleasure or open, 4 wheels	CARRIAGES. Curricles, gigs, &c. 2 wheels.	CARRIAGES. Pleasure waggons.	Rate per pound	Amount of valuation of property assessed. Currency. £	s.	Amount of rates, at one penny per pound. £	s.	d.	Amount of allowance for Members Wages £	s.	d.	Total amount to be collected of the District Currency. £	s.	d.	REMARKS
Niagara Town.....	493	670	380	6	1	1	1	178	114	4	9	85	202	..	..	....	..	..	32	1	..	175	12	175	7	2	9	9	41	1	43900	12	182	8	3	45	10	1	227	18	4	
Niagara Township...	11656	9459	47	20	7	...	...	132	59	10	6	39	71	..	..	4	..	..	5	2	1	443	315	745	231	3	2	4	62	..	33378	4	139	11	3	34	13	8½	174	4	11½	
Township of Thorold	12863	9156	...	9	...	...	...	162	37	5	4	24	23	..	..	6	6	8	7	..	5	414	260	771	253	...	2	2	29	..	31335	0	130	11	3	32	10	7	163	1	10	
" Grimsby.....	16618	91327	...	21	...	...	...	112	32	42	20	12	25	..	..	4	4	5	6	..	1	396	249	767	351	1	1	2	25	..	29012	0	120	17	8	29	18	7½	150	16	3½	
" Clinton.....	13742	10167	...	34	...	5	...	162	18	1	..	18	15	..	..	1	..	9	6	3	2	428	361	1029	380	1	...	...	20	..	39406	0	164	3	10	40	18	5½	205	2	3½	
" Bertie.....	21429	11035	...	128	15	7	3	67	28	1	3	21	36	..	..	2	3	10	5	1	1	507	378	959	303	...	7	6	29	..	34913	0	145	19	5	36	6	11	182	6	4	
" Stamford....	11531	10039	...	11	2	..	...	237	55	7	7	43	67	..	..	1	2	1	12	1	1	570	246	379	154	20	11	5	18	..	39358	0	163	19	10	40	18	4	204	18	2	
" Gainsboro'...	12782	6851	...	11	...	...	...	47	7	....	..	4	..	..	..	1	1	5	2	..	2	276	233	594	222	...	...	...	2	..	20516	0	85	9	8	21	5	8¾	106	15	4½	
" Louth.....	9107	6160	...	26	...	2	...	66	1	4	1	18	5	..	..	3	..	9	..	1	1	273	246	597	249	...	...	...	1	..	22330	0	93	0	10	23	1	4	116	2	2	
" Pelham.....	16547	6970	...	14	6	3	2	54	8	6	..	13	9	..	..	2	1	8	5	1	3	347	310	658	260	...	...	1	6	..	22512	0	93	16	0	23	6	6¾	117	2	6¾	
" Crowland....	10026	5485	...	23	...	1	1	2	...	40	7	7	8	..	..	....	..	..	..	..	1	219	188	379	144	...	...	1	3	..	14269	0	59	9	1	14	16	3¾	74	5	4¾	
" Willoughby..	9117	4318	...	39	...	1	...	28	...	8	6	....	..	..	..	1	..	..	2	1	1	212	144	389	98	...	...	...	3	..	12846	0	53	10	6	13	5	9	66	16	3	
" Humberstone	14017	4422	...	52	1	14	...	23	2	....	..	5	1	..	..	1	..	3	4	..	..	202	184	457	282	...	...	2	16	..	15239	4	63	9	11½	15	5	4½	78	15	3¾	
" Wainfleet...	16823	4083	...	18	...	5	1	20	3	....	..	3	3	..	..	1	..	..	1	1	2	185	165	405	174	...	...	1	...	..	13254	0	55	4	6	13	15	6¾	69	0	0¾	
" Canborough.	12947	2432	...	20	6	45	2	11	4	....	..	1	1	..	..	2	..	5	2	..	1	102	72	193	48	...	...	1	4	..	9231	0	38	9	3	9	12	7½	48	1	10½	
" Caistor.....	6786	1567	...	6	2	...	...	11	1	....	..	1	..	..	..	1	..	4	..	..	1	73	80	196	57	...	...	...	...	..	5820	0	24	6	7	6	1	4½	30	7	11½	
" Rainham....	9766	2764	...	18	3	2	...	16	2	1	..	1	4	..	..	....	..	..	1	..	..	101	113	241	101	...	2	1	2	..	11622	0	48	8	6	12	5	3	60	13	9	
" Walpole....	11145	2666	...	14	...	...	...	15	1	1	3	1	..	..	..	2	..	..	2	..	3	85	147	253	92	...	...	...	1	..	9905	0	41	5	5	10	5	10½	51	11	3¾	
" Grantham...	12302	9851	...	14	1	3	2	12	44	94	16	42	67	..	..	5	5	3	17	7	1	490	328	808	287	2	5	7	22	..	42323	0	176	6	11¼	44	7	6	220	14	5¼	
County of Haldimand	11417	13074	18	7	3	4	4	15	2	8	..	....	..	..	..	1	..	3	6	4	..	76	67	111	26	...	...	...	1	..	8661	0	36	1	9	9	0	0	45	1	9	
Township of Dunn..	3096	367	...	2	...	2	2	....	..	....	..	....	..	..	..	....	..	..	..	..	..	18	42	58	14	...	...	...	...	..	1544	0	6	19	6	1	14	6¾	8	14	0¾	
" Cayuga....	460	7529	5	1	...	...	...	15	...	....	..	....	..	3	1	....	..	..	..	..	..	38	90	83	13	...	...	...	...	..	3946	16	16	8	10½	4	2	1¾	20	11	0½	
" Moulton....	4542	1133	...	22	...	16	3	20	16	....	..	3	3	..	..	1	..	4	6	..	..	62	86	142	48	...	...	...	...	..	6365	0	26	10	5	6	17	1	33	7	6	
Total.....	249212	209763¼	450	516	47	111	21	1405	434	232	84	338	370	3	1	39	21	82	121	23	27	5694	4316	10389	3794	29	39	42	285	1	471686	16	1966	9	3¼	489	19	7½	2456	8	11	

CHARLES RICHARDSON,

Clerk of the Peace, District of Niagara.

AGGREGATE ACCOUNT of the Rateable Property in the several Townships in the London District, for the Year 1835.

TOWNSHIPS.	LANDS. Uncultivated.	LANDS. Cultivated arable pasture, or meadow	HOUSES. Square or hewed timber on 2 sides, 1 story	Additional fire-places	Squared or hewed timber two sides, two stories	Additional fire-places	Framed under two stories.	Additional fire-places	Framed of two stories	Additional fire-places	Brick or stone, of one story.	Additional fire-places	Brick or stone, of two stories.	Additional fire-places	MILLS. Wrought by water, with 1 pair of stones.	Additional pairs of stones.	Saw-mills.	Store-houses.	Merchant shops	Stone horses for covering mares, for hire or gain.	Horses of three years old and upwards.	Oxen of four years old and upwards.	Milch cows.	Horned cattle from two to four years old.	Curricles, gigs or other carriages, with two wheels kept for pleasure.	Waggons kept for pleasure only.	Amount of valuation of Property Assessed. Currency. £ s. d.	Amount of rates at one penny per pound. Currency. £ s. d.	Amount added to pay Members of the Assembly for the Year 1835. Currency. £ s. d.	Amount added to pay for building the Gaol & Court house at London. Currency. £ s. d.	Total Amount to be Collected. Currency. £ s. d.
Adelaide	39453	1638	...	..	...	..	5	2	...	...	...	...	...	..	1	...	2	...	5	...	24	109	176	51	.....	...	12120 12 0	50 10 1*	8 8 4	16 16 8	75 15 1*
Aldborough	9205	2098	...	..	...	..	...	...	...	...	...	...	...	..	...	...	...	1	1	...	50	160	211	120	.....	...	6282 0 0	26 3 6	6 10 10	8 14 7	41 9 0
Blenheim	13550½	3889½	15	..	...	..	48	3	3	4	...	...	...	..	1	1	6	...	1	2	132	220	360	108	.....	4	13396 12 0	55 16 3*	13 19 1	12 11 4	88 6 0*
Bayham	31066½	5490	10	..	...	..	112	9	8	8	...	...	...	..	3	1	14	...	11	1	256	326	632	346	.....	...	26321 11 0	109 13 6*	18 6 6	36 10 7	164 10 7*
Burford	21451½	7479½	8	..	...	..	71	20	5	5	...	...	...	..	...	...	4	...	2	...	246	306	515	169	2	2	20639 17 0	85 19 11*	21 10 6	28 12 8	136 3 1*
Blandford	4276	300*	...	..	...	..	17	12	2	6	...	...	...	..	...	...	...	...	3	...	52	46	62	23	.....	...	3399 16 0	14 3 3	3 10 7	4 14 2	22 8 0*
Biddulph	3829	419	...	..	...	..	...	...	...	...	...	...	...	..	...	...	...	...	...	...	3	21	45	53	.....	1	1495 16 0	6 4 7*	1 0 7	2 1 6	9 6 8*
Charlotteville...	20760½	8459½	11	..	2	2	122	31	10	14	1	..	...	..	2	1	5	...	6	1	284	244	585	157	.....	3	25566 12 0	106 10 5*	26 12 7	35 10 1	168 13 1*
Supplement..	96	9	...	..	...	..	2	4	...	...	...	...	...	..	...	...	...	...	...	...	1	...	1	...	1	..	129 4 0	0 10 9*	0 2 8	0 3 7	0 17 0*
Carradoc	13394	1943½	9	..	...	..	14	3	4	4	...	...	...	..	1	...	...	...	1	2	59	150	189	97	.....	...	8091 6 0	33 14 3*	5 12 9	11 4 8	50 11 8*
Colborne	24093	270	...	..	...	..	...	...	...	...	...	...	...	..	...	...	1	...	...	...	7	32	25	11	1	...	5453 12 0	22 14 10*	5 13 6	7 11 7	35 19 11*
Delaware	5186	670	1	..	...	..	25	...	5	5	...	...	...	..	...	...	2	...	3	...	49	50	64	44	.....	3	4645 4 0	19 7 1*	3 4 7	6 9 1	29 0 9*
Dorchester	8415½	695	...	..	...	..	4	2	3	10	...	...	...	..	1	...	5	...	...	...	39	79	127	42	.....	...	4499 2 0	18 14 11*	3 2 3	6 5 7	28 2 9*
Dunwich	6844	2504	9	3	...	..	29	1	...	...	1	4	...	..	2	...	3	...	3	3	62	141	217	174	.....	1	8943 16 0	37 5 6*	6 4 4	12 8 7	55 13 5*
Supplement..	18025	270	...	..	...	..	1	5	...	...	...	...	...	..	...	...	...	...	...	...	4	8	20	11	.....	...	4070 0 0	16 19 2	2 16 6	5 13 0	25 8 8
Dereham	9526	1178½	...	..	...	..	2	...	2	1	...	...	...	..	...	...	3	...	...	...	35	100	181	96	.....	...	4902 14 0	20 8 6*	5 1 11	6 16 0	32 6 10*
Ekfrid	13165	1205	...	..	...	..	2	1	...	...	...	...	...	..	1	...	1	...	...	...	21	114	149	78	.....	...	5303 0 0	22 1 11	3 13 2	7 7 3	33 2 8
Goderich	31693½	1390	5	2	...	..	27	2	10	2	...	...	...	..	1	...	...	1	7	...	47	131	199	34	.....	1	12708 4 0	52 19 0*	8 16 7	17 13 0	80 14 0*
Houghton	3355	414	2	..	...	..	2	...	...	...	...	...	...	..	...	...	1	...	...	...	21	33	58	26	.....	...	1795 0 0	7 9 7	1 17 4	2 9 7	11 16 6
Lobo	17160	2220½	4	..	...	..	3	...	...	...	...	...	...	..	2	...	1	...	2	...	36	180	285	136	.....	1	8651 2 0	36 0 11*	6 0 1	12 0 5	54 1 5*
London, Town of.	16½	62½	6	..	...	..	73	2	34	13	...	...	...	..	2	...	...	...	11	2	59	14	79	....	.....	1	8598 16 0	35 16 6*	4 19 5	11 19 2	53 15 1
London, Twns'p of	64138	11866	29	1	2	..	28	4	6	...	...	...	...	..	4	2	7	..	1	5	354	670	1272	488	.....	...	39208 12 0	163 7 5	27 4 5	54 9 2	245 1 0*
Malahide	34273½	8070*	5	..	...	..	99	4	6	1	...	...	...	..	4	1	6	..	2	2	288	339	742	302	.....	...	27116 6 0	112 19 8*	18 16 8	37 13 3	169 9 7*
Middleton	9924	1185	2	2	...	..	16	6	...	...	...	...	...	..	1	...	5	...	1	...	44	78	140	75	.....	2	5846 16 0	24 7 2*	6 1 9	8 2 8	38 11 7*
Mosa	15770	14073½	1	..	1	..	6	...	...	...	...	...	...	..	1	...	1	...	2	1	51	149	206	64	.....	...	7356 15 0	30 13 0*	7 12 4	10 5 1	48 10 6*
Norwich	32337½	7127*	1	..	...	..	73	7	5	4	1	...	...	..	1	1	6	...	7	3	317	323	638	369	.....	...	26243 7 6	109 6 11*	27 7 2	36 8 9	173 2 5*
Supplement..	276	64	...	..	...	..	1	...	...	...	...	...	...	..	...	...	...	...	...	...	3	2	5	4	.....	...	205 4 0	0 17 1*	0 4 3	0 5 8	1 7 0*
Nissouri	19343	2627	2	..	1	1	9	4	...	...	...	...	...	..	1	...	1	...	...	...	85	165	326	182	.....	...	9658 12 0	40 4 10*	10 1 2	13 3 8	63 11 8*
Oakland	5914	2780½	3	..	...	..	20	2	8	3	...	...	...	..	1	1	2	...	...	1	102	112	211	106	.....	2	7375 1 6	32 16 3*	8 4 2	10 18 10	51 19 3*
Oxford, West	18473	4726½	4	..	...	..	76	10	13	17	1	...	...	..	2	2	5	...	9	2	210	209	494	160	.....	1	19472 2 0	81 2 8*	13 10 5	27 1 8	121 14 8*
Oxford, East	9221	2093½	...	..	...	..	16	5	6	8	...	...	...	..	1	...	...	...	3	...	65	157	285	103	.....	...	7318 14 0	32 11 6*	8 2 11	10 17 3	51 11 8*
Southwold	38288	11207*	14	1	1	..	126	11	4	1	2	..	1	2	2	2	...	...	4	...	301	477	872	246	.....	2	32462 4 4	135 5 2*	22 10 5	45 1 11	202 17 6*
Townsend	26616½	10465	7	..	...	..	157	18	6	7	1	...	...	..	1	1	6	...	2	2	317	400	793	213	.....	...	30309 13 0	126 5 9½	31 11 6	42 1 2	199 16 6*
Windham	12653½	5565½	3	..	...	..	59	10	3	...	...	...	1	2	...	...	...	...	1	1	163	177	333	91	.....	7	14137 8 0	58 18 1*	14 14 9	19 12 5	93 5 6*
Woodhouse	15137	7193*	5	..	1	..	130	20	8	8	...	...	...	..	3	3	8	2	5	3	251	195	430	111	3	11	23552 4 8	98 2 7*	21 10 5	32 14 6	155 7 10*
Supplement..	.....	.....	...	..	...	..	...	...	...	...	...	...	...	..	...	...	...	...	1	...	...	...	...	...	.....	...	200 0 0	0 16 8	0 4 9	0 0 7	1 6 5
Williams	6652	240	...	..	...	..	...	...	...	...	...	...	...	..	1	...	1	...	...	...	3	40	67	16	.....	...	4009 8 0	16 14 1*	2 15 9	5 11 5	25 1 3*
Westminster	32116½	6652½	13	..	...	..	77	8	3	2	...	...	...	..	3	1	...	...	...	3	271	335	641	247	.....	...	23061 0 0	96 1 9	16 0 4	32 0 7	144 2 8
Supplement..	60	120	1	..	...	..	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	2	2	2	.....	...	168 0 0	0 14 0	0 2 4	0 4 8	1 1 0
Walsingham	8698	3094½	4	..	1	1	61	...	1	...	...	...	...	..	1	...	2	...	6	1	152	132	365	159	.....	2	11933 2 0	49 14 5	12 8 3	16 11 9	78 14 6*
Yarmouth	37959	10824*	12	1	8	..	143	19	26	17	...	...	...	..	3	2	8	...	16	2	324	500	871	244	.....	...	38127 1 0	158 17 1*	26 9 7	52 19 2	238 6 0*
Supplement..	.....	.....	...	..	...	..	...	...	...	...	...	...	...	..	...	...	...	...	...	1	...	...	...	...	.....	...	199 0 0	0 16 7	0 2 9	0 5 6	1 4 10
Zorra	36193½	4271½	...	..	...	..	16	12	...	...	...	...	...	..	1	1	2	..	4	3	134	346	597	421	.....	...	18594 19 0	77 9 6*	19 7 11	25 16 7	122 14 0*
Total	718606*	144270	186	10	17	4	1672	237	181	140	7	4	2	4	48	20	108*	4	120	41	4922	7272	13720	5103	7	44	534574 12 0	2227 7 10*	456 12 9	742 9 3	3426 9 10*

NOTE,—In all cases where a star occurs the fraction is omitted.

JOHN B. ASKIN, *Clerk of the Peace.*

AGGREGATE ACCOUNT of the Rateable Property in the Western District, for the Year 1835.

| TOWNSHIPS. | LANDS | | HOUSES. | | | | | | | | | | MILLS. | | | | | | | | | |

AGGREGATE AMOUNT of the Rateable Property in the City of Toronto and the Liberties thereof, June 1835.

WARDS.	Uncultivated Land in the Liberties.	Cultivated land in the Liberties	Town Lots	Squared or hewed timber on two sides, one story.	Additional fire-places.	Framed under 2 stories	Additional fire-places.	Brick or stone of 1 story, not more than two fire-places.	Additional fire-places	Brick or stone of one stories, and not more than 2 fire-places.	Additional fire-places	Merchant shops.	Store houses.	Stone horses for covering mares for hire or gain.	Horses of three years old and upwards	Oxen of four years old and upwards.	Milch cows.	Horned cattle from two to four years old.	Close carriages, with 4 wheels kept for pleasure.	Phætons or open carriages, 4 wheels, &c.	Curricles, gigs, &c. 2 wheels, for pleasure.	Waggons kept for pleasure only.	TOTAL VALUE.	Amount of Assessment at 3d. in the pound for the first year.
Valued at	4s. ₱ acre.	20s. ₱ acre.	£50 each	20	4	35	5	60	10	40	10	200	200	199	8	4	3	7	100	25	0	15		
																							£ s. d.	£ s. d.
St. David's	316¼	166	502	43	..	330	65	275	301	2	3	29	...	...	93	..	120	2	3	6	5	6	78303 11 6	
St. Andrew's	.....	5	496	....	..	229	288	176	285	6	5	13	...	...	94	..	61	..	2	4	2	7	39186 0 0	
St. Lawrence	116	381	278	2	..	83	16	213	193	1	..	43	...	1	85	4	86	..	1	5	5	3	44388 0 0	
St. Patrick's	633	971	171	98	1	127	73	75	91	30	36	3	...	...	71	10	132	3	2	9	2	12	30195 0 0	
St. George's	.....	.....	199	19	..	42	6	116	83	....	..	9	...	...	45	..	37	2	5	11	8	9	24979 0 0	
Total	1065¼	1523	1646	162	1	816	448	855	1053	39	44	97	. .	1	388	14	436	12	13	35	22	43	227051 11 6	2838 2 0

I Charles Daly, of the City of Toronto, Clerk of the Council of said city, do hereby certify that the above is truly extracted from the Assessment Rolls of the different Wards of the city. Witness my hand this 16th day of February, 1836.

(Signed)

CHARLES DALY.

D

No. 46.

POPULATION RETURNS.

MESSAGE FROM HIS EXCELLENCY,

WITH

RETURNS OF POPULATION AND ASSESSMENT FOR 1835.

F. B. HEAD,

The Lieutenant Governor transmits to the House of Assembly, the accompanying Population and Assessment Returns of the several Districts of the Province for the year 1835.

Government House,
7th March, 1835.

GENERAL Return of the Population of the District of Ottawa, for the year ending on the 6th day of April, 1835.

TOWNSHIPS.	Males under 16.	Females under 16.	Males above 16.	Females Above 16	TOTAL.	Females Dumb under 16	Male Idiots Under 16	Male Idiots Above 16	Female Idiots Under 16	Female Idiots Above 16
(COUNTY OF PRESCOTT.)										
Hawkesbury West,	446	447	475	413	1301	1	1			
Hawkesbury East,	227	207	220	199	853					
Longueil,	258	246	349	237	1090			1	1	2
Caledonia,	93	101	97	83	374					
Alfred	44	35	49	35	163					
Plantagenet,	183	185	212	157	737					
Total, County of Prescott	1271	1221	1402	1124	5018	1	1	1	1	2
(COUNTY OF RUSSELL.)										
Clarence,	47	34	57	40	178					
Cumberland,	56	51	67	34	208					
Russell,	8	5	16	7	36					
Cambridge,	0	0	0	0	0					
Gloucester,	287	273	286	235	1081					1
Osgoode,	126	135	131	131	523					
Total, County of Russell,	524	498	557	447	2026					1
do do. Prescott,	1271	1221	1402	1124	5018	1	1	1	1	2
Total, District of Ottawa,	1795	1719	1959	1571	7044	1	1	1	1	3

I certify that the above Return is correctly compiled from the several Assessment Rolls of the District of Ottawa for the year 1835

RICHARD PHILIPS HOTHAM,

Clerk of the Peace, District of Ottawa.

L'Orignal, September 14th, 1835.

GENERAL RETURN of the Population of the Bathurst District, for the year 1835.

Counties.	Townships.	Number in each Township. Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.	Total in each Township	Total in each county.	Insane, Deaf and Dumb.	Remarks
Lanark,	Drummond,	698	679	772	673	2822		1insane,1deaf&dumb	Townships of Levant, Pembroke, Ross, and Westmeath, not assessed.
	Bathurst,	633	579	541	498	2251		1 Deaf & Dumb.	
	Beckwith,	567	459	556	643	2125		2 Deaf & Dumb.	
	North Sherbrooke,	103	91	101	71	366		1 Insane.	
	South Sherbrooke,	33	51	41	43	168			
	Lanark,	523	423	491	413	1850		1 Deaf & Dumb.	
	Dalhousie,	284	289	273	262	1108		2 Insane.	
	Ramsay,	473	557	585	573	2188		1 Deaf and Dumb.	
	Darling,	54	55	47	41	197			
	Horton,	44	32	99	53	228			
	McNab,	94	224	84	111	513		1 Deaf & Dumb.	
	Total,	3506	3439	3590	3281		13816	4insane,7deaf&dumb	
Carleton,	Goulbourne,	633	603	587	507	2330			
	Huntley,	262	283	337	307	1189		1 Insane.	
	March,	148	101	157	132	538			
	Packenham,	147	127	207	201	682		1 Deaf & Dumb.	
	Fitzroy,	133	169	334	176	762			
	Torbolton,	47	23	59	61	190			
	Nepean,	704	945	684	853	3186		3insane,4deaf&dumb	
	Total,	2124	2251	2265	2237		8877	4insane,5deaf&dumb	

G. H. READE,

Clerk of the Peace.

GENERAL RETURN of the Population of the Eastern District, for the year 1835.

Counties.	Townships.	Number in each Township. Males under 16 years	Females under 16 years	Males above 16 years	Females above 16 years	Total in each Town'p.	Total in each Country.	Remarks.
Dundass,	Mountain,	257	187	232	196	872	5518	
	Williamsburgh,	558	530	538	502	2128		
	Matilda,	573	554	553	507	2187		
	Winchester,	73	74	125	59	331		
Glengarry,	Charlottenburgh,	1208	1148	1340	1282	4978	12054	
	Lochiel,	614	605	645	570	2434		
	Lancaster,	691	640	685	636	2652		
	Kenyon,	524	522	483	461	1990		
Stormont,	Osnabruck,	2008	862	1023	880	4771	11547	
	Finch,	106	107	199	113	525		
	Cornwall, and Roxborough,	1136	1009	1287	1078	4510		
	Town of Cornwall,	359	334	584	464	1741		
	Total,	8105	6572	7694	6748	29119	29119	

ARCHIBALD MACLEAN,

Clerk of the Peace, E. D.

CLERK OF THE PEACE'S OFFICE,
EASTERN DISTRICT, *October* 27*th*, 1835.

GENERAL RETURN of the Population of the Johnstown District, for the year 1835.

COUNTIES.	TOWNSHIPS.	NUMBER IN EACH TOWNSHIP				Total in each Township.	Total in each County.	REMARKS.
		Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.			
Leeds	Burgess	113	100	105	94	412		
Leeds	South Crosby	166	143	166	147	622		
Leeds	Elmsley	354	309	326	273	1262		
Leeds	Front of Leeds & Lansdown	345	336	380	298	1359		
Leeds	Kitley	467	406	451	373	1697		
Leeds	Rear of Leeds & Lansdown	247	239	250	217	953		
Leeds	Bastard	509	478	497	428	1912		
Leeds	Yonge	393	352	785	719	3239		
Leeds	Elizabethtown	1269	1270	1389	1256	5184		
Leeds	North Crosby	78	87	110	79	354		
Leeds							16994	
Grenville	Wolford	297	270	310	259	1136		
Grenville	South Gower	174	145	177	145	641		
Grenville	Marlborough	157	105	130	122	514		
Grenville	Montague	344	300	131	246	1021		
Grenville	North Gower	110	94	97	77	378		
Grenville	Augusta	1045	1006	1065	1039	4155		
Grenville	Oxford	426	416	448	371	1661		
Grenville	Edwardsburgh	499	499	527	479	2004	11510	
	Total	7493	7055	7344	6622		28504	

JAMES JESSUP,
Clerk of the Peace, District of Johnstown.

GENERAL RETURN of the Population of the Midland District, for the Year 1835.

COUNTIES.	TOWNSHIPS.	NUMBER IN EACH TOWNSHIP				Total in each Township.	Total in each County.	REMARKS.
		Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.			
Frontenac	Town of Kingston	907	952	1165	1257	4281		
	Township of Kingston	987	870	933	823	3613		
	Township of Pittsburgh	324	321	435	303	1383		
	Township of Wolfe Island	135	116	155	124	530		
	Township of Loughborough	385	351	386	312	1434		
	Township of Portland	190	183	162	135	670		
							11911	
Lennox and Addington	Township of Earnestown	962	894	1038	978	3872		
	Township of Fredericksburgh	693	592	696	613	2594		
	Township of Adolphustown	157	145	190	169	661		
	Township of Richmond	430	439	427	346	1642		
	Township of Camden	699	613	643	547	2502		
	Township of Sheffield	82	71	94	62	309		
	Township of Amherst Island	188	178	214	158	738		
							12312	
Hastings	Township of Sidney	693	670	684	588	2635		
	Township of Thurlow	828	868	1324	858	3938		
	Township of Rawdon	179	149	169	128	625		
	Township of Huntingdon	118	100	121	98	437		
	Township of Hungerford	110	97	116	97	420		
	Township of Marmora	70	70	74	59	273		
	Township of Madoc	102	95	100	68	365		
	Township of Tyendinaga	385	345	405	308	1443	10136	
		8684	8119	9531	8031		34365	

JAMES NICKALLS,
Clerk of the Peace, Midland District.

RECAPITULATION.

COUNTIES.	NUMBER IN EACH TOWNSHIP				Total in each Township.	Total in each County.	REMARKS.
	Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.			
Frontenac	2928	2793	3236	2954	.....	11911	
Lennox and Addington	3211	2932	3302	2873	.....	12318	
Hastings	2545	2394	2993	2204	.....	10136	
Total.....	8684	8119	9531	8031	.....	34365	

JAMES NICKALLS, Jun.,

Clerk of the Peace, Midland District.

Kingston, 17*th September*, 1835.

I do hereby certify that the foregoing returns of the census of the Midland District have been truly taken from the original returns and deposited in my office for the year one thousand and thirty-five.

JAMES NICKALLS, Jun.,

Clerk of the Peace, M. D.

GENERAL RETURN of the Population of the Prince Edward District, for the year 1835.

COUNTIES.	TOWNSHIPS.	NUMBER IN EACH TOWNSHIP				Total in each Township.	Total in each county.	REMARKS.
		Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.			
	Hallowell	1005	972	1094	963	4034	.....	
	Sophiasburgh	555	518	629	539	2241	.....	
	Marysburgh	546	537	529	453	2065	.....	
	Ameliasburgh	558	513	566	504	2141	.....	
	Hillier	449	510	483	397	1839	.....	There is only one county in the District of Prince Edward.
		3113	3050	3301	2856	12320	12320	

DAVID L. FAIRFIELD,

Clerk of the Peace, District of Prince Edward.

Clerk of the Peace Office,
District of Prince Edward,
Hallowell, 1st *October*, 1835.

GENERAL RETURN of the Population of the District of Newcastle for the year 1835.

County Northumberland, and Names of Townships.	MALES.		FEMALES.		INSANE.				DEAF AND DUMB				No. in each towns'p	No. in each County.	REMARKS.
	over 16	under16	over 16	under16	Males.	Age.	Females	Age.	Males.	Age.	Females	Age.			
.....	.....	.....	.....	.....	....	....	....	....	....	....	....	....	428	.....	
Asphodel,	122	112	95	99	....	....	....	....	....	....	....	....	3708	.....	
Hamilton,	1055	927	877	847	1	....	....	....	1	....	....	....	2247	.....	
Cramahe,	597	565	518	567	....	....	....	....	....	....	....	....	1087	.....	
Smith,	306	287	235	259	....	....	....	....	....	....	....	....	2295	.....	
Haldimand,	638	537	559	561	....	....	....	....	....	....	....	....	1607	.....	No returns
Monaghan,	476	402	394	334	....	....	1	....	....	....	....	....	638	.....	from the
Seymour,	249	138	131	120	....	....	....	....	....	....	....	....	512	.....	Townships of
Percy,	145	125	125	117	....	....	....	....	....	....	....	....	236	.....	Harvey, Burleigh, Methuen or Belmont.
Ennismore,	69	67	47	53	....	....	....	....	1	30	1	26	2064	.....	
Murray,	597	511	491	463	....	....	....	....	....	....	....	....	1260	.....	
Otonabee,	363	326	290	281	....	....	....	....	....	....	....	....	744	.....	
Douro,	223	142	135	154	....	....	....	....	....	....	....	....	693	.....	
Dummer,	215	176	160	142	....	....	....	....	....	....	....	....	.....	.....	
	.....	.....	.....	.....	....	....	....	....	2	....	....	....	.....	17510	
Total,	5055	4355	4107	3997	1	....	1	....							
County of Durham.													1518	.....	
Emily	382	395	319	422	....	....	....	....	....	....	....	....	1635	.....	
Clarke	469	439	353	374	....	....	....	....	....	....	....	....	1865	.....	No Returns
Darlington	531	488	398	448	....	....	....	....	....	....	....	....	2575	.....	from the
Cavan	619	757	523	674	1	18	1	15	....	....	....	....	694	.....	Townships
Eldon	180	178	156	180	....	....	....	....	....	....	....	....	931	.....	of Cartwright, Fenelon, or Verulam, nor South ½ of Manvers.
Ops	251	266	218	195	1	....	....	....	....	....	....	....	2739	.....	
Hope	795	645	652	646	....	....	....	....	....	....	....	....	615	.....	
Mariposa	149	137	106	223	....	....	....	....	....	....	....	....	154	.....	
Manvers, (North ½)	48	46	32	28	....	....	....	....	....	....	....	....	.....	.....	
	.....	.....	.....	.....	....	....	....	....	....	....	....	....	.....	12726	
Total	3425	3351	2757	3190	2	....	1	....	....	....	....	....	Total....	30,245	

T. WARD,

Clerk of the Peace, District Newcastle.

GENERAL RETURN of the Population of the Home District, for the year 1835.

COUNTIES.	TOWNSHIPS.	NUMBER IN EACH TOWNSHIP.				Total in each Township.	Total in each county.	REMARKS.
		Males under16 year.	Females under16 years.	Males above16 years.	Females above16 years.			
.....	.....	.....	.....	.....	.....	.....	.....	.....
County of York,	York,	1223	1131	1514	1172	5040	.....	Upon reference to the Return for this District for the last year it will be found that there is an increase this year of 1255.
	Whitby,	928	1000	979	841	2808	.....	
	Pickering,	672	662	721	587	2642	.....	
	Scarborough,	530	540	556	421	2047	.....	
	Markham,	1174	1056	1148	971	4349	.....	
	Vaughan,	770	733	820	662	2985	.....	
	Whitchurch,	639	584	669	562	2454	.....	
	King,	544	428	511	406	1889	.....	
	North Gwillimbury,	130	140	97	114	481	.....	
	East Gwillimbury,	356	360	305	353	1374	.....	
	Gorgina,	100	84	104	81	369	.....	
	Etobicoke,	360	279	396	287	1322	.....	
	Albion,	309	266	283	231	1089	.....	
	Caledon,	400	345	365	304	1414	.....	
	Chinguacousy,	662	640	654	492	2428	.....	
	Reach,	124	106	115	99	444	.....	
	Brock,	294	264	288	231	1077	.....	
	Toronto,	1139	1091	1080	1074	4384	.....	
	Gore of Toronto,	178	147	203	159	687	.....	
	Uxbridge,	120	107	106	98	431	.....	
		.....	.....	.....	.....	.....	.....	.....
	Carried forward,	10712	9963	9894	9145	39714		

GENERAL RETURN of the Population of the Home District for the year 1835.

COUNTIES.	TOWNSHIPS.	NUMBER IN EACH TOWNSHIP. Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.	Total in each township.	Total in each county.	REMARKS.
Brought forward.....	20	10712	9963	9894	9145		39714	
County of Simcoe.....	West Gwillimbury.....	348	334	326	297	1305	.....	
	Tecumseth.....	340	376	380	314	1410	.....	
	Adjala.....	162	166	165	123	616	.....	
	Mono.....	163	197	170	145	675	.....	
	Innisfil.....	172	148	156	114	590	.....	
	Tiny and Tay.....	117	123	133	136	509	.....	
	Oro.....	255	232	340	233	1060	.....	
	Flos.....	27	26	29	24	106	.....	
	Vespara.....	104	97	142	104	447	.....	
	Medonte.....	133	98	160	111	502	.....	
	Thorah.....	117	72	63	85	337	.....	
	Essa.....	71	57	83	61	272	7829	
Total.....	32	12721	11989	12041	10892	47543	47543	

S. WASHBURN,

Clerk of the Peace, H. D.

OFFICE OF THE CLERK OF THE PEACE,
CITY OF TORONTO, *1st June*, 1835.

COPY,

POPULATION of the City of Toronto and Liberties taken June, 1835.

WARDS.	Males over 16.	Males under 16.	Females over 16	Females under 16.	Total in each Ward.
St. David's.....	858	647	908	650	3780
The Liberties.....	144	208	156	209	
St. Andrew's.....	610	400	591	427	2049
The Liberties.....	3	8	4	6	
St. Patrick's.....	447	347	438	368	1600
The Liberties.....	....	....	....	....	....
St. Lawrence.....	432	260	381	213	1541
The Liberties.....	102	46	77	30	
St. George's.....	257	112	271	144	795
The Liberties.....	4	3	2	2	
				Total....	9,765

NOTE.—Exclusive of the Military, Persons in Gaol, and Transient Persons, &c.

I Charles Daly, Clerk of the Council of the City of Toronto, do hereby certify that the above Statement of the Population of the said City is truly extracted from the several Returns of the Assessors for the said Wards.

Witness my hand this 16th day of February, 1836.

(Signed) CHARLES DALY, C. C. C.

GENERAL RETURN of the Population of the Gore District, for the year 1835.

COUNTIES.	TOWNSHIPS.	NUMBER IN EACH TOWNSHIP				Total in each township	Total in each county.	Insane	Deaf and Dumb	REMARKS.
		Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years					
County of Halton,	Dumfries.....	1136	1105	1180	885	4306	.....	....	.....	
	West Flamboro'	480	463	650	498	2092	.....	1	.....	
	Nelson.....	590	588	636	436	2251	.....	....	1	
	Waterloo.....	727	619	814	628	2791	.....	3	.....	
	Woolwich.....	120	138	155	93	506	.....	....	.....	
	Erin.....	274	245	247	197	963	.....	....	.....	
	Garrafraxa.....	58	41	36	35	107	.....	....	.....	
	Beverley.....	382	401	369	323	1477	.....	....	2	
	Wilmot.....	268	287	305	241	1101	.....	....	.....	
	Trafalgar.....	1003	924	1131	836	3898	.....	* 3	1	
	Esquesing	610	592	522	482	2206	.....	....	.....	
	East Flamboro'	238	202	247	180	867	.....	....	.....	
	Guelph	680	551	650	570	2451	.....	....	.....	
	Puslinch.....	294	222	281	220	1017	.....	....	.....	
	Nichol	93	102	119	83	397	.....	....	.....	
	Nassageweya.....	223	163	197	173	756	.....	....	.....	
	Eramosa.....	137	159	191	144	631	.....	....	.....	
		7313	6802	7730	6024	27869	27880	7	4	
Co'y of Wentworth	Town of Hamilton	373	373	829	580	2155	.....	....	.....	
	Barton.....	334	339	407	317	1397	.....	....	.....	
	Ancaster.....	687	591	752	633	2664	.....	1	.....	
	Saltfleet.....	455	508	527	318	1808	.....	....	.....	
	Glanford.....	230	204	129	178	741	.....	....	.....	
	Grand River Tract	709	681	906	711	3007	.....	....	.....	
	Binbrook	124	113	135	132	504	.....	....	.....	
		2912	2809	3685	2869	12276	12276	1	.....	
		10225	9611	11415	8893	.....	40156	8	4	

ROBERT BERRIE,

Clerk Peace, Gore District.

GENERAL RETURN of the Population of the District of Niagara, for the Year 1835.

COUNTIES.	NAMES OF TOWNSHIPS.	NUMBER IN EACH TOWNSHIP.				TOTAL.	INSANE.				DEAF.				DUMB.				TOTAL.	GENERAL TOTAL.	REMARKS
		Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.		Males under 16 years	Females under 16 years.	Males above 16 years.	Females above 16 years.	Males under 16 years.	Females under 16 years	Males above 16 years.	Females above 16 years.	Males under 16 years.	Females under 16 years.	Males above 16 years.	Females above 16 years.			
Lincoln..	Town of Niagara.....	426	435	661	587	2109	1	1	.....	.....	1	4	.....	.....	.....	.....	.....	.....	7	2116	
	Township of Niagara.....	530	491	556	487	2064	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	2067	
	Township of Bertie.....	539	540	563	521	2163	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	2163	
	Township of Caistor.. ...	141	114	101	90	446	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	446	
	Township of Canboro'....	169	125	106	103	503	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	504	
	Township of Clinton.....	515	496	259	500	1770	1	.....	2	1	.....	.....	.....	.....	.....	1	1	3	9	1779	
	Township of Crowland...	264	211	228	225	928	.....	.....	5	2	.....	.....	.....	.....	.....	.....	.....	.....	7	935	
	Township of Gainsboro'...	425	380	374	316	1495	2	12	10	12	8	2	2	.....	.....	.....	.....	.....	48	1543	
	Township of Grantham...	784	758	978	775	3295	.....	.....	2	.....	.....	.....	.....	1	.....	.....	.....	.....	2	3297	
	Township of Grimsby....	220	265	171	250	906	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	907	
	Township of Humberstone	303	265	380	283	1231	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	1231	
	Township of Louth.....	345	307	302	272	1226	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1227	
	Township of Pelham.....	381	398	355	358	1492	.....	.....	.....	.....	.....	.....	2	1	.....	.....	.....	.....	3	1495	
	Township of Stamford....	500	552	742	665	2459	.....	.....	.....	.....	.....	.....	.....	.....	1	3	1	.....	5	2464	
	Township of Thorold.....	497	470	555	456	1978	2	1	2	2	.....	.....	.....	.....	.....	.....	.....	.....	7	1935	
	Township of Wainfleet....	245	206	249	190	890	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	892	
	Township of Willoughby..	233	233	121	243	830	.....	.....	.....	.....	1	.....	2	.....	.....	.....	.....	.....	3	833	
Haldim'd	County of Haldimand....	135	273	133	152	693	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	693	
	Township of Rainham....	153	143	137	119	552	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	552	
	Township of Walpole.....	195	165	184	139	683	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	683	
	Township of Dunn.....	43	51	58	49	201	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	201	
	Township of Cayuga	62	103	57	74	296	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	296	
	Township of Moulton.....	92	100	134	100	426	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	..	426	
Total.....		7197	7081	7404	6954	28636	10	14	23	17	11	6	6	2	1	4	2	3	99	28735	

CHARLES RICHARDSON.

Clerk of the Peace, District of Niagara.

OFFICE OF THE CLERK OF THE PEACE,
Niagara, December 29, 1835.

GENERAL RETURN of the Population of the London District, for the year 1835.

COUNTIES.	TOWNSHIPS	NUMBER IN EACH TOWNSHIP: males under 16 years	females under 16 years	males above 16 years	Females above 16 years	Total in each Township	Total in each County	REMARKS: Townships in the Canada Company's Tract not Returned
Middlesex,	Aldborough	141	165	151	135	592	21,158	McKillup, Fullarton, Ellice, Downie, Logan, Usborne, Hullet, Stanley, Hay, McGillavray, N. East Hope, S. East Hope, Stephen.
	Ekfrid	92	134	147	108	481		
	Mullahide	593	573	522	462	2150		
	Delaware	58	61	99	66	279		
	Dorchester	115	84	145	104	448		
	Lobo	192	174	170	139	675		
	Bayham	550	521	592	468	2131		
	Adelaide	228	203	294	210	935		
	Carradoc	136	161	142	129	568		
	Southwold (part of)	424	412	420	375	1631		
	London	978	972	854	729	3533		
	Town of London	223	227	338	249	1037		
	Yarmouth	895	822	987	764	3368		
	Dunwich	154	147	169	146	616		
	Westminster	516	445	496	420	1877		
	Mosa	177	195	168	197	737		
	Dereham	126	106	136	93	461		
	Oakland	123	121	193	100	537		
	Nissouri	223	211	226	182	842		
	Norwich	584	532	601	504	2221		
Oxford,	Zorra	550	488	516	464	2018	10,982	
	Blandford	85	72	141	83	381		
	Oxford (East)	173	181	218	167	739		
	Oxford (West)	329	329	370	323	1351		
	Burford	309	320	391	313	1413		
	Blenheim	286	236	276	221	1019		
	Charlotteville	391	383	430	360	1564		
	Windham	245	237	249	220	951		
	Middleton	98	107	105	95	405		
Norfolk,	Houghton	65	53	36	36	190	7,329	
	Walsingham	242	244	207	193	886		
	Townsend	538	488	471	422	1919		
	Woodhouse	372	320	404	318	1414		
	Goderich	238	209	394	243	1084		
Huron,	Williams	54	68	111	70	303	1,711	
	Biddulph	36	38	51	41	166		
	Colborne	27	31	70	30	158		
	Tucker Smith	17	10	18	16	61		
		10087	10651	11,308	9195	41241	39,503	

CLERK OF THE PEACE'S OFFICE,
LONDON, *25th May*, 1835.

JOHN B. AKSIN,
Clerk of the Peace.

GENERAL RETURN of the Population of the Western District, for the year 1835

COUNTIES	TOWNSHIPS	NUMBER IN EACH TOWNSHIP: males under 16 years	Females under 16 years	males above 16 years	Females above 16 years	Total in each Township	Total in each County	REMARKS
Essex,	Sandwich	683	648	630	657	2618	6852	No Returns made for the Townships of Sarnia, Brooke and Enniskillen—one was made for Warwick, but not conformable to Law.
	Malden	361	376	375	347	1459		
	Colchester	206	226	251	185	868		
	Gosfield	260	249	245	189	943		
	Mersea	122	105	119	93	439		
	Maidstone & Rochester	137	120	165	103	523		
	Romney	43	45	42	28	158		
Kent,	Raleigh	277	304	278	218	1077	7644	
	Harwich	166	151	201	138	656		
	Howard	328	304	277	225	1134		
	Orford	116	83	122	94	415		
	Camden	70	51	55	40	216		
	Dawn	114	105	115	75	409		
	Zone	205	127	206	136	674		
	Chatham	90	94	96	83	363		
	Dover	223	211	195	161	790		
	Plympton	59	53	108	41	261		
	Sombra & Walpole Isl	155	133	140	96	524		
	Moore	122	97	161	91	471		
	Tilbury	138	113	143	102	496		
	Total	3875	3595	3924	3102	14,496	14496	

CLERK OF THE PEACE'S OFFICE,
SANDWICH, *28th August*, 1835.

CHRLES ASKIN,
Clerk of the Peace, W. D.

(No. 52.)

FIRST REPORT

OF THE

COMMITTEE ON FINANCE.

POST-OFFICE DEPARTMENT.

Members of Committee.

Mr. Charles Duncombe, *Chairman*,
Messrs. Perry,
" Roblin,
Messrs. Mackenzie,
" Thorburn,
" Chisholm,
Messrs. Shaver,
" M'Micking, and
" Gilchrist.

TO THE HONOURABLE THE COMMONS' HOUSE OF ASSEMBLY.

The Select Committee on Finance have carefully examined the documents referred to them by the House, concerning the Revenue of the Post Office Department, and respectfully submit the following Report,—

Your Committee have not the means of ascertaining whether the statements laid before them as computed by Mr. Stayner the Deputy Post Master General at Quebec, are or are not correct. They have been obtained with great difficulty after the delay of a year had taken place from the date of the Address of the House to the late Lt. Governor requesting information, they enter into many minute and important details, and as reported herein they contain the greatest fund of informati on on the subject of the Financial affairs of the Post Office of the Canadas ever laid before the Legislature. From a perusal of their contents it will be seen—that in 1834 the number of Post Offices in the Canadas was 234, or 3 less than in 1833, —the number of miles of Post roads only 3988 or 7 less than 1833,—the wages to Carriers £10,371,—the Salaries, £3,467 —the Contingencies £1005.—the Dead Letters £1529—the Gross Revenue £30,-632, of which £12,092 were remitted to London.

The Salaries in both Provinces are stated in the Returns of which the above is an Abstract, at £3,467,—Elsewhere the emoluments of the Post Masters in Upper Canada alone for the same year are made to be £4,732.—Hence it is evident that the above sum of £30,632 is not the Gross Postage.

The gross letter Postage of Upper Canada in 1832, is given at £14,009—in 1833 £16,510 and in 1834, £17,680 or £48,199, in these three years.

The gross Newspaper Postage for this Province for 1832, was £1336—for 1833, £1433, and for 1834, £1231, or in these three years, £4000.

Nearly the whole of the Newspaper Postage, £4,000, went to Quebec and formed a perquisite of Mr. Stayner's office there. Of the gross Letter Postage reckoning in the proportion that the whole revenue derived from the Canadas bears to the whole revenue derived from Upper Canada, which is the greatest part, upwards of £20,000 of specie have been taken out of the Province and sent to London chiefly as profit or surplus Revenue.

Mr. Stayner states that he has remitted to London of Surplus Postage collected in both Canadas, as follows:

In 1832 £12,519—1833 £10,833—1834 £12,092 or in three years £35,444, a very small part of which was British Postage.—The Inland Postage of Letters from Nova Scotia and New Brunswick, for both Canadas in 1834 was only £562 —Mr. Stayner transmitted to Washington as United States Revenue, in and for 1834, $22,351.

There were collected in the Canadas

in 1834, of Inland British American Postage on Letters forwarded to England, by the Falmouth Packets, via Halifax £16 4s. 6d.

Among the papers laid before the House are detailed statements of the expense of conveying the Mails *in both Canadas* in each of the following years viz :

1832	£8,644
1833	9,896
1834	11,203

And Mr. Stayner states the Contingent Expenditure of the Department which is chiefly in the Lower Province for printing, advertising, Mail locks and keys, seals and stamps &c. &c. &c. at—for 1834, £1874.

There is also a large and costly establishment of Clerks, Accountants, sorting Clerks and other officers, the greater part of whom could be dispensed with in case the general Post Office of Upper Canada were placed at Toronto.

Mr. Stayner gives his salary and emoluments as Deputy Post Master General as follows :

In 1832	£3,123
1833	3,311
1834	3,122

to which we may add the allowance made him for his expenses to London of £842 = £10,398 :—Ten thousand three hundred and ninety eight pounds of income in three years to one Office, residing out of Upper Canada, deriving his chief emoluments from the industry of her population, and yielding them a most unsatisfactory return. This is a state of things that is surely susceptible of improvement.

The patronage of the Department is enormous. The largest gross amount of letter postage in Upper Canada were collected as follows ; at (Year 1834.)

Toronto	£4,366
Kingston	1,314
Hamilton	582
Brockville	506
Amherstburgh	453
Bytown	395
Belleville	383
London	337
Niagara	330
Prescott	314

The emoluments of the Post Masters of the following Offices, in 1833, and in 1834, were as follows :

POST OFFICE.	1833.	1834.
Toronto	£738	£713
Kingston	470	503
Queenston	411	438
Hamilton	175	184
Niagara	152	146
Prescott	137	138
Brockville	118	118
Cobourg	102	118
Amherstburgh	110	103

The Postage collected at Queenston in 1834 by the Post Master who is also the High Sheriff of the District amounted to £72. He receives and distributes the United States Mail on that Frontier.

The whole of the emoluments of the Post Masters of Upper Canada in 1833 was £4,428—and for 1834 £4,732.

Part of the emoluments of the Post Master in Toronto are stated to be from fees on Letters mailed by him after a certain time, over and above the current postage.—It is probable that some other Postmasters exact similar perquisites from the public.

Among many other curious and interesting returns, the documents laid before your Committee contain the Postage accounts of all the Newspapers in the Canadas for several years past.—Very few fines appear to be exacted from Mail Contractors for carelessness, delay or neglect. Only £22 15 0 were collected in 1834 in Upper Canada viz : from Messrs. Cook, Stephenson and Weller.

Assuming as correct the official statements laid before us it may be estimated that in the ten years, ending the first day of July there will have been collected from Upper Canada and transmitted to Quebec as salary and perquisites of the Deputy Post Master General and his inferior Officers, and transmitted to London as Tax or Tribute *over and above the Inland Postage accruing to England and Packet Postage*, the enormous sum of £48,000 *Hlf. Cy.* a sum sufficient to have enabled five of the Districts of the Province to have commenced operations, each

with a District Bank suited to its local wants and the necessities of its population.

Were a General Post Office established at Toronto a very large expenditure that now centers in Quebec would add to the wealth of this City, and give employment to its Inhabitants, the patronage of the Post Offices in the Province would be in the Province, the power would rest with the country to increase the number of Post Offices from one hundred and upwards to five hundred and upwards; to Townships so distant as not to admit of even a weekly Mail, we might despatch the Post man once a fortnight or once a month, so that no class of persons nor section of the country would be without the means of cheap and convenient post communication.

In case a Bill founded upon the principles adverted to or laid down in this report and the accompanying resolutions shall become a Law, the Post Masters in the country parts of the Province will be far better remunerated than they are at present, the postage rates on letters will be reduced to a more moderate scale, to be counterbalanced by the increased use to be made of the facilities afforded by the Post; the Newspaper Postage rates will be greatly reduced and that too with a gain to the Province; for at present the Deputy Post Master General takes nearly the whole to himself.

The franking privileges to be granted may swell the contents of the Mail Bags, but will not as at present impose a tax upon the Colony of about £3,000 a year, payable in London for Legislative and Executive Correspondence.—In short all classes within the Colony will be gainers by a change such as is contemplated by Your Committee and an efficient and most important department organised from which very great advantages may be obtained.

At present the department is scarcely recognised by Law, and the Legislature have no means of knowing the extent of the abuses which may be practised in it, they can neither examine the accounts, nor check improvident expenditures,

It is inexpedient that this state of things should continue longer. The Imperial Parliament have called upon us to consult the public convenience by the establishment of a domestic Post Office and His Majesty has promised the Royal assent to any practical measure which the Legislature may present for the Royal consideration. Lord Glenelg's Despatch to His Excellency the Lieut. Governor correctly adverts to the greatest impediment in the way of a local Post Office, to wit, the want of an uniform system of laws on the subject in all the colonies. That objection is as nothing when weighed against the innumerable benefits it might confer. It will be far easier for the department to open accounts with the present or any other Post Office establishment that may be organised in Lower Canada and the other colonies, than it is to arrange our present correspondence with the United States, with which a great deal of business is now done in the receiving and forwarding of letters without the aid of any Law whatever.

Another advantage in a domestic Post Office is the opportunity it affords of checking extravagances in the system of contracts, affording room for a fair competition and enabling the whole of the accounts of the officers of the Department to be inspected by a Commission from the Executive, a Board of Audit, or a Committee of the Legislature, whether it yielded a surplus revenue or not, its increased benefits would be speedily felt and acknowledged from one end of the colony to the other.

Apart from the Establishment for the Canadas and Newfoundland, there is, it appears, a subordinate department of the Post Office at Halifax, for the Provinces of Nova Scotia and New Brunswick, returns from which for the year ending on the 5th January last, have been communicated to Mr. Howe the Deputy Post Master General to Mr. Stayner, and by the latter to the Government here. These accounts enter into a very few details, but are useful as exhibiting some important particulars which shew the working of the present system.

The charge for 1835, on the Post Office of Nova Scotia consists of unpaid Letters from England.....	£1,194
Paid Letters sent to England,	136
Halifax Post Office, Country Post Office receipts, and Way and Ship Letters.....	3,985
Cash received in aid of the Department from the Provincial Revenue.....	1,171
	£ 6,486

THE EXPENDITURE.

Salary, Allowances, Carriers, Dead Letters, Letters to interior, Contingencies.....	£4,598
And the balance is paid to England through the Military Chest.....	1,888
	£ 6,486

The Receipts of the Post Office at New Brunswick for 1835, is £4,483, and the expenditure £4,483, of which £535 is sent to England. But the Assembly are not called upon to furnish any part of the sum as in Nova Scotia. Nothing is said of the Newspaper, Pamphlet and Magazine Postage. It is therefore to be presumed that this large branch of the Revenues of these Provinces is the perquisite of some person to us unknown.

Your Committee would recommend that in any Act to be passed for the establishment of a Post Office Department, the following, essential variations or additions to the Bill which passed the House of Assembly of Lower Canada, should be introduced.

It should provide:—

1st. That the Mail be carried six times a week between the line of Lower Canada and Queenston.

2nd. That all Contracts be annually reported to the Legislature.

3rd. That the Salary of a Post Master should in no case exceed £400.

4th. That the Post Master General and all other Collectors of Post Office Revenue receiving upwards of Fifty pounds a year income, shall be ineligible to seats in the Legislative Council or House of Assembly and shall not interfere in Elections.

5th. That a moderate allowance off their Post Office bills should be made to those Editors who will publish in their papers every bill of a general or public nature when it has become a Law.

6th. That Letters or Packets weighing one ounce should only be charged three times the price of a single letter, and in proportion for heavier packets.

7th. That the subscriber of any Newspaper may send a memorandum of the amount due on the same at the price of a Newspaper sheet postage.

8th. That Pamphlets, Magazines and Reviews shall be charged one penny per sheet of postage.

9th. That the Post Master General may establish 2d Post Offices.

10th. That the Letters of Private Soldiers and Seamen in the Royal Navy, shall be carried on such conditions, as the Post Master General, with the consent of the Governor and Council shall direct.

11th. That the Post Master General may enter into arrangements with the General Post Office of any other State Province or Country for the forwarding and receiving of paid and unpaid Letters and papers and concerning the manner of accounting for the Revenue that may accrue to or from such State or Country in the same.

12th. That no fee, perquisite or gratuity shall be taken on any occasion by persons employed in the Department.

13th. That a Surveyor of the Post Office shall be employed for such periods as his service may be required.

14th. That a suitable Building be erected for the use of the Department, to be paid for only out of its surplus Revenue.

15th. That the Post Master General shall enter into any arrangements he may think fit for increasing the speed, security

and cheapness with which Letters can be sent to or received from Europe, and the West Indies, via the United States, with the consent of the Governor in Council.

16th. The usual accounting Clause in Money Bills.

17th. That each Post Master and Mail Contractor shall transmit to the Post Master General a report on the state of the Roads, and suggesting improvements in the Department. Said reports to be laid before the Legislature.

18th A premium to be paid for the three best Reports.

19th. That £100 a year may be expended on the purchase and collection of Books, Pamphlets, Legislative Reports, Drawings, Road Instruments, Treatises, or other documents for the improvement of Roads, to be deposited in the Library for reference by the Legislature or the Department.

20th. That the Post Master General shall regulate the hours at which each Post Office be kept open.

21st. That the Accounts of the Department shall be kept on the Italian or Merchantile principle of a double entry of Debtor and Creditor, made from the original transaction; and shall shew specifically from what sources the Revenue is derived and to what purposes it is applied.

22nd. That as soon as the other Colonies, or any of them shall extend the Franking privileges within the said Colony or Colonies, to the classes in this Province authorised by the Legislature to frank Letters, the favor should be made reciprocal.

23rd. That the Provincial Statutes shall be placed in the Post Office by the proper Officer and distributed by mail through the Province free of cost.

24th. That the Post Master General shall be required to endeavour to effect some arrangements by means of which to lessen the expense of Letter Postage between the United Kingdom and this Colony.

25th. That a more perspicuous and definite system with respect to the advertising of Mail Contracts, than that provided in the Lower Canada Bill, should be devised.

26th. That milder punishments than those generally provided in the Bill printed by order of the House might be resorted to.

27th. That the Oath of an informer shall be taken as evidence, but no informer shall have any share of any penalty, fine or forfeiture, nor any pecuniary interest in obtaining a conviction.

28th. That the Post Master General shall enquire and report to the Legislature whether it would be advisable to provide by Law, authorising the Department to insure moneys sent by Mail, and if so under what regulations.

29th. That this Act may be altered or amended by any other Act to be passed this Session.

30th. That 2000 extra copies of the Post Office Law may be printed separately for the use of the Department.

31st. And that so much of the Act as gives power to the Department to appropriate part of the Post Office Revenue in the payment of Salaries, Percentages, wages, Contractors &c. shall only continue in force for three years, leaving the supplies of the Department to be provided thereafter by estimates to be passed by the Legislature for such period as it may think fit.

Your Committee herewith report several Resolutions containing a Tariff of duties proposed to be levied on Letters and papers and providing for the temporary appropriation of the proceeds to the service of the Department.

All which is respectfully submitted.

CHARLES DUNCOMBE,
Chairman.

Committee Room House of Assembly, 18*th March* 1836.

APPENDIX

TO THE

FIRST REPORT

OF THE

SELECT COMMITTEE ON FINANCE,

ON THE

POST-OFFICE DEPARTMENT,

CONTAINING

DOCUMENTS TRANSMITTED BY THE DEPUTY POSTMASTER-GENERAL, AT QUEBEC, TO HIS EXCELLENCY THE LIEUT. GOVERNOR, IN COMPLIANCE WITH THE ADDRESS OF THE HOUSE, LAST SESSION, TO HIS EXCELLENCY;

TOGETHER WITH

CERTAIN ACCOUNTS OF THE RECEIPT, EXPENDITURE, AND GENERAL MANAGEMENT OF THE POST-OFFICE DEPARTMENT IN CANADA.

GENERAL POST-OFFICE,
Quebec, November 25, 1835.

SIR,

In compliance with the requisition of the House of Assembly of Upper Canada, conveyed through your letter of the 26th February last, addressed to me by command of His Excellency the Lieutenant-Governor, I have now the honour of transmitting, for the information of the House, the Returns and Statements connected with the Post-Office Establishment in these Provinces, called for by the Address of the Assembly, dated the 24th February last, so far as I am able to furnish them. I consider it incumbent upon me to explain that it was absolutely out of my power to render those Statements within the last Session, as it was the wish of the House I should do. The demand, it will be recollected, was made at a late period of the Session; and although I applied myself without delay to the task set before me, I soon had cause to apprehend that the amount of research, as well as of labour, which the different Statements required, and more especially the necessity of communicating with every Postmaster in the country, for certain items of information which I could only satisfactorily obtain through them, would involve a consumption of time much beyond that assigned to me by the Assembly. The execution of the work has justified my apprehension, for, notwithstanding I have devoted every hour which I could spare from the current and indispensable duties of my office to the preparation of the required Documents, it is only now that I have been able to complete them.

It is further necessary for me to explain, in order to account for the absence of any Returns from Nova Scotia and New Brunswick, that, immediately upon the receipt of the requisition from the Assembly, I forwarded a copy of it to the Deputy Post-Master-General at Halifax, (who is in charge of the Lower Provinces) requesting him to supply me with the information called for. That Officer informed me, in reply, that he was about preparing Statements of a similar character at the desire of Sir Colin Campbell, the Lieutenant-Governor of Nova Scotia, to be ready at the next Session of Parliament of that Province, and that he would send me copies thereof for the information of the Assembly of Upper Canada. Those copies have not yet been received, but I do not doubt that they will shortly reach me. I beg to send copy of my letter to Mr. Howe, the Deputy Post-Master-General, and of his answer thereto, that the House may be satisfied I have, as far as in me lay, attended to their wishes in this, as in other respects connected with their desire for information on the subject of the Post-Office.

I have the honour to be, Sir,
Your most obedient servant,
T. A. STAYNER,
Deputy Postmaster-General.

Lieut.-Col. ROWAN,
&c. &c. &c.

I request you will do me the favour to acknowledge the receipt of this letter and accompanying documents, that I may be assured they have reached you safely.

T. A STAYNER.

(COPY.)

GENERAL POST-OFFICE.
Quebec, March 10, 1835.

SIR,

Herewith I beg to hand you copy of an Address from the House of Assembly of Upper Canada, sent to me by Sir John Colborne, the Lieutenant-Governor of that Province, desiring certain information relative to the Post-Office Establishment in British North America; and I have to request that, in furtherance of the said requisition, you will be pleased to transmit to me the Statements required by the Assembly, so far as they can be furnished by you, in relation to the Provinces of Nova Scotia and New Brunswick, and the Island of Prince Edward.

I have the honour, &c
THOS. A. STAYNER,
Deputy Postmaster-General.

JOHN HOWE, Esq.,
Halifax.

COPY.

GENERAL POST-OFFICE,
Halifax, April 20, 1835.

SIR,

I have to acknowledge the receipt of your letter of the 10th ultimo, accompanied by an address from the House of Assembly of the Province of Upper Canada, to His Excellency Sir John Colborne, praying for certain information respecting the Post-Office Department in Prince Edward Island, New Brunswick and Nova Scotia.

Having been directed by His Excellency Sir Colin Campbell, to prepare Returns to be presented to the Legislature of this Province at the next Session, which will embrace much of the required information, I will lose no time, after they are completed, in forwarding copies of them to you, and in further complying, as far as I am able, with the requisition of the House of Assembly of Upper Canada.

I am, Sir,

Your obedient servant,

(Signed) J. HOWE, JUN.,
Deputy P. M. G.

THOMAS A. STAYNER, Esq.,
&c. &c. &c.

SCHEDULE of Returns prepared by the Deputy Post-Master-General at Quebec, and transmitted herewith to His Excellency Sir John Colborne, for the information of the House of Assembly, conformably to an Address of the Assembly to His Excellency, dated Toronto, 24th February, 1835.

Number of Return.	Description of the Return or Statement.
1	"A Return of the Establishment of the General Post "Office in Upper and Lower Canada, for the year "1832, stating the number of Post-Masters and "Deputy Post-Masters in each Province; the "amount of salary, allowances and emoluments."
2	A similar return for 1833.
3	Ditto do 1834.
4, 5, & 6.	"A Return of the name of each Post-Master "and Deputy Post-Master in Upper Cana- "da, showing the salary, allowance fees, and the "whole income they severally receive, and from "what sources it is derived, and the authority un- "der which the same is paid them for the years "1832, 1833 and 1834."
7	A statement is demanded of the "*Gross amount of "revenue collected at each Post Office in Upper "Canada, and the whole expense of col- "lecting the same.*" For my observations on this item of the required statements I beg to refer to the accompanying paper numbered as per margin.
	A statement is required of the "contingent expenses "incurred in the Post-Office Department in the "Canadas in detail, so far as it can be shewn, "particularly the expense of conveying the mails, "with the name of each mail-contractor, the "amount received byhim, and the rates at which "the mails are conveyed." It has been necessary to furnish this information in two forms of Return, numbered as follow, viz:—
8	Expense of conveying the mails for the year 1832.
9	Ditto do do do 1833.
10	Ditto do do do 1834.
11	Statement of contingent expenses for years 1832, 1833 and 1834.
	"A Return of the gross amount of Postage in Upper "& L. Canada, distinguishing each during each of "the years 1832, 1833 & 1834; distinguishing also "the amount of newspaper and phamphlet postage "charge from the amount of letter postage receiv- "ed at each office, and shewing in what manner "the proceeds have been applied. It was neces- sary, for the sake of perspicuity, to divide the in- formation here required, into four returns, num- bered as follow, viz:—
12	Return of Gross Postage in Upper Canada.
13	Ditto do Lower Canada.
14	Ditto of Gross newspaper charge in Upper Canada.
15	Ditto do do Lower Canada.
	"A Return of the gross amount of newspaper post- "age paid by each printer or proprietor of news- "papers in the Canadas, in each of the years 1832, "1833, and 1834, shewing in what manner the "proceeds have been appropriated, with copies of "any orders, despatches, or other authority, under "which said postages have been exacted in the "Colonies during the last ten years." It was ne- cessary to make three Returns for this object, one for each year, they are numbered as follow—
16	For the year 1832.
17	Ditto 1833.
18	Ditto 1834.
19	"A statement shewing in detail the emoluments of "the Deputy Post-Master-General of British N. "America, whether from salary, fees, allowances, "newspaper postages, per centages on the collec- "tion on United States letter or newspaper post- "age, or from any other source whatever during "the years 1832, 1833 and 1834.
20	"A statement shewing the postage paid by the "'*Patriot*' newspaper, first published at King- "ston, and now in Toronto, from the commence- "ment of the series, with the dates of the several "payments.
21	"A statement shewing the sums remitted by the Ge- "neral Post Office Department in Canada to the "General Post-Office in London, and also the "United States postage remitted to the Post Of- "fice Department of the United States, in, "in and for the years 1827, 1828, 1829. 1830, "1831, 1832, 1833, and 1834, and stating the ba- "lance now in the hands of the Deputy Post Mas- "ter General, and the period up to which the last "remittance to London was made."
22	"A statement of the amount of money found in dead "letters or misdirected letters in the Canadas, "from 1827, to 1834, both years inclusive, and "shewing the purposes to which it has been ap- plied."
23	"A statement is required of the "amount of Coloni- "al Postage, whether on Letters or Newspapers "charged at Quebec and Halifax to the Depart- "ment in London, and collected or intended so to "be in England or other parts of the King's Do- "minions beyond North America for 1832, 1833, "and 1834.
24	"A return shewing the several classes of persons who "frank letters, or who have the privilege of trans- "mitting letters through the Post Office at reduc- "ed rates of postage, with the extent to which their "privileges extend."

THOMAS A. STAYNER,
Deputy Post-Master General.

GENERAL POST-OFFICE,
QUEBEC.

No. I.

A RETURN of the Establishment of the General Post-Office in Upper and Lower Canada, for the year 1832, *stating the number of *Deputy Postmasters (generally styled "Postmasters") in each Province, and the amount of Salary, Allowances and Emoluments,*

No. of Deputy Postmasters.		Total Amount. Currency. £ s. d.
	Deputy Postmaster-General, for whose income from every source, *vide* Return No. 19.....	
109 in Lower Canada.	Who receive, as compensation for their services, including salary or commission, whether derived from the British or American Government, allowances for assistance and stationery, and the emoluments derived from other sources by virtue of their office.....	2,054 18 11
134 in Upper Canada.	Ditto ditto, the *names* of the deputy Postmasters, and the details of the items forming their entire incomes as required by the address from the House of Assembly, are stated in Return No. 4.....	3,719 12 7

T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office, Quebec.

* Note.—The application from the House of Assembly requires the name of each Postmaster and Deputy Postmaster in Upper Canada, and the numbers of Postmasters and Deputy Postmasters in each of the other Provinces! I beg to remark that there are (properly speaking) no Postmasters in any of the Provinces—they are merely styled *Postmasters* for the sake of brevity, but by their commissions they are *Deputy* Postmasters, and their clerks, who aid them in their duties and are paid by them, are *officially* considered "Assistant Deputy Postmasters."

No. II.

A RETURN of the Establishment of the General Post-Office in Upper and Lower Canada, for the year 1833, *stating the number of *Deputy Postmasters (generally styled "Postmasters") in each Province, and the amount of Salary, Allowances, and Emoluments.*

No. of Deputy Postmasters.		Total Amount. Currency. £ s. d.
	Deputy Postmaster-General, for whose income from every source, *vide* Return No. 19.....	
118 in Lower Canada.	Who receive, as compensation for their services, including salary or commission, whether derived from the British or American Government, allowances for assistance and stationery, and the emoluments derived from other sources by virtue of their office.....	2163 6 1½
140 in Upper Canada.	Ditto ditto, the *names* of the Deputy Postmasters, and the details of the items forming their entire incomes as required by the Address from the House of Assembly, are stated in Return No. 5.....	4428 10 9

T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office, Quebec.

* Note.—The application from the House of Assembly requires the name of each Postmaster and Deputy Postmaster in Upper Canada, and the numbers of Postmasters and Deputy Postmasters in each of the other Provinces! I beg to remark that there are (properly speaking) no Postmasters in any of the Provinces—they are merely styled *Postmasters* for the sake of brevity, but by their commissions they are *Deputy* Postmasters; and their clerks, who aid them in their duties, and are paid by them, are *officially* considered "Assistant Deputy Postmasters."

No. III.

A RETURN of the Establishment of the General Post-Office in Upper and Lower Canada, for the year 1834, *stating the number of Deputy Postmasters (generally styled "Postmasters") in each Province, and the amount of Salary, Allowances, and Emoluments.*

No. of Deputy Postmasters.		Total amount. Currency.
	Deputy Postmaster-General, for whose income from every resource vide Return No. 19. Clerk to do. at £150 sterling, per annum, from 5th October, 1834	
	In this year the business of the Quebec Establishment was placed upon a new footing by His Grace the Postmaster-General, with the intention as well of relieving the Deputy Postmaster-General from the management of the details of the accounts (which, owing to the increase of the department, were found to interfere with his other duties) as of constituting a more effectual check upon the accounts, and upon the appropriation of the revenue than obtained under the former system, an arrangement which the Postmaster-General conceived would be satisfactory to the several Provincial Legislatures, when the surplus revenue of the department should be placed at their disposal. With this view the following arrangement of Officers was made for the General Post-Office, Quebec, to take effect from the 5th October, 1834:—	
	Deputy Postmaster-General, at £500 sterling, per annum	
	Clerk to do 150 do do	
	ACCOUNT BRANCH, VIZ:—	
	Accountant £300 do do	
	First Clerk 150 do do	
	Second Clerk 100 do do	
	SORTING OFFICE, VIZ:—	
	First Clerk £300 do do	
	Second Clerk 110 do do	
	Third Clerk 80 do do	
	One Letter Carrier 60 do do	
	Two Letter Carriers, each 52 do do	
	One Office-keeper and Messenger for the Quebec Establishment 50 do do	
117 in Lower Canada.	Who receive, as compensation for their services, including salary or commission, whether derived from the British or American Government, allowances for assistance, and the emoluments derived from other sources by virtue of their office	2,530 7 2
138 in Upper Canada.	Who receive, as compensation for their services, including salary or commission, whether derived from the British or American Government, allowances for assistance, and the emoluments derived from other sources by virtue of their office—the names of these Deputy Postmasters and the details of the items forming their entire incomes as required by the Address from the House of Assembly, are stated in Return No. 6	4,732 8 4

T. A. STAYNER,

Deputy Postmaster-General

GENERAL POST-OFFICE, QUEBEC.

NOTE.—To account for there being two Offices in Upper Canada and one in the Lower Province less this year than in 1833, I have to state that this difference was occasioned by the unavoidable necessity of reducing, for a time, (until competent persons could be found Postmasters,) the Offices of East Williamsburg and Alexandria in Upper Canada, and of St. Remi in Lower Canada—all those are, however, again in operation.

No. IV.—1832.

A RETURN shewing the Name of each Deputy-Postmaster and Assistant Deputy-Postmaster, or Clerk, in Upper Canada; and the Salary, Allowances, and Fees; and the whole Income they severally receive; and from what sources it is derived; and the authority under which the same is paid them, for the Year 1832.

OFFICES.	NAMES OF DEPUTY-POSTMASTERS.	NAMES OF ASSISTANTS OR CLERKS.	Whole amount of Income received at each Post-Office in Upper Canada, and the source from which it is derived.						Note.	Total amount of emolument derived at each Office.
			Compensation as Commission for Salary.	Allowance for Assistance.	Allowance for Stationery.	Commission on United States Postage.	Allowed by the Deputy Postmaster-General for collecting the Dues under his newspaper privilege.	Derived from other sources, as per Notes at foot of this Return.		
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.
Adolphustown	J. D. Gilbert,	C. B. Gilbert,	5 2 2	.....	0 13 4	0 5 4	0 1 0	.....	C.	6 1 10
Albion	George Boulton,	Mary Bolton,	0 14 9	.....	0 2 6	0 2 3	0 0 0	.....		0 19 6
Alexandria	A. Macdonell,	None reported,	2 17 9	.....	0 12 0	0 0 8	0 0 0	.....		3 10 5
Amherstburg	Chas. Berczy,	A. E. Berczy,	92 15 5	.....	10 0 0	1 3 4	0 19 3	.....		104 18 0
Ancaster	James Chep,	W. Philp and J. Murray,	17 11 3	.....	2 0 0	2 3 3	1 4 2	.....		22 18 8
Aldboro'	Donald Currie,	None reported,	4 8 0	.....	0 10 0	0 11 11	0 0 0	.....		5 9 11
Bath	John Dean,	B. Fairfield and J. B. Aylesworth,	17 9 0	.....	5 0 0	1 0 2	0 16 6	.....		24 5 8
Bayham	H. Smith,	Caleb Cook,	2 15 0	.....	0 10 0	0 3 6	0 1 8	.....		3 10 2
Beamsville	Chs. Gurney,	N. Boughner,	1 0 8	.....	0 0 0	0 2 6	0 1 2	.....		1 4 4
Belleville	Thos. Parker,	J. Parker, B. Grant, and Thos. Gerard,	61 12 8	.....	4 0 0	2 15 8	2 5 2	.....		70 13 6
Beverley	Peter Schofield,	W. A. Schofield,	13 13 2	.....	2 0 0	0 16 0	0 3 10	.....		16 13 0
Brantford	Wm. Richardson,	J. P. M'Donald,	34 10 7	.....	2 7 6	3 11 8	1 3 11	.....		41 13 8
Brighton	T. D. Sandford,	Jos. Lockwood,	4 3 11	.....	0 10 0	0 3 5	0 1 1	.....		4 18 5
Brockville	Henry Jones,	S. Jones and H. E. Russell,	85 19 5	.....	4 0 0	3 16 11	10 2 2	.....		103 18 6
Burford	G. W. Whitehead,	A. Cameron,	10 6 0	.....	1 12 6	0 10 10	0 6 0	.....		12 15 4
Bytown	M. Connel,	H. Denney,	91 16 3	.....	3 15 0	2 2 7	0 9 9	.....		98 3 7
Carlton Place	C. S. Bellows,	E. M. Bellows and J. Moffatt,	8 14 3	.....	1 0 0	0 10 4	0 3 9	.....		10 8 4
Castleford	C. J. Bell,	Robert Russell,	No charge.	.....	0 10 0	0 0 6	0 0 0	.....		0 10 6
Cavan	John Knowlson,	James Chalmers,	10 6 6	.....	0 0 0	0 11 7	0 8 2	.....		11 6 3
Camden East	Samuel Clarke,	None reported,	0 6 2	.....	0 0 0	0 0 0	0 0 0	.....		0 6 2
Chinguacousy	Wm. Johnston,	S. Johnston,	0 19 10	.....	0 0 0	0 0 0	0 0 0	.....		0 19 10
Chippawa	A. Kirkpatrick.	None reported,	21 9 0	.....	1 10 0	2 9 1	0 11 7	.....		25 19 8
Cobourg	J. G. Bethune,	W. H. Kittson,	64 12 9	.....	2 10 0	5 18 1	9 14 8	.....		82 15 6
Colborne	J. A Keeler,	O. Lindsay,	21 12 1	.....	0 0 0	1 16 4	0 9 6	.....		23 17 11
Colchester	Wm. M'Cormick,	A. M'Cormick,	1 2 2	.....	0 0 0	0 0 6	0 0 0	.....		1 2 8
Cornwall	G. C. Wood,	A. M'Dougall,	45 11 8	.....	4 5 0	1 3 2	2 10 0	.....		53 9 10
Credit	J. B. Sprague,	Thomas Ginty and J. Dods,	6 1 9	.....	0 5 0	0 12 9	0 2 1	.....		7 1 7
Darlington	R. Fairbairn,	John Simpson,	10 8 9	.....	0 15 0	0 16 3	0 2 8	.....		12 2 8
Delaware	R. Mount,	B. B. Brigham,	9 14 0	.....	0 15 0	1 2 2	0 2 1	.....		11 13 3
Demorestville	T. Demorest,	None reported,	6 14 7	.....	0 0 0	0 8 1	0 10 11	.....		7 13 7
Drummondville	C. H. Leonard, to 6th July; S. Falconbridge, from ditto	S. Falconbridge; None reported,	9 16 3	.....	0 17 6	1 17 0	0 6 10	.....		12 17 7

Dundas	John Lesslie,	Joseph Lesslie,	35 4 10	.....	2 12 6	4 9 10	1 16 0	.....		44 3 2
Dunnville	A. S. St. John,	Orson Phelps,	5 9 5	.....	0 10 0	0 11 6	0 3 7	.....		6 14 6
Erin	James W. Little,	W. H. White,	1 7 7	.....	0 10 0	0 1 3	0 0 0	.....		1 18 10
Esquesing	J. Fyfe,	Anne Fyfe,	1 18 3	.....	0 5 0	0 2 5	0 0 0	.....		2 5 8
Etobicoke	T. Wilcox,	M. Wilcox,	1 8 1	.....	0 0 0	0 3 9	0 0 0	.....		1 6 10
Eitzroy Harbour	A. M'Millan,	John Messinger,	No charge	.....	1 0 0	0 0 1	0 0 3	.....		1 0 4
Fort Erie	R. Thompson, to 6th October; G. M'Kenzie, from ditto,	None reported; Kenneth Reid,	9 13 4	.....	1 4 6	0 15 6	0 0 5	.....		11 13 9
Frank Town	James Hume,	Richard Wood,	0 18 6	.....	0 2 6	0 1 2	0 0 0	.....		1 2 2
Fredericksburg	D. L. Thorpe,	W. G. Cassady and T. Douglass,	4 16 0	.....	0 0 0	0 10 2	0 6 3	.....		5 12 5
Galt	A. Shade,	None reported,	18 5 7	.....	1 13 10	3 7 2	0 16 2	.....		24 2 9
Gananoque	J. & C. M'Donald,	John V. Kent,	9 14 11	.....	0 0 0	0 15 11	0 0 0	.....		10 10 10
Georgina	J. O. Bouchier,	None reported,	5 3 9	.....	0 0 0	0 13 5	0 0 7	.....		5 17 9
Gosfield	Peter Scratch,	None reported,	3 9 9	.....	0 0 0	0 0 10	0 1 5	.....		3 12 0
Grimsby	Henry Nelles,	R. F. Nelles,	11 18 5	.....	2 0 0	1 4 0	0 12 6	.....		15 14 11
Guelph	F. B. Husband,	P. Orr Hume,	24 18 1	.....	1 10 0	4 6 1	0 12 9	.....		31 6 11
Haldimand	Benjamin Ewing,	John Taylor,	6 5 8	.....	0 6 0	0 8 9	0 0 0	.....		7 0 5
Hallowell	Wm. Rorke,	Jos. Rorke,	33 14 3	.....	3 5 0	2 0 10	3 1 8	.....		42 1 9
Hamilton	E. Ritchie,	Henry Jeffers,	79 12 3	.....	10 0 0	7 11 8	51 18 2	.....		149 2 1
Hawkesbury	Chas. Hersey,	R. Cameron & Z. M. S. Hersey,	2 19 7	.....	1 10 0	0 8 7	0 0 7	.....		4 18 9
Hillier	James Pierson,	Joshua Pierson,	5 6 1	.....	0 11 7	0 3 7	0 1 0	.....		6 2 3
Holland Landing	George Lount,	Aaron Jakeway,	10 2 6	.....	0 2 9	1 9 7	0 5 10	.....		12 0 8
Howard	Jos. Wheatley,	A. Wheatley,	3 8 1	.....	0 10 0	0 2 0	0 0 0	.....		4 0 1
[illegible]e	W. H. Bottum,	Ezekiel Phillips,	7 12 4	.....	0 4 11	0 8 9	0 7 4	.....		8 19 4
[illegible]k	James Maitland,	P. Maitland,	1 15 9	.....	0 10 0	0 1 3	0 0 0	.....		2 7 0
[illegible]n	John Macaulay,	Robert Deacon & W. G. Hynes,	144 9 0	60 0 0	25 0 0	192 10 0	10 13 0	0 12 1	A.	433 4 1
[illegible]	J. L. Schofield,	J. P. Schofield,	4 11 3	.....	0 8 7	0 7 1	0 0 0	.....		5 6 11
[illegible]ark	J. A. Murdoch,	R. Masson,	11 14 7	.....	2 0 0	0 6 0	0 0 0	.....		14 0 7
[illegible]	W. M'Intosh,	Wm. Spink,	19 18 7	.....	2 0 0	0 10 5	3 11 0	.....		22 12 11
[illegible]	Jos. Watson,	None reported,	3 6 2	.....	0 9 10	0 6 4	0 0 5	.....		4 2 9
[illegible]	James Benton, to 6th April; D. M'Leod, from ditto,	None reported,	3 7 7	.....	0 0 0	0 0 5	0 0 0	.....		3 8 0
[illegible]don	G. J. Goodhue,	A. Ladd,	37 8 7	.....	4 0 0	3 4 7	1 13 6	.....		46 6 8
L'Orignal	O. Gates,	None reported,	10 19 9	.....	1 10 0	0 4 3	0 1 9	.....		12 15 9
March	Thos. Read,	None reported,	6 11 4	.....	1 0 0	0 4 1	0 1 1	.....		7 16 6
Markham	A. Barker,	None reported,	8 3 6	.....	1 0 0	0 19 10	0 0 0	.....		10 3 4
Marmora	A. Managhan,	Jos. E. Webb,	1 4 7	.....	0 0 0	0 1 6	0 0 0	.....		1 6 1
Martintown	A. M'Martin,	D. M'Diarmid,	4 12 2	.....	1 0 0	0 1 2	0 0 0	.....		5 13 4
Matilda	George Brouse,	Edward Brouse,	7 18 0	.....	1 0 0	0 6 2	0 1 8	.....		9 5 10
Merrickville	T. Smyth,	Matthew Hunter,	7 1 4	.....	1 4 0	0 9 11	0 0 0	.....		8 15 3
Middleton	Robert Deboir,	Wm. Young,	0 14 4	.....	0 0 0	0 0 5	0 0 6	.....		0 15 3
Milford	Thos. Nash,	None reported,	0 11 1	.....	0 0 0	0 1 7	0 0 0	.....		0 12 8
Mosa	James M'Farlane,	None reported,	1 6 9	.....	0 3 0	0 0 6	0 0 10	.....		1 11 1
Murray	Charles Biggar,	Robert Biggar,	9 4 7	.....	0 19 8	0 9 0	0 2 9	.....		10 16 0
Napanee	A. M'Pherson,	C. H. Morgan,	13 15 7	.....	2 5 0	0 12 11	0 3 4	.....		16 16 10
Nelson	Wm. Chisholm,	G. K. Chisholm,	15 9 9	.....	4 0 0	2 0 9	0 9 9	.....		22 0 3
Newmarket	W. B. Robinson,	W. B. W. Richardson,	22 5 4	.....	1 3 6	3 3 7	0 0 0	.....		26 12 5
Niagara	John Crooks,	R. Clench,	33 15 1	.....	8 0 0	44 3 4	2 5 10	.....		138 4 3
Norwich	Peter Lossing,	None reported,	5 18 2	.....	0 7 6	0 11 4	0 4 9	.....		7 1 9
Orford	D. S. Baldwin,	Rebecca Baldwin,	1 5 10	.....	0 10 0	0 1 6	0 0 0	.....		1 17 4
Oxford	C. Ingersoll,	C. Merigold,	14 13 11	.....	1 0 0	1 2 10	0 12 2	.....		17 13 11
Osnabruck	Jos. Bockus,	John Bockus,	8 12 3	.....	0 10 0	0 8 10	0 7 3	.....		9 18 4
Otnabee	C. P. Rubidge, Jun.,	C. Rubidge, Sen.,	2 10 4	.....	0 7 6	0 0 1	0 0 0	.....		2 17 11
Pakenham	A. Dickson,	James Nagle,	No charge	.....	0 7 6	0 0 0	0 0 0	.....		0 7 6
		Carried forward		60 0 0	138 15 0	319 2 4	75 6 9	0 12 1		2029 19 6

OFFICES.	NAMES OF DEPUTY-POSTMASTERS.	NAMES OF ASSISTANTS OR CLERKS.	Compensation as Commission or Salary.	Allowance for Assistance.	Allowance for Stationery.	Commission on United States Postage.	Allowed by the Deputy Postmaster General for collecting the dues under his newspaper privilege	Derived from other sources as per notes at foot of this Return.	Note.	Total Amount of emolument Received at each Office.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.
		Brought forward		60 0 0	138 15 0	319 2 4	75 6 9	0 12 1		2029 19 6
Paris	John Smith,	G. W. Case and J. K. Smith,	6 13 7	.....	0 0 0	0 15 1	0 4 9	.....		7 13 5
Penetanguishene	J. M. Hamilton,	S. Richardson,	45 19 1	.....	4 0 0	1 0 1	0 5 4	.....		51 4 6
Perth	Josias Taylor,	John Ellis,	69 14 9	.....	6 0 0	3 7 1	2 4 9	.....		81 6 7
Peterboro'	T. V. Tupper,	Wm. M'Donell,	14 10 10	.....	0 10 0	2 10 7	0 3 7	.....		17 15 0
Pickering	Francis Leys,	Peter Leys and Jos. Wilson,	8 17 2	.....	0 10 0	0 13 3	0 0 0	.....		10 0 5
Port Burwell	John Burwell,	A. Richardson and J. Wright,	5 11 5	.....	0 10 0	0 10 8	0 2 2	.....		6 14 3
Port Dalhousie	George Smith,	J. F. Smith,	0 17 3	.....	0 0 0	0 2 3	0 0 0	.....		0 19 6
[illegible]t Dover	C. M'Neilledge,	None reported,	3 4 5	.....	0 16 0	0 8 5	0 0 0	.....		4 8 10
[illegible] Hope	David Smart,	A. Davidson and John Bearis,	47 15 0	.....	2 0 0	2 18 3	1 9 5	.....		54 3 1
[illegible]ley	John Bostwick,	J. R. Bostwick,	4 5 1	.....	0 7 6	0 6 3	0 2 9	.....		5 1 7
[illegible]	M. Burwell,	J. B. Burwell,	4 19 3	.....	0 15 0	0 10 6	0 3 2	.....		6 7 11
[illegible]	A. Jones,	John Blakely, Robert T. Jones, and W. T. Dickenson,	68 2 9	.....	6 0 0	37 12 2	2 14 9	.....		114 9 8
[illegible]ston	A. Hamilton,	D. Thorburn,	50 0 0	.....	10 0 0	260 9 1	0 11 9	.....		321 0 10
[illegible]	D. M'Gregor,	None reported,	10 1 7	.....	2 0 0	0 15 11	0 13 3	.....		13 10 9
[illegible]	G. T. Burke,	J. Burke,	9 15 10	.....	0 0 0	0 3 9	0 0 0	.....		9 19 7
[illegible]	Wm. Robertson,	John Stewart,	12 1 5	.....	1 0 0	0 8 11	0 0 0	.....		13 10 4
[illegible]	Thomas Renwick,	Ralph Stobbs,	0 11 8	.....	0 8 6	0 0 0	0 0 0	.....		1 0 2
[illegible]	D. M'Donell,	D. M'Donell,	4 6 2	.....	0 5 6	0 1 2	0 3 1	.....		4 15 5
St. Andrews	W. H. Merritt,	H. Slate and J. Martell,	49 12 3	.....	4 0 0	6 18 3	6 1 2	.....		66 11 8
St. Catharines	Zenas Fell,	Charles Fell and J. E. Fell,	1 14 7	.....	0 7 6	0 6 0	0 9 6	.....		2 17 7
St. Johns	A. M'Donell,	John M'Donald,	2 2 10	.....	0 1 0	0 0 2	0 0 0	.....		2 4 6
St. Raphaels	Bela Shaw,	George E. Shaw,	22 18 10	.....	1 10 0	2 18 9	8 4 0	.....		35 11 7
St. Thomas	Wm. Hands,	Felix Hands,	15 12 3	.....	10 0 0	0 7 6	2 10 4	.....		28 10 1
Sandwich	Peter Secor,	None reported,	3 9 2	.....	0 2 6	0 3 6	0 0 0	.....		3 15 2
Scarboro'	D. Campbell,	D. M'Pherson and Charles Baker,	7 10 4	.....	2 0 0	1 3 7	0 15 0	.....		11 8 11
Simcoe	Wm. Simpson,	G.C. Mittleberger&W.Robinson,	12 1 9	.....	0 16 0	0 10 9	0 8 10	.....		13 17 4
Smith's Falls	Smith Griffin,	Robert Waddle,	3 12 9	.....	0 0 0	0 4 0	0 0 0	.....		3 16 9
Smithville	John Metcalf,	J. Randall,	0 8 6	.....	0 0 0	0 0 0	0 0 0	.....		0 8 6
Stanley's Mills	John Williamson,	D. Williamson,	3 14 5	.....	1 0 0	0 5 7	0 0 5	.....		5 0 5
Stony Creek	C. D. Sheldon,	John Street,	2 2 8	.....	0 0 0	0 0 4	0 0 0	.....		2 3 0
Stouffville	J. Ransom,	Benjamin Switzer,	11 12 10	.....	1 0 0	1 3 0	0 10 7	.....		14 6 5
Streetsville	W. Parsons,	Horace Wilcox,	14 0 6	.....	0 14 0	2 4 11	0 1 3	.....		17 0 8
Thornhill	Jacob Keefer,	W. H. Ward,	5 4 3	.....	1 0 0	0 14 0	0 1 7	.....		6 19 10
Thorold	A. Lewis,	None reported,	11 4 9	.....	1 0 0	1 6 3	0 1 9	.....		13 12 9
Toronto	A. Proudfoot,	None reported,	13 0 11	.....	2 0 0	1 5 4	0 7 7	.....		16 13 10
Trafalgar	Neil Stewart,	None reported,	2 15 10	.....	0 0 0	0 0 2	0 0 3	.....		2 16 3
Vancleek Hill	F. L. Walsh,	D. M'Lennan,	14 4 8	.....	1 10 0	1 6 3	0 15 3	.....		17 16 2
Vittoria	E. H. Whitmarsh,	E. N. Pratt,	2 12 10	.....	0 0 0	0 2 4	0 0 0	.....		2 15 2
Unionville	D. Thompson,	Wm. Fell and Rd. Browne,	4 8 7	.....	0 15 8	0 9 0	0 0 0	.....		5 13 3
Wainfleet										
Walsingham	A. E. Baker, to 6th April, B. M. Brown, from ditto,	None reported,	1 17 6	.....	0 7 6	0 3 9	0 0 0	.....		2 8 9
Waterford	A. Murphy,	D. Sovereign, M. D. & J. Green,	4 8 10	.....	1 0 0	0 8 11	0 9 6	.....		6 7 3
Waterloo	Daniel Snyder,	None reported,	5 1 9	.....	0 0 0	1 7 4	0 0 0	.....		6 9 1
Way's Mills	J. H. Meachan,	None reported,	0 4 5	.....	0 0 0	0 0 3	0 0 0	.....		0 4 8
Wellington	A. M'Faul,	None reported,	7 3 7	.....	1 0 0	0 7 8	0 0 10	.....		8 12 1
Wellington Square	A. Bates,	None reported,	3 10 2	.....	0 10 0	0 9 0	0 8 2	.....		4 17 4
West Williamsburg	H. G. Stearns,	None reported,	4 6 5	.....	0 10 0	0 0 6	0 0 10	.....		4 17 9
Whitby	John B. Warren,	E. Stearns,	18 13 9	.....	2 0 0	1 13 4	0 9 4	.....		22 16 5
Wilton	Sidney Warner,	Edward Hayden,	0 4 0	.....	0 0 0	0 0 1	0 0 0	.....		0 4 1
Williamsburg	J. P. Crysler,	None reported,	5 12 1	.....	1 0 0	0 3 4	0 3 7	.....		6 19 0
Yarmouth	R. L. M'Kenny,	Alexander Westley,	3 9 6	.....	0 10 0	0 4 11	0 0 4	.....		4 4 9
		D. B. M'Kenny,								
York, now Toronto City	J. S. Howard,	John Ballard, Jun., permanent. B. M. Hayter, permanent. John Ballard, occasional. Thomas Nagle, occasional.	224 4 4	81 13 4	30 0 0	76 2 6	55 12 6	155 18 7	B.	632 11 3
		Total Currency	2251 13 3	141 13 4	238 11 8	734 7 5	196 16 3	156 10 8		3719 12 7

NOTE A.—The 12s. 1d. here stated under the head of "Derived from other sources," arises from a commission of 2½ per cent allowed by an authority from His Majesty's Treasury to Postmasters for keeping accounts for postage with the Military Departments. Mr. Macaulay, out of the total income described, pays two clerks £160 per annum, and supplies an office with light and fuel for the same. This officer states, that in addition to the other items of his post-office income, his rents for boxes and drawers have averaged, for the years 1832, 1833 and 1834, £3 14s. 2d per annum, a sum which, he adds, is not sufficient to cover the interest of the money expended in fitting them up.

B.—This sum of £155 18s. 7d. is made up as follows, viz:—£111 17s. 4d. commissioned on keeping postage accounts with public departments, institutions and individuals—£27 1s. 3d. for rent of post-office boxes, and £17 being pence received by him for sending out town letters. Mr. Howard, like Mr. Macaulay and every other Postmaster, provides his own clerks, an office, fuel, candles, and stationery out of the aggregate sum stated opposite his name. The compensation to all Postmasters, either under the head of salary or allowance, is granted by the authority of the Postmaster-General. The Commission on United States postage is allowed by the American Government. The allowance for collecting the dues on newspapers under the privilege of the Deputy Postmaster-General, is granted by that officer to his Deputies for their trouble. The commissions on keeping postage accounts, is a private arrangement between the Postmaster and other individuals—the same may be said of the rent of boxes. The pence derived by Mr. Howard, for the sending out of town letters, is also a provisional arrangement for the benefit of the public, which will be superseded so soon as a regular penny post is established in the city of Toronto.

C.—Under the column of Assistants or Clerks, I have given the names as they have been reported to me by the Postmasters of all the persons permitted to assist in the respective Post offices—these are all sworn, but they possess no privilege or right in the department beyond that of assisting the principal, or acting for him in his absence. It is frequently necessary, even at small Post Offices in country places, to allow the Postmaster to employ more than one assistant in the duties of the office, but I have recently found it necessary to make a regulation by which only one of the clerks or assistants at a country office is permitted to open and make up mails, and keep the accounts—the other clerks take in or deliver out letters from and to the public, but have nothing more to do in the business.

D.—some explanation may be necessary with respect to the allowance under the head Stationary, in order to account for the variety of amounts which appears opposite the names of the different offices, and for the allowance in the case of some of the offices not being the same for each year. This allowance is intended to indemnify the Postmaster for the expense he incurs for wrapping paper, sealing wax, and twine, used in packing the mails he despatches—it has been sometimes augmented to cover the expense of candle-light when there is much night work at any office. At some offices the allowance is made equivalent to the sum which the Postmaster certifies he has actually expended for the object in question, but generally a certain sum per annum is fixed by the Deputy Postmaster-General, founded upon his judgment of the extent of business performed at the office, and the allowance is gradually augmented as the business increases—in all cases the claim for "stationary allowance" is specially and carefully considered by the Deputy Postmaster General. At some of the oldest offices the compensation under the head of "Stationary" was many years ago fixed upon rather a higher scale than is now allowed to offices in general; in those cases the allowance was specially approved of by the Postmaster-General, and remains as originally ordered by him—the cases are, however, few, and in no instance is the amount very considerable.

THOMAS A. STAYNER,
Deputy Postmaster-General.

DEPUTY POST OFFICE, QUEBEC.

No. V.—1833.

A RETURN shewing the Name of each Deputy-Postmaster and Assistant Deputy Postmaster or Clerk, in Upper Canada, and the Salary, Allowances and Fees, and the whole Income they severally receive, and from what sources it is derived, and the authority under which the same is paid them for the year 1833.

OFFICES.	NAMES OF DEPUTY-POSTMASTERS.	NAMES OF ASSISTANTS OR CLERKS.	Whole amount of Income received at each Post Office in Upper Canada, and the source from which it is derived.							
			Compensation as Commission or Salary.	Allowance for Assistance.	Allowance for Stationary.	Commission on United States Postage.	Allowed by the Deputy Postmaster General for collecting the dues under his newspaper privilege	Derived from other sources as per notes at foot of this Return.	Note.	Total amount of emolument derived at each Office.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.
Adelaide	Thomas Radcliffe,	None reported,	7 18 1	.....	0 0 0	0 17 9	0 0 7	.....	C.	8 16 5
Adolphustown	J. D. Gilbert, to 6th Oct. 1833 / Thomas Kennedy, from do.	C. B. Gilbert, O. & E. Ramsay,	5 15 11	.....	0 15 3	0 6 5	0 0 4	.....		6 17 11
Albion	George Boulton,	Mary Bolton,	2 15 1	.....	0 0 0	0 5 1	0 0 0	.....		3 0 2
Alexandria	A. M'Donald,	A. Robertson,	0 14 6	.....	0 3 0	0 0 10	0 0 0	.....		0 18 4
Amherstburg	Charles Berczy,	A. E. Berczy & J. Kevill,	97 18 9	.....	10 0 0	1 4 7	0 18 1	.....		110 1 5
Ancaster	James Chep,	James Murray,	19 16 10	.....	2 0 0	3 15 7	2 15 8	.....		28 8 1
Alboro'	D. Curry,	None reported,	2 13 2	.....	0 7 6	0 7 11	0 0 0	.....		3 8 7
Bath	John Dean,	J. B. Aylesworth, & C. Heyter,	20 0 0	.....	5 0 0	1 4 7	0 9 11	.....		26 14 6
Bayham	H. Smith,	Norris Humphreys,	3 3 3	.....	0 10 0	0 5 6	0 1 7	.....		4 0 4
Belleville	Thomas Parker,	Samuel Gray & John Grardy,	72 17 2	.....	4 0 0	3 19 11	4 9 3	.....		85 6 4
Beverley	P. Schofield,	W. A. Schofield,	11 12 3	.....	2 0 0	0 8 9	0 3 4	.....		14 4 4
Brantford	William Richardson,	J. Richardson & G. W. Case,	47 14 1	.....	3 0 0	4 16 11	1 5 7	.....		56 16 7
Brighton	J. Lockwood,	None reported,	3 12 2	.....	0 10 0	0 3 10	0 3 10	.....		4 9 10
Brockville	Henry Jones,	S. Jones, & H. E. Russell,	97 10 7	.....	4 0 0	4 9 5	12 5 2	.....		118 5 2
Burford	G. W. Whitehead,	A. Cameron,	5 13 8	.....	0 15 0	0 15 3	0 6 4	.....		7 10 3
Bytown	M. Connell,	H. Denny,	88 10 0	.....	6 0 0	2 5 6	0 7 3	.....		97 2 9
Beamsville	Charles Gurney,	Nelson Boughmer,	5 1 5	.....	0 0 0	0 10 4	0 4 3	.....		5 16 0
Carleton-Place	C. S. Bellows,	E. M. Bellows,	11 12 4	.....	1 0 0	0 13 2	0 2 2	.....		13 7 8
Castleford	C. J. Bell,	A. M. Patton,	No charge	.....	1 0 0	0 1 2	0 0 0	.....		1 1 2
Cavan	John Knowlson,	William M'Coll,	10 17 0	.....	0 0 0	0 10 2	0 7 5	.....		11 14 7
Camden East	S. Clarke,	None reported,	3 0 5	.....	0 0 0	0 0 0	0 3 1	.....		3 3 6
Chinguacousy	William Johnston,	S. Johnston,	5 11 2	.....	0 2 6	0 15 6	0 0 0	.....		6 9 2
Chippawa	William Hepburn,	None reported,	21 6 11	.....	1 10 0	2 9 9	0 12 7	.....		25 19 3
Cobourg	J. G. Bethune,	W. H. Kittson,	83 4 6	.....	4 10 0	8 0 6	6 14 5	.....		102 9 5
Colborne	J. A. Keeler,	O. Lindsay & H. Squire,	19 19 10	.....	1 0 0	1 19 2	1 0 6	.....		23 19 6
Colchester	William M'Cormick,	Alexander M'Cormick,	1 6 10	.....	0 0 0	0 2 9	0 0 0	.....		1 9 7
Cornwall	G. C. Wood,	A. M'Dougall & D. M'Donell,	49 1 0	.....	8 0 0	1 12 2	2 18 4	.....		61 11 6
Credit	J. B. Spragge,	Thomas Ginty, & John Dods,	8 13 8	.....	1 0 0	1 5 6	0 5 4	.....		11 4 6
Darlington	R. Fairburn,	John Simpson,	13 6 2	.....	0 15 0	1 2 7	0 4 6	.....		15 8 3
Delaware	R. Mount,	B. B. Brigham,	22 9 7	.....	0 15 0	2 10 6	0 17 11	.....		26 13 0
Demorestville	Thomas Demorest,	Elihu Stewart,	7 19 7	.....	0 10 0	0 18 4	0 9 3	.....		9 17 2
Drummondville	S. Falconbridge,	J. Falconbridge,	21 12 4	.....	1 10 0	4 16 2	0 17 2	.....		28 15 8

Dundas	John Leslie,	Joseph Leslie,	48 19 8	.....	4 0 0	7 0 5	2 7 8	.....		62 7 9
Dunnville	A. S. St. John,	John S. Minor,	6 10 0	.....	1 10 0	0 17 5	0 3 0	.....		9 1 2
Ericus	James W. Little,	William H. White,	2 6 5	.....	0 10 6	0 4 7	0 0 2	.....		3 1 2
Esquesing	Henry J. Fyfe,	Anne Fyfe,	7 9 11	.....	0 10 0	0 12 6	0 4 3	.....		8 17 2
Etobicoke	Truman Wilcox,	M. Wilcox,	2 19 11	.....	0 0 0	0 10 4	0 1 1	.....		3 11 4
Fitzroy Harbour	A. M'Millan,	J. Messenger,	No charge.	.....	1 0 3	0 0 6	0 0 7	.....		1 1 1
Fort Erie	George Mackenzie,	Kenneth Reid,	9 19 8	.....	1 11 3	1 4 10	0 0 0	.....		12 15 9
Franktown	James Hume,	Richard Wood,	2 11 10	.....	0 10 0	0 1 9	0 0 0	.....		3 3 7
Fredericksburg	D. L. Thorpe,	Thos. Douglass & Jno. Anderson	4 8 10	.....	0 5 0	0 9 11	0 5 9	.....		5 9 6
Galt	A. Shade,	J. Fargus,	30 10 8	.....	1 15 0	5 7 1	0 15 7	.....		38 8 4
Gananoque	J. & C. M'Donald,	W. S. M'Donald,	10 5 6	.....	0 0 0	0 13 8	0 1 0	.....		10 19 2
Georgina	J. O. Bourchier,	None reported,	6 18 4	.....	0 0 0	0 15 3	0 0 1	.....		7 14 8
Gosfield	Peter Scratch,	None reported,	4 19 5	.....	0 0 0	0 2 10	0 0 0	.....		5 2 3
Grimsby	Henry Nelles,	R. F. Nelles,	12 3 5	.....	2 0 0	1 3 1	0 10 5	.....		15 16 11
Guelph	T. B. Husband,	P. Orr Hume,	37 16 4	.....	1 10 0	7 15 1	0 16 1	.....		47 17 6
Haldimand	B. Ewing to 10th September, / J. Taylor from do	J. Taylor & W. Carrol,	7 10 5	.....	0 11 0	0 12 0	0 0 0	.....		8 13 5
Hallowell	William Rorke,	Joseph Rorke,	37 9 7	.....	4 0 0	2 10 5	3 1 7	.....		47 1 7
Hamilton	E. Ritchie,	J. Garrison & G. Wood,	107 10 4	.....	10 0 0	10 17 7	46 13 4	.....		175 1 3
Hawkesbury	Charles Hersey,	C. M'Arthur & Z. S. M. Hersey,	12 16 5	.....	1 10 0	0 14 0	0 4 7	.....		15 5 0
Hillier	James Pierson,	J. Pierson, Jun.	5 18 2	.....	0 16 6	0 6 4	0 0 0	.....		7 1 0
Holland Landing	G. Lount to 20th Nov. 1833. / W. J. Sloane from do.	W. J. Sloane, none reported,	15 11 9	.....	1 0 0	2 8 2	0 11 4	.....		19 11 3
Howard	Joseph Wheatley,	A. Wheatley,	4 16 11	.....	0 11 6	0 4 7	0 0 0	.....		5 13 0
Kemptville	W. H. Bolton,	E. Phillips & L. S. Warner,	9 14 0	.....	0 10 0	0 10 7	0 5 6	.....		11 2 1
Kilmarnock	James Maitland,	P. Maitland,	1 19 4	.....	0 10 0	0 2 5	0 0 0	.....		2 9 9
Kingston	John Macaulay,	R. T. Clarke & Robert Deacon,	150 0 0	60 0 0	25 0 0	227 13 9	6 19 1	0 10 0	A.	470 2 10
Kitley	J. L. Schofield,	J. P. Schofield & C. R. Wilson,	4 17 4	.....	0 10 0	0 4 1	0 0 0	.....		5 11 5
Lanark	J. A. Murdoch,	J. R. Gemmel,	8 10 3	.....	2 0 0	0 7 4	0 2 5	.....		11 0 0
Lancaster	William M'Intosh,	W. Spink & A. Chisholm,	12 19 4	.....	2 0 0	0 7 10	0 1 0	.....		15 8 3
Lloydtown	Joseph Watson,	None reported,	3 13 4	.....	0 10 0	0 6 3	0 1 4	.....		4 10 11
Lochiel	Donald M'Leod,	None reported,	4 10 8	.....	0 0 0	0 1 0	0 0 0	.....		4 11 8
London	G. J. Goodhue,	A. Ladd, L. Laurason, James Matthewson, and R. Smith,	51 1 1	.....	4 0 0	5 1 4	2 11 2	.....		62 13 7
L'Orignal	O. Gates,	None reported	12 7 1	.....	1 10 0	0 9 11	0 6 4	.....		14 13 4
March	Thomas Read,	None reported,	7 5 6	.....	1 0 0	0 4 7	0 1 1	.....		8 11 2
Markham	A. Barker,	None reported,	10 8 11	.....	1 0 0	1 1 1	0 2 1	.....		12 12 2
Marmora	Daniel Jones,	None reported,	1 7 0	.....	0 0 0	0 1 4	0 2 1	.....		1 10 5
Martintown	A. M'Martin,	M. M'Diarmid,	5 15 4	.....	1 0 0	0 4 0	0 0 0	.....		6 19 4
Matilda	George Brouse,	E. Brouse,	7 8 1	.....	1 0 0	0 4 10	0 0 0	.....		8 13 2
Merrickville	T. Smyth,	M. Hunter,	9 3 1	.....	1 4 0	0 6 6	0 0 0	.....		10 13 7
Middleton	R. DeCow to 6th October 1833 / J. Brown from do	W. Young, none reported,	0 17 2	.....	0 0 0	0 0 7	0 0 3	.....		0 18 0
Milford	Thomas Nash,	None reported,	2 7 3	.....	0 10 0	0 1 1	0 0 0	.....		2 18 4
Mosa	J. M'Farlane to 6th Oct. 1833. / G. Gibbs from do	None reported,	1 12 9	.....	0 12 0	0 3 4	0 7 7	.....		2 15 8
Murray	Charles Biggar,	Robert Biggar,	9 10 6	.....	1 0 7	0 10 4	0 4 0	.....		11 5 5
Napanee	A. M'Pherson,	C. H. Morgan,	16 3 9	.....	3 0 0	0 13 1	0 4 7	.....		20 1 5
Nelson	William Chisholm,	G. K. Chisholm & R. K. Chisholm,	18 2 11	.....	4 0 0	2 9 1	0 12 5	.....		25 4 5
Newmarket	W. B. Robinson,	W. N. W. Richardson,	23 12 3	.....	1 10 0	3 9 1	0 7 11	.....		28 19 3
Niagara	Ralfe Clench.	None reported,	91 4 0	.....	8 0 0	49 0 0	4 2 9	.....		152 6 9
Norwich	P. Lossing to 6th July, 1833. / E. Cook from do.	None reported, Harvey Ross,	7 10 10	.....	0 10 0	0 12 1	0 4 7	.....		8 17 6
Orford	D. S. Baldwin,	R. Baldwin,	1 2 9	.....	0 10 0	0 2 7	0 0 0	.....		1 15 4
		Carried forward.....								

OFFICES.	NAMES OF DEPUTY-POSTMASTERS.	NAMES OF ASSISTANTS OR CLERKS.	Compensation as Commission or Salary.	Allowance for Assistance.	Allowance for Stationery.	Commission on United States Postage.	Allowed by the Deputy Postmaster General for collecting the dues under his newspaper privilege	Derived from other sources as per notes at foot of this Return.	Note.	Total Amount of emolument Received at each Office.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.
		Brought forward								
Oxford	James Ingersoll,	C. Merigold,	22 6 3	1 18 6	1 19 4	1 6 10				27 10 11
Osnabruck	Jos. Bockus,	John Bockus,	8 4 1	0 7 6	0 9 2	0 3 8				9 4 5
Otanabee	C. P. Rubidge, Jun.,	C. Rubidge, Sen.,	5 4 2	0 10 0	0 3 2	0 0 0				5 17 4
Pakenham	A. Dickson,	John Nagle,	No charge	0 10 0	0 1 10	0 0 0				0 11 10
Paris	John Smith,	J. K. Smith,	7 10 2	0 11 3	1 5 2	0 9 6				9 16 1
Penetanguishene	J. M. Hamilton,	Wm. Simpson,	58 11 8	4 0 0	1 13 5	0 4 10				64 9 11
Perth	Josias Taylor,	Joseph Taylor,	66 15 5	6 0 0	2 8 5	1 7 0				76 10 10
Peterboro'	J. B. Ferguson,	James Ferguson, Jun.,	35 5 2	0 10 0	3 19 1	0 4 4				39 18 7
Pickering	Francis Leys,	P. Leys and Jos. Wilson,	11 15 2	1 0 0	1 1 10	0 2 2				14 5 2
Port Burwell	John Burwell,	A. Richardson & John Wright,	6 5 6	0 15 0	0 10 8	0 1 11				7 13 1
Port Dalhousie	George Smith,	J. F. Smith,	0 15 11	0 0 0	0 4 5	0 0 0				1 0 4
Port Dover	C. M'Neilledge,	None reported,	6 8 3	1 1 0	1 5 0	0 2 5				8 16 8
Port Hope	David Smart,	A. Davidson and John Bearis,	53 7 5	2 0 0	3 19 11	3 6 8				62 14 0
Port Stanley	John Bostwick,	J. R. Bostwick,	5 7 9	0 10 0	0 12 1	0 3 1				6 12 11
Port Talbot	M. Burwell,	J. B. Burwell,	5 3 9	0 15 0	0 12 9	0 3 2				6 13 11
Portland	Joseph Hartwell,	George Toffy,	0 6 0	0 0 0	0 0 0	0 0 0				0 6 0
Prescott	Alpheus Jones,	R. T. Jones & W. T. Dickenson,	86 18 6	6 0 0	42 6 9	2 3 6				137 8 9
Queenston	Alexander Hamilton,	H. O. Hamilton, D. Thorburn, and C. M'Cormick,	50 0 0	10 0 0	350 12 5	0 19 8				411 12 1
Raleigh	D. M'Gregor,	None reported,	6 2 5	2 0 0	0 17 9	0 8 8				9 8 10
Rawdon	Edward Fidlar,	James Spence,	1 1 8	0 0 0	0 0 4	0 0 0				1 2 0
Richmond	George T. Burke,	James Burke,	12 4 0	0 0 0	0 3 0	0 0 0				12 7 0
River Trent	Wm. Robertson,	John Stewart,	10 11 8	1 0 0	0 15 4	0 0 0				12 7 1
Romney	Thomas Renwick,	Ralph Stobbs,	0 17 8	0 10 0	0 0 4	0 0 0				1 8 0
St. Andrews	D. M'Donell,	Donald M'Donell,	3 16 1	0 10 0	0 1 0	0 0 0				4 7 1
St. Catharines	W. H. Merritt,	H. Slate, and J. Martell,	52 13 2	4 0 0	8 0 3	7 7 6				72 0 11
St. Johns	Zenas Fell,	C. Fell and J. E. Fell,	3 9 11	0 10 0	0 7 5	0 2 7				4 9 11
St. Raphaels	A. R. M'Donell,	None reported,	1 9 0	0 7 6	0 0 3	0 0 0				1 16 9
St. Thomas	B. Shaw,	George E. Shaw,	35 11 7	2 0 0	4 19 1	13 4 1				55 14 9
Sandwich	Wm. Hands,	Felix Hands,	17 4 5	10 0 0	0 11 3	0 11 2				28 6 10
Scarboro'	Peter Secor,	None reported,	5 3 3	0 0 0	0 8 1	0 1 10				5 13 2
Shannonville	Thomas D. Appleby,	None reported,	1 16 5	0 0 0	0 0 2	0 0 8				1 17 3
Simcoe	D. Campbell,	D. M'Pherson & Charles Baker,	11 9 2	2 0 0	1 7 7	0 15 0				15 11 9
Smith's Falls	Wm. Simpson,	George Mittleberger,	11 9 0	0 12 0	0 9 9	0 2 7				12 13 4
Smithville	Smith Griffin,	R. Waddle,	4 7 2	0 0 0	0 6 11	0 0 0				4 14 1
Stanley's Mills	J. Metcalf, to 6th April, 1833 John Woodell, from ditto,	Joseph Randall, None reported,	2 11 9	0 0 0	0 4 10	0 0 11				2 17 6
Stoney Creek	John Williamson,	D. Williamson,	4 12 10	1 0 0	0 11 10	0 4 1				6 8 9
Stoufferville	C. D. Sheldon,	J. W. Davis,	3 3 3	0 0 0	0 4 2	0 0 0				3 7 5
Streetsville	J. Ranson,	M. Mullin,	11 2 5	1 5 0	1 2 4	0 12 5				14 2 2
Thornhill	Wm. Parsons,	H. Wilcocks,	17 16 2	0 14 0	3 14 5	0 11 3				22 15 10
Thorold	Jacob Keefer,	W. H. Ward,	6 2 5	1 0 0	0 19 4	0 5 7				8 7 4
Toronto	A. Lewis,	None reported,	11 2 3	1 0 0	1 12 5	0 4 6				13 19 2

Trafalgar	A. Proudfoot,	None reported,	10 17 6	2 0 0	1 0 8	0 5 4				14 3 6
Vankleek Hill	Neil Stewart,	None reported,	3 3 2	0 0 0	0 1 0	0 2 10				3 7 6
Vittoria	F. L. Walsh,	D. M'Lennan,	14 19 4	1 10 0	0 18 2	0 18 7				18 6 1
Unionville	E. H. Whitmarsh,	E. N. Pratt,	1 2 0	0 0 0	0 0 4	0 0 0				1 2 4
Wainfleet	D. Thompson,	Wm. Fell and Richard Brown,	2 10 3	0 12 6	0 6 11	0 0 0				3 9 8
Walsinghain	B. M. Brown,	John Killmaster,	1 14 11	0 10 0	0 2 4	0 3 7				2 10 10
Waterford	A. Murphy,	D. Sovereign and J. L. Green,	4 1 11	1 0 0	0 11 8	0 8 4				6 1 11
Waterloo	Daniel Snyder,	None reported,	8 17 0	0 8 0	2 2 10	0 13 9				12 1 7
Way's Mills	J. H. Meachan,	None reported,	1 0 10	0 0 0	0 0 3	0 0 0				1 1 1
Wellington	Archibald M'Faul,	E. Carroll and J. T. Dorland,	8 15 11	0 15 0	0 10 3	0 2 8				10 3 10
Wellington Square	A. Bates,	J. P. Gage,	3 10 4	0 10 0	0 5 11	0 11 11				4 18 2
West Williamsburg	H. G. Stearns,	D. Bunnel and J. W. Loucks,	9 4 3	1 0 0	0 4 1	0 2 7				10 10 11
Whitby	John B. Warren,	Edward Hayden,	25 4 5	2 0 0	2 10 6	0 18 11				30 13 10
Williamstown	D. M'Nichol,	J. M'Donald,	8 0 0	0 10 0	0 0 7	0 2 2				8 12 9
Wilton	Sidney Warner,	None reported,	1 4 2	0 1 3	0 1 2	0 0 0				1 6 7
Williamsburg	J. P. Crysler,	A. Westley,	1 19 5	0 5 0	0 1 8	0 0 9				2 6 10
Yarmouth	R. L. M'Kenny,	D. B. M'Kenny,	3 5 7	0 10 0	0 5 2	0 0 7				4 1 4
Yonge	J. Weatherhead,	O'Kill Jones,	2 16 8	0 11 10	0 1 4	0 0 0				3 9 10
York, now Toronto City	J. S. Howard,	John Ballard, Jun., B. M. Heyter, John Ballard, Sen., Thomas Nagle, (permanent. occasional.)	230 15 4	115 0 0	30 0 0	100 8 3	62 12 4	199 6 9	B.	738 2 8
		Total Currency	2635 12 4	175 0 0	262 10 11	941 12 4	213 18 5	199 16 9		4428 10 9

NOTE A.—The 10s. under the head of "Derived from other sources" arises from a Commission of 2½ per cent. allowed by His Majesty's Treasury to Postmasters in this country, for keeping Postage Accounts with the Military Departments.

B.—The sum of £199 6s. 9d. stated as "derived from other sources" is made up as follows, viz.:—£135 8s. 10d. Commission on keeping Postage Accounts with the Public Departments, Institutions, and Individuals—£30 for Rent of Post-Office Boxes—£16 17s. 11d derived by a fee upon Letters forwarded after the hours of closing Mails—and £17 for sending out Town Letters. The fee upon late letters is explained by Mr. Howard as having grown out of an application made to him in the year 1833, by the principal merchants and other persons in business, that he should occasionally receive letters after the regular period for closing the Mails had passed, for a small fee. The authorities under which all the Postmasters mentioned above receive their various items of salary and allowances are described in a Return corresponding with this for the year 1832, to which I beg leave also to refer for other observations, which are alike applicable to the years 1833 and 1834.

See Remark C. on Return for the year 1832.

See Remark D. on Return for the year 1832.

THOMAS A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE, QUEBEC.

No. VI.—1834.

A RETURN shewing the Name of each Deputy-Postmaster and Assistant Deputy-Postmaster, or Clerk, in Upper Canada; and the Salary, Allowances, and Fees; and the whole Income they severally receive; and from what sources it is derived; and the authority under which the same is paid them, for the Year 1834.

OFFICES.	NAMES OF DEPUTY-POSTMASTERS.	NAMES OF ASSISTANTS OR CLERKS.	Whole amount of Income received at each Post Office in Upper Canada, and the source from which it is derived.							
			Compensation as Commission or Salary.	Allowance for Assistance.	Allowance for Stationery.	Commission on United States Postage.	Allowed by the Deputy Postmaster General for collecting the dues under his newspaper privilege	Derived from other sources as per notes at foot of this Return.	Note.	Total Amount of emolument Received at each Office.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d	£ s. d.		£ s. d.
Adelaide	Thomas Radcliffe,	None reported,	14 11 9	.....	1 0 0	2 6 2	0 9 4	.....	C.	18 7 3
Adolphustown	Thomas Ranney,	O. & E. Ranney,	5 10 4	.....	0 13 0	0 6 11	0 5 2	.....		7 4 5
Albion	George Boulton, to 6th July, S. B. Sterne, from ditto,	S. B. Sterne, None reported,	2 12 6	.....	0 7 10	0 5 5	0 0 0	.....		3 5 9
Alexandria	D. Cameron.	A. Robertson,	4 6 5	.....	0 0 0	0 1 2	0 0 0	.....		4 7 7
Amherstburg	Charles Berczy,	J. Kevill,	90 11 6	.....	10 0 0	1 14 8	1 3 3	.....		103 9 5
Ancaster	James Chep,	James Murray,	22 13 6	.....	2 0 0	5 14 8	2 3 5	.....		32 11 7
Aldboro'	D. Curry,	None reported,	3 3 2	.....	0 10 0	0 7 9	0 0 0	.....		4 0 11
Bath	John Dean,	J. V. Ham,	20 12 3	.....	5 0 0	1 8 3	0 12 4	.....		27 12 10
Bayham	H. Smith,	Norris Humphreys,	4 10 6	.....	0 10 0	0 8 9	0 2 11	.....		5 12 2
Beamsville	N. Boughour,	Henry Root,	7 18 5	.....	0 0 0	0 16 1	0 11 5	.....		9 5 11
Belleville	Thomas Parker,	John Grardy and J. O. Petrie,	76 4 6	.....	4 0 0	5 12 9	2 0 1	.....		87 17 4
Beverley	P. Schofield,	W. A. Schofield,	9 15 3	.....	2 0 0	0 12 5	0 3 11	.....		12 11 7
Brantford	William Richardson,	B. Jackson and C. Lyman,	60 7 7	.....	3 15 0	7 18 3	2 4 3	.....		74 5 1
Brighton	J. Lockwood,	None reported,	6 2 11	.....	0 10 0	0 8 7	0 9 9	.....		7 11 3
Brockville	Henry Jones,	S. Jones and A. Stewart,	101 2 9	.....	4 0 0	5 3 10	8 2 10	.....		118 9 5
Burford	G. W. Whitehead,	None reported,	16 16 1	.....	2 2 6	0 15 8	0 10 8	.....		20 4 11
Bytown	M. Connell, to Oct. 1834 G. W. Baker, from ditto,	H. Denny, H. C. Baker,	79 1 10	.....	5 12 6	2 15 6	0 7 0	.....		87 16 10
Carleton-Place	C. S. Bellows, to 6th April, Robert Bell, from ditto,	John Moffatt, James Bell,	14 12 4	.....	1 0 0	0 17 2	0 3 1	.....		16 12 7
Castleford	C. S. Bell,	A. N. Patton, & H. C. Hughes,	No charge	.....	1 5 0	0 1 7	0 0 0	.....		1 6 7
Cavan	John Knowlson,	J. Thompson & G. Knowlson,	8 19 4	.....	0 0 0	0 16 9	0 3 7	.....		9 19 8
Camden East	S. Clarke,	None reported,	4 1 4	.....	0 10 0	0 6 4	0 0 0	.....		4 17 9
Chinguacousy	William Johnston,	S. Johnston,	4 10 1	.....	0 10 0	0 12 6	0 0 0	.....		5 12 7
Chippawa	William Hepburn,	None reported,	25 7 10	.....	1 10 0	3 14 6	0 15 1	.....		31 7 5
Cobourg	J. G. Bethune, to 29th Nov. F. H. Hall, from ditto,	W. H. Kittson, None reported,	97 8 6	.....	6 8 0	8 18 8	5 4 1	.....		117 19 3
Colborne	J. A. Keeler,	O. Lindsay & H. Squire,	19 15 11	.....	1 0 0	2 0 6	0 14 9	.....		23 11 2
Colchester	William M'Cormick,	Samuel James,	1 12 4	.....	0 0 0	0 1 11	0 0 0	.....		1 14 3
Cornwall	G. C. Wood,	A. M'Dougall & D. M'Donell,	58 0 2	.....	8 0 0	1 14 4	2 11 8	.....		70 6 2
Credit	J. B. Sprague,	John Young,	8 6 4	.....	1 2 6	1 14 2	0 2 4	.....		11 5 4
Darlington	R. Fairbairn,	John Simpson,	14 13 5	.....	1 8 9	1 10 7	0 3 5	.....		17 16 2
Delaware	F. Somers,	None reported,	15 6 6	.....	1 7 6	2 13 11	0 19 7	.....		20 7 6

Demorestville	Thomas Demorest,	None reported,	8 7 3	.....	0 10 0	0 13 1	0 5 4	.....		9 15 8
Drummondville	S. Falconbridge,	S. Falconbridge, Jun.	15 10 11	.....	2 0 0	6 15 1	1 14 7	.....		36 1 6
Dundas	John Leslie,	John Stewarts,	53 0 2	.....	4 0 0	8 5 10	3 11 11	.....		68 17 11
Dunnville	A. S. St. John,	John S. Minor,	11 0 0	.....	1 10 0	1 19 11	0 5 10	.....		14 15 9
Erieus	James W. Little,	William H. White,	1 17 7	.....	0 10 0	0 5 3	0 0 2	.....		2 13 0
Esquesing	Henry J. Fyfe,	Anne Fyfe,	6 2 6	.....	0 12 3	0 18 4	0 2 10	.....		7 15 11
Etobicoke	Truman Wilcox,	M. Wilcox,	3 11 9	.....	0 0 0	0 13 0	0 1 8	.....		4 6 5
Fitzroy Harbour	A. M'Millan,	J. Tait,	No charge.	.....	1 0 0	0 10 0	0 1 0	.....		1 11 0
Fort Erie	George Mackenzie,	Kenneth Reid,	10 17 8	.....	1 10 0	1 1 0	0 0 0	.....		13 8 8
Franktown	James Drysdale,	None reported,	2 12 8	.....	0 10 0	0 3 6	0 0 0	.....		3 6 2
Fredericksburg	D. L. Thorpe,	John Anderson,	4 8 1	.....	0 10 0	0 8 6	0 5 6	.....		5 12 1
Galt	A. Shade,	J. Fargus,	45 18 7	.....	2 6 0	9 2 3	1 1 3	.....		58 14 1
Gananoque	J. & C. M'Donald,	W. S. M'Donald,	8 18 4	.....	0 0 0	0 16 5	0 0 0	.....		9 14 9
Georgina	J. O. Bourchier,	None reported,	5 13 2	.....	0 0 0	0 13 5	0 0 0	.....		6 6 7
Gosfield	Peter Scratch,	None reported,	5 13 3	.....	0 0 0	0 4 1	0 0 0	.....		5 17 4
Grimsby	Henry Nelles,	R. F. Nelles,	11 14 5	.....	2 0 0	1 5 6	0 10 6	.....		15 10 5
Guelph	T. B. Husband to 6th April, Mary Hume from do.	P. O. Hume, none reported,	41 6 0	.....	2 12 6	10 8 11	1 10 8	.....		55 18 1
Haldimand	John Taylor,	W. Carrol,	8 18 1	.....	1 0 0	0 17 7	0 0 0	.....		10 15 8
Hallowell	William Rorke,	William Ruddock,	39 4 10	.....	4 0 0	2 14 0	3 5 7	.....		49 4 5
Hamilton	E. Ritchie,	J. B. Ritchie & G. Wood,	127 11 1	.....	10 0 0	21 0 6	25 0 6	.....		183 12 1
Hawkesbury	Charles Hersey,	Z. S. M. Hersey,	12 6 6	.....	1 10 0	0 14 11	0 7 3	.....		14 18 8
Hillier	James Pierson to 6th July 1834 J. A. M'Pherson from do.	J. Pierson, none reported,	5 10 5	.....	1 3 9	0 4 4	0 0 0	.....		6 18 6
Holland Landing	W. J. Sloane,	Jane Sloane,	21 6 11	.....	1 0 0	3 0 9	0 13 9	.....		26 1 5
Howard	Joseph Wheatley,	A. Wheatley,	5 19 2	.....	0 11 6	0 8 3	0 0 0	.....		6 18 11
Kemptville	W. H. Bottom,	L. S. Warner,	9 14 2	.....	0 10 0	0 15 7	0 3 6	.....		11 3 3
Kilmarnock	James Maitland,	None reported,	1 17 11	.....	0 10 0	0 2 4	0 0 0	.....		2 10 3
Kingston	John Macaulay,	Robert Deacon & P. T. Clarke,	150 0 0	60 0 0	25 0 0	258 9 4	8 18 2	0 15 2	A.	503 2 8
Kitley	J. L. Schofield,	C. R. Wilson,	5 0 1	.....	0 10 0	0 3 11	0 0 0	.....		5 14 0
Lanark	J. A. Murdoch to 6th July 1834 John Hall from do.	R. Masson & J. R. Gemmel,	7 7 7	.....	2 0 0	0 7 3	0 2 11	.....		9 17 9
Lancaster	William M'Intosh,	A. Chisholm,	8 3 8	.....	2 0 0	0 8 6	0 0 0	.....		10 12 2
Lloydtown	Joseph Watson,	None reported,	3 18 0	.....	0 10 0	0 8 10	0 3 4	.....		5 0 2
Lochiel	D. M'Leod to 6th July, 1834 A. M'Lean, from do.	None reported,	3 17 10	.....	0 0 0	0 0 4	0 0 0	.....		3 18 2
London	G. J. Goodhue,	L. Laurason,	67 7 10	.....	4 0 0	7 7 1	3 18 7	.....		82 13 6
L'Orignal	T. H. Johnson,	None reported,	15 1 0	.....	1 15 0	0 6 4	0 5 4	.....		17 7 8
March	Thomas Read,	None reported,	5 12 2	.....	1 0 0	0 4 1	0 0 3	.....		6 17 0
Markham	A. Barker,	None reported,	10 5 2	.....	1 0 0	1 4 11	0 3 1	.....		12 13 2
Marmora	Daniel Jones,	None reported,	1 0 4	.....	0 0 0	0 1 10	0 1 1	.....		1 3
Martintown	A. M'Martin,	James Grant,	5 5 10	.....	1 0 0	0 4 3	0 0 0	.....		6 10 1
Matilda	George Brouse,	Thomas Johnston,	8 6 6	.....	1 0 0	0 4 11	0 0 0	.....		9 11 5
Merrickville	T. Smyth,	M Hunter,	9 3 4	.....	1 4 0	0 9 0	0 0 0	.....		10 16 4
Middleton	J. Brown,	None reported	1 4 11	.....	0 7 6	0 3 5	0 1 3	.....		1 17 1
Milford	O. M'Mahon,	None reported,	1 0 1	.....	0 5 0	0 3 9	0 0 0	.....		1 8 10
Mosa	G. Gibb,	None reported,	3 0 0	.....	0 12 0	0 7 4	0 5 6	.....		4 4 10
Murray	Charles Biggar,	Robert Biggar,	10 4 6	.....	1 2 7	0 10 10	0 6 5	.....		12 4 4
Napanee	A. M'Pherson,	C. H. Morgan,	17 10 9	.....	3 0 0	0 16 4	0 4 7	.....		21 11 8
Nelson	William Chisholm,	Timothy Cooper & R.K.Chisholm,	21 10 6	.....	4 0 0	3 17 7	0 13 11	.....		30 2 0
Newmarket	W. B. Robinson,	W. N. W. Richardson,	22 6 8	.....	1 10 0	3 7 7	0 4 7	.....		27 8 10
Niagara	Ralfe Clench.	None reported,	[illegible] 1 0	.....	8 0 0	45 16 0	6 7 11	.....		146 4 11
Norwich	E. Cook,	Harry Ross,	[illegible] 12 9	.....	0 10 0	0 1 4	0 3 11	.....		10 8 0
Orford	D. S. Baldwin,	R. Baldwin,	1 18 1	.....	0 10 0	0 1 9	0 0 0	.....		2 9 10
Carried forward										

OFFICES.	NAMES OF DEPUTY-POSTMASTERS.	NAMES OF ASSISTANTS OR CLERKS.	Whole amount of Income received at each Post Office in Upper Canada, and the source from which it is derived. Compensation as Commission or Salary.	Allowance for Assistance.	Allowance for Stationary.	Commission on United States Postage.	Allowed by the Deputy Postmaster General for collecting the dues under his newspaper privilege	Derived from other sources as per notes at foot of this Return.	Note.	Total amount of emolument derived at each Office.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.
		Brought forward	35 1 9		1 17 6	6 4 6	1 17 0			45 0 9
Oxford	James Ingersoll	C. Merigold,	14 1 10		0 10 0	0 9 7	0 3 4			15 4 9
Osnabruck	Jos. Bockus,	John Bockus,	5 15 8		0 10 0	0 12 5	0 0 0			6 18 1
Otanabee	C. P. Rubidge, Jun.,	C. Rubidge, Sen.,	3 18 1		0 10 0	0 3 7	0 0 0			4 11 8
Pakenham	A. Dickson,	James Nagle,	7 4 2		0 10 0	1 6 10	0 9 7			9 9 7
Paris	John Smith,	J. K. Smith,	55 4 0		4 0 0	1 11 5	0 8 6			61 3 11
Penetanguishene	J. M. Hamilton,	Wm. Simpson,	50 3 6		6 0 0	3 17 4	1 7 7			61 8 5
Perth	Josias Taylor,	Joseph Taylor,	53 0 2		0 17 8	6 14 7	0 6 10			60 19 1
Peterboro'	James Ferguson,	None reported,	13 19 6		1 0 0	1 11 3	0 8 3			16 19 0
Pickering	Francis Leys,	P. Leys and Frs. Wilson,	6 3 9		0 15 0	0 3 8	0 2 2			7 9 7
Port Burwell	John Burwell,	L. Burnet and John Scate,	0 19 1		0 0 0	0 3 6	0 0 0			1 2 7
Port Dalhousie	George Smith,	J. F. Smith,	7 6 4		1 1 0	1 18 0	0 4 7			10 9 11
Port Dover	C. M'Neilledge,	None reported,	51 16 7		2 0 0	5 14 4	2 1 4			61 12 3
Port Hope	David Smart,	A. Davidson and John Bearis,	6 16 8		1 0 0	0 13 4	0 5 8			8 15 8
Port Stanley	John Bostwick,	J. R. Bostwick,	4 13 0		0 15 0	0 14 0	0 1 11			6 3 11
Port Talbot	M. Burwell,	J. B. Burwell,	0 18 6		0 0 0	0 0 5	0 0 0			0 18 11
Portland	J. K. Hartwell,	George Toffy,	82 15 0		6 0 0	46 16 5	2 19 0			138 11 0
Prescott	Alpheus Jones,	R. T. Jones & W. T. Dickenson,								
Queenston	Alexander Hamilton,	H. O. Hamilton, D. Thorburn, and C. W. M'Cormick,	50 0 0		10 0 0	377 1 4	0 18 2			437 19 6
Raleigh	D. M'Gregor,	N. L. Freeman,	20 13 1		2 10 0	1 17 4	1 16 1			26 16 6
Rawdon	Edward Fidlar,	James Spence,	2 14 1		0 0 0	0 2 1	0 1 10			2 18 0
Richmond	*George T. Burke,*	James Burke,	11 6 10		0 0 0	0 6 3	0 0 0			11 13 1
River Trent	Wm. Robertson,	John Stewart,	17 17 11		1 5 0	1 0 9	0 3 0			20 6 8
Romney	Thomas Renwick,	Ralph Stobbs,	0 15 3		0 10 0	0 1 4	0 0 0			1 6 7
St. Andrews	F. Sinclair,	None reported,	3 0 11		0 10 0	0 0 10	0 0 0			3 11 9
St. Catharines	W. H. Merritt,	H. Slate, and J. Martell,	53 19 9		4 0 0	7 17 1	6 4 6			72 1 4
St. Johns	Zenas Fell,	C. Fell and J. E. Fell,	4 0 6		0 10 0	0 18 5	0 5 9			5 14 8
St. Raphaels	A. R. M'Donell,	None reported,	1 6 8		0 10 0	0 0 4	0 0 0			1 17 0
St. Thomas	B. Shaw,	George E. Shaw,	44 18 1		2 0 0	6 13 0	11 19 8			65 10 9
Sandwich	Wm. Hands,	Felix Hands,	23 3 7		10 0 0	0 15 4	4 9 2			38 8 1
Scarboro'	Peter Secor,	None reported,	4 13 2		0 0 0	0 6 9	0 2 8			5 2 7
Shannonville	Thomas D. Appleby,	None reported,	4 7 8		0 0 0	0 3 4	0 0 10			4 11 10
Simcoe	D. Campbell,	Charles Baker, & D. M'Pherson	15 1 8		2 0 0	1 15 10	0 15 0			19 12 6
Smith's Falls	Wm. Simpson,	G.C.Mittleberger&W. Robinson,	12 14 5		0 12 0	0 14 7	0 3 8			14 4 8
Smithville	Smith Griffin,	R. Waddle,	3 17 2		0 0 0	0 9 0	0 0 0			4 6 2
Stanley's Mills	J. Woodell, to January, 1834. R. Woodell, from do.	None reported,	3 1 0		0 2 6	0 7 2	0 0 6			3 11 2
Stoney Creek	Jas. Williamson,	D. Williamson,	5 17 11		1 0 0	0 14 6	0 7 7			8 0 0
Stoufferville	C. D. Sheldon,	J. W. Davis,	1 19 0		0 0 0	0 4 4	0 0 0			2 3 4
Streetsville	J. Ransom,	M. Mullin,	12 15 3		1 8 9	1 9 10	0 17 1			16 10 11
Thornhill	Wm. Parsons,	H. Wilcocks,	16 11 4		0 14 0	3 10 10	0 8 8			21 4 10
Thorold	Peter Keefer,	None reported,	7 12 1		1 0 0	1 10 4	0 7 0			10 9 5
Toronto Township	A. Lewis,	None reported,	10 19 7		1 0 0	1 17 2	0 6 9			14 3 6
Trafalgar	A. Proudfoot,	E. B. Shephard,	11 14 10		2 0 0	1 9 1	0 4 1			15 8 2
Vanclcek Hill	Neil Stewart,	None reported,	3 8 0		0 0 0	0 0 11	0 2 0			3 10 11
Vittoria	F. L. Walsh,	S. M'Call,	15 12 3		1 10 0	1 4 7	0 19 2			19 6 0
Wainfleet	D. Thompson,	Wm. Fell and Rd. Browne,	1 18 8		0 13 8	0 6 4	0 0 0			2 18 8
Walsingham	B. M. Brown, to 6th July, A. M'Lennan, from ditto,	None reported, John Killmaster,	3 3 7		0 11 9	0 3 9	0 1 1			4 0 2
Waterford	A. Murphy,	D. Sovereign, & J. L Green,	3 12 0		1 0 0	0 8 3	0 5 10			5 6 1
Waterloo	Daniel Snyder,	None reported,	9 2 5		1 0 0	2 14 0	0 9 9			13 6 2
Way's Mills	J. H. Meacham,	None reported,	1 8 0		0 0 0	0 0 4	0 0 0			1 8 4
Wellington	A. M'Faul,	E. Carroll & J. T. Dorland,	7 13 10		0 3 9	0 12 10	0 2 4			8 12 9
Wellington Square	A. Bates,	J. P. Gage and H. Smith,	6 8 9		0 10 3	1 2 9	0 13 2			8 14 8
West Williamsburg	Fs. G. Stearns,	Wm. Raymond,	12 5 0		1 10 0	0 3 10	0 1 4			14 0 2
Whitby	John B. Warren,	Edward Hayden,	30 3 2		4 0 0	3 11 0	1 5 8			38 19 10
Williamsburg	D. M'Nichol,	John M'Donald,	8 19 6		1 0 0	0 1 6	0 1 11			10 2 11
Wilton	Sidney Warner,	None reported,	2 8 10		0 0 0	0 1 4	0 0 0			2 10 2
Yarmouth	R. L. M'Kenny,	D. B. M'Kenny,	3 6 4		0 10 0	0 11 8	0 0 11			4 8 11
Yonge	J. Weatherhead,	O'Kill Jones,	2 17 5		0 10 0	0 2 10	0 0 0			3 10 3
York, now Toronto City	J. S. Howard,	John Ballard, Jun., permanent. B. M. Hayter, permanent. John Ballard, occasional. Thomas Nagle, occasional.	230 15 4	115 0 0	30 0 0	115 0 0	50 5 6	172 2 7	B.	713 3 5
		Total Currency	2840 8 10	175 0 0	278 12 1	1079 7 6	186 2 2	172 17 9		4732 8 4

NOTE A.—The 15s. 2d. under the head of "Derived from other sources," arises from a commission of 2½ per cent allowed to Postmasters in this country, by His Majesty's Treasury, for keeping postage accounts with the Military Departments.

B.—This sum of £172 2s. 7d., stated as "derived from other sources," is made up as follows, viz:—£94 0s. 2d. for commission on keeping postage accounts with Public Departments, Institutions, and individuals—£35 17s. 6d. for rent of post-office boxes—£25 4s. 11d. fees upon late letters, (for an explanation of which, see a corresponding Return to this for the year 1833,)—and £17 (supposed on an average of three years) for sending out town letters. For further observations applying to this year's Return, in common with others, see observations upon the corresponding Statement for the year 1832.

See Remark G. on Return for the year 1832.

See Remark D. on Return for the year 1832.

THOMAS A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE,
QUEBEC.

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No. VII.

A Statement is required of the Gross Amount of Revenue collected at each Office in Upper Canada, and the whole expense of collecting the same, for the years 1832, 1833, and 1834.

The information desired by this section of the requisition of the House of Assembly, as far as relates to "*Gross Amount of Revenue collected at each Office in Upper Canada,*" is (if I understand the language rightly) contained in Return numbered 12—but I do not see how it is possible to ascertain the "*whole expense of collecting the same;*" i. e. the Revenue in Upper Canada, since a part of the expense consists in the Mail conveyance, the contingent and several other charges of the Department at large, the proportion of which, as applicable to Upper Canada, no one can tell. If, on the other hand, by the term "expense of collecting," it is required to know merely what compensation the Postmasters receive, the information is contained in Returns numbered 4, 5, and 6. Here, I trust, I may be permitted to observe, that I have carefully studied the Address of the House of Assembly, as well with regard to the item in question as to its other parts, with a view of rendering all the information required, so far as in me lay; but should it appear that I have misconstrued the wording of the requisition in any part, I can only say that I shall regret it, and be ready to remedy the error as soon as it is pointed out to me.

T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE,
QUEBEC.

No. VIII.—1832.

A RETURN shewing the Expenses incurred in the Canadas for the conveyance of the Mails during the Year 1832, the Name of each Mail Contractor, the Amount received by him, and the Rates at which the Mails are conveyed.

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £	s.	d.	REMARKS.
1	Quebec and Woodstock.....	300	1	–	Messrs. Jones & Stripman,	560	0	0	The Courier is 7 days performing this journey, travelling being only practicable by day-light.
2	Woodstock and Fredericton.....	60	1	–	J. Brown,	130	0	0	
3	Quebec and Montreal.....	180	5	5½	Messrs. Cudy & Hough,	1300	0	0	
4	Quebec and Nicolet.....	101	1	4	Germain Serols,	99	0	0	
5	Quebec and La Bruce.....	31	1	5	A. C. Tachereau,	35	0	0	
6	St Andre and Rimouski.....	90	1	4	J. B. Cordeau dit Delorier,	80	0	0	
7	Montreal and Stanstead.....	104	1	4	Emery Cushing,	134	11	0	
8	Montreal and York.....	376	5	5	H. Dickenson & Co.,	1500	0	0	
9	Montreal and Terrebonne.....	21	2	5	M. Desjardins,	10	0	0	
10	Montreal, St. Ours, and Wm. Henry.	57	1	–	P. Mugnian,	44	0	0	The contractor bound to use all due diligence.
11	Montreal and Bytown.....	123	2	4½	Emery Cushing,	159	18	0	Ceased in July.
12	Montreal and Grenville.....	60	2	4½	Emery Cushing,	104	0	0	Commenced July, superseding No. 11.
13	Grenville and Bytown.....	63	2	4	Messrs. Brigham & Whitcomb	128	14	0	
14	Montreal and Swanton.....	67	–	7	Andrew Esinhart,	203	10	0	* This mail is carried to Swanton six times per week during the winter, and twice in summer. The mail is carried to St. Johns six times per week during the summer, or season of navigation on Lake Champlain.
15	Montreal and St. Johns, L. C.....	27	*	7	Andrew Esinhart,	139	10	0	
16	Montreal and Isle aux Noix.....	46	2	4	F. Lefevre,	117	0	0	
17	Lachine and Dundee.....	57	1	4	F. M. Lepailleur,	15	0	0	
18	Montreal and Fort Covington.....	66	3	4½	Messrs. Schuyler & Thatcher,	90	0	0	Superseded in Ap'l Commenced in April, superseding No. 17.
19	Philipsburg and Georgeville.....	52	1	–	Timothy Smith,	55	0	0	Bound to use all due diligence.
20	Three Rivers and Stanstead.....	129	2	5	Isaac Cutter,	300	0	0	
21	Three Rivers and Nicolet.....	12	1	4	Joseph F. Pinard,	1	10	0	Contract ceased in April.
22	William Henry and St. Charles.....	25	2	4	Louis Allard,	32	0	0	
23	William Henry and Three Rivers....	51	1	5	Louis Allard,	42	10	0	
24	William Henry and Berthier.....	5	7	–	Louis Latour,	40	0	0	
25	St. Matthias and St Marie de Mane.	9	2	3	Charles Mace,	9	0	0	Ferry.
26	St. Matthias and Chambly.....	5	4	–	Charles Mace,	12	10	0	
27	Sherbrooke and Eaton.....	18	1	4	Hollis Smith,	10	0	0	Ferry.
28	Lennoxville and Eaton.....	14	2	4	Hollis Smith,	12	10	0	Superseded in July From July, superseding No. 27.
29	St. Charles and St. Matthias.....	18	2	4	P. Menard.	26	0	0	
30	St. Charles and St. Hyacinthe.....	14	2	5	B. Brodeue,	20	0	0	
31	Yamaska and William Henry.....	12	1	4	B. M'Clure & John Loughry,	6	10	0	
32	Compton and Hereford.....	21	1	5	F. Louger,	20	0	0	
33	Stanstead and Derby.....	1	2	5	Peter Lynch,	6	10	0	
34	Stanstead and Barnston.....	14	1	4	A. Wheeler,	6	5	0	
35	Richmond and Dunnville.....	11	1	4	Leonard Thomas,	13	0	0	
36	Rawdon and L'Assomption.....	21	1	4	P. Rooney and R. M'Kunnan,	16	0	0	
37	St. Sulpice and L'Assomption.....	3	2	–	Charles Rivet,	4	0	0	
38	St. Roc Vachagan and L'Assomption.	12	1	4	Maxime Robinette,	7	16	0	
39	Grenville and Hawkesbury.....	2½	2	–	B. Leblond,	10	8	0	Ferry.
40	L'Orignal and Chatham.....	18	2	4	G. P. Huntington,	19	2	6	Commenced in July, superseding No. 39.
41	Bytown and March.....	15	1	4	George and Robert Lang,	13	0	0	Superseded in July by No. 43.
42	March and Fitzroy Harbor.....	15	1	–	Charles Symmes,	13	0	0	
43	Bytown and Fitzroy Harbor.....	30	1	–	Charles Symmes,	21	13	4	From July, rate of travel, both on this route and the next, uncertain, owing to badness of the roads.
					Carried forward,.....				

No.	NAME OF ROUTE.	Distance in miles	No. of Trips per week.	Average rate of travel or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £	s.	d.	REMARKS.
					Brought forward.....				
44	Fitzroy Harbor & Castleford.....	21	1 time per fortnight	–	C. J. Bell,	11	7	6	
45	Fitzroy Harbor & Carleton-Place....	30	1	3	Andrew Dickson,	11	5	0	This road is extremely difficult and bad.
46	Franktown & Carleton-Place.....	9	1	4	A. Hughtou,	6	12	0	
47	Bytown & Richmond.....	21	2	4½	G. & R. Lang,	36	8	0	Superseded in July by No. 48.
48	Bytown & Richmond.....	21	2	4½	M. Connell,	30	6	8	From July.
49	Perth & Richmond.....	32	2	–	W. Matheson,	70	0	0	Bound to use all possible diligence.
50	Landons & Merrickville.....	21	2	4	A. Champeau,	40	0	0	
51	Perth & Lanark.....	13	1	3	M. W. Stanley,	13	0	0	
52	Beverly & Unionville.....	15	2	4	C. Stafford,	30	0	0	
53	Laprairie & Manningville.....	45	1	4½	O. Huntingdon and H. Gentle,	40	0	0	
54	Laprairie & Hemmingford.....	30	1	4	William Robson,	28	0	0	
55	Laprairie & Champlain.....	34	2	4	H. Wilson,	54	19	1	
56	Prescott & Kemptville.....	26	1	3	James Shaw,	26	0	0	
57	Prescott & Ogdensburgh.....	2	6	–	Thomas Fraser,	12	10	0	A Ferry.
58	Cornwall and L'Orignal.....	56	1	4	H. Cryderman,	67	2	6	This road is very bad, and nearly impracticable as a post road in the spring and fall.
59	Brockville & Perth.....	42	2	4½	Hiram Norton,	120	0	0	
60	Kingston & Cape Vincent.....	13	3	–	Samuel Hinckley,	70	0	0	Partly a ferry, and consequently dependent on the weather.
61	Kingston & York.....	177	1	4½	William Weller,	67	18	10	An extra trip per week performed during the last quarter of '32.
62	Kingston & Camden East.....	31	2	4	L. Carscallen,	11	5	0	Contract commenced in October.
63	Bath & River Trent.....	52	2	–	J. Ingersoll and A. Hoskins,	147	0	0	Bound to use all due diligence.
64	Hallowell & Demorestville.....	10	1	3½	D. L. Demorest,	11	3	2	
65	Demorestville & Way's Mills.....	13	1	3½	Ditto,	3	5	0	Commenced in October.
66	Hallowell & Milford.....	8	1	4	P. Clapp,	2	5	0	
67	Port Hope & Peterboro'.....	36	1	3½	B. Bletcher,	37	10	0	Bound to use all due diligence.
68	Cobourg & Peterboro'.....	27	1	3½	J. W. Cleghorn,	18	15	0	
69	Belleville & Marmora.....	30	1	3½	A. Managhan,	15	0	0	
70	York & Stouffville.....	23	1	3½	Jacob Brooks,	22	10	0	
71	York & Niagara.....	107	6	5	J. Cook,	568	5	0	
72	York & Newmarket.....	31	2	4	William Garbutt,	40	0	0	
73	Newmarket & Lloydtown.....	13	1	3	John Watson,	13	0	0	
74	Newmarket & Holland Landing.....	4	2	4	George Playter,	9	15	0	
75	Newmarket & Georgina.....	23	1	3	John Kane,	25	0	0	
76	Penetanguishene & Holland Landing.	66	1	*	James Wheelan,	76	16	0	*The mail is carried on this route with all possible despatch, but the state of the road does not admit of a regular rate of travel.
77	Markham & Thornville.....	10	1	3	Jacob Brooks,	1	12	6	
78	Streetsville & Credit.....	4	2	4	J. Ransom.	9	15	0	
79	Credit & Albion.....	35	1	3	John Abram,	10	8	0	From October, superseding No. 78.
80	Nelson & Wellington Square.....	6	2	4	Augustus Bates.	6	5	0	
81	Dundas & Hamilton.....	4	1	4	James Kerr,	4	17	6	Ceased in July.
82	Hamilton & Guelph.....	39½	2	4	A. Cornell,	37	10	0	
83	Gnlt & Waterloo.....	14	1	4	J. C. Snider,	11	7	6	
84	Paris & Brantford.....	8	1	4	J. Munn and M. Patrick,	9	0	0	
85	Dundas & Guelph.....	35	2	5	S. Danel,	36	0	0	Commenced in July, 1832.
86	Hamilton & Brantford.....	25	6	5	E. Stephonson,	85	0	0	Ditto do.
87	Brantford & Sandwich.....	180	2	3	J. Jackson,	251	0	0	Ditto do. superseding No. 88.
88	Ancaster & Sandwich.....	198	2	3	Ditto,	286	0	0	Ceased in July '32
89	Brantford & Vittoria.....	30	2	4	Daniel Hazen,	24	7	6	
90	Vittoria & Walsingham.....	13	1	3½	J. Smith and E. Hazen,	6	7	10	
91	Simcoe & Vittoria.....	9	2	4½	Daniel Hazen,	9	15	0	
92	St. Thomas & Port Stanley.....	8	1	4	Garrett Smith,	6	10	0	
					Carried forward.....				

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £ s. d.	REMARKS.
					Brought forward.....		
93	Simcoe and St. Thomas.....	52	1	3½	R. Gilbert,	29 5 0	In conjunction with L. Winans, see No. 96.
94	St. Thomas and Port Talbot.....	10	1	5	D. S. Baldwin,	13 0 0	
95	Grimsby and Smithville.....	10	1	3	F. Waddel,	7 6 3	
96	Simcoe and St. Thomas.....	52	1	3½	L. Winans,	29 5 0	In conjunction with R. Gilbert, see No. 93.
97	St. Catharines and Dunnville.....	38	1	3½	J. F. Smith,	7 16 3	To April.
98	St. Catharines and Dunnville.....	38	1	3½	L. Cleveland,	23 8 9	From April,
99	St. Catharines and Port Dalhousie...	5	2	–	J. F. Smith,	10 0 0	Bound to use all possible diligence.
100	Niagara and Fort Erie.....	36	2	4½	Lewis Palmer,	76 0 0	
101	Niagara and Youngstown.....	1½	3	–	H. Heron and N. Nicholson,	10 0 0	Ferry.
102	Queenston and Lewiston.....	1½	5	–	Joseph Hynes,	18 7 2	Ferry.
103	Sandwich and Amherstburg.....	16	4	5	J. B. Passe,	52 0 0	
104	Port Talbot and Orford.....	24	1	4	D. S. Baldwin,	13 0 0	
105	Orford and Erirus.....	24	1	4	W. Desmond,	26 0 0	
106	Erirus and Gosfield.....	32	1	4	N. Chapman,	18 4 0	
107	Gosfield and Amherstburg.....	25	1	4	Joseph Wigle,	13 0 0	
108	Norwich and Burford.....	12	1	3	D. D. Willson,	10 8 0	
109	London and Port Talbot.....	27	2	3½	David Doty,	43 10 0	
110	Quebec and Murray Bay.....	90	1	–	F. Gauvreau,	62 10 0	With all possible dispatch.
111	Clarenceville and Henryville.....	7	1	4	B. Salls,	4 10 0	Commenced in Ap.
112	Port Burwell and Bayham.....	8	1	4	Thos. Hollowood,	4 17 6	Commenced in July
113	Trafalgar and Esquesing.....	13	1	3½	John M'Coll.	3 7 3½	From July, 1832.
	Paid for extra couriers & compensations during the year				1832.....	64 16 5	
					Total Currency.....	9643 14 0½	

GENERAL REMARK.

The Address from the House of Assembly, amongst other information connected with the mails, requires that the rate (*i. e.* the rate of progression as I understand it) at which the mails are conveyed, should be stated. I have endeavored as far as possible to comply with this requisition, by giving the average rate of progress of the respective mails, as bargained for between me and the contractors; but persons acquainted with the climate and roads of the Canadas must be aware of the impossibility of enforcing a strict compliance with the stipulations of a mail contract in this country (as regards the rate of travel) at all periods of the year. On many of the roads it is quite possible in dry weather to travel seven or eight miles an hour, whilst in a rainy season, or in the spring and fall of the year, the same road cannot by any exertion be travelled at a faster rate than three or four miles! In forming the contracts I endeavour to ascertain what rate of speed is necessary and attainable under ordinary circumstances, and I make my agreement accordingly, exercising my judgment in imposing fines upon the contractor when it can be proved that he or his people have not used proper efforts to get over their stages in time. I beg to observe, that as a check upon the couriers or mail-drivers, I take care that upon all important routes a "time or road bill" accompanies each mail. On these are noted by the different Postmasters the time occupied on each stage, with other remarks, and they form the grounds upon which I impose fines upon the contractors, or take other steps against them for neglect of duty.

GENERAL POST-OFFICE, QUEBEC.

T. A. STAYNER, *Deputy Postmaster-General.*

No. IX.—1833.

A RETURN shewing the Expense incurred in the Canadas for the conveyance of the Mails during the Year 1833, *the Name of each Mail-Contractor, the Amount received by him, and the Rate at which the Mails are conveyed.*

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £ s. d.	REMARKS.
1	Quebec and Woodstock.....	300	1	–	Messrs. Jones & Stripman,	560 0 0	The courier is 7 days performing this journey, travelling only by day-light. The route is extremely difficult, and at some periods of the year almost impassable.
2	Woodstock and Fredericton.....	60	1	–	W. Brown,	130 0 0	
					Carried forward.....	690 0 0	

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £	s.	d.	REMARKS.
					Brought forward.....				
3	Quebec and Montreal.....	180	5	5½	Cady and Hough,	325	0	0	To April.
4	Quebec and Montreal.....	180	5	5½	M. Gauvin,	848	5	0	From April, superseding No. 3.
5	Pasbobiac, B. Chaleur & Dalhousie, N.B	65	1	–	J. Johnston and A. Kerr,	101	5	0	
6	Quebec and Nicolet.....	101	1	5	Germain Serois,	99	0	0	
7	Quebec and La Brance.....	31	1	5	A. C. Taschereau,	35	0	0	
8	Quebec and Leeds.....	53	1	–	Thomas W. Leeds,	53	0	0	Bound to use all due diligence.
9	Quebec and Murray Bay.....	90	1	–	F. Gauvreau,	125	0	0	Ditto do.
10	St. Andre and Rimouski.....	90	1	4	J. B. Cordeau dit Delorier,	80	0	0	
11	Montreal and York.....	376	5	4	H. Dickenson and Co.	375	0	0	To April 1883.
12	Kingston and Montreal.....	199	6	4½	A. Bigelow & Co.	848	1	6	From April, superseding No. 11 in part.
13	Montreal and Terrebonne.....	21	2	5	M. Desjardins,	18	5	0	
14	Montreal and Stanstead.....	104	2	4	P. Hibbard,	175	0	0	
15	Montreal, & St. Ours & Wm. Henry.	57	1	5	J. Perrault,	44	0	0	
16	Montreal and Swanton.....	67	–	7	Andrew Esinhart,	196	0	0	* This mail is carried to Swanton six times per week during the winter, and twice in summer. The mail is carried to St. John's six times per week during the summer or season of navigation on L Champlain
17	Montreal and St. Johns.....	27	*	7	Ditto,	148	10	0	
18	Montreal and Isle Aux Noix.....	46	2	4	F. Lefevre,	117	0	0	
19	Montreal and Grenville.....	60	2	4½	Emery Cushing,	208	0	0	
20	Montreal and Fort Covington.....	66	3	4	Schuyler and Thatcher,	120	0	0	
21	Terrebonne and New Glasgow.....	15	1	4	Thomas Akins,	7	10	0	
22	Phillipsburgh and Georgeville.....	52	1	4	Timothy Smith,	55	0	0	
23	Three Rivers and Stanstead.....	129	2	5	Isaac Cutter,	300	0	0	
24	Wm. Henry and St. Charles.....	25	2	5	Benjamin Dusang,	32	0	0	
25	William Henry and Three Rivers....	51	1	5	Louis Allard,	46	5	0	
26	William Henry and Berthier.....	5	7	–	Louis Latour,	40	0	0	A ferry.
27	St. Charles and St. Mathias.....	17	2	4	P. Menard,	26	0	0	
28	St. Charles and St. Hyacinthe.....	14	2	5	B. Brodeur,	20	0	0	
29	St. Mathias and Chambly.....	5	4	–	C. Mace,	16	5	0	A ferry.
30	St. Mathias and St. Marie.....	9	2	4	Ditto,	9	10	0	
31	Yamaska and William Henry.....	12	1	4	J. B. Mailure,	6	7	6	
32	St. Sulpice and L'Assomption.....	3	2	–	Charles Rivet,	10	7	6	With all possible despatch.
33	L'Assomption and St. Roc.....	12	1	4	M. Robinet,	7	16	0	
34	L'Assomption and Rawdon.....	21	1	4	R. M'Keenan & W. Griffith,	16	0	0	
35	L'Assomption and Industry.....	17	1	4	J. B. Desmarais,	6	5	0	
36	Lennoxville and Eaton.....	14	2	4	Hollis Smith,	25	0	0	
37	Compton and Hereford.....	21	1	5	F. Longu,	15	0	0	Ceased in October.
38	Stanstead and Derby.....	1	2	–	P. Lynch & J. G. Benton,	6	10	0	
39	Stanstead and Barnston.....	14	1	4	M. T. Cushing,	12	10	0	
40	Richmond and Dunnville.....	11	1	4	Leonard Thomas,	13	0	0	
41	L'Orignal and Chatham.....	18	2	4½	John Crosby,	38	12	6	
42	Grenville and Bytown.....	63	2	4	Messrs. Brigham & Whitcomb	256	8	0	
43	Bytown and Fitzroy Harbor.....	30	1	–	Charles Symmes,	43	6	8	With all possible diligence.
44	Fitzroy Harbor and Castleford.....	18	1	–	C. J. Bell,	11	7	6	Ditto do.
45	Fitzroy Harbor and Carleton-Place..	30	1	3	Andrew Dickson.	15	0	0	
46	Carleton-Place and Franktown.....	9	2	3½	A. Hughton,	11	9	6	
47	Bytown and Richmond.....	21	2	4½	M. Connell,	60	13	4	
48	Perth and Richmond.....	32	2	3½	W. Matheson,	35	0	0	Contract ceased in July.
49	Perth and Richmond.....	32	2	3½	J. Ferguson,	19	19	4	Commenced in July, superseding No. 48.
50	Landons and Merrickville.....	21	2	4	A. Champeau,	40	0	0	
51	Perth and Lanark.....	13	1	3	M. W. Stanley,	13	0	0	
52	Beverly and Unionville.....	15	2	4	Cleveland Stafford,	30	0	0	
53	Laprairie and Manningville.....	45	1	4½	Hiram Gentle,	40	0	0	
54	Laprairie and Hemmingford.....	30	1	4	William Robson,	28	0	0	
55	Laprairie and Champlain.....	34	2	4	H. Wilson,	59	19	0	
56	Prescott and Kemptville.....	26	1	4	James Shaw,	26	0	0	
57	Prescott and Ogdensburg.....	1½	6	–	T. Fraser & J. B. Matthews,	11	10	0	A ferry.
58	Lancaster and Williamstown.....	6	2	3	Duncan M'Lennan,	7	0	5	
59	Cornwall and L'Orignal.....	56	1	4	H. Cryderman,	70	0	0	This road is bad, and the rate of travel, in consequence, by no means uniform.
					Carried forward.....				

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £	s.	d.	REMARKS.
					Brought forward.....				
60	Brockville and Perth.....	42	2	4½	John Crofts,	78	10	0	The same observation applies to this route.
61	Kingston and Cape Vincent.....	13	3	–	S. Hinckeley,	70	0	0	Partly a ferry, and, therefore, dependent on the weather.
62	Kingston and York.....	177	5	4½	H. Dickenson & Co.,	562	10	0	From April, 1833.
63	Kingston and York.....	177	1	4½	W. Weller,	200	0	0	An extra trip per week.
64	Kingston and Camden East.....	31	2	4	Luke Carscallan,	45	0	0	
65	Bath and River Trent.....	52	2	–	J. Ingersoll and A. Hoskins,	73	10	0	
66	Bath and Brighton.....	57	3	5	Isaac Ingersoll,	130	0	0	
67	Hallowell and Demorestville.....	10	2	4	D. L. Demorest,	17	6	8	
68	Demorestville and Way's Mills.....	13	1	4	D. L. Demorest,	13	5	0	
69	Hallowell and Milford.....	8	1	4	Philip Clapp,	9	0	0	
70	Cobourg and Peterboro'.....	27	1	3	J. W. Cleghorn,	25	0	0	
71	Port Hope and Peterboro'.....	36	1	3½	B. Bletcher,	50	0	0	
72	Belleville and Marmora.....	30	1	3½	Laughlin Hughes,	30	0	0	
73	York and Stouffeville.....	26	1	3½	Jacob Brooks,	30	0	0	
74	York and Niagara.....	107	6	5	Jacob Cook,	581	5	0	
75	York and Newmarket.....	31	2	4	William Garbutt,	10	0	0	Superseded in Ap'l by No. 76.
76	York and Holland Landing.....	34	2	4½	William Weller,	60	0	0	From April.
77	Newmarket and Lloydtown.....	13	1	4	Wm. Coulter & John Watson,	13	2	6	Ceased in July.
78	Newmarket and Holland Landing...	4	2	4	George Playter,	4	17	6	
79	Newmarket and Georgina.....	23	1	3	John Kane,	25	0	0	
80	Penetanguishene & Holland Landing.	66	1	–	Jas. Wheelan and F. Delome,	66	17	3	Bound to use all the despatch the road will permit.
81	Credit and Albion.....	35	1	3	John Abrams,	42	16	4½	
82	Nelson and Wellington Square.....	6	2	4	William Bates,	6	5	0	
83	Trafalgar and Esquesing.....	13	1	3½	John M'Coll,	13	0	0	
84	Galt and Waterloo.....	14	1	4	J. C. Snider,	11	7	6	
85	Paris and Brantford.....	6	1	4	John Rickert,	9	0	0	
86	Dundas and Guelph.....	35	2	4	Wm. M'Ewen,	72	0	0	
87	Hamilton and Brantford.....	27	7	5	Edward Stephenson,	195	12	6	
88	Brantford and Sandwich.....	180	2	3	Jed. Jackson,	120	10	0	Superseded in Ap'l by Nos. 89, 90, and 91.
89	Brantford and London.....	60	2	4	Jed. Jackson,	234	0	0	
90	London and Howard's Bridge.....	60	2	4	Alvaro Ladd,	192	10	0	
91	Howard's Bridge and Amherstburg..	80	2	4	Thomas M'Crea,	243	15	0	
92	Brantford and Vittoria.....	30	2	4½	Daniel Hazen,	24	7	6	
93	Vittoria and Walsingham.....	13	1	3½	Elijah Hazen,	6	5	3	
94	Simcoe and Vittoria.....	9	2	4½	Daniel Hazen.	9	15	0	
95	St. Thomas and Port Stanley.....	8	1	4	James Tomlinson,	13	0	0	
96	Simcoe and St. Thomas.....	52	1	4	Lewis Winans,	65	0	0	
97	St. Thomas and Port Talbot.....	10	1	5	D. S. Baldwin,	13	0	0	
98	Grimsby and Smithsville.....	10	1	3	Francis Waddle,	9	15	0	
99	St. Catharines and Dunnville.....	38	1	3	S. Cleveland,	31	5	0	
100	St. Catharines and Port Dalhousie...	5	2	–	J. F. Smith,	10	0	0	Mail to be carried with all possible despatch.
101	Ningara and Fort Erie.....	36	2	4½	Lewis Palmer,	19	10	0	Superseded in Ap'l by No. 111.
102	Niagara and Youngstown.....	2	3	–	N. Nicholson and A. Heron,	10	0	0	A ferry.
103	Queenston and Lewiston.....	1½	6	–	Joseph Hynes,	18	15	0	A ferry.
104	Sandwich and Amherstburg.....	16	4	5	J. P. Passe	13	0	0	Ceased in April,—superseded by No. 91
105	Port Talbot and Orford.....	24	1	4	D. S. Baldwin,	13	0	0	
106	Orford and Erieus.....	24	1	4	Wm. Desmond,	26	0	0	
107	Erieus and Gosfield.....	32	1	4	Henry Toll,	26	0	0	
108	Gosfield and Amherstburg.....	25	1	4	Joseph Wigle,	13	0	0	
109	Norwich and Burford.....	12	1	3	D. D. Wilson,	10	16	8	
110	London and Port Talbot.....	27	2	3	David Doty,	48	7	6	
111	Queenston and Fort Erie.....	26	3	5	Job Chubbuch,	84	17	9	
112	Clarenceville and Henryville.....	7	1	4	G. W. Johnson,	6	0	0	
113	Port Burwell and Bayham.....	8	1	4	Thomas Hollowood,	9	15	0	
114	Portland and Beverley.....	10	1	4	D. Campbell,	3	0	0	
115	Adelaide and Delaware.....	18	1	4	J. W. Neilson,	13	0	0	
	Paid for extra couriers & compensations during the year				1833.....	67	6	9½	
						9895	15	11	

For General Remarks, see Statement for the year 1832.

GENERAL POST-OFFICE, QUEBEC.

T. A. STAYNER,
Deputy Postmaster-General.

No. X.—1834.

A RETURN shewing the Expense incurred in the Canadas for the conveyance of the Mails during the Year 1834, *the Name of each Mail-contractor, the Amount received by him, and the Rates at which the Mails are conveyed.*

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £	s.	d.	REMARKS.
1	Quebec and Woodstock	300	1	–	Thomas Jones,	560	0	0	The Courier is seven days performing this journey, travelling only by daylight. When the roads are bad the rate of travel is not more than 4½ per hour.
2	Woodstock and Fredericton	60	1	–	W. Brown,	130	0	0	
3	Quebec and Montreal	180	5	5½	Michel Gauvin,	1131	0	0	Bound to use all due diligence.
4	Pashebiac, Bay Chaleur & Dalhousie, N. B.	65	1	–	A. Kerr,	104	5	0	
5	Quebec and Nicolet	101	1	5	Germain Sirois,	99	0	0	
6	Quebec and La Brance	31	1	5	A. C. Taschereau,	29	3	4	To 6th Nov.
7	Quebec & Hilton's, State of Maine	99	1	–	Ditto,	25	0	0	From 6th November, 1834. With all the despatch the roads will admit.
8	Quebec and Leeds	53	1	–	T. W. Lloyd & John Meyer,	53	0	0	Bound to use all due diligence.
9	Quebec and Murray Bay	90	1	–	Felix Gauvreau	125	0	0	Ditto do.
10	St Andre and Rimouski	90	1		J. B. Cordeau,	60	0	0	Ceased in October, superseded by No. 107.
11	Montreal and Kingston	199	6	4½	A. Bigelow & Co.	1195	0	0	The time occupied on this route varies considerably, the roads becoming exceedingly bad in wet weather.
12	Montreal and Terrebonne	21	2	5	M. Desjardins,	21	0	0	
13	Montreal and Stanstead	104	2	4	P. V. Hibbard,	175	0	0	
14	Montreal, St. Ours, and Wm. Henry.	57	1	5	J. Perrault,	44	0	0	
15	Montreal and Highgate	67	–	7	A. Esinhart,	189	10	0	
16	Montreal and St. Johns	27	*	7	Ditto,	157	10	0	* This mail is carried to Highgate 6 times per week during winter and twice in summer. The mail is carried to St. Johns six times per week during the summer season, or season of navigation on Lake Champlain.
17	Montreal and Grenville	60	2	4½	Emery Cushing,	200	0	0	
18	Montreal and Isle aux Noix	46	2	–	F. Lefevre,	117	0	0	The contractor is bound to use all possible diligence.
19	Montreal and Fort Covington	66	3	4	Schuyler & Thatcher,	90	0	0	
20	Terrebonne and New Glasgow	15	1	4	Thomas Akin	10	0	0	
21	Philipsburg and Georgeville	52	1	4	J. Brill,	55	18	9	
22	Three Rivers and Stanstead	129	2	5	Isaac Cutter,	300	0	0	
23	William Henry and St. Charles	25	2	5	Benjamin Dusang,	16	0	0	
24	William Henry and Three Rivers	51	1	5	Louis Allard,	46	10	0	
25	William Henry and Berthier	5	7	–	Louis Latour,	40	0	0	
26	St Charles and St. Mathias	17	2	4	P. Menard,	13	0	0	
27	St. Charles and St. Hyacinthe	14	2	5	B. Brodeur,	20	0	0	
28	St. Mathias and Chambly	5	4	–	Charles Maco,	20	0	0	A ferry.
29	St. Mathias and St. Marie	9	2	4	Ditto,	10	0	0	
30	Yamaska and William Henry	12	2	4	J. B. M'Lure,	6	0	0	
31	St. Sulpice and L'Assomption	3	2	–	Charles Rivet,	12	10	0	Bound to use all possible diligence.
32	L'Assomption and St. Roc	12	1	4	Maxime Robinette,	7	16	0	
33	L'Assomption and Rawdon	21	1	4	Thomas Griffiths,	16	0	0	
34	L'Assomption and Industry	17	1	4	J. B. Desmarais,	12	10	0	
35	Lennoxville and Eaton	14	2	4	Hollis Smith,	25	0	0	
					Carried forward				

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £	s.	d.	REMARKS.
					Brought forward.....				
36	Stanstead and Barnston.....	14	1	4	M. T. Cushing,	12	10	0	
37	Stanstead and Derby Line.....	1	2	–	J. B. Benton,	6	10	0	
38	Richmond and Dunnville.....	11	1	4	Leonard Thomas,	13	0	0	
39	William Henry and St. Mathias....	42	2	5	William Jones,	32	10	0	From July, superseding Nos. 23 and 26.
40	L'Orignal and Chatham.....	18	2	4½	John Crosby,	39	0	0	
41	Grenville and Bytown.....	63	2	4	Messrs. Brigham & Whitcomb	257	8	0	
42	Bytown and Fitzroy Harbor.....	30	1	–	Charles Symmes,	43	6	8	
43	Fitzroy Harbor & Castleford.....	18	1 once per fortnight.	–	C. J. Bell,	11	7	6	
44	Fitzroy Harbor & Carleton-Place....	30	1	3	A. Dickson and J. M'Carthy,	20	5	0	This road is very difficult and bad; the rate of travel is, therefore, slow and uncertain.
45	Carleton-Place & Franktown.....	9	2	3	A. Hughtou,	11	9	6	
46	Bytown & Richmond.....	21	2	4½	M. Connell,	60	13	4	
47	Perth & Richmond.....	32	2	3½	J. Ferguson,	39	19	0	
48	Landons & Merrickville.....	21	2	5	Charles Bissonette,	40	0	0	
49	Perth & Lanark.....	13	1	3	M. W. Stanley,	13	0	0	
50	Beverly & Unionville.....	15	2	4	C. Stafford,	30	0	0	
51	Portland and Beverly.....	10	1	4	Duncan Campbell,	12	0	0	
52	Laprairie & Manningville.....	45	1	4½	Hiram Gentle,	40	0	0	
53	Laprairie & Hemmingford.....	30	1	4	William Robson,	28	0	0	
54	Laprairie & Champlain.....	34	2	4	W. Wilson,	59	19	0	
55	Prescott & Kemptville.....	26	1	4	James Shaw,	26	0	0	
56	Prescott & Ogdensburgh.....	1½	6	–	H. Plumb,	10	0	0	
57	Lancaster and Williamstown.....	6	2	3	D. M'Lennan,	9	17	6	A ferry.
58	Cornwall and L'Orignal.....	56	1	4	H. Cryderman,	70	0	0	This road is bad, and the rate of travel by no means uniform in consequence.
59	Brockville & Perth.....	42	2	4½	John Crofts,	80	0	0	Ditto ditto.
60	Kingston & Cape Vincent.....	13	3	–	Samuel Hinckley,	70	0	0	Partly a ferry, and, therefore, dependent on the weather.
61	Kingston & Toronto City.....	177	6	4	William Weller,	1490	0	0	
62	Kingston & Camden East.....	31	2	4	L. Carscallen,	45	0	0	
63	Bath & Brighton.....	57	3	5	Isaac Ingersoll,	260	0	0	
64	Hallowell & Demorestville.....	10	2	4	D. L. Demorest,	17	6	8	
65	Demorestville & Way's Mills.....	13	1	4	Ditto,	13	0	0	
66	Hallowell & Milford.....	8	1	4	P. Clapp,	9	0	0	
67	Cobourg & Peterboro'.....	27	1	3	J. W. Cleghorn,	25	0	0	
68	Port Hope & Peterboro'.....	36	1	3½	B. Bletcher,	50	0	0	
69	Belleville & Marmora.....	30	1	3½	L. Hughes,	30	0	0	
70	Toronto City & Stouffville.....	28	1	3½	Jacob Brooks,	30	0	0	
71	Toronto City & Niagara.....	107	6	5	Jacob Cook,	589	0	0	
72	Toronto City & Holland Landing....	34	2	4½	W. Weller,	80	0	0	
73	Newmarket & Lloydtown.....	13	1	4	Hollis Smith,	15	0	0	
74	Newmarket & Georgina.....	23	1	3	John Brown,	30	0	0	
75	Penetanguish[illegible]e & Holland Landing.	66	1	–	Francis Desome,	64	7	0	Bound to use all possible diligence.
76	Credit & Albion.....	35	1	3	J. Abrams and J. Lewis,	43	4	6	
77	Nelson & Wellington Square.....	6	2	4	Augustus Bates,	6	5	0	
78	Trafalgar and Esquesing.....	13	1	3½	John M'Coll,	12	10	0	
79	Galt & Waterloo.....	14	1	4	J. C. Snider,	11	7	6	
80	Paris & Brantford.....	8	1	4	John Richerts,	12	0	0	
81	Dundas & Guelph.....	35	2	4	Wm. M'Ewen,	36	0	0	
82	Hamilton & Brantford.....	25	7	5	E. Stephenson,	212	10	0	
83	Brantford & London.....	60	2	4	J. Jackson,	234	0	0	
84	London and Howard's Bridge.....	60	2	4	Alvaro Ladd,	260	0	0	
85	Howard's Bridge and Amherstburg..	80	2	4	Thomas M'Crea,	325	0	0	
86	Brantford & Vittoria.....	30	2	5	George Babcock,	93	9	0	
87	Vittoria & Walsingham.....	13	1	3½	E. Hazen,	6	5	8	
88	St. Thomas & Port Stanley.....	8	1	4	J. Tomlinson and E. Burch,	13	0	0	
89	Simcoe and St. Thomas.....	52	1	4	L. Winans,	65	0	0	
90	St. Thomas and Port Talbot.....	10	1	5	D. S. Baldwin,	13	0	0	
91	Grimsby and Smithville.....	10	1	3	George Hardgraft,	9	15	0	
92	St. Catharines and Dunnville.....	38	1	3	S. Cleveland,	15	12	6	Contract ceased in July—see No. 109.
93	St. Catharines and Port Dalhousie..	5	2	–	J. F. Smith,	10	0	0	Bound to use all due diligence.
94	Queenston and Fort Erie.....	26	6	5	Job Chubbuck,	124	17	0	
95	Niagara and Youngstown.....	1½	3	–	A. Heron,	10	0	0	A ferry.
96	Queenston and Lewiston.....	1½	6	–	Joseph Hynes,	18	15	0	A ferry.
					Carried forward.....				

No.	NAME OF ROUTE.	Distance in miles	No. of trips per week.	Average rate of travel, or No. of miles per hour.	NAME OF CONTRACTOR.	Amount paid. £ s. d.	REMARKS.
					Brought forward.....		
98	Port Talbot and Orford.....	24	1	4	D. S. Baldwin,	13 0 0	
99	Orford and Erieus.....	24	1	4	W. Desmond,	26 0 0	
100	Erieus and Gosfield.....	32	1	4	Henry Toll,	26 0 0	
101	Gosfield and Amhersburg.....	25	1	4	Joseph Wigle,	13 0 0	
102	Norwich and Burford.....	12	1	3	J. H. Willson,	12 0 0	
103	London and Port Talbot.....	27	2	4	David Doty,	50 0 0	
104	Clarenceville and Henryville.....	7	1	4	G. W. Johnson,	6 0 0	
105	Port Burwell and Buyham.....	8	1	4	Thomas Hollowood,	9 15 0	
106	Adelaide and Delaware.....	18	1	4	J. W. Neillson,	26 0 0	
107	St. Andre and Rimonski.....	90	1	4	Thomas Jones,	20 0 0	From October—see No. 10.
108	Dundas and Guelph.....	35	2	4	J. Cook,	37 10 0	Superseded No. 81 in July.
109	St. Catharines and Dunnville.....	38	1	3	Robert Evans,	18 15 0	Superseded No. 93 in July.
	Paid for extra couriers and compensations during the year 1834.....					119 18 7	
	Paid to the Estate of James Howie, for the conveyance of the Mail between Carlton, Pasbebiac, Bay Chaleur, and Dalhousie, N. B., for the period commencing 1st January, 1831, and ending 5th January, 1833.....					191 14 0	
	Paid to the Proprietors of the Steamboats on Lake Champlain, for the conveyance of the Mails on the Canadian Waters between St. Johns, L. C., and Lake Champlain during the seasons of navigation in the years 1831, 1832, 1833, and 1834.....					200 0 0	
	Total Currency.....					11203 6 0	

For General Remarks on the Conveyance of the Mails, Rate of Progression, &c., see the Statement for the year 1832.

T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE, QUEBEC.

No. XI.

STATEMENT of the Contingent Expenses incurred in the Canadas during the Years 1832, 1833 *and* 1834, *including every incidental Disbursement, except that for conveying the Mails, which is given in a separate and detailed Return. See Returns Nos.* 8, 9 *and* 10.

PARTICULARS OF DISBURSEMENTS.	AMOUNT CURRENCY. 1832. £ s. d.	1833. £ s. d.	1834. £ s. d.
A. The Printing work and Advertising.....	513 5 9½	318 19 9	610 2 9
B. Law charges, Travelling expenses, mail bags, and portmanteaux, office rent, carrying out letters, fuel and candles, mail locks, seals and stamps, scales and weights for weighing packets, maps and various other objects.....	427 13 1	568 0 3½	1264 4 5½
	940 18 10½	887 0 0½	1874 7 2½

A. The amount of printing work varies considerably for the different years, this arises from my being obliged to order a new supply of accounts and other official blanks, for which the charge may be made one year, although the supply may be sufficient for two years or more.

B. The expense of each individual item classed under the head of "incidental disbursements" can only be effectually got at by such a minute and laborious analysis of the accounts as does not appear to be called for by the requisition of the House of Assembly; the chief items of charge therefore, such as "the expense of conveying the mails," and or "Printing work," are given under distinct heads in this and other Returns, and all the other items are classed together.

THOMAS A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE, QUEBEC.

No. XII.

RETURN of the Gross Amount of Letter Postage received at each Office in Upper Canada during each of the years 1832, 1833, *and* 1834; *and shewing in what manner the proceeds have been applied.*

OFFICES.	1832.	1833.	1834.
	£ s. d.	£ s. d.	£ s. d.
Adelaide	0 0 0	19 5 10	73 4 10
Adolphustown	25 11 3	28 19 0	29 17 0
Albion	3 14 0	13 17 5	23 2 11
Alexandria	11 6 5	9 16 8	15 8 7
Amherstburg	463 13 11	492 16 8	452 18 1
Ancaster	87 7 6	99 4 3	115 3 8
Aldboro'	21 19 11	13 5 1	15 16 0
Bath	86 6 8	99 18 11	103 1 2
Bayham	13 7 10	15 16 9	23 3 4
Belleville	308 3 4	362 16 7	382 14 11
Beverley	69 6 4	58 2 7	49 13 8
Brantford	172 12 9	238 9 7	301 16 9
Brighton	21 1 0	17 16 3	30 10 0
Brockville	419 10 5	487 13 1	506 0 0
Burford	51 13 7	28 8 6	85 0 2
Bytown	459 1 10	442 10 0	395 9 6
Beamsville	4 17 11	25 6 4	38 12 5
Carleton-Place	45 7 3	58 0 9	70 1 5
Castleford	22 18 4	27 5 3	23 10 8
Cavan	51 12 6	54 8 9	43 17 1
Camden East	1 11 1	13 17 1	20 6 3
Chinguacousy	4 10 3	27 16 0	22 13 10
Chippawa	106 6 9	106 14 8	128 0 6
Cobourg	323 2 7	416 3 7	502 12 9
Colborne	108 1 9	108 19 7	99 3 8
Colchester	5 15 11	6 14 5	8 1 8
Cornwall	227 18 10	245 1 1	290 0 6
Credit	30 9 11	43 7 11	41 11 6
Darlington	52 16 6	67 5 7	74 1 7
Delaware	48 12 2	112 7 3	76 13 1
Demorestville	31 9 8	39 18 9	41 15 11
Drummondville	47 12 3	108 2 7	127 17 8
Dundas	175 5 4	244 18 5	265 1 1
Dunnville	26 18 9	36 5 9	54 11 3
Erieus	6 5 2	11 13 0	9 11 7
Esquesing	9 5 3	37 9 9	30 12 9
Etobicoke	12 3 6	14 19 9	17 19 10
Fitzroy Harbour	18 12 5	22 4 10	26 6 10
Fort Erie	48 7 8	51 0 4	54 8 5
Frankstown	4 12 6	12 19 6	13 4 8
Fredericksburg	22 15 2	22 5 2	24 1 5
Galt	90 17 4	151 14 3	228 15 11
Gananoque	40 15 1	51 7 10	44 11 8
Georgina	25 17 10	34 9 6	24 9 3
Gosfield	16 14 1	24 8 5	28 9 9
Grimsby	57 3 6	60 17 3	57 2 3
Guelph	124 11 1	189 3 5	206 9 5
Haldimand	31 13 1	37 12 6	44 10 11
Halloweil	167 11 1	186 4 8	195 2 6
Hamilton	323 1 1	437 11 3	582 15 7
Hawkesbury	56 11 0	65 2 6	61 13 0
Hillier	26 16 0	30 2 4	28 5 1
Holland Landing	50 11 11	77 16 8	106 14 9
Howard	17 0 10	24 4 9	29 13 4
Kemptville	39 12 0	48 11 1	48 8 8
Kilmarnock	9 7 10	10 1 0	9 15 1
Kingston	1304 10 11	1423 9 11	1313 14 7
Kitley	22 16 6	24 7 0	25 0 10
Lanark	48 4 10	42 12 5	36 18 8
Lancaster	100 3 1	64 17 6	40 18 9
Lloydtown	16 8 0	18 6 8	19 10 7
Lochiel	16 18 8	23 13 9	19 9 2
London	182 13 11	225 5 5	336 19 6
L'Orignal	53 11 10	58 15 0	75 2 8
March	32 14 1	36 3 9	28 2 4
Markham	40 17 10	52 4 1	51 6 3
Marmora	6 4 2	6 15 6	4 19 11
Martintown	22 19 0	28 17 1	26 9 2
Matilda	40 18 2	38 4 2	41 12 9
Merrickville	44 3 2	44 10 1	46 5 7
Middleton	3 12 6	4 10 2	6 17 10
Carried forward	8478 5 2	7896 3 2	6676 0 2

OFFICES.	1832.	1833.	1834.
	£ s. d.	£ s. d.	£ s. d.
Brought forward	8478 5 2	7896 3 2	6676 0 2
Milford	2 16 4	11 18 4	5 0 3
Mosa	6 11 10	8 4 4	14 17 10
Murray	46 3 0	47 12 8	51 2 3
Napanee	70 1 1	80 17 11	87 13 11
Nelson	77 1 2	91 16 6	107 11 9
Newmarket	111 7 1	118 2 7	107 2 5
Niagara	312 15 10	360 14 5	330 5 2
Norwich	28 17 5	37 16 7	42 18 8
Orford	6 13 7	5 15 2	9 10 6
Oxford	74 7 5	112 0 9	173 15 0
Osnabruck	43 3 9	41 0 10	70 9 7
Otonabee	11 16 4	26 2 1	28 16 10
Pakenham	16 6 11	25 14 3	25 4 1
Paris	37 14 9	37 10 8	36 7 4
Penetanguishene	229 18 4	292 19 3	276 1 5
Perth	341 13 5	333 16 10	251 5 9
Peterboro'	72 0 0	176 5 5	265 1 4
Pickering	43 7 2	59 0 10	69 17 0
Port Burwell	27 13 4	24 13 9	32 4 8
Port Dalhousie	4 6 5	3 19 4	4 15 8
Port Dover	15 12 6	32 3 6	36 6 7
Port Hope	238 17 0	266 17 6	258 19 4
Port Stanley	21 3 3	26 19 4	34 4 0
Port Talbot	23 17 7	25 3 11	23 5 3
Portland	0 0 0	1 10 7	6 1 6
Prescott	340 14 1	338 13 10	314 14 11
Queenston	60 14 7	89 4 9	72 1 6
Raleigh	49 1 11	30 13 0	160 13 5
Rawdon	0 0 0	5 12 0	13 18 5
Richmond	48 19 4	60 19 0	53 13 2
River Trent	60 7 6	52 9 1	109 11 3
Romney	2 18 10	4 8 9	3 16 8
St. Andrews	21 0 5	19 1 8	15 8 5
St. Catharines	257 15 9	263 15 7	265 18 11
St. Johns	11 6 3	17 12 2	18 5 3
St. Raphaels	10 16 6	7 5 3	9 9 6
St. Thomas	114 14 3	178 8 3	224 5 3
Sandwich	78 0 3	85 19 0	115 18 6
Scarboro'	17 10 0	25 19 8	23 6 0
Shannonville	0 0 0	9 0 7	21 13 9
Simcoe	37 11 7	67 4 7	75 8 7
Smith's Falls	54 4 5	57 5 1	63 12 5
Smithville	17 18 2	20 12 6	19 3 5
Stanley's Mills	2 2 9	12 17 6	16 3 6
Stoney Creek	19 1 9	23 7 8	29 11 6
Stoufferville	10 13 2	16 17 7	9 15 4
Streetsville	60 8 9	56 6 11	64 2 1
Thornhill	69 19 5	89 1 0	83 5 2
Thorold	26 3 2	30 10 6	37 15 11
Toronto	56 0 9	45 3 9	44 18 4
Trafalgar	64 2 2	54 7 8	58 17 7
Vaucleek Hill	13 17 3	15 5 4	16 15 10
Vittoria	70 4 1	75 8 2	77 13 0
Unionville	13 3 10	5 0 11	0 0 0
Vainfleet	22 3 0	12 11 8	9 16 10
Valsingham	9 6 9	8 0 1	15 16 9
Waterford	22 3 7	20 10 1	18 0 3
Waterloo	37 3 8	44 5 6	44 13 10
Way's Mills	1 2 0	5 4 6	6 19 0
Wellington	35 18 1	43 19 3	38 11 1
Wellington Square	15 7 10	18 5 1	32 4 6
West Williamsburg	21 11 8	46 1 0	61 9 10
Whitby	93 9 11	126 2 8	150 16 5
Williamstown	0 0 0	40 0 4	44 18 6
Wilton	0 19 11	6 2 4	12 4 4
Williamsburg	27 12 11	11 19 5	0 0 0
Yarmouth	18 1 3	16 17 10	17 0 2
Yonge	0 0 0	14 4 3	14 6 11
York, now Toronto			
City	3573 13 3	4192 6 10	4365 15 8
Total currency	14,008 10 5	16,509 13 6	17,679 14 11

The Letter Postage includes the British and Sea Postage, as well as the internal rates in the Province.

The nett proceeds have been remitted to the General Post-Office, London.

T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE, QUEBEC.

No. XIII.

A RETURN of the Gross Amount of Leter Postage received at each Office in Lower Canada during each of the Years 1832, 1833, *and* 1834; *and shewing in what manner the Proceeds have been applied.*

OFFICES.	1832.			1833.			1834.		
	£	s.	d.	£	s.	d.	£	s.	d.
Abbottsford	11	13	10	12	3	0	16	12	9
Aylmer	36	12	8	18	6	4	24	15	3
Babyville	11	8	0	11	13	4	10	8	7
Barnston	2	15	6	6	5	0	7	19	10
Beauharnois	17	12	2	23	17	8	22	4	5
Becancour	4	3	7	3	18	7	5	19	10
Bedford	56	0	4	51	1	0	42	11	5
Berthier	129	17	2	124	6	8	124	11	0
Berthier en Bas	3	14	4	2	12	11	3	15	7
Bolton	4	2	9	5	8	11	2	19	10
Boucherville	6	13	2	7	0	6	7	14	5
Brome	6	17	7	11	8	4	13	6	0
Brompton	3	17	8	3	18	7	6	15	10
Buckingham	17	17	3	35	3	5	38	9	5
Cap Sante	13	18	0	7	18	8	12	16	6
Carleton, B. Chaleur	0	0	0	74	1	5	79	9	5
Cascades	12	15	11	26	12	3	33	16	3
Chambly	94	16	2	74	11	5	121	3	8
Chateauguay	13	9	1	15	2	11	17	13	2
Chatham	76	9	2	66	18	6	69	12	11
Churchville	8	14	8	9	10	2	14	7	9
Chateau Richer	1	13	1	1	11	7	2	1	7
Clarenceville	3	8	3	7	10	11	7	16	4
Cocona	7	18	7	6	8	9	8	12	7
Compton	21	4	1	26	14	8	31	2	4
Coteau du Lac	48	11	11	56	5	1	67	13	3
Danville	18	14	9	15	17	2	15	15	5
DeWittville	2	17	7	5	19	2	13	0	11
Drummondville	36	3	0	33	19	2	26	9	8
Dundee	13	11	3	17	17	4	13	8	2
Dunham	13	10	9	10	2	8	18	12	2
Eaton	14	8	5	21	12	11	18	13	5
Freligsburgh	20	18	10	18	14	1	19	10	9
Gentilly	9	6	2	7	13	4	10	12	1
Georgeville	13	15	10	12	10	9	15	2	0
Granby	10	9	6	18	1	3	22	2	1
Grenville	78	11	8	78	3	11	45	14	11
Hatly	24	5	1	22	13	4	23	16	8
Henryville	21	17	2	20	7	0	21	16	10
Hemmingford	14	2	2	17	6	10	17	15	3
Hereford	1	7	6	0	13	5	0	0	0
Hull	0	0	0	30	14	3	44	12	0
Huntingdon	56	17	3	60	5	8	58	1	6
Industry	0	0	0	3	1	8	6	8	5
Isle aux Noix	74	12	9	58	14	8	50	2	6
Isle Verte	9	4	11	10	11	11	12	8	7
Kamouraska	31	8	8	32	11	4	28	15	2
La Baie	12	17	0	13	18	6	17	12	4
La Brance	16	15	11	11	4	9	17	5	6
Lachine	55	14	11	65	17	2	58	19	5
Lacole	17	0	11	17	9	11	22	11	1
Laprairie	53	7	0	53	5	9	62	2	3
L'Assomption	39	1	8	37	8	6	36	15	2
Leeds	0	0	0	47	16	2	39	10	1
Lennoxville	23	9	5	20	11	2	43	11	2
Les Eboulmens	5	3	5	7	9	8	7	19	10
L'Islet	0	0	0	2	10	5	7	0	6
Lochaber	0	0	0	9	0	6	8	4	6
Carried forward	1304	18	4	1475	5	1	1597	12	5

OFFICES.	1832.			1833.			1834.		
	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	1504	13	4	1475	5	1	1597	12	5
Lotbiniere	16	10	0	10	0	2	15	11	6
Manningville	2	11	8	2	15	8	3	4	4
Montreal	4185	19	3	4167	2	7	4054	13	0
Murray Bay	11	14	7	7	9	6	30	19	0
Napierville	11	3	0	16	2	5	18	16	7
New Glasgow	0	0	0	15	0	11	10	3	4
Nicolet	37	7	9	29	6	11	32	3	6
North Georgetown	28	10	7	34	19	7	29	7	0
Norton Creek	9	10	0	10	6	8	9	14	10
Petite Nation	30	4	10	29	9	8	34	1	2
Phillipsburg	25	4	11	25	3	5	26	10	4
Port Neuf	13	0	4	14	3	9	12	11	7
Polton	1	16	10	3	10	4	4	17	10
Quebec	6784	8	8	6288	18	1	6035	8	10
Rawdon	17	19	6	16	16	10	20	8	6
Richmond	65	4	8	76	17	5	73	9	4
Rimouski	36	19	1	51	16	1	51	11	9
Riviere du Loup	76	2	7	65	17	7	61	13	10
River du Loup en Bas	16	8	7	20	5	0	27	0	9
Riviere Ouelle	16	7	1	9	11	5	15	2	11
Russell Town	5	14	8	6	9	3	9	13	9
St. Andre	2	7	4	4	0	0	6	2	5
St. Andrews	83	19	11	90	10	9	96	4	10
St. Ann de la Perade	36	9	8	39	15	8	33	14	5
St. Ann de la Pocatiere	6	3	10	6	15	7	10	5	6
St. Antoine	2	15	3	2	3	0	2	2	2
St. Cesaire	10	0	1	10	9	2	15	2	11
St. Charles	43	13	9	46	16	6	46	17	9
St. Croix	3	18	7	3	9	9	4	11	8
St. Denis	33	4	6	30	10	3	33	16	8
St. Eustache	35	1	7	22	4	2	24	9	1
St. Francis	9	19	5	6	9	5	11	1	11
St. George	5	14	8	6	4	4	9	9	5
St. Hilaire	9	10	2	8	14	11	8	1	6
St. Giles	0	0	0	9	17	5	15	5	7
St. Gregorie	0	10	7	4	10	9	2	17	13
St. Jean Port Joli	8	15	0	10	17	8	10	13	11
St. Johns	86	8	2	81	18	11	89	18	8
St. Maria de Meriour	9	4	3	8	16	10	5	10	4
St. Martine	0	0	0	1	14	4	8	2	8
St. Mathias	13	16	2	15	9	3	17	18	5
St. Nicholas	7	3	10	5	16	1	7	6	7
St. Ours	16	2	7	14	9	3	26	11	11
St. Paul's Bay	7	6	9	7	7	3	12	15	2
St. Pierre les Becquets	7	16	4	9	15	5	8	9	8
St. Remi	3	14	2	0	0	0	0	0	0
St. Roc des Annais	5	12	4	10	12	10	7	3	0
St. Roc L'Ackigan	5	7	2	6	5	9	6	15	9
St. Thomas	5	12	8	7	2	7	6	18	10
Shefford	25	17	1	42	15	3	37	10	11
Sherbrooke	71	8	11	82	6	5	75	11	1
Stanstead	45	15	8	9	17	0	40	8	3
Stukely	0	11	7	3	5	10	5	14	11
Carried forward	13300	18	7	12989	10	4	12863	6	1

OFFICES.	1832.			1833.			1834.		
	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	13,300	18	7	12,989	10	4	12,863	6	1
Terrebonne	38	15	6	29	9	9	37	11	2
Three Rivers	270	8	3	239	5	9	237	14	9
Trois Pistoles	16	6	6	14	9	9	12	2	1
Varennes	5	9	9	3	18	2	7	18	8
Carried forward	13,631	18	7	13,276	12	9	13,158	12	9

OFFICES.	1832.			1833.			1834.		
	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	13,631	18	7	13276	12	9	13,158	12	9
Vercherres	5	6	1	5	15	9	4	9	4
William Henry	80	16	11	115	4	6	145	5	6
Yamachiche	0	0	0	15	4	4	18	5	10
Yamaska	17	12	10	14	16	8	16	6	10
Total currency	13,735	15	3	13,427	13	2	13,333	3	5

The Letter Postage includes the British and Sea Postage, as well as the internal rates in the Province.
The nett proceeds have been remitted to the General Post-Office, London.

T. A. STAYNER,

Deputy-Postmaster General.

General Post-Office, Quebec.

No. XIV.

A RETURN of the Gross Amount of Newspaper and Pamphlet charge collected at each of the Post-Offices in Upper Canada for the Years 1832, 1833 *and* 1834, *and shewing in what manner the Proceeds have been applied.*

OFFICES.	1832.			1833.			1834.		
	£	s.	d.	£	s.	d.	£	s.	d.
Adelaide	0	0	0	0	0	0	2	6	7
Adolphustown	0	5	0	0	1	10	1	5	11
Amherstburg	4	16	4	4	10	5	5	16	2
Ancaster	6	10	9	13	12	6	10	17	0
Bath	4	2	8	2	9	7	3	1	10
Bayham	0	6	4	0	8	0	0	15	10
Belleville	11	5	11	22	6	3	10	0	5
Beverly	0	19	3	0	16	7	0	19	6
Brantford	5	19	7	6	8	0	11	1	4
Brighton	0	5	5	0	19	3	2	8	10
Brockville	50	6	3	61	5	9	40	14	4
Burford	1	10	1	1	11	10	2	13	5
Bytown	4	17	3	3	12	6	3	10	3
Beamsville	0	5	10	1	1	3	2	18	0
Carleton-Place	0	18	9	0	11	0	0	15	5
Cavan	2	1	4	1	17	1	0	18	0
Chippawa	2	17	11	3	3	1	3	15	6
Cobourg	48	13	4	33	12	0	26	0	6
Colborne	2	7	10	5	2	6	3	13	9
Cornwall	12	10	0	14	11	10	12	18	3
Credit	0	10	6	1	6	10	0	11	10
Darlington	0	13	4	1	2	5	0	17	3
Delaware	0	10	4	4	9	9	4	17	11
Demorestville	2	14	10	2	6	3	1	6	7
Drummondville	1	14	2	4	5	11	3	12	10
Dundas	9	0	0	11	18	5	18	0	4
Dunnville	0	18	1	0	15	0	1	9	4
Erieus	0	0	0	0	0	10	0	0	9
Esquesing	0	0	0	1	1	2	0	14	2
Etobicoke	0	0	0	0	5	5	0	8	4
Fitzroy Harbor	0	1	4	0	3	1	0	4	11
Fort Erie	0	2	2	0	0	0	0	0	0
Franktown	0	0	0	0	0	0	0	0	0
Fredericksburg	1	11	5	1	8	9	1	7	8
Galt	4	1	0	3	17	11	5	6	3
Gananoque	0	0	0	0	0	0	0	0	10
Georgina	0	2	11	0	6	9	0	0	0
Gosfield	0	7	1	0	0	0	0	0	0
Grimsby	3	2	5	2	12	2	2	12	6
Guelph	3	3	8	4	0	6	7	13	3
Haldimand	0	0	0	0	0	0	0	0	0
Hallowell	18	5	7	15	8	5	16	8	1
Hamilton	265	3	4	246	7	10	125	2	5
Hawkesbury	0	8	3	1	3	0	1	16	3
Hillier	0	5	0	0	0	0	0	0	10
Holland Landing	1	9	3	2	16	7	4	8	9
Kemptville	1	16	9	1	7	6	0	17	8
Carried for w	477	1	1	485	11	9	349	9	7

OFFICES.	1832.			1833.			1834.		
	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	477	1	1	485	11	9	349	9	7
Kingston	107	1	10	71	10	9	90	2	10
Lanark	0	9	3	0	12	3	0	14	7
Lancaster	0	19	10	0	5	1	0	0	0
Lloydtown	0	2	2	0	6	4	0	16	10
London	11	17	0	12	14	0	10	12	10
L'Orignal	0	8	9	1	11	9	1	6	10
March	0	5	5	0	5	5	0	1	4
Markham	1	14	7	0	10	5	0	15	7
Marmora	0	0	0	0	10	6	0	5	7
Middleton	0	2	8	0	1	3	0	3	5
Mosa	0	4	2	1	17	10	1	7	5
Murray	0	11	10	1	0	2	1	12	1
Napanee	0	16	8	1	2	11	1	3	1
Nelson	2	8	11	3	2	1	3	9	9
Newmarket	0	0	0	1	19	9	1	3	0
Niagara	11	9	3	20	13	11	31	19	9
Norwich	1	3	11	1	3	1	0	19	7
Oxford	3	0	10	6	14	2	9	5	2
Osnabruck	1	16	2	0	18	5	0	16	8
Paris	1	13	10	2	7	7	2	2	10
Penetanguishene	1	6	7	1	4	2	2	2	6
Perth	11	3	11	6	15	0	6	17	11
Peterboro'	0	17	11	1	1	10	1	14	5
Pickering	1	8	10	2	1	0	2	1	3
Port Burwell	0	10	11	0	9	8	0	5	2
Port Dover	0	0	11	0	12	2	1	3	1
Port Hope	7	7	0	16	13	5	10	6	10
Port Stanley	0	13	10	0	15	4	1	8	6
Port Talbot	0	15	10	0	15	10	0	9	8
Prescott	13	13	9	10	17	7	14	15	0
Queenston	2	18	10	4	18	6	4	10	10
Raleigh	3	6	3	2	3	6	2	0	5
Rawdon	0	0	0	0	0	0	0	9	4
River Trent	0	0	0	0	0	0	0	15	0
St. Andrews	0	15	5	0	0	0	0	0	0
St. Catharines	30	6	0	36	17	6	31	2	6
St. Johns	0	12	2	0	13	1	1	8	11
St. Thomas	41	0	1	66	0	6	59	18	1
Sandwich	12	13	7	2	5	9	22	5	9
Scarboro	0	0	0	0	9	8	0	13	4
Shannonville	0	0	0	0	3	3	0	4	4
Simcoe	3	15	0	3	15	0	3	15	0
Smith's Falls	5	4	1	0	13	0	0	18	3
Smithville	0	0	0	0	0	0	0	0	0
Stanley's Mills	0	0	0	0	4	7	0	3	8
Stoney Creek	0	0	0	1	0	5	1	17	11
Carried forward	759	2	11	775	19	9	796	0	3

OFFICES.	1832. £	s.	d.	1833. £	s.	d.	1834. £	s.	d.
Brought forward.....	759	1	1	775	19	9	696	0	5
Streetsville.....	2	12	11	3	2	3	4	5	7
Thornhill.....	0	6	4	2	16	2	2	3	4
Thorold.....	0	11	3	1	7	10	1	15	1
Toronto.....	0	8	11	1	2	5	1	13	10
Trafalgar.....	1	13	1	1	6	10	1	1	3
Vaneleek Hill.....	0	1	3	0	14	2	0	10	1
Vittoria.....	3	18	3	4	12	10	4	16	1
Walsingham.....	0	0	0	0	17	11	0	5	6
Waterford.....	2	7	8	2	1	7	1	9	4
Waterloo.....	2	6	3	3	8	8	2	8	8
Carried forward.....	763	15	10	777	10	5	816	8	2

OFFICES.	1832. £	s.	d.	1833. £	s.	d.	1834. £	s.	d.
Brought forward.....	773	14	0	797	10	5	710	9	2
Wellington.....	0	4	1	0	13	6	0	11	9
Wellington Square.....	2	0	10	2	19	6	3	6	1
West Williamsburg.....	0	5	6	0	12	10	0	6	10
Whitby.....	2	5	9	4	14	7	0	8	5
Williamstown.....	0	0	0	0	10	10	7	9	7
Williamsburg.....	0	17	11	0	3	10	0	0	0
Yarmouth.....	0	1	8	0	3	1	0	4	7
York, now Toronto.....									
City.....	556	10	2	626	1	0	502	15	2
Currency.....	1335	10	11	1433	9	7	1230	11	7

The proceeds, after compensating the Postmasters for the collection, are appropriated under the Deputy Postmaster-General's privilege *to him* as an emolument of office.

NOTE.—There is an observation on Return numbered XX. which may, I think, with propriety, be introduced here—namely, that I have never undertaken to keep such critically correct accounts of my emoluments of office, as I have of public monies coming into my hands, and that I cannot, therefore, pledge myself that there are no errors in my Returns relative to Newspapers and Pamphlets. I, nevertheless, am not aware of the existence of any inaccuracies in the Returns now sent forward.

T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE, QUEBEC.

No. XV.

A RETURN of the Gross Amount of Newspaper and Pamphlet charges collected at each of the Post-Offices in Lower Canada in the Years 1832, 1833 *and* 1834, *and shewing in what manner the Proceeds have been applied.*

OFFICES.	1832. £	s.	d.	1833. £	s.	d.	1834. £	s.	d.
Abbotsford.....	1	9	10	0	12	6	0	14	3
Aylmer.....	0	8	6	0	6	8	0	7	0
Barnston.....	0	0	0	0	11	6	0	0	0
Beauharnois.....	0	0	11	0	5	1	0	4	0
Becancour.....	0	0	0	0	7	1	0	3	11
Bedford.....	1	1	8	1	12	5	0	13	0
Berthier.....	1	18	4	1	19	10	1	13	8
Bolton.....	0	19	3	0	17	6	0	14	2
Brome.....	0	3	1	0	12	1	0	18	10
Brompton.....	0	10	0	0	7	1	0	8	5
Buckingham.....	0	4	1	0	7	9	0	15	5
Carleton, B. Chaleur.....	0	0	0	0	16	3	0	0	0
Cascades.....	0	0	0	0	0	0	0	0	0
Chambly.....	1	9	3	4	3	4	9	7	5
Chateauguay.....	0	0	0	0	0	0	0	1	2
Chateau Richer.....	0	0	0	0	0	0	0	0	0
Chatham.....	0	15	4	0	10	8	0	12	10
Churchville.....	0	0	0	0	11	10	0	11	0
Compton.....	1	14	1	1	17	4	1	7	5
Coteau du Lac.....	1	16	3	4	2	7	3	5	0
Danville.....	1	2	3	2	2	8	1	3	2
Drummondville.....	0	0	0	0	0	0	0	7	6
Dunham.....	0	19	7	1	12	2	0	12	5
Eaton.....	1	9	5	2	9	1	2	2	2
Freligsburgh.....	0	16	7	0	12	4	0	6	0
Georgeville.....	4	19	1	3	1	10	2	1	0
Granby.....	0	13	9	1	1	8	1	0	2
Grenville.....	0	6	9	0	9	6	0	7	7
Hatly.....	4	3	0	3	4	9	3	1	5
Henryville.....	1	1	8	1	11	5	1	8	3
Huntingdon.....	1	8	9	1	14	4	1	17	8
Hull.....	0	0	0	0	0	0	0	3	4
Industry.....	0	0	0	0	4	4	0	7	7
Isle aux Noix.....	1	8	6	1	12	6	1	7	6
Carried forward.....									

OFFICES.	1832. £	s.	d.	1833. £	s.	d.	1834. £	s.	d.
Brought forward.....									
La Baie.....	0	0	0	0	0	0	0	1	3
Lacole.....	0	0	0	0	0	0	0	0	9
Laprairie.....	1	13	5	2	7	1	3	1	9
L'Assomption.....	1	0	7	0	16	4	0	1	4
Leeds.....	0	0	0	0	5	8	0	1	0
Lennoxville.....	4	5	0	3	15	5	4	2	6
Les Eboulmens.....	0	0	0	0	0	0	0	0	0
L'Islet.....	0	0	0	0	0	0	0	0	11
Lotbiniere.....	0	6	3	0	6	7	0	15	7
Manningville.....	0	0	0	0	0	0	0	5	5
Montreal.....	322	17	3	408	13	9	434	19	1
Napierville.....	0	0	0	0	11	6	0	12	7
Nicolet.....	1	12	0	1	1	2	1	0	4
North Georgetown.....	0	4	8	0	2	2	0	4	3
Norton Creek.....	0	0	0	0	0	0	0	2	1
Phillipsburg.....	3	2	8	3	2	6	1	1	5
Potton.....	0	4	4	0	7	4		7	0
Quebec.....	302	15	5	304	18	1	293	0	1
Rawdon.....	0	2	5	0	4	3	0	5	10
Richmond.....	5	14	8	5	11	5	5	18	6
Riviere du Loup.....	0	8	9	0	15	2	0	9	6
St. Andrews.....	4	3	1	3	17	6	4	5	1
S. Charles.....	0	0	0	22	10	0	40	0	0
St. Johns.....	3	11	10	3	11	3	2	6	10
Sheffield.....	3	16	8	4	2	8	2	9	8
Sherbrooke.....	29	18	8	17	3	4	3	3	4
Stanstead.....	4	6	7	0	18	5	3	5	10
Stukely.....	0	8	10	0	17	10	0	17	10
Terrebonne.....	0	0	0	1	14	10	1	14	10
Three Rivers.....	8	0	0	5	9	2	4	0	4
William Henry.....	2	1	2	1	8	3	4	18	4
Yamaska.....	0	0	0	0	10	11	0	4	7
Yamachiche.....	0	0	0	0	11	11	0	10	5
Currency.....	737	19	11	833	6	2	852	16	6

The proceeds, after compensating Postmasters for their trouble in the collection, are appropriated as an emolument of office (under his privilege) to the Deputy Postmaster-General.—See Note on corresponding Return for Upper Canada.

T. A. STAYNER, *Deputy Postmaster-General.*

GENERAL POST-OFFICE, QUEBEC.

No. XVI.—1832.

STATEMENT of the Gross Amount paid by each Printer or Proprietor of Newspapers in the Canadas for the transmission of his papers by post for the year 1832, shewing in what manner the proceeds have been appropriated, with copy of any Orders, Despatches, or other Authority under which such Postages have been exacted in the Colonies during the last ten years.

	NAMES OF PAPERS.	NAME OF THE PRINTER OR PROPRIETOR.	WHERE PUBLISHED.	Amount Cur. £	s.	d.
	Quebec Gazette	Neilson & Cowan,	Quebec	73	13	8
	Official Gazette	J. Charlton Fisher,		32	10	0
	Quebec Mercury	Thomas Cary,		36	13	6
	Le Canadien	Frechette & Co.,		49	8	9
	Montreal Herald	Archibald Ferguson,	Montreal	75	0	0
	Montreal Gazette	Robert Armour,		55	0	0
	Canadian Courant	Workman & Bowman,		46	5	0
	Minerve	L. Duvernay,		50	0	0
	Vindicator	E. R. Fabre & Co.,		6	13	4
	L'Ami du Peuple	Leclerc & Jones,		21	9	2
	London and Canada Recorder	G. P. Bull,		10	12	6
	British Colonist	S. H. Dickerson,	Stanstead	3	3	3
	St. Francis Courier	Messrs. Tolford,	Sherbrooke	24	8	6
	Three Rivers Gazette	George Stobbs,	Three Rivers	3	4	0
	Belleville Phœnix	Thomas Slicer,	Belleville	6	6	11
	Gazette	Arthur M'Lean,	Brockville	10	3	4
	Brockville Recorder	William Buell & Co.,		27	1	11
	Sentinel	O. R. Gowan,		2	14	9
	Antidote	O. R. Gowan,		2	16	4
A.	Cobourg Star	R. D. Chatterton,	Cobourg	40	3	3
	The Reformer	James Radcliff,				
	Cornwall Observer	W. W. Wymans,	Cornwall	4	5	0
	Grenville Gazette	Stephen Miles,	Prescott	4	16	0
	Examiner	F. H. Cumming, for part of the year 1832,	Perth*	6	6	7
	British Constitution	William Tully, from 22d September, 1832,				
	Kingston Chronicle	J. M'Farlane,	Kingston†	10	0	0
	Upper Canada Herald	H. C. Thompson,		13	0	0
	Patriot	Thomas Dalton,		18	0	0
	Canadian Watchman	S. Ely,		44	15	0
	Telegraph	William Furly,	Port Hope	3	11	8
	Gleaner	Samuel Heron,	Niagara	3	14	4
	Western Mercury	J. Johnson,	Hamilton	103	16	7
	Canadian Wesleyan	A. K. M'Kenzie,		87	9	3
	Free Press	William Smith,		46	16	2
	Casket	Not known,		4	6	5
	Voyager	S. Randal,		0	15	4
	Garland	William Smyth,		4	1	10
	Farmers' Journal	H. Leavenworth,	St. Catharines	7	15	7
	St. Catharine's Mirror	Joseph Clarke,		7	19	6
	St. Thomas' Journal	G. Hodgkinson,	St. Thomas	20	12	6
	The Liberal	Kent & Kipp,		11	10	3
	London Sun	Edward Allen Talbot,	London	7	0	6
	Canadian Emigrant	James Cowan,	Sandwich	11	11	9
	Advocate	W. L. Mackenzie,	York, now Toronto City	67	16	9
	Courier	G. Gurnett,		65	17	1
	Gazette	R. Stanton,		19	0	11
	Freeman	F. Collins,		26	3	1
	Christian Guardian	J. Richardson,		254	7	0
	Sapper & Miner	John Carey,		7	11	9
			Currency	1440	9	0

* I am unable to state what proportion of this sum of £6 6s. 7d. was paid by each paper.
† For three quarters, viz :—April, July, and October, 1832.

A.—This is so returned by Mr. Bethune, the late Postmaster of Cobourg, and I can obtain no further information from him on the subject; I have reason to suspect that the Newspaper Returns from Mr Bethune for the years 1832, 1833, and until he was removed from the Department in November, 1834, are incorrect, but Mr. Bethune being bankrupt I have no recourse against him—the sums brought to account in these statements are all that were ever remitted to me.

GENERAL OBSERVATIONS.

The proceeds have been appropriated as an emolument of the Deputy Postmaster-General under a privilege recognized by the Postmaster-General since the earliest introduction of the Post-Office system in the British Provinces (*vide* observation at the foot of the statement shewing the emoluments of the Deputy Postmaster-General from every source,) in addition to which I will here re-

mark, as it affords a reason for the creation of the privilege, that the Imperial Statutes under which the Post-Office Department in these Colonies now exists, contain no provision for the transmission of Newspapers or Pamphlets by post, except as letters! and as it is obvious that the exaction Letter postage on such papers, &c. would have amounted to an interdiction, as regards them of the benefits of mail conveyance, the Government, or the Postmaster-General, (as I have understood,) judged it expedient to permit the Deputy Postmaster-General to frank those papers, &c. through the post for a consideration such as should be agreed upon between himself and the printers, appropriating the compensation as a personal emolument. I have been informed that this privilege is sanctioned by an old Act of Parliament, but I cannot vouch for it. I beg further to remark, that, for many years past, the trouble attending the making up and transmitting newspapers and pamphlets has become so serious, that, as a matter of necessity as well as of justice, I have compensated my Deputies for the service, out of the amount received by me. I now subjoin copies of all orders or other authorities from the General Post-Office, London, having any bearing upon the question, that have been addressed to this Establishment since my appointment as Deputy Postmaster-General, a period of between seven and eight years; any thing previous thereto that may have existed, I can have no access to, as my predecessors, upon retiring from office, took away with them all letters and documents, except such as were considered necessary for conducting the duties of the Department.

The first communication upon this subject received by me was in a letter, of which the following is a copy, from the Secretary to the General Post-Office, dated 3d September, 1830. It is in answer to a letter from me to the Secretary, forwarding copy of a Petition from the Printers in Lower Canada to His Excellency Sir James Kempt, then Governor of the Province, praying that their papers might be circulated "free of postage as in England."

THOMAS A. STAYNER,

Deputy Postmaster-General.

GENERAL POST-OFFICE, QUEBEC.

GENERAL POST-OFFICE, *Sept.* 3, 1830.

SIR,

My Lord, the Postmaster-General, having taken into consideration your letter, transmitting copy of one from the Secretary to the Governor General of the Canadas, with a Petition to His Excellency from the Proprietors and Printers of Newspapers in the Province, praying that their papers may be circulated free of postage as in this country, I am commanded to observe, that the applicants do not appear to recollect that the newspapers in this country contribute largely to the Stamp Revenue, which may be considered as the price of their conveyance by post, and to acquaint you, that, as the papers in Canada are not subject to the same duties, His Grace cannot deem them entitled to a similar exemption.

I am, Sir, &c.,

(Signed) F. FREELING.

T. A. STAYNER, Esq., Quebec.

The next communication on this subject is as follows:—

GENERAL POST-OFFICE,
London, April 7, 1831.

SIR,

Mr. Armour, the Proprietor of the *Montreal Gazette*, has transmitted to me formal protests against the proceedings of the Postmaster of that place, who, it appears, refused, on two occasions, to forward his newspapers by post without the payment of the usual annual gratuity to you,—and having laid the same before My Lord, the Postmaster-General, I received His Grace's commands to reply to Mr. Armour, as you will see by the enclosed copy of my letter, which I send for your information.

Without imputing any blame to the Postmaster at Montreal, it appears, upon these occasions, he has misconceived his instructions, and you will be pleased to give directions that newspapers, when deposited in the Post-Office, must be forwarded without delay, and if not circulated under your privilege, they should be charged with the full rates of postage.

I am, Sir, &c. &c.,

(Signed) F. FREELING.

T. A. STAYNER, Esq., Quebec.

GENERAL POST-OFFICE,
London, April 7, 1831.

SIR,

I beg to acquaint you that I have laid before My Lord, the Postmaster-General, your representations on the subject of the Deputy Postmaster at Montreal having declined to forward your newspapers by the post without the payment of the usual gratuity to the Deputy Postmaster-General at Quebec, and I am commanded to acquaint you, that the gratuity in question is the long established and authorised perquisite of the officer in question, and that all newspapers circulated by the post in British North America, otherwise than under his privilege, are liable, by law, to the charge of the full rates of postage.

I regret the delay which occurred to your newspapers on the occasions alluded to, which appears to have arisen from a misconception of his instructions on the part of the Postmaster at Montreal; but you will see from the foregoing explanation that if he had forwarded them, they must have been charged with postage.

I am, Sir, &c. &c.,

(Signed) F. FREELING.

ROBERT ARMOUR, Esq.,
Montreal Gazette Office.

No. XVII.—1833.

STATEMENT of the Gross Amount paid by each Printer or Proprietor of Newspapers in the Canadas for the transmission of his papers by post for the year 1833, *shewing in what manner the proceeds have been appropriated, with copy of any Orders, Despatches, or other Authority under which such Postages have been exacted in the Colonies during the last ten years.*

	NAME OF PAPER.	NAME OF THE PRINTER OR PROPRIETOR.	WHERE PUBLISHED.	Amount Cur. £	s.	d.
	Quebec Gazette	Neilson & Cowan,	Quebec	66	3	4
	Official Gazette	J. Charlton Fisher,		26	0	0
	Quebec Mercury	Thomas Cary,		28	4	0
	Le Canadien	Frechette & Co.,		63	12	0
	Montreal Herald	A. Ferguson and Robert Weir,	Montreal	85	15	0
	Montreal Gazette	Robert Armour,		60	0	0
	Canadian Courant	Workman & Bowman,		34	13	9
	L'Ami du Peuple	Leclerc & Jones,		43	10	0
	Settler	A. Thom,		27	10	0
	Minerve	Ludger Duvernay,		50	0	0
	Vindicator	Fabre & Co.,		40	0	0
	Museum	Mrs. Gosselin,		2	5	0
	Daily Advertiser	Chapman & Revans,		15	0	0
	St. Francis Courier	Messrs. Tolford,	Sherbrooke	15	4	0
	British Colonist	S. H. Dickerson,	Stanstead	0	12	9
	Three Rivers Gazette	George Stobbs,	Three Rivers	1	0	0
	L'Echo du Pays	A. C. Fortin,	St. Charles	22	10	0
	British Constitution	Wm. Tully, part of the year,	Perth	1	3	0
	Kingston Chronicle	J. M'Farlane,	Kingston	17	10	0
	Upper Canada Herald	H. C. Thomson,		13	18	0
	Kingston Spectator	John Vincent,		12	0	0
	Brockville Recorder	Wm. Buell & Co.,	Brockville	32	2	8
	Antidote	O. R. Gowan,		26	19	1
	Hastings Times	—— Wells,	Belleville	1	16	6
A.	Cobourg Star	R. D. Chatterton,	Cobourg	18	15	0
	Reformer	James Radcliff,				
	Cornwall Observer	W. W. Wymans,	Cornwall	7	0	0
	Port Hope Warder	Gowan & Crofton,	Port Hope	8	13	3
	Grenville Gazette	Daniel M'Leod,	Prescott	4	16	0
	Courier	G. Garnett,	York, now Toronto City	60	12	7
	Patriot	Thomas Dalton,		53	12	3
	Canadian Magazine	Wm. Sibbald,		1	15	6
	Correspondent	James King,		34	18	8
	Advocate	W. L. Mackenzie,		54	15	11
	Gazette	R. Stanton,		27	0	4
	Canadian Freeman	F. Collins,		22	1	4
	Christian Guardian	J. Richardson,		218	12	1
	Gleaner	Samuel Heron,	Niagara	3	4	9
	Reporter	Thomas Sewall,		9	17	10
	St. Catharine's Mirror	Joseph Clarke,	St. Catharines	1	0	10
	Farmers' Journal	H. Leavenworth,		6	2	2
	British Colonial Argus	J. H. Sears,		4	6	7
	Liberal	Kent & Kipp,	St. Thomas	38	16	5
	St. Thomas' Journal	G. Hodgkinson,		16	9	10
	London Sun	Edward Allen Talbot,	London	2	3	3
	Canadian Emigrant	James Cowan,	Sandwich	1	8	7
	Western Mercury	J. Johnson,	Hamilton	84	13	1
	Free Press	W. Smith,		33	6	0
	Canadian Wesleyan	A. K. M'Kenzie,		99	6	2
	Garland	William Smyth,		11	18	11
			Currency	1513	7	5

A.—*Vide* Remark under this head upon similar Statement for year 1832.

T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office, Quebec.

No. XVIII.—1834.

STATEMENT of the Gross Amount paid by each Printer or Proprietor of Newspapers in the Canadas for the transmission of his papers by post for the year 1834, *shewing in what manner the proceeds have been appropriated, with copy of any Orders, Despatches, or other Authority under which such Postages have been exacted in the Colonies during the last ten years.*

	NAME OF PAPERS.	NAME OF THE PRINTER OR PROPRIETOR.	WHERE PUBLISHED.	Amount Cur. £	s.	d.
	Quebec Gazette	Neilson & Cowan,	Quebec	76	16	0
	Official Gazette	J. C. Fisher		26	0	0
	Quebec Mercury	Thomas Cary,		28	4	0
	Le Canadien	Frechette & Co.,		63	12	0
	Montreal Herald	Robert Weir,	Montreal	92	15	0
	Montreal Gazette	Robert Armour,		60	0	0
	L'Ami du Peuple	Leclerc & Jones,		40	0	0
	Vindicator	Fabre & Do.,		40	0	0
	Canadian Courant	Workman & Bowman,		21	11	7
	Settler	A. Thom,		30	0	0
	Daily Advertiser	H. S. Chapman,		50	12	6
	Minerve	Ludger Duvernay,		50	0	0
	L'Echo du Pays	A. C. Fortin,	St. Charles	40	0	0
	Farmers' Advocate	Mr. Walton,	Sherbrooke	1	7	2
	St. Francis Courier	Messrs. Tolford,	Stanstead	1	6	10
	Cornwall Observer	W. H. Wyman,	Cornwall	8	0	0
	Grenville Gazette	Daniel M'Leod,	Prescott	3	6	0
	Brockville Recorder	William Buell & Co.,	Brockville	38	16	0
	Bathurst Courier	Malcolm Cameron, commenced in autumn of this year,	Perth	5	0	0
	Kingston Chronicle	J. M'Farlane,	Kingston	20	0	0
	Upper Canada Herald	H. C. Thomson,		18	13	0
	Kingston Spectator	John Vincent,		7	6	0
	British Whig	Edward J. Barker,		11	18	9
	Belleville Intelligencer	Geo. Benjamin,	Belleville	1	7	8
	Port Hope Warder	W. B. Gowan,	Port Hope	3	10	3
A.	Cobourg Star	R. D. Chatterton,	Cobourg	13	12	6
A.	Reformer	James Radcliff and W. J. Conger,				
	Courier	G. Gurnett,	Toronto City	36	18	9
	Correspondent	James King and W. J. O'Grady.		31	5	5
	Christian Guardian	J. Richardson,		142	11	0
	Gazette	R. Stanston,		30	3	11
	Canadian Freeman	F. Collins,		5	17	3
	Advocate	W. L. Mackenzie,		*25	5	0
	Patriot	Thomas Dalton.		59	10	10
	Recorder	G. P. Bull, commenced October, 1834,		3	9	0
	Dundas Weekly Post	George S. Hackstaff,	Dundas	3	9	1
	Brantford Sentinel	D. M. Keeler,	Brantford	2	14	3
	Liberal	Kent & Kipp,	St. Thomas	39	18	4
	St. Thomas' Journal	G. Hodgkinson,		8	8	11
	True Patriot	—— Busteed,	London	4	10	1
	Canadian Emigrant	James Cowan,	Sandwich	15	6	5
	British American Journal	H. Leavenworth,	St. Catharines	8	4	10
	Farmers' Journal	Marsh & Leavenworth,		0	13	10
	Gleaner	Samuel Heron,	Niagara	3	4	10
	Reporter	Thomas Sewall,		23	12	0
	Western Mercury	J. Johnson,	Hamilton	46	13	8
	Free Press	W. Smith,		14	13	2
	Canadian Wesleyan	A. K. M'Kenzie,		37	7	2
	Christian Messenger	Not known,		3	15	10
			Currency	1301	8	10

* For two quarters, ending 5th April and 5th July, 1834, for which Mr. Mackenzie gave notes of hand, which are not yet paid.

A.—*Vide* Remark under this head upon corresponding Statement for the year 1832.

T. A. STAYNER,

Deputy-Postmaster General.

General Post-Office, Quebec.

No. XIX.

STATEMENT shewing in detail the Emoluments of the Deputy Postmaster-General of British North America, whether from Salary, Fees, Allowances, Newspaper Postages, Pamphlet Postages, Per-centage on the collection of United States Letter or Newspaper Postage, or from any other source whatever, during the years 1832, 1833, *and* 1834, *and shewing the Authority under which he receives the several items of Income.*

Notes.	SOURCES OF INCOME.	1832. Sterling.	1832. Currency.	1833. Sterling.	1833. Currency.	1834. Sterling.	1834. Currency.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
A.	Salary	500 0 0	0 0 0	500 0 0	0 0 0	500 0 0	0 0 0
A.	Allowance for Assistance	200 0 0	0 0 0	200 0 0	0 0 0	150 0 0	0 0 0
A.	Allowance for Stationery	30 0 0	0 0 0	30 0 0	0 0 0	30 0 0	0 0 0
B.	Received under his privilege of transmitting Newspapers and Pamphlets by post—nett	0 0 0	1851 9 10	0 0 0	2005 17 7	0 0 0	1863 1 1
C.	Derived through his Agency as Collector of United States Postage for the Post-Office Department at Washington	0 0 0	470 6 0	0 0 0	494 4 6	0 0 0	503 5 6
		730 0 0	2311 15 10	730 0 0	2500 2 1	680 0 0	2366 6 7

A.—I have stated these sources of Income in *Sterling* because they are paid in that money. Up to the month of October, 1834, I was £200 per annum towards paying for assistance in my office. From October, however, that allowance was struck off, and a new arrangement of a portion of my duties was determined upon by the Postmaster General, as described in Return numbered III., accompanying this. It is not in my power to refer to the original authorities under which the salary and allowances in question were granted—they were enjoyed by my predecessors in office from a remote period, and I acquired a right to them by virtue of my commission.

B.—The Deputy Postmaster General for the time being has possessed this privilege since the first establishment of the Post-Office in the British Provinces. I cannot point out the authority under which the privilege originated; but I know that it has been repeatedly recognized by my Head of Department in England, and never considered it incumbent upon me to inquire into the date or form of the authority. It will be observed that the total sum derived through this privilege exceeds the gross amount paid by the Newspaper Printers; the difference between these sums is produced by casual papers and pamphlets (American and Provincial) forwarded by others than printers.

C.—This is a source of income altogether independent of the Imperial or British Revenue; nevertheless, as the amount is required to be stated by the House of Assembly, I furnish it with the same unreserve that I do the other items of my income. I am the General Agent of the United States Post-Office for the collection of American Postage in these Provinces, and am held responsible for this postage, which I collect and transmit regularly to Washington.

T. A. STAYNER, *Deputy Postmaster-General.*

General Post-Office, Quebec.

No. XX.—*Duplicate.*

A STATEMENT shewing the several Payments made by the Editor and Proprietor of the "Patriot" Newspaper, first published at Kingston and now in Toronto—from the commencement of the Series, with the Dates of the several Payments—so far as the latter can be ascertained.

WHERE PUBLISHED.	DATE.	FOR WHAT PERIOD.	Average No. of papers sent to subscribers.	Amount of charge currency.	Dates of the several payments	REMARKS.
				£ s. d.		
Kingston,	1830—Jan. 5	Half a quarter ending this date	200	5 0 0	See Note A	See Note C.
	April 5	The quarter ending this date	200	10 0 0		
	July 5	Ditto ditto ditto	200	10 0 0		
	Oct. 5	Ditto ditto ditto	120	6 0 0		
	1831—Jan. 5	Ditto ditto ditto	120	6 0 0		
	April 5	Ditto ditto ditto	120	6 0 0		
	July 5	Ditto ditto ditto	120	6 0 0		
	Oct. 5	Ditto ditto ditto	120	6 0 0		
	1832—Jan. 5	Ditto ditto ditto	120	6 0 0		
	April 5	Ditto ditto ditto	120	6 0 0		
	July 5	Ditto ditto ditto	120	6 0 0		
	Oct. 5	Ditto ditto ditto	120	6 0 0		
		Total charge at *Kingston* for this paper		79 0 0		
		From October, 1830 to October, 1831, (four quarterly periods,) the "*Catholic*" was published by the proprietor of the "*Patriot*," and at the same press—the number of papers paid for was averaged at 225—the actual charge for which was £11 5s. per quarter—amounting together to £45 Currency.			See Note B	

"PATRIOT" CONTINUED.

WHERE PUBLISHED.	DATE.	FOR WHAT PERIOD.	Amount of charge currency. £ s. d.	Dates of the several payments.	REMARKS.
York, now Toronto,	1833—April 5	The quarter ending this date	14 14 0		
	July 5	Ditto ditto ditto	11 5 2		
	Oct. 5	Ditto ditto ditto	11 5 0	See Note A	See Note C.
	1834—Jan. 5	Ditto ditto ditto	16 14 1		
	April 5	Ditto ditto ditto	18 15 0		
	July 5	Ditto ditto ditto	16 3 3		
	Oct. 5	Ditto ditto ditto	12 19 4½	When the papers were deposited at the office.	
	1835—Jan. 5	Ditto ditto ditto	11 13 2½		
		Total charge at *Toronto* for this paper	113 9 1		

A.—It is not in my power, neither can Mr. Macaulay nor Mr. Howard, the Postmasters at Kingston and Toronto, who collected the above monies, to state the precise days of the respective payments—though that the monies *were* all paid (with the exception of an abatement of £17 5s. made by me and explained in Note B.) the above gentlemen and myself are prepared to declare upon oath, if necessary. Why the precise days of payment cannot now be cited will, I trust, be found satisfactorily accounted for in the following note from Mr. Macaulay, to whom I referred the question—the reason stated by him as regards Kingston applying in substance to Toronto. Mr. Macaulay says—"Mr. Dalton was not punctual in paying up his newspaper dues—sometimes I accounted for them myself to the Deputy Postmaster-General at the quarterly periods, though the money was not actually received by me at the time; but generally they were settled for by Mr. Dalton by a Promissory Note, payable in 90 days after date, or by a draft"—a species of accommodation which, I beg to add, I have never refused to any printer who has requested it.

At Toronto Mr. Dalton did a considerable amount of printing work for the Department, and any difference between his claims on this score and his debt for the transmission of his papers was accounted for by him either in cash or by his promissory obligations—which obligations he has always honourably redeemed. For the October quarter 1834 and January quarter 1835, it will be perceived, by the Remark in the proper place, that Mr. Dalton paid for the transmission of his papers when they were taken to the Post-Office.

B.—It became necessary to introduce into this statement an account of the charge made against Mr. Dalton for the transmission of his paper "*The Catholic*," because when he discontinued the publication of that paper he stated that he was a severe sufferer both by *it* and the "*Patriot*," from the non-payment of the subscriptions and other causes; and on this ground he appealled to my consideration of his case, as regarded my claim upon him for the transmission of those papers. He was then indebted to me £17 5s., and having every reason to believe that his statement was true I cancelled my demand against him for this sum, distinctly explaining to him at the time that although the peculiar circumstances of the case induced me to forego my claim in that instance, it was not to be assumed as a precedent either by him or any other newspaper proprietor.

C.—I beg leave to avail myself of this opportunity to explain, in reference to payments on account of the "*Patriot*" which appear in the Statement of Newspaper Postage laid before the House of Commons in 1833, that the discrepancy between *that* Statement and the present arises from the fact, that, in making up the former, the Clerk who was employed at the task, finding, amongst the Kingston accounts, memoranda of only two payments in behalf of the "*Patriot*," supposed that no more had been made, and, without referring to me on the subject, filled in the amounts accordingly! I was at that time engaged in preparations for my departure for England, and being nearly overwhelmed with business, was unable to revise all the papers which were being made out in my office as under any other circumstances I should have done—and in this way the error escaped my notice. It is due to myself further to say, with regard to what is called "Newspaper Postage," that this being an emolument of my own, I never conceived it necessary to be so particular in preserving the accounts connected with it as of those relating to Government monies—neither have I ever exacted from my Deputies, who assist me in the collection of these monies, such formal and precise accounts as they render of the public revenue; and this I hope will be borne in mind should other inaccuracies under the same head (of the existence of which, however, I am not aware) be detected. It is not my wish to render any other than correct statements, and I have taken every means in my power to make those I am now preparing perfectly correct—still trifling errors may have crept in, and should it prove so, I repeat that they have arisen from causes such as I have attempted to describe.

T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office, Quebec.

No. XXI.

A STATEMENT shewing the Sums remitted by the General Post-Office Department in Canada to the General Post-Office, London, and also the United States Postage remitted to the Post-Office Department of the United States, in and for the Years 1827, 1828, 1829, 1830, 1831, 1832, 1833, *and* 1834; *and stating the balance now in the hands of the Deputy Postmaster-General at Quebec, and the period up to which the last remittance to London was made.*

	Remitted to the General Post-Office, London. *Sterling.*	Remitted to the General Post-Office, Washington. *Dollars.*	*Cents.*
From 5th April, 1828, to the end of the year, (three quarters)	£ 4,251 14 7	$ 3,484	40
For the year 1829	6,882 15 7	6,473	3
For the year 1830	3,325 0 0	10,267	38
For the year 1831	8,316 13 4	12,768	18½
For the year 1832	11,266 13 4	12,071	21
For the year 1833	9,750 0 0	16,777	85½
For the year 1834	10,333 6 8	22,351	1

Note 1.—I assumed charge of the Department as Deputy Postmaster-General on the 5th April, 1828, and am not in possession of documents to shew the sums remitted to either the General Post-Office in London or Washington previous to that date.

Note 2.—It is impossible for me to discover to a certainty the balance of monies in my hands on the 24th February, 1835, which is the date of the Address of the House of Assembly, because that period is in the middle of a quarter, and it is only when a quarter's accounts are closed, and the balance struck, that I can tell precisely how much I am indebted to the General Post-Office; as nearly, however, as I can judge, the balance in my hands, on the 24th February, was about £1500 or £1600. At that date the accounts for the October quarter had been transmitted, and the regular quarterly remittance made, and the accounts from my Deputies, and their balances from the succeeding quarter (January) had only in part been received. I beg to add, that I remit to the General Post-Office in London four times a year, and when I make those remittances I generally discharge the whole balance for which I am liable, so that four times in each year I am actually not in possession of any money belonging to the General Post-Office: it happens, indeed, not unfrequently that I am in advance to the Department.

Note 3.—The great increase which will be observed in the amount of United States Revenue collected in this country and remitted to Washington within the last four years has arisen chiefly at Queenston, or rather through the accounts kept at that office.

T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office, Quebec.

No. XXII.

A STATEMENT of the Amount of Money found in Dead and Misdirected Letters in Upper and Lower Canada from 1827 *to* 1834, *both years inclusive, and shewing the purposes to which it has been applied.*

Amount found from 1827 to 1831, inclusive.	Amount found during the year 1832.	Amount found during the year 1833.	Amount found during the year 1834.	HOW APPLIED.
	Currency.	*Currency.*	*Currency.*	
	£ s. d.	£ s. d.	£ s. d.	
No Return can be furnished for these years, the Dead Letters containing money having been returned to the writers, in common with the other Dead Letters, without keeping an account of the amount of money so returned.	34 7 6	47 15 0	43 0 0	Returned to the parties transmitting the money, with the exception of two letters, containing £5 12s. 6d., the writers of which have not yet been discovered, and the money, consequently, remains unreturned; and if not claimed at the close of the year 1835, it will be remitted to the General Post-Office, London, to be credited in the public accounts of the Department.

T. A STAYNER,

Deputy Postmaster-General.

General Post-Office, Quebec.

No. XXIII.

A STATEMENT of the Amount of the Colonial Postage, whether on Letters or Newspapers, charged at Quebec and Halifax to the Department in London, and collected, or intended so to be, in England, or other parts of the King's Dominions beyond North America, for 1832, 1833, *and* 1834.

No such postage as that above described is collected in Great Britain or Ireland. Letters come *to* us by the British Government Packets, *via* Falmouth and Halifax, charged with British postage, and we collect that postage here.—but upon letters *for* Great Britain and Ireland we require the inland, or what is here called "Provincial Postage," to be paid to Halifax at the time of posting—such has always been the usage.

T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office, Quebec.

No. XXIV.

A RETURN shewing the several Classes of Persons who Frank Letters, or who have the privilege of transmitting Letters through the Post-Office at reduced Rates of Postage—with the extent to which their prioileges extend.

The Deputy Postmaster-General and the Surveyors have necessarily the right of franking without limit as to the number or size of their letters or packets.

Postmasters have a right to free postage on letters to and from themselves to the extent of half ounce packets or double letters without limitation as to number. It forms part of our regulations, that no Postmaster can frank his correspondence except at his own office. On business of the Department, Postmasters are authorized to frank and to receive free packets of any weight. No person, or class of persons have the privilege of transmitting letters through the Post-Office at reduced rates of postage.

T. A STAYNER,

Deputy Postmaster-General.

GENERAL POST-OFFICE, QUEBEC.

The Committee have required to be prepared a Statement shewing 1st, The available claims due from Postmasters and others in Lower Canada to the Post-Office Department on the 5th day of October, 1835—2dly, The funds belonging to the Department in my hands, or at my credit—whether as cash in hand, cash in the Banks, or Bills of Exchange—on the same day—3dly, The amount of claims against, and debts due by, the Department on the same day.

Likewise similar Returns for Upper Canada to the same date.

When this order was handed to me, I informed the Committee that I would, as far as lay in my power, endeavour to furnish the Statements; but the impression upon my mind at the time (and which I expressed to the Committee) was, that it would be impractable to prepare Returns in literal conformity to the order. Since then, having carefully studied the requisition, it has become evident that there is no possibility of making up all those Statements in the form required; and it appears to me that the Committee cannot but see the truth of this declaration, when I have explained that the accounts of the different Provinces being unavoidably blended together in my Returns to the General Post-Office, it cannot be ascertained what proportion of my old balance may be considered applicable to either Province. In my general Statement, therefore, which I may prepare, *that* balance must stand alone. I have, accordingly, made a Return, in which the total balance due to the General Post-Office in London is stated in the manner just described; but, with a view to elucidate the subject as much as possible, I have, in addition, prepared a distinct and separate Return of the amount of Postage collected in each of the two Provinces for the quarter ending the 5th October, with the charges applicable to each, (as nearly as they can be got at,) and the balances accruing to each Province by the operation appear in those statements.

As to the funds belonging to the Department in my hands on the 5th of October, 1835, I must again represent to the Committee the impossibility of complying literally with the terms of the order. I am not required by the Postmaster-General to keep a deposite of monies belonging to the General Post-Office separate from my own monies; and I have never done so. It is necessary, for the proper conducting of my duties, that I should keep monies in several Banks in both the Canadas; and I also keep monies in my own chest. I take care to have at all times more money, either in Bank or in my own immediate custody, than is sufficient to satisfy the claims of the Post-Office; but even if it were otherwise, the large securities lodged at the General Post-Office London, in my behalf, are a sufficient guarantee to Government against any possible loss or defalcation that could arise through me. I consider that I have an undoubted right to deposite Post-Office revenue where I think proper, my securities being responsible to Government that it shall be forthcoming at the time I am required to remit it to England.

On the 5th October, 1835, when I appear to have been indebted to the General Post-Office about £2,200, I had more than that amount in Bank in Upper and Lower Canada, besides a large sum in Notes and Bills of Exchange in my own chest; but it is impossible for me to state otherwise than I have done what proportion of Post-Office money was in my own hands, and what in the Bank. I have judged it necessary to enter into this somewhat lengthened explanation of the circumstances connected with the custody of the Post-Office monies, as, from the form of the questions put to me, the Committee seem to have thought that I kept accounts at the Banks specifically for the Post-Office revenue, a thing which I have never attempted doing.

I shall now proceed to furnish Statements approximating, as nearly as circumstances will permit, to the letter of the order, hoping that, with the explanations afforded above, and the notes which I shall subjoin, the Committee will be satisfied that I have done every thing in my power to meet their wishes.

Total balance due to the General Post-Office London by the Deputy Postmaster General on the 5th October, 1835, so far as can at this moment be ascertained, some small accounts from Postmasters not being received..... Currency..... £5,809 10 2

Out of the above the following sums were due by the Legislature and the Civil Departments of Lower Canada on the same day:—

Civil Secretary's Department.....	£2,749	14	1
Provincial Secretary.....	179	16	0½
Adjutant General.....	84	14	0
Legislative Council.....	17	11	0
	3,031	15	1½
Deduct also letters on hand.....	741	13	8
		3,773	8 9½
Currency.....		£2,036	1 4½

I consider myself as actually liable to the General Post-Office on the 5th October, 1835, for this sum of £2,036 1s. 4½d., besides which I have in hand (paid over to me by the Attorney-General of Upper Canada) the sum of £200, recovered by him from the hands of the late Postmaster of Peterboro', T. V. Tupper, for neglecting to render his Quarterly Returns, which amount I can-

not bring to account until the Postmaster-General, to whom I have referred the question, shall have decided whether the claims of the Postmasters of Kingston and Queenston, for £37 4s. 3d., United States postage due to them by the said Postmaster, be paid to them out of it.

A separate Return for Lower Canada for the Quarter ending 5th October, 1835.

	£	s.	d.
Gross amount of Postage collected in the Quarter	4,033	9	9
Deduct charges, comprising Salaries, Couriers' Wages, Mis-sent and Overcharges, Incidental Disbursements, and Dead Letters	3,540	7	5
Balance Currency	493	2	4
Letters remaining on hand in the several Post-Offices in Lower Canada.....Currency £	221	3	2½

A separate Return for Upper Canada for the Quarter ending 5th October, 1835.

	£	s.	d.
Gross amount of Postage collected	5,300	3	3
Deduct charges, comprising Salaries, Couriers' Wages, Mis-sents and Overcharges, Incidental Disbursements, and Dead Letters	3511	19	7½
Balance Currency	1,788	3	7½
Letters remaining on hand	520	10	5½

In reply to the third division of the requisition, I beg to say, that I am not aware of any claims existing against the Post-Office, except one of Mr. Henry Hoyle, who undertook the conveyance of the mail between Montreal and Dundee, in the month of July, 1833. Upon the failure of the contractor, Mr. Schuyler—his son-in-law.

Mr. Hoyle has never made a demand for a specific sum for his services; but, so far as I can understand his arguments, he appears to consider himself entitled to about eight hundred dollars. I have offered him $500. We are now engaged in correspondence on this subject.

I have not brought into the foregoing Statements any debts, whatever they may be, which are due to the Deputy Postmaster-General, and not to the General Post-Office.

(Signed) T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office,
Quebec, January, 1836.

GENERAL Instructions to Edwin James King, Esq., Accountant to the Post-Office in British North America.

You will take upon yourself the charge and management of the Accounts of the Post-Office in British North America, including the claims and allowances for re-directed, refused, and undirected letters, for which purpose the accounts of Nova Scotia, New Brunswick, and Prince Edward's Island will be sent to you to be incorporated in one General Account of British North America.

The accounts and checks should be maintained and furnished upon the principle that obtains in this country, so far as is practicable; and you will not fail to adopt any improvements which your experience may suggest, or any alterations which may occur to you as necessary, from the nature and character of the Post in the Provinces, reporting, by the first opportunity, such alterations as you may propose to make, or as you may have found necessary to make for the consideration of the Postmaster-General.

The object of your appointment is not only to place the system of Accounts in the British North American Provinces upon a satisfactory footing, but to establish a check upon the Deputy Postmaster-General, as well as the subordinate Postmasters and Public Accountants of every description attached to the Post-Offices in all matters relating to the accounts, but not interfering with the maintenance of the check. You are to obey such instructions as you may receive from the Deputy Postmaster-General, and, bearing in mind his responsibility for the collection of the revenue, you will afford him every information and assistance which he can possibly require.

The Annual, Quarterly, and Periodical Accounts should receive the signature of the Deputy Postmaster-General, as an admission of their correctness, in addition to your own; they are to be transmitted to this country with the least possible delay after the expiration of the year or quarter, as the case may be; and in the event of any hesitation on the part of the Deputy Postmaster General, the accounts are not, therefore, to be detained for that cause, but to be accompanied by your report and the Deputy Postmaster-General's reasons for declining to admit them.

You will be particularly careful in all cases to give an exact analysis of the apparent balance, shewing the cash in hand and bills received and though not in time to be included.

You will furnish, on the special requisition of the Legislature of the respective Provinces, through the Deputy Postmaster-General, similar accounts to those laid annually before the Parliament of the United Kingdom, so far as regards the revenue arising within the Provinces.

It is presumed that the two clerks which are allotted to you will be amply sufficient for all the purposes of your appointment if you take that full and active share which you ought to do in the business of your Department; these clerks are acting under your superintendence and control, and in the event of actual incapacity, or of gross misconduct, you will not hesitate to remove either, or both, provisionally, subject to the pleasure of the Postmaster-General, engaging in the mean time a competent person, so that the performance of the duty may not be impeded.

Your own salary at the rate of £300 sterling per annum, and those of your clerks, viz.:—the first clerk at £150, the second clerk at £100—will be paid by the Deputy Postmaster-General, and charged in his disbursements; and he will also provide an office, and stationery for the service of your office at the public expense.

You are further to observe such instructions as you may, from time to time, receive from the Postmaster-General, or by his orders.

By command of His Majesty's Postmaster-General,
(Signed) F. FREELING,
Secretary.

GENERAL POST-OFFICE,
London, July 3, 1834.

Office.	Name.	Date of appointment.	By whom appointed, and under what instrument.	Annual Salary in Sterling.	Amount of Fees during the year 1834 in sterling value.	Whether the Principal be allowed a house for his personal residence, or what allowance, if any, for house rent or quarters.	Whether the office be held by Principal, in conjunction with any, and what other Civil, Military, or Naval office or appointment, or place of profit in any Colony, or on the Establishment of the United Kingdom. If the office be held by a Military or Naval Officer—whether upon full or half, military or naval pay—the total amount of pay and allowances of every kind actually ceived by him in addition to the profits of his office.	Period during which the Officer has been absent from the Colony during the year 1834.	Whether the Principal enjoy any and what other advantage or profit not required to be stated in the preceding columns.
Deputy Postmaster-General.	Thomas Allen Stayner.	Appointed 14th December, 1827. Commission dated 6th April, 1828.	*His Grace the Duke of Manchester.* By a commission dated in the preceding column.	£ s. d. 500 0 0	£ s. d. 220 0 0	No house, nor any allowance for one.	I hold no other situation or appointment of profit—am on the half-pay list of the Army as a Deputy Assistant Commissary-General, but have never drawn any half pay.	Absent on duty in England, by authority of the Postmaster-General, from the commencement of the year till the 25th September.	I possess the privilege of sending certain descriptions of newspapers through the post in the British American Provinces. The profit derived from this source I have not at present the means of computing for the year 1834—I received at the rate of £200 a-year for Assistants up to the 5th October, 1834.

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

Certified Copy,
T. A. STAYNER,

SECTION of the Act of Geo. III. respecting the Franking of Newspapers upon which Mr. Stayner grounds his claims to the Postage on Newspapers.

4TH OF GEO. III., CAP. 24TH, SECTION 6.

And for as much as it hath been usual for the Clerks in the Offices of His Majesty's Principal Secretaries of State, and also for certain Officers in the Office of His Majesty's Postmaster-General, to frank printed Votes and Proceedings in Parliament, and printed Newspapers to be sent by the Post, be it, therefore, enacted, by the authority aforesaid, that it shall, and may be, lawful for such Clerks and Officers as aforesaid, being thereunto licensed by His Majesty's Principal Secretary of State or His Majesty's Postmaster-General respectively, to continue to frank such printed Votes and Proceedings in Parliament, and printed Newspapers, in such manner as they have heretofore been accustomed to frank the same, provided that such printed Votes, Proceedings, and Newspapers, shall be sent without covers, or in covers open at the sides.

With reference to the desire of the Committee that I should furnish a copy of my estimate of the probable effect of the proposed Post-Office Law upon the Revenue, I beg to say that I have been so fortunate as to find amongst my papers the original Notes upon which I drafted the estimate in question, which enables me to comply with the order in a more satisfactory manner than I feared I could do.

PROBABLE Effect for One Year upon the Post-Office Revenue in British North America by the operation of the proposed new Act for the government of the Post-Office in the several Provinces, viz.:—

		£	s.	d.
A.	Probable loss by the reduction in the rates of postage	5,000	0	0
B.	Accounts of the Civil Departments of the Provinces	4,000	0	0
C.	Loss that will be sustained by allowing the franking privilege to the members of the several Provincial Parliaments	2,000	0	0
D.	The sums of £1000 and £500 per annum, now paid by the Provinces of Nova Scotia and New Brunswick towards the support of certain lines of post	1,500	0	0
E.	Expense of the Temiscouata Postage and Lake Establishment, now paid out of the Military Chest	200	0	0
F.	To be remitted to England for British postage	3,000	0	0
G.	Letters on hand, and unpaid balances of Postmasters—say at a low computation	1,500	0	0
H.	Expense of the Surveyors, and other Officers added, or intended to be added, to the Establishment in British North America, and the expense of increasing the Salaries of certain Deputies—say	1,500	0	0
		18,700	0	0
	CONTRA.			
	Supposed Nett Revenue of the Post-Office annually at this time	14,000	0	0
	Probable deficiency	4,700	0	0
		18,700	0	0

This estimate shews a probable deficiency of £4,700; and although the calculation is necessarily a loose one, I thought, at the time I formed it, and still think, that in practice it would, *as regards the aggregate*, be found not far wide of the truth. I stated to the Postmaster-General, when rendering this statement, that all the Provinces, more especially the Canadas, stood in need of further post accommodation; and I considered it right, in order to meet those wants, and thus give satisfaction to the public, that we should make the sum to be provided £6,000. I apportioned this sum of £6,000 as follows:—

Lower Canada	£2,000
Upper Canada	2,000
Nova Scotia	1,200
New Brunswick	600
Prince Edward's Island	200
Total	£6,000

To be accounted for by the Postmaster-General to those Provinces, respectively, in the accounts to be kept with them.

I beg leave now to furnish some remarks, by way of justifying the view I took of the subject when I prepared the foregoing estimate—to assist me in doing which I have lettered the several items.

A.—I think that the loss to be apprehended under this head cannot be counted at less than I have made it.

B.—When in England I had no certain means of judging what might be the amount of the Postage Accounts of the several Provinces under this head; but I should think they amount to as much as I have stated.

C.—I think this a low estimate.

D.—I only learnt in England that these sums of money were provided by the Legislatures of Nova Scotia and New Brunswick towards supporting certain lines of post. I could not find, by reference to the accounts of the Deputy Postmaster-General at Halifax, any trace of the appropriation of the money, nor do I know how the account is kept—but it was necessary that, in forming a place for the re-organization of the posts, this money should be brought into the calculation.

E.—Upon the line of communication with New Brunswick a number of families are settled, for the purpose of keeping the road and assisting the courier at difficult passes. These families are supplied with rations of flour at the expense of the Military Chest, and a man is paid 2s. a day, from the same source, to look after them, and see that they fulfil the obligations of their agreement. The total cost is about £200 a year; and as the British Government, upon a transfer of the Post-Office Revenue, could not be expected to bear the charge, I included it in the estimate.

F.—I believe I am not far wrong in fixing this item at £3,000. It was formerly much more, but the New York Merchant Packets have taken a great deal of the correspondence away from the old Halifax and Falmouth line.

G.—I now think this item far too low.

H.—And this also; but, taking the whole together, if I were now called upon to form an estimate for the object under discussion, I would make the total amount very nearly what it appears in the statement which I have the honour to hand to the Committee.

(Signed) T. A. STAYNER, *Deputy Postmaster-General.*

GENERAL POST-OFFICE, QUEBEC.

ACCOUNT of Sums of Money transmitted to England on account of Post-Office Revenue for the Quarters of 1835.

£2,816 13s. 4d. Sterling,—quarter ending 5th April, 1835,—sent the 17th August, 1835.
No other remittance has been made on account of this year, owing to the interference of other business; the July Quarter's Accounts have not yet been completed, but I hope they will be ready in a few days.

(Signed) T. A. STAYNER.

STATEMENT shewing the Amount of Bonds given by Postmasters receiving United States Mails.

Kingston	Currency £	500
Montreal		1,500
Niagara		400
Prescott		200
Queenstun		1,500
Stanstead		200

(Signed) T. A. STAYNER,

GENERAL POST-OFFICE, QUEBEC.

1832.

A STATEMENT of the Amount of United States Postage collected in the Province of Upper Canada, with the Compensation paid by the American Post-Office Department for the collection of the same for the Year 1832.

	$ cts.		$ cts.
Estimated gross amount of United States Postage collected in Upper Canada for the year 1832	9,771 30	Estimated compensation paid by the American Post-Office Department for collecting United States Postage in U. Canada for the year 1832.	2,442 82

(Signed) T. A. STAYNER, *Deputy Postmaster-General.*

1832.

A STATEMENT of the Amount of United States Postage collected in the Province of Lower Canada, with the Compensation paid by the American Post-Office Department for the collection of the same for the Year 1832.

	$ cts.		$ cts.
Gross amount of United States Postage collected in Lower Canada for the year 1832	11,223 13	Compensation paid by the American Post-Office Department for the collection of United States Postage for the year 1832	2,386 03

(Signed) T. A. STAYNER, *Deputy Postmaster-General.*

1833.

A STATEMENT of the Amount of United States Postage collected in the Province of Upper Canada, with the Compensation paid by the American Post-Office Department for the collection of the same for the Year 1833.

	$ cts.		$ cts.
Estimated gross amount of United States Postage collected in Upper Canada for the year 1833	13,121 09	Estimated compensation paid by the American Post-Office Department for collecting United States Postage for the year 1833	3,280 27

(Signed) T. A. STAYNER, *Deputy-Postmaster General.*

1833.

A STATEMENT of the Amount of United States Postage collected in the Province of Lower Canada, with the Compensation paid by the American Post-Office Department for the collection of the same for the Year 1833.

	$ cts.		$ cts.
Gross amount of United States Postage collected in Lower Canada for the year 1833.....	12,271 92	Compensation paid by the American Post-Office Department for the collection of United States Postage for the year 1833.....	2,476 84½

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

1834.

A STATEMENT of the Amount of United States Postage collected in the Province of Upper Canada, with the Compensation paid by the American Post-Office Department for the collection of the same for the Year 1834.

	$ cts.		$ cts.
Estimated gross amount of United States Postage collected in Upper Canada for the year 1834.....	16,751 94	Estimated compensation paid by the American Post-Office Department for collecting United States Postage for the year 1834.....	4,187 98

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

1834.

A STATEMENT of the Amount of United States Postage collected in the Province of Lower Canada, with the Compensation paid by the American Post-Office Department for the collection of the same for the Year 1834.

	$ cts.		$ cts.
Gross amount of United States Postage collected in Lower Canada for the year 1834.....	12,737 81	Compensation paid by the American Post-Office Department for the collection of United States Postage for the year 1834.....	2,516 38

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

ACCOUNT CURRENT with the United States.

I beg to lay before the Committee, as required, copies of my Account Current with the United States General Post-Office for the year 1834, in four Quarterly Statements; and in reply to the demand that I should state the arrangements under which I conduct the monied transactions with the United States, I desire to inform the Committee that I am the General Agent of the United States Post-Office for the collection of their Revenue in the Canadas, and that I am held personally responsible to that Department for such Revenue. In my capacity as such Agent I compile quarterly the accounts of the several receiving and distributing Officers for American Postage in both Upper and Lower Canada, receiving the Revenue from the several Postmasters, and remitting it to Washington, as will appear by the Accounts Current sent herewith.

My arrangement with the General Post-Office at Washington is, that in consideration of collecting the United States Postage, examining and compiling the accounts and making myself responsible for the due transmission of the Revenue to Washington, I am allowed to charge the same commission as is granted to American Postmasters.

In Lower Canada the great mass of American Postage is collected at Montreal and Quebec. The accounts are made up at the former office, which is the chief distributing office for American Postage in Lower Canada.

The commission allowed by the American Government, on its Postage collected in the Lower Province, has always been applied

as the personal emolument of the Deputy Postmaster-General, who gives a proportion of it to his Deputies, as a compensation to them for their trouble.

With regard to Upper Canada, I take the same trouble, and am liable to the same responsibility, with the Accounts and Revenue of American Postage in that Province that I am for the Lower Province; but I derive no advantage from this source from Upper Canada, as I allow the whole commission to be divided amongst the several Deputies. At Kingston I have sanctioned a separate Agency for the collection of American Postage, in the person of my Deputy, Mr. Macaulay, who makes up an account in his own name with the Postmaster-General at Washington.

I remit the American Postage collected in those Provinces to the Postmaster-General at Washington quarterly, in Bills of Exchange.

(Signed) T. A. STAYNER,

November 20, 1835.

(COPY.)

The General Post-Office for British North America in Account with the General Post-Office, Washington, for the Quarter ending 31st March, 1834.

Dr.	$	cts.
To balance due General Post-Office, Washington, 31st December, 1833	2,547	59½
To letters remaining on hand, ditto	135	10
To unpaid letters received at Montreal this quarter	1,081	76½
To paid ditto sent from ditto ditto	1,436	35½
To Newspapers and Pamphlets sent and received ditto	97	94½
	6,198	75½
To balance on above account brought down	5,281	18½
Amount of Postage Commission deducted, collected at Queenston, quarter ending 31st March, 1834	2,288	77½
Amount of Postage ditto ditto, ditto at Prescott	125	20½
Amount of Postage ditto ditto, ditto at Niagara	94	55½
Amount of Postage ditto ditto, ditto at Stanstead	56	52
Total balance due General Post-Office, Washington	7,846	24

Cr.	$	cts.	$	cts.
By letters remaining on hand			120	15
By returned on overcharged letters			14	41½
By overcharges on letter bills to Montreal			13	80½
By dead letters to be destroyed, taken on account of 31st March, 1834			146	56½
Commission on $100 at 30 ℔ cent.	$ 30	00		
Commission on $300 at 25 ℔ cent.	75	00		
Commission on $2,000 at 20 ℔ cent.	400	00		
Commission on $858 28 at 8 ℔ cent.	68	66		
Commission on $97 94½,—Newspaper Postage—at 50 ℔ cent.	48	97½		
			622	63½
Balance due General Post-Office, Washington, on this account			5,281	18½
			6,198	75½

(Signed) T. H. THOMSON,
A. D. P. M. G.
For T. A. STAYNER,
D. P. M. G. for Brit. N. America and Agent for the U. S. P.-O. Dep

General Post-Office, Quebec.
Certified Copy,
T. A. STAYNER.

The General Post-Office for British North America in Account with the General Post-Office, Washington, for the Quarter ending 30th June, 1834.

Dr.	$	cts.
To balance due General Post-Office, Washington, 31st March, 1834	7,846	24
To letters remaining on hand, ditto	120	15
To unpaid letters received at Montreal this quarter	2,111	30½
To paid ditto sent from ditto ditto	1,224	50½
To Newspapers and Pamphlets sent and received ditto	83	18½
To error in account for quarter ending 31st Dec. 1832, per Examiner's letter, dated 17th Sept. 1833	1	0
	11,386	38
To balance on above account brought down	10,574	64½
To amount of Postage Commission deducted, collected at Queenston, quarter ending 30th June	2,405	45
To amount of Postage do. do., do. at Niagara, do.	87	48
To amount of Postage do. do., do. at Prescott, do.	116	50½
To amount of Postage do. do., do. at Stanstead, do	65	43
	13,249	86½

Certified Copy,

(Signed) T. A. STAYNER.

Cr.	$	cts.	$	cts.
By letters remaining on hand			39	20
By returned on overcharged letters			15	62½
By dead letters to be destroyed, taken on account of 30th June, 1834			129	07
By overcharge on letter bills to Montreal			12	47½
By commission on $100 at 30 ℔ cent.	$ 30	00		
By commission on $300 at 25 ℔ cent.	75	00		
By commission on $2,000 at 20 ℔ cent.	400	00		
By commission on $859 56½ at 8 ℔ cent.	68	76		
By commission on Newspapers, &c., $83 18½ at 50 ℔ cent.	41	59		
			615	35
Balance due General Post-Office, Washington, on this account			10,574	65½
			11,386	38
By remittance made 10th October, 1834, three Bills of Exchange—£500 Sterling each—Montreal Bank, on Messrs. Thomas Wilson & Co., London, at 8 ℔ cent. premium			7,200	00
Total balance due General Post-Office, Washington			6,049	86½
			13,249	86½

(Signed) T. A. STAYNER,
D. P. M. G. for Brit. N. America, and Agent for the U. S. P.-O. Dep.

General Post-Office, Quebec.

The General Post-Office for British North America in Account with the General Post-Office, Washington, for the Quarter ending 30th September, 1834.

Dr.	$	cts.	Cr.	$	cts.
To balance due General Post-Office, Washington, 20th January, 1834	6,049	86½	By letters remaining on hand	37	25
To letters remaining on hand, ditto	39	20	By returned on overcharged letters	9	53¾
To unpaid letters received at Montreal this quarter	1,847	11¾	By dead letters to be destroyed, taken on account of 30th September, 1834	165	75
To paid ditto sent from ditto ditto	1,076	52½	By overcharged on letters to Montreal	11	02¾
To Newspapers and Pamphlets sent and received ditto	76	83	By commission on $100 at 30 ℔ cent.. $ 30 00		
To postage on a dead letter returned from Washington to James Gnayher—letter of 15th Oct. 1834, signed M. T. Simpson, Superintendent.	0	56¼	By commission on $300 at 25 ℔ cent.. 75 00		
			By commission on $2,000 at 20 ℔ cent. 400 00		
			By commission on $239 27¾ at 8 ℔ cent 27 14		
			By commission on $76 83 Newspaper Postage, at 50 ℔ cent 38 41½		
				570	35½
			By balance due General Post-Office, Washington, on this account	8,295	98
	9,090	10		9,090	10
To balance on above account brought down	8,295	98	By remittance made 6th December, 1834, two Bills of Exchange—R. J. Routh, on the Lords of the Treasury, dated 6th December, 1834—£1000 Sterling—and J. H. Thomson, on Messrs. Couff & Co., London, dated 18th October, 1834, for £100 Sterling, at 6½ ℔ cent. premium—total £1000 Sterling—equal to	5,206	66
To amount of Postage, Commission deducted, as collected at Queenston in quarter ending 30th September, 1834	2,426	69	By total balance due General Post-Office, Washington	5,813	18
To amount of Postage do. do., do. at Niagara, do	100	80			
To amount of Postage do. do., do. at Prescott, do.	122	95			
To amount of Postage do. do., do. at Stanstead, do	73	42			
	11,019	84		11,019	84

Certified Copy,

(Signed) T. A. STAYNER.

(Signed) T. A. STAYNER,
D. P. M. G. for Brit. N. America, and Agent for the U. S. P.-O. Dep.

General Post-Office, Quebec.

The General Post-Office for British North America in Account with the General Post-Office, Washington, for the Quarter ending 30th December, 1834.

Dr.	$	cts.	Cr.	$	cts.
To balance due General Post-Office, Washington, 30th September, 1834	5,813	18	By letters remaining on hand	42	50
To letters remaining on hand, ditto	37	25	By returned on overcharged letters	8	87½
To unpaid letters received at Montreal this quarter	1,908	33½	By dead letters to be destroyed, taken on account of 31st December, 1834	185	07
To paid ditto sent from ditto ditto	1,042	73¾	By overcharges on letter bills to Montreal	14	07
To Newspapers and Pamphlets sent and received this quarter	85	12	By commission on $100 at 30 ℔ cent.. $ 30 00		
			By commission on $300 at 25 ℔ cent.. 75 00		
			By commission on $2,000 at 20 ℔ cent. 400 00		
			By commission on $337 80¾ at 8 ℔ cent 27 02		
			By commission on $85 12, Newspaper Postage, at 50 ℔ cent 42 56		
				574	58
			By balance due to General Post-Office, Washington	8,061	52¾
	8,886	62¼		8,886	62¼
To balance on above account brought down	8,061	52¾	By remittance made 10th March, 1835—Bill of Exchange, Commissary-General Routh on Lords of the Treasury, London, for £1,200 Sterling, at 4s. 1½d. Sterling ℔ dollar	5,818	20
To amount of Postage, Commission deducted, collected at Queenston in quarter ending 31st December, 1834	2,807	04	By total balance due General Post-Office, Washington*	5,345	36½
To amount of Postage do. do., do. at Niagara, do.	101	97½			
To amount of Postage do. do., do. at Prescott, do.	121	86			
To amount of Postage do. do., do. at Stanstead, do	71	16¼			
	11,163	56½		11,163	56½

Certified Copy,

T. A. STAYNER.

(Signed) T. A. STAYNER,
D. P. M. G. for Brit. N. America, and Agent for the U. S. P.-O. Dep.

General Post-Office, Quebec.

* Note.—In discharge of this balance, I remitted, on the 10th June, 1835, a Bill of Exchange for £1,100 Sterling.

SCHEDULE of the Accounts and Vouchers for the Printers' Work and Advertisements of the Post-Office Department, in the Canadas for the Year 1834, *charged in the Contingent Returns furnished to the Committee, copies furnished herewith, numbered as per margin.*

No.	Names of Printers.	Residence.	Amount paid. £	s.	d.
1	James Johnson,	Hamilton, U. C.....	0	5	0
2	Jas. M'Farlane & Co.	Kingston, U. C.....	0	12	5
3	Wm. Buell & Co.,	Brockville, U. C.....	1	5	0
4	Alexander Cameron,	Bytown, U. C.....	0	15	0
5	Wyman & Carter,	Cornwall, U. C.....	0	10	2
6	Joseph Wilson,	Hallowell, U. C.....	1	3	5
7	James Johnson,	Hamilton, U. C.....	0	13	9
8	Jas. M'Farlane & Co.	Kingston, U. C.....	5	6	1
9	Thomas Leed,	Laprairie, L. C.....	0	2	8
10	John Busteed,	London, U. C.....	1	11	4
11	Leclerc & Jones,	Montreal, L. C.....	4	0	0
12	Workman & Bowman	Montreal, L. C.....	10	0	0
13	Robert Weir, Jun.,	Montreal, L. C.....	6	2	3
14	Jas. M'Farlane & Co.	Kingston, U. C.....	0	7	6
15	Samuel Heron,	Niagara, U. C.....	0	9	6
16	A. Cameron,	Perth, U. C.....	0	15	0
17	Wm. B. Gowan,	Port Hope, U. C.....	0	11	5
18	Daniel M'Leod,	Prescott, U. C.....	0	12	6
19	Samuel Heron,	Queenston, U. C.—say Niagara.....	0	4	8
20	Hiram Leavenworth,	St. Catharines, U. C.	0	7	8
21	John Kent,	St. Thomas, U. C....	0	6	7
22	John Cowan,	Sandwich, U. C.....	0	4	7
23	Hiram Leavenworth,	St. Catharines, U. C.	0	1	1
24	George Stobbs,	Three Rivers, L. C..	1	2	6
25	John Kent,	St. Thomas, U. C....	0	2	4
26	Thomas Dalton,	City of Toronto, U. C.	6	4	6
27	W. L. Mackenzie,	City of Toronto, U. C.	2	2	4
28	Jas. M'Farlane & Co.	Kingston, U. C.....	0	13	3
29	Arch. Ferguson & Co.	Montreal, L. C.....	116	1	6
30	James Johnson,	Ancaster, U. C.....	0	4	1
31	Jas. M'Farlane & Co.	Kingston, U. C.....	0	5	4
32	David M'Keeler,	Brantford, U. C.....	0	10	10
33	Wm. Buell & Co.,	Brockville, U. C.....	1	5	0
34	Wyman & Carter,	Cornwall, U. C.....	0	11	1
35	Joseph Wilson,	Hallowell, U. C.....	1	8	11
36	Allan N. M'Nab,	Hamilton, U. C.....	2	15	6
37	E. & J. Richie,	Hamilton, L. C.....	1	15	0
38	Thomas Leed,	Laprairie, L. C.....	0	2	1
39	John Busteed,	London, U. C.....	0	17	5
40	Jas. M'Farlane & Co.	Kingston, U. C.....	0	5	3
41	Samuel Heron,	Queenston, U. C.—say Niagara.....	0	15	6
42	John Cameron,	Perth, U. C.....	0	12	6
43	Wm. B. Gowan,	Port Hope, U. C....	0	15	5
44	David M'Leod,	Prescott, U. C.....	0	12	6
45	Samuel Heron,	Niagara, U. C.....	0	5	5
46	H. Leavenworth,	St. Catharines, U. C.	0	10	9
47	John Kent,	St. Thomas, U. C....	0	4	5
48	John Cameron,	Bytown, U. C.....	0	19	6
49	John Busteed,	London, U. C.....	0	4	1
50	James M'Farlane,	Kingston, U. C.....	2	11	2
51	W. L Mackenzie,	City of Toronto, U. C	2	8	10
52	H. Leavenworth,	St. Catharines, U. C..	0	2	10
53	Thomas Dalton,	City of Toronto, U. C.	2	2	6
54	Thomas Cary & Co.,	Quebec, L. C.....	37	3	9
55	Frechette & Co.,	Quebec, L. C.....	39	17	6
56	Neilson & Cowan,	Quebec, L. C.....	32	10	4
57	Robert Weir, Jun.,	Montreal, L. C.....	17	19	0
58	L. Duvernay,	Montreal, L. C.....	4	0	0
59	Thomas Cary & Co.,	Quebec, L. C.....	22	13	1
60	John Kent,	St. Thomas, U. C....	0	6	10
61	R. D. Chatterton,	Cobourg, U. C.....	0	16	6
62	John Kent,	St. Thomas, U. C....	0	3	11
63	John Cowan,	Sandwich, U. C.....	0	3	4
64	G. H. Hackstaff,	Dundas, U. C.....	0	3	11
65	David M. Keeler,	Brantford, U. C.....	0	15	0
		Carried forward...			

No.	Names of Printers.	Residence.	Amount paid. £	s.	d.
		Brought forward...			
66	Wm. Buell & Co.,	Brockville, U. C.....	1	5	0
67	Saxon & M'Knight,	City of Toronto, U. C.	14	12	6
68	E. Lesslie & Sons,	City of Toronto, U. C.	13	10	0
69	Thomas Dalton,	City of Toronto, U. C.	28	0	0
70	W. L. Mackenzie,	City of Toronto, U. C.	3	5	11
71	Wyman & Carter,	Cornwall, U. C.....	0	14	3
72	E. & J. Ritchie,	Hamilton, U. C.....	3	10	0
73	John Hogan,	Hamilton, U. C.....	3	18	7
74	Jas. M'Farlane & Co.	Kingston, U. C.....	4	13	6
75	William Busteed,	London, U. C.....	0	14	8
76	Robert Weir, Jun.,	Montreal, L. C.....	4	19	6
77	Jas. M'Farlane & Co.	Kingston, U. C.....	0	6	10
78	Samuel Heron,	Niagara, U. C.....	0	13	8
79	John Cameron,	Perth, U. C.....	3	0	0
80	W. B. Gowan,	Port Hope, U. C.....	0	16	8
81	Daniel M'Leod,	Prescott, U. C.....	0	12	6
82	Samuel Heron,	Niagara, U. C.....	0	7	3
83	John Cowan,	Sandwich, U. C.....	0	5	4
84	H. Leavenworth,	St. Catharines, U. C..	0	8	0
85	John Kent,	St. Thomas, U. C....	1	1	5
86	H. Leavenworth,	St. Catharines, U. C..	0	1	7
87	John Kent,	St. Thomas, U. C....	0	4	3
88	Thomas Cary & Co.,	Quebec, L. C.....	16	19	3
89	Millar, M'Donald & Co	Quebec, L. C.....	7	0	0
90	A. Cameron,	Bytown, U. C.....	0	19	6
91	J. Knight,	Chambly, L. C.....	0	1	0
92	Joseph Wilson,	Hallowell, U. C.....	1	1	1
93	Jas. M'Farlane & Co.	Kingston, U. C.....	2	5	2
94	R. D. Chatterton,	Cobourg, U. C.....	1	2	5
95	George H. Hackstaff,	Dundas, U. C.....	0	4	8
96	G. Benjamin,	Belleville, U. C.....	1	8	1
97	David M. Keeler,	Brantford, U. C.....	3	5	0
98	Wm. Buell & Co.,	Brockville, U. C.....	1	5	0
99	J. Knight,	Chambly, L. C.....	0	1	0
100	R. D. Chatterton,	Cobourg, U. C.....	0	15	8
101	Wyman & Carter,	Cornwall, U. C.....	1	9	6
102	George H. Hackstaff,	Dundas, U. C.....	0	11	5
103	Joseph Wilson,	Hallowell, U. C.....	0	11	11
104	Stephen Randal,	Hamilton, U. C.....	1	5	2
105	Jas. M'Farlane & Co.	Kingston, U. C.....	1	10	0
106	E. Thompson,	Kingston, U. C.....	9	15	0
107	J. Busteed & Brothers	London, U. C.....	0	13	9
108	Robert Weir, Jun.,	Montreal, L. C.....	11	4	6
109	Jas. M'Farlane & Co.	Kingston, U. C.....	0	7	10
110	G. H. Hackstaff,	Dundas, U. C.....	0	8	8
111	Samuel Heron,	Niagara, U. C.....	0	13	10
112	Wm. B. Gowan,	Port Hope, U. C.....	0	14	7
113	T. Hodgkinson,	St. Thomas, U. C....	0	7	4
114	A. B. James,	Prescott, U. C.....	0	12	6
115	Samuel Heron,	Niagara, U. C.....	0	4	4
116	John Kent,	St. Thomas, U. C....	0	10	3
117	John Cowan,	Sandwich, U. C.....	0	8	1
118	Hiram Leavenworth,	St. Catharines, U. C.	0	4	8
119	C. W. Tolford,	Stanstead, L. C.....	0	8	6
120	H. Leavenworth,	St. Catharines, U. C.	0	1	9
121	E. Ryerson,	City of Toronto, U. C.	2	16	6
122	Saxon & M'Knight,	City of Toronto, U. C.	9	11	3
123	John Kent,	St. Thomas, U. C....	0	2	11
124	Thomas Cary & Co.	Quebec, L. C.....	33	8	3½
125	Neilson & Cowan,	Quebec, L. C.....	12	5	7
126	Frechette & Co.,	Quebec, L. C.....	42	17	0
127	Joseph Wilson,	Hallowell, U. C.....	0	5	5
128	J. H. Dickenson,	Stanstead, L. C.....	0	5	9
129	G. H Hackstaff,	Dundas, U. C.....	0	10	3
130	Neilson & Cowan,	Quebec, L. C.....	5	3	4
			611	9	8½

NOTE.—There will be found a difference of £1 6s. 11½d. between this statement & the amount in my Return No. XI., rendered the

Committee some time ago. This difference is supposed to have arisen when selecting the proper vouchers for the original and summing them up. The present account I believe to be certifically correct.

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE,
Quebec, December 22, 1835.

RECAPITULATION.

	£	s.	d.
Paid to Printers in Lower Canada	416	8	4½
Paid to Printers in Upper Canada	195	1	4
	£611	9	8½

SCHEDULE of the Accounts and Vouchers for that part of the Contingent Expenses of the Post-Office Department in the Canadas, for the Year 1834, *classed under the heads of "Law Charges"—"Travelling Expenses"—"Mail-Bags and Portmanteaus"—"Office Rent"—"Carrying out Letters"—"Fuel and Candles"—"Mail-Locks"—"Seals and Stamps"—"Scales and Weights"—"Maps"—and various other objects—copies furnished herewith numbered as per margin.*

No.		Object of Expense.	Amount paid. £	s.	d.
1	Robert Morris	Repairing mail bags	1	5	9
2	F. Omier	Repairing mail bags	0	10	6
3	William Benson	Repairing mail bags	0	5	0
4	William Atkinson	Making a mail bag	0	15	0
5	Allison & Clement	Making and repairing mail bags	6	10	0
6	Abner Reire	Repairing mail bags	3	10	0
7	C. W. Gips	Repairing mail bags	0	1	10½
8	S. Solomon	Repairing mail bags	0	1	3
9	John Warren	Repairing mail bags	0	6	3
10	John Brown	Making mail bags	4	9	9
11	Joseph Cuillard	Carrying mail	0	10	0
12	Joseph Lefebre	Repairing mail bags	0	13	9
13	William Barbridge	Repairing mail bags	0	10	10
14	James Barclay	Repairing mail bags	0	2	9
15	Vital Tetu	Office Rent	10	0	0
16	M. Sutherland	Office Rent	15	0	0
17	W. T. Langston	Carrying out letters	7	10	0
18	Robert Harman	Carrying out letters	7	10	0
19	J. Porteus	Carrying out letters	7	10	0
20	Patrick Lindsay	Carrying out letters	7	10	0
21	David Logie	Carrying out letters	7	10	0
22	Thomas Nagle	Carrying out letters	7	10	0
23	J. B. Lesage	Carrying out letters	1	5	0
24	John Bignell	Disbursements for Quebec Office	9	10	5
25	R. M'Instry	Carrying out letters	1	18	9
26	Robert Morris	Making and repairing mail bags	21	12	9
27	G. M. Foster & Co.	Making a mail bag	1	10	0
28	William Benson	Repairing mail bags	1	3	9
29	George Rowe	Repairing mail bags	0	4	0
30	F. Omier	Repairing mail bags	0	4	0
31	William Wright	Repairing mail bags	0	1	3
32	James Johnston	Repairing mail bags	0	5	0
33	John Prest	Repairing mail bags	0	2	6
34	Thomas Nagle	Travelling expenses	1	0	0
35	M. Sutherland	Office Rent	7	10	0
36	Vital Tetu	Office Rent	10	0	0
37	John Barrett	Carrying out letters	7	10	0
38	W. T. Langston	Carrying out letters	7	10	0
39	D. Logie	Carrying out letters	7	10	0
40	James Porteous	Carrying out letters	7	10	0
41	Patrick Lindsay	Carrying out letters	7	10	0
42	Thomas Nagle	Carrying out letters	7	10	0
43	J. B. Lesage	Carrying out letters	1	5	0
44	P. Cadaret	Carrying out letters	1	9	7
45	P. & W. Ruthven	Book-binding	4	6	8
46	John Bignell	Sundries for Quebec Post-Office	8	17	8
		Carried forward...			

No.		Object of Expense.	Amount paid. £	s.	d.
		Brought forward...			
47	Vital Tetu	Office Rent	10	0	0
48	M. Sutherland	Office Rent	7	10	0
49	Charles Berczy	Law charges, &c.	7	14	0
50	D. Logie	Carrying out letters	7	10	0
51	J. Porteous	Carrying out letters	7	10	0
52	T. A. Stayner	Travelling expenses	842	2	1
53	Patrick Lindsay	Carrying out letters	7	10	0
54	Thomas Nagle	Carrying out letters	7	10	0
55	J. B. Lesage	Carrying out letters	1	5	0
56	Prospere Caderet	Carrying out letters	1	10	5
57	John Barrett	Carrying out letters	7	10	0
58	W. T. Langston	Carrying out letters	7	10	0
59	Francis Homier	Repairing mail bags	0	2	0
60	Russell Wheeler	Repairing mail bags	0	8	9
61	John Prest	Repairing mail bags	0	1	0
62	N. S. Anderson	Repairing mail bags	0	7	6
63	Robert Morris	Making and repairing mail bags	14	12	6
64	W. H. Griffin	Sundries for Quebec Office	18	5	8
65	Joseph Guerin	Repairing mail bags	0	1	3
66	A. Baker	Repairing mail bags	0	3	6
67	Wm. Atkinson	Repairing mail bags	1	17	10
68	Wm. Benson	Repairing mail bags	0	5	0
69	Pierre Lavioletto	Sundries for General Post-Office	1	15	11
70	Robert Morris	Making and repairing mail bags	20	3	0
71	S. Crouch & Co.	Repairing mail bags	0	4	0
72	Francis Homier	Repairing mail bags	0	6	0
73	William Wilkinson	Repairing mail bags	0	2	0
74	Vital Tetu	Office Rent	12	10	0
75	Tristam Vincent	Repairing mail bags	0	2	6
76	Louis Clair	Repairing do locks, &c	0	0	0
77	James Ferguson	Travelling expenses	3	0	0
78	E. Ritcher	Travelling expenses	5	12	6
79	G. C. Wood	Travelling expenses	3	0	0
80	G. W. Baker	Travelling expenses	3	10	2
81	Prospere Cadaret	Carrying out letters	1	18	9
82	J. B. Lesage	Carrying out letters	1	5	0
83	Thomas Nagle	Carrying out letters	7	10	0
84	Patrick Lindsay	Carrying out letters	7	10	0
85	J. Porteous	Carrying out letters	7	10	0
86	F. H. Hall	Carrying out letters	8	1	6
88	John Sewell	Sundries & work for Quebec Office	9	4	7½
89	W. T. Langston	Carrying out letters	17	6	1½
	John Barrett	Carrying out letters	14	19	11½
		Currency	1290	18	6½

NOTE.—The amount shewn by these Vouchers to have been disbursed for such contingent expenses as come under the heads noticed by the order from the Committee is £20 12s. 1d. more than returned in the General Statement laid before the Committee, numbered XI. This has arisen in the hurry of selecting the items which composed that Statement—when charges which should properly have been included therein have been erroneously considered as coming under another head. The liability to an error of this kind will the more readily be understood when it is explained, that the vouchers supporting the total charge included under the heads of the Account now rendered are included in our General Accounts, in several different Abstracts. I have bestowed great care in preparing the present Statement, and have no doubt of its correctness.

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE,
Quebec, December 22, 1835.

RECAPITULATION.

Paid to T. A. Stayney, Esq.		£ 842 2 1
Paid in Upper Canada	£107 6 10½	
Paid in Lower Canada	341 9 7	
		448 16 5½
		£1,290 18 6½

ACCOUNT of Travelling Expenses incurred by T. A. Stayner, Deputy Postmaster-General in British North America, and Daily Allowance due to him whilst employed upon a special service, for which he was ordered to England by His Grace the Duke of Richmond, Postmaster-General.

		Sterling.
		£ s. d.
1833 May 25.	Travelling charges from Quebec to New York	9 17 0
June 19.	Paid per Mail from Liverpool to London	4 0 0
1834 July 26.	Paid from London to Port of Embarkation on returning to America	2 6 6
Sept.	Travelling charges from New York to Quebec	10 13 6
	Land transport of Luggage, and Custom-House charges going and returning	2 5 6
	Passage out and back by American Packets	65 0 0
	Daily allowance from 25th May, 1833, to 25th September, 1834, inclusive—489 days, at 26s. per diem	635 14 0
	Sterling*	729 16 6

* Equal to £842 2s. 1d. Halifax Currency.

GENERAL POST-OFFICE,
Quebec, October 6, 1834.

Received, from His Majesty's Postmaster-General, Seven Hundred and Twenty-Nine Pounds, Sixteen Shillings, and Sixpence Sterling, in payment of the foregoing Account.
Having signed in duplicate.
(Signed) T. A. STAYNER,
Deputy Postmaster-General.

Certified Copy,
(Signed) T. A. STAYNER,

A RETURN shewing the Number of Fines levied by me upon Mail Contractors in the Province of Lower Canada for Neglect of Duty, &c., for each of the Years 1832, 1833, *and* 1834.

ROUTE.	Name of the Contractor.	For what Quarter.	Amount of Fines for 1832.	Amount of Fines for 1833.	Amount of Fines for 1834.	REMARKS.
			£ s. d.	£ s. d.	£ s. d.	
Quebec to Montreal	Cady & Hough	Jan. 1833	15 5 0	0 0 0	0 0 0	For repeated irregularities during the quar.
Wm. Henry to Three Rivers	Louis Allard	Oct. 1834	0 0 0	0 0 0	1 0 0	For neglect of duty.
Montreal to Kingston	A. Bigelow & Co.	Jan. 1835	0 0 0	0 0 0	5 0 0	For neglect of duty.
Montreal to Grenville	Emery Cushing	Jan. 1835	0 0 0	0 0 0	8 0 0	For neglect of duty.
			15 5 0	0 0 0	14 0 0	

(Signed) T. A. STAYNER, *Deputy Postmaster-General.*

GENERAL POST-OFFICE,
Quebec, January, 1836.

A RETURN shewing the Amount of Fines levied by me upon the Mail Contractors in the Province of Upper Canada for Neglect of Duty, &c., for each of the Years 1832, 1833, *and* 1834.

ROUTE.	Name of the Contractor.	For what Quarter.	Amount of Fines for 1832. £	s.	d.	Amount of Fines for 1833. £	s.	d.	Amount of Fines for 1834. £	s.	d.	REMARKS.
York and Niagara.....	Jacob Cook.....	Oct. 1832	5	0	0	0	0	0	0	0	0	A moiety of this sum imposed in consequence of the Courier's passing the Post-Office at Stanley Creek without calling—the other moiety for inebriety on the part of the Courier.
Hamilton and Brantford...	E. W. Stephenson.	Oct. 1832	5	0	0	0	0	0	0	0	0	Irregularities in arriving at either extremity of the route during the year.
Kingston and York.....	William Weller...	Jan. 1833	2	10	0	0	0	0	0	0	0	For neglect of duty.
York and Niagara.....	Jacob Cook.....	Jan. 1832	20	5	0	0	0	0	0	0	0	For exceeding the prescribed time of arrival of the Mail on several occasions at the extremities of the route, and for intoxication on the part of the Couriers.
Hamilton and Brantford...	E. W. Stephenson.	Jan. 1833	10	0	0	0	0	0	0	0	0	For irregularities in arriving at either extremity of the route.
Bytown and Grenville.....	Brigham & Whitcomb	Ap. 1833	0	0	0	1	0	0	0	0	0	For irregularity.
Brockville and Perth.....	John Crofts.....	Ap. 1833	0	0	0	1	10	0	0	0	0	For irregularity.
York and Niagara.....	Jacob Cook.....	Ap. 1832	0	0	0	10	10	0	0	0	0	For irregularities on the part of the Couriers.
Hamilton and Brantford...	E. W. Stephenson.	Ap. 1833	0	0	0	12	10	0	0	0	0	Of this sum, £10 were imposed for the Courier's having dropped a mail bag on his way to Brantford, and £2 10s. for delays.
Brantford and Sandwich...	Jed. Jackson.....	Ap. 1833	0	0	0	5	0	0	0	0	0	For neglect of duty on the part of the Couriers.
York and Niagara.....	Jacob Cook.....	July 1833	0	0	0	2	10	0	0	0	0	For Courier's neglecting to call at Stoney Creek Office on 4th July.
London and Howard Bridge	Alonzo Ladd.....	July 1833	0	0	0	2	10	0	0	0	0	For Courier's leaving the Mail bag at Delaware on 13th May.
Queenston and Fort Erie...	Job Chubbuck....	July 1833	0	0	0	7	10	0	0	0	0	For irregularity.
York and Niagara.....	Jacob Cook.....	Oct 1833	0	0	0	1	5	0	0	0	0	For improper conduct of the Courier on the 24th September.
York and Niagara.....	Jacob Cook.....	Jan. 1834	0	0	0	2	10	0	0	0	0	For delays on the part of Couriers at different times.
Queenston and Fort Erie...	Job Chubbuck....	Jan. 1834	0	0	0	1	5	0	0	0	0	For irregularity.
York and Niagara.....	Jacob Cook.....	Ap. 1834	0	0	0	0	0	0	9	0	0	For delays on the part of the Couriers.
Hamilton and Brantford...	E. W. Stephenson.	Ap. 1834	0	0	0	0	0	0	2	10	0	For Courier having dropped a Mail bag.
Kingston and Toronto.....	Wm. Weller.....	Jan. 1836	0	0	0	0	0	0	10	0	0	For neglect of duty.
Hamilton and Brantford...	E. W. Stephenson.	Jan. 1836	0	0	0	0	0	0	1	5	0	For the Courier's having left the Mail bag at Dundas on 17th November.
			42	15	0	48	0	0	22	15	0	

General Post-Office, *Quebec, January*, 1836. (Signed) T. A. STAYNER, *Deputy Postmaster-General.*

RETURN of Contracts (over £100 *per Annum) entered into by the Deputy Postmaster-General, and at present in force for carrying the Mail; with the Names of the Persons who tendered to carry the Mail, and whose tenders were not accepted—the Rate at which they proposed to carry the Mail, and the reasons (if any) why their offers were not accepted.*

NAME OF ROUTE.	Names of the Persons who tendered to carry the Mail, and whose tenders were not accepted.	The rate at which they proposed to carry the Mail.	The reasons why their offers were not accepted.
Amherstburg to Howard's Bridge..... Howard's Bridge to London..... London to Brantford..	Jedidiah Jackson.....	£936 per annum..	The price asked by Mr. Jackson was too high.
Bath to Brighton.....	.....	.....	An agreement was made with the Contractors for this route without calling for tenders.
Bytown to Grenville.....	Emery Cushing.....	1s. 3d. per league.	Mr Cushing's tender was 1½d. per league higher than the one accepted.
Hamilton to Brantford..	.....	.....	No other tender than the one accepted appears to have been received.
Kingston to Toronto City.	.....	.....	An agreement was made for this route without calling for tenders.

NAME OF ROUTE.	Names of the Persons who tendered to carry the Mail, and whose tenders were not accepted.	The rate at which they proposed to carry the Mail.	The reasons why their offers were not accepted.
Montreal to Fort Covington	Henry Hoyle	£200 per annum	For a mail twice a week Mr. Hoyle would not comply with the conditions on which the tenders were called for by the Deputy Postmaster-General.
	Orson French	£150 per annum	Mr. French would not undertake to carry the mail in a carriage.
Montreal to Grenville			No other tender than the one accepted appears to have been received.
Montreal to Highgate & St. John's, L. C.			Ditto ditto ditto ditto.
Montreal to Kingston			An agreement was made for this route without calling for tenders.
Montreal to Stanstead			Ditto ditto ditto ditto.
Quebec to Hilton, (State of Maine)			Ditto ditto ditto ditto.
Quebec to Montreal	John Cady	£1,560 per annum	These three tenders were rejected, the rates proposed being much higher than the one accepted.
	Osnyn Griffin	£1,430 per annum	
	Samuel Hough	£1,382 6s. 8d. do.	
	R. Lafontaine	£1,068 3s. 4d. do.	This tender was not accepted, because the Deputy Postmaster-General considered that it was impossible that the mail could be carried efficiently at that price.
Quebec to Woodstock			An agreement was made for this route without calling for tenders.
Queenston to Fort Erie	William Forsyth	£175 per annum	These tenders were all at a higher rate than the one approved of, without offering any advantages to compensate for the difference of cost.
	C. Wadsworth & J. Humphries	£136 10s. per ann.	
	James Miller	£135 per annum	
	William Cassidy	£175 per annum	
	H. Hudson	£137 10s. per ann.	
Three Rivers to Stanstead			An agreement was made for this route without calling for tenders.
Toronto City to Niagara	Jacob Cook	£936 per annum	The rates proposed in these tenders were much too high.
	J. Horning	£858 per annum	

(Signed) T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office,
Quebec, December, 1835.

A RETURN of the Complaints made to the General Post-Office, Quebec, of Money transmitted by Mail, and lost within the last three years—1833, 1834, *and* 1835 *—shewing the Name of the Complainant, the date of the Complaint or Loss, the respective sums enclosed in each Letter and missed, and whether the same was recovered or not.*

NAME AND ADDRESS OF COMPLAINANT.	Date of loss or complaint.	Sum stated to be missing.	Recovered or not.	References to Notes at foot.
The Rev. J. G. Weugant, Williamsburg, U. C.	January, 1833.	£ 83 5 0	Not recovered	A.
Lieutenant Swainson, R. N., Isle aux Noix, Lower Canada	February, 1833.	£ 20 0 0	Not recovered	B.
J. G. Bethune, Cashier of Branch Bank of Upper Canada at Cobourg, U. C.	15th May, 1833.	£774 10 0	Recovered	C.
Thomas Parker, Esq., Postmaster of Belleville, U. C.	8th May, 1833.	£ 8 15 0	Not recovered	D.
Colin M'Neilledge, Esq., Postmaster of Port Dover, U. C.	15th May, 1833.	£ 12 10 0	Not recovered	D.
Mr. J. Ransom, Postmaster of Streetsville, U. C.	30th July, 1833.	£ 8 18 0	Not recovered	D.
Mr. James Beattie, Trafalgar	July, 1833.	£ 10 15 0	Not recovered	D.
Mr. Mason, Toronto City	February, 1833.	£ 8 5 0	Not recovered	D.
Mr. D. M'Donald, L'Orignal, U. C.	7th September, 1833.	£ 45 0 0	Recovered	E.
Mr. J. W. Powell, Waterford, U. C.	September, 1833.	£ 25 0 0	Not recovered	F.
A. A. Rapelje, Esq., Vittoria, U. C.	September, 1833.	£ 12 10 0	Recovered	
E. Cartier, Esq., St. Hyacinthe, L. C.	10th October, 1833.	Not stated.	Not recovered	G.
Mr. Jacques Michel, Beauharnois, L. C.	18th December, 1833.	£ 5 15 0	Not recovered	H.
J. H. Kerr, Esq., Quebec	November, 1833.	Not stated.	Not recovered	
Mr. J. Gagnon, Quebec	5th December, 1833.	£ 11 17 6	Not recovered	I.
Mr. J. Gagnon, Quebec	28th December, 1833.	.....	Not recovered	K.
Mr. Clark Ross, Quebec	Mailed three money letters on the 5th and 14th January, 1834,—amount contained not stated.		Recovered	L.
Mr. A. Deschamps	7th February, 1834.	£ 13 15 0	Not recovered	M.
Mr. J. B. Hardy, Quebec	16th June, 1834.	£ 2 10 0	Not recovered	
Mr. Radcliffe, Cobourg, U. C.	June, 1834.	£ 9 0 0	Not recovered	
Mr. Charles Williams, Smithville, U. C.	June, 1834.	£ 1 10 0	Not recovered	
C. P. Treadwell, Esq., L'Orignal, U. C.	September, 1834.	£195 0 0	Recovered in part.	N.
Mr. M'Lennan, Walsingham, U. C.	22d November, 1834.	£ 3 8 9	Recovered	
Mr. George Kennedy, London, U. C.	October, 1834.	£ 15 0 0	Not recovered	O.
Mr. Geo. Simpson, Lobo., U. C.	October, 1834.	£ 12 10 0	Not recovered	

NAME AND ADDRESS OF COMPLAINANT.	Date of loss or complaint.	Sum stated to be missing.	Recovered or not.	Reference to Notes at foot.
Mr. Thos. Kessuck, London, U. C.	October, 1834.	£ 7 15 0	Not recovered	O.
Messrs. Lawrason & Co., London, U. C.	October, 1834.	£ 10 0 0	Not recovered	
Mr. R. Wheeler, St. Thomas, U. C.	December, 1834.	£100 0 0	Not recovered	
Mr. James M'Queen, Southwold	December, 1834.	£ 26 0 0	Not recovered	
Mr. John Miller, Dundas, U. C.	29th September, 1834.	£ 12 10 0	Not recovered	
Mrs. Brunette, Bytown	January, 1835.	£ 3 0 0	Recovered	
W. H. Merritt, Esq., Postmaster of St. Catharines, U. C.	9th December, 1834.	£ 57 6 11	Not recovered	P.
Mr. Benjamin Gagnon, St. Paul's Bay	28th January, 1835.	£ 3 0 0	Not recovered	
Mr. James Dick, of Montreal	February, 1835.	£ 25 0 0	Recovered in part	Q.
Mr. C. L. Hall, of Ningara	February, 1835.	£ 17 10 0		
Mr. B. Brewster, of Montreal	February, 1835.	£ 48 15 0		
Mr. Jas. Fraser, of Kingston	February, 1835.	£ 13 15 0		
Michael Pichette, St. Jacques	18th July, 1835.	Not stated.	Not recovered	R.
Mr. Duncan, March, U. C.	September, 1835.	Not stated.	Not recovered	S.
Mr. Bishoprick, Bytown, U. C.	15th October, 1835.	£ 15 0 0	Not recovered	T.

EXPLANATORY REMARKS.

Notes.

A. This letter was mailed at Toronto City to Mr. Wengant's address at Williamsburg, and was supposed to have been abstracted by a young man named Westley, Assistant in the Williamsburg Post-Office, who declared that the mail from Toronto which contained Mr. Wengant's money letter never reached the Williamsburg Office. Of the truth of the suspicion which attached to Westley no legal proof could be obtained. From proofs elicited, at the time this affair occurred, of the manner in which the duties of the Williamsburg Office were conducted, I considered it necessary to dismiss the Postmaster, and break up the Post-Office until an eligible person to take charge of it could be found.

B. The Montreal Packet which contained this letter never reached Isle aux Noix, and no trace of it could be discovered.

C. This was a remittance made by the Branch Bank of Upper Canada at Cobourg to Kingston, and was abstracted from the mail at Haldimand by the son of the Postmaster of that place. He was tried for the offence and convicted. The principal part of the money was given up by the thief, and the deficiency was made good by his father, who at the same time resigned his office.

D. Every possible exertion was used to discover the author of their losses, but without effect.

E. This letter not having reached its destination in due course, was supposed to have been lost. It was, after some time occupied in the enquiry, discovered to have rested in the Montreal Post-Office, the direction being so imperfect as to render it impossible to determine to what place the writer intended the letter should be sent.

F. No trace could be discovered of the mail which conveyed this letter.

G. The mail which conveyed this letter never reached the Quebec Post-Office, and no clue to its loss could be found.

H. The mail bag which conveyed this letter was lost in the St. Lawrence by the Courier, in attempting to cross from Caughnawagn to Lachine; the ice gave way with the Courier, and he narrowly escaped being drowned. No fault could be attributed to him, as the loss of the bag was purely accidental.

I. No record of this money letter appeared in the Quebec Office books, and the Postmaster of Quebec denied that any such money letter was ever mailed by Mr. Gagnon at the time he stated.

K. A money letter appears by the Quebec Office books to have been mailed at Yamaska on the 28th December, 1833, addressed to Mr. L. R. Blanchard; this Mr. Gagnon states to have been a money letter put into the Quebec Office by him, intended for Mr. L. R. Blanchard, of St. Hyacinthe. This latter place is frequently called "Masca" and "Grand Masca," and it is supposed that some ambiguity in the address of the letter (Mr. Gagnon writing a very obscure hand) caused it to be mailed for Yamaska. The Postmaster of Yamaska stated, that the mail from Quebec of the 28th December never reached his office; and, after diligent enquiry, no trace of either the mail or the money letter could be discovered. This subject is more fully treated in a Special Report made to the Committee in December last, 1835.

L. Mr. C. Ross mailed at the Quebec Office for L'Assomption on the 4th and 15th January three money letters addressed to J. Emond, of Repentigny, J. Dugas, of St. Jacques, and Madame Gagnon, of L'Assomption. Not receiving any acknowledgment from those persons of the receipt of the sums remitted by him, Mr. Ross requested that enquiry might be made on the subject. This was done, and Mr. Therien, the then Postmaster of L'Assomption, stated that the money letters in question had been received at his office, and delivered to the parties addressed as soon as called for; and, on being urged to explain a complaint which had been made to the General Post-Office, that though the parties had, after considerable delay, received the money remitted to them by Mr. Ross, yet that Mr. Therien had in two cases opened and withheld the letters, merely delivering the enclosures; Mr. Therien denied this accusation, and maintained that any irregularity or delay which had taken place in the delivery of the letters arose from Messrs. Dugas and Emond having neglected to come into L'Assomption for them. As the Deputy Postmaster-General's return to Canada was daily expected at this time, Mr. Therein's conduct in the matter was left for his decision; and the Deputy Postmaster-General, on his return, considering that Mr. Therein had laid himself open to just suspicion of improper dealing with the money letters in question, he removed him from the charge of the L'Assomption Office.

M. Mr. Therien, Postmaster of L'Assomption, affirmed that he had mailed a money letter addressed to Mr. Deschamps, at Quebec, on the 7th February, with three other letters for the same city. No such mail was ever received at the Quebec Office.

N. This letter was mailed at Toronto City for L'Orignal, by a Mr. Radenhurst, addressed to C. P. Treadwell, Orignal, and purloined, with its contents *en route*, by A. R. M'Donell, then Postmaster of St. Raphaels, U. C. For this offence Mr. M'Donell was tried at the Cornwall Assizes, convicted, and sentenced to seven years imprisonment in the Kingston Penitentiary. A part of the money, found on the person of Mr. M'Donell, was handed over to Mr. Treadwell by the Court—say £62 10s.

O. A Commission was appointed to inquire into the circumstances connected with the loss of these money letters; but, after a laborious and strict investigation, the gentlemen who composed it were unable to determine by whom or in what manner the depredations had been committed. The letters appear to have been duly forwarded from the London and St. Thomas Post-Offices, but the mails containing them never reached the Toronto City Post-Office, for which they were intended.

Notes.

P. This was a remittance on account of Post-Office Revenue due by Mr. Merritt, Postmaster of St. Catharines, U. C. Mr. Merritt's Assistant stated, that he had mailed the sum noted in the Return on the 9th December, 1834. This mail was never received at the Quebec Office; and, from various circumstances calculated to raise his suspicions, Mr. Merritt was led to conclude that the money had not been transmitted, as stated by his Assistant, and he made good the loss.

Q. The mail from Kingston for Montreal of the 16th February, 1835, containing the money letters stated in the Return, was dropped from the stage near Osnabruck, U. C., on the night of the 17th February; it was picked up by a labouring man, named Cook, broken open, and plundered by his wife, and the greater part of the contents burnt. Andrew Cook died in Cornwall Jail. His wife, Fanny Cook, was tried, and found guilty at the Cornwall Assizes. A prosecution against the Mail Contractors for the Montreal and Kingston route, by whose want of care the mail was dropped, is now in progress, and when the penalty sued for shall be recovered, the parties who have sustained loss by this occurrence will be reimbursed. One hundred and twelve dollars of the money found in Cook's possession have been deposited with the Deputy Postmaster-General, by order of the Court.

R. This letter not having been recorded as a money letter could not be traced.

S. This letter was mailed from Montreal on the 6th July, but did not reach its destination until (I believe) some time in October last; and in consequence of this great delay was supposed to have been lost. The cause of the retardation could not be ascertained, but the conclusion is that it was accidental, and not criminal.

T. This sum of money was stated by Mr. Bishoprick to have been inclosed in a letter from a Mr. Playter to Messrs. R. F. Maitland & Co., of Montreal, which letter was by Mr. Bishoprick inclosed in one from himself, addressed to the same Firm, and mailed at the Bytown Office. Mr. Maitland received this letter himself, (immediately after the arrival of the Bytown mail at Montreal,) with the seal perfectly uninjured, and the inner letter from Mr. Playter was in the like good order; yet on being opened the money stated by Mr. Bishoprick to have been enclosed therein was not to be found. From the impossibility of abstracting money from the inner letter, under the circumstances above detailed, without damage to the seals of either that or the envelope, combined with other causes of suspicion, it is more than probable that Mr. Bishoprick's statement was not correct.

GENERAL REMARKS.

Never having kept a book specially for recording the facts and correspondence connected with missing money letters, the difficulty of research, in order to prepare such a statement as is required by the Committee, has been greater, and the task has occupied much more time, than I had calculated upon. In the Return now rendered I have made a collection of all the cases of which I have any knowledge; and in reference to those appearing to me to require more information than could be conveniently conveyed under the heads in the form laid down by the Committee, I have appended certain explanatory notes, which shew the steps taken by this Department to trace the lost property, and the causes of the losses. In laying these Statements before the Committee, it is only a duty to the Post-Office Department for me to remark, that although there can be no doubt that Bank Notes and other available monies are occasionally stolen from the mails by individuals belonging to the Establishment, or others, yet, considering the large sums daily transmitted, the proportion of losses is by no means great, nor would they be near so considerable as they are, if persons sending monies by the post were to use a moderate degree of care in folding and addressing their packet. Letters containing Bank Notes are frequently so carelessly folded that the enclosures are visible,—those letters are, perhaps, entrusted to a messenger to be deposited in a Post-Office, and his cupidity being aroused by a knowledge of its contents, the letters are suppressed by the way, and the contents stolen, whilst the Post-Office sustains the odium of the loss. Besides this, there are good reasons for believing that there are persons so base as to pretend to have forwarded money to their correspondents by post, although they never did so, their object being, by this stratagem, to get rid of their obligation to pay debts which they are either unwilling or unable to discharge.

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

General Post-Office,
Quebec, January, 1836.

A RETURN of the Amount of Bills of Exchange found in Dead and Misdirected Letters, in Upper and Lower Canada, since October, 1834, *shewing the purposes to which such Bills or their proceeds have been applied.*

DATE OF LETTER.	Name of writer.	Name of person addressed.	Value contained.	From what Office, and for what reason.	HOW AND WHEN DISPOSED OF.
Antigua, 4th May, 1834.	Robert Grant.	Mrs. Cameron, Gore District, U. C.	Bill of Exchange for £100 Sterling. 1st, 2d and 3d.	Hamilton.—Advertised, and not called for.	Transmitted by Deputy Postmaster-General to Sir F. Freeling, Bart., Secretary to the General Post-Office, 28th January, 1835.

(Signed) T. A. STAYNER,

PROPORTION of the Expense of transporting the Mail between Quebec and Halifax, chargeable to each of the Provinces through which the same is conveyed, so far as the same can be ascertained.

	Per annum. Currency £ s. d.				
Quebec to and from Woodstock.....	560 0 0	690 0 0	Paid at Quebec, Canada.		
Woodstock to and from Fredericton...	130 0 0				
Fredericton to and from Sussex Vale...	150 0 0	317 10 0	Paid at St. John's, N. B.	Charged to New Brunswick.	
Sussex Vale to and from Peticodiac....	120 0 0				
Peticodiac to and from Dorchester.....	47 10 0			Paid by Nova Scotia Establishment.	
Dorchester to and from Westchester...	205 0 0	500 0 0			
Westchester to and from Truro.....	90 0 0		Paid at Halifax.	Nova Scotia.	
Truro to and from Halifax.....	205 0 0				

(Signed) T. A. STAYNER,

A RETURN of Bills of Exchange found in Dead Letters at Quebec.

1831.—May 15. A letter, containing a Bill of Exchange for £150, was sent to Mr. Howe, Deputy Postmaster-General at Halifax, to be returned to the writer.

1835.—Jan. 28. A letter, containing a Bill of Exchange for £100 Sterling, was sent to Sir Francis Freeling, to be forwarded to Mrs. Cameron at Ayr. This Bill was drawn at Antigua, addressed to Mrs. Cameron, Gore District, Upper Canada. The lady, before its arrival in this country, had gone to Scotland.

The above are all the Bills of Exchange of which I can find any record.

(Signed) T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office,
Quebec, December, 1835.

A STATEMENT of the Amount of British Packet Postage received at Quebec and Montreal for distribution in Upper and Lower Canada, in each of the Years from 1828 *to* 1834, *inclusive.*

	From September to December, 1828.	In the year 1829.	In the year 1830.	To 5th April, 1831, being amount of one Packet.	In the year 1832.	In the year 1833.	In the year 1834.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Received at Quebec, and distributed from thence to the Provinces of Upper and Lower Canada.....	189 2 5	694 15 0	798 16 7½	76 13 1	0 0 0	0 0 0	1451 15 11
	From July to December, 1828.	In the year 1829.	In the year 1830.	In the year 1831.	In the year 1832.	In the year 1833.	In the year 1834.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Received at Montreal for the distribution of that city only.....	78 10 11½	237 5 11½	239 5 3	259 10 4½	355 15 8	342 2 5½	283 0 10

Note.—At Quebec we cannot find the Books of Mails received, kept by the late Postmaster, Mr. Bignell, for the periods commencing 6th April, 1831, and ending 5th January, 1834—nor for that portion of the year 1828 anterior to September. At Montreal no record is to be found for that portion of 1828 anterior to the 5th July—the amount, therefore, cannot be completed until I hear from Nova Scotia and New Brunswick, to which Provinces I have applied for the information wanted.—*Vide* Mr. Howe's Return.

(Signed) T. A. STAYNER,

Deputy Postmaster-General.

A RETURN shewing the Amount of Inland Postage on Provincial Letters from Nova Scotia and New Brunswick received in the Canadas during each of the Years, from 1828 *to* 1834, *inclusive.*

		Currency. £ s. d.
Received at Quebec from September to December, 1828	£107 3 9½ A.	
Received at Montreal from July to December, 1828	32 10 10½	
		139 14 8
Received in the Canadas during the year 1829		456 0 8½
Received in the Canadas during the year 1830		461 8 8
Received in the Canadas during the year 1831	B.	403 11 5½
Received in the Canadas during the year 1832		581 16 11
Received in the Canadas during the year 1833		595 8 10
Received in the Canadas during the year 1834		562 10 10

A.—No information can be procured of the amount of postage received in the Canadas from Nova Scotia and New Brunswick anterior to the dates here given.

B.—The amount of postage sent to the Canadas from Fredericton, New Brunswick, in the year 1831 cannot be ascertained, the Postmaster of that town not having preserved his books.

(Signed) T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office,
Quebec, January, 1836.

A RETURN of the Amount of Newspaper Postage collected in each of the Canadas on Newspapers by the Falmouth Packets; also, the Amount collected in each of the same Provinces on other Newspapers coming through the Post-Offices of Nova Scotia and New Brunswick, for the Years 1828 *to* 1834, *inclusive.*

None Collected.

(Signed) T. A. STAYNER,

Deputy Postmaster-General.

General Post-Office,
Quebec, January, 1836.

A RETURN shewing the Amount of Inland British American Postage collected in each of the Canadas on Letters forwarded by the Packet-Boats to England for each of the Years 1828, 1829, 1830, 1831, 1832, 1833, *and* 1834.

For the year 1828.	For the year 1829.	For the year 1830.	For the year 1831.	For the year 1832.	For the year 1833.	For the year 1834.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
0 0 0	0 0 0	0 0 0	28 8 3½	21 15 11	16 19 1	16 4 6

Note.—The paid postage received on letters forwarded from the Canadas by the Packet-Boats to England is embodied with the other paid postage collected in the Canadas, and the amount received on that particular head cannot be separated or ascertained, with the exception of that portion of it arising from the pence paid on soldiers' and sailors' letters, which have, since the year 1831, been made a separate item. The amount of the revenue derived from that source is given in the above Return.

(Signed) T. A STAYNER,

Deputy Postmaster-General.

General Post-Office,
Quebec.

A RETURN shewing the Amount of Inland Postage on Provincial Letters from Nova Scotia and New Brunswick received at Quebec and Montreal for distribution in Upper and Lower Canada during each of the Years from 1828 *to* 1834, *inclusive.*

	From September to December, 1828.	In the year 1829.	In the year 1830.	To 5th April, 1831.	In the year 1832.	In the year 1833.	In the year 1834.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Received at Quebec, and distributed from thence to the Provinces of Upper and Lower Canada.....	107 3 9½	396 12 1	384 16 6	91 9 1	0 0 0	0 0 0	412 10 0
	From July to December, 1828.	In the year 1829.	In the year 1830.	In the year 1831.	In the year 1832.	In the year 1833.	In the year 1834.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Received at Montreal for the distribution of that city only.....	32 10 10½	59 8 7½	76 12 2	91 3 11½	153 16 0½	150 1 10	150 0 10

NOTE.—At Quebec we cannot find the Books of Mails received, kept by the late Postmaster, Mr. Bignell, for the periods commencing 6th April, 1831, and ending 6th January, 1834—nor for that portion of the year 1828 anterior to September. At Montreal no record is to be found for that portion of 1828 anterior to the 5th July—the account, therefore, cannot be completed until I hear from Nova Scotia and New Brunswick, to which Provinces I have applied for the information wanted.

(Signed) T. A. STAYNER.

STATE of the Post-Office Department in the Canadas for the Year ending the 5th April, 1828, *(the day on which Mr. Sutherland's charge terminated) shewing the Number of Offices then in existence—the Number of Miles of Mail Road—the Number of Miles travelled by the Post in a Week—Amount paid for Couriers' Wages—Amount paid for Salaries to the Deputy Postmaster-General and his Sub-Deputies—Amount paid for Incidental Disbursements (including allowance for assistance to several Postmasters, Stationery, Printing Work, Portmanteaux, Mail Bags, &c. &c.)—Amount of British and Provincial Dead Letters—Gross Revenue—Nett Revenue—also, a corresponding Statement of the condition of the same Department on the 5th April,* 1831.

DATE.	No. of Offices.	No. of miles of Established Mail Road.	No. of miles travelled by the Post in a week.	Amount paid for Couriers' Wages.	Amount paid for Salaries.	Incidental and Contingent Charges.	Amount of British and Provincial Dead Letters.	Gross Revenue, after deducting Mis-sents and Overcharges.	*Remitted* Nett Revenue.	REMARKS.
				Currency.	*Currency.*	*Currency.*	*Currency.*	*Currency.*	*Currency.*	
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Year ending 5th April, 1828.....	101	2368	8,768	5542 10 9	2709 8 6	1459 19 11	1129 16 4	16,474 9 11	5632 14 5	Up to the end of the year 1828 the New Brunswick Accounts were made up with those of the Canadas; but in this Statement I have, as far as was practicable, omitted every item relating to that Province, in order to afford a clearer view of the condition and progress of the Department in the Canadas.
Year ending 5th April, 1831.....	151	2896	13,213	6720 18 5	3323 8 0	1611 6 1	872 1 8	22,052 11 8	9524 17 6	
Increase.....	50 A.	528	4,445	1178 7 8	613 19 6	151 6 2	.....	5,578 1 9	3892 3 1	
Decrease.....	...	.....	.....	.....	.....	.....	257 14 8 B.	..... C.	..... C.	

A.—On the 6th of April ten new Offices went into operation,—on the 6th July about twenty more will be organized,—and by the end of this year, I have no doubt, the total number will amount to two hundred.

B.—The annual amount of Dead Letters is considerably less than it *was*, notwithstanding the business is so much increased; and I hope in a short time that the Dead Letters will bear a still less proportion to the aggregate amount of postage than they do at present.

C.—It will be seen by these two columns that the Revenue is rapidly increasing, and that the Nett Revenue of 1831 bears a larger proportion to the Gross Receipt than that of 1828.

(Signed) T. A. STAYNER, *Deputy Postmaster-General.*

GENERAL POST-OFFICE, *Quebec, June,* 1831.

Certified Copy, (Signed) T. A. STAYNER, *D. P.-M. G.*

STATE of the Post-Office Department in the Canadas for the Year ended the 5th April, 1831, *shewing the Number of Offices then in existence—the Number of Miles of Mail Road—the Number of Miles travelled by the Post in a Week—Amount paid for Couriers' Wages—Amount paid for Salaries to the Deputy Postmaster-General and his Sub-Deputies—Amount paid for Incidental Disbursements (including allowance for assistance to several Postmasters, Stationery, Printing Work, Portmanteaux, Mail Bags, &c. &c.—Amount of British and Provincial Dead Letters—Gross Revenue—Nett Revenue—also, a corresponding Statement of the condition of the same Department on the 5th April,* 1832.

DATE.	No. of Offices.	No. of miles of Established Mail Road.	No. of miles travelled by the Post in a week.	Amount paid for *Couriers' Wages.*	Amount paid for *Salaries.*	Incidental and Contingent *Charges.*	Amount of British and Provincial *Dead Letters.*	Gross Revenue, after deducting Mis-sents and Overcharges.	Nett *Revenue.*
				Currency.	*Currency.*	*Currency.*	*Currency.*	*Currency.*	*Currency.*
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Year ended 5th April, 1831	151	2986	13,213	6720 18 5	3323 8 0	1611 6 1	872 1 8	22,052 11 3	9,524 17 6
Year ended 5th April, 1832	227	3460	15,336	7746 5 5	3717 11 9	1928 18 5	1173 10 5	25,571 14 6	11,000 0 0
	76	474	2,123	1025 7 0	394 3 9	317 12 4	301 8 9 A.	3,519 2 10	1,475 2 6 B.

NOTE A.—British letters sent to the Dead Letter Office, London, £483 11s. 11d. Currency. Provincial letters amounting to £689 18s. 6d. taken credit for as being destroyed at Quebec, but a large proportion of these letters are returned to the writers for payment of postage, and the money thus saved to the Revenue. Probably 20 or 40 ℔ cent. of the amount is secured in this way.

B.—It will be perceived, that besides increasing the number of offices since 1831 in the proportion of 50 ℔ cent., with a large additional outlay for Couriers, Postmasters' Salaries, and Contingencies, the Nett Revenue remitted Home is £1475 Currency more than it was in the year 1831.

☞ Since April last 14 new Offices have been created, making the total number in the two Canadas at this date 241.

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE,
Quebec, October, 1832.

Certified Copy,
(Signed) T. A. STAYNER.

STATE of the Post-Office Department in the Canadas for the Year ended the 5th April, 1832, *shewing the Number of Offices then in existence—the Number of Miles of Mail Road—the Number of Miles travelled by the Post in a Week—Amount paid for Couriers' Wages—Amount paid for Salaries of the Deputy Postmaster-General and his Sub-Deputies—Amount paid for Incidental Disbursements—(including in the Statement for the Year* 1832, *allowance for assistance to several Postmasters, Stationery, Printing Work, Portmanteaux, Mail Bags, &c. &c. &c.; in this Statement for the Year* 1833 *the sums allowed to Postmasters for assistance are included in amount paid for Salaries, and all charges connected with the transport of Mails are under the head of Couriers' Wages,)—Amount of British and Provincial Dead Letters—Gross Revenue—Nett Revenue—also, a corresponding Statement of the condition of the same Department on the 5th April,* 1833.

DATE.	No. of Offices.	No. of miles of Established Mail Road.	No. of miles travelled by the Post in a week.	Amount paid for Couriers' Wages.	Amount paid for Salaries.	Incidental and Contingent Charges.	Amount of British and Provincial Dead Letters.	Gross Revenue, after deducting Mis-sents and Overcharges.	*Remitted* Nett Revenue.
				Currency.	*Currency.*	*Currency.*	*Currency.*	*Currency.*	*Currency.*
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Year ended Ap. 5, '32	227	3460	15,336	7746 5 5	3717 11 9	1928 18 5	1173 10 5	25,571 14 6	11,000 0 0
Year ended Ap. 5, '33	251	3995½	16,894½	9010 17 0½	4834 1 10½	1313 0 8½	1356 11 9½	30,594 15 3	12,000 0 0
	24	535½	1,558½	1264 11 7½	1116 10 1½	615 17 8½ A.	183 1 4½	5,023 0 9	1,000 0 0 B.

A.—The amount of this item is considerably decreased, in consequence of various charges connected with the transport of the mail (formerly brought under this head) being now included in the Return of Couriers' Wages.

B.—The amount remitted would have borne a much larger proportion to the Gross Revenue but for the sums remaining due by the Civil Government, and of which a special report has been made to the General Post-Office, London.

(Signed) T. A. STAYNER,

Deputy-Postmaster General.

GENERAL POST-OFFICE, QUEBEC.

Certified Copy,

(Signed) T. A STAYNER,

Deputy Postmaster-General.

STATE of the Post-Office Department in the Canadas for the Year ended 5th April, 1833, *shewing the Number of Offices then in existence—the Number of Miles of Mail Road—the Number of Miles travelled by the Post in a Week—Amount paid for Couriers' Wages—Amount paid for Salaries to the Deputy Postmaster-General and his Sub-Deputies—Amount paid for Stationery, Printing and Advertising—Amount of British and Provincial Dead Letters—Gross Revenue—Nett Revenue—also, a corresponding Statement of the condition of the same Department on the 5th April,* 1834.

DATE.	No. of Offices.	No. of miles of Established Mail Road.	No. of miles travelled by the Post in a week.	Amount paid for Couriers' Wages.	Amount paid for Salaries.	Amount paid for Stationery, Printing and Advertising, Incidental and Contingent Charges.	Amount of British and Provincial Dead Letters.	Gross Revenue, after deducting Mis-cents and Overcharges.	Nett Revenue.
				Currency.	*Currency.*	*Currency.*	*Currency.*	*Currency.*	*Currency.*
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Year ended 5th April, 1833..	251	3995½	16,294½	9,010 17 0½	4834 1 10½	1313 0 8½	1356 11 9½	30,594 15 3	12,000 0 0
Year ended 5th April, 1834..	254	3988	17,011	10,371 0 4½	5467 15 9	1004 13 3½	1528 13 5	30,632 3 0	11,250 0 0
Increase.....	3	.....	116½	1,360 3 4	633 13 10½	.....	172 1 7½	37 7 9	.....
Decrease		7 A.	.....	.....	.....	303 7 5	.....	.....	750 0 0

NOTE A.—This decrease in the number of miles of established Mail Road is only apparent, and is occasioned by the variation which sometimes takes place in the computation of the mileage travelled by the Couriers between places in the newly settled parts of the country where the distances have not been exactly admeasured.

(Signed) T. A. STAYNER,

Deputy Postmaster-General.

GENERAL POST-OFFICE, *Quebec, February* 25, 1836.

COPY.

GENERAL POST-OFFICE, *Quebec, February* 29, 1836.

SIR,

The House of Assembly of Upper Canada having, at its Session last year, made a requisition upon me, through His Excellency the Lieutenant-Governor, Sir John Colborne, for certain Returns relative to the Post-Office in the several Provinces of British North America, I was under the necessity, in the case of the Provinces of Nova Scotia and New Brunswick, (not having the materials for preparing the accounts in my own office,) of sending a copy of the requisition to Mr. Howe, the Deputy Postmaster-General at Halifax, requesting him to comply with it as far as lay in his power.

Mr. Howe was unable to render the Statements in time to be submitted to the Assembly within the Session in which the application was made; but by the post of this morning I have received from him a letter, and two accounts, of which the within are copies, which I lose no time in forwarding to Sir Francis Head, for the information of the Assembly.

I cannot have failed to observe that these statements are less copious than those prepared by me under the same requisition; but as Mr. Howe has afforded me no explanation on the subject, I am unwilling to offer any.

I am, &c.,

(Signed) T. A. STAYNER,
Deputy Postmaster-General.

J. JOSEPH, Esq.,
&c. &c. &c.
Toronto City.

GENERAL POST-OFFICE,
Halifax, February 16, 1836.

TRUE COPY,
(Signed) T. A. STAYNER,

SIR,

I herewith transmit, for the information of the House of Assembly of Upper Canada, Accounts of the Post-Office Establishment of Nova Scotia and New Brunswick for the year ending on the 5th January last.

I am, Sir, &c.,

Your obedient servant,
(Signed) J. HOWE.

THOMAS A. STAYNER, Esq.,
&c. &c. &c.

RETURN of the Receipts and Credits of the General Post-Office of Nova Scotia, for the Year ending 5th January, 1836.

CHARGE.	Currency. £ s. d.	Sterling. £ s. d.	DISCHARGE.	Currency. £ s. d.	Sterling. £ s. d.
To amount of unpaid letters from England	0 0 0	1074 5 2	By Salary to Deputy Postmaster-Gen.	0 0 0	220 0 0
To amount of paid ditto sent to ditto.	0 0 0	123 14 3	By Salary to Assistant	0 0 0	70 8 2
To amount of unpaid, received, and paid, sent from the Halifax Office	2672 11 4		By allowance for office rent, fuel, and stationery	0 0 0	50 0 0
To Nett Revenue remitted by Deputy Postmasters	1254 8 10		By paid for riding work	2540 0 0	
To amount of way and ship letters	57 17 6		By Dead Letters sent to England	0 0 0	512 7 3
To cash received from the Provincial Treasury	1171 3 4		By letters charged against Halifax and forwarded to the interior of the Province	892 0 3	
	5156 1 0		By incidental expenses	218 17 0	
Exchange 1-10	515 12 1			3651 9 1	
		4640 8 11	Exchange 1-10	365 2 11	3286 6 2
			Balance paid into the Military Chest.		1699 6 9
	£	5838 8 4		£	5838 8 4

GENERAL POST-OFFICE, QUEBEC.

True Copy,
(Signed T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE,
Halifax, February 16, 1836.

E. E. (Signed) J. HOWE,
D. P.-M. Gen.

ACCOUNT of the Receipts and Credits of the General Post-Office, New Brunswick, for the year ending 5th January, 1836.

CHARGE.	Halifax Cur. £ s. d.	DISCHARGE.	Halifax Cur. £ s. d.
To amount of unpaid letters from England	649 12 1½	By Salary to Deputy Postmaster-General	0 0 0
To unpaid letters received into and paid, sent from St. John Office	2572 11 8	By Salary to his Assistant	0 0 0
To Nett Revenue received from Deputies in New Brunswick, exclusive of St. John	1230 17 4	By paid riding work	902 5 0
To way and ship letters St. John Office	30 9 0	By letters charged against St. John, and forwarded to other offices	2940 18 4
		By incidentals	105 10 2
		By balance paid into the Military Chests at St. John and Halifax	534 16 7½
£	4483 10 1½	£	4483 10 1½

GENERAL POST-OFFICE, QUEBEC.

True Copy,
(Signed) T. A. STAYNER,
Deputy Postmaster-General.

GENERAL POST-OFFICE,
Halifax, February 16, 1836.

E. E. (Signed) J. HOWE,
D. P.-M. Gen.

To the Honorable the Commons House of Assembly, &c. &c. &c.

The Committee of Finance respectfully beg leave to call the particular attention of your Honorable House to the documents received from the Receiver General, relating to the loan which was negotiated last year in London, under the provision of an Act of the Legislature.

The letters amply testify that the Receiver General had no ordinary difficulty in effecting it, and from a variety of causes well known to your Chairman, who was engaged in matters of enquiry on such subjects last year in the United States, your Committee feel quite satisfied that the Receiver General's negotiation should give satisfaction to the Province, and cannot resist to remark, that the conduct of the Receiver General has been testified by one of the most respectable Mercantile Houses in London, Messrs. Baring, Brothers & Co., and your Committee are quite convinced, from the general character of the Receiver General, that his best exertions were used for the general interest of the Province, and therefore he is entitled to the thanks of this House.

Your Commmittee beg to remark that the Receiver General has been on two occasions to London:—first, to raise £200,000; and secondly, to raise £400,000, and no charge has been made or remuneration given. Such duties are responsible and are attended with much anxiety; and the Receiver General incurred additional responsibility and risk in leaving his own office, to proceed to London on this extra service; besides the labor and trouble of completing the various documents required, connected with this important extra duty.

It cannot be supposed that his salary, which is £700 a year from the Province, and £400 a year from the Crown out of the Casual and Territorial Revenue, making £1100 a year, would be sufficient compensation for such extra duties.

Your Committee beg leave to remark that this loan is at one-half per cent. premium, and no commission or charge whatever. The former loan was not under such favorable terms, consequently the saving to the Province must be very considerable, as will appear by reference to the Report of the Finance Committee last year, besides the advantage of a better rate of Exchange for Bills on London.

All which is respectfully submitted.

CHARLES DUNCOMBE,
Chairman.

Committee Room, Commons House of Assembly,
18th March, 1836.

A STATEMENT *exhibiting the annual saving to the Province by the terms of a Loan negotiated in London, by the Receiver General.*

	Sterling.
There has been raised in England £200,000 Sterling at 1 per cent. discount,	£198,000
And £400,000 Sterling at 1-2 per cent. premium,	402,000
	£600,000
To which add premium of Exchange, average *a* 9 1-2 per cent.,	57,000
Total proceds,	£657,000
For this sum the Province pays an annual interest of 5 per cent. on £600,000 Sterling only, amounting to	£30,000
But supposing the above sum of £657,000 were to be raised in Upper Canada, the annual interest at *six per cent.* would cost the Province	£39,420
Shewing a saving per annum of	£9,420
Supposing the interest, to be remitted to London, to cost a similar premium of 9 1-2 per cent on the £30,000, i. e.	2,850
The Annual saving will actually be	£6,570
Equal to £7,300 Currency.	Sterling.

(COPY.)

Gould Square, London,
8th July, 1835.

SIR,

We have to acknowledge receipt of your letter of the first instant, referring to a communication dated 4th May, and which you addressed to us from Toronto, respecting a loan for £400,000, which you are authorised to contract here, by an Act of the Legislature of Upper Canada also submitted to us.

In reply, we have to state that though we consider the security offered by the Province to be perfectly good, we decline, from the present state of the money market here, to offer for any part of such loan on the terms prescribed by the Act in question.

We may further state that we think it unreasonable to expect any contractor to take the payment of annuities for a period of twenty years without remuneration; and though we, from our connexion with the Canadas, might be inclined to forego this for the present, it is a burden with which we think no House could engage on behalf of their successors.

We have the honor to remain, Sir,

Your most obedient Servants,

(Signed) GILLESPIE, MOFFAT, FINLAY & Co.
(Signed) GOULD, DOWIE & CO.

To the Hon. JOHN H. DUNN,
H. M.'s Receiver General for Upper Canada.

[No.54.] Report of select Committee on Timber Duties.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY.

The Select Committee appointed to enquire into the amount of duties collected on timber cut upon the waste lands of the Crown, on and near the Ottawa River,

BEG LEAVE TO REPORT:

That they have examined the accounts and correspondence submitted to them, and which they now lay before your Honorable House.

In the accounts of 1833, they find a deficiency of £3,635 currency, occasioned by the defalcation of Messrs. Jones, Murray & Co., of Quebec; a branch of the firm of the late Horatio Gates & Co., Montreal, who acted as agents for Charles Shirreff, Esq., and received the amount of duties collected, as stated in the accompanying accounts.

That on examining Mr. Shirreff, the Committee found that no security whatever was required from Jones, Murray & Co. for moneys collected by them, and that he, Mr. Shirreff, appointed them on his own responsibility, but acquainted the Government at the time. It does not appear to your Committee that he had any instructions to make such appointments, also that he never was required to give security for the office he holds as Collector of Timber Duties, as will be shewn by the accompanying documents.

Your Committee consider it a responsible office, and that security ought to be given for the due fulfilment of said office.

The Committee also find that no direct appointment as collector of timber dues in Upper Canada has been issued to Charles Shirreff, Esq., but in consequence of his son being appointed by Lord Dalhousie collector of timber dues in Lower Canada, the Honorable Peter Robinson thought proper to continue Charles Shirreff, Esq., as collector along with his son, who was appointed also for Upper Canada, and has acted for and with him since the year 1825.

The Committee also beg leave to state that there is the sum of £644 14 6 currency not brought into the returns or accounts furnished, which sum is now in dispute, but is explained in the accompanying documents as being in the hands of the Attorney General of Lower Canada, for collection.

The Committee beg leave to refer to Mr. Shirreff's letter of the 8th instant, in which a full explanation is given of the circumstances under which he has acted as collector, and also of the causes which led to the employment of Jones, Murray & Co. in the collection; which appear to the Committee to be satisfactory.

T. McKAY,
Chairman.

Committee Room, House of Assembly,
25th day of March, 1836.

[COPY.]

HOUSE OF ASSEMBLY,

SIR,

I am directed by a Select Committee of the House of Assembly to request that you will transmit to them, without delay, a statement of accounts of money received and disbursed for timber duties collected on Ottawa River, from January 1833 to January 1836, with amount still due and by whom, if by bond or otherwise.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) T. McKAY,
Chairman.

To
The Hon. P. Robinson,
Commissioner of Crown Lands, &c. &c. &c.

COMMISSIONER OF CROWN LAND'S OFFICE,
Toronto, 22nd February, 1835.

SIR,

I have the honor to acknowledge the receipt of your letter of this morning, requiring "a statement of accounts of money received and disbursed on account of timber duties collected on the Ottawa River from the month of January 1833 to January 1836, with the amounts still due and by whom, if by bond or otherwise." In reply to which, I beg to assure you that the information you require shall be furnished with the least possible delay.

I have the honor to be,
Sir,
Your most obedient humble servant,

PETER ROBINSON.

T. McKay, Esq. M. P. P.

COMMISSIONER OF CROWN LANDS' OFFICE,
Toronto, 24th February, 1836.

SIR,

I have the honor herewith to transmit to you "a statement of accounts of money received and disbursed for timber duties collected on the Ottawa River, from January 1833 to January 1836, with the amount still due," which has been furnished me by Charles Shirreff, Esq., collector at Bytown, and which corresponds with the statements heretofore received at this office: I have only to remark, that Mr. Shirreff is now here, and if any further information is required, he will attend at any time the Committee may require.

I have the honor to be,
Sir,
Your most obedient humble Servant,

PETER ROBINSON.

T. McKay, Esq. M. P. P.

UPPER CANADA.

STATEMENT, *shewing the amount of Dues received on Crown Timber by Charles Shirreff, Esquire, Collector at By-town, from January, 1833, to January, 1836. as well as the amount of the Disbursements made within that period, and also the amount still due.*

CURRENCY.							CURRENCY.		
							£	s.	d.
1833				1833.					
Total am't. of timber dues for the year 1833	£5231	4	4	1834 April 18, Disbursements for the year 1833...	£ 596	3	6		
				Amount paid to the Surveyor General of Woods and Forests, on account of timber cut in 1833	1000	0	0		
								1596	3	6
1834.				1834.					
Total am't. of timber dues for the year 1834,	4755	8	11	Disbursements for the year 1834....	£ 522	1	5		
				Nov'r. 12 Amount paid to the Receiver General of Woods and Forests, on account					
				1835 of timber cut in 1834,.....	1000	0	0		
				Febr'y. 6 .....do.....do.....	800	0	0		
				March 30 .....do.....do.....	1000	0	0		
				April 27 .....do.....do.....	800	0	0		
				May 16 .....do.....do.....	633	7	6		
								4755	8	11
1835.				1835.					
Total am't. of timber dues for the year 1835,	8116	14	11	1835 Disbursements for the year 1835,...	£ 468	6	8		
				Oct'r. 28 Amount paid to the Receiver General of Woods and Forests, on account of timber cut in 1835,.....	1500	0	0		
				Nov'r. 17 .....do.....do.....	2500	0	0		
								4468	6	8
				Balance the 31st January, 1836.....				7283	9	1
Total,....	£18103	8	2		Total. £			18103	8	2

The above balance has been reduced by the payment of £3000 on the 22nd February, 1836, to the Surveyor General of Woods and Forests, leaving the balance at this date £4,283 9s 1d; of that sum £3,635 0s 10d is due from the estate of the late Horatio Gates & Co., being the amount due on timber cut in 1833. The balance on timber cut in 1835, £648 8s 3d, is in the course of collection, and will be remitted as soon as possible after my return home.

(Errors Excepted) C. SHIRREFF.

Toronto, 23rd February, 1836.

[COPY.]

Committee Room, House of Assembly,
26th February, 1836.

Sir,

I am directed by the Committee appointed to examine into the accounts of timber duties, to request that you will furnish a statement of the defaulters, in detail.

I have the honor to be,
Sir,
Your obedient servant,
(Signed) T. McKAY,
Chairman.

To
The Hon. Peter Robinson.
&c. &c. &c.

Commissioner of Crown Lands Office,
Toronto, 26th February, 1836.

Sir,

I have the honor herewith to transmit to you the copy of a communication, I received this day from Charles Shirreff, Esq., furnishing a statement, shewing the names of the defaulters for

dues on Crown Timber, and as it refers to a letter addressed to me the 1st April, 1834, I also send a copy of that letter. Trusting that these documents will afford the information required by the Committee.

I have the honor to be, Sir,
Your most obedient humble servant.
PETER ROBINSON.

T. McKay, Esq. M. P.

TORONTO, 26th February, 1836.

SIR.

The Committee on the timber dues. having required a list in detail of the defaulters at Quebec, I have to mention that they remain still in the hands of Mr. Ogden, Attorney General for the Lower Province, agreeable to the state I handed you, 1st April, 1834, viz:

W. Halliday, (Bond dated 9th August, 1830, disputed by W. Price & Co.)	£	95	0	9
J. Murray, (for D. McDonald, 19th August, 1830, secured by arrest,)		159	0	8
Wadsworth, (for D. Moore, 9th September, 1830,)		219	5	10
do. do. 11th " "		111	1	6
J. & D. Moore, 13th " "		60	5	9
	£	644	14	6

For the last mentioned three sums, the timber was seized by the Attorney General, and the amount consequently secured, but it has been locked up by a law suit with the Trustees of Messrs. Dykes & Co.

I have the honor to be,
Sir,
Your most obedient humble servant.
(Signed) C. SHIRREFF.

The Hon. Peter Robinson,
Surveyor General of Woods and Forests, &c. &c. &c., Toronto.

[COPY.]

MONTREAL, 3rd May, 1834.

SIR,

In order to explain fully, the principle or footing on which I employed Messrs. Jones, Murray & Co., in collecting the Crown dues on the timber from the Ottawa, I feel it necessary to state, that in the year 1825, when the system was formed for collecting the Crown dues on timber, the Earl of Dalhousie proposed that I should take the charge. I declined the appointment for myself, but requested that my eldest son, Robert Shirreff should be named, which was done, and he received a Great Seal Commission from the Upper Province, and a Mandamus from his Lordship, to enable him to act also for the Lower Province. From the shape the collection took by transferring the payments to Quebec, I found it necessary to assist him, but he was still considered the Collector. The bonds for the dues being made out payable to him as such, and all the accounts and returns transmitted to the local Government were signed by him.

When Messrs. Davidson and Robinson came out as Surveyors General of Woods and Forests, my son's appointments, were of course annulled, but he still continued to act in the same capacity, until the summer of 1830, when he was obliged on account of his health to go to the Southern States to avoid the winter in this climate.

Up to that period the monies collected for the Crown dues were directly paid into the Bank, and as they accumulated, paid from time to time to the Government of each Province respectively. But from the very bad state of my son's health, I was under the necessity of accompanying him as far as New York, and I accepted of Messrs. Jones, Murray & Co's friendly offer of taking charge of the collection during my absence, of which I informed the Departments in both Provinces.

They of course lodged the money as they received it on their own account with the Bank, and opened one for the collection in their own books. But still considering my son as more properly the Collector than myself, I directed that the account with Messrs. Jones, Murray & Co. should be opened in his name not in mine, and altho' he has been absent for three years, it has been continued in the same shape. The amounts of the bonds for the dues being carried, when received, to his credit as nominal Collector, and the monies paid to Mr. Felton and Mr. Robinson placed to his debit.

The following correspondence between Mr. Perry, Chairman of the Committee of the House of Assembly, in Upper Canada, on the Casual and Territorial Revenue, and Messrs. Jones, Murray & Co. respecting the Timber dues will shew the relative position, in which they as well as the Government considered they stood with regard to the collection:

"Committee Room, House of Assembly
"Upper Canada, 2nd January, 1834.

"Messrs. Jones, Murray & Co.

"Gentlemen,

"Being informed that you have for several years acted as agent under Charles Shirreff, Esq. for the collection of duties charged by the Government of Upper Canada, for Crown timber descending the Ottawa, I have to request that you will favor us with a statement of the amount received by you, during the years 1830, 1831, 1832, 1833, for the information of the Committee appointed by the House of Assembly on that subject.

"I have the honor to be, &c.
(Signed) "PETER PERRY,
"Chairman."

Quebec, 15th January, 1834.

P. Perry, Esq.,

Sir,—Your letter of the 2nd instant, calling for a statement of duties received here on Upper Canada Crown Timber, descending the Ottawa, was duly received, and in the absence of both Messrs. Jones and Murray; I cannot render the said statement, but my instructions are from Mr. Murray to say, that a statement shall be forwarded immediately on his return to Quebec, which will be most likely next week.

I remain,
Your most obedient Servant,
(Signed) *for* JONES, MURRAY & CO.
A. D. FERRIER.

Quebec, 22nd January, 1834.

Sir,

We addressed you on the 15th January, and annex, as at foot, a memorandum of duties collected by us, and paid during the years '30, '31, and '32. The year 1833 being incomplete. we shall take the earliest opportunity of transmitting to Mr. Shirreff the account in detail. the payment of which we have Mr. Shirreff's orders to pay in due course.

We have the honor to be,
Sir,
Your most obedient Servant,
(Signed) JONES, MURRAY & CO.

1830, collected	£6,414	16	9
Remaining over unsold	1,508	2	11
1831, collected	4,819	18	1
Remaining over unsold	1,259	8	5
1832, collected	2,061	18	6
Remaining over uusold	2,110	6	4

P. Perry, Esq., Chairman in Committee,
House of Assembly, U. C., &c. &c. &c.

It is evident from the above correspondence that the Government considered Messrs. Jones, Murray & Co., the actual collectors of the timber dues during the years mentioned, and that they were not only advised distinctly that they were so, but also acknowledge that they have still in their hands the collections of last year, having my orders to pay them, as formerly, in due course, direct to the Commissioners of Crown Lands, for each Province, in the proportions which would appear when the accounts were completed.

The unforeseen and distressing events of the deaths of Mr. Gates and Mr. Bancroft, having plunged their whole concerns into difficulties, it becomes a question which I beg leave to submit, if the Estate of Horatio Gates & Co., of which firm the House of Jones, Murray & Co. was a branch, be liable for the dues collected by the latter, who engaged in it with the knowledge and approbation of the House in Montreal, who generally made the payments to the Upper Province, the funds coming into their hands, of course from the collection at Quebec, and thus both Houses. independent of their close connexion, otherwise acknowledged the transactions, and were involved in them?

I have the honor to be, Sir,
Your most obedient servant,
(Signed) C. SHIRREFF.

Charles Ogden, Esquire,
Attorney General, &c. &c. &c.

[COPY.]

Montreal, 7th May, 1834.

Sir,

Mr. Holmes wrote you on the 28th ultimo, explaining the omissions in the account of which I understand he has sent you a corrected copy, and I hope you now find it right.

I would have written then, but found it necessary, in consequence of the sudden deaths of Mr. Gates and Mr. Bancroft, and consequent suspension of the transactions of their Houses to proceed immediately to Quebec, to consult with Mr. Ogden the Attorney General. He said the first thing to be ascertained was upon what principle Messrs. Jones, Murray & Co. had interfered with the collection of the dues. For if they were merely the depositaries of the money collected by me, I could only claim as a common creditor, but if they could be considered as the actual collectors, and had direct communication with Government, by paying over the money or otherwise, that he could then claim for the Crown, and by an extent have a preference both on Jones, Murray & Co. and on H. Gates & Co.'s estates, in which case nothing would be lost.

He said a good deal might depend on the shape of my transactions with them, whether the money was stated by them as being received from me as a private individual, or as coming into their hands as public money and stated to my credit as collector; and he desired that I should state to him in writing all the circumstances which I thought could bear on the case, and as he was to be at Montreal in a day or two, he would consult with the Solicitor General on the subject. I accordingly did so in the letter, of which the enclosed is a copy, and he informed me yesterday that the Solicitor General is of his opinion, that there are sufficient grounds to form a claim for the Crown, but as no payments will be made from the funds for a considerable time, they think it unnecessary to take immediate steps, it may be settled by the Trustees without legal expense.

The correspondence which took place in January last between Mr. Perry and Messrs. Jones, Murray & Co. has turned out, under present circumstances, to be of material importance in determining the question respecting their liability. I regret deeply what has happened, but the very essential assistance I received from Messrs. Jones, Murray & Co. led me to take the benefit of it, during my son's absence, not conceiving there could be any risk with the branch of a house universally considered one of the most wealthy and respectable in the Province.

I go to Bytown to-morrow, and when I return to Quebec I shall get the accounts adjusted with Jones, Murray & Co., from whom I have got all the bonds which were in their hands remaining unpaid, and I shall, agreeable to your instructions, open an account in my own name in the bank and remit you in drafts upon it.

I have the honor to be,
Your most obedient servant,
(Signed) C. SHIRREFF.

The Honorable Peter Robinson,
Commissioner of Crown Lands, &c. &c. &c., Toronto.

Toronto, 1st April, 1834.

Sir,

The following 5 bonds for Crown dues on timber are not yet brought into the returns, in consequence of their being in the hands of Charles Ogden, Esq. Attorney General, in the Lower Province.

The first bond is still pending in the court, being in dispute by Messrs. W. Price & Co., the amount of the others has been either received or secured and I expect to get it from Mr. Ogden on my return to Quebec.

1. W. Halliday, dated 9th August, 1830, disputed by W. Price & Co	£ 95	0	9
2. J. Murray, (D. McDonald,) 19th August, 1830	159	0	8
3. Wadsworth & Johnson, (for D. Moore) 9th September, 1830	219	5	10
4. ....do....do....11th....do....do	111	1	6
5. J. & D. Moore ....do....13th....do....do	60	5	9
	£644	14	6

I have the honor to be,
Respectfully,
Sir,
Your obedient humble servant,
(Signed) C. SHIRREFF.

The Hon. Peter Robinson,
Surveyor General of Woods and Forests, &c. &c. &c., Toronto.

Toronto, 8th March, 1836.

Sir,

Having been asked by the select committee on the timber dues, if I held a commission or letter of authority from the Surveyor General of woods and forests for collecting the crown timber dues on the Ottawa, and my answer in the negative having been made a subject of animadversion, I beg leave to state as distinctly as I can, the circumstances which led to my having acted without a formal appointment from the head of the department.

In the year 1825 when the plan of the collection was formed, Lord Dalhousie, (as I declined the situation for myself,) appointed my son Collector by Dedimus Potestatem, and he received for the same purpose a great seal commission from the Lieutenant Governor of the Upper Province.

By his instructions he was to collect the dues at the Chaudiere falls; but finding it impracticable to do so, the mode of taking bonds at that place for the amount payable at Quebec upon the sale of the timber, was adopted. This created a double duty, for it was necessary that one person should remain on the spot where the timber was measured, to take the bonds and that another should follow it to Quebec to attend to the collection when the timber was sold. I was therefore led to take a more active part than I intended to have done, and went to Quebec to receive the bonds, and look after the payment of them.

In this early stage of the business it was not considered necessary to make any alteration or addition to the appointments, until it could be ascertained by further trial what might be the best mode of conducting it, and I continued to act jointly with my son, without any formal document authorising me so to do.

When Mr. Robinson came out as Surveyor General of woods and forests, he found the collection of the dues in the situation stated above. He found my son and myself acting under an arrangement made directly by Government, and he did not feel himself called upon to interfere with it, further than to give to each of us, as his agents, authority to seize any timber that might be found cut without license, and giving us also from time to time such instructions as appeared to be necessary.

As a proof, however, that I was fully recognized by Government in the part I took in the collection, I beg leave to give you an extract from a report of the Honourable Executive Council of Lower Canada, dated 6th December, 1826.

"The Committee having examined the accounts rendered by Mr. Shirreff, sen'r, of the money "collected and disbursed by him, arising from the prices of timber collected on the lands of the "Crown as established by Your Excellency's proclamation of the 24th June last, and that of His "Excellency Sir Peregrine Maitland of the 3rd May preceding, and considering that this plan of "raising a revenue at the disposal of His Majesty is a growing fund which whilst it has tended "to introduce order and obedience among a numerous and useful class of men, and when pro-"perly applied will prove of essential benefit to both Provinces, has been suggested by Mr. "Shirreff and carried into effect by his own personal exertions, they are of opinion and humbly "recommend, &c. &c. &c."

I deeply regret the occurrence which has locked up for a time in the estate of Horatio Gates & Co. of Montreal, so great a balance of the collection of year 1833, but it has arisen, I may say from circumstances which I felt to be pressing, at least the primary cause was one of real necessity. In the autumn of 1830 my son was in a very bad state of health and I accompanied him as far as New York, on his way to the Southern States to avoid the winter in this climate. Messrs. Jones, Murray & Co. of Quebec, a branch of the above mentioned house of Horatio Gates & Co., took charge of the collection of the dues in my absence, and finding their assistance so beneficial I was induced to take the advantage of it until my son should return from Europe, having gone home in the spring of 1831, for the more perfect recovery of his health.

I certainly had no express permission nor instructions from the Surveyor General of woods and forests to take the assistance of that house—but it was done all along with the knowledge of the departments in both Provinces. I could not have any motive for concealing it. It did not create any additional expense to Government, nor was it of any pecuniary advantage to myself, and it certainly tended apparently to make the collection more secure by the additional guarantee of a house of the greatest respectability.

During the four years that Jones, Murray & Co. were engaged in the collection, very little of the money passed through my hands, the details of the collection made by them were handed to me at the end of the year, to enable me to make up my returns for both Provinces, and the dates fixed for paying up the monies were most punctually attended to, and generally paid into Mr. Robinson's account with the Montreal Bank by Mr. Gates himself.

While this plan was carried on with so much regularity, and with every appearance of safety for Government, there could be no reason for objecting to it.

I attribute much of the success I have had in the collection, to the essential assistance I have had from that house. Their knowledge of the trade and of the individuals engaged in it, afforded me often valuable information, and I could particularise instances in which they were the means

of recovering sums of money which might have been lost, if I had been acting entirely by myself. In the year 1832, when the cities of Quebec and Montreal were thrown into a state of distraction by the cholera, as well as my own place of residence, Bytown and other parts of the country, I should have been very much at a loss what to do had it not been for the repeated assurances of Messrs. Jones & Murray, that the collection would be attended to, as they were obliged at any rate to remain at their post, and when I went to Quebec in the autumn of that year, I did not find a single bond neglected.

I shall only add on this subject that you will see by the documents in your hands, that I have consulted the Attorney General of Lower Canada respecting the amount of the dues remaining with Jones, Murray & Co., in consequence of the death of Mr. Gates, and his opinion was, that there appears to be no doubt of the estate paying in full, it may not be necessary to go to the expense of attempting to establish, by a law suit, a preference on the part of government.

Every attention has been paid to the collection for these ten years past, and I have acted to the best of my judgement in conformity of course with my instructions.

The accounts and returns have been rendered annually, and it is consistent with my own personal knowledge, that Mr. Robinson has carefully examined them, having come to this place generally myself, with my accounts, to give every explanation that might be wanted.

I am far from thinking that official regularity is not necessary in forms of appointment as well as in other matters. But I hope the circumstances I have detailed will account to the Select Committee for its not having taken place with perfect exactness in my own case.

I have the honor to be,
Sir,
Your most obedient humble servant,
C. SHIRREFF.

Thomas McKay, Esquire,
Chairman of the Select Committee on the timber dues.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
Wednesday, 2nd March, 1836.

COMMITTEE MET.

Present—THOMAS MCKAY, ESQ., *Chairman*, Messrs. BRUCE and MALLOCH.

CHARLES SHIRREFF, ESQ., *called in and examined.*

Do you consider the firm of Jones, Murray & Co. bound by law to pay the debt due to the Province upon duties on Crown timber? Yes, certainly.

Did you ever have any written authority from the Crown to act as Collector of duties on Crown timber? I have the same authority as others have, from Mr. Robinson, the Surveyor General. I have had many occasional written instructions.

[*The witness withdrew.*]

Adjourned.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
26th February, 1836.

Present—Messrs. MCKAY, *Chairman*, LEWIS, BRUCE, MALLOCH, and ROBLIN.

CHARLES SHIRREFF, ESQ., *called in and examined.*

Do you know any other person than yourself authorised to collect duties on timber cut upon the waste lands of the Crown adjacent to the Ottawa River? *Ans.* Duncan Macdonell, (Greenfield,) and Mr. Treadwell.

What portion of the money in the hands of the late Horatio Gates & Co. has been paid, if any? None.

Had you any instructions from the Government of Upper Canada, to appoint agents in Lower Canada to collect duties upon timber? None, but I informed the different departments at the time, of the circumstances.

Do you or your son give security for the office you hold as collector of duties on timber? I myself give none; but my son did when he received his appointment, give security, but this appointment was cancelled, and I merely act under the appointment of Mr. Robinson.

REPORT ON PETITION OF J. PATERSON AND OTHERS.

To the Honorable the Commons House of Assembly.

The Committee to whom was referred the petition of John Paterson and others of the Gore District, praying for further aid for the Desjardin's Canal, beg leave respectfully to report.

That your Committee have carefully examined the accounts of the Company, and particularly that part thereof relating to the expenditure of the late loan of £7,000 by the Legislature to the Company, by and under the authority of an Act, entitled "An Act authorising a loan to the President and Directors of the Desjardin's Canal Company." And your Committee feel bound to acknowledge that the said loan hath been faithfully and economically applied towards the completion of the said Canal, but notwithstanding the care and economy used in the expenditure of the same, they find the work is still in an unfinished state, and to accomplish the same from a fair estimate made, the sum of £6,000 will yet be required. Your Committee have minutely examined the President and Directors of the said Company, as also the Secretary and acting Engineer with their books and papers, as well as the estimate necessary to complete the Canal.

It will be seen by the Company's Report annexed, that they have debts to call in and stock for sale to the amount of £6,924 7 10d. which does not appear likely to be available for some time to come, and the stock will not sell to any advantage while the Canal remains in its present unfinished state.

The importance of the work to the commercial interests of the head of the Lake, and the populous and productive country around it, induced the Legislature to extend their aid to it. The sum of £7,000 was loaned to the Company upon security of the bond and mortgage of the said Company, besides other real and personal security given against the estates of a portion of the stockholders. But it is not only the interest of the Company which now becomes the object of consideration, the stockholders appear to be quite unable to complete the Canal without some further assistance. And your Committee feel it would not be either wise or expedient to allow the work, so far advanced, to remain unfinished and fall into decay, after so large a sum has been already expended on the same by the stockholders themselves, and the loans that have been made by the Legislature to the amount of £12,000. The sum now required for its completion is a question well deserving the consideration of your Honourable House, and which your Committee trust will not be refused to the Company, and they feel satisfied that the loan already granted, when compared to the usefulness of the work to such a great extent of country, is yet small and especially when compared to similar repeated grants to other public improvements.

Your Committee therefore recommend that the sum asked for, say £6,600 be loaned to the Company to enable them to finally complete the work the ensuing summer, on the same terms of security as required for the last loan, and therefore trust your Honourable House will extend your further liberality to the work at Dundas. It is indeed formed by nature the great depot and outlet of some of the most fertile and populous Townships which surround the head of the Lake, and extend to the source of the Grand River. An improvement in the navigation which would confer such extensive benefits cannot it is hoped be allowed to remain long unaccomplished, and both policy and economy concur in sanctioning such further assistance, when the sum required is so small to insure its completion.

Your Committee have the less hesitation in submitting this recommendation from a conviction that the work when finished, with the proposed grant, will undoubtedly pay the interest immmediately and in a very few years the principal also. Your Committee are happy to be able to annex to this report, a detailed account of the exports and imports at Dundas, of which they have satisfied themselves of the correctness and of the sufficiency of the commerce in that part of the country, to justify the most favourable expection of the future prospect of the undertaking.

Your Committee also annex the Report of the Directors, and an abstract of their accounts.

All which is respectfully submitted.

JAMES DURAND,
Chairman.

Committee Room,
House of Assembly,
28th March, 1836.

STATEMENT of the Exports and Imports at Dundas, by the Creek, with the charges at present made for conveyance, for the year 1835

24000	barrels of	flour, at 7½d.....	£750	0	0
1483	do.	whiskey, at 1s.....	74	3	0
4789	do.	salt, at 1s.....	239	9	0
2200	do.	pork, at 1s.....	110	0	0
53000	bushels of	wheat, at 3d.	165	12	6
10000	do.	barley, at 3d.	31	5	0
100	barrels of	ashes, at 1s. 3d....	6	5	0
1750	tons of	merchandize, at 5d...	36	9	0
			£1413	3	6

A large quantity of Lumber will pass by way of the canal if it was once completed.

ABSTRACT of the Expenditure of the Desjardin's Canal Company, for the year 1835–36.

To amount received for £6,000 of G. Debentures sold	£6055	3	5
To amount of stock collected	80	15	0
To amount of old debt collected	25	0	0
	£6160	18	5

EXPENDITURE.

By amount expended, not by contract, per detail	£1888	12	3
By amount expended by Contracts	2411	8	8½
By amount advanced on Contracts now in progress	232	19	5½
By amt of old debts pd. 1024 2 1 / By do do contracted 256 14 2	1280	16	3
Balance on hands	347	1	9
	£6160	18	5

DETAIL of the Expenditure, under the superintendence of Overseers.

Amount paid for materials, houses, implements, &c. to commence	£673	13	11½
Amount paid to labourers, &c. employed by the Co. in making the banks, &c. and excavating 6,666½ C. Y.	1009	18	3½
Amount expended in piling, and for piling machine	205	0	0
	£1888	12	3

Expended by Contract.

Amount paid S. Ansley for excavating 5088 c. yds. pr. con. a 9½d			£201	8	0
do do 24549½	"	1s. 1d.	1254	15	3
do J. Sheehan & Co. 3099	"	11d.	142	0	9
do Paterson & Flinn 15749 / do do 1600	"	11½d.	813	4	8½
50085½			£2411	8	8½

Advanced on Contracts now in progress.

Paid to Saml. Ansley contract on Canal,	£207	19	5½
Paid to Luther Johnson do Bridges,	25	0	0
	£232	19	5½

To detail of old debts paid in 1835.

To John Paterson balance due in 1834 per account then audited,	£74	3	1½
To Andrew Armstrong, do do	1	17	6
To R. Miller due in 1830, £118 14 6½ / do Law cost & Int. 34 5 5½	153	0	0
To A. N. Macnab per award of Arbitrators	36	2	2
To Andrew Stevin for mortgage on D. Gibb's property, preparatory to suing for a debt due to the Company,	42	8	0
To James Durand due in 1832	7	0	0
To James Coleman due in 1834	15	16	5½
To Jno. McFarlane due in 1833	13	7	2
To Allison & Clement due in 1833	32	10	7½
To Robert Stanton due for printing, stationary, &c. from 1829 to 1833,	25	14	5½
To Henry Mittleberger for contracts	214	0	11
To Playfair & McLean due in Oct. 1834	6	18	0
To the Commercial Bank for bill discounted in 1834 to pay the labourers then employed	301	3	8
To paid sundry items included in accounts rendered this year, and not easily detailed, say	100	0	0
	£1024	2	1

Estimate of the Expense necessary for completing the Canal on the present dimensions (of 66 feet wide and 6½ feet deep,) and of making it 8 feet deep.

To dredging 980 yards in length, 3 feet deep making 15,027 cubic yards at 1s 3d. per cubic yard	939	3	9
To excavating section, contracted for with S. Ansley	950	0	0
To expense of materials, &c. for said contract	50	0	0
To amount due to Luther Johnson for contract on Bridges	235	0	0
To deepening the basin 2 ft. 3960 cubic yds / To deepening below basin 7050 c. yards — 11010 at 1s6d	825	15	0
To taking out dams and completing different parts	500	0	0
To piling ½ a mile with a double row of piles and ½ a mile with a single row of piles, the piles to be 10 feet apart—792 piles at 15s. per pile	594	0	0
To string pieces and planking same for tow path	540	0	0
To forming remainder of tow path	350	0	0
To dredging the whole of the Canal to 8 feet deep, viz. for 4069 yds. in length 1½ feet deep 24414 c. yards. do. 717 ys. 1 ft. deep 3268 "			
27682 at 1s 3d.	1780	2	6
To contingences on the above at 10 per cent	676	8	0
	£7440	9	3
To amount required to complete the Canal as above	7440	9	3
To amount of debts due by the Company, about	500	0	0
	£7940	9	3
By cash on hands per abstract 347 1 9			
By G. Debentures do. 1000 0 0	1347	1	9
	£6593	7	6

ROBERT W. KERR,
Secretary.

Desjardin's Canal Office,
Dundas, 7th March, 1836.

ABSTRACT of the Accounts of the Desjardin's Canal Company, from April, 1835, to January, 1836.

	£	s.	d.		£	s.	d.
To amount required for £6000 Gov't. Debentures sold	6055	3	5	By amount paid for excavating 56,752 cubic yds, being an average of 1s. 2½d. pr.c.y. £3421 7 0			
To amount of stock collected since April 1835	80	15	0	By amount expended in piling, and for piling machine 205 0 0			
To amount of old debt collected	25	0	0	By amount expended on shanties, materials, &c 673 13 11½			
				By amount paid on contracts now in progress 232 19 5½			
				Total expenditure on the work	4533	0	5
				By am't of old debts paid 1024 2 1			
				By amount advanced to Messrs. Paterson and Flinn, (contractors) and for which there is a mortgage 256 14 2			
					1280	16	3
				By balance yet on hands	347	1	9
	6160	18	5		£ 6160	18	5
To bal. on hands as above 347 1 9				By amount of debts yet owing by the Company, about £ 500 0 0			
To Debentures yet unsold 1000 0 0				By amount necessary for completing the present contract 1235 0 0			
To amount of debts due to the Company 1363 17 10					1735	0	0
	2710	19	7	By amount of expense of dredging a mile of the canal, estimated at 1200 0 0			
To amount of stock due in 483 shares subscribed 1598 0 0				By expense of taking out dams, and completing, 500 0 0			
To amount of stock either forfeited or not yet disposed of 3962 10 0				By expense of deepening basin 500 0 0			
				By expense of piling and making tow-path 1200 0 0			
	5560	10	0		3400	0	0
				By expense of dredging it 8 feet deep	2000	0	0
				By balance	1136	9	7
	£ 8271	9	7		£ 8271	9	7

ROBERT W. KERR,
Secretary, D. C. Co.

DUNDAS, 18th January, 1836.

MESSAGE

FROM HIS EXCELLENCY,

TRANSMITTING

RETURNS

RELATING TO THE

FUNDS OF THE KING'S COLLEGE,

UPPER CANADA COLLEGE,

AND THE LATE GENERAL BOARD OF EDUCATION.

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly, with reference to an Address of the House, presented to his predecessor during the last Session, the accompanying Returns relating to the Funds of King's College, Upper Canada College, and the late General Board of Education.

GOVERNMENT-HOUSE,
March 28, 1836.

KING'S COLLEGE OFFICE,
Toronto, March 14, 1836.

SIR,

I have the honour herewith to transmit various Abstracts and Explanatory Statements relating to the Funds of King's College, Upper Canada College, and the late General Board of Education, which, by direction of the late Lieutenant-Governor, in compliance with an Address of the House of Assembly, were ordered to be prepared.

Those now sent are in addition to a former mass already furnished to the late Secretary, with a letter explanatory of the delay that occurred in the preparing of them. A description of them now sent will be found to accompany the same, in order to facilitate a reference to them.

I trust that His Excellency the Lieutenant-Governor will be satisfied with the pains that have been taken, on my part, to render these multifarious accounts clear and explicit, for I have been most anxious so to render them.

I have the honor to be,
Sir,
Your most obedient
Humble servant,
JOS. WELLS.

To JOHN JOSEPH, Esq.,
Civil Secretary,
&c. &c. &c.

No.	DESCRIPTION OF THE ACCOMPANYING DOCUMENTS.
1	Abstract of the Bursar's General Account Current with King's College for the year 1835.
2	Abstract of the General Account Current of the Treasurer of Upper Canada College for the year 1835.
3	Abstract of the General Account Current of the late Treasurer of the late General Board of Education for the year 1835.
4	Explanatory Remarks by Lieutenant-Colonel Wells, as Registrar and Bursar of King's College, and Treasurer of Upper Canada College.
Letter A.	Statement of Expenditure upon the Buildings, &c. of Upper Canada College, from the commencement in 1829 to 31st December, 1835.
B.	Statement of Items of Small Expenditure upon the Buildings, &c. of Upper Canada College, paid by Captain Fitz-Gibbon, and referred to in Statement A.
C.	Statement of the Expenditure upon the Grounds of the University of King's College, from the commencement in 1828 to the 31st December, 1835.
D.	Details of Payments made by the Treasurer of the Upper Canada College, explanatory of total amounts charged by him in the Abstracts laid before the House of Assembly in the Session of 1831 and 1832.

JOS. WELLS,
Registrar and Bursar of King's College, and Treasurer of Upper Canada College.

No. I.

ABSTRACT of the Bursar's General Account Current with King's College, for the Year 1835.

DR.	£	s.	d.		CR.	£	s.	d.
1835 Jan. 1 to Dec. 31 To balance from last year's Abstract	28,940	13	7	1835 Jan. 1 to Dec. 31	By amount paid the Overseer of the College Grounds on his periodical accounts for Wages due to the Labourers; and for Teams employed thereon, including his own wages of £60 *per* annum, and £12 10s for House rent, and payment of sundry accounts for Utensils, &c.			
To amount of Dividend and Bonus on 20 Shares of Bank Stock:—					Jan. 3—John Wedd	2	14	0
To 31 March £10 0 0					7 Do	21	0	0
To 30 Sept (Dividend £10, Bonus £10) 20 0 0	30	0	0		17 Do	5	0	0
Carried forward £	28,970	13	7		Carried forward £	28	14	0

A

		£	s.	d.
	Brought forward.....	28,970	13	7
Jan. 1 to Dec. 31	To aggregate amount of Rent received during the year:			
	For the half year ending June 30..... £ 670 8 6			
	For the half year ending Dec. 31..... 696 18 6	1,367	7	0
	To aggregate amount of first payments on account of Sales of Land during the year:			
	For the half year ending June 30..... 1000 19 6			
	For the half year ending Dec. 31..... 693 15 0	1,694	14	6
	To aggregate amount of sums received on account of subsequent instalments on former sales during the year:			
	For the half year ending June 30..... 3358 18 2			
	For the half year ending Dec. 31..... 1600 19 3	4,959	17	5
	To aggregate amount of sums received on account of interest on subsequent instalments during the year:			
	For the half year ending June 30..... 658 16 5			
	For the half year ending Dec. 31..... 286 2 6	944	18	11
	To sundry amounts received through Mr. John Wedd, Overseer of the Grounds, upon sundry Sales of Wheat and Straw:			
	Jan. 2—98 bush and 41 lbs of Wheat at 2s 9d	13	11	6
	Jan. 3—49 bush and 58 lbs of Wheat at 2s 9d	6	17	4
	Jan. 5—3 loads of Straw.....	2	8	6
	Jan. 5—4 bush Tail Wheat..	0	5	0
	Jan. 28—212 bush and 8 lbs Wheat at 2s 6d.....	26	12	6
	Jan. 28—Straw sold to sundries.....	1	17	6
	Feb. 18—265 bush and 41 lbs of Wheat at 2s 6d.....	33	4	2
	March 10—296 bush and 29 lbs of Wheat at 2s 6d.....	37	1	3
		121	17	9
	Carried forward.....£	37,937	11	5

		£	s.	d.	£	s.	d.
	Brought forward.....	28	14	0			
	Jan. 28—John Wedd.....	6	1	8			
	Feb. 7 Do	4	10	4			
	23 Do	4	15	0			
	Mar. 7 Do	5	7	11			
	14 Do	5	13	2			
	21 Do	5	17	1			
	28 Do	4	4	0			
	31 Do	18	0	0			
	April 11 Do	5	13	0			
	18 Do	3	6	9			
	25 Do	4	1	0			
	May 2 Do	5	12	6			
	9 Do	5	12	6			
	16 Do	9	0	0			
	23 Do	9	10	6			
	30 Do	9	3	0			
	June 6 Do	7	19	9			
	15 Do	6	19	9			
	20 Do	6	0	6			
	30 Do	18	0	0			
	July 4 Do	12	15	1			
	11 Do	11	0	0			
	18 Do	21	12	6			
	25 Do	21	7	6			
	Aug. 1 Do	24	0	0			
	8 Do	20	3	0			
	15 Do	15	7	0			
	22 Do	20	12	6			
	29 Do	19	10	0			
	Sept. 5 Do	16	0	0			
	12 Do	13	16	0			
	19 Do	14	13	0			
	26 Do	12	9	4			
	30 Do	18	0	0			
	Oct. 3 Do	8	10	10			
	10 Do	10	4	3			
	17 Do	8	4	0			
	19 Do	2	17	3			
	24 Do	6	9	6			
	31 Do	6	15	6			
	Nov. 7 Do	6	11	6			
	14 Do	9	14	0			
	21 Do	9	14	0			
	28 Do	6	19	0			
	Dec. 5 Do	7	14	0			
	12 Do	7	14	0			
	19 Do	2	14	0			
	26 Do	2	5	0			
	31 Do	18	0	0			
Jan. 1 to Dec. 31	By amount paid Richard Mossop for Shrubs...				529	15	2
					4	10	0
	By amount paid Salaries to the Officers and Messenger:						
	Hon. Col. Wells, Registrar and Bursar, half a year, ending 30th June.....	150	0	0			
	Ditto ditto, ditto, 31st Dec...	150	0	0			
	Mr. E. J. Ridout, Clerk, half a year, ending 30th June.....	75	0	0			
	Ditto ditto, ditto, 31st Dec...	75	0	0			
	Henry Hawkins, Messenger, half a year, ending 30th June	25	0	0			
	Ditto ditto, ditto, 31st Dec...	25	0	0			
					500	0	0
	By amount paid P. Paterson & Sons for a Cooking Stove for the Entrance Lodge.....				8	0	0
	By amount paid John Harper in full for a Back Building to the Entrance Lodge, Alterations, Repairs, &c.....				62	11	3
	By amount paid John M'Donald in full for inspecting Lands in Wilmot.....				3	6	0
	By amount paid S. Ridout, Esq., for registering Deeds.....				0	19	10
	Carried forward.....£				1,109	2	3

	£ s. d.	£ s. d.
Brought forward.....	121 17 9	37,037 11 5
March 23—140 bush and 46 lbs of Wheat at 2s 6d.....	17 11 11	139 9 8
Dec. 31—To amount received from the Bank of Upper Canada for half a year's interest on £1000 Government Debenture to this day.....		30 0 0
	£	38,107 1 1

		£ s. d.	£ s. d.
	Brought forward.....		1,109 2 3
Jan. 1 to Dec. 31	By amount paid John Paterson, Esq., for the purchase of a Government Debenture of £1000, and 1 ℔ cent. premium.....		1,010 0 0
	By amount paid P. Paterson & Sons for Drafts drawn by the President of the Desjardins Canal Company, to be repaid by Government Debentures:		
	Aug. 1.....	500 0 0	
	31.....	500 0 0	
	Sept. 23.....	500 0 0	
	Oct. 1.....	500 0 0	2,000 0 0
	By amount paid J. Patterson, Esq., for 2 ℔ ct. prem on £2000 of Gov. Debentures	40 0 0	
	Deduct interest on sums advanced..	7 16 2	32 3 10
	By amount paid P. Paterson & Sons for Drafts drawn by the President of the Desjardins Canal Company, to be repaid by Government Debentures:		
	Oct. 29.....	600 0 0	
	Dec. 10.....	400 0 0	1,000 0 0
	By amount paid Messrs. Hagerman & Draper, for professional advice to the College Council		6 5 0
	By amount of sundry Contingencies, including Rent of Office:		
	Jan. 5—84 descriptions of Lots sold.....	10 10 0	
	March 6—John Stewart on account of Wood for Office...	10 0 0	
	March 21—Henry Rowsell for Stationary.....	9 15 2	
	May 9.—John Stewart (balance of account) 43 1-2 cords Wood at 11s 10 1-2d.....	15 16 6	
	May 16—Richard Northcote, half a year's Rent of Office..	20 0 0	
	July —Maxwell, for sundry small Carpenter's jobs.....	1 12 3	
	Aug. 22—Wm. Musson in full for Tinman's work.....	1 10 6	
	Sept. 18—Collector of Taxes for St. Andrew's Ward.....	2 2 6	
	Nov. 19—Richard Northcote, half a year's Rent of Office..	20 0 0	
	Dec 3—Postages during the year	7 19 0	
	Dec. 3—Ridouts Brothers & Co. for Fireirons, &c.....	0 14 3	
	Dec. 3—Sawing Wood, sweeping Chimnies, &c. during the year, as per petty Cash-Book	4 9 4	104 9 6
			5,262 0 7
	By balance to be carried forward to the next Abstract*.....		32,845 0 6
			38,107 1 1

JOS. WELLS,
Bursar of King's College.

* From this balance of..... £32,845 0 6
Duduct amount advanced to Upper Canada College..... 29,215 10 6

This balance is ready to be invested in Government Debentures, and part is already contracted for with the President and Directors of the Desjardins Canal Company..... 3,629 10 0

No. II.

ABSTRACT of the General Account Current of the Treasurer of the Upper Canada College for the Year 1835.

Dr. 1835	£	s.	d.	Cr. 1835	£	s.	d.
Jan. 1 to Dec. 31 To amount of Warrants received from the Receiver-General for the Royal Grant:				Jan. 1—By balance in debt to the Funds of King's College and the late General Board of Education, brought forward from last Abstract.....	29,262	3	3
Jan. 7—Half a year to 1st instant..... £555 11 1				April 27—By amount paid R. Stanton, Esq., for eighteen months Rent of six Pews in the Parish Church to the 30th.....	42	0	0
July 11—Do do 555 11 1	1,111	2	2	July 9—By amount paid the Bank of Upper Canada for a Bill of Exchange on London for £271 16s 3d sterling, being for Books bought from Messrs. Longman & Co.....	332	4	4
To sundry amounts received from Mr. G. A. Barber, Collector of the College Dues, for Tuition, Boarding, Books, &c.:				Aug. 8—By amount paid James Denholm, the amount of a Draft drawn by Mr. John Blackwood, of Montreal, in full for forwarding cases of books.....	11	5	1
Jan. 9—Received..... 150 0 0				Aug. 14—By amount paid John Harper on account for sundry repairs to the District School-House..	150	0	0
Feb. 10—Do.. 125 0 0				Aug. 24—By amount paid John Ridout, Esq., for Insurance on two Policies of the Alliance British and Foreign Assurance Company.....	21	3	9
Nov. 28—Do... 500 0 0	775	0	0	Oct. 13—By amount paid Robert Cathcart for 100 copies of the Companion to the Bible.....	16	5	0
To sundry amounts received on account of the proceeds of the sales of College Lands:				Oct. 29—By amount paid John Harper, balance of his account for Repairs of Old District School-House.....	32	4	3
Hon. Lieut-Col. Talbot, Agent 1883 10 4				Dec. 4—By amount paid John Ridout, Esq., for Insurance on a Policy of the Alliance British and Foreign Assurance Company for £5000 on certain Buildings.....	41	5	0
Major D. Campbell, Agent... 223 17 2				Dec. 23—By amount paid Messrs. Hagerman & Draper, being a charge for Law Expenses in a Suit Priestman against the College.....	3	10	0
Sundry purchasers, who made their payments direct to the Treasurer..... 295 18 6	2,403	6	0	Dec. 31—By amount paid Quarterly to the Masters, &c., in full of their Annual Salaries to this day:			
To aggregate amount of Receipts on account of the Town Lots sold by auction in 1829:				Rev. Dr. Harris, Principal... £666 13 4			
On further account of purchase..... 138 16 0				Rev. C. Dade, Mathematical Master..... 333 6 8			
On account of interest on the unpaid part of the purchase money..... 128 7 0	267	3	0	Rev. C. Mathews, 1st Classical ditto..... 333 6 8			
	4,556	11	2	Rev. H. Burges, 2d ditto do (for 3-4 of the year)..... 250 0 0			
To balance in debt to the Funds of King's College, and carried forward to the next Abstract..	29,262	3	8	Mr. F. W. Barron, 3d do do. 333 6 8			
				Mr. J. P. De la Haye, French ditto..... 222 4 4			
				Mr. G. A. Barber, 1st Writing ditto..... 222 4 4			
				Mr. James Duffy, 2d do do... 111 2 0			
				Mr. John Kent, Master of the Preparatory School..... 191 13 4			
				Mr. J. G. Howard, Architectural Drawing Master..... 111 2 0			
				Mr. Thos. Young, Ornamental ditto..... 111 2 0			
				Samuel Alderdice, Messenger and Porter..... 40 0 0	2,926	1	4
				By amount paid Quarterly to the Rev. Dr. Philips, being for temporary Pension as retired Vice-Principal.....	111	2	0
Carried forward..... £	33,772	1	8	Carried forward..... £	32,949	4	5

	£	s.	d.
Brought forward.....	33,772	1	8
	33,772	1	8

	£	s.	d.
Brought forward.....	32,949	4	5
Dec. 31—By amount of sundry payments to Mrs. E. Fenwick for boarding the Pupils at the College Boarding-House, at £23 ℔ annum each pupil:			
Jan. 29..... 65 0 0			
Mar. 24..... 77 0 0			
April 30..... 65 0 0			
June 23..... 93 2 6			
Aug. 1..... 100 0 0			
Sept. 24..... 72 10 0			
Nov. 26..... 60 0 0			
Dec. 31..... 36 12 6			
	619	5	0
By amount of sundry payments on account of the Buildings, Fences and Grounds, and for sundry charges of Expenditure on the Boarding House.....	111	17	5
N. B.—For detailed particulars of this charge, *vide* Statement A. now sent in, in compliance with the Address of the House of Assembly.			
By amount paid T. D. Harrington for frequent occasional assistance during the year as a Copying Clerk.....	52	0	0
By amount of sundry payments for contingencies:—			
Jan. 8—40 Descriptions of Town Lots..... 5 0 0			
Mar. 14—Kingston Chronicle, for advertising..... 4 17 9			
Mar. 19—Montreal Daily Advertiser do..... 1 16 0			
Mar. 19—Montreal Gazette do 1 17 1			
Mar. 19—Brockville Recorder 2 16 2			
Mar. 21—Henry Rowsell, for Stationary..... 3 6 6			
Mar. 23—Cornwall Observer for advertising..... 2 3 10			
Mar. 30—Niagara Gleaner do 3 9 0			
May 1—St. Thomas' Journal ditto..... 2 16 3			
May 13—Montreal Gazette do 1 19 3			
July 8—Rev. Dr. Harris, for postages paid by him on account of the College..... 2 18 6			
Dec. 30—Christian Guardian for advertising..... 2 17 3			
Dec. 31—Proportion of Postages during the year..... 3 12 3			
	39	14	10
	33,772	1	8

JOS. WELLS,
Treasurer U. C. C.

No. III.

ABSTRACT of the General Account Current of the late Treasurer of the late General Board of Education for the Year ending the 31st December, 1835.

Dr. 1835	£	s.	d.
Jan. 1—To balance advanced on Loan to the Upper Canada College till the Fund of the University of King's College is able to redeem it.....	1,204	13	0
Carried forward.....£	1,204	13	0

Cr. 1835	£	s.	d.
Feb. 25—By cash paid into the hands of the Receiver-General, to be placed to the credit of the Schools Funds.....	1,000	0	0
Oct. 9—By cash paid the Rev. D. Macaulay, to pay 3 months wages to the person employed in cleaning the rooms at the District School to the 1st, at 15s.....	2	5	0
Carried forward.....£	1,002	5	0

Statement of Incidental Expenses incurred on account of Upper Canada Central School at Toronto, between the 1st January and 31st December, 1835, by Mr. Joseph Sprągge, Master.

	£	s.	d.
To E. Lesslie & Sons, for Stationary and Books		9	3 4
To John Harper, for Carpenter's work		4	9 11
To William Dixon, for Glazier's work		1	5 7
To Robt. M'Michael, for sundry work		6	18 0
To Henry Rowsell, for Stationary and Books		12	4 5
To Jos. Perry, for Smith's work		0	17 9
To Mr. Culpitt, for sundry work		2	5 0
To William Musson, for tin goods		6	1 4
To Arthur Martin, for firewood		12	1 10
		61	7 2
Deduct amount of fees of 1st & 2d Department, received by Mr. Sprągge in 1835	14 10 0		
Deduct amount of fees of 2d Department, received by Mr. Wilson in 1835	5 7 6		
Deduct proportion of allowance for firewood in 1835—1-3d. for 1st Department	4 0 7		
		23	18 1
As charged in the accompanying Abstract.		37	9 1

	£	s.	d.
Brought forward	1,002	5	0
Dec: 31—By cash paid the Rev. D. Macaulay, to pay 3 months wages to the person employed in cleaning the rooms at the District School to this day, inclusive	2	5	0
By cash paid quarterly to Mr. J. T. Wilson, second Master at the Central School, one year's Salary, to this day	100	0	0
By cash paid quarterly to Mrs. Rebecca Sylvester, Mistress at the Central School, one year's Salary, to this day	50	0	0
By cash paid at sundry times to Mr. Joseph Sprągge, Master of the Central School, in full of his account for disbursements to this day, (as per Statement annexed) and which was accompanied by separate vouchers	37	9	1
By balance to be carried forward to the next Abstract	12	13	11
£	1,204	13	0

JOS. WELLS,
Late Treasurer.

No. IV.

Explanatory Remarks by Lieutenant-Colonel Wells, as Registrar and Bursar of King's College and Treasurer of Upper Canada College.

Paragraph No. 1. In reference to that part of the paragraph, No. 1, in the Address of the House of Assembly, which calls for the authority under which the buildings, &c. of Upper Canada College were erected, and from what funds the payments have been severally taken, the Treasurer remarks, that the late General Board of Education were requested, by the late Lieutenant-Governor, to undertake, with his express sanction, the entire management attending the erection of them; and the Treasurer was authorised by the Board to temporarily make use of the funds in his hands, until those of King's College were enabled to repay the same, and to which arrangement the College Council gave their assent. One member of the Board was appointed to superintend the execution of the plans approved of; and the said member, with another, were appointed to act as Auditors of the different Accounts, and to certify their correctness, prior to their being presented to the Treasurer for payment. Those accounts were then paid by cheques upon the Bank of Upper Canada, payable to order; they thus formed additional vouchers of the sums having been actually paid, as separately receipted upon the several accounts.

The sums temporarily borrowed from the funds of the late General Board of Education have since been restored, and paid into the hands of the Receiver-General of the Province.

The Statement of the Expenses of the Buildings, &c., as called for in this paragraph, is herewith transmitted.

Paragraph No. 2. In the accompanying detail of expenditure on the Grounds of King's College, as called for in paragraph No. 2, it may be proper to explain, that, as the Bursar can procure vouchers for each sum paid to the Overseer of the Grounds, he did not suppose it could be intended, that he should send copies of the numerous pay-lists of labourers, &c. which are filed in this Office, inasmuch as each list (most of them weekly) contains the names of every labourer employed, with the amount of wages due to each, and a column with the signatures, or marks, of each individual, acknowledging the having received the respective sums charged against their several names; nevertheless, (if required,) copies can be furnished, but it will be difficult to trace any beneficial result from the trouble it would occasion. All other payments, for Salaries to Officers, &c. of the Institution will be found particularized in the various Abstracts, some of which are now sent, and others since the requisition was made.

Paragraph No. 3. An explanation of the Communication required, in this paragraph, has been already sent in by the individual whom it concerns.

Paragraph No. 4. The Treasurer refers to the Abstracts (some of which are now sent in, and others since the requisition was made,) upon those parts of it which concern his department.

Paragraph No. 5. The detailed Statements, here called for, accompany this communication. The explanation required in the latter part of it has been already furnished.

Paragraph No. 6. The information here required will be found in the Abstracts, some of which are now sent, and others since the requisition was made.

In reference to the enquiry (in the latter part of this paragraph) "into the reasons (if any) why the funds of King's "College and Upper Canada College might not be paid to and by the Receiver-General, and the burthen of a plural- "ity of Officers and offices removed," the following is respectfully submitted:—

The duties of the Registrar and Bursar of the former Institution, and the Treasurer of the latter are so multifarious and onerous, that it would be impossible for the Receiver-General, with his other important duties, to undertake the management of them; and any person imagining the contrary, has only to visit the Office to be convinced of the fact. No additional salary has yet been awarded for the extra duty thrown upon the Registrar and Bursar of King's College, by his appointment of Treasurer to the Upper Canada College, although the responsibility and labour have been so much increased by it.

JOS. WELLS,
Registrar and Bursar of King's College, and Treasurer of Upper Canada College.

No. I.—or A.

ACCOUNT of Expenditure upon the Buildings, &c. of the Upper Canada College, City of Toronto.

1829		Prov. Cur. £	s.	d.
Sept. 16	Paid P. Hutchinson, on account of well digging	20	0	0
26	Paid Mr. Priestman, on account of his contract	1,000	0	0
Nov. 10	Paid ditto ditto ditto	240	0	0
Dec. 26	Paid ditto ditto ditto	560	0	0
1830				
Feb. 19	Paid ditto, in full of an account for extra work	74	13	7
25	Paid P. Hutchinson, on account of well digging	20	0	0
April 17	Paid Mr. Priestman, on account of his contract	200	0	0
June 12	Paid ditto ditto ditto	120	0	0
June 23	Paid P. Hutchinson, balance in full for digging two wells	20	0	0
to June 30	Paid sundry payments on account of Mr. Priestman's contract:—			

	£	s.	d.
Justice Seelye	23	15	0
Dunne & Sayer	50	0	0
Alexr. White	40	0	0
Thos. Fisher	120	0	0
Chas. Johnson	4	5	0
Samuel Murray	40	0	0
Alexr. Nivens	8	4	0
Thos. Ellis	24	0	0
Webster & Grantham	29	14	0
James Crowther	50	0	0
John Nicholson	20	0	0
Lythe Priestman	36	0	0
Thos. Thompson	55	15	0
John Motherell & Co.	18	0	0
Crowther & Appleton	250	0	0
	769	13	0

June 30	Paid J. Seelye, account for lime	15	6	0
	Paid William M'Causland, ditto	9	7	0
July 6	Paid J. Seelye, ditto	10	10	0
7	Paid William M'Causland, ditto	15	0	0
8	Paid Philip Thorne, brick-layer's work	50	0	0
	Paid John Ritchie & Harper, bricks	25	0	0
10	Paid J. Seelye, lime	12	10	0
13	Paid Alex. White, carpenter's work	50	0	0
	Paid Alex. Gracey, lumber	2	17	0
16	Paid Joshua Webster & Co., carting materials	14	8	11
	Paid Wm. Coulthard, lumber	1	7	6
17	Paid James Dunne, plasterer's work	60	0	0
19	Paid William M'Causland, lime	16	15	0
	Carried forward £	3,307	8	0

1830		Prov. Cur. £	s.	d.
	Brought forward	3,397	8	0
July 19	Paid Arnold Reynolds, shingles	4	0	0
	Paid John Nicholson, stone and sand	21	13	10
	Paid Malcolm M'Donald, labourer's work	1	8	0
	Paid J. A. Seelye, for lime	13	0	0
20	Paid James Forres, for labourer's work	2	8	9
	Paid James Fitzgibbon, Esq., on account of small expenditure	25	0	0
	(Vide separate List of Vouchers.)			
July 21	Paid William Jackes, Jun., for lime	8	5	0
24	Paid J. A. Seelye, for ditto	9	17	6
	Paid Joshua Webster, for carting materials	10	0	0
30	Paid John Ritchie, for bricks	70	15	0
	Paid Alex. White, for carpenter's work	75	0	0
31	Paid Thos. Fisher, for lumber	100	0	0
Aug. 2	Paid John Snider & Co., for bricks	65	17	6
	Paid James Fitzgibbon, Esq., on account of small expenditure	50	0	0
	(Vide separate List of Vouchers.)			
Aug. 2	Paid William M'Causland, for lime	19	3	3
	Paid Duncan Kennedy, on account as Superintendent	10	0	0
6	Paid J. A. Seelye, for lime	11	17	0
	Paid Philip Thorn, for bricklayer's work	100	0	0
	Paid Joshua Webster, for cartage of materials	80	0	0
7	Paid James Dunne, for bricklayer's & plasterer's work	60	0	0
	Paid Bartholemew Bull, for teaming timber	18	7	6
	Paid John Nicholson, for sand	11	8	9
9	Paid William M'Causland, for lime	10	10	0
12	Paid John Sparks, for stone	8	0	9
13	Paid Robert Stonhouse, for lumber	13	0	0
14	Paid John Ritchie, in full for bricks	27	15	7
	Paid ditto, on account of a new contract for ditto	50	0	0
	Paid J. A. Seelye, for lime	23	1	3
16	Paid Jesse Ketchum, for bricks	38	9	0
	Paid James Fitzgibbon, Esq., on account of small expenditure	50	0	0
	(Vide separate List of Vouchers.)			
Aug. 17	Paid William M'Causland, for lime	17	1	3
	Paid Daniel M'Dougall, for teaming materials	14	7	6
	Carried forward £	4,327	14	8

1830		Prov. Cur. £	s.	d.
	Brought forward	4,327	14	8
Aug. 19	Paid Hugh M'Gwire, for sheet lead and boards	20	0	0
	Paid Robert Stonehouse, for lumber	13	0	0
21	Paid Alex. White, for carpenter's work	110	0	0
23	Paid William M'Causland, for lime	10	2	6
	Paid Samuel Swaine, for sawyer's work	5	4	9
24	Paid George Carroll, for lime	9	7	6
25	Paid Thomas Fisher, for lumber, (balance)	101	18	0
	Paid Ritchie & Harper, for bricks (do)	88	15	0
	Paid J. A. Seelye, for lime	16	10	0
28	Paid Joseph Dennis, freight for lime	8	15	0
	Paid James Fitzgibbon, Esq., on account of small expenditure (*Vide separate List of Vouchers*)	50	0	0
Aug. 28	Paid James Dunne, for bricklayer's & plasterer's work	60	0	0
	Paid John Hodgson, for painting and glazing	10	0	0
30	Paid Lewis Bright, for blacksmith's work	15	10	9
Sept. 2	Paid Philip Thorn, for brick-making	100	0	0
	Paid J. A. Seelye, for lime	20	12	6
3	Paid Duncan Kennedy, for superintendence	12	0	0
	Paid John Snider & Co., for bricks	86	1	3
4	Paid Joshua Webster & Co., for teaming	25	0	0
7	Paid Robert Stonehouse, for lumber	20	0	0
	Paid A. S. Allan, for hewing timber	19	2	6
	Paid William Strong, for sawing ditto	5	17	6
	Paid William Torrance, for ditto ditto	8	0	0
	Paid Simeon Devins, for ditto ditto	6	10	0
	Paid Joseph Dennis, for freight of lime	8	15	0
8	Paid James Ross, for drying and piling ditto	5	10	7
11	Paid J. A. Seelye, for lime	12	3	9
	Paid Alex. White, for carpenter's work	60	0	0
	Paid Joshua Webster & Co., for teaming	23	14	4
	Paid Joshua Webster, for carting	6	12	6
13	Paid John Nicholson, for stone	29	10	9
15	Paid Ritchie & Co., for bricks	133	18	6
17	Paid Thos. Whitlem, for well digging	23	10	0
20	Paid John Nicholson, for stone	20	0	0
	Paid Clark & Street, for walnut boards	15	3	3
23	Paid Dennis & Scott, for freight of lime	16	1	0
24	Paid George Cooper, for teaming	24	1	3
25	Paid James Dunne, for bricklaying & plastering	90	0	0
	Paid Alex. White, for carpenter's work	60	0	0
27	Paid J. A. Seelye, for lime	4	11	6
	Paid David Thorburn, for ditto	60	5	4
	Paid Ebenr. Farnsworth, hair for plastering	5	16	0
28	Paid Bartholemew Bull, for lumber & teaming	69	5	4
	Paid Ellice & Harvey, for sawing	72	11	2
29	Paid John Hodgson, for painting	10	0	0
	Paid Lewis Bright, for blacksmith's work	34	7	0
30	Paid Philip Thorn, for bricks	100	0	0
Oct. 1	Paid James Fitzgibbon, Esq., on account of small expenditure (*Vide separate List of Vouchers.*)	50	0	0
Oct. 2	Paid George Paterson, for stone	11	7	6
	Paid John Nicholson, for sand & stone	30	2	13
	Paid Arnold Reynold, for shingles	9	16	3
7	Paid J. A. Seelye, for lime	7	10	0
	Paid Joshua Webster, for carting	13	3	1
8	Paid David Campbell, for stone work, (foundations to Offices)	7	10	0
9	Paid Thomas Thompson, for mason's work	10	0	7
	Paid Jos. Dennis & Co., for freight of lime	10	0	0
	Paid Robt. Petch, for seven doors	10	0	1
	Paid Jos. Shepherd, for lumber	14	12	8
	Carried forward £	6,211	1	7

1830		Prov. Cur. £	s.	d.
	Brought forward	6,211	1	7
Oct. 9	Paid Joshua Webster & Co., for carting	72	8	9
	Paid Alex. White, for carpenter's work	120	0	0
11	Paid Robt. Perry, for drying lumber, &c	5	6	0
	Paid Duncan Kennedy, for superintendence	12	0	0
	Paid Hugh M'Gwire, for lumber	8	0	0
13	Paid Joseph Sherburn, for stone	10	5	0
	Paid James Fitzgibbon, Esq., on account of small expenditure (*Vide separate Lists of Vouchers.*)	50	0	0
Oct. 13	Paid John Scarlet, for lumber	15	7	9
15	Paid John Scott and Partner, for freight of lime	10	0	0
	Paid Edward Wright, for tanning	19	8	6
16	Paid James Dunne, for bricklaying & plastering	70	0	0
	Paid Robert Stonehouse, for lumber	15	0	0
21	Paid Donald Murray & Co., for excavation of drains	8	1	10
	Paid William Hudson, for bell-hanging	11	6	10
23	Paid David Campbell, for mason's work	20	5	9
	Paid Alex. White, for carpenter's work	90	0	0
	Paid Ritchie & Harper, for bricks	125	3	6
26	Paid John Hodgson, for painter's work	15	0	0
	Paid James Fitzgibbon, Esq., on account of small expenditure (*Vide separate Lists of Vouchers.*)	100	0	0
Oct. 28	Paid William Moore, for paints	86	15	5
	Paid John Scott and Partner, for freight of lime	13	15	0
	Paid John Ritchie, for lumber	40	2	8
30	Paid Hugh M'Guire, for lead	12	0	0
	Paid Thos. Whitlem, for well digging, &c	28	6	1
	Paid James Fitzgibbon, Esq., to pay sundries for lime	62	6	6
	Paid James M'Mullen, for stone	7	17	6
Nov. 4	Paid Joseph Sherburn, for ditto	18	2	11
5	Paid Alex. White, for carpenter's work	30	19	9
	Paid James Dunne, for bricklaying & plastering	90	0	0
	Paid Kennedy & Co., for hinge stones for gates	9	7	0
	Paid David Campbell, for mason's work	10	0	0
6	Paid Robert Stonehouse, for lumber	28	2	11
	Paid James Dunne, for plastering	34	19	1
8	Paid Cornelius Kisher, for labourer's work	8	15	3
	Paid Patrick Hayes, for hinges for gates	13	5	10
	Paid Duncan Kennedy, for superintendence	15	0	0
9	Paid James Sparks, for stone for drains	6	11	3
	Paid Joshua Webster & Co., for carting	20	0	0
10	Paid James Fitzgibbon, Esq., on account of small expenditure (*Vide separate List of Vouchers.*)	50	0	0
Nov. 10	Paid Lewis Bright, for blacksmith's work	21	18	9
15	Paid Alex. White, for carpenter's work	50	0	0
	Paid Philip Thorn, for bricklayer's work	50	0	0
	Paid Jacob Latham, for stone for drain	12	3	9
	Paid Isaac Collumbus, for stone pipes for drying lumber	11	6	6
	Paid James Fitzgibbon, Esq., to pay for a boll	28	3	9
	Paid J. A. Seelye, for lime	9	4	4
	Paid Thos. Cooper, for lumber £70 4 4; 39 17 6	110	11	10
	Paid John Nicholson, for sand	10	5	6
17	Paid T. D. Hart, for lime	10	3	1
18	Paid David Campbell, for mason's work	10	0	0
	Carried forward £	7,908	12	6

1830		Prov. Cur. £	s.	d.
	Brought forward	7,908	12	6
Nov. 18	Paid Joshua Webster & Co., for teaming	26	7	6
	Paid Joshua Webster, for carting	22	2	6
20	Paid James Fitzgibbon, Esq., on account of small expenditure *(Vide separate List of Vouchers.)*	50	0	0
Nov. 22	Paid Philip Thorn, for bricklayer's work	50	0	0
	Paid John Hodgson, for painting	12	0	0
26	Paid John Sparks, for stone	50	0	0
	Paid John Watkins, for ironmongery	79	14	5
27	Paid Alex. White, for carpenter's work	90	0	0
Dec. 4	Paid John Ewart, for drawing plans and for superintendence	90	17	6
	Paid James Dunne, for plasterer's work	40	0	0
	Paid James Fitzgibbon, Esq., on account of small expenditure *(Vide separate List of Vouchers.)*	50	0	0
Dec. 4	Paid Philip Thorn, for bricklayer's work	43	13	7
6	Paid John Conner, for drying lumber, &c.	7	11	10
7	Paid Lewis Bright, for blacksmith's work	10	0	0
8	Paid John Ewart, for bricks	67	2	6
	Paid David Campbell, for mason's work	61	1	10
	Paid ditto, for ditto at drains	11	11	7
9	Paid John Nicholson, for gravel	10	0	0
	Paid Thos. Robson, for labourer's work	6	7	6
11	Paid Kennedy & Co., for stone cutter's work	25	10	0
	Paid Alex. White, for carpenter's work	150	0	0
13	Paid Edwd. Wright, for cordwood, teaming, &c.	29	11	3
15	Paid John Scott & Co., for freight of lime	17	10	0
16	Paid James Fitzgibbon, Esq., to remit to Mr. Thompson, of Queenston, for lime	30	18	4
	Paid John Dewer, for labourer's work	7	1	4
	Paid Corn's. Hixon and J. Conner, for ditto (£7 9 4; 2 15 7)	10	4	11
	Paid John Hayes, for ditto	14	9	1
18	Paid Hugh M'Guire, for lumber	6	15	9
	Paid Joshua Webster, for carting, &c.	69	3	4
	Paid Sheldon & Butcher, for castings	36	7	9
21	Paid Duncan Kennedy, for superintendence	12	0	0
23	Paid John M'Gill, for lumber	101	12	7
24	Paid Alex. White, for carpenter's work	40	0	0
	Paid John Chew, for lumber	9	1	9
28	Paid Harper & Ritchie, for bricks and lumber	120	2	5
	Paid John Nicholson, for sand	9	15	0
	Paid Captain Richardson, for freight of walnut lumber	2	10	0
1831 Jan. 2	Paid James Fitzgibbon, Esq., on account of small expenditure *(Vide separate List of Vouchers.)*	50	0	0
Jan. 3	Paid John Hodgson, for painter's work	25	0	0
	Paid Duncan Kennedy, for superintendence	25	0	0
	Paid Wm. Moore, for paints, &c.	46	9	9
4	Paid Edward Wright, for teaming	10	0	0
5	Paid Wragge & Co., for ironmongery	291	12	9
	Paid James Dunne, for plasterer's work	50	0	0
	Paid Lewis Bright, for blacksmith's do	25	14	3
8	Paid Allan Arthur, for stone	9	0	0
	Paid R. W. Prentice, for walnut lumber	9	17	0
	Paid Alex. White, for carpenter's work	130	0	0
14	Paid S. Swaine, for timber	5	15	0
	Paid John Hogdson, for painter's work	10	0	0
	Carried forward	10,068	5	6

1831		Prov. Cur. £	s.	d.
	Brought forward	10,068	5	6
Jan. 22	Paid Jas. Dunne, for 3 accounts of (£40 1 8 brick & 5 6 8 stucco 7 9 6 work)	52	17	10
25	Paid Kennedy & Co., for extra mason work	5	5	1
	Paid Lewis Bright, for blacksmith's do	6	13	3
	Paid John Scarlet, for lumber	9	1	0
29	Paid Webster & Co., for levelling ground	21	2	6
	Paid Alex. White, for extra carpenter's work above the contract	72	1	1
Feb. 1	Paid Edward Wright, for lumber, teaming, &c.	143	10	8
3	Paid William Bollivar, for bricklayer's work	8	8	9
	Paid Joseph Tolfree, for plumber's do	7	19	3
	Paid ditto, for ditto	6	3	1
	Paid John Grantham, for carting	6	9	5
8	Paid Duncan Kennedy, for superintendence	5	0	0
11	Paid John Ritchie, for lumber	14	11	7
12	Paid John Chew, for ditto	20	18	9
	Paid Lewis Bright, for blacksmith's work	4	1	2
17	Paid A. White & J. Kerr, for carpenter's work	33	17	8
19	Paid Thomas Dickson, for lumber	5	13	4
Mar. 1	Paid Duncan Kennedy, for superintendence	5	0	0
5	Paid John Hodgson, for painter's work	20	0	0
	Paid Alex. White & Kerr, for carpenter's work	120	0	0
8	Paid Kennedy & Co., for stone cutter's work	12	10	9
9	Paid Wm. Musson, for stove pipes and tin work	68	8	3
12	Paid Joshua Webster, for carting	7	9	1
15	Paid John Watkins, for window glass	21	5	2
17	Paid Thos. Wallace, for walnut lumber and canvas blinds	11	17	6
19	Paid James Dunne, for plasterer's work	40	0	0
April 2	Paid Lewis Bright, for blacksmith's work	10	1	6
	Paid Wm. Proudfoot, for Russia sheeting for blinds	6	12	7
6	Paid A. White & J. Kerr, for carpenter's work	350	0	0
12	Paid Duncan Kennedy, for superintendence	27	0	0
20	Paid George Cooper, for teaming, &c.	70	15	0
25	Paid John Hodgson, for painter's work	10	0	0
26	Paid Lewis Bright, for blacksmith's work	10	15	6
May 6	Paid James Dunne, for plasterer's do.	50	0	0
7	Paid William Moore, for paints, &c.	43	14	3
	Paid John Ritchie, for lumber	5	12	11
	Paid White & Kerr, for carpenter's work	50	0	0
11	Paid Kennedy & Co., for stove and hearth stones	14	16	4
12	Paid Isaac Columbus, for iron boxes for chimnies	5	16	3
	Paid Robert Stonehouse, for lumber	16	6	3
	Paid Wm. & J. Grantham, for carting, &c.	9	14	3
	Paid J. Crowther, for lathing	6	13	6
17	Paid James Fitzgibbon, Esq., on account of small expenditure *(Vide separate Lists of Vouchers.)*	50	0	0
May 21	Paid John Hodgson, for extra work, colouring, &c.	12	10	3
28	Paid John Harper, for fencing	100	0	0
31	Paid James Dunne, for extra mason's jobs	11	6	0
	Paid D. M'Lean £2 15s. 6d., and S. Alderdice £3 12s., for labourer's work	6	7	6
	Paid Duncan Kennedy, for superintendence	15	0	0
	Carried forward	11,681	12	9

1831		Prov. Cur. £	s.	d.
	Brought forward	11,691	12	9
June	3—Paid Joshua Webster, for teaming	11	9	11
	8—Paid C. R. Denham, for steel and iron work	22	4	8
	9—Paid Thos. Whitlem, for well digging and materials	22	18	1
	11—Paid Wm. Bullivar, for pointing shafts for gratings	13	19	4
	Paid John Hodgson, for painting	15	0	0
	14—Paid William Moore, for paints, &c.	17	3	0
	16—Paid James Fitzgibbon, Esq., on account of small expenditure *(Vide separate List of Vouchers.)*	50	0	0
June	16—Paid Robert Stonehouse, for lumber	10	12	9
	18—Paid James Dunne, for mason's work { £19 / £19 }	38	0	0
	21—Paid Kennedy & Co., for stone cutting	15	15	3
	Paid A. White & J. Kerr, for carpenter's work, (per J. Fitzgibbon, Esq.)	155	19	1
	Paid Jesse Ketchum, for hair for plastering	14	10	0
	22—Paid Wragg & Co., for ironmongery	89	18	1
	Paid William Mosley, for shingles	5	0	0
	24—Paid John Harper, for fencing	100	0	0
	25—Paid William Grantham, for ploughing, levelling, &c.	26	9	5
	29—Paid John Kerr, for carpenter's work	6	8	7
July	1—Paid John Ewart on account of the contract for the boarding-house	300	0	0
	2—Paid Thos. Whitlem, for well digging, &c.	21	7	2
	Paid Joshua Webster, for bricks and teaming	16	19	4
	4—Paid John M'Donell, for labourer's work	6	15	0
	6—Paid David Campbell, for mason and brick work	9	5	7
	11—Paid Duncan Kennedy, for superintendence	25	0	0
	Paid J. Kerr, Jun., for carpenter's work	4	7	6
	Paid J. Hepburne, for ditto	4	7	6
	15—Paid C. R. Denham, for iron and brass work	25	17	4
	22—Paid Wm. Bullwer, for mason's work	33	15	3
	24—Paid John Ewart on further account of boarding-house	300	0	0
	25—Paid William Graham, for carpenter's work	6	4	7
	Paid John Kerr, for ditto	24	16	1
	Paid Duncan Kennedy, for superintendence	5	0	0
	27—Paid Isaac Robinson, for painting, &c.	4	17	6
	29—Paid C. R. Denham, for bell hanging	5	13	0
Aug.	2—Paid James Fitzgibbon, Esq., on account of small expenditure *(Vide separate List of Vouchers.)*	50	0	0
Aug.	4—Paid James Crowther, for lumber	7	0	3
	9—Paid Chas. Callaghan, for labourer's work	6	0	0
	11—Isaac Robinson, for painting	4	18	10
	Paid Duncan Kennedy, for superintendence	39	4	6
	Paid John Ewart, on further account of boarding-house	300	0	0
	13—Paid John Harper, for fencing	275	11	0
	15—Paid William Moore, for paints, &c.	15	16	1
	17—Paid Robert Petch, for window blinds	32	0	0
	18—Paid William Muxwell, for carpenter's work	21	0	9
	23—Paid John Hodgson, for painter's work (per J. Fitzgibbon, Esq.)	123	5	10
	27—Paid James Hepburn & Co., for carpenter's work	25	8	1
Sept.	3—Paid John Ewart on further account of boarding-house	300	0	0
	Paid John Harper, for window blinds	24	0	0
	Paid William Graham, for carpenter's work	8	5	0
	Carried forward	£14,323	17	6

1831		Prov. Cur. £	s.	d.
	Brought forward	14,323	17	6
Sept.	10—Paid James Dunne, for mason's work	13	16	7
	13—Paid Robert Stonehouse, for lumber	13	7	6
	15—Paid Lesslie & Sons, for various articles	5	19	1
	21—Paid Joshua Webster, carting gravel	16	0	0
	24—Paid Ewart in full of his contract for the boarding-house	300	0	0
	27—Paid John Hume, for paving	13	8	6
	Paid Hepburne & Co., for carpenter's work	5	15	10
	Paid White & Kerr, for ditto	22	10	0
	29—Paid Patrick Burns, for carting gravel	18	11	3
	30—Paid John Blevins, for ditto	5	7	6
Oct.	5—Paid John Nicholson, for boating ditto	31	17	0
	11—Paid Richard Healy, for labourer's work	6	15	0
	17—Paid J. D. Ridout, for ironmongery	36	17	5
	24—Paid John Craig, for painting	15	8	8
	Paid John Kerr, for carpenter's work	15	0	0
	27—Paid Samuel Hayes, for labourer's do.	8	11	0
Nov.	2—Paid Webster & Co., for teaming, &c.	38	18	4
	11—Paid Robert Blevins, for laying out walks	5	0	0
	12—Paid John Harper, for lumber, &c.	8	4	2
	15—Paid C. R. Denham, for iron work, &c.	25	0	0
	25—Paid John Watkins, for cooking stove for boarding-house	17	10	0
	30—Paid John Hume, for flagging and paving	38	5	7
Dec.	10—Paid James Hanovin, for levelling, &c.	13	4	0
	Paid James Hays, for ditto	4	7	0
	12—Paid Wm. Bullivar, for mason and plasterer's work	5	6	4
	16—Paid Robert Blevins, for bricks	7	4	0
	26—Paid John Kerr, for carpenter's work	26	14	0
	27—Paid Robert Blevins, for carting gravel	29	1	7
	Total to 31st December, 1831	15,071	17	10
1832				
Jan.	3—Paid Joseph Lawson, for laying out ronds and spreading gravel	18	7	6
	18—Paid John Nicholson, for carting ditto	19	7	0
	27—Paid Joshua Webster, for teaming and carting	10	12	9
Feb.	1—Paid John Ritchie, for carpenter's work	24	10	6
	17—Paid C. R. Denham, for whitesmith's work	50	0	0
	29—Paid James Fitzgibbon, Esq., balance of payments of small expenditure *(Vide separate List of Vouchers.)*	16	4	10
Mar.	9—Paid Wm. Maxwell, for carpenter's work	5	9	6
April	4—Paid John Ewart on account of extra work, &c. beyond the contract	117	16	9
June	5—Paid Wm. Musson, for tinman's ditto	9	12	10
	6—Paid C. R. Denham, for whitesmith's ditto	33	14	5
	14—Paid James Dunne, for an ash pot	6	4	3
	26—Paid James Fitzgibbon, Esq., to pay sundry small accounts *(Vide separate List of Vouchers)*	12	17	10
July	28—Paid Rev. Wm. Boulton, for sundry expenditures for fixtures in the house	13	7	0
Aug. to Dec.	6—Paid William Maxwell, for carpenter's work	2	16	4
	Paid Wragg & Co., for ironmongery	16	15	0
Dec.	31—Paid James Fitzgibbon, Esq., for remuneration for services	200	0	0
	Total to 31st December, 1832	15,630	0	4
1833				
Jan.	22—Paid John Ritchie, for carpenter's work	18	9	1
Feb.	2—Paid Wm. Maxwell, for ditto	9	11	6
Mar.	8—Paid John Harper, for ditto at boarding-house	160	0	3
July	3—Paid Murray & Nowbigging, for carpeting ditto	6	1	6
	Paid Wm. Maxwell, for articles of furniture for ditto	8	12	6
	12—Paid John Ritchie, for carpenter's work	12	18	10
	Carried forward	£15,846	14	0

1833	Prov. Cur. £	s.	d.
Brought forward	15,845	14	0
Sept. 20—Paid James Fitzgibbon, Esq., sundry small disbursements (*Vide separate Lists of Vouchers.*)	4	0	6
Sept. 23—Paid C. R. Denham, for 25 iron bedsteads for boarding-house	56	5	0
28—Paid John Ritchie, for carpenter's work, (2 accounts)	34	0	7
April 9—Paid Duncan Kennedy, for mason's do	14	15	0
May 3—Paid French & Wiman, for chairs for boarding-house	1	17	6
17—Paid James Hill, for board fences	12	17	6
23—Paid C. R. Denham, for smith's jobs	2	3	9
25—Paid John Wedd, to pay labourers on the grounds	3	6	0
June 7—Paid Dr. Harris, for sundry fixtures, &c.			
Maxwell, carpenter	33	4	3
Hutchison, bricklayer	2	13	0
Hodgson, painter	8	0	3
	43	17	6
8—Paid John Ritchie, for additional alterations in boarding-house (carpenter's work)	125	8	9
11—Paid Mrs. Fenwick, to pay sundry accounts for household utensils for boarding-house	38	9	9
Oct. 15—Paid Daniel M'Divett, for painting and glazing at ditto	12	5	10
1834 Total to 31st December, 1833	16,195	1	8
Jan. 11—Paid John Ritchie, for carpenter's work, (2 accounts	9	4	9
June 5—Paid Mrs. Fenwick, to pay sundry accounts for repairs	5	9	6
21—Paid John Ritchie, for carpenter's work	12	12	3
July 5—Paid ditto, for ditto	6	15	0
26—Paid John Harper, for ditto, (window blinds)	25	0	0
29—Paid C. R. Denham, for smith's work	3	14	9
Sept. 2—Paid James Fitzgibbon, Esq., 2 account of disbursements (*Vide separate List of Vouchers.*)	2	6	3
Carried forward £	16,260	4	2

1834	Prov. Cur. £	s.	d.
Brought forward	16,260	4	2
Oct. 17—Paid Dr. Harris, paid for whitewashing the boarding-house	2	0	0
Nov. 5—Paid C. R. Denham, for smith's work	14	10	3
to Paid Executors of the late Rev. Wm. Dec. 31 Boulton, for fixtures	9	14	3
Total to 31st December, 1835	16,286	8	8
1835			
Feb. 5—Paid John Ritchie, for carpenter's work	35	7	4
Paid ditto, for ditto at boarding-house	14	8	8
Sept. 14—Paid C. R. Denham, for whitesmith's work	10	13	9
25—Paid John Ritchie, for carpenter's work	51	7	8
Total to 31st December, 1835	16,398	6	1

	£	s.	d.
In the Abstract to 1st January, 1830	1,820	0	0
Ditto ditto, 1831	7,576	11	9
Ditto to 1st July, 1831	2,027	4	7
Total as recorded in the printed Journal of the House of Assembly in the Sessions 1831 and 1832, page 183	12,323	16	4

	£	s.	d.
In the Abstract to 31st Dec. 1831	2748	1	6
Ditto ditto 1832	558	2	6
Ditto ditto 1833	565	1	4
Ditto ditto 1834	91	7	0
Ditto ditto 1835	111	17	5
	4,074	9	9
Total to 31st December, 1835	16,398	6	1

JOS. WELLS,
Treasurer U. C. C.

No. II.—or B.

ACCOUNT of Items of Small Expenditure upon the Buildings, &c. of the Upper Canada College, City of Toronto, paid by Captain Fitzgibbon, and referred to in the accompanied Account, No. I.

1830	Prov. Cur. £	s.	d.
July —Paid James Ward, for drawing bricks	0	16	10½
21—Paid John Orr, for ditto	1	2	6
22—Paid William Herring, for ditto	0	11	3
Paid A. M. Farewell, for planks	4	15	10½
23—Paid George Hill, for drawing bricks	1	13	9
24—Paid Jacob Stonehouse, for hawling lumber	0	18	9
27—Paid John Orr, for drawing bricks	1	2	6
Paid Samuel M'Connell, for ditto	1	17	6
28—Paid James Reilley, for ditto	1	8	1½
29—Paid Jos. Reynardson, for excavating	0	14	3
Paid John Orr, for drawing bricks & lumber	1	14	4½
Paid James Barton, for ditto ditto	2	17	6
31—Paid Thos. Moffatt, for drawing bricks	1	17	6
Carried forward £	23	10	9

1830	Prov. Cur. £	s.	d.
Brought forward	21	10	9
July 31—Paid John Hugill, for drawing bricks	3	8	9
Aug. 2—Paid Andrew Coulter, for lumber	5	18	0½
Paid James Nicholls, for drawing bricks	7	3	9
4—Paid George Carroll, for lime	4	7	6
Paid John Orr, for teaming	1	0	0
6—Paid William Quick, for flooring	2	2	2
Paid Arnold Reynold, for shingles	4	0	0
7—Paid Thomas Thompson, for bricklayer's work	3	15	3
Paid Robt. Perry, for labourers ditto	3	1	0
9—Paid James Strong, for ditto	0	16	9½
11—Paid Thomas Mutton, for teaming	2	3	9
Paid John Orr, for ditto	2	16	3
12—Paid James Barton, for ditto	3	0	0
Carried forward £	65	4	0

1830		Prov. Cur. £	s.	d.
	Brought forward		65	4 0
Aug.	14—Paid John Orr, for teaming		1	11 3
	Paid James Ward, for ditto		2	10 0
	Paid John Hugill, for ditto		3	8 9
	16—Paid Captain Fitzgibbon, for travelling expenses		4	0 0
	Paid John Nicholson, for teaming		3	2 6
	Paid William Strong, for labourer's work		5	0 0
	Paid Samuel M'Connel, for teaming		2	16 3
	Paid Jonathan Gates, for flooring		1	15 5
	17—Paid Joseph Silverthorn, for straw		0	12 6
	Paid ditto, for teaming		1	7 0
	18—Paid John Orr, for ditto		1	15 0
	Paid James Barton, for bricks and lumber		3	8 9
	Paid David Campbell, for carpenter's work		4	8 1½
	Paid George Strong, for teaming		4	14 9
	21—Paid Thomas Moffatt, for teaming		2	10 0
	Paid Arnold Reynolds, for shingles		4	0 0
	Paid Joshua Webster, for freight and wharfage of walnut lumber		1	13 6
	Paid John Orr, for teaming		3	17 6
	25—Paid Jonathan Gates, for flooring		3	14 9
	26—Paid Thos. Lattimer, for labourer's work		1	6 3
	28—Paid Robt. Perry, for ditto		3	4 9
	Paid Captain Fitzgibbon, for postage		0	2 8½
	30—Paid William Hunter, for sand		2	1 0
	Paid James Barton, for teaming		1	5 0
	31—Paid Levi Devins, for carpenter's work		5	5 0
Sept.	3—Paid John Orr, for teaming		2	3 9
	Paid Peter Little, for flooring		1	6 2
	4—Paid Robert Moffatt, for excavating		1	15 7½
	Paid Chas. Kellachan, for labourer's work		0	5 7½
	Paid William Laughan, for ditto		0	3 9
	7—Paid George Graham, for carpenter's work		4	8 9
	Paid Donald Murray, for excavating		2	5 0
	Paid Joseph Sandison, for ditto		2	5 0
	Paid Marquis Grant, for ditto		2	1 3
	8—Paid Daniel Pupst, for flooring		1	1 10½
	10—Paid Jos. Sandison, for excavating		0	11 3
	Paid Marquis Grant, for ditto		0	11 3
	11—Paid Arnold Reynolds, for shingles		2	10 0
	14—Paid James Barton, for teaming		0	18 9
	15—Paid John Orr, for ditto		0	18 9
	18—Paid Allis Hornsby, for excavating		3	13 1½
	Paid Robert Moffatt, for ditto		1	15 7½
	22—Paid James Taylor, for shingles		2	5 0
	25—Paid Thos. Foxcraft, for labourer's work		0	9 4½
	27—Paid Wm. M'Kay, for laying stone		3	18 9
	Paid Hector M'Neal, for labourer's work		1	2 6
	29—Paid William Sinclair, for gardener's ditto		0	17 9
	Paid Donald Gordon, for labourer's work		1	4 4½
	Paid William Quick, for planks		2	3 1
	30—Paid Duncan M'Callum, for excavating and levelling		1	13 9
	Paid Wm. Weller, for damage done to a gig while on service		0	7 6
Oct.	1—Paid Robt. Wilson, for boards		1	12 2
	Paid James Long, for teaming		0	16 10½
	2—Paid Robert Moffatt, for levelling		2	0 3
	Paid John Dewar, for ditto		1	17 6
	4—Paid John Graham, for ditto		3	0 0
	Paid Archd. Currey, for labourer's work		1	11 10
	Paid Colin Simson, for ditto		0	16 10
	Paid Duncan M'Callum, for ditto		0	9 4½
	5—Paid John Wilson, for boards		1	10 0
	Paid George Wilson, for levelling		1	11 10½
	Paid Peter Little, for boards		1	1 10½
	Paid Colin Sutherland, for labourer's work		0	9 4
	Carried forward		194	10 3½

1830		Prov. Cur. £	s.	d.
	Brought forward		194	10 3½
Oct.	7—Paid Donald M'Lean, for labourer's work		0	15 0
	Paid Margaret Hunter, for scrubbing and washing		0	5 0
	Paid Margaret Reed, for ditto ditto		0	2 6
	9—Paid William M'Kay, for carpenter's work		4	10 0
	Paid Andrew Sutherland, for labourer's ditto		1	6 3
	Paid George Strong, for teaming		2	10 0
	Paid Donald Murray, for excavating		4	6 3
	Paid Donald Ross, for carpenter's work		2	5 0
	Paid Colin Sutherland, for labourer's ditto		0	13 9
	Paid Archd. Curry, for ditto		0	13 9
	Paid Archd. M'Callum, for ditto		1	2 6
	Paid Robt. Campbell, for ditto		0	11 3
	Paid John Dewar, for ditto		2	0 6
	Paid Roger Graham, for ditto		3	0 0
	11—Paid James Ross, for ditto		4	2 6
	13—Paid Hector M'Neal, for ditto		2	8 9
	Paid two small donations to brick-makers, (5s. and 2s. 10½d.)		0	7 10½
	Paid Robt. Campbell, for brass pullies, &c.		3	0 0
	14—Paid Fanny M'Farlane, for scrubbing and washing,		1	5 0
	15—Paid Samuel M'Connel, for teaming		0	12 6
	Paid Robert Johnston, for labourer's work		1	12 9
	Paid Robert Perry, for watchman		1	16 6
	Paid John Henry, for labourer's work		1	16 6
	16—Paid Arnold Reynolds, for shingles		3	0 0
	Paid William Bell, for soap for scrubbing		0	8 7
	Paid William Sutherland, for labourer's work		2	12 6
	Paid Donald Mateson, for ditto		3	0 0
	Paid Robert Moffatt, for watching at night		3	9 4½
	Paid Allan Stephens, for shingles		3	0 0
	Paid Owen Curran, for labourer's work		2	5 0
	18—Paid Colin Murray, for ditto		2	5 0
	Paid John James, for ditto		0	13 1½
	19—Paid Owen Curran, for ditto		0	3 9
	Paid Robert Campbell, for ditto		1	2 6
	Paid John Braithwaite, for ditto		2	3 9
	20—Paid John Dewar, for making drain		1	15 7½
	21—Paid Colin Simson, for labourer's work		2	1 3
	22—Paid George Strong, for ditto		1	5 0
	Paid Allen Stephens, for shingles		2	5 0
	Paid James Ross, for watching at night		3	15 0
	Paid John Campbell, for labourer's work		0	16 8
	23—Paid James Gray, for making drain		3	1 1
	Paid John Campbell, for excavating		3	13 4
	Paid James Munro, for ditto		3	9 3
	Paid James Riley, for ditto		2	6 3
	Paid Peter Hannan, for ditto		2	0 0
	Paid John Cronyn, for ditto		2	15 10
	Paid George Hilson, for labourer's work		2	18 1½
	Paid Donald Ross, for ditto		2	3 1½
	26—Paid James Munro, for labourer's work		1	4 4
	27—Paid John Sutherland, for ditto		1	0 7½
	Paid Donald M'Lean, for ditto		2	1 3
	Paid Robt. Ferguson, for ditto		1	0 7½
	Paid Alex. Sutherland, for ditto		1	0 7½
	Paid Thos. Pearson, for ditto		0	7 6
	Paid John M'Kay, for ditto		0	9 4
	Paid Lawrence Lee, for ditto and watching		2	18 1½
	Paid Andrew Sutherland, for ditto		0	16 10½
	Paid Colin Sutherland, for ditto		0	12 1½
	Paid Donald Ross, for ditto		0	7 6
	Carried forward		306	17 5½

1830		Prov. Cur. £	s.	d.
	Brought forward	306	17	5½
Oct.	28—Paid Corn's. Hisher, for excavating drain	1	3	9
	Paid Timothy Street, for lumber	2	9	6
	Paid John Ritchie, for measuring do	0	5	0
	Paid Robt. Perry, for excavating	5	7	7
	Paid Donald Murray, for ditto	4	11	1
	Paid Colin Sutherland, for labourer's work	0	9	4
	Paid Jns. E. Thompson, for shingles	3	15	0
	29—Paid John Lee, for excavating drain	1	5	0
	Paid John Bradley, for hire of horse and man	0	12	6
	Paid James Hopkins, for labourer's work	3	18	9
	Paid James Graham, for ditto	2	5	0
	Paid Thos. Whitney, for shingles	1	10	0
	30—Paid James Polley, for lumber	2	19	9
	Paid Thos. Wallis, for extra chimney pieces	10	4	0
	Paid John Cronyn, for excavating drains	2	12	4
	Paid Thos. Walton, for shingles	2	12	6
	Paid Hector M'Neil, for excavating	2	16	3½
	Paid John Appleton, for labourer's work	1	4	4½
	Paid Bank for draft on Niagara	0	3	3
Nov.	1—Paid James Thomson, for excavating	4	5	0½
	Paid John Baynard, for piling lumber	0	6	6
	2—Paid James Murray, for lumber	2	12	7
	3—Paid Thos. Whitney, for shingles	1	10	0
	Paid Kenyon Stevens, for ditto	2	12	6
	Paid John Graham, for labourer's work	0	9	4½
	Paid William Grantham, for wharfage for walnut	0	2	0
	Paid James Thomson, for excavating	3	2	0
	6—Paid James Jack, for labourer's work	0	15	0
	Paid John Mahar, for ditto	0	13	1½
	Paid Wm. Braithwaite, for ditto	0	10	3½
	Paid John Curtain, for ditto	1	2	6
	9—Paid Wm. Wellar, for 6 days' horse hire	2	5	0
	Paid John Dewar, for labourer's work	1	8	1½
	Paid ditto, for excavating drain	1	5	0
	Paid James Fitzgibbon, for personal expenses, for 5 days in search of lumber and horse keep	1	7	6
	10—Paid Robt. Johnson, for watching at night	3	18	9
	Paid John Tripp, for shingles	1	17	6
	11—Paid Thos. Chester, for ditto	0	15	0
	15—Paid Hector M'Neal, for labourer's work	3	0	0
	Paid Edward O'Brien, for ditto	0	12	6
	Paid James Jack, for ditto	0	12	6
	Paid Thos. Robson, for ditto	1	0	0
	Paid John Ewart, for walnut lumber	3	1	0
	Paid Allan Stevens, for shingles	3	7	6
	Paid John Curtain, for labourer's work	2	3	1½
	16—Paid Colin Simpson, for ditto	2	11	9
	Paid John Knox, for ditto	0	16	10½
	Paid John Lee, for ditto	0	14	7½
	Paid Donald M'Lean, for ditto	2	1	3
	17—Paid Wm. Ryan, for ditto	0	15	0
	Paid Lawrence Lee, for ditto	1	18	3
	Paid George Hilson, for ditto	2	7	3
	18—Paid Joshua Webster, for Scraper	1	10	0
	Paid John Tripp, for shingles	1	17	6
	Paid Samuel Swan, for sawing	2	2	6
	20—Paid Hector M'Neil, for labourer's work	1	2	3
	Paid John Curtain, for ditto and watching	1	13	9
	Paid Major Braithwaite, for ditto	1	10	0
	Paid John Maher, for ditto	1	13	0
	Paid Edward O'Brien, for ditto	1	0	0
	Paid Robt. Johnson, for watching at night	2	1	3
	22—Paid John Dewar, for excavating	5	7	0
	Carried forward	432	19	1½

1830		Prov. Cur. £	s.	d.
	Brought forward	432	19	1½
Nov.	24—Paid Thos. Chester, for shingles	1	17	6
	25—Paid John Graham, for labourer's work	1	14	6
	Paid Robt. Johnson, for ditto	0	4	6
	Paid John Madigan, for ditto	1	4	0
	Paid Major Braithwaite, for ditto	0	11	6
	Paid John Lee, for ditto	1	12	0
	Paid Wallace Walton, for shingles	2	5	0
	Paid Thos. Donahoe, for labourer's work	0	10	0
	Paid Chs. Filer, for shingles	3	7	6
	27—Paid Thos. Robinson, for labourer's work	2	0	0
	29—Paid Donald Gordon, for ditto	1	7	0
	Paid Chs. Callaghan, for excavating	2	9	8
	Paid John Curtain, for labourer's work	1	2	6
Dec.	1—Paid John Hilson, for ditto	2	5	6
	Paid John Appleton, for ditto	2	7	0
	Paid John Sutherland, for ditto	0	10	6
	2—Paid Robt. Ferguson, for ditto	0	3	9
	Paid ditto, for excavating	0	13	6
	Paid Alex. Sutherland, for labourer's work	0	12	0
	Paid ditto, for ditto	0	3	9
	Paid John Sutherland, for ditto	0	3	9
	Paid Colin Simpson, for levelling	1	15	0
	Paid J. Fitzgibbon, for postage of letters	0	8	1
	4—Paid John Mahar, for labourer's work	1	13	0
	6—Paid Robert Stonehouse, for boards	4	8	10
	7—Paid Thos. Donahue, for labourer's work	0	14	0
	8—Paid John Pecket, for sawing	0	10	0
	Paid Colin Murray, for labourer's work	2	3	11
	11—Paid Donald M'Lean, for ditto	2	13	9
	Paid John Mahar, for ditto	0	15	0
	Paid John Curtin, for ditto	2	5	0
	Paid William M'Kay, for excavating drain	1	15	7½
	14—Paid John Curtain, for labourer's work	0	15	0
	Paid Joseph Sherborne, for stone	2	0	0
	Paid Thos. Donahue, for labourer's work	0	6	0
	Paid Lawrence Lee, for ditto	4	3	6
	Paid Samuel Swaine, for sawing	0	10	4
	15—Paid James Haydon, for labourer's work	2	2	0
	Paid William Ryan, for ditto	3	12	0
	Paid Colin Simson, for ditto	3	3	0
	16—Paid Jacob Latham, for stone	4	0	0
	Paid John Reilley, for cleaning and scrubbing	1	7	6
	18—Paid John Mahar, for labourer's work	0	15	0
	21—Paid Allan Arthurs, for stone	4	13	9
	Paid Donald M'Lean, for labourer's work	0	10	0
	22—Paid Robert Burton, for mason's do	4	2	6
	Paid Bank for a draft on Niagara, to pay for lime	0	1	6
	24—Paid Lawrence Lee, for labourer's work	1	4	0
	Paid John Braithwaite, for unloading one boat	0	7	6
	28—Paid Hugh M'Gwire, for scantling	1	10	0
1831				
Jan.	3—Paid Joseph Dennis, for oak timber	1	5	0
	7—Paid David Campbell, for mason's work	0	11	3
	8—Paid Lawrence Lee, for labourer's work	1	19	0
	10—Paid Thos. Taylor, for cleaning two wells	2	5	0
	13—Paid James Murray, for lumber	1	9	0
	22—Paid Francis Willson, for ditto	1	6	7½
	27—Paid Jacob Herchmer, for freight of a bell	0	10	0
	Carried forward	524	1	2½

1831		Prov. Cur. £	s.	d.
	Brought forward	524	1	2½
Jan. 31	Paid James Willson, for boards	1	2	2
	Paid Abner Arnold, for ditto	1	9	1
Feb. 5	Paid George Hilson, for labourer's work	4	1	0
7	Paid John Wilson, for boards	3	15	0
11	Paid John Scarlett, for scantling	1	19	7
	Paid John Gray, for flooring	3	7	3
14	Paid Wm. Leak, for digging and levelling	1	16	0
17	Paid Patrick Hayes, hinges for gates	1	17	0
	Paid Samuel M'Gill, for scantling	1	2	7
18	Paid George Hilson, for labourer's work	0	9	0
22	Paid Donald M'Lean, for sawing cordwood	0	2	6
23	Paid Samuel Swaine, for scantling	0	7	6
26	Paid John Peacock, for a well bucket	0	6	3
Mar. 1	Paid Archd. Thomson, for shingles	0	2	5
2	Paid Matthew Walton, for boards	1	14	2½
8	Paid James Nivens, for bricks	1	6	3
12	Paid John O'Conner, cleaning surface drain	0	10	0
21	Paid Samuel M'Gill, for scantling	0	19	5
22	Paid Donald M'Lean, for sawing cordwood	0	2	0
26	Paid Alex. Thomson, for mason's work	0	15	0
28	Paid Samuel Swaine, for sawing oak logs	1	3	6
April 5	Paid Neil M'Lean, for labourer's work	2	16	3
7	Paid John O'Conner, for ditto	0	9	4½
8	Paid Joshua A. Webster, for teaming	4	2	9
13	Paid Wm. Johnston, for oak lumber	1	17	6
15	Paid Henry Watson, for sand	3	4	0
	Paid John Peacock, for a well bucket	0	6	3
	Paid Thos. Cooper, for lumber	0	14	11
16	Paid Alp. S. Allan, for scantling	1	5	4½
20	Paid Colin Murray, for excavating	0	16	10½
	Paid ditto, for labourer's work	3	14	0
23	Paid John M'Gregor, for ditto	0	11	3
25	Paid B. Bull, for oak lumber	1	10	0
	Paid Neil M'Lean, for labourer's work	2	7	9
30	Paid Sylvester Granger, for carpenter's ditto	1	14	4½
	Paid Daniel Comstock, for ditto	0	15	0
May 9	Paid Colin Murray, for labourer's do.	3	10	3
	Paid G. Brown, for sand	0	16	1
	Paid donation to carpenters, to encourage expedition	0	10	0
18	Paid Joshua P. Webster, for 112 posts	3	19	4
19	Paid John O'Conner, for labourer's work	1	18	4½
25	Paid Thos. Wallis, for carpenter's do	2	10	0
27	Paid James Nevins, for bricks	1	12	9½
30	Paid Joseph Tolfree, for sheet lead and pipe	4	12	0
June 2	Paid Archd. Cameron, for labourer's work	0	18	0
	Paid John Smith, for ditto	0	17	3
	Paid Donald M'Lean, for ditto	0	9	0
	Paid Samuel Alderdice, for ditto	0	12	0
	Paid James Bowden, for ditto	1	5	6
	Paid John Mahar, for ditto	1	4	0
	Paid Archd. Rogers, for ditto	0	16	6
3	Paid John Cox, for ditto	1	3	9
6	Paid Robert Stonehouse, for lumber	4	10	0
8	Paid John Watkins, for sheet lead & glass	2	3	6
	Paid James Campbell, for labourer's work	1	16	0
	Paid Geo. Thomlison, for ditto	0	18	9
	Paid James Firth, for ditto	0	18	9
	Paid Joseph Pears, for ditto	0	18	9
	Paid John Nicholson, for stone	2	15	0
11	Paid David Campbell, for mason's work	3	7	6
13	Paid Archd. Rogers, for labourer's ditto	1	15	3
	Carried forward	624	13	11

1831		Prov. Cur. £	s.	d.
	Brought forward	624	13	11
June 16	Paid Thos. Swaddle, for labourer's work	0	18	0
	Paid John Swaddle, for ditto	1	16	0
	Paid William Hayes, for ditto	1	16	0
	Paid Patrick Swaine, for ditto	1	16	0
	Paid Neman Forsyth, for ditto	0	16	6
	Paid John Williamson, for ditto	1	16	0
	Paid Richard Healy, for ditto	1	11	6
	Paid Thomas Healy, for ditto	1	11	6
	Paid Joseph Ball, for ditto	1	7	0
	Paid Colin Murray, for ditto	4	17	6
	Paid Archibald Rogers, for ditto	0	9	0
20	Paid Peck & Co., for lime	3	15	0
23	Paid James Hayes, for gardener's work	0	11	3
	Paid William Hayes, for ditto	0	11	3
29	Paid Chas. Kellachan, for labourer's work	2	17	0
30	Paid John Peacock, for two well buckets	0	12	6
	Paid David Campbell, for labourer's work	1	14	6
July 2	Paid John Mahar, for ditto	2	17	0
	Paid Archd. Clendinning, for shingles	4	7	6
	Paid Donald M'Lean, for labourer's work	3	11	3
	Paid John M'Bride, for lumber	3	18	0
9	Paid James Ross, for carpenter's work	2	14	0
11	Paid Robert Stonehouse, for lumber	4	0	0
12	Paid William M'Causland, for lime	1	5	0
14	Paid Thomas Wallis, for carpenter's work	1	5	0
15	Paid Robert Stonehouse, for lumber	4	7	0
18	Paid William Peck, for lime	2	10	0
20	Paid Joseph Sherburne, for sand	0	15	0
	Paid C. Kellar, for canvas	2	0	0
Aug. 1	Paid William Townsley, for bricks	2	1	3
9	Paid Wynne & Blake, for Russia sheeting	0	11	10½
11	Paid Robert Petch, for lumber	0	10	0
30	Paid John Watkins, for glass	1	10	0
Sept. 3	Paid Grantham & Webster, for teaming	1	19	2½
5	Paid William Graham, for carpenter's work	0	7	6
12	Paid James Crowther, for lumber	1	19	6
21	Paid Kennedy and M'Arthur, for hinges	2	11	6
	Paid Robert Eager, for a wheelbarrow	1	2	6
	Paid Robert Blevins, for brick bats	3	7	6
29	Paid John Harper, for carpenter's work	1	18	9
	Paid ditto, for planks	0	13	0
30	Paid Alex. Thomson, for mason work	4	0	0
Oct. 10	Paid James Eales, for glazier's ditto	1	5	4
25	Paid John Kerr, for carpenter's ditto	2	14	9
	Paid Alex. Thomson, for stone	3	12	11
Nov. 8	Paid Robert Blevins, for 3 months' services	5	0	0
Dec. 3	Paid Patrick Burns, for gravel	3	14	3
	Paid James Eales, for glazier's work	2	10	0
19	Paid John Scott, for lime	0	12	6
28	Paid James Sisk, for labourer's work	0	9	0
	Paid Patrick Madden, for ditto	3	6	0
1832				
Jan. 18	Paid Matthew Walton, for lumber	0	13	5
Feb. 2	Paid John Harper, for carpenter's work	3	9	8
6	Paid Thomas Wilson, for ladders	3	1	3
7	Paid J. Tolfree, for examining gutters	0	15	0
9	Paid Robert Stonehouse, for lumber	0	9	9
	Total	741	4	10

1830		£	s.	d.
July 20	Cash paid Capt. Fitzgibbon, as per Account A.	£25	0	0
Aug. 2	Ditto ditto, ditto ditto.	50	0	0
	Carried forward	£75	0	0

1830	£	s.	d.	Prov. Cur. £	s.	d.
Brought forward.....	75	0	0			
Aug. 16—Cash paid Capt. Fitzgibbon, as per Account A.	50	0	0			
28—Ditto ditto, ditto ditto..	50	0	0			
Oct. 1—Ditto ditto, ditto ditto..	50	6	0			
13—Ditto ditto, ditto ditto..	50	0	0			
26—Ditto ditto, ditto ditto..	100	0	0			
Nov. 10—Ditto ditto, ditto ditto..	50	0	0			
20—Ditto ditto, ditto ditto..	50	0	0			
Dec. 4—Ditto ditto, ditto ditto..	50	0	0			
1831						
Jan. 2—Ditto ditto, ditto ditto..	50	0	0			
Carried forward.....	575	0	0			

1830	£	s.	d.	Prov. Cur. £	s.	d.
Brought forward.....	575	0	0			
May 17—Cash paid Capt. Fitzgibbon, as per Account A.	50	0	0			
June 16—Ditto ditto, ditto ditto..	50	0	0			
Aug. 2—Ditto ditto, ditto ditto..	50	0	0			
1832						
Feb. 29—Ditto ditto, balance of payments of small expenditures, as per Account A.....	16	4	10			
Total.....	.....			741	4	10

JOS. WELLS,
Treasurer U. C. C.

Small Expenditure Continued.

1831	£	s.	d.	Prov. Cur. £	s.	d.
May —Paid Edward Wright, for teaming (omitted).....		0	12	6		
Nov. 15—Paid Thomas Robson, for labourer's work (ditto).....		0	10	0		
1832 £1 2 6						
Mar. 6—Paid John M'Gill, for plank.....		2	0	4		
Feb. 4—Paid James Dunne, for repairing a fire place.....		0	7	6		
May 31—Paid Duncan Kennedy, for examining accounts.....		9	7	6		
1833 £12 17 10						
Aug. 20—Paid Richard Crispin, for teaming...		0	4	6		
24—Paid Mark Mason, for mason's work		0	15	0		
Paid Peter Adams, for ditto.....		0	15	0		
Paid William Ryan, for labourer's work.....		0	6	0		
31—Paid Jeremiah Sullivan, for stone to repair the drain.....		1	0	0		
Sept. 5—Paid Kennedy & M'Arthur, for iron grate, &c., for drain.....		1	0	0		
£4 0 6						
Carried forward.....£		16	18	4		

				Prov. Cur.		
				£	s.	d.
Brought forward.....				16	18	4
1834						
Sept. 2—Paid Thomas Brooke, for Russia sheeting.....				0	16	6
Paid Wrugge & Co., for ironmongery £2 6 3				1	9	9
Total.....				19	4	7

1832	£	s.	d.	Prov. Cur. £	s.	d.
June 26—Cash paid Capt. Fitzgibbon, as per Account A.	12	17	10			
1833						
Sept. 20—Ditto ditto, ditto ditto..	4	0	6			
1834						
Sept. 2—Ditto ditto, ditto ditto..	2	6	3			
Total.....	.....			19	4	7

JOS. WELLS,
Treasurer, U. C. C.

No. III.—or C.

ACCOUNT of Expenditure upon the Grounds, &c. of the University of King's College, City of Toronto.

1828	£	s.	d.	Prov. Cur. £	s.	d.
Aug. 13—Paid S. P. Jarvis, Esq., on account of the purchase money of the rear half of the Hon. W. D. Powell's Park Lot, 52 acres, at £25.....	500	0	0			
Nov. —Paid on further account of ditto ditto.	738	10	8			
Dec. 30—Paid D'Arcy Boulton, Esq., in full of the purchase of the rear half of his Park Lot, with seven months' interest from the day of sale, 52 acres, at £25.....	1,345	10	0			
Carried forward.....£	2,584	0	8			

1829	£	s.	d.	Prov. Cur. £	s.	d.
Brought forward.....				2,584	0	8
Feb. 28—Paid J. Elmsly, Esq., half a year's interest to 26th Nov. 1828, on the amount of purchase money of 54 acres, at £25.....				40	10	0
Paid ditto for the half the cost of a boundary fence.....				35	6	5
May 26—Paid ditto in full for the 54 acres purchased of him, with half a year's interest to this day.....				1,390	10	0
Carried forward.....£				4,049	17	1

1829	£	s.	d.	Prov. Cur. £	s.	d.
Brought forward				4,049	17	1
June 19—Paid James Rennie, on account of fencing				20	0	0
30—Paid William Myers, on account of underbrushing				3	15	0
July 25—Paid ditto, balance of account for do.				2	3	9
Paid James Rennie, on further account of fencing				20	0	0
Aug. 15—Paid S. P. Jarvis, Esq., in full of principal and interest for the purchase of the rear half of Mr. Powell's Park Lot, 52 acres, and the west half of the College Avenue, 5 32 100 acres, at £225				233	18	0
21—Paid James Rennie, on account of fencing				20	0	0
Sept. 25—Paid ditto ditto, ditto ditto				25	0	0
Oct. 1—Paid ditto ditto, ditto ditto				25	0	0
16—Paid James Orr, on account of travelling expenses to New York, to purchase ornamental shrubs				10	0	0
29—Paid James Rennie, on further account of fencing				25	0	0
Nov. 21—Paid ditto ditto, ditto ditto				25	0	0
Paid the Hon. John B. Robinson, on account of the purchase of the east half the College Avenue, 5 10-100 acres, at £225				125	0	0
Dec. 3—Paid James Rennie, on further account of fencing				25	0	0
Paid James Orr, on further account of journey to New York for trees				25	0	0
19—Paid for duties on trees				12	4	9
24—Paid James Rennie, on further account of fencing				10	0	0
Paid Prince's account for trees and Exchange on New York				94	12	7
1830						
Feb. —Paid James Orr, balance of account for bringing trees from New York				10	10	0
Paid James Rennie, on further account for fencing				25	0	0
Mar. —Paid ditto, balance of do.	19	11	9			
Deduct cash received from the Hon. W. D. Powell for old sails	6	5	0			
				13	6	9
May —Paid two accounts for utensils delivered to R. Coleman, Overseer of the Grounds—Bergin, £4 4s. 9d.; Garvey, £9 4s.				13	8	9
June —Paid H. Shepard's account for utensils delivered to ditto				7	7	10
Sept. —Paid Bergin, for gardening ditto ditto				3	14	6
Dec. —Paid Garvey, for lumber for drains in the Avenue				4	16	3
Paid ditto, for an addition to the Gardener's House				29	0	4
Paid Noble's account for blacksmith's work at the Gates in the Avenue				1	19	1
31—Paid R. Coleman, Overseer of the Grounds, at various periods, according to the dates appearing below, sundry accounts for wages to himself and hire of oxen, labourers, &c. employed on the grounds:						
April 14	3	0	0			
15	2	0	0			
30	34	9	4			
May 1	32	1	3			
10	10	15	0			
15	19	6	3			
29	22	10	0			
June 12	12	14	3			
26	24	6	9			
July 10	22	7	6			
24	24	5	7			
Aug. 7	31	12	5			
Carried forward	239	8	4	4,361	4	8

1830	£	s.	d.	Prov. Cur. £	s.	d.
Brought forward	239	8	4	4,361	4	8
Aug. 21	23	8	9			
Sept. 4	29	16	11			
18	19	11	3			
Oct. 2	24	2	6			
16	20	12	6			
30	29	15	0			
Nov. 15	25	8	4			
27	35	15	0			
Dec. 11	22	6	10			
31	6	2	6			
	526	7	11			
Loss received for trees	0	12	6			
				525	15	5
1831						
Mar. —Paid Wm. Bergin, for ironmongery for fences				4	19	4
June 30—Paid R. Coleman, Overseer of the Grounds, at various periods, according to the dates appearing below, sundry accounts of wages to himself and hire of oxen, labourers, &c. employed on the grounds:						
Jan. 12	12	16	3			
Feb. 1	8	0	0			
12	16	6	4			
Mar. 1	9	10	0			
16	20	17	6			
30	19	10	0			
April 16	18	15	3			
30	22	19	3			
May 14	15	1	10			
28	22	0	0			
June 18	13	16	3			
30	10	15	0			
				190	10	6
Dec. 29—Paid Prince & Sons, of New York, in in full of their accounts for trees and shrubs, &c., premium to the Bank of Upper Canada for draft				36	19	0
31—Paid R. Coleman and John Wedd, (his successor,) Overseers of the Grounds, at various periods, sundry accounts of wages to himself and hire of oxen and labourers, &c. employed on the grounds, (for dates of each payment, *vide* Abstract for the half year ending 31st December, 1831, already sent in)				185	6	5
1832						
Jan. —Paid duty on trees last imported from New York				5	13	0
June —Paid amount remitted to the Widow of Mr. Parmentcer, of New York, for his plan of improvement of the Grounds, £25, and premium to the Bank for draft, 10s.				25	10	0
Dec. 31—Paid John Wedd, Overseer of the Grounds, at various periods, sundry accounts for wages to himself and hire of oxen, labourers, &c. employed on the grounds, (for dates of each payment, *vide* Abstract for the year 1832, already sent in)				629	0	8
1833						
Jan. —Paid Prince & Sons, of New York, for trees				24	10	0
April —Paid John Goodall, on account of his contract for the road				30	0	0
May 17—Paid John Harper, on account of his contract for fencing				100	0	0
26—Paid ditto ditto, ditto ditto				50	0	0
June 30—Paid Kennedy & Co., for stone bridge over the Creek				30	0	0
July —Paid John Goodall, on further account for making the road				26	10	0
Aug. 24—Paid John Ritchie, for a barn and wooden bridge				120	11	4
Carried forward				6,848	10	4

1833		Prov. Cur. £ s. d.
	Brought forward	6,848 10 4
Aug. 29	—Paid John Harper, balance of contract for fencing	73 3 10
31	—Paid ditto, on account of new fences for Lodges and Entrance Gates	100 0 0
Oct.	—Paid John Goodall, on further account for making the road	13 0 0
	Paid Prince & Sons, of New York, for trees (£ s. d. 27 7 6)	
	Paid premium of draft to New York (£ s. d. 0 3 3)	
		27 15 9
	Paid freight, duties and storage of trees	6 4 10
Dec. 11	—Paid John Harper, on further account of new contract for lodges, &c.	100 0 0
14	—Paid ditto, balance in full of ditto do.	146 2 0
31	—Paid John Wedd, Overseer of the Grounds, at various periods, sundry accounts for wages to himself and hire of oxen, labourers, &c. employed on the grounds, (for dates of each payment, *vide* Abstract for the year 1833, already sent in)	787 5 9
1834		
Mar.	—Paid John Harper, in full of his account for making wicket gates, &c.	8 19 3
	Paid J. G. Howard, in full for drawing plans and designs, and superintending the erection of the lodges and entrance gates	24 5 8
	Carried forward £	8,135 7 5

1834		Prov. Cur. £ s. d.
	Brought forward	8,135 7 5
Dec.	—Paid Prince & Sons, for trees, including premium on draft to New York.	32 18 6
	Paid duties, freight and charges on trees from New York	7 12 2
	Paid Wm. Burns, for trees and shrubs	3 19 6
31	—Paid John Wedd, Overseer of the Grounds, at various periods, sundry accounts for wages to himself and hire of oxen, labourers, &c. employed on the grounds, (for dates of each payment, *vide* Abstract for the year 1834, already sent in)	446 6 5
	Total 31st December, 1835	8,626 6 0
1835		
Feb. 18	—Paid Richard Mossop, for shrubs	4 10 0
Jan. 15	—Paid P. Paterson & Sons, for cooking stove for entrance lodge	8 0 0
Mar. 23	—Paid John Harper, in full for a back building to the entrance lodge, alterations, repairs, &c.	62 11 3
Dec. 31	—Paid John Wedd, Overseer of the Grounds, at various periods, sundry accounts for wages to himself and hire of oxen, labourers, &c. employed on the grounds, (for date of each payment, *vide* Abstract for the year 1835, now sent in)	529 15 2
	Total to 31st December, 1835	9,231 2 5

JOS. WELLS,
Bursar of King's College.

No. IV—or D.

DETAILS of Payments made by the Treasurer of the Upper Canada College, explanatory of the total amounts charged by him in the Abstracts laid before the House of Assembly in the Session of 1831 *and* 1832, *as recorded on its Journals,*

1829		Prov. Cur. £ s. d.
	Aggregate amount of payments towards the erection of the new buildings, (for detail of this item, *vide* Statement, now sent in, in Book A.)	1,820 0 0

1829		Prov Cur. £ s. d.
Oct. 12	—Amount of a charge by the Bank of Upper Canada for sums advanced in England upon a letter of credit to the Masters engaged for that Institution, as per account furnished by the Cashier:	
	Rev. Chas. Matthews, 1st Classical Master (*Sterling* £ s. d. 150 0 0)	
	Rev. Wm. Boulton, £50 ditto £50 (100 0 0)	
	Carried forward (250 0 0)	

1829		*Sterling.* £ s. d.	Prov. Cur. £ s. d.
	Brought forward	250 0 0	
October 12	—Rev. Chas. Dade, Mathematical do.	100 0 0	
	Ditto, for books purchased by the Rev. Dr. Harris	50 0 0	
	Rev. Doctor Harris, Principal	60 0 0	
	Mr. De la Haye, French Master, by Mr. Thos. Delisle, draft for 2200 livres françois	89 10 8	
	Sterling	549 10 8	
	Currency	610 11 10	
	Exchange, 10 ℔ cent. premium	61 1 2	
			671 13 0
	Carried forward		671 13 0

1829			Prov. Cur. £ s. d.
	Brought forward		671 13 0
Nov. 7	—Amount of a second charge by the Bank for advances in England, as per account furnished by the Cashier:		
		Sterling. £ s. d.	
	Rev. Joseph H Harris, Principal (£118 13 0 / 91 8 0 / 100 0 0)	240 0 0	
	Rev. Chas. Matthews, 1st Classical Master	50 0 0	
	Rev. Wm. Boulton, 2d ditto	50 0 0	
	Rev. J. C. Jones, to pay an account for advertising for candidates for the Masterships, &c.	7 12 0	
	Sterling	347 12 0	
	Currency	386 4 5	
	Exchange 10 ℔ cent. premium	38 12 6	
			424 16 11
24	—Amount of a third charge by the Bank for an advance made in England:		
		Sterling. £ s. d.	
	Mr. T. A. Drewry, Drawing Master	100 0 0	
	Sterling	100 0 0	
	Currency	111 2 2	
	Exchange 10 ℔ cent. premium	11 2 2	
			122 4 4
		£ s. d.	
Oct. 3	—Cash paid Mr. De la Haye, French Master	50 0 0	
24	—Cash paid Rev. Dr. Harris, Principal	50 0 0	
	Cash paid Rev. C. Matthews, 1st Classical Master	50 0 0	
Dec. 14	—Cash paid W. Boulton, 2d ditto	50 0 0	
22	—Cash paid C. Dade, Mathematical ditto	50 0 0	
24	—Cash paid Dr. Harris, Principal	100 0 0	
30	—Cash paid Mr. De la Haye, French Master, for duties and charges on French books imported for the use of the College	4 0 0	
			354 0 0
	As charged in one item in the Abstract to 31st December, 1829		1,572 14 3

1830		Prov. Cur. £ s. d.
	Aggregate amount of payments towards the erection of the new buildings, (for details of this item, *vide* Statement, now sent in, in Book A.)	7,576 11 0

1830		£ s. d.	Prov. Cur. £ s. d.
Jan.	—Cash paid Dr. Phillips, Vice-Principal	50 0 0	
14	—Cash paid Mr. De la Haye, French Master	00 0 0	
26	—Cash paid G. A. Barber Writing ditto	10 0 0	
Feb. 4	—Cash paid Rev. Dr. Harris, Principal	100 0 0	
8	—Cash paid Rev. C. Matthews, 1st Classical Master	30 0 0	
	Cash paid Mr. T. A. Drewry, Drawing ditto	50 0 0	
Mar. 12	—Cash paid Rev. William Boulton 2d Classical ditto	60 0 0	
15	—Cash paid Dr. Phillips, Vice-Principal	50 0 0	
20	—Cash paid Mr. T. A. Drewry, Drawing Master	50 0 0	
	Cash paid C. Dade, Mathematical ditto	50 0 0	
	Cash paid Jacob Latham 3 months' rent, to the 12th, for the house occupied by the Principal	16 5 0	
31	—Cash paid Mr. G. A. Barber, Writing Master balance of three months' salary and house rent to this day	37 18 4	
			604 3 4
April 1	—Cash paid Dr. Phillips, for three years' house rent to 1st January, while Master of the Royal Grammar School	135 0 0	
	Deduct a part of this charge, refunded by a warrant on the Receiver-General, as authorised by the Secretary for the Colonies	100 0 0	
			35 0 0
3	—Cash paid Mr. De la Haye, French Master, on account		62 10 0
6	—Cash paid Rev. Dr. Harris, Principal, on account		100 0 0
10	—Cash paid Rev. C. Matthews, 1st Classical Master, on account		30 0 0
16	—Cash paid Mr. J. W. Padfield, Master of the Preparatory School, one quarter's salary and house rent to 31st March		34 0 0
May 6	—Cash paid Rev. Dr. Phillips, Vice-Principal, balance of a quarter's rent to 31st March		11 2 2
	Cash paid Samuel Alderdice, Messenger, quarter's salary to 31st March		10 0 0
7	—Cash paid Mr. De la Haye, French Master		10 0 0
12	—Cash paid Jacob Latham, in advance, on account of rent for the house occupied by the Principal		25 0 0
15	—Cash paid Mr. T. A. Drewry, Drawing Master, on account		25 0 0
	Cash paid Rev. Wm. Boulton, 2d Classical ditto, ditto		50 0 0
	Cash paid Rev. C. Dade, Mathematical ditto, ditto		30 0 0
	Cash paid Rev. C. Matthews, 1st Classical ditto, ditto		30 0 0
June 1	—Cash paid Rev. Dr. Harris, Principal on account		100 0 0
July 1	—Cash paid Rev. C. Dade, Mathematical Master, ditto		30 0 0
2	—Cash paid Rev. C. Matthews, 1st Classical ditto, ditto		20 0 0
	Carried forward		1,206 16 0

1830		Prov. Cur. £	s.	d.
	Brought forward	1,206	16	0
July	6—Cash paid Mr. J. W. Padfield, Master of the Preparatory School, a year's salary and house rent to the 1st instant	34	0	6
	15—Cash paid Rev. C. Matthews, 1st Classical Master, on account	20	0	0
	17—Cash paid Samuel Alderdice, a quarter's salary to 1st instant	10	0	0
	Cash paid Mr. G. A. Barber, Writing Master, a quarter's salary and house rent to 1st instant	47	18	4
	Cash paid Rev. Dr. Phillips, Vice-Principal, a quarter's salary and half a year's house rent to the 1st instant.	136	2	2
Aug.	9—Cash paid Mr. De la Haye, French Master, on account	10	0	0
	Cash paid Rev. C. Matthews, 1st Classical ditto, ditto	20	0	0
	27—Cash paid Rev. C. Dade, Mathematical ditto, ditto	70	0	0
	Cash paid Rev. C. Matthews, 1st Classical ditto, ditto	40	0	0
	Cash paid Mr. T. A. Drewry, Drawing ditto, ditto	50	0	0
	Cash paid Rev. Wm. Boulton, 2d Classical ditto, ditto	50	0	0
Sept.	8—Cash paid Rev. Dr. Harris, Principal, on account	100	0	0
	11—Cash paid Rev. C. Matthews, 1st Classical Master, ditto	20	0	0
	13—Cash paid Mr. De la Haye, French ditto, ditto	50	0	0
	15—Cash paid Jacob Latham, balance of half year's rent to the 12th instant for the house occupied by the Principal	7	10	0
	25—Cash paid Rev. Wm. Boulton, 2d Classical Master, on account	25	0	0
Oct.	5—Cash paid Samuel Alderdice, Messenger, one quarter's salary to 1st instant	10	0	0
	8—Cash paid Rev. Dr. Phillips, Vice-Principal, ditto ditto	123	12	2
	Cash paid Mr. J. W. Padfield, Master of the Preparatory School, one quarter's salary to 1st instant and house rent	34	0	6
	14—Cash paid Rev. Dr. Harris, Principal, on account	50	0	0
	25—Cash paid Rev. C. Dade, Mathematical Master, ditto	30	0	0
	Cash paid Rev. Wm. Boulton, 2d Classical ditto, ditto	30	0	0
Nov.	5—Cash paid Mr. T. A. Drewry, Drawing ditto, ditto	40	0	0
	8—Cash paid Mr. De la Haye, French ditto, ditto	62	10	0
	9—Cash paid Rev. C. Matthews, 1st Classical ditto, ditto	30	0	0
	24—Cash paid Rev. Wm. Boulton, 2d ditto ditto, ditto	50	0	0
	30—Cash paid Rev. C. Matthews, 1st ditto ditto, ditto	40	0	0
Dec.	23—Cash paid to Jacob Latham, three month's rent to the 12th instant for the house occupied by the Principal.	16	5	0
	27—Cash paid Rev. C. Matthews, 1st Classical Master, on account	20	0	0
	31—Cash paid Samuel Alderdice, Messenger, one quarter's salary to this day.	10	0	0
		2,443	14	8
	By an error in addition, the item of charge in the abstract for the year ending 31st December, 1830, was only inserted	2,441	14	8
	Short charged	2	0	0

N. B.—This error of £2 short charged was not discovered till after the Abstract to 30th June, 1831, was laid before the House of Assembly, it will therefore be found brought forward in the half year's Abstract ending 31st December, 1831.

* This was erroneously printed in the Journals as 13s. 5d.

1830		Prov. Cur. £	s.	d.
Feb.	4—Cash paid the Bank for postage		0	13	4
June	3—Cash paid for draft on England to pay Longman & Co. for books	702	7	0
Aug.	19—Cash paid for draft on Montreal	17	4	8
Oct.	28—Cash paid for draft on England to pay Longman & Co., of London, for books	30	3	5
	As charged in one item in the Abstract ending 31st December, 1830.	750	13	5

* This 13s. 5d. was erroneously omitted in the Journals.

		Prov. Cur. £	s.	d.
Jan.	9—Cash paid Mr. G. A. Barber, for cordwood	2	17	6
	15—Cash paid Wragg & Co., for iron mongery	34	11	3
Feb.	5—Cash paid D. Campbell, for mason's work	3	6	6
	8—Cash paid Mr. G. A. Barber, for cordwood	3	10	0
	12—Cash paid Musson, for fitting up stove pipes in the District School House	19	11	3
	18—Cash paid S. Alderdice, for utensils for cleaning the School House, and for scrubbing and cleaning	4	14	3
	26—Cash paid Mr. G. A. Barber, for cordwood £7 17s. 6d., and for stationary 16s. 3d	8	13	9
Mar.	9—Cash paid S. Washburn, to pay for a Clerk for the College	10	0	0
May	6—Cash paid Maxwell, for carpenter's work	30	6	9
	As charged in one item in the Abstract for 31st December. 1830	117	11	8

1830		Prov. Cur. £	s.	d.
	Paid Brockville Recorder	0	7	0
	Paid Canadian Freeman	10	19	6
	Paid ditto	1	10	0
	Paid Colonial Advocate	2	7	4
	Paid ditto	1	5	3
	Paid Gazette, including charges for hand bills	17	19	10
	Paid Kingston Chronicle	12	1	10
	Paid ditto	1	11	0
	Paid Kingston Herald	12	8	8
	Paid New York Albion	0	15	0
	Paid York Courier	7	18	8
	Paid ditto	1	5	0
	Paid York Observer	12	4	0
	As charged in one item in the Abstract ending 31st December, 1830.	88	13	6

1831		Prov. Cur. £	s.	d.
July	31—Aggregate amount of payments towards the erection of the College buildings, (for details of this item, *vide* Statement, now sent in, in book A.)	2,927	4	7

1831		Prov. Cur. £	s.	d.
Jan.	3—Cash paid Rev. C. Dade, Mathematical Master	180	0	0
	5—Cash paid Mr. T. A. Drowry, Drawing ditto	35	0	0
	Cash paid Rev. Wm. Boulton, 2d Classical ditto	42	17	7
	Cash paid Rev. Dr. Phillips, Vice-Principal	23	12	2
	8—Cash paid Mr. G. A. Barber, Writing Master	95	16	8
	10—Cash paid Mr. J. W. Padfield, Master of Preparatory School	34	0	6
	12—Cash paid Rev. Dr. Harris, Principal	106	0	11
	14—Cash paid Rev. C. Matthews, 1st Classical Master	30	0	0
Feb.	1—Cash paid ditto ditto, ditto	40	0	0
	12—Cash paid Mr. J. P. De la Haye, French ditto	60	0	0
	17—Cash paid Rev. C. Matthews, 1st Classical ditto	20	0	0
Mar.	2—Cash paid Rev. Wm. Boulton, 2d ditto	50	0	0
	7—Cash paid Mr. T. A. Drowry, Drawing ditto	50	0	0
	16—Cash paid Mr. J. P. De la Haye, French ditto	20	0	0
	17—Cash paid Rev. C. Matthews, 1st Classical ditto	30	0	0
	31—Cash paid Rev. Dr. Harris, Principal	166	13	4
	Cash paid Rev. Wm. Boulton, 2d Classical Master	33	6	8
April	6—Cash paid Rev. Dr. Phillips, Vice-Principal	123	12	2
	Cash paid Rev. C. Matthews, 1st Classical Master	20	0	0
	14—Cash paid Samuel Alderdice, Porter and Messenger	10	0	0
May	3—Cash paid Mr. G. A. Barber, Writing Master	47	18	4
	9—Cash paid Rev. C. Matthews, 1st Classical ditto	45	0	0
	19—Cash paid Mr. J. W. Padfield, Master of Preparatory School	47	18	4
	Carried forward £	1,311	16	8

1831		Prov. Cur. £	s.	d.
	Brought forward	1,311	16	8
	Cash paid J. P. De la Haye, French Master	40	0	0
	23—Cash paid T. A. Drowry, Drawing ditto	40	0	0
June	2—Cash paid Rev. C. Matthews, 1st Classical ditto	35	0	0
	3—Cash paid Rev. Dr. Phillips, Vice-Principal	50	0	0
	14—Cash paid Rev. C. Matthews, 1st Classical Master	30	0	0
	18—Cash paid Jacob Latham, on account of rent for the house for the Principal	17	10	0
	25—Cash paid Mr. J. P. De la Haye, French Master	20	0	0
	28—Cash paid Rev. C. Dade, Mathematical ditto	160	0	0
	Cash paid Samuel Alderdice, Porter and Messenger	10	0	0
	As charged in one item in the Abstract for the half year ending 31st July, 1831	1,714	6	8

1831		Prov. Cur. £	s.	d.
May	2—Cash paid Robert Stanton, for printing, &c.	1	14	6
	12—Cash paid E. Wiman, for chairs	4	2	6
June	8—Cash paid Rev. C. Matthews, to remit to Montreal, for the purchase of books for the Students	5	13	4
	As charged in one item in the Abstract for the half year ending 31st July, 1831	11	10	4

JOS. WELLS,
Treasurer, U. C. C.

No. 67.

RETURNS

FROM THE

TREASURER OF THE EASTERN DISTRICT.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly with reference to the address of the House of the 12th ultimo, the accompanying returns received from the Treasurer of the Eastern District.

GOVERNMENT HOUSE,
28th March, 1836.

CORNWALL, *22nd March*, 1836.

SIR, I have the honor to transmit to you herewith two of the Returns prayed for by the House of Assembly, and ordered by His Excellency the Lieutenant Governor, as transmitted to me on the 18th ult.—The other two will take some time to complete, but when done I will lose no time in forwarding.

I have the honor to be, Sir,
Your most obed't, humble serv't,
ALEXANDER McLEAN,
Treasurer, E. D.

J. JOSEPH, Esq.,
&c. &c. &c., Toronto.

EASTERN DISTRICT in account current with the Bank of Upper Canada.

	Dr.	£	s.	d.
1833. July 8	To cash paid the Bank of Upper Canada, on account of principal and interest of loan	100	0	0
1834. April 1	To " " " "	100	0	0
Jan'y 30	To " " " "	114	1	7
July 8	To " " " "	117	0	0
1835. April 6	To " " " "	375	0	0
July 11	To " " " "	150	0	0
		956	1	7
	To amount due Bank of Upper Canada, Less interest	3543	18	5
		4500	0	0

	Cr.	£	s.	d.
1832. July 27	By cash to build the Gaol and Court House	1000	0	0
	By " " " "	1000	0	0
	By " " " "	500	0	0
	By " " " "	700	0	0
	By " " " "	800	0	0
	By " " " "	500	0	0
	By " " " "	500	0	0
		4500	0	0

The above is exclusive of interest.

A. McLEAN, *T. E. D.*

STATEMENT shewing the Amount of County Rate and Road Tax that was received from Sheriff, being the proceeds of Sales of Land in arrear for Taxes due up to 1st July, 1828, in the Eastern District.

	£ s. d.	£ s. d.
Amount received from Sheriff for Matilda	158 0 3½	
Less Road Tax for ditto	60 15 5½	
		97 4 10
Amount received from Sheriff for Mountain	304 13 9	
Less Road Tax for ditto	117 10 0	
		187 3 9
Amount received for Williamsburgh	72 6 3	
Less Road Tax for ditto	29 1 3	
		43 5 0
Amount received for Winchester	316 1 3	
Less Road Tax for ditto	122 3 9	
		193 17 6
Amount received for Osnabruck	102 15 7½	
Less Road Tax for ditto	39 7 6	
		63 8 1½
Amount received for Finch	293 16 0	
Less Road Tax for ditto	124 17 9	
		168 18 3
Amount received for Cornwall	118 2 8	
Less Road Tax for ditto	46 2 3	
		72 0 5
Amount received for Roxborough	266 7 3½	
Less Road Tax on ditto	102 9 3	
		163 18 0½
Amount received for Charlottenburgh	28 8 10	
Less Road Tax on ditto	10 18 9	
		17 10 1
Amount received for Kenyon	201 11 7	
Less Road Tax on ditto	78 10 9½	
		123 0 9½
Amount received for Lochiel	139 15 4	
Less Road Tax on ditto	52 10 9	
		87 4 7
Amount received for Lancaster	27 17 4	
Less Road Tax on ditto	10 10 9	
		17 6 7
Total County rate		1234 17 11½

Amount of Road Tax.....£739 5s. 3½d

ALEXANDER M'LEAN, *T. E. D.*

RETURN of the (late) Treasurer's Account with the Commissioners for erecting the Gaol and Court House, and shewing the sources from which the funds were derived.

DATE.	VOUCHERS.	AMOUNT. £ s. d.	DATE.	VOUCHERS.	AMOUNT. £ s. d.
1831.	To cash paid G. C. Wood, Esq., one of the commissioners for building Gaol and Court House	300 0 0	1830. May 1	By cash reserved from county rate	353 19 9½
Nov. 28.	To cash paid Archibald Fraser, Contractor, per order of Commissioners	250 0 0	July 11	By amount of rates reserved on occupied lands from April to July Sessions, 1830	11 15 0
1832. April 26	To amount transferred to account with Alex. M'Lean, Esq., now Treasurer	1008 16 9½	July 15	By balance brought from the general accounts of the District up to July Sessions, 1830	58 14 5½
			Oct. 16	By amount of rates received on unoccupied lands from 15th of July to 15th October, 1830	30 0 0
			1831. Jan. 27	By amount of rates received on unoccupied lands from October to January Session, 1831	16 9 11
			April 27	By amount of rates received on unoccupied lands from 27th January to 27th April, 1831	25 11 10
			July 13	By amount of rates received on unoccupied lands from 28th April to 13th July, 1831	42 10 6
			October	By amount reserved from County rates from April Session, 1831	235 17 7
				By amount of rates received on unoccupied lands from 14th July to October Session, 1831	6 2 6
				By balance in Treasurer's hands from October Session	10 6 3
				By amount reserved from District acc'ts to meet Gaol and Court-House fund up to 1830	518 3 4½
				By amount reserved from District acc'ts to meet Gaol and Court House funds for 1831	279 5 7
	Total £	1558 16 9½			1558 16 9½

RETURN of the Treasurer's Account with the Commissioners for erecting the Gaol and Court House, and shewing the sources from which the funds were derived.

DATE.	VOUCHERS.	AMOUNT. £	s.	d
1832				
June 2	To cash paid A. Fraser, Contractor for Gaol and Court House, per order of Commissioners,	340	7	4
" 22	To cash paid Archibald Fraser per do.	100	0	0
Aug. 2	do. do. per do.	500	0	0
Aug. 10	do. do. per do.	673	14	0
Sept. 11	do. do. per do.	200	0	0
Oct. 3	do. do. per do.	1000	0	0
Nov. 6	do. do. per do.	400	0	0
Dec. 17	do. do. per do.	500	0	0
1833				
Feb. 4	do. do. per do.	250	0	0
April 11	do. do. per do.	100	0	0
May 17	do. do. per do.	300	0	0
"	To cash paid G. C. Wood Esq. per do.	4	5	4
"	do. Alex. McLean, per do.	5	10	0
Aug. 16	do. G. B. Able, per do.	17	18	0
Sept. 6	do. G. C. Wood, Esq. per do.	37	12	0
Oct. 1	do. A. Fraser, per do.	200	0	0
" 14	do Thomas Brooks, per do.	18	15	0
	do. Archibald Fraser, per do.	97	1	4
" 24	do. B. Crank, per do.	2	0	0
	do. G. Sutherland, per do.	1	0	0
	do. John Ford per do.	1	15	3
	do. G. C. Wood, Esq. per do.	1	8	0
	do. H. Baxter, per do.	0	5	0
1834				
	do. D. McLeod, per do.	0	8	0
Mar. 14	do. G. S. Jarvis, Esq. per do.	9	0	0
	do. W. W. Wyman, per do.	0	14	0
June 9	do. A. & W. Armour, per do.	0	9	7
Aug. 8	do. Alex. Gillespie, per do.	6	15	0
	do. Mat. Smith, per do.	8	16	3
Aug. 16	do. John Ford, per do.	5	0	0
Sept. 6	do. H. Pitts, per do.	6	10	0
" 8	do. Alex Gillespie, per do.	2	12	6
	do. Mat. Smith, per do.	2	7	9
" 12	do. John Ford, per do.	9	10	0
" 25	do. do. per do.	12	10	0
Oct. 17	do. do. per do.	15	0	0
" 22	do. do. per do.	20	0	0
Nov. 15	do. A. Hover, per do.	5	2	6
" 20	do. John Ford, per do	25	0	0
Dec. 20	do. do. per do.	1	2	6
1835				
Feb. 6	do George S. Jarvis, per do.	6	5	0
May 14	do. W. Buell, per do.	0	10	6
July 2	do. G. S. Jarvis, Esq. per do.	93	1	9
" 9	do. David Hitchins, per do.	1	7	6
	do. M. Cort, per do.	1	7	6
	do. H. McCallum, per do.	1	7	6
	do. G. S. Jarvis, Esq. per do.	4	1	5
	do. R. Corkoran, per do.	2	10	0
" 20	do. Caleb Knight, per do.	14	18	0
" 21	do. G. C. Wood, Esq. per do.	0	11	2
	do. M. Gordon, per do.	24	13	6
	do. P. Vankoughnet Esq per do.	4	1	8
" 23	do. James Gillie, per do.	6	10	0
" 29	do. W. R. F. Burford Esq per do.	10	10	0
Aug. 7	do. G. S. Jarvis, Esq. per do.	0	5	0
" 12	do. Dennie, per do.	11	19	0
" 21	do. Mrs. Hays, per do.	0	15	1
Sept. 8	do. Peter Chesley, per do.	5	6	6½
	do. H. Thain, per do.	14	13	11
	do. P. Vankoughnet Esq per do.	5	12	6
	do. James Gillie, per do.	20	6	9
	do. Patrick Quin, per do.	8	2	2
	do. T. Stuart, per do.	2	7	6
	do. P. Vankoughnet Esq per do.	5	7	11½
	do. M. Gordon, per do.	61	14	7
	do. Howard, Thompson & Co. per do.	1	1	8
	£	5191	8	0
	To balance in Treasurers hands,..	177	8	9½
	£	5368	16	9½

DATE.	SOURCES.	AMOUNT. £	s.	d
1832				
April 26	By cash brought from the late Treasurers accounts this day,.....	1008	16	9½
July 27	By cash from Bank of U. C.....	1000	0	0
Oct. 1	By do. do.	1000	0	0
Nov. 6	By do. do.	500	0	0
Dec. 17	By do. do. £700, less the Treasurer's per centage, £20...	600	0	0
1833				
May 17	By do. do. do.	300	0	0
Sept. 8	By cash from Bank of U. C. £600, less Treasurer's per centage £10.....	480	0	0
1835				
May 16	By cash from Bank of U. C. £500, less Treasurer's per centage £20,.....	480	0	0
	£	5368	16	9½

ALEXANDER McLEAN, *T. E. D.*

J. JOSEPH, Esq.,
Secretary to His Excellency
the Lieutenant Governor, &c. &c. &c.

SIR,

In compliance with His Excellency's desire, founded on an address of the House of Assembly, I had the honor of transmitting to you, a few days ago, two of the returns required by me by said address, and herewith transmit the remaining two; I beg, however, to point out a few circumstances which must have escaped your notice, one of which is that in one of these returns the House of Assembly have requested a return of the lands in this District that were not on the assessment rolls in the years 1835 and 1836, I would wish to state that the assessment for 1836 has not yet been taken by the Township Assessors, and though that for 1835 has been taken, it is not in such a state as to enable me to include it in my return, I have therefore of necessity been obliged to omit these two years. In the next, the House of Assembly wish for a "return of taxes due on the uncultivated lands in this District on the 1st of July, 1828, and advertised in the Upper Canada Gazette of the 17th September, 1829, shewing the appropriation of said taxes or rates," &c. In reply to this latter clause I beg to state to the House of Assembly that these accounts were kept by the late Treasurer, and settled by him previous to my appointment to the Treasurership, and that I know nothing more of the appropriation referred to than is contained in the District accounts of that period, a copy of which, I presume, has been forwarded to the Government Office, for the use of the House of Assembly, and was signed by the Chairmon in General Quarter Sessions, as the law directs.

I regret that it has been out of my power to forward these Returns sooner: I have been unceasing in my endeavors to prepare them, and with the assistance of a clerk have wrought at them from nine in the morning to nine P. M. I beg to submit his account, as well as my own, for the labor done—amounting to thirty-one pounds ten shillings currency, which I hope will not be considered unreasonable—and shall feel obliged by your causing the amount to be transmitted. A part only of the required information was asked for by a few of the Magistrates at the October Sessions, in the present form, and was refused by the majority, on the grounds of the required information being of a nature from which no good could be expected to result, and that the state of the District funds were such as not to justify so useless an expenditure.

I have the honor to be,
Sir,
Your most obedient humble servant,
ALEXANDER M'LEAN,
Treasurer Eastern District.

ALEXANDER McLEAN, Esq.
TO JOHN McDONALD, DR.

To 18 days attendance in writing Returns of lands ordered to be done by the Lieutenant Governor &c. at 15s	£13 10 0
	£13 10 0
Cornwall, 14th March, 1836.	
18 days attendance of Alexander McLean, Esq., &c. &c. as above, at 20s	18 0 0
	£31 10 0

ALEXANDER McLEAN,
Treasurer, E. D.

RETURN of Lands in the Eastern District that were not on the Assessment Rolls in the years 1829, 1830, 1831, 1832, 1833, *&* 1834—*also shewing when any part of the rates due on each lot was paid to the Treasurer.*

			Amount due yearly on the first July.						Rates paid to the Treasurer previous to 1st July					
Township.	Lot.	Con.	1829	1830	1831	1832	1833	1834	1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Lancaster.....	18	1	.....	5	5	5	.....	5						
	34	1	.....	.....	5	5	.....	5						
	2	2	5	.....	5	.....	.....	5						
	4	2	5	5	.....	.....	.....							
	W½ 9	2	.....	.....	.....	.....	.....	1 8						
	21	2	.....	.....	2 6	2 6	.....							
	36	2	.....	5	5	5	.....	5						
	37	2	.....	.....	.....	.....	.....	3 4						
	2 }	3	10	10	10	10	.....	10						
	2 }	3												
	5	3	5	5	5	5	.....	5						
	7	3	.....	.....	5	5	.....							
	10	3	.....	2 6	2 6	2 6		2 6						
	11	3	5	5	5	5	5	5						
	12	3	5	5	5	5	5	5						
	13	3	.....	5	5	5	5	.....						
	S½ 15	3	.....	2 6	.....	.....	.....	.....						
	19	3	.....	.....	.....	.....	.....	5						
	33	3	.....	5	5	5	5	5						
	37	3	.....	5	5	5	.....	5						
	5	4	5	5	5	5	.....	5						
	8	4	.....	5	5	5	.....	5						
	17	4	.....	5	5	5	.....	5						
	19	4	5	5	5	5								
	9)													
	10 }	4	.....	.....	.....	.....	.....	10						
	11)													
	12	4	.....	.....	.....	.....	.....	3 4						
	13)								5	5	5	5	5	
	14 }	4	.....	.....	.....	.....	.....	10 0	5	5	5	5	5	
	15)								5	5	5	5	5	
	19	4	5	5	5	5								
	21	4	.....	.....	5	5	.....	5						

Townships.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to 1st July. 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Lancaster,	E½ 28	4	.....	2 6	2 6	2 6	2 6							
	E½ 31	4	.....	2 6										
	37	4		.....	.....	.....	.....	3 4						
	10	5	.....	5	5									
	8	6	.....	5	.....	.....	.....	5						
	9	6	.....	.....	.....	.....	.....	3 4						
	28	7	.....	5	.....	.....	.....	5						
	33	7	.....	5	.....	.....	.....	5						
	E½ 36	7	.....	.....	.....	.....	.....	1 8						
	37	7	.....	5										
	11	8	.....	5	5	5	5	5						
	12	8	.....	5	5	5	5	5						
	15	8	.....	5	5	5	5							
	9	9	.....	5										
	15	9	.....	5										
	18	9	5											
	21	9	.....	5										
	37	9	.....	5	5	5								
Lochiel,	Ep't A	1	3 5	.....	3 5	3 5	3 5	3 5						
	Wp't A	1	.....	.....	.....	.....	4 5½	4 5½	.....	.....	2 6	2 6		
	S½ 1	1	.....	2 6	2 6									
	E½ 9	1	2 6	2 6	2 6	2 6	2 6	2 6						
	14	1	.....	5	2 6									
	16	1	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	19	1	5	5	5	5	5	5						
	20	1	5	5	5	5	5	5						
	21	1	5	5	5	5	5							
	23	1	5	5	5	5	5	5						
	24	1	.....	5	5	5	5	5						
	25	1	5	5	5	5	5	5						
	30	1	5											
	38	1	3 9		3 9	3 9	3 9							
	Ep't A	2	3 5	3 5	3 5	3 5	3 5	3 5						
	S½ 1	2	2 6	2 6	2 6	2 6	2 6	2 6						
	Sp't 2	2	.....	.....	.....	.....	.....	1 8						
	N½ 2	2	2 6	2 6										
	S½ 3	2	.....	.....	.....	.....	.....	1 8						
	E½ 8	2	2 6	2 6	2 6	2 6	.....	2 6						
	W½ 8	2	.....	2 6	2 6	2 6	2 6	2 6						
	9	2	.....	5	5	5	5	5						
	N½ 13	2	2 6	2 6	2 6	.....	.....	2 6						
	15	2	5	5	5	5	5	5						
	18	2	.....	5	5	5								
	20	2	5	5	5	5	5	5						
	21	2	5	5	5	5	5							
	23	2	5	5	5	5	5							
	29	2	5	5	5	5	5	5						
	30	2	5											
	32	2	.....	5	5									
	3	3	5	5	5	5	5	5						
	4	3	5	5	5	5	5	5						
	5	3	5	5	5	5	5	5						
	7	3	.....	.....	.....	5	5	5	5	5	5			
	8	3	5	5	5	5	5	5						
	S½ 9	3	2 6	2 6	2 6	2 6	2 6	2 6						
	10	3	5	.....	5	5	5	0						
	S½ 11	3	2 6	2 6	2 6	2 6	2 6	2 6						
	14	3	5	2 6	2 6									
	19	3	.....	.....	.....	5	5	5	5	5	5			
	25	3	5	5	5	5	5	5						
	34	3	5											
	S½ 1	4	2 6											
	10	4	.....	.....	.....	.....	.....	3 4						
	11	4	2 6	5	5	5	.....	5						
	25	4	.....	.....	.....	.....	.....	3 4						
	27	4	.....	2 6	.....	.....	5	3 4						
	11	5	5	5	5	5	5	5						
	12	5	5	5	5	5	5	5						
	13	5	5	5	5	5	5	5						
	S½ 14	5	.....	2 6	2 6	2 6	2 6	2 6	2 6	.....				
	16	5	.....	5 0	5	5	5	5						
	20	5	5											
	S½ 2	6	.....	2 6	2 6	2 6	2 6	2 6	2 6					
	N½ 2	6	.....	.....	.....	2 2	2 2	2 2						
	8	6	5	5	5	5	5	5						
	9	6	5	5	5	5	5	5						
	35	6	.....	.....	.....	.....	.....	3 4						
	36	6	.....	.....	.....	.....	3 4							
	A	7	2 3	2 3	2 3	2 3	2 3	2 3	2 3					
	S½ 3	7	2 6	2 6	2 6	2 6	2 6	2 6						
	S½ 5	7	2 6	2 5	2 6	2 6								

Township	Lot.	Con.	Amount due yearly on the 1st July.						Rates paid to the Treasurer previous to the 1st July					
			1829	1830	1831	1832	1833	1834	1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
	14	7	5	5	5	5	5	5						
	15	7	5	5	5	5	5	5						
	20	7	5	5	5	5	5	5						
	21	7	.....	5	5	5	5	5						
	25	7	.....	.....	.....	.....	.....	3 4						
	A.	8	2 3											
	S. ½ 11	8	.....	.....	2 6	2 6	2 6							
	S. ½ 15	8	.....	.....	.....	.....	.....	1 8						
	16	8	.....	.....	2 6	.....	5							
	18	8	5	5	5	5	5	5						
	19	8	.....	5	5	5	5	5						
	E. ½ 20	8	3 9	3 9	3 9	3 9	3 9	3 9						
	E. ½ 22	8	2 6	2 6	2 6	2 6	2 6	2 6						
	W. ½ 22	8	.....	.....	.....	.....	.....	1 8	2 6	2 6	2 6	2 6	2 6	
	S. ½ 23	8	2 6	2 6	.....	.....	2 6							
	24	8	.....	.....	.....	.....	3 4							
	25	8	.....	.....	.....	.....	3 4							
	27	8	.....	.....	.....	.....	3 4							
	29	8	.....	.....	.....	.....	3 4							
	30	8	.....	.....	.....	.....	3 4							
	32	8	.....	.....	.....	.....	3 4							
	S. ½ 33	8	2 6											
	34	8	.....	.....	5	5	.....	2 6						
	W. ½ 37	8	.....	.....	.....	.....	1 8	.....	2 6	2 6	2 6	2 6		
	E. ½ 37	8	.....	.....	.....	.....	.....	1 8						
	Part 38	8	2 6	2 6	2 6	.....	.....	.....						
	A.	9	2 3	2 3	2 3	.....	.....	2 3						
	17	9	.....	.....	.....	.....	3 4							
	21	9	5	5	5	5	5							
	23	9	.....	5	5	5	5	5						
	28	9	5	.....	.....	.....	5	5	5					
	33	9	.....	.....	.....	.....	3 4							
	37	9	.....	.....	.....	5	5	5	5	5	5			
	38	9	.....	.....	.....	.....	3 4							
Charlottenburgh....	E. ½ 24	1	.....	.....	2 6	2 6	2 6	2 6						
	W. ½ 23	2	2 6	2 6										
	W. ½ 24	2	2 6	2 6										
	5	4	.....	5	5	5	5	5						
	E. ½ 17	6	.....	.....	2 6	2 6	.....	2 6						
	W. ½ 17	6	.....	2 6	2 6	2 6								
	G. or 5	4	5	5	5	5								
	H. or 4	3	5	5										
	9 or 43E ½	3	.....	.....	2 6	2 6	2 6	2 6	2 6	2 6				
	W. ½ 19	7	.....	.....	2 6	2 6								
	E. ½ 19	7	.....	.....	2 6	2 6								
	21	7	5	5	5	5								
	E. ½ 22	7	2 6	2 6	2 6	2 6								
	W. ½ 22	7	2 6	2 6	2 6	2 6	2 6	2 6						
	23	7	5	5	5	5								
	E. ½ 24	7	2 6	2 6	2 6	2 6	2 6	2 6						
	W. ½ 24	7	2 6	2 6										
	27	7	.....	5										
	28	7	5											
	24	8		5	5	5								
	25	8	5	5										
	26	8	5	5										
	E. ½ 31	8	2 6	2 6	2 6	2 6	2 6	2 6						
	36	8	.....	.....	2 6									
	8	9	5	5										
	16	9	.....	.....	5	5								
	E. ½ 18	9	.....	2 6										
	19	9	.....	.....	5	5								
	W. ½ 23	9	3 9	3 9										
	E. ½ 23	9	1 3	1 3										
	E. ½ 26	9	1 3	1 3										
Kenyon.....	3	1	5	5										
	4	1	.... .	5	5	5	5	5						
	7	1	.....	5	5	5	5	2 6						
	10	1	5	5	5	5	5	5						
	E. ½ 17	1	.....	.....	1 3	1 3	1 3	1 3	1 3	1 3				
	W. ½ 17	1	3 9	3 9	3 9	3 9	3 9	3 9						
	18	1	5	5	5	5	5							
	19	1	5	5	5	5	5	5						
	20	1	5	5	5	5	5	5						
	21	1	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	22	1	5	5	5	5	5	5						
	E. ½ 26	1	2 6											
	W. ½ 34	1	.....	.....	1 3	1 3	1 3							
	W. ½ 3	2	.....	2 6	2 6	2 6								
	W. ½ 5	2	2 6	2 6	2 6	2 6	2 6							
	13	2	.....	.....	.....	.....	4 5	.....	5	5	5	5		

Townships.	Lots.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to 1st July. 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Kenyon,.....	14	2	.....	5	5									
	W ½ 16	2	.....	3 9	3 9	3 9	3 9							
	E ½ 17	2	.....	.....	1 3	1 3								
	W ½ 17	2	.....	3 9										
	W ½ 18	2	3 9	3 9	3 9	3 9	.....	3 9						
	19	2	.....	5	5	5	5	5						
	20	2	5	5	5	5	5	5						
	21	2	5	5	5	5	5	5						
	22	2	5	5	5	5	5	5						
	25	2	5	5	5	5	5							
	26	2	5											
	30	2	5	5	5	5								
	31	2	.....	5	5	5	5							
	33	2	.....	.....	5	5								
	W ½ 34	2	2 6	2 6										
	36	2	.....	5	5	5	5	5						
	37	2	5 0	5		5	5							
	W ½ 4	3	.....	1 3	1 3	1 3	1 3							
	W ½ 5	3	2 6	2 6	2 6	2 6	2 6							
	E ½ 6	3	2 6	2 6	2 6									
	W ½ 8	3	2 6	2 6	2 6									
	E ½ 15	3	.....	3 9	3 9	3 9	3 9							
	W ½ 15	3	1 3	1 3	1 3	1 3	1 3							
	E ½ 16	3	.....	1 3	1 3	1 3	1 3							
	W ½ 17	3	.....	2 6	2 6	2 6	2 6							
	18	3	5	5	5	5	5							
	20	3	.....	5	5	5	2 6	5						
	W ½ 21	3	.....	2 6	2 6	2 6	2 6							
	22	3	.....	.....	.....	.....	.....							
	24	3	5	5	5	5	5							
	27	3	.....	.....	.....	.....	.....							
	E ½ 28	3	.....	1 3	1 3	1 3	1 3							
	E ½ 30	3	.....	.....	2 6	2 6	.....							
	31	3	.....	5										
	33	3	5	5										
	34	3	5	5	5	5	5	5						
	W ½ 35	3	1 3											
	E ½ 36	3	2 6											
	1	4	5	5	5	5	5							
	14	4	.....	5	5	5	5							
	15	4	.....	.....	2 6	5	5	2 6	5	5	2 6			
	E ½ 16	4	.....	.....	.....	.....	.....	1 8						
	17	4	.....	.....	.....	.....	.....	3 4	.....	5	5	5	5	
	20	4	5	5	5									
	26	4	.....	5	5	5	5	5						
	27	4	5	5	5	5	5	5						
	28	4	5	5	5	5	5	5						
	29	4	5	5	5	5	5	5						
	30	4	.....	.....	.....	.....	.....	3 4						
	31	4	.....	5	5	.....	.....	2 6						
	33	4	.....	5	2 6	.....	.....	5						
	34	4	.....	5	5	5	5							
	35	4	.....	5	5	5	5	5						
	36	4	.....	5	.....	5	5							
	4	5	5	5	5	.....	.....	5						
	5	5	.....	5	5	5	5							
	6	5	5	5	5	5	5	5						
	7	5	5	5	.....									
	9	5	5	5		.....	.....	5						
	10	5	.....	5										
	11	5	.....	5	5	5								
	12	5	.....	5										
	16	5	.....	5	5	5		5						
	17	5	5	5	5	5	5	5						
	18	5	.....	5	5	5	.....	2 6						
	19	5	5	5	5	5	.....	5						
	20	5	5	5	5	5	.....	5						
	23	5	.....	5	5	5	.....	5						
	W ½ 24	5	.....	.....	.....	2 6	.....	2 6	2 6	2 6	2 6			
	25	5	5	5	5	5	5	5						
	26	5	5	5	5	5	5	5						
	27	5	.....	.....	.....	.....	.....	3 4						
	28	5	5	5	5	5	5	5						
	29	5	.....	5	5	5	5	5						
	30	5	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	31	5	5	5	5	5	5	5						
	32	5	.....	5	5	5	5	5						
	W ½ 33	5	.....	5	5	5	5	5						
	35	5	.....	.....	.....	.....	4 5	4 5						
	36	5	5	5	5	5	5	5						

Township.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to the 1st July 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Kenyon.....	13	6	.....	5	5	5								
	15	6	.....	5	5	.....	.....	5						
	17	6	5	5	5	5	5	5						
	26	6	.....	5	5	5	5	5						
	27	6	.....	.....	.....	.....	.....	3 4						
	28	6	.....	.....	.....	5	5	5	5	5	5			
	29	6	5	5	5	5	5	5						
	30	6	5	5	5	5	5							
	31	6	5	5	5	5	.....	5						
	32	6	5	5	5	5	.....	5						
	33	6	5	5	5	5	5	5						
	34	6	5	5	5	5	5	5						
	36	6	.....	5	5	5	5	5						
	37	6	5	5	5	5	5	5						
	1	7	.....	.....	.....	.....	4 5	.....	5	5	5	5		
	2	7	.....	.....	5	5	5	5	5	5				
	7	7	.....	5	5	5								
	10	7	5	5										
	16	7	5	5	5	5								
	17	7	.....	5	5	5	.....	5						
	18	7	5	5	5	5	.....	5						
	19	7	5	5	5	5	5	5						
	21	7	.....	5	5	5	.....	5						
	21	7	.....	5	5	5	.....	5	5					
	22	7	5	5	5	5	.....	5						
	23	7	.....	.....	.....	.....	4 5	4 5	5	5	5	5		
	26	7	5	5	5	5	5	5						
	28	7	.....	5	5	5	5	5	5					
	29	7	5	5	5	5	5	5						
	30	7	5	5	5	5	5	5						
	31	7	.....	5	5	5	5	5	5					
	32	7	5	5	5	5	5	5						
	35	7	5	5	5	5	5							
	E. ½ 37	7	2 6	2 6	2 6	2 6	2 6	2 6						
	20	8	.....	5	5	5	5	5	5					
	27	8	.....	5	5	5	5	2 6	5					
	30	8	5	5	5	5	5	5						
	32	8	.....	5	5	5	5	5						
Cornwall.....	15	1	5	5	5	5	.....	5						
	16	1	.....	.....	.....	.....	.....	3 4						
	E. ½ 17	1	.....	.....	.....	.....	.....	1 8						
	28	1	5	5										
	E. ½ 5	2	.....	.....	.....	5	5	5						
	20	4	5	5	5	5	5	5						
	E. ½ 21	4	5	5	5	5	5	5						
	20	5	.....	.....	5	5	5	5						
	32	5	.....	.....	5	5	5	5						
	3	6	.....	5	5	5	5	5						
	4	6	.....	5	5	5	5	5						
	5	6	.....	5	5	5	5	5						
	28	6	.....	.....	5	5	5	5						
	29	6	5	5	.....	5								
	30	6	5	5										
	32	6	.....	.....	5	5	5	5	5	5				
	35	6	5											
	36	6	5	5	5	5	5	5						
	37	6	.....	5	5	5	5	5	2 6					
	E. ½ D.	7	.....	.....	2 6	2 6	2 6	2 6						
	2	7	.....	5	5	5	5	5						
	3	7	.....	5	5	5	5	5						
	4	7	.....	5	5	5	5	5						
	5	7	.....	5	5	5	5	5						
	6	7	.....	.....	.....	5	.....	.....	.....	5	5			
	W. ½ 12	7	5	5	5									
	W ½ 20	7	5	5	5	5								
	E. ½ 27	7	5	5	5	5	5	5						
	W ½ 21	7	.....	.....	5	5								
	23	7	.....	5	.....	5	2 6							
	24	7	.....	5										
	25	7	.....	5										
	26	7	5	5										
	E. ½ 29	7	.....	2 6	.....	.....	2 6	2 6						
	W ½ 29	7	.....	2 6										
	W ½ 36	7	.....	2 6	2 6	2 6	2 6	2 6						
	D	8	.....	5										
	4	8	5	5	5	5	5							
	5	8	5	5	5	5	5	5						
	W ½ 7	8	.....	5	5	5								
	E. ½ 10	8	.....	.....	5	5								
	13	8	.....	.....	.....	.....	4 5	4 5						

Township.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to the 1st July 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Cornwall.....	16	8	.....	.....	.....	.....	.....	3 4						
	18	8	.....	.....	5	5								
	21	8	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	E ½ 22	8	5	5	5	5	5							
	W ½ 22	8	5	5	5	5								
	E ½ 25	8	5											
	W ½ 25	8	5	5										
	26	8	.....	5	5	5	5	5						
	E ½ 27	8	5	5										
	31	8	.....	5	5	.....	.....	.....	5					
	32	8	5	5	5	5								
	37	8	.....	5										
	A.	9	5	5	5	5								
	W ½ 2	9	2 6	2 6	2 6	2 6	2 6	2 6						
	E ½ 2	9	2 6	2 6										
	4	9	5	5										
	5	9	5	5	.....	5								
	E ½ 6	9	1 3	.....	1 3	1 3	1 3	1 3						
	W ½ 6	9	3 9											
	E ½ 7	9	.....	.....	1 3	1 3								
	9	9	.....	.....	1 3	1 3	1 3	1 3						
	E 12	9	.....	3 9	3 9									
	W ½ 12	9	.....	1 3	1 3									
	13	9	.....	.....	5									
	14	9	.....	.....	.....	.....	.....	3 4						
	S W ¼ 18	9	1 3	1 3	1 3	1 3	1 3							
	S ¼ 18	9	1 3	1 3	1 3	1 3	1 3							
	N W ¼ 18	9	2 6	2 6	2 6	2 6	2 6	2 6						
	19	9	5	5	5	5	5	5						
	E ½ 20	9	2 6	2 6	2 6	2 6								
	W ½ 20	9	.....	.....	2 6	2 6								
	21	9	.....	5	5	5	5	5						
	23	9	5	5	5	5	5	5						
	W ½ 24	9	2 6	2 6	2 6	2 6	2 6	2 6						
	E ½ 24	9	2 6	2 6	2 6	2 6	2 6	2 6						
	W ½ 25	9	3 9	3 9	3 9	3 9	3 9	3 9						
	E ¼ 25	9	1 3	.....	.....	1 3	1 3	1 3						
	E ¼ 26	9	.....	1 3	1 3	1 3	1 3	1 3						
	W ½ 26	9	.....	.....	.....	3 9	3 9	3 9	3 9	3 9	3 9	3 9		
	27	9	5	5	5	5	5	5						
	28	9	5	5	5	5	5	5						
	E ½ 30	9	2 6	2 6	2 6	2 6	2 6	2 6						
	31	9	5	5	5	5	5	5						
	32	9	5	5	5	5	5	5						
	34	9	.....	5	5	5	5	5	5					
	35	9	5	5	5	5	5	5						
Roxborough.....	15	1	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	E ½ 16	1	1 3	1 3	1 3	1 3								
	W ½ 16	1	.....	3 9	3 9	3 9								
	18	1	.....	5	5	5	5	5	5					
	19	1	5	5	5	5	5	5						
	20	1	.....	5	5	5	5	5	5					
	21	1	.....	.....	.....	5	5	5	5	5	5			
	22	1	5	5	5	5	2 6	2 6						
	23	1	5	5	5	5	3 9	5						
	24	1	5	5	5	5	5	5						
	25	1	5	5	5	5	5	5						
	W ½ 29	1	.....	3 9	3 9	3 9								
	E ½ 31	1	2 6	2 6	2 6	2 6	2 6	2 6						
	32	1	5	5	5	5	5	5						
	34	1	5	5	5	5	5	5						
	35	1	5	5	5	5	5	5						
	37	1	5	5	5	5	5	5						
	D.	2	.....	5	5	5	5	5	5					
	E ½ 10	2	.....	.....	2 6	2 6	2 6	2 6						
	E ½ 12	2	2 6	2 6	2 6	2 6	2 6	2 6						
	E ¼ 13	2	1 3	1 3										
	W ½ 13	2	3 9	3 9	3 9	3 9	3 9	3 9						
	E ½ 14	2	2 6	2 6	2 6	2 6	3 6	2 6						
	15	2	.....	.....	5	5	5	5						
	16	2	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	17	2	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	E ½ 19	2	2 6	2 6	2 6	2 6	2 6	2 6						
	W ½ 23	2	3 9	3 9	3 9	3 9	3 9	3 9						
	24	2	5	.....	5	5	5	5						
	25	2	.....	2 6	2 6	2 6	2 6	2 6						
	26	2	5	5	5		5							
	W ½ 27	2	3 9	3 9	3 9	3 9	.....	3 9						
	W ¼ 29	2	1 3	1 3	1 3	1 3								
	30	2	5	5	5	5								

Townships.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to 1st July. 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Roxborough,	31	2	5	5	5	5	.....	5						
	32	2	.....	.....	.....	.....	.....	3 4						
E½	36	2	1 3	1 3	1 3	1 3	1 3	1 3						
W½	36	2	3 9	3 9	3 9	3 9								
	37	2	5											
	D	3	.....	.....	.....	.....	4 5	4 5						
	B	3	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	1	3	5	5	5									
	2	3	.....	.. ...	.....		4 5	4 5						
	3	3	.....	.....	.....		4 5	4 5						
	4	3	.....	5	5	5	5	5	5					
	5	3	5	5	5	5	5	5						
	6	3	.....	5	5	5	5	5	5					
W½	7	3	.....	2 6	2 6	2 6	2 6	2 6						
	11	3	5	5	5	5	5	5						
	12	3	5	5	5	5		5						
	14	3	.....	5	5	5	5	5						
	15	3	5	5	5	5	5	5						
E½	16	3	.....	.....	2 6	2 6	2 6	2 6						
	17	3	5	5	5	5	5	5						
Wpt	18	3	2 9	2 9	2 9	2 9	2 9	2 9						
	19	3	5	5	5	5	2 7	2 7						
	21	3	5	5	5	5	5	5						
	23	3	5	5	5	5	5	5						
	24	3	5	5	5	5	5	5						
	25	3	5	.....	5	5	5	5						
	28	3	5	5	5	5								
	29	3	.....	5	5	5	5	5	5					
	30	3	5	5	5	5	5	5						
	36	3	5	5	5	5	5	5						
	37	3	5	5	5	5	5	5						
	1	4	.....	5	5	5	5	5						
	2	4	.....	.....	.....	.....	4 5	4 5						
	3	4	.....	.....	5	5	5	5	2 6					
	7	4	.....	5	5	5	5	5	5					
	8	4	5	5	5	5	5	5						
	10	4	.....	5	5	5	5	5	5					
	11	4	.....	.....	.....	.....	4 5	4 5						
	16	4	.....	5	5	5	5	5						
	18	4	5	5	5	5	5							
	19	4	.....	5	5	5	5	5	5					
	20	4	.....	5	.....	5	5	5						
	21	4	5	5	5	5	5	5						
	22	4	.....	5	5	5	5	5	5					
	23	4	.....	5	5	5	5	5	5					
	24	4	.....	5	5	5	5	5	5					
	25	4	5	5	5	5	5	5						
	28	4	5	5	5	5	5	5						
	30	4	.....	.....	5	5	5	5						
	31	4	5	5	5	5	5	5						
	37	4	5	5	5	5	5	5						
	2	5	5	5	5	5	5	2 6						
	4	5	.....	.....	5	5	5	5						
	5	5	.....	2 6	2 6	.....	5	5						
	8	5	5	5	5	5	5	5						
	9	5	5	5	5	5	5	5						
	11	5	.....	5	5	5	5	5						
W½	12	5	.....	2 6	2 6	2 6	2 6	2 6						
	14	5	5	5	5									
	15	5	.....	5	5	5	5	5						
	16	5	5	5	5	5	5	5						
	21	5	5	5	5	5	5							
	22	5	5	5	5	5	5	5						
	24	5	5	5	5	5	5	5						
	25	5	.....	5	5	5								
	27	5	5	5	5	5	5	5						
	28	5	.....	.....	5	5	.....	5	5					
	29	5	5	5	5	5	.....	5						
	30	5	5	5	5	5	.....	5						
	31	5	5	5	5	5	.....	5						
	32	5	5	5	5	5	5	5						
	33	5	5	5	5	5	5	2 6						
	34	5	5	5	5	5	5	5						
E½	35	5	.....	.....	2 6	2 6	2 6	2 6						
	36	5	5	5	5	2 6	2 6	2 6						
	3	6	5	5	5	5								
	4	6	.....	.....	.....	.....	.....	3 4	5	5	5	5		
	5	6	5	5	5	5	5	5						
	9	6	5	5	5	5	1 3	1 3						
	10	6	.....	5	5	5	5	5						

Township.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to the 1st July 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Roxborough.....	11	6	5	5	5	5	5	5						
	12	6	5	5	5	5	5	5						
	14	6	5	5	5	5	5	5						
	15, 16	6	10	10	10	10	10	10						
	17	6	5	5	5	5	5	5						
	18	6	5	5	5	5	5	5						
	20	6	5	5	5	5	5	5						
	21	6	5	5	5	5	5	5						
	22	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	24	6	5	5	5	5	5	5						
	25	6	5	5	5	5	5	5						
	27	6	5	5	5	5								
	28	6	.....	5	5	5	5	5						
	29	6	5	5	5	5	5	5						
	30	6	5	5	5	5	5	5						
	31	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	32	6	.....	.....	.....	.....	.....	3 4	5	5		5	5	
	33	6	.....	.....	.....	.....	4 5	4 5	5	5	5	5		
The remainder of this Township is Clergy and Crown Lands.	34	6	5	5	5	5	5	5						
	35	6	5	5	5	5	5	5						
	36	6	2 6	2 6	2 6	2 6	5	5						
	37	6	5	5	5	5	5	5						
Osnabruck.....	W. ½ 34	1	.....	2 6										
	W. ½ 35	1	.....	.....	2 6									
	E. ½ 36	1	.....	2 6	2 6	2 6	2 6	2 6						
	37	2	.....	.....	5	5	5							
	E. ½ 5	3	.....	2 6										
	W. ½ 12	3	.....	.....	2 6	2 6	2 6							
	E. ½ 23	3	2 6	.....	.....	.....	.....	2 6						
	24	3	.....	5										
	W. ½ 25	3	.....	2 6	2 6	2 6	2 6							
	E. ½ 25	3	.....	2 6										
	E. ½ 27	3	.....	2 6	2 6	2 6								
	W. ½ 27	3	.....	.....	2 6	2 6								
	E. ½ 28	3	2 6	2 6	.....	.....	.....	2 6						
	31	3	.....	.....	5	5								
	35	3	5	5	2 6	2 6	2 6							
	36	3	2 6											
	1	4	.....	.....	5									
	3	4	.....	2 6	2 6									
	12	4	.....	5	5									
	13	4	.....	.....	5	5								
	26	4	.....	5										
	31	4	5	5	5	5	5	5						
	2	5	.....	5										
	27	5	5	5	5	5								
	28	5	.....	.....	.....	.....	.....	3 4						
	31	5	.....	.....	.....	.....	.....	3 4	5	5	.....	5	5	
	E. ½ 32	5	.....	.....	2 6	2 6	2 6	2 6						
	W. ½ 30	5	.....	2 6	2 6	2 6	2 6	2 6						
	E. ½ 33	5	2 6	.....	2 6	2 6	2 6	2 6						
	36	5	5	5	5	5	5	5						
	E. ½ 4	6	.....	.....	.....	.....	.....	1 8						
	W. ½ 12	6	.....	.....	3 9	3 9	3 9							
	W. ½ 13	6	.....	.....	2 6	2 6	2 6							
	18	6	.....	.....	.....	5	5	5	5	5	5			
	20	6	.....	.....	.....	5	5	5	5	5	5			
	W. ½ 21	6	.....	2 6	2 6	2 6	2 6	2 6						
	23	6	5	5	5	5	5							
	24	6	5											
	25	6	5	5	5	5	5							
	26	6	5	5	.....	.....	.....	5						
	27	6	.....	.....	.....	5	.....	.....	.....	.....	5	5		
	28	6	5	5	5	5	5	5						
	29	6	.....	.....	.....	.....	.....	3 4						
	30	6	5	5	5	5		5						
	31	6	.....	.....	5	5	5	5	5	5				
	W. ½ 32	6	.....	2 6	2 6	2 6	2 6	2 6						
	33	6	.....	2 6	2 6	2 6			5					
	34	6	.....	2 6	2 6	2 6	2 6	2 6						
	35	6	.....	2 6	2 6	2 6	2 6	2 6						
	37	6	5											
	4	7	.....	.....	5	5	5	5						
	5	7	5	5										
	6	7	5	5	5	5	5	5						
	8	7	.....	.....	2 6	2 6	2 6							
	9	7	5	.....	3 9									
	13	7	5											
	14	7	5											
	15	7	5	5	5	5	5	5						

Townships.	Lots:	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to 1st July. 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Osnabruck,	18	7	.....	.....	.....	.....	.....	3 4						
	19	7	.....	.....	5	.....	.....	.....	.....	5				
	23	7	.....	5	5	5	.....	5						
	24	7	5	5	5	5	.....	5						
	26	7	5	5	5	5	5	5						
	27	7	.....	5										
	28	7	.....	2 6	.....	2 6	5							
	30	7	.....	5	5	5								
	31	7	.....	5	.....	.....	.....	5						
	33	7	.....	.....	5	5								
	34	7	.....	5	5	5	.....	5						
	35	7	5	5	5	5	5	5						
	36	7	.....	5	.....	.....	.....	5						
	37	7	5	5	5	5	5							
	1	8	5											
	4	8	5	5	5	5	5							
	5	8	.....	.....	.....	5	5	5	5	5	5			
	8	8	5											
	9	8	.....	.....	.....	5	5	.....	5	5	5			
	13	8	5	5	5	5								
	17	8	.....	.....	.....	.....	.....	3 4	5	5	5	5		
	18	8	.....	.....	.....	.....	.....	3 4						
	19	8	5	5	5	5	5							
	20	8	5		5	5								
	31	9	.....	.....	.....	5	5	5						
Finch,	3	1	5	5	5	5	5	5						
	E ½ 4	1	2 6	2 6	2 6	2 6	2 6							
	5	1	5	5	5	5	5	5						
	E½ 6	1	2 6	2 6	2 6	2 6	2 6	2 6						
	7	1	5	5	5	5	5	5						
	8	1	5	5	5	5	5	5						
	10	1	.....	5	5	5	5	5						
	S ½ 11	1	2 6	2 6	2 6	2 6	2 6	2 6						
	12	1	5	5	5	5	5	5						
	13	1	.....	.....	.....	.....	.....	5	5	5	5	5	5	
	14	1	5	5	5	5	5	5						
	1	2	.....	5	5	5	5	5						
	4	2	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	S ½ 5	2	2 6	2 6	2 6	2 6	2 6	2 6						
	11	2	5	5	5	5	5	5						
	13	2	5	5	5	5	5	5						
	14	2	.....	5	5	.....	.....	.....	5					
	18	2	5	5	5	5	5	5						
	23	2	5											
	24	2	.....	.....	5	5	5	5						
	1	3	.....	5	5	5	5	5						
	3	3	.....	5	5	5	5	5	5					
	5	3	5	5	5	5	5	5						
	6	3	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	7	3	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	8	3	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	10	3	.....	.....	5									
	S ½ 12	3	3 9	3 9	3 9	3 9	3 9	3 9						
	SE¼ 13	3	.....	.....	.....	3 9	3 9	3 9	3 9	3 9	3 9			
	14 }	3	.....	.....	.....	10	10	10	10	10	10			
	15 }													
	18	3	.....	.....	.....	5	5	5	5	5	5			
	19	3	5	5	5									
	6	4	.....	5	5	5	5	5	5					
	7	4	.....	.....	5	5	5	5	5	5				
	8	4	.....	.....	5	5	5	5	5					
	9	4	.....	.....	5	5	5	5						
	11	4	5	5	5	5	5	5						
	N ½ 12 }	4	5	5	5	5	5	5						
	S ½ 13 }													
	14	4	5	5	5	5	5	5						
	15	4	.....	2 6	2 6	5	5	2 6						
	16	4	5	5	5	5	5	5						
	18	4	5	5	5	5								
	1	5	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	3	5	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	5	5	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	6	5	.....	5	5	5	5	5	5					
	S ½ 11	5	.....	5	5	5	5	5	5					
	12	5	.....	5	5	5	5	5	5					
	13	5	.....	5	5	5	5	5	5					
	14	5	.....	5	5	5	5	5	5					
	15	5	.....	.....	.....	5	5	5		5	5			
	17	5	5	5	5	5	5	5						
	18	5	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	

Township.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to the 1st July 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Finch,	19	5	5	5	5	.....	5	5						
	20	5	5	.....	.....	.....	.....	2 6						
	S. ½ 21	5	2 6	2 6	.....	.....	.....	2 6						
	24	5	5	5	5	5	5	5						
	1	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	2	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	4	6	.....	.....	.....	5	5	5	5	5	5			
	6	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	7	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	8	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	9	6	5	5	5	5	5	5						
	11	6	.....	.....	.....	5	5	5	5	5	5			
	12	6	.....	.....	.....	5	5	5	5	5	5			
	13	6	.....	.....	.....	5	5	5	5	5	5			
	16	6	5	5	5	5	5	5						
	19	6	5	5	5	5	5	5						
	21	6	5	5	5	5	5	5						
	24	6	.....	.....	.....	.....	5	5	5	5				
	5	7	.....	.....	5	5	4 5	4 5	5	5	5	5		
	7	7	5	5	5	5	5	5						
	10	7	5	5	5	5	5	5						
	12	7	.....	.....	.....	5	5	5	5	5	5			
	13	7	.....	5	.....									
	14	7	5	5	5	5	5	5						
	15	7	5	5	5									
	17	7	5	5	5	5	5	5						
	18	7	5	5	5	5	5	5						
	19	7	5	5	5	5	5	5						
	20	7	5	5	5	5	5	5						
	22	7	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	24	7	5	5	5	5	5	5						
	2	8	5	.....	5	5	5	5						
	6	8	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	7	8	.....	.....	.....	.....	.....	3 4	2 6	5	5	5	5	
	9	8	.....	.....	.....	5	5	5	5	5	5			
	12	8	.....	.....	.....	5	5	5	5	5	5			
	13	8	.....	.....	.....	5	5	5	5	5	5			
	16	8	.....	.....	.....	5	5	5	5	5	5			
	18	8	5	5	5	5	5	5						
	19	8	.....	5	5	5	5	5	5					
	S. ½ 20	8	.....	.....	.....	2 6	2 6	2 6	2 6	2 6	2 6	2 6		
	21	8	5	5	5	5	5	5						
	23	8	.....	.....	5	5	5	5	5	5				
	24	8	5	.....	.....	5	5	5						
	1	9	.....	5	5	5	5	5	5					
	3	9	5	5	5	5	5	5						
	5	9	.....	.....	5	5	5							
	6	9	.....	.....	.....	5	5	5	5	5	5			
	8	9	5	5	5	5	5	5						
	12	9	.....	.....	.....	5	.....	5	5	5	5			
	S. ½ 13	9	.....	.....	.....	2 6	2 6	2 6	2 6	2 6	2 6	2 6		
	14	9	5	5	5	5	5	5						
	15	9	5	5	5	5	5	5						
	17	9	5	5	5	5	5	5						
	18	9	5	5	5	5	5	5						
	19	9	.....	5	5	5	5	5	5					
	22	9	5	5	5	5	5	5						
	24	9	5	5	5	5	5	5						
	1	10	.....	.....	.....	.....	4 5	3 9	5	5	5	5		
	2	10	.....	.....	.....	.....	4 5	4 5	5	5	5	5		
	4	10	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	6	10	5	5	5	5	5	5						
	7	10	.....	.....	.....	5	5	5	5	5	5			
	8	10	.....	.....	.....	5	5	5	5	5	5	5		
	9	10	5	.....	5	5	5	5						
	11	10	5	5	5	5	5	5						
	13	10	.....	.....	.....	5	5	5						
	14	10	5	5	5	5	5	5						
	16	10	5	5	5	5	5	5						
	18	10	5	5	5	5	5	5						
	23	10	.....	.....	.....	5	5	5	5	5	5			
	1	11	.....	.....	.....	.....	4 5	4 5						
	3	11	5	5	5	5	5	5						
	6	11	5	5	5	5	5	5						
	8	11	.....	5	5	5	5	5						
	10	11	.....	.....	.....	5	5	5	5	5	5			
	12	11	.....	.....	.....	5	5	5	5	5	5			
	13	11	.....	.....	.....	5	5	5	5	5	5			
	14	11	.....	.....	.....	5	5	5	5	5	5			
	15	11	.....	.....	.....	5	5	5	5	5	5			
	1	12	.....	5	5	5	5	5	5					

Townships.	Lot.	Con.	Amount due yearly on the 1st July.						Rates paid to the Treasurer previous to 1st July.					
			1829	1830	1831	1832	1833	1834	1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Finch,	2	12	.....	.....	.....	.....	.....	3 4	.....	5	.....	5	5	
	4	12	5	5	5	5	5	5						
	5	12	5	5	5	5	5	5						
	6	12	5	5	5	5	5	5						
	7	12	5	5	5	5	5	5						
	8	12	.....	.....	.....	5	5	5	5	5	5			
Williamsburgh,	W ½ 9	1	.....	2 6										
	W ½ 22	1	.....	2 6										
	38	1	.....	1 3	1 3	1 3	.....	1 3						
	1	2	5	5	5	5	5							
	E ½ 2	2	2 6	2 6										
	E ½ 3	2	.....	.....	.....	.....	.....	1 8						
	6	2	.....	.....	.....	.....	.....	3 4						
	E ½ 10	2	.....	.....	.....	.....	.....	1 8						
	W ½ 11	2	.....	.....	.....	.....	.....	1 8	.....	2 6	2 6	2 6	2 6	
	E ½ 12	2	.....	.....	.....	.....	.....	1 8	.....	.....	2 6	2 6	2 6	
	W ½ 12	2	.....	.....	.....	.....	.....	1 8						
	W ½ 13	2	.....	.....	.....	.....	.....	1 8						
	E ½ 14	2	2 6	2 6	2 6	2 6	2 6	2 6						
	W ½ 14	2	2 6	2 6										
	15	2	.....	5	2 6									
	16	2	.....	5	5	5	.....	5						
	17	2	.....	5	.....	.....	.....	5						
	E ½ 19	2	.....	.....	2 6	2 6	2 6							
	W ½ 19	2	.....	.....	.....	.....	.....	1 8						
	E ½ 20	2	.....	.....	.....	.....	.....	1 8						
	E ½ 23	2	.....	2 6										
	E ½ 25	2	.....	.....	2 6	2 6	2 6							
	E ½ 27	2	.....	.....	.....	2 6								
	W ½ 27	2	.....	2 6	2 6	2 6	.....							
	8	3	5	5	5	5	5	5						
	9 }	3	.....	7 6	7 6	7 6	7 6	7 6						
	W pt 10 }	3	.....	.....	.....	.....	.....	3 4						
	11	3	.....	.....	.....	.....	.....	3 4						
	13	3	.....	.....	.....	.....	.....	5						
	21	3	.....	5	5	5	.....							
	23	3	5	5										
	W ½ 25	3	.....	.....	2 6	.....	.....	1 8						
	W ½ 28	3	.....	.....	.....	.....	.....	1 8						
	30	3	.....	.....	5	5	5	5						
	33	3	.....	5	5	5								
	35	3	.....	5	5	5	.....	5						
	37	3	.....	.....	.....	5	.....	.....	5	5	5			
	2	4	.....	.....	5	5	5	5	5	5				
	6	4	5	5	5	5	5	5						
	17	4	.....	5	5	5	5	5						
	23	4	.....	.....	5	5								
	1	5	5	5	5	5	5	5						
	2	5	5	.....		.....	.....	5						
	3	5	.....	5	5	5	5	5						
	W ½ 4	5	.....	2 6	2 6	2 6	2 6	2 6						
	E ½ 5	5	.....	1 3	1 3	1 3	1 3	1 3						
	6	5	5	.....	.....	.....	.....	5						
	E ½ 9	5	1 3	.....	.....	.....	.....	1 3						
	10	5	5	5										
	12	5	.....	5	5	5								
	13	5	.....	.....	.....	.....	.....	3 4						
	14	5	.....	.....	5	5								
	15	5	.....	.....	.....	.....	.....	3 4						
	17	5	5	5	5	5	5	5						
	20	5	.....	5	5	5								
	21	5	.....	5	5	5	5							
	23	5	5	5	5	5	5							
	E ½ 24	5	.....	.....	2 6	2 6	2 6							
	1	6	5	5	5	5	5	5						
	7	6	5	5	5	5	5	5						
	8	6	5	5	5	5	5	5						
	9	6	5	5	5	5	5	5						
	11	6	.....	.....	.....	.....	.....	3 4						
	12	6	.....	.....	.....	.....	.....	3 4						
	13	6	.....	.....	.....	.....	.....	3 4						
	15	6	.....	.....	5	5	.....	5						
	16	6	5	.....	5	5	.....	5						
	20	6	.....	.....	5	5								
	34	6	.....	.....	5	5								
	1	7	5	5	5	5	5							
	2	7	.....	5	5	5	5	5						
	4	7	5	5	5									
	5	7	5	5	.....	.....	.....	5						
	6	7	5	5	5	5	5	5						

Township.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to 1st July. 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Williamsburgh.....	37	7	3 9	3 9	3 9	3 9	3 9	3 9						
	10	7	5	5	5	5	5	5						
	25	7	5	5	5	5	5	5						
	26	7	.....	5	.....	5	5							
	27	7	.....	5	5	5	5							
	29	7	.....	5	5	5	5	5						
	30	7	.....	.....	.....	.....	.....	3 4						
	31	7	.....	.....	5	5	.....	5						
	32	7	.....	5	5	5	5	5						
	33	7	.....	5	5	5	5							
	34	7	.....	5	5	5	5	5						
	36	7	.....	.....	.....	.....	.....	3 4						
	37	7	.....	.....	.....	.....	.....	3 4						
	29		5	5	5	5	5							
	30	8	5	5	5	5	5	5						
	31	8	5	5	5	5	5	5						
	32	8	5	5	5	5	5	5						
	33	8	5	5	5	5	5	5						
	34	8	5	5	5	5	5	5						
	35	8	5	5	5	5	5	5						
	[illegible]	8	5	5	5	5	5	5						
	[illegible]	8	5	5	5	5	5	5						
Winchester.....	1	1	.....	5	5	5	5	5	5					
	3	1	.....	5	5	5	5	5	5					
	5	1	.....	5	5	5	5	5	5					
	6	1	5	5	5	5	5	5						
	7	1	5	5	5	5	5	5						
	8	1	5	5	5	5	5	5						
	10	1	.....	.....	5	5	5	5	5	5				
	E. ½ 17	1	2 6	2 6	2 6	2 6	2 6							
	18	1	5	5	5	5	5	5						
	19	1	.....	.....	.....	.....	3 11½	3 11½	1 8½	1 8	1 8	1 8		
	20	1	5	5	5	5	5	5						
	22	1	.....	5	5	5	5	5						
	24	1	.....	5	5	5	5	5						
	1	2	5											
	2	2	5											
	4	2	5	5	5	5	5	5						
	7	2	5	5	5	5	5	5						
	6	2	5	5	5	5	5	5						
	8	2	5	5	5	5	5	5						
	9	2	.....	5	5	5	5	5	5					
	½ 11	2	2 6	2 6	2 6	2 6	2 6							
	E. ½ 16	2	2 6	2 6	2 6	2 6	2 6	2 6						
	18	2	.....	5										
	21	2	5	5	5	5	5	5						
	1	3	5	5	5	5	5	5	5	5	5			
	3	3	.....	.....	.....	5	5	5						
	5	3	5	5	5	5	5	5						
	6	3	.....	5	5	5	5	5	5					
	½ 7	3	2 6	2 6	2 6	2 6	5	5	2 6	2 6	2 6	2 6		
	8	3	5	5	5	5	5	5						
	12	3	5	5	5	5								
	17	3	5											
	18	3	.....	5	5									
	19	3	.....	5	5			5						
	24	3	.....	2 6	2 6	5	5	5						
	1	4	5	5	5	5	5	5						
	2	4	5											
	6	4	5	1 3	1 3	5	5	5						
	E. ½ 7	4	.....	1 3	1 3	1 3	1 3	1 3	1 3					
	11	4	5	5	5	5	5	5						
	12	4	.....	.....	.....	5	5	5	5	5	5			
	13	4	.....	.....	.....	5	5	5	5	5	5			
	14	4	5	5	5	.....	5							
	16	4	5	5	5	5								
	172 of 21	4	4 4½	4 4½	4 4½	4 4½	4 4½	4 4½						
	23	4	5	5	5	5	5	5						
	172 of 24	4	4 4½	4 4½	4 4½	4 4½	4 4½	4 4½						
	1	5	5	5	5	5	5	5						
	3	5	5	5	5	5	5							
	5	5	5											
	6	5	.....	.....	5	5	5	5	5					
	½ 7	5	2 6	2 6	2 6	2 6	2 6	2 6						
	10	5	5	5	5	5	5	5						
	14	5	.....	5	5	5	5	5						
	15	5	.....	5	5	5	5	5						
	17	5	.....	5	5	5	.....	.....	5					
	18	5	.....	5	5	5	.....	.....	5					
	19	5	5	5	5									
	20	5	5	5	5	5	5	5						

Township.	Lot.	Con.	Amount due yearly on the 1st July.						Rates paid to the Treasurer previous to the 1st July					
			1829	1830	1831	1832	1833	1834	1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Winchester, ...	22	5	.....	5	5	5	5	5	5					
	24	5	.....	5	5	5	5	5	5					
	1	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	2	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	4	6	5	5	5	5	5	5						
	9	6	.....	5	5	5	5	5	5					
	11	6	5	5	5	5	5	5						
	12	6	.....	.....	.....	5	5	5	5	5	5			
	13	6	.....	.....	5	5	5	5	5	5				
	14	6	.....	.....	5	5	5	5	5	5				
	16	6	.....	.....	.....	5	5	5	5	5	5			
	18	6	.....	.....	.....	5	5	5	5	5	5			
	21	6	.....	5	5	5	5	5	5					
	23	6	.....	.....	.....	5	5	5	5	5	5			
	24	6	.....	.....	.....	.....	4 5	4 5	5	5	5	5		
	1	7	.....	.....	.....	.....	4 5	4 5	.....	.....	5	5		
	6	7	.....	.....	.....	.....	4 5	4 5						
	7	7	.....	.....	.....	.....	4 5	4 5						
	10	7	5	5	5	5	5	5						
	12	7	5	5	5	5	5	5						
	13	7	5	5	5	5	5	5						
	14	7	5	5	5	5	5	5						
	15	7	5	5	5	5	5	5						
	17	7	5	5	5	5	5	5						
	18	7	5	5	5	5	5	5						
	19	7	5	5	5	5	5	5						
	20	7	.....	5	5	5	5	5	5					
N ½	24	7	2 6	2 6	2 6	2 6	2 6	2 6						
	2	8	5	5	5	5	5	5						
	4	8	.....	.....	.....	5	5	5	5	5	5			
E ½	7	8	2 6	2 6	2 6	2 6	2 6	2 6						
	8	8	5	5	5	5	5	5						
	9	8	5	5	5	5	5	5						
	14	8	5	5	5	5	5	5						
	21	8	5	5	5	5	5	5						
	23	8	5	5	5	5	5	5						
	24	8	5	5	5	5	5	5						
	1	9	5	5	5	5	5	5						
	3	9	5	5	5	5	5	5						
	6	9	5	5	5	5	5	5						
	10	9	.....	.....	.....	5	5	5	5	5	5			
	12	9	5	5	5	5	5	5						
	13	9	.....	5	5	5	5	5						
N ½	14	9	.....	.....	.....	.....	2 2½	2 2½	2 6	2 6	2 6	2 6		
S ½	14	9	2 6	2 6	2 6	2 6	2 6	2 6						
	15	9	.....	5	5	5	5	5	5					
	18	9	.....	.....	.....	.....	4 5	4 5	5	5	5	5		
	19	9	5	5	5	5	5	5						
	20	9	.....	.....	.....	5	5	5	5	5	5			
	1	10	.....	.....	5	5	5	5						
	2	10	5	5	5	5	5	5						
	4	10	.....	.....	.....	.....	.....	3 4						
	11	10	.....	.....	5	5	5	5						
	12	10	.....	.....	.....	.....	5	5	5	5	5	5		
	13	10	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	14	10	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	16	10	5	5	5	5	5	5						
	19	10	.....	.....	.....	.....	4 5	4 5	.....	.....	5	5		
	21	10	5	5	5	5	5	5						
	23	10	5	5	5	5	5	5						
	24	10	5	5	5	5	5	5						
	5	11	5	5	5	5	5	5						
	6	11	5	5	5	5	5	5						
	14	11	5	5	5	5	5	5						
	15	11	.....	.....	.....	5	5	5	5	5	5			
	19	11	.....	.....	5	5	5	5						
	20	11	.....	.....	5	5	5	5						
	22	11	.....	.....	.....	5	5	5	5	5	5			
S ½	24	11	2 6	2 6	2 6	2 6	2 6	2 6						
	1	12	.....	5	5	5	5	5						
	4	12	.....	.....	.....	.....	.....	3 4						
	11	12	5	5	5	5	5	5						
	12	12	5	5	5	5	5	5						
	13	12	5	5	5	5	5	5						
	14	12	5	5	5	5	5	5						
	18	12	5	5	5	5	5	5						
	19	12	5	5	5	5	5	5						
	21	12	5	5	5	5	5	5						
	23	12	.....	.....	.....	5	5	5	5	5	5			
	24	12	5	5	5	5	5	5						

Townships.	Lots.	Con.	Amount due yearly on the 1st July.						Rates paid to the Treasurer previous to 1st July.					
			1829	1830	1831	1832	1833	1834	1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Mountain		1	5	5	5	.....	5	5					5	
	5	1	.....	.....	.....	.....	4 5							
	6	1	.....	.....	.....	.....	4 5							
	7	1	5	5	5	5	.....	5						
	8	1	.....	.....	5	.....	5	.....	5	5				
E. ½	10	1	2 6	2 6	2 6	2 6	.....	2 6						
	14	1	.....	5	5	5	5	5	5					
	15	1	.....	5	5	5	5	5	5					
	19	1	.....	5	5	5								
	20	1	.....	5	5	5	5	5						
	24	1	5	5	5	5	5	5						
	1	2	5	5	.....	.....	5							
	2	2	5	5	.....	.....	5							
	4	2	5	5	5	5	5	5						
W. ½	6	2	2 6	2 6										
E. ½	6	2	2 6	2 6										
	7	2	.....	5										
W. ½	9	2	2 6	2 6										
	11	2	.....	5										
W. ½	12	2	.....	1 3										
	14	2	.....	2 6	.....	.....	.....	5						
	18	2	.....	5	5	5	5	5	5					
	19	2	.....	5	5	5	5	5	5					
	21	2	.....	5	5	5	5	5	5					
	23	2	.....	5	5	5	5	5	5					
	24	2	5	5	5	5	5	5						
	1	3	5	5	5	5	5	5						
	3	3	5	5										
	5	3	5	5	5	5	5	5						
	10	3	.....	.....	.....	.....	4 5							
	14	3	.....	5	5	5	5	5	5					
	15	3	.....	5	5	5	5	5	5					
	17	3	5	.....	.....	.....	.....	5						
	19	3	.....	5	5	.....	5							
	20	3	.....	5	5									
W. ½	22	3	.....	2 6	2 6	2 6	2 6	2 6	2 6					
W. ½	24	3	2 6	2 6	2 6	2 6	2 6	2 6						
	1	4	5	5	5	5	5	5						
	4	4	5	5	5	5	5	5						
	6	4	5											
	7	4	5	5	5	5	5	5						
	8	4	5											
	11	4	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	12	4	.....	5	5	5	5	5						
	13	4	.....	.....	.....	.....	4 5							
	14	4	.....	5	5	5								
	16	4	.....	5										
	18	4	.....	.....	.....	.....	.....	3 4						
	24	4	.....	5	5	5	5	5						
	1	5	.....	5	5									
	3	5	.....	.....	.....	5	5	5	5	5	5			
	5	5	5	5	5	5	5	5						
	6	5	5	5	5	5	5	5						
	7	5	5	5	5	5	5	5						
	8	5	5	5	5	5	5	5						
E. ½	10	5	2 6	2 6										
	12	5	.....	5	5	5								
	13	5	.....	5	5									
	14	5	.....	.....	.....	5	5	5	5	5	5			
	15	5	.....	5	5	5	.....	5						
	17	5	.....	5	.....	.....	5	.....						
E. ½	19	5	2 6	2 6	2 6	2 6	2 6	2 6						
E. ½	20	5	2 6	2 6	2 6	2 6	2 6	2 6						
E. ½	22	5	.....	2 6	2 6	.....	.....	2 6						
	24	5	5	5	5	5	5	5						
	4	6	5	2 6										
	6	6	5	5	5	5	5	5						
	7	6	5	5	5	5	5	5						
	8	6	5	5	5	5	5	5						
	9	6	5	5	5	5	5	5						
	12	6	5	5	5	.....	.....	5						
	13	6	5	5	5									
	14	6	.....	.....	.....	5	5	5	5	5	5			
	16	6	5											
	18	6	5	5	5	5	5	5						
	19	6	5	5	5	5	5	5						
	3	7	5	5	5									
	7	7	5	5										
	8	7	5	5										
	12	7	.....	.....	.....	5	5	5	5	5	5			

Township.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to the 1st July 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Mountain,	13	7	5	5	5	5	5	5						
	14	7	5	5	5	5	5	5						
	15	7	5	5	5	5	5	5						
	17	7	.....	5	5	5	.....							
	18	7	.....	5	5	5	.....							
	22	7	5	5	5	5	5	5						
	24	7	5	5	5	5	5	5						
	S ½ 1	8	2 6	2 6	2 6	2 6		2 6						
	2	8	5											
	6	8	.....	.....	5	5	.....	.....	5	5				
	7	8	5	5	5									
	10	8	5											
	12	8	5	5	5	5	5	5						
	13	8	5	5	5	5	5	5						
	14	8	5	5	5	5	5	5						
	16	8	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	18	8				5	5	5	5	5	5			
	19	8	2 6	2 6	2 6	5	5	5						
	21	8	5	5	5	5	5	5						
	23	8	.....	.....	.....	5	5	5	5	5	5			
	1	9	.....	.....	.....	.....	4 5	4 5						
	6	9	5	5	5	5	5	5						
	7	9	5	5	5	5	5	5						
	8	9	5	5	5	5	5	5						
	10	9	5	5	5	5	5	5						
	12	9	5	5	5	5	5	5						
	W ½ 13	9	.....	.....	.....	.....	5	.....	2 6	2 6	2 6			
	17	9	.....	.....	.....	5	5	5	5	5	5			
	18	9	5	5	5	5	5	5						
	19	9	5	5	5	5	5	5						
	20	9	.....	.....	5	5	5	5	5	5				
	22	9	5	5	5	5	5	5						
	24	9	5	5	5	5	5	5						
	1	10	.....	.....	.....	5	5	5	5	5	5			
	2	10	5	5	.....	.....	5	5						
	6	10	5	5	5	5	5	5						
	7	10	5	5	.....									
	8	10	.....	.....	.....	5	5	5	5	5	5			
	9	10	.....	.....	.....	5	5	5	5	5	5			
	11	10	.....	.....	.....	5	5	5	5	5	5			
	12	10	.....	.....	.....	5	5	5	5	5	5			
	13	10	5	5	5	5	5	5						
	14	10	.....	.....	.....	5	5	5	5	5	5			
	16	10	.....	.....	.....	5	5	5	5	5	5			
	18	10	.....	.....	.....	5	5	5						
	19	10	.....	.....	.....	5	5	5						
	21	10	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	24	10	5	5	5	5	5	5						
	1	11	5	5	5	5	5	5						
	3	11	5	5	5	5	5	5						
	6	11	5	.....	.....	.....	5	5						
	7	11	5	5	5	5	5	5						
	8	11	.....	.....	.....	5	5	5	5	5	5			
	10	11	.....	.....	.....	5	5	5	5	5	5			
	12	11	.....	5	5	5	5	5						
	13	11	5	5	5	5	5	5						
	17	11	.....	.....	.....	5	5	5	5	5	5			
	18	11	5	5	5	5	5	5						
	19	11	.....	.....	.....	5	5	5	5	5	5			
	20	11	.....	.....	.....	5	5	5	5	5	5			
	22	11	5	5	5	5	5	5						
	24	11	.....	.....	.....	5	5	5	5	5	5			
	1	12	.....	.....	.....	5	5	5	5	5	5			
	2	12	.....	.....	.....	5	5	5	5	5	5			
	4	12	5	5	5	5	5	5						
	6	12	5											
	7	12	5	5										
	8	12	5	5	5	5	5	5						
	9	12	.....	.....	.....	5	5	5	5	5	5			
	11	12	.....	.....	.....	5	5	5	5	5	5			
	12	12	5	5	5	5	5	5						
	13	12	5	5	5	5	5	5						
	14	12	.....	.....	.....	5	5	5	5	5	5			
	16	12	.....	.....	.....	5	5	5	5	5	5			
	18	12	5	5	5	5	5	5						
	19	12	.....	.....	.....	5	5	5	5	5	5			
	23	12	.....	.....	.....	5	5	5	5	5	5			
	A	1	.....	5	5	5	5	5						
Matilda	W ½ 14	1	2 6											
	24	1	.....	.....	5									

Township.	Lot.	Con.	Amount due yearly on the 1st July. 1829	1830	1831	1832	1833	1834	Rates paid to the Treasurer previous to the 1st July 1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Peninsula, or Broken Tract		front of 1st	1 3	1 3	.....	.....	1 3	1 3						
	24 } 25 }	2	.....	2 6	2 6	2 6	2 6	2 6						
	B or 26		.....	5										
	E ½ C or 27		.....	2 6										
	W ½ 27		.....	2 6										
	E ½ D or 28		.....	2 6										
	F or 30		.....	.....	.....	5	5							
	I or 33		.....	.....	5									
	E ½ K or 34		.....	2 6										
	E ½ L or 35		.....	.....	2 6	2 6	2 6							
	3		.....	5	5	.....	.....	5						
	4		.....	.....	.....	.....	4 5							
	5		.....	.....	.....	.....	4 5							
	6		.....	.....	5	.....	5							
	7		.....	.....	.....	.....	4 5							
	9		.....	.....	2 6	.....	5							
	10		.....	.....	.....	.....	4 5							
	11		.....	.....	.....	.....	4 5							
	12		.....	.....	.....	.....	4 5							
	13		.....	.....	.....	.....	4 5							
	E ½ 14		.....	.....	2 6	2 6	2 6							
	E ½ 15		2 6	2 6	2 6	2 6								
	W ½ 15		.....	2 6										
	Lr ½ 17		.....	2 6										
	W ½ 18		.....	.....	2 6									
	20		5											
	21		2 6	5	5	5	.....	5						
	22		5	5	.....	.....	.....	5						
	W ½ 23		2 6	.....	2 6	2 6	.....	.....	2 6	2 6	2 6			
	31		.....	.....	.....	5	5	.....	5	5	5			
	3		.....	.....	.....	5	5							
	W ½ 4		.....	.....	2 6	2 6	.....	2 6						
	6		.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	7		.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	9		.....	.....	5	5								
	13		.....	.....	.....	.....	4 5	4 5	5	5	5	5		
	14		5	5	5	5	5	5						
	E ½ 20		2 6											
	23		5	5	5	5								
	29		5	5	5	5	.....	5						
	½ 30		2 6	.....	.....	2 6	5	5						
	32		.....	.....	5	5								
	½ 34		2 6	2 6	2 6	2 6	2 6	2 6						
	35		5	5	5	5	5	5						
	36		5	5	5	5	5	5						
	W ½ 37		2 6	2 6	2 6	2 6	2 6	2 6						
	1		5	5	5	5	5	5						
	2		5	5	5	5	5	2 6						
	3		5	5	5	5	5	2 6						
	5		2 6	2 6	2 6	5								
	7		.....	.....	.....	5	5	.....	5	5	5			
	8		.....	5	5	5	5	5	5					
	13		5	5	5	5	5	5						
	16		5	5	5	5	5	5						
	17		.....	5										
	W ½ 22		2 6	2 5	2 6	2 6	2 6	2 6						
	23		5	5	5	5	5	5						
	24		5	5	5	5	5	5						
	25		5	5	5	5	5	5						
	26		.....	5	5	5								
	27		.....	5	5	5	5	5						
	28		.....	5	.....	.....	.....	5						
	29		.....	.....	5	.....	.....	5	5					
	32		.....	.....	.....	.....	4 5	4 5	.....	5	5	5	5	
	33		.....	.....	.....	5	5	5	.....	.....	5	5		
	35		.....	.....	.....	5	5	5	.....	5	5	5		
	36		.....	.....	.....	5	5	5	.....	5	5	5		
	37		.....	.....	.....	5	5	5	.....	5	5	5		
	2	5	5	.....	5	5	5	5	.....	5	5	5		
S ½	3	5	.....	2 6	2 6	2 6								
N W ½	3	5	.....	1 3	1 3	1 3	.....	1 3						
	5	5	.....	5	5	5	5	5	5					
	6	5	5	5	5	5	5	5						
	7	5	5	.....	.....	.....	.....	5						
N ½	9	5	.....	2 6	.....	.....	.....	2 6						
W ½	10	5	3 9	3 9	3 9	.....	.....	3 9						
E ½	10	5	1 3	1 3	.....	.....	.....	1 3						
N ½	11	5	.....	.....	2 6									
W ½	12	5	.....	.....	2 6									

Township.	Lot.	Con.	Amount due yearly on the 1st July.						Rates paid to the Treasurer previous to 1st July.					
			1829	1830	1831	1832	1833	1834	1829	1830	1831	1832	1833	1834
			s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Peninsula, or Broken Tract.	22	5	.....	5	5	5	5	5						
	part 23	5	2 2½	.....	2 2	2 2	2 2	2 2	2 4	.....	2 4	2 4	2 4	2 4
	27	5	.....	.....	.....	5	5	.....	.....	5	5			
	28	5	5	5	5	5	5	5						
	29	5	.....	5	5	5								
	34	5	.....	5	.....	.....	.....	5	5					
	35	5	.....	5	.....	5	.....	5						
	37	5	.....	.....	.....	.....	4 5	4 5	5					
	1	6	.....	5										
	W ½ 3	6	.....	3 9	3 9	3 9								
	W ½ 3	6	.....	1 3										
	4	6	.....	5	5	5								
	11	6	5	5	5	5	5	5						
	W ½ 16	6	.....	2 6	2 6	2 6								
	17	6	.....	.....	5	5								
	W ½ 18	6	.....	.....	.....	.....	.....	1 8						
	E ½ 18	6	2 6	.....	2 6	2 6	.....	2 6						
	19	6	.....	5	5	5	5	5	5					
	21	6	5	5	5	5	5	5						
	22	6	5	5	5	5	5	5						
	E ½ 27	6	.....	.....	3 9	3 9	3 9							
	E ½ 29	6	.....	.....	.....	2 6	2 6							
	30	6	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	31	6	5	.....	5	.....	.....	5						
	34	6	.....	5	5	5								
	37	6	.....	5										
	1	7	.....	5	5	5	5	5						
	2	7	.....	5	5	5	5	5	5					
	3	7	.....	5	5	5	.....	5						
	4	7	5	5	5	5	5	5						
	5	7	.....	.....	5	5								
	6	7	5	5										
	7	7	.....	5	5	5	5	5						
	8	7	.....	.....	5	5								
	10	7	.....	5	5	5	5	5						
	11	7	.....	5	5	5	5	5						
	13	7	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	14	7	.....	5	5	5	5							
	15	7	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	16	7	.....	5										
	17	7	5	5	5	5	5							
	18	7	.....	.....	5	5								
	20	7	.....	.....	.....	5	5	5		5	5			
	21	7	.....	.....	.....	5	5	5		5	5			
	22	7	.....	.....	.....	5	5	5	5	5	5			
	23	7	.....	5	5	5	5	5	2 6					
	24	7	5	5	5	5	5	5						
	25	7	.....	.....	.....	.....	.....	3 4	5	5	5	5	5	
	26	7	.....	.....	.....	.....	.....	3 4						
	28	7	.....	5	5	5	5	5	5					
	29	7	.....	5	5	5	5	5	5					
	30	7	5	5	5	5	5	5						
	31	7	.....	5	5	5	5	5	5					
	32	7	.....	.....	.....	5	5	5	5	5	5			
	33	7	5	5	.....	.....	.....	5						
	35	7	5	5	5	5	5	5						
	36	7	.....	5	5	5	.....	5						
	37	7	.....	.....	5	5								
	1	8	5	5	5	5	5	5						
	3	8	5	5	5	.....	.....	5						
	4	8	5	5	5	5	5	5						
	6	8	5	5	5	5	5	5						
	7	8	.....	5	5	5	5	5	5					
	9	8	.....	5	5	5	5	5	5					
	10	8	.....	5	5	5	5	5	5					
	11	8	5	5	5	5	5	5						
	12	8	5	5	5	5	5	5						
	13	8	5	5	5	5	5	5						
	14 } 15 } 16 } 17 }	8	10	10	10	10	10	10						
	E ½ 18	8	2 6	2 6	2 6	2 6	2 6	2 6						

RETURN of Taxes due on uncultivated Lands in the Eastern District, on the 1st of July, 1828, and advertised for sale in the Upper Canada Gazette, on the 17th September, 1829, (shewing the appropriation of said rates or taxes) and the particular lots for which affidavits were made declaring that the rates were paid previous to the date of the warrant authorising the Sheriff to sell said lands for arrears of taxes.*

MATILDA.

	£ s. d.
To amount of Sheriff's warrant for levying taxes in arrears up to the 1st July, 1828,	200 13 5
	£ 200 13 5

		£ s. d.	£ s. d.
By amount received from Sheriff,			158 0 3½
Amount received by Treasurer previous to date of sale,			17 13 4½
Numbers of lots and amount due on each, said to be assessed as per Sheriff's return,			
E ½ 20	3 Concession,	£1 12 6	
W ½ 21	3 "	1 12 6	
W ½ 2	5 "	0 8 1½	
24	5 "	0 8 1½	
33	5 "	0 4 1½	
½ 1	6 "	1 12 6	
W ½ 14,	6 "	1 12 6	
W ½ 27,	6 "	1 12 6	
31	6 "	3 5 0	
8	7 "	3 5 0	
19	8 "	3 5 0	
20	8 "	3 5 0	
21	8 "	3 5 0	25 5 6½
		£	200 19 2½

MOUNTAIN.

	£ s. d.
To amount of Sheriff's warrant for levying taxes in arrear up to 1st July, 1828....	347 15 0
	£ 347 15 0

		£ s. d.	£ s. d.
By amount received from Sheriff,			304 13 9
" " by Treasurer previous to date of sale,			16 5 0
Numbers of lots, and amount due on each, said to be assessed as per Sheriff's return.			
No. 2.	1st Concession,	£3 5 0	
No. 5.	2 "	3 5 0	
No. 15.	2 "	3 5 0	
No. 9.	3 "	3 5 0	
No. 11.	3 "	2 5 0	
No. 15.	4 "	3 5 0	
No. 10.	7 "	0 16 3	
No. 1.	9 "	3 5 6	
No. 11.	8 "	3 5 0	26 16 6
		£	347 15 0

WILLIAMSBURGH.

	£ s. d.
To amount of Sheriff's warrant for levying taxes in arrear up to 1st July, 1828	101 1 6
	101 1 6

		£ s. d.	£ s. d.
By amount received from Sheriff,			72 6 3
" " by treasurer previous to day of sale,			6 10 0
Numbers of lots, and amount due on each, said to be assessed as per Sheriff's return.			
No. A	1st Concession,	£1 2 9	
W ½ 22.	2 "	1 12 6	
18.	4 "	3 5 0	
37.	4 "	3 5 0	
11.	5 "	3 5 0	
34.	6 "	3 5 0	
8.	7 "	3 5 0	
28.	8 "	3 5 0	22 5 3
		£	101 1 6

* The appropriation is contained in the District Accounts of the years 1832 and 1833, copies of which have been furnished the Lieutenant Governor for the use of the House of Assembly.

WINCHESTER.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st July 1828	£ s. d.
	344 11 0
	344 11 0

By amount received from Sheriff	£ s. d.
	316 1 3
By amount received by Treasurer previous to date of sale	23 12 3
Numbers of lots and amount due on each said to be assessed as per Sheriff's return.	
No. 6, 1 Con. £1 12 6	
No. 7, 7 Con. 3 5 0	4 17 6
	344 11 0

OSNABRUCK.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st July, 1828	£ s. d.
	117 16 3
	117 16 3

By amount received from Sheriff	£ s. d.
	102 15 7½
By amount received by Treasurer previous to date of sale	3 5 0
Numbers of lots and amount due on each, said to be assessed as per Sheriff's return.	
No. E ½ 11, 2 Con. £1 12 6	
E ½ 19, 6 " 0 8 1½	
E ½ 8, 7 " 1 12 6	
W ½ 8, 7 " 1 12 6	
33, 7 " 3 5 0	
36, 5 " 3 5 0	11 15 7½
	117 16 3

FINCH.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st April 1828	£ s. d.
	333 1 3
	333 1 3

By amount received from Sheriff	£ s. d.
	293 16 0
By amount received by Treasurer	30 14 9½
Numbers of lots, and amount due on each lot, said to be assessed as per Sheriff's return.	
No. 1, 2 Con. £2 16 10½	
23, 2 " 0 8 1½	
19, 4 " 2 5 4	
24, 5 " 2 16 10½	
13, 7 " 3 5 0	
½ 5 12 " 1 12 6	13 2 8½
	337 13 6

CORNWALL.

To amount of Sheriff's warrant for levying taxes in arrear, up to 1st July 1828	£ s. d.
	134 1 10
	134 1 10

By amount received from Sheriff	£ s. d.
	118 2 8
By amount received by Treasurer	7 6 3
Numbers of lots and amount due on each, said to have been assessed as per Sheriff's return.	
No. E ½ 34, 8 Con. £1 12 6	
E ½ 1, 9 " 0 16 3	
S E ¼ 6, 9 " 0 16 3	
W ½ 33, 9 " 1 12 6	
This sum overpaid in Finch 4 12 3	9 9 9
	134 18 8

ROXBOROUGH.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st July 1828 ..... £376 5 0

	£	s.	d.
By amount received from Sheriff	266	7	3½
By amount received by Treasurer	21	10	7½

Numbers of lots, and amount due on each, said to have been assessed as per Sheriff's return.

Nos. N. ½ C	1	Concession	£1 12	6
W ½	4, 1	"	0 16	3
	17, 1	"	3 5	0
	24, 1	"	3 5	0
	26, 1	"	3 5	0
	27, 1	"	3 5	0
	28, 1	"	3 5	0
E. ½	29, 1	"	0 16	3
	30, 1	"	3 5	0
S.E. ¼	6, 2	"	0 16	3
N.E. ¼	6, 2	"	0 16	3
	7, 2	"	3 5	0
	15, 2	"	3 5	0
E. ½	23, 2	"	0 16	3
E. ½	29, 2	"	2 8	9
	28, 3	"	0 8	1½
	18, 4	"	3 5	0
	19, 4	"	3 5	0
	20, 4	"	3 5	0
	22, 4	"	3 5	0
E. ½	24, 4	"	1 12	6
	30, 4	"	3 5	0
	36, 4	"	3 5	0
	16, 5	"	3 5	0
	17, 5	"	3 5	0
	19, 5	"	3 5	0
	20, 5	"	3 5	0
	21, 5	"	3 5	0
	22, 5	"	3 5	0
	23, 5	"	3 5	0
	25, 5	"	3 5	0
	28, 5	"	3 5	0
	8, 6	"	0 10	10
	23, 6	"	3 5	0
	33, 6	"	3 5	0

		91	12 11½
		379	16 10½

CHARLOTTENBURGH.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st July 1828 ..... £86 18 9

	£	s.	d.
By amount received from Sheriff	28	8	9
By amount received by Treasurer, previous to date of sale	10	11	3

Numbers of lots, and amount due on each, said to have been assessed as per Sheriff's return.

	K and L, 1	Concession	£6 10	0
	K and L, 2	"	6 10	0
	6 and 7, 1	"	6 10	0
	25 & 26, 1	"	6 10	0
	6 and 7, 2	"	6 10	0
	26, 2	"	3 5	0
E. ½	16, 5	"	1 12	6
W. ½	15, 6	"	1 12	6
W ½	16, 6	"	1 12	6
E or	7, 4	"	3 5	0
E ½	9or43 3	"	1 12	6
	27, 7	"	3 5	0
	½ 24, 8	"	1 1	6
E. ½	32, 8	"	1 12	6
W. ½	26, 9	"	2 8	9

		47	18 9
		86	18 9

LANCASTER.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st July, 1828, ... £43 10 4½

	£	s.	d
By amount received from Sheriff,	27	17	4
" " by treasurer, previous to date of sale,	3	5	0

Numbers of lots, and amount due on each, said to have been assessed as per Sheriff's return.

No.	3, 1	Con.	£2 5	6
W ½	27, 1	"	1 8	6
E ½	18, 3	"	1 12	6
	3, 4	"	2 3	7½
	20, 4	"	3 5	0
E ½	22, 4	"	0 16	3
E ½	23, 4	"	0 16	3

		12	7 7½
	£	43	9 11½

KENYON.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st July, 1828....	£	s.	d.
	282	6	3
	£ 282	6	3

By amount received from Sheriff,.....	£	s.	d.
	201	11	7
" " by treasurer previous to date of sale,.....	21	10	11½

Numbers of lots, and amount due on each, said to have been assessed as per Sheriff's return.

No.	7, 1 Con.	£2	16	10½	
	20, 1 "	2	8	9	
	22, 1 "	3	5	0	
W½	29, 1 "	1	12	6	
E ¾	34, 1 "	2	8	9	
	37, 1 "	3	5	0	
	3, 3 "	1	12	6	
	5, 3 "	3	5	0	
E ½	10, 3 "	1	12	6	
E ¼	14, 3 "	0	16	3	
E ¼	17, 3 "	1	12	6	
E ½	30 3 "	0	8	9½	
W ¾	32, 3 "	1	12	6	
½	36, 3 "	1	4	4½	
SW ¼	11, 4 "	1	12	6	
	12, 4 "	3	5	0	
	19, 4 "	0	8	1½	
	21, 5 "	0	16	9	
	23, 5 "	2	16	10½	
	26, 5 "	2	16	10½	
	33, 5 "	3	5	0	
	18, 6 "	0	8	1½	
	21, 6 "	1	17	10½	
	10, 7 "	2	16	10½	
	13, 7 "	3	5	0	
	17, 7 "	3	5	0	
	19, 7 "	1	12	6	
	33, 7 "	3	5	0	59 12 9
				£	282 15 3½

LOCHIEL.

To amount of Sheriff's warrant for levying taxes in arrear up to 1st July, 1828,....	£	s.	d.
	215	4	0
	215	4	0

By amount received from Sheriff,.....	£	s.	d.
	139	15	4
do " by treasurer previous to date of sale,...	24	19	8½

Numbers of lots, and amount due on each, said to have been assessed as per Sheriff's return.

No.	32, 1 Con.....	£3	5	0	
	32, 2 "	3	5	0	
	38, 2 "	2	8	9	
N p't A,	3 "	2	12	9½	
	2, 3 "	3	5	0	
	16, 3 Con.....	3	5	0	
	28, 3 "	3	5	0	
	36, 4 "	2	8	9	
S ½	1, 5 "	0	8	1½	
	35, 5 "	3	1	7	
	22, 6 "	3	5	0	
	17, 7 "	3	5	0	
	27, 7 "	3	5	0	
	37, 7 "	3	5	0	
	16, 8 "	3	5	0	
	17, 8 "	3	5	0	
	18, 9 "	0	8	1½	
	19, 9 "	2	3	4	52 11 5½
				£	217 6 6

ALEXANDER McLEAN, *T. E. D.*

(APPENDIX, No. 68.)

DOCUMENTS

TRANSMITTED BY

His Excellency the Lieut.-Governor,

RELATIVE TO THE BUILDING OF CERTAIN

PARSONAGE HOUSES.

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly, with reference to its Address of the 18th instant, such papers as have been received relative to sums granted from the proceeds of rents of leased Clergy Reserves, in aid of the building of certain Parsonage Houses;—and acquaints the House that the Rev. William Macaulay has been called upon for a statement of the expenditure by him of the grant of Three Hundred Pounds for the use of the Glebe House at Cobourg in the year 1824.

GOVERNMENT-HOUSE,
March 28, 1836.

TORONTO, *March* 24, 1836.

SIR,

I have the honour to acknowledge your letter, dated the 22d instant, covering an Address of the Commons House of Assembly, and beg leave to state, for the information of His Excellency the Lieutenant-Governor, that the Provincial Government's attention has frequently been called to the erection of Parsonage Houses, being fully authorised by His Majesty's Government, as well as by the provisions of the 31st Geo. III., chap. 31.

That applications for such erections having become numerous, it was resolved that no allowance should exceed £500; and that all Parsonage Houses should be built of brick or stone.

In regard to proceedings had in respect to any particular Parsonage, they are doubtless recorded in the Office of the Executive Council, to which His Excellency is respectfully referred, as there are no documents upon the subject in my possession.

With reference to this parish, £300, part of the maximum of £500, were placed in my hands for its benefit, "being in aid of "defraying the expense of erecting a Parsonage House at York, authorised by a Despatch from Lord Bathurst, dated 10th June, "1823, and in virtue of an order of the Executive Council of the 2d March, 1825." Why the remaining sum of £200 has not yet been paid over I do not know; it is, perhaps, because I happened to have a house of my own, or that other cases were more pressing.

This sum of £300 remains with me in abeyance, to be expended whenever such additional assistance shall be given by Government as has been accorded to some other parishes, and by the congregation; as to effect the object intended by purchasing or building a Parsonage of suitable dimensions and durable materials.

I ought to add, that some steps have been taken, in order to secure an eligible house already built, under lease, on the Parsonage ground, in the full persuasion that assistance will soon be obtained from the quarters alluded to;—had, indeed, such aid been furnished, the proposed arrangements would have been completed.

I have the honour to be,

SIR,

Your most obedient humble servant,

JOHN STRACHAN,

JOHN JOSEPH, Esq.,
Private Secretary,
&c. &c. &c.

IN COUNCIL, *December* 24, 1823.

Read the Petition of the Rev. William Macaulay, praying that the sum of Three Hundred Pounds may be granted for the use of the Parsonage House at Cobourg, agreeably to a certain bond entered into respecting the same.

Ordered on filing a new bond for the reduced sum of £300.

JOHN BEIKIE,
Clerk Executive Council.

Extract from the Minutes in Council of the 2d March, 1825.

"That the allowance to be authorized from the Clergy rents towards erecting Parsonages shall not exceed, in the whole, £300 "currency, nor in any case more than one half the charge of the erection.

"And that every application for such allowance shall be accompanied by an estimate of the cost of the building, and a bond "from the Church-Wardens and Incumbent, that the sum allowed shall be faithfully expended, and that insurance and repairs shall "be made at their charge on the Building."

Truly extracted,

JOHN BEIKIE,
Clerk Executive Council.

Executive Council Office,
Toronto, March 24, 1836.

Sir,

I have the honour to acknowledge the receipt of your letter of the 22d instant, transmitting copy of an Address from the House of Assembly of the 18th received this morning, and herewith enclose two documents—which is all the information this office can furnish in respect to the said Address.

I have the honour to be,

Sir,

Your obedient servant,

JOHN BEIKIE,

Clerk Executive Council,

John Joseph, Esq.,
&c. &c. &c.

(APPENDIX, No. 69.)

DOCUMENTS

SENT DOWN BY

His Excellency the Lieut.-Governor,

RELATING TO THE

PROVINCIAL HOSPITAL

AND ITS

REVENUES AND ENDOWMENTS.

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly, in compliance with the two Addresses of the House of the 11th ultimo, relative to the Provincial Hospital and its Revenues and Endowments, and the several reservations of Land within and adjoining the Town of York, the accompanying documents;—and acquaints the Assembly that the Block, comprising six acres, formerly designated "the French Lots," forms the site upon which the General Hospital, the Emigrant House, and the Cholera Hospital have been erected.

Government-House,
March 28, 1836.

Letter from the Trustees of the Provincial Hospital at Toronto, transmitting various Returns and Statements respecting the conduct and resources of that Establishment, with reference to an Address of the House of Assembly of the 11*th February,* 1836.

Toronto, *March* 7, 1836.

Sir,

We have the honour to acknowledge your letter of the 9th of February, transmitting, by command of the Lieutenant-Governor, a copy of an Address to His Excellency, from the Commons House of Assembly, respecting the management of the Town and Country Hospital of this City, and other matters said to be connected therewith; and we beg to enclose various documents, numbered from one to six, inclusive, embracing the different points, and containing the information which His Excellency desires.

We have the honour to be,

Sir,

Your most obedient humble servants,

JOHN STRACHAN,
JOHN B. ROBINSON,
W. ALLAN,
GEORGE H. MARKLAND,
JOHN H. DUNN,
Trustees of the Hospital.

John Joseph, Esq.,
Private Secretary.
&c. &c. &c.

No. I.

REPORT of Trustees of the General Hospital.

May it please Your Excellency,

The General Hospital was built in 1819, from the residue of a subscription to the Loyal and Patriotic Society made in London, and which remained unexpended after the purposes, for which that useful and meritorious institution was established, had been fully accomplished.

The money was in the first place entrusted to the Archdeacon of York, the Treasurer of the Society, in conjunction with the Hon. William Allan, who were to avail themselves as to its final disposition, of the advice and suggestions of the members of the institution, residing in Upper Canada.

After mature deliberation it was resolved to erect an Hospital for the general benefit of the Province, but expressly on condition that the Directors or Trustees should, at all times, be prepared to answer the orders of the Treasurer of the Loyal and Patriotic Society, to the amount of the legal interest of the sum expended on its erection about £3,000. This condition, so just and reasonable in itself, in order to guard against the possibility of disappointing any individual who might have a claim on the Society, has not been attended with any disadvantage to the Hospital, for the Treasurer who was one of the principal promoters, as well as the dispenser of its benevolence, feels qualified to state that no application has been made for relief from its funds for very many years. The accounts of the charity may, therefore, be considered closed, and all claims upon it fully satisfied; hence it follows, that the stipulation imposed in regard to the interest, has become altogether nominal. The Provincial Hospital, may, therefore, be pronounced, in as far as the buildings are concerned without any incumbrance, and entitled to the dividends accruing from certain shares of Bank Stock, purchased with what was still left of the money after its erection, and which now produce about £165 per annum.

At the same time, the Treasurer and the Hon. William Allan, consider themselves responsible to the original subscribers, but to none else; and here it is not irrelevant to state, that a portion of the same funds raised in London, for the Loyal and Patriotic Society, claimed in Lower Canada, was in imitation of the disposition here, applied towards the building of an Hospital in Montreal.

In order to meet the munificence of the Loyal and Patriotic Society in building, and to a small extent endowing the Provincial Hospital, His Excellency Sir Peregrine Maitland, then Lt. Governor, ever anxious to promote the good of the Province, represented to His Majesty's Government the propriety of endowing it with lands, the only way of giving permanent support in this inland Colony, to great public establishments, and on a scale that might enable it, in addition to the advantages of an Hospital, to become an Asylum something like Chelsea, for persons disabled, and likewise to have branches in other parts of the Province; but whether the plan was deemed too complex, and the endowment suggested for its support too extensive, or that such an institution was not yet required, the representation appears to have failed, and only a very trifling endowment in land conferred upon it, which, after the lapse of many years, scarcely yields £145 per annum.

The buildings were finished in 1819, but the means of support being totally inadequate, even for an ordinary Hospital, on the smallest scale of utility, the Trustees were unable to apply them to the purpose for which they were intended, till August, 1829, at which time the Hospital was opened for the reception of patients, and has been struggling as it were for existence, with an increasing expenditure and uncertain income ever since.

Nor could the Hospital have been opened even ten years after its erection, had we not been encouraged by the fostering care and assistance of His Excellency Sir John Colborne, who directed a supply of beds and bedding to be given for the wards, and added, from time to time, donations in money, to place us in a condition to receive the sick.

His Excellency has further, in his anxiety to render the Hospital more efficient, called annually on the Legislature to grant it support, but no permanent provision has been made, and last year the message was totally neglected. The average of the small sums thus occasionally bestowed, scarcely amounts to £170 per annum.

In 1830 an attempt was made to assist its means of support by subscriptions, and in order to induce them, certain privileges as to direction and recommendation of patients were offered, but the attempt in a great measure failed, owing to the incessant calls made upon the benevolence of the community by the poor and destitute emigrants, which increase yearly, and are, during the winter season, exceedingly multiplied. Add to these calls the misery which has been produced by two severe visits of the Cholera, by which several hundred children and widows have been thrown totally destitute on the charity of the public.

A regulation was likewise introduced imposing a charge of one shilling per day for every patient during his or her continuance in the Hospital, but it has been found of little avail, because more than three-fourths of the patients are strangers, poor and destitute, and without friends or resources of any description.

The institution has, nevertheless, proceeded for more than five years, admitting patients from all parts of the Province, without distinction, and especially sick emigrants, though contending with the most serious pecuniary difficulties, in the hope that after manifest evidence of its great utility and absolute necessity to the welfare of the Colony, it might be able to satisfy the Legislature that its claims for adequate support had become irresistible. That period has now arrived. The following tables demonstrate the great and increasing advantages of the institution to the Province at large, and that the patients keep pace with the growing population. They also shew the very inadequate support which the Hospital possesses—that a portion of the endowment has already been taken to defray the current expense, and that without speedy assistance and a certain permanent income equal to the probable expenditure the institution must soon *perish*.

GENERAL HOSPITAL, TORONTO.

TABLE I.

Date.	Admitted.	Discharged	Deaths.	Expense of the Institution.
1829....	52	35	7	£239 18 5¾
1830....	146	124	10	368 18 4¾
1831....	331	258	39	697 18 6
1832....	548	437	61	954 0 0¾
1833....	555	519	51	913 14 10
1834....	612	455	73	1000 0 0
				£4,174 10 2¾

TABLE II.

Resources permanent and casual.

Dividends from Bank Stock.....	£165 0 0
Rents of land granted by Government.....	145 0 0
Appropriations by the Provincial Legislature, average for five years—no grant last Session—the resource therefore uncertain.....	170 0 0
Average of donations from His Excellency—the Emigrant Society and Ladies' Bazaar.....	115 0 0
Total average, annual income for five years from all sources.....	£595 0 0

This sum multiplied by five gives the actual receipts for five years, viz: £2975, which appears from table first less than the actual expenditure by £1200, a sum which may be considered as so much abstracted from the capital of the institution, small as it was previous to such deduction.

TABLE III.

Shewing the present income of the Hospital, exclusive of casual gifts or donations on which there can be no dependence.

Dividends on Bank Stock.....	£165 0 0
Rents from land granted by Government.....	145 0 0
Rents expected from some lands recently granted.	200 0 0
Present certain income.....	£510 0 0

An additional endowment producing a revenue of not less than £1500 per annum, is evidently wanting to secure the permanent efficiency of the Hospital in a manner adequate to the growing wants of the Province.

Even this income will leave the Trustees scarcely the means of remunerating the physicians and surgeons who have hitherto, with so much credit to themselves and advantage to the public, given their attendance gratis. To Doctor Widmer, the consulting physician, the institution is under the greatest obligation, for it was chiefly through his exertions that it was brought into operation. His services have been invaluable, and his superintendence incessant, down to the present time; nor is it too much to say, that without his able and judicious arrangements, the Hospital must have fallen through, and hundreds would have perished for the want of that assistance which he has so generously and kindly administered.

All which is respectfully submitted.

(Signed)

JOHN STRACHAN,
Senior Trustee.

His Excellency Sir John Colborne, K. C. B.
Toronto, February 20, 1835.

No. II.

STATEMENT of Monies paid to the Secretary to the Trustees of the Park and Hospital Reserves for Sales and Rents of Land appropriated in aid of the Funds of the York General Hospital, from the 8th May, 1819, *to the 3d February,* 1836.

NAMES OF PURCHASERS.	Amount received for Sales.			Amount received for Rents.			Total.		
Hospital Lots.	£	s.	d.	£	s.	d.	£	s.	d.
Joseph James	10	5	0	76	19	5	87	4	5
Alexander Stewart	12	10	0				12	10	0
John Somerset	12	17	6	90	7	5½	103	4	11½
James Gardner	11	17	6	60	15	1½	72	12	7½
James Hunter	14	12	6	94	15	3	109	7	9
Thomas Duggan	16	2	6	95	15	7½	111	18	1½
Joseph Horne	17	2	6				17	2	6
William Marwood	14	2	6	96	6	3	110	8	9
John Beattie	12	10	0	101	5	0	113	15	0
J. W. Padfield	12	10	0	13	10	0	26	0	0
James Turner	12	10	0	27	0	0	39	10	0
James Turner	125	0	0				125	0	0
Joseph Bloor	12	10	0	46	13	9	59	3	9
Robert Stewart	37	10	0	17	12	6	105	2	6
Charles Stotesbury	11	5	0	48	12	0	59	17	0
Charles Stotesbury	12	10	0	40	10	0	53	0	0
John Scott	12	10	0	20	5	0	32	15	0
Isaac Russell	15	0	0	16	4	0	31	4	0
James Turner	11	5	0	36	9	0	47	14	0
John Johnston	12	10	0	27	5	0	39	15	0
Robert Petch	25	0	0	45	0	0	70	0	0
Christopher Elliott	12	10	0				12	10	0
	484	10	0						
Park Lots.									
George Hamilton				12	14	6	12	14	6
John Squires				21	18	0	21	18	0
James Fitzgibbon				29	14	0	29	14	0
Rev John Strachan				7	10	0	7	10	0
John Sparks				4	17	1	4	17	1
David Stegman				5	0	4	5	0	4
Elijah Dexter				6	18	7	6	18	7
				1043	17	10½			
Sales Park Lots.									
W. Dallimore							25	0	0
Thomas Bright							128	2	6
Luke Rogers							77	10	0
Thomas Moore							55	0	0
Thomas Summers							17	10	0
John Carey							42	10	0
Francis Langrill							50	0	0
William Langrill							62	12	3
James Leslie							130	0	0
Jacob Latham							150	0	0
Armstrong & Beatty							96	14	6
Robert Meighan							33	15	0
Henry Wood							7	10	0
William Atkinson							50	0	0
Thomas Milburne							35	0	0
Carried forward							2489	12	1½

NAMES OF PURCHASERS.	Amount received for Sales.			Amount received for rents.			Total.		
Sales Park Lots.	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward							2489	12	1½
John Mosley							175	0	0
Henry Mosley							48	15	0
Alexander Thompson							40	0	0
Cristopher Elliot							20	0	0
John Collins							40	12	6
Francis Collins							21	17	6
James Johnson							37	10	0
Willson Hunter							45	0	0
Curry Coulson							25	0	0
George Paterson							43	2	6
William Parmmore							52	10	0
Thomas Carroll							12	10	0
Alexander Legge							75	0	0
Allan Macnab							11	5	0
John F. Taylor							28	2	6
John Lumsden							60	0	0
Sheldon, Ward & Co.							100	0	0
George Hamilton							9	7	6
Mrs. Cullen							39	7	6
Enoch Turner							12	10	0
C. & J. Nunan							75	0	0
Donald Fraser							60	0	0
William Birt							50	0	0
John Richardson							35	0	0
Walter Young							18	15	0
Jeremiah Coffee							57	10	0
Peter Shepherd							23	15	0
Enoch Turner							18	15	0
J. Bailey							12	10	0
J. Fitzmorris							20	0	0
William Davis							25	0	0
D. M'Laughlin							35	0	0
William Cook							56	5	0
J. M'Guire							15	0	0
George Carroll							50	0	0
James Radford							18	15	0
Stephen Secord							25	0	0
J. Cawthra							46	0	0
Mrs. Chapman							22	10	0
John Eastwood							37	10	0
William Lafferty							12	10	0
John Radenhurst							75	0	0
William Coxwell							22	10	0
Thomas Coxwell							90	0	0
Hon. G. Markland							37	10	0
William Ernest							10	0	0
John Waite							10	0	0
Jonathan Ashbridge							62	10	0
John Bemish							15	0	0
Carried forward							4424	7	1½

NAMES OF PURCHASERS.	Amount received for Sales.	Amount received for Rents.	Total.
Sales Park Lots.	£ s. d.	£ s. d.	£ s. d.
Brought forward..	.....	.....	4424 7 1½
Owen Connell.....	.....	.....	15 0 0
C. Callaghan.....	.....	.....	6 10 0
John O'Grady.....	.....	.....	27 10 0
William Quigley....	.....	.....	12 10 0
John Murdith.....	.....	.....	25 0 0
Thomas Mackenzie..	.....	.....	15 0 0
Edward Cooner.....	.....	.....	20 0 0
John Willis.....	.....	.....	15 0 0
Luke Welsh.....	.....	.....	12 10 0
David Donovan.....	.....	.....	12 10 0
J. Wilkinson.....	.....	.....	12 10 0
James Carr.....	.....	.....	15 0 0
George Truscott.....	.....	.....	55 3 4
George Tapscot.....	.....	.....	13 15 0
Henry Fox.....	.....	.....	10 0 0
William Rown.....	.....	.....	15 0 0
Carried forward...	.....	.....	4707 5 1½

NAMES OF PURCHASERS.	Amount received for Sales.	Amount received for Rents.	Total.
Sales Park Lots.	£ s. d.	£ s. d.	£ s. d.
Brought forward..	.....	.....	4707 5 1½
James Turner.....	.....	.....	12 10 0
John Surron.....	.....	.....	10 0 0
John Sparkes.....	.....	.....	23 8 9
John Callaghan.....	.....	.....	12 10 0
George Mills.....	.....	.....	12 10 0
Samuel Ridout.....	.....	.....	100 0 0
John Busby.....	.....	.....	7 10 0
Edward Wallace....	.....	.....	12 10 0
Benjamin Fox.....	.....	.....	12 10 0
P. Phillips.....	.....	.....	10 0 0
James Carroll.....	.....	.....	12 10 0
John Beatty.....	.....	.....	12 10 0
James Gorman.....	.....	.....	10 0 0
Joseph Coolaghan...	.....	.....	12 10 0
Michael Flanaghan..	.....	.....	10 0 0
Total currency....	.....	.....	4978 4 2½

Toronto, February 24, 1836.

JAMES NATION,
Secretary to the Trustees.

No. III.

STATEMENT of Payments by the Trustees of the Park and Hospital Reserves, from 8th May, 1819, to 3d February, 1836.

		£ s. d.
1819	Paid the Attorney-General for conveyances..	20 11 4
	Paid Reuben Sherwood, for surveys.....	45 10 0
	Paid Thomas Mosley, Auctioneer.....	12 10 0
	Paid for drawing agreement for building the Hospital, and Bond.....	2 16 8
	Paid for printing and advertising.....	3 6 3
	Paid Mr. Billings, by order of Major Hillier.	31 10 0
	Paid for Memorial of Conveyance from G. Ridout to the Trustees and Registry....	1 2 6
1822	Paid for digging drains in the Park.....	43 13 9
	Paid for Stoves and Pipes for Hospital.....	9 16 6
	Paid R. Harper for carpenter's work.....	4 10 0
	Paid for letters postage.....	0 10 6
1825	Paid loss on Kingston Bank Notes.....	13 5 0
	Paid expense of Notarial Protests against certain purchasers of Park Lots.....	9 15 0
	Paid for stationary.....	0 19 0
1828	Paid for insurance of Hospital, 1825, 1826. and 1827.....	45 13 6
	Paid for descriptions of Lots.....	2 5 0
	Paid for Secretary's services to this date....	39 7 4
1829	Refunded to Alexr. Stewart the instalment and interest paid by him on Lot No. 3 in March Street.....	21 18 7½
	Paid Treasurer of the Hospital.....	110 10 1
	Paid Secretary's services.....	34 0 0
1830	Paid Treasurer of the Hospital.....	54 3 7½
	Paid Secretary's services.....	14 0 0
	Carried forward.....	521 15 9

		£ s. d.
	Brought forward.....	521 15 9
1831	Paid for building Brick Cottages for the use of Emigrants.....	400 0 0
	Paid Treasurer of the Hospital.....	526 17 6
	Paid Secretary's services.....	15 10 0
1832	Paid Treasurer of the Hospital.....	237 10 0
	Paid for printing, &c.....	2 5 0
	Paid Secretary's services.....	18 10 0
1833	Paid Treasurer of the Hospital.....	188 2 6
	Paid J. G Chewett, Esq., for surveys.....	49 14 6
	Paid for printing, &c.....	9 3 4
	Paid Secretary's services.....	23 0 0
1834	Paid Treasurer of the Hospital.....	950 0 0
	Paid Secretary's services.....	21 0 0
1835	Paid Treasurer of the Hospital.....	50 0 0
	Paid for the erection of the Don Bridge.....	494 13 6
	Paid J. G. Chewett, Esq., for surveys, &c...	7 18 0
	Paid R. Stanton for printing.....	4 0 0
	Paid Secretary's services.....	21 10 0
1836	Paid Treasurer of the Hospital.....	444 14 1½
	Paid for firewood for the Hospital in 1828, omitted in its proper place.....	52 12 6
	Paid allowance to Treasurer of 5 ℔ cent. on the amount of Park Lots sold by him, amounting to £8,053 15s. Currency...	402 13 9
	Total Currency.....	4441 9 4½

Toronto, February 24, 1836.

JAMES NATION,
Secretary to the Trustees.

No. IV.

The York General Hospital in account with the Treasurer.

	Dr.	Currency. £ s. d.		Cr.	Currency £ s. d.
1819 July 16	To cash paid for sundries up to this date	62 5 0	1821	By cash received from S. M'Gillivray, Esq.....	4,444 8 10
1821	To cash paid for building the Hospital..	3,051 16 6			
	Carried forward.....	3,114 1 6		Carried forward.....	4,444 8 10

		Currency. £	s.	d.
	Brought forward	3,114	1	6
1824	To cash paid for insurance of Hospital	22	15	0
1825	To cash paid for fencing the Hospital grounds	40	11	0
1828	To cash paid W. Moore for medicines and rent of Dispensary	40	0	0
	To cash paid Mrs. Caldwell for sundries furnished the Hospital	11	10	0
	To cash paid Treasurer of Hospital	15	0	0
1829	To cash paid George Denison for fire-wood for ditto	13	0	0
	To cash paid for bedding, &c for ditto	250	0	0
	To cash paid for insurance of ditto	15	0	0
	To cash paid for quarterly expenses of ditto to 31st August, 1829	53	0	10
	To cash paid for ditto ditto to 30th November, 1829	58	3	3½
1830	To cash paid for insurance	15	0	0
	To cash paid for quarterly expenses of Hospital to 28th February, 1830	67	10	11½
	To cash paid for ditto ditto to 31st May, 1830	54	3	7½
	To cash paid at sundry times, from 10th June, 1822, to 20th February, 1830, for 150 shares Bank Stock	1,875	0	0
	To cash paid for interest on loans from the Bank	40	14	2
	To cash paid for quarterly expenses of Hospital to 31st August, 1830	56	16	6½
	To cash paid for ditto ditto to 30th November, 1830	80	6	4½
	To cash paid Secretary of Hospital for his salary	10	0	0
1831	To cash paid for quarterly expenses of Hospital to 28th February, 1831	96	9	5
	To cash paid for ditto ditto to 31st May, 1831	89	19	4½
	To cash paid for insurance	15	7	6
	To cash paid Becket & Co. for medicines	18	15	3
	To cash paid for quarterly expenses of Hospital to 31st August, 1831	129	12	10
	To cash paid for ditto ditto to 30th November, 1831	153	15	8
	To cash paid Secretary of Hospital for his salary	10	0	0
1832	To cash paid Becket & Co. for medicines	16	0	3
	To cash paid for quarterly expenses of Hospital to 29th February, 1832	169	5	3½
	To cash paid for bill of surgical instruments	11	16	3
	To cash paid for quarterly expenses of Hospital to 31st May, 1832	171	15	8
	To cash paid for insurance	15	6	0
	To cash paid Becket & Co. for medicines	34	6	0
	To cash paid for quarterly expenses of Hospital, say from 1st June to 16th August, 1832	176	1	0
	To cash paid for ditto ditto to 16th November, 1832	97	7	0
	To cash paid Secretary of Hospital for his salary	10	0	0
	To cash paid Becket & Co. for bill of medicines	19	16	7
	To cash paid Kennedy & Co., Masons, for work and materials	27	0	0
1833	To cash paid for quarterly expenses of Hospital to 16th February, 1833	234	1	1
	To cash paid for ditto ditto to 16th March, 1833	59	11	2½
	To cash paid John Harper for his account for repairs to Hospital	66	9	3
	To cash paid for quarterly expenses of Hospital to 16th June, 1833	186	11	10
	To cash paid for insurance	15	5	10
	To cash paid Messrs. Carter & Co. for bill of medicines	33	2	2
	To cash paid Kennedy & M'Arthur for mason work	42	3	6
	To cash paid for quarterly expenses of Hospital to the 16th Sept. 1833	223	0	11
	To cash paid Messrs. Carter & Co. for bill of medicine	6	8	4
	Carried forward	7,953	1	6½

		Currency. £	s.	d.
	Brought forward	4,444	8	10
1829	By cash received from Trustees of Park, &c. Reserves	110	10	1
1830	By dividend on Bank Stock from the 1st August, 1823, to 16th May, 1831	1,252	0	4
	By premium on sales of Stock same period	102	5	0
	By collection in St. James's Church	11	1	6
	By cash received from the Trustees of Park, &c. Reserves	54	3	7½
1831	By grant by Provincial Legislature in 1830	100	0	0
	By ditto ditto in 1831	100	0	0
	By cash received from Lady Colborne as Patroness of the Bazaar Fund	80	0	0
	By Bank Stock dividend	75	0	0
	By cash received from the Trustees of Park, &c. Reserves	526	17	6
	By interest of Government Debenture	6	0	0
1832	By dividends on Bank Stock	375	0	0
	By grant by Provincial Legislature	150	0	0
	By cash received from Trustees of Park, &c. Reserves	237	10	0
	By interest on Debenture, one year	12	0	0
1833	By dividends on Bank Stock	265	1	4
	By cash received from the Trustees of Park, &c. Reserves	188	2	6
	By grant by the Provincial Legislature	500	0	0
	By cash received from Emigrant Agent	56	7	0
1834	By Bank Stock dividends	164	0	0
	By interest on Government Debenture	12	0	0
	By cash received from the Trustees of Park, &c. Reserves	950	0	0
1835	By Bank Stock dividends	246	0	0
	By interest on Government Debenture, one and a half years	18	0	0
	By proceeds of Debenture sold 8th August, 1835	202	15	3
	By cash received from the Trustees of Park, &c. Reserves	50	0	0
1836	By cash received from ditto ditto	444	14	1½
	By balance due the Treasurer 3d February, 1836	30	18	8½
	Total currency	10,764	15	9½

		Currency. £	s.	d.
	Brought forward.....	7,953	1	6½
1833	To cash paid for quarterly expenses of Hospital to 16th December, 1833..	212	10	7
	To cash paid Secretary of Hospital for his salary.....	10	0	0
1834	To cash paid for quarterly expenses of Hospital to 16th March, 1834.....	197	15	8
	To cash paid for ditto ditto to 16th June, 1834.....	146	15	9
	To cash paid for insurance.....	15	5	8
	To cash paid for current expenses of Hospital from the 16th June to the 2d August, 1834.....	89	15	6
	To cash paid Messrs. Carter & Co. for bill of medicines.....	28	17	9
	To cash paid ditto for ditto.....	9	5	0
	To cash paid for quarterly expenses of Hospital to 2d November, 1834....	236	2	3½
	To cash paid J. Ritchie, for his bill for work.....	3	11	10½
	To cash paid Mr. Draper for surgical instruments purchased by him in England.....	8	13	9
	To cash paid Secretary of Hospital for his salary.....	10	0	0
1835	To cash paid for quarterly expenses of Hospital to 2d February, 1835....	239	16	5
	To cash paid for advertisements.....	0	3	4
	To cash paid for quarterly expenses of Hospital to 2d May, 1835.....	246	2	9½
	To cash paid for ditto ditto to 2d August, 1835.....	206	12	0
	To cash paid Messrs. Carter & Co. for bill of medicines.....	49	11	1
	To cash paid for insurance.....	17	17	2
	To cash paid for quarterly expenses of Hospital to 2d November, 1835....	242	3	5
	To cash paid Secretary of Hospital for his salary.....	10	0	0
1836	To cash paid for quarterly expenses of Hospital to 2d February, 1836.....	300	19	8½
	To cash paid for Government Debentures 16th May, 1831.....	200	0	0
	To cash paid for 14 shares of Bank Stock 16th July, 1833.....	175	0	0
	To Treasurer's allowance of 3 ℔ cent. on the sum of £4,782 10s. 6½d., paid by him from 31st August, 1829, to this date.....	143	9	6
	To ditto ditto on £375 currency.....	11	5	0
	Total currency.....	10,764	15	9½

		Currency. £	s.	d.
1836	Brought forward.....	10,764	15	9½
		10,764	15	9½

Toronto, February 24, 1836.

JAMES NATION,
Treasurer.

No. V.

ANNUAL RETURN of the General Hospital, Toronto, from 1st February, 1835, to 1st February, 1836.

NAME OF DISEASES.	Remaining last Return.	Admitted.	Discharged cured.	Discharged incurable.	Discharged for irregularity.	Discharged relieved.	Died.	Remaining.	Died after two days admission.	REMARKS.
Fevers continued.....	3	60	54	0	0	3	6	0	0	The 3 relieved were taken away by their friends at their own desire.
Fevers, Remittent.....	0	2	1	0	0	0	0	1	0	
Fevers, Intermittent...	1	91	90	0	0	2	0	0	0	
Fever, Typhus.....	2	1	2	0	0	0	1	0	0	
Diseases of Brain.....	2	1	2	0	0	1	0	0	0	
Diseases of Lungs.....	1	40	20	0	0	7	11	3	0	
Diseases of Liver.....	0	3	3	0	0	0	0	0	0	
Diseases of Heart.....	0	4	2	0	1	1	0	0	0	
Diseases of Kidnies....	0	3	2	0	0	1	0	0	0	
Carried forward..	9	205	176	0	1	15	18	4	0	

NAME OF DISEASES.	Remaining last Return.	Admitted.	Discharged cured.	Discharged incurable.	Discharged for irregularity.	Discharged relieved.	Died.	Remaining.	Died after two days admission.	REMARKS.
Brought forward..	0	205	176	0	1	15	18	4	0	
Diseases of Stomach...	0	3	1	0	0	1	1	0	0	
Diseases of Bowels....	0	3	2	0	0	0	1	0	0	
Diseases of Skin.....	1	6	4	0	0	3	0	0	0	
Diseases of Spine.....	1	3	3	0	0	1	0	0	0	
Scarlatina	0	6	6	0	0	0	0	0	0	
Diarrhœa.....	0	8	7	0	0	0	1	0	0	
Dysenteria.....	0	8	6	0	0	1	1	0	0	
Jaundice.....	1	6	7	0	0	0	0	0	0	
Dropsy.....	1	4	0	1	0	1	2	1	0	
Abscess	0	6	4	0	0	1	1	0	0	
Ulcers.....	4	40	30	0	0	0	0	14	0	(Amputation 1.)
Fractures.....	3	12	11	0	1	0	0	1	2	
Dislocations.....	0	4	3	0	1	0	0	0	0	
Wounds.....	0	17	16	0	0	1	0	0	0	
Contusions.....	0	10	8	0	0	0	0	1	1	
Burns and Scalds.....	0	11	6	0	0	0	1	4	0	
Fistula	2	6	7	1	0	0	0	0	0	
Rheumatism	3	14	13	0	0	0	0	4	0	
Erysipelas.....	1	4	4	0	0	0	1	0	0	
White Swellings.....	0	3	2	0	0	0	0	1	0	Amputation.
Delirium Tremens.....	0	9	6	0	0	0	3	0	0	
Intoxication.....	0	1	0	0	0	0	0	0	1	
Piles.....	1	6	7	0	0	0	0	0	0	
Epilepsy.....	0	5	3	1	0	0	0	1	0	
Locked Jaw.....	0	2	1	0	0	0	0	0	1	
Diseases of the Eye....	4	12	9	1	0	0	0	6	0	
Scrofula.....	2	8	7	0	0	3	0	0	0	One a case of scrofulous testicle —removed successfully.
Diabetes.....	0	2	0	0	0	2	0	0	0	
Strictures.....	0	4	3	0	0	0	0	1	0	
Paralysis	4	9	3	0	0	3	0	6	1	
Calculus.....	1	1	1	0	0	0	0	1	0	
Concussion.....	0	2	0	0	0	0	0	2	0	
Hypochondriatis.....	2	4	0	2	0	4	0	0	0	
Laryngetis.....	1	2	3	0	0	0	0	0	0	
Diseases of Uterus....	2	11	10	0	0	2	0	1	0	
Worms.....	1	3	4	0	0	0	0	0	0	
Syphilis.....	1	10	10	0	0	0	1	0	0	
Gonorrhœa.....	0	10	9	0	1	0	0	0	0	
Retention of Urine....	0	2	2	0	0	0	0	0	0	
Colics.....	0	3	3	0	0	0	0	0	0	
Necrosis.....	0	3	0	0	0	3	0	0	0	
Frost Bitten.....	0	12	3	0	0	0	0	8	1	
Catarrh.....	0	8	8	0	0	0	0	0	0	
Lupus.....	0	1	0	0	0	0	0	1	0	
Sprain.....	0	5	3	0	0	2	0	0	0	Diseased ancle joint followed one case—amputation performed successfully.
Childbirth.....	0	13	10	0	0	0	0	3	0	
Neuralgic Diseases....	0	3	2	0	0	0	1	0	0	
Total.....	45	530	423	6	4	43	32	60	7	

N. B.—Number of Out-Patients relieved, 1,800.

C. WIDMER, *Surgeon.*
JOHN KING, M. D.
JOHN ROLPH.
ROBERT HORNBY, M. D.

No. VI.

SCHEDULE of Lands appropriated under the authority of Orders in Council for the support of the York General Hospital.

SIX ACRES.—The Site of the Hospital.

FIVE ACRES.—Hospital Reservation, west of Church Street.

THREE HUNDRED AND EIGHTY-SIX ACRES, being the Government Park, east of the City of Toronto.

ONE ACRE, on King Street, corner of York Street.

A portion of the Park Lots, and also of those forming the Hospital Reservation, have been sold, and the proceeds applied to the maintenance of the Hospital.

ORDER in Council appropriating certain Lots in the Town of York to the use of the Minister of the Church of England for the time being.

In Council, *December* 2, 1824.

Read an extract of a Despatch addressed by the Right Hon. Earl Bathurst to Sir Peregrine Maitland, K. C. B., on the subject of Church Lands and Parsonage in the Town of York, dated 10th June, 1823.

The Committee having under consideration an extract of a Despatch addressed by the Right Hon. the Earl Bathurst to His Excellency Sir Peregrine Maitland, K. C. B., dated Downing-Street, 10th June, 1823, stating, that "whatever may have been "the causes of the alienation of so considerable a portion of the "lands originally appropriated in the Town of York for the "Church, and for the use of the Rector for the time being, there "appears to be no better mode of remedying the evil than that "which you have suggested, of making up the number of acres "formerly set apart for these purposes by a suitable transfer of "any lots which may be still reserved, or unappropriated, in the "Town Plot and Township of York," most respectfully recommend, that the Town Lot on which the old Gaol now stands be appropriated for this purpose, so soon as it becomes vacant, and that the Trustees of the six acres of land, situated near the Church, usually known by the Hospital Square or Block, be requested to release the south-east acre of the said block for the same purpose, these two acres being as nearly equivalent to the two acres granted from the Church Plot as can now be found.

A true copy,

JOHN BEIKIE,

Clerk Executive Council.

MEMORIAL of Dr. Gwynne.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of Upper Canada, &c. &c. &c.

The Memorial of William Charles Gwynne, Bachelor of Arts and Medicine in the University of Dublin, and Licentiate of the Royal College of Surgeons in Ireland,

Humbly Sheweth:

That the Hospital in this City, which is the only institution of the kind at present in operation in the Province, is supported principally by a revenue derived from lands with which the Government has endowed it.

That there appear to be no fixed principles by which the Institution is regulated; but, on the contrary, that the entire management of it is in the hands of three or four medical practitioners, who seem to be guided solely by their own inclinations, and who alone, to the exclusion of all the other members of the Profession, in this city, enjoy the advantages derivable from the institution.

That the great majority of the medical practitioners are thus deprived of the principal means of becoming acquainted with the diseases incidental to the country and climates, and their pupils of the power of acquiring the first rudiments of their profession. That no persons are appointed whose duty it is to visit the Hospital and see whether the patients are properly attended to or not. No periodical Reports inform the public of the number of patients admitted, their ailments, recovery or death, &c., or of the results of capital operations, which are frequently occurring: in fine, that every thing connected with the Institution is involved in an obscurity which is calculated to increase the prejudice against such institutions, which is known to exist in the minds of the poorer classes in all countries.

Your Petitioner, therefore, humbly prayeth, that your Excellency may think proper to cause an inquiry to be made into those matters, with a view to placing the Hospital in this city upon such a footing as will secure to it the confidence of the public—and to the medical practitioners, generally, the means of studying their profession under the greatest possible advantages

The Memorial of your Petitioner also further sheweth, that, by an Act passed by the Provincial Legislature in the fifty-ninth year of the reign of George the Third, the Lieutenant-Governor, or person administering the government, is empowered to constitute a Medical Board, consisting of five or more members, three of whom should be a quorum, for the purpose of examining persons applying for Licenses to practice Physic, Surgery, or Midwifery in the Province. That the present Medical Board, having originally consisted of eleven members, is now in point of fact reduced to three, the remaining members being, from various reasons, unable to attend; which three members are frequently obliged to be under the painful necessity of examining their own pupils. That it is contrary to the practice of other countries and inexpedient, that three individuals should have, from year to year, the power of pronouncing, without appeal, upon the professional merits of their own pupils, or those of others, who may be obliged to submit to their decision, their future prospects in life.

Your Petitioner, therefore, humbly prayeth, that your Excellency may think proper to increase the number of members on the Medical Board, from the resident practitioners in this city: and to introduce such other changes into the constitution of the said Board as may to your Excellency seem best calculated to remedy the above defects.

And your Petitioner, as in duty bound, will ever pray.

(Signed) Wm. C. GWYNNE.

Toronto, January 29, 1836.

MEMORIAL of certain Resident Practising Physicians.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada.

The Memorial of the undersigned Resident Practising Physicians and Surgeons of the City of Toronto,

Humbly Sheweth:

That your Memorialists are impelled by a sense of public duty to solicit the attention of your Excellency to the present state of the Medical Board of this Province.

By the Provincial Statute of the 59th Geo. III., c. 13, it is enacted, "that it shall be lawful for the Governor, Lieutenant-"Governor, or person administering the Government, to constitute and appoint, under his hand and Seal at Arms, five or "more persons legally authorised to practice Physic, Surgery, or "Midwifery, in this Province, to be a Board, whereof any three "to be a quorum, to hear and examine all persons desirous to "apply for a License to practice Physic, Surgery, and Midwifery, or either of them, within this Province, and being satisfied "by such examination that any person is duly qualified, to certify the same under the hands and seals of two or more of such "Board. Whereupon the Governor, Lieutenant-Governor, &c., "being satisfied of the loyalty, integrity, and good morals of "such applicant, may, under his hand and Seal at Arms, grant "to him a License to practice," &c.

The Board as originally constituted under this Act consisted

of ten Members and a Secretary, their names and residences being as follows:—

Names.	Residence.	Remarks.
Christopher Widmer...	Toronto.	
William Lyons.....		
W. W. Baldwin.....	Toronto.	Retired.
Grant Powell.....	Toronto.	Retired.
Jas. Sampson.....	Kingston.	Non-Resident.
Robert C. Horne.....	Toronto.	Retired.
Peter Deihl.....	Kingston.	Retired.
John King.....	Toronto.	
Chas. Duncombe.....	Oxford.	Non-Resident.
John Rolph.....	Toronto.	

William Lee, Esq., *Secretary.*

In consequence of some of the members having died, and others having retired from the Profession, the highly important trust confided in this Board has now devolved on three individual practitioners in this city, viz.:—Drs. Widmer, King, and Rolph.

Your Memorialists wish to abstain from making any remark that might be construed to reflect, in the slightest degree, upon the efficiency of the present Board. It is their object and wish only to call your Excellency's attention to the reduced, and now very limited, number of acting members: and should any vacancy occur among them, it would be difficult to make a quorum without having recourse to a non-resident member, who might not find it convenient to attend.

The Legislature appears to have contemplated an efficient Board of "five" or more members, although giving the power to "three" of forming a quorum or majority.

Your Memorialists humbly conceive, that the interests of the public now require the re-organization of the medical Board, by the addition of other members; and your Memorialists are confident, that such an addition would give very general satisfaction; and, therefore, humbly pray:

That your Excellency will be pleased to take an early opportunity of nominating such additional members as will render the Medical Board more efficient, and better calculated to promote the objects of the Act.

And your Memorialists will ever pray.

WILLIAM WINDER, M. D.
JAMES SINCLAIR EGAN, M. B.
WALTER TELFER, Surgeon.
WILLIAM REES, Surgeon.
GEORGE A. LATHAM, M. D.

OBSERVATIONS of Medical Board.

(Copy.)

The Medical Board having perused the Memorial of Dr. Gwynne, referred by His Excellency the Lieutenant-Governor to the Board for any observations they may deem it necessary to offer on the subject, respectfully beg leave to state to His Excellency, that the Hospital of this city was built from funds remaining in the hands of the Loyal and Patriotic Society of Upper Canada, at the termination of the late war with the United States of America, upon lands originally granted for that purpose by the Crown. These lands are now vested in certain Trustees, to whom the Executive Government have also left the general management of the affairs of the Hospital.

Owing to causes not known to the Board several years elapsed before the building was opened for the reception of patients, but early in the administration of His late Excellency Sir John Colborne, Mr. Widmer was instructed to organize it, and requested, in conjunction with Dr. Diehl, to undertake the Medical superintendence. As the number of patients increased, Dr. King and Mr. Rolph were subsequently appointed; and on the removal of Dr. Diehl from the city, Dr. Hornby, a Graduate of the University of Edinburgh, was selected by the Trustees to fill the vacancy.

The number of intern patients varies from forty to sixty-five or seventy, and it has been considered that four Medical Officers are amply sufficient for the performance of its duties; with what degree of zeal and ability these duties have been executed it is not for the Board to declare. The Trustees as a body, and that vigilant and active visitor of the Institution, the Archdeacon of Toronto, must be referred to on this point.

A Code of Regulations, printed many years ago by the Trustees, is appended to this Report; although in certain parts it is not applicable to the fiscal concerns of the Hospital, it has been the guide which has directed the admission of patients, and the general economy of the Institution.

As regards the exclusion of all the other members of the Profession in the city, the Board submit the utter impracticability of admitting all those members of the Profession not connected with the duties of the Hospital to visit it when they please; and it would be an invidious task to decide what particular portion should have that right. If a Hospital is to be efficient, and obtain the public confidence, a certain number of responsible medical persons must be selected, and the duties confided to them; if other practitioners are admitted, it must be by the courtesy of those in attendance.

The Wards have ever, heretofore, been cheerfully open, during the visiting hours of the Medical Officers, for all the well conducted students of medicine resorting to the city; those who attend are always aware of the performance of any capital operation, and the benefits derived from the Institution to the students generally has been sufficiently obvious. This admission of students has been allowed by the Medical Officers, in the absence of any rules upon the subject in the printed regulations, without assuming, however, any right to exercise such a power. But as the question of the unconditional admission of the pupils of the Profession generally in the Province to participate in the instruction afforded by attending the practice of the Hospital, is brought by this Memorial under the consideration of His Excellency, the Board recommend, that, pending such an investigation, the Medical Officers forbear further interference. The Board, however, respectfully submit, that the Medical Officers ought not to be required to become gratuitous instructors in the Hospital, until it is appended to a Medical School to meet the growing wants of the country.

There is no instance within the knowledge of the Board, either in Europe or America, where the great majority of the medical practitioners of a city derive their means of becoming acquainted with the diseases incidental to the climate through the practice of a Hospital. The Medical Officers of our best Provincial Infirmaries in England are all elected, and the practice of these Institutions confined to a convenient number.

"That no person is appointed whose duty it is to visit the Hospital and see whether the patients are properly attended to or not," may be accounted for, when it is understood that the professional character of the attending Medical Officers has never been, justly or successfully, reproached with want of skill, humanity, or attention. It is, therefore, presumed that the Trustees do not participate in Dr. Gwynne's suspicions of the necessity of appointing such a person.

A periodical Report, detailing the number of admissions, discharges, and deaths, of each disease or accident, together with a statement of prevailing diseases, has invariably been presented to the House of Assembly, through His Excellency the Lieutenant-Governor, at each Session, up to the Session before last, when it was discontinued, owing to the failure of the accustomed annual grant of £100 by the House in aid of the funds of the Hospital.

That no prejudice exists against the Institution is sufficiently evident from the numerous daily applications for admission. The Board believe that the confidence of the public in the Hospital remains unimpaired.

The Medical Board have endeavoured faithfully and conscientiously to discharge the duties entrusted to them by His Majesty's Government; and they have yet to learn that there is any dissatisfaction in the country, or in the medical practitioners of the country, with the exception of the Memorialist and a few others, who have too recently come into the Province to form a just opinion. But should His Excellency think proper to increase the number of the Medical Board, they respectfully refer to the documents in the Appendix for evidence of the truth, that

there are persons with whom the Board could not associate in the performance of any duty.

It is obvious that the pupils of any member of the Board must, of necessity, be examined by the Board; but they report, that in no instance of the kind has the member, of whom the candidate was a pupil, taken any part in the examination, which has always been, in such cases, scrupulously rigid.

The Board are willing to give the names of such candidates who have been examined and passed by the Board, that His Excellency, the public, and the Profession may judge of their merit, to which the Board desire to bear their distinct testimony, in answer to the insinuation to the contrary.

(Signed) C. WIDMER,
President.

February 4, 1836.

PRESENT.

C. WIDMER, *President.*
W. W BALDWIN, M. D.
R. C. HORNE, Esq.
JOHN KING, Esq., M. D.
JOHN ROLPH, Esq.

(APPENDIX.)

No. I.—Rules and Regulations for the government of the General Hospital.
No. II.—Extract from the Patriot Newspaper.
No. III.—Ditto ditto ditto.
No. IV.—Extract from the Recorder Newspaper, purporting to be an account of a public meeting of the Medical Profession, Drs. Gwynne, Egan, Rees, Lutham, Lithgow, and Telfer being the only persons present, excepting Mr. Dalton and Mr. Bradley, two Medical Students, opposing the proceedings.

(COPY.)

The Medical Board to whom was referred the Memorial of William Winder and four others, for any observation they might think it proper to make on the subject thereof, for the information of the Lieutenant-Governor, respectfully report, that the Appendix No. I. will exhibit the whole number of persons who have constituted from time to time the Medical Board, with their standing in the Profession, and period of residence in the country. It appears that the selection has heretofore been made not merely of those whose opportunities of education have been favourable, but whose long professional practice and residence in the country had previously obtained for them the confidence of the public and of their medical brethren generally.

The Board cannot but observe, that while, on the one hand, the Government appear to have been guided by this circumspection of choice, the gentlemen signing the present Memorial, including Dr. Gwynne, comparatively are strangers, and not associated in this complaint with any of the practitioners in the city or country, who have been, more or less, cognizant of the competency, sufficiency, and fidelity of the Board, from its original organization.

This Colony, particularly since the attention of emigrants has been directed to it, has, within some years, had many transient professional men, who, after a very limited and unsuccessful residence, have left it; and the Board submit, that neither the public nor the Profession could be expected to enlarge their confidence by any accession to the Board from that class.

The members of the Board do not desire to retain their office longer than they possess the confidence of the country, for whose benefit the Government has appointed them; but they cannot recognize the representation of these gentlemen, including the Memorial of Dr. Gwynne, as evidence of the desire of the public for any such additions, to give very general satisfaction. But whenever His Excellency finds such an increase desirable it is neither their duty, nor their inclination to object to it.

It appears, however, that the Provincial Parliament, with many medical gentlemen in it, better acquainted than the Memorialists possibly can be with the character and efficiency of the Board, have continued satisfied with its present organization, and have, by law, provided, that three shall be a quorum; nor in a limited community like this can a large quorum be at present expected, or long insured.

The members resident in the country can only give a very occasional attendance; but their addition has, no doubt, contributed to extend over the country the confidence which it is desirable the Board should possess, and led to greater uniformity in that private instruction, which, however inadequate to the wants and merits of students, continues to be the only opportunity they enjoy.

C. WIDMER,
President.

PRESENT.

C. WIDMER. *President.*
W. W. BALDWIN, M. D.
R. C. HORNE.
JOHN KING. M. D.
JOHN ROLPH.
CHAS. DUNCOMBE.

No. I.

RULES and Regulations proposed for the Government of the General Hospital.

GENERAL HOSPITAL PATRON,

The Lieutenant-Governor Sir John Colborne, K. C. B.

SECTION I.

ELECTION OF GOVERNORS, OFFICERS, &c.

Persons contributing £25 to the funds of the Hospital, or £2 10s. annually, may be chosen Governors or Directors.

Persons contributing £10 to the funds, or £1 5s. annually, shall be entitled to vote at the election of Governors.

The whole number of Governors, including the Trustees, shall in no case be less than thirteen.

The Governors to be elected, whose number shall not be less than seven, shall be chosen from among those who pay £2 10s. annually towards the support of the Hospital, or Donors of £25.

The votes shall be given in the ratio of the contribution, that is, one vote for every £1 5s. of annual contribution, provided that no person be entitled in any case to more than five votes.

No person shall be eligible to the office of Governor, unless he be in a situation to discharge its duties, being resident in York or its vicinity.

No subscriber or contributor shall have a right to vote at any election of Governors until he shall have paid his subscription or contribution for the current year

The Governors shall be elected on the first Tuesday in the month of May in each and every year, in the Committee-Room of the Hospital, at 11 o'clock, A. M.

In case the number of Governors elected shall at any time, by death, resignation, absence, neglect of duty, or refusal to act in their office, be less than thirteen, their number shall be filled up for the current year by the Board.

At their first meeting, which shall take place on the Monday after their election, the Governor shall choose a President, a Vice-President, a Secretary, Treasurer, and Committee of Management, to consist of three Governors, and the Medical Attendants, any three of whom shall be a quorum, and who shall remain in office one year from the date of their appointment.

A meeting of the Board of Directors shall be held in the Committee-Room of the Hospital on the first Tuesday in February, May, August, and November, which shall be called Stated Meetings; all other meetings being known by the name and style of Special or Extraordinary Meetings.

Any two Governors, by application to the President, or, in his absence, to the Vice-President, with his concurrence shall have power to call a meeting of the Board of Governors, giving at least one day's notice.

The Secretary shall state in his notice calling such special meeting, the business to be laid before it.

Five Governors, with the President, or, in his absence, the Vice-President, shall be a quorum, and shall have power to transact all business relating to the Hospital, according to the existing rules and regulations.

The Governors shall have power at any ordinary or extraordinary meeting to appoint such officers, and fix their compensations or salaries, as they may deem necessary for the management of the Hospital.

It shall be incumbent upon the medical officer in charge to attend at the Hospital at least once a day, and if he is prevented so doing by sickness, or urgent professional avocations, he shall give notice thereof to one of his coadjutors who may be able to attend for him.

An ample supply of Medicines having been procured for the Dispensary, and a Resident Apothecary having been appointed, any indigent persons whose cases are not of a nature to require Hospital treatment, may receive advice and Medicines by attending personally, without any recommendation, at the Hospital, at the hour of noon throughout the year.

SECTION II.

OF THE PRESIDENT AND THE VICE PRESIDENT.

The President, or in his absence, the Vice President, with the concurrence of two Directors, shall call a meeting, whenever he shall think it necessary, giving, at least, one day's notice thereof.

The President, or in his absence, the Vice President, or in their absence, any member, who may be elected by a majority of those present, shall preside at all meetings of the Board of Directors.

SECTION III.

OF THE TRASURER.

The Treasurer shall give such security as may be required by the Board of Directors, for the due accounting for, and payment of the monies which he shall receive from time to time, for the use of the Hospital.

He shall receive all monies belonging to the Hospital, and pay out the whole, or any part thereof, on receipt of a written order from the Board of Governors, or the Committee of Management, but not otherwise.

He shall deliver to the Secretary, seven days, at least, previous to the general annual meeting, held on the first Tuesday in May, in each and every year, a full statement of all his accompts, with the vouchers for the preceding year to be laid before the said meeting.

SECTION IV.

OF THE SECRETARY.

The Secretary shall attend all meetings of the Board of Governors, take minutes of the proceedings of each meeting, and transcribe the same into a book.

He shall, at each meeting of the Board, read the proceedings of the last meeting.

He shall keep another book; into it, he shall transcribe the minutes of the Committee of Management, which meeting it shall also be his duty to attend.

Through the Secretary, all communications, of whatsoever nature, shall be made to the Board of Governors, and by him, from the said Board, to the public, or any department of the Hospital.

He shall, within two days after the election of the Governors, or other Officers of the Hospital, give notice thereof to the different persons so elected.

On the day preceding each and every meeting of the Board of Directors, (special or stated,) it shall be his duty to send notice of the time and place of each meeting, to each Director and Medical Officer of the Hospital.

He shall, twenty days before any election of Governors, hang up a notice in the Committee Room of the Hospital, and shall state therein the persons entitled to be elected, and the qualifications required of the electors.

He shall, on the Saturday preceding their week of attendance, notify, by letter, the weekly Visiting Directors.

He shall keep the necessary books for entering all the transactions of the Hospital, and abstracts of the all the accompts.

On the first Tuesday in April, in each and every year, the Secretary shall send a monitory letter to each and every person whose subscription shall be in arrears.

SECTION V.

OF THE COMMITTEE OF MANAGEMENT.

The Committee of Management shall meet at the Hospital, at least, once a month, and shall have power, and it shall be their duty, to inquire strictly into the domestic economy of the house, to order all things necessary for the same, to inquire into the conduct of officers, matron and servants of the Hospital, to examine and order all repairs, to oversee and control every thing connected with the management of the Hospital, to credit, inspect and approve all accompts, and to order payment of the same, and to report, by the Secretary, a statement of all their transactions to each quarterly meeting of the Board of Governors.

They shall have the general charge and care of the property of the Hospital, and shall enforce all necessary attention to economy, cleanliness and good conduct.

They shall have power, by application to the President, or in his absence, to the Vice President, to call whenever they think it necessary, a meeting of the Board of Governors.

They shall, at their meetings, make minutes, which the Secretary shall transcribe in a book kept for that purpose.

They shall have power, and it shall be their duty, to engage and discharge all servants of the Hospital, and to fix their wages.

The Committee of Management shall, five days previous to the general annual meeting, or the first Tuesday in May, in each and every year, draw up a report of the state of the Hospital, and of the state and number of patients admitted and discharged, and an abstract of the proceedings of the Board of Governors, and of all the accompts of the Hospital for the preceding year.

SECTION VI.

THE STEWARD OR PURVEYOR.

The Steward or Purveyor shall purchase, under the direction of the Committee of Management, fuel, provisions, and all other stores for the use of the Hospital, except Medicines and Medical stores. He shall present to the Committee of Management every three months, or oftener if required, a statement of his accounts.

SECTION VII.

ADMISSION OF PATIENTS.

It shall be the exclusive prerogative of the Medical attendants to judge if the person or persons recommended as patients be fit objects for admission.

Every Governor and Medical Officer of the Hospital, and the Clergymen belonging to such congregations of this town as make collections in aid of the funds of the Hospital, may recommend patients for admission.

Subscribers to the Institution, not eligible as Governors, may recommend patients to the extent of their subscriptions, at the

rate of one shilling per day for each patient, but such recommendation must be countersigned by one of the Governors.

That no Governor or subscriber be allowed to send their servants, as patients, to the Hospital, unless they pay one shilling per day during their stay, for subsistance.

That no patient be admitted by the Steward, unless he produce a recommendation signed by a Governor, except in case of violent wounds and severe accidents.

No patient shall be admitted into the Hospital whose case shall be considered incurable, or who is insane, or an idiot, nor any whose cure does not require the particular benefit of in-door practice.

No woman advanced in pregnancy shall be admitted as an in-door patient.

Such patients as are unable to pay for their maintenance, shall be received as paupers; such as are able to pay, shall be admitted into the Hospital as pay patients, at the rate of not less than one shilling per day.

The person recommending any patient or patients shall mention in the recommendation for admission if they are paupers, and if not, the sum they are to pay per week; in case of any doubt as to the ability of the patients to pay the Hospital dues, the Committee of Management shall send to inquire the same.

More than twenty pauper patients cannot be provided for; it is, therefore, necessary that no patient from a distance should rely upon being admitted without a previous communication with the Directors: it is earnestly hoped, however, that such assistance may be afforded by the Provincial Legislature, as may enable the Directors to extend the benefits of the Institution more generally.

Patients admitted into the Lock Ward, shall pay 1s. 6d. per day.

When a pauper dies in the Hospital, the Steward shall give notice to the Clergyman to whose congregation or Church he or she may belong, that the burial may not be at the expense of the Hospital.

SECTION VIII.

OF THE PATIENTS:

Any patient absenting himself without leave, or being guilty of drunkenness, or any irregularity, such as swearing, or speaking or acting disrespectfully to any of the servants of the Institution, or breaking through any of the regulations, or neglecting the directions prescribed for his behaviour and recovery, by the Medical Officers, shall, upon being reported, be immediately dismissed by any member of the Committee of Management.

SECTION IX.

On the first Tuesday of the month of May, a general meeting shall be held of the Trustees, Governors, and Subscribers, before which a Report of the State of the Hospital shall be laid, detailing the number of patients admitted and discharged, an Abstract of all the proceedings of the Board of Governors, and of all the Accounts of the Hospital for the preceding year, with such other matters respecting the Institution as may be thought worthy of consideration; and after such proceedings on this information as may be deemed proper, the meeting shall proceed to the election of Governors for the ensuing year.

(Copy.)

The original Board appointed by Commission, dated January, 1819, composed of six members.

Names.	Qualifications.
James Macaulay, of York.	Member of Royal College of Surgeons of London, late Deputy-Inspector of Hospitals (Army); came to the country with General Simcoe. (Since dead.)
Christopher Widmer, of York.	Member of Royal College of Surgeons of London, late Surgeon to the Forces. Resident in the country since 1814.
William Lyons, M. D., of York.	Doctor of Medicine, University of Edinburgh, Member of Royal College of Surgeons, London, late Surgeon to the Forces. Came to the country with Sir P. Maitland in 1818.
William W. Baldwin, M. D., of York.	Doctor of Medicine, University of Edinburgh. A resident in the country upwards of thirty years.
Grant Powell, of York.	Surgeon to the Incorporated Militia. Born in the country.
Robert Kerr, of Niagara.	Surgeon to the Indian Department. (Dead.)
1st of April, 1822, (by Commission.)	
James Sampson, of Kingston, appointed in room of James Macaulay, deceased.	Member of Royal College of Surgeons, London, and an Army Surgeon. Came to the country 1811.
April, 1823, (by Commission.)	
Robert C. Horne.	Member of Royal College of Surgeons, London, an Army Surgeon. Came to the country 1811.
January, 1829, (by Commission.)	
Peter Diehl, of York, (now of Kingston.)	Member of Royal College of Surgeons of London, late Army Surgeon. Born in the country.
January, 1832, (by Commission.)	
John King. M. D., of York.	Doctor of Medicine, University of Edinburgh, Member of Royal College of Surgeons, Edinburgh. A resident in the country for six years.
John Rolph, of York.	Member of Royal College of Surgeons of London. Resident in the country since 1812.
Dr. Ridley, of Belleville.	A practitioner of Medicine and Surgery of respectability, and of many years standing.
Dr. Stratford.	Member of Royal College of Surgeons London, and late Army Surgeon.
Charles Duncombe, of Oxford.	A Licentiate, Practitioner of Medicine. Came to the country in 1815, and a Member of the Provincial Parliament.
April, 1832, (by Commission.)	
J. Muttlebury, M. D., of York.	A Fellow of Royal College of Physicians of Edinburgh, and late Army Inspector of Hospitals. (Since dead.)

No. II.

(Copy.)

To the Editor of the Patriot.

Mr. Editor:

Having seen a paragraph in your paper alluding to the death of the late Mr. Wasnidge, which stated that gentleman's premature death was caused by a fracture which baffled the skill of all the Faculty of the city, the undersigned feel it a duty we owe to ourselves, if not the public, to state that we never saw or were in any manner consulted concerning the injury to which that unfortunate gentleman fell a victim. We can easily conceive,

Mr. Editor, how you have fallen into the mistake, 'that all the Faculty were baffled;' for when an operation such as we have heard was performed upon that gentleman is undertaken, it is usual to consult such of the faculty as may at the time be within reach.

Had we been consulted, it is most probable that we would not have recommended an operation so rarely required, and so dangerous when misapplied, unless we were satisfied that the injury was compression, and not as we are inclined to think from what we have been able to collect, concussion of the brain.

(Signed,) JAMES SINCLAIR EGAN, *M. B.*
WM. CHARLES GWYNNE, *M. B.*
WALTER TELFER, *Surgeon.*

Toronto, December 10th, 1835.

Extracted from the "Patriot" of Tuesday, 15th December, 1835.

No. III.

(COPY.)

For the Patriot.

MR. EDITOR:

In our communication of the 10th inst., we adverted to the Medical Gentlemen in such a manner as in our opinion, would have drawn forth an explanation of the treatment they pursued in the case of the late Mr. Wasnidge, and had we been misinformed we would have made an ample public acknowledgment. In consequence of their silence we have taken the trouble of enquiring more minutely into the case, and the more we learn, the more unaccountable their treatment appears to us. We should be glad to hear from them, what was their object in using the *trepan* thrice, and as near the same place as possible.—The practice, undeniably, is novel in modern times.

We are aware that by some our attack is thought unhandsome; but when it is considered that these gentlemen fill the responsible situations of Hospital Surgeons, and Members of the Board of Examination, it must be allowed that the public at large, more especially the medical public, have an undoubted right to canvass their conduct.

Sir Astley Cooper, in speaking of the operation in question mentions the case of a dresser in one of the Hospitals, who, having had no accident during his week, said, "I will make a cut in the head of one of my patients, with fracture, for he may perhaps have depression, and I shall in this way have something to do before my week is up." This dresser ought to have a cut made in his own head—he should have been cut for the simples—this was putting his patient to considerable hazard—for the simple fracture would by the incision be rendered a compound fracture.

(Signed) S. EGAN.
W. TELFER.

Extracted from the "Patriot" of Tuesday, December 29th, 1835.

No. IV.

(COPY.)

From the "Recorder," of Wednesday, Jan. 6, 1836.

A meeting of the Medical Practitioners of the City of Toronto, pursuant to public advertisements, was held at the Court House, on Monday, the fourth instant, when the following resolutions were unanimously adopted.

Dr. Gwynne in the chair.

Dr. Rees was called upon to act as Secretary.

1. Proposed by Dr. Egan, and seconded by Dr. Latham.

That it is the opinion of this meeting that no institution has been devised better calculated to lighten the afflictions of the poorer portion of society labouring under disease or suffering from accident, than a well conducted Hospital, under the superintendence of a number of skilful and zealous medical practitioners. It being a subject of general notoriety, that there exists in the minds of the lower classes of society a prejudice against such institutions, partly arising from ignorance, and partly from an ill-grounded apprehension that medical men require themselves for unpaid services by the extensive field of experimental practice thus opened to them.

2. Proposed by Dr. Lithgow, and seconded by Dr. Egan,

That it is of the utmost importance to remove this prejudice as far as possible by adopting the precautions used by such institutions at home, viz: appointing particular days in each week for the performance of such important operations as admit of delay; when medical men and their pupils, and all persons interested are at liberty to attend, publishing periodically full statements of the number of persons admitted, their ailments, recovery or death, &c., and generally by affording to visitors such easy access to the wards as may be consistent with the comfort and well-being of the patients.

3. Proposed by Dr. Telfer, and seconded by Dr. Latham,

That it is the opinion of this meeting, that a veil of obscurity impends over the proceedings of the Hospital of this city, there being no stated days appointed for the performance of operations, upon which the regular practitioner might attend, nor any published reports informing the public of the number of those who have been restored cured, to their friends, or fallen victims to the progress of disease; the passing bier alone affords a melancholy proof that the institution still exists in active operation.

4. Proposed by Dr. Rees, and seconded by Dr. Lithgow.

That a respectful application be made to the Lieutenant Governor of this Province, requesting information upon the following subjects:—The original constitution of the Hospital—the number and mode of election of the medical attendants—whether there exists a board of control; if so, of whom composed;—whether a periodical statement of patients admitted, their ailments, recovery, death, &c. be submitted to the Lieutenant Governor, or any board authorised to receive or demand such statement?

5. Proposed by Dr. Telfer, and seconded by Dr. Egan,

That it is the opinion of this meeting that the medical board of this city, consisting as it does, for the most part, of members who, from the remoteness of their residences, and being devoted to other pursuits, cannot, therefore, attend to the important duties entrusted to them, as an efficient body.

6. Proposed by Dr. Egan, and seconded by Dr. Latham,

That it is contrary to the practice in other countries, and manifestly inexpedient, that *two* or *three* medical practitioners, holding their inquisition in utter darkness, should have, from time to time, the power of pronouncing, *without appeal*, on the professional merit of *their own* pupils, or those of others, with whom they may possibly be at variance.

7. Proposed by Dr. Telfer, and seconded by Dr. Egan,

That a respectful petition be presented to the Lieut. Governor, praying him to introduce such changes into the constitution of the Medical Board as may seem to His Excellency best calculated to restore it to the confidence of the medical men of this Province, and of those persons who are about to submit their future prospects in life to its decision.

8. Proposed by Dr. Lithgow, and seconded by Dr. Latham,

That an immediate application be made to the Provincial Legislature, praying them to extend to the Licentiates of the Colleges of Surgeons, of Dublin, Edinburgh and Glasgow, those privileges which they have already conceded to that of London, making thereby an invidious distinction insulting to those Colleges, and to the countries to which they belong.

9. Proposed by Dr. Egan, and seconded by Dr. Telfer,

That a Committee, consisting of Doctors Latham, Telfer, Egan, Lithgow and Winder, be appointed to draft the memorials as above, and wait upon His Excellency the Lieut. Governor, for the purpose of carrying into effect the objects of the meeting.

(Signed) WILLIAM C. GWYNNE, *Chairman.*
WILLIAM REES, *Secretary.*

REPORT of Captain Bonnycastle on the Military Reserves.

TORONTO. UPPER CANADA,

26th February, 1836.

SIR,

I have the honor, in obedience to the commands of His Excellency, the Lieut. Governor, as contained in your letter of the 24th instant, this day received, respectfully to report, as follows, upon the several matters contained in the Address from the Commons House of Assembly to His Excellency, bearing date the 11th Feb. 1836.

1. The portion of ground, therein described " as the commons east of the city" not being military lands, as far as I am aware, I am consequently unable to afford any observations upon.

2. The land therein named as " *The Commons, west of Peter Street, up to the Garrison, and south of Lot Street, west,*" is a portion of the Military Lands of the Crown, having been originally and expressly reserved for military purposes.

3. His Excellency's predecessor having found that the town of York was very rapidly increasing, suggested to His Majesty's Government the propriety of some alteration in the site of the present Garrison, and obtained permission with the acquiesence of the Hon. the Board of Ordnance, gradually to sell that part of the Military Reserve, east of the small creek, which nearly divides the reserve itself into two parts—the proceeds of the land thus sold, to be appropriated as has been decided upon by His Majesty's Government and the Honourable the Board of Ordnance.

4. For a statement of the funds derived from those sales by public auction, had within the past two years, I beg to refer you to the Commissioner of Crown Lands, as not being a Provincial accountant; I have had no control of the proceeds, neither am I required, otherwise, to do more than to report, from time to time, as to their nature and extent, for the information of the Ordnance.

5. The portion of the military reserve thus mentioned as being set apart for sale, has been regularly surveyed and entirely laid out in streets, squares & lots by the Surveyor General's department, for the express purpose of extending the city; and the lots hitherto sold have been deeded, upon payment in full by the purchasers, according to descriptions issued, from the Surveyor General's Office, in which the final approved plan of the new part of the city is lodged.

6. In thus forming the new town, no lot has been given, granted or leased to any person whatever, and no reservations have been made, excepting for future public purposes connected with the city as laid down on that plan.

7. With respect to the application of the funds, I have to represent that, having been employed by the Local Government, only to form the original plan, and to carry on such services as were deemed requisite for the improvement of the new part of the city, and which would render the lots more immediately saleable, I must again refer for particulars to the Commissioner of Crown Lands, feeling myself, however, able to remark, that no other application was made of those funds, further than the enclosure of the site of the future Government House grounds, the forming a road and foot path to the new pier, with some drainage, &c., and the payment of the surveyors employed.

8. I think it but due to myself, here, to observe that I have received no emolument of any kind; nor have I had the prospect of any remuneration whatever held out to me, or to any other person under my orders, for carrying on these public works, nor for any other similar professional services rendered to the Province at the desire of His Excellency the Lieutenant Governor.

9. In conclusion, I beg to state, that the sales are always made by public auction to the highest bidder, and are previously arranged by a Committee, consisting of the Commissioner of Crown Lands, the Surveyor General, and the Officer of Engineers, acting on the part of the Ordnance.

I have the honor to be,

Sir,

Your most obedient,

Humble servant,

R. H. BONNYCASTLE,

Capt. Royal Engineers.

Acting Surveyor-General's Report relative to the Reserves at Toronto.

SURVEYOR GENERAL'S OFFICE,

February 27th, 1836.

SIR:—

In compliance with the commands of His Excellency, the Lieutenant Governor, of the 24th instant, I have the honor to state to you, for His Excellency's information, that the Garrison Reserve, in the city of Toronto, was, by Order in Council, of 3rd June, 1817, dedicated to Military purposes, under the control of the Honorable Board of Ordnance—a survey thereof, into Town Lots, under the directions of Captain Bonnycastle, commanding the Royal Engineers, has been returned to this office, and the following descriptions issued under certificates from the Commissioner of Crown Lands, viz:

	£	s.	d.
The Hon. Levius P. Sherwood.			
Lot No. 4, in Section A., consideration money paid to the Commissioner of Crown Lands,.....	534	0	0
To Francis Nesbit.			
Lot No. 13, in Section A., containing 57,240 square links, consideration money paid to the Commissioner of Crown Lands,.....	152	0	0
To William Rees.			
Lots Nos. 1 & 6, South side of Adelaide Street, containing 8-10ths of an acre, consideration money paid to the Commissioner of Crown Lands,.....	251	10	0
To James Fitz Gibbon.			
Lots Nos. 1, 2, 3, 4, & 5, North side of Adelaide Street, containing 1 & 9-10ths of an acre, consideration money paid to the Commissioner of Crown Lands,.....	559	13	0
To D'Arcy Boulton, Junior.			
Water Lot designated E., consideration money paid to the Commissioner of Crown Lands,.....	121	0	0
To John Bishop, the Elder.			
Water Lot designated F., consideration money paid to the Commissioner of Crown Lands,.....	131	0	0
To the City of Toronto.			
The Water Lot in front of the Market Square—Order in Council, 26th August, 1835,.....	*Patent free.*		

To James Fitz Gibbon.

A certain piece or parcel of land lying North of Adelaide Street, East of Brandt Street, and Southerly of lands heretofore granted to the late William Halton, deceased; and a certain piece or parcel of land lying North of Lots Nos. 1 and 2 on the North side of Adelaide Street, and Southerly of Lands granted to the late William Halton—1 acre and 7-10ths, in exchange for a piece of land contiguous, to be surrendered to the Crown—by Order in Council, 6th August, 1835.

The part East of the city of Toronto, was described under Order in Council, 2nd May, 1818, to the Honorable Chief Justice Powell, the Honorable James Baby, the Honorable and Reverend John Strachan, and their heirs and assigns for ever, in trust, to make such conveyances of the same to such persons and upon such trusts as His Majesty's Executive Council, for the time being, shall, from time to time, direct—and any further appropriation of the said lands is not known to this office.

I have the honor to be, Sir,

Your most obedient,

Humble servant,

J. RADENHURST.

To JOHN JOSEPH, Esq.,

Civil Secretary.

STATEMENT from the Commissioner of Crown Lands.

COMMISSIONER OF CROWN LANDS' OFFICE,
Toronto, March 4th, 1836.

SIR :—

I have the honor to transmit to you herewith, a statement shewing the amount of the receipts and disbursements on account of the Military Reserve, within the city of Toronto, and which contains all the information this department can supply.

I beg to observe, that I have had no control over the disbursements, and that the different payments were made by the authority of the late Lieutenant Governor, agreeably to requisitions and certificates furnished by Captain Bonnycastle

I also forward to you a statement of sales of Water Lots, in the city of Toronto.

I have the honor to be,
Sir,
Your most obedient,
Humble servant,
PETER ROBINSON.

To JOHN JOSEPH, Esquire,
Civil Secretary.

UPPER CANADA.

ACCOUNT of Cash received by Peter Robinson, Esq., Commissioner for Crown Lands, in payment for Lots sold on the Military Reserve, in the City of Toronto.

Date.	NAME.	Number of Instrument.	Lot.		Town.	Interest.	Principal.
1833							
November 26	Robert Gillespie.....	1	6	Fronting the Bay	Toronto		183 13 4
	Wm. H. Draper.....	1	5	Fronting the Bay	Toronto		177 0 0
December 2	Levius P. Sherwood.....	1, 2, 3	4	Fronting the Bay	Toronto		534 0 0
19	Edward W. Thomson.....	1	7	Lot Street	Toronto		101 13 4
31	James Cockshutt.....	1	5	Lot Street	Toronto		104 0 0
	Hon. P. Robinson.....	1, 2, 3	1	Fronting the Bay	Toronto		605 0 0
	John Doel.....	1	Part of 10	Lot Street	Toronto		30 0 0
1834							
January 4	Robert S. Jameson.....	1	Part of 8	Fronting the Bay	Toronto		178 0 0
24	William Gamble..... / William Proudfoot.....	1	7	Fronting the Bay	Toronto		167 0 0
31	John Farr.....	1	2	Lot Street	Toronto		130 0 0
February 11	John S. Cartwright.....	1	8	Lot Street	Toronto		117 0 0
November 28	Thomas Bond.....	1	17	Section A	Toronto		50 6 8
	Francis Nisbet.....	1, 2	18	Section A	Toronto		101 6 8
	Hon. J. H. Dunn.....	1, 2, 3	2	B	Toronto		301 0 0
	Hon. J. H. Dunn.....	1, 2, 3	3	B	Toronto		300 5 0
	Hon J. H. Dunn.....	1, 2, 3	4	B	Toronto		73 2 6
	Hon. J. H. Dunn.....	1, 2, 3	5	B	Toronto		117 0 0
	Hon. J. H. Dunn.....	1, 2, 3	6	B	Toronto		142 17 6
	Hon. P. Robinson.....	1, 2, 3	20	A	Toronto		151 0 0
1835							
April 10	William Rees.....	1	1	E	Toronto		42 0 0
	William Rees.....	1	6	E	Toronto		41 16 8
July 16	William Rees.....	2, 3	1	E	Toronto	£1 5 2	84 0 0
	William Rees.....	2, 3	6	E	Toronto	1 5 1	83 13 4
August 28	James Fitzgibbon.....	1, 2, 3	1 to 5	D	Toronto		559 15 0
November 19	Francis Nisbet.....	3	18	A	Toronto	3 0 9½	50 13 4
						£5 11 0½	£4,426 3 4
					Interest..	.....	5 11 0½
					Total ...	.....	£4,431 14 4½

COMMISSIONER OF CROWN LAND OFFICE,
Toronto, March 3, 1836.

PETER ROBINSON.

UPPER CANADA.

The Military Reserve within the City of Toronto surveyed into a Town Plot, and sold by special Instructions, in Account Current with Peter Robinson, Esq., Commissioner for the Sale and Management of Crown Lands, from 26*th November,* 1833, *to* 3*d March,* 1836, *inclusive.*

No. of Voucher.	Date.	PAYMENTS.	Currency.	No. of Account.	RECEIPTS.	Currency.
	1834 Jan. 22	To Henry J. Castle, for surveying...	£ 79 17 6		By amount of Instalments received, as per Account herewith No. I.....	£4,431 14 4½
		Carried forward.....	79 17 6			

No. of Voucher.	Date.	PAYMENTS.	Currency.	No. of Account.	RECEIPTS.	Currency.
	1834					
		Brought forward.....	£ 79 17 6		Brought forward.....	£4,431 14 4½
	Mar. 5	To H. Mosley, as Auctioneer.....	2 2 0			
	July 24	To Wright & Nesbit, for fencing reservation for Government-House...	337 9 3			
	Oct. 18	To Francis Nesbit, for altering nine fences in vicinity of Fuel Yard.....	8 4 4½			
	Nov. 12	To Henry J. Castle, for surveying ...	105 16 6			
	20	To William Hunter, for lumber.....	8 2 7			
	Dec. 1	Henry J. Castle, for surveying.....	119 4 9			
	2	To Joseph Manual, for transport of gravel.....	5 16 6			
	5	To Robert Ford, for setting posts....	2 2 6			
	18	To Francis Nesbit, for carpenter's work and materials.....	15 15 5			
		Paid labourers employed in making the road in front of the Military Reserve, as per Pay-Lists herewith furnished by Captain Bonnycastle..	61 19 1½			
	1835					
	July 11	Paid William Hawkins, for surveying.	26 13 0			
	13	Paid Francis Nesbit, for carpenter's work.....	19 1 6			
	14	Paid William Hunter, for lumber....	9 17 3			
	Aug. 17	Paid Joseph Manual, for transport of gravel.....	13 2 0			
	22	Paid Francis Nesbit, for carpenter's work.....	24 7 9			
	Nov. 14	Paid Crispin & Manual, for transport of gravel.....	5 5 7½			
	19	Paid Francis Nesbit, for erecting Staff for Royal Standard.....	30 2 1			
		Paid labourers employed in making the road in front of the Military Reserve, as per Pay-Lists herewith furnished by Captain Bonnycastle..	240 10 2½			
	1836					
	Feb. 15	Paid J. F. Hamson, for carpenter's work.....	3 0 0			
		Paid for advertising and printing in the years 1833 and 1834, as per Abstract No. herewith.....	22 3 6			
		Balance paid into the hands of the Hon. J. H. Dunn, Receiver-General	3,291 0 11½			
		Total.....	£4,431 14 4½		Total.....	£4,431 14 4½

COMMISSIONER OF CROWN LANDS OFFICE,
Toronto, March 3, 1836.

PETER ROBINSON.

UPPER CANADA.

STATEMENT of Sales of part of the Military Reserve within the City of Toronto, as surveyed into a Town Plot.

Date.	Lot.	Range or other Division.	Town.	Name of the Purchaser.	Amount of Purchase Money.
1833					
November 26	6	Fronting Bay	Toronto	Robert Gillespie.....	£ 551 0 0
	5	Fronting Bay	Toronto	Wm. H. Draper.....	531 0 0
December 2	4	Fronting Bay	Toronto	Levius P. Sherwood.....	534 0 0
19	7	Lot Street	Toronto	Edward W. Thomson.....	305 0 0
31	5	Lot Street	Toronto	James Cockshutt.....	312 0 0
	1	Fronting Bay	Toronto	Hon. P. Robinson.....	605 0 0
	10	Lot Street	Toronto	John Doel.....	319 0 0
1834					
January 4	8	Fronting Bay	Toronto	Robert S. Jameson.....	351 0 0
24	7	Fronting Bay	Toronto	William Gamble..... / William Proudfoot.....	501 0 0
31	2	Lot Street	Toronto	John Farr.....	390 0 0
February 11	8	Lot Street	Toronto	John S. Cartwright.....	351 0 0
November 28	17	Section A	Toronto	Thomas Bond.....	151 0 0
	18	Section A	Toronto	Francis Nisbet.....	152 0 0
	2	Section B	Toronto	Hon. J. H. Dunn.....	301 0 0
	3	Section B	Toronto	Hon. J. H. Dunn.....	300 5 0
	4	Section B	Toronto	Hon. J. H. Dunn.....	73 2 6
	5	Section B	Toronto	Hon. J. H. Dunn.....	117 0 0
				Carried forward.....	£5,844 7 6

Date.	Lot.	Range or other Division.	Town.	Name of the Purchaser.	Amount of Purchase Money.
				Brought forward.....	£5,844 7 6
	6	Section B	Toronto	Hon. J. H. Dunn.....	142 17 6
	20	Section A	Toronto	Hon. P. Robinson.....	151 0 0
1835					
April 10	1	Section E	Toronto	William Rees.....	126 0 0
	6	Section E	Toronto	William Rees.....	125 10 0
August 28	1, 2, 3, 4 and 5	Section D	Toronto	James Fitzgibbon.....	559 15 0
				Total.....	£6,049 10 0

COMMISSIONER OF CROWN LANDS OFFICE,
Toronto, March 3, 1836.

PETER ROBINSON.

UPPER CANADA.

STATEMENT of Sales of Water Lots in the City of Toronto.

Date.	Lot.	Town.	Names of Purchasers.	Amount of Purchase Money.
1828				
December 31	Water Lot E	Toronto	D'Arcy Boulton, Junior.....	£ 121 0 0
	Water Lot F	Toronto	John Bishop, Senior.....	131 0 0
			Total.....	£ 252 0 0

COMMISSIONER OF CROWN LANDS OFFICE,
Toronto, March 3, 1836.

PETER ROBINSON.

DOWNING STREET,
23*d January*, 1835.

SIR,

With reference to your Despatches of the dates and numbers mentioned in the margin, I have now the honor to transmit to you copies of a correspondence which has taken place between this department and the Board of Ordnance relative to the application of the money arising from the sale of the Military Reserves lying to the westward of the city of Toronto. By this correspondence you will perceive that the Board of Ordnance have requested, and that I have acceeded to their wish, that two thirds of all the proceeds of these sales should be paid over to their officers, until the sum so paid over shall be sufficient to cover the expense of erecting new Barracks, with their necessary defences, for the Garrison of Toronto. I have therefore to desire that you will make these payments accordingly, and I have no doubt that you will shortly receive an estimate of the whole expense contemplated on this account, in compliance with the wish expressed in my Under-Secretary's letter of the 17th instant.

Jan. 23, 1833, No. 6.
" 15, 1834, " 4.
July 3, " " 50.
" 4, " " 51.

Ordnance, Dec. 31, 1834.
Mr. Hay, Jan. 17, 1835.

With reference to your Despatches of the 3d and 4th July last, Nos. 50 and 51, recommending the erection of a Chapel and of a Government House out of the surplus which will remain from these sales, after the erection of the military works, and transmitting estimates of the sums necessary for that purpose, I have to inform you that I have not considered myself at liberty to sanction so large an expenditure without first consulting the Lords Commissioners of the Treasury. I have, therefore, referred your Despatches for their Lordship's consideration, and I shall communicate further with you upon the subject, as soon as I shall have been favored with their opinion.

I have, &c.

(Signed)

ABERDEEN.

MAJOR GENERAL
SIR J. COLBORNE, K. C. B.
&c. &c. &c.

(COPY.)

OFFICE OF ORDNANCE,
31*st December*, 1834.

SIR,

Having submitted to the Master General and Board your letter of the 23d September last, requesting copies of any Reports received from the Ordnance Officers at Toronto, (York) Upper Canada, shewing the present condition of the Barracks; at the same time requesting the opinion of the Master General and Board, whether the state of the existing Barracks, with reference to delapidations and insufficiency of accommodation for the troops, would appear to require the erection of a new building; I have it in command to acquaint you, that no report has been received from Toronto since July, 1833, when the Barracks were described as being in a bad state, and the sum of £395 6s. 5d. was authorised to be expended by the Ordnance for repairing them.

The Master General and Board, however, desire me to request you will draw the attention of the Secretary of State to the correspondence which has taken place relative to the construction of new Barracks, by the Colony, a question brought forward by the Lieut. Governor with the object of obtaining a portion of the reserve contiguous to the present fort and barracks, for the enlargement of the town, and to observe that if the present communication has reference to this subject, the Master General and Board consider that it is not the actual state of the buildings as the position in which it would be placed by the extension of the town close to the defences, which renders it imperatively necessary to require the Province to rebuild their establishments, if the military reserve is to be allotted for Colonial improvements.

The Master General and Board at the same time beg to recal the attention of the Secretary of State to the conditions on which they consented to the Lieut. Governor's original proposition, to sell a part of the military reserve to the westward of York, as stated in their letter to Mr. Lefevre, dated 10th April, 1833, and I am to add, that the Master General and Board expressed their opinion in a minute dated the 7th August last, that no new works should be undertaken until Colonial funds (arising from the sale of the reserve at York) sufficient for their completion, are placed at their disposal, and they accordingly notified the same to the commanding Engineer in Canada, with direction not to undertake any new work at York, or incur any expense whatever without their authority; and the Master General and Board beg to ex-

press a hope that the Secretary of State will instruct the Lieut. Governor to pay into the military chest two-thirds of the money received from the sale of the reserve, *to the account of the Ordnance Department*, for the purpose of being applied (when a sum sufficient for the purpose is obtained) to the construction of a new military establishment at the point which has been selected for that purpose.

I have, &c.

(Signed)

R. BYHAM.

R. W. HAY, Esquire,

&c. &c. &c.

(COPY)

DOWNING STREET,

17*th January*, 1835.

SIR,

I have had the honor to receive your letter, 31st ultimo, relative to the construction of a new Barracks at Toronto in Upper Canada, and of the proceeds of the sale of the military reserves lying to the westward of that town, and stating for the information of the Earl of Aberdeen, that, in the opinion of the Master General and Board of Ordnance, it is not the actual state of the Barracks, so much as the position in which they would be placed by the extension of the town, which renders their reconstruction by the province imperatively necessary, if the military reserve is to be allotted for Colonial purposes.

Lord Aberdeen, fully aware that the original consent of the Master General and Board of Ordnance to the sale of the military reserve was conditional upon the reservation of a sufficient portion of them for erecting new Barracks with their necessary defences, and the payment of the expense of their construction out of the proceeds of the sales, His Lordship has no disposition to recede from these stipulations—on the contrary, he is quite prepared, in compliance with the desire of the Master General and Board; and in order to avoid delay in commencing those works, to instruct Sir J. Colborne to pay into the hands of the Ordnance Department two thirds of the proceeds of the sales of the military reserves, until they shall amount to the sum required for the construction of the Barracks and their defences. But, with a view to correct, in some measure, the indefiniteness of such an instruction, and in order that Lord Aberdeen may be able to form some calculation of the sum that will remain available for other public works, after the completion of the Ordnance buildings, I am to request that you will move the Master General and Board to direct their offices in the Province forthwith to prepare and transmit an estimate of the whole sum that will be required for the Barracks and defences, furnishing at the same time, a copy of it to Sir John Colborne.

I am, &c.

R. W. HAY.

L. BYHAM, Esquire,

&c. &c. &c.

(COPY.)

No. 62. DOWNING STREET,

November 30th, 1835.

SIR:—

I have had the honor to receive your despatch of the 18th August, No. 43, on the subject of the sale of the Military Reserve, at Toronto, and suggesting that certain public works should be undertaken, and, more particularly, a pier into deep water, as a means of augmenting the price to be obtained for those Reserves.

Value, if pier is erected,	£65,900	The expense of this pier you calculate at no more than £600, while the probable rise in the price of the Reserves is stated at £11,476.
" if not erected,....	54,425	
	£11,472	

As a preliminary step, I have thought it necessary to refer your despatch to the consideration of the Master General and Board of Ordnance, for such observations as they might desire to offer upon it. But you will perceive from the enclosed copy of their answer, that they have not had it in their power to afford any information for my guidance; and as your despatch does not contain any calculations upon which a judgment could be founded, I am under the necessity of again referring the subject of it to yourself. I have to request that you will submit your calculations to the Commanding Officer of Engineers, in Upper Canada, and that you will require from him a report, not only as to the expense of constructing the proposed pier, but as to the effect of such a measure upon the price of the Reserve.

The very important discrepancies which have heretofore existed in the calculations connected with the sale of these Reserves, and the erection of Barracks, sufficiently prove the necessity of proceeding only upon the most accurate information.

With reference to the last paragraph of Mr. Byham's letter, I have to desire that whenever you may hereafter have occasion to refer, for the consideration of His Majesty's Government, any question involving estimates upon which the Master General and Board of Ordnance, may be required to report or to act, you will submit those estimates to the Commanding Officer of Engineers, in the Province, previously to transmitting them to this country.

I have, &c.,

(Signed) GLENELG.

OFFICE OF ORDNANCE,

October 9th, 1835.

SIR:—

The Master General and Board of Ordnance having had under their consideration your letter, dated the 25th ultimo, with the accompanying copy of a despatch from Sir J. Colborne, relative to the sale of the Military Reserve, lying to the Westward of the city of Toronto, in Upper Canada, and the erection of certain public works at that station; on which points, the above Officer expresses an opinion, that, in order to realize a higher price for these Reserves, it is very desirable other public works, besides the new Barracks, should be commenced upon them, particularly, a pier into deep water, the probable result of which, is stated to be an increase in the value of the land, from £225 to £300 per acre—the expense of this undertaking being calculated at no more than £600, and the augmented price of the land at £65,900; in communicating which particulars, you observe, it is evident, that, assuming the correctness of the estimates referred to in my letter of the 18th February last, it would be quite possible to build the pier without trenching upon the funds required for the erection of the Barracks, adding, that it appears to Lord Glenelg, that if Sir John Colborne's opinion is correct, this measure will be indispensable, in order to obtain such a price for these lands as may justify the construction of Barracks, upon the scale deemed necessary by this department, and signifying his Lordship's request to be informed, before taking any further step in the matter, whether the Master General and Board have yet received the more precise estimates of the expense of the Barracks which had been required from their Officers in Upper Canada, and whether the information in this department enables the Master General and Board to offer any suggestions for his Lordship's consideration in regard to the propriety of acting upon those of Sir J. Colborne.

I am directed to acquaint you for the information of Lord Glenelg, that the Master General and Board have not yet received the revised estimates for the re-construction of the Military buildings, near Toronto, neither are they enabled to furnish his Lordship with any information as to the probable effect that the construction of a new pier might have upon the sale of the adjacent lots.

The Master General and Board have received no communication from the Commanding Royal Engineer in Canada, upon the subject, and they beg to suggest to Lord Glenelg for such instructions as his Lordship may be pleased to give, that upon all subjects involving estimates upon which the Ordnance may have to act, and which the Lieutenant Governor of Upper Canada deems it necessary to submit to his Lordship, the plans and estimates should undergo examination by the *Commanding Engineer in Canada*, before leaving that country, as he will then be enabled to acquaint this department of what is contemplated, and afford such local information as may enable the Master General and Board to meet the views of the Secretary of State, without the delay of a reference to Canada.

I have, &c.,

(Signed) G. BUTLER,

For THE SECRETARY.

JAS. STEPHENS, &c.,

&c. &c. &c.

EXECUTIVE COUNCIL OFFICE,

Toronto, February 27th, 1836.

SIR:—

In obedience to the commands of His Excellency, the Lieutenant Governor, communicated to me in your letter of the 24th instant, I have the honor to transmit a copy of the report of the Executive Council, of the 3rd June, 1817, and a copy of a petition from the Roman Catholic Trustees of Toronto, which is all the information this office can furnish, in answer to the address from the House of Assembly, of the 11th instant.

It is understood that the ground alluded to, has been placed under the control of the Commissioner of Crown Lands, by orders from the Home Government.

I have the honor to be,

Sir,

Your obedient servant,

JOHN BEIKIE,

Clerk, Exec. Council.

JOHN JOSEPH, Esquire,
Civil Secretary,
&c. &c. &c.

(COPY.)

At a Council held in the Government House, at York, on Tuesday, the 3rd of June, 1817:

PRESENT,

His Excellency, FRANCIS GORE, Esq., *Lieut. Governor,*
The Hon. WILLIAM DUMMER POWELL, *Chief Justice,*
" JAMES BABY,
" JOHN McGILL,
" and Reverend Doctor JOHN STRACHAN.

His Excellency was pleased to call the attention of the Council to the Reserve in the neighbourhood of York; the site of the old French Fort, part of which, it appears, although not alloted for location, was granted in the former absence of His Excellency, notwithstanding its obvious importance to the defences of this post, and to the accommodation of the present Garrison, and by the advice and consent of the Council, it is ordered—that the remainder of that Reserve be dedicated to Military purposes, under the controul of the Honorable Board of Ordnance, and that a copy of this order be transmitted to the Commander of the Forces in North America, accompanied by a report and plan from the Surveyor General, comprehending, as well the Military Reserve, East of the Garrison, as the land recommended to be reserved.

A true copy.

JOHN BEIKIE,

Clerk, Executive Council.

(COPY.)

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.

The Petition of the Honorable and Right Reverend Alexander M'Donell, Bishop of Regiopolis, The Honorable Alexander M'Donell, of the city of Toronto, Esquire, The Honorable John Elmsley, of the same place, Esquire, and John King, of the same place, Doctor of Medicine—Trustees of the Catholic Church Ground in the city of Toronto,

HUMBLY SHEWETH,

That owing to the great increase of the Catholic Congregation of this city, the present Church is by no means large enough to accommodate those who resort to it.

That in seeking for an eligible site for another Church, it seems to your Petitioners most advisable to select a spot in the western portion of the city for convenience of those residing there, and also for the use of the military, large numbers of whom, in almost every regiment in His Majesty's service, are Catholics.

That your Petitioners, aware of the inability of the Catholics to purchase a suitable lot whereon to erect a Church, are induced to pray that Your Excellency will be pleased to grant them (under the same trusts as those by which they hold the ground already granted) a lot in the Garrison Reserve, in consideration that the military at this post shall at all times hereafter be permitted to have free access to any Church or Chapel erected thereon.

That your Petitioners upon examination of the place of the said reserve, are of opinion that the lot designated as that part of the city, reserved for public purposes, between Adelaide Street and Bathurst Street, and containing about one acre and a half, would be the most suitable for the purpose.

Your Petitioners do not desire to use any portion of the ground in question as a place of interment, and will readily consent to be expressly prohibited in the Patent, from so doing.

And your Petitioners, as in duty bound, will ever pray.

(Signed) ALEXANDER M'DONELL,
Ep. of Regiopolis.
ALEXANDER M'DONELL.
J. ELMSLEY.
JOHN KING.

GOVERNMENT-HOUSE,
28th May, 1835.

Referred to the Honorable the Executive Council.

By command,

(Signed)

WILLIAM ROWAN.

IN COUNCIL, *11th February*, 1836.

Should it meet with the views of Your Excellency, there is reason to believe that the erection of a Catholic Church on the Reserve will increase the price to be obtained for the remaining lots to be sold to an extent equal to, if not greater, than the amount to be abstracted by granting the land prayed for. It should, however, be conditioned that the Church be immediately erected, and the site should not be near that of the English Church.

(Signed) PETER ROBINSON.

(Signed) F. B. H.

A true copy,

JOHN BEIKIE.

Clerk Executive Council.

WHEREAS it is expedient the more effectually to promote the cause of Education and for the better encouragement of learning, to make provision for the establishment and support of minor classical institutions throughout this Province. Be it, &c. That from and after the first day of January, 1837, the several laws now in force in this Province relating to the district schools within the same are hereby repealed.

2. And be it, &c.—That when the inhabiants of any town, township, village or place, shall meet together and enter into subscriptions by stock, and build or otherwise obtain a school house to be called a Provincial Seminary, the same shall be endowed with £———, annually, to be paid out of the treasury of this province or from money that may be derived from school lands or any other source that may be devised by the Legislature of this province. *Provided always nevertheless*, that each Provincial Seminary so to be built, shall be in a town, township, village or place, where there shall be resident at least one hundred children between the ages of four and sixteen years, and within the distance of one mile and a half from the said Seminary, and shall not be within the distance of ten miles from any such Seminary previously built; *And provided also*, the inhabitants of such town, township, village or place, and the trustees of each such Seminary, shall comply with the several clauses and provisions of this Act: *Provided always*, that no district shall be entitled to more than three such Seminaries.

3. *And be it, &c.*—That before the inhabitants of any town, township, village or place, shall be entitled to the benefits and privileges of this act, they shall erect and build a good and substantial Seminary, not less than two stories in height, and fifty feet long by thirty feet in breadth, finished with a cupola and spire, and furnished with a suitable bell.

4. *And be it, &c.*—That as soon as such Seminary shall be erected and finished, it shall and may be lawful for the subscribers or stockholders to meet together in the said Seminary; and at such meeting shall be chosen by ballot, from amongst the subscribers or stockholders by a majority of them then and there present, voting by shares as hereinafter provided, five trustees, three of whom shall be a quorum for transacting all business relating to the said Seminary; and that after the first meeting and election of trustees, each succeeding meeting of the subscribers or stockholders for the election of trustees, shall be held at the said Seminaries on the first Monday in May of each and every year, and no person shall be elected to be a trustee of the said Seminary, unless he shall have resided in the district where such Seminary shall be erected, for the space of three years next before such election.

5. *And be it, &c.*—That the said trustees shall appoint a treasurer, who shall enter into bonds with two sureties, made to the said trustees and their successors in office for the due fulfilment of his office, and shall also appoint a secretary and other necessary officers, make such bye-laws, and transact such other matters as to the said trustees shall appertain to do; and it shall be the duty of the trustees for the time being, to give public notice, at least two weeks previous to the annual meeting of the stockholders on the first Monday in May in each year; and also the said treasurer, secretary, or other officers

shall be liable to be removed by the said trustees or a majority of them, for any neglect or misconduct in their offices, and others may be appointed in their places by the said trustees.

And be it, &c.—That the said trustees of each of such Seminaries as shall be built under the provisions of this act; and their successors to be chosen as aforesaid, shall be and they are hereby declared to be a body corporate and politic in deed and in law, by the names of the trustees of such Provincial Seminary, of the name of the town, township, village or place, where the same shall be erected; and shall have perpetual succession and a common seal, with power to change, alter, break or make new the same; and they and their successors, by such name, may sue and be sued, defend and be defended, in all courts whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and also, that they and their successors by such name shall be in law capable of purchasing, having and holding, to them and their successors for the use and benefit of each of the said Seminaries, five acres of land, with the tenements, and hereditaments thereunto appertaining; and also all goods and chattels for the purposes of said stockholders, and for no other purpose whatsoever; and the said trustees and their successors, or the majority of them, shall have full power to pay and dispose of the revenues, and manage the said estate and affairs of the stockholders in each of the said Seminaries, in such manner as they may judge will best promote the object of the institution.

7. *And be it, &c.*—That a share in the stock of each of the said Seminaries shall be and that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he, she or they shall hold in his, her or their names, at least three months prior to the time of voting, according to the following ratios, that is to say—one vote for each share not exceeding three; four votes for six shares; five votes for eight shares; six votes for ten shares; and one vote for every five shares over ten; and also that the shares of stock in the said Seminary shall be transferable, and may be from time to time transferred by the respective persons so subscribing and afterwards holding the same: *Provided*, that such transfer or transfers be entered in a book or books kept for that purpose by the secretary; to which books and all other records of the proceedings of the trustees, every stockholder shall at all times have free access.

8. *And be it, &c.*—That it shall be the duty of the trustees at every meeting appointed for the election of trustees, and previous to proceeding to the election, to give an exact and particular statement of the affairs of the said seminaries to the stockholders then present.

9. *And be it &c.*—That it shall and may be lawful, at any time when the trustees shall wish to call an extra meeting of the stockholders, to give notice as above stated, to take into consideration any further measures connected with the school or interests of the said seminaries.

10. *And be it &c.*—That in case any vacancy or vacancies shall at any time happen or accrue to the trustees, treasurer, secretary or other officers, by death, resignation or removal from the district, the same shall be filled for the remainder of the period of service, by such person or persons as the majority of the trustees may appoint.

11. *And be it &c.*—That it shall not be lawful for any or either of the said corporations, to hold stock, poroperty or effects for the purposes aforesaid to a larger amount than pounds.

12. *And be it &c.*—That so soon as any seminary shall be erected and finished in any town, towship, village or place, where there shall be resident such number of children as aforesaid, and trustees elected for the same, the said trustees shall immediately report the same; designating the place where such seminary shall have been built, and that the same has been completed according to this act, and their intention of applying for the annual endowment, and otherwise complying with the provisions of this act.

13. *And be it, &c.*—That the said trustees of every such Provincial Seminary, shall make an annual report to the Governor, Lieutenant Governor, or Person administering the Government for the time being, stating the number of children taught, their progress in the different branches; and that the teachers continue to sustain a good moral character; together with all other such information touching the prosperity of the said Provincial Seminaries, as shall be deemed necessary—and if the said trustees or any of them, of any such Seminary shall willully make a false report or statement for the purpose of obtaining the endowment, they shall not only be liable to repay the money if they had received it, but shall also, each one who may be found guilty of making such report or statement for the purpose aforesaid, or of signing the same with such intent, be fined the sum of £ , with costs to be recovered upon the oath of one or more credible witnessess, before any two of His Majesty's Justices of the Peace—the same to be levied of the goods and chattels of the offender, and the money so recovered shall be paid by the said Justices into the hands of the Receiver General to be applied as other monies for the use of this Province.

14. *And be it, &c.*—That each Seminary so to be erected as aforesaid, shall be furnished with three or more teachers—a principal and two assistants, one of whom shall be a female, to be appointed as hereinafter mentioned—that the Principal shall be well qualified to teach the classics, mathematics, and the English branches of Education, so as to prepare pupils for any class in college. The female assistant shall be well qualified to instruct in all the essential branches of female education, comprising spelling, reading, writing, arithmetic, English grammar, geography, projecting maps, history, and the rudiments of rhetoric, and of natural and moral philosophy. The male assistant shall be qualified to teach spelling, reading, writing, arithmetic, English grammar and geography, and shall take charge of the smaller children of both sexes in the said seminary: and also that each teacher shall have a separate room for his or her class, and the principal shall have the charge and superintendance of the whole.

15. *And be it, &c.*—That if at any time there should be more pupils in attendance at any one of said Seminaries than can be well taught or accommodated, it shall be the duty of the trustees to decide who shall be taught; but in all cases to give the preference to the children of the stockholders of said Seminary.

16. *And be it, &c.*—That no person either male or female, shall be deemed qualified to hold the situation of assistant teacher in the

said Seminaries, nor shall the trustees appoint any, unless he or she shall produce satisfactory testimonials of his or her good moral character, and shall pass an examination by the principal of some of the said Seminaries, who shall grant a certificate of such examination, and that the certificate shall continue as a license to him or her, no longer than he or she shall sustain a good moral character, and which certificate shall be a sufficient license to the person obtaining the same, to apply for and receive of the trustees of any Seminary such situation as assistant.

17. *And be it, &c.*--That the monies hereby granted for the support of schools in such seminaries as shall be built according to the provisions of this act, shall be paid by the Receiver General for the time being, into the hands of the treasurer of each Seminary so built and conducted as hereinbefore enacted, in discharge of such warrant or warrants as shall or may from time to time be issued, by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

2 Sess. 12. Parl.

Bill

To establish Provincial Seminaries in the several Districts in this Province.

Printed by order of the House of Assembly.

(No. 71.)

REPORT

OF

COMMISSIONERS

ON THE SUBJECT OF

PRISONS, PENITENTIARIES,

&c. &c. &c.

To the Honorable the Commissioners appointed by order of the House of Assembly to obtain certain information, &c. Doctors Morrison and Bruce.

GENTLEMEN:

I hope I shall not be thought trespassing upon your time or upon the indulgence of the honorable the House of Assembly, unadvisedly, when I again beg you to allow me to present some remarks upon State prisons, penitentiaries, almshouses, houses of refuge, retreats and prisons, the efficiency of which so much depends upon a correct knowledge of the past, both in Europe and America, than some instruction may be derived from previous experience and example for the benefit of the future. I, therefore, visited these houses of punishment and correction that were to be met with in the Eastern, Middle, Western and some of the Southern States; examined the situations, and compared their advantages with each other as places of mere punishment; as places of reformation; of moral and intellectual improvement; enquired into their financial concerns; how convicts were confined with the most certainty and safety, and how employed most profitably, and at the same time, with the least dissatisfaction to neighbouring mechanics and laborers, and, as I anticipate to render more service to the community in this Province by the information obtained with regard to the great secret of the *reformation* of convicts, than in any other respects I shall give you a brief statistical account of the penitentiaries, state prisons, &c. in the States I have before mentioned; their prison discipline and its results upon the convicts, and upon the community at large as authority for my opinions. I have given in the Appendix extracts from the reports of many of the most useful penitentiaries in the United States, and the report of the superintendent of the penitentiary in this province, at Kingston, to shew how much the cause of humanity has been aided by the recent improvements in criminal jurisprudence, and penitentiary systems throughout the civilized world.

There are several systems prevalent in the penitentiary institutions in the United States;—that of Auburn, in the State of New York—of Philadelphia, in the State of Pennsylvania; and the old penitentiary systems still prevailing in many of the Western States. The whole of the penitentiary prisons in the State of New York, and throughout the New England States, are upon the Auburn system. Those of Pennsylvania and New Jersey are upon the Philadelphia system, excepting the one at Pittsburgh which is upon the Auburn plan. The essence of the penitentiary system is *silence* by day and solitary confinement by night. The Auburn system combines seclusion, with work in company, under the presence of coercion enjoining silence and the absence of all communication among the convicts. The Philadelphia system combines entire seclusion with work in the cell of the convict.

The most apparent results of these systems, or rather the different practices of the same system has been:—according to the Auburn practice, a higher degree of profit from the labour of the convict:—according to the Philadelphia practice, a more subdued tone of mind in the convict, and apparently a greater reform in his disposition and habits; but less profit from his labour.

The primary object of the deprivation of individual freedom, viz:—the protection of the community against criminal acts is attained by both systems. That which in its results contributes the most to reform the convict, and deter others from following his example, must eventually be the most profitable.

If a temporary detention were to become a school for criminals; if they were afterwards to spread over the whole country and readily to combine from a knowledge of each other, be held together by a community of feeling arising from similar sufferings, and spread and profit by their

knowledge in the art of committing crime and avoiding detection, the cost to the community would soon be immense, both in loss by depredations and expenses of detection and conviction;—there would be in the body of the community a well trained and organized corps of depredators, constantly on the increase and destructive of the objects of society and government.

Results nearly of the foregoing description, have already been produced by the old systems of detention. The penitentiary system was fallen upon in England, and improved in Pennsylvania and other States of the American Union, as a remedy for the increase of crime under the milder administration of the criminal laws, and the vices of the system of detention in common gaols which had prevailed in civilized countries.

In some of the Western States, the old penitentiary system continues—the convicts are wrought in companies of not exceeding twenty-five in a company, with a ball and chain upon the leg, confined during the night—mostly in solitary cells but not always so—for example the Indiana State prison at Jeffersonville contains about one and a half acre of ground, one acre of which is enclosed by a sixteen feet stone wall—this is not so high as it should be for safety; twenty feet would be about a proper height;—this penitentiary is composed of two parts, the old and the new;—the cells of the old part accommodate two during night, though this I think is highly inexpedient; they are 4 by 8 feet in width and in length and 7 feet high; while the new part is much the better portion; the cells accommodate only one person each and are 3 1-2 by 6 3-4 feet wide & long, & 7 feet high. The prison is farmed out at $700 a year for the labor of the convicts, and the contractor furnishes them with every thing required for their support, food, clothing, utensils, guard, superintendence and labor; they are employed by any one who may wish their labor; the greater proportion are employed in brick-making—some in chopping in the woods, getting out timber, or cutting cord wood for fuel; while others are employed in digging wells, about buildings and in various ways. They all work with a large chain, secured by a blacksmith about the leg, and many of them with a ball attached. There has been but one escape, since the general break in 1834; most of those were retaken; one shot dead and several more wounded, one of whom died of his wounds afterwards. This plot was supposed to have been concerted as they slowly left their cells, one sabbath morning, merely to wash up and clean out their cells.

The important object of penitentiary punishment is here lost sight of, that of *reformation;* humiliation without debasement, and education and increased action of the moral and intellectual organs of the mind, with lessened action and diminished tone of the animal passions and propensities; here is no chaplain; no Sunday school; or moral instruction. 'Tis true they have each of them a bible furnished by the contractor; but as they are hired out to him by the year—his interest is to make as much profit of their *labour* as possible, consequently he encourages them or drives them to work by acting upon their *fears*, self-love, or cupidity—for he is at liberty to give them money or any other thing they may wish—and he does so when it suits his interest. If they have money with them when they arrive, it is taken from them and returned in small sums as they require it for tobacco or other luxuries, which they may desire; if not drawn during their confinement it is refunded to them on their release. This State derives a revenue of the whole of the wages on the establishment; the convictions, transportations, &c. being defrayed by the counties where the convictions take place. There are about seventy males and but a few females now confined. The Governor of the State has the power of pardoning penitentiary convicts, which was exercised liberally last winter, owing to some unfavorable reports of the state of the convicts. Their longest term of sentence is twenty-one years, and by far the greatest number of sentences are from 5 to 16 years.

It will be admitted by every person conversant with human nature, and with the great object of political association, that there are few judicial considerations of greater importance than the wise adaptation of punishment for crime; the safety of life and property; the enjoyment of personal liberty; the blessings of social in-

tercourse; and the strength and stability of governments themselves; are essentially interwoven with those penal regulations which coerce the refractory and operate as dissuasives from the indulgence of passions, hostile to the general good. Of the various institutions of civil government, there are none, perhaps, which more clearly mark the progress of refinement, and the growth of enlightened feeling than the meliorations that are visible from time to time in the criminal code of nations. In the savage and barbarous state, vengeance is the ruling passion in the infliction of punishment, & death is seldom decreed without the accompaniment of lingering & merciless torture. As knowledge increases men learn to discriminate more clearly between actions and their motives: and although the divisions of the statute book become more artificial, there is an obvious attention to the natural distinctions of crime; a more cautious inquiry into the *quo animo*. the nature and force of the temptation; and more humanity in the retributions of legal justice. But the most important step in the enactment and administration of penal laws, is the full admission of the principle, that it is not *revenge* which stimulates society to the infliction of punishment, and arms the law with its severest denunciations;—that neither in the prescriptions of the Legislature, nor in the progress of juridical investigation and decision, are the vindictive passions to be allowed to operate;—but that the great ends of punishment are, to deter others from crime; to prevent the aggressor from a repetition of his offences, and, if possible, to effect the *moral reformation* of all those who become amenable to the laws.

It cannot but afford the highest gratification to every humane individual to witness the solicitude which now prevails in relation to this subject in Christendom. The zeal which is observable in various countries with respect to the improvement of prison discipline: to the reformation of abuses; to the perfection of criminal laws, and to the more discreet and consistent treatment of those whom offended justice visits with its severe but needful inflictions is an indubitable indication of that expansive benevolence which is the genuine fruit of christianity.

Had the penitentiary system of prison discipline in the United States, been pursued there and among us, with the same intelligent and disinterested zeal with which it was begun there, our prisons would at this time exhibit the best models for the world to imitate;—their influence would be far more decisive upon the public welfare, and we should not now have to lament that disrepute into which the penitentiary system has partially fallen, in consequence of doubts of its superiority.

Among the evils and abuses which obstruct the operation of this system, and most powerfully counteract the reformatory influence of imprisonment, is the want of *classification* among prisoners, the indiscriminate assemblage of persons of all ages and degrees of guilt and the inevitably corrupting tendency of such an intercourse. The very imperfect structure, and the crowded state of prisons, both in the United States and in this province, absolutely forbid the application of an adequate remedy for this deplorable evil. So notorious is the demoralizing nature of some of the *Western* institutions in the U. States, which are called penitentiaries; so generally do those who are liberated from them come out more vile and corrupt, and more skilful in the various modes of depredation than when they entered; and so seldom do they manifest any signs of reformation, that these places have acquired the appellation of *schools* and *colleges* of crime. The amount of injury sustained by the lamentable defects in the regulations of state prisons, is so great,—to such an extent is the younger class of prisoners initiated in the mysteries of wickedness, by this exposure it is a questionable point, in the estimation of many persons, whether the present system, with all its expensive apparatus, and all its show of lenity, and moral treatment, is not more inauspicious to public tranquility, than the simple incarceration and corporal chastisements, the whipping posts, pillories, and croppings of former times. The experience nevertheless, of some of the prisons of the United States whose discipline is the most exact, and where classification is an object of careful attention; and the growing experience of England, and other countries of Europe, where the sanguinary codes which have been for ages in operation, are beginning to yield in practice to the more

rational and humane substitution of hard labour—restricted diet, solitary confinement, and judicious classification, afford unquestionable evidence, that the energies of the law in the suppression of crime, are most potent and availing, when directed with a constant reference to the moral faculties of our nature; and when clothed with that spirit which seeks to *restore*, in order that it may safely forgive.

The great object of the institution of civil government, is to advance the prosperity, and to increase the happiness of its subjects. The agents of the government, become, in this point of view, the fathers of the people; and it may surely be ranked among the duties incident to this paternal care, not only that those who are guilty of crime should receive the chastisement due to their offences; but that no pains should be spared to remove the causes of offence, and to diminish, as far as possible, the sources of temptation and corruption. This obligation applies with peculiar force to the case of juvenile offenders; a class whose increasing numbers, and deplorable situation loudly calls for more effective interposition, and the benevolent interference of the legislature.

Every person that frequents the streets of this city must be forcibly struck with the ragged and uncleanly appearance, the vile language, and the idle and miserable habits of numbers of children, most of whom are of an age suitable for schools, or for some useful employment. The parents of these children, are, in all probability, too poor, or too degenerate to provide them with clothing fit for them to be seen in at school: and know not where to place them in order that they may find employment, or be better cared for. Accustomed, in many instances, to witness at home nothing in the way of example, but what is degrading; early taught to observe intemperance, and to hear obscene and profane language without disgust; obliged to beg, and even encouraged to acts of dishonesty to satisfy the wants induced by the indolence of their parents—what can be expected, but that such children will in due time, become responsible to the laws for crimes, which have thus, in a manner, been forced upon them?—Can it be consistent with real justice that delinquents of this character should be consigned to the infamy and severity of punishments, which must inevitably tend to perfect the work of degradation, to sink them still deeper in corruption, to deprive them of their remaining sensibility to the shame of exposure, and establish them in all the hardihood of daring and desperate villainy? Is it possible that a christian community can lend its sanction to such a process, without any effort to rescue and to save?

If the agents of our municipal government stand towards the community in the moral light of guardians of virtue; if they may be justly regarded as the political fathers of the unprotected, does not every feeling of justice urge upon them the principle, of considering these juvenile culprits as falling under their special guardianship, and claiming from them the right which every child may demand of its parent, of being well instructed in the nature of its duties, before it is punished for the breach of their observance? Ought not every one who has a just sense of the reciprocal obligations of parents and children to lend his aid to the administrators of the law, in rescuing those pitiable victims of neglect and wretchedness, from the melancholy fate which almost inevitably results from an apprenticeship in our common prisons?

It is well worth the attention of the legislature to devise some means by which criminals may be speedily brought to trial after arrest; and while imprisoned for crimes in the common gaols of the different districts of the province that they should be classed so that the unfortunate debtor and the highly culpable criminal, should have no communication with each other—Nor would I, if it were possible to do otherwise, allow criminals to have any communication among themselves during their confinement previously to or after trial: and when sentence of condemnation to hard labor had been passed upon them, I would advise that the punishment should be carried into effect in the manner least likely to debase the human mind, and the most calculated to produce the *reformation* of the convict. I would still treat him as an accountable being, both to God and to society. His treatment should be just and consistent and as lenient as his situation would admit of. He should be taught to feel, that upon himself still, to a certain

extent, depended his future prospects in life wherever the term of sentence admitted of a rational prospect of a return to society; and even where that was not the case, he should be brought to acknowledge that much of his present comfort or misery must as a matter of course, depend upon himself,—and where he had no hope of enjoyment from society beyond the walls of the prison, he should be directed to look for happiness from within his own bosom *here*, and the hope of future blessedness hereafter. He would then become a better man as a convict—enjoy more comfort in confinement, and be likelier, in consequence, to be liberated.

The flogging in penitentiaries is highly reprehensible. Fear should not be the only incentive to action—convicts should feel a respect for themselves; for the good opinion of the keepers; and even of their fellows.

In the penitentiary at Frankfort in Kentucky, I witnessed a new mode of punishment, that of *suspended animation*—which appeared to me to be better adapted to penitentiary punishment than any thing I had before seen; for while it instantly subdued the most turbulent and obstinate spirits, it neither debased the mind, nor left it in that sour, unhappy and degraded state; the usual concomitant of corporal punishment.

This suspended animation was inflicted in the easiest and quietest manner possible; without much loss of time, or danger to the health, or injury of the convict,—and from the short experience of this institution upon man, and from comparisons long since made upon the brute creation, it is admitted to be one of the most potent subduers of the malevolent animal passions ever had recourse to. It is thus produced:—

The convict is placed in an easy chair resembling the tranquilizing chair, used in Lunatic asylums.—The convict, sitting, apparently, at perfect ease, has his feet legs, body, and arms, safely secured, a box (or s out) with a box at one end of it is brought up behind his chair. The spout stands upon three legs, and just high enough from the floor to place the body of the convict on a horizontal line with it, when his easy chair resting upon a broad bottom, shall be inclined backwards so as to admit his head into one end of it. The sides and partition next the top of his head are a little higher than the top of his nose as he lies on his back with his head in the box. In that position the collar is put down about his neck and secured. The partition at the top of his head does not rest on the bottom of the box by one inch; so that the water poured in will run out and be conducted into a large pot or tub placed under the lower end of the spout to receive the water. The keeper then takes a bucket of water and fills the box until it covers the convict's face and mouth entirely, and thereby suspends animation as long as may seem necessary to subdue his passions, and on allowing him to breathe he has invariably become a reformed man; with his turbulent passions quite subdued. He pursues his work in the penitentiar without any of that morose and unhapp feeling which so often succeeds the flogging, and other usual corporal punishment that only restrains the convict by fear from the repetition of the offence. Fear debases, never ennobles the mind, and therefore should be had recourse to as seldom as possible, as a mode of punishment in any system of improvement. In our civil or political institutions teach children from their infancy *to govern themselves*: early accustom them to the exercise of the *moral* and *intellectual* faculties, thereby giving those organs of the mind an ascendency over the malevolent animal passions and propensities. Let all our literary civil and political institutions be so conducted, that the organs of benevolence, veneration, conscientiousness and hope may predominate. Thus shall we most effectually and permanently promote the peace, prosperity, welfare and good government of this province.

All which is respectfully submitted

CHARLES DUNCOMBE.

Acting Commissioner for obtaining certain information, &c. &c. &c.

PENITENTIARY AT BELLEVUE.

QUESTIONS, *and the* ANSWERS *of* ARTHUR BURTIS, ESQ. *Superintendent of the Penitentiary at Bellevue, State of New York, relative to the discipline, &c., of that extensive establishment.*

Ques. 1. What number of boys are sent to the penitentiary in the course of a year, and of what ages; and what is the average number at one time in the prison?—Ans. The average number of boys sent to the penitentiary for the last three years has been seventy-five per year—from twelve to sixteen years old. The average at one time in the house is about thirty-five.

Ques. 2. For what offences, generally, are they imprisoned?—Ans. Most generally for petit larceny and vagrancy.

Ques. 3. What proportion of them are sent there for the second or third time?—Ans. About one-half are in for the second or third time; but it is impossible to be exact, as the same boys come in by so many different names.

Ques. 4. How far are the boys instructed?—Ans. They are taught the catechism, and to read and write.

Ques. 5. How far are they put to labor in the penitentiary?—Ans. We have not put them to labor except a part in the Pin Factory.

Ques. 6. What effect has the present treatment upon them in reference to their reformation and future usefulness?—Ans. The effect of their present condition is *deplorable.* Instead of reformation they must become worse, as we are compelled to put a boy for his first; perhaps small crime with the old offender, if not in years, *in crime,* in the same room.

Ques. 7. What proportion of them are destitute of parents or other persons to take charge of them?—Ans. About two-thirds have one or more parents, but in almost every case their parents have taken very little or no care of them.

Ques. 8. As far as you have experience, what is the origin, or what leads to the commission of offences by boys of those ages?—Ans. The principal cause of juvenile delinquency, is, first, the bad example they have had from their parents and guardians; when small they are allowed to run at large without restraint. No child will be a vagrant, if put and kept steadily to a well regulated school, but for a few years. But the reason why their parents will not send them, is, the encouragement which is given, (and no doubt from the best motives) *to begging.*—When a poor child calls at a gentleman's house for a little cold victuals, who can refuse when they have it, and especially, since, if not given, it must be thrown away? But if people were aware of the evil I am sure they would make a universal stop—I cannot learn of one child that has been in the habit of begging, who has not turned out a prostitute or vagrant; and their begging serves only to keep their parents in idleness and profligacy; for they find it so profitable, that if they have one or two good begging children, (as they term it,) it is all they want; all they can get by other means goes for drink. Another cause, is, sending small children round the docks, under the pretence of picking chips, and whatever they can find; in peddling small articles on board of sloops, and through the streets, &c., these habits introduce them into bad company and prove an almost certain cause of their ruin. It is hoped that they may be discountenanced by all good citizens.

Ques. 9. What proportion of them can read and write at the time of their committal?—Ans. About one in eight.

Ques. 10. How far are the boys separate from old offenders by day and by night?—Ans. They are kept entirely separate, except a few who are in the Pin Factory, and they are under the care of a keeper.

This prison is situated at Thomastown in the State of Maine, a port on a bay of the sea, into which empties a small stream called St. George's river. The village of Thomastown is to the east of it, and contains about 1,500 inhabitants, chiefly engaged in quarrying and burning lime, which is sent in brigs to the Chesapeake and New Orleans. The prison stands on an elevation to the south of the highway. The lot runs down to St. George's river, by a steep bank elevated about 200 feet above the level of the water. Back of the

prison are deep quarries of limestone or coarse white blue veined marble. On the bank of the river are the stone-cutters of granite, which is brought as before stated from near Augusta by water, and when worked into building stone, sent chiefly to New York by sea. Blacksmith's shops are dependent on the quarries for the making and repairing of the tools, and the other workshops are wheelrights and shoe-makers. The prisoners are generally young stout and healthy, dressed in hat, shirt, and trousers, one half of which is blue, the other white canvas. They work under view, and begin and leave off by signal. The whole lot which may be about four or five acres in superfices, is surrounded, excepting where the prison stands, towards the road, by a wooden enclosure, about 20 feet in height, with a footway all round on the outside at a height so that the guards may look over it. These guards are seven in number, and have lodgings in commanding positions; they are armed with rifles, and have spare arms in these lodges they are authorized to fire in certain cases and have fired on parties whowere attempting to force their way out. Flogging with the horsewhip is resorted to when necessary to produce obedience. Punishments are, solitary confinement and short allowances. Seven escapes have taken place in ten years, out of about 500 prisoners, besides two or three that were retaken.

The cells for the prisoners are built of large masses of hewn stone; all is stone, outside and inside; and they descend into these cells by holes like those of the hold of a ship, secured with iron trap door gratings and pad-locks. They have paillasses on a coarse bedstead to lie upon and buckets for necessary uses, and nothing else. The inside and outside are whitewashed. They generally eat in a wooden building near the kitchen, which also serves for chapel and sunday school. The officers guards and servants, not prisoners, are fourteen. Some prisoners are employed as spies over the rest; and for cooking &c. Beyond the enclosure, to the west there is a piece of ground belonging to the institution, perhaps 2 or 3 arpents or french acres, cultivated in potatoes and garden stuffs. The prisoners appear to work with spirit, and are not very ill looking, nor apparently much discontented. The enquiries made of the inhabitants generally respecting the disposition to employ persons known to have been in the state prisons, have been answered that no one would employ them if known, no one will take them into their families.

The Charlston Penitentiary is situated north-west of Boston on the opposite side of Charle's River, and to the west of Charleston and Bunkers Hill. It is on a lot of about 10 acres fronting on the river, or rather arm of the sea, which nearly surrounds the town of Boston. It has a wharf for the purpose of receiving and sending articles by the navigation. The whole prison and lot is inclosed with a wooden picket fence from 15 to 20 feet in height, with a wooden road or gallery round the outside for the guards to walk round, and see on both sides, the fence with sentry boxes in convenient positions. The old jail or penitentiary stands in front, the yard and workshops back, and the new penitentiary to the east. This is the only building suited for the penitentiary system. The old building serves for offices, hospitals &c. The new building contains 300 cells seven feet 6 inches long, by three feet 6 inces wide, two deep, with doors on opposite sides, and rising four stories, to which access is had outside, by stone stairs at the end, and stone gallaries supported by iron columns. The roof and floors of the cellar are coarse cut or split grante, and in pieces of two or three feet wide, and six to twelve long. The whole is whitewashed inside and out, and also the floors whenever they become soiled. There is throughout a clean wholesome smell, and each cell has a flew for air, beside the door, which is of iron bars only. The cell contains a seat, a shelf for books &c., and canvas frame of bed blanket &c., the frame is raised up against the wall in the day time, with the bedding. The prisoners have buckets which they bring out in the morning and take in at night. They all eat in their cells and bring with them their tin dishes when they come out to return to work, placing according to the order of their cells and taking them up in the same order, when they return. Every thing is done by signal, ringing of a bell &c., and the whole is conducted on the plan of military discipline, on pain of personal chastisement, but by the warden or deputy

warden only, and after a sort of trial or hearing.

The Warden thinks the cells sufficiently large, but that they ought to be raised a little above the level of the floor. they form a house built within a house. The space to the outer walls about 9 feet, he says is too small, it ought to be 12 feet at least, and the lights in the outer wall, which are very small, double the size. The prison is upon the Auburn system. The prisoners are better off and healthier, although wrought hard & there is reason to believe that several do reform, and lead an honest life in places where they are not known. The impossibility of preventing communication among prisoners who work near one another, makes some doubt if the Philadelphia system of separate work is not the best. The cutting of granite which is brought from Quincy, by rail road and water, is found the most profitable employment. Doubts are entertained if it is not unhealthy, the dust affecting the lungs, and the greatest number of deaths being by consumption. Men after six years in this employment are generally worn out. The first smoothing of the split granite is with a tool like an axe with two sides, it is heavy and wrought with both hands striking as with an axe. The finishing is with a chisel. The other principal branches of work in this Penitentiary are blacksmith's, shoe maker's, cabinet maker's and brush maker's, all of which pay and give rise to no complaint from those who carry on business of the same kind in town. The shops and convicts are frequently hired to trades people, who carry on these branches there and it is found advantageous.

The cut granite is often sent to New-York and the south.

THE CONNECTICUT STATE PRISON AT WEATHERSFIELD.

This State Prison is situated a few miles from Hartford, to the south west, in the township of Weathersfield, on a rising ground enclining to the Connecticut on the east; a situation uniting the advantages of healthiness and room, with a commanding view of the whole of the rich, beautiful and extended valley of the Connecticut from the northern range of the mountains above, to the rising grounds below, which close towards the river before it reaches the sea coast.

The building is upon the Auburn plan, and managed in the same way. It is of red sand stone, three stories. The whole upon the cheapest plans to suit the revenue of the State, which is small. The cells are rather larger than in Charlestown and the distance to the outer wall greater; the outer windows larger. The doors of the cells are of wood guarded with iron; the stairs and gallaries are of wood; the whole slight work but well secured. The furniture of the cells nearly the same as at Charlestown. The government appears to be good and the Warden has the peculiar personal superiority which makes command easy and inspires confidence.

The most extensive and lucrative branch of industry followed by the convicts, is chair making, with cane and rush bottoms-other cabinet-makers work is also follow, ed, among others, carving for the wooden clocks. so great an artiele of export from Connecticut. The wood used is the wood of the country, maple, birch, &c. Shoemaker's and blacksmith's work are also carried on. The whole expenses have been more than covered. The male convicts appear to be healthy and satisfied with their treatment. Ten are in the hospital. The female convicts here were engaged in sewing, &c. They were principally confined for adultery.

STATE PRISONS OF NEW-YORK.

The principal of which, are at Blackwells Island, in the city of New York, at Sing Sing and at Auburn, the house of refuge in the City of New York, at Bloomingdale is one of the most humane institutions in the United States. The Bellevue hospital, is the recepient of the female convicts of this city.

The Penitentiary on Blackwells Island, in the east river, a mile to the west of hellgate, is under the corporation. The building is of stone, quarried on the Island, and the work principally done by convicts, it is an extensive square in the centre rising four stories & a look-out on the top. In the centre are the lodging for officers, hospital and servants; each wing is to have cells on the Auburn plan, but only one wing is finished; and the whole can hardily yet be said to be in operation. It is a source of great expense to the city. The con-

victs were employed in quarrying and had no distinctive dress, others were working at the building. The females are at Bellevue hospital, on the opposite shore of New York island, but it is no regular Penitentiary Prison. The inmates are mostly employed in picking Oakum, washing, making and mending clothes for the establishment, and in nursing the sick.

STATE OF PENNSYLVANIA.

The Penitentiaries of this state are at Pittsburgh and Philadelphia, the former upon the Auburn plan, and the latter is situated at Cherry Hill, north west of Philadelphia, near the Schuylkill. It is an extensive building in the form of an Octagon, the cells diverging from a common centre like the spokes of a wheel from the nave. The keepers lodgings and offices occupy the whole front, extending 650 feet with two castellated turrets in the centre, and at each end, in the styte of ancient Gothic buildings in Europe. In the rear of the centre is a high watch-tower to overlook the whole premises, all of rough hewn reddish sand-stone.

The system followed here is solitary confinement, with work in the cells at different trades. Money-making is not considered as a very important object. The cost of confinement and of the institution cannot be well ascertained till the work is finished, two radii only being yet completed. The building will cost about half a million of dollars, and opinions are hazarded that the current expenses will *not* be met by the sales. The Legislature has however, approved the plan and system, and hitherto cheerfully provided for the expenses.

The effect of the system on the health of the convicts will be best learned from the returns of the hospital, and deaths as per reports, which may be compared with similar returns from prisons conducted on a different system, namely, the Auburn system which prevails throughout New York and New England.

The main object of the Philadelphia system, beside protecting the public from the depredations of persons who it is to be presumed have become habitually lost to moral restraint, and unsafe to be trusted abroad, is to bring the convict back to a state of mind to govern himself by moral rules, and live in society without committing offences, which are incompatible with its peace and welfare, and forbidden by law.—If success can at all be obtained in the objects which the authors of this system had in view, the institution appears to be well calculated for the purpose.

The convict is separated from that society whose laws he has contemned: he is cleaned and his dress changed on his arrival, blinded with a hood and led to a cell he cannot tell where; he remains shut up in that cell (with the use of a small high walled separate yard adjoining it, for one hour each day) is known only by his number even to his immediate keeper and sees no other person, excepting the superintendant—a religious teacher and a Physician occasionally, he is furnished with books and work, and if he does not work he does not eat, excepting what is just necessary to preserve life: he is in every way treated with humanity, spoken with as a being susceptible of reason, and to be guided by reason; he is not under the presence of mere force or arbitrary infliction; he is restrained only in obedience to the law after a fair trial, and under the sentence of the law which he has violated. Nothing vindicative appears, but rather regret at the necessity of that restraint to which he has subjected himself, and in which regret (with time for reflection out of the reach of exciting causes and temptation) he can hardly fail to participate, and form resolutions, at last against so great a falling off in future.

The plan of the Cherry Hill Penitentiary admits of only one radius, or an eighth part of the cells being erected to render it applicable to a Penitentiary Prison, even a part of a radius might be built to commence the system. The distance between the outer walls and the cells is admitted to be too narrow.

One of the radii is now building without yards to the cells for the use of the prisoners and the upper story of the older radii have no yards; but two apartments are allowed one to work in, and the other for sleeping. The residence of the keeper and officers, is considered as too far distant from the radii of cells, and has been remedied in the plan of the New Jersey State prison, by the same Architect, viz: Mr. Haviland.

The Philadelphia system is admirably well calculated to subdue the malevolent

passions, and were it practicable for the convicts on leaving their cells to mix only with the good and virtuous, there is reason to believe that this system of confinement would be preferable to that of Auburn, at least, so far as reformation was concerned, but that is not the lot of the convicts, they must be immediately exposed to temptation and are too often the victims of those who have had years of experience in wickedtess during their confinement.

The new penitentiary now building at Trenton in the State of New Jersey, is of red cut sand-stone, brought by the canal about 9 or 10 miles. The style of Architecture, Egyptian. The main front of the building about 90 feet with two wings of 175 paces. The depth of the radii is 120 paces. The cells are about 9 feet wide, 18 deep, 15 in height, with light at the top in one end, the opening slanting downwards, well provided with ventilators. The plan is for five radii of cells; two of which containing 88 cells,are to be finished immediately. No yards are provided.

The lot is situated south of the town, about a mile, and consists of 20 acres, more or less; the main road down the Delaware being the western boundary, and the Raritan and Delaware canal the eastern. The building will accommodate 150 convicts, and before the whole is completed, cost, it is supposed, about $148,000. Thirty thousand has been appropriated by act passed 13th February, 1833. (*vide* laws of New Jersey, 1833). This act has adopted the Pennsylvanian system, although objected to in the Senate on the ground of its being more expensive than the Auburn system. These objections were yielded up however, on proof of prisoners whose term had expired and who had reformed, and were doing well where they were not known, being ruined and compelled to return to crime from their being known to other released convicts with whom they had wrought in common in the same penitentiary.

The prison at Sing Sing, in the State of New York, is erected on a farm of 133 acres, purchased by the State—the whole substratum, being a course marble or lime stone, of a whitish blue. This farm is on the bank of the Hudson 31 miles above New York, and about half a mile above the village of Sing Sing. The farm was called Mount Pleasant. There is no enclosure for the farm but a common board or rail fence, and the convicts are in different parts of the farm at work in the quarries, but guards with loaded muskets are stationed on eminences, so as to view every part where the convicts work, few or no escapes take place. The whole system of the prison government is based on great watchfulness and coercion, and conducted like an extensive manufactory. It is actually profitable, although not yet finished. All the building work was, and is done by convicts, the management appears to be excellent, and the Keeper one of those men whose personal character is the best security for the success of the system.—The prisoners are remarkably healthy, stout, and turn out a great deal of work. Many of the shops are let to contractors.

I inspected the State prison at Auburn: went over the work shops, cells, kitheons, &c. The prisoners consist of 13 companies and move in military order, lock up step taking up the articles served out for them in succession, and proceed in the same order for supper; their conductors marching as officers, & placing themselves in their given positions, the convicts here are dressed in striped jackets,and trowsers and caps. At Sing Sing they have no distinguishing or uniform dress. These prisoners are chiefly from the Western part of the State, they are not generally so stout as the men at Sing Sing, and have fewer blacks among them. They have less of a determined downcast look than those at Sing Sing, and appear to be governed with greater tenderness. The Agent has strong hopes that many of them are reformed—and states that there is little repugnance among the people to employ convicts whose term is expired. This is confirmed by other information. There is a Chaplain of the Presbyterian church attached to the establishment. The whole of the establishment is clean and well conducted; the work shops are managed like extensive manufactories upon the best plan, the work good, substantial, of neat pattern, and well finished. Most branches are in the hands of such contractors as offer the most advantageous terms for the labor of the convicts.

The building stands at the north west

of the town, on the margin of a small creek, which serves to turn part of the machinery and empties into Lake Ontario from which Auburn is only about 30 miles distant, west of Oswego. The prison & walls are built of lime-stone, picked; with cut red sandstone round the doors and windows The building fronts to the east, with two wings to the north and south containing the cells. To the west and partly on the north and south there is a high stone wall, against which are the work shops in sheds. The ground between the wings, the centre and the western wall forms a clear square for drawing up and marching the convicts in and out.

On visiting the House of Refuge at Bloomingdale, about a mile and a half north of the City Hall, I found it to consist of two departments, one for males under 16 the other for females, it was commenced by a private association, countenanced by the city authorities, and finally sanctioned by the legislature. The whole is under the management of Mr. Nathaniel C. Hart, who was assistant to a Lancasterian school in New York, and is allowed a large salary as a compensation for the place he gave up. The order and spirit of the Lancasterian system is maintained in the Institution, exciting self respect in the inmates, and stimulating rather by rewards and distinctions, than controlling by fear of punishment. Order, cleanliness, contentment, confidence, and even attachment seem to reign throughout. No youth is received excepting after conviction for some offence among which vagrancy is included. The establishment, although a prison, looks more like a good school and manufactory, than a place of involuntary detention. Every thing tends to shew, that its beneficial results as stated in the reports, are not exaggerated. The reform of the convict both for the present and future, is real or probable. Society is relieved from the almost certain depredations and crimes which would have followed the course in which these youths had commenced, and also from the expenses and disgrace of future convictions and imprisonments. Whatever conclusions may be come to, in respect to the other penitentiary prisons, this *house of refuge* is a positive good, and if followed up with separate detention in the common gaols before conviction, in cases where bail is not allowed or forthcoming, it would nearly render penitentiary prisons unnecessary.

EXTRACTS.

From the report of the committee of directors appointed to prepare plans for the new buildings to be erected in the yard of Maryland penitentiary.—(These gentlemen had been restricted to the construction of plans on the principals of the Auburn system, and visited the prisons at Washington, Philadelphia, Sing Sing, Blackwell's Island, Auburn, Weathersfield, and Boston, in accordance with this object.)

It is not our province to enter upon the consideration of the question what method is more likely to promote the great objects of the penitentiary system; nor, restricted as the directors are by Legislative enactment to the principals of a single system, would we feel at liberty to occupy their time in discussiug the relative merits of the two. (The Pensylvania and the Auburn systems) each has its advocates, and *however powerful the arguments that may be adduced in favor of a plan, that secures beyond the possibility of infringement* the most perfect separation, *yet the expense of erecting another prison, upon such a plan*, would be greater perhaps than the public would sanction; until the less expensive system, to which our present buildings can be best adapted, has been fairly tried.

With reference to instruction in religious morals as a part of the Auburn system. That a chapel is a necessary appendage to a penitentiary, is an assertion which we think can be made equally without argument and without contradiction, if in an institution of penitence, moral instruction and devotional exercises be unnecessary. If the most guilty of the community need not the offices of religion, who else can require them? Without being among those who are sanguine in the belief of radical regeneration of criminals, we doubt not that something may be done towards improving their moral condition; certainly in arresting the contagious influence of vice and depravity, and in securing a more willing obedience to the laws, such we are informed are the salutary results of a

system of instruction free from doctrinal disputation, and treating only of religious morals; instruction equally applicable to all christian sects, promoting a general good, and avoiding the evils, of conflicting prejudices, and partialities. Thus conducted and in no way interrupting the deciplinary regulations of the prison, religious instruction is now considered by the advocates of the Auburn system, an essential & constituent principle of that system.

The Auburn system secures a four fold object viz: subserving the purpose of punishment for crime, it prevents mutual contaminarion, promotes habits of industry and order and affords the probability, in many cases the certainty, of moral improvement.

An important, and in the opinion of the Auburn disciplinarians, an essential detail of that system, is the existance of an *apparent* omnepresence an invincible all-seeing eye, whose gaze cannot be shunned, whose detection cannot be avoided.

In regard to the plan of building which affords the readiest means of facilitating the operation of this material feature, thus guaranteeing as nearly as practicable, the fulfilment of the prescribed system, your committee after considerable investigation and reflection, give a decided preference to the *radiating*; which embraces so much of the building as is necessary for present purposes; and which will admit, at any future period, of such additions as may become necessary for the accommodation of an increased number of prisoners, still preserving the harmony of architectual arrangements, and those features which give it peculiar advantages. In recommending the adoption of the radiating plan, your committee would state, that, so far as their knowledge extends, it is the one now universally approved of, and that all the known prisons at present in progress of erection are being built accordingly, both in this country and in Europe.

The proposed plan consists of a central octagonal tower, which will answer the double purpose of an inspection lodge and keeper's office; this lodge to be two stories in height, to be open from the ground floor to the roof, and to have a gallery running round the second storie to communicate with the floor by a flight of steps. A door in the front of the lodge or office for the use of the keeper, and such persons as may have business with him, and three smaller entrances opening at the sides and behind, into each story of the lodge. Corridors to lead off from these latter entrances, and at a specified distance from the lodge to become continuous with inspection avenues, which shall pass lengthwise through three radiating buildings, each two stories in height. The inspection avenues not to be carried so high as the cealing of the corresponding workshops, thus allowing of free ventilation; to be furnished with loopholes or apertures, through these appertures (which should be narrow and have the external margin cut away) the shops may be distinctly examined, while from their narrowness, and the dim light of the avenues, the inspector cannot be seen from the shops of observation; to have doors for admitting the keeper into the shops when necessary; to have lateral branches at the nearer extremity of each shop elevated above the level of the floor so as to afford an advantageous longitudinal view; to project slightly into the yard and their remote extremities, so as to allow of secret inspection as the prisoners are passing to and from their cells; and to be closed at these latter extremities, except for the admission of moderate light, which may be readily excluded when required. The entrances by means of which the avenues shall communicate with the central office, to be closed by sash doors, or sashed doors. [R. C. Long, Esq. Arch't.] By a comparison of the proposed plan [which see] with the ground plots of the various prisons, submitted for the examination of the board, the advantages of the former will be apparent. In the erection of all buildings intended for manufacturing or other purposes where a considerable number of persons are to be congregated, that location which secures in the greatest degree the advantages of light and ventilation, is the most desirable; and in prison establishments, enclosed by high walls, the central space or as near thereto as practicable is the one indicated. Besides the advantages of light and ventilation, which are thus more fully secured in central workshops, the prisoners being more remote from the wall, the likelihood of attempts at scaling it are greatly diminished, and the wall guard commanding an uninter-

rupted view of the contiguous enclosure, can more readily notice and prevent uncalled for approach. By placing the keeper in a central position, with avenues radiating from his office, greater facilities are afforded of superintending the institution than can possibly be secured by any other arrangement. Situated equi-distant from the different workshops, and commanding at a glance the avenues leading from his office. he exercises a constant personal supervision over the movements over his avenue keeper or sentinel; is equally and readily accessible to those of his subordinates who may wish to consult him, and has at hand the most convenient possible method of inspecting either secretly or openly, the industry and policy of the establishment.

Not only is the entire economy of the workshops brought thus under his easy supervision but the yard and wall can also be overlooked from his office.

The original introduction of the inspection avenues was for the more particular purpose *of supervising the inferior officers.*

Besides the reasons we have given in favor of a radiating building, we might enumerate the greater facility with which such a building can be heated by the means now being advantageously resorted to in some of the Prisons, (steam or hot air flues) its superiority in point of architectural appearance, which every thing else being equal, as a public building it ought to have, and the readiness with which it will admit of future additions, without impairing either the harmony or architectural arrangement, or of established disciplinary regulations.

Extracts from the report of the directors of the Connecticut State Prison, May 1835.

The present number of convicts in the prison is 207: 118 males, and 19 females; the males are employed as follows; 23 in the carpenters shop, 21 in the black smith's shop, 45 in the chair shop, 43 in the cane seating shop, 17 in the shoe shop, 22 in the brittannia ware shop, seven waiters & nursers, ten sick and invalids. The 19 females are employed partly in the kitchen, cooking, washing and mending, and those not so engaged, are employed in making cigars. About one half of the convicts are let out by the day on contracts, the remainder are employed for the state; the latter are generally engaged in making such articles as are sold on contract by the quantity so that the warden does not go into the market with his manufactured commodities. When contracts expire with individuals, the warden generally gives public notice that such a number of men that are accustomed to such labor are offered to let, and after a reasonable time, he closes with the best offer; this gives the public a fair opportunity for competition in their service. The income from the visitors and the labor from convicts the past year is $17,384 95; the average number of convicts thro' the year, say 190 which makes an average income from each convict for the year of about $91 50. The whole amount of the expenses, for the support and guard of the Prison, the past year, is $12,116 12, making the average expense for each convict including all the expenses of the prison establishment $63 77. These calculations show that the prison has earned over the expenses thro' the past year $5,268 83, or a net average given on each convict of $27 73. The inventory taken this day shews that there is on hand in provisions, stock, furniture, tools, clothing, bedding, hospital stores, &c.—(as the report of the Warden will explain) property to the amount of $9,356 99, there is due the prison on

Sundry Notes.....	$ 4402 10	
Book account.....	4693 48	
		9095 58
Cash on hand.....		3284 82
Amount of inventory bro't forward.		9356 99
Total property on hand & debts due		$21737 39

It being the duty of the Directors to make such suggestions relating to the criminal laws as may occur to them to be necessary, they beg leave to bring to your consideration that portion of the Criminal Laws, which imposes a *fine* in connection with a sentence to the State Prison, and recommended that it be repealed. It appears to the Directors, that when the sentence for the time in the prison has expired, that part of the sentence which imposes a fine is only a debt against the prisoner and the Directors doubt the propriety of holding a man in the State Prison, for a debt only; under the existing law unless the convict or his friends pay the fine there is no hope of his discharge; and the fine operates as a life sentence, no provision

being made to apply his earnings, (if able to labor) towards his fine.

The Directors take the liberty to state, that in their opinion, the discipline of the prison cannot be properly maintained without the strictest vigilance on the part of those who have the charge of the prison, and that *public opinion* does much to strengthen or weaken the government of the institution. *That* sympathy on the part of the public which follows the criminal from the court, (where is had a fair trial by jury) to the prison, and would weaken the power and force of a just sentence, or would grant indulgences inconsistent with the strict discipline of the prison is calculated to weaken the government of the Institution.

The particular friends of the convict may be excused for such feelings,—but when the public peace is outraged, when crime is committed, when the guilty are preying upon the community, it is the duty of good officers and good citizens to detect such offenders; the duty of Courts and juries to try and pass sentence upon them, and when delivered over to the State Prison, it is the duty of the officers of the prison to see that the sentence is carried into effect. The punishment should be *certain* to follow the sentence, and nothing short of a thorough reformation, and the best evidence of that fact, should in any case give rise to a gleam of hope on the part of the convict to escape any part of his sentence.

WARDEN'S REPORT.

The Warden of the State Prison would respectfully submit the following statement of the transactions of the Prison, shewing the amount of receipts and expenditures, the number of prisoners confined, the various branches of business carried on, the number employed in each branch together with a general view of the fiscal concerns of the prison for the year ending March 31, 1835.

INCOME FROM MARCH 31st, 1834, TO MARCH 31st, 1835.

CARPENTER'S SHOP.

Stock and tools on hand 31st March, 1834	$3130 16		
do. since purchased, repairs and pay of overseer	5190 96		
		8321 12	
Received and charged for work done	9417 09		
Stock and tools on hand, 31st March, 1835	3151 34		
		12568 43	
Exceeding the disbursements on account of this shop			4247 31

CHAIR SHOPS.

Stock and tools on hand 31st March, 1834	1945 82		
do. since purchased, and paid overseer	7544 61		
		9490 43	
Received and charged for work done	12352 00		
Stock and tools on hand 31st March, 1835	1801 68		
		14153 68	
Exceeding the disbursements on account of this shop			4663 25

CANE SEATING SHOP.

Stock on hand 31st March, 1834	40 00		
do. since purchased, and pay of overseer	374 82		
		414 82	
Received and charged for work done	3570 94		
Stock on hand 31st March, 1835	48 00		
		3618 94	
Exceeding the disbursements on account of this shop			3204 12

SMITH SHOP.

Stock and tools on hand 31st March, 1834	362 22		
do. since purchased and pay of overseer	531 17		
		893 39	
Received and charged for work done	3361 40		
Stock on hand 31st March, 1835	371 09		
		3732 49	
Exceeding the disbursements on account of this shop			2839 10

SHOE SHOP.

Stock on hand 31st March, 1834	81 50		
do. since purchased and repairs	172 98		
		254 48	
Received and charged for work done	1808 93		
Stock on hand, March 31st, 1835	68 50		
		1877 43	
Exceeding the disbursements on account of this shop			1622 95

FLAG SEATING SHOP.

Stock on hand 31st March, 1834	7 16		
Pay of Overseer, &c	78 23		
		85 39	
Received and charged for work done	162 14		
Exceeding the disbursements of this shop			76 75

This business was abandoned June 31st, 1834.

BRITANNIA WARE SHOP.

Commenced this business ..nuary 24th, 1825.

Paid wages of Overseer, &c		28 23	
Received and charged for labor	308 32		
Stock and tools on hand 31st March, 1835	15 50		
		818 82	
Exceeding disbursements on account of this shop			290 59
Cash received of persons visiting the prison from March 31st, 1834 to March 31st, 1835			440 88
Total			$17884 95

EXPENDITURES

FROM MARCH 31st, 1834, TO MARCH 31st, 1835.

HOSPITAL.

Stores, Medicine on hand March 31st, 1834	60 37		
Paid for Medecine and Physicians bill	294 76		
		355 13	
Medicine, &c. on hand 31st March, 1835		71 97	
Leaving the expenses of this department			$283 16

CLOTHING AND BEDDING.

Clothing and Bedding on hand 31st March, 1834	957 00		
do. do. since purchased	1214 60		
		2171 60	
do. do. on hand 31st March, 1835		951 27	
Leaving for amount consumed			1220 33

PROVISIONS.

Provisions on hand March 31st, 1834	1,315 44		
do: since purchased	5,884 84		
		6,800 28	
Sold hides, tallow, neats, tongues, &c.	582 42		
Provisions on hand March 31st, 1835	1,375 64		
		1,958 06	
Leaving per amount consumed			4,842 22

EXPENSES.

Furniture, fuel, &c. on hand 31st March, 1834	1,502 05		
Paid Warden, Deputy Warden, and Chaplain, salaries, Watchmen's wages, subsistence, fuel and incidental expenses	5,397 18		
		6,899 23	
Received and charged for articles sold	381 72		
Furniture, fuel, &c. on hand 31st March, 1835	1,450 00		
		1,831 72	
Expended under this head			5,067 51
Repairs and improvements balanced by profit and loss	339 22		
Expenses of suit in New York	285 00		
Interest account	52 68		
			676 90

FEMALE DEPARTMENT.

Furniture, tools, &c. on hand 31st March, 1834	55 75		
do. purchased and pay of Matron and Assistant	310 99		
		366 74	
Received and charged for work done	288 74		
Furniture, tools, &c. on hand 31st March, 1835	52 00		
		340 74	26 00
Total amount expenditures from March 31st, 1834, to March 31st, 1835			12,118 12
Balance gained for the Institution			5,266 83
Total			17,384 95

RECAPITULATION.

INCOME.		EXPENDITURES.	
Shoe shop	$1622 95	Hospital	$ 283 16
Smith shop	2839 10	Interest account	52 68
Cane seating shop	3204 12	Repairs and improvements	339 22
Chair shop	4663 25	Female department	26 00
Carpenters shop	4247 31	Provisions	4842 22
Brittannia Ware shop	290 59	Expense account	5067 51
Flag seating shop	76 75	Clothing and bedding	1120 33
Cash received of persons visiting the prison	449 88	Expense of suit in New York	285 00
		Balance gained to Institution	5268 83
	$17384 95		$17384 95

STATEMENT OF PROPERTY ON HAND,

March 31st, 1834.		*March 31st, 1835.*	
Hospital	$ 60 37	Hospital	$ 71 97
Shoe shop	81 50	Shoe shop	68 50
Clothing and bedding	957 00	Clothing and bedding	951 27
Female department	55 75	Female department	52 00
Carpenter's shop	3130 16	Carpenter's shop	3151 34
Furniture in House and prison, and out-door estimates	1502 05	Furniture in house and prison, and out-door estimates	1450 00

Smith shop	362	22	Smith shop	371	09
Cane seating shop	40	00	Cane seating shop	48	00
Flag seating shop	7	17	Chair shop	1801	68
Chair shop	1945	82	Brittannia ware shop	15	50
Provisions	1315	44	Provisions	1375	64
			Decreased amount of property on hand from March 31st, 1834, to March 31st, 1835	100	49
Total	$9457	48	Total	$9457	48

STATEMENT OF DEBTS AND CASH.

Due on book March 31st, 1834	$ 3840	95		
do. Notes do. do.	3060	28		
			6901	23
Owing do. do.			1	66
			$6899	57
Due on book March 31st, 1835	$ 4693	48		
do. Notes do. do.	4402	10		
	$ 9095	58		
Owing nothing	0	00		
			9095	58
Increase of debts			2196	01
Decreased balance of property on hand			100	49
Balance			$2095	52
Cash on hand March 31st, 1834	$ 111	52		
do. do. do. 1835	3284	82		
	$3173	30	3173	30
Balance gained to the Institution			$ 5268	82

STATEMENT OF PRISONERS.

Whole number of prisoners 31st of March, 1834	189		In confinement 31st March, 1835	207	
Since received to 31st March, 1835	75		White Males	144	
		264	White Females	13	
					157
Discharged by expiration of sentence	44		Black Males	44	
Pardoned by General Assembly	7		Black Females	6	
Discharged by order of Court	2				50
Died	4				
Escaped	0	57	Whole number in confinement 31st March, 1835,		207

The above 207 convicts were employed on the 31st March, as follows, viz:

In Carpenter's shop	23	Waiters in the Hall	2
In Smiths shop	21	Barbers	2
In Chair shop (cane seating)	40	Out door laborers	3
In Cane seating shop	43	Invalids and sick	10
In Shoe shop	17		
In Brittannia Ware shop	22	Total	207
Females	19		

CONVICTED OF FOLLOWING CRIMES.

Burglary	75	Breaking prison	5
Attempts to poison	1	Arson	6
Horse stealing	19	Abuse of female child	2
Attempt at Rape	8	Robbery	4
Attempt to kill	19	Theft	20
Attempt to murder	4	Incest and attempt to kill	3
Manslaughter	5	Gouging the Eye	1
Forgery	3	Beasterly	1
Passing counterfeit money	8		
Adultery	19	Total	207
Murder	3		
Rape committed	1		

AGE OF CONVICTS WHEN COMMITTED.

Under the age of 20 years	21	From 60 to 70	7
From 20 to30	88	Over 70	2
From 30 to 40	57	Total	207
From 40 to 50	26		
From 50 to 60	6		

LIST OF SENTENCES.

Life	17	6 years	5
23 years	1	5 years	26
20 years	2	4 years	38
16 years	2	3 years	25
15 years	4	2 years	40
14 years	1	1½ years	1
13 years	1	1 year	6
12 years	6	6 months	2
11 years	3	3 years and fine $500	2
10 years	11		
9 years	3	Total	207
8 years	1		
7 years	10		

The Chaplain's report of this State prison, is also a valuable document; tending greatly to establish the close affinity of *ignorance* with *crime*; but fearing to carry evidence in support of *education* as a corrective to the abuses of society, beyond convenient limits, it is reluctantly withheld.

Generally speaking, the Physicians' reports of all these Iustitutions, are very favorable to the health of the inmates. "It is believed that the amount of sickness among the convicts has not been greater than that which has prevailed in the surrounding country."

RULES, REGULATIONS AND BYE-LAWS

For the government and discipline of the Connecticut State Prison, at Wethersfield, adopted January 2nd, 1835.

Art. 1.—The compensation to each and every officer, shall be fixed and settled by the directors.

Art. 2.—No officer shall buy from or sell to any convict, any article or thing whatever, nor shall they take or receive for their own use, or that of their families, any fee, grutuity or emolument, from any person committed to their custody; nor from any of their friends in behalf of the convicts.

Art. 3.—Spirituous Liquors shall in no case be furnished the convicts, except by order of the Physician, and every officer is hereby required wholly to abstain from their use during the period of his employment at this institution.

Art. 4.—The convicts shall have at all times the liberty of speaking to the Directors, or Director, when present at the prison. The Directors will not however, suffer a convict to hold any conversation with them in the hearing or presence of other convicts.

Art. 5.—No officer, except the Warden, or in his absence, the Deputy Warden, shall strike or punish corporeally any prisoner except in self defence; but should personal violence be offered, or the security of the person be in danger, each officer shall use all lawful means to defend himself, and the other officers and to secure the convicts so opposing or offering resistance.

Art. 6.—The arms belonging to the institution shall be kept well loaded, in good order, and ready for use and every officer is required to use his best efforts to sustain the safety of the prison, and prevent the escape of convicts.

Art. 7.—The convicts in going to and from their cells, shall march with the lock step, in such order as shall be designated by the Warden. Convicts shall be required always to approach their officers in the most respectful manner, and all their communications with the officers must be as brief as the case will admit. They are not to converse with one another, nor shall they be allowed to communicate any intelligence to each other in writing, nor shall they under any pretence, (without leave from the Warden or Deputy Warden,) speak to any person who does not belong to the institution, nor shall they write a letter to, or receive one from any person, except by leave of the Warden. Their whole demeanor must be in accordance with the most perfect order, and in strict compliance with the rules of the prison. They shall be industrious, submissive, obedient, labor diligently and in silence.

Art. 8.—Each convict shall have a straw mattrass, three blankets in winter, and two in summer, and two coarse cotton sheets. The usual dress of the convicts shall be a round-a-bout Jacket, vest and pantaloons, made of coarse sattinet, also a cap made from the same material, and shall be allowed stout woollen socks, and be supplied with coarse leather shoes, their shirts shall be made from stout cotton cloth,& washed and changed once in each week.

Art. 9.—The rations for each convict per day shall be as follows:—

Viz.—One pound salt beef 4 days in the week.
¾ of a pound of pork one day in the week.
¼ of a pound of fish one day in the week.
1 pound of fresh meat, with the necessary vegetables made into soup, one day in the week.
1 of a pound of bread made of rye flour, for the breakfast and dinner each day.

Five bushels of potatoes to each hundred rations.

35 pounds corn meal, and six quarts of molasses for supper, to each hundred rations, made into mush.

One gill of vinegar per week, each, and a sufficient quantity of salt and pepper.

Art. 10.—The clothing and the property of the convicts on their arrival at the prison, shall be taken from them,and, (if worth preserving,)securely kept,and restored to them on their discharge.

Each convict when discharged, shall at the discretion of the Warden,be furnished with a cheap and suitable laborers dress,and a sum of money not exceeding $3, shall be given him to defray his expenses home.

Art. 11.—The deportment of the officers towards each other, in the presence of the convicts, shall be of the most gentlemanly and dignified character. It shall be the duty of the subordinate officers to aid and assist the Warden in the discharge of those duties imposed upon him by the Laws, in the government and discipline of the prison, to enforce that duty with promptitude and firmness but with mildness and humanity; they shall not absent themselves from the prison on any pretence or cause, except by permission of the Warden, or in his absence, of the deputy Warden, and in case any one shall be absent through sickness, or by obtaining leave, his place must be supplied with such substitute as the Warden may think proper to receive.

POWERS AND DUTIES OF THE WARDEN.

He is by law entrusted with the entire control and manngement of all the concerns of the prison, subject to the rules, regulations and *written* orders of the Directors, and is held responsible for the manner in which said prison is conducted.

It is his duty to select and nominate all the subordinate officers and to oversee and command them in their various duties. The Warden is directed and authorised to make such rules and regulations for the government of the subordinate officers of this prison, as he shall judge proper, provided they are not incompatible with the law or bye-laws, relative to the government of the prison; and also to make such rules and regulations relative to spectators and others, who may be admitted within, or shall be found lurking without the prison yard, as the case may require, and to enforce such regulations, by rendering the offenders liable to be apprehended and proceeded with according to law.

He is to prescribe the mode of punishment to be inflicted on the convicts, for their violation of the prison rules either by confinement in dark and solitary cells, by putting fetters and shackles on them, by moderate whipping, not exceeding ten stripes for any one offence. He is to reside at the prison and examine daily into the state of the same; visit every apartment and see every prisoner under his care, as often as the good order of the prison and the necessities of the prisoners shall require. He is not to absent himself from the prison more than a night without giving notice to one or more of the Directors. He is to exercise over the whole establishment a general supervision as it regards discipline, police, and the business concerns thereof, to make all purchases, to superintend the manufacturing business carried on within the prison, to receive the articles so manufactured, and to dispose of the same for the benefit of the State.

It shall be his duty to cause the books of the prison to be so kept as clearly to exhibit the state of the convicts, the number employed in each branch of business, their earnings and the expenditure of the Institution; to specify minutely in his quarterly accounts the persons to whom or from whom moneys are paid or received, and for what purpose, with an abstract of vouchers, for all expenditures, which with the vouchers, he shall prepare and lay before the Directors, at the end of every three months, for them to audit and examine.

It shall be his duty to close the books of the prison on the 31st March annually and render a report exhibiting a complete and comprehensive view of the transactions of the prison during the preceding year, shewing the various branches of business in which the prisoners have been employed and the profits to the State (if any) arising therefrom.

He shall see that the prisoners are treated with humanity, and that no unnecessary severity is practised by the inferior officers, and that the sick and complaining convicts have proper medical attendance, and are supplied with such food as may be directed by the Physician.

DUTIES OF THE DEPUTY WARDEN.

The deputy Warden is the principal assistant of the Warden.

And it shall be his duty to attend to the opening & closing of the prison, to be present during divine service, to have a constant care and superintendence, under the direction of the Warden, of the internal af-

fairs of the prison, to see that every subordinate officer strictly performs his appropriate duties, especially to attend to the police and discipline, to see that the rules and regulations of the Institution, and the directions of the Warden are enforced.

He shall constantly be moving about the interior of the prison, visiting the shops, yards, hospital, cells & other apartments, take every precaution for the security of the prison and prisoners, see that the overseers keep their men diligently employed during the *whole* time they are in their workshops, the guard are vigilent & attentive to their duties, and he is required to report to the Warden, every neglect of duty and all impropriety of conduct on the part of any of the officers.

He shall attend to the clothing of the convicts, see that it is whole, properly changed, and in order.

He shall see that the cells, shops, yards, and other apartments of the Prison, are kept in a proper state of cleanliness; that the rations are such as are allowed, and required to be delivered to the convicts, and that they are properly cooked and served.

He shall morning noon and night ascertained whether any convict is missing before he dismisses the officers from the hall, or gives the signal to the Watchmen on the walls.

And in the absence of the Warden from the Prison, all the duties and powers of Warden, so far as the same relates to the discipline ofthe prison, and the safe keeping of the prisoners, shall devolve upon, and be executed by the depnty warden. He shall see that ladies and gentlemen visiting the prison are treated with attention and politeness, and that they are admitted and conducted thro' the several departments at all proper times.

He shall frequently go into the hall in the evening, and see that all is right, and that the guard on night duty are vigilant and faithful.

DUTIES OF THE CHAPLAIN.

The Chaplain shall, as required by law, devote his whole time to the religious instruction and moral improvement of the prisoners.

He shall perform morning and evening service daily with the convicts,who shall be assembled for that purpose. He shall perform Divine service in the chapel every Sunday. He shall have the care and management of the sabbath school with the co-operation and concurrence of the Warden.

He shall see that every convict is furnished with a Bible, and may apply to the Warden for a proper supply. He shall have the privilege, and it shall be his province to visit the convicts at all times when in their cells, or in the hospital & administer to them such instruction as he may deem best calculated to promote their subordination, reformation, spiritual and eternal welfare, and at all proper times endeavour to impress upon their minds the justice *of their punishment, the necessity of amendment*, and a *strict conformity to the rules of the Prison.* He shall not furnish them with any information or intelligence, other than relates to their duty without permission of the Warden.

He shall use his utmost endeavours to instruct thro' the grating of the cell doors all who are unable to read. He shall conform in all cases to the general rules and regulations of the Institution.

DUTIES OF THE PHYSICIAN.

It shall be the duty of the Physician to visit the Institution every other day, before 9 o'clock A. M., and personally examine every sick and complaining convict who may be reported by the several overseers of the work shops, or who may be confined in the Hospital, or cells, and prescribe such medical treatment as their cases require. He shall repeat his visits thro' the day and at all times when the condition of the sick require it, and when sent for is to repair immediately to the Prison, to the exclusion of all other engagements.

He shall furnish the Warden from time to time as may be necessary, a memorandum of such medicines, provisions, supplies, and furniture as may be necessary in his department.

He shall keep a book to be called the "Hospital Record," in which shall be entered the names of al the convicts reported as sick, or complaining, requiring medical treatment, their diseases and the prescriptions therefor. He shall also record the names of all who may be reported as ill, and by him returned to their shops as able to labor, the time when any are discharged from the Hospital, or have died. When a convict dies he shall record the nature of the complaint, and all the circumstances connected with the death, that he may deem necessary and proper, and shall subjoin such other remarks as he may consider necessary and expedient, respecting the nature of each case and the treatment thereof. He may apply to the Warden for such assistance as may be necessary to nurse and attend upon the sick. The Physician shall direct in all cases the diet to be prepared for the sick and complaining convicts, and if it should so happen that the directions or prescriptions of the Physician should not be complied with, he shall report to the Warden, that proper measures may be taken to prevent future omission.

DUTIES OF MATRON AND ASSISTANT MATRON.

It shall be the duty of the matron and assistant to reside at the prison, to attend to the labor and conduct of all the female convicts, and all such rules and regulations as are required to be observed and enforced by all the subordinate officers in the Government of male convicts, as are applicable to the female department, shall be enforced by the matron under the direction of the Warden. And it shall be the duty of the matron to attend personally to the weighing and measuring of rations for the day, as ordered by the rules and regulations, and she shall keep an exact account of all such rations weighed or measured, and shall, under oath render such account to the Warden quarterly to be laid before the Directors. She shall personally superintend the cooking of the daily provisions, and dividing them into rations. She shall assemble the female convicts every evening, and on the Sabbath for religious instructions.

She shall use her utmost endeavors to cause the the cells and work rooms, and every part of the establishment under her care, to exhibit neatness and order, and to be at all times ready for the inspection of the Directors, Warden, or persons visiting the Institution. For any violation of the Prison rules by the female convicts. she shall confine them in their cells, and report the offence to the Warden that he

may give her such instructions in regard to punishment as the nature of the case may require.

DUTIES OF OVERSEERS AND TURNKEYS.

The Overseers and other officers acting as Turnkeys, shall consider themselves as the immediate agents of the Warden and deputy, in enforcing the police and discipline of the prison, and carrying into effect the intentions of the law for the punishment of the convicts in the prison, and at all times while in the employ of the state are to consider themselves subject to the rules and regulations adopted for the government of the prison, and are to govern themselves in strict conformity thereto.

They shall keep a list of the men under their charge with the number of the cell in which each convict sleeps, opposite his name, and upon locking up morning, noon, and night, shall note the absence of any convict from his cell and immediately report the same to the deputy warden.

They are to march their men to and from their shops in close order, taking the lock-step; they shall require the convicts to keep their faces inclined towards their keepers, and shall use the utmost efforts to enforce perfect non-intercourse, and observance of all the rules and regulations necessary for their government.

They shall require from the convicts an uniform, sober, orderly and humble deportment. It shall be their duty to instruct them in all the rules of the shop and prison, necessary for their government, and shall admonish them upon the least appearance of insubordination, and report them for punishment, to the warden or his deputy, whenever they shall refuse to obey orders, (or neglect their duty.)

And it shall be the duty of each overseer of the several work-shops, to preserve in his department the most perfect order. He shall not hold any common place or unnecessary conversation with the convicts, nor shall they be allowed to make any enquiries relative to any subject, not immediately connected with their duty, employment or wants.

The Overseers are not to appropriate to their own use, any article or thing whatever manufactured at the prison, however small in value, except by the permission of the Warden. Nor shall they, or any other officer, receive any present or reward whatever, for services, supplies, or as a gratuity, nor shall they deliver to any convict, any book, paper, or other articles, without the permission of the Warden or Deputy.

They shall not allow the prisoners to leave their work, or shop without permission; nor shall they allow them to speak to or look at visitors; and as all the business between contractors and convicts is by agreement to be done thro' the agency of the Warden or overseer having charge of the men and work, no conversation shall be allowed between the contractors and convicts except by permission of the Warden.

And it shall be the duty of each overseer, to keep an exact account of all labor performed, and articles manufactured, under his care, and taken therefrom, and shall render to the Warden every Saturday evening, an account of the labor and earnings of each convict under his care during the week, that the necessary entries may be made on the books of the prison. They shall see that the property is carefully preserved, and the work well and faithfully done, and they shall use every reasonable exertion to promote the interest of the institution and of the contractors who may employ the convicts.

No overseer will leave his shop during the time the convicts are therein, unless upon urgent necessity, but before leaving he shall procure a watchman, from the guard-room, or hall, to take his place, and it shall be the duty of the person relieving to keep the convicts in perfect order while the regular overseer is gone, and to report to him on his return, any misconduct that may have occurred.

It shall be the duty of the overseers to preserve the greatest possible cleanliness in the persons and clothing of the convicts under their immediate care.

They shall make a report in writing every morning about 9 o'clock, of those under their care, who are sick or complaining, which report or list shall be handed to the deputy Warden, or officer having charge of the hall, to be delivered to the physician at his regular visits to the prison.

No officer or guard shall, while on duty in the shops hall, guard-room, or the wall, or any other station, be engaged in reading any newspaper or books, neither shall they do any writing, except to make their necessary entries, or engage in any other employment, calculated to interfere with constant watchfulness and vigilance, neither shall they hold any conversation with one another, in the presence or hearing of the convicts, while on duty, or with contractors, other than relates to the business under their care & management. Each overseer shall perform his regular tour of night duty as he may be directed by the warden.

It shall be the duty of the officer having charge of the hall, during the day, to cause the cells & hall to be swept at least once in each day, to see that the beds and bedding are kept clean and in good order, to cause the cells to be frequently cleansed and white-washed, and the hall, cells, and hospital, generally to exhibit throughout, neatness, good order, and cleanliness.

He shall every afternoon examine the blankets, beds, furniture, locks, doors, and the cells generally, and see that they are not injured, by any attempt of the convicts to make their escape from the cells, and whenever he discovers anything wrong, he shall take down the number of the cell, with the offence committed, and report the same to the Warden or deputy immediately. He shall also attend upon the physician at his regular visits to the prison, shall take him to see every convict, who may be sick or complaining, in the cells or hospital; shall send to the several shops for all who may have reported themselves as wishing to see the physician; and he shall also attend personally to the directions and prescriptions of the physician, and see that they are duly observed and administered.

He shall also report to the Warden before 9 o'clock every morning, the names of any remaining in their cells with the number of the cell opposite each name, together with their complaint, and shall spend his whole time in the performance of those duties, unless otherwise instructed or directed by the warden or deputy, in which case he shall perform all, and every other duty or service, as they may direct.

DUTIES OF THE WATCHMEN.

It shall be the duty of the watchmen or guard, to be at the prison during the whole time, day and night, to be vigilant & active; and when not on duty on the wall or at the gate, they are to repair to the guard-room, and there remain ready to relieve the overseers of the

shops when sent for, to shew visitors thro' the prison, and to perform such other duties and services for the safety and security of the prison, as they shall be directed by the Warden, or his deputy, both by day and during the night.

They shall at all times maintain towards each other and all persons visiting the prison, a gentlemanly deportment. They shall refrain from all immoderate laughter, boisterous conversation, exciting discussions upon politics, religion, or any other subject while in the guard-room or on any post of duty, and treat each other at all times with mutual respect and kindness. They shall not allow any person to go upon the wall, without permission from the warden; nor shall they allow (under any circumstances) any intoxicated or riotous person to pass into the prison. They are not to leave their post on any pretext without being relieved, and are not to suffer a convict to pass thro' the gate or guard-room, except in charge of a proper officer; and it shall be their duty to keep the arms clean and in order, ready at all times for use, and they are constantly to keep in mind that it is required of them to prevent, at all hazards, any convict from making his escape.

No watchman shall be allowed to hold any conversation with a prisoner, except to direct him in his duty nor shall he receive from, or deliver to a prisoner, any article or thing without the knowledge and consent of the warden or his deputy.

It shall be the duty of the guard having charge of the hall, while the convicts are in their cells, either at mealtimes or during the night, to keep constantly moving around the block of cells, with socks on in a silent manner that he may be able to detect any unnecessary noise, and it is strictly enjoined on him not to hold the least conversation with the convicts, or suffer them to speak to him except to make known their immediate wants, and to use the utmost endeavours to suppress noise of any kind, and to report to the warden or deputy any violation of the laws of the prison, by the convicts while in their cells. The examination of the cells and doors, after the prisoners have retired to their beds, shall be done by an extra watchman, so as to enable the watchman on guard in the hall to continue in the performance of his regular duty. He shall not on any pretext whatever, sit down or lay his weapons aside, but shall be constantly patrolling the galleries and pavement around the cells.

Should any disturbance be made in the prison during the night, he shall awake a watchman in the guard-room, who will immediately acquaint the deputy warden, who will repair to the spot, and make use of such means as are necessary to quell it; and while on duty about any part of the prison, the guard should keep constantly in mind, that they are required to keep a strict and vigilent observation of the convicts, and not for a moment have their attention abstracted from the object of their charge, but be in readiness at all times for any exigency.

EXTRACT

From the Report of the Commissioners on the Pauper Laws of the commonwealth of Massachusetts, for the year 1832.

["*From a reprint by order of the House of Representatives. January 22nd*, 1835."]

BOSTON

Has two distinct boards for the charge of the poor; viz:—the Overseers of the Poor, and the Directors of the house of industry. The overseers give relief only to the poor who are at large in the city. The directors of the house of industry have the charge only of those who are in the house.

The House of Industry contains 55 lodging rooms, in the main house for the poor, and 32 in two out-houses. That is, it has 87 lodging rooms for the poor. It has also 6 cells for the punishment of refractory inmates, six dormitories for insane men, and eight for insane women. Husbands and wives are not allowed to live in the same room. The centre of the building contains apartments for the family of the superintendent, and others for the officers of the establishment. The male inmates live in the eastern wing, and the females in the western. There is also a chapel in the house, in which the inmates worship on sunday, and a school house in which the children are instructed.

When this establishment was commenced, it was intended for the reception and employment of the able-bodied poor, who should claim the charity of the city, and hence it was called the *house of industry*. But it has no effectual means of detaining this class of the poor, when they are disposed to make their escape from it. They go to it, therefore, only for temporary relief when they are worn down by intemperance or disease; and leave it as soon as they have acquired strength to return to their former indulgences in the city or to lead a wandering life in travelling over the country. Instead of being a house of industry, the institution has therefore become at once a general Infirmary —an asylum for the insane, and a refuge for the deserted and most destitute children of the city, so great is the proportion of the aged and infirm, of the sick insane, idiots, and helpless children in it, that nearly all the effective labor of the females, and much of that of the males, is required for the care of those who cannot take care of themselves. Cooking, washing and ironing, making and mending clothes, scouring the house, nursing the sick, and the charge of small children and lunatics, make a great amount of labor. For these reasons, the house of industry furnishes a very unfair specimen of the self-supporting capacities of the poor. During the spring, summer and autumn, the cultivation of the farm and garden, employs most of the ablest men, and oakum picking the more infirm. There are generally two or three carpenters among the inmates, one or two blacksmiths, as many shoemakers, and sometimes a mason. For these, employment is found in making repairs within and about the buildings.

It is a great evil of the institution that the children who are in it, cannot be kept apart from its adult inmates.

The cost per week for board and cloathing is estimated to be about 80 cents for adults, and 50 cents for children.

The directors of the house of industry, and the overseers of the poor, have no salaries. The salary of the Superintendent of the house is $1,000—of the assistant Superintendent $650;—of the farmer $250;—of the overseer of the kitchen $130;—of the over-

seer of the clothing department $130;—of the teacher of the female children $159;—of the instructor of the boys $104;—of the Physician $300;—of the chaplain $260. Total of the salaries $2,983.

In a letter of the date of October 10th, 1832, the superintendent of the house of industry says,—"within the last 3 weeks, 67 persons have been admitted here, of whom 58 are State paupers. Many of them are recent emigrants, who were half starved on the passage out; and who landed without a dollar, and destitute of bodily or mental energy to provide for themselves, or their children. Several are mothers with young children. Several are mothers with young children who have been abandoned by their husbands and fathers."

On the 17th of January last, the adults in the House belonging to Boston, were 170. From other towns in Massachusetts, 33; from New Hampshire and Maine, each, 15; from Rhode Island, 4; from New York 5; from Connecticut, 1; from New Jersey 2; from Pennsylvania, 3; from Maryland, 2; from Virginia, 4; from N. and S. Carolina, and from Tenessee, 1 each. Total of American adults, 257, and from Ireland, 111; from England, 38; from Scotland 5; from Germany and the North of Europe 15; from France 5; from India 1; from the West Indies 3; from Portugal 3; from Italy 1; from Africa 1. Total of adult foreigners 183. Of American and foreign adults 440. The children in the House at the same time belonging to Boston, were 67. From the towns in Massachusetts 11; from other American States 10; from Ireland, or children of Irish parents 79; children of other foreigners 16; total number of children 183; total of adults and children 623. Ardent spirits are not given to the poor. The whole expenditures for the poor in the house last year were $23524 29

Interest upon $86465 68 the cost of the establishment	5187 94
Total expense for the poor in the House	$28712 23
Expended by the overseers for out door poor	14857 92
Total expence for the Poor last year	$43570 15

RECEIPTS.

From the farm and labor of the poor in the house	2682 03
From other towns for aid to the poor	716 27
For States poor in the house	10840 83
From other towns for poor aided out of the house	1178 81
For States poor out of the house	3786 51
Total receipts	$19204 45
The whole expenditures then having been	43570 15
And the whole receipts	19204 45
The balance against the city was	24265 70

From an annual Report of the Agent and Keeper of the Penitentiary of the State of Kentucky, at Frankfort, dated 5th January, 1835. It appears that on the 10th March,

There were then in confinement	71	Prisoners
Received since	51	
	122	
		122
Discharged since by expiration of sentence	20	
By Executive pardon	10	
By Escape	2	
		32
		90

The following tables are also presented, believing they will prove interesting and useful to the Legislature, viz:—

CRIMES OF THE PRISONERS.

Horse stealing	21
Larceny	43
High-way Robbery	9
Man-slaughter	1
Rape	1
Counterfeiting coin	1
do. Bank notes	4

AGES.

Between 16 and 20 years	9
20 and 30	43
30 and 40	25
40 and 50	6
50 and 65	5
Total	90

Passing counterfeits	3
Maiming with intent to kill	2
Kidnapping slaves	4
Mail Robbery	1
Total	90

EDUCATION.

Good	7
Ordinary	63
None	20
Total	90

The following is an exhibit of the financial condition on the 10th day of December last, viz :—

ITS MEANS ARE.

Raw materials on hand	$5708 86	
Manufactured articles	3998 55	
Sundry debtors per notes and accounts	9109 09	
Commonwealth per account	702 83	
do estimated for building new work shops, &c. in the prison under an act of last session, not charged	3000 00	$22608 83
From which sum deduct its liabilities, viz :—		
Sundry creditors for notes and accounts	2376 15	
Thomas S. Theobald for credit on account	5758 97	
Sundry debts not rendered, estimated	4000 00	12135 12
Balance in favor of Penitentiary of the 10th December		$10473 71

In choosing the branches of business (says the keeper of this establishment) for the application of *convict* labour, the following are the considerations of greatest weight—that the manufactured articles may be produced by the exercise of ordinary skill; the raw materials not subject to great waste; the product suited to general want, and in demand, and yielding the largest profit from the least capital.

With these views the following are the branches believed best adapted to the Institution, viz :—grinding corn; carding wool; and employing other machinery driven by a steam engine, wagon making, blacksmithing, stone cutting, chair making, and painting, boot & shoe making, tailoring, coopering, making bagging & bail rope, dying, weaving carpets, jeans, linsey, &c. &c. together with many minor collateral branches.

Of the internal and moral improvement of the convicts, the keeper feels sincerely gratified in saying that *facts* authorizing the indulgence of encouraging and comfortable hopes; and the benevolent philanthropist will rejoice that the strong and blended lights of knowledge and religious truth, are casting rays of brightness and warmth into their minds and hearts, dispelling much of the misery of their dark and cold abodes. Under a new organization and arrangement of the schools on the sabbath, which he has adopted, indications are decidedly apparent of an active spirit of mental improvement; and from the labours of the ministers of the gospel of various religious denominations, who have kindly lent the aid of their pious exertions, manifestations have been given of an unquestionably reformatory tendency.

The OHIO PENITENTIARY is next briefly described.

The edifice designed as the keepers dwelling is five stories in height, including the basement and attic stories, and surmounted by a handsome dome 12 feet in diameter, it is 50 feet wide in front, and runs back with its outer walls 30 feet, where it is connected on one side with what is called the east wing. Its walls are of cut limestone, and when completed the entire building will evince much architectural taste in the designer, as well as durability in its structure.

The East wing is 175 feet in length and presents a front of three stories in height. It encloses a block of 350 cells. They are averaged in tiers, 5 tiers on either side, and thirty five in a tier, at the end of the blocks are flights of steps terminating upon platforms which surround the bottom of each tier of cells. These platforms are three feet wide and supported by heavy iron castings, which are fastened in and project from the walls in such a manner as not only to be without reach of the prisoner when in his cell, but without his sight.

The west wing which will be in progress during the present summer will bear in all respects a resemblance to the East wing, and when completed will make up a front view of the building 400 feet in length. The several stories of guard and sleeping rooms, are in the rear of the keepers residence, forming the division between the two wings and from each of which can be viewed every range of cells with almost a single glance of the eye.

The building denominated the north wing, is attached to the north side of the east wing at its extremity It is two stories high, one hundred and forty feet long and forty feet wide, the lower story is divided into a dining room kitchen and bake house. The upper story is designed as a hospital, with its necessary divisions, altho' it is at present in part only occupied as such. These apartments being large and admitting of free ventilation, the sick will be as well situated in these respects as in the rooms of the most commodious and celebrated hospitals.

The prison wall which is being rapidly constructed, is three feet in thickness at its base, its intended height 20 feet and it will embrace 6 acres of land.

The prisoners are governed by a firm and energetic discipline, constant and active daily labor is required of them with perfect and uninterrupted silence. The punishment annexed to a violation of these requirements is, as in all other cases rigidly enforced. And much good it is conceived will be the result, not only in cutting off the great evils of intercourse among the prisoners; not only in preventing the young in years and novice in crime, from receiving instruction from the old in iniquity; but by forcing all into the practice of self denial—a virtue to which they have proven themselves to be more or less strangers. *Self denial* is the term, for it must be difficult in the extreme, for one who has had the perfect and free use of his organs of speech, to withhold all conversation under any and

every circumstance, from those with whom he may be associated. But the denial must be made; silence must be kept, or a severe penalty will be enforced.—By possibility a prisoner may speak and escape detection, but it is a hazardous experiment; for although there may be no guard in his presence, an eye from the secret passage which separates the shops may be resting upon him.

In going to & from their shops, dining rooms, sleeping rooms, or when they are called from one place to another, they are divided into companies of 35, corresponding with the number of cells in each range, and march under the command of the guards of each respective company with the lock step, their backs and breasts touching.

They have been seen to march from their shops to the dining room and stand at their places at the table, as motionless and silent as if each one was expecting his last doom to be sealed, until the Chaplain solemnly and impressively uttered, "let us pray." At the sound of such words, with a new scene before one of deep and thrilling interest, every fibre of the frame is liable to be affected almost to trembling. But when the preacher and the culprit kneels down together; when one who has spent a long life with the book of salvation in his hand, has offered up his fervent and heart-searching prayer, that the prison house of the wicked may become a tabernacle of thanksgiving and praise, the mind receives strong and indescribable impressions.

The convicts take their places at table, and arrange themselves for eating upon the sound of a hand-bell used by the deputy Warden. While here the same silence is maintained as elsewhere. If bread, meat, or water, be desired; significant signs instead of words are used; and when the repast is ended, their caps are replaced upon their heads, after which they rise from and march back, all at the sound of the bell.

It is not however the hard labor required of the prisoners—it is not the severe and certain punishment for a violation of prison discipline—it is not the continued silence which is demanded—it is not the general order and regularity of every movement—it is not, emphatically, these things alone by which the great amount of good is to be effected, as regards the reformation of the prisoners. It is in part, and perhaps materially, by the separation of the convicts at night, together with the moral and religious instruction which is imparted to them. Many of them too, are destitute of the rudiments of education, which they are also taught. Among 210 in confinement, near 30 were unable to read and a number read but imperfectly. If it be true that ignorance and idleness beget crime, their removal will tend to an opposite result.

To avoid prolixity, one day of the week is singled out for remark—the Sabbath. In the morning the prisoners are alone in the cells, holding communion with no associate and without having any other reflections forced upon them, than such as would naturally arise from their own cheerless solitude. There they remain save a short time while at breakfast, until afternoon preaching, except also the more ignorant who are formed into a sabbath school. At the hour for preaching they are all assembled and candor allows that it has never witnessed a congregation more feelingly attentive. The tear is seen to trickle down the cheek,—the bosom to heave with half suppressed sighs,—the ear has been arrested with the audible sob,—and it is believed, that although they were culprits, they have been affected like men who felt that they had sinned to their disgrace and ruin, of which it was needful that they should repent.

When the service is ended they retire again to their cells, carrying with them their admonitions and instructions of a talented and forcible preacher. They are again alone—the denunciations and promises of the christian law dwelling upon the ear—their consciences upbraiding them—their Bible before them, and the invitation search and believe—every thing quiet but the deep commotion of their own thoughts—and it would seem that their heart sooner or later must become softened if made of adamant.

During the continuance of the old prison, frequent pardons became necessary to make room for new comers, but the prisoner cannot now base his hopes upon any such necessity. The pardoning power of the Governor will be exercised with great discretion—and no one's confinement will terminate until the expiration of his sentence, except in very peculiar instances. And when the prison wall is completed it will be folly even to hope that an escape may be effected.

EXTRACTS

From the Report of the Select Committee—in Senate—on a Resolution directing an enquiry into the propriety of abolishing public executions. April 8th, 1835, State of New York.

Mr. Mack, from the Select Committee to whom was referred the Resolution directing an enquiry into the propriety of abolishing public executions.

Reported:—

That the committee have not considered themselves warranted at this late period of the Session, in retaining the resolution before them a sufficient time for that mature examination which a subject so interesting and important demands. They will, however, submit some facts and reasons which have influenced them in forming the conclusion to which they have arrived.

In the early and more barbarous eras of civil government, punishments were vindictive; justice was untempered with mercy; severity was deemed essential, not only in retaliation for crime, but as an example to deter from its repetitions—Terror was the agent of the law; and its administrators arbitrary in power, attempted to restrain mankind by fear, rather than to reform them by the inculcation of just, human and rational principles. Not only was the nature of punishments vindictive, but the modes of inflicting them correspond less with the character of the crimes than with the spirit of the laws. The penalty of death was attached to almost every offence, and that penalty was most rigorously enforced. Culprits were impaled alive; mutilated; broken on the wheel; their bodies transfixed to the gallows and left bleaching in the wind; or their mangled remains inhumanly exposed to the public gaze.

But in every age and country in which these barbarous punishments and exhibitions have prevailed, they have been found to produce contrary results from those which were designed. Instead of proving salu-

ary as examples to deter from the commission of crime, their tendency has been to harden and brutalize the feelings of the populace; to familiarize them with scenes of blood, to excite disgust instead of terror or respect for the laws, and to increase offences both in number and enormity. These results are proved by the history of the times, and admitted by the most intelligent writers upon criminal jurisprudence; and the spirit of christian benevolence, the lights of education and the assuasives of refinement, whenever their progress can be traced, many claim their proudest triumphs over the exactions and inflictions of the criminal codes.

In almost every nation of Europe the number of offences to which the penalty of death was attached have within the last half century been greatly diminished and the barbarous methods of inflicting this punishment have been abolished, or where these sanguinary statutes have not been repealed, those changes which have softened the character of the people and refined the public manners and opinions, have influenced the administrators of the laws and rendered those laws, to a great extent, a dead letter. During the reign of Henry the VIII, 72,000 persons were publicly executed in England, being an average of 2000 in each year. In the reign of Queen Elizabeth, 400 were executed yearly. From the years 1825 to 1831 inclusive, out of 85,257 criminal convictions in England and Wales, 9,316 were condemned to death, of which only 410, an average of 68 a year, were executed.—In Ireland for the same period, of 65,719 convictions sentence of death was passed upon 1,814, and inflicted upon 224 or about 48 per year. In France during the year 1826, of 4,348 persons convicted, 150 were condemned to death, most of whom were executed.—In Prussia from 1818 to 1827, 210 persons were capitally sentenced, only 87 of whom suffered death,—and it is the conclusion of all writers by whom the imperfect statistics of crime have been investigated, or who have had personal experience upon the subject, that in every country, offences against the person have decreased in proportion as the severity and public exhibition of punishments have diminished. In France, for example, a greater number of executions take place in proportion to the convictions, than in England; and offences against the person bear a greater proportion both to the whole number of offences and to the population, in the former than in the latter country. It is also remarked as an important and interesting fact, that "in England and every other country these offences are diminished in the proportion that the means of *education* are enlarged." Hence it follows, that it is neither the severity nor the public nature of punishments, but the *dissemination of knowledge* and the inculcation of *pure moral principles*, which deter from the commission and prevent the increase of crime.

In the United States rational liberty is the basis of our civil Institutions, and the principle of humanity is the foundation of our criminal codes,—the constitution itself declares, that "cruel and unusual punishment shall not be inflicted." While in Great Britain, the laws of which are less sanguinary than those of some other European governments, about 150 crimes are punishable with death, in no state of this Union is that punishment inflicted for more than *ten* enumerated offences. By the revised statutes of this State, but 8 crimes are declared punishable with death—and to extend this principle of humanity, the revisers recommended a DISCONTINUANCE OF PUBLIC EXECUTIONS, as then and at present conducted, and the substitution of a more private infliction, within the prison or some adjoining enclosure, in the presence of the County Judges, District Attorney, Surrogate, and other public officers who were required to attend as witnesses.—Those provisions, they observed, had "been drawn with a view to avoid the consequences frequently attending the parade of public executions. While on the one hand, the security of our fellow citizens requires that the punishment of death should never be inflicted in secret on the other, it is believed by many, that the manner in which it is usually conducted defeats the great end in view—a solemn and monitory example. A medium between the two has been aimed at.

But the legislature which enacted these statutes halted at the threshold, and stopped short of the important object by leaving it to the discretion, and resting upon the responsibility of an Executive officer. With such timidity or reluctance do we cast off the shackles of custom, even when humanity pleads and reason is convinced!

As might have been foreseen, in no instance since the adoption of the revised statutes had a Sheriff exercised the discretion of departing from the former method of conducting executions in public; nor will any be found, in opposition to the solicitations of depraved curiosity, and the importunities of self interest, to take upon himself such a responsibility as would be imposed under the present provisions of the statute.

Your committee, therefore would not be warranted in anticipating that all minds are now prepared for repealing the discretionary power of the statute and declaring the more private execution of criminals imperative. The propriety of public executions has been defended, and may continue to be urged, upon the grounds—

1. That they have a legitimate and salutary influence in deterring others from the commission of like offences, which cannot be otherwise effected; that they are the only means of impressing upon the mass of the people a salutary dread and warning, and serve as a public admonition of the certainty of punishment following upon crimes.

2. That all punishments ought to be subjected to the public scrutiny, so that it may be certainly known that the requirements of the law, and no more, have been fulfilled; and that if punishments were privately inflicted, it could not be known whether they were actually, and justly and properly, inflicted, upon the persons condemned, or that innocent persons had not become the victims.

To the first of these propositions, your committee have in part anticipated their reply. It may however be well to fortify their views, by referring to those whose opinions may be deemed better authority, and entitled to greater respect than their own.

All the writers whom the committee have had time to consult upon the subject, [*Dagge on criminal law; Sir Samuel Romily on do.; Old Baily experience, &c.; An English Publication Jurisprudence*, 1831; *Rees' Encyclopedia; Sir Edward Cooke, Beccarice, Bentham and numerous authors quoted in those works*] agree in the opinion that public executions have not been salutary in their effects; that they have not deterred from the commission or prevented the increase of crime; but that on the contrary they have had a

deleterious influence upon the public morals, brutalizing the habits, exciting the morbid sympathies, and blunting the genuine sensibilities of the people—a German writer [*Encyc. Amer. Art. Criminal Law,*] treating of the doctrine, that suffering is to be inflicted upon the guilty, for the purpose of *deterring* others from the commision of crime, remarks:—

"By the punishment of the offender others are to be *deterred* from similar acts. The punishment is therefore inflicted *publicly;* and the more horrible the crime, the more effort is made to confirm the popular abhorrence of it by severe penalties. This system *is liable to the most weighty objections.* It cannot be allowed to pu[illegible]sh a human being, simply with the view that others may receive from his sufferings such an impression as to be proof against the temptation to crime. *In point of fact,* THIS END HAS NEVER BEEN ATTAINED, and would require a scale of punishment offensive to sound reason. The mere fear of punishment is of very little weight. Men are kept from crime principally from the natural abhorrence of wrong heightened by a good example."

Again: "It is evident, that the sentiments of men, and their moral reformation, cannot be the *direct object* of legislation, from the very circumstance, that this effect is not of a kind to be ascertained."——"On the other hand it is found by experience, that the punishment of death is not sufficient to deter men from the commission of offences to which they are tempted by their passions or their wants."—Dagge ["*considerations on criminal law,*"] observes: "The circumstance of example, which is often insisted on, does not seem to have so much weight as is often ascribed to it; for delinquents are frequently hardy enough to perpetrate the most atrocious crimes, even when malefactors are, for the same offences, expiring before their eyes with all the dreadful circumstances of agony and infamy. Men whose depraved dispositions lead them to the perpetration of capital offences, are slightly if at all affected by the sufferings or punishments of others." "If ever the dread of punishment, or the terror of example, comes across their thought; such reflections are soon obliterated by the more flattering prospects which strike their senses and corrupt their judgment. The end of punishment, therefore, with regard to example, appears to be of less consideration than is generally imagined." "However (says the same writer,) political casuists may pride themselves in subtleizing and reconciling moral repugnances with public necessity, we may venture to conclude, that whatever shocks the common sense and feelings of mankind, is faulty in its original establishment." "Severe laws it will be allowed, are best calculated for the support of despotic power; but moderate governments are to be maintained by a milder system." "Therefore the great stress which has been laid on the advantage of *public executions,* seems to rest on a weak foundation; for they who are indued with a great degree of sensibility, will not behold them and hardened offenders view them without being affected by them."—"Moral habits are not to be enforced by criminal laws; they are to be inculcated by moderation and good example; but the principal means of making virtue habitual, is to sow the seeds of it in early education."

The author of the late able and interesting English treatise entitled "Old Baily Experience," &c. in treating of the effects of executions, remarks, "The well known fact, that in every country where the laws are most severe, the people are most in the habit of committing crime, would of itself be thought sufficiently striking to convince all law makers of the inutility and falacy of relying on sanguinary punishments as *deterring men from crime.*" Fazakerley says with great truth, "Sir there is something in the nature of man that disdains to be terrified, and therefore severe punishments have never been found effectual for preventing crime." Again: It cannot be that men commit crimes for the sake of daring death, yet their numbers encrease with the penalty. Another cause must therefore be sought. Is it excitement? *Boys say* their *first ideas of crime came on while* WITNESSING AN EXECUTION. This fact which is indisputable, proves that there is some strange and hitherto unexplained compound principle of action in the human species. One effect is sufficiently evident, that *it hardens and brutalizes all who witness these scenes,* & all who are concerned in carrying the law into effect!"

The Rev. Dr. Ford for many years ordinary (or chaplain) of Newgate Prison in a letter to Mr. Benthan which we find in the work above quoted, on the efficacy of Executions, says, "From every thing I have witnessed on these melancholy occasions, I am decidedly clear, that executions *managed as they are at present,* answer *no end whatever either for punishment or example.*"

After describing the treatment and deportment of the culprit in prison, previous to the day of execution he continues:

"At length the long dreaded morning arrives; he knows he must quit this world, and he may as well do so with a good grace as not. 'What would his old associates say, if they were to behold him die soft; (as the phrase is.) 'His memory would be despised and had in abomination.' He mounts the drop resolute in appearance, however he may be within; bows to the spectators; shakes hands with the ordinary, and such others as may be with him travelling the same journey; and according to the expression in the dying speech, which at this moment is publishing in all parts of London, is launched into eternity. This man is not punished, nor are his compeers intimidated. It is like the acting of a tragedy; a momentary tear of pity may be shed, but the next ribaldry obliterates the whole of the foregoing catastrophe. For arguments sake, we will suppose the convict a true penitent, and resigned to his fate, with a full trust in, or even modest hope of salvation. The spectators are ignorant of what is passing in his mind, but they see him resigned in his countenance; consequently they are not intimidated by his example."

The same gentleman, after several years of subsequent experience, repeats his convictions; that "executions are of no avail, either for punishing criminals or intimidating others from the perpetration of crime."

"The death of a criminal (says a writer on this subject in the Edinburgh Encyclopedia,) is a terrible but momentary spectacle, and therefore a less efficacious method of deterring others than the continued example of a man deprived of his liberty." "The terrors of death make so slight an impression that it has not force enough to withstand the forgetfulness natural to mankind even in the most essential things, especially when assisted by the passions. Violent impressions surprise us, but their effect is momentary."—"The execution of a criminal is to the multitude a spectacle which in some excites compassion mixed with indignation. These sentiments occupy the mind much more than that salutary terror which the laws endeavour to inspire, &c."

Your committee might multiply extracts of the same import, from these and other eminent writers upon criminal jurisprudence. But enough has perhaps been quoted to answer the object designed. It is indeed true that many of these writers have arrived at conclusions favorable to the entire abolition of capital punishment. But they have come to this result thro' the convictions forced upon them by observation and experience, that *public exhibitions*, while they have little or no effect in deterring from crime are of a positively injurious and demoralizing tendency. And in their cherished feelings of humanity, and in the exercise of their moral sensibilities, these statesmen and philanthropists seem to have lost sight of the only principle upon which it is justifiable to cut off from existence those who wantonly destroy the lives of others, or commit treason against the government from which all derive protection, and to which they owe a common allegiance—the public safety.

In conclusion upon this point your committee have quoted foreign authorities, would appeal to those who have witnessed, or made themselves acquainted with the manner of conducting *public executions* in *this* country. Who are they that comprise a majority of the immense crowds that assemble on such occasions? Are they of that class of citizens whose reason is to be convinced or those whose animal feelings are to be exited? And what are the scenes usually exhibited there? Are they not those of thoughtless levity, and even of ribaldry, rioting and dissipation? Such of the spectators as have their sensibilities awakened on the occasion, regard with more or less repugnance the attendant formalities, and view them as the act of despotism rather than justice. They look almost with horror, even upon the executioner, legally and indispensibly the minister of the violated laws; and the horrors of the final spectacle, and the sympathies excited, are much longer cherished in memory than the criminal cause which produced, and the end of public justice to be accomplished by it. To those who are criminally inclined, a violent death so terrible in description, now that they have witnessed it seems but the affair of a moment. It is they reason soon ever; and will not compare in its bitterness to the sweetness of indulgence or revenge. Such indeed, as are predisposed to crime will find in all the attendants of our public executions, rather incitives and encouragements to go on, than impressive admonitions to repent and refrain.

And even to the culprit, whose last moments, whose eternal peace, ought not to be wholly disregarded by the law, a private execution would, in the opinion of your committee, be much more salutary and impressive than a public one, as now uniformally conducted. In the whole proceedings which attend these exhibitions, humanity overacts and becomes ostentatious. The criminal receives during his confinement, numerous and indiscriminate visits, and protestations of kindness and deep regard for his present comfort and eternal happiness. He is led forth amidst military array, to the sound of solemn music, and followed by a long procession, is escorted with "pomp and circumstance" to the gallows. There he is surrounded by professed friends, public functionaries and spiritual advisors, & sees before him an immense mass of his fellow beings, whose sympathies and good will in the awakened pride of human nature, he still seeks and hopes to conciliate. At this moment he feels himself of greater consequence than he ever was before. It cannot but recur to his mind, as it will to the minds of the spectators, that he, who is there the object of so much curiosity, solicitude and attention, might have died upon the couch of poverty, within the walls of his humble dwelling, "unnoticed and unknown;" that few of the many that then surround him, would have felt the least interest in his fate; that none would have called to sooth his dying hour, or have expressed any concern of his temporal or eternal welfare! Amidst these exciting scenes, amidst reflections such as these he passes from time to eternity, regarding himself and regarded by many others as a martyr rather than a malefactor, expiating his offence upon the altar of justice.

But on the contrary let the condemned criminal be apprized that he must meet death in comparative solicitude; that the opportunity will not be allowed him of receiving and returning the public gaze, that as one who has forfeited the privileges and consolations of society, he will not again be permitted to look upon the collected countenances of his fellow beings, for the safety and protection of whose lives his own life is demanded of him—and may he not be led to appreciate his situation? Will he not turn his thoughts upon himself, and the anticipations of his final hour be more solemn and impressive? there is solemnity in silence. It is in solitude and not in crowds, that the human mind receives its deepest & most thorough convictions. Cut off from the glare and the murmurs of the multitude; attended only by the officers and appointed witnesses of the law whose duty he appreciates and whose character he respects, the culprit who is about to expiate his offence, will be most likely to realize the justice of his sentence, and to meet the solemn crisis with "a broken and contrite heart"—with true contrition and sincere repentance.

The *second* proposition in support of public, and against private executions, which the committee have quoted, merits consideration. It is true that punishments should be certain, that they should not be evaded, and that the public should know, or have the means of knowing, that every sentence of the law has been positively and properly executed. But how small a proportion of the entire population of the state, who have a common interest in these matters, do now, or can have ocular evidence of the execution of a criminal! will it not be sufficient to guard against any evasion, perversion or abuse, that a specified number of officers and respectable citizens shall be present at each execution, as public witnesses, not as private spectators thereof? Will not an official account from these officers and witnesses, duly attested and published, convey to the public a full knowledge of the event with all its solemnity and salutary influences, unaccompanied by any of its contaminating and counteracting effects? Your committee believe that every intelligent and reflecting mind must answer in the affirmative. They believe that the objection they have last noticed, though not without weight, may be thus obviated; or that it cannot, in this age of intelligence and general information be sustained against considerations involving the cause of humanity and public morals.

Already have several of our sister states, Massachusetts, Pennsylvania, New Jersey, &c., preceded us in this measure of reform; and your committee hope that the example will be followed by carrying out the principle virtually recognised in the revised statutes of this State. But they are of opinion that a simple repeal of the discretionary clause in section 26 of chapter 1, title 1, 4th part of the revised statutes would not accomplish the object in the manner to be desired, but that the enactments should be specific & positive, obviating every reasonable objection, and leaving as little as possible, in so delicate a matter to the discretion or responsibility of the public officer, whose duty it may be to carry them into effect.

APPENDIX

TO

JOURNAL,

HOUSE OF ASSEMBLY.

1836.

APPENDIX

TO THE

JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF

UPPER CANADA,

OF THE SECOND SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.

VI. WILLIAM IV.

MARSHALL SPRING BIDWELL, ESQ. SPEAKER.

SESSION 1836-7.

VOL. 2.

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

TORONTO:

WILLIAM LYON MACKENZIE.

OFFICE OF THE CONSTITUTION.

1836.

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No. 90.

THIRD

REPORT

FROM THE

SELECT COMMITTEE

APPOINTED TO EXAMINE AND ENQUIRE INTO THE MANAGEMENT

OF THE

WELLAND CANAL;

With power to send for persons and papers, and also the Books of Account and other Records of the Canal Company—and to take such steps as might be deemed necessary to enable the House to arrive at the knowledge of the actual state and condition of the past and present affairs of the Canal.

TOGETHER WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE, AND AN APPENDIX, CONTAINING VARIOUS REPORTS AND OTHER DOCUMENTS RELATING TO THE BUSINESS AND AFFAIRS OF THE CANAL.

Members of Committee.

JAMES EDWARD SMALL, Esquire, *Chairman.*

Mr. SHAVER,
Mr. CHISHOLM,
Mr. GIBSON,
Mr. SOLICITOR GENERAL,
Mr. THORBURN,
Mr. McDONELL *of Stormont,*
Mr. PARKE, and
Mr. ROBLIN.

ORDERED, BY THE HOUSE OF ASSEMBLY, TO BE PRINTED.

TORONTO:

WILLIAM LYON MACKENZIE.

OFFICE OF THE CONSTITUTION.

1836.

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[NO. 90.]

THIRD REPORT

OF

SELECT COMMITTEE

ON THE SUBJECT OF THE

WELLAND CANAL.

To the Honorable the Commons House of Assembly.

Your committee appointed to examine and inquire into the management of THE WELLAND CANAL, and to whom was referred all the accounts, reports, books, documents, &c., that were or might be brought before your Hon'ble House, relative to the Welland Canal Company, or any charges that might be preferred against the same, and to whom were given power to send for persons and papers, books and documents, or records, in any way connected with the affairs of the Canal or its Company, and also power to employ a clerk or clerks, or any person that might be deemed necessary, so as to enable your committee to arrive at the knowledge of the actual state and condition of the past and present affairs of the said Canal or the affairs of its Company, and to report to your Honorable House, from time to time, for the purpose of coming to some satisfactory conclusions with regard to the said Canal and its management, and to take steps to have the Welland Canal Office and its contents immediately removed to Toronto, to one of the committee rooms of your Honorable House:

RESPECTFULLY REPORT,

That, in obedience to the order of your Honorable House, your committee having met on the 27th January last, and being organized, took immediate measures to obtain the production of all the books, papers and documents of every description, relating to the business of the Welland Canal, and the expenditure of monies connected with that work, and had them deposited in the charge of the clerk to your committee—and also summoned the Secretary and Book-keeper of the said Company to appear before your committee, who appeared, and produced the books, &c. of the Company, in conformity to the summons.

That your committee summoned before them W. L. Mackenzie, Esq., one of the Directors of the Welland Canal Company, appointed by your Honorable House, and having ordered the reading of that part of the Journals of last Session, relating to his appointment to that office, put

to him the following query, viz :—Did you enter upon the duties as a Director of the Welland Canal Company in conformity to the appointment just read ?—Answer. Most assuredly I did.

That, on the 3rd day of February, your committee received a communication from Mr. Mackenzie, containing charges against the Directors, Officers and Managers of the Welland Canal Company, which are as follows :—

1st. That the books are improperly kept, and, as I think, purposely, with intent to defraud the public and the Canal proprietors.

2nd. That very many erasures have been made in the journal and leger, some of which are to the evident disadvantage of the Company and the benefit of persons connected with the management of the Canal, while there are others concerning which, nothing could be traced by which to discover the original entries.

3rd. That false and erroneous entries have been made on the books of account, to a large amount.

4th. That there is a great defalcation on the part of the officers of the Company.

5th. That false accounts have been sworn to and laid before the Legislature.

6th. That important transactions of large amount have been improperly withheld from the Company's books of account for several years.

7th. That the charges by the officers for casual expenses are, in many cases, improper, and some of them such as no gentleman ought to have made, nor any Board audited.

8th. That the officers in late years have taken their own salaries out of the funds of the corporation without any authority of the Board.

9th. That persons in the employment of the Company, or others who appear to have been allowed access to its books and papers, have increased and decreased and changed and altered accounts at their pleasure, and made entries on the books unauthorised by the minutes of the Board, and even in direct contradiction to its standing orders.

10th. That loans have been made to Directors, Officers and others, from the Company's funds, and without the consent of the Board—and the interest sometimes placed to the Company's credit, and sometimes kept back by the clerks and officers.

11th. That one set of books of account are kept by the Officers, in which their accounts with contractors and others, and even private accounts are entered, and another set of books, very different indeed from the others, and sometimes in direct contradiction to them, prepared for the inspection of the Board.

12th. That Wm. Hamilton Merritt, Esq., who succeeded Mr. Black, as Secretary to the Company, and Mr. Clark, who succeeded him, appear to have made no entries in the Leger or Journal, although that was an important part of their prescribed duties : and that they have declared to me that they have not even examined the entries made by Bookkeepers, hired to perform their duty for them, occasional servants and others, some of them manifestly incompetent—and Mr. Beaton, the principal occasional person employed, is habitually intemperate, and as I think, evidently dishonest, judging by the entries he has made, and the proceedings he has connived at.

13th. That a system of favoritism has prevailed, in the letting out of contracts, injurious to the interests of the Company; and that some of the contracts performed by these favorites, have been most iniquitously performed.

14th. That fraud and deception have been practised, to induce persons of wealth

and property to invest their funds in the Welland Canal; and that in this system of deception, the British Consul at New York, has been an important actor and instrument.

15th. That Mr. Merritt used the seal of the Company to serve the purposes of Henry John Boulton, Esq., when he was going to England in 1825—so as to incur the risque of £100,000 of the stock of the Company, being paid in London to an individual, without making him responsible for the money so to be obtained; and that Mr. Boulton was paid in advance £300 sterling, for services which appear to have been never rendered, and that vote afterwards improperly confirmed by the Board.

16th. That valuable mill sites have been given away without recompense, after stockholders had been induced to subscribe, by means of reports by the Board, that great wealth would be derived from the leasing of these mill sites.

17th. That the President, Agent, and some of the Directors have been improperly employed in forwarding goods on the Canal, and in leasing the water power thereon, while acting as such officers.

18th. That a bargain deeply injurious to the interests of the Company, and of the Province, as connected therewith, has been attempted to be carried into operation, by which valuable property granted to the Company at Port Colborne, and other lands and water power would be alienated from the company unjustly and improperly, and many thousands of pounds of debt incurred by them, without value being received therefor.

19th. That George Keefer, Esq. was improperly connected in the contract for the locks, while a Director, and that he received undue advantages from that contract.

20th. That important original estimates contracts, receipts, and other papers, are missing at the Canal Office, and that the officers in no way account for their being missing.

21st. That the accounts of W. B. Robinson, John Macaulay, and Absalom Shade, Esqrs., commissioners appointed to expend $30,000, granted by the Legislature, and taken as Canal Stock, were withheld for years from the country and the company, and found very inaccurate and unsatisfactory when produced by them.

22nd. That the Board has frequently entered into contracts it was without the means of paying, and agreed to issue paper money it could not possibly redeem.

23rd. That the Canal Directors and Officers, and their correspondents, have unnecessarily, and improperly, mixed up politics with the business of the Company, and tampered with the public press.

24th. That after the first election, the nominees of certain persons in New York always had the nomination of the majority of the Board, although holding a very small share of the Stock, and that the elections have not been on all occasions conducted according to law.

25th. That the Canal has been taken to particular places, to the injury of the company, to serve the purposes of interested individuals.

26th. That in the case of the steam Dredge, and others very similar, extravagant charges have been made against the Company, and paid from its funds under suspicious circumstances.

27th. That $10,000 were loaned to Mr. Yates while many creditors of the Company remained unpaid.

28th. That $30,000 of debt due by Oliver Phelps has been improperly placed in the profit and loss account, although he is a person in good standing; and that the Board, in releasing him from the obligations the Company had against his

property, forgot the interests of the canal and the country.

29th. That many thousand pounds were lost by the neglect and carelessness of the Engineers, Directors and Managers of the Canal Company in not taking proper precautions to prevent the catastrophe of the slides, which took place in November 1828 at the Deep Cut—and

30th. That after the Board of Directors at an extraordinary meeting, held last October, had resolved, that there appeared to them to be good cause for a speedy and efficient investigation of the monied concerns of the Company, and had taken the books and papers out of the hands of Mr. Merritt and the other officers, and sealed them up, they (the said board) returned them to the officers without any investigation at all, and thereby enabling them to commit other offences if so disposed.

That Mr. Mackenzie was requested to proceed with the production of such evidence as he might have to adduce in support of the above charges.

On the 9th day of February, Mr. Mackenzie commenced giving evidence before your committee, agreeably to the above requisition, and after examining at great length such witnesses as he thought proper, finally closed on the 26th of March last.

That your committee being desirous to afford every opportunity for the thorough investigation and proof of charges of so serious a nature, patiently allowed Mr. Mackenzie so great a proportion of their time.

(For evidence, see Appendix to this Report.)

That your committee deemed it necessary for the purpose of assisting them in arriving at the true state of the affairs of the Company to employ two competent accomptants, who have given evidence before your committee as to the result of their labors in investigating those books and accounts.

(See evidence of Book-keepers in the Appendix to this Report.)

That William Hamilton Merritt, Esqr. President of the Welland Canal Company, on behalf of the Board of Directors and officers of the said Company, requested permission of your committee, to be heard in answer to the charges brought against himself and the Company by Mr. Mackenzie, and likewise adduce evidence in contradiction thereto—which requisition was readily complied with.

That on the 28th of March Mr. Merritt commenced on the part of the defence, produced his evidence, examined his witnesses, and finally concluded on the 31st of the same month.

(For evidence, see Appendix to this Report.)

That your committee after having called for such evidence, and examined such witnesses, touching the above charges and the general affairs of the Company, as they deemed necessary for the purposes of justice—now proceed to submit in the first place the conclusions they have arrived at upon the several charges made by Mr. Mackenzie:—

Numbers 1, 2, 3, 4, 5, 6 and 9, of these charges relating solely to the books and accounts of the Company, and the manner in which they have been kept may be taken together. The evidence upon these, in the opinion of your committee fully substantiates the charge that they have been kept in a very careless, irregular and improper manner, highly discreditable to a public body, but your committee cannot say that any intentional fraud against the public or canal proprietors, has been brought home to any individual officer of the Company, or that the misconduct complained of in this respect is calculated to benefit the individuals connected with the management of the canal. With regard to the defalca-

tion on the part of the officers of the Company your Committee deem it proper to state that the accountants employed by them proceeded in the first instance to balance the books of the Company from the commencement of their operations, and then turned their attention to such accounts as Mr. Mackenzie thought proper to point out, as the investigation of all the accounts of the Company from the commencement to the present time, would have occupied them at least six months. Upon this partial investigation it appears there is a defalcation on the part of the officers of the Company to the amount of £1,724 11s. 0½d.—this sum is made up of the following items, viz: unaccounted for on general cash account, £378 0s 5½d. on tolls of 1830, '31, '32, and '33, £422 17s. 4d.—over charges and over credits, £560 16s. 1d.—sundry sums at the debit of individuals, and not charged to them till December 1835, in all £362 17s. 2d. Since, however, these errors were discovered, the clerks of the Company have to a certain extent accounted for £266 6s. which should be deducted from the balance on the general cash of £378 0s. 5½d; but it is quite impossible for the committee to say, whether upon a general investigation of the whole accounts, these sums would be increased or diminished.—With respect to false accounts having been sworn to, and laid before the Legislature, it appears that John Clark, Esq., Secretary to the Company, as such, swore to the accounts laid before the Legislature in 1832 which have, upon investigation, proved to be incorrect so far as regards the sum of £579 12s. 3d. stated to have been paid to George Keefer upon Grand River claims, when in fact it was not so expended, but your committee have no hesitation in exonerating Mr. Clark of criminal intention, as the whole amount appears to have been expended for canal purposes, and was, in fact, entered, though erroneously, to Mr. Keefer's credit.

Upon charge No. 7, your committee are of opinion that so far as the expenses of Mr. Merritt, upon his journey to York, Quebec, and New York—the amount of Ware's account—the expenses upon opening the Canal—and upon the visit of His Excellency Sir John Colborne to the Canal, are concerned, they are unworthy of remark, as upon an undertaking of such magnitude, and of so great importance to the Province, the Directors might, upon such occasions, have charged the actual expenditure as contingencies, without specifying the items; and without reference to which it would not appear that these expenditures were unwarrantable. With regard to the payment of £300 to Mr. Boulton, for his journey to England, your committee cannot, under the circumstances, form so favorable an opinion; as it appears that his journey, in the manner it was undertaken, was not only without the consent of the whole of the Directors, but decidedly in opposition to the views of some of them. There are other items under this charge that may be questionable; but your committee are of opinion, that they are not of such importance as to warrant dwelling upon them in detail, particularly as they have before been investigated by a committee of your Honorable House in 1830, with the exception of a charge of £447 10s. for loss on steamboat Peacock, which at present is enveloped in mystery, and can only be unravelled by Messrs. Smith and Macey, of Buffalo, the Agents of the Company.

Charges 8 and 11 might properly have been classed with the first 6 and 9. Your committee cannot but express it as their opinion, that the irregularities complained of in these charges, and which the books themselves justify, are any thing but creditable to the Company's officers.

Under charge No. 10, it appears that a loan of £2,500 was made to J. B. Yates, Esq.—£1,000 to Geo. Keefer, Esq.—£178 13s. 5d. to R. Burns, Esq.—£164 14s. to O. Creighton, Esq.—and £100 to Thos. Butler, Esq., all of them, with the exception of that to Mr. Yates, without any authority of the Board. When your committee reflect, that almost all these gentlemen were officers of the Company, they cannot but condemn a practice that never would be tolerated in a banking or mercantile establishment.

With respect to charge No. 12, it appears that although Mr. Merritt was appointed Secretary for a short time, upon Mr. Black's leaving, yet that he never discharged the duties of that office, except upon one occasion he signed an agreement between Thos. Merritt and the Company, for Lock and Harbor at Gravelly Bay, in that capacity. The appointment of Mr. Clark to that office was highly injudicious, in the opinion of your committee, as it is evident he was quite incompetent for the discharge of its duties. At the same time, your committee cannot but declare it as their opinion that Mr. Clark's character as a gentleman, and a man of honor, stands unimpeached; and judging of Mr. Beaton, the principal clerk employed in the office of the Company, from what your committee have seen of him during his attendance in the Committee-Room for upwards of two months, and in the absence of other evidence than that produced, feel themselves bound to acquit him of the charge of habitual intemperance and dishonesty. At the same time, in their opinion, he is censurable for continuing the books in the same careless manner in which they were kept previous to their coming into his possession.

Upon the 13th charge, your committee are of opinion that the direct evidence of favoritism in letting out contracts is but slight; but viewing the evidence upon the whole investigation, your committee have no doubt but that most improvident contracts have been entered into, and some of them most shamefully performed, to the serious injury of the Company.

The material part of the evidence upon the 14th charge refers to transactions which took place upon the formation of the Company, and previous to the Legislature or the Province being interested in it; and as the conduct and character of gentlemen at a distance, and who have had no opportunity of being heard, is implicated, your committee refrain from expressing an opinion, or making any remarks upon this charge, and have foreborne to report the evidence upon it, as at this late day the publication of it can have no other effect than that of injuring the feelings of gentlemen whose conduct, whatever it might have been nine or ten years ago, can have no bearing upon the present state of the affairs of the Company.

Your Committee have, in their observations upon the 7th charge, disposed of so much of the 15th as regards the £300 to Mr. Boulton. The remainder of this latter charge, which affects the conduct of Mr. Merritt, in placing the seal of the Company to an authority to Mr. Boulton, which had the effect of enabling him to raise the sum of £100,000, without the direct and positive approbation of the Directors, was, to say the least of it, highly injudicious, and might have involved the Company in serious difficulties.

Upon charge No. 16, the only evidence is with respect to a mill site and water power for four run of stones being given to Mr. George Keefer, Sen., upon the condition that the mill should be finished and ready to go into operation immediately upon the water being let into the Canal. As Mr. Keefer was necessarily to incur a great outlay which might have

proved a total loss had any circumstances arisen to prevent the completion of the Canal, which at that time was by no means certain, and as the great object of the Directors was, by making a beginning of works of that description on the line of the Canal, to encourage others, your committee are of opinion that the propriety of this gift is questionable; but of this, your Honorable House and the public are equally capable of judging.

Upon charge No. 17, your committee have no hesitation in stating, that, in their opinion, it is highly improper for any of the officers of the Company to be in any way connected with the water privileges or transport upon the Canal—that they ought to be above the suspicion of having any interest to serve beyond those of the Canal proprietors—that some of them have been, and still are, so interested, there can be no doubt.

In observing upon charge No. 18, your committee have to state, it appears by a deed in fee, bearing date the 4th day of August, 1831—that the Company sold to Alexander McDonell, Esquire, (J. B. Yates, Esquire, being the purchaser but incapable of holding the same he being an Alien) "all the lands of the Company, amounting to 15,576½ acres, together with all other lands they might be possessed of by operation of law, and the whole of the water privileges and the water" except so much as should be required for the canal, for the sum of £25,000, to be paid in ten years, the interest to be paid half-yearly. About 18 months interest upon this sum is said to have been paid and principally refunded in the shape of bonuses for damages said to be sustained for want of water—that it further appears that on the 9th day of June, 1834, the Company relinquished their claim for the £25,000 and bought back the lands and water privileges with the exception of about 200 acres, being the Town Plots of Port Colborne and Allanburgh which are of great value, as Town Lots of a quarter of an acre in the latter place having sold for £25—and some valuable Mill sites as detailed in the evidence, they giving the Company's bonds to Mr. Yates for the payment of £17,000 with interest. This transaction to your committee is inexplicable, no statement that they have heard has satisfied them of the justice or even expediency of an arrangement which, if applied to the ordinary transactions of life, would not only be deemed ruinous but the result of insanity. The value of property sold, or the amount of profits received by the Hydraulic Company is quite uncertain. Your Committee are of opinion that it is well worthy of the consideration of your Honorable House how far it would be advisable to take immediate steps to cancel the whole agreement.

Upon charge No. 19, your committee remark that it appears George Keefer, Sen. Esq., while a Director, contracted with Oliver Phelps for the delivery of a quantity of timber for locks, that Phelps had contracted to build. Upon the evidence adduced, your committee are unable to arrive at the conclusion contained in this charge, that Mr. Keefer received undue advantages from that contract, although it is not improbable he may have done so.

Upon the investigation of the 20th charge, your committee find that there are important estimates, and other documents amounting to large sums of money, belonging to the Company missing, and of which the officers can give no satisfactory account.

With respect to charge No. 21, your committee have to remark, that upon an investigation of Mr. Robinson's accounts, who was the Commissioner entrusted by his brother commissioners to expend

£7,500, there appears a deficiency (after allowing sums claimed without vouchers; as also vouchers for sums paid, executed with a cross without a witness) of about £300—it is due, however, to Mr. Robinson to state, that he accounts for the delay in not having furnished his accounts properly authenticated, by stating, that Mr. Mackenzie was to have furnished him with a report, upon the receipt of which, he would have been enabled to proceed to the line of Canal, and procure the necessary details to rectify any apparent errors; and that not having received such report, it will be impossible for him to give a satisfactory account, until after he shall have had an opportunity of doing so, which his Parliamentary duties at present prevent; even presuming this statement to be correct, your Committee cannot acquit Mr. Robinson as a Commissioner, entrusted with the expenditure of public money, of a very great dereliction of duty, in not having been prepared long before the commencement of the present session with a detailed statement of his expenditures, corroborated by such vouchers as would defy a suspicion, which in the opinion of your committee, and those who know him, his character stands too high to allow ever to attach to him.

On the 22nd charge, your committee would remark, that in this extensive work, the company had frequently to contend with that *bane* to the correct progression and successful termination of all public works, viz: *a deficiency of means and funds*, and if in their anxiety to proceed with the work, and bring it to a speedy completion, they should sometimes have failed in the means of paying their contracts, your committee are of opinion that it should rather be attributed to their anxiety to forward the work and to disappointment in resources with which they anticipated to meet their contracts, than to any premeditated design of doing injury by entering into contracts which they had not the ability afterwards to pay—and your committee would further remark on this charge, that when the Board of Directors, agreed to issue paper money to enable them to proceed with finishing the work, (however objectionable such a course might be as a general principle) it seemed to have been the only feasible means of proceeding with the work at that period—and your committee have reason for thinking, that the Company had grounds to anticipate resources to redeem such paper issues, before any serious injury could happen to any person into whose possession their notes might come.

Upon charge No. 23, your committee remark that the principal evidence is the production of a letter from the Editor of the Patriot, soliciting support, and slandering the majorty of your Honorable House. As to any attempts that may have been made to tamper with the press, your committee are of opinion they are of no moment, as they conceive it is not in the power of the Welland Canal Company, or, indeed, of any other, to corrupt the press of this Province.

With regard to the 24th charge, your committee are of opinion, that it is no fault of the officers of the Company that the agent of the New York stockholders was generally more attentive to the interests of those who employed him, than the Canadian stockholders were to their own, in attending to the election of Directors. With respect to elections having been conducted contrary to law—it appears, that the Honorable John Henry Dunn was upon one occasion elected President by acclamation instead of being ballotted for as the law directs.

Upon investigating the 25th charge, it appears to your committee, that a shorter route for the Canal might have been judiciously selected, and with less expense to the proprietors, but which would not

have been so beneficial to some individuals as the present—your committee, however, cannot pretend to say that the course adopted was with a view of serving the purposes of interested individuals.

The evidence upon the 26th charge, clearly proves the very improvident manner in which the monies of the Company, were expended, and particularly in the case of the Steam Dredge and other contracts of a similar description.

Charge No. 27, is contained in charge No. 10, upon which your committee have in part remarked. In their opinion the affairs of the Company at the time did not justify this loan.

Upon charge No. 28, your committee would remark, that it appears Oliver Phelps owed the Company a debt of £7,500, over and above any claims he had against them upon his contracts, that the Company held a mortgage upon his property, which, by an order of the Board of Directors, dated the 6th of June, 1832, was given up to him without any reason assigned; in the evidence of Mr. M'Donell, however, it appears that the Company took from him a deed for 50 acres of land, worth about £10 per acre, which is the only consideration for the relinquishment of the above debt. The President, nevertheless, contends that allowing Mr. Phelps the above sum, he is only then paid the actual value of all his contracts.

In charge 29, Mr. Mackenzie contends, that the slides at the Deep Cut were caused by the carelessness of the officers of the Company, whose duty it was to superintend the works, in allowing the earth to be placed too near the edge of the Cut. The evidence upon this subject is contradictory; but your committee are led to believe that the accident was occasioned rather from the nature of the soil at the bottom, than from any culpable negligence.

With respect to the 30th and last charge, it appears that there was an investigation made, at the instance of the Directors of the Company, by Messrs. Bowery and Burns, which they (the Directors) conceived warranted them in replacing the books in the hands of the officers, although that investigation, in the opinion of your committee, has turned out not to have been pursued to the extent, and with that exactness, which the circumstances warranted.

Your committee having thus remarked upon all the charges brought before them, would state, in conclusion, that, after the investigation they have been able to make, they are fully satisfied, that for some years past the affairs of the Company have been conducted in a very loose and unsatisfactory manner, which may have, and no doubt has, originated in their being frequently much cramped for means to carry on the necessary repairs required to keep the canal open; and when your committee take into consideration the magnitude of the undertaking, and the many unforeseen disadvantages the Directors have had to struggle against, they feel inclined to put the most favorable construction upon their general conduct, and to acquit them of any *intentional* abuse of the powers vested in them—although it is difficult for your committee to account for or excuse their conduct in the sale of the Hydraulic Works, or in the relinquishment of the £7,500 to Oliver Phelps, who appears to have received advantages withheld from other contractors, in the opinion of your committee much more deserving. Their conduct also in the purchase of £1,340 worth of timber for a tunnel, which was abandoned, is also highly reprehensible, as it appears that a portion of this timber was allowed to be stolen and lost to the Company, without one shilling's worth ever being accounted for; another por-

tion appears to have been purchased by Gilbert M'Micking, Esq., M. P. P., and others, without any authority from the Directors, or the Company deriving any advantages from such sales; and large quantities of it made use of by Oliver Phelps in the Locks, for which he does not appear to have been charged.

In order to enable your Honorable House to form a correct opinion upon the general state and affairs of the Canal, and to come to some correct conclusion as to its future management, your committee deem it their duty to lay before your Honorable House a concise statement of the property in the said canal, as it is held by individuals and the public, as follows:—

Loan by G. Britain, Provl. Cur.	£ 55,555	11	2
Do. Upper Canada,	100,000	0	0
Stock taken by Provincial Legislature,	107,500	0	0
Stock taken by Lower Canada	25,000	0	0
Stock in England by private individuals,	30,137	10	0
Stock in United States by do,	69,625	0	0
Do. in Lower Canada by do,	13,825	0	0
Do. in Upper Canada by do,	3,712	10	0
Do. in New Brunswick by do,	500	0	0
	£405,855	11	2
Advanced this year by Parliament,	2,000	0	0
Total,	£407,855	11	2

Since the canal went into operation, in 1830, the gross receipts have been as follows:—

Tolls in 1830 and 1831—Gross receipt,	£ 1,956	18	7½
Tolls in 1832,	2,432	7	8¾
Do. 1833,	3,618	1	7¾
Do. 1834,	4,300	8	5¾
Do. 1835,	5,807	5	11¼
From lands and water rents to 1st January, 1834,	100	0	0
Since January, 1834,	454	7	9½
Interest upon Hydraulic Sale,	1,531	6	8
	£20,300	16	10
Exchange on Bill on England,	7,156	15	5
Making the whole amount of the gross receipts,	£27,457	12	3

By which it appears that the sum of £435,213 3s. 5d. have been expended upon the canal since its commencement, after deducting £100, which appears by the last returns and evidence of the Secretary to be the balance in his hands on the 30th of December, 1835.

All which is respectfully submitted,

JAMES E. SMALL,
Chairman.

DAVID GIBSON,
PETER SHAVER,
THOMAS PARKE,
DONALD Æ. M'DONELL,
DAVID THORBURN,
A. CHISHOLM,
JOHN P. ROBLIN,

Members of Committee who signed the Report.

Committee-Room, House of Assembly,
13th day of April, 1836.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

APPOINTED TO INVESTIGATE THE AFFAIRS OF THE

WELLAND CANAL COMPANY,

1836.

Committee-Room, House of Assembly,
Wednesday, 27th day of January, 1836.

Committee met.

PRESENT:

Messieurs CHISHOLM.
GIBSON.
M'DONELL, *of Stormont.*
PARKE.
RODLIN.
SHAVER.
SMALL.
SOLICITOR-GENERAL.
THORBURN.—9.

JAMES EDWARD SMALL, Esquire, in the Chair.

ALFRED PATRICK, appointed Clerk of Committee.

Ordered, That five be a quorum for the transaction of the business of this Committee.

Adjourned.

MONDAY, 1*st February*, 1836.

Committee met.

PRESENT.

JAMES EDWARD SMALL, Esq., *Chairman.*

Messieurs Chisholm.
M'Donell.
Parke.
Roblin.
Shaver, and
Thorburn.—7.

The Chairman reported having received a communication, signed Wm. L. Mackenzie, embodying certain charges against the officers, managers, &c. of the Welland Canal Company, which was read by the Clerk, and is as follows:—

Toronto, 28th January, 1836.

To

James Edward Small, Esq., Chairman of the Select Committee of the House of Assembly on the Welland Canal Company's Accounts, &c.

SIR,

As a Director of the Welland Canal, appointed to enquire into the management of the Company, with the consent of the Board of Directors, and by the special request of the Directors on the part of the Government, I beg to state, as the result of my observations, after an examination of two years proceedings, and a partial investigation of the management during the remainder of the term during which the Canal Company has been in operation, That

1st, The books are improperly kept, and, as I think, purposely, with intent to defraud the public and the Canal proprietors.

2nd, That very many erasures have been made in the journal and ledgers; some of which are to the evident disadvantage of the Company, and the benefit of persons connected with the management of the Canal; while there are others concerning which nothing could be traced by which to discover the original entries.

3rd. That false and erroneous entries have been made on the books of account to a large amount.

4th. That there is a great defalcation on the part of the officers of the Company.

5th. That false accounts have been sworn to, and laid before the Legislature.

6th. That important transactions of large amount have been improperly withheld from the Company's books of account for several years.

7th. That the charges by the officers for casual expenses are in many cases improper and some of

them such as no gentleman ought to have made, nor any Board audited.

8th. That the officers in late years, have taken their own salaries out of the funds of the corporation without any authority of the Board.

9th. That persons in the employment of the Company or others who appear to have been allowed access to its books and papers, have increased and decreased, and charged and altered accounts at their pleasure, and made entries on the books, unauthorised by the minutes of the Board, and even in direct contradiction to its standing orders.

10th. That loans have been made to directors, officers and others, from the Company's funds, and without the consent of the Board, and the interest sometimes placed to the Company's credit, and sometimes kept back by the clerks and officers.

11th. That one set of books of account are kept by the officers, in which their accounts with contractors and others, and even private accounts, are entered, and another set of books, very different indeed from the others, and sometimes in direct contradiction to them, prepared for the inspection of the Board.

12th. That William Hamilton Merritt, Esquire, who succeeded Mr. Black as Secretary to the Company, and Mr. Clark, who succeeded him, appear to have made no entries in the legers or journal, although that was an important part of their prescribed duties—and that they have declared to me that they have not even examined the entries made by bookkeepers hired to perform their duty for them, occasional servants and others, some of them manifestly incompetent, and Mr. Beaton, the principal occasional person employed is habitually intemperate, and, as I think, evidently dishonest, judging by the entries he has made, and the proceedings he has connived at.

13th. That a system of favoritism has prevailed in the letting out of contracts, injurious to the interests of the Company, and that some of the contracts performed by these favorites has been most iniquitously performed.

14th. That fraud and deception have been practised to induce persons of wealth and property to invest their funds in the Welland Canal—and that in this system of deception the British Consul at New York, has been an important actor and instrument.

15th. That Mr. Merritt used the seal of the Company to serve the purposes of Henry J. Boulton, Esq., when he was going to England in 1825, so as to incur the risk of £100,000, of the stock of the Company being paid in London to an individual without making him responsible for the money so to be obtained: and that Mr. Boulton was paid in advance, £300 sterling, for services which appear to have been never rendered, and that vote afterwards improperly confirmed by the Board.

16th. That valuable mill seites have been given away without recompense, after stockholders had been induced to subscribe by means of reports, by the Board, that great wealth would be derived from the leasing of these mill seites.

17th. That the President, Agent, and some of the Directors have been improperly employed in forwarding goods on the Canal and in leasing the water power thereon, while acting as such officers.

18th. That a bargain deeply injurious to the interests of the Company and of the Province as connected therewith, has been attempted to be carried into operation, by which valuable property granted to the Company at Port Colborne, and other lands and water power, would be alienated from the Company unjustly and improperly, and many thousands of pounds of debt incurred by them, without value being received therefor.

19th. That George Keefer, Esquire, was improperly connected in the contract for the locks while a director—and that he received undue advantages from that contract.

20th. That important original estimates, contracts, receipts, and other papers, are missing at the canal office, and that the officers in no way account for their being missing.

21st. That the accounts of W. B. Robinson, John McAulay and Absalom Shade, Esquires, Commissioners appointed to expend $30,000 granted by the Legislature, and taken as canal stock, were withheld for years from the country and the Company, and found very inaccurate and unsatisfactory when produced by them

22d. That the Board has frequently entered into contracts it was without the means of paying and agreed to issue paper money it could not possibly redeem.

23rd. That the Canal Directors and officers and their correspondents have unnecessarily and improperly mixed up politics with the business of the Company and tampered with the public press.

24th. That after the first election the nominees of certain persons in New York always had the nomination of a majority of the Board, although holding a very small share of the stock, and that the elections have not on all occasions been conducted according to law.

25th. That the canal has been taken to particular places to the injury of the Company, to serve the purposes of interested individuals.

26th. That in the case of the steam dredge, and others very similar, extravagant charges have been made against the Company and paid from its funds under suspicious circumstances.

27th. That $10,000 were loaned to Mr. Yates, while many creditors of the Company remain unpaid.

28th. That $30,000 of debt due by Oliver Phelps, has been improperly placed in the profit and loss account, although he is a person in good standing: and that the Board in releasing him from the obligations the Company had against his property, forgot the interests of the canal and the country.

29th. That many thousand pounds were lost by the neglect and carelessness of the Engineers, Directors, and Managers of the Canal Company, in not taking proper precautions to prevent the catastrophe of the slides which took place in November 1828, at the Deep Cut, and

30th. That after the Board of Directors, at an extraordinary meeting held last October, had resolved that there appeared to them to be good cause for a

speedy and efficient investigation of the monied concerns of the company, and had taken the books and papers out of the hands of Mr. Merritt and the other officers, and sealed them up, they (the said Board) returned them to the officers without any investigation at all, thereby enabling them to commit other offences if so disposed.

The particulars I will state to the committee specifically from time to time, with their permission, in such a form as may be found suitable.

I have the honor to be, Sir,
Your obed't. humble servant,
WM. L. MACKENZIE.

Adjourned.

TUESDAY, 9*th February*, 1836.

Committee met,

PRESENT.

JAMES EDWARD SMALL, Esq., *Chairman*.

Messieurs Chisholm,
McDonell,
Parke,
Solicitor General, &
Thorburn—6.

WILLIAM L. MACKENZIE, ESQ. M. P. P. *called in, and examined,*

[BY COMMITTEE.]

1. Did you enter upon the duties of a Director of the Welland Canal Company, agreeably to your appointment by the House of Assembly? Most assuredly I did.

Adjourned.

THURSDAY, 11*th February*, 1836.

Committee met,

PRESENT,

JAMES EDWARD SMALL, Esq., *Chairman*,

Messieurs Chisholm,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn—7.

The Chairman reported having received a communication from Ogden Creighton, Esquire, a Director and Stockholder of the Welland Canal, to the committee, which was read by the Clerk, and is as follows:

CLIFTON, Falls of Niagara,
February 2nd, 1836.

To the Chairman of the Committee on Welland Canal Affairs.

SIR,

In a recent personal communication with the Stockholders of the Welland Canal Company residing in New York, I found them all of opinion that the present system of conducting the affairs of that great work, was detrimental in the extreme to its best interests; and that either the Provincial Government, or the private stockholders should possess the Canal in toto, in order that the work might be kept in the best possible order, energy given to its management, and a spirit of activity and enterprize diffused throughout the whole line of the canal.

Overtures to this effect, were made through me to His Excellency Sir John Colborne, which recent events have rendered unavailing—therefore some decisive measure is now more than ever necessary, unless it be intended by the Province that this stupendious work, should, at the period when it shews evidence of the greatest utility, be altogether abandoned.

The amount owned by individuals in canal stock, is, - -	£115,000
Debentures issued, bearing 5 per cent, would be, - -	5,750
The stock owned by the province, is	107,500
The interest on which, at 5 per cent would be, - - -	5,375

I would therefore most respectfully suggest, that either the province purchase from the stockholders, or sell its stock to them.

If the proposed first plan should be adopted, Debentures might be issued, redeemable in 40 years, at 5 per cent: and after the Tolls on the Canal shall exceed £12,500 annually, then that a further issue of Debentures should be made to an extent that will cover the back interest on the capital already paid in—or let the Stockholders assume the canal, by paying the Government on the same terms.

Which is submitted by,
Sir,
With respect,
Your most obedient servant,
OGDEN CREIGHTON,
Director and Stockholder,
W. C. Company.

Mr. MACKENZIE *again called, and further examined.*

[BY Mr. MERRITT.]

2. Do you perfectly understand book-keeping by the Italian method of double entry?—I consider myself acquainted with that method, others must judge whether I understand it properly.

3. Were the books kept by Mr. Wenham on that plan?—I think they were fairly kept by Mr. Wenham on that plan.

4. Were they well kept by that gentleman?—I think so, but have not examined all he did.

5. Were the books kept by Mr. Black, on the same plan or method as Mr. Wenham?—Partly so.

(Witness withdrew.)

Adjourned.

WEDNESDAY, 17*th February*, 1836.

Committee met.

PRESENT.

JAMES EDWARD SMALL, Esq., *Chairman*.

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn—S.

Mr. Love Newlove, *called in and examined.*

(By Mr. Mackenzie.)

6. How long was you employed as a Contractor on the Welland Canal?—I commenced as a Contractor at the commencement of the work upon the canal and continued until it was finished with the exception of part of one summer.

7. Did the officers of the Company or any of them, ever attempt to impose upon you in the settlement of your accounts, by insisting that you had received sums of money which had never been paid to you?—Mr. Black once did—he had charged to me more than I had received—but I afterwards got it on the same day—and all was made right.

8. What was the sum which it was attempted to deprive you of, in this way, and when was it?—I cannot tell the day, I think the sum was $400 that was improperly charged against me, it was Mr. Clark first told me I had received so much. this was, upon reference to the books, as I think—Mr. Black was then sent for, and admitted it was wrong, I was paid the amount of my demand in full the same day.

9. Did Mr. Black, when sent for, and after looking over the books, at once admit the books to be incorrect, or had you some dispute with him, before he allowed the $400, or whatever the difference was?—We had some argument; Mr. Black said he did not see how his books could be wrong. I answered, I did not care for his books, look for my receipts for all I have received. Mr. Black answered—I gave your son $600—this payment I acknowledged, but still claimed as my due the 4 or $500 above referred to, over what I was willing to admit, which was afterwards admitted and paid.

[By Committee.]

10. Did Mr. Black read from the books the different items of the aggregate making the difference he said was against you?—I think he did, some of them but not the whole.

11. Did Mr. Black get convinced that the books were wrong, and afterwards correct them, and give or allow the sum claimed?—I cannot tell whether he admitted the books wrong, or altered them—he did admit my claim and paid it.

12. Was there a particular charge read from the books that you denied, or was the different entries wrong?—The sum total was wrong 4 or $500; no items were read from the book that I remember.

[By Mr. Mackenzie.]

13. In what manner did you satisfy Mr. Black that he was in error as to the 4 or $500 of difference?—I cannot tell how Mr. Black satisfied himself that he was in error; I did not hear him admit any error in his books; we were 4 or 5 hours before we agreed. Mr. Merritt came in, and said if there is a penny due to Newlove let him have it; I am desirous he should be paid. I am of opinion that if it had not been for Mr. Merritt, they would not have settled.

14. Was this your account as Love Newlove, or as Newlove, Porter & Co.?—It was as Love Newlove.

15. When was your account for Nos. 10 and 11 contract finally settled?—The account was settled or adjusted at the time spoken of, in the fall of 1832, but I was not fully paid at that time.

16. Was £250 paid you in June, 1832?—I think it was.

17. How was you paid that sum?—By an order on the Bank at Buffalo.

18. Did you get $600 in August of the same year?—My son got that sum.

19. Did you get a $1000 in May, 1833, from the Company?—I cannot say.

20. Did Mr. Merritt ever pay you money as contractor, and under what circumstances?—He has paid me a great deal of money at different times, in more than one or two years; he always paid me whenever and wherever I met with him and wanted it, if he had not the money of the Company he paid me with his own.

[By Mr. Merritt.]

21. Upon what part of the line was you situated in your contract Nos. 10 and 11?—Within 4 miles of Lake Erie.

22. Was the Company not often out of money at this time?—I think they were.

23. Did I not frequently bring money up from St. Catharines and pay to you?—Yes. You did at different times. You told me not to come down any more, as soon as the the Company got money, you would pay it or send it to me, which you did, $400 at one time.

24. Did I ever pay you money at the Canal Office?—I do not remember that you did, except before Mr. Black came.

25. Do you know that I paid you money out of my own pocket, when the Canal Company had no means?—I believe you lent me money in York, stating that you could do better without it than I could; I believe it was $50; you have done so more than once.

26. Was any other person present in the office, when the conversation took place between you and Mr. Black, besides Mr. Clark?—I think there was some men came in to see Mr. Clark—I do not remember who they were.

27. Did Mr. Black at the time of your settlement, give you a statement of your account in writing?—He did not give me a statement of the balance.

28. When you came to settle with Mr. Black, did you think he intendeded to cheat you out of the amount of 4 or $500 that was in dispute between you?—I decline to answer that question.

[By Mr. Clark]

29. Do you think when I told you that it appeared that you had received 4 or $500 more than you admitted, that I did so with intent to defraud you?—

No I am sure you did not—you told me you were not able to settle with me, that Mr. Black must be sent for.

30. Do you think there was any disposition on the part of the officers of the Company to withhold from you, what was due to you?—No: there never was except the time spoken of, with respect to Mr. Black, and whether he did it wilfully or not, I cannot say.

31. Who were the officers that kept the accounts and paid the monies in the office, during the time you were employed?—Mr. Black and yourself.

[By Mr. Mackenzie.]

32. Was you acquainted with a contractor by the name of Oliver Phelps, either before or after he came to Canada, and if yea, what circumstances was he in?—I was acquainted with Oliver Phelps before he came to Canada, I have heard it said, he was considerably involved before he came here—I had a partner in a contract on the canal, and Oliver Phelps bought him out as I was informed by himself, he (Phelps) was to give him $150—but did not pay it. I afterwards bought him out for $125.

33. Before the Deep Cut was given up to Oliver Phelps by the contractors, did Mr. Merritt shew an anxiety that you should resign your contract in favor of Phelps?—He did not that I recollect, I had as I conceived a good contract upon the Deep Cut.—There was a verbal contract that I should be paid by valuation—Mr. Merritt persuaded me to give it up upon the pretext that it was to be finished in a different way by Mr. McTaggart—My contract was taken from me by stratagem—And I was then informed it was given to Oliver Phelps.

[By Committee.]

34. What did you value your contract at per square yard, at the time you gave it up?—I cannot tell.

[By Mr. Mackenzie.]

35. What were Oliver Phelps' worldly circumstances when the slides at the Deep Cut took place? Do you think he gained by the stockholders in that unfortunate job?—To the first part of the question I cannot tell—it was reported he was much involved, it was also reported he took the Deep Cut at his own price. I think if he was not paid more than the reported contract price he must be a looser by it. I took a letter to Hovey, from Mr. Merritt which stated that Oliver Phelps was doing the canal at his (Phelps') contract price, and that Hovey owed the Company, instead of the Company owing him. I think he, (Phelps) had a hard bargain by his contract unless he got more than was stipulated for—I have since heard it said that Mr. Phelps is very rich, I have heard him speak of property as his, consisting of a farm, a grist-mill and saw-mill, within a mile of St. Catharines.

[By Committee.]

36. What do you think would be a fair price per yard, for the work Mr. Phelps did at the Deep Cut? I think Mr. Phelps never bottomed any of the Deep Cut, and cannot say, unless I knew how near the bottom he did go.

37. What reason have you to suppose Mr. Phelps never bottomed any of that work? Because I never saw any of it bottomed. I am certain he did not bottom any, unless a very small portion indeed.

38. So far as you know Oliver Phelps went with the work, what do you think it was worth? It was worth between 25 and 30 cents per yard. Myself and David Thompson, bottomed a part of the work in a worse state than that of Phelps, and we got I think 311-2 cents: I was a foreman to Phelps on the Deep Cut.

39. What was Phelps' conduct as a contractor on the Deep Cut—Did he give a proper slope to the excavation, in order to prevent the slides? The first slide came in on my own job, in consequence of sand at the bottom. I think Mr. Phelps did not give the excavation a proper slope, even if it had been no more than 12 or 14 feet deep, I do not think the muck was taken far enough back.

40. Oliver Phelps and others, contracted for the 34 locks at $2,200, and got between 3 and 4,000. Was $2,200 a fair price? It was little enough. I told Smith Ward that I thought it could be done for 2 or 3 and 20 hundred dollars—it was because timber was both cheap and plenty then, if it had to be drawn far, it alone would have cost the money.

[By Mr. Merritt.]

41. Was not the contract on the Deep Cut, first let to Beach, Hovey, and Ward, at 25 cents per yard, and did they not surrender that contract, because they could not finish it at the price? I think it was. I always heard that Hovey and Ward were unwilling to give it up, they told me they never did give it up, that they had subcontracted it at 20 cents per yard; they told me the Company had taken away their contract against their will.

42. After they left the work, were not you and every other subcontractor working for one month at the estimate of the Engineer? I was, and I think Hathaway was: I think they all were, but I do not know.

43. At the time they left the work, did not I notify the contractors during that month to give in proposals at a certain day that the directors would be there, stating the price at which you would finish your respective jobs? I do not know that you did.

44. Do you not know that proposals were given in by the contractors on the day that Oliver Phelps took the contract in presence of the Directors? I gave in proposals myself to please you, but I do not know that others did.

45. Were not you and the other subcontractors continued on the work as foremen and labourers under Phelps, who bought your teams and implements? Having been turned out of my contract, I was obliged to work under him as a foreman, or look somewhere else for work.—Phelps bought part of my teams, but not the whole; he also bought Hovey's and Hathaway's teams and shanties.

46. Supposing Phelps had taken out the Deep Cut to the bottom, what do you think it would have been worth per square yard, from where he commenced his work? I think it was worth over 25 cents, but not worth 30 cents per yard: I think it would have been worth considerably more, if Phelps had put the muck over the banks instead of inside.

47. Do you think the laying the muck on the banks, was the cause of the slides? I think that no Canal was ever made, where the muck was laid as it was by

Phelps—I think it was a help to the slides. My contract with Hovey was not to lay any dirt within 30 feet of the canal—Phelps laid the dirt close to the edge of the Canal.

[By Mr. Mackenzie.]

48. I perceive that over and above the prices allowed Oliver Phelps, for going on with the Deep Cut, after it was taken from Hovey, a present was made him of $2491, for loss on sale of his cattle, the same allowance having been (as it is alleged) made to other contractors when Mr. Phelps took the job, besides another allowance of $1077 for wintering the same after the work stopped. Was a like allowance made you as a contractor? Never, I applied for it a great many times, but never was allowed a penny. I went there with $1500, and lost every shilling, which was lost by the Deep Cut slipping in, and the work stopping—by my cattle, 39 yoke of Hartwell's valuation, 6 yoke of my own, and 18 yoke of Thompson's wintering.

[By Committee.]

49. Where did you lay the earth when you did work on your own account, per the month, between Hovey's contract and Phelp's contract? Always 30 feet from the edge of the canal.

[By Mr. Mackenzie.]

50. What is your opinion of the line of Canal where you descend the mountain, and from thence to Port Dalhousie? I have always thought there was a better route for the Canal down the mountain: I would not have gone down Dick's Creek, unless satisfied by the Engineers that it was the best route. I would have gone as straight as possible to Port Dalhousie.

[Witness Withdrew.]

The chairman reported having received a communication addressed to the Honorable the Speaker, from J. B. Yates, Esquire, which was read by the clerk, and is as follows:

Albany, *January 26th*, 1836.

To -

The Honorable the Speaker of the House of Assembly, of the Province of Upper Canada.

Sir,

I have recently received some numbers of a printed paper, entitled, The Welland Canal Journal, in which there are many communications from William J. Mackenzie, Esq., on the subject of the transactions of that company.

These communications have not been made in his character as member of Parliament, but presented to the public by him as an individual, or at least, not in any more important relation than as a Director of that Company. I solicit, therefore, permission to submit to the Honorable the House of Assembly, through you, some observations relative to the course he has chosen to pursue, and also a very brief examination of the charges made by Mr. Mackenzie, so far as I am concerned.

I would not have felt myself authorised to address this letter to you officially, if it were not, that the communications may be considered more important for having emanated from a man placed in the Board of Directors, by the House of Assembly, to represent the Provincial interest; and more especially, as the facility of transmission in the newspaper form, has been adopted to send, and widely to diffuse his exparti-statements, and in many important particulars, untrue and calumnious averments, throughout the whole country, not only in Canada, but every where, to all interested, and many not interested in the Canal.

If he has acted as a Director, it is, indeed, a matter of surprise that he should have adopted this highly exceptionable and irregular mode, instead of preparing a proper representation of his facts, and presenting it to your Honorable Body at the Annual Session. He has not done so, and the singularity and impropriety of his course remains unexplained, except by the shallow pretext, that His Excellency the Lieutenant-Governor of the Province had not yet issued a proclamation convoking Parliament. One of the objects of this communication is to shew, that the publication of his calumniating charges has been induced by other causes, and arising from judicious measures contemplated by the stockholders for relief and security, both to themselves and the Province.

Viewing the Company with reference to its debts and satisfied that its operations must be embarrassed even with entire faithfulness in the performance of duty on the part of the Directors, I made enquiry in a quarter where I thought and still think correct information might be obtained, whether a negotiation for a loan sufficient to pay the whole debt of the Company, and provide amply for the renewal and enlargement of such parts of the canal, as would render it more convenient, could probably be successfully made. The answer I received was decidedly favorable to the whole extent of what we might require. I submitted this information and applied to the Company for authority to negotiate a loan for that purpose. When the proposition was submitted to the Board, Mr. Mackenzie resisted it with warmth; it was however, carried, since which he has made every effort to counteract such negotiation, and has adopted this sinister mode to effect this object; endeavoring thus to impair the prospects and credit of the Company in the estimation of monied men. I have requested the Secretary of the Company to make out a copy of the report of the committee, consisting of the government directors, who made the last negotiation and arrangement with the Hydraulic Company, which you will see from the terms of the contract is closed. That report contains a history of the transaction, including the resolutions and proceedings on the first purchase, together with the names of the directors present at each meeting. You will readily perceive, on examining it, that the whole transaction from the beginning to the end has been conducted with the greatest regard to what was thought to be the interest of the Company, and with the utmost publicity and deliberation as well as fairness. In no one instance has any agreement or arrangement been made without an entire concurrence of all the government directors as well as the other members of the Board. Indeed I do not know in what manner to conduct my affairs, if my transactions with the Welland Canal Company have, properly, subjected me to censure, and particularly as I must be deeply and largely a loser, if the canal be unproductive. Mr. Mackenzie has said that I had always a sufficient number of votes to control the election of directors.

This will not be denied. My friends and I own, either in our own names or in the names of others, nearly or quite, three-fifths of the stock of the Company in the hands of private persons. Many of us took a portion of this stock for the sake of sustaining the Company in its utmost need, and to prevent its forfeiture. But in the exercise of this power on my own account, and as the proxy for my friends, I refer with pleasure to the manner in which I have used it.

The Directors appointed by the Legislature were retained in office; and as they resigned, were their places supplied, and always without any difference of opinion. They were gentlemen of the first respectability. I never considered their selection a choice devolving on me, but a favor they conferred on the stockholders, to be willing to serve as directors. Until the change in the usage of the Company was introduced by Mr. Mackenzie, no director had charged any thing for his services—except that his actual expenses were paid. I have been told that the pay for attendance is now four dollars per day, insisted upon and demanded by Mr. Mackenzie himself, and that such allowance has been made for all the time employed in the examination, the result of which with all the exaggeration and dark coloring his malignity can give it, has thus dishonorably, and in violation of faith and duty, been published.

I have seen a certificate from Messrs. Bowery and Burns, the two gentlemen appointed by the Board of Directors to re-examine the accounts, from which I think, the inaccuracy of Mr. Mackenzie's views must be evident. I leave this however for correction by particular examination, merely remarking that I am at a loss to perceive how the public interest or that of stockholders can ever be promoted, even if there should be errors or mismanagement by adopting such a course as Mr. Mackenzie has thought proper to take. But to return to those acts in which I am personally implicated. In one view he appears to me to be placed in a dilemma—I am charged by him, with being *deservedly a loser* by the canal, because the directors who had the control of it were chosen by me, and that of course, I was *stupidly* sustaining their mismanagement to a large extent, at my own expense; and then again, I am charged with sagacious arrangements with the Company, from which I derived large pecuniary advantages.—I believe that I might with confidence leave this personal subject to the care of the gentlemen in Canada, who know me and have seen my anxiety and efforts—an explanation however may be proper. It is true my expenditure on the canal, and in improvements along the line of it had occasioned embarrassment and want of money. I supposed that as a portion of the money the Company then had would lie idle, it would be no injury to its interests, but an accommodation to me, if for a time, and until it should be required, I could have the use of a part of it and pay interest on it. I therefore made the application contained in the letter, a copy of which he has published, and borrowed £2,500. But when this assertion was made by Mr. Mackenzie, he neglected to say that a great part of it was then repaid by me, and the remainder has also been fully paid. This was a temporary convenience but bears no proportion as a return to the amonnts paid by me, or procured in aid of the operations of the Company at previous times. I acknowledge that no exertions of mine in favor of the Company would entitle me to an accommodation of this sort, if there was danger of injury from it; but there could be none with the means of security within reach of the Company.—The directors considered the matter in that light, and the resolution authorising the temporary loan will shew their view of it.

I have in my own right stock to the amount of $128,500, and I own one-third of $36,500, the other two-thirds being the property of Archibald M'Intyre and Henry Yates, besides $25,000, owned by Mr. McIntyre individually. We were originally stockholders, and have lost the interest on these sums from the times of their payment, in addition to this I have personally expended large sums in buildings and improvements on the property along the line of the canal. The Hydraulic Company did not desire to sell, and it was only in compliance with the urgent request of the public directors, that it was done. I am not desirous on my own account, that the government shall take the canal, and therefore would comply with any reasonable measure by which the whole debt of the Company, adding to it if desired, the stock of Upper Canada, should be consolodated, and a distant future day fixed for its payment, on the regular payment of the annual interest.

By a measure of this description, the government would retain the whole canal as security, leaving the stockholders unannoyed by the danger of such heartless and reckless interference as they have recently experienced.

Not knowing what may be the present public impression in relation to the propriety of purchase from the private stockholders—I have merely alluded to it. I am however satisfied, that if we had been permitted to continue unmolested, and we had received from Mr. Mackenzie an official and candid exposition in the proper channel and form, instead of one so directly its opposite, we would now be enabled to raise money from capitalists on our own responsibility, to pay off the Government debt entirely.

To recur, however, to the charges of Mr. Mackenzie. He censures my having received £500 for going to England, and, during an absence of six months, having succeeded in relieving the necessities of the Company; and also, in another transaction, having received one per cent. commission for negociating a loan in the United States. He is mistaken in the assertion, that the loan was negociated at Buffalo. It was negociated by me in Philadelphia, and, under the then circumstances, accomplished with some difficulty; and here I beg leave to suggest, that previous to that time, no loan had yet been made, even under the direct security of the Province, at less than six per cent. per annum. The whole sum received by me from the Company for these services, for which I was absent six months at one time, and at another was engaged in travelling and negociating a great part of the Spring and Summer of 1831, bearing my own expenses, was one thousand pounds. The whole amount of this sum is certainly small enough for the services, and more especially when it is considered that no individual connected in interest, or associated with the Canal, has made both personal efforts and pecuniary sacrifices for its sustentation during the ten years past, in any degree to be compared with mine. I make

this assertion confident of its perfect accuracy, and do it only because required by existing circumstances.

I grant that others have been assailed for their persevering efforts in support of this work with great virulence and acrimony; but when they defended themselves successfully against any unjust aspersion, the injury ceased. I am not so placed; if the prospect of the Canal is darkened—if its hope of making a fair return upon the outlay is weakened, personal vindication will not restore my rights. The other gentlemen who have been wantonly assailed are in the Province; they have a full opportunity of repelling the calumny. I am a foreigner, necessarily absent; but I trust, with unshaken confidence, that my character, my rights, and my interest will be sustained and protected from injury, when assailed by a man, clothed by the Honorable the House of Assembly, with a power which he has manifestly abused, and who appears to have no conception of the honorable obligation by which a public agent, so placed, should be governed.

I am, Sir,

With the greatest respect and esteem,

Your obedient servant,

J. B. YATES.

Mr. MACKENZIE *again called, and further examined.*

[BY COMMITTEE.]

51. Your 14th charge against the Officers, &c. of the Welland Canal Company is as follows:—"Fraud and deception have been practised to induce persons of wealth and property to invest their funds in the Welland Canal; and in this system of deception the British Consul at New York has been an important actor." What proof can you bring forward to prove these accusations well founded?

[The evidence produced by Mr. Mackenzie in support of this charge, and that brought by Mr. Merritt in explanation thereof, the committee has ordered to be expunged.]

TUESDAY, 23*rd February*, 1836.

Committee met.

PRESENT.

JAMES EDWARD SMALL, Esq., *Chairman.*

Messieurs Chisholm.
Gibson.
M'Donell.
Parke.
Roblin.
Shaver, and
Thorburn.—8.

Mr. MACKENZIE *again called, and further examined.*

[BY COMMITTEE.]

52. What have you to submit in support of your charge No. 21?

WELLAND CANAL MANAGEMENT IN 1833, UNDER MESSRS. ROBINSON, MACAULAY AND SHADE, PARLIAMENTARY COMMISSIONERS.

CONTENTS.

Messrs. Merritt and Robinson try to stifle enquiry,—600 *Shares taken by Parliament,*—*Arbitrators and Commissioners named,*—*Mr. Robinson to be their Resident Manager*—*their Report*—*Mr. Wright to be their Engineer*—*Wages to be paid Mr. Robinson*—*a W. C. Committee,* 1833-34—*their Opinion*—*the Company ask a Statement of Accounts*—*which is not easily obtained*—*Mr. Macaulay's Explanation*—*Mr. Robinson asks a Balance*—*the Commissioners Accounts analyzed*—*they are very incorrect indeed*—*List of Blunders*—*Vanderburgh's Stone Accounts*—*Crosses*—*a Plan for keeping Accounts*—*Cyrus Rose's Accounts*—*Keefer and Barrett measure Boyle's Work, and disagree*—*Rose's Payments*—*Commissioners omit to charge many Payments made by them*—£200 *lent the Company*—*Thomas Merritt's Pier Contract*—*Blunders in Vanderburgh's Bill*—*The Commissioners' Contingent Bill*—*Remarks*—*Crosses*—*Vouchers*—*Work for Lessees of Mills*—1000 *gallons of Whiskey*—*Appendix containing Original Documents or Copies.*

One of the most interesting statements I can possibly lay before the Province, as an example by which to profit in future, is the account of the expenditure of thirty thousand dollars of the money of Upper Canada, under the superintendence of Commissioners W. B. Robinson, John Macaulay, and Absalom Shade, in the summer of 1833.

Instead of entrusting vast sums of money to individuals wholly irresponsible, and then turning round, when all confidence in them is gone, and employing others equally deficient of checks and accountability, surely, an efficient Board, possessing at once the confidence of the governors and the governed, would be infinitely preferable, when acting under the sanction of a well defined law. Mr. Yates frankly admits that public confidence in the Canal Board was entirely at an end when the Commissioners were appointed. I quote his words:—

Extract of a Letter from Mr. J. B. Yates, of the Firm of Yates & Macintyre, New York, to a Select Committee of the House of Assembly of Upper Canada on the Welland Canal.

"At the end of the year 1832, the Directors again found their funds exhausted, the Company deeply in debt, and without any means or credit to prepare the Canal for the business of the Spring. On this representation, I am told, the most unbounded vituperation was used. Some of their oldest and warmest friends faltered, and nothing more was done than the purchase, on the part of Government, of £7,500 of the remaining capital stock of the Company, on the express condition that this money should be expended under the direction of three Commissioners appointed by the Province; *with such limitation and restrictions, as to imply a Legislative censure on the Board of Directors,* or agent, for misapplication of money—and an engineer was employed to examine and report upon the work. In all this no provision was made for the payment of the debts of the Com-

pany, and its creditors were, in some instances, ruined by proscrastination."

On the 13th day of February, 1833, an Act was passed authorizing the Government to subscribe for, and hold as public stock, 600 shares, equal to £7,500, of the Stock of the Welland Canal Company.

It provided that the whole sum should be expended in deepening the Feeder, repairing the Canal, and in defraying the expense of a survey to be made by a competent Engineer. And it appointed Absalom Shade and W. B. Robinson, Esqs., Members of the Legislature, and John Macaulay, Esq., Postmaster at Kingston, and now a Member of the Legislative Council, Commissioners to superintend the said expenditures, and otherwise to carry into effect the intentions of the statute, and authorized them, in conjunction with Samuel Street and David Thorburn, Esqs., to determine the amount of damages done by the Welland Canal Company to individuals holding lands adjoining the navigation, and provided that the award of any three out of these five should be final.

It does not appear that the Board of Arbitrators, thus constituted, ever met to fulfil the duties imposed on them. The Commissioners met at Toronto, on the passing of the Act, and decided that Mr. Shade and Mr. Robinson should inspect the whole line of Canal, which, it is presumed, they did. The Directors of the Company then recommended that one of the Commissioners should give his attendance on the line until the Canal was rendered navigable, and Mr. Robinson, being entrusted with this duty, became the Resident Commissioner.

A Report was made by the Commissioners on the 7th of December, 1833; it is signed by Mr. Macaulay and Mr. Robinson, and forms part of the Appendix to the Assembly's Journal, Session 1833–4, commencing on the 79th page.

The commissioners there state, that "Mr. Robinson had made the necessary contracts and managed the disbursements."

That "a detailed account of the expenditure of the money appropriated by the Act, particularizing its application, would be submitted."

That they had employed Mr. Wright of New York, as the Engineer to survey and examine the canal, and that his report was annexed to theirs.—[It commences at page 81 of the App. to the same vol.] And, as the money, the expenditure of which had been entrusted to them, could not be borrowed at 5 per cent, the difference would have to be made up to the Receiver-General.

MR. ROBENSON'S WAGES FIXED.

Instead of presenting a detailed statement of their expenditure under the Act, and leaving it to the Legislature to judge of its correctness, and of the extent of the remuneration which should be severally made to them for their services—Mr. Macaulay, in a note to their report, mentions that he and Mr. Shade had agreed that out of the monies ordered to be expended on the Canal, $5 a day, should be deducted by Mr. Robinson for his attendance, and it appears that that resolution was acted upon.

A WELLAND CANAL COMMITTEE.

On the 6th of December, 1833, the House of Assembly, after having negatived a motion made by Mr. Perry, that the accounts of the Welland Canal Company, should be laid on the table for the inspection of members, referred them to a Select Committee, composed of Messrs. Burwell, Samson, H. Jones, Berczy and McNeilledge, with authority to summon such documentary evidence as they might think necessary.

This Committee reported about six weeks afterwards, and their report concludes as follows:

"As the Committee had not before it the details of all the sums charged in the several accounts, they could enter into no scrutiny of their correctness; but as, undoubtedly, the whole have been audited by the Commissioners appointed by the Legislature, as well as by the agents of the company, it is presumed no improper expenditure was allowed to pass unnoticed."

The members of the committee were in constant communication with Messrs. Shade and Robinson, two of these commissioners, and with Messrs. Chisholm and Elliott, the Provincial Directors for 1833, all of them being then in the Assembly; and either of these gentlemen could have informed them that the commissioners had neither examined nor audited that expenditure, of the correctness of which, the committee, after enquiry, thus proceeded to declare its ignorance.

The committee appear to have made no enquiry after the details of the expenditure, of that part of the Welland Canal monies, for the year before them, which had been entrusted to Messrs. Macaulay, Shade and Robinson, and these gentlemen did not fulfil their promise made to the Lieutenant Governor several months previous, to submit the details duly audited.

The records of the canal office, show, that on the 20th of March, 1834, Mr. President Merritt thus addressed the commissioners, through Mr. Robinson, for an account of their expenditure.

"The object of this letter, is to request you will make some general statement, shewing the amount of your receipts and expenditures, stating what you now require us to pay, so that we may proceed with authority, and with an understanding. The accounts should first go through the commissioners for approval." &c.

The Commissioners did not render the account of their expenditure as required.

I find that applications were made from time to time to the Board of Directors, for the payment of debts, or balances of debts contracted by the commissioners; and that at a meeting of the Canal Board, held at St. Catharines, on the 6th of November, 1834, at which Messrs. Merritt, Duncombe, Butler, and Chisholm, were present, it was ordered—

"That W. B. Robinson, Esquire, the acting commissioner, be written to for a statement of the expenditure of the £7,500, placed at the disposal of the commissioners; that the same may be entered on the company's books."

The application was made as directed, but the commissioners continued to withhold their accounts from the company notwithstanding.

The first Session of the new Parliament assembled

in January, 1835, but although one of the first of its proceedings was to demand of the Welland Canal Company an account of their receipts and payments, the Commissioners continued to neglect to send the accounts and vouchers promised in their report of 1833.

At a meeting of the Board of Directors, held 2nd of July, 1835, present, Messrs. Merritt (President), McDonell, Butler, Thorburn and Mackenzie; it was ordered,

"That the Secretary be directed to address Lieutenant Colonel Rowan requesting that the original accounts and vouchers of the expenditure of £7,500 granted to the Welland Canal Company in 1833, and expended under the authority of W. B. Robinson, A. Shade, and John Macaulay, Esquires, Commissioners for expending the same, be transmitted to the office of the Company for reference of the Directors, and subject to be returned to the proper office in Toronto—reference to the accounts being necessary in consequence of applications to the Company for various balances due to individuals, contracted over and above the amount of the Parliamentary grant entrusted to them."

Finding that I could not clearly understand certain accounts of 1832 and 1833, without reference to the Leger of the Commissioners, and that the above resolution had not had the desired effect, I addressed Colonel Rowan on the subject, and my letter was enclosed by him to Mr. Robinson.

On the 11th of August, I wrote Mr. Macaulay that Mr. Robinson had promised to send the accounts, but that he had kept them back beyond the period I could have best spared to examine the general expenditure of that year. His reply is annexed.

It appears that he had "been fully impressed with "a belief that the accounts were in the possession of "the Government, and before the Legislature, in "the month of January, 1834;" and that being desirous that a statement of disbursements, supported by regular vouchers, should be appended to their report, as was usual with all public commissions to which he had been a party, he had waited some time after presenting it in December, 1833, for the receipt of some vouchers which Mr. Robinson said he had ordered to be sent to him from St. Catharines, but was at length obliged to return home, "with an "assurance from Mr. Robinson that the accounts "were all correct and regular, and should be got "ready as soon as possible."

Mr. Macaulay is of opinion, that "if the accounts "have been long in possession of the government, "no censure can attach to the commissioner, if the "company should have failed in obtaining a copy of "them. If, on the other hand, no accounts have "yet been rendered, the chief responsibility for this "extraordinary remissness rests with Mr. Robinson. "He (Mr. M.) has however, so much confidence in "that gentleman's honour, and habits of business, as "to believe that he can exonerate himself from the "blame to which as the matter now stands, he would "appear liable."

But is not the charge of "extraordinary remissness" also applicable to the other commissioners?—They were associated with Mr. R. by an Act of Parliament,—every proceeding was taken in their joint names, and with their implied approbation.—They had acted as commissioners—and as such had not failed to demand and obtain payment of their own bills of contingent expenses. Was it not then a duty incumbent on them to account for the money entrusted to them by the country, to examine the charges and see whether they were such as they could justify? Instead of doing so they allowed years to elapse without asking a single question on the subject, and at length, in August, 1835, one of their number transmitted an account of their transactions, which the others had never seen, and which no one will ever be able fully to understand. In this account he determined the term for which he had paid to himself $35 per week, and concluded a letter to the Secretary as follows:

"If the small balance due me can be paid to Mr. "M'Cormick, it will oblige me. I should sooner "have asked for it but always intended going over "to your office myself with the account; thus vari-"ous circumstances prevented."

THE ACCOUNTS.—ERRORS.

How far Mr. Robinson had examined and audited his own accounts or those of the superintendents employed by the commissioners, and how far he could with propriety claim from the company a "small balance" beyond what he had retained in the course of his intromissions, the public will be able to form an opinion from the facts; which are as follows:

1833.

Messrs. Macaulay, Robinson, and Shade, Commissioners, in account with the Welland Canal Company.

Dr.

To cash, the value of 600 shares of the Company's capital stock, placed in their hands to expend on behalf of the Corporation, £7,500.

To sundry items charged twice by them, as per accounts numbered—and to overcharges on the accounts of the superintendents, as per statement numbered three—also to cash paid Mr. Commissioner Robinson's order in favour of Goodenough. [I have not added the amount until W. H. Sanderson, John Moore, N. Robb and others can be examined.]

Cr.

By the commissioners' General Bill of Expenditures, received by Mr. Clark the Secretary, 4th September, 1835, £7500.

By sundry sums paid by them, which they have forgotten to charge in their detailed bill of expenditures.

The difference will be the unexpended balance due the Company.

I perceive by reference to the books of the Welland Canal Company, that they have paid of interest and debts contracted by the commissioners on their account, £316 6 4, but these payments do not affect the above account, and are therefore not included in it.

Mr. Robinson classes his expenditure of the Canal funds as follows:

Payments by S. H. Farnsworth, per his account and annexed receipts,	£2201 11 4½
Payments by J. Donaldson, per do do	657 10 0
Payments by Cyrus, Rose, per do do	678 11 6
Payments by J. Fisk, per receipts	242 10 1
Miscellaneous payments (by Mr. R. himself) per vouchers - - - - - - -	3719 17 0½
	£7500 0 0

No. 1

On comparing Mr. Robinson's miscellaneous payments with the vouchers, it was found that he had charged the following items against the Company twice. *First*, as payments made by Rose, Farnsworth or Donaldson; and a *second* time, as if they had been receipts for money paid by himself, over and above their expenditure.

1. Widow McKeefer, boarding, 12th March, charged to and paid by Donaldson, £12 10 0.

The other $50 should be at Donaldson's credit, and deducted from W. B. R's detailed statement, £12 10.

2. John Toyne, Mar. 9, paid by Donaldson, and charged also, and properly by him, £6 5.

3. Wm. Murray, Mar. 11, do. do. £2 10.

4. Henry McKeefer, Mar. 28, do. do. 10s.

5. John Fisk, Mar. 12, charged in W. B. R's detailed statement as a payment to John Vanderburgh; but the receipt and Fisk's account shew that it was also charged by Mr. Robinson to the Company in his settlement with Fisk, £7 10.

6. Silverthorn—a payment made by Donaldson and charged as per voucher £2.

7. Thomas Merritt, jun.—a charge made in Farnsworth's schedule, Sept. 20, but for which he had no voucher, it being part of £200 paid on piers, and charged by Mr. R. Oct. 16, per receipt, £50.

8. Andrew Thompson, June 14, for 50 yards gravel, paid by Cyrus Rose, and so stated in A. T's general bill, of which Mr. R. paid the balance on the 7th of August £7 0 7½.

9. Carson, Sloan & Co. April 17, were settled with and the balance paid them on a bill of £34 17 5, the whole bill is charged, altho $20 were paid by Donaldson on it, and charged by him £5.

No. 2.

The following sums are to be deducted as overcharges, the same being charged twice in different shapes, in Mr. Robinson's detailed account; as per statement of particulars annexed and numbered 1 to 6.

1. Johnson Orr, do - - - - - - - - - -	£ 3 10 0
2. Henry McKeefer, do - - - - - -	2 10 0
3. John Vanderburgh do - - - - - -	75 0 0
4. John ✕ Shore, do - - - - - - - -	10 0 0
5. Thomas Martindale, do - - - - -	10 0 0
6. And'w Radcliff & Co. do - - - -	12 10 0

I have not yet ascertained the exact amount of the overcharge on several other accounts, Mr. R. having no detailed statements and the parties not having attended to explain until called by the Legislature.

7. James Hands, (doubtful) - - - -	£ 8 8 0
8. David Fleming (doubtful) - - - -	5 0 0

Nos. 7 and 8 I am rather doubtful of, and the accounts of John Moore, Nehemiah Robb, and W. H. Sanderson will require the powers of a committee to bring the parties to testify and shew their books.

No. 3.

Farnsworth's detailed statement of payments amounts to *a less sum* than is charged by the Commissioners, the difference being £104 2 2.

Rose's do. do. do. do. £98 8 1½.

Total £202 10 3½.

Donaldson's detailed statement amounts to more, by £8 14 11½.

Overcharge £193 15 4.

Johnson Orr's accounts in March, April, and May, amount to £49 8 0.

The payments by Mr. R. and Mr. D. to £49 6 5.

There is a separate account dated April 5, and endorsed by Mr. R. April 29, also a receipt of that date as an account £3 10 0.

This money was to pay 4 cwt. superfine flour and 2 cwt. shorts to Geo. Keefer, I have therefore added it as an overcharge.

There is also a receipt of Orr's in November 16, for £12 6 10½, paid him by Farnsworth, "for three several bills" for dredging, &c., but they were not forthcoming, and F. could give no information on the subject: I allowed this bill.

3. H. McKeefer, 43 days assisting Engineer, to 13th May, £10 15 0.

Payments thereon:

9th May, in part, £2 10 0.

13th May, in full, £10 15 0.

Total £13 5 0.

Overcharge by Mr. R. £2 10 0.

4. John Vanderburgh's account for teams, hauling stones, settled April 11th, 1833, is £133 13 2½.

Less, certain accounts paid in detail, (Charged as one payment)	£7	18	2½
	125	15	0

But it appears by the vouchers, the time, and Mr. V's statement, that he never received £125 at once; that £50 were paid him on account, 1st April, (by Mr. Clark, in two payments to Mr. R's order) and that there were other partial payments; one of them is also charged by Mr. R., besides the final payment, as follows:

February	25th	£25	0 0
April	1st	50	0 0

Overcharge, £75. (See Mr. Clark's Leger, pages 3 and 10.)

I examined Mr. Vanderburgh himself, respecting this account on 3d October. He says the first payment he ever had of the commissioners, and the first time he saw them, was the above £25, on the 25th of February, in part of the account for hauling stone, which Mr. Robinson settled finally, (4th April,) that a few days after, he also received $50 on account,

on taking the lock contract with Ostrum (see pages 3 and 4 of Mr. Clark's Leger)—that the £50 on 1st of April, was a payment on the account of hauling the stones, and that Mr. Robinson counted these and other previous payments, when he settled with and paid him the balance in his own house, on the 11th April. Mr. Robinson cannot give any account of the matter, except as is shown by the bills. Mr. Vanderburgh says he never received $500 of Mr. Robinson at any one time, as stated in the receipt of April the 11th. The voucher and Mr. Robinson's order of April 1st, mention that the payment was on account of the hauling of the stones. The Commissioners' general account says it was "on account of Locks." The errors in computation, and the extra credits on the payments to Mr. Vanderburgh, are entered in another part of this report.

5. John ✕ Shore, for completing cribs at Vanderburgh's, charged April 5th, £18 10s.

The receipt is altered from £8 10s.—the order by Farnsworth being £8 10s.; the entries in Mr. Clark's book the same; and the mark by Shore not certified by any witness, £8 10s.—Overcharged £10.

6. Thomas Martindale—his contract, account, and payments are correctly entered, but his bills of labour and board contain a double entry; £10 paid and charged June 1st, being a payment on the account [board included] extended in full, £21 2s. 7½d. June 24th, [See Mr. Clark's book.] £10 additional wages are also charged by Mr. Robinson, same day.—Overcharged £10.

7. A. Radcliff & Co.—Their bill for June, July, &c. [with time lists] amounts to £51 10s. in payment of which John Donaldson paid them [and has charged per voucher left in the Canal Office, 25th August,] £12 10s. Mr. Robinson paid the balance in October and instead of charging the difference, claims for the whole account. This overcharge is £12 10s.

8. James Hands and Erwine, a payment to them in part of J. Fisk's estimate for quarrying stone, and so charged in Mr. Clark's book, page 12, charged also separate by Mr. Robinson, April 18th, £8 8s.

9. There is a payment to D. Flemming, on the same contract, March 12th, which, it appears by Mr. Clark's book, forms part of Fisk's book, quarrying paid by estimate. [See page 12, Clark's Leger, £5.]

DONALDSON'S ACCOUNTS.

The Commissioners charge £657 10 for expenditures under the care of Mr. J. Donaldson, and refer to vouchers. I found three schedules enclosing receipts taken by him, amounting to £494 10 7, and he had paid £75 18 9, the balance of the commissioners' money, into the office of the company. These sums left a deficiency of £87 0 7½, which Mr. Robinson accounted for, by stating, that he had forgotten to enter in the bill of disbursements, and to take a receipt for Mr. Donaldson's wages, and for other $60 paid him for the use of tools. Mr. Donaldson was sent for, and gave the receipt, and charged nearly $40 more for expenditures, for which he had no vouchers, but which seem to have been made, by a reference to his book, which he sent me down on his return home. There was an error in his schedules, P. Tomkins being entered £8 8 11, instead of 8s. 11d., which was checked. I credited Mr. Robinson every disbursement he charged under this head, whether it was vouched for or not.

Mr. Donaldson's book had entries of $25 more, as paid by him to John Toyne, than Mr. Robinson had given him credit for. If these entries be correct, he loses the $25; he had also some other entries, such as $8 paid to Ewers, &c., which are not in his schedules.

One of the receipts sent to the Canal Office mentions places where a variety of tools had been left. I questioned Donaldson about them, for I find that a large aggregate sum is charged for tools and implements. He said "all go off in the Fall," unless there be care taken. I remember that last year, in Toronto, all the tools were returned by adhering to a regular system of entries and receipts of such articles.

The commissioners charge John Donaldson with cash for disbursements, &c. as a superintendant, £657 10s. They support this charge, by reference to three schedules and two receipts amounting to £491 11s. 7 1-2d.

A receipt for Donaldson's services and use of tools, £74 5s.

Repayment to canal company, £75 18s. 9d.

The 2nd $50 of E. M'Keefer's $100 for board, entered in Donaldson's book as a payment made by him, and deducted from commissioners general bill [$80 ✕ $50 ✕ $50] £12 10s.—Total £654 5s. 4½d. Deficient £3 4s. 7 1-2d.

But he claims payments without vouchers £9 9s. 7d. to which add a $10 receipt from Aikens.—Assuming this balance to be correct, I have placed it to the credit of the commissioners in addition to their claim, but it is probable that Donaldson has paid in a larger balance at the canal office than he really had in hand, exclusive of Toyne's $25, elsewhere noticed. Some of Donaldson's voucher's are crosses not witnessed—others refer to no particulars of service done or materials furnished. John Beatty received $159 from Donaldson at various times to expend, but there is no voucher for any part of his payments, only a memorandum noting, that he had paid out $109. I admitted the whole account without any other explanation, for this is now the third year, and the memory of laborers in such cases is not good.

WHISKEY.

There is one matter which appears to me to require clearing up, although I have admitted it as the receipts are given in. It is a charge for whiskey of £29 9s. 8d. There is an invoice of four barrels purchased of Mr. Kirkpatrick, of Chippewa, April 1st, by Mrs. Paterson at 3s.—this is charged to the commissioners: then on the 9th there is a purchase of a barrel from Mrs. Paterson by the commissioners at 3s. 6d.—Again, on the 10th, there is another invoice of four barrels in Mrs. Paterson's name at 3s. and that also is charged to the commissioners —*i. e.* nine barrels or 300 gallons in ten days.—There are other large *May* bills for the same liquor, and a purchase at same place of two barrels on the 12th of June. I cannot help thinking that there is some mistake, for the number of men employed could not possibly warrant such whiskey bills under any system.

FARNSWORTH'S ACCOUNTS.

I sent for Farnsworth, who resides in St. Catha-

rines, to explain his accounts, and in some few cases he did so. In a great many instances he appeared to know little or nothing about his receipts and payments—They having been placed in the hands of an innkeeper in Thorold, of the name of Huntly, who took charge of his papers when he was unwell and unable to superintend the workmen. These receipts often refer to vouchers, bills, contracts and estimates which are rarely forthcoming, and it therefore remains a problem resting on the authority of Farnsworth's delegate, whether many of these services were really performed, or whether the parties named ever had a being. It is impossible to cavil at a receipt like the following:

"Received, Aug: 19, 1833 of the Welland Canal "Commissioners, by the hands of J. H. Farnsworth, "one pound nine shillings and half-penny.

"WM. BRADLEY'S ⋈ Cross."

There is no witness, no signature, no time list, no service stated, and as for Farnsworth he told me he knew nothing about it and said the same of many more.

The following receipt of John Boyle, for £24 19s. is accompanied by no explanation or time lists, and Farnsworth had no documents or details to show—Mr. Robinson had none. It is a specimen of a class, and if such accounts be admitted as correct and business like, the control of money is taken from the Commissioners, the Canal Directors and the Legisture, and vested in S. H. Farnsworth, or his deputy, or the deputies of those who may hereafter be similarly situated. John Boyle, and there are two of them, may have done service, but the twelve pieces of job work should be duly enumerated.

"Received, Stone-lock, June 10th, 1833, of the "Welland Canal Commissioners by the hands of S. "H. Farnsworth, twenty-four pounds nineteen shil- "lings and sixpence, it being for twelve pieces of "job work done by me and company.

"JOHN BOYLE."

This is a specimen—vouchers, with bills of particulars, have been deemed superfluous in very many cases, but the whole of the documents will doubtless be submitted to the Legislature where a correct opinion can be formed by those who may inspect them.

The Commissioners, in their Report of December, 1833, speak of Farnsworth as a clever superintendent; and it appears he was paid $21 a-week for months, when he was sick and unable to attend. It was not unreasonable to expect from him that he would explain the errors and ommissions in his account; but when he did attend, he was exceedingly impatient to be off—his explanations were unwillingly given, and his whole demeanour showed a dogged determination to tell as little as he possibly could. Huntly was not sent for; Donaldson, the other superintendent, and Vanderburgh, waited willingly to give all the information in their power.

One of Farnsworth's bills, £8 17s. 1d., (Burns & Bassett) contains a charge of July "15th, cash paid Gilleland, £2 3s. 1 1-2d." No one could inform me what Gilleland did for the money, but I did not deduct the account.

Farnsworth's statement of expenditures, called his cash book, is a document made out at one time by Huntly; the payments are not entered in it regularly as alleged to have been made, but in a confused manner, after the fashion of the Commissioners themselves.

Farnsworth's charge of $20 for tools, is not supported by any voucher, nor did he explain the transaction satisfactorily. I did not, however, deduct the claim.

£15 6s. 5d. were paid by Farnsworth, to John Boyle, 22nd November, for excavating and puddling; and £12 5s. 10d., by his *locum tenens*, Huntly, to Robert Cumming and Alexander M'Donald; October 17, for 82 days' work, 9 days' board and lodging and travelling expenses. The rate of payment, the time when, and the place where the labour was performed, and in the latter case, the nature of the work, are withheld. Farnsworth could tell me nothing more than than he had sent all his papers to Mr. Robinson. Mr. Robinson knew nothing at all about the transactions—and there was the alternative of admitting the receipts or refusing them—investigation in October, 1835, was out of the question. There were many such accounts—I admitted them all.

Crosses by principal, and crosses by deputy are very frequent among the receipts taken by Farnsworth and Huntly—but they are not witnessed, therefore no vouchers. I admitted them, however, in my calculations. On the 24th of October, Huntly manufactures a voucher for $5, to one C. Franks, by adding "for C. Frank, Patty Conly's mark ⋈." On looking over the vouchers, I found (14th May) that Conly writes very well. Why then a mark by Deputy, to be enquired into at this distance of time?

I admitted the following receipt, although no service is specified, but rejected a subsequent charge of £10 for the same person, until a voucher of some kind or other were produced:—

"Received, St. Catharines, Sept. 9th, 1833, from S. H. Farnsworth, on account of the Commissioners of the Welland Canal Company, three pounds currency.

"SILAS ST. JOHN."

S. H. Farnsworth's Accounts.

The Commissioners (see Mr. Robinson's general account) charge for expenditure by Farnsworth, £2,201 11s. 4 1-2d.

But the entries in his book sent to support this charge, which entries he (Farnsworth) declares to be correct, amount but to £2,124 5s. 5 1-2d.

Overcharge, £77 5s. 11d.

There are also the following errors to be deducted:—April 15, Robert Fletcher's receipt, overcharged, £1 5s.

Samuel Sands' board bill, charged twice—13s. 9d.

Henry Ker's bill charged 30s. instead of 20s.—10s.

May 13, Pat Conogan 43s. 9d. for 33s. 9d.—10s.

June 15, Order from M'Chesney, no receipt to E. M'Arthur, £1 12s. 9d.

Sept. 16, Stephen Isles's receipt for 21s. 3d. charged 26s. 3d.—5s.

18, overcharge, Rufus Wright, 2s. 6d.

20, overcharge, John M'Comb's receipt, entered 57s. 6d. instead of 47s. 6d.—10s.

27, charged a payment made to H. B. Ostrum on Fisk's account, on 4th May, twice, namely, 4th May and 27th September. The voucher being for May 4th, £1 10s.

Nov. 13, Wm. J. Steward's bill 24s. N. Y. currency, extended as Halifax currency, error 9s.

10, W. H. Merritt, no voucher, £10.

St. John, no voucher, £10.

L. Dyer, no voucher, £2.—Total, £106 13s. 11d.

Deduct.

May 4, James Bradley's receipt under charged, 8s.

Aug. 14, John Shore's, 3s. 9d.

Nov. 16, John Messmore's, £2.

Nett overcharge by Mr. Robinson, £104 2s. 2d.

Cyrus Rose's Accounts.

At the time the Commissioners determined on their plan of operations, (if any plan or system they ever had) a day book and ledger, placed in the care of some respectable and intelligent youth, (and many such they could have obtained for one hundred pounds during the season) would have rendered their monied transactions less liable to confusion and distrust. They could not have remained ignorant beyond the first month, that Cyrus Rose was a most unfit person to expend and account for $3,300, to be paid to a variety of individuals, in many small sums, from time to time, for labour and materials, the blame, therefore, rests on Rose's employers, and he has had too much employment on the Welland Canal.

Mr. Robinson, when he sent his accounts to Saint Catharines, did not attempt to state in detail, the sums expended by Rose; he sent neither check rolls nor board bills, but left us to classify the receipts and other *memoranda* so as to find out the particulars if we could. He afterwards brought over some of the check rolls and estimates, which we found useful.

Many of Rose's bills and vouchers bear no dates, and only a signature by Rose himself, with a cross without a witness. As to particulars, we were left in general, to guess when, and how, and where the workmen were employed; the receipts in a great number of cases have little or no reference to the monthly accounts made out by some person for Rose; to check such productions is impossible. I held every seeming voucher, no matter how, or when, or where attested, to be good, whether supported by a time list, or a date, or not. I assorted all Rose's vouchers for labour, materials, board contracts, merchant's bills, whiskey, &c.—and the amount was $2,797 69. I directed the clerk to add together the time lists, the November bill, the board and laborers' wages, gravel, miscellaneous items and Rose's wages with Marshall's contract, and the amount, after deducting $75 45 for board and labour paid by Donaldson at Rose's request, was only $2,777 88.—The difference between the largest of these sums and the gross sum charged by the Commissioners as payments to Rose was placed to the debit of Mr. Robinson, being much more than he had a right to claim from such vouchers as he produced. Mr. Robinson having stated that he had left the frontier at the end of October, and the check rolls and other memoranda for his two last charges of $234 03 and $152 61, for board and labour at the Grand River after the 16th of that month, and after the 16th of November, being deficient, I examined the Company's books and it was found that of the first all the greater part had been paid by the Corporation in August, 1834, and that the Company had paid the whole of the second through St. John, &c. soon after the work was done! I accordingly disallowed the last bill, which the Commissioners, under the circumstances, ought not to have presented.

Mr. Samuel Keefer was employed by the Commissioners to measure Boyle's and Bradley's contract. He did so in April and found 3,369 yards. Mr. Barrett was next employed and he reported that there was 2,921 yards—the difference was $112,—Mr. Keefer was considered in error, and Boyle and Bradley were paid by the corrected measurements. How much the Company may have lost by the incompetence of some of their surveyors and engineers we never will know, but such facts leave room for unfavorable inferences.

It appears that Mr. Merritt acted in conjunction with the Commissioners in their proceedings. In the contract with Hands & Co. £137 7s. 9d, Samuel Keefer, Engineer, certifies first, it is then written, "Examined and found correct, Wm. H. Merritt, Agent Welland Canal Company." On the back is endorsed an order for the money, and afterwards a receipt by the contractors.

Payments made to Cyrus Rose by the Commissioners and others:

By Mr. Robinson, per his general account, £678 11s. 6d.

By Mr. Donaldson, November 16, £2 10s.—18th. £2 10s. Oct. 10th. £12 10s. 11th, £12 10s.

By Farnsworth, Aug. 1st, £8 5s. Septr. 26th, £25. Nov. 18th, £25.

Amount paid by Mr. Robinson, - - -	678	11	6
Do. by Donaldson & Farnsworth	88	5	0
	766	16	6
Also a payment made by the Welland Canal Company, August, 1834, towards the liquidation of the bills entered 16th Novr. 1833. - - - - - - - -	31	0	0
The Receipts, - - - - - -	797	16	6

THE EXPENDITURE.

To 16th Nov., 1833, per the receipts, bills, vouchers and memoranda sent by Mr. Robinson, $2,797 69, - - - -	699	8	5
Overcharge, - - - - - -	98	8	1

OMISSIONS OF PAYMENTS MADE.

The following items are to be added to Mr. Robinson's detailed account, being payments made by him to many persons and not charged in the Com-

missioner's account, and for other errors in his favour:

1. Wm. Milburn's receipt, May 8th, short entered 5s. 5d.

2. Hiram Slate's receipt, May 17th, St. Catharine's post office, 8s. 2d.

3. Thomas Merritt, junior, admits in his general account the payment by Mr. Robinson of $100 on 3d May, and $50 for Tench, June, which items I do not find elsewhere charged by Mr. Robinson, 37*l.* 10s.

4. *Alfred Barrett.* I find an order to pay this gentleman 10*l.* in the hand writing of Mr. Robinson, although the services are not stated, and although no charge is made by the commissioners, I presume the payment was made and have therefore credited it.

5. *John Vanderburgh.* There appears to have been paid him for repairs on the locks, to 16th of November, 1833, per contract, over and above the monies charged against him on the books of the Welland Canal, 74*l.*

When the commissioner, Mr. Robinson, came to St. Catharines, last September, he produced a memorandum of Mr. Clark's for 200*l.* lent the Company by a draft on Mr. McCormick in September, 1833, and declared that he really did not know whether he had or had not entered in the commissioners' general bill of disbursements all the payments made by Mr. Clark on their account from that fund. Mr. Clark's accounts are involved in as much confusion and obscurity as those of the commissioners, but I came to the conclusion on a careful investigation that all had not been entered. I think that on a further examination it may be made to appear that Mr. Clark has erroneously charged 20*l.* or 30*l.* to the Canal Company in this account, and should it prove to be so, Mr. Robinson will be entitled to a like credit.

It will have been observed, that $200 charged by Farnsworth in a payment to T. Merritt, junior, and for which there is no voucher, was deducted from Mr. Robinson's general bill, it having been a part of 200*l.* on piers, for which he gave Mr. Robinson a a receipt on the 16th of October—but as it was paid by Farnsworth, his (F.'s) account is not thereby charged. Farnsworth, on the 16th November, charges 103*l.* 9s. 2d. as paid to T. Merritt, in full of another account; on examining the details of which, I find that 25*l.* of it were paid by Mr. Robinson himself, through Mr. Clark, November 4th. If Mr. Robinson settles with Farnsworth agreeably to the statement exhibited to the Company, that 25*l.* should, undoubtedly, be deducted by him from Farnsworth's bill of payments.

Being associated with Mr. Butler and Mr. Thorburn, as a committee to enquire into the claims of Thomas Merritt, junior, on his Gravelly Bay contract for piers, I carefully compared the payments made that contractor in 1833, through the Company and through Commissioners, with the work done for each, and found that $800 had been paid him in part of that contract by Mr. Robinson out of the funds entrusted to the Commissioners, which sum had never been charged to him (Mr. Merritt) on the Company's books, although paid at the express request of the Board of Directors. Had not Mr. Robinson been carefully questioned on this matter, owing to the wording of one of T. Merritt's receipts to him, the 200*l.* would have been absolutely lost to the Company.

Errors in the Commissioners' accounts which I have not deducted, but would recommend that they be charged to the parties whom Mr. Robinson has overpaid.

1st.—*John Vanderburgh's* account of 11th April, 3 1-2 days of team, $5 1-4, extended $50—error - - - - - - - - - -	11 3 9
56 cents extended $5 06—difference, - -	1 2 6
Another error of - - - - - - - - - - - -	0 1 0
To be charged to J. Vanderburgh, - - -	£12 7 3

2. *Aaron Helmer* received six cwt. superfine flour of Geo. Keefer, 8th October. On the 18th October Mr. Robinson paid 25*l.* 9s. to Helmer in full of his job, without deducting the flour, which Farnsworth paid George Keefer for on the 16th of November. To be charged to Helmer 4*l.* 10s.

Whether the greater part of the charges in the commissioners' account are or are not correctly calculated must remain a matter of doubt for the details are not forthcoming.

CONTINGENT EXPENSES

The contingent expenses of the commissioners and payments to engineers and interest amount to $5,216, viz:

1. Wm. B. Robinson, in the beginning of his bill he enters "paid my own salary for 254 days, at 25s. per day (in part,) 239*l.* 8s. 5d."

254 days at 25s. is 317*l.* 10s. and this would leave a balance of 78*l.* 1s. 7d. due to Mr. Robinson, who in another account charges wages for 31 weeks and 5 days, February to October, 1833, at per week 35 dollars—$1,108; extras $46.

2. S. H. Farnsworth, foreman or superintendent under Mr. Robinson, 36 weeks and 5 days, at per week, $21—$771. Add horse keep, $20; sundry charges $30.

3. John Donaldson, another superintendent under Mr. Robinson, 79 days at $3 per day, $237.

4. John Clark, for keeping accounts, $160.

5. Travelling expenses of Commissioners, $155.

6. Cyrus Rose, superintendent, 8 1-2 months at $30 per month, $255.

7. John Macaulay, commissioner, bill of expenses, $100.

8. Absalom Shade, commissioner's bill of expenses, $73 1-2.

9. Interest paid on loan to Government, $712.

And for engineering:

10. Benjamin Wright, 4 weeks, at per week, $175; $700; premium $14.

11. Sundry postages, $47.

12. G. Keefer, Engineer, 20 days at $3; $60.

13. Samuel Keefer, assistant engineer, 27 days at $2 1-2; $67 1-2.

14. Alfred Barrett, Engineer, $44.

And for Whiskey, about a thousand gallons, $500 nearly.

The receipt of Thomas M'Chesney for £100 6s. 6d., dated 27th of May, 1833, is entered in the Commissioners' account as if it had been for £115 6s. 6d. The nett sum paid to M'Chesney I do not know; but as the larger sum appears to have been then due to him, I have made no deduction from the Commissioners' charge.

On adding up all the time lists and charges made by J. Toyne, it was found that they exceeded the payments made him on account by £3 7s. If, however, the $25 which Donaldson has entered in his book as a payment made to Toyne, over and above the claims presented to the Commissioners by him (D.) be a correct entry, it will rather over-balance Toyne's claims, but I have allowed the difference to go to the Commissioners' credit as a surplus until further enquiry be made.

Between the 28th of April and 13th of May, £23 18s. 8d. are charged as payments to R. Hanna, but only £10 5s. are accounted for. It is, therefore, impossible to say whether the first named sums were all paid.

CROSSES.

About a thousand dollars of Mr. Robinson's acknowledgments for money paid, are receipts with the signatures in his own hand writing, and a ⋈ annexed, but no witness subscribing to the payment. These are no vouchers at all, and in most cases they do not even tell when, where, or how the parties were employed; neither the number of days, nor the rate per diem. Mr. Robinson, at this distance of time, recollected nothing about them, and it was impossible to say whether any of the payments were charged in another shape, or whether the charges were correct. In one place there is a Robert ⋈ Coote for £14, (Oct. 23d) and in another £6 3s. 8d. a partial payment to the same person by the name of William Cotes. Wm. MacMurray came forward to receive 56s. 3d. at Port Robinson on the 13th of May, and signed a receipt in a plain legible hand; on the same day, and at the same place, he received 36s. 3d. for John Reynold, and having lost the power of writing, he made his ⋈. Felix Griffin, same day, makes three crosses for three different persons' money; but there is no witness to their marks, nor are we informed what the service was. A £14 11s. 3d. receipt, dated May 13, has the cross and "Richard Johnson" to it, all in Mr. Robinson's writing, and the only explanation is "for work on the Welland Canal." It has evidently been altered, but I know not when. There are many such; but although I could get no explanation, I did not deduct them from the general charges. Mr. Robinson, when he thought proper to do so, called a witness to legalize the crosses. Fisk's vouchers are full of crosses; and I have little faith in them. Mr. Robinson states that $233 of his expenditure in 1833 were paid for work which ought to have been performed by the Lessees of Mills, and ought to be collected from them, namely:

1. Work done at the Floom at Marshville Mill,	$ 58 08
Carried forward,	$ 58 08
Brought forward,	$ 58 08
2. Stopping Water at the Floom of Bowery and Butler's Mills, three different times, at an expense of,	150 00
3. Expense incurred by the Floom breaking at Allanburg Mills,	25 00
	$233 08

The mill rents were collected by the Hydraulic Company in 1833; but I do not find that they or the millers reimbursed the Canal Company for one shilling of the above expenditure. The Bowery named here is the person employed to report for the Board of Directors!!!

There are about $600 charged in May, on receipts not attested with a ⋈, in sums from one to ten pounds, or more; but what service the parties rendered, or when, or how, or at what rate, it is probable that no one will ever know. I allowed them all; but with regard to the impropriety of taking such receipts, and then of withholding them until two or three years have elapsed there can be but one opinion. "Received from W. B. Robinson £8 "12s. 6d. in full, for work to this date, Richard Laf- "fan," is a very imperfect voucher to be paid over as money, without explanation years after, to an incorporated Company.

Mr. W. B. Robinson's vouchers, with very few exceptions, were taken in the office or at a stated place, and not on the line of Canal, or in haste. Nearly half his receipts for the year were dated between the 8th and 13th May.

1000 GALLONS WHISKEY.

About a thousand gallons of whiskey are a formidable item of the expenditures of the Parliamentary Commissioners. Three hundred and nineteen galls., or about ten brls., were purchased on one part of the line in the course of ten days, and the receipts are often drawn in so ambiguous terms, as to leave room for the inference that there is more whiskey than appears on the face of the bills. Such unlimited supplies of whiskey must have incapacitated the workmen for the performance of their labour, and surely it afforded a pernicious example. On the line of the Delaware and Chesapeake Canal, the Directors, in their Report, of 1826, speak with unqualified approbation of the spirited, humane, and wise conduct of the managers "in expelling from their borders the pest of tippling shops, which had infested the whole line. These nuisances, by furnishing the pestiferous draught by day and by night, rendered the workmen, not only unfit for labor, but the ready instruments of riot and disorder. When drunk, they frequently fell, exposed for hours, unsheltered, to the rays of the sun, and the evening dews—fever and death were but too often the melancholy consequences." In the Annual Reports of the Ohio and New York Canal Commissioners the practice of temperance is strongly inculcated, and it is now a standing order of the Welland Canal Company to pay no bills presented for intoxicating liquors.

Although this is now the third year since the Commissioners received the proceeds of the 600 shares to expend on the Canal, neither the shares, nor the expenditure of the proceeds are as yet entered on the books of the Company.

Mr. ROBINSON'S MEMORANDUM.

"Thomas Merritt agrees to dredge and clear out "the Lock and between the Piers at Gravelly Bay "to eight feet water, and keep it at that depth dur- "ing the summer for 150*l.* from the running into the "canal above the lock to the lake—also to make a "wing of stone wall each side of the upper end of "the lock, at one dollar per perch."

At a meeting of Directors held at the Parliament Buildings, York, (before Mr. Robinson had exhibited his accounts.)

PRESENT.

WM. HAMILTON MERRITT, Esq.—*President.*
ALEXR. M'DONELL, Esq.—*Vice-President.*

Messieurs Creighton,
Elliott, and
Chisholm.

It was Ordered—That the Board being fully satisfied with the zeal, industry, and ability of Wm. B. Robinson, Esq. the past season as a commissioner on the Welland Canal, they have determined on offering him the situation of agent of the Company at a salary of 400*l.* ber annum, *to include contingent expenses*, for the coming year, if he thinks proper to accept the same.

Mr. Robinson replied that he could not then conveniently close his business at Newmarket.

The following extract of a letter from Mr. Robinson, dated at Newmarket, 8th April, 1834, shews that he repented not having taken the agency: He says "times are so dull that I almost regret not having accepted your offer at the canal—I shall put all things in order, and be ready for any good thing next year."

It appears that no member of the House of Assembly, cognizant of the transactions of 1833, thought it expedient to insist last winter that Messrs. Robinson and Macaulay should exhibit their accounts.

CANAL POLITICS.

The commissioners in their character of Arbitrators, gave no assistance to the settlers whose lands had been injured and wrested from them by violence by the canal agents. Indeed the commissioners could never be brought to meet to hear their complaints—when one could come another either would not or could not. The Canal Company most unjustly authorised the contractors to enter upon people's lands without having first compensated them. I have shewn by the letters hereto appended that both Mr. Robinson and Mr. Macaulay's correspondence is well spiced with politics.

When the Welland Canal Company were organized in 1834, General Beach, of Rochester, and Messrs. S. Ward and Alfred Hovey, of Montezuma, became extensive contractors—and the two latter subscribed largely for stock. After they had done work to the value of 45,357*l.* 12s. 1d. proceedings were taken against them which many thought harsh, and which we elsewhere state at length. Mr. Ward died of a broken heart, and Mr. Hovey's sufferings we have described in the *Advocate* of former years. They were supplanted by Mr. Oliver Phelps, whom they had invited into the country,—Chief Justice Robinson was then a Canal Director, and he laid down a rule by which a settlement ought to be made with Messrs. Hovey and Ward, which was as follows:

CHIEF JUSTICE ROBINSON'S RULE.

(Office Copy.)

The Company cannot settle with Hovey, Ward, and Smith until they have an account furnished shewing under one view, all the transactions between them and the Company. This account must contain on one side all the work done and every item, (without regard to the balances ascertained by former statements) that makes the Company debtor to those contractors, and on the other every payment, and every other item that ought to go to the Company's credit, so that such general account may exhibit without reference to other accounts, not only the actual balance but the particulars from which it results, and the vouchers supporting it, must be collected and exhibited at the same time."

"This account also must be proved by its corresponding with a general balance sheet of the Company carried up to the same time and its correctness must be vouched for by the signatures of the Secretary, Agent and Engineer, and no items should be inserted in the account on either side of which the allowance and the account have not been perfectly settled."

"Every matter on either side which remains yet to be determined must be submitted on a separate statement as totally distinct from the general account."

LETTER.

COL. ROWAN TO W. L. MACKENZIE, Esq.

GOVERNMENT HOUSE,
Toronto, 12th August, 1835.

SIR,

I have to acquaint you that your communication of the 10th instant has been referred to Mr. William Robinson, one of the commissioners appointed by the 3d Will. 4th chap. 55, to superintend the expenditure of a sum of money on the Welland Canal. No information has been received at this office respecting the purchase of a Steam Dredging Machine.

I am, &c.

WM. ROWAN.

W. L. MACKENZIE, Esq.
St. Catharines.

LETTER.

JOHN MACAULAY, ESQUIRE, TO WM. L. MACKENZIE, Esq.

Kingston, 17th August, 1835.

SIR,

It was not without assonishmen tthat I received on Saturday last your letter dated at the Welland Canal office, on the 12th inst. in which you state that although every effort had been made to obtain the details and vouchers for the expenditure on the Welland Canal made by the commissioners under the statute of

3d Will. 4th chap. 55, yet up to the time of writing, the Company and the country were alike ignorant concerning the matter. You also express your surprise that the commissioners on the Welland Canal should have so long been the cause of impairing the Company's means of settling accounts in full, by withholding essential statements to which the public were early entitled, and which are essentially necessary to the Company for an understanding of what has been done with the proceeds of 600 shares of their own capital stock. You also add, that Mr. Robinson, one of the commissioners, has promised to send you the accounts, he nevertheless keeps them back beyond the period at which as one of the Provincial Directors of the Welland Canal, it would be convenient for you to examine them.

This communication I beg to repeat, has excited my astonishment. I have been fully impressed with a belief that the accounts which the commissioners are charged with having *withheld* were in the possession of the Government, and before the Legislature in the month of January, 1834—I must now infer that such has not been the fact, otherwise instead of addressing the Commissioners for copies of the accounts, you or the Company, would have at once applied for them to the Executive Government and obtained them.

By reference to the report made to the Lieutenant Governor, on 7th December, 1833, it will be seen that Mr. Shade, the first named commissioner was absent from Toronto at the time when Mr. W. Robinson and myself the other two commissioners, met and prepared that document. You will observe it stated in the concluding paragraph of the report that a detailed account of the expenditure of the money appropriated by the act particularizing its application, would be submitted, I was desirous that a statement of disbursements, supported by regular vouchers should be appended to our report, as usual in all the public commissions to which I was named as a party. Mr. Robinson who alone has managed the pecuniary transactions of the Board, and acted during the season as resident superintending commissioner on the line of the Welland Canal, had not in his possession all the requisite vouchers, but informed me that he had requested their transmission to him from St. Catharines. After waiting some time for the receipt from that quarter of such vouchers as were deficient, I was obliged to return home, with an assurance from Mr. Robinson that the accounts were all correct and regular and should be got ready as soon as possible. Satisfied with this assurance and supposing that the Legislature would receive and examine the accounts before the prorogation. I have from that period absolutely and entirely dismissed the subject from my thoughts.

Since the Company however, through you as one of their Directors, complain of the failure of their efforts to obtain copies of the accounts—I shall not rest until I learn the actual situation of the accounts —I shall immediately address my late associate, Mr. Robinson, and if the accounts have not been yet transmitted to the office of the Lieutenant Governor, I shall urge the necessity of instant attention to this duty. If the accounts have been long in the possession of the government, no censure can attach to the commissioners, if the Company should have failed in obtaining a copy of them. If on the other hand, no accounts have yet been rendered, the chief responsibility for this extraordinary remissness rests with Mr. Robinson. I have however so much confidence in that gentleman's honor, and habits of business, as to believe that he can exhonorate himself from the blame to which as the matter now stands, he would appear liable.

I am,
Sir,
Your very obedient
Humble Servant,
JOHN MACAULAY.

I replied to the above letter by enclosing copy of Col. Rowan's letter to Mr. President Merritt, and Mr. Robinson's letter to Col. Rowan, and by referring to the times at which in 1834 and 1835, the Company had agreed to resolutions asking for the details of the expenditure.

LETTER.

JOHN MACAULAY, Esquire, to WILLIAM HAMILTON MERRITT, Esq.

Dear Sir,

I have recently had some correspondence with W. L. Mackenzie, Esq. (a Director of the Welland Canal appointed by the Legislature on the behalf of the Province) respecting the accounts of the commissioners who expended £7,500 of the public money on the canal in the year 1833—and in consequence thereof, have enquired of Mr. Robinson, my associate in the commission, the cause of the delay which has occurred in submitting the accounts to the government. Mr. Robinson in a letter dated 25th ulto. informs me that he was engaged in making copies of all the requisite statements and vouchers, and that he would take care that the original documents were at your canal office before the close of the month. I therefore trust that all grounds of complaint on this score have now been done away.

Mr. Mackenzie in his letter of 26th ulto. mentions your having in March, 1834, applied for the accounts to Mr. Robinson on behalf of the Welland Canal Company. I regret that I had not been apprised of this matter at an earlier period. I dislike much that any delay or irregularity in accounting for public monies should occur in any commission in which I am concerned. Mr. Robinson explains how it happened that delay occurred in the present instance.

Please communicate this letter to Mr. Mackenzie, whom I should have addressed instead of you, if I had been certain that my letter would find him at St. Catharines.

I hope the business on the canal continues to improve, and that the locks are in a good state.

I am,
Dear Sir,
Your obd't. servant,
JOHN MACAULAY.

Wm. H. Merritt, Esq.

LETTERS.

WM. B. ROBINSON, ESQUIRE, TO WM. L. MACKENZIE, ESQUIRE.

Newmarket, 15th *September*, 1835.

SIR,

I am in receipt of yours of 11th instant, by yesterday's mail, and regret to learn from you that my accounts prove unsatisfactory. Having just returned home from Penetanguishine after a week's absence—I am much engaged, or I would instantly set off to St. Catharines, with all the papers in my possession relating to the expenditure of the £7,500. As it is, however, you may expect me early on Friday, which, as you remain the whole week, will answer all purposes, I trust.

Your's, &c.

WM. B. ROBINSON.

W. L. Mackenzie, Esq.

Newmarket, 17th *September*, 1835.

SIR,

Since writing to you by yesterday's post, I received a letter by the stage last evening, which obliges me to remain at home till after Saturday. I shall be able to go any day next week, though at great inconvenience to myself—this, however, would not prevent me. You state that both the other members of the Examining Committee are absent. I should much prefer seeing you altogether, and if you will inform me when you meet again, I will attend without fail. In the mean time, I trust no report will be made until I have an opportunity of explaining any thing requiring explanation, as I have no doubt of satisfying the Committee that all the money entrusted to me was expended as intended, and to the best advantage.

Our mail from Toronto is only semi-weekly, arriving here on Mondays and Thursday's. I mention this in case you write, that you may know when I will get the letter—to which I shall pay immediate attention.

Your's, &c.

WM. B. ROBINSON.

Wm. L. Mackenzie, Esq.

LETTER.

WM. L. MACKENZIE, ESQUIRE, TO WM. B. ROBINSON, ESQUIRE.

(OFFICE COPY.)

St. Catharines, Saturday, 18th *Sept.*, 1835.

Wm. B. Robinson, Esq., M. P. P.,
Newmarket.

SIR,

I beg to acknowledge both your letters—that of the 17th came to-day, through Mr. Clark.

Last winter Mr. Merritt in the select committee on the Welland Canal, of which I was not a member, proposed that the House should appoint men who would fairly investigate the canal accounts, and set the question of the expenditure at rest. I was one of those appointed, with the express understanding at the time that I would fairly go into the question of the expenditures, and the Government Directors named me a committee for that purpose. I have been for some time busily employed in that investigation, you are therefore in a mistake in supposing that part of the committee are absent. But there is a special committee of the court of Directors of this canal—Mr. Thorburn, Mr. Butler and myself, upon the accounts of Thomas Merritt, junior—involving an expenditure of $30,000 on which he claims a balance. Now, your accounts with him want (very much want) explanation and clearing up, previous to a settlement with him, and as I have laid over his papers in the hope that you could be here to give that explanation. I am glad there is a probability you will be here early next week.

As to your own accounts, I am satisfied that into a great part of them you have never once looked—and I can satisfy you that it is so when you come over. If you had looked into them, I am sure they could not have taken their present form. Were your accounts to be reported on without the requisite vouchers, contracts, bills, time lists, and other documents referred to in the papers already sent—and with the charges of the same things made once, twice, and even thrice, against the Company—and after all not shewing any thing like the expenditure indicated in the general statement, it would be unpleasant to you, but it would not be unfair, for there has been time sufficient for you to have presented a correct and intelligible statement of expenditure.—But I thought that the candid way, the way I should like to have had followed towards myself was to ask you to come and supply the defect from papers which are or ought to be in your possession. As to other Directors being present, you and I and Mr. Beaton, will go over these papers with far greater ease and much more to the purpose than if all the House of Assembly were present, and the question of the expenditure is, after all to be determined by the facts. If all the Directors were present they could not prove error to be truth nor the reverse. But Mr. Butler and Mr. Thorburn will be at home before you can be over, and they can be sent for when it is your wish. All I want is the facts and surely that you yourself will not deem unfair in a case where three gentlemen whose integrity is unimpeachable were placed by the Legislature in the delicate charge of your commission of 1833.

I have, &c. &c.

W. L. MACKENZIE.

Soon after this, Mr. Robinson came over to St. Catharines, where he remained for some time, and we went into an investigation of his accounts, the results of which I have herein stated.

LETTER

FROM WM. HAMILTON MERRITT, ESQUIRE, TO WM. B. ROBENSON, ESQUIRE.

(OFFICE COPY.)

WELLAND CANAL OFFICE,
St. Catharines, 26th March, 1836.

Wm. B. Robinson, Esq.

MY DEAR SIR,

I have ordered the payment of £178 1s. 7d.,

the amount of interest due on your note in the bank; but, of course, am personally responsible for it, until sanctioned by the Board of Directors. This they will do as a matter of course; but we require from you some statement to lay before them as a document or voucher for their authority. Mr. Farnsworth has sent orders to this office, and says, you have or will authorise it. There is only one or two as yet in small amounts; but Mr. Clark cannot pay them without the sanction of the Board—they meet the first Wednesday in April. The object of this letter is to request you will make some general statement, shewing the amount of your receipts and expenditures; stating what you now require us to pay, so that we may proceed with authority, and with an understanding. The accounts should first go through the Commissioners for approval, but if you think proper, we will pay to Mr. Farnsworth any amount you think necessary; but I certainly think the most proper course would be to pay it to you, and you to him, if there should be debts due. I understand from Mr. Clark the Company has paid the Commissioners what was borrowed. Pray when will you be over; when will it be convenient for you to attend the arbitration; I have written to Mr. M'Aulay to appoint a day. The Canal will be open by the first of April, if the weather continues. I have just returned from Gravelly Bay. Lake Erie is full of ice below Sugar Loaf, but all broke up, and will soon be out. Let me hear from you soon on the subject of our monied matters, as I am desirous to have all those small demands paid up as soon as we can.

Yours, &c.
WM. HAMILTON MERRITT.

Extract from the Minutes of the Board of Directors, of the 5th June, 1834.

At a meeting held at St. Catharines, 5th June, 1834.

PRESENT

WM. HAMILTON MERRITT, Esquire, *President.*

Ogden Creighton.
Charles Duncombe.
Wm. Elliott, and
Wm. Chisholm. } Esquires.

It appears that the minutes of a meeting held at Toronto, stating that Wm. B. Robinson, Esq., declined acting as Agent for the Company, and granting the President £400 per annum, was not regularly entered at the time.

Ordered, That a record of the transaction be now made.

Ordered, That the salary of the late Agent be continued from the 6th June to the 13th July of the past year; his time being occupied in settling claims, attending arbitration and the affairs of the Company generally for a much longer period.

Extract of a Letter from Wm. B. Robinson, Esq., Canal Commissioner, dated Newmarket, 8th April, 1834.

"Times are so dull that I almost regret not having accepted your offer at the Canal. I shall put all things in order, and be ready for any good thing next year."

Extract from the Minutes of the Board of Directors, of the 6th Nov. 1834.

At a meeting held at St. Catharines, 6th November, 1834.

PRESENT

WM. H. MERRITT, Esquire, *President.*

Dr. Duncombe.
Thomas Butler.
Wm. Chisholm. } Esqnires

Ordered, That W. B. Robinson, Esq., the Acting Commissioner, be written to for a statement of the expenditure of the £7,500 placed at the disposal of the Commissioners, that the same may be entered on the Company's books.

LETTER

FROM WM. B. ROBINSON, ESQ., TO WM. HAMILTON MERRITT, ESQ.

(OFFICE COPY.)

Newmarket, 16th July, 1834.

MY DEAR SIR,

By a letter from Mr. M'Aulay, I find that the 3d August is the time appointed for the meeting of the arbitrators, if Mr. Shade and others of us can attend. In reply to him, I stated that later in the month would suit me better, but that if the rest would then attend I would not derange your plans, but attend also. You will, therefore, please inform me of the exact time. I am just getting the cellar of my house laid in stone, and fear I shall hardly finish by 3d, but will attend if *the others do*—not otherwise. About 15th or 20th August would have suited me better. I would wish you to pay the small accounts still due to individuals without delay, and when I come over I can give the authority in any form you may desire. I thank you for the interest you take in my election. Nothing but the same motives which actuate you, would have induced me to come forward. I feel very sure of my return, and did so before Mr. Hume's celebrated letter made its appearance—that, however, will be in favor of us I think, in all parts of the country. The Townships in my county are—West Gwillimbury, Tecumseth, Adjala, Mono, Tosorontio, Mulmer, Innisfil, Oro, Vespra, Medonte, Orillia, Floss, Tiny, Tay, Thorah, Mara, and several others not settled; I was through the two former Townships on Monday last, and found ALL RIGHT. I hope you and others of the RIGHT SORT feel secure of being returned. ANOTHER FOUR YEARS AND WE MAY LAUGH AT THE RADICALS I THINK. Remember me to Mr. Clark and all friends.

Yours truly,
WM. B. ROBINSON.

Wm. Hamilton Merritt, Esq.
&c. &c. &c.

(OFFICE COPY.)

LETTER

FROM WM. B. ROBINSON, ESQUIRE, TO WM. HAMILTON MERRITT, ESQUIRE.

Newmarket, 14th October, 1834.

DEAR SIR,

I received a letter from Mr. M'Aulay last evening on the subject of the arbitration, which he thinks will take place on the 5th November. I have written to him to say, that having lost so much time with the election, and now having to attend the Assizes as a witness, I really cannot think of leaving home so soon, if at all. I would not go at all events till the last of November, or beginning of December. I am building, and must get my house roofed in before winter.

I had a *very sharp contest*, kept it up till half-past six on Saturday evening, when I was returned by a majority of 22.—YANKEE BEEF and PORK, the WELLAND CANAL, and the EVERLASTING SALARY BILL, were *the principal things* brought *against me* by the Radicals. I made no concessions, said I did not regret one single vote I had given, and would under the same circumstances act in a similar way. *I made no pledges or promises for the future*, but said I would support the Constitution entire—my opponents took Radical ground, and avowed the same principles as Mackenzie and Hume—under these circumstances, my triumph was very satisfactory. I was happy to hear of your success, and hope we may yet have A DECENT HOUSE.

Yours truly,

WM. B. ROBINSON.

WM. H. MERRITT, Esq.
&c. &c &c.

LETTER

FROM HONORABLE JOHN MACAULAY, *Post-Master of Kingston*, TO WILLIAM HAMILTON MERRITT, ESQUIRE, *President of the Welland Canal Company*.

Kingston, 18th Oct. 1834.

MY DEAR SIR,

I learn from Mr. Robinson, that he cannot possibly proceed to the Welland Canal before the latter part of November, which circumstance puts an end to my plan of getting the arbitration settled this fall. I am now ready to act in this matter, and could act at any time until the 10th November, but after that period, it would be requisite for me to proceed to St. Catharines, as well as return by land—a journey considering the season and the roads, that nothing could tempt me to undertake. I must therefore bid adieu to the Welland Canal, and if the other Commissioners do not meet, must only leave it to the new *Radical* House to appoint other persons in our stead.

I congratulate you on your re-election. There will yet be in the House some ten or twelve good men and true, who will not bow the knee to the innovating demon of Radicalism and Revolution.

Yours truly,

JOHN MACAULAY.

WM. H. MERRITT, Esq.

(OFFICE COPY.)

LETTER.

WM. B. ROBINSON, ESQUIRE, TO WM. H. MERRITT, ESQ.

Newmarket, 2nd December, 1834.

W. H. MERRITT, Esq.

MY DEAR SIR,

I had a long chat with Knight yesterday, about the Canal, and am pleased to hear such good accounts of it, both as regards business and the state of repair. If you carry into effect during the winter, all the improvements that he says are intended, the work will be in high order next year. I feel a great desire to run over yet, late as it is, descend the Grand River, and visit the Canal, that I may be able this winter, in case of any discussion on the subject, to speak from personal observation. Do you think either of the works will come before Parliament for assistance in any way? Mr. Fitzburgh writes me that he hears Bidwell, the "King of the Radicals," is already boasting that the Welland Canal and St. Lawrence, shall receive no further aid. I think nothing will put down that party, but their unvaried opposition to all public improvements—this if the people will permit any thing to *unglue* their eyes, should be sufficient to convince them of their total disregard of the best interests of the country *while under the present Government*. We shall have a stormy useless session I fear, but must do our best to get the necessary public business attended to.—What is your opinion as to the speakership? I hope we can get McLean again or Morris, but fear that Bidwell will be the man after all. I shall send over the copy of account you want in a few days, which please mention to Mr. Clark. You will oblige me by paying Mr. Goodenough, who will call on you, *fifty dollars*, which I will repay you when we meet shortly. The roads are too bad for me to go to town just now—that is, if quite convenient to you.—The low price of produce, and our distance from market, make me almost desire to be among the noise and bustle of your more busy canal again—and if I could only dispose of my property here to tolerable advantage, I would be inclined to accept your last year's offer if *repeated*, with some small addition for travelling expenses.—We have a line for a canal surveyed, to connect Lake Simcoe with Huron, ——— miles, 40 locks of low lift, and a favourable route.—We are also having the levels taken for a Rail-way between this and Toronto. The Engineer is nearly done, and speaks most favorably of the line—no stationary power will be required; probable cost about £80,000. I shall be glad to hear the amount of your receipts, now that the canal is closed.

Yours truly,

WM. B. ROBINSON.

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53. What is there to alledge in support of charge No. 19?—As references of an unfavorable nature relative to Mr. George Keefer, senr., are made in Captain Gordon's letter, addressed through the press to Mr. President Merritt, and hereto annexed, I endeavored to ascertain whether he really had interested himself in money contracts while sitting at the Canal Board as a Director: and it is evident

that he was then a large sub-contractor under Phelps.

On the 2d June, 1826, the ex-President, Keefer, writes, "I have 120,000 feet of timber, cubic measure, got out for Mr. Phelps, and 13,000 feet of ties; GEO. KEEFER."

On the 1st of May, Phelps estimates to Mr. Director Keefer, 20,000 feet of lock timber, $800.

In June, Phelps & Co. gave in no estimate for Mr. Keefer, but Mr. Barrett, the Engineer, supplied the defect as follows:

Mr. Keefer wrote to Mr. Barrett thus:

"Mr. BARRETT, Engineer:

"*Dear Sir*,

"Mr. Phelps called here yesterday while I "was from home, to know how much timber he "should give in for me this estimate, and left word "for me to send it to you this morning to include "with his—I have over 14,000 feet got out since I "gave in before at $35 which I will vouche for "which will amount to about $500 which you will "please include in his Estimate.

"I remain,
"Yours truly,
"GEO. KEEFER."

"*5th June*, 1827.

Mr. Barrett wrote accordingly under Phelps's estimate—

"Esquire Keefer got out 14,000 feet timber at $40, - - - - - - - - - - $560."

This was a friendly turn done to a contracting Director by his Engineer—Keefer had given in at $35, and estimated 14,000 feet at about $500.—Barrett added $5 per thousand, and thus made his employer $60 richer.

On referring back to Phelps' estimate of the previous month (given in in May) I found that although Keefer had, as he states in his letter to Barrett, estimated his timber at $35, Phelps had used the friendly freedom to add $5, thus extending $800 to Keefer that month in place of $700, which he had required. This I presume he did to enable himself with a better grace to estimate his own at the same rate.—The current price in that part of the country was about $30.

In July, Phelps's estimate for Keefer is 15,000 cubic feet of timber, at $40, and so the Engineer reported.

On 1st August, we have—"Esq. Keefer, 10,000 feet, $400."

In September, we have—"Add for Esquire Keefer, $250."

In October—"Esquire Keefer's bill of timber, $200."

In December—"Esquire Keefer's bill of timber, $400."

In March, 1828—"Due Esquire Keefer, $1,000"

In the May bill—"Timber of Esquire Keefer, $400."

In June—"Esquire Keefer's timber, $400."

In September, Phelps writes Barrett that Keefer's claim for timber, was about $1200, and in the November estimates the Engineer enters $600 for him.

So it would seem that in 1826-7, Mr. Keefer sat as a Director to pass upon Oliver Phelps' accounts, in which he was thus personally interested to the amount of at least twelve or fifteen thousand dollars!!

[The Company's accounts, in proof of this, and the original letter wanted.]

54. What have you to offer in support of your 13th charge?—When Mr. Black retired from the Secretaryship in June, 1832, he was succeeded by Mr. President Merritt, who contracted officially as such with Thomas Merritt, junior: for the harbor in September of that year.

At a meeting of the Canal Board at St. Catharines, on the 7th and 8th of October last, the following proceedings were had, on the report I this day submit to you:

"The select committee on the accounts of Thomas Merritt, junior, presented their report, which was read," and it was "*Resolved*—That the report be received and laid over for future consideration, and that Mr. Hall and Mr. Thorburn be requested forthwith to proceed to Gravelly Bay and enquire fully into the system under which the check rolls, time lists and bills of labor and materials have been compiled and warranted for the last 12 months: that Mr. Thomas Merritt, junr. be requested to transmit to this office for examination the books in which his accounts with this Company, for such time and labor were kept, and for the work done for Mr. Robinson in 1833."

The minutes of the canal board are the only official day book kept, but although they shew that a supply of money from Mr. Robinson, was the condition of T. Merritt's continuance in the summer of 1833, that contractor is actually allowed interest in the Company's books on the £200 the commissioner had paid him, and the money is paid him over again out of the loan of 1834!!—An attempt was made to get an order that he be paid the balance in this way, but I steadily resisted it, and being supported by Messrs. Thorburn and Butler, got the accounts referred to a special committee, whose report is in the Company's possession, and is as follows:

TO THE PRESIDENT AND DIRECTORS OF THE WELLAND CANAL COMPANY.

The Special Committee appointed to examine and report upon the accounts of Thomas Merritt, Jun., of Gravelly Bay, and concerning the balances that may be due thereon, have completed their investigation, and respectfully submit for the consideration of the Board, the following statements as a final report:—

The Committee have found it necessary, to a complete understanding of Mr. Merritt's accounts, to review the several monied transactions between him and the Company since January, 1832, the year in which his contract at Gravelly Bay had its commencement.

In September that year, Lewis, Garrison & Little were discharged from the further prosecution of the improvements contemplated by the Company at the Lock and Harbor of Gravelly Bay, and the work

they had begun was given to Thomas Merritt, Marshall Lewis, and Sloan & Clinton. It does not appear that the contract was publicly advertised and offered to general competition. Mr. Geo. Keefer, the Engineer, who drew it up, states that it was not advertised in any of the newspapers of the District or Province, but that notices were written and circulated along the line, and put up in the Canal Office.

The specification for the work is dated the 15th September, 1832, and signed by Lewis and Ostrom, two of the persons proposing to contract for it. The competitors appear to have been Thomas Merritt, Jun., & Co., September 14, and Thomas Merritt, Jun., & Co., September 17,—a different proposal—and Mr. Merritt's foreman, H. B. Ostrom.

The contract is a very informal document, dated at Gravelly Bay in September, 1832, but the day of the month left blank; it would appear that when it was drawn out and signed, the Canal Company did not know who all the parties were, for the names Sloan and Clinton are subscribed at the foot, but are not to be found in the body of the instrument, blanks being left instead. No security is taken, no bond or penalty is mentioned, neither the President nor Vice-President's signatures are appended, nor the seal of the Company, as was usual and right, nor any seal of any person whatever.

Mr. W. H. Merritt signs on behalf of the Company as its Secretary; and there is a standing order of the Board of the 10th of May, 1828, present Messrs. Dunn, Wells, Robinson, Keefer, and H. J. Boulton, "that the Board will not consider itself "bound by any contract, which the Agent or Secre- "tary may make, until it has received the sanction "of the Board."

This contract was to complete the Lock and Harbor, and build as many piers as might be required—the piers were to be completed in July, 1833, and the harbor in September following.

A great many very important things required to be done, in order to complete the contract, were omitted to be inserted in it by the Engineer, and being also omitted in the specification, are charged as day-work, to a large amount. These matters if forgotten in the first contract, might have been placed in a subsequent one, for it is not prudent to have the contractor employing many men by the day and charging work in that way, in the same place and at the same time and on the same work he is engaged to do under a special agreement.

The contract concludes by a declaration that Mr. T. Merritt was the only partner who was authorized to receive the money to be drawn from the Canal Company under it, "in witness whereof the parties have hereunto set their hands the day and year first above written." Now it so happens that there was no one day in the year, 1832, written above that declaration, which is witnessed by George Keefer, Jun."

Mr. Keefer informs us that Thomas Merritt, Jun., & Co. failed, like their predecessors, to fulfil their engagements—that they were dispossessed—and that the whole work was again re-let to Thomas Merritt, Jun., one of their number, again without penalty bond or security, and without any particular month or year having been agreed on for its completion.

We do not find that Mr. Merritt entered into any specific engagement to complete these or any other works under the contract which himself and his associates had thus forfeited, or that any deductions were made from the payments made to his partnership concern by the Canal Board; the Board changed its plans from time to time with regard to the piers, and before the completion of the contract the lock was ordered to be lengthened by day labour at a great expense, and by the same contractor too, before his work was taken off his hands.'

No new contract was made with Mr. T. Merritt; the omissions in the former one were not supplied—but on the 20th day of July, 1833, he wrote a letter to the President and Directors, declaring his willingness to continue the work on certain conditions, one of which was—"I will endeavour to sink the whole "of the Western Pier, where it may be pointed out "this season, and continue the work at my own "risk,"

The Board agreed that he should so continue, provided the Canal Commissioners would advance him money to enable him to build the Piers, and they applied to Mr. Robinson, the Acting Commissioner, to advance £375, on the provisional understanding thus entered into.

Mr. Robinson has shewn us that he advanced, first $100, then $800, but that $100 of these advances were taken for other purposes, copy of Mr. T. Merritt's receipts for these monies are hereto annexed, and the bills and settlements he made with Mr. Robinson detail the transactions. Two hundred pounds ought to have been charged Mr. Merritt on his Pier contract, in the Company's books, October, 1833. Yet no such charge appears to have been made, nor has that sum been deducted from his estimates on other work. His bill for work done to the order of the Commissioners, 1833, and shewing the payments made to him, were forwarded to this office by Mr. Robinson last September.

Mr. T. Merritt's letter in July, and its acceptance as recorded on the minutes of the Board, is a very questionable substitute for a contract duly defined and specified, although under it works to the amount of many thousand dollars have been paid, but we find no other.

Three months after the date of Mr. Merritt's letter, engaging to continue the work on his own risk, he came forward and demanded $1,070 from the Company for damage alleged to have been sustained in a gale on the 17th October, 1833, in which he had lost four scows, worth $380, nine thousand seven hundred feet of timber missing, and 50 cords of stone swept off the piers. The Board paid him the $1,070 without deduction.

Encouraged by this success, another application was made for $308 98 as compensation for damages caused by the gale of January 2d, 1834; Ostrum, Fisk, Cary and McChesney certified as follows:—"We, the undersigned inhabitants of Port Col- "borne, certify that we believe the above statement "to be correct, having been on the spot at the time "and before the gale, H. B. Ostrum and J. Fisk "are positive in the loss, having measured and "counted the whole."

The Board refused to make an allowance on this certificate, and Mr. Keefer the engineer, was directed to measure the work, which he did, and found that 400 feet only were missing, although Fisk and Ostrum had certified to 1200 feet on their previous measurement.

We find that Ostrum certified a second time to the correctness of the 400 feet measurement although he had declared before that he knew it was 1200.

Fisk and he are the principal witnesses to the former claim for alleged damage, and probably on equally strong grounds.

Mr. Hall's statement of this date, indicates an organized system of overcharge at Gravelly Bay; it was not, perhaps, without good reason that Mr. Commissioner Robinson wrote Mr. Merritt, 13th March, 1833, "I have not much faith in Fisk."

Mr. Merritt's offer of taking the risque is not unusual. The Ohio Canal Commissioners, in their report for 1832, declare that it is a rule on their line that "all work of every description is to be considered at the risque of the contractor, until his whole "job shall be finished and accepted, the contractor "having no right to demand that any part of his "work shall be estimated, until the completion of all "the work contained in the contract." A very different course appears to have been pursued towards Mr. T. Merritt.

We find that in 1833, Mr. Merritt was at one and the same time, contractor for the lock, piers, and Harbor at Gravelly Bay, lock-keeper at that lock, at $20 per month, engaged in fulfilling an agreement for dredging with the canal commissioners to the value of $600, and employed with his labourers and teams on job work by the day, all at the same place, besides being concerned in the light house pier with T. McChesney. So many different engagements as this, ought not to be entered into with one man; it looks like favoritism, and is not calculated to promote the welfare of the canal.

Contractors should not be superintendants, lock-keepers, and overseers by the day, at one time and place.

Since January, 1832, nearly fifty thousand dollars have been paid Thomas Merritt, for labour and materials, as contractor or superintendent of work on the canal. His Gravelly Bay estimate is about $15,000; the Commissioners paid him about $2000 in 1833. He has received on the Berm Bank Job unfinished, nearly $3600; on the light house pier and light house about $4000, on sections 8 and 9, new route $, as lock-keeper $120, for work at Broad Creek nearly $900, besides large sums on a variety of other bills and contracts, and for day labour. The lock and piers, including the light house at Gravelly Bay have already cost upwards of $40,000

The light house pier appears to have cost $3000, and the light house itself nearly $2,500.

Mr. Thomas Merritt, charges for dredging sand out of the lock and lock entrance at Gravelly Bay, besides the dredging done by Lewis, Garrison and Little, the original contractors, as follows:

Labour previous to Novem. 1832, ...	$710
do to July, 1833, ...	277
do to do. 1834, ...	578
do to August, "	360
do to do. "	50

There are numerous other charges of a similar nature, besides the sum of $600 paid in 1833 by the commissioners.

For about $1000 value in labour and materials, there are no certificates of any kind. The bills and check rolls are made out by Fisk, but in many cases they afford little or no information relative to labour performed, end services rendered.

Fisk is a person of intemperate habits, he likewise introduces himself, occasionally, into the check rolls as a labourer on the dredging machine, at 12 shillings per day, and 10 shillings per night. We see no reason to make any alteration in the decision of the board, made at a former sitting, relative to the price to be allowed for spikes and iron work, in charges not covered by the contract of September, 1832.—H. B. Ostrum, is entered in the Company's time lists drawn out by Fisk and certified by Mr. Black, and said Ostrum, as a lock-keeper at Gravelly Bay, receiving $30 per month, or one dollar per day for attending a single lock, through which, probably, not more than two or three vessels pass one day with another. How he can act in this capacity, and also appear on the check rolls, as working day's work at $2 per day, 7½ days in June 1835, 9½ days in July, 7 days in August, and 23 days in September, is only to be accounted for by referring to Mr. Hall's explanation, by which it appears that if 7 men do some work on a wet day, the toll-collector and Ostrum are ready to certify that hard labour on that day was performed, by at least fourteen persons, many of whom are absent when the rolls are to be signed, and the most of those others, only able to make their marks. Ostrum, as lock-keeper receives a third more wages than were allowed to Thomas Merritt in 1833, although the duties could be easily performed by any intelligent and able-bodied laborer, at the former price. If Ostrum opens and shuts his lock by deputy, the deputy at a fair price should be made lock-keeper if he be a proper person.

The Welland Canal Company,

To Thomas Merritt, Jun'r. *Dr.*

	$	cts.
1835.		
August 31.		
To Engineer's estimate of this date,	3443	20
Cr.		
By error in Engineer's additions of estimate, ...	10	0
By the amount of two receipts, one for $100, and one for $800, given by T. Merritt to Mr. Robinson, for monies paid him on the 16th Aug. and 17th Oct. 1833, on account of his contract for piers at Gravelly Bay, less $100 applied to another work, by permission of Mr. Robinson, ...	800	0
By interest, over rated on £200 for 8 months, ...	32	0
By errors in the calculations of sections 8 and 9, new route finished by Thos. Merritt, jr. per statement annexed, and numbered 3, ...	291	59
By errors, credit of Monson's forfeited		
Carried forward, ...	1133	59

Brought forward, ...	1133	59
reserve, not authorised by the minute of the Board; see statement No. 3,	79	25
By cash recommended to be paid Thos. Merritt by this committee, . . .	1000	0
By over credit on general estimate of Nov. 1832 (see annexed explanation No. 1.)	44	90
By overcharge 266 yards dredging in Mr. Keefer's estimate of July 28th 1833, as per statement No. 2, . .	266	0
By reserve in estimate for planking, not done altho' included in last return, . .	200	0
	$2723	74
Balance, ...	$719	46

And it is probable that when the Books of Account have been thoroughly examined, other errors will be discovered, which have as yet escaped investigation.

We return $719 46 as the sum due Thomas Merritt by this company up to the 31st August, 1835, instead of $3443 20, the sum claimed; the deductions from which latter sum ought to be $2723 74, unless it be shewn that there are apparent errors noticed by us, for which a satisfactory explanation can be afforded.

NO. 1.

	£ s. d.	£. s. d.
The amount of the general estimate in favor of Thomas Merritt for Gravelly Bay and sections 8 and 9, is . .		3026 5 10
Less the sum of former estimates in part of the same contracts previously at his credit, .	508 15 5	
And sundry other payments entered in page 225 of the journal, as having been made on his account by W. H. Merritt, the sum of which is not entered in the Leger (May 1833.)	75 1 9	583 17 2
		2442 8 8
The sum entered to Mr. T. Merritt's credit on the November general estimate (Leger p. 360,) is		2453 13 2
This excess of credit must be deducted from the balance due T. M. unless it can be accounted for, and proved to be a correct entry.		11 4 6

The practice of deducting monies from the general estimate, without allowing them to appear in the Leger is improper; the full amount of work done, and of payments made, should appear under the contractor's name.

NO. 2.

Mr. Robinson contracted with Thomas Merritt early in the summer of 1833, to dredge and clear out the Lock at Gravelly Bay, and between the Piers to 8 feet of water, and to keep it at that depth during the summer for $600, which Mr. Robinson paid him on the 25th of June, in that year. Within a month after he got this money, Mr. Merritt came forward with a claim for $266 more, for 266 cubic yards of dredging. We have disallowed it, and hereto subjoin Mr. Robinson's memorandum of his agreement with Merritt. The wings of stone wall above the lock, were made and charged separately.

Mr. ROBINSON'S MEMORANDUM.

"Thomas Merritt agrees to dredge and clear out "the Lock and between the Piers at Gravelly Bay to "8 feet water, and keep it at that depth during the "summer for £150, from the running into the canal "above the lock to the lake, also to make a wing of "stone wall each side of the upper end of the lock, "at one dollar per perch."

Mr. Keefer states, that when he made out the estimate of July he had no knowledge of the agreement with Mr. Robinson, and that he had never seen it until now.

NO. 3.

In examining the details of Sections 8 and 9, Gravelly Bay route, we find—

1st. That they were let to H. N. Monson, of St. Catharines, on the 3d day of June, 1831, at 12 cents per cubic yard for excavation on No. 8, and 12 1-2 on No. 9.

2nd. That the contractor agreed to complete his contract for the above, and three other sections, by the 1st of April, 1832.

3rd. That the penalty for non-performance of this contract was only £100, although it includes labor of the value of many thousand dollars.

4th. That after Mr. Monson had excavated 2,830 yards on Section 8, and 1,950 yards on Section 9, at the above prices, these Sections were taken from him and given to Thomas Merritt, junr.

5th. That the penalty of £100 was not exacted from Mr. Monson.

6th. That the Board of Directors, at a meeting held 2d February, 1832, (present Messrs. McDonell, Butler, and Randal,) certify in the minutes that an agreement had been entered into with Thomas Merritt, junr. at 13 cents for excavation on these sections. But your committee can find no such document, and the President thinks there was none written.

7th. That it appears by the estimate book, page, 4 that the original number of yards of excavation on No. 9, is 21,988, of which only 165 yards are deducted from Mr. Thomas Merritt's amount, as having been done by Monson, although 1,950 yards had been previously allowed to Monson, and that the original number of yards of excavation on No. 8 is 18,484, for which Thomas Merritt is paid at 13 cents, less only 2,372 yards, although Monson is shewn to have excavated and been paid before for 2,830 yards on that same section.

8th. That the first estimate of the whole excavation of No. 9, was 19,401 yards, and of No. 8, 14,968 yards. The final estimate to Merritt on both is 40,472 yards, shewing an increased quantity of 6,103 cubic yards over and above an allowance of 945 yards, for four feet extra width on five stations.

Monson excavated and was paid for 4,780 yards of the whole, and Merritt was paid a second time for 2,243 yards of the excavation done by Monson.—For 4,780, less 2,537, = 2,243. The sum thus overpaid is (2,243 × 13 cents) = $291 59.

9th. That if Merritt was paid for the work he did on Sections 8 and 9, at an increased price without any written agreement, and without any penalty or stipulation as to time of doing a certain quantity of work, he was not entitled to the reserved fourth, on any part of the work which Monson had contracted for and forfeited. Yet in page 5 of the Book of estimates passed 28th February, 1833, (and of which the original is missing) there is a credit to Thomas Merritt, as follows:

"Allow one quarter reserve from Monson on 2,537 = 634 yards at 12 1-2 cents = $79 25."

This charge appears to have been uncalled for under the circumstances we have stated.

10th. That in a work of such importance, a specific agreement in writing ought to have been entered into with the excavator, including the items of grubbing, ditching, chopping, embankment, &c. If this was held necessary in the agreement with Monson, so was it with Merritt,—yet it seems not to have been done in the latter case.

We have asked Mr. Keefer, why the forfeited reserve by Monson was paid to Merritt with an encreased price, the minutes of the Board giving no such directions. He states he does not remember, and that until Mr. Barrett shall arrive he cannot shew why the work done by Monson, and estimated by him, is not deducted from the estimate of Nov. 1832, allowed to Merritt.

The records of the office afford no explanation of this matter.

Mr. Keefer imagines that the difference may in some degree be accounted for by the supposition, that the work done by Monson, surveyed by Mr. Barrett from time to time and admitted to be correct and right, was out of the line. If so, it should have been so stated in the estimate and the causes explained to the Board at the time the transaction took place.

NO. 4.

We now proceed to notice the latter bills given in by Mr. Merritt for day labour at gravelly Bay.

They are as follows:

1st June—Check Roll, - - - -	$156 15
2nd July— do. do. - - - -	157 35
3rd Aug.— do. do. - - - -	139 23
4th Sept.— do. do. - - - -	309 70
	$762 43

Mr. Black the Superintendent, and Mr. Ostrum the Lock-keeper, certify, that in *June*, the labour was "excavating and levelling about the canal office, cutting and hauling brush, building brush piers and setting snubbing posts about the basin." In July, "making brush piers, framing timber for same and filling them with stone, and hauling brush and timber to the canal." In August, "cutting brush, scowing stone, and building brush pier." And in September they say, "brush piers and ditch for waste wear is the principal work for this month."

Mr. Black, the Superintendent at Gravelly Bay, is engaged but a small part of his time in attending to the duties of his collectorship; he has both time and opportunity to detect false returns by personal observation, as to the number of persons employed, and with regard to their being diligent at their work and employed usefully. The appearance of the work done, as compared with the time lists, gave reason for a suspicion that Mr. Black was not so careful to perform this important duty as he ought to have been, although his instructions are very full and explicit.

The personal observation of Mr. Hall, the Engineer, tends to confirm this impression. His memoranda relative to Gravelly Bay which he visited lately, are as follow:

"*Memoranda respecting Gravelly Bay.*

"When examining Mr. T. Merritt's time list for "the month of September last, I observed ten men "marked for the 21st and fourteen for the 22d. Upon "those days the numbers employed, were five for the "21st, and seven for the 22nd—the reason assigned "for the small number of men the first day, was, "that they had probably got tipsy upon the previous "Sunday. The 22d it rained all the morning, and "labourers could not work to advantage. Upon a "review of the work done for the Company at Gra-"velly Bay, since the 7th day of July last, I ob-"served only some advance upon the brush pier, "probable expense about $100, to be tested by "measurement, and some trifling work upon back "drains, to the extent of fifteen or twenty dollars."

It thus appears to be Mr. Hall's impression, that all the work lately done by Mr. Merrit by day labor, and for which nearly $600 are charged since July 7, is only worth about $100. He informs us that the labor for which about $600 are thus charged, would, in his opinion, have been accomplished by Townsend the contractor at the Grand River, for about $100.

We are of opinion that any balance which may appear to be due to Mr. T. Merritt, on the engineer's estimate, should remain unpaid until the next meeting of this Board, subject to the report that may be made upon a full enquiry properly instituted at the harbor, relative to the system on which check rolls and time lists have been drawn up during the last three years.

We find that the check rolls are in very many cases supported only by the crosses of the persons entered on them; that in other instances these workmen are declared gone, or absent; and that the almost continual witness to the payments made and to every thing else, is that very doubtful authority "John Fisk."

To a bill of $4,551 73, for labor and materials, up to May last, credited to Mr. Merritt, the official certificate of Mr. Black is not attached, but in its place we have that of "John Fisk," Mr. Merritt's Clerk. If it should be determined by the Board to institute an enquiry, this $4,051 73 account ought to be included, so that the entries on which it is founded might be duly checked, *if it be possible.*

Mr. Merritt was written to some time ago to attend at this office with his books of account, but he has not yet complied with that request. The Board might perhaps induce him to do so.

By withholding the small balance which appears to us to be properly at Mr. Merritt's credit, until an investigation has taken place, and his books been checked, no injury will be done him. His contract

for the Berm Bank ought to have been fulfilled by the 1st day of April last, and although it is very far from fulfilment, and has been but once estimated by the Engineer, he received the full amount estimated in May, without the reservation having been made which is usual on such occasions, and which the nature of his contract seems to have particularly required. It is true we do not find the usual claim to reserve a fourth until the work be completed inserted in his contract, neither was a penalty mentioned, but the general usage of the Canal may be presumed to have been intended and meant in his case, seeing it has been the practice for years, with very few exceptions.

W. L. MACKENZIE,
DAVID THORBURN,
T. BUTLER.

Received from Wm. B. Robinson, twenty-five pounds, currency, on account of the Pier at Gravelly Bay.

T. MERRITT, Jr.

August 16th, 1833.

Received from Wm. B. Robinson, two hundred pounds, currency, on account of Pier at Gravelly Bay.

T. MERRITT, Jr.

October 17th, 1833.

(Copy.)

Memorandum of agreement made and entered into, at Gravelly Bay, Welland Canal, on the —— day of September, 1831, between the Welland Company of the one part, and Thomas Merritt, Junior, Marshall Lewis, and —— ——, of the other part, Contractors.

Witneseth, that the said Thomas Merritt, Marshall Lewis, and —— ——, covenant, promise and agree to finish and complete, in the best manner, the lock, with the two sets of paddle gates in the upper lock gates, &c. &c., according to the plan and specification heretofore laid down by Mr. Barrett and Marshall Lewis—likewise the piling, excavation, walls and every thing necessary to be done to finish and complete the Canal to deep water in the lake on the same level or depth of the mitre sill, all of which is to be finished and completed on or before the first day of November next. Also, to sink, fill up and finish and complete as many piers as may be deemed necessary by the Welland Canal Company's Engineer for constructing the harbor, and making a wall on the points now projecting, on each side of the harbor—to sink as many piers as may be required for covering the entrance to the canal this winter—to finish the piers on or before the 1st day of July next, and to finish and complete the harbor on or before the 1st day of September next.

In consideration of which, the said Welland Canal Company, promise, covenant and agree to pay the said Thomas Merritt & Co. as follows:

For Pumping the Water—Fifty pounds,
Framing and placing in Mitre Sill—Two pounds,
Do. Braces for inside of Lock—Six pounds,
Do. Gates and Paddle Gates—Seventy-five pounds,
Do. Hollow Quoins—Seven pounds, ten shillings,
Planking per square—Seven shillings and six-pence,
Furnishing per square—Five pounds,
Coping, for Lock per 100 feet—Twenty-five shillings,
Spike per hundred—Three pounds, ten shillings and six-pence,
Iron per lb.—Fifteen cents,
Stone per perch, when laid in Lock—Five shillings,
Embankment on each side of Lock—Eight cents,
Puddling 1½ yards wide in addition—Ten cents,
Bringing clay for puddle—Twenty cents.

BELOW LOCK.

For removing all the earth which does not require dredging, per yard—Twenty cents,
Removing all that which is to be dredged—Five shillings,
Furnishing and driving each pile—Two dollars, fifty cents,
Furnishing per thousand feet of plank, to lay behind piles, underneath, by side of water—Twenty dollars,
Each perch of stone in dry wall—Eighty-seven and a half cents,
Removing sand and earth behind piles, per yard—Twelve and a half cents.

HARBOR.

Timber sunk in piers, ten dollars per hundred feet, twelve feet ties, thirty cents; sixteen feet ties, forty cents.

For all the stone delivered and filled in the same, two dollars per cord, measured, to include the ties. The payments to be made as follows: three-fourths each month; on completing the lock and cut to lake, seven-eighths; and remainder on finishing the work. All materials, now at the harbor, to be taken by the said Thomas Merritt & Co. at their fair value.

The work to be under the direction of the Company's Engineer in every stage, and to be executed under the particular direction of Marshall Lewis, the stone to be large and substantial, and all materials of the best quality, and should there not be as many hands on the work as the Engineer may think necessary to finish it in time, the work to be reported by said Engineer to the Company, who may at any time thereafter enter and dispossess the said contractors, and re-let the same again.

The money drawn from the Welland Canal Company by Thomas Merritt, Junior, only, who is the only person authorised by the Company to receive the same. In witness whereof, the parties have hereunto set their hands, the day and year first above written.

Wm. H. MERRITT, *Sec., W. C. Co.*
T. MERRITT, Jr.
MARSHALL LEWIS,
SLOAN & CLINTON.

In presence of
GEORGE KEEFER, Jr.

On conversing with Mr. Hall, I do not find that he was able to ascertain what it was that the labor was charged for; it appears they admit that it was not for what they asserted in the time lists. Ostrum gave such an account as he thought fit, and Mr. Hall, under the order of the Board, had to allow it. Mr. Merritt has since then received more money of the Board, but has not fulfiled the terms of his berm bank contract.

Mr. HALL'S REPORT UPON WORK AT GRAVELLY BAY.

In compliance with the order of the Board of 8th October last, I have examined the work at Gravelly Bay, and beg leave to submit the following measurements and remarks:

Brush Pier—length, 350 feet; width, 12 feet; three tier of timbers on each side; ties, 106; stone, average 3 feet deep; brush under the base of pier, estimated at 3 feet in thickness, after being compressed with timber and stone.

Estimate of timber, stone and ties,	$363 80
Coping stone pier, separate contract,	92 00
Timber for extension of 40 feet of eastern pier, not placed,	60 00
Total of work done by T. Merritt, up to 28th October, 1835,	$515 80

Having also compared the time lists, paid by the Company, per June, July, August, and September, said to have been partly occupied with work upon the brush pier, framing timber, and scowing stone for the same. In estimation I am at a loss how to discriminate between the proportion of work done under crontract and by the Company's laborers. I would therefore propose to the Board to allow Mr. T. Merritt credit for the whole of the brush pier, including brush, timber, stone, and ties, and from this estimate to deduct a proportion for work done by the Company, to be determined as the Board may deem most expedient.

(Signed) F. H.

November 19th, 1835.

"Ordered—*November* 20th, 1835."

"That Mr. Hall be requested to re-examine the "work done by daily labor under Thomas Merritt, "and if the quantity does not appear satisfactory to "him that he appoint some person, and he, Thos. "Merritt, another person, to determine the same by "arbitration."

Report upon Works at Gravelly Bay.

In pursuance of an order of the Board, dated November, I have re-examined the work done by days labor at Gravelly Bay, and beg leave to present the following report:

1st. H. B. Ostrum states that at an early period in July last, while forming the foundations of brush pier, and after all the necessary brush was cut in the woods or adjoining swamps, that the same was totally destroyed by fire—this he estimates at.....	$ 40 00
Also two brush piers sunk and lost in floating round the harbor,.....	20 00
Brush in rear of mill pier, not before estimated,.....	33 50
Also, one scow load of stone for do.....	14 00
Levelling round office, 420 yards, at 10 cents per yard,.....	42 00
(I have taken this item at the fullest allowance, both as to price and quantity —the quantity cannot be correctly determined.—F. H.)	
Snubbing Posts, ten in number, timber and placing $2½ each,.....	25 00
Brush under Pier, calculated at double the previous statement $90—in consequence of shallow water—Ostrum states that great delay often occurred in discharging the same. Sometimes the Scow would not float to the Pier face with its full load, and had to be lightened by men and carried to the Pier.....	180 00
Stone per Brush Pier, foundation 112 cords $2.....	224 00
(This item was incorrectly stated by Ostrum or Fisk in the time list "for filling the Piers with stone," should have been for loading the foundations.)	
Repair of stone wall on both sides of the lock downwards to the entrance, 14 cords of stone—This is also an item that Ostrum had omitted, until the 22nd December, 1835,.....	28 00
Also omitted until same date, 7 cords of stone, breaking and laying the same on the Pier head,.....	19 00
Also omitted, Brush behind Warehouse in August and September,.....	5 00
Amount of work in bills for June, July, August and September,.....	$630 50
Therefore there remains for ditch,.....	121 13
Total of time lists for June, July, August and September, 1835.....	$751 63

I hereby certify the above statement to be correct to the best of my knowledge.

(Signed) HIRAM B. OSTRUM.

The above statement contains all the information of extra work at Gravelly Bay, that I have been able to collect, and so far as I can judge, is as nearly correct as the present state of the works will admit a measurement of.

Respectfully submitted by,
Gentlemen,
Your very Obedient Serv't.
(Signed) FRANCIS HALL.

Welland Canal Office,
St. Catharines, 6th Jan'y, 1836.

MERRITT'S BERM BANK CONTRACT.

I will here state what first excited my suspicion of pecuniary mismanagement on the part of the officers of the canal after I came upon the work.

The first day I had a seat at the Canal Board an estimate of about $40,000 was placed before us for our sanction, the first item in which was 22,000 cubic yards of embankment by Thomas Merritt, cousin to the President, in part of a contract for nearly 40,000 yards, which he ought to have completed previous to the opening of the navigation last May. I perceived that 15 cents were charged as the price per yard, and asked to see the original estimate of the engineer, Mr. Keefer, in whose hand-writing also was the estimate before the Board. The first estimate was at 14 cents. I then called for the contract, and it also was 14 cents. The canal rules require the Secretary, Agent (President,) and Engineer, to certify that estimates are correct, and I asked Mr. Merritt to explain why so many persons with the originals before them had allowed this false charge, by which $398 would have been put in Mr. Merritt's pocket improperly, to be offered to us, and he said it was the first occurrence of the kind that had ever happened at the Board. We deducted it, and allowed the account as per contract. In this we acted in ignorance—one-fourth should still have been retained by the Company, till the work was completed, as is done with others. We called, however, for security, which Mr. Merritt had forgotten in the first contract, and his instructions to Mr. Clark, the Secretary, shew how little he valued the order of the Board. They are these:—

"Mr. Clark will draw a bond for Mr. Thomas "Merritt.

"One or two securities is necessary, and it is of "little matter who they are.

"Thomas Merritt says the work can be done by "1st February—providing the water is taken off by "20th November.

"If not it will require until 1st April—this appears "reasonable, and the bond should contain this pro-"vision."

A bond was drawn under this loose order, and I afterwards found by Mr. Keefer's letters that he had previously reported to Mr. President Merritt that that contract and others had been grossly violated, but he told nothing of this to the Board.

Extract of a letter from Mr. G. Keefer, then the Company's Engineer, to W. H. Merritt, Esquire, President, respecting Thomas Merritt's Berm Bank contract, through H. J. Boulton's lands, dated April 2d, 1835:

"The embankment will not be finished, and I "think we will not regret it; there is the same ini-"quity practised in regard to filling in logs as when "you were there, notwithstanding I have written to "Thomas Merritt, to Rose, and St. John, and even "stopt some of the sub-contractors, which still ap-"pears to have done no good. I took Rose with "me to the spot and convinced him of the fact."

REMARKS BY Mr. HALL, ENGINEER.

By estimate book, from the 1st December to the 1st May, 1835, it appears that St. John was employed as a superintendent of workmen at Dunnville, during the following months, viz: December, January, February, March, but not in April or in any succeeding month, the names of Rose and St. John are not entered as contractors, or for doing any other work, they must therefore have been sub-contractors either under Thomas Merritt or John Donaldson, who were then employed with large contracts, upon the main canal and feeder. A breach of contract of this nature ought to have been provided for in the succeeding estimate by withholding a very large proportion of the monies due, until such time as the works had been thoroughly tested.

F. HALL,
Engineer.

Instead of this the President procured full pay for his relative, and the work is not nearly completed.

The following is a copy of a letter from Messrs. McDonell and Creighton to the Secretary. Notwithstanding what they state, Messrs. Donaldson and Merritt were paid in full at the then ensuing Board—Mr. Thorburn and I not knowing how matters stood.

(Copy.)

St. Catharines, April 23, 1835.

Sir,

Whereas it appears that Thomas Merritt, John Donaldson, —— O'Brian have failed to complete the works for which they severally contracted on the line of the canal, this is to require you to retain in your hands from this day forth all monies due to said contractors until the opinion of the Board of Directors be had upon their non-compliance with contracts.

Your Obedient Servants,

A. MACDONNELL,
Vice-President.

OGDEN CREIGHTON,
Dir. W. C. Co.

The greater part of the Company's contracts are in dollars and cents only, for the convenience of calculation. The contract with John Donaldson, dated the 17th of October, 1834, is a memorandum in dollars and cents, without penalty, or an agreement as to the proportion to be reserved, or the mode and conditions of payment,—it includes many thousands of dollars worth of work. The contract was not completed to agreement. Part of his contracts, Donaldson fulfils, and part he lets out at a reduced price. Of about $30,000 worth of estimate work laid before the Board last year at our first meeting, we had almost entirely to depend on whatever the Engineer might be of opinion was correct—it was scarcely possible to afford a check.

Thomas Merritt had given to him sections 9 and 10 in the feeder Canal, very light easy work, at 12½ cents per cubic yard,—on which he turned to Daly & Co. and agreed that they should perform the contracts for 9½ cents, and he would give them orders on the Canal Office at that rate. The Engineer's bill was in this form:—

" Daly & Co., Sec. No. 9."				
" 5090 yards Excavation—9½.....			$ 483	55
" Grubbing 84-100—$12.....			10	08
" 7½ days work at Marshville—89....			6	68
" Earth on Berm, 300 yards—9½.....			28	50
			$ 528	81
" Section No. 10.				
" 5382 yds. Excavation—9½.	$512	29		
" Grubbing 84-100.....	10	08		
" Mucking on Berm, 480 yds. —9½.....	45	60		
	$567	97		
" Deduct Basin by T. Merritt	22	00	545	97
			$1074	78

" *N. B.*—This is the amount due Daly & Co. on " Sections 9 and 10, for which they hold Thos. " Merritt's order, payable at the Welland Canal Of- " fice, at the above prices.

" Signed G. KEEFER, Jun."

Daly & Co. did the work, and got $1,074 78 on the order of T. Merritt; and then T. Merritt called and drew an additional $337 56, as his profit on their hard labor. His price was kept a secret from them, and his gain by their industry did not reach the public ear. Mr. President Merritt studies to keep all contract prices a secret.

[Witness withdrew.]

WEDNESDAY, 24*th February*, 1836.

Committee met.

PRESENT.

JAMES EDWARD SMALL, Esq., *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn—8.

FRANCIS HALL, Esq., *Civil Engineer, called in and examined.*

[BY MR. MACKENZIE.]

54. (a) Have you seen the agreement under which the extensive Berm Bank contract, near Dunnville, was given to Thos. Merritt, Jun., and in what way has that work been carried on? I have seen the contract; the banks appear to be generally well constructed; complaints have been made of logs being inserted; I have not had any opportunity of seeing more than three or four; these logs were observed after the water of the feeder was drawn off. The works seem to be of a fair quality under that contract, in their unfinished state. I consider that those logs can be of no benefit to the Canal banks; they are expressly against the spirit of all contracts for embankments, and against general usage or rules for conducting works of that nature.

55. May there not be a great many more logs in those banks?—There may be.

56. Will you be able to measure the work, so as to form an accurate judgment of what has been and what has to be done—the work not having been finished in the year in which it was agreed to be concluded? I will be able,—by placing any quantity of yards of earth into a regular or irregular form, the correct contents can be obtained; this earth embankment is of a regular form, and can be measured exactly.

57. Does Mr. Merritt do the work himself, or has he hired it out to sub-contractors; and if so, at what prices? I was not upon the works last season, when they were in operation; but understand that the works were done by sub-contract—I only know the contract price.

58. What is your opinion of large contracts, such as that of T. Merritt, Jun., for the Berm Bank, and John Donaldson's contract of October, 1834, ought not the fulfilment of such as these to be guaranteed by sufficient sureties; and have they not both failed for the want of them? I see no reason to object to large contracts, if the same is in proportion to the means of the parties,—sureties in most cases of contract should be demanded. I know those contracts have not been complied with, but I cannot say the reason why, unless from a limitation of time.

[BY COMMITTEE.]

59. What will it cost to fulfil the contracts now in operation?—It will cost no more than formerly, because the same contractors are going on with the work; the principal loss is that of time.

[BY MR. MACKENZIE.]

60. Has not the non-fulfilment of the berm bank contract, been, in your opinion, very injurious to the health of a large tract of country?—Its non-fulfilment floods a great quantity of land, that will ultimately be of value to the owners thereof, and as the country is drained and improved, its salubrity will be promoted.

61. Was it fair towards the Company and country, that Mr. Merritt, while holding several important contracts, unfinished and in progress, should, at the same time and place be employed by the day with a number of laborers?—I do not think any person can fulfil more duties than one or two at most, upon canal works. It is neither usual nor proper, to be engaged by the day and with contract work at the same time and place.

62. What is your opinion of the practice of the Company in having very large contracts in the hands of individuals, which they could neither oversee nor fulfil; and which had to be taken from them again compromised, or given out to sub-contractors who had far less prices?—Admitting such to be facts, I think them very improper.

63. When you went to Gravelly Bay, at one time you took a note that one day when they had 10 men entered on the time list, afterwards sent to the Canal Office, there were but 5 present; and that at another time, entered 14, when there had been but 7 at work. When you were afterwards sent up by an order of the Board to enquire into the validity of these lists,

did it appear that work, such as was stated in the lists, had been done in *these months* to the extent stated, or were they obliged to admit that it had not, and to say that it was other work they were employed at?—Upon examining the works at Gravelly Bay upon the 21st and 22nd of September last, I observed 5 men on the 21st, and 7 on the 22nd at work.—When the monthly time lists were produced at the office, a greater number of hands was inserted therein; the explanations given in by the overseers at Gravelly Bay were such as induced me to withhold the extra allowance charged. Fisk and Ostrum, the overseers, stated that the extra hands were for Sunday work; in consequence, Fisk place the extra hands upon the time list of the Mondays and Tuesdays following. On re-examining the time lists of those days alluded to, I observed there was cattle charged. The exact number can only be found by reference to the time list for September. There was two yoke of oxen charged, but I saw none, the weather was not favorable for wood work, it being very stormy on the 22nd. I will also add, that on the 21st of October last, I measured the brush pier, the total estimate $363 80, at the contract price.—Upon examining the monthly time lists for June, July, August and September, amounting to $750 63, said to have been partly occupied with work, stone and timber, and timber framing for the same; and comparing the expense with the total amount of work done, I was at a loss how to reconcile the apparent discrepancy. Mr. Ostrum was called to explain whether all the work done was included in my measurement. Upon the 19th of December last, I received an account of extra items, exhibited in a statement of extra work at Gravelly Bay, with my remarks threon. The 5 and 7 men observed by me upon the 21st and 22nd of September were employed upon the ditch at Gravelly Bay.

64. Did not the same overseer state to you at first that he had less men working on the Monday because they had been intoxicated on Sunday; and was there any unforseen occurrence to render Sunday work necessary?—Fisk, the book-keeper, to Thos. Merritt did so state, on Monday 21st. I was not aware of any unforseen occurrence, to render Sunday work necessary, but I have understood since, that there was a scow sunk at Gravelly Bay and raised upon a Sunday, but the same time list shews Sunday work.

65. Did you enquire into particulars of the bill of work and labor, amount $4,000 and upwards, paid Thomas Merritt, Jun., for which there was no other voucher than Mr. Thos. Merritt's clerk, John Fisk's certificate?—I examined and compared all the time lists that could be found at Gravelly Bay, of 1834, and up to October, 1835; I found the same to be correct copies of those in the office. The bill of $4051, was examined by me in the canal office, and the various items then explained to my satisfaction by Thos. Merritt; but, as the work referred to was not done under my directions, I am not so competent to judge as those under whom the work was executed.

66. You have read the report by Messrs. Thorburn, Butler and myself, relative to Thos. Merritt's accounts and contracts; what was your opinion of the proceedings under which Monson's forfeiture was given to Merritt, and the allowances made him, without a new contract or the security that had been demanded of Monson?—I do not think an Engineer that was not present at the execution of the work can give a proper answer to that question.

67. Were the prices charged by Mr. Thos. Merritt for spikes and iron, by contract, and when he had no contract, fair and reasonable?—The prices were certainly high, compared with St. Catharines prices; those spikes that Mr. Merritt charged for, were stated to be cut spikes, which bore a higher price than common; whether the same was an overcharge I cannot say.

68. After the locks had been renewed or repaired at great expense last winter, did not two of them break down in the summer and interrupt the navigation for weeks together, and was not the stone and the workmanship a miserable failure?—There was a stoppage of the navigation twice during the last summer, after the 3rd day of July, but more in consequence of foundations giving way than sidewalls; the plan is not commendable, if it could be avoided, and should not be adopted but in cases of emergency; without stopping the navigation, the locks could not be repaired at any other time than the winter.—The interruption of the saw-mill lock was the longest, it was, I think, 9 days, the other lock I think not so long.

[By Mr. Merritt.]

69. Did you not examine the estimate of Mr. Keefer from his original level on the Berm Bank which was let to Thomas Merritt and find the computation correct?—I did, and found all the calculations correct.

70. Did you ascertain or know that proposals were received for performing this work, and what was the lowest price per yard offered?—I know nothing about it, farther than from minutes in the canal office of which I have no copy.

71. What was the price paid Thomas Merritt per yard—is the price high or low, and will he make money or save himself by it?—I think it was fourteen cents per yard. I do not think he will make a great deal of money by it. It might have been a fair price at that time, but tenders have been received this year much lower, for smaller jobs of the same description. In consequence of a year's trial, the banks will have subsided at least 12 inches upon their height, which extra height the contractor has to make up at his own expense, without receiving a measurement for it—as the contract specifies certain dimensions and quantities to be executed.

72. Do you know or have you heard the reason that work was not finished last Spring in time as well as the contract of Donaldson?—I have heard the reasons but cannot express them at present, beyond what has already been stated, in reference to time.

73. Did you hear the reason why the rock on bottom was not taken out on New Cut?—I am not aware of any other reason than that Donaldson was limited to time. In consequence of dams being necessary to prosecute the lock work at Gravelly Bay, which dams interfered with his work.

74. Cannot the work by Donaldson and T. Merritt be done now at the same time the rock is taken out? Certainly now is the best time both to finish the Rock and the Berm Bank as the waters are entirely excluded from the canal, and no impediment exists at Gravelly Bay lock.

75. Are not both Donaldson and T. Merritt, considered good contractors and able to execute the contracts alluded to by Mr. Mackenzie?—I never heard any thing to the contrary.

76. Do you know the situation of the lock at Gravelly Bay?—I do.

77. Do you not consider the work of lengthening that lock 25 feet, a most difficult and arduous undertaking in the winter season and hard frosts?—Yes. I think it was one of the most troublesome of any job on the whole canal.

78. Was the work well executed and well done? The lock work appears to be very well constructed, but part of the lower wing walls from some fault either in the foundation or embankment have bulged—the extent of this bulge will be about 35 or 40 feet. I think the cost of repairing it may be about $200. It does not form part of the lock, but is part of the West entrance wall in connection with the lock.

79. Did you not get the opinion of Mr. Culp on the value of those prices of iron work, and did he not say it was not the value?—Mr. Culp's letter was before the Board and I understood Mr. Culp has allowed higher prices than Mr. T. Merritt charged.

80. Do you consider the price of $4,000, high for the work done in damming, pumping, and keeping out the water and in lengthening the lock?—For lengthening the lock 25 feet it is difficult to say without calculations, but I think £1,000 is a fair price, for both lock and adjoining walls.

[By Mr. Mackenzie.]

81. Have you had any evidence to shew you what the sums amounted to, which included the charge for lengthening the lock, seeing it was done by day work, and you was not then on the line of canal?—I have made no calculations upon it—but an estimate something nearly correct may be made by those who know where the old work terminated, or was displaced, and where the new commenced.

82. You saw the Dredging Machine that Mr. Yates sent in, the cost of which was from 7 to £800—What was it worth, and when set up at auction and advertised in the papers, what was bid for it?—I have seen the Dreding machine—I think it may have been worth £100—there was $300 bid for it at St. Catharines—I do not know the cause of the depreciation of its value—but I understand the machinery is only fitted for a uniform motion without strain.

83. Do you remember that Mr. Wm. H. Merritt wished very much to induce us (the Directors) to give $2,000 for the Sir Walter for a Dredging machine—what could have been its value to the Company for that purpose?—I recollect visiting the Sir Walter with part of the Board, but what the President offered the Sir Walter for I do not know, I do not think it was worth any thing for a Dredging machine, as in my opinion the expense of remodelling the boat and machinery would be considerable, and the result doubtful.

84. What is the opinion of masters of schooners passing on the canal of the manner in which the water power is disposed of?—I have heard many complaints from masters of vessels, some of them say that it is more a canal for mills than for vessels—that is, when they happen to come to a level, that is a few inches under level, or where bars exist—they are sometimes detained for a short time, then the mills have the blame. I think the millers are generally to blame. Bars are produced by saw-mills on the line, that requires frequent dredging—saw dust generally finds its way into the canal, which ultimately subsides and forms these bars. Tinline, the lock-keeper at Mr. Butler's mills, says he is ready to prove having detected the millers at that place, wheeling saw dust into the canal during the night—there are bars upon the canal line independent of saw-mills, which are now being removed.

85. What do you consider to be the fair value of the water privileges at Allanburgh, now in the possession of Messrs. M'Donell, Yates, and Creighton, with the 100 or 150 acres of land, exclusive of what they have laid out on the mills?—It would take some time to answer that question; but I think about £2000 would be near the value. I think a fair value per annum would be $600 or $700 for these mill privileges and lands.

[By Committee.]

86. Did you know of your own knowledge of vessels being detained by the mills?—Yes, frequently. I cannot state the number per day. Upon short levels it is almost impossible to keep their levels up where a saw-mill is situated, more particularly during the night, when the lock tenders are absent and the mills in operation.

[By Mr. Mackenzie.]

87. Did you become acquainted with any valuable improvements made to the Canal Company's property by the Hydraulic Company during the time they held the lands and water power?—I have not heard of any, and none has been pointed out to me, so far as I can remember.

88. Do you think that, considering the very great expense to the Canal Company of the St. Catharine's Feeder, and temporary aqueduct, the extent of the water privileges it gives to Mr. Merritt, Mr. Phelps and the other occupants, any thing like a reasonable compensation is obtained for the very valuable and extensive powers thus conceded?—So far as I can make out the estimates for that work, the expense has been about £1,695; the interest upon this should be at least ten per cent., or £169, independent of repairs. If £125 only is given, it is too little; because this mill race, from its heighth above the Canal at Phelp's Grist-Mill, provides to the St. Catharine's Hydraulic Company mill privileges to an almost unlimited extent.

89. Have not Messrs. Merritt and M'Donell so engrossed the lands on the Canal line at Port Colborne, that, although the Directors mention, in their report in 1833, that there is the Port Colborne Lot, (about 140 acres,) as the site of a town belonging to the Company, enough cannot now be found for wharves, basins, and roads at that harbor?—I do not know who the land belongs to on each side; but my opinion is, that the ground laid out for basins and wharves is extremely limited. Basins cannot be extended in a circular form; but only in a longitudinal direction, according to the plan at Gravelly Bay Town; the width for basins and wharves is only 218 feet 8 inches over all.

[By Mr. Merritt.]

90. On what levels does this detention occur? I have seen upon Partridge's level, near lock 3, early in the morning, the water reduced fully a foot; if vessels should pass at that time, they would be sure to be detained.

91. How often and how long have you known vessels detained on that level? I cannot refer to that level particularly for detention of vessels; but I have observed the water more than once reduced during the month of July last upon that level.

92. Do you not know there is a positive order of the Board not to reduce those waters more than an inch below water mark?—I am aware of the order, and of the extreme difficulty that lock-keepers sometimes have to comply with it; for instance, betwen locks No. 2 and 3, where a saw-mill is erected at each, if both mills go at the same time, each requiring an equal portion of water, the levels will remain uniform; but whenever the upper mill stops, the levels become deranged, which requires constant attention of lock-keepers, although no vessels are near, during the night, no lock-keeper is in attendance.

93. Do you think any preference is given to the mill owner as being a Canal Director?—I think none whatever.

94. Had you not the whole power to enforce these regulations without refetence to the Board?—Certainly, since the month of August last, I considered that all the overseers upon the canal were placed under my directions. But it was the special duty of John Vanderburgh, according to a resolution of the Board, dated 15th May, 1835, to superintend the passage of vessels through the locks, and to observe that lock-keepers attended to their respective duties.

95. If they do that, is there not an order, on complaint of a lock-tender, to close up those mill races?—I have not seen the order, but I believe it exists.

96. Do you know that a hundred or hundred and fifty acres of land is sold by Mr. McDonald & Co., at Allenburgh, as stated by Mr. Mackenzie?—I know nothing about it.

97. Do know of my having purchased any part of this property, of the Welland Canal Company?—I know nothing of those transactions.

98. Do you know from whom I purchased the land at Port Colborne, as referred to by Mr. Mackenzie in question No. 89?—I do not.

99. Is there not a chain and a half in width on each side of the canal above the lock, left for canal purposes and all below?—I think, as far as my recollection serves me, from an examination of the place, there is less land allotted on one side than upon the other—there is 78 feet, 8 inches upon the east side, and 80 feet upon the west; allowance of canal, 60 feet; but 15 feet has since been added to the canal surface and taken from the west bank; there is abundance of room below the lock, upon the eastern side of the canal, but it is limited to 33 feet between the canal water and mill upon the west side.

[By Mr. Mackenzie.[

100. Do you remember that when you and I went up to see about a stoppage on the canal, that Boylan, the lock-keeper told us, he never had seen or heard of any printed regulations about the saw-mills?—I remember it distinctly, and immediately sent him a copy of the regulations, which was the first copy that I had seen.

101. Did you ever know that any mill owner was fined by the Board for neglect of orders with respect to low levels above his mill?—None has come to my knowledge, but complaints have been made at the office, by lock-keepers.

[By Mr. Merritt.]

102. When was Boylan put in charge of his locks?—I am not aware of the date of his appointment.—But from the minutes of the Board, dated *May* 15th, 1835, (a copy of which was furuished me,) it appears that Boylan was then a lock-keeper for four locks at Thorold.

103. Did you know of any man having been fined on the line of canal; or any difficulty occuring in consequence of disobeying of orders?—I do not recollect of any lock-keeper having been fined, but they have been discharged for inattention, as in the case of Bonar and Hanning at the saw-mill lock, or No. 7.

[By Mr. Mackenzie.]

104. Has not Mr. Keefer got possession of a very valuable mill seat on the canal, with the water conveyed to his mill to turn four run of stones, and for which he pays no rent at all?—He has; I understand he pays no rent.

[By Mr., Merritt.]

105. Do you know the circumstances under which Mr. Keefer became in possession of that mill seat alluded to?—There was an order of the Board to grant a mill privilege at Thorold to the first person that erected a mill there without rent for an indefinite period.

[By Mr. Mackenzie.]

106. Can you state what mill privileges Mr. Merritt and other Directors, hold on the line of canal?—The first erection on the line is Mr. Butler, a grist and saw-mill at lock No. 3; Mr. Merritt at lock No. 4; Allanburgh mills by Messrs. Yates, McDonell, Creighton & Co.; Gravelly Bay, by a Company, I do not know for certain, but I think Mr. Merritt is connected with it.

107. Do not the saw-mills, by saw-dust and other obstruction, impede the passage of schooners on the canal, from time to time, to the injury of the navigation; and does not great carelessness prevail on the part of the saw-millers?—They occasionally do, and great carelessness does prevail on the part of the saw-millers. The water does not return to the canal at Dunville, Marshville or Port Robinson mills.

108. Is it for the interests of the Company that the President and Canal Directors should hold, as leases or otherwise, the most valuable mill sites and water power privileges on the canal, or that they should be interested in such leases or water power?—I think it would be better they had not, as no blame would then attach to them for deficiency of water that may occur or upon any mill regulations that may be made.

109. Have any bad effects resulted from the present system of rafting lumber and saw-logs on the

canal?—No bad effects that I know of, but the occasional delay in the passage of vessels; I am not aware of the present price of saw-logs, but think they pay 4d. each, the printed regulations will shew. I have not a copy with me.

[By Mr. Merritt.]

110. Do you know the price paid for water power, and the system on which they are let on the line of Canal?—I do—my general report states the price paid for each grist and saw mill on the line of the Canal is $100 each upon a ten years lease.

111. Do you consider the price paid for this power ample?—I think it is low enough for grist mills, but too low for saw mills, in proportion to water consumed. Marshville mills are as well constructed as any upon the Canal line; the grist mill, with a head of two feet and aperture of 100 superficial inches, requires a supply of about 500 lbs. weight of water per second; the saw mill, with a head of 6½ feet and aperture 192 superficial inches, requires about 1,300 lbs. per second,—the proportion, therefore, is nearly as 5 to 13.

112. Do you know whether the Directors are desirous of disposing of those situations, and to procure erections?—Yes; I believe they are. Several new leases are now in execution for mills at Dunnville, and other parts of the Canal line.

113. Are the Directors owners of any of the saw-mills referred to?—Messrs. Yates & Co., at Allanburgh, I believe, are the only owners of saw-mills upon the line connected with the Directory.

114. Is the rate of tolls on saw logs lower than on the Erie Canal for same distance?—I am not aware of the rate of saw logs upon the Erie Canal.

115. Are saw logs brought through the entire line of Canal to lower saw mills; if not, what is the reason?—I do not think I have observed any rafts below Thorald's mills. I do not know the reason, unless it be the delay and expense attending the Mountain Locks.

116. What are the description of mills owned by the Directors, which you say they are concerned in?—Mr. Butler's saw and grist mill; Messrs. Yates & Co.'s grist-mill, (two run of stones,) saw-mill, (two saws,) carding-mill, fulling-mill, lath-mill, and shingle saw. Mr. Merritt, Gravelly Bay, has a grist-mill, propelled by steam or water; also grist-mill at St. Catharine's.

117. Do you know of any instance where the Company have been injured by any Director holding an interest in any mill?—I am not aware of any.

118. And do you think those extensive grist-mills would have been erected without aid of the Directors?—I scarcely think they would, at least for some time after the opening of the Canal.

119. Will they not bring a much greater revenue to the Canal, in the transit of wheat and flour, by the erection of those mills in toll, than the value of the water power?—The grist-mills must increase the revenue, because they must carry their wheat from a distance, and, consequently, pass through the Canal to the respective mills. I can see no objection to grist-mills upon canals, under proper regulations; but I am not of the same opinion as to saw-mills.

[Witness withdrew.]

Saturday, 27*th February*, 1836.

Committee met,

PRESENT.

James Edward Small, Esq., *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Shaver,
Solicitor General, &
Thorburn—8.

Mr. Hall *again called and further examined.*

[By Mr. Mackenzie.]

120. Have you examined the locks built by Oliver Phelps as contractor and superintendent, did he do his duty as a contractor and so as to merit the large additional payment made him beyond his contract, or did he neglect that duty, and if so, what bad results have ensued or are likely to ensue?—I have, the particulars are detailed in my general report. The injury to the works from the apparent deficiency of the workmanship cannot well be estimated, they cause a constant re-construction during the winter when such works should not be attempted.

[By Committee.]

121. When were these locks built?—About nine years since.

122. If the locks are well constructed, how long ought they to stand?—About 10 or 12 years above the water, but below the water, they will be more durable.

[By Mr. Mackenzie.]

123. Have you ascertained that Mr. Phelps employed a number of persons as sub-contractors at low prices to build these locks, and afterwards charged and was paid a far larger price than his contract without allowing all those persons their proportion of that increased price?—I understood from Mr. Squires that he had done so, but never from Mr. Phelps.

124. Was you present when about the commencement of the Deep Cut excavation a well was dug to try the foundation, and if yes, what was the result of the experiment?—I was shortly after, I observed the pit nearly filled with water—the workmen informed me when the water commenced to rise, they were obliged to retreat as fast as possible.

125. Had judicious precautions, founded on that experiment been taken, is it not reasonable to infer that the great loss sustained by the Deep Cut caving in might have been prevented?—I cannot say, because the line of the canal was afterwards varied from where the pits were sunk.

126. Are you aware that the earth taken out of the Deep Cut by Phelps, was placed a reasonable distance from the margin of the canal, or do you

consider the neglect of the contractor in that respect, a probable cause of the slides?—I consider that the earth in most places has been placed too near the margin, but am not aware under whose contract—this neglect is one cause, but springs in the banks and want of surface drainings are the principal reasons in my opinion of the slides, connected with quick sands near the bottom of the cut.

127. You have been residing at St. Catharines for some time, are you of opinion that Mr. Phelps is a person likely to be able to pay £7,558—the sum for which he is entered as a defaulter in the Company's books?—I do not personally know any thing of Mr. Phelps' private affairs, but I understand he owns considerable property in the neighborhood of Saint Catharines, in the shape of mills, houses and lands, as to their value I do not know.

128. Were not Mr. Phelps' mills at Drummondville, now owned by Hezekiah Davis, built upon a lock erected by the Company for the benefit of the navigation in descending from the level of the Grand River dam to the natural level of the river?—I know that Mr. Davis has mills at Dunnville, but do not know who they were built by—I know nothing of the lock, it never was pointed out to me or brought under my consideration.

[By Mr. Merritt.]

129. You have given your opinion and made an estimate of the locks on the line of canal built by Mr. Phelps, did you make your estimate of that value from the specification of Mr. Lewis, if so, what is the length of the chamber according to that specification, and what quantity of iron is in the gates?—I made my estimate from Mr. Lewis' estimate—the length of the chamber is 100 feet by 22 feet—I do not recollect the quantum of iron in the gates—I likewise examined all the documents relative to that subject that could be found in the canal office, my reply to Mr. Mackenzie's letter contains the result of that examination.

130. Do you know whether the locks are built according to Mr. Lewis' specification or not?—I think Mr. Lewis' specification referred to a model, which I have not seen. I think the present locks are all 110 feet within the chamber, with the exception of the lock at Gravelly Bay which is longer; particulars will be found in my general report, and therefore I cannot say they were according to Mr. Lewis' estimate.

131. Have you examined Mr. Barrett's estimate of the locks from the actual measurement?—I think I must have done so, otherwise I should not have placed his statement of it in my special report upon that subject without mentioning errors.

132. Was Mr. Barrett's estimate correct or not? I cannot say positively; but I think his calculations, founded upon that estimate, must be correct.

133. How many locks were built by Mr. Phelps on the line of Canal—how many have ever broke under the mitre sill, or at the foundation?—I think he had the contract for thirty-three locks—only one, to my knowledge, has broke under the mitre sill, or at the foundation, since July last. I never heard of any but the one having broken under the mitre sill; the engineers or overseers that preceded me, will be better able to speak upon that point.

134. You state there is a deficiency in the workmanship of the locks, to whom should the fault be attributed, to the engineer, contractor, or operator? In the first place, I do not like the design of the locks. It is not the operator that is to blame, but the contractor that employs him. The engineer and contractor are the responsible persons; if the engineer passes a work that is deficient, then he is responsible.

135. Do you understand from that, Mr. Phelps got an increased price on those locks, over Mr. Barret's estimate?—I understand he got 3116,412. It does not appear to be equal to Mr. Barrett's estimate, some waste wiers not being required.

136. Do you know what depth they sunk those shafts, before coming to quicksands?—It occurs to me it was about the bottom level, but I am not quite certain.

137. Do you know that a well was dug at each end of the Deep Cut prior to the commencement of the work?—I have no recollection about the wells.

138. Has a single slide on the Deep Cut from end to end arisen from placing the earth too near the banks?—I do not recollect of having observed any of those slides with extra excavation upon their surface.

139. Is Mr. Phelps a defaulter to the Company?—I know nothing of that question.

[By Mr. Mackenzie.]

140. Has Mr. Beaton been employed as a confidential clerk of late by the Welland Canal Company, and have you had opportunities during the last eight months of observing his habits—Is he or is he not in the habit of being under the influence of strong drink and unable to attend to business for weeks, and is not the business of the canal injured thereby?—have the goodness to state to the committee such facts as come under your personal observation while acting for the Government Directors as Engineer in that respect. He has been so employed. There were particular periods when I did not consider Mr. Beaton capable of discharging his duty to the Company. I have seen Mr. Beaton in that state for days when he could not transact public business.

141. Do you remember what situation Mr. Beaton was in, about the time when the difficulty took place about the Company's books?—I do. He was in such a state that he could not regularly attend the office. It appeared to me from intemperance, although I never saw him drink liquor in my life.

142. Did Mr. Clark ever complain to you or to others, to your knowledge, that after the books were taken from the officers, he found Mr. Beaton transacting business in the canal office without his consent, and that although he complained of this to Mr. Merritt, he (Mr. M.,) upheld Beaton and ordered him to continue to act in the office, independent of the Secretary?—I remember it distinctly during the time the books were taken away. Mr. Clark mentioned the circumstance as having occurred previously.

[By Mr. Merritt.]

143. How long was Mr. Mackenzie at the Canal Office?—I can only say he was there from the 1st of July, to about the middle of October; I think he left St. Catharines upon the 24th October for Quebec.

144. Did not Mr. Beaton attend to him with great diligence until Monday, 24th October?—There was about a week that Mr. Mackenzie and I had the office to ourselves.

145. How long was Mr. Beaton absent?—I cannot say how many days.

146. What time was it that Mr. Beaton was unable to come to the office and how long?—I think it was before or about the 24th of October. There was a number of days about that time, but I cannot tell exactly.

147. What day was it that Mr. Mackenzie examined Mr. Beaton's desk?—I cannot say positively, but think it was Monday, 19th October; my minutes state that I visited St. Davids upon this date. It was upon the same day I returned from St. David's.

148. Who opened Mr. Beaton's desk and who was present?—So far as I can remember, there was Mr. Mackenzie, myself, and you, present in the committee room when a conversation arose about some papers, which Mr. Mackenzie supposed were in Mr. Beaton's desk; you authorised Mr. Mackenzie to open or break open the same, if Mr. Beaton refused. We all left the committee room, and Mr. Mackenzie and I proceeded to the clerk's room, where, shortly after, we found Mr. Beaton, who opened the desk; during the examination of the papers you returned.

149. Do you consider Mr. Beaton a competent book-keeper?—So far as I am a judge of books, I consider him to be highly competent.

150. Do you know if ever Mr. Beaton entered a single charge in the books at the time you state him to have been intemperate?—I cannot tell—he was generally absent upon those times.

151.—In what situation was Mr. Beaton employed in the canal office?—Book-keeper, as I understand.

152. Did you ever hear that he was responsible to the Company for any monies?—Not that I am aware of. I considered him to be only responsible to Mr. Clark for what monies might be placed in his hands for payment of estimates.

153. Do you know that any loss whatever was occasioned by employing Mr. Beaton, as book-keeper?—I do not know; I never heard of any.

154. What is the character of Mr. Beaton, generally, as a book-keeper and man of integrity?—As a book-keeper, I have already answered, as to being a man of integrity, I would trust him with almost anything.

155. Did you ever know a more attentive, active and diligent person in the office?—Unless upon the occasions alluded to, I have considered him to be very attentive and constant at his duties.

156. What loss or injury could possibly accrue to the Company by the book-keeper being occasionally absent?—I cannot say.

[By Mr. Mackenzie.]

157. Would you choose to trust a man who has the habits you have described Mr. Beaton as having, with the whole of such duties as devolve on the officer who keeps all the books and accounts of a large Corporation like the Welland Canal?—I would not at those periods alluded to.

[By Mr. Merritt.]

158. Do you think a more competent man could be selected for the situation he fills in the canal office?—I think Mr. Beaton very capable of conducting the duties of his office, with the exception of the times alluded to.

[By Mr. Mackenzie.]

159. How long were the books and papers of the Company withheld from the officers and in your possession and that of the committee, by order of the Board; and under what circumstances were they returned to them?—I cannot state the precise dates, but think the books and papers were retained from the 24th of October to the 19th November, when they were returned to the Secretary and placed under the care of a member of the Board for one week, another member of the Board was to attend the second week, and a third in succession.

[By Mr. Merritt.]

160. Were the books ever in the hands or possession of myself?—I cannot tell whether they were or were not—they were never in your exclusive possession.

161. Who is Secretary of the Company?—John Clark, Esquire.

162. Are the books in his charge or in possession of the President or Board of Directors?—I cannot say what the duties of the Secretary are, but I think they should be in the Secretary's hands, subject to the inspection of the President and the Board.

163. Have not all the Directors the same access to them as the President?—The books are in charge of the Secretary, so I imagine, I do not mean exclusively, but subject to inspection, either by President or Board.

[By Mr. Mackenzie.]

164. What is your opinion of the route in the bed or bottom of the 12 mile creek by St. Catharines—was not the taking the canal 4 miles out of the line in the bottom of a ravine, a very great injury to the Stockholders and the Company?—I have explained my views upon that subject, very fully, in my general report. I think the present route is not the best that might be obtained from the mountain near Thorold, to Port Dalhousie. That a better and more direct line could be made between those points, saving from 3 to 4 miles in distance.

[By Committee.]

165. What is the effect of the canal being lengthened the 3 or 4 miles alluded to?—I can give no idea of the expense of the original, and consequently cannot tell the difference of expense between the lines, but if we can shorten the direct communication between the lakes, a valuable improvement will be made in the navigation.

[By Mr. Mackenzie.]

166. The canal is carried through Chief Justice Boulton's lands to Dunnville and thereby extended 4 or 5 miles up the Grand River, instead of terminating at or near its mouth; was not this a great waste of money, besides entailing a constant bill of expense on the Company or the country, to uphold the artificial banks now building by T. Merritt?—The feeder might have reached the Grand River by a pro-

longation of the same 3½ miles instead of the present circuitous route of 8 or 9 miles to the same point.—The saving of the difference between the 3½ miles and the 8 or 9 miles, would have been accomplished.

167. What course would you recommend to be taken with the canal under existing circumstances, taking into consideration all the facts that have come to your knowledge?—I should recommend the government to take the canal into their own hands and complete it without delay, in the most substantial manner.

[By Mr. Merritt.]

168. Did you know that the present line of canal was laid out by Engineers employed by the Company?—I have always understood so.

169. Did not Mr. Clowes lay it out and report on it?—Mr. Clowes published a report, but that it was upon that line, I am not sure.

170. Did you not yourself report on Mr. Clowes' estimate?—I did—but I think the estimate was upon another branch of the 12-mile-creek.

171. Did not Mr. Roberts also?—I do not know.

172. Did you know or hear at the time that I, either directly or indirectly influenced the Engineers in laying out this route?—I am not aware of any such influence.

173. Does not the line as now laid out answer every purpose for which it was designed?—It does very well if the locks were good.

174. Has not less expense been incurred on the part down the valley of the 12-mile-creek, from the stone lock at Centreville to Lake Ontario, than on the locks above it?—I am not aware that there has, as all the locks from 6 upwards to No. 31 have been repaired or require repair. Upon the locks below St. Catharines, no repair of consequence has been hitherto required.

175. Did you level and measure the grounds or did you make the estimate from supposed distance? I took the data for the present line of the canal from the canal sections, I walked over the ground upon the short route, and found so few inequalities as to render a level unnecessary; the distance was taken between those points from a map of the district supposed to be correct.

176. Do you know the cause of carrying up the canal five miles from the mouth of the Grand river? I understand the Government would not permit the canal to terminate nearer the mouth of the Grand River than Dunnville.

177. Did you ever hear it attributed to Mr. Boulton?—No.

178. Is not the Dam as now situated in a most excellent position?—It is in a good position as regards wasteweirs, and is well situated as to water power.

179. Could it be made in a better position as regards the works?—It could be made to accommodate the public better—I should have preferred it to be placed below, near to Grand River harbor, where direct access with Lake Erie and the Grand River would be obtained.

180. Do you think the canal will ever succeed if it remains under the present partnership, controlled by Directors appointed by the House of Assembly and private Stockholders?—I do not think it will—it should either be placed in the hands of the Government or of the Shareholders.

[By Mr. Mackenzie.]

181. Are not 3 or 4 miles additional length, out of 7 or 8 on a ship canal like the Welland, occasioned by taking a worse route—a very serious hindrance to the navigation?—Certainly; the shortest communication between the lakes is the best, where no impediment exists.

182. Does not the situation of the locks in the 12 mile Creek ravine render them much more liable to serious accidents, than if they had been placed on the favorable high land of which you have spoken? I prefer locks in dry situations if possible. Locks are liable to more accidents, and greater expense in repairing them, when placed upon wet ground, such as the bottom of ravines.

[By Committee.]

183. Is it your opinion that the hydraulics should be a separate interest from the navigation interest? I think the Canal proprietors should have the perfect command of all the mills and hydraulic privileges of the navigation, so that the Canal proprietors may stop or regulate them, as the navigation may require.

184. Is it your opinion that a lock at Dunnville would be of advantage to the Company and the country generally?—I think it would, as access would then be afforded to pass and repass by the Grand River to Lake Erie, and to the Canal by the feeder.

185. Is it your opinion that the aqueduct across the Chippewa could be dispensed with without any material injury to the Canal?—It cannot be dispensed with; but two descending locks might be placed from the present Canal near the aqueduct to Chippewa River, which would afford public accommodation from Port Robinson nearly equal to the Chippewa; by this lockage all boats, barges and vessels that navigate the Canal could then pass and repass to the head of Chippewa River navigation—rafts of timber would descend under the aqueduct as usual.

186. Have you formed any probable expense required to put the Canal and locks in thorough permanent repair?—I have made two estimates for improvement of the locks. That for the general improvement of the Canal, cut stone locks, of the best description, with cast iron tunnels, with the proper sluice gearing, will cost £117,471 8s. 6½d.—the other estimate, to be done in a less substantial way, will be £111,186. These works could be undertaken and go on without interrupting the navigation of the Canal, and comprehends new locks, waste wiers, raising and repairing Canal banks, improvement of harbors, and every thing requisite to place the Canal in a permanent situation, excepting the expense to convert the feeder into a ship navigation.

187. How much money would be required to be granted annually to complete the present works permanently?—I would recommend the whole lock expenditure to be made within two years, as then less expense would be required in rebuilding the present locks to keep the Canal open. The new locks required will cost £70,305—one half of this is £35,000

for two years, and the residue to be expended upon other parts of the Canal by the end of the third year.

188. According to your views, which do you think to be the most advantageous to the Province, to continue repairing the present works, or to adopt the least expensive of your estimates of putting the Canal in permanent repair?—I would recommend the new route, for the locks to be executed immediately. During its execution, which may occupy two years, I would repair the most defective of the present locks, so that the navigation would not be interrupted.

[Witness withdrew.]

Mr. John Leys, *Engineer, called in, and examined.*

[By Mr. Mackenzie.]

189. You have had an opportunity of trying the Steam Dredge sent in by Mr. Yates—what was it worth for that purpose to the Company?—I did not see it in operation. I do not think it qualified for dredging. I do not think it has sufficient power. My opinion is, it is worth nothing as a dredging machine.

190. How much do you consider that the "*Sir Walter Scott*" was worth to the Canal Company for a Dredging Machine?—She has never been converted into that as yet. I do not think it possible to convert the Sir Walter into a Dredging Machine.

191. Is Mr. Wm. H. Merritt an owner of the Sir Walter?—I have always understood he was one.

[By Mr. Merritt.]

192. What price was paid for the engine on the Sir Walter Scott?—I do not know.

193. What did the boat cost, including the engine?—I do not know.

194. Do you think that engine and boat (if it had all the necessary apparatus for dredging) could be converted to that purpose?—I think the engine, if the apparatus for dredging was furnished, would answer the purpose of a Dredging Machine. The engine was a good one, and has sufficient power.

[Witness withdrew.]

Mr. Mackenzie *again called, and further examined.*

[By Committee.]

195. Have you any specific allegations to offer in support of No. 10?—

Independent of the $10,000 borrowed from the Tolls, by the aid of their notes, Captain Creighton borrowed, September 1, 1834, from Tolls, £100—and he borrowed, February 4, 1835, and gave his note for other £164 14s.—on 3d May, he borrowed other £97 4s. 9d. None of these loans appear on the Company's books, although made from its funds, nor was there any order of the Board for them, and the debtors of the Company had to wait to accommodate the Captain. On the 6th of August last, the day my investigation commenced, the Captain paid up. See petty leger, p. 49, &c. I have already mentioned that Beaton entered the interest on these loans to the Company's credit. The last entry he made in the cash journal, before I left for Quebec, was £15 18s. 11d. But the transactions out of which this sum of £15 18s. 11d. arise, nowhere appears on the regular books, and, indeed, they could not, for they were improper and unauthorized. On enquiry, I learn that £170 5s. 4d. of these last loans was borrowed for Alex. Y. M'Donell.

It will be seen that the officers kept their personal accounts mixed up with the public transactions of the corporation in a very reprehensible manner. Mr. Merritt, too, while Agent to the Company, was a forwarder of goods,—a practice which I have shewn to be prohibited in New York State by a positive law.

Some of the letters I annex hereto in explanation.

St. Catharines, *July 10th*, 1833.

Robert Randall, Esq.

Dear Sir,

There is an order of the Board, authorizing you to keep an account with various individuals, of whom I am one.

You will charge me with all Tolls passing in my vessels, or on my account—it is not on my individual property or the individual property of any other person whose name is mentioned—the consideration was, the Company's being indebted to those individuals.

Your's,

(Signed) W. H. MERRITT.

Mr. Treasurer Creighton to Mr. Secretary Clark.

Clifton, *March* 19.

My Dear Sir,

Our Posts arrive late at night, and are off at day-light every other day, so that our letters often remain four days unanswered—such is the cause of not replying to yours before.

I really did suppose Mr. McDonell had paid up the loan before this, finding he has not, I will settle it by drawing for it, as you ought not to suffer for your kindness. The Commercial Bank has given me a credit for £1,000 on Mr. Yates—but having proposed better terms to ourselves than those given, I only wait their answer from Toronto, when I will liquidate, with many thanks, the debt to the office.

Sincerely yours,

(Signed) OGDEN CREIGHTON.

The same to the same.

St. Catharines, *April* 2, 1834.

Dear Sir,

For travelling and other incidental expenses, I have been at an outlay that has inconvenienced me for the present. May I beg, therefore, you will be so kind as submit to Mr. Merritt whether he can oblige me by the loan of £100 for two or three months. Should the Company require it to be paid within that period I shall be ready to do it.

Yours faithfully,

(Signed) OGDEN CREIGHTON.

John Clark, Esq.
Sec'y. W. C. C.

(Endorsement.)

I would recommend your obliging Mr. Creighton with the within.

W. H. MERRITT.

The same to the same.

CLIFTON, *August* 20, 1835.

My Dear Sir,

Your enclosure, acknowledged as correct by Mr. McDonell, shall be presented to Mr. Yates to know his pleasure thereon—I cannot name any definite period when Mr. Yates will find it convenient to pay up the remainder of the loan to him, but I have reason to think, from his last letter, that he will in a short time be here to answer for himself.

Very truly yours, in haste,
(Signed) OGDEN CREIGHTON.

The Treasurer to the President.

CLIFTON, *(Tuesday evening,)*
June 16th, 1835.

My Dear Sir,

I saw Mr. Ridout last evening, and presented him Mr. Yates' two drafts—he told me there was no necessity for putting them in the Bank, as it was well understood by the Board that all Mr. Yates' business would be satisfactorily arranged to-morrow (Wednesday). It was put off last Wednesday in consequence of a press of other matter before the Board. When this shall be effected we can pay you up the whole $10,000 if required—but until Mr. Ridout satisfies Mr. Yates and he desires us to do so, we cannot move in the affair. I wrote to him by the United States Steamer, to send me authority, and the Captain promised me he would mail the letter to-morrow at two (Wednesday). Mr. Y. will get it Thursday morning and will reply in three days. In the mean time I left a check at Lockhart's, for Mr. Clark for £500, which I hope will keep you going for a few days. Clark will wait at Toronto to know precisely whether the draft for £7,000 has been negotiated.

Very truly yours,
(Signed) OGDEN CREIGHTON.

CLIFTON, *July* 8th, 1835.

My dear Sir:

By Mr. Yates' desire, I am to pay to the Welland Canal Company, the sum of £1,000, in addition to the check for £500, which was dated the 17th ult., making, together, £1500. I now enclose you a check for £500, and will let you have £500 more next week if you like. Mr. Yates stopped all discount at the Banks, in his name, as he will pay up all he owes without going into Bank; he, consequently, requested me to get back the two notes in your possession. as they are virtually useless—will you, therefore, please send them when you send for the remaining £500 to me. We shall soon be in funds to meet every thing, I hope.

Your's faithfully,
(Signed) OGDEN CREIGHTON.

There is also a loan to Keefer, entered in the petty leger; and in the 118th page of that leger, I find that Mr. Robert E. Burns, the lawyer, received a loan of £178 13 5 of the funds of the Company, without any authority of the Board of Directors, and that Messrs. Clark and Beaton collected $16¾ of interest for the same, from Burns, which is entered on the petty leger, as if the interest had been carried to account. Mr. Beaton, who keeps a cash book, in which his own and Mr. Clark's transactions are recorded, entered the interest collected from Burns, in that book, and when I perceived the £15 18 11 entered in the cash journal, I looked back some time, to see if the $16¾ was also entered in it, as it was a much older transaction; but found that Beaton had not made any such entry. There is also a loan to Mr. Butler entered on the petty ledger, but I see no authority quoted by the officers for making it from the funds of the Corporation. What would be said of the officers of the Bank of Upper Canada, if they were to loan the Bank funds without consulting the Board?

196. What facts are you prepared to adduce in support of charge No. 27?—This loan seems to have been contracted to pay Mr. McDonell's and other private debts, and as a fund for other purposes; 60*l.* went to Mr. Merritt. On the 31st July, 1834, $536 of it went to retire A. McDonell's note to W. H. Merritt, endorsed by O. Creighton, Commercial Bank. $400 of it was paid to Mr. Burns. Mr. McDonell's debt to Ferrie & Co. was paid, £50. James Fitzgerald, for McDonell got £84. Other £757 12 6 of it went to the Bank of Upper Canada, in September, to retire McDonell's paper there. On the 16th September there was a note in favor of J. B. Yates of £176 5s. A. McDonell had £75 out of the Tolls. In September, 1834, they had the $10,000, all out of the funds of the Canal. On the 1st of June, 1835, there stood a balance in the petty leger, as "Loan to J. B. Yates," the amount being £3,443, and on June 19. Mr. T. Dalton had £17 5s. from the same concern.

(OFFICE COPY.)

ST. CATHARINES, *June* 10th, 1834.

WM. H. MERRITT, Esq.,
President, &c.

Dear Sir:

In the arrangements required to be made by me consequent upon my agreement with the Company, a large sum of money must be paid by me, and if it can conveniently be done, I would be happy to receive from the Company the sum of £2,500, for which I will give my obligations to pay whenever it shall be required by the Company. This advance will be mere temporary arrangement, for which interest will be paid.

I am, very respectfully,
Your obedient servant,
J. B. YATES.

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197. What have you to offer in support of charges 28 and 29?—The expenditure in constructing and repairing the wooden locks on the Lake Ontario side of the Deep Cut, cannot be correctly obtained, by reference to the obscure, ill-arranged and irregular records of the Canal Office. Mr. Wenham established an excellent system for classifying expenditures, but it cost some labour and was (as well as for other reasons) abandoned. Phelps's bill was about $120,000; his additional contract for the Deep Cut locks after the slides, with the timber, would be about $6,000; there is also the Gravelly Bay lock, and the costly alteration in it; the repairs of locks by the commissioners in 1833; the repairs by the Company 1827 to 1835; pumping water out of lock-pits; embankments; excavation of the lock-pits; repairs of the ship-lock at Port Dalhousie, and a great variety of miscellaneous charges scattered through the estimates of several years. Last May and June we voted about ten thousand dollars for lock improvements, and two of the locks so attempted to be mended are already in ruins. Some well informed persons calculate the locks expenditure at $170,000; others attempt to shew that it has exceeded $200,000. The expense of lock tending, engineers, and repairs is greatly increased by the use of wooden locks—they are continually getting out of order. Not so with

stone locks, well attended to—once completed they endure for ages. In nothing are the locks built by Phelps's sub-contractors more deficient than in the puddling, an important process, respecting which better rules and regulations ought to be copied. The engineer has been very particular in his report concerning the state of the locks; I also have sought as much information as the Company's books and papers would afford, relative to the original cost, the materials used, the expense of repairs, their durability, and the charges for tending and probable cost of renewing them:

The first cost of all the locks on the Welland Canal was about $175,000—they are chiefly made of wood. From Mr. Hall's report, added to my own observation, I am convinced that the whole of them will soon require to be renewed; some of them are now in ruins. The charges for tending them are much higher than would be the case if there were substantial stone locks—the expense of repairs and renewals is enormous—the cost of renewing locks may be learnt from the Engineer's estimates—and the documents and facts I have collected and arranged for the use of the Legislature, have confirmed my opinion that in the disposition of some of the original contracts, favoritism, and a desire to lavish the funds on particular individuals influencing the management, were the guiding principles of the Board, and that by this means the public have suffered deeply and the best interests of the canal been sacrificed.

When the 34 locks were proposed to be let out by contract in October, 1825, the proposals were numerous—the excavation, embankment, puddling, and grubbing, formed no part of that agreement. Some persons offered to contract for $1,800, others for $1,850, and so up to $4,000. The offers were numerous.

Maxfield, $1,800 to $1,960.
Withey, Ward, Sayre, and Co. $1,950 to $1,975.
Brown and Taylor, $2,900 to $3,000.
Hayward and Pearce, $2,650.
Brundage, $292 per foot lift.

Extract from the Minutes of the Welland Canal Company.

26th October, 1825.

PRESENT.

Messieurs. Allan,
Keefer, and
Merritt.

Many proposals were delivered in for the construction of the locks, and some on lower terms or for a less sum than the offer accepted, but from the character and responsibility of the Company, as well as the importance of having this work properly and faithfully executed, the Board decided on letting the whole to Messrs. Beach, Hovey, Ward and Phelps, at the sum of £550 currency for each lock.

The following extract from the Journals when compared with these details, will shew how successful Mr. Phelps was in deceiving the country, as to his and Keefer's lock jobs:

HOUSE OF ASSEMBLY,
Monday, Dec'r. 5th, 1825.

The Committee met.

Mr. ATTORNEY GENERAL ROBINSON in the chair.

OLIVER PHELPS *called in and examined.*

Are you a contractor for any part of the Welland Canal?—I am a contractor for all the locks from the Welland to Lake Ontario, exclusive of the lock at the harbor at the mouth of the 12-mile-creek. There are 34 locks, and I have taken them at $2,200 per lock, which will complete them in the very best manner, entirely of wood.

Why have you not undertaken the lock at the harbor?—It was commenced and put under contract before I came in.

What are to be the dimensions of the locks?—Twenty-two feet in width and one hundred feet in length—(the chamber of the lock.)

Have you been asked to estimate what would be the increased expense of making all the locks thirty-six feet wide in the clear?—I have. I think it could be done for $20,000, including the excavation—thirty-two feet in breadth for about $16,000. I am sure it would not greatly differ from that.

Would any addition to the length be necessary for steam-boat navigation?—I think not, for a steam-boat of 150 to 200 tons, well proportioned. From the greater space required for opening the gates of the locks when widened, an additional length of about six feet would be advantageous. The charge for the additional length would be in proportion to that for the whole length of the side, and might occasion an additional charge of about $3,000 for the whole.

The contract for the locks was entered into on the 4th day of January, 1826, with Oliver Phelps, Smith Ward & Co., and John Legg. The locks were to be built of white oak and pine agreeable to a certain model; the size was 100 feet by 22, the price $2,200 per lock, or £18,700 for the whole 34 locks, which sum was fully understood to be to complete and finish them all. One-fourth of the contract price was to be retained, to ensure the fulfillment of the contract by the 1st of April, 1827.

To this contract the seal of the Company is attached, and it is drawn out, witnessed and executed in a business like manner, and altogether different from the slovenly and imperfect documents now in use.

It appears by the Company's books, that at the period when the contract was to be completed (1st April, 1827,) little more than a quarter of it had been fulfilled. The Company allowed Phelps at the same time to be a contractor for all the locks and for the Deep Cut; contracts of $300,000 value and which ought not to have been given to one person.

By the contract of 1826, five hundred and fifty pounds were to ensure the completion of each lock, and for the 34 locks the price was to be $74,800.

I find, however, the following estimate by Barrett, in 1828:

"*Estimate of thirty-four locks, Welland Canal.*

"OLIVER PHELPS, Esq., *Cr.*

"To 2 locks below St. Catharines at $3,691 each,	$ 7,382
"To 28 locks above St. Catharines at $3,434 each,	96,152
"To 4 locks on rocks, at $3,184 each,.....	12,736"

So that Messrs. Phelps, Geo. Keefer, and whoever else may have shared the profit of building the miserable patch-work called the locks with them, had paid them in cash $116,270 for building the 34 locks Phelps had engaged to build for $74,800—the difference being $41,470.

On the 13th day of June, 1827, Oliver Phelps applied to the Board of Directors to have the lock contract continued to him alone, and that Messrs. Smith, Ward, Hovey & Co. might be relieved from their share and responsibility in it. This was agreed to, and Phelps became the sole *nominal* contractor in the place of his friends who had brought him into

the country, and whose ruin was so speedily consummated. Phelps, as I have shewn, conciliated Keefer, the Director and Ex-President, by giving him a large and lucrative sub-contract. The proper course would have been to let out the locks under the supervision of careful engineers and superintendents—three or four locks to one contractor—two or three to another, and so on, according to their means.

The Directors of the Chesapeake and Delaware Canal, in their report to the Stockholders, 1826, thus state the results of their experience of very large contracts being given to one man :—

"The Board were now convinced of the error of committing so large a contract to an individual. Experience had taught them, that it was not safe to surrender so considerable a portion of the interests of the Company into the hands of one man, who, should he prove incompetent, intractable or faithless, could cause them much provocation and anxiety, and even mar some of their best efforts for accomplishing the duties assigned to them. By parcelling out the work to several, the failure of one would be attended with little comparative injury, and that injury could be more speedily repaired."

MINUTES OF THE BOARD OF DIRECTORS.

PRESENT

Messieurs Dunn.
J. H. Boulton.
Robinson.
Col. Wells.
D'Arcy Boulton, and
Keefer.—6.

The Directors particularly called the attention of Mr. Phelps and the Engineer to the state of the locks, and urged the necessity of a more strict regard thereto, and that they will not consider Mr. Phelps in the slightest degree relieved from his responsibility in that respect from the circumstances of his recent contract.*

(OFFICE COPY.)

CANAL OFFICE,
St. Catharine's, Sept. 23, 1835

To FRANCIS HALL, Esq.,
Engineer, &c. &c.

SIR,

In the course of my investigations into the expenditure of this corporation, I perceive, that in 1826, a contract was entered into with Oliver Phelps and others to furnish timber, iron, and other materials, and construct 34 locks, 100 feet by 22 in the chamber, agreeable to a model said to have been in the Canal Office.

The price for the whole was to be $2,200 per lock in full of workmanship and materials, and the lock pits were to be excavated by the Company. Marshall Lewis was to be the superintendent, and I perceive that another master workman of the name of John A. Benjamin was also employed to give an estimate of the work to be done on each lock, and that many thousand dollars have been paid to the contractor on this contract, over and above the stated price, although the locks were sub-let, and the work very badly fulfilled, long after the period agreed on. I am desirous to learn from you, officially, the regular and fair prices of the materials and the workmanship, taking Benjamin's and Lewis's estimates of such materials as your guide as to the quantity; and the regular and usual prices paid at the time, as shewn in the Company's books, as the rates to calculate by. I would also like to be informed of the sum which ought to have been paid to a contractor for a lock 100 feet by 22, say for each of the four locks built by Phelps after the slips at the deep cut, the timber being furnished him, as was the case, although the plain reading of the contract appears not to have warranted such a course.

I am,
Respectfully yours,
(Signed) W. L. MACKENZIE.

* Meaning that for the Deep Cut.

ST. CATHARINES, *Sept.* 23, 1835.

To W. L. MACKENZIE, Esq., M. P. P., &c. &c.

SIR,

In reply to your communication of this date, I beg leave to submit the accompanying statement, being *first* an estimate founded upon a particular specification for locks upon the Welland Canal by Mr. Lewis. The prices of timber, iron, &c. are taken from the current rates of that date. Total expense of lock by that specification is $2,058 51.

Secondly, comparing this estimate with the quantities exhibited by Mr. Benjamin, in his report, dated 20th June, 1827, of materials *delivered* and *required* for locks, from Nos. 5 to 30, it will be observed that the total expense of a lock by this estimate is $2,329 89.

Thirdly, the expense of a lock of the ordinary dimensions for 100 feet by 22 within the chamber, timber being provided, according to the above data, is $1,103 32, and tenders have been received by the Company to execute a lock, all the materials provided, for $1,250, exclusive of earth work.

The expense of a lock, according to contract with Mr. Phelps, is $2,200, this contract comprehends 34 locks, equal to.....	$ 74,800	
Upon two of these locks, 32 feet wide extra estimate.....	2,100	
Total of 34 locks, according to contract.....	76,900	
Extra work, recommended by Mr. Thomas, Principal Engineer, dated Nov. 1826, £5,991 2s. 11d., equal.....	23,964	59
Less, 4 Mountain Locks founded upon rock.....	1,000	
Total of Lock work, according to contract.....	99,864	59
	$	cts
Mr. Barrett's final estimate of the above.....	116,412	44

Excess, above estimate, per contract 16,547 dollars and 85 cents.

The sum of $116,412, ultimately paid for these locks, has been extremely liberal, and this extra expenditure might have been considered as well applied, had the work been executed in a substantial and faithful manner; but taking into consideration the great deficiency of workmanship generally existing, a destitution of treenails and ordinary fastenings, in the mountain locks, my opinion is that the extra expense has not only been a total loss to the Province, but has involved an expenditure in repair that cannot easily be calculated.

Sir,
I have the honor to be,
Your very obedient servant,
FRANCIS HALL.

After Mr. Hall had sent me the letter I have already laid before you, he handed me the following memorandum concerning Mr. Squires' portion of the Phelps locks:

Lock Contract by Phelps, Notes by the Engineer.

"Mr. Squires states that upon his taking the sub-contract under Mr. Oliver Phelps for building four locks at Thorold, he was to receive from Phelps, for each, the sum of $1050, all timber, iron, and other materials to be found by Mr. Phelps, also one or two yoke of oxen, if required. For said sum of $1050, Squires was also to construct a waste weir to each lock 40 feet wide, all materials being provided, but as no waste wiers were required by the Engineer upon either of these four locks, Mr. O. Phelps deducted from Squires the sum of $50 for each waste weir. Keefer supplied the timber. Previous to this deduction of $200, O. Phelps agreed, by a memorandum in his books to give Squires $50 extra upon each of his locks, or $1,100 in all for each lock, in consequence of extra work done by Squires beyond his original contract, this Phelps has hitherto failed to do, besides reducing the contract price to $1000 for each lock, notwithstanding that Phelps received from the Canal Company for building each of these locks the sum of $2,200, besides $1,300 and upwards upon each lock in addition to his original contract. All the above, Squires is ready to confirm."

I have already shewn that Mr. Phelps had assured a committee of the Assembly that $2,200 would complete each of the 34 locks in the very best manner, and even at that it appears he made a profit.—After all, he did his work in a disgraceful manner, and by a charge of which the following is a detailed

copy, saved thousands by a job, which, after much labor and money has been wasted on it, is now fast going to ruin.

The original of the following is in the hand writing of Phelps.

"*Estimation of the expense of a Lock agreeable to the calculation made on Marshall Lewis' specification.*

9,852 feet string pieces, flooring and back timbers, ...*at* $9	$ 886	68
15,828 of face and other square timber, ...*at* $10	1582	80
6,720 feet round ties, ...*at* $3	201	60
800 feet sheet piling plank, put in, *at* $2	16	00
600 feet inch boards, put in, ...*at* $1	6	00
800 feet gate plank, worked in, ..*at* $2½	20	00
3,680 feet of plank in bottom, worked in, ...*at* $2½	90	00
2800 lbs. lock irons, ...*at* $12½	350	00
4 paddle gates, cost at Black Rock, ...	200	00
Transportation and duties, ...	28	00
4 step irons and gudgeons, ...	11	00
300 lbs. spikes, ...*at* $14	42	00
Add for the extra expense in laying up with long braces, ...	50	00
	$3484	08

I afterwards wrote and sent the following letter to Mr. Phelps:

CANAL OFFICE, ST. CATHARINES,
September 23rd, 1835.

MR. OLIVER PHELPS,

Sir:

In my examination of the accounts of the Welland Canal Company, I find matters connected with your extensive transactions, which appear to me to need more explanation than I am able to obtain without referring to yourself—I therefore wish you to step over to the office, where you will be detained a very short time.

Your obedient servant,
W. L. MACKENZIE.

I had some conversation with Mr. Phelps, which in no respect altered my opinion, which is, that he ought to refund the $30,000—The first contractors for the Deep Cut were Ward, Hovey & Co. In the report of the Directors, understood to be by Dr. Strachan, they are described as "well qualified for the undertaking," and such must have been the opinion of the Board, for Clowes offered to contract for 16 cents, while Hovey & Co. asked 25. Mr. Clowes accused Mr. Merritt with being a party concerned with them—this they denied—and Mr. Clowes, senr. was then discharged. Hovey had also £696 allowed him for expences incurred in preparing to tunnel the Deep Cut. Speaking from memory only, I would say that more than £40,000 were paid these contractors.

During the first twelve months after the Canal was organized, £250 were paid in by Mr. Hovey as a stockholder, while only £369 13s. 9d. were paid in by all Upper Canada besides. Hovey & Co. at length became embarrassed; Ward died, as it is said, of vexation; and Hovey returned to the States. Their capital stock payments were returned to them at the settlement, in all £3,562, and Oliver Phelps, who then had the contract for nearly 40 locks at the time, made strong efforts to get the Deep Cut contract out of the hands of the original contractors, although they were his friends, and it was by their advice he came into the country. He succeeded in supplanting them, and after many allowances had been made him, was a defaulter for thirty thousand dollars when the slips took place in the Deep Cut, November, 1828. His lock contract was shamefully executed, yet he found no difficulty in inducing Messrs. Keefer, Merritt & Co. to part with the security they had on his property; and I have reason to believe that he is now a man of very great wealth.

ST. CATHARINES, *July* 2, 1825.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

We will refer to a proposal made yesterday as the basis of this, and we will further propose that we will do all the grubbing and the excavation at the Deep Cut, let it be rock, hard pan, or quicksand, for the sum of twenty-eight cents per cubic yard.

Respectfully, your obedient,
E. S. BEACH.
SMITH WARD.
ALFRED HOVEY.

They sent in a third proposal on the same day, three cents lower, and offering security.

Mr. Merritt, in his account of the Welland Canal, 1827-8, thus describes the Deep Cut, or dividing ridge between Lakes Erie and Ontario:—

"The entire distance through this cut is one mile 54 chains, averaging about 44 feet cutting. To the depth of from 12 to 18 feet from the surface, it is composed of clay, with a small mixture of sand, and below this, tenacious—blue clay."

It is remarkable that the Directors and their agent should have neglected the salutary warnings of the majority of the persons proposing to excavate, whose proposals to excavate carefully excepted hard pan and quicksands. Mr. Merritt omitted to tell his readers that a layer of quicksand would be found within bottom level in this important part of the Canal, but far below the blue clay.

Mr. Merritt proceeds to state, (page 2,) that the excavation, which commenced in September, 1825, contained 1,477,700 cubic yards, of which, at the close of 1827, only 370,000 yards remained to be removed. At 25 cents per cubic yard, the price agreed on by Ward and Hovey, the whole expense would not have exceeded $369,425 for excavating the cut to bottom level; but it so happened that, after that sum and much more was expended, the quicksand, or rather the manner in which Phelps fulfilled his contract, prevented the completion of the work.

Mr. Hall, the Engineer, informs me that he was present when Ward, Hovey & Co. sank a shaft in the Deep Cut, and that when the men who were

working came down to the quicksand, the sand and water rose so quickly upon them, that it was with difficulty they escaped with life. The water nearly filled the shaft; this was before the excavation.

Although it was the universal topic of conversation, that the Deep Cut was bedded in quicksand, and, of course, unable to sustain, upon such a foundation, surmounted by soft clay, the immense weight of the banks of the Deep Cut, yet the Directors took no pains to obtain a full knowledge of these facts, until they had expended nearly £100,000 in the useless excavation. It was in vain that many prudent contractors personally, and in their proposals for excavation, warned them, and excepted the quicksand and water from their offers, otherwise unconditional. The Board of Directors took no heed.

When Mr. Martindale and several other gentlemen who had given in propositions to excavate the Deep Cut, informed me of facts like these, I went and examined the proposals made to the Office in 1825, 1826, and 1827, the years before the disastrous slips took place, and their contents fully confirmed what I had heard.

They are these:—

"*July* 1*st*, 1825.—Messrs. John Donaldson, John Richardson, William Porter, and William Parker, offered to contract for part of the Deep Cut, except quicksand, rock, or hard pan. (Section No. 1.)

June 28*th*.—Messrs Thomas Paterson and John Coulter, offer for Section No. 5 on the summit ridge, to the bottom, also No. 6, "all excepting rock and quicksand."

July 1.—David Thompson, Duncan Kennedy, James McNaughton, Peter McArthur, David Thorburn (now one of the Directors for the Colony) and Andrew Thompson, offer to take Sections No. 1 to 6, and to complete the same "with the exception of quicksand or hardpan."

July 1.—David and Richard Thompson, for Section 2, make the same exception.

July 1.—Alexander Campbell and Co., for Section 1, excluding water, quicksand, hardpan, and rock.

July 1.—J. B. Lowry, excepts such obstacles "as rocks, quicksands, or an unequal quantity of water," in offering for Section 5.

July 1.—Wm. E. Perrine, Sylvester Lothrop, S. Hecox and John Drake, at the harbor in the Chippawa, would charge $1 per cubic yard if they came to "quicksand"

The above contractors, and Robert Blevins, Thomas Benedict and others, offer for 6 sections at less than 25 cents—but to have a dollar if they came to "quicksand."

July 2.—Norton, Camp, and others propose, for "quicksands" from 34 to 40 cents.

July 1.—Simpson, Brainard and Co. would take double price for excavation of "quicksand" and "all excavation of rock, hardpan, and quicksand, and all necessary extra pumping and ditching," to be at the apprisal of the Engineers, &c.

October 25 —Pratt and Simpson, provide that "quicksands" &c. are to be prized by the Engineer, if any are found.

October 25.—Henry Robinson and Co. except in their offer, "rock, quicksand, and hardpan."

October 25, 1825.—E. S. S. Pelt, offer for several sections, but provide that "rock, water and quicksand to have extra pay, if found."

October 25.—T. Brundage also excepts quicksand, hardpan, and rock:

"As does John Richardson, in his offer to excavate Section 14.

July 2.—Fenton and Williams propose to construct a lock at the Chippawa, and do certain excavation; and, they add, "run our own risk of rock, hardpan and quicksand." Alfred Hovey went their security and John H. Dunn's signature shews that their contract was accepted. *It never was fulfilled.*

John and James Clowes offer for 6 Sections, requiring no addition for "quicksand," &c. *except where met with in the lower level.*

July 1.—Bell, Richardson and Co. annex a proviso to their proposals, that if "any quicksand or hardpan should appear in the within sections the Commissioner shall value the same."

So early as the 15th of July, 1828, I find a bill and a return of 258 men, 7 yoke of Oxen and three horses, who "had worked by the direction of Mr. Barrett, deepening part of the canal," "in consequence of a large portion of the banks giving way." Yet, singular enough, no attempt was made to ascertain the nature of the bottom by sinking wells, although experience might have warned them as it had many an honest contractor.

There were other contractors who made exceptions of quicksand in offering for the excavation of the Deep Cut, viz:—the three Hartwells, 2d June, 1825; Elijah Kilbourn, July 1, 1824; Samuel Horn, Elihu Ewers, Wm. Buell and John Goodin, July 1, 1825; George Conolly, John Richardson, and Francis Galbraith; Abra Dibble, James Johnstone, and Alex. Vanalstine.

Excavation of the centre Ditch is worth seventy-five cents ℔ cubic yard to bottom.

Excavation of whole width is worth fifty cents ℔ cubic yard finished complete to bottom, with the exception of quicksand, water, &c.

LORY DAVIS.

May 26*th*, 1827.

Mr. David Thomson writes from the "Deep Cut, "10th Nov. 1828; From the last slip to Chippawa "the clay below its surface is such that water redu- "ces it to a soft substance that cannot resist the hea- "vy banks."

On the 26th of May, 1827, the Board met at the Deep Cut—Present, Dunn, two Boultons, Robinson, Wells, Keeffer, and Clark.

Oliver Phelps offered to contract for "the whole of the remainder of the Deep Cut at 25 cents, with an allowance of 2 cents additional per cubic yard for machinery." This the Board agreed to—and Mr. Phelps then executed the agreement to complete the work according to the said terms in six months from 26th May 1827. He did not fulfil his contract, no trace of which I can find in the canal office beyond the envelope in which it appears to have been wrapped. Hovey and Ward had subscribed liberally to the Canal Stock. Phelps, within a few days after he got Ward and Hovey turned out of the work subscribed for ten shares only—these he had transferred to him by Mr. Merritt. I do not believe that Ward & Hovey were the partners of Mr. Merritt the Agent; but it is also said that he was the partner of Phelps, which I think far more probable, altho' I do not know that it was so.

On the 16th of May 1827, Mr. Phelps writes to Mr. Merritt, anxiously desiring that the contract for the Deep Cut excavation (over and above his 34 locks contract) should be taken from the other contractors and given to him and makes a variety of propositions, offering also about $20,000 value in property in security.

On the 21st he again writes with a variety of propositions and apologies to the other contractors.

And again, on the 26th, suggesting that the excavation might be to his management as one concern. And another letter on the 2nd of June on the same

subject. He was to complete the excavation of the whole of the Deep Cut that same year, 1827.

Mr. Phelps is said to have excavated about 500,000 yards of earth at the Deep Cut, on his contract between June 1827 and December 1828—the prices per scale ranged from 20 to 34 cents. but this quantity is at variance with other statements which will be given in evidence.

On the 7th July 1827 he gave a bill of sale of his oxen, horses, teams, &c. to the Welland Canal Company, to whom he had also mortgaged his real estate in security of monies advanced him on the locks and Deep Cut contract.

The following deduction by the Canal Board from the money that had been lent this speculator, left him still $30,000 in debt to the Company.

Resolved, 1st Feb'y, 1830—That the following sums be placed to the credit of Oliver Phelps on his contract at the Deep Cut, viz:

To allowance finishing Rowley's job after he left,	$ 800
For do. on cattle, teams, &c. continuing the same on land,	500
For loss on sale of cattle, the same allowance having been made to other contractors when Mr. Phelps took the work,	2,491
To wintering the same after the work stopped,	1,077
For superintendence at the aqueduct, as per agreement with Vice President and Agent,	1,000
For two years services as profferred,	2,000
£1967,	$7,868

31st May, 1832.

PRESENT

Messrs. Dunn,
Macdonell,
Randal and
Butler—4.

Mr. Phelps business was submitted to the Board, which was considered of too much consequence to receive any decision of the present meeting, and it is therefore referred to a future and full Board of Directors. In the meantime the Engineer is directed to state most fully the whole of the particulars in relation to those locks done under the contract of Mr. Phelps of which there appears to be a variety of opinions as to the mode of construction and deviation from model laid down for adoption, according to contract.

6th June, 1832.

PRESENT

Messieurs M'Donell,
Butler,
Creighton,
Warren, and
Randal—5.

Mr. Phelps' application was further deferred.

Resolved, That upon the application of Mr. Phelps the mortgages on his property held by the Company be given up to him.

Extract from the Minutes of the Board, May 1, 1833.

PRESENT

Messieurs M'Donell,
Keefer,
Butler, and
Creighton—4.

"14. Shews a list of the accounts due to the Company on their books; and as it is more than likely but a small part of the same will be collected—

"*Ordered*, That those accounts be closed, and an account opened, to be entitled '*Bad Debts*,' and that the balances be transferred to the debit of the same, crediting said accounts with any amounts which may hereafter be received, and also with whatever old balances appear in the Company's books to the credit of any individual."

Under this supposed authority, the following entries are made on the debtor side of the account:—

"PROFIT AND LOSS."

D. Kennedy	£	17	10 0
Smith, Ward & Co		523	12 1
John Tenbrooke		50	0 0
John Hartwell		159	2 0
Sylvester R. Hathawny*		261	17 0
J. Vannorman		31	11 3
J. Vanderburgh		0	18 9
—— Beadle		9	12 3
Andrew Roley		194	0 0
O. Phelps		7,580	1 4
Calbreath & Lax		567	8 3
Thomas Proctor		3,428	3 7
Irvine M'Naught & Co		3	12 0
	£	12,827	9 4

M. Phelps also applied for the privilege of water for his stills.

Extract of a Letter from Oliver Phelps to the Honorable President and Directors of the Welland Canal Company, dated Deep Cut, 1st September, 1827.

"I have, therefore, commenced building a large stone distillery, to run 100 bushels per day; size of building to be 66 feet by 60, with one or two run of single geared stone in one end, for chopping the grain. I have also a well of 70 feet in depth, 15 of which is water, and will afford two barrels a minute. I wish to pump this water by means of water power, which will supply all the principal uses of the distillery.

"To accomplish the above purposes, and use on my farm, I humbly trust your Honorable Body will not deem it a liberality improperly bestowed, to grant me a deed of so much water as will pass through one of the cast iron paddle gates, which is 3 feet by 2 1-2; and as a remuneration to the Company, I will deed to them the ten or twelve acres of land occupied by the Canal across my premises, and also an acre of ground at each of the five locks, if wanted by the Company for hydraulic purposes"

(OFFICE COPY.)

ST. CATHARINES, *6th July*, 1827.

WM. H. MERRITT, Esq.

MY DEAR SIR,

It is with heartfelt emotion that I say to you the course that has been taken with us, destroys me. Was I the only suf-

* Since prosecuted, and a part recovered from him in the United States. No prosecution was commenced against Mr. Phelps; but so strict was the Company in some cases, that it was ordered to bring an action against Mr. Trotter, of this town, for a supposed balance or debt of a few pounds, if an action would lie.

ferer, my lips would be closed. But, alas!! it is not the case—I have a tender and affectionate wife, with her little ones, who look to me for their support; for whom I was blessed with a comfortable living previous to my present disaster. *Unfortunate, unfortunate.* I submit; it is the frown of Providence. My creditors must prey upon my effects so long as there is a crumb to feed their gorgeous appetites; not only so, but looked on with contempt and disgrace. I must be looked upon as unfit or incompetent, lacking energy or judgment, or both, and not worthy to be entrusted with any work of importance hereafter. I see the force; I feel the effects; I have acted in good faith, discharged a clear conscience, for which I can answer to my God.

Adieu,

S. WARD.

(OFFICE COPY.)

LOCKPORT, *April* 1, 1833.

W. H. MERRITT, Esq.,
St. Catharines, U. C.

DEAR SIR,

I am disappointed in not meeting you at this place. You will recollect that the last time we met was at this place, when you told me that a judgment against your Company would be of no value. The favor that I now ask of you is, answering a plain question, whether it will be good at any future time, and if so, when.

You will recollect that at the commencement of that project, I entered heart and soul in it. I put my *all at stake*; more than $25,000 was expended before a dollar was received—this was effected through the confidence I had in you, and an influence I had at that time with some of our best business capitalists and most efficient and persevering operators. The course taken by the Board of Directors, in connection with prejudicial influence exercised by Mr. Barrett over David Thomas, in making his estimate of the value, made a beggar of Ward (who died in consequence of it, in the opinion of his physicians, friends and neighbours.) The loss I sustained, and the circumstances that I was left under, you need no information from me on that point; General Beach lost no time, and only a few thousand dollars.

If a sense of feeling, as a man, of duty, or of justice, prompts you to answer the question I ask, and give me your impartial and candid advice, I earnestly and most respectfully request it.

Your obedient servant,

ALFRED HOVEY.

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198. Your 18th charge, respecting the Hydraulics, will require to be supported by a detailed statement of facts. Are you prepared to submit such a statement to this committee?

A number of important documents which throw considerable light on the transactions connected with the Hydraulics, were reported to the House, appended to the first report of the Directors on the part of the Province, about a month ago.

The House of Assembly appointed a special committee, last winter, which reported by Dr. C. Duncombe their chairman, that it was inexpedient to sanction the re-purchase of the Hydraulics until further enquiries had been made. These investigations have since taken place. When Mr. Yates and Mr. Merritt found that the Hydraulic Company could not be incorporated, they wished to bargain with the Canal Board to take the Hydraulics back again—and these were the terms which Mr. Yates' nominees in the direction made with themselves in their Hydraulic partnership capacity for the re-conveyance.

They agreed that Messrs. Yates, McDonell and Creighton should retain as their own the valuable village lots and farm on the summit level of the canal, near the brow of the mountain, together with a supply of water from the canal forever, to propel the machinery of mills they had built in that first rate situation, viz:—

2 Run of Stones for their Grist-Mill,
2 Mill Saws, an over-shot Wheel,
1 Carding Machine,
1 Fulling Machine,
1 Circular Lath Saw,
1 Shingle Machine, and
1 Machine for cutting Ships' knees.

Also, all the money they had previously obtained for Mill privileges and land sales.

And 140 acres, being lot 27, at Gravelly Bay or Port Colborne, the grand entrance of the ship Canal from Lake Erie, an invaluable property, being remarkably well fitted for town lots in a situation which must become a populous city if the Welland Canal is kept open.

The money, property, and water power, thus retained from the Canal Company, I consider to be worth, at a moderate valuation, £10,000.

In addition to this £10,000 the Canal Board were asked to give their bonds, as a Company, for other £17,500, currency, bearing interest at 6 per cent., as a further inducement to Messrs. Yates McDonell, and Creighton, otherwise the Hydraulic Company, to give up the residue of their purchase, upon which I have not been able to ascertain that they had ever paid one shilling. And the bonds were given by the Canal Directors to the Water Company accordingly!!

The transaction is thus recorded on the day book.

"Bonds payable, Dr. to Alexander McDonell, agent for Hydraulic Company.

"For the (Canal) Company's bonds, payable to order of Alex. McDonell—dated 1st September, 1834—numbered 1 to 70—payable 1st January, 1874—with 6 per cent. interest, payable half yearly, on 1st of January and 1st of July—commencing 1st January, 1834—70 bonds at $1000 each—£17,500."

Here was a bold and it is as yet a successful attempt to extract, perhaps £27,500 from the impoverished exchequer of the Welland Canal Company, in the shape of lands, water-power, cash, and canal bonds transferable and bearing interest, and that for what may be said to be less than no consideration at all. The Canal Company were to have had conveyed to them the remainder of their own property and water power, which had been alienated by the sham sale, also the undivided two-thirds of 36 acres of lands purchased of Oliver Phelps (a defaulter to the Canal for $30,000 and upwards,) and the improvements made on their lands at Marshville, of a value so trifling as scarcely to be worth naming.

Mr. Thompson of Wainfleet's letter, given below, shews the sense he had of the value of the Marshville improvements. It is as follows:

WAINFLEET, *October* 14th, 1835.

Dear Sir:

I delayed answering your letter of the 2nd instant, with a hope of gathering the proper information from those capable of giving it. I am still uninformed, and therefore can only give my own opinion, which, from my not being accustomed to Mills, is hardly to be relied on. The Grist-Mill at Marshville, I would suppose, must have cost something like £500, and is of *some value*. The Saw Mill might have cost £250, but cannot be of any more value than the Irons, for it cannot run on account of back-water, the tail race could not be enlarged so as to discharge the water without an immense expense, which it could not

warrant—and moreover, water cannot be spared there to drive it. The whole, in my opinion, would prove a bad investment at half the sum above quoted.

Dear Sir,
Your obedient servant,
(Signed) D. THOMPSON.

W. L. MACKENZIE, Esq.
D. W. C. C.

The item £4,333 5s., in the credit taken as in part for the interest on the original purchase of the water power, is made up of the interest on the Bonds of the Company, given to Mr. Yates and his nephew for the *nominal* consideration of yielding up the least valuable part of a property he never paid a farthing for!!

The Mills at Allanburgh on the top level, thus withheld from the Company by some of its Directors, are infinitely more valuable privileges than those at St. Catharines and on the short levels on the face of the mountain, because the canal summit level is many miles long, and in seasons when the Mills and Machinery on short levels would be stopt for want of water, the Allanburgh Mills would be continued night and day. I understand they have been kept going night and day all last summer, although now and then with great inconvenience to loaded schooners passing on the canal. The feeder canal to Dunnville was widened and deepened at great cost to the country, in order that the Hydraulic privileges might be rendered more valuable to the Stockholders and the Colony.

The document purporting to be a deed to the Welland Canal Company, from Alex. (Yates) McDonell, Esq. on the part of the Hydraulic Company, is signed by him, but not by the President of the Canal Company, nor is the seal of the Corporation affixed to it. The date is Nov. 17th, 1834, the consideration money named, £37,500. Mr. McDonell re-conveys to the Company, in Humberstone, lots 27, 28, 29, 30, 31, 32 and 33 in the 4th concession, 27 in the 5th, the North halves of 29, 30, 31, 32 and 33 in the 3rd, and South parts of 23, 24 and 25 in the 5th, = 2,440 acres.

In Wainfleet, 13000 acres. In Thorold, the West half of 29, and the West half of 30, = 100 acres. In Grantham, the undivided $\frac{2}{3}$rds of 36 acres, part of lot 16, 6th concession, (the Phelps property,) (excepting certain village lots at Port Robinson, and at Marshville, 150 acres, sold to Guy Atkins; John Akin 50 acres, and village lots to several persons; also to Henry Harper 100 acres, Wainfleet; to Mr. Wm. Simpson 100 acres in do.; and in St. Catharines, 5 village lots to O. Phelps, = 1¼ acre; 4 do. to R. E. Burns, = 1 acre.) Also all the other lands that had been conveyed to the said Alex. Yates McDonell by the Company, except the lands at Allanburgh that had been conveyed to the Company by S. Swayze and Garrett Vanderburgh, and the surplus water of the canal.

There is a bond and mortgage to the British Government, which affects every thing, I believe, except the lands.

I endeavored to ascertain the amount of money the Hydraulic Company had raised from the sale of lands and the lease of water power, besides what they retained in their own hands; but whatever it was it must have far exceeded the value of the shares of Phelps's 18 acres or of any improvements made on the property that has been returned to the Company.

CANAL OFFICE, ST. CATHARINES,
September 24th, 1835.

ALEX'R McDONELL, Esq.
St. Catharines.

SIR,

I should be glad to receive at your earliest convenience,

1. An account of the monies received by the late Hydraulic Company for water power and privileges during the time it had the controul of these matters, stating also by whom the payments were made.

2. Any information you can give relative to the obligation the canal company or yourself are under to compensate Mr. Davidson for the loss of the Lot No. 27, 1st con. Gravelly Bay—I received from Mr. Street yesterday a copy of your Bond to him on that subject, and as the matter has been referred to the Provincial Directors for a long time past, I hope you will afford them the means of reporting, so far as it is in your power.

3. I am desirous to know whether you have given any titles or agreed to give any titles for part of the Lot at Gravelly Bay; I mention this because there is the greatest probability that a decidedly unfavorable report will be made to the Legislature touching the proceedings relative to the water power and alienation of lands.

I am, Sir.
Your respectful and
Obedient Servant,
W. L. MACKENZIE.

To this letter Mr. M. received no answer.

The moment the House of Assembly and the Company had decided that the grand outlet of the canal was to be at Port Colborne, they ought to have secured it at a fair price, for the benefit of a body of stockholders who have paid nearly $500,000 in good faith, altho' receiving no dividends the benefit of such of the adjoining lands as were for sale, at a fair price. Instead of doing so, Mr. Merritt the Agent secured for himself from 100 to 200 acres on the one side of the canal, while the 140 acres on the other side were made over to Mr. McDonell. The 140 acres had been drawn by some other person; but as no patent had issued from the Crown, the Company made interest with the person who appeared to be entitled to it under a bond from his father, and the Vice President gave a bond in his favor for $1,000 to Mr. Street he having purchased a farm in another place from that gentleman, which that sum would have repaid. Upon an assurance from the Company that the Davidsons, the true owners, would be fairly dealt with and receive an equivalent, the Executive Council recommended that a patent should issue under the great seal to the Welland Canal Company, who got the deed in March, 1834, and almost immediately after conveyed it to their Vice President, Mr. Alexander Y. McDonell, Mr. Yates's nephew, and representative. This they did by the following minute:

5th MAY, 1834.

PRESENT.

Messrs. Merritt,
Macdonell,
Koefer,
Duncombe, and
Creighton.

"The Company have agreed to convey to the Hydraulic Company the land in Humberstone, which was promised to them by government, the deeds for which were not then executed:

"*Ordered*—That the President be authorised and requested to execute a deed for Lot No. 27, in the 1st Concession of Humberstone, to Alexander McDonell, Esq. the agent for the said Hydraulic Company, in compliance with their original agreement."

See also minutes of 26th October, 1830, and 11th May, 1831.

Instead of settling with Davidson or his family, Mr. McDonell asked the Canal Company to bestow on him (Davidson) another of the farms yet in their possession, as some compensation for the injustice done him by the Governor and Council in conveying his (Davidson's) property to the Canal Company.—The effect of this proceeding would be to give Messrs. McDonell, Yates, and Co. the Gravelly Bay lot free, and to Davidson other 200 acres of the Company's lands for allowing McDonell to keep it! Davidson petitioned the Legislature last winter, but until lately the merits of his case were not generally understood.

In the report of the Board of Directors, dated March 1st, 1833, and signed by Alexander McDonell, Wm. Chisholm, Wm. Elliott, Geo. Keefer, Ogden Creighton, and Thomas Butler, they inform the Legislature and the country (page 22,) that "Port Colborne has been retarded in consequence of "the Company not getting a title to the land adjoining the harbor. As soon as this difficulty is disposed of, a number of individuals are ready to "erect buildings; and from its favorable position, a "large town will suddenly supply the place of a "sunken marsh, wholly unfit for cultivation, but "which has, by the operation of the canal, been effectually rendered valuable." This much for 1833. In 1834, as soon as the government had given the Company a title to the site of this future city, the Board made it over by deed to Mr. McDonell their Vice President, in trust for himself, Mr. Creighton, and Mr. Yates!!!

The situation for mill power at Gravelly Bay or Port Colborne, at the ship lock into Lake Erie, may possibly prove an important one, and perhaps if it had been offered on a lease to the highest bidder, on reasonable conditions, would have yielded a handsome income, but the favoritism which has all but destroyed the usefulness of other sections of the canal, was not slow in reaching Port Colborne.—Mr. A. Y. McDonell got the front farm on one side of the harbor, and Mr. Merritt grasped at the front farm on the other; then, without any order of the Board, or lease, or indeed any authority whatever, Mr. Merritt, the contractor, Capt. O. Creighton, a director, H. B. Ostrum, foreman to Merritt, Mr. McDonell, the Vice President, Thomas Scott, and H. Slate, took possession of the best situation for mills and machinery, and began to build as extensively as if it had been their own private property. I remonstrated with Mr. Merritt in July on the impropriety of his being so deeply connected in speculations which he had admitted the stockholders were desirous their President and Agent should avoid, but it was of no use. At length, in September last, a letter applying for the mill site was placed before the Board, signed by Hiram Slate for the partners. Mr. Thorburn and I contended that Directors ought not to be concerned in such speculations, and as the Legislature had declined to sanction the bargain of the water power, their application was refused.—Messrs. Merritt, McDonell, and Creighton could not well vote a lease to themselves, and Mr. Thorburn and I went in the negative, until the Legislature should express an opinion. The President addressed a letter to us, but we took no steps in the matter, being a minority at the Board. In 1830 Mr. Merritt was asked, "What may be the value of the water privileges owned by the Company? His reply was, that "Within two years they will bring us £1,500 a year." It is now five years and I am not sure that the Company have realized £750 in all since the commencement.

St. Catharines, *2nd September*, 1835.

To Messrs. Mackenzie and Thorburn,

Gentlemen:—Fearing the opinion you express in relation to water privileges will prove injurious to the interests of the Company by preventing the erection of machinery by creating distrust and lessening confidence in the proceedings of the Board.

With a view of promoting those improvements generally, I have taken a share in the Colborne Mills—which is erroneously supposed to possess extraordinary advantages. To test the truth of which it is my desire to relinquish all interest in them, as well as all other interest I possess in any water privileges on the line. In order that they may be disposed of to the best advantage for the interest of the Company, by repaying me the amount of my outlay.

I am Gentlemen,
Your obedient servant,
W. H. MERRITT,
President W. C. C.

Messrs. Merritt and Creighton came forward again, the next Board, and were for voting themselves the lease, but Mr. Thorburn and I opposed them, and Mr. Butler said he would await the action of the House of Assembly. So we foiled them for that month. In my absence at Quebec last November, they again applied to themselves, in their capacity of Directors, and authority was at length given to Mr. Merritt to lease to the two Messrs. Merritt and their associates, the valuable falls and mill sites at Port Colborne, in the following form:—

"Whereas individuals have made application for water privileges on the line of the Canal, in pursuance of the order of the Board, and *some*, in *good faith*, have proceeded with their erections; it is ordered, that the President (Mr. Merritt) be authorized to make out leases to all such applicants on the *usual* terms."

Mr. Thorburn alone could not make much opposition to other four, all interested in granting themselves leases, so he protested and declined to vote. They passed another resolution to grant Thomas Butler a lease as follows:—

"Whereas Thomas Butler, Esq., has applied to the Board for a lease of water power at his mills, (Merritt's,) *agreeably to the resolution of the Board upon this subject*—Resolved, that the President be authorized to grant Thomas Butler his lease without further delay."

So that while the State of New York is passing laws solemnly prohibiting persons who are concerned in the Canal management from holding or leasing water power on Canals which yield great revenues, a knot of individuals who have risen in Canada on the ruins of our inland navigation system, are allowed to sit in conclave to contrive how best to divide among themselves the best hydraulic situations, for nothing, or at little more than a nominal consideration, and at a time, too, when the Legisla-

ture has declined to admit their right to make such leases, and ordered an enquiry. They form standing orders to meet their own convenience, and say that the public has an equal chance.

I select from the late Mr. Randall's report concerning the mill site which Messrs. Merritt, M'Donell, Creighton, and friends have seized hold of, his opinion, given when he was acting as the Parliamentary Commissioner, in 1830, before Port Colborne or the Canal ending there came into existence.

"At whatever place on the lake the ship canal shall terminate, there will be a full of probably six or seven feet, with a never-failing supply of water for mill purposes—a most important acquisition, should the navigation terminate in the Sugar-loaf settlement; for on the lake shore, in a distance of forty miles above Fort Erie, there is but one mill site, which, though an indifferent one, was obtained by laying upwards of six hundred acres of fertile land under water many years ago, presenting an unpleasing spectacle to the eye, and generating fever among the settlers."

Whether the Mill Company have or have not obtained a lease, or whether the fall of water has or has not equalled the expectations of the persons who compose that Company, I have had no means of ascertaining.

Copy of a Minute in Council, approved by His Excellency the Lieutenant-Governor, upon the Petition of Mr. James Davidson for a grant of Lot No. 27, in the 1st Concession of the Township of Humberstone, heretofore located by Wm. Dickson, late of Stamford, deceased.

In Council, *8th May*, 1833.

It is respectfully recommended, that the order in Council of the 14th November, 1831, be rescinded, and that the Petitioner be recognized as the true claimant to whom the Welland Canal Company shall be required to transfer any lot, unlocated, upon the line of the Canal, which may be selected by him, subject to the approbation of the Commissioners appointed during the last to report upon the Welland Canal.

JOHN BEIKIE,
Clerk Executive Council.

Copy of a Minute in Council on the Petition of James Davidson respecting Lot 27, in the 1st Concession of Humberstone.

In Council, *8th May*, 1833.

It is respectfully recommended that the order in Council of the 14th Nov'r, 1831, be rescinded and that the Petitioner be recognized as the true claimant to whom the Welland Canal Company shall be required to transfer any lot unlocated upon the line of the canal which may be selected by him, subject to the approbation of the Commissioners appointed during the last session to report upon the Welland Canal.

On the petition of A. McDonell the following order in Council, 20th March, 1834.

Recommended that the patent prayed for, do issue to the Welland Canal. They having complied with the terms of the order in Council to the Lot in question.

Dear Sir:

In looking further into the matter, I find the two subsequent orders in Council, which I send you herewith copies of.

Yours truly,

JAMES STANTON.

Executive Council,
17th March 1835.

On the issuing of the patent from the Crown for Lot No. 27, in the front of Humberstone in the county of Lincoln in the District of Niagara, in the name of the Welland Canal Company, I agree to pay Samuel Street, Esquire, or order the sum of £250, currency for the said Welland Canal Company for value received by the said William Davidson's transfer of all right in and to a certain bond made to him and by one James Davidson obligatory to transfer on the issuing of the patent in the name of the said James Davidson as heir-at-law of the late William Dickson, and providing the said William Davidson delivers to me for the said Welland Canal the bond of the said James Davidson to him so made as aforesaid.

The said sum of £250 to be paid to the said Samuel Street or order for and on account of William Davidson, when the deed for the said Lot No. 27, in the township of Humberstone in the first concession on Lake Erie shall issue in the name of the said Welland Canal Company, and provided also that the said William Davidson shall on or before the expiration of five days from the date hereof surrender and deliver unto Alex. Macdonell the undersigned, the said James Davidson's bond unto the said William Davidson, conditioned for the transfer of the said Lot unto the said William Davidson his heirs or assigns, and assign the same to the said Welland Canal Company.

Witness my Hand and Seal at Wainfleet this 21st day of December, 1832.

(Signed) ALEX. McDONELL, [L.S.]

In presence of

[L. S.] PATRICK McEWEN.
[L. S.] JOHN McEWEN,

Articles of Agreement made this 9th day of June in the year 1834, between the President and Directors of the Welland Canal Company and Alexander McDonell, John B. Yates and Ogden Creighton of the second part.

Whereas, the Welland Canal Company have heretofore sold to John B. Yates the real Estate and Hydraulic Power belonging to said Company for the consideration of £25,000 as the same is more particularly described in a Deed from the Welland Canal Company to Alexander McDonell who holds the same for the party of the second part—And whereas the said Alexander McDonell executed a mortgage for the said consideration money, and accompanied by a Bond as collateral for the same amount payable in ten years from the first day of January 1832, with the interest thereon, payable yearly on the first day of January—And whereas further it has been thought advisable on the part of said Company to re-possess the greater part of said property so as to enable the Company more fully to controul the operations on said Canal. It is therefore AGREED by and between the parties aforesaid in consideration of the sum of £17,500, the said Alexander McDonell shall re-convey to the said Welland Canal Company all the aforesaid Hydraulic Power and Real Estate, except the part lying on the mountain, near the East end of the summit level at a place called Allanburgh and the lot and property at Gravelly Bay—And also that the said Alexander execute to the said Company a conveyance of such property as may have been purchased by him near the village of St. Catharines from Oliver Phelp's together with an assignment of all obligations yet due and unpaid, and all leases for property or water power sold or leased, or all other portions of said property except that reserved at Allenburgh as aforesaid, the said conveyances to be executed when required by said Company after the following conditions shall be complied with. The said Company on its part agrees to execute in due form of law a discharge of the Bond and Mortgage aforesaid, and issue also when required the notes or obligations of the Company for £17,500, in sums of £250 each, payable in the year 1874 on the first day of January, bearing an interest of 6 per cent per annum, payable half yearly on the first day of July and January at the office of the Welland Canal Company to commence running on the first day of January last, the said obligations shall be drawn payable to the order of Alex. McDonell and endorsed by him, the seal of said Company being first impressed thereto and signed by the President of the Company and countersigned by the Secretary, and that the same be then transferrable by the holder thereof as shares of the capital stock in said Company are now transferrable except that an indorsement by the holder thereof shall be a sufficient evidence of transfer instead of a regular Power of Attorney—that a separate book shall be provided for the entry of such transfer.

It is further agreed that if in consequence of any Legislative alteration of opinion heretofore expressed in relation to such an arrangement, the Legislature shall at their next Session by resolution express an opinion that such re-purchase is not necessary, the said Welland Canal Company shall be desirous to rescind this agreement now made and shall within three months after give due notice thereof to the said party of the second part, stipulate in case the property shall be placed in the state in which it now is, they will consent to such a measure and will return to the Welland Canal Company all the Bonds or Obligations which shall have been issued and received as aforesaid.

And Whereas the income from the property thus reconveyed and sold to the Welland Canal Company may not equal for a short time the semi-annual interest on the obligations the said party of the second part agree that if the amount of the reserved rent money received, or sales and proceeds of sales of timber or any product of the land shall not equal the semi-annual interest on the obligations aforesaid—they will pay an amount sufficient to pay such deficiency to the Treasurer of the Company by way of rent for the property and water at Allanburgh and the lot at Gravelly Bay.

In witness whereof, the said Welland Canal Company have caused the Seal of the said Company to be affixed to this Agreement, and signed by the President; and the said party of the second part have set their Hands and Seals at the Canal Office in St. Catharines on the day and year aforesaid.

(Signed) Wm. HAMILTON MERRITT,
President W. C. C.
ALEXANDER McDONELL,
J. B. YATES,
OGDEN CREIGHTON.

Signed, Sealed, and Delivered }
In presence of }
(Signed) JOHN CLARK.

A True Copy,
J. CLARK,
Secretary W. C. C.

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199. What have you to state in support of the fifteenth charge?

The Canal Directors have sent four missions to London. 1st. The Hon'ble Peter Robinson, 1825; 2nd. Mr. Hamilton Merritt, 1828; 3rd. Mr. J. B. Yates, 1830; and 4th. Mr. H. B. now Chief Justice Boulton. The latter was more properly Mr. Merritt's agent, for the seal was put by him to the power of attorney, which Mr. Boulton carried home, contrary to the rules of the corporation, and without the knowledge of the then President of the Company, who was much displeased when he come to learn the nature of the transaction.

It appears that at the Canal Board, held at S. Catharines, in September, 1825, a question was brought under consideration relative to the sale of £100,000 of stock in London; that Messrs. Irvine, of Quebec, and S. McGillivray, of Montreal, were to arrange the documents to be sent to England to induce capitalists to subscribe—that to the venerable Archdeacon Strachan had been referred the task of compiling the report for London, which he had done—that no regular meeting of the Board had met to adopt his performance, and that at this casual meeting Mr. Henry J. Boulton proposed himself as the Agent to proceed to London, on condition of having his reasonable expenses, not exceeding £300 sterling, defrayed by the Board. The Canal Board consented to his going, in case the next regular monthly Board should think fit to adopt Dr. Strachan's report, agree as to the tenor and form of the power of attorney to be given him, and authorize the President to sign and affix the Company's seal to it, accompanied with suitable instructions. No sooner, however, had the canal Board separated than Mr. Boulton drew £300 sterling, of the Company's funds from New York, persuaded his friend Mr. Hamilton Merritt to affix the seal of the corporation to a power of attorney, authorizing him (Boulton) to dispose of the £100,000 stock, and collect the cash in London, and without waiting for the confirmation of the President or the approbation of a regular meeting of the Directors to these proceedings, he set off for London, *via* Quebec, Montreal and New York, and endeavoured to persuade Messrs. Irvine and McGillivray to alter the Archdeacon's report without the knowledge of the Board of Directors, so that he might pass it off in London as the act and report of the Canal Board.

(Office Copy.)

Simon McGillivray to Hon. James Irvine.

Montreal, *October* 4th 1825.

My dear Sir:

After I had the pleasure of seeing you at Saratoga, I proceeded to the Westward, and on my return from Detroit, and after visiting York, in Upper Canada, being at length about to take a view of the Welland Canal, according to the intention which I mentioned to you, I induced Mr. Dunn, the President of our Board of Directors, to accompany me, and on the 19th ult., sailed for Niagara, where, on our landing, we heard of Mrs. Dunn's arrival at New York from England, and our worthy President instantly set off to meet her—leaving the Canal concerns to the care of his colleagues, all of whom, excepting yourself, (namely, Mr. Solicitor General Boulton, Mr. Keefer, and Mr. Merritt,) I found assembled at St. Catharines.

I mention the composition of our meeting thus minutely, because our proceedings were of rather an important nature, and as they have not yet received that collective confirmation from the Board, to which I understood they were to be submitted, I am desirous that every member of the Board should have the opportunity of exercising his judgment upon them, or at least on that very important part of them, on which I am now principally to address you.

Our first proceeding was to fill the vacancy made at our Board by Mr. Buchanan's retirement, which we did by electing the Hon. Wm. Allan of York, whom I consider a valuable acquisition to our Board. To this election Mr. Dunn had previously assented, and I anticipate entire approbation from you. We determined that the *Locks* of our Canal should be 22 feet in width, instead of 20, as formerly proposed, and that for the reception into the harbor at the 12 mile pond, of the largest vessels on Lake Ontario, the entrance Lock into that harbor should be 32 feet wide, 125 feet long and 10 feet deep, besides the lift of 5 feet into the pond. We determined to make a dam and waste weir across the River Welland to regulate its level, and to adopt the plan of the *Deep Cut* across the Cranberry Marsh, from the Grand River to the Welland, thus making Lake Erie at once the summit level, and the feeder of our Canal, and in order to preserve to the Company the benefit of a never-failing supply of water, thus ensured, and of the numerous mill seats along the course of the Canal, from the commencement of the descent to its entrance into the Lake, we resolved to take possession of the whole of the land on both sides of the Canal, for that distance, to the length of 2 chains back from the bank thereof, or the bank of the *ravine*, through which it is partly to be conducted. All these measures I conceive to have been very highly proper, and the merits of them all had been previously discussed, and virtually decided—nor was it likely, from the peculiar composition of our Board, that a more numerous meeting could be found to adopt them formally. The next proceeding to which I have to request your attention, was a more sudden measure, and as at present a little more responsibility of it rests upon myself than I am quite satisfied with, I wish by submitting the matter entirely to your consideration, to induce you to share this responsibility with me.

The documents which in June last were promised to be prepared for you and myself to arrange finally, and to transmit to England, in order to obtain the capital of £100,000, which we still require, have, it seems, been all along in preparation, and are not yet quite ready. *One* important part of them, the proposed *Report* had recently been referred to Dr. Strachan, who had, when I got to York, prepared a very able and satisfactory,

though rather a voluminous paper on the subject, and this paper was one of the documents under consideration at our meeting at St. Catharines—as also the manner of transmitting and managing the proposed appeal to England. Our colleague Mr. Boulton, having at present some disposable time, in consequence of the return of the Attorney General, proposed himself to undertake this mission to England, on condition merely of his reasonable expenses (not exceeding £300) being paid, and we at once passed a resolution accepting his offer. It was arranged that the report which we had read should be revised, and a few passages modified—that a further meeting of the Directors should be held, to decide finally on that and other papers, and to give Mr. Boulton the necessary instructions and authority for his proposed mission, and that he should then come down to receive recommendations, &c., from you and myself, to our friends in London, by whose means it is hoped the capital may be obtained.

Mr. Boulton has been rather quicker in his motions than I was quite prepared for. I only arrived here on the 1st instant, and by the same day's post I received the inclosed letter from him, with an amended copy of the Report. Yesterday he himself made his appearance, and to-day he embarks for Quebec, to confer with you on the subject. He has not brought down the original Report. There has been no meeting of the Directors to approve of the alterations which have been made, or to confirm any of our proceedings at St. Catharines. And the Engineer's Reports, Plans, &c. are not yet arrived, so that we are rather unprovided with documents of any kind, and Mr. Boulton is anxious to sail for England by the packet ship of the 16th from New York. He argues that we are authorised to draw up and manage the whole thing, but I do not entirely agree with him, and in the proceedings of corporate bodies on very important subjects, I am unwilling entirely to depart from form, or to incur too much personal responsibility. In this mission Mr. Boulton must have certain credentials and certain instructions. Now, if you and I are to give recommendations, or if you please, credentials, it at least appears to me that the instructions should have something of a formal character—such as the signature of the President, and that the Report should have been finally agreed to at a meeting of the Board. In his anxiety to reach England by the 15th or 16th November, Mr. Boulton has over-leaped these forms, and is in fact going upon a roving commission, unless some authority and instructions shall be framed for him; and the question is, what are they to be? and by whom are they to be given? Mr. Boulton informs me that certain documents with the plans, &c., are to be here in a few days, and if he can satisfy you as to any substantial mode of proceeding under the circumstances of the case, I shall agree to whatever you approve.

I am not starting imaginary difficulties, and in this matter, which has already been too long deferred, I admit the benefit of expedition, but I am equally anxious that Mr. Boulton's documents should be satisfactory in every respect, because, otherwise, I fear his mission will fail, and if so, we shall do harm instead of good.

I wish it was in my power to accompany Mr. Boulton to Quebec, but at present, having only just got home, after an absence of six weeks, I cannot possibly get away. I therefore leave the matter to yourself and Mr. Boulton, and I shall be glad to hear the result of your deliberations.

I remain with respect,
My dear Sir,
Very truly your's,
SIMON McGILLIVRAY.

(An Official Copy.)

Montreal, *October* 12th, 1825.

Hon. J. H. Dunn, and
Hon. Wm. Allan.

Dear Sirs:

Mr. Boulton has at present a power of attorney to raise £100,000, if he can, and to negotiate for it with whom and in what manner he may think fit. I may be mistaken, but I think the very extensive nature of this commission would startle cockney capitalists, who, be it remembered, are a very timid and suspicious race as to all things out of their reach and beyond their knowledge. When a new Company is once formed and its stock at a premium in the market, people will buy it readily, who, if you proposed it to them in the first instance, would consider it one of the bubbles which at present almost every day produces in London, and with which every project not very respectably introduced is in danger of being classed. My opinion therefore is, that Mr. Boulton's power of *attorney* and blank *scrip receipts* from the Welland Canal Company, will obtain few subscriptions in England, unless they have other support. My idea was to have addressed a general letter to certain intelligent and leading individuals in the city of London, who, if they could be once induced to embark in this project, would at once ensure its success, and from the mere circumstance of their names being engaged in it, would at once fill your subscription, and bring your stock to premium. To these individuals, however, ample information must be given, and the chief benefit I expected from Mr. Boulton's mission, was that his local information would be useful in explaining the particulars of the case to them; for I did not dream that he or any agent should be authorised to raise money, or issue scrip receipts except in concert with, or under the direction of a committee of such individuals, and I apprehend that his being authorised so to do would tend to prevent public confidence from being placed in the project.

The nominal and legal par of Exchange is well known, 5s to the dollar in Canada and 4s 6d in England, but the real and equitable rate of Exchange, in time of peace is regulated by the real value of the dollar in England (where it has no lawful value) which is very nearly 4s 2d or equal to Bills of Exchange on England at 8 ℔ cent premium—at this rate our shares which are £12 10s currency would be £10 8s 4d st'g, and all future instalments and dividends would be payable at the same rate, which would avoid fractions in calculating any rate ℔ cent (£10 8s 4d being 2500d, on which 1 ℔ cent would be 2s 1d and so on,) and if there were any loss or gain on any fluctuation in exchange, it would be for the general account of the Company.

The instructions to Mr. Boulton must, to a certain extent, be discretionary, and, to a certain extent, depend on the opinion of the friends who may be inclined to support him in England, and yet he ought to be restricted by *some* instructions, else those who give powers without instructions, will be considered very extraordinary persons. To conclude this hasty and irregular scrawl, (but really I have not time to reconsider it,) I recommend the whole subject to your serious consideration, and if you request the assistance of Dr. Strachan and the Attorney-General, I dare say they will afford it, in coming to some decision on the points which I have suggested, in order to be embodied in Mr. Boulton's instructions, and then I shall be happy to introduce him and to vouch for his mission wherever my introduction may avail; but at present, with every thing left to my own mere suggestion, without documents which ought to have been before me, and without time to bestow the attention which so important a subject requires, I trust you cannot be surprised or dissatisfied with the line of conduct which I deemed it right to adopt.

I remain, with regard,
Dear Sirs,
Yours, very truly,
SIMON M'GILLIVRAY.

(An Official Copy.)

Montreal, 14*th October*, 1825.

Hon. J. H. Dunn, and
Hon. Wm. Allan.

Dear Sirs:

In further reference to the subject of the Welland Canal, and the instructions to be sent to England, it appears to me that we must for some time at least have a resident agent there, besides Mr. Boulton, and as such agent must be paid, he ought at the same time be the Secretary of the London Committee; but that body will of course appoint their own Secretary, and we therefore should think of a person likely to be considered eligible by them. Mr. Galt is the first person that occurs to me, both from some previous connection with the Province and with the Directors of the Canada Company, some of whom are the persons who ought, if possible to be of our committee.—No money ought however to pass thro' the hands of any *Director or Agent*. The deposit on subscribing and the subsequent instalments ought to be paid into a banking house in London, and drawn from thence by bills of exchange signed by three members of our Board, and which should be paid into the Bank of Upper Canada in compliance with that clause of our Act which provides that all our funds are to be there deposited. The Bank will of course allow us the current rate of exchange, or if they do not, the Bank of Montreal will, and thus, in either case, the money can be safely deposited at York. In the case of dividends

hereafter, a similar course can be pursued, the amount declared on the English part of the capital can be remitted in one sum to the Banking House in London and the Agent there, who will keep regular transfer books, will issue certificates to the Stockholders, to entitle them to receive their dividends at the Bankers. Thus I think a machinery may be constructed, not very complex, and yet ensuring that sort of regularity with which the proceedings of all public bodies ought to be conducted, and in which I fear our proceedings hitherto have on some occasions been wanting.

I trust I shall not be considered unnecessarily punctilious in remarking upon the recent proceedings founded on my own suggestions as to Mr. Boulton's mission, but they really appear to me very deficient in regularity. Three Directors, of whom Mr. B. was one, at a *casual* meeting, resolved that Mr. B. be requested to proceed on this mission, and that his reasonable expenses, not exceeding £300, be paid. The resolution, however, contains this limitation, viz: "subject to such instructions as he shall hereafter receive from the Board";—without, however, waiting for such instructions—without waiting for a regular meeting of the Board—or any confirmation of the resolution in question, Mr. Boulton at once draws for the £300, and Mr. Merritt puts the seal of the corporation to a Power of Attorney, under which it appears to me Mr. B. might, if he pleased, and if he could get the money, raise any sum he thought fit—apply it to any purpose he thought fit, and leave the Company answerable for it. As to the £300, I am aware that an order for the payment appears on the minutes, but I deny that any such order was given, and Mr. Merritt will recollect, when he mentioned to me afterwards that such an order had been signed by Mr. B. that I expressed surprise and disapprobation; though I did not think fit to interpose, and only said I should have nothing to do with the proceeding. I beg I may not be understood to mean or to insinuate, that in all this there was any thing intentionally wrong, but if we suppose it possible that any of our successors might be capable of abusing the trust confided to them, then I maintain that this loose system of proceeding may form a very dangerous precedent, unless some regulation be made to prevent any recurrence of it. There should be a particular regulation as to the custody and manner of applying the common seal. The seal should never be applied but by an express order of the Board, and in presence of at least two Directors, and the Secretary or officer certifyng or rather delivering the Deed, ought not I think to be himself a director. The delivery may then be regularly attested by witnesses, like any other instrument.

As to the proceedings of the Board, those which apply to transactions generally, must be final when once adopted because they amount to a contract with other persons, which we have no right to alter—such for instance as in the case of an Insurance Company granting a policy—or in our own case, the agreeing to a contract. But in any special or important matter, or new proposition, which may come before the Board, and be approved, I think there ought to be a by-law, or standing order, that until such matter or proposition shall have been communicated to all Directors within the Province, and confirmed by a subsequent regular meeting of the Board, it shall not be considered as finally adopted, nor shall any proceeding or engagement be founded thereon.

I commend all this to your consideration.

And I remain, Dear Sirs,

Yours faithfully,

SIMON McGILLIVRAY.

Extract of a Letter from Hon. Wm. Allan to W. H. Merritt, Esq. dated York, 15th Oct. 1825.

"In short it appears to me that Mr. Boulton is not provided with any thing but your grant of £300 st'g, and that he took care to get without loss of time for fear of another Board objecting to it, which I should certainly have done."

YORK, 17*th October*, 1835.

(AN OFFICIAL COPY.)

W. H. MERRITT, Esq.,

St. Catharines.

Dear Sir:

I wrote to you in haste last post day, after receiving a letter from Mr. M'Gillivray, on the subject of Mr. Boulton going to England without any documents, plans, or reports of any description. He seemed to consider that Mr. B. had been much too premature in all his proceedings, and that it was not intended he should go till the thing had been again submitted to a full Board, &c. I hope, if you had any documents that was to follow Mr. Boulton, (or to be sent to Mr. M'Gillivray,) that you lost no time in forwarding them; as otherwise, Mr. Boulton's mission will go for nothing, and he will pocket your £300 sterling for going home to attend to his own bussiness. Dr. Strachan drew up a report for the President, which he, Mr. Dunn, took over with him to St. Catharines. Pray, have you any such thing in Dr. Strachan's hand-writing, or, indeed, in both, as Mr. Dunn promised to return the copy to Dr. Strachan. That report was a heading or subscription. At Home, was to be a part of Mr. Boulton's instructions. There was a letter, written by Mr. M'Gillivray, from Buffalo, on 26th August, addressed to Mr. Dunn, *as President, at St. Catharines*, containing a letter from Sir James Carmichael Smith, which Mr. M'Gillivray says he understood was not delivered to him; pray, do you know any thing of it? Since the receipt of this letter from Montreal, I have thought a good deal about the new contract that has been long advertised to be made on the 26th. Will you be so good as let me know by next post what you suppose the amount of the contract will be, or nearly. If it is for the whole line of the Canal, it must be very considerable. I suppose it is only for excavating—it has nothing to do with locks, &c. And I wish to know also if there is funds comatable; I mean actually as much *stock* now taken up, as the instalments, when paid in at different places, will meet the payments, or if you depend at all on any part of the stock reserved to be taken up at Home. I understood you there was £100,000 reserved for Home. If there is not funds enough to authorize this contract, independent of this stock you anticipate to be taken when Mr. Boulton goes to England, I certainly will not be one to engage with any person; because, although your contracts may be in the name of the Welland Canal Company, whereby any individual making it may be exempt from personal responsibility, nevertheless I would not engage in any way without seeing the means was fully provided for the payment, (more than if I was personally liable,) and I am not very certain but if we made contracts with people without having funds to justify it, we should as individuals be personally *liable* Will you also inform me how your former contracts run. They are, I presume, between the Welland Canal Company and the contractor—no person as a Director is named. It also appears to me necessary to have some more funds *in the Bank here* comatable than we have. I find that the Bank is in advance nearly £2,000, in consequence of the drafts drawn some time ago by Mr. Dunn, or the Vice-President, on New York, not having been given to the Bank, although they drew on the branch at Niagara for the amount, which they paid, supposing those drafts to have been given to the Bank. I think there ought always to be at least £1,000 in hand here to command upon any emergency; but at all events the Bank will not advance one shilling beyond their funds. The extent of what you are authorized to draw for at Montreal, Quebec, and New York, ought, in my opinion, to be drawn on or about the first of each month. These are things you, no doubt, can satisfy me *about;* but unless you can show there are funds sufficient to authorize new contracts to be made, I would not be one that will make any. I hope Mr. Dunn will meet us, as I shall be over, please God. I am well,

I am,

Dear Sir,

Your obedient servant,

W. ALLAN.

Extract of a Letter from W. H. Merritt, Esq., to Hon. J. H. Dunn, President of the Welland Canal Company, dated St. Catharines, 31st October, 1825.

"In the latter part of this day, I received the communication from Mr. M'Gillivray to yourself and the Hon. Wm. Allan, and lose no time in replying to and giving my opinion thereon.

"In the first place, there is a great misunderstanding between Mr. Keefer, myself, and Mr. McGillivray, respecting his concurrence to the immediate payment of the £300 to Mr. Boulton.—When Mr. Keefer mentioned to me that Mr. Boulton had made out the draft, I stated that I had never been paid until the mission was fulfilled, and in justice to myself must state most distinctly that I never would have consented to that payment had I not have conceived it had Mr. McGillivray's approbation.

"2ndly. It was clearly stated in our minutes, that a subsequent meeting should be held, but in consequence of the sudden departure of Mr. Boulton, and his stating to me in his letter that he would be off immediately and procure either Mr. Allan's or your signature to the Power of Attorney, and likewise conceiving the business could be arranged with Mr. McGillivray in Montreal, and that not signing and sending it, would create or cause delay on my part, I did so without hesitation

"I explained in writing to Mr. Allan the cause of my not seeing the letter addressed by Mr. McGillivray, it was given to Mr. Boulton and probably he has it with him."

Extracts from the original Letter.

York, *November* 5th, 1825.

W. H. Merritt, Esquire,
St. Catharines.

Dear Sir:

* * * * * * * * * *

Mr. Dunn and myself have had a meeting on the subject of the canal business, and he entirely disavows altogether the proceedings respecting Mr. Boulton which the more they are considered the worse they appear, Mr. McGillivray disclaims them also, therefore, what is to be done? When I come to look at the power of Attorney you gave me a copy of, which I now return—(which you say you affixed the seal of the Company to) I am quite astonished, and am very certain it was drawn out and worded by himself. You inclose me a copy of the minutes of the Board of Directors, said to be held on the 14th November, 1324, but I think you must have meant 14th April, 1825—Mr. McGillivray was not in the country in 1824. The power to Mr. Boulton is in complete contradiction to its contents—in the one it is ordered that the deposits from Stockholders in Great Britain are all to be paid to a Banking House *named* in London, and the power given to Mr. Boulton, under the office seal, is to authorise him to ask, demand, and receive, from all and every person, the amounts of their several subscriptions, and to give all needful and necessary receipts, scrips, and discharges in behalf and on account of said Company, and to appoint one or more agents. In fact, it authorised him, if he pleased, and if he could get the money, to raise any sum he thought fit—apply it to any purpose he thought fit—and leave the Company answerable for it. Now, what Mr. McGillivray says, is this, as to the £300—I am aware that an order for the payment appears on the minutes, but I deny that any such order was given, and Mr. Merritt will recollect, when he mentioned to me afterwards that such an order has been signed by Mr. Boulton, that I expressed surprise and disapprobation, though I did not think fit to interfere, and only said I should have nothing to do with the proceedings.

In fact, it appears to me that every thing has been done too hastily—and so irregular, not according to the general rules.—There should be no order or proceeding of a Board acted upon till the minutes and orders had been read and confirmed by a *subsequent meeting*, that, I believe is the practice in all *public* bodies. That partly arises from the circumstance of the office and all the business that is done being where it is—and, in course, except yourself and Mr. Keefer, or any other Director that may reside there, that will always be the case, things hurried over and away.

* * * * * * * * * * *

I am perfectly disinterested, except so far as there is any cause for complaint or disappointment by any persons concerned—all who have any share of management or direction will be blamed. I am certain it is never the case wherever there is a common seal belonging to an incorporated body, it cannot be used except by the President or Vice President if there is any; and that under the authority and direction of the Board, and entered on the minutes. My idea, in which Mr. Dunn agrees fully, with respect to what should be done at home—*we ought to* have an agent there exclusive of whatever Mr. Boulton may do. No money whatever ought to pass through the hands of any Director or Agent; the deposits on subscribing, and the subsequent instalments ought to be paid into a Banking House in London, and drawn from there by Bills of Exchange signed by two or more members of the Board here, and which should be paid into the Bank of Upper Canada in compliance with the clause in our Act, which provides that all our funds are to be deposited in the Bank.

* * * * * * * * * * *

There is another circumstances which strikes me will not bear examination as I perceive the stockholders at New York are much displeased. It was only a *casual* meeting of *three Directors* of whom Mr. Boulton was *one* where a resolution was passed called a request for him to proceed to England, and that his reasonable expenses not exceeding £300 be paid—the resolution, however, contains a limitation, viz; "subject to such instructions as he shall hereafter receive from the Board"—without waiting for such instructions—without waiting for a regular meeting of the Board or any confirmation of the resolution, he draws for the money. With respect to what Mr. Proctor says, he suggested to the President to draw on him at ninety days, through the Canada Bank, or get the Bank at York to loan on the stock which is gone to London; the latter is quite out of the question—could they suppose that the Bank would lend such sums as are required upon anticipation of selling £100,000 of stock there.

* * * * * * * * * * *

I am, Dear Sir,
Your most obedient servant,
W. ALLAN.

(Office Copy.)

To all whom these presents shall come—The Welland Canal Company in the Province of Upper Canada, Incorporated by Act of Parliament—send

Greeting:

Know ye that the said Company have constituted and appointed and by these presents do constitute and appoint Henry John Boulton of the Town of York, in the Province aforesaid, Esquire, His Majesty's Solicitor General for the said Province, to negociate with any person or persons, bodies politic or corporate in England for the subscription of such and so many shares in the capital stock of the said Company as he may think proper, and for that purpose to open Books in the name of the Welland Canal Company for the subscription thereof, in the city of London or elsewhere as he may deem expedient, and also to ask, demand, and receive from all and every person and persons the amount of their several subscriptions and to give all needful and necessary receipts, scrips or other discharges therefor on the behalf and account of the said Company, and also to appoint one or more agents, for and on the behalf of the said Company to receive subscriptions or otherwise as he may judge to be for the interest of the said Company, hereby ratifying and confirming all and whatsoever the said Henry John Boulton shall do or cause to be done in the premises.

In testimony whereof, the said Welland Canal Company have caused their common seal to be hereto affixed at Saint Catharines, in the District of Niagara in the Province aforesaid, this 27th day of September. 1825.

W. C. COMPANY, [L. S.]

Countersigned.

Wm. HAMILTON MERRITT,
Secretary.

(Office Copy.)

York, *November* 7th, 1825.

W. H. Merritt, Esquire,
St. Catharines.

Dear Sir:

As you have now put the whole line of Canal under contract, it becomes necessary for us to be on a more substantial footing than it appears we are at present. Mr. Boulton may, and he may not sell the stock. I am not without my fears and doubts—he, I think, was the most improper person to be employed on such a mission, and when the speculators in London see one individual with such power and authority as Mr. Boulton possessed himself of, is one strong reason, in my mind, that there should be some apprehension. I told you at first, when I heard the matter at St. Catharines (for other reports I thought not true) my opinion, and which I see no reason to alter, and which I most sincerely lament. I am very sorry such a transaction should have happened whilst I hold the office I do in the Welland Canal, and from this feeling I am induced to make these remarks. I, however, must disclaim all connection with it, and I trust I shall be exhonorated by the Company. I have written my mind and expressed my sentiments to Mr. McGillivray on it, and at the same time requested to know from him and Mr. Irvine what they recommend as to rescinding that Power of Attorney which Mr. Boulton holds, with the seal of the Company attached, which is a dangerous instrument in any person's possession, and must prove a loose system in our concerns. I have al-

so written Mr. McGillivray on other important matters connected with the Welland Canal.

Our first step, now, is to lose no time in our application to the House of Assembly, for which purpose I beg you will come over as soon as you can. I see many good reasons to make the application as early as possible, this will relieve our friends at New York, and it is incumbent on us to do something, if we do not, I think there will be some difficulty in prosecuting the work for the want of our instalments at New York. The money market at New York may grow worse, and all these circumstances we have a right to anticipate and guard against. I will thank you to bring over the cash book and also the journal of proceedings—this, I wish for my own satisfaction, and see our money concerns placed in a clear point of view. Be so good as bring with you all other information that may be wanted in our transactions with the House of Assembly. I think the seal of the Company should be deposited with the President, I am confirmed in this opinion from recent circumstances—I will thank you therefore to bring it over with you.

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I am, dear Sir,
Your's very truly,
JOHN H. DUNN.

Extract of a Letter from W. H. Merritt, Esquire, to the Hon. J. H. Dunn, President of the Welland Canal Company, dated St. Catharines, 10th November, 1825.

"Since writing and inclosing the petition intended for the Legislature by this day's post, your letter of the 7th has been received; and must observe to you as I mentioned to Mr. Allan, the Power of Attorney was countersigned by me as Secretary *on the authority of Mr. Boulton as Vice President*, and under the expectation he would get your or Mr. Allan's signature affixed to it, besides I assure you for one, after Mr. McGillivray's proposing the measure for Mr. Boulton to go home for the purpose of obtaining the stock, I had not the least hesitation in placing unlimited confidence in him to make every necessary arrangement respecting the funds; more especially as it has ever been the practice of the Board of Directors to do so heretofore. Mr. Boulton it is true drew out this Power of Attorney himself—I had a similar one to obtain the stock formerly, and I hope most sincerely that Mr. McGillivray may not think it necessary to rescind that Power of Attorney without sending him another, otherwise a very great delay will again arise.

"I perceive by the turn this business has taken from Mr. Boulton's precipitate departure, that the whole censure is endeavoured to be placed on myself—I am perfectly willing to receive my share, as I am aware our proceedings were premature, but as I conceived Mr. McGillivray was the person to whom we looked up for obtaining the London stock, I tacitly agreed to the measures he proposed, and part of the design or execution should be imputed to me with the exception of the Power of Attorney—this was done under Mr. Boulton's representation, and under similar circumstances any other person would have done the same thing. If there are so many difficulties in procuring this London stock, besides the fear I apprehend of creating dissatisfaction among ourselves—it would have been much more to the interest of the Company to have had nothing to do with it—every thing else has gone on with the greatest regularity, and without trouble or confusion."

Extract of a Letter from Simon McGillivray, Esquire, a Director of the Welland Canal, to Honorables William Allan and John H. Dunn, dated Montreal, November 13th, 1825.

DEAR SIRS:

* * * * * * * * * * *

I am aware that much may be said in favor of *local* management, but *local* management in order to obtain *general* confidence, must not be confined to any particular interest. Unfortunately for the Welland Canal, the gentlemen in the Niagara District, who stand highest in public estimation, and in the council of the Province are from the prejudice of local interests, hostile to the undertaking, and the only gentlemen, of sufficient consideration in society to have been appointed members of our Board from amongst the resident Stockholders, have undeniably local interests, which, in some cases, may be considered to sway their opinions. On this point some rumours have reached me, which I do not believe, which I will not repeat, and to which I allude *only* as a further reason for observing, in all cases, the cautious regularity in our proceedings, which may enable us, at all times, to trace every transaction to its source, and to give a sufficient account of every head of expenditure on our books. Now, the books which I saw at St. Catharines did not contain so regular a system of accounts, nor such a check on expenditure, as would be creditable to us, or, perhaps, satisfactory to our constituents, in the event of any question arising in regard thereto; and, considering all these circumstances, as well as the personal convenience of the Directors, resident at York, I have to express my concurrence in the suggestion of removing the office of the Company to York, and employing a regular accountant to keep the books, records and transactions of the Corporation, in a regular and business-like method. The resident Agent at St. Catharines can superintend the operations *at* the Canal, as heretofore, and pay such disbursements as he may be authorised to do by the Board of Directors; but we owe it to our constituents, and to our own character, that all decisions of important matters, should be *really* the proceeding *of the Board* and not of an Agent, on our behalf, or on the confidence of such a proceeding afterwards receiving an *expost facto* confirmation, when, perhaps, it may be too late to prevent an inexpedient measure; as, for instance, in the case of the Power of Atttorney to Mr. Boulton.

* * * * * * * * * * *

To give to any individual such a Power of Attorney as Mr. Boulton now holds under the seal of our Company was I must always think a most unwise proceeding, but to *rescind* the same after being once given, is a matter which requires some consideration. I do not suppose there is any DANGER of Mr. B. making an improper use of this document, and indeed it would not be easy for him so to do, because people in England do not so easily part with their money, as to advance it on the security of an unknown Canadian Corporation; besides, that if it be supposed possible that Mr. B. could be capable of so acting, then a resolution to rescind the Power of Attorney would not destroy the document which is actually in his possession, and which he would still have the *power* of using if we assume that he is capable of so acting. The *danger*, if any, I take to be that Mr. B. or any gentleman in his situation might be offended by the suspicion implied in the revocation of his power, and it appears to pass a resolution appointing an Agent, and referring to Mr. Boulton as a Director, to give to this agent and to the Committee who may be induced to act in the matter all such information as his local knowledge may enable him to afford; and at the same time recommend to him by letter not to produce or attempt to act under the Power of Attorney which is considered, "by the Board as an instrument not likely to be satisfactory to the expected stockholders, or to the Committee who must in the first instance at least take the management of the funds to be contributed by such stockholders."

This I think would prevent any exposition of the power from being made, and I presume you and our successors will take care that no such case shall again arise.

I remain with regard,
Dear Sirs,
Faithfully your's,
SIMON McGILLIVRAY.

(OFFICE COPY.)

At a Meeting held at York, November 22d, 1825.

PRESENT—Hon. John Henry Dunn, *President*,
Hon. William Allan, *Vice President*, and
William Hammilton Merritt, Esq., *Director*.

The Board considering it will be necessary for the Welland Canal Company to have a resident Agent in England, provided the Stock is taken up which was reserved for that market in the first instance.

1st *Resolved*—That Henry J. Boulton, Esquire, His Majesty's Solicitor General, now in London, and one of the Directors of this Company, be requested to offer the situation of Agent under the direction of the committee who may be appointed, to Mr. Galt, who is now Secretary to the Canadian Land Company.

In order that the affairs of this Company may be conducted in London in such a manner as may be likely to meet with general

approbation to all concerned, and as the Canada Land Directors will, no doubt, feel the vast importance of this Canal to the Canadas, it would, in the opinion of the Board, be highly important that some of those gentlemen should be solicited to undertake the management of the Welland Canal Stockholders in Great Britain.

2d *Resolved*—Therefore that a committee be formed in London, consisting of not less than 5 gentlemen and that from Mr. Galt's personal knowledge of the Province, that he be recommended to this committee as a proper person to fill the situation of Agent, to conduct the affairs of the Welland Canal Committee in London, and that Mr. Galt's reasonable remuneration be fixed by the said committee.

(Office Copy.)

Brockville, *4th August*, 1826.

The President of the W. C. C.
Welland Canal Office,
St. Catharines;

Sir:

I have the honor to enclose you for the information of the Board of Directors of the Welland Canal Company a copy of a letter from Mr. Galt declining (as I anticipated in my letter of the 3rd May last) the Agency of the Company in London on account of the total absence of any credentials which could warrant any person acting under them.

Upon receiving Mr. Galt's reply, I consulted with Dr. Strachan then in London, who perfectly agreed with me in thinking that it would only expose the Board to animadversion, and myself to mortification to attempt any thing further and I immediately made arrangement for leaving England without having accomplished the object of my mission.

Should the Board be inclined to send Mr. Galt proper authorities and credentials to act upon he will undertake negotiating the business in London, and altho' the times are extremely unfavorable for raising money for any purpose, yet I am of opinion he may succeed in getting the stock taken up, though I consider the result doubtful.

Had the proper credentials been forwarded to me, when they might and ought to have been transmitted, I could have had the matter decided one way or other, before I left London, and I have reason to think I could perhaps have accomplished my object, but being totally unprovided with authority, I could only speak generally of the affairs of the Company without making specific propositions.

I only arrived here this day, and am leaving as soon as possible for Cornwall to attend the Assizes, and therefore have written more hastily than I could have wished.

Your obedient servant,
H. J. BOULTON.

(Office Copy.)

York, *November* 22nd, 1825.

H. J. Boulton, Esquire,
London.

Sir:

A meeting of the Board of Directors took place this day, and the accompanying resolution transmitted for your information and guidance. I have to state, by order of the Board, that they conceive that the document which you hold, in the shape of a Power of Attorney, and to which is affixed the seal of the Company, is, in their opinion, a highly objectionable paper, and which they feel is an illegal proceeding, as it appears to have been executed without the proper authority and sanction of the Directors. It appears to the Directors that it is in direct contradiction to the resolution passed on September 20th, 1825, which is here enclosed, and altogether ill-calculated to execute the undertaking which you are entrusted with. They have directed me to request, for many reasons, that you will not make use of this their power, to any person, upon any account whatever—at the same time they expect you will make every exertion in accordance with the above resolutions to dispose of the stock, and to afford every information to the committee or agent, and to render that assistance to the purpose of your mission, that the Welland Canal Company have a right to claim from you.

By order of the Board.
I am, Sir,
Your most obedient servant,
J. H. DUNN,
President Welland Canal Co.

Extract of a Letter from Mr. Proctor, Agent for the New York Stockholders, to Mr. Merritt, dated January 7th, 1826.

"I hope soon to have your reply to my letter on the subject of the stock. I hope Mr. McGillivray will soon be here to take his departure for London, for I expect, or rather hope, nothing will be done till he arrives. It is to be regretted that Mr. Boulton had anything to do with it, and the sooner his power is cancelled the better. Reports are that he *was* going home on his own business—therefore, as a Director, it was his duty to look after the business without any compensation, except what the Directors might afterwards think proper to allow him."

(Office Copy.)

27, *Bury Street, May* 3rd, 1826.

The President of the
Welland Canal Company,
St. Catharines, Upper Canada.

Sir:

After calling four times upon Mr. McGillivray for papers which Mr. Merritt informed me, by letter of 22nd November last, were immediately to be forwarded to me, through him, respecting the Welland Canal, I received from him, on the 19th ultimo, the resolutions of the Board of Directors of the 22nd November, 1825, together with some copies of documents, unauthenticated, either by the seal of the Corporation, or the signature of any of its officers, and most of which I brought with me last autumn.

Therefore, after waiting six months for instructions, which, in November last, were declared absolutely necessary, I am nearly where I was when I arrived, so far as proper detailed instructions with properly authenticated documents are concerned.

The only information I am put in possession of, by thus waiting, is the estimate for the remainder of the route between the Deep Cut and Lake Ontario.

The delay in transmitting these papers, however, such as they are, I consider an unpardonable neglect in those who knew the importance of expedition, and were entrusted with the conduct of the affairs of the Company in Canada.

One paper, among others, was handed me by Mr. McGillivray, purporting to be a letter written by the President, dated 22nd November last, remarking upon the irregularity and illegality of the proceedings of some body, but as it was an open sheet of paper, addressed to nobody, and alluding to no one by name, I could not presume that the Board of Directors had sanctioned it, or intended it for any use; and the more so, as it alludes to a resolution therein said to be inclosed, which did not even accompany it, and therefore I could not consider such an irregular and unbusiness-like production in any other light, than a piece of paper which had accidentally found its way into the bundle.

I consequently remain, through the carelessness of those entrusted with the affairs of the Company, without proper and authentic documents. There is not even a report properly authenticated.

From the tenor of a correspondence shewn me by Mr. McGillivray, between himself and some of the Directors, I should not regret the want of authentic and regular documents, if the interests of no others than the writers, were concerned in the success of my endeavors, because I should then at once relieve myself from any further concern about the matter, and leave it to its fate; but I have considered that the unhandsome insinuations contained in the letters of two or three individuals should not deter me from continuing to use my exertions for the benefit of the stockholders at large.

As these individuals, however, were Directors at the time I left Canada, I further consider that it comports best with my own dignity not to accept of any thing from a Board of Directors, amongst whom there is any dissent, although the sum was fixed upon which was to pay my expenses to England, in as full a Board as ever sat on the affairs of the Company. I have, consequently, inclosed a draft to the Cashier of the Bank of Upper Canada for the balance of the £300, appropriated to my use, after deducting £20, to pay for lithographing the plans and printing expenses, leaving all remuneration for my services to the Stockholders, to whom, I shall be happy, at all times, to afford any explanations they may require relative to my conduct, though I shall never condescend to do so to such of my fellow Directors as have

so far forgotten the rules of common justice as to express unfounded opinions upon that conduct in my absence.

I request the Board will understand, however, that I shall continue to use my best endeavors for the interest of the Company—By the next post I hope to be enabled to report some favorable progress.

I have the honor to be,

H. J. BOULTON.

SIR,

It being near 3 o'clock in the morning, and having several letters to write before Mr. Justice Boulton who takes this packet, leaves here at 8. I must beg the Board to excuse my not copying the enclosed before I sent it having no time for that purpose.

Your obedient servant,

H. J. BOULTON.

TO THE PRESIDENT OF THE WELLAND CANAL.

It appears by the minutes of the 6th Oct. 1826, that Mr. H. J. Boulton having called the attention of the Board to Mr. McGillivray's letter of the 14th Oct. 1825, where he mentions that the meeting at which Mr. Boulton was appointed to go to England was a *casual* not a regular meeting, Messrs. Keefer and Merritt stated that they considered it to be a regular meeting, and that it had been sanctioned as such on the same day.

Certificate by Messrs. Merritt and Keefer.

YORK, *5th October*, 1826.

"There was no minutes entered on the Books of the Board respecting said report, but it was understood in conversation at the Board that Mr. Boulton should consult with the Hon. Doctor Strachan and the Attorney General (Mr. Robinson,) and revise the report. When it was to be taken to Montreal and receive the sanction of Messrs. McGillivray and Irvine, and then be printed.

WM. HAMILTON MERRITT,
GEORGE KEEFER.

The Welland Canal Company,

To Henry John Boulton, Esq. DR.

1825				
Oct.	To my expenses from York to Quebec and thence to New York,		£ 18 8 9	
	To passage from thence to England,		36 2 3	
1826				
June 13	To my expenses in England from 5th Nov. to this date, st'g	£153 0 0		
	Paid my passage and servants to New York,	38 0 0		
		£191 0 0		
	Add 1-9th for currency,	21 5 0	£212 5 0	
	Premium and interest for 6 months on this sum p'd in England equal to 12 ₱ cent.		25 8 9	
August	Expenses from New York to Canada,		6 5 0	
1827				
May 25	To sundry business done for the Company as their counsel during 2 years to date,		12 10 0	
			£310 19 9	

Received the above

H. J. BOULTON.

Mr. Boulton went to New York at another time to fulfil a duty easily to be done by letter—He charged £100, and got the money. Although all parties admit that Mr. Boulton's appropriation to his own use of £300 sterling, of the canal funds, was an improper transaction; and although, when goaded by the reproofs of the President, he returned the money and declared he would leave the whole question of his remuneration to the decision of the stockholders at a general meeting, I find that he never did appeal to the Stockholders, but took the opportunity of the meeting of a Board at the Deep Cut, in May, 1827, composed of his friends and relations to ask the money back again; and he got it.

The Board was composed of himself, his relative Chief Justice Robinson, his brother Mr. D'Arcy Boulton, Mr. Keefer, Colonel Wells and Mr. John Clark. This was their unanimous resolution:

Minutes, 16th May, 1827.

"Mr. Henry J Boulton presented an account of his expenses to England, amounting to £310 19s. 9d. currency, when it was referred to the minutes of the 20th September, 1825, wherein a sum not exceeding £300 sterling, was granted for the said mission:

"*Resolved*—That the undermentioned accounts be paid: H J. Boulton's mission to England, £310 19s 9d"—&c. &c. &c.

So Mr. Boulton contrived at length to obtain the expenses of a journey to England to do his own business, out of the funds of a Canal, undertaken in a great degree for the purpose of enhancing his waste lands in value, and on which he had conferred no advantage. Although he was elected a director in 1825, and was named Vice President, an office not before thought of, it does not appear from the canal leger that he had paid one farthing on his stock subscribed. It was not until the 30th of June thereafter that he ventured to invest £18 15s. in the work, in part of his shares. The scheme of the canal act of incorporation appears to have been Boulton's in conjunction with Mr. Merritt.

It will be recollected that the winter of 1825, when Mr. Boulton arrived in London, was the period of the great depression of the money market which occasioned such great distress and so many failures. Had it not been so, the danger anticipated by Messrs. Dunn, Allan and McGillivray of Mr. Boulton's obtaining £100,000, under a loose Power of Attorney of his own drawing, and of his applying it to any purpose he thought fit, might have been converted into a reality.

The Canada Land Company purchased an extensive tract in the London District on Lake Huron at almost a nominal price, and they own besides much valuable landed property, the price of which had been increased by the Welland Canal. For its advantage they promised to take considerable stock in the canal or lend it £6,000. I have perused an extensive correspondence between Messrs. McGillivray, Galt, Easthope, Boulton, Dunn, and others, on the subject of the aid promised by the Canada Company to the Canal, and consider the conduct of its managers to have been as Mr. Dunn, in one of his letters, happily expresses it, "extremely shabby."

The only service performed by Mr. Boulton, that I can find out, was his correspondence with Mr. Galt. I annex an account of the proceedings of the Canada Company with Mr. Boulton's letter.

(Office Copy.)

13, *St. Helen's Place,*
9th June, 1826.

Mr Sol. Gen'l Boulton,

Dear Sir,

Until the fate of the Canada Company should be determined, you were informed that I would return no answer to your letter of the 26th April offering me the situation of agent to the Welland Canal Company—it is therefore unnecessary for me to make any apology on account of the delay which has taken place.

I would have embraced with satisfaction this offer, both on account of the benefit which the undertaken is likely to produce to the Province, and of the interest I originally took in the extended scheme of the works; but I can no where discover among the papers left with me, (and which I herewith return) any credentials by whch an agent would be safe to act for a corporation, nor indeed any regular delegation of authority at all—under these circumstances I am reluctantly obliged to decline the business.

Permit me to remark that I do not very well see in the proceedings of the 22nd November in what manner it was expected of me to act. You are authourised to offer me the agency, but then it would seem to follow that I am only to be recommended for that situation to a committee, and that my remuneration is to be dependent on the estimate which that committee may make of my services. The times are gone by when subscriptions to public companies were sought after and the mode of managing these things has relapsed to the old fashion of application and the knowledge of parties likely to embark in the particular undertaking proposed to them. I should therefore have charged the regular commission of 2½ per cent. on what I raised, independent altogether of any allowance which the committee might have adjudged for the after duties of the agency.

I remain,
Dear Sir,
Your most obedient
Humble Servant,
JOHN GALT.

(Office Copy.)

Welland Canal Office,
St. Catharines, March 26, 1829.

John Galt, Esq.
Guelph:

Sir,

The Board of Directors have desired me to acquaint you that they have obtained an Act of the Provincial Parliament of Upper Canada to enable them to borrow the money agreed to be advanced by the Court of Directors of the Canada Company, 31st July, 1828.

By Mr. McGillivray's letter of the 20th August we were referred to you, and by yours of the 9th October we infer your answer, obtaining this act was the stipulation on which we were to obtain the loan of £6,000 sterling. We will therefore feel obliged if you will inform us in what way we are to draw for the money.

W. H. MERRITT.

(Office Copy.)

Welland Canal Office,
St. Catharines, July 16, 1829.

To the President of the
Canada Company,
London;

Sir,

* * * * *

In order to enable the Welland Canal Company to avail themselves of your offer, an act was applied for and obtained, a copy of which is now transmitted. It was passed on the 20th of March last. In the mean time such arrangements were made as enabled us to prosecute the work with great activity at the opening of the present season, but in these arrangements the £6,000 has been reckoned upon as part of our resources of which we might avail ourselves by depositing the required security.

We have now executed a bond to the Canada Company, as we are authorised to do by the Act above referred to—a copy of that bond is herewith transmitted—the original being in possession of the Commissioners of the Canada Company.

In order to place fully and we trust satisfactorily before the Company the present state of the canal, we forward a report recently published by the Directors. The work is rapidly approaching to its completion, and sanguine expectations are entertained of the results which must follow.

Under these circumstances we have ventured to draw upon the Canada Company in the confidence that they will fulfil their promise of assistance to this great public undertaking, for indeed unless they do, very serious inconvenience will be sustained, as the reputation and success of the work call for its completion without delay.

J. H. DUNN,
President.

(Office Copy.)

Executive Council Office,
York, 26th Octr. 1829.

W. H. Merritt, Esq.
&c. &c. &c.

Sir,

I am directed by the Executive Council now sitting to request your attendance to-morrow forenoon at eleven o'clock, and that you will bring with you for the information of the Council any correspondence or documents that may relate to the interest proposed to be taken in the Welland Canal by the Canada Company or Mr. Ellice.

I have the honor to be,
Sir,
Your most obedient
Humble servant,
JOHN SMALL,
C. E. C.

(Office Copy.)

York, 9th November, 1829.

Wm. H. Merritt, Esq.
St. Catharines:

My Dear Sir,

The inclosed I received by the last Post—when you have read it give it to Mr. Black for the information of our next Board. I am glad to hear so good an account of the progress of the water. I shall endeavor to be with you as early as I can. I think it extremely shabby of the Canada Company. It is not fair to throw the blame upon us, when they must know the failure arises from other causes.

Yours truly,

JOHN H. DUNN.

(Office Copy.)

CANADA COMPANY.

At a Court of Directors of this Company held on Thursday, 31st July, 1828.

John Easthope, Esq. M. P. in the chair.

It was *Resolved*—

That the recommendation of the committee of correspondence to take five hundred shares in the Welland Canal would in the opinion of the Court of Directors be advisable to adopt—provided the same can be done with legal propriety referable to the power and conditions of the charter.

That it be referred to the committee of correspondence to advance a sum not exceeding six thousand pounds either by subscription, loan, or upon such terms as may be found expedient and secure.

[Signed] JOHN EASTHOPE,
Chairman.

R. SPANKIE'S OPINION.

1st. Whether the Welland Canal Company can lawfully raise money on Bond, and give any and what security for the principal and interest so borrowed?

It is apprehended that a corporation like this, as a corporation generally (if not restrained) may borrow money and give bonds and other securities that will bind the common property. I think also they might mortgage the tolls in this case to the extent below which they cannot be reduced by the local legislature.

There appear indeed to be difficulties in the way of satisfactorily carrying into effect the arrangement and securities for a loan in this case. The Directors of the Welland Canal Company have no express or implied power by the act to borrow money on such terms, or to affix the common seal to securities—nor does it appear to be within their ordinary functions and authority. I think however they might be legally empowered by a general meeting to borrow money on Bond with Mortgage security on the tolls, and to affix the common seal to such instruments which would be available upon the Company's property.

It certainly however would be more advisable to have the sanction of the local Legislature, in order to avoid all question on the subject.

Secondly—Whether the Canada Company can legally purchase and hold shares in the Welland Canal Company? and if you should be of opinion that they can, then

Thirdly—Whether they can subscribe for more than 80 shares.

2nd. I do not think the Canada Company can legally purchase and hold shares in the Welland Canal Company both with reference to the act establishing the latter, and to the objects of their own association, though an advance of money for the canal seems sufficiently authorised by their charter.

3rd. At all events they cannot hold more than 80 shares.

(Signed) R. SPANKIE.
Temple, 13th August, 1828.

Canada Company's Office,
Guelph, Oct'r. 9, 1828.

To the Secretary of the
Welland Canal Company,
St. Catharines:

Sir,

By a resolution of the Court of Directors of the Canada Company, I am informed that the Company is disposed to advance £6000 towards the Welland Canal on certain conditions and stipulations. I shall therefore be glad to see you on the subject if you can make it convenient to come here before the middle of next week, when I may have occasion to be in York. should you not come this way, the business can be arranged at York, where I propose to remain till the arrival of Sir John Colborne, who comes out in the packet ship, the Corinthian.

I have the honor to be,
Sir,
Your most obedient servant,
JOHN GALT.

(Office Copy.)

Letter to W. H. Merritt, dated Canada House, London, May 29th, 1829.

My Dear Sir:

I have to acknowledge the receipt of your letter of the 3rd of April, which being, (although addressed to me individually) in reality a communication to the Directors of the Canada Company, I as such laid it before them.

I have to state to you in reply that you have been misinformed in regard to Mr. Galt's reports having done any disservice to the Welland Canal Company with the Directors or the Canada Company, or according to my belief with Mr. Ellice, and that for the best of all reasons, because the only reports sent home by him to my knowledge were sent before your

visit to England, and therefore were previous to the consent you obtained from Mr. Ellice, and from the Directors to advance certain sums by way of loan to the Welland Canal Company.

Leaving Mr. Ellice therefore to answer for himself, I beg to remind you on behalf of the Directors of the Canada Company, that the consent which you obtained from them to advance a sum of £6000 was upon certain conditions which your Company has failed to comply with, and which I fancy will prevent the completion of the transaction.

Those conditions were—

1st. That the legal difficulties stated in the opinion of Mr. Sergeant Spankie (whereof I furnished you with a copy) should be removed by a new Act of the Provincial Legislature. This was stated to you to be an indispensible preliminary.

2nd. That the security specified in the same opinion should be regularly given for the money so to be advanced; and

3rd. That the Welland Canal Company should give an answer to the Court of Directors of the Canada Company—such answer to be received in London on or before the 31st of January, now past.

In regard to the first of these conditions, you only say—"Our Legislature has done no good."

In regard to the second, you say nothing—and

In regard to the third, no answer whatever has been received from the Welland Canal Company.

Under these circumstances, I consider the arrangement depending on those conditions to be at an end, and so far my communication to you, on behalf of the Court of Directors, is concluded—but individually, and in order to prevent useless trouble, I will add my own opinion, that any further application to the Canada Company for the aid you seek to finish the Canal, will be unavailing.

This opinion is founded not so much on circumstances connected with the undertaking itself, of which *I* still continue to think favorably, although many are discouraged, on circumstances connected with the proceedings and plans of the Canada Company. Had the conditional arrangements made with you in August last, been acted upon in time by the Welland Canal Company, the Directors of the Canada Company would, of course, have completed them; but, whether any renewed application of the same nature would now be entertained, is quite a different question.

I remain, &c.,

SIMON McGILLIVRAY.

(Office Copy.)

Letter to the Honorable Wm. Allan, Esquire, dated Canada House, September 3rd, 1829.

Sir,

Your letter of the 14th July has been received and laid before the Court of Directors, and the bill therein mentioned as having been drawn by the President of the Welland Canal Company has been presented for acceptance.

The Court regret to be under the necessity of refusing to pay this bill, but in the present circumstances of the Company, they cannot further entertain the question of granting a loan to the Welland Canal Company, or yet taking shares in that undertaking.

You will receive herewith copy of a letter from Mr. McGillivray to Mr. Hamilton Merritt of the 29th of May last, which the Court consider sufficiently explanatory of this matter, and to which they accordingly refer. It appears singular that the Directors of the Welland Canal should have neglected or acted as if they were not aware of the *conditions* upon which *alone* the proposed loan was to have been granted, since exclusive of the ample instructions sent to Mr. Galt on the 21st of August, 1828—a copy of Mr. Sergeant Spankie's opinion was sent to Mr. Merritt before his departure from England, with an intimation that "as corporate bodies can only act "according to legal advice, the Court of Directors "must, as an indispensable preliminary, require a new "Act of the Provincial Legislature authorising the "Welland Canal Company to give to the Canada "Company an effectual security for the proposed "loan."

If such an Act has been passed, a copy of it should have been transmitted to the Court, in order to shew that it does authorise the granting such effectual security, because altho' entertaining due respect for any document passing through the hands of the Attorney General, as the Bond delivered to you appears to have done, yet the Court could not in any case advance money upon an inference, and in consequence of the conditions required as indispensable preliminaries having been thus entirely lost sight of by the Directors of the Welland Canal, or not stated to them by their Agent Mr. Merritt, their present bill must have been refused, even if there were ample funds fully disposable to provide for it, so that an inconvenience arising from its being returned falls fairly to be settled between the Directors and Mr. Hamilton Merritt.

The Court have entered into this explanation in order to satisfy yourself and Mr. Dunn, that there is no breach of agreement imputable to them in returning his bill, because it was drawn without authority. It is not deemed requisite to send you new copies of the papers transmitted last year specifying the conditions of the original agreement, because the present circumstances of the company would prevent the Court from now granting this loan on any conditions, and these circumstances it is presumed might have been sufficiently known to Mr. Dunn in his character of Receiver General, to have prevented his placing much reliance on the payment of his bill as President of the Welland Company.

I have the honor to be, &c.,

JOHN EASTHOPE,

Chairman.

(Office Copy.)

Canada House,
London, September 24. 1829.

The Hon. John H. Dunn, Esq.,
President of the Welland Canal Co.
&c. &c. &c.

Sir:

By desire of the Court of Directors of the Canada Company, I have the honor to acknowledge the receipt of your letter of the 16th July, advising the bill drawn by you as President of the Welland Canal Company, and transmitting a copy of the Bond placed by you in the hands of the Hon. Wm. Allan, the receipt of which is acknowledged by that gentleman in a letter to the Court of Directors received some days previously to yours.

In reply I am instructed to transmit to you the inclosed copies of my letter of the 29th of May last to Mr. Merritt, and of the Court's letter to Mr. Allan of the 3rd instant, and to inform you that the Court cannot re-consider the determination already announced in these letters.

The Directors regret the disappointment which this may cause to the managers of an undertaking of such public utility, and in the success of which they feel so deep an interest, but they cannot admit that the inconvenience arising from such disappointment is imputable to them.

If the Directors of the Welland Canal had at once accepted the conditional arrangement made with Mr. Merritt in August 1828 (subject to the contingency of obtaining the desired Act of the Provincial Legislature) and if such acceptance had been received in England on or before the 31st of January, for which there was ample time, they might so far have claimed the benefit of that arrangement, on complying with the required conditions so soon as they should be legally competent so to do, but seven months subsequent to that period having elapsed without any communication being received on the subject, it seems undeniable that the proposed lenders had a right to consider the arrangement at an end, and that it would have been an act of prudence as well as of courtesy on the part of the borrowers to refrain from drawing for the money until they should have received authority for so doing, in the new circumstances in which they were placed. Mr. Merritt's letter to me of the 3rd of April, (14 days after the passing of the Act of the Provincial Legislature) was not the sort of communication which should have been made by the Canal Directors, if they had *then* meant to confirm and claim the benefit of the previous conditional arrangement, although that letter might perhaps have been intended as such, and it was, under that impression promptly answered. If therefore it was so intended, it would have been well to wait for the answer before taking it for granted that they were authorised to draw for £6,000, and if they had so waited they would have prevented the inconvenience which may now arise from the return of your bill.

In this matter the Directors of the Canada Company beg to be understood as not acting on any punctilio, but merely with that discretion and circumspection which their public duty requires. If it were even a reasonable expectation that they should for such a length of time beyond their contract have held funds at the disposal of the Welland Canal Company, yet certainly the circumstances of that Company are not exactly the same as they were when the contract was made. The change of plan of the Canal *may* be an improvement, as it is alleged to be, but it has arisen out of a serious disaster, and it greatly retards the completion of a ship navigation, and the receipt of the tolls therefrom on the *whole distance* from Lake Ontario to Lake Erie. It therefore so far deteriorates the proposed security of a mortgage on those tolls, and on referring to the recent Act it appears that although the Welland Canal Company are authorised to transfer the *tolls and profits* as a security for the *loan advanced by Government*, yet for further sums to be raised by loan they are not authorised to grant mortgages of tolls and profits, but merely to issue transferable bonds; and if any question should arise about the payment of such bonds, it might be practically difficult to recover the same otherwise than by purchasing canal stock which you'll recollect the Directors of the Canada Company were advised they could not lawfully do.

These considerations would necessarily prevent the Court of Directors from now advancing this money, even if the application had come before them in a more regular and business-like shape than even it has done, and it is therefore needless to assign any other reasons for the determination already announced to you through Mr. Allan, and which it might have been expected would have been anticipated from circumstances certainly known to *both you and him*, if not to the other Canal Directors, but probably to all of them; involving the state of the Canada Company's funds and the capability of paying the instalments promised to His Majesty's Government, so that with reference to these circumstances only, any other result than the return of your bill could scarcely have been expected.

I have the honor to be,
Sir,
Your most obedient servant,
SIMON McGILLIVRAY,
Chairman of the Committee of Correspondence.

John Perry,
Clerk and Accountant.

Tuesday, 1*st March*, 1836.

Committee met.

PRESENT.

James Edward Small, Esq., *Chairman*,
Messieurs Chisholm,
Parke,
Gibson,
Thorburn
Solicitor General,
Shaver,—7.

Mr. Hall *again called, and further examined.*

[By Mr. Merritt.]

200. What do you conceive the increased value of excavating earth each additional foot in depth after 10 feet is first removed?—The plan I usually adopt

is to add about a cent to each foot as you descend; say for the first ten feet if you commence with *ten* cents, for the 2nd ten feet 20 cents per cubic yard—the 3rd 30 cents, and in such proportion.

201. What do you conceive the value of excavating the Deep Cut from the surface to the depth of 10 feet, at its present width?—I should think from 10 to 15 cents per cubic yard.

[By Mr. Mackenzie.]

202. Do you think the Deep Cut Contracts given to Harvey & Ward and afterwards given to Mr. Phelps were at fair and reasonable prices?—If the price for the first ten feet was under 15 cents, I would think it fair—and so on in proportion.

[*The witness withdrew.*]

Thursday, 3*rd March*, 1836.

Committee met,

PRESENT.

James Edward Small, Esq., *Chairman.*

Messieurs Chisholm.
Gibson,
M'Donell.
Parke.
Roblin.
Shaver,
Solicitor General, and
Thorburn.—9.

Mr. Hall *again called, and further examined.*

[By Committee.]

203. Have you any additional or detailed evidence to give to the Committee in answer to question No. 202?—I have since examined the proposals given in July 1825 for the Deep Cut—also proposals for May 1827.

[Witness handed in to the Committee the following statement:]

COMPARATIVE TATBLE OF PROPOSALS for six Sections at the Deep Cut; received July, 1825.

No. of proposal	NAMES OF PARTIES.	*No. of Sections*	*Price per yard.*	*Rock.*	*Hard pan*	*Quicksand.*	*Grubbing.*
1	Jacob Leak & Co.,	6	30 *cts.*	....	50*cts*	40	$ 50
2	J. B. Lowry,	5	40	rock	excepted,		75
3	Simon Schofield & Co.,	6	30	....	....	....	....
	Do Nos.	2, 3, 4 & 5	35	....	....	....	....
	Do	1	30	....	....	....	100
4	William Hill,	1	12½	....	....	....	....
5	Michael Coody & Co.,	1	17	....	....	....	....
	Do	6	34	....	....	....	45
6	Bell, Richardson & Co.	1	17½	....	....	....	....
	Do	2	24¾	....	....	....	....
	Do	3	26	....	....	....	....
	Do	4	28	....	....	....	....
	Do	5	28	....	....	....	....
	Do	6	24½	....	....	....	75
7	David Thompson & Co.,	1	19	....	....	....	....
	Do	6	40	....	....	....	80
8	D. and R. Thompson,	2	37½	....	....	....	....
9	J. Emery & Co.,	1	14¾	....	....	....	....
10	*John and James Clowes,	1	14	....	....	....	....
	Do	2	17	....	....	....	....
	Do	3	18	....	....	....	....
	Do	4	19	....	....	....	....
	Do	5	19	....	....	....	....
	Do	6	18	....	....	....	8
	John and James' 2nd proposal,	2 & 3	17½	....	....	....	....
	Do	4, 5 & 6	18½	....	....	....	....
	Do 3rd proposal,	2 & 6	17½	....	....	....	....
11	Thomas Arrowhead & Co.,	1	12½	....	....	....	....
	Do	5	38	....	....	....	....
12	Watson & Irvine, of No.	1	12½	....	....	....	....
13	Thomas Walsh & Co., of No.	2	15	....	....	....	....
14	*Hovey & Co., For all the Sections,	1 to 6	28	....	....	....	....
15	George Connelly,	1	30	....	....	....	....
	Do	6	48	....	....	....	....

Total average, 17½ cents.

* Including all Rock, Quicksand and Grubbing.

COMPARATIVE TABLE OF PROPOSALS—*Continued.*

No. proposals	NAMES OF PARTIES.	No. of Sections.	Price per yard.	Rock.	Hard pan.	Quicksand.	Grubbing.
16	*Rudyer, Hays & Co.,	1	11 9/12 cts.	....	....	.....	....
	Do	2	15 1/2	....	....	.....	....
	Do	4 & 5	16 1/2	....	....	.....	....
	Do	6	15	....	....	.....	....
17	Isaac Chester,	1	14	....	....	.....	$ 80
18	Hartwell,	1	14	....	....	.....	....
	Do	2 & 3	33	....	....	.....	....
	Do	4, 5 & 6	30	....	....	.....	....
19	William Bell, (½ cent cheaper than any other person,)	1	00	....	....	.....	....
20	Allen McLean,	1	19	....	....	.....	....
	Do	2	30	....	....	.....	....
21	Henry Riely & Co.,	2	25	....	....	.....	....
22	Dolland & Co.,	1	11	....	....	.....	....
23	Peter McIntosh & Co.,	1	13	....	....	.....	....
24	Edward Reily & Co.,	3	25	....	....	.....	....
25	John Reily & Co.,	4	40	....	....	.....	....
	Do	6	45	....	....	.....	....
26	Brown & Grewaiter,	1	10	....	....	.....	....
27	Peter Walsh,	1	20	....	....	.....	....
	Do	2 & 3	21	....	....	.....	....
29	*Hovey & Co, for all, let it be rock, quicksand or hardpan,	1,2,3,4,5,6	25	Grubbing [illegible]	g include ry ind.	d—Last to 1825	nder,—
30	Thomas Sheppard,	1	20	....	....	.....	....
32	Brown, Straight & Co.,	1	23	....	....	.....	....
33	Elijah Kieller,	1	14	....	....	.....	....
34	Hugh Collier,	1	14	....	....	.....	....
35	Robert Brown,	3	16	Excludi	ng rock	& hardpan	....
36	John O'Brian,	6	37 1/2	....	....	.....	....
37	Thomas Brown,	2	16	....	....	.....	....
39	Porter & Co.,	1	18 1/2	....	....	.....	....
40	John Stewart,	1	14 1/2	....	....	.....	....
41	Moffatt & Co.,	1	27	....	....	.....	....
43	Macdonald & Co.,	6	50	....	....	.....	....
	Do	2	30	....	....	.....	....
45	Abbot & Co.,	1	15	....	....	.....	....
46	Johnston, Fleir & Co.,	1	14	....	....	.....	....
	Do.	6	26	....	....	.....	....
47	David Gibbs,	1	14	....	22cts.	.....	$ 50
48	Alexander Campbell,	1	14	....	....	.....	....
49	*Patterson & Co.,	5	36 1/2	....	....	.....	....
	Do	6	32 1/2	....	....	.....	....
51	Brainard, Simpson & Co.,—all the Sections, from	1 to 6	23	....	....	.....	$100
52	Martin Lotrop & Co., whole	1 to 6	24 9/100	....	....	.....	74
53	Galbraith & Co.,	6	23	....	....	.....	....
54	Morton & Co.,	1	25	....	....	.....	....
	Do from	2 to 6	30	....	....	.....	....
55	Bains & Co., from	2 to 6	25	....	....	.....	....

*Patterson's tender, first 12 feet deep, No. 6, 15 cts

next 6	do	20	
next 6	do	25	
next 6	do	30	
next 6	do	35	
next 6	do	40	
next 6	do	45	
next 6	to bottom	50	
52 ft		8	260

Average, 32½ cts

Patterson's tender for No. 5.

first 12	feet,	15	cents
next 6	do	20	
next 6	do	25	
next 6	do	30	
next 6	do	35	
next 6	do	45	
next 6	do	55	
next 6	do	65	
54 ft		8	290

Average, 36 cents

It appears by the above statement that the Tender of Rudyer Hays & Co. is the lowest for doing all the Sections from 1 to 6, being at the rate of 15 cents per cubic yard.

That Messrs. Clowes is the next lowest tender, being at the average rate of 18 cents per cubic yard—and that Ward, Hovey and Co. have offered to do the whole at 25 cents per cubic yard, including all rock, hardpan, quicksand, and grubbing.

2nd Letting of Residue of Deep Cut.

	cents.
26th May, 1827—Ditch to bottom, to wash out the same,—Hathaway, 40 cents,.....	60
Martindale and Donaldson 30 cts. whole width to bottom level, (to ditch).....	37 1-2
Rowley 36 cents,.....	50
Hartwell, 35 cents,.....	45
Newlove, 40 cents for remainder.....	60
Davis 50 cents whole width and depth,.....	75
Simpson & Son, 32, whole, (to tow path.).....	37 1-2
Phelps 25 cents, and 2 cents for machinery, being the lowest tender.	

The books and sections should shew the heights and quantity excavated by each Contractor previous to this re-letting; the same documents will exhibit the prices and quantity for the remainder, which Mr. Merritt has prepared.

From this statement it appears that the tender of Rudyer Hays & Co. is the lowest for doing all the sections from one to six, being at the rate of 15 cents per cubic yard—that Messrs. Clowes is the next lowest tender, being at the average rate of 18 cents per cubic yard; and that Hovey, Ward & Co. have offered to do the whole at 25 cents per cubic yard, including rock, hardpan, quicksand and grubbing.—At the 2nd letting of the residue of the Deep Cut, 26th May 1827, Mr. Phelps was the lowest tender, being 27 cents per cubic yard, including 2 cents for machinery. I may add further that Mr. Phelps proposed to the Board to execute all the work within the time specified, and for the prices stipulated, and that the Company shall not be troubled with any further begging. He offered the security of his houses, lands, a portion of a steam vessel, worth not far from $20,000; that is Mr. Phelps' statement to the Board as his security. Upon the 24th November 1827, Mr. Phelps complained to the Board of his loss in prosecuting the work from wrong calculations made by him, such as drawing of water for cattle, short measurements, &c., he states that the work cost him from 25 to 26 cents from top to bottom; this price he has taken as a basis for the following calculation, viz:—

WORK DONE.	SUB-CONTRACTS.	REMAINS C. YARDS.	CONTRACT PRICES.
274,000 yards....	Hartwell & Davis, @ 24 cts.....	2,000	32 cts.
118,000.....	Pratt & Simpson, @ 25 "	49,000	32
220,000.....	Next deepest, @ 26	50,000	34
240,000.....	Do @ 26½	60,000	35
548,000.....	Do @ 27	130,000	36
1,400,000		291,000	
291,000			
1,691,000 cubic yd's			

[By Mr. Mackenzie.]

204. Mr. Phelps appears from the books of the Company, to have not only been allowed the price stipulated in his contract, but also to have been loaned about £10,000 of the Company's funds to enable him to carry on the work without the employment of his own capital, and leaving extra allowances of $5000 at one time and between 7 and 8000 dollars at another, the works being subsequently stopped by the slides. Do you think he was fairly dealt with by the Company under these circumstances?—I think the prices allowed by the Company of 27 cents per yard are fair for a certain depth.—Mr. Phelps in his statement considered 26 cents a fair price for the whole. The Engineer who attended the work is the only person in my opinion that can give an answer to the last part of the question, as he will be able to state the exact quantity of work done by Mr. Phelps at the respective depths.

[By Mr. Merritt.]

205. In reply to question No. 202, you say if the price for the first ten feet is under 15 cents you would think it fair, and so on in proportion—Did you not intend this to apply to your answer to question 200?—I think it should apply to all works where deep cutting is required, and the subsoil of an uniform nature.

206. What is your object in stating to the Committee the offer made by different people when the question was asked you as a professional Engineer "What is the value of the work according to the best of your judgment?—My only object is to state the prices that were then tendered and to show that the original contract price with Hovey & Ward was at the rate of 25 cents per cubic yard, including all contingencies. The value of the work from top to bottom according to *scale* for 50 feet deep is, @ 10 cents for first 10 feet=30 cents—@ 15 cents for do. =35, but these rates comprehend the summit cutting; a less average must be assumed for the extremes, which can only be ascertained by a detailed calculation of the whole extent.

207. Has the offer made in the first proposals guided your judgment in your answer to question

No. 202?—My judgment has been *regulated* not only by the proposals in July 1825, but also by May 1827.

208. From the date of the last proposals do you not believe they have reference only to the contract taken, or work done by Mr. Phelps?—The proposals of July 1825, have no reference to Mr. Phelps' Tender, Contract, or work done; but those in May 1827 have. Mr. Phelps' tender was the lowest and was accepted.

209. What was the average of the tenders received at this time, May 1827?—37 cents per cubic yard.

210. Do you think the average of those proposals a fair price for the work in the situation it then was?—I can only judge from Mr. Phelps' tender, who had more practical experience than I had on that subject. The situation of the Canal works at that or any other period is not shewn upon the sections, as is usual in such works, I have, therefore, no correct data from which to judge of the extent or depth of previous excavations.

211. Do you take your judgment of the value of work by the tenders made by any individual?—No, I would take it from the nature of the excavation—because what would be the fair value in one situation might not be so within a few yards distance.

212. Do you know the nature of the excavation here alluded to, and the depth when it was commenced?—I know the general nature of the excavation, but do not know the depth at which Mr. Phelps commenced, neither the depth he excavated to, excepting the evidence of Love Newlove, who stated that Mr. Phelps did not go below the water edge or tow path.

213. If Mr. Phelps went to the bottom contrary to the opinion of Newlove, would it alter your judgment of the value of the work?—My opinion has been regulated by Mr. Phelps' tender, which proposed to go to the bottom of the cut—whether this is the upper bottom or that 18 feet below, or part of both, the sections should shew, but they do not.

214. As you know the nature of the excavation, describe it at the time Mr. Phelps took the contract?—I only know the nature of the excavation from having lately seen the banks down to the water level, which appeared to be strong adhesive clay.

215. As a professional man, do you say the work performed by Mr. Phelps on the Deep Cut is not worth more than 27 cents per yard?—I do not say it is not worth more—from what I have seen of the Deep Cut I should not undertake the centre of it from top to bottom at 27 cents per cubic yard.

216. Were the sums mentioned in the above question No. 204 charged to Mr. Phelps in his account?—I do not know whether they were or not—the books will shew.

[By Mr. Mackenzie.]

217. You have stated the average of the tenders made in May 1827 at 36 cents per cubic yard—do you know that all the persons who so offered were capable of fulfilling their contracts or judges of the work they proposed to fulfil?—The only persons whose names are known to me who offered for those contracts are Donaldson & Phelps. I did not know any of the parties until lately, and cannot tell whether they were judges of the work or capable of fulfilling their contracts.

218. If Contractors like Mr. Phelps have been cautioned that the Board will be guided in all cases by the stipulations of their written contracts; that the stipulations so far as they extended would be considered as governing all cases which might arise in the performance of the work under them; that it would be the duty of the Contractors to fix with caution the prices for which they would propose to perform it, and that no greater prices would afterwards be allowed them to the disadvantage of others—wo'd not a material departure from that system in practice be likely to produce very great evils?—I can see no use of a contract unless it is strictly adherred to. Unless contracts are binding there can be no certainty of expenditure upon any work; whenever a contract is altered or varied, good reason should be shewn for so doing.

219. After all the cautions that can be given them some Contractors will doubtless judge erroneously of the value of work or of their own skill or ability to perform it; others will carelessly and imprudently conduct the works, and suffer loss where more industrious, skilful, and economical men could have made a fair profit, and the like will take place in private life and extend itself throughout all the various pursuits in which men engage. Ought the Directors of a work like the Welland Canal to make up any deficiency in *prudence* and *forethought* of such Contractors by departing from the provisions of their contracts and giving them large allowances not contemplated when those contracts were made—and would it be possible for those Directors to satisfy the public in case they should depart from their agreements, and allow large bonuses to such Contractors, that they were acting fairly and impartially as well towards the persons whose tenders had been refused, as towards the Stockholders and the Country, whose funds are to be taken to pay such bonuses?—I would only say it is usual that when a departure from a contract takes place, and any alteration made either to increase or diminish the work, that the same is done in writing. It would be difficult to fix limits for the regulation of managers and contractors for public works. In all cases they should exercise their best judgment and act impartially between parties.

220. If it be admitted that the stipulations of contracts may be departed from in such cases as that of Mr. Phelps, or such cases as are alluded to in the last question, would not the only alternative be to extend relief to all persons who may assert that they have sustained losses by their contracts; and who cannot be proved guilty of gross negligence and mismanagement?—Matters of that kind are generally left to the decision of the Engineer and the Board of Directors. The Engineer to state the facts, and the Board to form a decision from those facts.

221. Has any decision of the Engineer and Board of Directors been shown you in the case of Mr. Phelps to authorise the making him an allowance of £7,558 of borrowed money over and above his contract price and the other allowances?—There may be such statements in the office, although during yesterday's research I did not observe any; to the best of my recollection I have hitherto seen no such statement.

222. Supposing it were attempted by the Board to inquire into the alleged pecuniary loss of a Con-

tractor like Mr. Phelps, is it at all probable that entire reliance could be placed in a statement of accounts furnished by a party feeling a deep pecuniary interest in the effect to be produced by such statement on the minds of the Directors—Or is it probable that in such cases the disbursements on the Canal Contracts can be separated easily by them from their other expenditures; especially in a case like the present, where the contractor had two large and important contracts going on at the same time?—I think it would be very difficult to give a true statement of those mixed contracts, or of the profit or loss sustained by the contractor.

223. Suppose one man to take a contract for 30 cents, and by his superior skill and economy realises a handsome profit, and another less prudent takes a contract exactly similar and loses by it. If you remunerate the loser ought not an equal amount beyond his contract to be given to him who made a handsome profit by his superior skill and talent?—It might probably be an act of justice, but not an expedient mode of settlement, as two adjoining contractors might upon this principle unite to deceive the Company—one to shew a gain of more than was reasonable, the other a loss as much as he could.

[By Mr. Merritt.]

224. Were the persons who made the proposals in 1827 the same people who had hitherto done the work, and would they not be reasonably supposed to entertain the most correct opinion of its value at the time?—I am not aware of any of the parties being so employed, but as Hovey & Ward's tender for the whole was accepted, they may have been upon the works as sub-contractors.

225. Admitting they had been so employed, would they have been the best judges?—From their experience I think they would—also that they would not offer at too low a rate.

226. As Newlove has given evidence before the Committee what was the price contained in his offer?—40 cents for the remainder of the work.

227. Your first answer is very well in theory, but has not your practical experience shown you that in a work of the magnitude of the Welland Canal it becomes absolutely necessary to vary the prices in contracts? And is it not usual and customary to do so in every work in America?—It is sometimes necessary, but should be practised as little as possible, as many contractors within my experience have offered for works below their value, not from a deficiency of knowledge, but that they may first secure the job and afterwards negotiate for better terms.

[By the Committee.]

228. In what cases, and under what circumstances does it become necessary to vary from the original contract?—Suppose the cutting and banking of a Canal one or more miles in extent is to be made, the cutting and banking in ordinary soils may be determined by contract; but in cases of lining the bottom and sides of the Canal with clay when the soil is porus *this* cannot at all times be determined, neither its thickness nor its price, a variation in the width of the Canal will affect the prices in *most cases*. But contingencies of this description are generally provided for in the contract, although their expense or extent be not ascertained. Cases occur in building locks, acqueducts, waste-wears, &c. where it is sometimes necessary to deviate from the original plan from a variation of their foundations, such as sand in place of clay, partial rock foundations, sudden emergencies in consequence of water &c. But the principal reason for varying contracts is their non-fulfilment.

[By Mr. Merritt.]

229. Is it not absolutely necessary for the Board of Directors to be invested with the necessary power to make allowances on contracts, and is it not frequently done on all works of this description?—It is a very necessary power, but should be used with great caution.

230. Do you know that the Directors decided on the amount they paid Mr. Phelps from any statement produced by him?—I can say nothing about it further than is shewn by minutes of the Board from page 86 to 181, year 1828; there may be other documents that I have not seen.

Mr. Oliver Phelps *called in and examined.*

[By Mr. Merritt.]

230. (*) Did I not converse with you freely while putting up your machine in the Deep Cut, respecting the contractors endeavoring to extort what I thought an unreasonable price for the excavation? Yes, you did.

231. Did I name to you a price I thought the Directors would be willing to give from top to bottom for the Deep Cut; and ask you if you would not contract for some part of it, and if so what was your reply?—Yes you did; the price you named was 30 cents and I replied that I did not wish to contract for any part of the work at the Deep Cut.

232. Did I not come to you after you had tried your machine and ask you to shew me by calculation what it would cost per yard to remove the earth by this method?—Yes, I was sick with the fever and ague at Vanormans. I told you that I must decline making calculations, as I was a contractor with Hovey & Ward for the locks, and that by so doing I should give offence to them. Mr. Merritt came to me a second time and I declined. He came to me the third time, and said that all the men on the line were making similar calculations of what the work could be done for with the machine they were erecting, and that I must do the same if I expected to be entitled to the premium which was offered of $500 for the best machine that could be erected for excavating the job.

233. Did I, on hearing your objections to this calculation, assure you that they were groundless, as Messrs. Hovey & Ward had given up their job, that they were only working for the time being at the estimate of the Engineers as well as their sub-contractors?—Yes, and I then made out a calculation.

234. What state did you find the Deep Cut in when you took hold of the work—what was the state of the whole width of the Canal as laid out, and of the ditch and banks?—The state of the Canal as it was began was some places not within 3 or 4 feet of the line, and others perhaps a little over the line; there were roads where they carted out the earth on each side, I should say from 6 to 10 rods distance between

each road; on each side of the Canal these roads began not many feet outside the line of the Canal, and as they descended into the Canal, did not go down with a slope of 1 to 1 but formed an inclined plane each way sufficient for teams to draw up the earth. The ditch in the centre cut professedly to wash out the deep cut, was narrow, some places much deeper than others, and filled with water forming ponds. As the banks, the earth was carried off from 20 feet to 10 or 12 rods distant from the line and laid in every possible shape and form, with the back part the highest, carrying all the water that fell on the banks into the Canal, and many holes left that were filled with water from 2 to 5 feet deep.

235. What was the average cutting of the whole Deep Cut?—As per minutes received from Alfred Barrett, the Engineer, it was 46 feet $\frac{80}{100}$.

236. What part of the Deep Cut did you excavate? What was the average cutting of that part excavated by you? At what average below the surface did you begin in 1827? Did you bottom your part of the Deep Cut?—I excavated 77 chains of the North end—the average cutting was 49 feet $\frac{85}{100}$,—I began below the surface 17 feet $\frac{20}{100}$,—I did bottom my part of the Deep Cut.

237. What part of the Deep Cut was excavated by Hartwell, Pratt, and Simpson, Thompson and others? What was the average cutting of the Deep Cut? At what average below the surface did they begin in the spring of 1827? How near the bottom was the average of those jobs when the slips took place?—55 chains of the South end was excavated by Hartwell, Pratt and Simpson, Thompson and others, the average cutting of which was 42 feet $\frac{54}{100}$—they began 11 feet $\frac{50}{100}$ below the surface, they went on an average as near as I could judge, and I was employed in helping the various contractors to finish their part to get the water through, within about 6 feet of the bottom.

238. What is the established custom of estimating deep cutting and the relative value of the first 10 feet to each foot below?—As far as my knowledge has extended, the first 10 feet have been fixed at such a price that an addition of one cent per foot from 10 feet to bottom would give the amount of the work of the whole according to the different kinds of soil. The Chesapeake and Delaware Canal being in a sandy and easy soil began with 10 cents per foot for the first 10 feet, and increased one cent per foot to 75, being the deepest cutting.

239. Suppose the whole Deep Cut was estimated at 25 cents per cubic yard, at what price must the first 10 feet be worth, allowing the addition of one cent to each additional foot in depth?—The first 10 feet would have to be fixed at 15 cents, or in other words 47 feet cutting on the above calculation would amount to 25 cents and $\frac{14}{100}$ for the whole.

240. What would that part of the work excavated by Hartwell, Pratt and Simpson, Thompson and others, amount to at that rate from 12 feet below the surface to within six feet of bottom, as was the case when the slips took place?—Had they began at 12 feet below the surface, and had the average cutting been 53 instead of 42 $\frac{54}{100}$, it would have amounted to 28 cents and $\frac{16}{100}$.

241. What would that part excavated by yourself amount to at the same rate from 17 feet below surface to bottom?—It would have amounted to 25 cents and $\frac{13}{100}$.

242. After you engaged in the work on the Deep Cut did the other contractors appear friendly, or did they endeavor to throw obstacles in the way against the progress of the work, and did you complain of it at the time?—They did, and I complained of it to the Agent and the Board.

243. Did your first month's estimate turn out satisfactorily—and if not, to what do you attribute the principal cause?—It did not turn out satisfactorily—I had nearly as many men engaged as the following month, and I attribute the falling short of my expectation and what I had reason to expect to the lines on the sides being run anew.

244. Were the sides of the Canal cut to the line as laid out or not? What space was there between the stakes and where the ground was broken, at the end of your first month's work, and how long was it before you brought it down to a level with the other work?—The cutting performed by others previous to my taking the job was not in all places cut to the line. My first object was to straighten the line and bring the work all down together, and accordingly began on the sides—at the end of the first month the strip of ground which I brought down in order to trim it to the line was sufficiently wide in many places to admit a cart and oxen to pass on it; and it was not until the end of the second month that I brought it down to the level of the other work, and many places where those roads led in on this part of the job the side cutting was from 12 to 15 feet wide. The first month's estimate was 35,131 yards—second month 69,355 yards—third month 94,150. On one section of two chains I had five teams and drivers and shovelers to load them were employed two weeks on the sides, and that the first estimate I was brought a little in debt. The reasons were that I worked wholly on the sides, and none on the centre.

245. What was the method of taking estimates, and do you attribute the error in Mr. Barrett's estimate as intentional, or to the side lines not having been taken in?—I do not consider it was intentional on the part of Mr. Barrett.

246. Was the part of the Deep Cut finished by you of a harder description of soil as you increased in depth than when you began?—Yes, it was a harder soil—there were many streaks of hard pan that could not be ploughed, but had to be picked—there were many large stone and rocks which took from 4 to 12 yoke of oxen to draw out of the ditch—there were some so large that they had to be blasted; this however did not continue below the towing path except quite at the North end.

247. How many yoke of cattle was employed to each plow team when you began? and how many plow teams had you engaged at any one time?—When I began the usual number of yoke of oxen to each plow team was from 4 to 6—not long after, I was compelled to increase the number to 10 to each team, and I had from 9 to 10 such teams engaged at one time, and they all had as much as they could well do.

248. When did you first represent to the Board that it was doubtful whether you could finish it at

the contract prices, but that you would perform the work in the most economical manner, and give all the property into their hands?—The Board and the Agent frequently represented to me during the first summer that they were doubtful whether I was able to finish the work at the price I had engaged. I do not recollect representing to the Board that I thought I should not be able to finish it at the contract price, until the fall of 1827. When I came to Toronto with Mr. Merritt I did promise to finish the work in a most economical manner, and give all the property into their hands.

249. Did not the Directors, shortly after their meeting at the Falls, hold a meeting at the Deep Cut for the purpose of examining the books of your office, and after the slips took place recommend the sale of teams?—The Board of Directors did hold a meeting at the Deep Cut, and examined the books and accounts, and the expenditure on the Deep Cut, and manifested an entire satisfaction of the manner in which the books were kept, and the Chief Justice Mr. Robinson at that time further stated to me that the Directors always intended to deal fairly by me, and that I would not be a sufferer in the end. I did go to the Directors immediately after the work stopped, and asked them what disposition they would have made of the teams and property on the Deep Cut; they recommended a public sale of the whole by auction, and notes taken payable to the Welland Canal Company—the teams and property were all sold and turned over to the Company's hands.

250. Did you offer to me at any time after the slides took place at the Deep Cut, and after you had finished the aqueduct, that if the Company would pay you what you could prove you had brought into the country, that you would give up to them all the property you possessed in Canada?—I did several times.

251. Did you not shew me certain calculations soon after the work closed, shewing that your whole debt did not make the cost of your work more according to its real value than others had been paid, and what was my reply? I did shew you calculations which I hand in to the Committee as follows, shewing that my work had cost less than others, or that there were an actual difference of 5 or 6 cents in the cost of theirs and mine, or the worth of each at the same calculation or of the depth of cutting and the average depth we began.

A calculation upon the average depth cutting of Deep Cut, supposed to be about 47 feet;—the first ten feet cutting the average width will be

140	by (one chain)	66	feet	3,422	yards	@	16	cents,	$547 52
1st. 130	by	66	"	316	"		17	"	52 72
2nd. 128	"	66	"	312	"		18	"	57 16
126	"	66	"	307	"		19	"	58 33
124	"	66	"	302	"		20	"	60 40
122	"	66	"	297	"		21	"	62 37
120	"	66	"	292	"		22	"	64 24
				5248	averaging		17 20/100	cts.	$902 74
118	by (one chain)	66	feet	289	yards	@	23	cents,	$66 01
116	by	do.	"	282	"		24	"	67 68
114	"	do.	"	277	"		25	"	69 25
112	"	do.	"	273	"		26	"	70 98
110	"	do.	"	268	"		27	"	72 36
108	"	do.	"	263	"		28	"	73 64
106	by (one chain)	66	feet	258	yards	@	29	cents,	$74 82
104	by	do.	"	253	"		30	"	75 90
102	"	do.	"	248	"		31	"	76 88
100	"	do.	"	243	"		32	"	77 76
98	"	do.	"	238	"		33	"	78 54
96	"	do.	"	233	"		34	"	79 22
94	"	do.	"	228	"		35	"	79 80
92	"	do.	"	224	"		36	"	80 64
90	"	do.	"	219	"		37	"	81 03
88	"	do.	"	214	"		38	"	81 32
86	"	do.	"	209	"		39	"	81 51
84	"	do.	"	204	"		40	"	81 60
82	"	do.	"	199	"		41	"	81 59
From 17 feet cutting to towing path,.....				4620 yds.			average 31 1-3 cents.		$1450 53
Average cost above towing path,.....				9868 yds.			23 3-4 cents,		$2353 27
61	feet	by	66	feet	149	yards	@	42	cents,	$63 58
57	"		do.	"	139	"		43	"	59 77
53	"		do.	"	129	"		44	"	56 76
49	"		do.	"	119	"		45	"	53 55
45	"		do.	"	110	"		46	"	50 60
41	"		do.	"	100	"		47	"	47 00
37	"		do.	"	90	"		48	"	43 20
33	"		do.	"	80	"		49	"	39 20
29	"		do.	"	70	"		50	"	35 00
25	"		do.	"	60	"		51	"	30 60
21	"		do.	"	50	"		52	"	26 00
17	"		do.	"	40	"		53	"	21 00
				5756	yds.		34 1-3	cents	$1976 79
				5248					
				11,008	yds.	26	1-6	cts. ℔ yd.	902 74
									$2879 53

The average cost at the above calculation will amount to 26, 1-6 of a cent per yard.

How far the annexed calculations may correspond with the calculation of the Engineer, I am not able to say, and I have not submitted it to interfere with their calculations, but only to lead to some just and equitable examination. One thing I am certain of, and can produce sufficient proof that the calculation is nearly similar to many such works in the States; the Chesapeak & Delaware Canal commenced at 10 cents for the first 10 feet, and then rose a cent per foot until it amounted to 75 cents per cubic yard, being 75 feet deep. Neither do I submit this statement or calculation to operate against any other contractor, but I am satisfied that if a fair examination is made and the amount of earth left in below towing path on other jobs, at a fair rate, to place it on a footing with mine, which was all bottomed, there will be an actual difference in the worth of the average of the other jobs and mine of 5 or 6 cents per yard. I have shewn the deepest cutting of mine, and on the opposite side the average of the whole as near as I can judge without any minutes, which is 47 feet, and I think the deepest cutting of any jobs south of mine is not more than 45 feet, at any rate not 47 feet, so that if each contractor had bottomed their jobs as I did mine, there would be an average of 3 cents per yard difference, and when their bottoms are deducted it will make five cents, but only let the subject be fairly investigated, and I will submit to whatever shall be allotted me. One thing I am certain of, that all of us contractors on the Deep Cut can truly say we have labored hard, and lost money.

I remain very respectfully,
The Company's ob't servant,
OLIVER PHELPS.

Wm. H. Merritt, Esq.

DEEP CUT.

A calculation of 55 feet cutting one chain in length the first ten feet averaging

158	feet width by	66	feet	3,862	yards @	16	cents,	$617 92
146	do	do	do	356	do	17	do	60 50
144	do	do	do	351	do	18	do	63 18
142	do	do	do	346	do	19	do	65 74
140	do	do	do	341	do	20	do	68 20
138	do	do	do	336	do	21	do	70 56
136	do	do	do	331	do	22	do	72 82
				5923	average 17 cts. 2 mills			$1018 92

134	feet width by	66	feet	326	yards @	23	cents,	$74 98
132	do	do	do	321	do	24	do	77 04
130	do	do	do	316	do	25	do	79 00
128	do	do	do	312	do	26	do	81 12
126	do	do	do	307	do	27	do	82 89
124	do	do	do	302	do	28	do	84 56
122	do	do	do	297	do	29	do	86 13
120	do	do	do	292	do	30	do	87 60
118	do	do	do	287	do	31	do	88 97
116	do	do	do	282	do	32	do	90 24
114	do	do	do	277	do	33	do	91 41
112	do	do	do	273	do	34	do	92 82
110	do	do	do	268	do	35	do	93 78
108	do	do	do	263	do	36	do	94 68
106	do	do	do	258	do	37	do	95 46
104	do	do	do	253	do	38	do	95 74
102	do	do	do	248	do	39	do	96 72
100	do	do	do	243	do	40	do	97 17
98	do	do	do	238	do	41	do	97 58
96	do	do	do	233	do	42	do	97 86
94	do	do	do	228	do	43	do	98 66
92	do	do	do	224	do	44	do	98 60
90	do	do	do	219	do	45	do	98 55
88	do	do	do	214	do	46	do	98 44
86	do	do	do	209	do	47	do	97 97
84	do	do	do	204	do	48	do	97 92
82	do	do	do	199	do	49	do	97 51
61	do	do	do	149	do	50	do	74 50
57	do	do	do	139	do	51	do	70 29
53	do	do	do	129	do	52	do	66 93
49	do	do	do	119	do	53	do	63 07
45	do	do	do	110	do	54	do	59 40
41	do	do	do	100	do	55	do	55 00
37	do	do	do	90	do	56	do	50 40
33	do	do	do	80	do	57	do	45 60
29	do	do	do	70	do	58	do	40 60
25	do	do	do	60	do	59	do	35 40
21	do	do	do	50	do	60	do	30 00
17	do	do	do	40	do	61	do	24 40
				3229 yds.	37 1-2 cts. ₱yd.			$3089 53
Bring down				5923	"			1018 92
Whole amount				14,152 yds.				$4108 45

29 cents average cost of the deepest cutting.

Your reply was that there were contested accounts with other contractors of a less equitable nature, and that the notes for the cattle were not all collected, and further Mr. Barrett the Engineer you supposed had all the calculations necessary to make an equitable settlement when the whole could be closed.

252. Do you think the slides in the Deep Cut were occasioned by the earth being placed too near the bank, and in what manner was your earth deposited? —I do not think that the earth being placed near the Canal, operated to occasion the slips—the manner in which I found the earth as I have before described was such as to leave large ponds of water standing near the edge of the Canal; and the manner in which I placed the earth was to raise the part nearest to the Canal a little the highest so as to give a gradual slope from the Canal carrying all the water that fell on the banks quite to the back side of the earth taken out of the ditch, being a distance from the Canal of 10 to 15 rods, which I consider tended to prevent the slips, for I think not 1000 yards and most likely not more than 100 yards of the earth taken out of my 77 chains has ever slipped into the Canal to this day, and not a slip took place on that part of the work which I finished until long after the work was given up and the new line established.

253. Were you a contractor with Hovey, Ward & others, to build 34 locks on the Welland Canal? and what was the plan and specification on which that contract was predicated?—I was. The plan and specification which Mr. Lewis exhibited, on which the contracts were predicated were as follows—The locks were to be built with face and rear timbers and round ties without any hollow quoin posts, the projection in the face timber being rounded out to receive the gate. The quantity of square timber was about 18000 feet to each lock—the quantity of round ties was about 6000 feet—the quantity of wrought iron was about 8 or 9 cwt. to each lock—there was not in the specification any cast iron for the paddle gates, neither was there any plank for planking the floor of the locks. The quantity of square timber used in each of the locks when finished was about 31000 feet to each lock—Round ties was nearly 7000 feet—the wrought iron about 35 or 36 cwt.—there was 30 cwt. of cast iron in each lock, contained in 4 paddle gates of 750 lbs. each, and about 3000 feet of plank.

254. Were the principal additions of timber, iron, and labor added by Messrs. Thomas & Barrett before you sub-contracted the workmanship of the locks to Squires and others?—They were—they were made in the season of 1826, and a number of the locks were completed in that season.

255. Have you any statements of Mr. Barrett's as to the worth of the extra labor which was added after the sub-contractors made their contracts with you?—I have. (Witness handed in the following:)

WM. M. DOTY ON LOCKS.

Posts and Braces to locks,—670 @ 6 cents,	$	40 20
Sheet Piling Locks,		11 00
Trenails in front and rear,		10 00
Labor on extra Planking		6 00
Reaving breast with backing timber		8 58
Timbers on each side at head		2 00
Tonguing timbers below hollow quoin posts		9 45
Caulking at the breasts		2 50
Brush at head of Locks		3 00
Putting in mitre sill bolts		8 00
Timber for braces to stud on		5 00
	$	105 73
Lock No. 11 without waste weir $1000.		
Deduct for note		17 00
	$	88 73

WM. M. DOTY,

In account with O. PHELPS.

On account of Lock No: 32	$ 400 00	$ 400 00
Ditto ditto 31	1050 00	
Extra on ditto	105 73	1155 73
Carried forward		1555 73

Brought forward		1555 73
Ditto Lock No. 30	1050 00	
Extra as above	105 73	
		1155 73
Ditto Lock No. 11, without waste weir	1000 00	
Deduct floor lining omitted	40 00	
	960 00	
Add extras	88 73	
		1048 73
Lock No. 10 the same		1048 73
Lock No. 9 ditto		1048 73
Lock No. 8 ditto		1048 73
	$	6906 38

I do hereby certify that the above allowances for extra work, &c. are correct and in accordance with the allowances made Mr. O. Phelps by the Welland Canal Company, in my opinion.

I believe the above prices to be equal to 1050 dollars for a lock of 10 feet lift with a waste weir of 40 feet in length.

ALFRED BARRETT.

St. Catharines, 26th March, 1836. *Engineer, W. C. C.*

256. Have you ever refused to make any allowance whatsoever to those sub-contractors which the Engineer deemed to be just and right?—I never have. (Witness here handed in the following letter):

DEEP CUT, *14th May*, 1828.

Gentlemen to whom Mr Doty is indebted:

Mr. Doty has this day been to me to grant him some assistance, and I am willing to do all in my power to enable him to settle every honest debt as far as I can consistently, but there seems to be some difficulties in the way at the present time which prevent him from paying and me from accepting, which I will state; since I contracted with Messrs. Tayler and Doty I have been directed to make many important alterations in the locks which has added to the expense. The additional materials will, I think, amount to one hundred dollars on each lock, and the additional labor is very considerable, and this whole expense of materials and labor has not yet been estimated and it seems to have been objected to be done until the locks are finished. Neither Mr. Doty nor myself know what we are to be allowed. Mr. Doty and the other men who are builders in his situation think the extra work on each lock is worth two hundred dollars over and above the materials, which if allowed would make from 8 to 10 hundred dollars difference with Mr. Doty; and it seems that on account of the water he cannot finish the locks at the Village this month, and if Mr. Doty's creditors should deem it expedient to wait on him until the first of July he could then have five or six locks finished, and could have his locks accepted and his extra work estimated and paid; but should they compel him to stop at this time it will be out of his power, as he informed me, to pay them; I would therefore recommend his creditors in the village to ascertain all that he is owing there, which is the principal that he owes, and let this letter and agreement remain in the hands of some one that you may appoint, that all may share equal in what can be paid the first of next month; and I doubt not but all may receive the whole amount due the fore part of July, as which time a settlement can easily be made, which as it is now very difficult Mr. Doty and myself have both agreed that I pay him nothing further except the labor and board of his hands and his own labor at one dollar and 25 cents including board and the expense of ox feed until this settlement is made, which shall be made in your presence or such one as you shall appoint. And I shall feel disposed to do all in my power to accommodate Mr. Doty, and to enable him to get along, but have already been informed that I had paid more on the locks than I had ought in their present state, and as I paid Mr. Mylne about two hundred dollars more than his work will be estimated at, I shall not at the present time pay any thing more or accept more, but should you all agree to give Mr. Doty the indulgence, we will perform the above agreement.

OLIVER PHELPS.

257. Did ever any of those sub-contractors complain to you that Mr. Barrett was unwilling to allow the full worth of the extra work?—They did frequently.

258. Did you ask each sub-contractor to make out his statement of what he thought the extra work was worth that you might lay it before Mr. Barrett?—I asked them to make out a statement of what they thought the extra work was worth—They did so, and I laid it before Mr. Barrett. The average statements were $200.

259. What did you think of the correctness of those estimates of extra work made out by sub-contractors, and what of that made out by Mr. Barrett?—I think the estimate made out by the sub-contractors was extravagantly high. I think that Mr. Barrett's statement is nearly correct—from having an account given me of the different work and furnishing the materials, I made a calculation which went some 8 or 10 dollars above Mr. Barrett's. I will beg to present Mr. Squires' account. (The witness here handed in the following document:)—

SYDNEY R. SQUIRES,

ST. CATHARINES, *25th February*, 1836.

In account with OLIVER PHELPS.

1827.	Dr.	$ cts.		Cr.	$ cts.
December 1	To Sundries,	5 13	August 22	By labor on lower Saw-mill in December, 20 days,	25 00
5	" Paid order,	9 00		" ditto in January, 21 1-4 ditto	26 56
17	" Cash	217 00		" ditto in February, 1 1-2 ditto	1 87
25	" Cash	6 00		" ditto on upper mill at K.'s in February, 11 days,	13 75
1828.					
January 28	" Cash	272 00		" Lock No. 1.	1105 73
February 13	" Cash	144 00		" do do 2,	1105 73
17	" Cash	50 00		" do do 3,	1105 73
April 9	" Cash	195 00		" do do 4,	1105 73
10	" Cash	302 00			
		1200 13			4490 10

MR. SQUIRES' ACCOUNT CONTINUED.

1827.	Dr.	$ cts.		Cr.	$ cts.
		1200 13			4490 10
June 4	" Sundries - - - - -	5 00		" Extra head of No. 1, - - -	50 00
10	" Cash - - - - -	300 00	1836.	" Balance on Deep Cut work, -	86 71
July 5	" Cash - - - - -	211 00	January 20		
11	" Cash - - - - -	208 00		" Sundries, - - - - - - -	2 75
September 15	" Cash - - - - -	257 00		" 14 days counter hewing, - -	14 00
October 1	" Cash - - - - -	289 00		" Extra work four Locks, - -	55 00
26	" paid Goodman & Weeks, - -	51 44		" Boards, plank, and sleds, - -	136 17
November 19	" Cash - - - - -	25 00		" Extra at Lock No. 1, directed by Mr. Barrett, - - - - -	50 00
December 1	" Cash - - - - -	65 00		" 2 Adze, - - - - - - - -	6 00
25 & 30	" Cash - - - - -	14 50			
		2626 07			
1827.	Per Colburn and Squires's account				
March 7th to May 1	To Sundries, - - $173 65				
May 12	" Load of Bran, - - 4 18				
do.	" Cash - - - - 350 00				
20	" Cash - - - - 32 00				
June 8	" Order - - - - 10 77				
do.	" Cash - - - - 450 00				
July 12	" Cash - - - - 450 00				
August 7	" Cash - - - - 469 00				
September 7	" Cash - - - - 100 00				
11	" Cash - - - - 185 00				
August 14	" Cash at Deep Cut, - 100 00				
		2324 60			
1828.					
February 10	" Sundries - - - - -	10 00			
June 13	" Cash - - - - -	20 00			
July 1	" Cash - - - - -	40 00			
28	" Cash - - - - -	25 00			
August 22	" Cash and Sundries - -	26 63			
28	" paid Self, - - -	6 00			
1830.					
January 23	" Cash - - - -	40 00			
		$ 5118 30			
Dr.	To work at Lock No. 1, credited twice.	50 00			
		$ 5168 30			
	To balance brought down, - - - -	271 57		By balance brought down, - - -	271 57
					$ 5168 30

OLIVER PHELPS,
Per ORRIN S. PHELPS.

260. Did you at all times endeavor to follow the directions of the Engineer as far as possible, and did you direct all your sub-contractors to do so?—I did. Whenever I saw a stick of timber worked into the lock, or attempted to be, that was at all unsound, or any tie that I thought was too small and inefficient, my invariable rule was, not barely to tell them that that would not answer, but take an axe and with my own hands cut it to pieces so that it would not be worked in, or if worked in cut it in two, so that it would have to be taken out.

261. Were the locks accepted and your contract closed when Mr. Barrett made the final estimate, and in what year?—They were accepted and contract closed; and I cannot say in what year.

262. How long since were the first locks finished?—In the Fall of 1826.

263. What length of time did you understand from Mr. Thomas, Mr. Geddes and other experienced Engineers that the upper part of a wooden lock would last?—Generally about ten years.

264. Did you build the last 4 locks at the Deep Cut? did the sub-contractors who complained that you pocketed their money put in proposals, especially Mr. Squires? and at what price?—I did. I put in proposals at $3,600 per lock. The proposals of Squires was $4,500—being $900 above my proposition. The locks of the Deep Cut were of the same length and breadth as the 32 locks—the only difference was the dovetailing of the corners, except they were 2 feet less lift, these being 8, and others mostly 10 feet lift.

265. Have you ever or at any time asked any particular or individual favor from any Director, or intimated in any way to any Director that they would receive an individual benefit from your contracts?—I never have.

266. Did you make a contract with George Keefer

Esquire, for furnishing you a certain parcel of timber as a material for building locks?—I did so, early in the Fall of 1825.

267. What were the kinds of timber which he was to furnish and deliver, and at what prices?—The kinds of timber were—1st, Round ties 15 feet long and 9 inches diameter at the top, at 6s. 3d. or 100 feet running measure—Back timbers 1 foot square at $3,50 per hundred, or $35 per thousand feet—Face timbers at $4 per hundred or $40 per thousand feet cubic measure—the timber to be generally pine and oak—mitre sills—hollow quoined posts, and gate timber at $5 per hundred cubic measure, to be of the best white oak timber.

268. Did you pay him a higher price than you paid others for the same kind of timber in equal situations?—I did not—I considered it one of the best bargains I made for timber. Mr. Keefer was a stranger, and I did not know he was in the direction.

269. Was Mr. Keefer at all interested in the estimate of the locks or timber further than to receive the price which he contracted for, or did he receive any advantages above that of any other person wholly disconnected with the Canal?—He did not from me, nor to my knowledge from any other source.

269. (*a*) Was there ever a word passed between you and him either directly or indirectly that he should receive a benefit by your success in the locks, or that you should receive any benefit from his being a Director?—There never was.

270. Did you sustain much loss by horses and oxen, that died or got killed, and in the sale of the remainder, below the cost?—did you lose much in wagons, carts and ploughs?—did the shanty and shanty furniture turn to much account at the close of the work?—I did—I present these invoices to the Committee as an answer to that question. (Witness gave in the following papers:)—

Mr. Oliver Phelps,

To The Welland Canal Company, *Dr.*

		$ cts.	£ s. d.
1827 June 19,	To 5 barrels Pork for Carpenter at Chippawa, @ $10,.....	50 00	12 10 0
	To 25 do. per order herewith, Messrs. McNeilledge,....	250 00	62 10 0
	To 600 B. Grain delivered by Ward & Co. Deep Cut, @ $50,.....	300 00	75 0 0
	To 20 B. Corn delivered at Short Hills, ...	10 00	2 10 0
	To 46 B. do. delivered at Harbour,.....	23 00	5 15 0
	To 40 B. do. delivered Mr. Cumming, Chippawa,.....	20 00	5 0 0
	To 7 Tons Hay at Levoir's, Four Mile Creek, per bill,.....	87 50	21 17 6
	To 228 B. Wheat, @ 4s.—74 B. Peas, 3s. 6d. . } per A. Rowley,	146 37½	36 11 10
	To 4 Tons Hay, @ $12 ₱ ton,..... } per A. Rowley,	48 00	12 0 0
	To 549 B. Grain from Newlove, @ 50,.....	274 50	68 12 6
	To 53 47/60 B. Wheat, @ 50, }	26 88	6 14 5
	To 25 47/60 B. Rye & Corn, } Mr. Leonard,.....	12 68	3 3 5
	To 100 B. Rye & Corn, }	50 00	12 10 0
	To order on Jacob Keefer for balance of forage due to the Company,	1265 00	316 5 0
	To order on Mr. C. Leod, balance of cash advance on forage account,	181 60	45 8 0
		$ 2745 53	£ 686 7 8
	To Mr. Rowley for balance,.....	526 66	131 13 4
	To Mr. Davis do.	786 41	196 12 1
		$ 4058 60	£1014 13 1
	To Mr. Newlove do.	512 61	128 3 1
		$ 4571 21	£1142 16 2
	To 2 barrels Pork, Ewert, McNeilledge & Co., @ $10,.....	20 00	5 0 0
		$ 4591 21	£1147 16 2
	Deduct from Mr. Leonard,.....£37 0 0		
	46 B. Corn at Harbour, charged Hovey,.. 5 15 0		
	£42 15 0	171 00	42 15 0
		$ 4420 21	£1105 1 2

INVENTORY *of Donaldson & Martindale's property on hand; taken by Mr. O. Phelps, June* 1st, 1827.

		$	cts.
Shanty, boxes, boards, &c.,		70	00
1 doz. shovels,		13	50
300 lbs. English iron,	@ 5d	15	62½
108 do do for wagons,	@ 5d	5	62½
124 lbs. do do in bars,	@ 6d	7	75
240 lbs. iron for axletrees,	@ $7	16	80
108 lbs. Swedes iron,	@ 7d	7	87½
32½ galls. whiskey,	@ 2s 8d	10	83
161 lbs. iron, English, at B. Smith's,	@ 5d	8	37½
4 bbls. pork,	@ $10	40	00
19 blankets and 8 straw ticks,		12	00
½ doz. knives and forks,		1	06
1 doz. plates,		0	87½
1 frying pan,		0	94
1 pail,		0	50
12 bushels potatoes, in shanty,		3	00
70 do do at Davis',		17	50
6 bags and making,		4	37½
Flour,		0	50
1 whiskey barrel,		0	75
1 pepper mill,		1	25
	$	239	13

MR. O. PHELPS,
To the Welland Canal Company, Dr.

		$	cts.
Wheat, 1390 08			
Corn, 884 21			
Rye, 247 15			
2521 44	@ 50 cts.	1260	85
Pease, 58	@ 3s 6d Y'k.	25	37½
Storage, turning in and out, @ 1½ cts. ℔ bushel,		38	68
	$	1324	90½
Delivered Striker, ℔ order of Welland Canal Company, 62 6/60 @ 50 cts.	$31 38		
Storage, &c. on do.,	94	32	32
Balance,	$	1292	58½

J. K.

Deep Cut, Welland Canal,
June 11th, 1829.

INVENTORY *of the property in the charge of Alexander Vanalstine, and belonging to Hovey & Ward, June* 4th, 1827.

			$	cts.
18	straw ticks,	@ 7s	15	75
50	old blankets,	8s	50	00
17	empty barrels,	3s	6	37½
5	shanty tables,	6s	3	75
7	do benches,	3s	2	62½
1	cupboard,	12s	1	50
	Carried forward,	$	80	00

			$	cts.
	Brought forward,	$	80	00
1	sink,	@ 8s	1	00
13 3/12	doz. tins, small,	4s	6	58
1	funnel,	1s	0	12½
4½	doz. iron spoons,	3s	1	68½
3 8/12	doz. knives,	4s	1	81½
2	large tins,	2s	0	50
1	kettle and pot,	4s	0	50
1	iron meat fork,	4s	0	50
2	brass cocks,	2s	0	50
2	trace chains,	2s	0	50
1	large brass boiler,	20s	2	50
1	knife tray,	2s	0	25
1	bread tray,	4s	0	50
1	large kettle,	32s	4	00
1	do do	12s	1	50
1	cooking stove,	$40	40	00
1	plough,	$18	18	00
2	picks,	6s	1	50
2	doz. old shovels,	$6	12	00
5	scrapers,	$12	12	00
½	bbl. pork,	$5	5	00
½	bbl. vinegar,	$2	2	00
1	bbl. soap,	$4	4	00
4	candlesticks,	1s	0	50
1	bake oven,		2	00
Shanty and stables,			100	00
Repairs, &c.,			10	00
176 lbs. chain,	@ 1s		22	00
		$	251	45½

INVENTORY *of the property belonging to Hovey & Ward, and bought by Mr. Oliver Phelps, June* 4th, 1827.

			$	cts.
43	old blankets, or 21½ pair,	@ $2	43	00
33	do do or 16½ do	$2	33	00
18	do do or 9 do	$2	18	00
20	straw bed ticks,	87½cts	17	50
2	beaudetts,	$1½	2	50
1	mattrass,	$2	2	00
4	bbls. beef,	$8	32	00
5	bus. beans,	6s	3	75
1	bbl. vinegar,	32s	4	00
1	grind stone,	20s	2	50
22	empty bbls.,	3s	8	25
1½	bus. salt;	6s	1	12½
28	old shovels,	4s	14	00
39	do do, very bad,	3s	14	62½
1	wooden scoop,	8s	1	00
1	pair large steel yards,	$3½	3	25
4	cast steel axes,	$2	8	00
3	pair new ox bows,	50cts	1	50
1	tin horn,	8s	1	00
1	pot and kettle,	$1¾	1	75
1	tin pail,	4s	0	50
4	lbs. G. salts,	1s	0	50
3	funnels,	1s	0	37½
4	wooden pails,	2s	1	00
1	cup-board,	14s	1	75
1	large kettle,	26s	3	25
1	boiler,	16s	2	00
	Carried forward,	$	222	12½

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			$	cts.
	Brought forward,	$	222	12½
1	trammel,	@ 8s	1	00
4	shanty tables,	8s	4	00
8	do benches,	3s	3	00
388	lbs. chain,	1s	48	50
1	tin boiler and scoop,	12s	1	50
1	chopping knife,	8s	1	00
2	old picks,	6s	1	50
1	set wagon boxes,	10s	1	25
2	pair small hinges,	2s	0	50
324	lbs. old irons,	5cts	16	20
1	pump,	$15	15	00
31	bags—holey,	3s	11	62½
2	hay racks,	8s	2	00
10	new boxes,	8s	10	00
1	rake,	2s	0	25
3	pitchforks,	4s	1	50
		$	340	95

27 wagons,
3 carts,
20 span horses,
13½ yoke oxen,
2 cows,
23 set horse harness,
2 ploughs,
1 scraper,
600 bush. corn, wheat and rye,

INVENTORY *of Mr. Rowley's property on hand—taken 5th June*, 1827.

			$	cts.
13	pair old blankets,	@ 10s	16	25
4	coverlids,	5s	2	50
9	straw ticks,	8s	9	00
1	dozen knives and forks,	12s	1	50
1½	dozen tin dishes,	4s	0	81
1½	dozen tin cups,	8s	1	66½
2	pepper boxes,	6d	0	12½
½	bushel salt,	6s	0	37½
2	dozen iron spoons,	4s	1	00
1	tea kettle,	12s	1	50
1	tea pot,	8s	1	00
1	large pot,	20s	2	50
1	large kettle,	20s	2	50
½	gallon measure,	2s 6d	0	31
1	tin horn,	2s 6d	0	31
2	stone jugs,	2s	0	25
1	copper boiler,	$10	10	00
3	patent pails,	3s	1	12½
3	barrels soap,	$3	9	00
12	barrels beef,	$7½	90	00
	blacksmith's tools,	$50	50	00
4	curry combs,	1s	0	50
2	wheel-barrows,	10s	2	50
184	lbs. chain,	15cts.	27	60
7	old whipple trees,	2s	1	75
½	barrel vinegar,	$4	2	00
1	pair steel yards,		4	00
1	pick,		1	50
1	crow bar,		2	00
1½	dozen shovels,	$16	22	70
½	dozen old do.	$6	3	00
2	brass cocks,	2s	0	50
	Carried forward,	$	269	77

			$	cts.
	Brought forward,	$	269	77
½	barrel grease,	$1	1	00
2	padlocks,	4s	1	00
2½	cwt. flour,	12s	3	75
1	bread tray,	4s	0	50
1	pump,	$5	5	00
30	old barrels,	1s 6d	5	00
6	pork barrels,	3s	2	25
105	lbs. old iron,	$5 cwt.	5	05
3	old yokes,	8s	3	00
1	grind stone,	6s	0	75
1	stove and pipe,	$7	7	00
2	old axes,	6s	1	50
2	pitch forks,	2s	0	50
½	bushel beans,	8s	0	50
10	old chairs,	3s	3	75
2½	bushel potatoes,	2s	0	62½
1	barrel pork,		12	00
1	large stone jug,		0	37½
84	lbs tallow,	8 cts.	6	72
5	gallons boiled cider,	1s 6d	0	94
1	bbl. whiskey 45 galls. 2s 8d, bbl. 4s.		15	50
15	bags,		5	50
1	Sny box,		5	00
1	large wheel for cart to plough near the banks,		10	00
1	old plough,		5	00
2	carts without wheels,		10	00
2	block carts,		12	00
1	cow,		12	00
1	sleigh and 2 sleds,		15	00
1	sow and 6 pigs,		20	00
1	machine and rope,		80	00
15	scrapers,		37	00
4	common carts,		60	00
1	plough cart, plough chain, & clevice,		50	00
2	waggons,		90	00
25	oxen and yokes,		610	00
	Buildings and improvements,		165	00
74	lbs. chain,		11	10
		$	1544	08
	Beef returned,		90	00
	Due Mr. Rowley,	$	1454	08

June 12th, 1827.

INVENTORY *of the property now on the premises of Mr. Hathaway and are to be delivered to Mr. O. Phelps, June 1st*, 1827.

			$	cts.
25½	pair blankets now in use,	@ $2	51	00
16	straw ticks,	$1½	24	00
14	linen sheets,	75 cts.	10	50
1	5 pail kettle,		4	00
1	small do.		2	00
1	bake do.		2	50
1	little skellet,		0	37½
1	large pot,		2	00
3	iron basins,		1	00
3	dozen knives and forks,	$1½	3	75
2½	dozen iron spoons,	50 cts	1	08
4	tin peppers,	9 cts.	0	36
	Carried forward.	$	102	56½

			$	cts.
	Brought forward,	$	102	56⅔
3	earthen salts,	6 cts.	0	18
3	dozen cups and saucers,	50 cts.	1	50
2½	dozen plates,	75 cts.	1	87½
8	quart bowls,	6 cts.	0	50
1	tin tea cannister,	3s	0	37½
11	small tin pans,	2s 6d	3	46½
4	large tin do. with handles,	4s 6d	2	25
9	square tins,	1s 6d	1	68¾
1	large coloured pitcher,	3s	0	37½
1	tin candlestick,		0	16
3	iron do.	15 cts.	0	45
3	tin dippers,	2s	0	75
1	skimmer,	1s	0	12½
1	chopping knife,		0	50
3	tin coffee pots,	5s	1	87½
3	tea kettles,	1 @ 8s—2 @ 12s	4	00
4	small butter plates,	4d	0	16
1	bread tray,		1	00
1	pair small steelyards,		1	00
1	pair large do.		4	00
20½	pair new blankets,	$3	61	50
2836lbs.	salt beef,	4 cts.	114	50
4	lanterns,	2s 6d	1	00
1	tin horn,		1	50
1	barrel salt pork,	$14	14	00
70lbs.	do ,		4	90
47lbs.	smoked ham,	8 cts.	3	76
129lbs.	smoked beef,	6 cts.	7	74
35	bushels salt,	7s	30	62½
366lbs.	tallow,	10 cts.	36	60
1	looking glass,		0	75
3	straw ticks,	12s	4	50
2	linen sheets,	6s	1	50
2	dung forks,	8s	2	00
5 9/12	dozen new backstrap shovels,	$16	92	00
2½	dozen old shovels,	$6	15	00
91lbs.	crow bars,	12½ cts.	11	37½
1	pair shovel and tongs,	50 cts.	0	50
2	old axes,	8s	2	00
1	wheel-barrow,	$2	2	00
1	grind stone 200lbs. and crank,	$6	6	00
1	pit saw, 6½ foot,		4	00
5	½ bushel measures,	75 cts	3	75
7	½ do. boxes,	1s	0	87½
7	new coat bodies,	8s	7	00
3	new yokes, not ironed,	75 cts.	2	25
371	feet hickory timber,		4	00
298lbs.	chain,	16 cts.	47	68
7	whiskey barrels,	50 cts.	3	50
1	grog kettle,	75 cts.	0	75
1	large cask,	75 cts.	0	75
1	small do.	50 cts.	0	50
1	wooden box,	3s	0	37½
3	barrels whiskey 36, 30, 36 gallons, barrels,	50 cts. @ 2s 6d	33	37½
3	pecks,	$1	3	00
16	waggons,	$55	880	00
4	machines,	$170	680	00
2	ploughs and 1 plough cart,	$70	70	00
1	sett horse harness,	$20	20	00
	Brought forward,	$	2304	34½

			$	cts.
	Carried forward,	$	2304	34½
1	cooking stove and furniture,	$50	50	00
1	small stove and pipe,	$12	12	00
24	yoke oxen,	$68	1632	00
3	horses,	$50	150	00
1	cow,	$16	16	00
4	hogs,	$5 ea.	20	00
	Hay at Mr. Mann's,		114	00
1	barrel cider,	$2	2	00
	All the shanty, &c.		300	00
1	grey horse,		80	00
1	sett double harness,		16	00
8	curry combs,	1s	1	00
3	pitch forks,	3s	1	12½
¼	barrel tar,	$6	1	50
50	bags,	3s	18	75
10	whip lashes,	1s	1	25
800lbs.	meal, per hundred,	8 cts.	18	00
1606lbs.	bran,	4s	8	03
1970lbs.	meal,	8s	19	70
172	bushels oats,	2s 6d	22	50
1	horse pail,	2s	0	25
2	water pails,	3s	0	75
2	large towels,	4s	1	00
1	powder canister,	6s	0	75
36½	bushels wheat at shanty,	4s	18	25
797⅓	bushels corn at Street mill,	4s	398	75
49	bushels potatoes,	2s	12	25
8	dozen new shovels,	$15	120	00
100	bush. corn, part at Becket's & Decow's		50	00
18lbs.	chain,	16 cts.	2	88
	Amount,	$	5393	08
2	beds and bedsteads,		30	00
		$	5423	08
	Provisions to Luke Shurman,		58	98
57	bushels wheat and corn,	4s	28	25
	Discount on drafts, $5,000,		83	80
2	ton straw,		10	00
1	pump,		5	00
34lbs.	English iron,	5 cts.	1	70
5½	E. steel,	1s 6d	1	03
	Full amount,	$	5611	84

Received, Deep Cut, 12th June, 1827, from Oliver Phelps, five thousand, six hundred and eleven dollars, 84/100—being the full amount of this inventory of property sold him by me.

SYLVESTER R. HATHAWAY.

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271. How much do you think was the actual loss on the shanty furniture and other property bought of the other contractors, and on all the outlay of cattle, horses, wagons, carts, &c., for which the Canal Company, furnished you means to purchase, charged in your account?—[In answer to this question, the witness handed in the following document :]

STATEMENT OF LOSSES, &c.

	Original cost per Article.	Total cost of original Articles.	No. of articles on hand at the close.	What sold for at the close.	Total amount Received.
250 Yoke of oxen and yokes,	$60 00	$15000 00	250	$40 00	$10000 00
150 large carts,	30 00	4500 00	150	15 00	2250 00
55 Waggons,	55 00	2750 00	55	30 00	1650 00
44 Horses,	63 00	2772 00	half died with the glanders.		1000 00
25 Set of harness,		496 00	mostly worn out.		250 00
Shanties and furniture,		2072 00	mostly worn out.		500 00
Machines purchased,		910 00	mostly lost.		100 00
8 Potash kettles,	34 00	270 00	8	16 00	128 00
19 Caldron kettles,	10 00	190 00	19	6 00	140 00
Meeting house,		300 00			225 00
Office, boarding house, and store,		400 00			300 00
2 Mechanics' shops,		150 00			75 00
Stables, racks, &c.		200 00			50 00
Water works,		300 00			
Scrapers and crow-bars,		456 00			150 00
Chains,		107 00			100 00
		$30873 00			$16918 00

The above statement is far less than the actual loss—in the first place many of the oxen got killed by running off the bank—many died otherwise—the horses mostly all of them had the glanders when I took the work: and I do not think that all the sales that could be mustered would amount to $500—of the waggons many were broken to pieces—and many old wheels remaining, and many of them cost $5 more than I put down, and I presume thirty of them were never sold—some that were sold the debts were lost, and some were stolen—the harness would not have sold for half I have put it down, for I have an old hogshead full yet that is not worth five dollars—the shanties were log shanties, and my son who was clerk at the sale says there was not two hundred dollars—and the loss on the store, office, and boarding house was $150 more than I have put down. The shingles were almost a total loss—the boards were stripped off and sold for what they would fetch, and the frame sold Mrs. Patterson—and I have give it as my opinion that the loss on the property could not have been less than twenty thousand dollars—the carts at the close were but a little over 80 good ones, and those sold from 11 to 14 dollars. I have not in this calculation pretended to give the full amount of losses or to be very particular as you have the credit of all of this property that remained when sold, and the notes were turned into the Company; and you will find a credit made to me of the amount, and I have only done this to give some little idea of the loss that must and did accrue in closing up such a great work.

OLIVER PHELPS.

272. As testimony has been introduced to prove that you were worth little or no property when you came to Canada, did you not pay $400 to Mr. Dettrick on land, and a considerable payment to Mr. Hartwell, and build several houses and get out many thousand feet of timber with your own money before you asked for a dollar from the Company, and whether you can state about the amount of property you brought into Canada?—(Witness gave in the following paper):

Statement of property of Oliver Phelps when he first came to Canada as afterwards sold.

	$	cts.
One dwelling house and barn and 17 acres of land sold Gideon Morehouse,	1200	00
2 1-4 acre of orchard, a barn and shed sold to Benjamin Joy for	350	00
To one dwelling house,	600	00
Carried forward,	$ 2150	00
Brought forward,	$ 2150	00
To a store and lot and my interest in the same, which was a capital of $1750 put in with the profits of 3 years,	3600	00
55 acres of land sold to Nicholas Townley for	1050	00
Sold two village lots at Ithaca for	600	00
Had $9,000 invested in a steam-boat, sold it to Elijah Goodwin for	2000	00
Sold out a line of Stages from Ithaca to Auburn or the route, and a part of the property (to Isaac Sherwood) for	600	00
I had several span of good horses and other stock, worth	500	00
	$ 10500	00
There were other debts and property not enumerated, so that I considered myself worth twelve thousand dollars when I came to Canada; and although I had never until the reading of Mr. Merritt's letter as to the testimony of Mr. Love Newlove, made any particular cast, yet I have often told my friends and every one who conversed with me on the subject that I was worth, when I came to Canada, about twelve thousand dollars, and I have just thought of another sale of land to Benjamin Joy, for	350	00
And also a debt due from my brother Warren Phelps, which I have, since I left, received and brought into this Province of	1100	00
	$ 11950	00

273. Was there not a full meeting of the Board of Directors at St. Catharines to close your accounts? Was not Mr. Yates present? And what did he state to you on the subject?—There was. Mr. Yates was present and stated to me that the Board had investigated the subject and had agreed to balance my account, but that as some of the locks appeared at that time to be defective he informed me that the directors would submit that part of the work to a reference, or they would receive a proposition from me to settle and close the business at once.

274. Did you make them an offer? And did they accept of that offer and give up your bond and mortgages, and did you give them a deed of a piece

of land, and at what value?—I did make them an offer of giving them a piece of land on the canal at Contreville, which I valued at $1500. They did accept the offer, and gave up my bond and mortgages, and I gave them a deed.

275. As you have closed your evidence respecting your Deep Cut and lock contracts, and as Mr. Mackenzie has asserted that I was interested with you, I wish you to state to the Committee whether you ever heard me intimate to you, or whether you ever intimated to me, either at the commencement or end of any work, or at any time, that I expected to derive any interest whatever from it—was I ever directly or indirectly concerned in any of your contracts?—did you consider I favored any contractor in any way to the disadvantage of the Company?—It never was understood between you and myself that you were to obtain any advantage from my contracts—You never were directly or indirectly concerned in my contracts. I do not know that you ever favored any contractor to the disadvantage of the Company—If you ever did, it was not me.

[Witness withdrew.]

COMMITTEE ROOM,
Friday, 4th day of March, 1836.

PRESENT.

JAMES EDWARD SMALL, Esq., *Chairman.*
Messieurs McDonell,
Parke,
Roblin, and
Shaver,—5.

MR. PHELPS *again called, and further examined.*

[BY MR. MACKENZIE.]

276. When was it that Mr. George Keefer, Senior, was a contractor under you for supplying timber for locks for which you were a principal contractor with the Welland Canal Company?—and was not this Mr. Keefer a Director sitting at the Board and passing judgment as such on the very contract on which he was at the same time an under contractor?—I made the contract with him in the Fall of 1825—whether he was a Director or not at that time I cannot say.

277. Was it not Hovey & Ward who invited you into this Province?—It was Mr. Hovey, one of the firm of Hovey & Ward—he invited me stating that there was a prospect of making money on the canal.

278. Did you, on your arrival in Canada, become a contractor with Hovey & Ward for 34 locks?—I did, soon after my arrival.

279. I see a charge made by you in the Deep Cut case, and allowed by the Company in this form as per the minutes now shewn you.—"For loss on sale "of cattle, the same allowance having been made to "other contractors, when Mr. Phelps took the work "—$2491;" and "for wintering the same after the work stopped—$1077;" also another item—"allowance on cattle, teams, &c., $500." What are the names of the persons who got similar allowances for wintering or for lors on sale of their cattle in 1826, 1827, or 1828, as is stated in your account above quoted?—I do not know that any similar allowances of that now shewn me on the minutes were made to any other persons.

280. After reading to you a letter from Mr. Hovey and another from Mr. Ward already given in evidence, and reminding you of what you have said to the Committee about your resolution to decline to make a proposition for the remainder of their contract because you were then a contractor and partner with them for constructing the 34 locks, I would beg to ask if this is your letter; and if yea, how can you reconcile its contents with your assertions that you declined to make propositions for fear of injuring Ward & Hovey, and with your after applications to the Board for £1250 and $7,868 of extra allowances, and to be relieved from the payment of the other £7558 generously lent you to enable you to proceed without the least embarrassment?—(Mr. Mackenzie then read the following letter.)

DEEP CUT, 16*th May*, 1827.

DEAR SIR:

Being sensible of the importance of immediate and effective measures being taken for the completion of the Deep Cut this Fall, I will suggest for your consideration the following observations.—If machines are to be built, not a moment should be unnecessarily lost. I will firstly propose that I will immediately stake out the spots for 50 machines—and if you will have earth deposited this month as they draw it out at each spot sufficiently high for each machine, I will erect the whole of them with all the rope hooks and every part of them in order for use by the 7th day of June next; and will accept 2 cents on each yard the machines shall take out, as a liberal compensation for erecting the same, and as a reward for the benefit the Company may receive, which I am sure will not be less than fifty thousand dollars.

2nd. When this is done I will join each contractor on the most friendly terms, and will purchase of them at a fair price all their horses, oxen, wagons, and carts engaged in hauling out, and will agree to take out all the earth to the bottom of the Deep Cut by the 30th day of November next for 10 cents per cubic yard—if you can agree with them on the ploughing and shoveling.

3rd. If you cannot agree with them I will make a further proposition, that is, I will do the ploughing and shoveling at fifteen cents per cubic yard, and will pay them for all their remaining teams, wagons, carts, ploughs, scrapers, shovels, shanties, furniture, and other tools at a fair valuation—the shanties to be estimated according to the number of yards that has been excavated, and that which is to do, which will make twenty-five cents per cubic yard after the machines are built—and I will perform the whole of the operation to the entire satisfaction of the Board and the Engineer, and will complete the whole of the Deep Cut by the 30th day of November next, from the upper end of what is called Hartwell's to the lower end of Hovey & Ward's job.

Very respectfully, Dear Sir,
Your obedient servant,
OLIVER PHELPS.

WM. HAMILTON MERRITT, ESQ.

N. B.—I can shew to your Engineer by a fair and close calculation that the foregoing proposition is as low as any judicious man ought to go, if it is, and I am sure it cannot be made one more so, it will leave but $4500 to the contractor, which is none too much; and it may come out nearer even than that. I can also satisfy your Engineer by exhibiting my plan of operation and every thing necessary to carry them into effect that I am abundantly able to complete the job in the time and for the price stipulated—at any rate the Company shall not be troubled with any further begging. I can also offer to the Company as security my farm and buildings here, which are free and clear except $600 to Detrick, a hundred and odd acres at Laidlow mill with 3 good dwelling houses, 2 barns, and some village lots, with a good store and other buildings, and the best part of the steam boat on Cayuga lake, which is all free and clear and is worth altogether not far from twenty thousand dollars.

YOURS,
OLIVER PHELPS.

The letter is mine—I did decline making any calculations as to what the Deep Cut could be excavated for with my machine as stated in my evidence yesterday solely on account of Hovey & Ward having

been connected with me in the locks, then being, as we ever had been, good friends and on good terms, I alleged that as the only reason why I was unwilling to enter into a calculation; I also did, as stated yesterday, decline doing the same until Mr. Merritt came to me the third time and assured me that Hovey & Ward had given up their contract and was only working under the Engineers for the time being, in addition to which I had frequently heard Mr. Ward blame Mr. Hovey very much for the course he had taken in giving up the job. All this was previous to the making of the calculation or writing this letter, and after making this calculation and after having proved the utility of the machine I shewed the calculation and statement to Mr. Barrett the Engineer, and to Mr. Merritt the Agent, who requested me to accompany it with a proposition for performing the work—and after having looked over the calculation, being, as I was, confined to my room with the ague and fever, it appeared to be very favorable, and I verily thought that I could finish the work for the price stipulated, but did not expect, as may be seen from my letter, to make any great sum by the work—the sum which I expected to make in contract was not the object; the principal object was, as I had purchased property on the canal, that I did not wish to see the canal go down—it being said by the enemies of the canal that it had already failed. After commencing the work and ascertaining that a good deal of earth on the sides of the canal, and old roads which had been estimated in the previous work, and not being able to obtain a sufficient allowance for taking out the same, and also the excavation becoming harder and more difficult, together with an extra waste of time in watering cattle, and another fact of the soil being of such a slippery clay nature that instead of losing two days in a month by wet weather according as I had calculated, the roads were so slippery in wet weather that on an average from 4 to 5 days per month were lost, at some times full 3 days in a week. I was necessitated to ask further aid and assistance or stop the work, as it will be seen what little property I had was 300 acres of land lying on the canal, and houses and lands, steam boats, &c., in the States, and having no means of my own of prosecuting the work.

281. Did you consult with your partners in the locks, Messrs. Hovey & Ward, before you sent to Mr. Merritt the proposition to supplant them in the Deep Cut contract which I have just read to you?—Did you shew them, as your friends, what you intended to do, and ask their approbation?—Mr. Merritt, Mr. Barrett, any myself, were all at the Deep Cut. Messrs. Hovey & Ward were absent in the States, and therefore I could not consult them.

282. In a letter addressed by you to the Hon. J. H. Dunn, and now shewn to you, you say that on your application about two years before, when you gave up the Deep Cut property, you had every reason to believe, from a letter directed to you by Mr. Merritt, that the Deep Cut business was set at rest, and that you are now informed that it is on account of the locks that the business cannot now be closed. Could you produce Mr. Merritt's letter to the Committee as it does not appear on the Company's letter book?—It is uncertain whether I can or not. If I can find it I will send it to the Committee.

283. It appears by the books of the Company that you received not only your contract price for so much of the remainder of the Deep Cut as you excavated before the slides took place, but also an advance of about ten thousand pounds beyond the Engineer's estimates; that from this ten thousand pounds an allowance of five thousand dollars and then another allowance of between 7 and 8000 dollars were made you, although the result of your labors was a failure; and that for the remainder of the money amounting to £7558 you are now entered on the books of the Company as a defaulter. I am informed by the officers that they are unable to produce the original contract made with you on this transaction, involving as it does an expenditure of about £50,000—that it is lost, and that they have no copy—Mr. Beaton states to me that he is not sure that he ever saw that contract. You were asked for the duplicate of it some days since—are you now prepared to produce it?—I cannot now—I am not certain that I have it in my possession—I will send it to the Committee if it is to be found.

284. Who were the sub-contractors under you?—Donaldson & Davis—I do not know but Mr. Vanalstine might have drawn his money through me for work done at the Deep Cut—I ever desired to act honestly and fairly to all sub-contractors under me. I do not recollect that there were any others, but I am not certain.

285. Can you produce to the Committee a list of the prices and allowances you severally made your sub-contractors?—I cannot—the work which was done by them was estimated by Mr. Barrett the Engineer to each man who performed the work.

286. In the absence of your contract or any copy of it can you inform us how far it extended?—Commencing at the North end of the Deep Cut, extending 77 chains.

287. You said yesterday that 15 cents ought to be allowed on the first 10 feet of the Deep Cut from the surface. By the estimate book I perceive that James Anderson appears to have performed 10,000 yards of excavation at 9 cents; Bradley & Co. 11,000 yards at 10 cents; Davis & Donaldson 14824 yards at 11 cents; Keefer & Co. 14,144 yards at 11 cents; Newlove & Porter 14,907 yards at 11½ cents, and 10,000 at 9½; Trotter & Co. 14,000 at 10½ and 11; T. Merritt 9,000 at 12½; Davis & Donaldson 121,062 yards at 12½, and 16,000 at 8½; and a number of other persons at 8 and 9 cents; the only case where 15 cents are allowed is that of 1600 yards to Thomas Merritt Jun., a very small quantity. How do you shew by the usage of the canal that 15 cents was fair for the first ten feet?—These mentioned in the question are on the narrow canal in various sections as it runs through the country. The Deep Cut is different altogether—to which I alluded in my answer yesterday being from 130 to 150 feet in width, and I further see from the estimate of the Engineers that some of the contractors on the Deep Cut were paid 15 cents at the beginning, and afterwards was allowed three cents more making their first 10 feet amount to 18 cents.

288. You have given in a copy of an account between yourself and Sydney R. Squires, a sub-contractor for the locks. It differs from his statement to Mr. Hall already in evidence. Have you the

vouchers to support the copy you have handed in?—I have not here—I dont know that I can produce it, but the books and accounts were all examined by Mr. Squires and myself, and was satisfactory to him exexcept the allowance for extras as made by Mr. Barrett.

289. You were told by the Board, as appears by their minutes, that your Deep Cut contract would in no degree free you from the responsibility attached to your other great contract for the 34 locks then in progress; but although you had assured the Committee of the House of Assembly in 1825 that $2,200, (your contract price) was an ample price for each lock; and although it appears by Mr. Squires' statement to Mr. Hall and myself, that as a sub-contractor he received much less price than was allowed you originally, including the charges afterwards made in them, yet Mr. Hall has stated, and it is a matter of general notoriety, that the locks are badly finished and a failure, and it appears from the minutes of the Board that the Company looked to you for the strict fulfilment of that contract. Under such circumstances, what claim can you have on the Company, deeply indebted as it is to the Province, to make you a present of £7558?—I did give testimony in 1825 before a stick of timber was cut for the locks, that agreeably to a plan and specification of Mr. Lewis' upon which the contract was predicated, I believe $2,200 an ample price for the locks, and had I been allowed at the same rate per cubic foot for the timber as the locks were finished, and the same price for lock iron agreeably to the price actually worked into the locks, together with 3,000 lbs. of cast iron for the paddle gates, extra plank spike and labor, I should have been paid over a hundred dollars per lock more than I received, which was about $3,400. All the principal additional extras were added agreeable to the estimate of Mr. Thomas and Mr. Barrett in the summer of 1826 previous to my sub-contracting the work to Squires (see testimony of Mr. Barrett's statement.)

I claim the £7558 on account of the locks having been finished and accepted by the Engineer and paid for at a less price than the actual worth according to the specification, and I claim it also on account of having finished the Deep Cut, or that part of it which I finished, in the most economical and prudent manner that it was possible for me to do, and having given up all the property at the close of the work, into the hands of the Company for which they had advanced me money to make the outfit at the commencement, and also other advances during the work which was all faithfully and honestly expended on the work or given up to the Directors at the close—and also on account of having frequently been assured by the Directors that it was not their intention that I should be a sufferer by the completion of that work, as may be seen from the resolution of the Board in the Fall of 1827, and also as was assured me in the summer of 1828 when the Directors met at the Deep Cut to examine my books and accounts of the concern, after the examination of which they manifested an entire satisfaction with the method of keeping the books and accounts, and with the expenditure and progress of the work, especially as was declared to me by Mr. Robinson, and further, on a careful examination of an actual calculation of the worth of the various parts of the work performed by each individual; knowing or allowing the whole cost or worth of the Deep Cut to be 25 cents per cubic yard, I found by examination that I had been paid less than any other contractor according to the actual worth of the work including all the advances and allowances from the commencement to the close of the work, and also including the balance standing against me on the Company's books previous to my settlement with them, all of which, both as it respects the locks and Deep Cut, has been amicably settled between the Directors of the Welland Canal Company and myself and all sureties given up on the part of the Directors by my giving them as I did a certain piece or parcel of land of 40 or 50 acres joining the canal at Centreville, valued at $1500.

290. Where is the proof of any settlement between yourself and the Canal Board?—I see they allowed you to dispose of your property, but I find no evidence of a settlement on the minutes?—The proof of the settlement is the transfer of the securities given by me to them, and the conveyance by me of the deed before mentioned, to them.

291. You have said that you made over to the Company about fifty acres of valuable land—To whom did you give the conveyance of this property, for I do not find it in the Canal Office?—To the President and Directors of the Welland Canal Company. (which was produced by the President and shewn the Committee.)

292. You said yesterday that you had paid a great deal for shanties and other buildings—How is that to be reconciled with the entry on the minutes of the Board of 9th June 1827, which shew that the Company paid for all Hovey & Ward's shanties at a valuation at the time you succeeded them in their contract?—The money was advanced me by the Company, and I paid the several contractors for their shanties what I received, as will appear by the accounts put in yesterday, was charged in my account on the Company's books as advances with all the debts which the former contractors owed the Company—I assumed and they were charged me, as will be seen in the above mentioned accounts.

293. In your letter to Mr. Merritt of the 2nd of June, a few days before you took the Deep Cut contract, by which other contractors were discarded, and which letter is now shewn to you, you say,—"the worst of all is they (the contractors) are sour "and cross, and you cannot talk without being ac-"cused of either unfairness, dishonesty, or of com-"mitting a trespass by making out bills." Had they not good reason to be displeased with conduct such as yours has been in these transactions?—(Here Mr. Mackenzie produced the following letter alluded to above.)

DEEP CUT, 2d *June*, 1827.

DEAR SIR,

I have got business pretty well arranged. Mr. Hathaway has agreed on most of his property—he made out a bill and averaged the price of his oxen, and I went round and appraised each yoke separately, and only differed in the whole 31 dollars—I was the lowest. This morning took the same course with Mr. Rowley and only differed 10 dollars in 25 oxen—I was above him; all his property is satisfactorily arranged, and there is no settling plan only with Donaldson & Co. there will be a dead and total loss of about 400 dollars after allowing him his own price for every thing on hand—cattle, horses, tools, provisions, the worth of the shanty and timber, and all the iron and rope, at his bills, and willing to lose out and out 150 dollars; and if you do not come and say so I will lose the one-half; but the worst of all is, they are sour and cross, and you cannot talk without being either ac-

cused of unfairness, dishonesty, or of committing a trespass by making out bills. Nothing has been removed.

Yours in haste,

OLIVER PHELPS.

Wm. H. Merritt, Esq.

I think they had no good reason to be displeased with me; I think the true reason of their complaining or being displeased with me is, they had made great calculations of making large sums of money, as they had nearly or quite all of them expressed to me previous to my taking the contract, that they should get 40 cents per yard for finishing the Canal, as they stated it could not be done for less in their opinion, and their being disappointed in making those sums which they had calculated on, I believe to be the true cause.

294. You say that the part of the deep cut finished by you was of a harder description of soil as you increased in depth than where you began; and you say you went to the bottom. I have always understood that the deeper you went the softer the soil was, and that this softness at the bottom was one cause of the slides.—Is this so or not?—The part of the deep cut which I finished became harder as I went down, with very large stone and round rocks, and many spots of hard pan until I got about to the towing path of the upper end of my job; and as I went down it became softer, so that a man standing on some places, by springing upon it, could shake the earth 20 feet round, and we often thought in those spots that the earth appeared to swell at the bottom, as cutting a small ditch through the same would in a day or two almost become extinct; and I only attribute the banks on the north part of the work standing as well as they do to the extreme hardness and toughness of the soil above.

295. For how many thousand yards of excavation were you allowed on your deep cut contract, exclusive of any extra allowances made you? I am not able to say from my personal knowledge.

296. Was it not a part of your contract to complete the excavation in 1827, instead of which it was far from being finished in November, 1828, although every possible facility had been afforded you? It was the understanding, whether it was written in the contract or not, I was not able to accomplish what I expected, for many reasons, one of which was that I expected to begin where the other contractors left it, instead of having to bring down the sides, which contained many thousand yards, another was the hardness of the excavation, another the additional loss of time in watering cattle, wet weather, and sickness, that prevailed the latter part of the season, and having to close the work on account of the wet weather, at least six weeks sooner than we expected.

297. Answer to the best of your judgment what proportion of the earth, you excavated from the deep cut, went back into it again? No part of my work slipped in for a considerable time after the original level of the deep cut was abandoned, and I do not think to this day that there was more than one or two hundred yards slipped in—I feel quite confident there was not 1000. The Engineers compelled the other contractors to place their dirt in a similar manner to mine, considering it a preservation to the canal by turning the water at a distance back of the Canal instead of placing the earth so as to lead the water into the canal, as was invariably the case when I began.

298. Were you not as well aware of the true nature of the ground at the bottom of the deep cut when you took the contract, as other contractors who cautiously excepted quick-sand and water in their tenders? How well acquainted with these facts other contractors might have been, I cannot say—I can only say that I knew nothing of it until a small slip took place on Mr. Hartwell's job at south end of Deep Cut, after which Mr. H. told me that he always believed it could not stand, the bottom was so soft; although he died in June, previous to the slips, he stated to me, and I think to others, that he believed it would all cave in the same manner—it would cave into where we were standing, which has proved true in many respects.

299. Who was the contractor next to you on the Deep Cut—what was the depth of his cutting, and the depth where he began?—Mr. Thompson—the average of his cutting was about 45 feet—I cannot say the depth where he began—I think Mr. T. however, did not begin until the spring of 1828. I do not think he bottomed any of his.

300. You have said a good deal about your losses on shanties, cattle, horses, carts, &c.—Did your contract give you to understand that the Canal Company would find you in cattle, teals, &c., or winter your cattle, or find you in shanties, or indemnify you for your loss on teams, besides paying you the contract price stipulated?—I do not think it did.

301. Your contract not being forthcoming, I have referred to the minutes of the Canal Board of 26th of May, 1827,—present, Messrs. Dunn, two Messrs. Boulton, Clark, Keefer, and Robinson, and find that you were allowed to contract for "the whole remainder of the Deep Cut at 25 cents, with an allowance of two cents per cubic yard for machinery;" and that an agreement was entered into with you to complete this contract within six months from that day. On referring to the Estimate book, I find that instead of 27 cents you are allowed a variety of prices, extending up to 35 cents. Was this range of prices in conformity with your written contract, or on what principle was it determined?—I have frequently asked Mr. Barrett, the Engineer, the manner in which he estimated the difference from top to bottom, but he never gave me any satisfactory account. I suppose, however, he endeavored in his estimates to make the price range in such a manner from where I began to bottom as would make the whole sum amount to 27 cents.

302. Has not the results of your interference in the contracts of your brother contractors who were going on with the excavation of the Deep Cut, been to deprive them of the employment in which they had invested their means, and by which they earned their livelihood, while at the same time, although you was enabled to supplant by under bidding them in the work they were going on with, you have since come forward and claimed the additional prices they would have regularly obtained had you not been successful in monopolizing the whole work—and all this, although you had then plenty of employment as a contractor for 34 locks—a work going on at the

same time?—I have not at any time improperly interfered with my brother contractors for this reason—Mr. Merritt, the Agent, and Mr. Barrett, the Engineer, confidently assured me that there was no contract existing between Messrs. Hovey and Ward and the company—Mesars. Hovey and Ward also stated the same previous to that as well as other contractors that they should not perform the work unless they had a sufficient allowance to cover what they thought would be the actual expense—previous to my making any calculations, Mr. Merritt stated to me that he thought there was a combination of all the original contractors to extort from the company an extravagant price,—he said also to me at the same time that he thought that the Company would be willing to pay 30 cents from top to bottom, and asked me if I would not contract for some part of it—to which I replied, No.—This was previous to my proving the machine.

[By Mr. Merritt.]

303. What was the relative value of the excavation in your contract on the Deep Cut, provided the first 10 feet was worth 18 cents per cubic yard?—The relative value of mine would $38\frac{13}{100}$ cents.

[Witness handed in the following statement, &c. and withdrew.]

Statement *of* Work *done on the Deep Cut by various Contractors.*

1827	yards.	amount.		
		$	c.	
May,	15791	3546	14	
June,	21335	5097	35	
July to November, 1828.	11199	2631	54	
	7036	1732	80	
	16554	4520	12	
	18287	3565	68	
	39844	10384	14	
	4328	6332	08	
	52389	13611	10	
	31037	9226	58	
	13749	3925	00	
	18560	6192	00	
	250209	70764	53	Average per y'd $28\frac{3}{10}$ cts.

Work *done by Davis on Deep Cut.*

1827	y'ds	
July 31,	1685	$508 80
Aug. 30,	4351	1208 17
Sept. 30,	1224	428 40
Oct. 30,	1247	436 45
Dec. 30, 1828,	998	349 30
April 30,	2500	950 00
	2526	959 88
June 30,	4361	1657 18
July 11,	6000	2280 00
Aug. 31,	4966	1887 08
	4959	1884 42
Nov. 20,	5459	2074 42
	800	304 00
	41076 yards—am't	$14928 10

Statement *of the number of yards excavated on the Deep Cut by Oliver Phelps.*

June 30, 1827,	35131		
July 31, ...	69355		
Aug. 31, ...	94150		
Sept. 30, ...	69689		
Oct. 31, ...	49139		
1828.			
April 30, ...	1289		
May 31, ...	896		
do.	27737		
June 30, ...	2639		
do.	39148		
July 31, 1829,	521		
do.	6196		
do.	33260		
Aug. 31, 1828,	5074		
do.	4367		
do.	17799		
Sept. 30, ...	3709		
do.	1245		
do.	5607		
Nov. 20, ...	5280		
do.	4714		
do.	2209		
	479154 y'ds	Total am't of y'ds excavated by Oliver Phelps, ... 479154 y'ds—am't	$131,793 00
		Add work done by Davis & Donaldson, ... 41076 y'ds—am't	14,928 10
			$146,721 10
		520230	
		Add debt given up on settlement, ...	30,320 27
		This makes the average per yard 34 cents.	$177,041 37

A Calculation *of the average depth cutting of the whole Deep Cut, which is* 47 *feet—the average width of the first* 10 *feet is*

				yd's	cts	
	140 by	(one chain)	66 ft,	3422 at	15	$ 513 30
11th ft	130 by	"	"	316 "	16	50 56
12th "	128 "	"	"	312 "	17	53 04
13th "	126 "	"	"	307 "	18	55 26
14th "	124 "	"	"	302 "	19	57 38
15th "	122 "	"	"	297 "	20	59 40
16th "	120 "	"	"	292 "	21	61 32
17th "	118 "	"	"	287 "	22	63 14
18th "	116 "	"	"	282 "	23	64 86
19th "	114 "	"	"	277 "	24	66 48
20th "	112 "	"	"	273 "	25	68 25
21st "	110 "	"	"	268 "	26	69 68
22d "	108 "	"	"	263 "	27	71 01
23d "	106 "	"	"	258 "	28	72 24
24th "	104 "	"	"	253 "	29	73 37
25th "	102 "	"	"	248 "	30	74 40
26th "	100 "	"	"	243 "	31	75 43
27th "	98 "	"	"	238 "	32	76 16
28th "	96 "	"	"	233 "	33	76 89
29th "	94 "	"	"	228 "	34	77 52
30th "	92 "	"	"	224 "	35	78 40
31st "	90 "	"	"	219 "	36	78 84
32d "	88 "	"	"	214 "	37	79 18
33d "	86 "	"	"	209 "	38	79 42
34th "	84 "	"	"	204 "	39	79 56
35th "	82 "	"	"	199 "	40	79 60
36th "	towing path, 61 by	66 ft is		149 "	41	61 09
37th "	"	57	"	139 "	42	58 38
38th "	"	53	"	129 "	43	55 47
39th "	"	49	"	119 "	44	52 36
40th "	"	45	"	110 "	45	49 50
41st "	"	41	"	100 "	46	46 00
42d "	"	37	"	90 "	47	42 30
				Carried forward, - -		$ 2514 00

		Brought forward,	-	-	-	$2514	00
43d	"	"	33	"	80 " 48	38	40
44th	"	"	29	"	70 " 49	34	30
45th	"	"	25	"	60 " 50	30	00
46th	"	"	21	"	50 " 51	25	50
47th	"	"	17	"	40 " 52	20	80
					11,004 yds	$2768	79

Which amounts to 25 cents and $\frac{10}{100}$ per cubic yard, on the whole deep cut—this average price will correspond nearly with many other deep cuttings.—The Chesapeake and Delaware was 10 cents per yard for the first ten feet, and increased 1 cent per foot, to seventy-five feet—the average cutting of that part of the deep cut, finished by Oliver Phelps, is forty-nine feet, $\frac{55}{100}$ calculation of what remained in when taken by Oliver Phelps allowing the average depth to be 50, and that he began 17 feet below the surface—shewing the worth of the work done by him, agreeable to the foregoing calculation.

18th	ft cutting	122	ft by	66,	297 yds at	23 cts	$68 31
19th	" "	120	"		292 "	24	70 08
20th	" "	118	"		287 "	25	71 75
21st	" "	116	"		282 "	26	73 32
22d	" "	114	"		277 "	27	74 79
23d	" "	112	"		273 "	28	76 44
24th	" "	110	"		268 "	29	77 72
25th	" "	108	"		263 "	30	78 90
26th	" "	106	"		258 "	31	79 98
27th	" "	104	"		253 "	32	80 96
28th	" "	102	"		248 "	33	81 84
29th	" "	100	"		243 "	34	82 62
30th	" "	98	"		238 "	35	83 10
31st	" "	96	"		233 "	36	83 88
32d	" "	94	"		228 "	37	84 36
33d	" "	92	"		224 "	38	85 12
34th	" "	90	"		219 "	39	85 41
35th	" "	88	"		214 "	40	85 60
36th	" "	86	"		209 "	41	85 69
37th	" "	84	"		204 "	42	85 68
38th	" "	82	"		199 "	43	85 57
39th	towing path,	67	"		149 "	44	65 56
40th	" "	57	"		139 "	45	62 55
41st	" "	53	"		129 "	46	59 34
42d	" "	49	"		119 "	47	55 93
43d	" "	45	"		110 "	48	52 80
44th	" "	41	"		100 "	49	49 00
45th	" "	37	"		90 "	50	45 00
46th	" "	33	"		80 "	51	40 80
47th	" "	29	"		70 "	52	36 40
48th	" "	25	"		60 "	53	31 80
49th	" "	21	"		50 "	54	27 00
50th	" "	17	"		40 "	55	22 00
					6345 yd's		$2229 30

At this calculation, the part finished by O. Phelps, would amount to 35$\frac{13}{100}$ cents per cubic yard.

The average cutting of that part of the deep cut, south of Phelps' part, and finished by others, is 42$\frac{55}{100}$ feet, and they begun at 11 feet $\frac{55}{100}$ below surface; but, allowing that the average of their cutting was 53 feet, and that they began 12 feet below surface, which is near half a foot in their favor in the whole depth, and near half a foot more where they began, but, say they began at the 13th foot, cutting which is lower than they did begin.

						yd's	cts	
13th	foot	118	feet wide	by	66 ft is	287	at 18	$51 66
14th	"	116	"	"		282	" 19	53 58
15th	"	114	"	"		277	" 20	55 40
16th	"	112	"	"		273	" 21	57 33
17th	"	110	"	"		268	" 22	58 96
18th	"	108	"	"		263	" 23	60 49
19th	"	106	"	"		258	" 24	61 92
20th	"	104	"	"		253	" 25	63 25
21st	"	102	"	"		248	" 26	64 48
22d	"	100	"	"		243	" 27	65 61
23d	"	98	"	"		238	" 28	66 64
24th	"	96	"	"		233	" 29	67 57
25th	"	94	"	"		228	" 30	68 40
26th	"	92	"	"		224	" 31	69 44
27th	"	90	"	"		219	" 32	70 08
28th	"	88	"	"		214	" 33	70 62
29th	"	86	"	"		209	" 34	71 06
30th	"	84	"	"		204	" 35	71 40
31st	"	82	"	"		199	" 36	71 64
32nd	towing path	61	"	"		149	" 37	55 13
33rd	"	57	"	"		139	" 38	52 82
34th	"	53	"	"		129	" 39	50 31
35th	"	49	"	"		119	" 40	47 60
36th	"	45	"	"		110	" 41	45 10
37th	"	41	"	"		100	" 42	42 00
						5,366		$1,512 49

This is about the average depth of cutting that was done when the slips took place, and would make the amount to 28$\frac{14}{100}$ cents per yard cost of cutting or excavating.

38th	foot	37	by	66	90	yards at	43	cts.
39th	"	33	"	"	80	"	" 44	"
40th	"	29	"	"	70	"	" 45	"
41st	"	25	"	"	60	"	" 46	"
42d	"	21	"	"	50	"	" 47	"
43d	"	17	"	"	40	"	" 48	"

I beg leave to state in evidence before this committee that in answering all the questions put to me by Mr. Merritt, Mr. Mackenzie, and this Honorable Committee, that I have endeavored to answer them as honestly and faithfully as I could have done had I stood before the Judge of the whole Earth; and in justice to myself and to this committee, and for the satisfaction of the community, who are anxiously waiting the event of the investigation now before this enlightened, and I may say truly patient and indulgent committee, I beg leave further to state that as some intimation has been given that I might during the work of the Deep Cut and Locks have sent large sums of money to the States from which I came, in drafts or otherwise; to which I can answer that when I came to Canada I was not owing a hundred dollars in the world, except a transaction relative to the Erie Canal transporting Company which I will explain in short. I had paid into that Company eleven thousand dollars—I found it a losing concern—I sold out to Keeler and Mather of Albany, for about three thousand dollars, on time; but they failed, and I never got a cent; the other owners ran the line until all the capital was spent, and got into law,

and I was prosecuted amongst the rest, and rather than defend the suit I, with the others, made a compromise; and about three years since I paid what I agreed to—to wit $600, but I never sent a hundred dollars to the States during the whole work, that I received of the Company, except for cattle, carts, feed for cattle, and other necessaries to carry on the work—and I can truly say that in all things relative to the important trust reposed in me by the Board of Canal Directors; and in all this vast work I have acted faithfully and honestly, as I expect to answer it to my God; and I can truly say that money would not hire me to go through another such a work; and having had an extensive acquaintance in the United States, and some little acquaintance in this Province, I think it cruel after having acted in the most faithful manner as a public servant, and done that which no other man would have done, it is unreasonable and cruel that my name should be cast out as evil, as it has been in the paper called "The Welland Canal." I beg of this committee to look for a moment and see under what circumstances I engaged in that vastly laborious and hazardous work of the Deep Cut; which was well nigh dead, dead; and its grave already dug, and its enemies passing the funeral ceremonies. Did I go then to supplant (as Mr. Mackenzie says) the worthy Messrs. Hovey and Ward and others, or did I go there to erect a machine, to try if possible to help the Company out of a dilemma which they had fallen into by being badly advised by some, and the combination of others, who thought it no harm to obtain a pretty round price of His Majesty's subjects. Did I eagerly seek to place myself in a situation where every man of sense must know I must incur the displeasure of my countrymen and my hitherto warm friends; one of which had invited me into the Province, assuring me that there was much money to be made;—I can answer no; I was drawn into it by one who has ever felt so deep an interest in the Welland Canal, that he would sacrifice his own interest, and that of his best friends, to promote the interests of the Canal; and was I in a situation to enter into a full and just calculation of the worth of that work: having never spent but a few days at that place?—No; had I been in full health I might have formed a different estimate; but lying on a sick bed, and every other day the ague and fever; and my well, or days between the ague, I made the calculation and proposition; and all Directors and former Contractors thought I had taken it far too low; but I fully believe had it not been for three circumstances which I could not foresee, I should have done it at the price contracted for, let alone the extra hardness of soil, these will I mention; I fully believe that I took out fifty thousand yards from the sides of the canal and roads that was not estimated to me; twenty thousand of which was only allowed, being the $5,000 charged in my account. I lost at least $100 per day for a hundred days in the first season, and 60 days in the last, over and above my calculation in the delay occasioned in watering teams, and six hundred men lying idle at the same time,—and lastly, in my calculation I allowed two days each month for wet weather, and the fact proved that we often lost 3 days in a week, and an average of 4 to 5 a month, the banks being a slippery clay, and expenses was not less than $800 per day.

But after all on examining the statements and calculations herewith presented, and what you will find, from the Engineer's calculation and statements, allowing the whole Deep Cut to have been worth, or cost, 25 cents per cubic yard, you will find that the contractors previous to 1827 have all received more than the work was worth; and that the other contractors or operators that worked fifty-five chains in 1827 and 1828, their work should have cost on an average 28 $\frac{18}{100}$ cents, and they have been paid, as appears from examining the Engineer's statement, herewith presented, 28 $\frac{30}{100}$, a little over the cost, and the seventy-seven chains finished by myself was worth, or amounted according to the same calculation of others 35 $\frac{18}{100}$ per cubic yard; and I have received in all the advances of thousands and tens of thousands, together with the charge for old shanties, ticks, and blankets, horses and oxen, long since dead and gone, together with $30,000 defalcation, as you will see from the book, and Mr. Barrett's and Keefer's statements not to exceed 34 cents per cubic yard; so that I am the only man but what has been over paid.

OLIVER PHELPS.

SATURDAY, *5th March*, 1836.

Committee met.

PRESENT,

JAMES EDWARD SMALL, Esq., *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Shaver,—6.

Mr. AMOS NORTON, *called in and examined.*

[BY MR. MACKENZIE.]

304. You are an iron founder and builder of steam engines in this city?—I am, but do not style myself an engineer.

305. Did you build the engine of the *Sir Walter Scott Steamer*, and if yea, do you consider that the Sir Walter or her engine was suitable for a Dredging machine to the Welland Canal Company?—I furnished the engine for the Sir Walter Scott, and erected it on board the boat.—As respects Dredging Machines, I do not consider myself a judge.

306. Was you staying sometime at Dunnville lately?—I was there at the time I was putting up the engine last spring.

307. Had you any conversation with Mr. Cyrus Rose, the canal superintendant and contractor, relative to the canal: and if yea, state what it was?—I had conversation with Mr. Rose, he was building the Berm Embankment, and I understood he was the superintendant.—The most of his conversation was respecting the Berm Embankment, he said, that in order to make the best job he could of it, he was in a habit of putting in both logs and stumps—he rolled in nearly all he could conveniently cover up with earth, that is all lying handy by the work—this took place in the summer of 1834.—I was there again in December following, he then remarked to me, he had made money by the job he had finished, he cleared something like one dollar a day clear profit on every man he had employed on the job, he also informed me that he had taken another large job in

company with Mr. Thomas Merritt, I enquired if Mr. Merritt was coming there to assist him, he replied that Mr. Merritt was at Gravelly Bay—he said he did not expect much personal assistance from his partner, that that was not his object in going into company with him, it was that he thought he would obtain better measurement, and that he could do better by dividing the profits than to take the job on his own account, as he considered Mr. Merritt more of a favorite than himself, and remarked that the principal profit on those jobs was by extra measurement —I further enquired of him (Rose) whether he was going to take any job in widening the canal, he said no, as it would be nothing gained by measurement— that was the principal of the conversation on that subject.

308. Did Mr. Rose distinctly give you to understand what he meant by extra measurement in this contract in which he was concerned with Thomas Merritt, Junr. ?—I suppose he meant that they would not be nice or particular—I understood that by his taking Merritt as a partner, he would be allowed really more than it actually was.

309. Did they place any log heaps in the embankment or Berm bank made by Thomas Merritt, Jun., near Dunnville ?—There was a great many logs and stumps put in, to my certain knowledge.

[By Mr. Merritt.]

310. What value did you place on the engine of the Sir Walter Scott ?—I sold it to the company for a steamboat, and was to put it up on board the same for £500 cash, and £100 stock in the boat.

311. What was the cost of that boat ?—I believe the contractor told me he was to have £300.

312. Do you consider the engine of sufficient power to propel a Dredging Machine, and in case the boats were made stiff and substantial, and in case the scrapers and apparatus was furnished, do you think it could be applied to that purpose ?—I am not sufficiently acquainted with Dredging Machines to give a positive answer. So far as I do know, the engine might be applied as well as all other engines for a Dredging Machine. The engine I considered strong and good for one of its power. I think it would well work 20 horse power. Some engineers would call it more. Although the man had a certain sum for building the boat, it turned out not to answer a very good purpose. The engineer, John Dew, that I took up with me to put up the engine, advised me not to attempt to put the engine on board that boat, as he thought the boat was poorly built and drew too much water. It *might* be made to answer as a Dredge, but I cannot say.

313. You say Rose was a superintendant to the Canal Company; how did you acquire or from whom did you acquire that information ?—I consider he was working on his own job.

314. Where was the job situated to which you allude that Rose had contracted for in the summer of 1834 ?—I believe it was both above and below the Guard Lock, near Dunnville.

315. Where was the job situated that Rose had taken with Thomas Merritt ?—I saw him at work between Dunnville and Broad Creek, and I supposed there was his job. He mentioned it was to be taken down 3 or 4 miles or more.

316. Was it above or below Cranberry Creek ?—I do not know where Cranberry Creek is, but I know the country was flooded some distance above Broad Creek.

317. Are you certain that the conversation you alluded to with Rose, applied to the job of Thomas Merritt, that he (Rose) was then prosecuting with him, on which he expected this additional measurement ?—I do not know of his having any other job at that time, and therefore considered that that was the job.

318. If he expected to get an additional measurement, from whom was this additional measurement obtained ?—I do not recollect he gave any explanation about it. I supposed it to be from the person who either measured the work or paid him.

319. Was any other persons present at the time this conversation took place ?—I think there was. At one time Mr. John Leys was present; he was frequently present at Mrs. M'Keever's, where we all boarded.

What time in December was the conversation ?—I think in the fore part of that month.

[Witness withdrew.]

Mr Mackenzie *again called and further examined.*

[By Committee.]

321. In your 7th charge you say that the charges for casual expenses are in many cases improper; and that some of them are such as no board should have audited, nor any gentleman preferred. What items in the Contingent Accounts do you object to ?—If I were to state all the items to which I object, my reply would form of itself a voluminous document. I will therefore give but a few specimens. The oldest of them is from a contingent account of Mr. Merritt's, which the officers will now produce to you as it passed the Board.

[The officers of the Company here handed in the following memorandum :]

Memorandum *of* Expenditures *commencing Thursday, 3rd February, 1825, for the Welland Canal Company.*

Feb'y.				
3,	Expenses on road to York with a horse,	1	0	0
4,	Mem. book, 1s 6d, gloves, 1s 7d½	0	3	1½
5,	Lunch at house with Mr. Clowes,	0	1	3
6,	Snack, 7d½, paid Mercer 18s,	0	0	7½
7,	Play, 3s 9d, Clowes' bill, 23s,	1	6	9
8,	Snack, 1s 3d, barber, 7d½, messenger, 1s 3d,	0	3	1½
9,	Paper, 1s 10d½, postage, 7d½,	0	2	6
10,	Beer, &c. at Parliament House,	0	1	3
11,	Paid Schoffield's bill,	2	2	6
"	Carrying trunk, 1s 3d, servants, 1s 3d,	0	2	6
12,	Repairing my watch,	0	7	6
	Segars and snack,	0	1	3

Feb'y,				
14,	Sunday,			
15,	Club for gin, 3s 1½d, do. segars 1s	0	4	1½
"	Cutting hair and shaving,	0	1	3
16,	Lunch at Parliament House,	0	1	3
17,	Beer for self and members,	0	1	3
18, 19 & 20,	Lunch and beer each day,	0	7	6
"	Segars, 1s 3d, club for gin, 1s 3d	0	2	6
21,	Club for wine,	0	6	3
	Play, 3s 9d, washing bill, 7s 6d	0	11	3
22,	Sunday,			
26,	5 days snack at house and beer,	0	13	0
"	Biscuit, apples, &c.,	0	2	0
"	My proportion of wine, 11s 3d, Gin, 2s 6d,	0	13	9
"	2 h'kfs, 5s, setting razor, 1s,	0	6	0
"	Segars 9d, subsc'n for Church 10s	0	10	9
"	Supper of oysters,	0	2	6
27,	Snack and beer, 1s 3d, paid barber, 1s 3d,	0	2	6
28,	Snuff, 1s 3d, gin club, 3s 9d,	0	5	0
29,	Beer at house, 7½d, wine, 11s 3d, segars, 5s,	0	16	10½
30,	Sunday,			
Mar. 5,	Same routine this week including snack for two, 1s 3d,	0	8	9
"	Club of wine, 10s, gin, 3s,	0	13	0
6,	Sunday,			
12,	Lunch and beer as usual,	0	8	9
"	Paid messenger,	0	1	3
"	Club of wine, 10s, gin, 1s 3d, segars, 2s 6d,	0	13	9
13,	Sunday, poor,	0	1	3
19,	Same routine,	0	8	9
"	Pemberton, 5s, play, 11s 3d,	0	16	3
"	Messenger, 1s 3d,	0	1	3
20,	Sunday,			
21,	Club last week, 10s, gin, 3s,	0	13	0
"	Spirits at house (sick,)	0	1	3
"	Beer, snack, &c.,	0	3	9
24,	Hay's bill,	10	2	11½
"	Washing bill,	0	17	6
"	Beer, &c. &c. 1s 3d, segars, 2s 6d	0	3	9
26,	Postage of letter from Quebec,	0	7	6
	Beer, lunch, &c.	0	2	6
	Club of gin and segars,	0	5	0
	Wine, 13s 4d, messengers, 2s 6d	0	15	10
	Servants James, 5s, host, 2s 6d, maid, 5s,	0	12	6
27,	Sunday,			
28,	Hay's for board to date,	0	17	6
"	Shoemaker, 3s 9d, beer, &c. 2s 6d	0	6	3
"	Horse hire,	0	5	0
	Breakage of sleigh,	0	10	0
	Hollister's bill keeping horse,	1	10	0
29,	Passage to Niagara,	0	10	0
	Wharfage and freight, &c.,	0	6	0
	Mrs. Rogers' bill,	0	5	0
	Wagon, 2s 6d, George, 1s 3d, dinner, 3s 3d,	0	7	0
	Segars, 7½d, postage, 1s 7½d, N.Y.	0	2	3
	1 quire paper,	0	1	10½
Ap'l 4,	Paid bill at Niagara,	0	10	0
"	Passage to York,	0	11	3
"	Bottle Port wine,	0	5	0
"	Paid Doctor for attendance,	0	10	0
6,	Paid messenger,	0	1	3
"	Quills,	0	0	7½
9,	Proportion wine,	0	6	0
"	Lunch, beer, &c. at house,	0	5	0
April				
14,	Lunch, beer, &c. at house,	0	5	0
"	Play, 3s 9d, washing, 3s 9d,	0	7	6
15,	Hay's bill board,	2	16	8½
"	Proportion wine, 16s, gin, 4s,	0	10	0
"	Mending (Mrs. Hay's,)	0	2	6
"	Gave servants,	0	2	6
"	Left Mr. King to pay Fothergill for subscription,	1	5	0
"	Gave Mrs. Palmer,	0	5	0
"	Large size paper to Mr. Boulton,	0	1	3
"	Breakfast at Union,	0	1	3
"	Carrying trunks,	0	1	3
16,	Passage in Boat,	0	10	0
"	Proportion of wine,	0	2	6
"	Breakfast at Niagara,	0	1	3
"	Brown, 1s 3d, Eliot for boots, 1s 3d	0	2	6
"	Repairing hat,	0	1	3
18,	Paid S. Swayney,	0	1	3
"	Paid for self & Mr. Keefer & v. N.	0	5	0
"	Buchanan's letter, Albany,	0	1	7½
"	Paid Vanatta for sewing hat,	0	1	10½
"	Goodfellow, 1s 10½d, Loper, 2s 6d	0	3	9
20,	Paid for Brat for do.	0	5	0
May 6,	Paid Mrs. Rogers' bill for self, man and horses,	0	7	6
"	Wagon hire down,	0	3	9
"	Ferry,	0	0	7½
"	Supper, 3s, punch, 1s,	0	2	6
	£	44	15	9½

		$	cts.
"	Horse hire to Cambria,	1	00
7,	Stage fare to Rochester,	3	25
	Barber, 6d, B. D. & L. 9d,	1	18
	Beer, punch, &c.	0	50
	Servant for baggage,	0	25
8,	Stage fare to Palmyra,	2	00
"	Gin, &c. for drivers all night,	0	25
"	Breakfast,	0	37½
"	Carrying baggage to boat,	0	25
"	Passage to Syracuse,	4	00
"	Bottle cider, 25 cts. segars 12½,	0	37½
"	Waiter, 25, barber, 6,	0	30
9,	Passage to Bridgewater,	3	00
"	Breakfast, dinner and supper,	1	12½
"	Gin, &c. for driver,	0	25
10,	Bed, breakfast, dinner,	0	75
"	Extras,	0	25
"	Stage fare to Albany,	3	00
11,	Supper, bed and beer in Albany,	0	70
"	Servant,	0	25
"	Stage fare to Pultney,	4	00
"	Gin punch and waiter,	0	25
12,	Stage to Middleton,	1	50
"	Breakfast, dinner and supper,	1	12½
"	Extras,	0	25
"	Stage to Burlington,	1	50
"	Breafast, din. & sup. 9s, extras 25c	1	37½
13,	Stage to Swanton,	2	25
"	Stage to St. John,	3	00
"	Breakfast, dinner and supper,	1	12½
"	Extras on route,	0	25
"	Ferry, 4d, barber, 5d,	0	15
14,	Stage to Lapraire,	1	25
"	Breakfast, &c. at do.	0	37½
"	Passage to Montreal,	0	25
"	Orange and punch,	0	25
"	Porter to boat,	0	12½

		$	cts.
May 14	Porter to Exchange,	0	25
	$	41	92
	Currency, £	55 5	6½
16,	Horse to Mr. McGill,	0 5	0
"	Gave man for letter,	0 1	0
"	Soup on 15th at M. H.,	0 1	3
"	Glass punch,	0 0	9
17,	Segars 6d, oranges, &c. 2s,	0 2	6
18,	Medicine 1s 3d, cravat 2s 6d,	0 3	9
"	Pocket handkerchief, cost	0 3	6
"	Lemonade 1s 3d, paper 2s 6d,	0 3	9
20,	Repairing chain, cost	0 7	6
"	Paid Goodenough's bill,	4 5	0
"	Gave waiters,	0 3	0
21,	Expenses on board boat,	0 7	6
"	Glass punch on shore,	0 0	7½
"	Passage, &c.	1 8	0
22,	Paid for ——	0 2	6
"	Porter 7½d, servant 1s 3d,	0 1	10½
"	Mahoit's bill,	0 16	0
"	His porter paid twice,	0 0	6
"	Barber cutting hair and shaving,	0 1	6
"	P'd messenger to go to Exchange	0 1	0
24,	To do. for errands, letters, &c.	0 1	0
25,	Carrying papers to meeting and back,	0 2	6
"	Paid for two Tapes,	1 14	0
28,	Passage to Montreal,	2 0	0
"	Stewards bill,	0 3	6
"	Barber 3d, oranges 6d,	0 0	9
"	Difference in Exchange for $200	0 15	0
29,	Goodenough's bill,	0 15	9
"	Servants and porter,	0 2	6
"	Ferry to Longueil,	0 2	6
"	Calash to Chambley,	0 8	6
"	Breakfast,	0 1	6
"	Extras,	0 2	0
"	Calash to St. John,	0 7	6
"	Gave boy,	0 1	3
30,	Bed and breakfast,	0 3	5
"	Gave porter,	0 1	0
"	Passage to Whitehall,	1 10	0
"	Stewards bill,	0 8	0
"	Boots,	0 0	6
"	Breakfast at Whitehall,	0 1	10½
"	Fare to Troy,	1 0	0
"	Porter,	0 0	7½
"	Punch, &c.	0 1	3
	£	74 7	1
		$	cts.
31,	Titus bill at Troy,	1	25
"	Stage to Albany:	0	32½
"	Soda water 12½, extras 50,	0	62½
	Dinner at Skinner's,	0	50
	Porter,	0	25
June 1,	Steam Boat to N. Y.,	4	00
"	Port Wine Extras,	1	00
2,	Breakfast, dinner, supper & bed,	1	00

June		$	cts.
2,	Extras, during day,	0	75
"	Shoes and socks,	1	56
3,	Board, $1—extras, $1,	2	00
4,	Do do	2	00
"	Oyster supper,	0	50
5,	Passage to Albany,	4	00
"	Extras,	0	50
"	Left a pair of boots,	6	00
6,	Stage to Bridgewater	3	75
	Church 6, extras, 25,	0	30
	Skinner's bill,	1	25
	Punch, &c. during day,	0	25
	Breakfast, dinner, supper & bed,	1	25
	Barber omitted,	0	50
7,	Wagon to Utica,	2	00
"	Extras this day,	0	50
8,	Extras with some friends,	1	00
9,	Passage to Rochester,	7	00
"	Extras at Syracuse,	0	50
	Wagon to overtake boat,	1	00
10,	Barber,	0	12½
"	Breakfast, 2s 6d, extra, 50 cents	0	75
"	Porter,	0	25
	Fare to Lockport,	2	87½
	Steward's bill,	0	94
	Club of wine,	1	75
11,	Fare to Tonewanty,	2	00
	Gold breast pin lost,	0	00
	Extras on road,	0	75
	Fare to Manchester,	1	00
	Boots yesterday	0	25
	Trunk, &c., to Forsyth's,	0	50
	Ferry,	0	25
	Punch, &c.,	0	25
	Wagon to Lundy's Lane,	0	50
	Dinner and supper,	0	62½
	Wagon, home,	1	50
	Map for Company,	7	00
	Minor charges omitted,	5	00
	$	27	19
15,	*Currency*, £	92 11	1
	Paid William for finding boat,	0 1	3
	" at Beaver Dams,	0 2	6
	Hands at Pond,	0 2	6
	For boat attending contracts,	0 5	0
	Upper's acc't.,	0 2	6
	Brown & Swayzee, seeing Carrol's farm,	0 5	0
July 7,	Wm. Bell, at meeting, May,	0 7	6
	At Falls, to see Mr. Street,	0 5	0
	North for box,	0 2	6
	Judge Wilkinson, for surveying harbor,	3 15	0
	North for box, 7s 6d—John Yale, 6s 10½d,	0 14	4½
	£	98 14	2½
	By cash,	100 0	0

Received from James Gorden, Esq., Treasurer of the Welland Canal Company, the sum of One Hundred Pounds Currency, on account of Expenditures made on behalf of the said Company.

WM. HAMILTON MERRITT,
Agent W. C. C.

St. Catharines, 4th May, 1825.

Mr. Merritt's account of Expenses, £ 98 14 2
By Cash, - - - - 100 0 0

Balance due the Company, - - £ 1 15 10

Approved,

H. J. BOULTON,
V. President W. C. C.

Mr. Boulton's contingent account of £300 Sterling, is another similar specimen.—The bill from Wares' last year, of bottled Port and Madeira for the Board is another.—The greater part of the expenditure of £203 of contingent charges when Vollars' vessel was dragged through the canal, between Nov. 1828 and 4th of December, is another—There is wine and whiskey, and spirits, and beef tongues, and dinners and poultry, and a sum paid for damage done to twenty flags borrowed from Sir John Colborne for an occasion in which the people were to be deceived by show.

A charge for the use of Love Newlove's Horse and the loss of his saddle by Sir John Colborne, when Chief Justice Robinson and Mr. Merritt brought him over to view the work is equally reprehensible. The following extract from the Chief's letter to Mr. Merritt shews that Sir John was considered a puppet which they could move as they pleased—£25 are charged as paid from the Company's funds to Newlove for the loss of the saddle by Sir John and the use of the horse—and at this time the Company were bankrupt and Sir John in the receipt of £5000 a year of public money to keep him in horses and saddles.

The following is the extract from Chief Justice Robinson's letter, about bringing over Sir John Colborne, whenever Mr. Merritt would be ready for him:

May 31st, 1829.

Wm. H. Merritt, Esquire,

My Dear Sir:

I know you have been most anxiously waiting for my Report and the letter of Mr. Ellice. The latter might have been sent back to you at once but as you allude in it to the intended report, I kept the one till I could fulfil my promise in the other. I have been unusually harrassed and interrupted since I saw you, besides the necessity of preparing matters for a change in my duties which cannot be distant, and I could not persuade myself that I could take up the Report in the way I wished until Friday morning, when I put together that which I now send.—You may perhaps think I have gone unnecessarily into particulars, *but the work is now at a pinch.* Explanations are called for, and doing this now will save trouble hereafter. I have had several conversations with Sir John Colborne who expresses every readiness to concur with us. He came back yesterday from Penetanguishine. Let *me* know when *you* would *rather* see him at the Canal.—I hope Mr. Boulton will not have left you, so that you can shew him the Report.

I am, dear Sir,
Very respectfully Yours,
JOHN B. ROBINSON.

Four and one-sixth per cent said to have been paid at Toronto for a bill on New York to pay £1500 interest at Buffalo, is another curious contingency.—£500 to J. B. Yates as a douceur for getting a £50,000 bill discounted by the United States Bank with the debentures of Upper Canada as security, is another.—The £613, besides his salary, to Mr. Merritt for the deceptions practiced in his journey to England is another. The £500 douceur to him over and above his agency, in 1825 is another. And the contingencies of the Steamer Peacock, where the officers contrive to charge the Company with £90 or so for wood as contingencies and then collected the same sum again the second time from the Company as a part of £447,-10, of an alleged deficiency in the returns of the boat is another.—The £180,6 9 to Mr. J. B. Yates in 1831, from the loan by the public, for his packet boats, Chief Justice and Albion, which produced loss, expense and trouble, and soon after were sold to two of the Directors at auction for £5 15, and £6 5, as the price of both, is another. I might swell this answer, but there are other heads appropriate.

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322. Have you any thing to offer to this Committee in support of the allegations contained in your 30th charge?—Yes—*First*, Copy of my notice that I would caution the public. *Second*, Copy of my letter to Mr. Merritt last October, on the state of the monied concerns. *Third*, A certified copy of the resolution of the Board locking up the Canal Books and accounts. *Fourth*, My letter to the Board of Directors complaining of their proceedings of the 19th and 20th of November last—and, *lastly*, The resolutions of the Board adopting Mr. Burns' and Mr. Bowrey's report, and ordering all their proceedings with respect to my charges to be expunged and blotted out from their journal as being unworthy of a place in such records as are kept by the Welland Canal.

[*From the Correspondant & Advocate of the* 10th *Dec.*, 1835.]

WELLAND CANAL.

The undersigned has just been informed that the Welland Company are about to contract for repairs and improvements to the amount of 25,000 or 30,000 dollars to be executed this winter, and paid for by Copper Plate printed notes of from 5 to 50 dollars each, payable 12 months hence, with interest. This the majority of the Board of Directors intend doing because their funds are gone, and I am of opinion from what I have seen of their proceedings, that if their funds had been twice as much as they were, the persons who had them in charge would have contrived to get rid of them with the same facility. In 1833 they got in debt with every body and their due bills bearing interest were handed about the Niagara District and sold for goods at 20, 25 and 30 per cent discount. The President well knows the reason why additional funds are not now to be obtained, and that it is a very sufficient one. Yet the humbug of contracting at two prices, with chance pay and then making a merit of it, as in 1833, is to be repeated. Be it so. Had they been willing to wait the opening of the Legislature (which for aught I know to the contrary may assemble under a different administrator of the Government) I also would have done so. This is the first time I have written a line for the public concerning the Welland Canal since the Legislature appointed me one of its managers, and I was in hopes that the first report to which I would be a party concerning the affairs of that work would be left for the consideration of the House of Assembly, but in order that the people of Upper-Canada may see how matters stand (and they have a direct interest to the amount of a million of dollars) and in order that the other Stockholders and creditors of the institution throughout Europe and America may be prepared to advise the members of the Legislature and the government here for their interest, I will instantly put to the press and publish such a statement as must excite the indignation of every good man—leaving it to the peoples' representatives to judge whether or not the expense of publication ought to be defrayed by me or by the Country.

I wish this notice to be published once in the Correspondent, to be struck off this Evening.

(Signed) W. L. MACKENZIE.

York Street, Toronto,
December 9th 1835.

A REQUISITION FOR A SPECIAL BOARD.

[Copy.] Welland Canal Office,
St. Catharines, October 21st, 1835.

Sir,

As a member of this Corporation, named by the Government Directors to examine its financial affairs, I inform you with deep regret, that false entries to the disadvantage of the shareholders and the public, to the amount of at least, *ten thousand dollars*,

are clearly to be seen on the books of account,—that fraudulent erasures have been made to the injury of the Corporation,—that a defalcation of many thousand dollars, on the part of the officers, is plain and evident,—that the entries in the books, in many cases, exhibit to me a systematic series of efforts to *cover dishonesty* and *embezzlement* —and that the confidential person who keeps the books, under the Secretary's superintendance, is absent, and it is believed drunk, a state not unusual to him.

Under these circumstances I respectfully request, that an immediate and extraordinary Board be called, so that the Directors in their collective capacity, may enquire into the charges herein preferred, and take such steps as shall appear to them expedient.

I have consulted with Mr. Thorburn, who suggests this course as a discreet one, and Mr. Clark the Secretary, is also desirous that it should be adopted.

It was my intention in the first instance to have taken steps for the apprehension of Mr. Beaton, the Clerk who made the entries in many of the cases I have alluded to, but it being Mr. Clark's opinion that the best course would be to leave all to an extraordinary Board, I will refrain from instituting any proceedings against him.

I further beg leave to suggest, that, besides the special messengers to convene the Board, a person may be sent to bring down Mr. George Keefer, junior, and Mr. Black; the latter of whom is implicated deeply, but may, I think, be able to shew, that the guilt laid to him ought to be charged on another.

I remain, very respectfully, your most
Obedient humble servant,

(Signed) W. L. MACKENZIE.

W. H. Merritt, Esq. President,
Welland Canal, St. Catharines.

This is a correct copy of a letter delivered to W. H. Merritt, Esq. of this date.

(Signed) F. HALL.

Resolution agreed to at an Extraordinary Board of the Directors of the Welland Canal Company in Oct. 24th, 1835, present, the President and Messrs. Creighton, Thorburn, Butler, and Mackenzie.

Resolved, That whereas upon an examination of the books of account and official papers relative to the monied affairs of this Corporation by Mr. Mackenzie, a Member of this Board,—appointed by the Directors on the part of the Province to make such enquiry, with the concurrence of the Board of Directors, it appears to him that the financial affairs of this Corporation are in a state of great derangement, and that the books have been improperly tampered with.

And whereas, this Special Meeting was called by the President on the request of the Secretary and two Directors, for the express purpose of considering these charges; and, whereas, Mr. Mackenzie has, at great length stated the grounds on which he formed his judgment, and expressed his inability for the present to continue his investigation; and whereas there appears to this Board good and sufficient grounds for subjecting these matters to a full and speedy investigation, and of making such regulations as shall ensure a full report by competent and disinterested persons, and in the mean time secure the business of the Canal from interruption: It is ordered, that until the close of the navigation all monies due from the Company, shall be payable, only on Mr. Hall the Engineer's estimates approved by the Board, and that all monies due to the Company and outstanding, or which may become due shall be paid from henceforth only to Mr. Creighton the Treasurer of the Company, to be by him disbursed agreeably to the orders that may be made by the Board, on such estimates; that all the books of the Company, and also all the official papers of the Company, be sealed up immediately by the Board and placed in charge of a Committee, consisting of Ogden Creighton, Esq. the Treasurer, and Messrs. Thorburn and Butler, until the company shall, at the next meeting of the Board, appoint a proper person, or proper persons, to enquire into the condition of their financial affairs, and report what grounds there are for the charges Mr. Mackenzie has preferred.

And that it shall be the duty of the Treasurer and Secretary to give notices to the parties who may be affected by this Resolution, what this Board hath herein ordered; and to send a copy of this Resolution to each Member of the Board, requesting his attendance here at ten o'clock, on Thursday, the 19th November, the day on which this Board is to meet, agreeably to its Resolution at its last sitting.

[A true Copy.] Extracted from the Minutes of the Board, 24th October, 1835.

J. CLARK,
Sec'y, W. C. Co.

To the Board of Directors of the Welland Canal Company, assembled at St. Catharines, on Wednesday the 6th of January, 1836.

Gentlemen,

I have received since your last meeting a certified copy of its proceedings, a letter requiring a copy of certain statements made to the Board at its extra meeting in October, and a notice of your intended session to be held on the 6th of this month at St. Catharines.

If the experience of the past had given reason for a well founded expectation that any argument I could use if I were present, would be more likely to influence your proceedings advantageously in the question of affording the most full information to the Legislature on those important matters connected with the Canal which I have brought before the country in a way the most likely to excite attention, I would have attended, at whatever inconvenience to myself or others here, for I had promised to be present at the Toronto township meeting on Monday next, and the Newmarket general meeting on Wednesday next. But I am well aware that on that question what I have to urge, beyond what has been already said, will not be likely to avail, for I have not much that is new to offer.

As Dr. Duncombe's important mission has prevented him from attending your sittings, the duty of acting on behalf of the government, (which, representing the Province has a far greater interest in the canal, both direct and indirect, than the individual stockholders) devolves this year on Mr. Thornburn and myself. We have conjunctly and severally, done what we could to advance its interests, in connexion with those of the Province, and if the course which your late proceedings has compelled me to adopt be unpleasant to you or either of you, the blame be on him or them who shall in the end be found to have given the first offence.

My conduct has been that of a sincere friend to internal improvements, wisely planned and discreetly carried into execution. I was the early and steadfast friend of the Welland Canal, and when it stood most in want of support from abroad, my feeble voice was heard in its behalf, so much so that your president, Mr. Merritt, who had on the 11th of June, 1824, sent me back the first four numbers of the Advocate, with a very unfriendly note, congratulated me afterwards by letter, and admitted that I had proved myself well informed on the Canal question, and friendly to its interest. He says,

"New-York, 19th October, 1824.

"Sir:

"Since my arrival in this place, I have met with your "Treatise on the subject of Canals and the Welland in particular, "which in the main gives a liberal and correct view of the sub"ject. Much of my time and attention for some years past has "been devoted to the real improvement of our Country, and al"though there has been conflicting interests and much opposi"tion, it gives me much satisfaction to find the public sentiment "is uniting in the most feasible, and only plan, under present "circumstances, of uniting these great waters."

Mr. Merritt concludes thus:

"I have requested the Editor of *the Albion* to send you a plan, "with remarks on the Canal, which I wish you to publish. In "the meantime you may state that I have succeeded in obtaining "the amount of stock we require, $50,000, in this city. It was "subscribed immediately. In haste (&c. &c. &c.)

WILLIAM HAMILTON MERRITT."

At that time I was an entire stranger to the directors, had no lands in the Niagara District, was connected with no local interest in it. I saw a grand project for the increase of the prosperity of the colony, and hesitated not to urge the Legislature to encourage it by a £25,000 grant. Capt. Gordon, Mr. Merritt's near relative and the early friend of the Canal, with others, showed me that I was wrong as to the men who had the management, I consulted with Mr. Dunn, then the President, published Capt.

Gordon's opinions, and ceased to support canal appropriations.—Disagreeing with Mr. Randall on the course to be pursued in 1830, I used no influence to bias his opinion against the management, but, as Secretary to the Commission, did what I could to give effect to his wishes, a fact well known to your president.

My duty to my constituents, added to their strict and pointed instructions, guided my conduct in the House of Assembly, and while I censured the management, I sought the fullest information.

Often defeated on that object, and particularly so by the decisive vote of the House, on the 2d day of last session, I ceased to press enquiry, and it was through Messrs. Thorburn, Perry, and McMicking, of the canal committee, that the proposition that I should investigate its affairs was first made to me by Mr. Thorburn a few days before the House broke up. I liked the motion much, and so I would a similar one next year to obtain insight into the doings of the Upper Canada Bank. These are the circumstances under which I became an occasional inhabitant of St. Catharines last summer. The more I enquired into the management, the worse I liked it. At length matters came to a crisis, and you recorded on your minutes *that there were good and sufficient grounds for taking strong measures*, and a very strong measure you took too, in withdrawing the contents of the canal office from the President's care, circumscribing his authority, and sealing up the books and papers, so that those accused of mal-practices should not have access to them; this was your unanimous decision after a tiresome examination and two days' debate. What have been your subsequent proceedings?

1. You have (19th Nov'r) ordered contracts of magnitude to be entered into which you had no means to fulfil, although the experience of the past has proved the ruinous consequences of such a course. No one can now take such contracts, and afterwards tell the Legislature they did so in the dark.

2. You have (20th Nov'r) authorised the issuing of $25,000 of inland bills of exchange under seal, although you well knew that in the present state of your affairs, these bills would instantly depreciate in value, and afford the means of speculation to petty attornies and storekeepers at the cost of the working classes, whose interests you, who hold the rank of gentlemen and magistrates, are especially bound in honor to protect under this constitution. If the people take such bills after my warning, they do so with their eyes open.

3. You have (20th Nov'r) paid over $600 to Thomas Merritt, jun., notwithstanding the iniquitous condition of his Bern Bank contract, unfulfilled, and the suspicious state of his other accounts, in which new errors are being continually brought to light; and this while others more deserving remain unpaid.

4. You have (19th Nov'r) authorised your President to grant himself and yourselves leases of the most valuable mill-sites on the canal, under the extraordinary circumstances detailed in my second number, and without waiting for that legislative action on the important question of the Hydraulics which the committee of last session, of which three of you were members, recommended and contemplated, and which was avowedly delayed owing to the paucity of that information by which the House of Assembly could be guided—this you did, in direct opposition to the Government Directors, although the indelicacy of the proceeding was explained to you, and the disposition of the Assembly to do what was right, fully admitted. Those connected with you or others in such leases now know that the Government Directors were opposed to these proceedings.

5. After granting the Gravelly Bay town plot to one of yourselves, and referring further steps in the matter to the Government Directors, you have, without waiting for their report, decided (19th Nov'r) to compensate Davidson for the loss of his property out of the Canal funds.

6. You have voted (19th Nov'r) approvingly of the conduct of your President in doing that which he admitted the stockholders wished him not to do—namely, to monopolize Mill-sites and lands on the Canal, while acting as its agent.

7. You have (20th Nov'r) allowed a large sum of money to be paid to George Keefer, junr., as Engineer, although the state of his estimates and other official papers, shewed the exceeding incorrectness and carelessness of his proceedings and justified a further enquiry into his accounts. What the other $2,800 are which you ordered to be paid, the minutes say not.

8. Although Mr. Clark, your Secretary, is deeply in arrears, and you had had no other opportunity of inspecting the books, than what was afforded on the days I last sat with you, you ordered (Nov'r 19) a private debt of Mr. Clark's to Mr. Taylor (the same who figures at the meeting at Dyer's) to the amount of £162 19s, *and interest*, to be paid out of the tolls, Mr. Merritt having been Mr. Clark's security for this debt, which, when borrowed, was not required by the Board for Canal purposes, and ought to have awaited the result of a Parliamentary investigation into Mr. Merritt, Mr. Beaton and Mr. Clark's manner of accounting and managing the Canal funds.

9. Instead of ordering the *Caroline* steam-boat speculation money to be instantly refunded, you voted (19th Nov'r) that the Welland canal Company are shareholders in the steamer *Caroline*, and that they own five shares. This I steadily opposed.

10. After packing up your books and papers into trunks and packages, carting them at noon-day through St. Catharines to the vault, and there sealing them up package by package, so that the President, Secretary, and Mr. Beaton, their clerk, might not be able to lay hands on them, you restored them after a lapse of three weeks, to the custody of the persons who had been accused by your own vote without any previous proof obtained from them that they were innocent of the charges which had induced you to take the remarkable proceeding of ordering a virtual suspension of their functions and chief trusts until a full enquiry had been made by disinterested and competent persons.

11. Although the Hon. Mr. Dunn had offered by letter which I enclosed to one of you, to take charge of all your books and papers until a full and fair investigation could be obtained, you neglected his proposition, admitted Messrs. Beaton, Clark and Merritt, to write in and make entries on the books as if nothing had happened, and disregarding the warning given by those erasures, false entries and omissions, the exhibition of some of which, had induced you to take a more manly and creditable course at first.

12. We sat as a Board on the 23d and 24th of October—heard all that Mr. Black could offer in his defence—all that President Merritt could urge or explain away—all that Mr. Clark could offer in vindication or extenuation; and then, *after this*, next day, we sealed up the books and papers—*after these persons had been severally heard at great length*. You all well know Mr. Beaton, the confidential person employed by Mr. Merritt and Mr. Clark to put the books into the state they then were, was so much intoxicated then, and had been so for some time, that he was not in a state to be brought forward, although we were all ready to hear whatever he could have said; that Mr. Clark said he could not explain fully till Beaton was able to attend; and that it was on the solemn pledge of Messrs. Clark and Merritt that they would be answerable for his appearance, that, after Mr. Merritt had opened his (Beaton's) desk and exhibited its contents, as also the Secretary's box, I consented to delay an application to a magistrate. Account then to the public, for it remains with you to do so, why you have given access to the books and papers to men your resolutions and proceedings declared unworthy of trust until fully tried, and who had done nothing to disprove the charges made against them.

13. And lastly. One of yourselves (Mr. Butler) a gentleman elected under Mr. Yates's proxies, seconded by Capt. Creighton, another gentleman appointed under the same influence, and who was one of the officers of the Company, liable to be affected as a Director and as the Treasurer, by the result of a fair enquiry, moved, that J. T. Bowry should "examine and compare the said charges with said books."

If, after the statements I made, you were still ignorant of the extent of the charges against the officers of the corporation, by what means has this Mr. Bowry been able to arrive at the conclusions contained in the resolutions adopted in Luther Dyer's tavern, that these officers are all honorable men? and I a calumniator? Or, if you perfectly recollected the extent of the charges I made in October, why ask me, in November, for a copy to refresh your memories? Although I desired to return by the 19th of November, your President said he knew I could not do it.

Your other examiner is Mr. R. E. Burns, of St. Catharines; he is it seems chosen by Mr. Clark and Mr. Merritt, who must have gained his good graces by loaning him $700 or $800 of the Company's money, unknown to the Board, and then collecting the interest with Beaton's help, who, as I shewed you, in Clark's petty ledger, p. 118,—the cash journal, pages 312 and 315,—the memorandum book, p. 30,—and Clark and Beaton's cash book, p. 42, received the interest, placed it in the petty books, through which the managers account with one another, and conveniently left it out in the cash journal, although in the loans to two of yourselves, Messrs. Creighton and McDonell, (the particulars and correspondence relative to which, I shall try to find a place for in No. 4,) he curiously entered the interest in the cash journal the very last item before I left St. Catharines, when I had stated my intention to make a strict investigation. All these loans were illegal transactions, not having been recognised by the Board, as I shall take occasion to show.

X

This Mr. Burns is a person connected in a variety of ways with Mr. Merritt, Mr. Clark and Mr. McDonell, and the very antipodes of an independent examiner. Is he not also a Director of the Grand River Company, with Mr. Merritt?—Had he not a share of the $10,000 of the Yates Loan, in some shape or other? Who ever heard before that when a merchant found that his books had been unfaithfully kept, he employed the *professional* nominee of his clerks whose improprieties and carelessness contributed to the confusion, to examine and report whether there were frauds and embezzlements?—It is indeed a new thing.

Then as to Mr. Bowry—he is, if I remember him, a partner in trade or the late partner of Mr. Butler, who named him; now or late the lessee under the Company of Bowry & Butler's Mills; and a former employer of Beaton whose style of bookkeeping was so very convenient and suitable to the parties concerned in these transactions.

Whether the public will be of opinion that, in restoring the books to Messrs. Clark and Beaton, and in employing *so very disinterested auditors* as Messrs. Burns and Bowry, you have shewn a reasonable anxiety to discover error, rather than to give opportunities to cloak knavery, we will be better enabled to judge next month on the assembling of the Legislature.

As to the course I have taken, I warned you that I would do so if ye persisted. If we are to be inundated with a fraudulent circulation and depreciated paper in Upper Canada, as a remedy for wretchedness and ruin brought on by the misconduct of a few individuals, I shall not be a party to the hoax. If the Canal is to be a Bank, let us have paper that would be redeemable at its counter I had no time to wait for Governor Colborne's movements. Your course required a speedy warning to the public.—If I saw this city about to be set on fire by the torch of the incendiary, it is not very probable that I should delay informing the inhabitants of their danger, until an opportunity were afforded me to report officially to the Mayor and Corporation on the extent of an injury I might have prevented by crying "Fire!"

I would send you over a formidable list of notes with regard to your books of account, but really when I consider the position in which the parties implicated have been placed by your means, my impression is that I would be helping them to a loop-hole, by which to creep out of some of those profitable *errors* they may have forgotten in the midst of the multitude I met with. Had the canal papers been in less suspicious custody, I would have willingly given you either copy or originals of all the facts I possess, cheerfully, and without a moment's hesitation. But if you compare your Minutes with the Journal, and both with the Ledger and Receipts, I think you will see enough to disgust any man who has a claim to character. On the ill doer be the blame.

As one who has no personal interest in the Welland Canal except in common with all others of the King's subjects; as one who was and now is anxious that it should be honorably completed; as one who defended its management as long as he conscientiously could; and had no motive save an anxious wish to discover and state the truth in his late enquiries, the writer of this letter again calls upon the Board to take the only safe course that remains to its members, by instantly removing the office and all the papers to Toronto, here to remain during the winter. Here the investigation will take place; here the papers and the books, and the memoranda will be wanted; here the majority of the members of the Board will be resident; here it will be determined what is to be done with the canal. Any attempt to bring over this paper and withhold that, to have the great Ledger at Toronto and the petty Ledger at St. Catharines, will only be a continuation of the deception practised on the Committee and the House in 1830, when just as many papers were produced as suited the Agent, while the rest were—*at St. Catharines.*

Mr. Butler spoke with great good sense on this subject on the morning of the day when the books were sealed up; and it is very evident that either this course will have to be pursued, or the Board will be considered as shrinking from the investigation. Speeches will not do—we want the facts; and as Mr. Darling said, *disprove the charges if you can,* or allow the guilty to be punished. Honesty is fearless.

Another reason for this step is, that we may expect that the Lower Canada Stockholders will send up one of their best business men, to inspect the documents and books referred to in my numbers, and consult the Legislature for their interest. I have suggested this course to some of them and it were to be desired that the New Yorkers would do so likewise.

Twenty eight to thirty quires have been printed and circulated weekly at my cost—to every stockholder of "the canal," to newspapers and banks and post offices and merchants, to M. P. P's. and Legislative Councillors—in short, to those classes of persons most likely to be affected or interested by the details. If you prove me wrong, you shall have the use of my direction book, so that the *bane* may be followed by the *antidote.*

In the "Welland Canal" of Wednesday, the greater part of my report on Mr. Robinson's transactions is correctly published. He was not entitled to the courtesy he met with at my hand, after withholding the accounts for years, and then sending over a schedule he could not well understand himself.

I intend to continue the "canal" weekly; the next number will issue on the 13th instant. The public attention is already directed very effectually to your proceedings, and the result cannot fail to be beneficial. Your Dyer meeting and resolves will give a whet to public curiosity, and in the end promote the object of the periodical, which is the diffusion of useful truths.

I am desirous to direct your attention to an abusive letter by your President, published in *The Patriot,* which we subscribe to as a Company. The Canal Office was certainly no place for depositing secret correspondence, nor did I meet with any in it.—Mr. Merritt cannot have forgotten that I insisted that the only desk in the office which was locked should be instantly opened, as a condition of my delaying any proceedings against Beaton till the Board met—that he consented—that it was opened, and also the Secretary's box—and that all such papers as Mr. Merritt *chose* to call *private* I declined to examine, while the rest were looked into and some notes taken of their contents. I think Mr. Hall was present. What is a private letter? I give you an extract from one of the numerous official documents in your counting house, which I caused the clerks to copy. Is that a private letter? It is signed by Mr. Robinson, one of the Commissioners.

"Mr. Fitzhugh writes me that he hears Bidwell, 'the King of "the Radicals' is already boasting that the Welland Canal and "St. Lawrence shall receive no further aid. I think nothing will "put down that party but their unvaried opposition to all public "improvements—this, if the people will permit any thing to *un-glue* their eyes, should be sufficient to convince them of their "total disregard of the best interests of the country *while under "the present Government.* We shall have a stormy, useless "Session, I fear, but must do our best to get the necessary public "business attended to. What is your opinion as to the Speaker-"ship? I hope we can get McLean again or Morris, but fear "that Bidwell will be the man after all."

The above is addressed to Mr. President Merritt, dated Newmarket, the 2nd December, 1834, and with the others, proves to my satisfaction that politics are mixed up with the affairs of the Corporation, and the public property made subvervient to designs on the constitutional rights of the community. How far my report to the country will be likely to interfere with the worthy Commissioner's purpose of getting "any good thing" this year, under the "improvement" system I am not prepared to express an opinion. As to Mr. Dalton's letter, it speaks for itself, but if any thing had been wanting to explain its meaning, the author's journal would have afforded it. I think you will find that the Yates $10,000 loan *fund,* out of which Mr. Vice President McDonell's necessities were so bountifully relieved, was drawn on to help Mr. Dalton. There are many more evidences of your political proceedings; all of them from the canal office. Mr. Merritt's assertion that Mr. Dalton's letter was locked up in some secret place is utterly void of truth—it lay on the top of the desk where I had other papers arranged and under examination. It is a pity that Messrs. Dalton and Merritt, in their remarks, could not restrain themselves within the bounds of decent language.

Commissioned by you to Lower-Canada to support your petition by telling the whole truth to your brother shareholders there, it would have been perfectly correct for me to have allowed all the evidences of your proceedings to appear on the journals of the sister Province, nor would the select committee have desired to suppress any thing. There is no court of chancery here to enforce equitable proceedings for the shareholders—the Assembly is delayed to suit our rulers—and let us suppose a person to come over next winter to complain to the Legislature that being in ignorance of the state of your affairs, he and his neighbours had given good value for many thousands of dollars of your copper plate "promises to pay." which, like Hovey's judgment, were worth nothing after he got them—what excuse could be made by those who had winked at and even approved of your proceedings without warning that community of which they had been elected sentinels?

The sensible remarks and manly determination of Mr. Allan, one of your former vice presidents, on a similar occasion, when your circumstances were far less desperate, might now be referred to with advantages.

Is it not a very indelicate proceeding on your part to allow the individuals you yourselves have accused, to remain a single hour in possession of those archives of the Corporation you wrested

from their grasp? A proper respect for their own characters, if they felt themselves innocent, would surely have induced them to decline this very equivocal trust until after a disinterested tribunal had pronounced upon the important matters embraced in your October resolution, and the facts laid before you on which it was predicated—instead of which, I find that Messrs. Bowry and Burns are using Mr. Thorburn's name at their tavern night meetings, and declaring that he decided in my absence respecting the books, and was satisfied that I had been mistaken. I felt assured this was untrue, even before I had Mr. Thurburn's letter of the 29th ult. distinctly denying it.

I do not remember that it has happened to me to differ in opinion from Mr. Thorburn on any one question since we sat at the Board, except in the trivial matter of the remuneration of a balance of loss on a packet-boat speculation.

Consider this letter, and my numbers one, two and three, of "the Welland Canal," an answer *in part* to your request in the resolve conveyed to me by your Secretary. Mr. Burns, the Attorney has certified copies of the printed papers, and there is an erratum, "*second*" should have had the place of "*last*" in the foot-line of page one, column one, number 3, first edition.

No part of these remarks are addressed to Mr. Thorburn—neither he nor I can possibly influence your decision one way or the other—witness our ineffectual disposition to your scheme for disposing of the canal to the States, capitalists, and your hydraulic leases. But it is our duty to expostulate, nevertheless, just as Mr. McGillivray, who foresaw this day, ineffectually expostulated many years ago.

There is by far too much mystery in the proceedings of our corporate bodies. We have pretended balance sheets—secret proceedings—most romantic reports—directors with characters like the driven snow—stockholders like (Mr. Gordon) kept in the dark—and officers and their favorites highly respected and very respectable, who have made or mended their fortunes out of the management of bankrupt companies during a long career of meritorious uprightness—while to the stockholders is awarded a continual dividend of delusion. Thus matters continue until the thin veil of folly is penetrated by the uninitiated, when the unfortunate partners whom some wily Buchanan had decoyed into the snare, learn the unpleasant reality from the perusal of 1, 2, 3, "Welland Canal" newspaper, charitably distributed to them, gratis.

I remain, Sirs, Your obedient servant,
W. L. MACKENZIE.

Toronto, 1st January, 1836.

Extract from the minutes of the Welland Canal Company of the 6th January, 1836.

PRESENT,

Messieurs Merritt, *President*,
Thorburn, and
Bulter.

Whereas, in consequence of the charges made by Mr. Mackenzie, the following resolution was passed the 19th November, 1835.

"It was proposed by Thomas Butler, Esq., and seconded by Ogden Creighton, Esq., Resolved, That J. T. Bowery, Esq., be authorised to examine and compare the said charges with said books on behalf of this company, together with all receipts and expenditures of all monies which have come into the possession of this corporation from time to time up to the 31st October inclusive, and that the Secretary, Mr. Clark, be requested to appoint another person to act in conjunction with Mr. Bowery, and that those two gentlemen do report the result of their examination to this Board, and that they shall have full power to examine all persons, books and papers in any way connected with the affairs of this corporation, which was accordingly ordered."

In compliance with which resolution the gentlemen named proceeded to examine the books and accounts, and have presented a report.

It is therefore ordered that this Board having read the said report, do acquit and discharge the officers of this company from the accusations set forth in Mr. M'Kenzie's letter addressed to the President of this Board, and that this Board can see no reason for withholding the confidence heretofore placed in those officers, and that all transactions relating to those charges be expunged from the minutes of this Board.

The annual report for the present year was submitted, amended, and approved of.

Ordered, That the following protest from Mr. Thorburn be entered on the minutes:—

I dissent from passing the resolution now offered to the Board by Captain Creighton, and passed. Likewise, from such parts of the annual report for the public as may have similar references, because there may be by the Legislature a further examination, and while there is such a probability it would be premature on this Board to pass such a resolution, and as Mr. Mackenzie making the accusations hath not been heard in defence of his views, it would therefore be in my opinion unjust till he is heard, and opportunity ought therefore to be given by furnishing him with a copy of the Report of Messrs. Bowery and Burns.

(Signed,) DAVID THORBURN.

Done at the Board, this 7th January, 1836.

Mr. Thorburn moves that a copy of the Report of Messrs. Bowery and Burns, on the examination of the books and documents of this corporation, be sent to each member of the Board.

The following estimates and accounts were submitted and approved:—

	£	s	d
The estimate from 5th to 31st August,	£904	6	4
The estimate from 1st Nov. to Jan'y, 1836	884	8	9
Contingencies	207	7	5½
Estimates to lock tenders	116	10	0
	£2,112	12	6½

323. What have you to state in relation to charge No. 24?—I will now shew that Mr. Yates virtually elects the Directors and Officers of the Canal, this I will do by reference to the election lists.

For instance—

At what is termed "a general meeting of the Stockholders" to elect directors, held on the 6th of April, 1829, at St. Catharines, it appears that three persons assembled themselves together, who were Mr. Keefer, the ex-president, Mr. Merritt, the agent, and Mr. J. B. Yates. These three possessed 8 votes in their own right, and Mr. Yates had other 96 proxy votes. The voting went on thus: Messrs. Receiver General Dunn, President; W. Allan, Chief Justice Robinson, Chief Justice Boulton, and G. Keefer were elected, by Yates's 96 proxy votes, his own three, and the five from Messrs. Merritt and Keefer, the latter voting for himself.

Again, last June, the election of Directors was thus conducted:

Seven voters were present; and of these J. B. Yates gave 61 votes, Ogden Creighton 17, W. H. Merritt 2, Thomas Butler 2, and Alex. Yates Mac-

Donell 2. Total 84. Mr. Yates selected a majority of the Board, as usual at his discretion; although he and his constituents in New York do not own a 10th of the value expended on the canal. Messieurs Geo. Davies and Geo. Keefer did not vote.

Mr. Dunn, the Receiver General, became the nominal President of the Company in 1825. I say nominal, for his duties as the Treasurer of Upper Canada and Legislative Councillor must have made it impossible for him to attend to the really important trust he had accepted on the canal. It appears to have been the policy of Mr. Yates or Mr. Merritt, or both, to connect the officers of the government with the canal by placing them in the nominal direction. And they chose those of them whose official duties left but little spare time on their hands. On the 23d of Sept. 1830, Mr. President Dunn thus addressed Mr. Merritt, the Agent, by a letter in which he evidently desires that economy should be strictly practised:—

"Is the Canal full? The Governor frequently "asks me the question. A vessel has arrived in "York from Buffalo, and (the master) gives a most "deplorable account of the Canal, says he was 17 "days getting through. Is this possible!! Pray "let me have a line from you, and afford some infor- "mation on the subject of the Canal. I certainly "have reason to complain that I am never made ac- "quainted, from the time we meet at St. Catharines, "till we assemble there again, of what may be going "on, &c. As to Mr. Black, his situation must be a "perfect sinecure. I am resolved to urge the Board "to curtail without delay all expenses which are not "absolutely indispensible."

The details of one or two elections were reported to the House by the Directors, on the part of the Province sometime since.

THE FIRST ELECTION OF DIRECTORS.

The first election under the Welland Canal Act was held in Niagara, May 15, 1834. A very few persons were present, not one of whom had a direct interest in the result, by a payment, and some of whom have never since paid a farthing towards the work. They elected Messrs. Hamilton Merritt, Dunn, Samuel Clowes, Keefer and Decow; and at the next meeting of the directors, they resolved to send Mr. Merritt to York to solicit Mr. Dunn to become their President, and to assure him "that it "would not be necessary for him to attend to the "concerns of the Company—only to sanction their "plan of operations from time to time." Mr. Dunn having declined to come into this arrangement, Mr. Geo. Keefer was named their President, and Messrs. Chauncey Beedle and Thomas Butler were named Directors in Messrs. Dunn and Clowes's place, the latter having declined to act. Next day Mr. Hamilton Merritt was appointed their "Agent and Managing Director;" and instead of the 10 per cent. required by the act to be paid as a first instalment on each share, they called in 2½ per cent. per share from other people, but paid nothing themselves.

In my examination of the Company's Books, I sought to ascertain what interest the first Board had in the prosperity of the canal, in consequence of stock subscriptions paid in by them.

The monied subscription clause to qualify the first Board of Directors was, in its practical operation, a farce, and proved that when a nominal cash qualification for managers is inserted in any act incorporating a joint stock company, unaccompanied by a provision for the immediate payment of the whole capital, it affords no safeguard to the public against speculators. The charter provided that ten shares qualified a candidate for the direction (since increased to twenty shares) and required ten per cent to be paid in; this, as I have already stated, the Board reduced to 2½ per cent. and the 1st instalment was called in on the 9th of June, 1824. None of the Directors, however, paid any money in until the 22d of November, when Mr President Keefer paid $25 in part of his $1000 subscribed; Mr. Merritt paid other $25; Mr. Butler paid $12½, Mr. Decow $12½, and Mr. Chauncey Beedle or Beetle nothing at all.—So that up to the 26th of March, 1825, the whole of the pecuniary interest held by the Canal Board in the Canal was £18 15s.; but on that day they paid other £31 5s. in the whole, as their 2d instalment, previous to which the New York Stockholders had been called on and had paid in their 1st, 2d, 3d and 4th instalments, of about $12,000. Then, but not till then, the wary Directors vested their additional £31 5s. in the work!

Geo. Keefer	9
W. H. Merritt	9
Thomas Merritt	7
Thomas Butler	7
John Powell	4
Adam Brown	7
J. Martindale	2
E. M'Bride	3
John Holme	2
A. Chrysler	2
Andrew Heron	1
John H. Dunn	9
H. Boulton	0
Mr. Justice Boulton	0
J. S. Baldwin	0
H. Dunn	0
Sam. Clowes	7
Alfred Hovey	7
James Smith	2
James Gordon	7
Chauncey Beedle	2
Wm. Chisholm	3
R. Reach	3
Lyman Parsons	2
Theo's. Brundage	2
Wal. Clendennon	2
Thos. M'Mahon	1
Amos M'Kennedy	1
John Wright	1
F. B. Cogsworth	2
John Wilkinson	1
William Saunderson	1
Gersham Wright	1
Morgan Crewson	1
Rufus Wright	1
Paul Shipman	2
Barnabas Gregory	1
John Decow	7

Hall Davis	2
Anthony Upper	2
Thaddeus Davis	4
Grant Vanderburg	1
J. Hayes	2
John Gibson	1
Mordaunt Chrysler	2
	133

At a meeting held at Niagara, the 15th May, at the house of Mrs. Rogers, pursuant to notice, the undermentioned persons were duly elected Directors of the Welland Canal Company—viz:

The Hon. J. H. Dunn, William H. Merritt, Esq., Geo. Keefer, Esq., Mr. John Decow, Mr. Samuel Clowes.

GEORGE KEEFER, *Chairman.*

At the same meeting, on the same day, Hon. J. H. Dunn was unanimously appointed President of said Company.

GEORGE KEEFER, *Chairman.*

CANAL MANAGEMENT.

In the early stages of the work, the Directors, who were chiefly officers of state, would go over to St. Catharines or Niagara for two or three hours, or a day, in the course of the year; sometimes they had the canal office at York,—sometimes at St. Catharines —sometimes they met at the Deep Cut, or in the Legislative Council Chamber, or at Mr. Keefers, or at the Falls of Niagara, or in the Bank of Upper Canada, &c. To their servants and agents the most important duties were evidently chiefly left to be performed, and as to the contractors they appear to have done as they pleased in not a few cases. Great irregularity prevailed in recording proceedings, and as to a check or false entries there was no efficient one; the minutes of May 26. 1827, are signed by no body, certified by nobody; for 8 or 10 months after the Board had sat, they were omitted to be copied into the regular Books, and at length were inserted between the minutes of February and April, of the year following.

The Directors shewed in other respects a great disregard for the law under which they acted. In their Journal, p. 55, (11th April, 1827,) all the Board being present, "on the motion of Colonel Wells, "seconded by Mr. D'Arcy Boulton, the Hon. John "H. Dunn was unanimously elected President, and "Henry J. Boulton, Esq., Vice-President." The Statute declares on the most explicit terms that these officers shall be elected by ballot, and to that law they had to come back at the election held in June last.

MR. LEYS *again called in and further examined.*

[BY MR. MACKENZIE.]

324. Was you residing for sometime at Dunnville in the spring or summer of 1834?—I was, in the spring of 1835.

(Mr. Norton's evidence of yesterday was read to witness.)

325. Mr. Norton thinks you were present at some of the conversations held at Mrs. M'Keever's in Dunnville, with Rose and others, contractors on the Welland Canal, relative to their management of contracts on that work, and hence refers to you in case you recollect the particulars of any of these conversations. State what you know of the subject?—I was boarding in the same house with Messrs. Norton and Rose; there were other people occasionally boarded in the House also. With respect to this Berm Bank, Rose stated that they were not particular, meaning the contractors, or the workmen doing the work, about putting in logs and stumps—then he said he did not think it made much difference—stated if he got his job done that season, he would have done very well by his contract—also stated that Mr. Thomas Merritt was in partnership with him in that contract, and that he did not think Mr. Merritt would be there much to assist him in the work, he would rather have him than be without him although he did not come at all. I have heard the same reason assigned in Dunnville, that Mr. Norton gave in his evidence why he should wish to be in partnership with Thomas Merritt, but I am not sure whether I heard it from Mr. Rose or not—viz: that he would get better measurement, and get easier through the contract.

326. Have you seen logs put into the Berm Embankment taken by Rose and Merritt?—I have not seen them put in, but I have seen them in log piles where this embankment was making. I was twice up and down between this place and Dunnville that Spring. The logs were rolled into the embankments, where the mud was put over them.

[BY MR. MERRITT.]

327. From whom did you hear that report at Dunnville—can you name any person?—I cannot name any one, it was in a boarding house where I heard it.

328. You are asked if you know anything about the conversation which took place between Mr. Norton and Rose; do you know that Mr. Thomas Merritt was a partner with Rose at that time, or did Rose say he was at the time Mr. Norton referred to?—I think Mr. Rose said that Mr. Merritt was in partnership with him at that time.

329. Mr. Norton refers distinctly to the summer and fall of 1834, is that the time to which you allude?—I think Mr. Norton is mistaken as to my being with him at the time he alludes. It was Mr. Dew that was with him in 1834. I went up with him in the spring of 1835.

330. Have you seen the work to which he alludes?—I cannot say anything about the work done in 1834.

331. Where did you see the logs and stumps to which you allude as in the embankment?—Betwixt Marshville and Dunnville

332. Was it at the time you went up in the boat, or at different times?—I am confident I saw logs at different times.

[Witness withdrew.]

THURSDAY, 10*th March*, 1836.

Committee met,

PRESENT.

JAMES E. SMALL, ESQ., *Chairmn.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn.—8.

MR. MACKENZIE *again called and further examined.*

[BY COMMITTEE.]

334. Your first, third, fourth, fifth and sixth charges against the managers of the Welland Canal Company's concerns are to the effect that the books of account are improperly kept, and with a view to defraud; that they contain many false and erroneous entries; that false accounts have been sworn to and presented to the House of Assembly; that important monied transactions of large amount have been withheld for years from the books of the Corporation; and that there is a great defalcation on the part of the officers in charge of the Company's funds. These five charges have relation to the financial management, and admit of one answer. The Committee are desirous to learn the particular facts on which you ground these charges of mismanagement?—The question of the intention of the officers or managers in charge of the affairs of the Welland Canal Company is to be judged and determined by a careful investigation of their acts, and it is probable the Committee will hold me justified in the opinion I have expressed if they find the several allegations contained in this answer fully proved. As to false entries I do not think it would be difficult to prove that a majority of all the entries on the books of the Company are of this description. It does not appear that the Company have kept a regular cash book or cash account, shewing the whole of the receipts from time to time, and the payments as they were made to each person. The absence of this indispensable requisite to a regular system of accounts has been seriously felt throughout this investigation. As to the Italian method of book keeping, so admirable in its results, it has not been followed so as to enable any accountant to balance the books. The estimates of work done, materials furnished, and labor performed, have been entered on the leger by a single entry direct from an estimate, the copy of an estimate, or an estimate book, and not by a double entry of debtor and creditor made on the journal from the original transaction. Day Book there is none, and as to concentrating the accounts in the leger under general heads of receipt and expenditure, it has not been adherred to. A casual inspection of the petty books will shew that they differed materially in their results from the regular books of account. The vouchers are so often missing, or of a doubtful character, that it is of little service to have reference to them.

THE GRAND RIVER DEFALCATION OF £579 12s. 3d.

About 10,000 acres of the lands of the Indians and others on the Grand River were overflowed by the dam raised across it to feed the Canal; the people who had thus lost their farms or other improvements, complained to the Parliament and to the Canal Company; and in 1831 Mr. Receiver General Dunn effected a loan from the Bank of Upper Canada of £1000 to £1500 for the express purpose of compensating these sufferers. In the hand-writing of Mr. Black, the Secretary, I found, on the Journal of 1831. December 18th, a payment of £572 10s. made to George Keefer the Engineer, from this fund, to enable him to make compensation in part.

It appears that of the loan, £1370 2s. 3d. were actually borrowed, the last draft on the bank being dated on the 9th of June, 1832, for the sum of £347 12s. 3d., "on account of claims," &c.—t is made payable to George Keefer or bearer, and signed by the Vice President and Mr. Black. Two days after dated I found the following entry on the Cash Journal, in Mr. Black's hand-writing:

"*June* 11, 1832.

"George Keefer, Junr. Dr. to Bank of Upper Canada.

"For the undermentioned payments made to the respective "persons on account of claims for damages, &c. viz: £347 12s. 3d.

"Shotwell, - - - - -	£ 1	5	0
"Philip Carl, - - - - -	5	0	0
"Robt. Brown paid G. Keefer for	1	15	0
"do paid Sheriff, - - -	44	12	3
"Joseph Burges in full of £286 "11 3 and interest thereon on "which 200 has been paid	45	0	0
"* A Marr on account of his farm "purchased by the Company "for $1800 - - - - -	250	0	0
	£347	12	3"

"* This was payable only after he had signed the deeds.

Another entry on the cash Journal, is dated June 17th, 1833, page 238:

"George Keefer, Jun. account for claims, Cr.

"Amount charged as remitted him 18th Dec. "1831, - - - - - - - - - -	£572 10 0
"But the actual amount paid to him was only	340 10 5
"Mr. Black having retained the sum of - -	£231 19 7
"which he paid to the Bank of Upper Ca- "nada for interest, being the items of £180 "and £51 19 7 in entry of Nov. 1831— "See Journal fo. 134; See also J. Black's "Cash Book, 19, Nov. and 30 Dec. 1831.	
"For amount charged him 11th June 1832— "the same having been otherwise appro- "priated by J. Black for which see his "Cash Book 11th June 1832 and Journal "entry folio 200 - - - - - - - -	347 12 3
"Error - - -	0 0 5
	"£579 12 3"

Finding Mr. Keefer credited in leger for £579 12s. 3d., and no other person or account charged, I examined the references, and immediately discovered:

1st. That the entry on the Journal of the 11th of June, 1832, by Black, was false; and that of course the return to the House of Assembly, Journals 1832-3, appendix folio 49, of the expenditure in payment of Grand River Claims was eqaully unworthy of credit, It is "Folio 336, George Keefer, G. R. C. £1370 2s. 3d.," and sworn to by John Clark, Esquire, the Secretary, before Chief Justice Robinson. His oath was, that "the accounts were just and true," which they were not.

2nd. That George Keefer never received £1370 2s. 3d. He got only £783 5s. 4d., and of that sum

nearly the whole is said to have been paid to the claimants. The balance of the loan was entered to his debit with a view to conceal the defalcation.

3d. The £250 to Alem Marr was never paid—the entry of the £347 12s. 3d. is a delusion.

4th. Black's entry of the 18th December, 1831, is false—he says he then paid Keefer £572 10s.—it is afterwards admitted in the Journal that he only paid him £340 10s. 5d.

5th. It is asserted in the entry of June 17th, 1833, that Black paid two items of Bank interest with the £231 19s. 7d. he had retained; this also is a false statement, for he elsewhere admits that he received the money to pay these items of interest from the United States Bank Loan, and so has he entered it. On a reference to Black's private or petty cash book, I find an entry admitting that the above entries by him on the Journal and leger are untrue.

Messrs. Clark and Black were perfectly cognizant of the defalcation, yet when I asked Mr. Clark to explain he could not do it. An express was sent to Mr. Black, who came from Port Colborne, where he now acts as principal collector of tolls, and Canal superintendent. He attended the extraordinary meeting of the directors held last October at St. Catharines, and when examined, he admitted that the entries on the Books were not genuine, but gave in an account which it appears he had handed to Mr. Clark when he (Black) left the Secretary ship in 1832, this he did in explanation. The account contained several items of monies which he had paid various persons, and other items of money still due—but it made matters worse, and led the way to the discovery of other improper practices. One of his items was £18 2s. 9d, to John Boyle. It turned out that Black had got the cash from the Bank to pay this sum to Boyle in September 1831—had kept it—and that in 1834, Boyle was paid out of the Canal funds with interest, while Black was allowed by his successors to retain the like amount.

[*See also the title, of "John Davidson."*]

I ought to state here, that in the paper Mr. Black left at the Canal office with Mr. Clark as his (Mr. Black's) explanation of his cash entries, copy of which I hereto append he states that of the money in default he had, besides the £121 12s. 8d. to Mr. Secretary Merritt, paid £55 11s. 3d. & other sums to Mr. Secretary Clark, & £74 2s. 6d. to Mr. M'Donell, one of the Directors; but in that paper he shews that he was Dr. to many other sums besides the Indian money. All this, however the Secretary swore to as having been expended on the Grand River Claims previous to December 1832, through Keefer, viz. £1370 2s. 3d.

The Act authorising the loan to the Welland Canal Company passed in March 1831 provides that a full, true, and particular account in detail shall be given to the Legislature, of the expenditure, and verified on oath before a Judge of the King's Bench Court. An account was so given and sworn to—but it was neither just nor true, and many of the particulars were such, as no man who had investigated what was attested could have safely vouched for on oath or otherwise. The Act requires that the President and Secretary shall swear that the said account is a just and true account of the expenditures of the said money; but although the then President, Mr. Dunn, assisted in framing the law, he never took an oath that the above £1370 were expended by George Keefer in 1831 and 1832 in payment of Grand River claims.

(Office Copy.)

York, 13th December, 1831.

Sir:

The Directors of the Welland Canal Company have requested me to apply to the Bank of Upper Canada for a loan of about £1000 to £1500 for the space of about twelve months for the purpose of enabling the Company to make averagements in settling damages done to various individuals on the Grand River. The claims made before the arbitrators appointed by the Legislature amount to a considerable sum, on which the arbitrators have not as yet made any decision. In the mean time the Directors have appointed an agent to make a compromise with as many of the claimants as are willing to accept of certain terms in consequence of which, claims to the amount of £1500 have been agreed upon for about £300, under the promise that the money shall be paid forthwith. The Welland Canal hold a very considerable sum granted by the Legislature at its last Session. The Directors feel unwilling to appropriate any part of this to the purpose above mentioned.

The Directors will feel obliged by granting them this request, which will enable them to effect so desirable an object.

I have the honor to be, Sir,
Your most obedient servant,
JOHN H. DUNN,
President W. C. Co.

The Hon. Wm. Allan,
President Bank of U. C

(Office Copy.)

Indian Office.
York, 5th December, 1832.

Sir:

With reference to several petitions from the Indians of the Six Nations respecting the destruction of their property on the Grand River; in consequence of the construction of a Dam by the Welland Canal Company, I am directed by His Excellency the Lieutenant Governor to ascertain from you whether any arrangement has been made for indemnifying the Cayugas and other tribes who may have lost their crops, and have been driven from their pasture land by the overflowing of the Grand River, and if those claims are to be settled, at what period they may expect to receive the amount due to them.

I have the honor to be,
Sir,
Your most ob't. humble serv't,
J. GIVINS,
Chief Superintendant Indian Affairs.

To the President of the
Directors of the Welland Canal.

Port Colborne,
THURSDAY NOON.

W. L. MACKENZIE, ESQ.

My Dear Sir:

I beg to acknowledge your favor of the 21st inst. just received—at the same time I received one from Mr. Clark requiring me to attend the Board at St. Catharines at 12 to-morrow.

The roads are very bad—but by going part way to-day. I will endeavor to be with you at the time appointed.

I am,
Sir,
Your most obed't,
JAS. BLACK.

True copy of a paper left in the Canal Office by Mr. Black, 23rd October, 1835.

J. CLARK.

JAMES BLACK,
Dr. *In account with the* WELLAND CANAL COMPANY.

		£			£	
Folio 2,	Silas St. John,		2 13 2	Folio 9, M. Canute,		4 10 11
" 3,	Shotwell,		1 11 9	" 11, Lewis Gurrison and Co.		37 9 6
" 4,	Martindale, £75 0 0			" 12, D. Thompson,		0 1 0
	O. P. 25 19 2			" 22, R. Davis,		1 10 8
	W. C. Company, 1 6 3			" 33, W. H. Merritt,		121 12 8 1-2
	£102 5 5			" 35, G. Macan,		1 9 8 1-2
	68 10 5			" 42, Hibson and Gibbin,		20 19 8
			33 15 0	" 46, N. Robb,		13 12 6
" 11,	Sanderson,		1 5 0	" 55, A. McDonell,		74 2 6
" 12,	D. Thompson, D. bills,		166 11 0	" 58, L. Newlove,		49 0 0
" 21,	John Boyle,		18 2 9	" 65, H. B. Ostrum,		0 18 0 1-2
" 31,	Bailey and Rowen,		0 1 0	" 69, W. Dealy,		20 0 0
" 40,	Calbreath—Sheriff,		13 7 6	" 79, S. Sixsmith, (estimated)		17 11 3
" "	Kirkpatrick,		15 17 6	" 80, J. Clark,		55 11 3 1 2
" 42,	Gibbon and Hibson,		20 19 8	" 81, Contingencies,		3 7 10 1-2
" 43,	W. Anderson,		9 15 0	" 83, F. Galbreath,		71 15 3
" 44,	J. McCrory,		6 0 0	" 90, J. Jackson,		3 15 0
" 70,	Wilson, Mitchell & Co.		5 0 0	" 122, J. Orr,		25 0 0
" 75,	J. Burger, paid,		0 8 9	" 141, W. Parke,		0 7 6
" 77,	T. Davis & Co.		1 8 10 1-2	Dittrick, £25 0 0		
" 96,	Wood and Cleveland,		5 0 0	Stockley, 1 5 0 } £41 14 10		
" 107,	J. Broderich, (due bill),		8 2 6	Cush, 40 9 10 }		
" 112,	Wendram, paid		9 18 0	£66 14 10		
" 113,	Harper,		2 0 0			
" 118,	J. Bacon, paid		1 0 0			
" 119,	A. Brinn,		0 7 6			
" 124,	P. Conlin,		5 11 0			
" 130,	J. G. Stockley, paid		1 5 0			
" 131,	W. O'Brian,		2 16 6			
" 136,	P. Perry,		2 17 9			
" 137,	Northrup and Smith,		3 15 0	By balance brought down,		66 14 10
" 143,	A. Murr,		250 0 0			589 10 21-2
			589 10 21-2	By Galbreath,		25 0 0
	George Keefer,		50 0 0	Buck and Callaghan.		25 0 0
		£	639 10 21-2		£	639 10 21-2

W. H. MERRITT,
President W. C. C.

October 22nd, 1835.

Mr. W. H. MERRITT'S ACCOUNTS.

Of the Grand River and other moneys which are improperly charged as having been paid to George Keefer junior and others, it appears that Mr. Merritt had £121 12s. 8d. 1-2 in 1832, he being them, or soon after, the Secretary of the Company. On this the following order was given:—

Extract from the Minutes of the Board of Directors of the 2nd August, 1832.

Resolved, That Mr. Clark be authorized to appropriate the following sums out of the tolls collected this year, viz:—

"Ordered, That the advance made by the late Secretary to "Mr. Merritt, of £121 12s. 8d. 1-2, and this sum £28, "being £149 12s. 8d. 1-2, be debited Mr. Merritt on account "of his salary."

But it was not so debited to Mr. Merritt, nor is it debited to him up to this day. He had the money but was never charged with it

Nor did the officers enter on the regular books of the Company until last December the toll accounts out of which this £149 12s. 8d. 1-2 was paid Mr. Merritt in 1832!

Again:

On comparing Mr. Merritt's credits for salary on the great leger under the head "salaries," I find that the sums of $150 —£40 11s. 6d.—and £11 5s. 7d.—in all £89 7s. 1d., are entered on the books as paid him for salary over and above any claim he had, and after the full amount of his salary had been paid or credited to him, from the year 1825 and upwards. Credit is taken by the officers for those payments as having been made out of the Company's funds. Although then Mr. Merritt was paid £238 19s. 9d. 1-2 in 1832, for which he has given no value, and for which he is a defaulter, he charges interest in 1333 on arrears of the salary he had already been paid, and has been allowed it.

On consulting the minutes after Mr. Dunn ceased to be President, I find that the officers have violated the law with regard to salaries and paid themselves what they thought fit under that head, until a late Board: Mr. Merritt had £400 as agent until the beginning of June 1833, when he was named the President and his salary ceased. The affairs of the Canal were that year in the hands of Messrs. Robinson, Macaulay, and Shade, for when the former was the agent at $35 per week, with superintendents under him at $21 per week, and as the Company were laid on the shelf there was no other agent. Mr. Merritt was not to be appointed the agent again, but at a meeting of the Board held on the 5th of February 1834 at Toronto, an offer was made of the vacant office, at £400 per annum to Mr. Robinson, which he declined. After which Mr. Merritt, the President, was appointed agent also at £400. They forgot it seems to enter their appointment on the minutes, but rectified the omission in June 1834, Mr. Merritt was at Toronto during that winter, officinting as a legislator to prevent the County of York from having a voice in the bill granting himself & brother Directors an other £50,000 of the public money, and although the order for his appointment and salary was only given in February 1834, the officers have entered on the books 36 days from the 1st of January up to the time when Mr. Robinson was offered the vacant office on the 5th of February, which is an overchange $157—and never came before any Board, nor could it have been sanctioned by the Board.

The following are the entries in the minutes:—

MINUTES 5TH JUNE 1834.

14.—"It appears that the minutes of a meeting held at Toronto stating that W. B. Robinson Esq. declined acting as agent for the Company, and granting the President £400 per annum was not regularly entered at the time.

"Ordered, That a record of the transaction be now made.

15.—Ordered, That the salary of the late agent be continued from the 6th June to the 13th July of the *past* year, his time being occupied in settling claims, attending arbitration, and the affairs of the Company generally for a much longer period."

There is also an entry of $30 as paid to Mr. Clark for salary, which is a part of the defalcations. It is entered November 1832, page 206 cash Journal. He is allowed his full salary from November 1831 when he entered the service as "book keeper" (although he never kept the book) until the present day. In 1833 he had $160 out of the Canal funds for keeping Mr. Robinson's accounts, over and above his regular salary for all that year. He was the agent, pro tem. when Mr. Merritt was in England, and was allowed nine hundred dollars for the months in which Mr. Merritt was absent besides Mr. Merritt being allowed at the rate of $1600 for the same year, and other £600 to £700 for the trip.

ANOTHER £75 TO THOMAS MERRITT, JUNIOR.

When I was in St. Catharines towards the latter end of October last, I insisted with Mr. Clark who had just returned from Quebec or Montreal, that all the money paid to Thomas Merritt junior, on his pier contract as it is called, in 1832, out of the tolls, had not been charged to him, even if they were to charge the £50 of the erasure, and I asked Mr. Clark (before the Board) to give in a statement which he would be ready to stand to as correct of the payments he had made from that year's tolls, but he said he could not without the aid of Mr. Beaton, who was not to be obtained at that time. Beaton had previously given me the copy of a paper containing the particulars, and I annex it. I shewed it to Mr. Clark, but he would not say whether it was right or wrong, and the Company's books were silent. After I returned from Quebec I searched among Mr. Randal's receipts and papers, which are with me as his executor, and found the annexed order of Mr. W. H. Merritt to Mr. Randal to pay $300 to Thomas Merritt junior, and, also the copy of Mr. Randal's order. It was so paid, but never charged to Thomas Merritt junior—Last December only did they charge it to him on the Company's books, and he had been allowed *interest* on the pretended balance of his account for 1832–3 as a debt, until it was paid in 1834. This adds another $300 to the $200 and the $900, which would have been godsends to Thomas Merritt junior but for this searching enquiry. It may be said that the officers would have had to make up those accounts, but such is not the case, for they never kept their books by double entry—never balanced them except as a deception—and even now, after all the exposures of the press, they withhold a large amount of the transactions of the Company from the regular books, as the report of the accountants will hereafter shew.

York, 27*th Dec.* 1832.

(My Dear Sir)

I will thank you to give Thomas Merritt an order for $300 on your clerk on account of tolls—in payment of work on the harbor.

Truly yours,

WM. HAMILTON MERRITT.

York, 27th Dec. 1832.

Copy.

York, *Dec. 27th* 1832.

Dear Thaddeus.

The agent of the Welland Canal Company has drawn on me in favor of Mr. Thomas Merritt for the sum of three hundred dollars, —if you have as much after deducting your own pay please pay Mr. Thomas Merritt the sum of three hundred dollars, and charge the same to my account—you will please to take Mr. Thomas Merritt's receipt for what you pay to him.

And oblige,

Dear Thaddeus,

Yours,

ROBERT RANDAL.

Mr. Thaddeus Smith,
Deputy Collector,
Welland Canal,
Chippawa Village.

THE TOLLS.

I have elsewhere stated that although the Board of Directors pretended to exibit to the public the actual balances between their receipts and expenditures from year to year, these balances were in a great degree fictitious, because they exhibited no real return of what had been received and laid out, but only such and so many items actual or imaginary as was suitable for the purpose of the parties making the exibition. It appears from investigation that the Directors never audited the toll accounts at all—never required a faithful account of the disposal of them, and of the cash received for forwarding goods in 1830 and 1831 to appear on the Company's books—but permitted Messrs. Merritt and Clark to manage matters just as they pleased. Mr. Clark again, being obliged to do so, I presume, allowed Mr. Beaton to make up the books (when my publication of the Welland Canal rendered it absolutely necessary by drawing public attention to the matter) in such a way as that if balanced and that balance not investigated and examined there would still appear something like accountability to the company. The Tolls of 1830 and 1831, and the forwarding of three years, produced, it is admitted, £3607. 14s. 8 1-4, after deducting several hundred pounds (£389 2s. 10d.) from the return made to Parliament, the officers stating that they had returned nearly £400 too much by mistake. Until after I left St. Catharines last fall, very few of these accounts were entered on the books, and when they were entered (in December 1835 ! !) they were imperfectly and improperly entered—but the accountants employed by the committee have reversed and corrected the entries, after a careful and patient investigation, in which we several nights remained in the committee room till midnight inquiring into the details. The question was this:—£3607 had been received. What had become of it? Mr. Clark had sought a credit, as paid out of the moneys, or as tolls or forwarding debts entered on the books and originally accounted

for part of the gross receipts, but upwards of £1000 of the receipts had not been entered, even in December last, so that it became the duty of the accountants to charge the difference to cash, allowing Mr. Clark to place to the credit of cash all the items that he could shew that he had not taken credit for on the books already. The effect was, that after every thing he could ask was credited in this way, whether supported by vouchers or not, a defalcation appeared of upwards of a thousand dollars, for which, of course the officers are accountable and the Directors ought to be, seeing they allowed the accounts of their servants to go without investigation for a series of years while begging for money by £50,000 at a time from the province to the hindrance of other useful improvements. Never was public money placed in worse hands.

But this is not all. The accountants assumed at their first balancing of the books all to be correct in the books as the entries were made, which was not the case. In the toll account in Journal page 326 and their appendix, they have found it necessary to make a change in the cash credit of £282 1s. 4d. after making Mr. Merritt Dr. to cash for the £149 12s. 8d. which the Board ordered him to be charged with in 1832 out of the tolls; which he received, but was not charged with until the accountants made him Dr. to cash for that amount a few days ago in their appendix to the Journal and great legers.

Mr. Clark (in the disbursements never placed on the regular books) charges about £700 as payments made to the schooners *Canadian* and *Prosperity*, one or both of which are understood to have belonged to Mr. Merritt the company's agent at that time. Mr. Clark, when requested to produce particular vouchers for the paying away of this large sum of money, admitted that he had none to produce. I perceive that the balance paid or said to be paid to the *Prosperity* is carried to Mr. Merritt's credit. We allowed these sums.

In Mr. Clark's account from page 36 book B, he appears to have improperly charged the company with £12 5s. in certain disbursements paid the late Robert Randall.

He also charges £12 9s. 3d. as paid to Kenneth Reach, in page 97 of book C. but gives no reason why, or for what that sum was so paid.

He also charges £57 16s. 3d. as allowances made by him for damage done to ashes carried on the Canal in 1831, and £21 7s. 10d., and £6 13s. 3d. for damage on Tobacco and paid to McMillan & Co., but neither shews an order of the next Canal Board after the alleged damage was done, nor of any Canal Board, since allowing these sums to be paid the parties, nor any vouchers to prove the transactions as they took place.

In a sum of £119 17s. 3d. charged as paid to Smith (book C. folio 95) £19 6s. 2d. are entered as paid the Secretary. This is not a voucher for a disbursement by the officer so as to entitle Mr. Clark to a credit.

In the toll account of 1830 Mr. Clark charges an item of $14 as paid for wood for the Peacock (c. 31). This is improperly charged by the Secretary in his final entry to close the Peacock's accounts. So the company are twice charged for what their officers but once paid.

In the new entries made by Mr. Beaton by the direction and with the approbation of the Board, last December, folio 328 of the cash Journal £38 15s. and £50 5s. 7d. 1-2, are debited to toll as return from toll on boats and store, but these sums do not appear to have been credited to toll, or to have made part of the gross receipts of the year from which it is attempted to deduct these amounts.

£11 0 6d. appears to debit of contingencies as having been paid from Canal funds for freight to the *Prosperity*, while Mr. Clark charges the company elsewhere with £333 11s. 6d. as freight paid her owners for the same year out of Canal funds.

STATEMENT OF MONIES PAID OUT OF TOLL FUNDS, 1832.

1832.		Advances to Contractors and others.	£	s.	d.	£	s.	d.
July	18	To George Keefer, Junr. - - - - -	250	0	0			
	12	" William Daly and Co. - - - - -	12	10	0			
		" Garrison and Little, - - - - - -	150	0	0			
	24	" Salmon and Fuller, - - - - - -	12	10	0			
	30	" Monson and Camp, - - - - - -	12	0	0			
August	2	" William Murray, - - - - - -	5	0	0			
	3	" James McEvoy, - - - - - -	10	0	0			
	4	" John Donaldson, - - - - - -	10	0	0			
		" Garrison and Little, - - - - -	12	10	0			
		" Monson and Camp, - - - - - -	12	10	0			
		" James Darraugh, - - - - - -	6	5	0			
		" Schooner Britannia, for freights, 1831, - -	33	16	10½			
		" Prosperity, for do. - - - -	11	0	0			
		" Geo. Smith, for wages, fm 24th April to 30th June,	33	10	0			
		" Love Newlove, - - - - - - -	1	10	0			
		Carried forward. - - - £	573	1	10½			

STATEMENT OF MONIES PAID OUT OF TOLL FUNDS, 1832—*Continued.*

1832.	Advances to Contractors and others.	£	s.	d.	£	s.	d.
	Brought forward, - - £	573	1	10½			
August 4	To William Hamilton Merritt, - - - -	12	10	0			
	" Marshall Lewis, - - - - - -	10	0	0			
	" John Donaldson, - - - - - -	125	0	0			
	" Disbursement at Port Robinson, - - -	4	9	4			
	" Alexander McDonell, p. Randall, - - -	4	16	3			
September	" John Donaldson, - - - - - -	143	15	0			
	" Watkins' expenses to Buffalo, - - - -	1	15	0			
	" John Clark, - - - - - - -	7	10	0			
	" Garrison—amount due bills, - - - -	1	0	0			
	" William Looney—mending augur, - - -	0	5	0			
	" James Callaghan, - - - - - -	5	0	0			
	" Thomas McGraw, - - - - - -	0	5	0			
	" Love Newlove, - - - - - -	12	10	0			
	" L. A. Constantine, - - - - - -	1	15	0			
	" Paid Leavenworth for Printing, - - -	5	10	0			
	" Robert Buchanan, - - - - - -	5	0	0			
	" Russel Armington, - - - - - -	0	11	10½			
	" John Vandeburgh, - - - - - -	1	15	0			
5	" Love Newlove, - - - - - -	2	12	0			
6	" John Atwood, - - - - - - -	1	0	0			
	" Thomas McGraw, - - - - - -	2	10	0			
	" Love Newlove, - - - - - -	1	3	7			
	" Garrison and Little, - - - - - -	3	12	10			
	" George Messmore, - - - - - -	2	10	0			
17	" Craig and Boyle, - - - - - -	0	10	0			
	" Garrison and Little, - - - - - -	0	17	9			
	" Johnston Orr, - - - - - - -	1	10	0			
	" Marshall Lewis, - - - - - -	2	10	0			
	" Thomas McChesney, - - - - - -	10	0	0			
	" Love Newlove, - - - - - -	37	10	0			
	" John Vanderburgh, - - - - - -	25	0	0			
	" Cyrus Rose, - - - - - - -	12	10	0			
	" Thomas Merritt, - - - - - -	75	0	0			
	" Richard Fluallan, - - - - - -	2	5	0			
	" R. Buchanan, - - - - - - -	6	11	3			
	" W. H. Merritt, - - - - - -	25	0	0			
	" William Bell—lock tender, - - - -	6	0	0			
	" John Donaldson, p. Trevor Murray, - -	50	0	0			
	" Ditto S. and F. - - - -	12	10	0			
	" W. H. Merritt, S. and F. - - - -	15	5	0			
	" Johnston Orr, - - - - - - -	2	10	0			
	" Love Newlove, - - - - - -	12	10	0			
	" Marshall Lewis, - - - - - -	12	10	0			
	" Hugh Quinn, - - - - - - -	3	0	0			
	" John Callaghan, - - - - - -	7	10	0			
	" Thomas Merritt, - - - - - -	75	0	0			
	" John Vanderburgh, - - - - - -	3	10	0			
	" Johnston Orr, - - - - - - -	2	16	3			
	" William Daily and Co. - - - - -	6	14	9			
	" Widow McAndress, - - - - - -	5	0	0			
	" W. H. Merritt, - - - - - -	3	15	0			
	" K. Reach—to account due bill held by him,	4	0	0			
	" William Bell, - - - - - - -	6	5	0			
	" Marshall Lewis, - - - - - -	10	0	0			
	" Love Newlove, - - - - - -	14	0	10			
	" Wm. Daily & Co. - - - - - -	10	0	0			
					1392	4	1
	Salaries to Collectors, - - - - -				264	15	0
	Carried forward, - - - - £				1656	19	1

STATEMENT OF MONIES PAID OUT OF TOLL FUNDS, 1832—*Continued.*

1832.	Advances to Contractors and others.	£ s. d.	£ s. d.
	Carried forward, - - - - £	.....	1656 19 1
	Detention of Vessels in July, - - - -	.....	254 17 2
	Contingencies, - - - - - -	.....	23 10 2½
	Outstanding, - - - - - - -	.....	468 17 3½
	£	.....	2404 3 8½
	Amount of Toll per Return, - - - -	.....	2432 7 8½
	Due by Mr. C. - - - - - -	.....	28 4 0
	Add to list of debts for Geo. Keefer, - -	.....	31 17 0½
	£	.....	3 13 2½

HYDRAULIC BALANCE.

There is an indenture of mortgage among the Canal Company's papers—Alexander McDonell to the Welland Canal Company—dated on the 4th day of April, 1833—it is signed by Mr. McDonell and witnessed by two persons, and one of its provisoes is that whenever (the Hydraulic Company) the said McDonell fail in paying the interest when due, the Canal Company may re-enter and re-possess the property sold to the said McDonell (as agent to the Hydraulic Company.) The mortgage is an informal document—the dates on which the principal and interest were payable being in blank? The original deed of the Welland Canal Company to the said McDonell bears date the 4th of August, 1831, and remains with the Hydraulic Company or Mr. McDonell its agent. The interest was to be payable to the Canal Company half yearly on the *blank* day of *blank*, so saith the mortgage! I find the first year's transactions of the Hydraulic Company on the Welland Canal Company's regular books, but in the 2nd year, that is, after the 1st of January, 1833, and until January, 1834, they do not so appear. The £1,500 of interest for that year, and the deduction of £500 therefrom by the members of the Hydraulic company controlling the proceedings of the Welland Canal Co'y. do not appear in the Great Leger, nor in the yearly sham balance, but are placed in a subsidiary book with the balance accruing at the time. Then there is an attempt in the subsidiary book to cancel the money due by the Hydraulic company by setting off against it the interest on certain imaginary bonds granted by the Welland Canal Company, but never sanctioned by the Legislature. This attempt to nett from £20,000 to £30,000 by the Hydraulic job is one of the most scandalous and intolerable features in the history of the Welland Canal. The balance on the first year's transactions, including Mr. McDonell's private account, was £21 7s. when taken out of the Company's books. Then there was £116 of interest, £1,500 for one year's use of principal, less deduction for water in 1833—£500.

MINUTES OF BOARD 26th November, 1833.

Ordered—That for the more secure keeping of the books during the absence of the President and Secretary attending their duties in Parliament, they be sent to the house of Wm. Hamilton Merritt, Esq., after the accounts are closed and balanced. The following sketch shews the ability of the Company to meet the payment of the debts due by them—

Hydraulic Company's bond,.....£	25,000 0 0
One year's interest,.....	1,500 0 0
£	26,500 0 0
Amount of debts due by the Company to the 1st November, (exclusive of claims not yet decided on by the Arbitrators).....	20,844 10 7½
£	5,655 9 4½

There was the undivided two-thirds of 36 3-4 acres of Oliver Phelps' lands near St. Catharines, conveyed by him to the Hydraulic Company—and recorded. The Hydraulic Company conveyed it to the Welland Canal Company as some small compensation for the desperate bargain the latter were making, but the matter stands over for adjustment.

Where is the Bond?

DEFALCATION THROUGH ORDERLY.

William Orderly was a Contractor on the Canal, and took a contract in 1831 which was concluded the year after. The estimates for his work, allowed by the Board, are entered in the Great Leger £551 15s. 3d, but the real amount was £4 11s. 2d. 1-2 more. The cash pretended to have been paid him in part of this credit of £556 6s. 5d. 1-2, is £689 5s. 3d, for he is settled with as a creditor of the Company in 1833, by a note or notes bearing interest £80 16s. 9d. The curious proceeding by which this pretended credit is accomplished is by making a balance of £137 10s. on the creditor side of his account, and omitting to carry it down to the debtor side—thereby making it count for an additional estimate to that amount! The petty cash book, and Orderly's accounts when settled with, shew plainly enough that this was no blind mistake. The officers must account for the £132 18s. 9d 1-2, and as to Orderly, I dare say he will shew, if sent for by the committee, that he does not owe one farthing, although he is set down as a debtor to the Company for £137 10s.

When vouchers were called for, the following, with a mark and with no witness, was produced, by which poor Orderly was made to declare by the virtue of his mark that he had received £135 8s. 7d. in full of an estimate of £125 0s. 7d.! Many other canal vouchers are *equally creditable* to the prudence and foresight of the Board of Directors and their officers!

(COPY.)

Welland Canal Office,
St. Catharines, July 8, 1831.

[1352.]

£135 8s. 7d.

Received from the Secretary of the Welland Canal Company, the sum of one hundred and thirty-five pounds, eight shillings and seven pence currency, being in full of estimate (of) £125 0s. 7d.

(No Witness.)

his
WILLIAM × ORDERLY.
mark.

To be satisfied of the deception attending the pretended balance sheets sworn to and sent to the House of Assembly, from year to year, it is only necessary to compare them with such accounts as this of Orderly's for several years. Sometimes the expenditure will be omitted, sometimes stated far too much, sometimes far too little. In short their balance sheets were got up, and successfully too, to blind and deceive the public they were plundering. It would be a curious and instructive task to analyze

the balance sheets on the Assembly's Journals and compare them with the Company's books as revised. The more pretended payments they made the more these balance sheets swelled up, and they could as conveniently shew their receipts and expenditures without entering the whole of the tolls and proceeds of forwarding on their books as if they had been entered!

Yet the Directors vouched for all these proceedings, and up to January last declared that all was correct—and produced Messrs. Bowery and Burns to prove it—who said they had done so!

Mr. JOHN DONALDSON—CONTRACTOR.

The credit for work done to November, 1832, in the estimate book, is £6,116 8s. 2d. In the petty Leger it is £6,127 17s. In the regular books of the Company (the old Leger) it is £6,175 7s. 10d.

Without considering the vouchers, it appears that the officers have charged the Company in this instance with £58 18s. 10d. more than Donaldson had a credit for, and interest is even charged on it afterwards.

But there is another and more material defection in this account—it is this:—

The real estimate, with its details, are missing—Beaton, in whose hand writing is the document which is in lieu of that estimate, says that he could not swear he ever saw the original. In searching among the canal documents I found a few leaves of the end of this great estimate, and on comparing the addition found $264 of errors in Mr. Keefer's addition of these pages, which were certified as genuine by him and by the Vice President on the part of the Board. I began to compare the copy with this original, and also the calculations, and found that they had added several thousands of dollars to the credits of contractors which was not in the estimate at all, nor in the copy of it which they had adopted. While I was at St. Catharines last year Mr. Keefer took a half sheet of paper and three wafers and without any other ceremony added £730 18s. to the substitute for the estimate of November, 1832—"£297 7s. 8d. on account of work done on sections 12 and 13, Gravelly Bay route (by Donaldson) after the death of Galbraith," the original contractor; and "Garrison and Little, additional allowance of two cents on excavation, Section 15 and 16 Gravelly Bay route, $1726 07, equal to £431 10 4." This curious addition is dated "Welland Canal Office, November 1832," and signed by "Geo. Keefer, Esquire." On inquiring I found that 26,748 yards of excavation, and the other allowances had been paid Galbraith and charged to him in full of that contract in the same estimate, besides a present of $200 to Upper over and above the contract for finishing the job, in all $4,300. Mr. Newlove informs me that Donaldson did some part of the job at the conclusion, but as the full amount is credited in the copy of the estimate to Galbraith and Upper, Donaldson could only have been entitled to claim as a sub-contractor, and the £200 and upwards credited to him by Keefer is clearly an overcharge, for the job did not come to $5,100, nor was it so stated in the estimate until I began to analyze it.

John Boyle's £18 2 9, entered first as paid in September, 1831, and again as paid by note in 1834, is entered in the petty leger, as if paid or settled the third time through Donaldson!

THE PEACOCK STEAMER'S £447.

On the 29th of March, 1831, Mr. Wm. H. Merritt, personally, and not in a public capacity as agent of the Canal Company, appears to have entered into an agreement with C. H. Reade of Erie, to hire the Steamer Peacock till November in that year, Merritt paying $2,500 to Reade for the use of the steamer, besides paying $130 per month in wages, and finding fuel, provisions, and defraying all the items of expense. In June afterwards, I find a minute of the Board, stating that it is important to establish a regular communication between the two lakes, and recommending the chartering of the Peacock for *the remainder* of the season at $2,000, or as much lower as possible; the Company to supply her with fuel, &c. &c. &c. The expense of the Peacock to the Company is charged as follows:

Only $1.666 66 was paid for the charter.

On examing the account of the Peacock's receipts and the payments, it appears that £447 10 was debited to profit and loss on the loss on the vessel; but the sums of £36 1 3 and £43 15 8, which, form part of that, are before charged on the great leger as having been paid from the Bank, out of the funds of the canal to Silas St. John, Coulter & Watson. There is also a difference of 31s 2d in the calculation of the loss, leaving the total defalcation by the officers of the Canal Company in this item, £81 8 1. For the £36 1 3 to St. John there was no voucher.

JOHNSON ORR'S DEFALCATION.

This is an account for work with a dredging machine. The officers have entered it on the regular books as if they had paid Orr £16 more than the true amount of the estimate credited to him by the Board. But such is not the case—the petty leger shews that Orr got no more than was coming to him by the estimates—and the regular books only exhibit an attempt to mystify a plain account so as to obtain a credit for the payment of £16 of the funds of the Company, which were never so paid. It is a defalcation.

JOHN SINCLAIR'S FEEDER JOB.

$25 76 are charged to this contractor on a small job beyond what he was entitled to, and after he had sent for and received the balance that was coming to him. I think this really was an error—although it proceeded from the great carelessness usually displayed, as will be evident from the perusal of the previous receipt. The balance is entered as paid to Mr. Wenham by Mr. Black, and I presume that if Sinclair did not get it, as he knew it was not due to him, some of his friends must have got it.

GEORGE SMITH, TOLL COLLECTOR.

In journal page 244, £15 5 is entered to his credit and charged to contingencies, as paid him for salary in a particular month. But in another part of the books it is shewn that the whole of his salary for that season, as well as for that month, was paid him out of the tolls. The £15 5 is an overcharge by the officers.

There is an overcharge of 46s 7 1-2d for Orson Phelps, in same way and at same time.

Smith also appears charged in 1832-3, with an old debt of £67 13 2 1-2, for which the minutes say he was to give security. It is not carried into the new leger, and, perhaps, it would be well to examine him, to see whether it is real, or whether there is not something about it which the books do not explain.

BRUNDAGE'S £1,340 TIMBER CONTRACT.

One of the first entries on the old leger is a debt of eleven years standing by Theophilus Brundage, of £1,340 7 1. But I am inclined to think that Mr. Brundage owes the Company nothing—there was a number of proposals to furnish timber of a large size for a tunnel for the Deep Cut. Mr. Keefer and others sent their tenders—but it appears that Mr. Brundage offered the lowest of any, from whom ample security could be obtained; and the books shew that £1,340 7 1 were paid him for large sized squared timber in 1825. As it was not required for the tunnel, I asked the officers what had become of the proceeds, and Mr. Merritt said he did not know that there were any. The books not appearing to shew any returns, and it being impossible to suppose that between 5 and 6,000 dollars value in that commodity, squared and delivered, was lost, besides a large additional sum allowed for attending to it. I consulted Mr. McMicking, the member for the fourth riding of Lincoln, who stated that he did not know the amount of the gross receipts for the timber, but, that he bought and paid for some of it himself. Mr. Newlove has since informed me that Oliver Phelps used an immense quantity of this timber in his 34 lock contract—many thousand feet—and if so, he or the Company's officers should be made to account for it. It was rumored that some of it was used in shanties, but this Mr. Newlove positively denies.

The contract with Brundage, long lost, was discovered the other day by Mr. Beaton, with an award of £1,340 to Brundage approved of by Mr. President Dunn. Brundage was paid, in April, 1827, £58 for securing this timber in June, 1825, and the quantity, by James Clowes' measurement that month, was 202,382 cubic or square feet.

Mr. OLIVER PHELPS' ACCOUNTS—A DEFECTION.

In page 157 of the great leger a whole line is erased, and then the amount is balanced off as if both sides of it were equal. But it takes £95 11 4 on the credit side to make it add equal. This difference is composed of several items on the debtor side which appear to have been re-paid by Mr. Phelps, as is shewn by a memorandum in the estimate books. Although not placed in the books, but balanced by an erasure, the above £95 11 4 is to be met with in the balance sheet laid by Mr. Black before the Assembly in 1830. It is a defalcation as cash due by the officers, and was a credit to Mr. Phelps, £7,558.

SILAS ST. JOHN.

£100 is credited to him for a scow, and £36 1 3 for cord wood, for which there are no vouchers. The cord wood is again charged the Company as a part of the loss on the Peacock steamer.

Mr. DAVID THOMPSON'S ACCOUNTS.

The mixing up of accounts and of public and private transactions has occasioned much confusion on Mr. Thompson's accounts, as settled by the adopted copy of the estimate of November 1832, the officers entered in 1835 on the leger that £198 had been over-credited. This, Mr. Thompson denies, and makes further claims. His other estimates, up to November, 1832, are corrected and charged in the copy of the estimate of that month, and he not only disputes that £198, but makes further claims. I tried to understand his account, as it stands on the books, but found great difficulty, such is the confusion of the books; and the gentlemen named by the committee have had no time to go over it.

(Office Copy.)

Dear Clark:

I received, yesterday, a few copies of the Report, I hope Leavenworth has struck off a number on better paper—they are badly executed—send them to all quarters—to all merchants and captains of vessels—and to the Western country, in particular—Mr. Yates—England, &c., as usual. The accounts are not here yet, what delays them?—let me know when they are sent to Lower Canada to the Speaker, who should also have Reports for half the members. Send, by first good opportunity, my map of the United States, well done up in paper, it is at my house, and any publication which may arrive relating to canals, &c.

I wish you to charge me £500, and credit Thompson, the money was only handed Jackson when in St. Catharines. Make out and send a statement of Dunn's account for me to hand him—the Debentures are issued, but not yet received.

Mackenzie has not the least influence—we have had a stormy commencement, but think we will have a good House—send me a statement of the Hydraulic Rents, as made out by Mr. Beaton—account of leases—interest on sales, and sales also, of the hydraulic lands and property.

Truly yours',

(Signed) W. H. MERRITT.

January 18th, 1835.

John Clark, Esq

(Copy.)

Wainfleet, *August* 26th, 1835.

Dear Sir:

In reply to your letter of the 15th, inclosed is a bond executed for the arbitration, differing a trifle from the copy received in your letter, but being verbatim, as per former agreement, and which, I trust, will be acceded to—you will please enclose a similar bond, duly executed by the President. I also enclose an account, received from the Company, dated 17th April, 1833, which shews the $792 38 = £198 1 11 omitted to have been brought to my credit in the accounts recently rendered by the Welland Canal Company, this account I beg that you will also return by next Tuesday's mail.

Dear Sir,

Your obedient servant,

(Signed) D. THOMPSON.

To the Secretary, W. C. C.

THE £31 5.

I stated to you, some weeks ago, that the officers of the Company had charged £31 5, of interest on a certain bill of £250, and then charged it as as if paid a second time, although it was only paid once. A great deal of correspondence with the Bank has been occasioned by this charge, the result of which, is, that I have satisfied the accountants, chosen by the Committee, that the money was wrongfully charged by the officers.

INTEREST ON Mr. DUNN'S LOAN.

One of the very rare instances in which the officers have neglected to charge the Company with money paid on its account, I found out, when searching for the facts in the above interest case. £2,500 and £250 were borrowed, through Mr. Dunn, in 1832, for the Welland Canal Company, and £150 of interest paid thereon. But there were £24 9 and £64 11 3 further interest, afterwards due, which, upon examination, I perceived they had forgotten to take credit for, when paid—I mentioned the circumstance to the accountants, who have made an entry correcting this error.

I add the correspondence on these matters.

B. R., 8,861.

£250 0 0.

Welland Canal Office,

St. Catharines, Jan. 23. 1832.

Pay claims G. R. or bearer, the sum of Two Hundred and Fifty Pounds Currency, and place the same to account of Welland Canal Company.

(Signed) JOHN H. DUNN,

President W. C. C.

To the Cashier of the
Bank of Upper Canada.

JAMES BLACK,

Secretary W. C. C.

No. _____

No. _____

P.
E.
Account,
Amount, £
Interest,

£

Due,

Bank of Upper Canada,

Toronto, March 26. 1834.

John Clark, Esq.,

Secretary W. C. C.

Sir:

I have duly received your letter of the 19th instant, also Mr. Merritt's of the 20th, and have, in compliance therewith, transferred the £281 5 therein mentioned, to his credit, with the office at Niagara, waiting the settlement of the bill in question, when the remainder of the advances on account of the Grand River claims, are settled by the Company.

I am,

Sir,

Your obedient servant,

THO'S. G. RIDOUT,

Cashier.

BANK OF UPPER CANADA,
Toronto, March 17. 1834.

W. H. MERRITT, ESQ.,
St. Catharines.

SIR:

I have this day transferred to the office at Niagara, for your use, the sum of £2,525 17 5, being the balance remaining out of Mr. Dunn's acceptance of your draft for £3000, which I beg to account for, as follows:

	£	s.	d.
Discount on £3000, for —— days,...	14	16	0
Interest on £3000, advanced to W. B. Robinson, Commissioner,.....	178	1	7
To re-pay amount advanced to you on 9th February, 1832,.....	250	0	0
Interest on ditto,.....	31	5	0
Cash for balance transferred to Niagara,.....	2,525	17	5
£	3000	0	0

I remain,
Sir,
Your obedient servant,
THO'S. G. RIDOUT,
Cashier.

WELLAND CANAL OFFICE,
December 26. 1835.

THOMAS G. RIDOUT, ESQ.,
Sir:

Your's of the 24th instant, is at hand, but it does not state in what manner you received the payment of this £281 5, which you re-paid to Mr. Clark on the 26th March, 1834, by placing it to my credit in the office at Niagara, in that letter you state that until the remainder of the advances on account of the Grand River claims are settled, this bill may lay over.

In your account of 28th June, 1834, you charge B. R. 8,861, J. H. Dunn's draft, 23rd January, 1832—pray is this not the same—the difference in the interest is but trifling in the two sums.

Very truly your's,
WM. HAMILTON MERRITT.

ST. CATHARINES, *December* 23. 1835.

THOMAS G. RIDOUT, ESQ.,
Sir:

If you have taken the trouble to read Mr. Mackenzie's charges, you may have noticed the sum of £31 5, interest on a note of £250—from the tenor of Mr. Clark's letter to you, 20th March, 1834, or from some other cause, he supposes the note of £250, on the 9th February, 1832, was on my own private account, and had laid over until that period—will you inform me on whose account this note of 9th February was discounted and how paid, by return of post?

I am,
Sir,
Very truly your's,
WM. HAMILTON MERRITT.

WELLAND CANAL OFFICE,
St. Catharines, Decr. 23. 1825.

SIR:

I will be thankful for a statement of the Bank account with the Welland Canal Company, for the years 1832 and 1833—also from the 15th April, 1835.

I am, Sir,
Your obedient servant,
JOHN CLARK,
Secretary W. C. C.

To THOMAS G. RIDOUT, ESQ.,
Cashier, Bank Upper Canada.

BANK OF UPPER CANADA,
Toronto, Dec'r. 30. 1835.

WM. H. MERRITT,
St. Catharines,

SIR:

With reference to your letter of the 26th instant, I beg to inform you that I have made further search in the Bank books, respecting the payment of B. R. 8,861, for £250—and find that on the 15th March, 1834, your private account was charged with that bill, and £31 5, for interest—afterwards, on the 24th March, your account was again charged with £281 5, which sum was transferred to your private credit at the office at Niagara—agreeably to Mr. Clark's letter of the 20th March—and it having been ascertained on the 13th June following, that your account was overdrawn, and that you objected to the charge of the above bill therein—it was debited to the funds of the Welland Canal Company, with the accruing interest, £3 15 5, making £284 0 5—and your account was credited with the original charge against you, £281 5—this was done on the 18th June, 1834.

The first payment of the bill was at your own request, out of the £3000 you received from Mr. Dunn at that time—the Welland Canal Company having no funds then at their credit here.

There are but few entries in the Company's accounts for 1832 and 1833—and in order that the account may be continued regularly, I will thank you to send me the Bank book.

By the foregoing, you will understand, that no part of the £3000 received by you, from Mr. Dunn, in March, 1834, was eventually appropriated to the payment of B. R. 8,861, for £250 and its interest.

I am, Sir,
Your obedient servant,
THO'S. G. RIDOUT,
Cashier.

MISTAKE IN CHARGING TOO LITTLE.

Had I found more of these and fewer of a contrary nature I should have had a better opinion of the managers of the Welland Canal, although I might not have been able to screen them from the charge of keeping their accounts most discreditably. But the only errors I found in this way were an under credit on Mr. Love Newlove's estimate of £35 5s 7d—$10 paid and not charged Scott and McEvoy, and the difference of £58 or so on the interest paid the Bank where there are errors on both sides, as I have just stated in detail.

THEOPHILUS McCHESNEY £45 15s 6d.

The cash journal charges Theophilus McChesney of Gravelly Bay with £45 15s 6d paid him under an order of the Board in that year. But the officer on consulting the minutes found that there never was any such order of the Board. McChesney got the money out of the tolls, but although an account was opened with him in the new leger eighteen months or two years ago, and there has been many payments since made him, the above sum still remains at his debit in the old leger without any explanation. Benton said he believed McChesney did not owe it—that he had been charged with all advances. The £45 15s 6d is a default for which the Company's officers must account. (See old Leger, folio 237.)

CASH IN THE HANDS OF THE OFFICERS AND OTHERS.

In the new leger the officers admit they had on hand at the time the books were posted between £200 and £300. The balance sheet of the accountants employed by the committee shews the officers to have expended £337 more than they had—less the above sum of two to three hundred pounds on hand. The investigation since will prove the officers defaulters, and add to the demands of the Company on W. H. Merritt, Thos. Merritt, junior, and others, in all a sum of from $8000 to $12,000. What the nett sum is, will, I presume, be shewn by the accountants, I have therefore been the less particular in summing it up.

ROBERT CAMPBELL'S PETITION.

This contractor fulfilled a contract at the mouth of the Chippawa, and it was estimated to him by the Engineer, as per his agreement, at £2272 18s 6d, on which he petitioned to be allowed £274 1s 6d more, or in all £2547 in full of payment; and by an order of the Board page 122 his request was complied with, and that allowance ordered to be made him. On referring to folio 126 of the minutes I find he is allowed the difference as per order of the Board of 11th January 1830, but instead of extending £274 1s 6d agreeable to that order £350 10s is extended, which exceeds the authority referred to £75 3s 6d, and appears to be an error. It is the same in the Leger.

FORAGE, HORSES, &c.

One of Mr. Clark's accounts, paid from the canal funds is for horses, forage, &c.—£85; but there is no voucher to shew who was the seller or who was paid the £85; nor any personal bill or account whatever; it is simply stated that in 1831 so much was paid in this way—but to whom Mr. Clark could not tell us.

PACKET-BOAT CHIEF JUSTICE.

Instead of laying the gross receipts of passage and forwarding before the Company, the agent pays a very large sum—I think about £100—to one Martell, a person employed to manage the pecuniary affairs of this packet for the Company. Martell pays him £4 6s 01-2d less back as the proceeds of passage, &c. and the only notice taken in the account charged against the canal tolls, is the odd £4 of a deficiency. Martell and the forwarding agent appear to have performed all the functions of the Board of Directors as auditors, paymasters, &c. and it is too late to revise these matters in 1836.

ENGINEER'S SALARIES.

Twenty-five pounds are entered on the cash journal as if paid and charged to salaries and then transferred. But there is no voucher to shew that any such sum was paid; nor is there any voucher to shew to whom it was paid, and the salaries of the engineers and their contingent account are settled for by other payments. The officers ought to account for this sum.

LOUIS A. CONSTANTINE.

The estimate of his work to November, 1832 is stated in the leger £3 19s 4d less than it ought to be.

GEORGE KEEFER'S EXPENSES.

£3 13s 3d is twice charged to the contingent account for the same bill, as his expenses.

JOHN CALLAGHAN.

Folio 234 leger £9 15s is short credited him for estimated work done. And in cash journal, folio 326, $30 are charged to toll which should be charged to him. In his account in the petty leger £10 is entered as paid to him which is not carried into the books.

SCHOONER CARTWRIGHT.

In leger 302, the schooner is debited with £10, and the Secretary improperly credited that amount. The Secretary should be debtor to the schooner.

SCHOONER CARTWRIGHT.

In 246 of cash journal, contingencies are charged with £17 1s 2d for detention of this schooner, while it appears by page 33 of the toll book that £17 18s 10d was paid in cash as an advance to the Cartwright. The £17 1s 2d should be at the debit of the vessel instead of being at the debit of contingencies.

SHERIFF HAMILTON.

23s 11d is twice debited to contingencies and once charged to Mr. Hamilton. The officers are therefore due 23s 11d for this defalcation or error. But Mr. Bowery says there is no difference!

Mr. T. BUTLER'S EXPENSES.

£3 15s are twice charged to contingencies for the same service, although the money was but once paid.

COLONEL ELLIOTT'S EXPENSES.

It appears that £6 7s 6d is debited to contingencies, cash journal 255, for the expenses of the Colonel as a director, one time attending the Board—but that sum is included in another larger sum of £13 2s 6d charged to contingencies in page 259. The vouchers correspond with this latter entry. The officers of the Company will have to refund the £6 7s 6d.

DALY & Co. CONTRACTORS.

In folio 228, great leger, this firm (which is probably the same as are mentioned in my 13th charge as having taken at 9 1-2 cents a contract for which T. Merritt had 12 1-2 from the Company) have received a credit of £11 19s 6d more than the estimate of November 1832, which is the authority for the payment. The officers are responsible for that sum—it would be of no use to enter into an enquiry whether they have over paid Daly & Co. That is not very likely—and if they had, it was at their own risque.

JOHN DECOW'S FARM.

He was awarded £625 damages for injury done to his property by the canal. The award is on the minutes, but he has no credit on the leger for the amount.

ARTHUR SHORE—ERRONEOUS CREDIT.

While the claim of Decow, who is a creditor is kept out of the Company's books, Arthur Shore is entered in folio 188 of the 11th leger as a creditor for land awards, £25 since 1833. He was paid long since, without the $6 being deducted, so that if the books were correctly kept Shore would appear on the balance sheet as a debtor for $6 instead of a creditor of $94.

THE REV. MICHAEL HARRIS' DEBT.

In folio 185 of the leger this gentleman appears as a creditor for an unsettled claim for land at Chippawa, and so it appears on Messrs. Hinck's and Young's balance sheet. But Mr. Harris was paid long ago, and their erroneous credit is owing to their disgraceful book-keeping.

JOHN LYMBURNER'S £62 10.

In folio 187 an account is opened in the leger, and J. L. Lymburner appears as a creditor of the Company for £62 10s, and is also entered as a creditor on Messrs. Hincks and Young's balance sheet. But Lymburner was paid long ago, and has not a demand of a shilling.

BARTON FARR'S $150.

An account is opened on the great leger in which Barton Farr appears as a creditor of the Company for £37 10s; and so he was in December, 1833, but was paid in full many months ago, and the officers have taken credit for the payment elsewhere.—He appears a creditor on Messrs. Hincks and Young's balance sheet, but it is all fiction—he has no claim.

JESSE WILSON'S AWARD.

In Messrs. Young and Hincks' balance sheet, and folio 296 of great leger, Mr. Jesse Wilson is made a creditor of the Company for £37 1s 1d. But it appears from the title awards that Mr. Wilson was paid this money years ago, and that the leger credit is fictitious.

Mr. JAMES SLOAN—HARBOR AND SECTION 15.

In folio 97 (Sloan's account) a whole line is erased from the Great Leger so as to make it impossible for one to tell what it once was. From this folio £50 are brought to another contract folio of Sloan's, page 167, and placed to his credit, without deducting any thing from the sum in the former folio. Sloan is due £75, which the officers tell me Martindale is to pay out of his award, and this £50 of a false balance makes his debt £125 — Inquiry should be made into the means of collecting some of the many debts due the Company, or so said to be on the books.

BEATTIE & Co.

This firm are entered as debtors to the Canal Company for £30 5s 5d, in folio 189 of the great leger—and there is no corresponding credit. So the account has stood for the last five years, and so it is entered in Messrs. Hincks and Young's balance sheet. The officers appear to think there is no real debt, for they have ruled off the account without a credit. The petty leger shews that payments were made to the parties, but the account appears different there also. Perhaps Mr. Black can clear up the difficulty. I feel satisfied, in the absence of proof, that the debt is fictitious, although it may have (I don't say it has) served to square off some difficulty on the credit side of the cash account.

THE St. CATHARINES' FEEDER.

£246 0s 8d expended, or said to be, on this work, was irregularly entered, November, 1832. (See cash journal p. 206.)

CREDIT TO SECRETARY.

£186 7s. are entered in cash journal folio 208 as being at the credit of the Secretary. But only £100 is taken into the leger. A memorandum mentions that the £86 7s. is Grand River claims.

DAVID PRICE,

Is overcharged £9 4s. 6d in cash journal page 209, but deducted at foot. Price did not get credit for the money thus due him. Price and Fagan are charged £120, but are not due any part of it, as an examination of Levi Garrison and Little's account will shew.

WILLIAM H. MERRITT,

Gains 19s 11d by 46*l.* 0s 7d for costs he became security to the Messrs. Baldwins for being turned into 46*l.* 0s 7d.

ALEXANDER McDONELL'S £50.

50*l.* were credited to this gentleman in journal, folio 215, but not posted in the leger.

HIRAM SLATE,

Got an order from M. Lewis several years ago for 4*l.* 6s 10d. It is charged to Lewis but not credited to Slate.

BRUNDAGE'S RENT.

12*l.* 10s is placed at the landlord's credit for rent of old office, but not posted. There are several other curious entries about this rent.

JACK TOYNE & Co.

They were paid in full of all demands on the Canal Company in 1833 by notes payable, and an extra note of 24*l.* 1s was given them in 1833, bearing interest, which has been paid to some one. They have since done much work on the canal, but no attempts have been made to recover the value of the note thus improperly given.—*See Journal* 239.

ALEXANDER McDONELL.

In folio 251 of the great leger the 74*l.* 2s 6d got by Alexander McDonell from Mr. Black, out of the Grand River claims money &c. is not credited to any account whatever, although charged to McDonell.

JOHN BOYLE

Was a creditor for 18*l.* 2s 9d in 1831; was ordered to be paid from U. S. Bank and so entered on the books—was not paid. — In 1833 got a due bill bearing interest which was paid in 1834. (*See also folio* 354.)

DAVID THOMPSON

Gets a credit of 166*l.* 11s in folio 355, but cash which ought to be debited is not.

JOHN VANDERBURGH'S ACCOUNTS.

He is credited 8*l.* less than he should have been in the leger on his estimate for Nov. 1832. The same sum appears to have been overpaid him on that credit in the petty leger. He is still due $6 on this settlement. In the entries from estimates there is a charge for lock tending for which there is no bill or explanation, May, 1833. His other accounts will more properly come under consideration when Mr. Robinson's are reported on by the accountants.

When the July 1st estimate of 1835 came before the Board, it was signed in part by Mr. Keefer as engineer, and the whole by Mr. Merritt and Clark as President and Secretary. Some of the bills and vouchers were absent; some were more or less incorrect; some were for charges forgotten in former estimates; some were short returned by the Engineer and Superintendent; bills of the labor were produced without any accompanying time lists to shew the days and persons employed; the Engineer having forgotten the contract prices of stone walls built in lime and sand, as per the contracts of 160 perches to John Kerr; 181 perches to Vanderburgh; 240 to Christie, and 165 to Gillelands, now added the difference of 7 1-2 cents per perch, above the price he had estimated the previous month, having been instructed by the parties rather than by the more troublesome operation of a reference to their agreement. This confused and imperfect supply bill we passed, having deducted $1023 until explanations and corrections were given. No dependence can be placed on such documents, nor on the accuracy of those officers who produce them as regular returns.

A SPECIMEN OF THE WELLAND CANAL ENTRIES,

The exhorbitant commission of 500*l.* was allowed J. B. Yates of New York for obtaining the discount of a 50,000*l.* bill from the U. S. Bank for the Welland Canal on the security of this Province: Of this commission 300*l.* were paid at one time and 200*l.* at another to Mr. McDonell, Mr. Yates nephew. The entries in the *Cash Journal* of the payment of the 300*l.* are as follow:

1832, June 16, Folio 200.	J. B. Yates, *Dr.*—U. S. Bank, *Cr.* £300. Entered in Leger.
1832, Novem'r, Folio 206.	Toll, *Dr.*—J. B. Yates, *Cr.* £300.—Entered in Leger.
1833, May 1st, Folio 207.	U. S. Bank, *Dr.*—J. B. Yates, *Cr.* £300. Checked and numbered as if it were entered in Leger, but it was not entered.
1833, May 1st, Folio 208.	J. B. Yates, *Dr.*—United States Bank, Geo. Keefer and Secretary, *Cr.* £300, Checked and numbered in Journal as if it had been entered in Leger, but not so entered.
December 1835, Folio 324.	Toll, *Dr.*—Toll, *Cr.* for J. B. Yates, £300. Legerized in an entry under the title of "Sundries *Dr.* to Sundries."

It is to be hoped that this transaction at least is sufficiently recorded in the Company's books.

In order that the committee may themselves fully comprehend the degree of responsibility of the officers I will here quote the standing orders. They provide—That the Secretary shall be exclusively under the control of the President, *that all money transactions* must be approved by the Directors, and that no money be paid out by the Treasurer until their sanction is obtained; that no moneys shall be advanced to any contractor until good and sufficient securities shall have been entered into for the due performance of his contract; and that the Engineer shall make out an estimate of the amount due upon each contract on the 1st day of every month; the same to be certified by the Agent and transmitted to the Board at their monthly meeting.

Under these regulations, the following proceedings were had:

"At a meeting at St. Catharines, October 7, 1831.

PRESENT:

Hon. J. H. Dunn. *President*,
Henry J. Boulton,
John Warren,
Robert Randal, and
Thomas Butler, } *Esquires.*

"*Resolved*—That William Hamilton Merritt, Esq., the present Agent of the Company, be appointed to the office of Secretary in the place of Mr. Black, resigned, at an annual salary of of 400*l.* per annum, to take place on Mr. Black's quitting."

"*4th November*, 1831.

PRESENT,

Messieurs Dunn,
McDonell,
Allan, and
Randal.

"At the request of Mr. Yates, John Clark, Esq. was nominated for the office of *Book-keeper* to the Company on Mr. Black's retiring from his present situation of Secretary—wherefore it was

"*Resolved*—That John Clark be appointed Book-keeper with a salary of 150*l.* per annum, upon his giving security in the sum of 1000*l.*"

Mr. Clark gave security in May, 1832, and there his salary commences on the Company's books as Book-keeper.

MINUTES OF 31st MAY, 1832.

(EXTRACT.)

"Mr. Clark having been required by minutes of the 4th of November, 1831, to give security to the amount of £1000 upon taking upon himself the office of Book-keeper to the Company, submitted the following:—

"Job Northrup and Charles Ingersoll, Esquires, as his securities.

"*Resolved*—That the same be accepted of and that he enter upon his office accordingly."

Upon a reference to the books it will be seen that Mr. Clark never wrote a line either in the Journal or Legers, but copied the minutes for Mr. Merritt the Secretary, into the minute book at 150*l.* a year.

"*19th November*, 1832.

PRESENT.

Messieurs Dunn,
Keefer,
Randal, and
Butler.

"*Resolved*—That Mr. Merritt will resume his situation as Agent, and Mr. Clark be appointed Secretary."

On the 5th of June, 1833, Ogden Creighton, Esq. became the Treasurer of the Company, and as such responsible for its money; he gave 2,500*l.* security, and was allowed no salary, the funds then being very low indeed.

I perceive by the minutes of the 6th August, 1834, that the Board had become fully sensible of the discreditable state of their financial affairs. Mr. Raincock was about to be employed to arrange the accounts when the officers evidently not wishing that an intelligent stranger should interfere, made a representation to the Directors as followeth:—

"Mr. Clark having reported to the Board that during the present month he thinks he can with the aid of his present assistant put up the books, produce a regular balance sheet of receipts and expenditures, have the Hydraulic books open for sale of lands, hydraulic situations, &c. &c. &c., the estimate in due time for the examination of the President and the business of the office regularly brought up, *Resolved*—That the decision of the Board respecting Mr. Raincock be *suspended*."

Instead of doing as he had promised, the books were left in the same state of confusion as before, and in August last I obtained an order of the Board that the whole amount of revenue of which no account appeared on the Company's books, and which had been collected in 1830, 1831, and 1832, should be instantly entered; part was entered last December, and the rest is yet to enter and audit by the Board. The accountants employed by the committee have already audited the whole.

It was formerly the practice that when one contractor took two or more contracts a separate folio was entered in the leger for each contract, and much confusion was prevented thereby.—Since Mr. Dunn ceased to act as President and to attend the Boards, this excellent practice, as well as that of having an estimate book with the expenditure on each job or section separated and classified, all is placed together in as confused, unintelligible and reprehensible a manner as it was possible for human ingenuity almost to have contrived. Many of the late contracts with the Company's officers are illegal—wanting alike the seal of the Company as the signature of the President or Vice President for the time being.

The following letter will shew that Mr. Creighton is also responsible for any defalcation.

WELLAND CANAL OFFICE,
St. Catharines, June 6, 1836.

SIR,

I am instructed to inform you that Ogden Creighton, Esq., one of the Directors, is appointed Treasurer to the Company, and that all tolls collected after the 1st inst., will be paid over to him by the several collectors at such time as he may require the same to be paid. It is also ordered that in future no deductions for salaries to collectors or for other charges will be admitted to be deducted from your toll return, unless first submitted and authorised by the Board of Directors.

You will please observe that in receiving payment of tolls by due bills of the Company, you will only take them from the original holder for the tolls on any property he or she may have passing the canal—or those having demands on the Company on their own personal accounts, viz:

David Thompson, Esquire,	George Keefer, Esquire,
A. Thompson & Co.	Oliver Phelps,
A. S. St. John and Phelps,	Alexander M'Donell, Esqr.
H. N. Camp,	and
S. R. Squires,	W. H. Merritt, Esquire.

I beg leave to annex the copy of a resolution which passed the Board on the 5th inst., a copy of which please affix in your office and make public otherwise for the information of those concerned.

I have the honor to be,
Sir,
Your Obedient Servant,
JOHN CLARK,
Secretary W. C. C.

ST. CATHARINES, *July* 3, 1833.

DEAR SIR,

In receiving from you the sum of———I feel perfectly satisfied you have done every thing for the accommodation and for the interests of those concerned in the canal—but I would suggest to you how utterly impracticable it will be for me to receive orders or due bills in payment for tolls without the sanction of the Board, and that consequently you ought to insist upon *all tolls being paid* at the time the vessel passes your station—the commencement of the season you probably thought some little indulgence called for—that can no longer be made a plea, and I

would have you in future to insist upon all dues being paid you, as I shall *certainly* require them at your hands.

I have the honor to be,
Dear Sir,
Your Obedient Servant,
OGDEN CREIGHTON,
Treasurer W. C. C.

To
ROBERT RANDAL, Esq.,
Collector, Port Colborne.

WELLAND CANAL OFFICE,
St. Catharines, April 3, 1834.

SIR,

The inconvenience and loss with which the Company was burdened last year in consequence of the collectors permitting the tolls to be paid in money of the United States renders it necessary that you should in future receive *no other notes in payment of tolls than those of the Banks of Upper or Lower Canada* or *the State of New York.*

I am, Sir,
Your Obedient Servant,
OGDEN CREIGHTON,
Treasurer, W. C. C.

To
The Collector W. C. C.
Port Colborne.

WELLAND CANAL OFFICE,
August 7th, 1833.

SIR,

In consequence of several bad notes of the United States currency having been paid into this office in lieu of tolls—you are requested to inform the masters of vessels that *after this trip* no other notes can be received as tolls except notes of the Banks of Upper Canada or Lower Canada. You will be held personally responsible for receiving any other after the 20th of this month.

I am, Sir,
Your Obedient Servant,
OGDEN CREIGHTON,
Treasurer W. C. C.

To
ROBERT RANDAL, Esq.
Collector, Port Colborne.

CALBREATH AND LAX.

In the 338th folio of the great Leger £567 3s. 3d. of a balance stated to be due by this firm over and above their estimates for work done, is ordered to be charged to "Bad Debts," afterwards altered to "Profit and Loss." There is an entry in the same folio of the leger of "June 8th, 1832—to cash £567 3s. 3d." and upon consulting the 199th folio of the Journal, it is entered, cash paid "Wm. Calbreath 250*l.*, and for loss on contract other £317 3s. 3d." The minutes of the 31st of May shew that Calbreath's loss on enlarging the canal from Port Robinson was ordered to be paid. I do not clearly understand the Engineer's estimate placed to his credit; it goes into no particulars. The lot mentioned in Mr. Merritt's letter, hereto annexed, has been sold lately to one of the Directors for 100*l.* or thereabouts.

Copy of Letter, Wm. Hamilton Merritt, Esq. to the Hon. Wm. Allan—dated 19th Dec'r., 1831.

ST. CATHARINES, *19th December*, 1831.

MY DEAR SIR,

Mr. Calbreath, a very respectable Englishman and good contractor, has taken the job to deepen the canal from Deep Cut to the junction to Gravelly Bay. He requires an advance of 250*l.* —for which a deed of property to a large amount is made over to Mr. McDonell—besides the work must be done as soon as first of April, and the money will be in our hands to meet the payment, which I will see done from the canal company—there can be no risk in advancing the money under such circumstances I should apprehend. If you think so, will thank you to speak to Mr. Ridout on the subject.

Truly yours,
WM. HAMILTON MERRITT.

Hon. WM. ALLAN.

Copy of Letter, Wm. H. Merritt, Esq. to Thos. G. Ridout, Esq.—dated 20th Dec'r., 1830.

ST. CATHARINES, *20th December*, 1830.

SIR,

The enclosed draft from Mr. Calbreath, on Mr. McDonell, and endorsed by Mr. Lex of Niagara—is secured through the Welland Canal Company, and will be paid out of the April estimate.—If discounted please enclose me the money for Mr. Calbreath.

And oblige
Your obedient servant,
WM. H. MERRITT.

THOS. G. RIDOUT, Esq.

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335. Your second head of charge is "that very "many erasures have been made in the Journal and "Legers, some of which are to the evident disad- "vantage of the Company, and the benefit of persons "connected with the management of the Canal, while "there are others concerning which nothing can be "traced by which to discover the original entries." If this is the case you will please refer us to the pages where these erasures occur?—I refer you to between one and two hundred erasures in the old Leger, and to at least as many more in the Cash Journal and Estimates, from the two latter of which, as being original entries, the Leger is filled up. The petty legers also contain almost innumerable errors, and from these books also are entries made for the perplexing character of which I refer you to such evidence as may be given by the book-keepers of your appointment.

Mr. Bennett, of New York, in his system of American book-keeping, a work deservedly recommended by Mr. Archibald M'Intyre, of New York, Mr. Delbitt, Surveyor General, the Cashier of the City Bank, the Mayor of Albany, Mr. Van Rensselaer, and other eminent accountants, lays down the following rule for the correction of errors in the Legers:— "If a sum be entered to the credit of an account that "should have been on the debtor, it ought not to be "scratched out, but entered on the other side by "debiting the account *To Error*, and the correct post "be then made." Again in his introduction he remarks that "even among those who prosecute "business, have, when requested to exhibit the state "of their affairs, exhibited books with erasures, with "blots, with omissions, and circumstances to the "opprobrium of the merchant, and which none could "decipher, and which the book-keeper himself could "not explain. From these causes shameful and "interminable disputes have arisen; suspicion, "charges of injustice, loss of reputation, and loss of "property, have ensued." Pages 27, 33, 42, 45, 54, 61, 65, 66, 69, 70, 71, 73, 74, 75, 85, 97, 113, 120, 138, 146, 151, 152, 155, 156, 157, 180, 185, 194, 216, 228, 236, 240, 250, 251, 253, 259, 273, 278, 283, 323, 333, 339, 369, 389, 395, 399, 402, & 404 of the Leger will afford specimens of the erasures, and there are many others. The cases of

Oliver *Phelps*, in Page 157, where a whole line is erased, and also where a false balance of £95 11s. 4d. is obtained by another erasure equally incomprehensible; of *Ward & Hovey*, where it differs from the printed balance of 1830, page 402; of *Thomas Merritt*, page 402; 151 all the line out; and of *Sloan*, folio 97, where the whole line is erased, a false balance produced, and one cannot tell what was formerly entered, or from what book taken—will serve as illustrations of the effects of erasing from the Leger; but it is infinitely worse where there are erasures from the Journal, it being a book of original entry. Almost all their books of original entry, however, are crowded with erasures; as to omissions, they are, like the false and erroneous entries, almost innumerable.

In the course of a hundred pages of the Cash Journal, which as they keep no Waste Book is a book of original entries, there are at least sixty or seventy erasures. I will now proceed to shew the effect. Finding that the Cash Journal contained regular and proper entries in several cases which had been marked as entered in the Great Leger, and that although these entries had the appearance of having been duly checked and examined, they had been sometimes carried forward to the Leger only in appearance, I went over Thomas Merritt's entries in the Cash Journal after the report of his affairs had been laid before the Board, and in page 257 met an entry as follows:—

"*Thomas Merritt* Dr. to Toll Nov. £50 0 0. Dec. 5s. 7½d.—added up £50 5s. 7½d." This sum was marked as having been carried into the Leger, p. 402, and found the 5s. 7½d. remaining, but where the £50 should have been there was one of those erasures which so disgrace their book-keeping, and two dots neatly made over it to withdraw attention from it. I next turned to the Toll Leger and found that Mr. Merritt had actually received the £50. I then opened up the toll receipts and found the receipt he had signed for it. I next turned to the Toll Leger page 88, and found that the Secretary had taken credit for this £50, as paid to Merritt from the Tolls. I strongly suspected the officers because they must have seen it when they checked the books, if it was not done after May last. Callaghan who made the original entry, has had no access to the books for many months, and Beaton had drawn out Merritt's account as if there were no such £50 against him. Since I left the Canal Office, I have learnt that Callaghan who they employ as lock-keeper and to collect tolls at Robinson has been sent for, and that he thinks he made the erasure, but cannot explain what induced him so to do, unless that his mind had got confused about the obliteration in the Journal in the month of November, the true time when the money was paid! But if he did, and if the officers, with the entry of £50 5s. 7½d. in the Journal, and only 5s. 7½d. of it carried into the Leger, with an erasure in place of the $200 before their eyes, could wink at such a system of knavery, and allow it to remain to the injury of the Company.

Of the original Journal entries in the Company's *Cash Journal* there are erasures in the following pages, besides others, sometimes 4, 5, or even 6 erasures in a page, and no explanation can be given in a variety of cases. For instance, you will meet with erasures in the Cash Journal pages 56, 57, 58, 59, 60, 61, 91, 93, 95, 104, 107, 110, 112, 122, 128, 132, 133, 135, 136, 139, 144, 148, 151, 152, 163, 164, 177, 179, 180, 184, 190, 202 204, 206, 210, 213, 214, 216, 217, 220, 221, 224, 229, 231, 234, 238, 240, 245, 246, 249, 251, 253, 259, 261, 262, 265, 266, 269, 275, 285, 286, 288, 291, 292, 297, 309, and in I do not know how many more. The truth is, if you examine an account to day, it is really difficult to tell whether an erasure will not defeat all your vigilance tomorrow. A variety of statements having relation to this charge will more appropriately appear under Nos. 1 & 2.

From motives of curiosity I compared the return in the contingent account given in by the Company in 1830, and printed with our report that Session, with the items in the Leger. The sum of £189 13s. 6d. at the credit of this account does not correspond in amonnt with the balance sheet given in in 1830, which says £213 8s. 6d. and there appears an erasure in the Journal entry. In the minutes folio 177, and Cash Journal folio 194, £42 8s. 7½d. are charged contingencies of the Canal for transporting emigrants.

326. What have you to offer in support of the 8th, 9th and 11th charges?—The principal evidence on Nos. 8 and 9 will be found in the statement on charges Nos. 1, 3, 4, 5 and 6, all of which have reference to the Company's books and accounts and money transactions. A reference to the books of account will shew that since Mr. Dunn ceased to be President until lately, the officers paid themselves their salaries without any order of the Board of Directors. The last order I find (until lately) is that of the 31st of May, 1832. No officer of an incorporated Company can possibly have the right to appropriate to himself any salary or emolument in opposition to the standing orders of the Board to which he is subject as such officer.

I submit a copy of the report of Messrs. Bowery & Burns of St. Catharines, and their appendices, in order that the public may see how easily a great corporation like the Welland Canal Company may have a report declaring that black is white and white black, and that error is truth and truth error, if they will but pay well for it. The Board of Directors, —Mr. Thorburn dissenting, and Dr. Duncombe and myself absent—approved of the report on the 6th of January last after a full investigation!! Had it not been that the authority of the Assembly was sufficient to enforce a thorough investigation, many persons would have believed Messrs. Burns & Bowery, that I was a slanderer, and the officers of the Company and the Board of Directors all honorable, pure, and spotless men.

REPORT OF MESSRS. BOWERY AND BURNS.

To the President and Directors of the Welland Canal Company:

GENTLEMEN—

In consequence of our having been appointed to examine and compare certain charges made by Mr. Mackenzie, for which appointment we refer to the Resolution, and letter of Mr. Clark, hereto an-

nexed, we proceeded to make a minute, dilligent and impartial investigation of the Books of the Company.

The result of this examination, shows clearly,

First, That all the money received by the Secretary and Treasurer has been duly accounted for by order of the Board, as appears from the minute book, to which we, on all occasions referred, where money was paid;

Secondly, That the books have not been tampered with to suit the purposes of any one;

Thirdly, That the erasures in them only extend to such instances as these, namely; the name of debtor or creditor wrong, and erased; the column of figures added up wrong, and erased to correct it; or the extension to the wrong column and erased. In no instance has an erasure of that kind happened, to the prejudice of the Company, except in a charge of £50 made against Thomas Merritt. This was done by Mr. John Callaghan, under a misapprehension that this £50 was included in another payment, and for an explanation we refer to Mr. Callaghan's affidavit, hereto appended.

We have noted sundry errors in 1831, 1832 and 1833, before Mr. P. G. Beaton had charge of the Books, only one of which proves prejudicial to the Company—the payment of £24 1s to John Toyne & Co., in consequence of a neglect to post that amount to their debit. Since Mr Beaton took charge of the Books, we have discovered no errors.

The errors in the Books, and in the Estimates, amount altogether, to the sum of £106 6s 2d against the Company, and £43 11s 2d in their favour; but we do not believe a defalcation of one pound will be found.

There are two or three Estimates which yet require to be examined, not having had time to do it. These, with some other charges, which are trifling, will form the subject of a supplementary Report.

Whether the errors be considered great or small, in the expenditure of nearly £500,000, is a mere matter of opinion, on which every individual is as capable of judging as ourselves.

The subjoined Report is as full and circumstantial as our time would permit.

We have the honour to be,
Gentlemen,
Your obedient servants,
J. T. BOWREY.
ROBERT E. BURNS.

WELLAND CANAL OFFICE,
St. Catharines, 4th Jan. 1836.

"Whereas, it has been stated by Mr. Mackenzie, a member of this Board, that the financial affairs of this Corporation are in a state of great derangement and that the Books have been improperly tampered with; and whereas, the Board are desirous to have the charges made by Mr. Mackenzie thoroughly and impartially investigated by some competent and disinterested person or persons—

Resolved, That J. T. Bowrey, Esquire, be authorised to examine and compare the said charges with the said books, on behalf of this Company, together with all receipts, and expenditures of all moneys which have come into the possession of this Corporation, from time to time, up to the 31st October, inclusive; and that the Secretary, Mr. Clark, be requested to appoint another person to act in conjunction with Mr. Bowrey, and that these two gentlemen do report the result of their examinations to this Board, and they shall have full power to examine all persons, books and papers, in any way connected with the affairs of this Corporation.

Resolved, That the following Directors of the Board do attend at this office, by turns, weekly, to superintend the examination of the Books, and closing of the accounts of this Corporation, in the following rotation:

Thomas Butler, Esquire, to attend to 30th November.

Alexander Macdonell, Esquire, the following week.

David Thorburn, Esquire, the next week.

Ogden Creighton, Esquire, the next week.

And so continue in rotation.

Truly extracted from the minutes of the Board, 19th, Nov. 1835.

(Signed) JOHN CLARK,
Secretary, W. C. C.

Welland Canal Office,
St. Catharines, 25th Nov. 1835.

Sir,

I beg leave to enclose you a copy of the Resolutions of the Board of Directors, and to request (on my part,), that you will act in conjunction with Mr. Bowery, in the examinations required by the Board.

(Signed) JOHN CLARK,
Secretary, W. C. C.

R. E. BURNS, Esq., &c. &c. &c.

REPORT ON MR. MACKENZIE'S CHARGES.

We commenced our examinations with the year 1831, at the place Mr. Mackenzie commenced his remarks in pencil; and throughout the Books we find he has made a great variety of these remarks; and also checked the sums in pencil: but in order that our examination should in no way be blended or confused with his, we have checked the Books with red ink. We have constantly referred, on all occasions where money has been paid, to see whether it had the sanction of the Board, and in no case have we found that it had not.

The first charge we were made acquainted with, as preferred by Mr. Mackenzie, was, that it appeared about £50 received by Mr. Black, the former Secretary, from the Bank of the United States, had not been accounted for. Our examinations result in this:

Folios 186, 187, Journal, we find Mr. Black received, and the entry is as follows:

Sundries Dr. to the United States Bank, £2,677 14s. 6½d.

This sum was more than was required by 2s. 6d., in consequence of the estimate sheet being added wrong, and was not found out till adding the different amounts on the Journal. This 2s. 6d. is brought down, as cash on hand, to the next estimate, and accounted for, folio 188.

Folio 188, we find Mr. Black received, and the entry is—

Sundries Dr. to the United States Bank, £2,572 13s. 7d.

This amount was more than was required, by £49 19s. 10d., in consequence of the estimate sheet being wrong added up; and this amount is brought down in the next estimate as so much cash, and brought into account in folio 191. What may have given rise to Mr. Mackenzie's suspicion, is, that in the minute book, folio 169, the next estimate is passed the Board, as £1,891 4s. 3d.; but when we referred to the original estimate, to compare it, we found it £1,941 4s. 1d.—just the difference, £49 19s. 10d. The amount is correctly stated in the Journal; but the Secretary having £49 19s. 10d., remaining on hand, thought it perhaps only necessary to enter in the minute book, the balance. The amount is all paid out, as appears in detail, folios 190, 191.

Folio 206, Journal, £246 0 8d. is charged to the debit of Toll, and credited on account. This sum was paid for constructing the St. Catharines feeder, and paid out of the Toll of 1832, by order of the Board. It is correct, that it should only be a single entry to the debit of Toll, because the persons to whom it was paid are credited with the respective amounts, direct from the estimate sheets. The not posting the credit side from the Journal, makes no difference in the balance sheet, because that is made from the Leger solely, and the credits are then carried in, but from a different source than the Journal. The estimates on this work form no part of the balance of the expenditure of 1832, and of the money granted by the Legislature.

Folio 207, Mr. Mackenzie finds fault that John Donaldson was not credited in the Leger with £250; Love Newlove, £225, and J. B. Yates, £300. The reason was this: £2,300 was previously obtained from the United States Bank, to be paid to certain persons, of whom the three above named were charged with those amounts. It appeared afterwards that this sum was not all paid to the different persons to whom it was charged, and there was an order of the Board to re-credit the whole amount, which was done in folio 207; but as the three above named had been paid those amounts, they were immediately re-charged on the same folio, with the same amounts, and the book-keeper thought it unnecessary to post the two sums, as the one balanced the other, and so left the original charge standing. We think it would have been better that both had been posted, because then there would be no room for remark.

Folio 208, there is a sum of £186 7s. stands to credit of the Secretary. It is posted to the Leger only £100. This sum has actually been paid, as the accounts on folio 208 prove; but where the cash came from, we are at a loss to account. The only two sources it could come from, is either the toll of 1832, or from the pockets of the officers themselves. It is wrong that even the £100 should be posted to the credit of the Secretary, unless he did actually pay it. We, therefore, recommend the reversal of that entry to his credit, and open a new account, called a suspense account, for the whole £186 7s. until it can be ascertained where it is from.

Folio 209, there is a sum of £9 4s. 6d. twice charged to David Price. He should have credit for it, and we recommend its being done. It makes no difference, however, in the cash, because, in folio 212, the amount is deducted from the estimate, showing correctly the amount of cash paid. The account with Price was subsequently settled, by his receiving a note for balance, deducting both charges, which note has been paid; consequently, the amount, £9 4s. 6d. is still in the hands of the Company, and not the Secretary, or book-keeper.

Folio 214, Mr. Mackenzie notices that £46 0 7d. is not posted to W. H. Merritt's credit. He is credited with the amount in folio 225, the entry being twice made. In the first, Garrison & Little are debited with it, and posted; but credit is not posted to Mr. Merritt. In the second entry, Garrison & Little are debited, but it is not posted, and is posted to Mr. Merritt's credit, which makes it correct.

Folio 215, Mr. Mackenzie notices that £50 is not posted to the credit of Alexander M'Donell. The amount is posted to his credit in petty Leger, folio 55; and the balance of account against him, £74 2s. 6d., after deducting the £50, is transferred to the great Leger, folio 251.

Folio 216, the widow Cohies' account is not posted to the Leger by 1s. enough. That should be now to her credit. It is a mere clerical error.

Folio 222, Mr. Mankenzie notices that £5 6s. 6d. is not posted to the debit of Calbreath. The reason is, because he was already debited in petty Leger, folio 40, and deducted from his account. For explanation of entries in petty Leger, see remarks below.

Folio 224, Mr. Mackenzie notices that £3 16s. 6d. is not posted to the debit of John Donaldson. It is debited to him. On folio 209, £1 6s. 6d. is charged as paid Donovan, and in the petty Leger, folio 170, £2 10s. is charged; and the balance, £41 6s. 2d., including the £2 10s., is brought to the debit of Donaldson, Journal, folio 214.

Folio 224, Mr. Mackenzie thinks that the sum of £4 6s. 10d. and £4 1s. 10d. to credit of Slate, is the same. It is not the same charge, for the one is on account of Fisk, and the other is on account of Lewis, and is charged to Garrison & Little, in account. The sum of £4 6s. 10d. has never been posted to Mr. Slate's credit, and the Company owe him that amount now. The error is Mr. Beaton's.

Folio 225, 226, charges of £3 10s. to M'Chesney, £15 5s. not credited Toll, and £1 5s. Johnson Orr. For explanation, as all these are blended with the Toll account, vide the account hereto appended.

Folio 228, Mr. Mackenzie notices that £3 13s. 3d. is not posted to Mr. Keefer's credit. The money was paid him, and therefore it only stands to the debit of contingencies. £3 15s. to Mr. Butler, the same, and is part of the Toll account.

Folio 228, Mr. Mackenzie thinks £12 10s. for rent, is twice charged. He is right; it is twice charged contingencies, but is only credited once to any body, and that Mr. Merritt.

Folio 229, Mr. Mackenzie notices that £49 12s. 9d. is not posted to credit of A. Macdonell. It is posted to his credit previous, in folio 222. The sum, however, stands twice debited to contingencies, but only once to credit of any body.

Folio 238. On this folio is the charge which Mr. Mackenzie seems to think cannot be cleared up, in any way. Previous to the examination of this charge, Mr. Thorburn requested Mr. Burns to notify him at what time we should be ready to investigate it, that he might be present, as he said he could more distinctly make us understand what Mr. Mackenzie's views were. Mr. Burns did notify Mr. Thorburn, also Mr. Black, who both attended the whole investigation, and the result of this examination is as follows:—

The Bank of Upper Canada agreed to loan the Canal Company £1,500, to pay the Grand River claims; the balance, deducting discounts, £1,370 2 3, was obtained. The first amount, £572 10, a draft given to George Keefer, was paid; the Bank, deducting £180 for interest on a £3,000 loan before that time; and £51 10 7, the balance of account against the Company—so that only £340 10 5 was the amount received by Mr. Keefer. Mr. Mackenzie says the entry in the Journal is false to Mr. Keefer's credit, £231 19 7, because those two sums were paid by the United States Bank, as appears from the entry, folio 184, of Journal, in which the Bank of Upper Canada is made debtor to the United States Bank for this £231 19 7, for those two items. The entry is so, unquestionably; but as the Bank of Upper Canada paid themselves out of the draft to Keefer, Mr. Black had on hand £231 19 7. The question is, does Mr. Black debit himself with it? He does, and for the purpose of making the transaction quite clear, we copy the entries from the cash book kept by Mr. Black. It is necessary that we should remark, that at this time no cash account was kept in the Journal and Leger. The persons who received any amount, were at once made debtor to one of the Banks. Had a cash account been kept, those entries could never have happened. Therefore, whenever money is drawn, which is not appropriated according to the entry on the Journal, reference must be had to this cash book. We are informed Mr. Mackenzie would not look at this book; but Mr. Thorburn at once requested an examination of it.—For copy, see appendix No. 1. The persons who are charged with the amounts in the cash book, are all debited in the petty Leger, as appears upon reference to the folios opposite the sums respectively.

The next amount which Mr. Mackenzie says is not accounted for, is £347 12s 3d, charged George Keefer; and he says the entry of that much to his credit in this folio, is merely to cloak a defalcation, because the amount was never paid to the persons mentioned. This is true, it never was paid those persons, and the money was on hand. The question is, does any one debit himself with it? Mr. Black does—and in order to shew that he does, we have copied the different entries from the cash book. See appendix No. 2. The whole of the sum is accounted for which is charged George Keefer, and therefore it is right that Mr. Keefer should have credit for it.

Mr. Mackenzie also says, that Johnston Orr is charged with £25 he never had. This is incorrect: he had two sums of £25 each, one paid by Mr. Black, and the other through Mr. Merritt, from the money charged George Keefer, and therefore correctly charged. On the Journal, where the entry was made reversing the £2,300 before spoken of, Mr. Keefer had credit for the whole £600 in one sum, but in the petty Leger and cash book, it is divided thus:

1st credit,.....	£513 12 6
2nd credit,.....	86 7 6
	£600 0 0

The £86 7 6 is thus paid. Mr. Merritt paid it, though charged to Keefer:

Nehemiah Robb, petty leger, folio 48...	£16 7 6
Daily,.....69...	20 0 0
Johnston Orr,.....122...	25 0 0
Mr. Merritt, on account of Ratcliffe, 33...	25 0 0
	£86 7 6

Johnston Orr, had this amount, and other £25 before charged.

Folio 238, Fitz Gerald's account is £3 7 5, and posted £3 9 2.

Folio 238, James Cain's account, £3 0 9, posted £3 0 11.

Folio 238, Michael Cain's account, £6 2 3, posted £6 2 5.

Folio 239, £7 8 6 credited Rose is right, because it was deducted from his estimate. The estimate was £89 15 7, and posted £82 6 1; folio 275, Leger.

Folio 239, £5 to Nehemiah Robb, the same as the last.

Folio 239, £25 to J. Clark, requires but a single entry, because it was before credited him, folio 226, as cash, being handed to him by Mr. Black, Sanderson was charged with it.

Folio 239, £24 1s has been paid twice to John Toyne & Co. in consequence of Mr. Slate not posting the amount.

Folio 242, F. Ramsey's account, £5 1s. posted £5 1s 6d.

Folio 250, A. Macdonell is debited £1,500, and credited £968 13s 4d. The latter sum is not posted at all. By order of the Board, this amount was remitted out of the Toll; therefore should be charged to interest account; otherwise it shows too much balance, though it makes no difference in the balance sheet.

Folio 257, 258, there is a variety of entries made by John Callaghan, connected with the Toll of 1833, received after November in that year, and which did not form any part of return to the Legislature of that year. Respecting these entries, it will be necessary to examine them more particularly, and to make a supplementary Report.

Folio 289, £31 5s interest, which Mr. Mackenzie thinks is a part of some private transaction of Mr. Merritt's is not. The sum is, however, not correctly charged to interest, because it was charged before, in folio 288, £34 0 5d. The error is owing to the account from the Bank specifying the wrong bill: the dates being wrong in Mr. Ridout's letter, caused the book-keeper to suppose it was a different bill, and therefore gave rise to the two entries.

Folio 257, £50 charged to Mr. Thomas Merritt, is not posted. This is an error of Mr. Callaghan. The money was paid him, and the erasure made of it is wrong. It could be no benefit to any one, of course, except Mr. Thomas Merritt. For a proper explanation of it, we have sent for Mr. Callaghan, and have attached an Affidavit of his, to this Report.

Folio 384 of the Leger, Wm. Braly stands charged with £2 5s. He should be credited with the same amount from the estimate, which has never been done.

This examination of the books brings us to the close of 1834, where we end it. There appears NO DEFALCATION WHATEVER. The errors mentioned, we should recommend to be corrected, and the proper amounts charged.

We next compared the estimates and the extension of the accounts; and in order that they be clearly understood we have made a debit and credit of the whole, as appears from No. 3. Appendix.

We would also remark upon the manner of the keeping of the books and accounts, respecting the petty Leger. The Journal and great Leger appear to have been kept by crediting the full amount of the different estimates to the different persons, and then making these different persons debtor for the full amount, to some of the Banks. The money, in very few instances, has been paid to the full amount of the estimate, in one sum, but in small amounts; and therefore, the former Secretary, Mr. Black, introduced the system of keeping these accounts in a petty leger showing all the different payments—this system is certainly a very good one, in order to save writing in the Journal and great Leger; and when the accounts are correctly kept, both the great and petty Legers will show the same balances—though in one, the amount is in aggregate, and in the other, in detail. Upon comparing them we have found no essential variation. Mr. Black, also, kept a cash book, which, in consequence of the paying the different estimates in small sums, was absolutely necessary; and it became doubly necessary for him to do so, in consequence of no cash account having been kept in the Journal. We observe, that since Jan'y 1834, a cash account is kept in the Journal, which is certainly far the preferable method, and such errors as we observed in 1832, 1833, cannot now happen.

It should be borne in mind, that very few corporations are subject to keep such a variety of accounts. For the want of sufficient means, they have been obliged, at different times, to issue notes—then re-paying them at a future period; and of transferring and making a great variety of entries to the debit of the contractors, and credit of workmen, in order to satisfy the workmen, and discharge the contractors from so many of their debts, that it rendered their accounts varied and complicated; nevertheless, the result is, to leave the officers of the Company free from all imputation.

We have also compared the returns made to the Legislature for 1831, 1832, 1833, 1834, and find them to agree with the books, with the exception of 1834, in which there is a trifling error to correct.

J. T. BOWERY,
ROBERT E. BURNS.

St. Catharines, January 4th, 1836.

APPENDIX—No. I.

	£	s.	d.
1831.			
June 18—To Cash on hand.....	366	4	8
Carried forward.....	366	4	8

	Page.	£	s.	d.
1831.				
June 18—Sixsmith & Co., paid reserve on estimate.....	123	10	0	0
Squire & Co., paid W. Murray, bal.	3	24	17	1
Moore & Dyer, advance.....	89	15	0	0
Cragne & Boyle, reserve.....	80	10	0	0
Do. retained from them, per T. M. and now paid them. £3 0 0				
0 7 10				
1 13 5				
0 10 0				
	80	5	11	3
John Sinclair, advance.....	80	5	0	0
Carried forward.....		70	8	4

	£	s.	d.
Brought forward.....	366	4	8
June 19—Retained from payment, intended to be made to Bank, 18, Int. 180 0 0 Bal. 51 19 7	231	19	7
M'Millan & Co. received M'Vay.....	1	14	3
Carried forward.....	599	18	6

	Page.	£	s.	d.
Brought forward.....		70	8	4
June 28—Paid G. Keefer, for Crague and Boyle.....	80	2	5	0
Ditto ditto.....	80	1	7	6
Turner Parasol..	55	1	8	4
Moore & Dyer...	89	1	7	6
James Danough..	90	8	5	0
S. St. John 55 12 9	6	40	19	5
Galbraith, 58 5 3	135	2	12	6
Contingencies, paid Dyer.....	131	6	13	7
Galbraith, paid Shaw.....	135	2	4	7
Ditto ditto.....	135	4	0	0
J. Turner, S. Millard... 0 14 0				
Ditto... 0 7 6				
Ditto... 0 10 10				
	55	1	12	4
David Thompson, estimate.....	89	2	16	1
J. Turner, W. Bell	55	15	0	0
Andrew Thompson, estimate.....	83	4	12	1
W. Murray, estimate. 142 19 4				
Do by T. Merritt 15 7 9				
	34	127	11	7
J. Turner, S. R. Squier.....	55	73	0	10
R. Fluellan, paid Squier.. 6 2 6				
Do. do.... 3 2 6				
	55	9	5	0
Crague & Boyle, paid Hayward..	80	6	0	0
Contingencies, p'd Macy & Co., per J. C.....	131	11	9	9
Toll paid Mr. Clark on account Monson.....	139	1	8	1½
J. Turner, p'd Robert Shore.....	55	1	5	0
Ditto W. Coughy.		3	7	6
Ditto James Danough. 2 3 10				
Do. do.. 0 12 8				
	55	2	16	6
R. Buchanan, paid Monson.....	122	3	15	0
J. Turner, McCraney.....	55	0	11	7
Ditto ditto.....	55	2	5	0
Ditto, W. Daly...	55	17	4	1
Ditto, R. Fluellan.	55	4	11	10
Ditto, ditto ...	55	0	10	0
T. Turner, D. Burn	55	2	3	10
Ditto, ditto.....	55	0	17	6
Ditto, R. Fluellan.	55	2	17	8
Ditto, J. Cornfitt.	138	0	9	2
Ditto, C. Bradley, paid J. Boyle...	138	10	0	0
Ditto, G. M'Lellan	138	2	10	0
Carried forward.....		449	12	2½

	£ s. d.
Brought forward.....	599 18 6
	599 18 6
B. F.....	43 19 11½

	Page.	£ s. d.
Brought forward.....		449 12 2½
John Soper, real estate, paid W. H. Merritt.....	130	12 10 0
June 21—R. Buchanan—Est. 53 0 6 Advanced Monson.. 3 15 0 Reserve 12 10 0	122	36 15 6
June 21—J. Turner, J. Shore	138	4 5 0
Ditto, Wm. Shore	138	1 7 8
Ditto, Pat. Dulart.	138	2 9 7
J. Hurst.....	47	23 10 10
J. Turner, Hurst & Co.....	138	17 2 7½
Ditto, D. Donevan	138	1 6 7
Ditto, ditto.....	138	1 10 0
Ditto, F. M'Donald	138	2 12 0
Ditto, W. Donelly.	138	2 16 7
M'Micking, draft. 9 8 5½ 25×5=125 1×4= 4 5×1= 5 $134 33 10 0 Charge.... 1 1 6	C.F.	43 19 11½
		£599 18 6

Compared by F. Hall, Jan. 12, 1836.

APPENDIX—No. II.

1832.	Page.	£ s. d.
Brought forward.....		1,663 16 8½
June 11—Bank of U. Canada, on account of claims as under:		
Shotwell 1 5 0	3	
P. Carl 5 0 0	10	
R. Brown 1 15 0	39	
Sheriff 44 12 0	39	
J. Burger 45 0 0	75	
A. Marr 250 0 0	143	
		347 12 3
June 18—United States Bank		2,300 0 0
W. H. Merritt—see opposite....		125 0 0
Carried forward.....		£4,436 8 11½

1832.	Page.	£ s. d.
Brought forward.....		1,525 1 1½
June 11—C. Rose, paid T. Merritt.....	106	8 18 9
Robert Buchanan, paid Northrup..	73	31 10 0
Ditto, Loan, £50.	73	6 3 5
Hannah & Donovan.....	132	7 8 0
June 12—Buck & Callaghan	28	1 5 5
June 13—Simpson & Allan.	109	2 15 0
June 14—F. Galbraith, paid W. Tench, per W. H. Merritt's order.....	83	25 0 0
Simpson & Allan.	109	9 13 0
John Clark.....	80	2 15 0
Contingencies paid W. H. M.....	81	2 17 6
Buck & Callaghan	28	25 0 0
June 15—J. & J. Hurst....	104	63 7 10
J. Hellems.....	116	5 13 2
Carried forward.....		1,717 7 5½

	Page.	£	s.	d.
Brought forward.....		4,436	8	11½
		4,436	8	11½

	Page.	£	s.	d.
Brought forward.....		1,717	7	5½
June 18—R. Campbell, paid Reach.....	32	3	15	0
Lewis & Co. Lock, per W. H. M. 200	11	50	0	0
G. Keefer, p'd him Orderly bill....	37	5	5	0
Wood & Cleaveland.....	96	10	0	0
June 19—Lewis & Co. on Locks.....	11	50	0	0
William Orderly..	72	100	0	0
John Donaldson..	51	250	0	0
John Pascoe, per G. Keefer.....	142	125	0	0
W. H. Merritt, order to Pellen—see opposite....		125	0	0
Lewis, Garrison & Little, sect. 15..	11	25	1	3
Do. on sects. 12 & 13, G. Keefer...	89	250	0	0
Love Newlove...	58	232	17	0
Thomas Merritt..	67	200	0	0
Craig & Boyle...	49	49	0	0
J. B. Yates.....	49	300	0	0
Alexr. Macdonell.	55	2	10	0
Bank of U. Canada	38	35	3	3
Geo. Keefer, Jun.	89	513	12	6
Geo. Keefer, claims paid R. Brown..	39	44	12	3
		4,090	4	5½
Cash on hand....		346	4	6
		£4,436	8	11½

The sum of £346 4s. 6d. is carried on, and accounted for.

Compared by F. Hall, Jan. 12, 1836

APPENDIX—No. III

That on examination of the Estimates, from December, 1831, to the end of 1834, we find the following errors—which we would recommend to your Board to have carried to the respective accounts.

	$ cts.	Dr. $ cts.	Cr. $ cts.
David Thompson—In Estimate of Feb. 1832, is over-credited 100 yards of excavation, at 14 cents.....	14 00		
In Estimate of July, 1833, is over-credited on 687 yards of embankment.....	1 00	15 00	
Love Newlove—In Estimate of Feb. 1832, is short credited on 10 yards excavation, at 13 cents.....			1 30
Louis Constantine—In Estimate of Feb. 1832, is over-credited.....		4 25	
Jacob Turner—In Estimate of March, 1832, is credited $391 42; Bill only $390 22.....	1 20		
Ditto $499 52; ditto $498 46.....	1 06		
Ditto $52 08; ditto $52.....	00 08		
Carried forward.....	$2 34	$19 25	$1 30

	$ cts.	$ cts.	$ cts.
Brought forward	2 34	19 25	1 30
In Estimate of November, 1832, is credited $195 93; bill $193 32.	2 61		
Ditto $18 80; ditto $18 25	0 55		
	5 50		
In Estimate of March, 1832, is credited $33 56; bill $33 81..$0 25			
In Estimate of Nov. 1832, is credited $218 85; bill $219 90.. 1 05			
	1 30	4 20	
Richard Fluellan—In Estimate of March, 1832, is credited $64 23; bill $64 17		0 06	
John Boyle—In Estimate of March, 1832, is credited $81 89; bill $81 94	0 05		
Ditto $114 53; ditto $114 60	0 07		
In Estimate of April, 1832, short credited on 46 yards puddling	0 80		
Ditto on 471 yards, at Lock No. 21	10 00		
	10 92		
Over-credited Scowing Piles; bill only $18, and extended $28 50..	10 50		
			0 42
William O'Brien—In Estimate of March, 1832, is credited $11 30; bill $11 50			0 20
J. Sinclair—In Estimate of March, 1832. This sum was twice added to his credit		25 76	
J. R. Squiers—In Estimate of November, 1832, is credited $72; bill $72 55			0 55
Horner & Hanley—In Estimate of November, 1832, is credited, bill for labour, 146½ days at 90 cents ℔ day; their bill is only for 76½ days—difference		63 00	
David Flemming—In estimate of November, 1832, is credited $82 80; bill $82 90	0 10		
Ditto $25 50; bill $21 50	4 00		
		3 90	
R. Hannah—In Estimate of April, 1834, is short credited on 775 days board, at 29 cents ℔ day. Amount of, $224 75; to his credit, $124 75			100 00
John Toyne & Co.—In Estimate of April, 1834, is short credited on 1,011 yards, at 15 cents			0 09
H. Sloan—In Estimate of April, 1834, is over-credited on 2,052 yards, at 15 cents		10 00	
Joseph Burger—In Estimate of April, 1834, is short-credited on 227 yards excavation, at 15 cents			4 00
E. M'Arthur & Co.—In Estimate of April, 1834, is short-credited on 45½ cords stone			5 00
John Shore—In Estimate of April, 1834, is short-credited on 176 yards, at 12½ cents	0 87½		
Ditto, 112 ditto, at 15 cents	0 30		
Ditto, 159 ditto, at 25 cents	2 00		
	3 17½		
In Estimate of June, 1834, is over-credited $30 05; extended $30 50	0 45		
			2 72½
John Mosier—In Estimate of June, 1834, over-credited on blacksmith work, bill for £2, N. Y., and extended £2 currency		3 00	
John Moore—In Estimate of June, 1834, over-credited on G. Wright's bill—the same was for £1 13s. N. Y., and extended £1 13s. c'y	2 48		
Short-credited on bill for repairing bridges—see Estimate of September, 1834	0 60		
		1 88	
C. Hellems—In Estimate of August, 1834, short-credited on bill of labour, 1st June			1 84
John Hellems—In Estimate of August, 1834, is short-credited on his bill for sundry materials			3 01
Bartley Boyle—In Estimate of May, 1834, is short-credited on 13½ days work, at 5s. 6d. N. Y. ℔ day			0 82
Total		$131 05	$119 95½

Compared by F. Hall, Jan. 12, 1836.

(Copy.)

MR. CALLAGHAN'S AFFIDAVIT.

Having been called on by Messrs. Bowery & Burns, the persons employed to examine the Books and Accounts of the Welland Canal Company, and to point out how an error, by erasing from the Dr. side of Thomas Merritt, contractor's account with the said Company, for the sum of £50, bearing date Dec. 1833, and duly posted to the Cash Journal from the Toll Leger, had been effected, the entries at that time being made by me—I now affirm, having no hesitation whatever, that the erasure in question was effected by me, from the following circumstances, viz.:—

Some time after posting the above entry—it may be the spring following—I cannot say at what particular day or date, after I observed two entries, as appears on Toll Leger, page 69, bearing the same date to the debit of Thomas Merritt, contractor, which appeared not correct; I consequently inquired of the Secretary, Mr. Clark, if he had any recollection of paying T. Merritt, on or about 16th Nov. two sums of £50 each: to the best of my knowledge, Mr. Clark informed me he had not; on referring to the Leger account, I there found £131 4s. 10d. charged as payments made from Tolls to T. Merritt, in which amount I considered the £50 in question had been included, and consequently considered the entry of £50, after closing the account, and now erased, to be an overcharge, and under such impression, I made the erasure in question—erroneously, without the interference of any person whatever.

(Signed) JOHN CALLAGHAN.

Sworn before me at St. Catharines this 6th day of Jan. 1836.

GEO. RYKERT,

A Commissioner for taking Affidavits in the K.B.N.D.

Compared by F. Hall, 12th January, 1836.

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337. Charge No. 30 relates to important original documents, such as accounts, estimates, and receipts, said to be missing—What have you to state concerning them?—I am very sorry to have to state that the detailed estimates, and other important accounts are in many cases not carefully kept for reference. The original estimate, (a document, answering to the parliamentary supply bill,) for December 1831, is missing, the amount being £2542 13s. 7d. I wrote Mr. Turquand that the minutes mentioned its having been sent to Mr. President Dunn, to which he replied as follows:

Toronto, 1st *September*, 1835.

Dear Sir,

Mr. Dunn desires me to say, that all papers submitted to him as late President of the Welland Canal, were transmitted to the Company's office at St. Catharines, where he has no doubt the Estimate in question will be found.

I remain &c.

B. TURQUAND.

W. L. Mackenzie, Esq.
&c. &c. Toronto.

The grand estimate of Nov. 1832, amounting to £28,000 and upwards had been missing for years, all but a few leaves at the end containing the expenditure in detail of about £3000 of it. A pretended copy has been entered in an estimate book, but when I began to analyze it I found many errors, additions, and crossings out; in fact their clerk, Beaton, admitted to me, after I had shewn it to him, that after my first examination he had added an item to it, but from what source, in the absence of the true document, shewing the official signatures of the officers, he did not tell me. In the few leaves that remained of the original, I found errors of $100, in a page, through Mr. Keefer the engineer's carelessness and neglect. So utterly neglectful was the Board of their most ordinary rules, that on a reference to the minutes, of Feb. 1833, the time at which the estimate of Nov. 1832, for £28,000 was adopted, I found that they had not even entered the amount of the money grant or credit vote, although it was perhaps, the largest estimate ever voted, and there had been no monthly estimates for several months previous.

So careless are the officers that the following is a literal copy of an entry in the minutes, afterwards approved by the Board:—

From the Minutes of 1832, *page* 169.

"Resolved 2nd. The best proposals for tending the locks for the ensuing year were from

[Here was left, and there still remains, a large blank space.]

"Resolved that agreement be entered into with them accordingly."

Next meeting, 1st March, 1832, I ascertained that "the minutes were read and confirmed."

I asked the clerk, what an entry like this (which was if I remember right, in Mr. Clark's handwriting,) meant, and what was to be learnt by the record of their confirming a series of appointments in blank, but he could not inform me.

When I was desirous to refer to deeds, leases, and other important papers of the Company, I found them often missing—others lay loose in an open press in the most exposed condition possible. To introduce a more regular system I moved the Board last August for a standing order.

"Ordered That the Secretary be required to enter all deeds leases, and conveyances of real estate, and of water privileges, in a book to be kept for that purpose, immediately after they shall have been executed, as also those already executed, and all mortgages to or from the Company, or any other incumbrances affecting such water privileges or real estate, and that all such documents be placed in charge of the Secretary."—

The order was made but never acted upon, although a book was immediately purchased for the purpose.

On an examination of the deeds I find that the officers can trace no conveyance as having been made by Mr. Merritt for the mill and property for which he received many years ago £630 and £678 from the funds of the Company. The Secretary Mr. Clark says he has never seen any such deed. Mr. Merritt was not entitled to any remuneration until he had given a deed to the Company, and it ought to be in the Secretary's possession, for that is the standing order.

There is a payment marked in the Company's books of £75 to T. Brackbill for 100 acres for the canal use but I can find no deed nor other papers.

The Secretary thinks he left the vouchers at St. Catharines of some of the payments on land, and states that the remainder of them are in the possession of the arbitrators. I wished to compare these documents last summer with the large sums charged as expenditures on awards but never could get possession of a single voucher, Brackbill's payment was made to the 10th of February 1827, and is entered in page 103 of the Leger.

From 150 to 200 acres of valuable lands in Thorold (at *Robinson* I believe,) was purchased from John Carl. The Company says he has no deed for any such property, and whether there is any such deed, or whether it is or is not recorded, I have not been informed. I see that £625 and *another* large payment of money has been made to Carl. This should be enquired into. The additional sum paid Carl is £123, but I find no deed for it.

The Secretary has in his possession the deeds of Jesse Wilson, Rev. Mr. Harris, Parmelia Rykert, Frederick Bouke, John & George Shiner, and Conrad Wells, Jacob Dittrick, David Price, Smith Shotwell, Adam Gould, John Clendenon, Sam'l Swayze, George Marlatt, Jacob Jonathan and Michael Silverthorn, Robert Brown, John Brown, Francis Goring Parnell, Elijah Shotwell, Jacob Bowman Jacob Tenbrook, Bartholemew Tench, Oliver Phelps (Moulton,) Alem Marr, John & Philip Shaver, Garret Vanderburgh, Major Gen. Darling, and William Crooks, *not one of which appear to be recorded in the Register Office of the District*, although it is important that they should be so, as many of the transactions are of old date, and the parties dead in some cases and absent in others.

There are a few deeds recorded, and only a few.

£615 have been paid to George Adams Esq. so far back as 1827 for 30 acres part of lot between the 4th and 5th Concessions of Grantham. Surely Mr. Adams was not entitled to this money until he gave a deed to the Company. But it was paid him on the 9th of May 1827. As soon as the papers can be had I shall examine them.

And there is a payment of £50 to Luke Carl for 10½ acres in Thorold. Mr. Keefer the Engineer supposed that there is a deed, but the Secretary knows of none although if there is one it ought to be with him and forthcoming.

There has been a purchase made of a small lot of a fourth or a sixth of an acre in St. Catharines, for a canal office. £150 have been paid, but no deed is obtained, nor does there appear to be any good title. Several hundreds of pounds have been expended on a building in which is Mr. M'Donell the lawyer's office, Mr. Merritt's PostOffice, and the Canal Office. I think the purchase money went to one of the Directors, but if it was necessary to build a splendid office for a bankrupt Corporation in 1835, the title of the ground ought first to have been obtained.

Fifty-seven pounds were paid long since to Andrew Wilson for about 23½ acres in Thorold, used for the Canal and its towing paths &c. But no deed appears to have been taken when the money was paid. There are also other £27 at Wilson's credit on an award. Since then Wilson has conveyed his property to George Keefer Senior, whose son states that there is his claim also to be settled.

A deed was produced by the Company's Officers to the Committee last week during Phelps' examination, which I never saw at St. Catharines, and of the existence of which no trace or record is to be found on the Books of the Company, conveying 50 acres of O. Phelps' land, part of lot 12 ninth concession of Grantham, to the Canal Company for the nominal consideration money of £500, not paid nor noted on Journal. It is dated June 8th 1832.

Some proceedings should be had immediately to place the titles of the Company's Lands on a surer footing.

The documents I have asked for which were important and could not be produced by the officers, are very many indeed—accounts, estimates, vouchers, and acknowledgments for money to a vast amount are a missing and no explanation is given. Mr. Phelps' contract for the £5000 Deep Cut job is gone, and the want of it and of some others have caused great inconvenience. $100 is charged for the model of the locks built by Phelps, but although not made of perishable materials Mr. Merritt says it is not forthcoming; another hundred dollars were paid Lewis for the model of his turnbridge—it also is missing. The lock model would have been useful to the Engineers in the present investigation.

The imperfect records at the office rendered it impossible for me to ascertain the cost of keeping Phelps' locks in repair and re-building them. The charges are under a variety of heads, such as general repairs, pumping water, rebuilding locks, excavation of lock pits, embankments, &c. &c.—I made a calculation that $60,000 had been expended in this way, but it is not to be depended on. I included Mr. Robinson's rock outlay in the above sum.

The official estimate of advances on the canal August 1832 is dated "Welland Canal Office 7th August," and amounts to £2239 13 11; it is certified to be correct by Mr. Keefer, Mr. Merritt, Mr. Clark, and approved by the Board and certified—A. McDonell.

It was certified to and approved five days before it was made, for I find that the Board met on the 2nd August *Thursday*, and approved of it!

When you have got a canal document it is often difficult to say whether it is that which it purports to be. The rule respecting efficient security for the fulfilment of contracts having been habitually violated by the agent, with the connivance or consent I presume of the Board, there has been an endless round of taking, resigning, modifying, amending, altering and making of contracts. Nothing is fixed. Experience with the Board, has made no change. Whether the Directors had or had not the command of ample funds this loose and improper course of procedure has obtained. The extract from a letter, and a minute of the Board, annexed hereto, will show that some Directors felt the inconveniences arising from good rules being neglected.

Extract, letter, Joseph Wenham, Esq. to W. H. Merritt, Esq. York, 19th June, 1826:

"Your letter of the 12th inst. has not been received—that of the 15th came safe to hand on Saturday.

"I submitted its contents to the President, who declines the payment in advance of any money, unless by the sanction and au-

thority of the Board, and as a meeting of the Directors will be held so soon, I hope no material inconvenience will be sustained.

"I would remark on this occasion that it is necessary for the sake of regularity, that all Estimates for money on account of work performed should be made out by one and the same individual—and I therefore return Mr. Rykert's Estimate wishing to preserve this order—You will at once be convinced of the propriety of this. It would also be well if the Estimates were made out sufficiently early to admit of a careful examination before submitting them to the Board."

CANAL MINUTE, 10th MAY, 1828.

PRESENT:

Dunn,
Wells,
Robinson,
H. J. Boulton, and
Keefer.

"Resolved,—That the Board will not consider itself bound by any contract which the Agent or Secretary may make until it has received the sanction of the Board."

The following entry on the minutes was agreed to at a meeting of the Board of Directors held at York, on the 26th of Nov. 1833, Messrs. Merritt, Chisholm, and Elliott being present.

"Whereas the Books shew a balance at the Cr. of Hoag and Co. in 1827 of £25 15s. 7d. and at the Cr. of O. Stright in 1828 of 16s., and as it is well known to the President that the sums were paid to the parties—it is

"Ordered,—That the same amounting to £26 11s. 7d. be transferred to the Credit of the Contingent account.

In this instance, the President's recollection and not the cash book is the discharge for £26 of supposed debts. Whence came the money to pay Hoag & Co. if the Books do not shew that they were paid?

338. What proofs have you to offer having reference to the twenty-second item of your letter?—The situation in which the Directors found themselves in the Fall of 1829, and again in the fall of 1832 and the whole of 1833, and in which they now are, can be seen from the canal correspondence and books, and the state of the accounts. When they had money they shamefully jobbed and mismanaged it; when they had not, there was the perpetual plea of "you have gone so far that you surely will not now stop. Give us more of the public money." Although they had but little of their own money in 1833, they never as much as thought of putting their accounts in order, calling on the Secretary and late forwarding agent to square up his accounts and enter all upon the books, but allowed matters to get more and more into confusion Improvident contracts were carelessly made; work was done without much system or regularity; heavy debts were contracted, and the people of Upper Canada paid all. Again there is difficulty, and the cause is apparent—it is want of prudence, economy, and management, for the good of the work. Workmen are again in arrears; Mr. Phelps' wooden locks, are once more in danger of going to pieces; and but for my four numbers of "the Welland Canal" this bankrupt concern would have deluged the colony with bills payable, with interest out of the funds of———"the Welland Canal Company" whose president has petitioned for £2000 to save the Canal from total ruin, and whose officers have given evidence before you that they have neither funds, good debts, money, nor the prospect of it, except from the tolls of next year, a problematical source of revenue, insufficient to pay their next debts and keep the works from breaking down in weak places.

The Bank Directors must have been convinced that the canal management was bad, or they would not have so steadily refused to assist a body by whose operations they must have greatly profitted, having been constituted the Treasurer of the Corporation in 1825.

The situation of the Directors of the Welland Canal, in the early part of 1833, was pitiable in the extreme—the Legislature would not trust them one shilling—the Bank of Upper Canada turned its back upon their entreaties for the smallest pittance—the Governor lent a deaf ear to their prayers—no one would credit them.

(OFFICE COPY.)

At a meeting of the Directors held at St. Catharines, 28th February 1833.

PRESENT:

Alex. McDonell, Esq. *Vice President*,
George Keefer,
Thomas Butler,
Wm. Chisholm,
Wm. Elliott, and
Captain Creighton, } *Esquires*,

Resolved—That the correspondence with the Bank of Upper Canada be recorded on the minutes to shew that every exertion has been made by the Directors to obtain money to meet their engagements and prevent the expenses of litigation which must inevitably follow if money is not provided.

The Board cannot help expressing their surprise that the Directors of the Bank should refuse accomodating the Company with so trifling an amount, after having made so large a sum out of the operations of the Company.

Then they resolved to try to borrow 500*l.*, having failed in getting 2500*l.*

Copy of Letter—Wm. H. Merritt, Esq'r, to Hon. Wm. Allan, dated 28th February, 1833.

WELLAND CANAL OFFICE,
St. Catharines, 28th Feb'y, 1833.

DEAR SIR:

The Directors have been over the line of the canal as well as the Commissioners and I believe they all find it so much better than they anticipated, from the many misrepresentations, that matters begin to assume their usual aspect along the work. They have signed a note for 500*l.* payable in one year, to keep our creditors—that is, those possessing no means in provisions, until they can have time to apply elsewhere. They would have signed one for 1000*l.*, which would have afforded greater relief, but feared it would be rejected. I should be glad you would mention the circumstance, and if you think we could get it we would send another note for that amount, with which we would be enabled to get on until we procure the loan on the property—a resolution is passed to pay this money out of the first toll collected.

I have the honor to be
Your obedient servant,
WM. H. MERRITT.

HON. WILLIAM ALLAN.

Copy of the Minute of the Board.

"*Resolved*—That the first toll collected on the canal shall be placed in the Bank to redeem a note of hand given by Messrs. McDonell, Chisholm, Elliott, Keefer, Creighton, and Merritt, for the sum of 500*l.* payable in one year."

The Bank of U. Canada was evidently not inclined to trust the Directors.

This was the form of the note:

ST. CATHARINES, 28th *February*, 1833.

£500 *C'y.* One year after date we or either of us promise to pay to the President and Directors of the Bank of Upper Canada

the sum of Five Hundred Pounds Currency, value received, with interest.

(Signed) W. H. MERRITT,
A. McDONELL,
O. CREIGHTON,
W. CHISHOLM,
W. ELLIOTT, and
GEORGE KEEFER.

Mr. Ridout's answer, dated the 7th of March, and addressed to Mr. Merritt, stated that the Bank of Upper Canada were at that time under the necessity of restricting their discounts, and could not therefore discount a £500 note drawn at so long a date, and he therefore returned it to Mr. Merritt.

On the same year the Canal Board endeavored to get the British Government to relinquish the debt due to it by the Welland Canal Company, but met with very indifferent success.

The following is a copy of Secretary Lord Stanley's reply to their application:

No. 42. DOWNING STREET,
27th November, 1833.

SIR:

I have the honor to acknowledge the receipt of your despatch No. 64, of the 22nd Sept. last enclosing a memorial from the Stockholders of the Welland Canal, praying that His Majesty will conduce to the improvement of the navigation of the canal, by relinquishing the debt due to Government by the Company, or by granting a sum equal to one-ninth of the actual expenditure incurred in forming the canal, in conformity with the proposal of His Majesty's Government in the year 1826.

In reply I have to request that you will acquaint the memorialists that I do not feel myself at liberty to recommend a compliance with their application.

I have the honor to be, &c.
E. G. STANLEY.

Major General
SIR JOHN COLBORNE, K.C.B.
&c. &c. &c.

Copy of Letter—Thomas G. Ridout, Esq. to W. H. Merritt, Esquire, of 12th December, 1834.

BANK OF UPPER CANADA,
Toronto, 12th Dec'r, 1834.

WM. HAMILTON MERRITT, Esq.
St. Catharines,

SIR:

Finding that your last check for 1000*l.* of the Welland Canal money was negotiated through the Agricultural Bank, which enables them to substitute their own notes, and to call upon us for specie—I am desired to request you will inform me or Mr. M'Cormick at Niagara when you intend to draw out the remainder of the Welland Canal funds lodged in this Bank—and if it is your intention to negotiate it when so drawn in the same way; as it is necessary for this Bank to be prepared to meet such unexpected demands. Perhaps, however, when you gave the above check you were not aware that it would be immediately converted into specie—although it had no doubt the effect of preventing the circulation of our notes.

I remain, Sir,
Your obedient servant,
THO'S G. RIDOUT, *Cashier.*

Copy of Letter—John Clark, Esquire, to Wm. H. Merritt, Esquire, dated 20th December, 1834.

WELLAND CANAL OFFICE,
St. Catharines, 20th Dec. 1834.

SIR:

In reference to Mr. Ridout's letter to you on the subject of the last cheque drawn on the Bank of Upper Canada for 1000*l.* I beg leave to explain that (without the slightest understanding that this cheque was to be negotiated through the Agricultural Bank) I took the opportunity of handing the cheque to Mr. Taylor, whose son was going to Niagara—requesting him to draw the money for me from Mr. M'Cormick and bring it up. In the first instance the cheque was not paid on account of my having omitted to countersign the same, which caused delay, and to meet the immediate demands I borrowed 100*l.* from Mr. Taylor, and in my absence from the office Mr. Taylor, without my sanction or consent, paid over to the young man in charge, 400*l.*, making in all 500*l.* of Agricultural Bank money, which Mr. Taylor retained out of the cheque, and paid me 500*l.* in Bank of Upper Canada money for the balance. I have ever been particular not to exchange the Bank of Upper Canada money for that of any other monied institution.

When the Company may require the money now due them by the Bank of Upper Canada Bank I cannot exactly say—but suppose 1000*l.* per month may be required after the 1st of January next, to carry on the work contracted for.

I have the honor to be, Sir,
Your obedient servant,
JOHN CLARK,
Secretary W. C. Co.

To WM. H. MERRITT, Esquire,
President Welland Canal Company.

The case of Lewis Garrison & Co. is an apt illustration of the impropriety of the course taken by the Canal Board. They were paid 505*l.* 11s 5d in full of all demands when one of the partners, or two of them, were in jail. The bills of costs against them by lawyers almost exceed belief, and after they had signed the receipt I annex to these remarks the Board had to reconsider their case and award them 300*l.* and another large sum, the amount of which I do not now remember. Their letters complain much of the engineers, but whether they had cause I know not.

"Received from the Welland Canal Company the sum of Five Hundred and Ninety-five Pounds Eleven Shillings and Five Pence Currency, being in full of all demands of whatever nature or description we have against the said Company.

MARSHALL LEWIS,
J. W. GARRISON,
JAMES LITTLE.

Witness,
ALEXANDER STEWART.
St. Catharines, 11th May, 1833.

I think that with prudent management of money and work the Welland Canal would have been good and profitable stock. As it was managed there was a necessity to resort to many shifts.—Hence it is I account for the allowance of 1 1-2 per cent to Mr. Walker of Quebec for collecting the stock instalments, and 1 per cent to Yates & Co. for the same service; hence also for the 1 per cent by Mr. Yates (for which 500*l.* by the way there is no voucher) for getting a bill discounted endorsed by Upper Canada; and for Mr. Walker's 1-2 per cent for remitting the Lower Canada Government Stock of 25,000*l.*, a service which cost him no trouble whatever.

339. What have you to offer to this committee in support of of charge No. 26?—It is, "that in the case of the Steam Dredge, "and others very similar to it, extravagant charges have been "made against the Company and paid from its funds under suspi- "cious circumstances;" and some of the evidences in support of it will appear more appropriately under other heads, as involving false entries, extravagance, &c.

Reminding the committee of the fact admitted by Mr. Yates in his letter to the Speaker, that he has long enjoyed the nomination of a majority of the Canal Board, and consequently influenced its deliberations, and the appointments and proceedings of its officers, I would beg to state that in page 271 of the Cash Journal I found that money had been drawn from the Bank of Upper Canada (a fictitious entry, as are most of them) to pay "Elam Lynds & Co's bill of costs" of a steam dredging machine 718*l.* 10s.

On referring to the vouchers, copy of which I annex, I ascertained that 718*l.* 10s. had been paid to Mr. Yates at St. Catharines on the 9th of June 1834; that an error of $10 in the addition had been discovered, and admitted in the account as overpaid "11th June 1834;" that the $10 had not been afterwards charged to Mr. Yates; that on comparing the charge with the next page of the minutes about $80 dollars of the same account was charged as if it had been paid to Mr. Yates over again,

which it was not; that Mr. Yates was in St. Catharines when he got the money; that there was nothing to shew that he had advanced the money in the United States; and that although the specie could have been obtained within twenty-four hours at that season by sending a check to Toronto, and immediately changed at Buffalo for "States notes" at an expense to the Company of about ten dollars, Mr. Yates charged and received $110, or 4 per cent as discount on Upper Canada Bank Notes.

Mr. Yates wrote and published a large edition of a pamphlet in 1834 at Chittenengo, New York, relative to the grievances of the Welland Canal, and puffing that work—these he brought to St. Catharines for distribution, and was paid about 20*l.* for them out of the Company's funds, which sum is charged as "by order of the Board."

Next page the same 20*l.* is charged once more as if it had been paid him over again!

A few pages on in the Cash Journal it is charged as if it had been paid a third time!

Mr. Yates was only once paid, and was then overpaid. I find they have corrected the third 20*l.* as an error. I asked Mr. Clark, who had received the second 20*l.*, seeing it was charged as having been drawn out of the Bank?—He replied that that was a mistake!

This 20*l.* (I omit fractions) is also charged twice in the balance sheet of 1834, laid before the Legislature, and also other $10 on the dredge itself, which the Board had taken off, as may be seen by their minutes.

The most important part of the history of Mr. Yates' Steam Dredge is to come. He professed to have purchased it from some persons in the States near his own place; who were to warrant its efficiency, and so forth. The Dredge was soon set up; but although the duties were forgiven by the Governor, it had cost when ready to go into operation, 834*l.* 2s 6d, as per annexed account. When set in motion it was found to be entirely powerless and useless; Mr. Yates had his money; and the Company, in order to get theirs back again advertised the Dredge and apparatus for sale by auction, when I was at St. Catharines. No bidder appeared, but afterwards a person spoke of giving 75*l.* if he got a long credit. In short the whole affair is a dead loss, and a fair specimen of Mr. Yates' management by his nominees. Mr. Leys has already informed you that the machine is of no use for a Dredge because it has scarcely any power; and the *Sir Walter Scott*, which Mr. Hamilton Merritt, for himself and the other proprietors, wished to turn into two thousand dollars of the funds of the canal, last fall, was also unfit for the purpose. The *Sir Walter* was an entire failure as a boat, and the apparatus of the other Dredge and the engine of the Sir Walter were unsuitable. As to the puffing pamphlets, I find 29*l.* 6s. charged by Leavenworth for a second edition of them, so that they must have cost in all nearly $200 to the Company, and Mr. Thomas Dalton had a charge for pamphlets, which were possibly the third edition.—The latter gentleman writes very feelingly on his claims, as may be seen by the following letter, but the exact nature of his demand on Mr. Yates is not so well defined as it might be. I add to it his (Mr. Dalton's) explanations, and that of Mr. Merritt, taken from the *Patriot*, published by the former.

The cases of the Schooner *Peacock*, the Steamer *Caroline*, the boat *Chief Justice*, Merritt's vouchers for mill expenditure, Keefer's timber, Merritt's Berm Bank, with Rose, the 34 locks, and many more that might be quoted, are of the same class, and the public are the losers: I even question whether it is legal for a Canadian Company to hold shares in an American Steamer.

I submit Messrs. Bush & Shepard's account:

"Mr. Clark will pay Mr. Bush, ...$1500
Less 150 to pay Capt. of Caroline,... 155

$1345
——£336 5 0

Taking his receipt for the $1500 in full for one-half of the *Steamer Caroline* as per agreement.

W. H. MERRITT.

St. Catharines, 21st June, 1834.

"Received of the Secretary Welland Canal Company the sum of 375*l.* or Fifteen Hundred Dollars on account of William Hamilton Merritt, Esquire, being in full for one-half of the Steamboat Caroline as per agreement.

ROBERT W. BUSH,
For BUSH & SHEPARD."

St. Catharines, 23rd June, 1834.

(Copy of account in Mr. Yates' hand writing.)

WELLAND CANAL, *Dr.*

Dredging Machine and Steam Engine,...	$2177 08
Exchange 4 per cent,.....	87 08
Boats for the same,.....	500 00
Exchange on the same (4 per cent,).....	20 00
	$2784 16
Expenses incurred in bringing the Dredge in.....	
Printing pamphlets, W. C.,.....	76 75
Exchange 4 per cent,.....	3 09
	$2874 00
Error in addition $10 overpaid to Mr. Yates —charge the same 11th,.....	$2864 00

Approved,
W. H. M.

June 1834.

J. CLARK,

Received the above sum,

St. Catharines, June 9, 1834.

J. B. YATES.

NOTICE.

STEAM ENGINE, DREDGING MACHINE, AND SCOW,

FOR SALE at PUBLIC AUCTION, on Monday the 31st August, instant, at St. Catharines, at the Welland Canal Office. The Engine is now at Indiana, Grand River, and will be here on or before the day of sale—all well. *Now at St. Catharines.*

Those desiring to possess property of this description will have an opportunity to inspect the same.—Reference given to Mr. JOHN JACKSON, Engineer, Grand River, and Mr. MURRAY, Indiana, who is in charge of the same. It is a rotary motion engine, sold to the Company for a *Twelve Horse Power Engine;* has cost near seven hundred and fifty pounds, and those competent to judge say it can be most advantageously employed on any light kind of machinery.

By order of the Board.

JOHN CLARK,
Secretary.

Welland Canal Office,
St. Catharines, 7th August, 1835.

Sale postponed until Saturday, 5th day of Sept..

THE DREDGING MACHINE ACCOUNT.

Dredging Machine & Steam Engine,...	$2177	08			
Exchange, 4 ℔ cent,	87	08			
Boats for the same,..	500	00			
Exchange on the same,.....	20	00			
	$2784	16	No. 1.	£696 1	0
Bill of expenses for bringing Dredging Machine and boats,	238	67	No. 2.	59 13	4
Board bill to T. Reid,	8	00	No. 3.	2 0	0
Paid for nails,.....	.....		No. 4.	0 2	6
W. C. Hay for repairs,.....	75	62	No. —.	18 18	1
James Scott, labor on Dredge,.....	10	50	No. 6.	2 12	6
Thomas Reid,.....	19	78	No. 7.	4 18	4
Leather and tallow, .	12	03		3 0	2
Boarding hands,....	.....			1 8	1
W. C. Hay for alterations,.....	.....			18 18	1
Do Do.....	152	50	.....	38 2	6
				£845 15	2
				18 18	1
				S26 17	1
Vandewalker & Best for 19 days each,				7 5	5
				£834 2	6

340. What have you to adduce in support of charge No. 23?—

TORONTO, April 29, 1835.

DEAR SIR,

"*What thou dost do quickly,*" is an old, and when observed, an invaluable saying. It often happening that the value of a favor is to be estimated more by the promptitude with which it is bestowed than by its intrinsic amount, as it has been well remarked that "*a stitch in time saves nine,*" and "*hope deferred maketh the heart sick.*" These wise saws will remind you that I am living in expectation of getting some payment from the Canal Company agreeably to your kind promise, and to the wishes of your estimable friend Mr. Yates. Well you know the struggles the constitutional press of Toronto has to encounter, and there is no present prospect of any mitigation of them. While the Radicals domineer in the House of Assembly, the Tory Press will have but a very sory time of it, since the Government here is too supine and nerveless to do any thing in its aid. You will have seen in our last number [34] a broad hint on this subject. My circumstances being greatly straitened, and demands upon me urgent and imperious, let me entreat of you to take my case into immediate consideration and hand me over the proceeds of your generous determination that I may feed the wolves that beset my habitation.

Norton has been here since the prorogation, and subscribed for the *Patriot*, and what think you of that? And moreover, he confesses that the vote to Mackenzie and O'Grady was a VILE AND SCANDALOUS JOB.

Have you neither advertising nor printing on foot in which the *Patriot* might be a partaker? Let me hear from you soon.

Believe me,
Dear Sir,
Yours truly,
THOMAS DALTON.

WM. H. MERRITT, Esquire,
St. Catharines.

P. S.—I am told there is not a single tavern at St. Catharines or on the whole line of the canal that takes a Toronto paper. Is it not possible for you to influence me some good subscribers? I am sure the *Patriot* is well caculated to open the eyes of the blind. It is working with power where it is read. We will soon have the majority stinking in the land.

[From the Patriot Newspaper, by Mr. Thomas Dalton.]

Now let us see how Mackenzie got hold of our letter. As in private we say what we may not wish to have published, we felt indignant that our letter had appeared in print, not against Mackenzie, knowing that to him such matters are common and familiar; (he once gave to the Colonial Office a letter, of ours 8 years old) but against Mr. Merritt. We in no pleasant mood wrote him a letter, and the following is his reply.

ST. CATHARINES, 19*th December*, 1836.

DEAR SIR,

In reply to yours of the 17th instant, I have only to say that I deserve every censure for not guarding more strictly against a man of the known character of Mackenzie—the truth is, I have a private box in my desk, in the canal office, where all letters which in any way relate to the canal are filed.—As it contained no papers relating to the company, I never suspected he had *pilfered* my private papers, the key was always left in one of the draws; and he has availed himself of the opportunity to commit this *moral robbery*. The only thing I regret in this expose' is the private correspondence, for which I feel that I am wholly to blame for not being more guarded and keeping the key in my pocket.

I am,
Dear Sir,
Very truly yours,
WM. H. MERRITT.

MR. THOMAS DALTON.

[FROM THE SAME.]

We now explain the cause of our letter to Mr. Merritt. The Session before last we had the pleasure to be introduced to Mr. Yates, the large proprietor of stock in the Welland Canal. Although he had never seen us before he had been a reader of the *Patriot*, and was pleased to compliment us upon the course we had undeviatingly pursued with respect to the Welland Canal.—On a subsequent day, Mr. Yates, in the presence of Mr. Merritt, entered into the subject of the patronage afforded to newspapers both in this country and the States, and appealed to us for information on the subject as regarded this Province; when learning from us the wretched disabilities to which Editors here were subjected, he expressed his astonishment that the respective political parties did not better provide for their organs and champions as was the case in the United States and every other country where the powers of the Press were known and estimated, *and turning to Mr. Merritt he said to the effect that our services had been overlooked and ought to be in some measure compensated, with which Mr. M. concurred, and there was an end of the matter for a year;* when after being so scurvily treated by the House of Assembly, who after all the floggings and squeezing we have given them, remain, and are no doubt determined to remain, in our debt above a hundred pounds for monies laid out and expended, we began to think Mr. Merritt rather tardy, and therefore did we write our "PETITION" as Mackenzie calls it, and got in consequence a very small "DOUCEUR," small indeed if from many pockets, but LARGE enough if from *one* pocket, which we believe it was; from the pocket of Mr. Yates. It was under £20, and for services performed, not to *be* performed, and valued by others, not by ourself.

THE COMMERCIAL BANK.

There is a charge of £30 11 6 for interest on a note of 2000*l.* paid the Commercial Bank, and half per cent. on 10*l.* for usury on the same May 7th, 1834, but there is no entry on the books to shew that the 2,000*l.* was ever received by the Company, or that a shilling of it was applied for its use. Mr. Merritt negotiated the loan, but no part of the transaction appears on the Company's books save the interest and the illegal 10*l.* additional. From the stress laid by Mr Ross, the cashier of the bank here, upon the words "legal interest," the inference seems plain that he contemplates something beyond six per cent. I intend to ask for a summons requesting his attendance before the committee to explain.

COMMERCIAL BANK, M. D. OFFICE,
Toronto, 21*st May*, 1834.

SIR,

Your favor of the 19th instant, duly came to hand—in reply, it would be quite irregular for this institution to loan monies at legal interest—without some document to shew—either by account or note at ——— days date—and which would be submitted to the Board for their decision.

I remain,
Your obedient servant,
JOHN ROSS,
Cashier.

WM. H. MERRITT, Esq.
St. Catharines.

Mr. Boulton's mission to New York, so far as I have been able to understand it, was a journey as far as the canal was concerned which related to that which could have been just as well transacted by letter—he charged 100*l*. for it. The payment to Mr. Yates of 500*l*. sterling or 555*l*. currency for a trip from New York to London was another useless item of charge, but not so bad as Mr. Yates' charge of 500*l*. for his trip to Philadelphia to get the note discounted. I was always of opinion that only 100*l*. had been paid to Mr. Berczy for his two trips to Quebec, as the first time he went he had business of his own to Lower Canada, but I find he had $90 for that journey and $400 for the next from the canal funds, although he did no service whatever to the Company.

It appears from the following letters that 3 and 4 per cent. premium were charged at Toronto in March, April, and May 1834, for drafts on New York, and Captain Creighton charges the company 61*l*. 5*s*. for a draft on New York to pay 1500*l*. in Buffalo. It appears that the Captain had paid 60*l*., or 4 per cent. premium; but there was surely no need of that, as he could have obtained half dollars and delivered them at Buffalo at an expense of less than 10 or 15 dollars. Why he charges 25*s*. more than he paid I have not ascertained, as his travelling expenses are paid from time to time, but it is probable he can explain.

BANK OF UPPER CANADA,
Toronto, 7*th March*, 1836.

SIR,

In reply to your letter of this morning I beg to inform you that on the 24th March, 1834, Captain Creighton purchased from this Bank in his own name Draft No. 1327 at 3 days on Messrs. Prime, Ward, and King, New York, for 1500*l*. currency, at 4 per cent. premium, making the price of the bill 1560*l*.

I am, Sir,
Your obedient servant,
THOS. G. RIDOUT,
Cashier.

FRANCIS HINCKS, Esq.
House of Assembly.

AGRICULTURAL BANK,
Toronto, 7*th March*, 1836.

SIR,

In reply to your letter of this date we have the honor to acquaint you that our Bank was not opened at the period respecting which you require information.

Our first bill on New York was dated the 11th July, 1834, and was negotiated at 3 per cent. premium, but a reduction took place almost immediately afterwards.

We have the honor to be, Sir,
Your Obedient Servants,
TRUSCOTT, GREEN & Co.

W. L. MACKENZIE, Esq. M. P. P.
House of Assembly.

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341. The twelfth observation you have made in your letter to this committee is "that *William Hamilton Merritt*, Esquire, "who succeeded *Mr. Black* as Secretary to the Company, and "*Mr. Clark* who succeeded him, appear to have made no entries "on the Legers or Journal, although that was an important part "of their prescribed duties, and that they have declared to me "that they have not even examined the entries made by book-"keepers, occasional servants, and others, some of them mani-"festly incompetent; and Mr. Beaton, the principal occasional "person employed, habitually intemperate, and as I think, evi-"dently dishonest, judging by the entries he has made." Have you any thing to state in proof of this charge?—The Secretary is the regular book-keeper or accountant of the Company, and the keeper of its records, books, and papers, and he is under the exclusive control of the President for the time being. In the most active times of the canal excavation Mr. Wenham first, and after him Mr. Black, as Secretaries, kept the books of account and did the writing work, and after all, the President, Mr. Dunn, complained in 1831 that Mr. Black's office was a sinecure.

Mr. Black left in June 1832, and Mr. Merritt succeeded him and was the Secretary and in possession of the books and accounts as the responsible officer until the month of November of that year, a few days before an account was to be given in to the Legislature upon oath by the Secretary respecting the expenditure of £50,000 of the public money; when he made way for Mr. Clark who went forward and took the oath, testifying to the truth of accounts which were not true. I think the extent of Mr. Clark's offence in this respect was the swearing that that was true which he had not examined and could not investigate. I feel disposed to admit that it is probable Mr. Clark deserves censure more for withholding his accounts, employing an intemperate person, and discharging Mr. Raiscock who was a sober man.—But it appears to me that he was under Mr. Merritt's influence, and obliged to do as he said, for it appears by Mr. Hall's evidence that Mr. Merritt interfered when Mr. Clark would have stopt Mr. Beaton from doing business in the office, and that Mr. Clark had to submit to a different course. Mr. Clark is also blameable for accepting an office the duties of which he could not fulfill, as not being an accountant. The engaging of Hiram Slate and John Callaghan to blunder in the Company's principal books, while he himself was incapable of remedying their errors or omissions was very wrong; but I am unwilling to believe that he intended what has taken place. Mr. Merritt is a very shrewd man, and during his Secretaryship there does not appear to have been many (if any) entries made in the principal books, which Patrick Grant Beaton afterwards brought forward after a fashion so incorrect, deceptive, and calculated to mislead the public and the company, that I would be concealing the truth if I did not state my full belief that he knowingly and wilfully was a party to a system which has resulted in a defalcation of large amount, but the full extent of which is not yet ascertained. Were Beaton ignorant of book keeping like Mr. Clark, I should be willing to ascribe what I have seen of his conduct to his not knowing better; but I have seldom met with a person better acquainted with book keeping, or who could, had he been so inclined or so ordered by Mr. Merritt, have corrected the errors he perpetuated. In 1834, when it was apparent a change would take place in the Legislature, and real inquiry in all probability follow through the House of Assembly, the books of the canal begin to assume a rather more regular appearance, and the only excuse offered for their previous errors, obscurity, or incomprehensibility, is that the Company were scarce of money. That did not hinder them to keep a clear account had they been so inclined. It was only towards the latter weeks of my stay at St. Catharines that I gave much attention to the accounts, and the more I saw of Mr. Beaton's ability as an accountant, and of his desire to blind me to the true state of the monied affairs of the canal, the more did I doubt him. In St. Catharines he was by no means ill liked.—His habits are, to be steady for a few weeks, then to break out in fit of intemperance for a week or so; get steady again, go to work, work hard, and then go back to the other extreme again. That Mr. Merritt should have preferred him to the many steady and regular applicants for office is to be accounted for only in one way, namely, by reading Nos. 1, 2, 3, 4, 5, and 6, of my answers. But if an accountant had been employed as the Secretary, no such officer as Mr. Beaton would have been required.—An inspection of the cash journal and legers will satisfy you that neither Mr. Merritt nor Mr. Clark ever wrote a word in them.—When at St. Catharines, Mr. Beaton assured me he had examined the books with great care, balanced them, and supplied the defective entries, and that they proved correct from the very beginning. When he said this I am satisfied he must have known it was not so, and when he made the entry of the Grand River £579, it is evident from his other entries that he knew what he was doing. Almost all the errors of the different accountants are on one side and against the Company's interest. Not so accidental blunders.

342. Your sixteenth charge is "That valuable mill sites have "been given away without recompense, after stockholders had "been induced to subscribe by means of reports by the Board

"that great wealth would be derived from the leasing of these "mill sites." In what cases has this been done?—I allude *first* to the fact that Mr. George Keefer, the first President of the canal, has enjoyed for a number of years the use of a valuable mill site, suitable for four run of stones, rent free, while other persons have been made to pay the full value for very inferior situations.

The documents and extracts I now produce, namely, a resolution of the Board, 20th September, 1825, to appropriate land for mill sites, extracts from Mr. Merritt's letter to Mr. Wilkins of Boston, a selection from Mr. Keefer's address to the public in 1823, Mr. Clowes' opinion, and an extract from the Directors report of August, 1825, shew that every possible means was taken by Mr. Keefer, Mr. Merritt, and other interested persons, to induce people at a distance to embark their capital in the canal, in order that they might make profit by the hydraulics; respecting which very extravagant expectations appear to have been formed; and the appended resolution of the Board of the 3rd October, 1825, present, *only* Messrs. KEEFER, MERRITT, and ALLAN, shews that one of the first acts of these interested parties was to present to one of themselves a gift of a mill race with water to grind with four run of stones as soon as the mill race could be dug thirty miles in length at the expense of the deceived stockholders and the Canadian public. On this subject I met with Mr. Yates' opinion in writing, which is as follows:

"Mr. Yates is of opinion that in the lease to Mr. Keefer it should embrace this reservation, that the Company may at any time re-take it by paying the amount of his outlay; and thinks it would give umbrage in any other way to the stockholders."

So it might, and with great reason too. No wonder the canal is out of funds.

I allude *secondly*, to the improper transaction of the Allanburgh mills, respecting which I have elsewhere spoken.

(Office Copy.)

To the President and Directors
of the Welland Canal Company.

Gentlemen,

In case you will give me a mill seat on the Welland Canal at St. Catharines I will put up a Grist-mill at once, and have it ready for operations as soon as the water is put in the canal.—The mill shall be capable of grinding all the wheat that may be brought to it, and contain at least four runs of stones and all the machinery for a perfect and complete flouring mill.

Gentlemen,
Your obedient servant,
E. S. Beach.

Deep Cut,
Welland Canal, Oct. 3, 1825.

(Office Copy.)

At a meeting held at St. Catharines, 26th October, 1825.

PRESENT.

Hon. Wm. Allan, *Vice President.*

George Keefer, } Esquires.
W. H. Merritt, }

10th. A proposition having been made to the Directors by E. S. Beach, Esq. of Rochester, and George Keefer, Esq. of Thorold, that they would construct or cause to be constructed a large and extensive flouring mill with at least four runs of stone on the line of the Welland canal capable of making the best superfine flour, adjoining St. Catharines, and at the first lock on the mountain, and have the said mills in readiness by the time the water is let into the canal—Be it *Resolved*, that the said General S. Beach and George Keefer, Esquires, be allowed the privilege of a mill seat for the above purpose, providing they perform the said condition—the above proposition having likewise received the sanction of Simon McGillivray and Henry J. Boulton, Esquires, at a meeting of the Directors on the 20th September last.

Resolution passed at a meeting of the Canal Board held at St. Catharines, 20th Septr. 1825.

PRESENT.

H. J. Boulton, Esq., *Vice President.*
Simon M'Gillivray, } Esquires.
George Keefer, }
Wm. H. Merritt, }

3. In consideration of the importance of avoiding all occasion of dispute about the property of the land bordering on the line which may be determined on for the course of the canal betwixt the Deep Cut on the bank of the Welland River, and the harbor at the 12 mile creek, on which line will be situated the valuable mill seats which are to be formed by the water admitted through the canal, and in order to prevent any question with the present proprietors of such lands about the right of erecting mills or other buildings on sites which are to derive their value from the operations of the company.—Considering that it is only just that the company should enjoy the benefit arising from their own improvements, and that the powers granted to them by their charter were intended by the Legislature to secure the same. It is therefore *Resolved*, that 10 chains by 8 in front of the canal mouth, and 4 chains wide by 10 in length be appropriated at its junction with the Welland River in Thorold, and that 2 chains wide on each side of the canal reservoirs and the harbor, exclusive of towing path, be appropriated from the Holland road to the mouth of the 12 mile creek, together with the beach in front of the embankment at the harbor, which beach having been lately purchased by Mr. Merritt from Mr. Pawling, the proprietor of the adjoining lot on the West side of the 12 mile creek at its entrance into Lake Ontario, has been liberally relinquished to the company by Mr. Merritt at the same price which he had paid for the same.

"Another most important branch (of the profits) is the Hy-"draulic situations, there is not a mill seat from the Falls of "Niagara round Lake Ontario to Dundas creek on Lake Erie, "the only one on this whole Peninsula is the Falls of Niagara, "in opening this cut we make innumerable situations for all manu-"ufacturing establishments, which will be the more valuable "from the impossibility of competition."—*Letter, Mr. Merritt to Mr. Wilkins, for the information of the people of Boston, June* 10*th*, 1834.

[From the same Letter.]

"*The first situation on the Mountain must be far more valu-*"*able than Rochester*, from the extent of internal navigation it "must command, besides the Lake; we would be furnished with "an ample supply of lumber for which we would find a ready "and constant demand at the entrance of the American canal at "Tonawanty, as they are destitute of Pine timber, either on the "line of the canal, Lake Erie, Ontario, or the Niagara River. "Mills can likewise be erected on the bank of Lake Ontario, can "receive wheat in vessels from any part of the banks thereof, "which is an advantage no other situation does or can possess "either on this or the American side of the lake."

In 1823, Mr. Keefer put forth a printed address to the public, telling of the great water privileges the new canal would confer on the intended company; I submit an extract:

"*Another source of profit to immediate Stockholders* will arise from the judicious use of the superfluous water for the purposes of driving machinery, &c. and which, by proper management, might be made to reimburse them in a very few years for the entire outlay of their capital. This, taken in connexion with the public convenience, in a part of the country where mill streams are both scarce and scant, is far from being one of minor importance. From Long Point, on the shores of Lake Erie, round to Dundas, at the upper end of Lake Ontario, the only mill possessing a sufficient supply of water to carry on business to an extent that may be considered mercantile, is that of Messrs. Clark and Street at the Falls.

"The production of wheat, in a soil and climate so well adapted to its culture, must of course be considered one of our principal staples; but to render this valuable to the farmer it is necessary he should possess the means of converting it into a fit state for use, so that he may not only reap part of the benefit arising from

the manufacture, but reduce the bulk and weight of his exportable commodity, so as to be able to enter the market less unfavorably, with respect to transport charges, than at present.

"As this company will be justly entitled to all the advantages that will result from the command of the water throughout the route of the canal, the mills now erected on that part of the 12 mile creek, (which will be benefited by an additional supply of water) must be purchased at a fair valuation from the present proprietors, and be at the disposal of the company, after the completion of the cut.—Two flouring mills of the best description, and other machinery, should be erected by the company—a flouring mill as near Chippawa as possible, to receive wheat and produce coming downwards from Lake Erie, and another as near Lake Ontario, to receive produce from the banks thereof, and dispose of all the intermediate situations.

"Subjoined is a calculation upon good data, of the probable expense of the undertaking, contrasted with a sketch of the profits which it is presumed would accrue to the company.

"To estimate of first cut from Chippawa to lake Ontario,	£	10,000	0 0
"Probable amount of valuation of the different mills, &c. on the 12 mile creek, which it will be necessary to purchase		4000	0 0
"Erection of Grist-mills, Saw-mills, &c. with other machinery		5625	0 0
"Cut to Grand River		2500	0 0
Halifax Currency,	£	22,125	0 0

"By rental of machinery to be erected by the company	£	2000	0 0
"By interest on sale of the intermediate sites for hydraulic purposes		300	0 0
"By rental of mills now erected		500	0 0

"The proceeds from the sale of the intermediate sites for hydraulic purposes; the increased value of the mills now erected, and the rental of the company's two grand establishments on each end of the canal, will of itself bring in a handsome dividend to the stockholders on the amount necessary to complete the whole—leaving out the reasonable expectation of a large sum that must be derived from the transportation of various articles. A bont, carrying forty tons, will be taken up at the same expense that two tons can be conveyed with a waggon at the present period."

In answer to a question put to Mr. James Clowes, Engineer, by the canal committee in 1824, he replied that "the most "prominent situation for machinery on the Niagara route is at "George Keefer Esquire's, where they can be erected to any ex- "tent, but taking the whole into consideration a decided prefer- "ence must be given to the 12 mile creek route for hydraulic "purposes."

In the report of the President and Directors of the Welland Canal Company, dated in August 1825, they say—"We connect "an equal extent of country at a comparatively trifling expense, "combine the most valuable and extensive hydraulic privileges," &c.

The report by Dr. Strachan, as it is understood, attempts to blind strangers by the following magnificent prospects:

"The situation for machinery on the line of this canal both for local and natural advantages, are not equalled in America.

"There is not a mill seat on the whole Peninsula between those lakes, where a flouring mill can be established which may be considered even mercantile, except at the Falls of Niagara.

"The River Welland being on a level with the Niagara we take the latter for our feeder, which affords a constant, ample, and steady supply of water—we have reservoirs on our summit to any extent required—and the first situation on brow of mountain commands a greater extent of country (by means of our communication with the Grand River) connected by internal navigation on navigable rivers, than Rochester—possesing as fertile a soil and as well adapted for the growing of wheat as any part of the Genesee country.

"However for the sake of argument suppose we have over-rated our transit and Hydraulic situations eightfold and we only realise the first year £2000 in all—(it will be as well to mention here we have been offered £1500 per annum for the dydraulic situations alone by a most respectable Company) or one per cent on the whole Capital (we are all confident it will increase in geometrical proposition to the growth of the country, and in the same ratio as the American Canal) at this rate what would the stock be worth in the London or New York Markets.

"The advantages we possess in our Hydraulic situations will be better understood after reading the remarks thereon in our preceding sheets—we will enter into the following detail at present:—

"One lumbering mill require

1 Superintendent at $33 per month	$	33
9 hands at $18 per month		162
One team		10
Breakage &c.		26
Grease, candles, &c.		26
Saw logs, at $12 per thousand		487½
		$ 644½
325,000 feet lumber per month averaging 75,000 per week at 25s. per thousand		1625
		980½
		12
		$11,766

"Say two mills only—although there will be a demand for 100,000 feet per day at one half the above estimate	£	3000
2 Grist mills at £500 each		1000
Interest on sale of all intermediate situations for various manufacturing purposes		1000
	£	5,000
"Add this to account of transit		12,256
Gives the sum of	£	17,256

Which will give 8½ per cent admitting the whole capital is expended.

"Further we have every reason to believe Government will give us a grant of 13,400 acres in Wainfleet which will be worth at least £25,000 as soon as the marsh is drained."

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343. Have you any statement to make relative to charge No. 17?

The mode of Leasing the Water Privileges on the Canal is a very bad one. Some of the most important Mill Scites have been given away to favorites, and they produce nothing at all. Others are taken by Canal Directors at a yearly rent, and then these Directors sit at the Board and vote deductions from their own nominal payments, or, in other words, vote money into their own pockets. Messsrs. Merritt, M'Donell, Butler, and Creighton, the four Directors nominated by Mr. Yates, are interested as mill owners. The following resolution was literally a vote of the Canal funds into the pockets of the mill owners who composed a majority of the Board, and shews the imperfection of the system, Directors thus interested ought not to have the power of lowering the tariff of Canal tolls on the lumber that goes from, or the saw-logs brought to their respective saw-mills—the four gentlemen I have named may desire to keep their mills and machinery in constant operation day and night when the interests of the Stockholders and the shipping would be much better served by stopping the mills and raising the water levels. A lockeeper or superintendent who would strictly adhere to the line of his duty in stopping the mills at Allanburgh, St. Catharines, or Merritt's mills, might incur the displeasure of those Directors whose pri-

vate interests he would be thwarting.—Great damage and injury have been sustained on the canal, and frequent stoppages caused by the neglect and carelessness of persons in charge of mills and machinery, and although there are very good regulations they appear to be a dead letter. Boylan, a lockkeeper at Thorold, complained one day to the Engineer that Keefer's saw-mill had filled up the canal with saw-dust so as to Impede the passage of vessels. I asked him if he had read the printed regulations, and his reply was, that no copy had ever been given him.—On the 16th of October last Mr. Hall went up the canal and the masters of schooners told him that in the top level there was but 7 feet water in place of 8, and that in order to keep the Allanburgh, Marshville and Dunville Mills going night and day, the largest class of vessels with full cargoes would be stopt and the character of the work further injured. Orders were immediately given to stop these mills, but there is no regularity, no order on the line, and it is ten to one if the Engineer's command would be strictly attended to in such a case. The saw-mills are the great consumers of water—it is well understood that one saw-mill with one saw will consume in one day as much water as it would require to keep a grist-mill with four run of stones in operation for six days; the saw-mill obtains water from the bottom of the canal, and hence it is impelled with the force of the weight of water in the level above; the grist-mill obtains water only from the top of the upper level.

At a meeting held at St. Catharines, 7th Jan. 1835,

PRESENT:

W. H. Merritt, Esq. President and Lessee,
A. Macdonell, Esq. Vice President and Lessee,
W. Chisholm,
Thomas Butler, Esq. Lessee,
Ogden Creighton, Esq. Lessee.

It was—"Ordered,—That a deduction of one-third of the Rent due for the past year will be remitted to the mill owners on the lower part of the Canal, provided the Sawmill owners bear a proportion of the expense for dredging the Canal below their mills—and the Hydraulic Company to receive a like deduction for interest due for the year 1833."

My evidence under the heads numbered 16, 18, and 21, is important with reference to the injurious influence of the system to which I have now directed the attention of the Committee.

Mr. Butler, one of the Directors had leased the Merritt mills from J. B. Yates Esq. @ £125 when it was under the Hydraulic Company. In 1834 he came forward and offered £100, although eight years of his lease at £125 were unexpired, and his reason referred to the rule made by the Board for the convenience of a majority of its members. The sooner an end is put to such a system the better. Last Nov. he got the lease.

OFFICE COPY,

ST. CATHARINES, 6th *August*, 1834.

To the President and Directors
of the Welland Canal Company,

GENTLEMEN,

Having heretofore rented from John B. Yates Esq. the mills at the rent of £125, and as eight years are yet unexpired of the lease, and as the said mills are now the property of the said Company I will rent the mills at £100 until a new saw-mill is erected for the term of years that the Company rent to other persons, and when a new saw is erected at the rent of £125.

I am,
Gentlemen
Your obedient servant,
T. BUTLER.

LEASING WATER POWERS IN NEW YORK.

The following selections from the laws of the State of New York, lately passed for the regulation of canals, shew their management of water power, and that experience has proved the necessity of prohibiting every person from being concerned in canal management, or holding offices of trust on the canals, who, in his private capacity, has an interest different from that of the public at large:

From the Revised Statute relating to the Navigation of the New York State Canals.

"No person owning any hydraulic works dependent upon the "canals for their supply of water, or who shall be employed in or "connected with any such works, or who shall be engaged in "transporting property upon the canals, or who shall own or be "interested in any boat navigating the same, shall be employed "as a superintendent, lockkeeper, collector of tolls, weigh-mas-"ter, or other agent upon the canals.

"No canal commissioner, or any member of the canal board, "shall own or be interested in any hydraulic works dependant on "the canals for their supply of water, or own or be interested in "any line of boats, regularly navigating the canal; and if any "commissioner or member of the canal board, shall at any time "after the expiration of six months after this chapter becomes a "law, be, or become so interested, he shall forfeit his office."

The opinions and usage in Ohio are stated in the following extract:

From the Annual Report of the Ohio Canal Commissioners, 22nd January, 1833.

"The numerous water privileges created by the construction of the canals, form an important interest which should be discreetly managed. These privileges may be made important sources of revenue, and at the same time be made to contribute largely to the prosperity of the surrounding country.

In leasing or selling those privileges, it is however important to secure the primary interests of navigation, which are liable to be injuriously affected by an improper use of the water for hydraulic purposes.

The agent to whom the disposition of the water is committed, should be able to anticipate the effect likely to be produced by any proposed sale—should know where privileges may or may not be disposed of without injury to the navigation—and what precautions, are necessary to guard against the occurrence of such an event."

I met in the canal office with an indenture having the Company's seal affixed to it, but no other seals nor signatures. It is dated the 22d of September, 1834, and I find that of the persons to whom a lease of the St. Catharines' water power is given by virtue of that document, there are of the Company's officers and persons employed by it, Messrs. John Clark, Thomas Merritt, R. E. Burns, and Robert Sanderson. The lease conveys to them, for £125 a year, subject to be annulled by the Legislature, the land and premises, with the water power attached

thereto, at St. Catharines, commencing at the level below Mr. Phelps' saw mill race, down to any part of the level below the hill at St. Catharines where the bridge passes the Hamilton road, with all the waste water. The Canal Company are to do a variety of works for the lessees. The rent is only £125, the lease for 10 years, and the Canal Company are to pay the value of the erections in case it declines to renew the lease. Under this indenture Mr. Wm. Hamilton Merritt is a lessee of water power here also.

(Copy.)

St. Catharines, February 23, 1835.

John Clark, Esq.

I beg to apply to you for the use of the surplus water at Gravelley Bay, in behalf of the Port Colborne Mill Company.

Your obedient servant,

HIRAM SLATE.

Mr. Merritt stated to me, that the partners were—W. H. Merritt, Thomas Merritt, Ogden Creighton, Alexander McDonell, H. B. Ostrum, Thomas Scott and Hiram Slate—for a Grist Mill at Port Colborne.

At the Board, on the 31st of August, 1835, this letter was brought forward, *after* Messrs. Merrit & Co. had *built* a Mill without authority, and as Mr. Thorburn and I dissented, and Messrs. Creighton, Merritt, and McDonell (the only other Directors then present) were interested, nothing was then done.

St. Catharines, July 10th, 1833.

Robert Randal, Esq.

Dear Sir:

There is an order of the Board, authorising you to keep an account with various individuals, of whom I am one.

You will charge me with all tolls passing in my vessels, on my account—it is not on my individual property, or the individual property of any other person whose name is mentioned—the consideration was, the Company's being indebted to those individuals.

Yours',

W. H. MERRITT.

Duplicate.

Mr. Merritt has received and forwarded through canal the undermentioned property:

	£	s.	d	£	s.	d.
1833.						
May 21st—244 bbls. pork, at 6d.	6	2	0			
5 " lard, " 6d.		2	6			
33 " flour, " 4d.	1	7	8			
10 kegs lard, " 1½d.	0	1	3			
T. McMahon, toll on boat,.....	0	5	0			
Cargo belonging to the schr. Mary of Huron,.....				7	18	5
Carried forward, £				7	18	5

	£	s	d	£	s	d.
Brought forward, £				7	18	5
June5th—*Canadian*,						
1200 bush. corn, at 1½d	6	5	0			
32 bbls. pork, " 6d	0	16	0			
6 " flour, " 4d	0	2	0			
Toll on vessel,.....	0	10	0			
Paid by Captain Prescott,.....				7	13	0
June 6th—Toll on the schooner Ann & Susan, and her cargo to amount,.....				9	0	4½
				24	11	9½

Charged to Wm. H. Merritt, Esq., and a draft taken from the master of the vessel on Messrs. Billings & Co., Brockville, payable to W. H. M., Esq. for the amount of the same.

—

Port Colborne, July 1st.

The Welland Canal Company will pay Robert Randal, Esquire, the sum of £24 11 9½, for toll, on my account.

Per order of Board.

(Signed) W. H. MERRITT.

—

July 9th—Toll on Canada's cargo,.....£9 18 3

The Welland Canal Company will pay R. Randal, Esquire, £9 18 3, on account of Canada's cargo.

By order of Board.

(Signed) W. H. MERRITT.

—

Dr.	£	s.	d.	£	s.	d.
July 1st—Order.....	24	11	9½			
" 6th— do	9	18	3			
Paid by Capt. Inkstar,.....				34	10	½

Cr.

	£	s.	d.	£	s.	d.
Draft ℔ Susan's cargo, ...	9	0	4½			
Order ℔ Kidd,.....	10	0	0			
Cash to balance,.....	15	9	8			
				34	10	½

(Signed) W. H. MERRITT.

July 20th, 1833.

—

Canada—			
Canadian,.....	£34	10	½
W. H. Merritt,			
Deduct Susan's cargo,.....	9	0	4½
	£25	9	8
	7	18	5
	£17	11	3

HYDRAULIC DITCH FROM CENTREVILLE TO ST. CATHARINES.

Amongst the papers submitted, I find an original calculation and estimate of this work by Mr. Oliver Phelps, in which the following quantities and prices are set forth, viz:

14,000 yds. of excavation at 10 cts.	$1,400	
1,000 do of embankment, do	100	
Cutting and embanking.....		$1,500
Stone for large aqueduct laid,.....	$ 50	
Building said aqueduct ready for use	1,000	
Small aqueduct,.....	275	
Grubbing one acre,.....	$ 60	1,385
		$2,885

In the same document, Mr. Phelps says "I will "complete down as far as the side line, near brew- "ery, for the above sum, or will build the aqueducts "for the above prices, and the excavation and em- "bankments at the above prices, per yard, to be es- "timated by Geo. Keefer, Jr., or will do the whole "by the lump, for the above price, and warrant it to "answer the purposes, without any further expense "of estimating, but will not take any part unless I "take the whole."

Upon the 24th November, 1830, an agreement was made between Mr. O. Phelps and W. H. Merritt, Esquire, by which Mr. O. Phelps was "held to build an aqueduct over the valley, beyond Dalsen's, and one over a ravine this side of Phelps', to make substantial stone abutments, and make the said aqueduct of the best materials and in the best manner, and finish the same by the 1st May, 1831, for $1500;" this agreement exceeds Mr. Phelps' tender to do the aqueducts, by $115.

An agreement was also entered into, between the Canal Company and Messrs. John Johnston & Hugh McGuire, to excavate a race-way from the aqueduct to the West side of Widow Rykert's farm, to muck and puddle, embank and finish the same in the best manner, by the 1st May next, for seven cents per yard, excavation; seven cents for embankment, and the same for mucking or puddle.

The above work to be executed under the directions of the Company's Engineer, or Mr. Phelps, who has the control of the same for the time being.

Also, a contract of the same date, prices and restrictions, between the Canal Company and Thomas Sixsmith, Simeon Sixsmith, Edward Bradley and Matthew Sixsmith.

These three parties before mentioned, were the only contractors.

Length of ditch taken from a book of memorandums;
1588 yards lineal ("supposed from Centreville,") to Distillery,
2212 " " to aqueduct,
726 " " North of aqueduct,

4526 = 2 miles and 1000 yards.

By an estimate of the work in June, 1831, there appears to have been done

Excavation,.....13,970 cubic yd's.		
Embankment,.... 132		
Mucking,..... 620		
14,722 at 7 c.=		$1,030 54
Grubbing returned,.....		77 00
		$1,107 54

This estimate has no signature or date, but June, 1831, is endorsed thereon; another estimate for the same work with additional grubbing contains the following:

Cutting and embanking upon ditch,.....	$1,111 50
Grubbing to Anderson,.....	40 00
	$1,151 50

This estimate has no signature.

Add aqueduct,.....	$1,500 00
Extras, per bills, and extension to 25 lock,	807 41
The amount, by this estimate, will be,...	$3,458 91

Mr. Barrett's estimate of the same work, a document known to be his hand writing, but without date or signature, states the following—

"From the culvert near Philip Shaver's to St. Catharines—		
1st "From Culvert to Soper's Ravine 87 chains and cutting 150 width at both sides 7s. 6d.....	$ 3285 99	
Flue and embankment at Phelps' distillery.....	200 00	
Embankment and flue over Soper's ravine to connect with cutting each side.	1000 00	
	$ 4485 99	
If this amount does not include the aqueduct, which is not shewn, we must add its contract price.....	1500 00	
Also extra work by bills 1st $200—2nd $55 76—3rd $65 25	321 01	
Also extension of race as at present done, and of which there is no account, say 440 yards ×4×2=3520 cubic yards at 7 cents.....	246 40	
Four sluices each $60.....	240 00	
	$ 6793 40	
I can find nothing to shew distinctly whether the total actual expense of this work has been.....		$ 3458 91
Or according to Mr. Barrett's estimate		6793 40

But it is probable Mr. Keefer the Engineer may be able to explain wherein this great discrepancy originates.

FRANCIS HALL, *Engineer.*

17*th Oct.* 1835.

Copy

We the undersigned freeholders in the village of St. Catharines and its vicinity do hereby agree, in case the Welland Canal Company shall undertake the cutting thereof, to allow them to excavate through our respective lands a race-way of proper width and depth for the purposes thereof, the same to be taken through upon a sufficient declination from the Lock situated immediately above the house of Oliver Phelps Esq. above Mr. Little's Brewery, and descending upon the table land through the village.

St. Catharines, 22nd Dec. 1829.

(Signed) Oliver Phelps,
James Little,
J. H. Clendenning,
Wm. H. Sanderson,
Johnston Butler,
Wm. C. Chase.

I will agree for the race to come through my lot in case the upper race comes as far as my red house.

E. S. ADAMS.

COSTLY FAVOURITISM—MERRITT'S MILLS.

A month or two after certain extraordinary transactions had taken place between Mr. Boulton, Mr. Merritt and Mr. Keefer, which will be stated in a subsequent part Captain Gordon presented a petition to the Committee of the House of Assembly, of which Mr. Attorney General Robinson was chairman, dated Niagara, 22d Nov. 1825, in which the following passage occurs:

"Your Petitioner therefore humbly prays your Honorable "House may be pleased to suffer the route of the Canal to remain; "but should your Honorable House be disposed to alter the same, "your Petitioner humbly prays, that as a direct line is always the "shortest, your Honorable House may be pleased to cause a faithful survey and estimate for carrying the line of Canal from the "base of the mountain, in as direct a line as may be, down one of "the ravines terminating at the mouth of the 12 mile pond, instead of turning round through St. Catharines; there being no "perceptible difficulty, save the cutting off that village, the aggrandizement of which can be of no importance to the Company's general interest."

Had the suggestion of this excellent man been followed, and the direct route from Centreville to Port Dalhousie surveyed and estimated, the Welland Canal would have been shortened nearly four miles in a distance of nearly six or seven on the side of Lake Ontario; a route infinitely preferable would have been obtained, and many thousands of dollars in damages and sudden injury to the works by the freshets on the 12 mile creek been avoided. But so powerful was Mr. Merritt's influence with the Attorney General that the most difficult, circuitous and improper route was at once adopted, without even an examination of the direct line, and the public suffered a permanent loss of many thousand dollars in order that Mr. Merritt's Mills might find a purchaser and his landed property be enhanced in value. At one end of the canal it is extended 4½ miles to benefit Mr. Henry J. Boulton at the cost of the country—at the other it is extended nearly four miles more to serve the private interests of Mr. Hamilton Merritt. If we acquit Mr. Robinson and his colleagues of improper motives in these transactions, it must be at the expense of their judgment and discretion. Mr. Hall's report explains the great advantages to be derived from adopting the direct route even now; and I fully concur with him in opinion.

On the 31st of August, 1826, A. Nelles, Thomas Butler, Samuel Street, Samuel P. Jarvis, John Black, Edward McBride, J. B. Macauley, Marshall Lewis, H. Mittleberger, and others, Arbitrators, awarded to Mr. W. H. Merritt and his father £600 for their Mill Seat, Mill, Lands, (estimated at 7 or 8 acres;) and the buildings appertaining thereto, which with £30 interest was paid them next year.

MINUTE OF 6th JULY, 1827.

PRESENT.

Dunn,
H. J. Boulton,
Robinson,
Colonel Wells,
D'Arcy Boulton,
Keefer.

Resolved, That Mr. Merritt be paid for his Land, &c. as per award, viz: £600, and £30 for interest, by a draft upon Messrs. Yates and McIntyre for £630, at 60 days.

Next month the Board resolved.

VIDE MINUTE OF 9th AUGUST, 1827.

PRESENT.

Dunn,
Wells,
D'Arcy Boulton, and
Keefer.

"The Board not feeling inclined to go to the expense of removing the Grist Mill formerly belonging to W. H. Merritt, Esq. at this time, and considering its being put into immediate operation would be beneficial:

Resolved, That Mr. Merritt retain it in his possession on the same terms as the Saw Mill, viz: by advancing the capital to put it in operation, he is to have the use of it until the Company may consider it an object to take it themselves, in which case they agree to pay him the amount of his outlay or expenditure in the repair.

Acting under this authority, for his own benefit; Mr. Merritt set to work and made repairs on the mill property to the value of £678 12s. 7d. for which expenditure he produced from fifty to a hundred accounts, some of them signed, others discharged, but a number of them were vouched for in no way whatever by the parties. Mr. Dunn the President, makes "an endorsment that the vouchers have been compared with the within accounts—the same are not got "up with that regularity which should be in such a "transaction"—and although their correctness was not disputed further explanation was called for by the Board.—McAllister's bill of $296 is paid, with a suitable allowance of 18 gallons of whiskey, and $20 of a gratuity; and the gratuity, and the said whiskey, and much more whiskey than that, are charged to the Welland Canal Company and certified by Marshall Lewis. A variety of the charges for labour and materials are by Thomas Merritt, Junior.

In 1829 the board paid Mr. Merritt £538 for his repairs, and took the mill off his hands. The balance was afterwards settled.

So that Mr. Merritt's mill, with the ground had cost the Canal Company, at the time it was placed in the hands of the Hydraulic Company $4,672, and they are said to have made further alterations. Indeed to this cost may be added the loss of nearly 4 miles in 7 in the route, and the cost and delay caused by hundreds of casualties in the valley of the twelve mile creek.

I now present copy of several letters and orders of the Board which partly shew the improper course

Mr. Merritt has pursued, even according to his own rule.

Remarks by Mr. Merritt, Welland Canal Office, 1828:

"As jealousy will arise in my possessing any machinery on the Line of Canal, would prefer the Company taking my Mills and advertising them to be let at once for ten years on an annual rent, the Company to take erections at that period at a valuation of what they are then worth. It is my wish not to be in any way interested in any work, so long as I have any management in the Company's affairs—and this I believe to be the wish of the Stockholders.

"It would be well to come to some decision respecting the Grist-millat St. Catherines; it is injudicious to let out Saw-mills on a large scale until the water is through."

Pursuing a different course afterwards, Mr. Merritt addressed the following letter to the Canal Board, asking its permission for him to be a partner in the Hydraulic Company; and the Board made a minute in reply, in these words—"The Board leave the matter entirely to Mr. Merritt, who is at liberty to act as he thinks proper." The members present were Messrs McDonell, Warren, Boulton, Allan and Randal.

WELLAND CANAL OFFICE,
St. Catharines, Nov. 10, 1831.

To the Board of Directors
of the Welland Canal Company.

GENTLEMEN,

I have refrained from purchasing any situation on the line of the Canal from its commencement, to avoid all ground for suspicion of having speculated for my private advantage, instead of selecting them for the benefit of the Welland Canal Company.

I was offered by Mr. Yates, when last here, a part of his purchase on certain conditions, which would enable me to retain near one sixth, it was my intention to state the circumstance to the Board at their first meeting, but as an opportunity is not likely soon to offer, I consider it my duty to lay it before you immediately, and if it should not meet your approbation, I am determined not to retain the least interest in the Hydraulic Company, although I consider it a profitable speculation, and that it would in no way interfere with the interests of the Welland Canal Company, except in promoting them; and I still think, as I ever have, it is the best sale that could have been made by the Welland Canal Company. I believe the exertion of the Hydraulic Company will bring more business to the Canal than all the land and water-power is worth in the hands of this Company.

If you consider there would be no objection on the part of the Board or the Welland Canal Company for me to make a purchase in that, the same as any other individual, I shall feel thankful, if not you will please notify me by Mr. Black.

I am,
Gentlemen,
Your obedient servant,
WM. HAMILTON MERRITT.

Mr. Merritt has since become a lessee of the water power at St. Catherines, &c. and is building Mills.

For the Colonial Advocate.

To WM. MERRITT, ESQ., AGENT AND DIRECTOR WELLAND CANAL COMPANY.

NIAGARA, *April* 28, 1826.

SIR,

There is oft times much truth in the remark "out of evil comes good." (not that any may be expected from you) but that the vile trick you played off at the election for Canal Directors on the 3d instant, has at length entirely removed that mark of friendship which you had wore so long, and clearly demonstrated it to be good to have done with you; you perhaps hoped that I would sit down and quietly chew the end of disappointment; not so, Sir, you are mistaken, (you know the cause of my being silent so long, but,) "though vanquished, I will argue still!" and perhaps may give you some trouble yet before I leave you, for I think your treachery on that and some other occasions has given me a right to address you without much courtesy, and while I confess myself truly inadequate to contend with so subtle and so patient an opponent, must trust to the justice of the cause to shield me, while honesty, trusty old truth, shall be my weapon, over which I cannot restrain the bitter tear at the recollection of the last thread of friendship being thus severed for ever that held one who I loved so well; but that is past—to the point. If you can possess candor, (which I doubt) pray why did you come here disturbing my pence, entreating me to be one of the Directors for the present year? My reply shewed you I was not ambitious of the honor (if there be any in it.) When you wrote to me on the subject, shortly before the election, and found I did not answer you, why did you not let me alone?—and when in our last interview, only a few days before the election, you then gained my assent, why did you basely deceive me in causing Mr. John Clark to be elected instead of me, and expressly to keep me out? In that conversation you lamented that the province did not contain seven elegible Stockholders to elect for Directors; when enumerating *us* you made no mention of the Attorney General or John Clark, (because they were not then Stockholders,) nor did any person ever hear or suspect, or will believe that the latter was so till the moment of election; I am glad, however, to hear that he is enabled to put a $1000 in the Canal, for he was (I thought) my friend in my closest confidence on the subject, and knew best how he kept or deserved it. (No doubt he will make a very good and more pliant Director than myself, though he did once try to get the Canal near home) if it was done to expose or mortify and disappoint me; so far you have failed, as nothing that *you* may do can surprise me, and though foiled in the opportunity of searching for truth in the Canal, (which was very doubtful of being found there, even had I been elected) the reflection that I am saved some pence and much trouble, must console me. Perhaps it was that duplicity forming so prominent a feature in your nature, you could omit no opportunity of exercising it, and that your treachery was a matter of course—a natural result. Whatever the course, the result was base in the extreme—I will not call it a Yankee trick, for the Yankees present did absolutely hoot at it. I shall consider it an Agent's trick, for I believe it was all your own, nor was it any way marvellous that my honest friend Keefer should join the plot; but why our Hon. President should fall in with it, perhaps himself knows—I do not; possibly he thought it a good joke; I wonder if he thought it an honest one; it was certainly a black one. You know that my intentions were pure and disinterested—that I had both leisure and inclination to serve the Company, and a desire to do justice to every man, without injury to any one. Under this feeling, and no other, did I consent to be one of the Directors; but it was by no means evident to me that I should, or was bound to agree to all your measures, nor could you reasonably expect that I should voluntarily expose myself (singly) to be borne down by the opinions of such a knot as your plausability had formed to your views. The four principal Directors being absentees, and much engaged in their own affairs, having no time to think of the Canal, confided all to you, who, with your trusty colleague, Keefer, have been (nearly) the sole performers in all the parts, and are both of you deeply interested and benefitted by it. Will any person be found stupid enough to deny that appearances alone demand a counter interest? I tell you, Sir, that the field is considered too extensive for less selfish men than either of you, to be entrusted with entire control thereof. I do think it to be the Company's advantage to have a different interest with yourselves in the direction, were it only to give popularity to, and confidence in the work, (which is greatly wanted.) Under this impression I proposed James Crooks, Esquire, to be one of the Directors, and this I learn is in your eyes a most heinous crime; and why not Mr. Crooks, Sir? Is he not a proper person, merely because his views may chance to run counter to your interest? You know him for a man of application—one not likely to be gulled by any frothy varnish you might rise to reflect the Company's interest in certain points, while self-advantage lay snugly hid at the bottom; he is a sturdy fellow that would brush it aside, and if iniquity lurked there, would "drag the monster into day"—just the man we want: and it required no witchcraft to forsee that he would be less manageable than some others; but allow me to assure you, Sir, that the base step you took to prevent the election of persons, perhaps not fully satisfied of the propriety of your conduct, has rather tended to confirm than remove any unfavorable impressions that may have existed in clearly evincing the little faith you had in your ability to make converts of them to your measures. If those measures have been pure and disinterested, and the Company's best interests always adhered to, what can you be afraid of—why recoil at such men?—sure "conscience

that makes cowards of us all" did not whisper you the danger of trusting even one person who might feel disposed to look deeper into the Canal than others. I have not the vanity to think myself so formidable; and the apology that I wished to mar or perplex any part of the proceedings is too ridiculous to repeat, since it is not to be conceived that one or two men could make any undue impression on the minds of six persons acquainted with the subject, aided by such plausible subtlety as yours, and the work so far advanced.

When there was a vacancy for a Director from June till October last, you know I was the only person belonging to the Company during that time eligible to fill it; but you (and colleagues) rather choose to violate the charter than admit me among you. Whether I was too great a fool or knave I never could learn, but aware that you had both resolved to do without me, and not then over ambitious to herd with such, I said but little about it, but it was to divine the true cause of such pointed hostility, for though you might hate, you believe me honest. It was, however, grateful to ultimately observe so judicious a choice as the Hon. Vice President; but I thought at this time, (as you were so pressing) that your plans were to secure, that I might, for want of better materials, be admitted among the crowd; I do assure you that I had no wish or intention to tarry with you. I did but just mean to take a peep or two to satisfy myself that all was right, and away; (it is only your duplicity that I complain of) it is well known that I am about to leave the country, but if any person can suppose I would remain here for the honor of being Director of the Welland Canal, they are at full liberty to enjoy their opinion.

The four principal Directors being absentees, confide all to your disinterested management, now aided by Messrs. Clark and Keefer, (whom I call nobody,) you three I suppose form (the tria juncta or) standing corps of operations. Pray, may we not as well toss our money to you at once, and say, here good crafty Agent, make the most of it; for I much question the soundness of that policy that gives such latitude to any man so deeply interested as yourself.

"You know that I have no hostility to the Canal, (quite the reverse) and that I am interested in its prosperity, but I can never suffer that little interest to run away with my integrity, (let sordid souls laugh) I feel a nobler interest for its welfare, and think much of its prosperity depends upon the open, candid, judicious manner in which it is conducted; it is that cursed mysterious secrecy, which you are so fond of, that I am an enemy to. You say there is none; now I insist there has been, and still exists too much of both, and that it is injurious to the work; where there is no knavery there is no need of it. Honesty needs no such wretched auxiliary; it is true, I have asked but few questions as a proprietor, but the equivocal, unsatisfactory answers I have received, have disgusted and deterred me from further enquiry."

You have reported that fancying myself ill treated by the Directors has dissatisfied and roused me. Has yourself not acknowledged their injustice to me?—and do you suppose I am ignorant who to thank for it? But to state such as the cause of my discontent is a base false calumny; "false as hell"—false as him that said it: only worthy the little soul incapable of any generous feeling itself, cannot reconcile the idea of its existence in in the breast of another; it is too true I have been cajoled, duped, deceived, led to expect what was never intended to be realised; but my credulity and prejudice in your favor rendered me obstinately blind to every imposition, in spite of the most faithful testimony, and evidence of my own senses, and perhaps should never have opened my eyes to the truth had myself only been concerned; it was that cursed twisting and turning the canal and contracts, without leave or law, which first gave me to reflect. We read that "the serpent was more subtle than all the beasts of the field." Such are you among men—shining in subtlety, and your wiles attended with every success. The black snake I believe does not bite—like him you steadily pursue your wily course, and if like him you may not bite, you have made a devil of a hissing through the country.

"I held with you and supported your measures so long as I thought them honest, and disapproved them as soon as I discovered an inclination to serve yourself, rather than the Company. I may have erred in opinion; no man, I freely confess, is more liable to error, nor any more willing to acknowledge and atone for it. I am aware that I have been a foolish volunteer in the cause of strangers' interest, but heaven can bear witness to the purity of my intentions. If I was wrong, why did you not set me right? You attempted it once, but left me worse than you found me.

"Let me ask you where might the Canal now have been, (perhaps forgotten) had not my slender purse fostered it in its infancy when destitute of funds, and none would risk a shilling on it, not even their own instalments?

"What supported the tottering fabric when the Lower Canada Stockholders suspended payment, and almost abandoned it? (I do the fullest justice to your own personal exertions, they were vastly great, and must have immortalized you had they been disinterested.) Who advanced the first payment to the contractors, before any money was obtained (or certain of being obtained) from the New York Stockholders? Who would have reimbursed me had the Canal miscarried, as was then expected? Would you have done it? My services were then appreciated because I was serving individuals; is it not true? Have you, and your trusty colleague, Keefer, forgotten it? Or will you deny it? Where would he have been at the election of last year, had I possessed or used half the subtlety of either of you? That Nicodemus who presided at the Canal Boards by day, and attended the counter-meetings by night—who but you (to you eternal disgrace, have twice procured the re-election of him, who, when President) promised a certain contract to a certain person, on condition that himself was to be a partaker therein. Why so lenient and kind? Because he was useful to you. Is it not true? Why should I conceal it? I do not like your 'wolf in sheep's clothing,' and much doubt the goodness of that policy that entrusts you, or any one that supports such a man, with either our cash or concerns. I have been a friend to the Canal (and consequently feel an interest in its welfare;) I have a right to speak; I am a proprietor, and will speak freely. I have a right too to know, (although our Agents dispute it) how my money has been expended, but nothing of this can I learn, more than what cannot be concealed, that so much is paid, and so little is done.

"I honour your talents, and deplore their being constantly, (however secretly) directed to self. I have long known that you do not believe disinterestedness to be of this world, or to exist in it, and that 'make money,' &c. is your creed. But have a care, 'ill-gotten wealth never prospers,' and if some of your trusty friends do not shave you close before they they have done with you,

'You'll have to rise earlier than you do,
For if you are York, they are York too.'

"Though a homely English phrase, the hint may be of service to you. I leave you for the present to chew it, and am

"Your humble servant,

"JAMES GORDON."

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344. Have you any specific charges on No. 25?—The Welland Canal feeder terminates in the Ouse or Grand River, the country in the neighbourhood of which is blessed with a mild and pleasant climate, a fertile soil, water power in abundance, excellent timber for building, lime-stone, plenty of plaster of paris, fuel, canals and inland navigation, extending nearly to Brantford; building stone in all directions, and iron ore at no great distance. The Banks of this noble stream possess many advantages for manufactures, agriculture and commerce—the Ohio is near, the two great lakes are close at hand; Lower Canada, New York and Pennsylvania are not far distant, and to the west is the best half of Upper Canada. An intelligent population, well governed, and their energies properly directed, would speedily enable this favored district to rival, if it did not exceed, Lancashire in England, which, as compared to it, is defective in several important products essential to a manufacturing country. Dunnville, five miles from the river's mouth, is unhealthy, the Dam across the river at this place has laid under water about ten thousand acres of fertile lands, chiefly flat alluvial meadow. Sixteen miles above Dunnville the banks form into bluffs and gently rising grounds, and this is the aspect of the country for many miles up. At Dunnville a lock down into the river is much wanted. It is rather unfortunate that the Welland Canal has thus far impeded the free navigation of two Cana-

dian Rivers,—first, the Grand River, by a dam without a lock; and, second, the Chippawa or Welland River which is navigable for steamers or schooners a distance of thirty miles, but their passage is interrupted by the Canal aqueduct which crosses the stream so close to its surface that no steamer or barge can pass under.

The officers of the Government disregarded the excellent advice tendered them by Mr. Gordon and others, slighted the petitions of the people and increased the length of the navigation nearly four miles in the distance from the base of the Queenston Ridge to Port Dalhousie, for no other reason that I have ever heard except that it enabled Mr. Merritt the better to dispose of his mills and landed property. I now proceed to state some facts connected with the mischievous operation of the influence of the executive authorities by which the western termination of the canal was extended four miles more than was needful, and a loss sustained, for so I must call it, not less than one hundred thousand dollars.

After the Banks of the Deep Cut had caved in, it was resolved to make the Grand River the feeder, and to dam it up near its mouth so that a head of water of about five feet would be raised. It appears that this plan would not have served the interests of Mr. Attorney General Boulton nearly so well as to adopt a longer and more uncertain and expensive route to a place five miles farther up the river, and objections were raised by Commodore Barrie on account of some imaginary injury which the dam might do the naval service on Lake Erie;—this was overruled by Sir John Colborne, who consented that the dam should be built farther down on condition that the Directors gave their obligation to pull it down again, if called upon by the executive government, which they did! and after all the dam was taken up to Dunnville, and the canal carried through the Boulton (Selkirk) tract, at an additional expense of many thousand dollars in the outset, and a permanent charge for Berm embankments which appear chiefly to serve Mr. H. J. Boulton, and Mr. Thomas Merritt, Junior.

The extra report of the Directors, signed by Mr. Dunn, and published by order of the Board, June 6th, 1829, gives some account of the difficulties they had as to the place where a dam might be built. They say "it was intended that the dam should be "constructed across the Grand River about 572 "yards from the mouth, at the upper end of the "naval establishment." Commodore Barrie objected, and they then selected another site five miles up the river. They add—"The objections advanced "by Commodore Barrie, *extend to this site also, and* "*indeed to any that might be proposed within the* "*whole navigable line of the river*, extending to the "first fall, about 18 or 20 miles from the mouth."—With the sanction of Sir J. Colborne it appears they constructed the dam where it now is notwithstanding the Commodore's protest; why could they not have done it in the most advantageous place as well, seeing the Lieutenant Governor was willing, and the objection the same to one place as to another?—Where the dam now is, gravel is very dear—it has to be brought up in scows from the river's mouth—a distance of five miles.

In their report for 1832, page 12, the Directors gave the following version of this Boulton's job, and declared that only £10,000 of additional expense were incurred, besides the permanent injury of the navigation being extended five miles up the Grand River. They forget the cost of Merritt's Berm Bank, and the keeping in repair these five miles—but complaint is unavailing, Upper Canada MUST pay for all.

Extract from the Directors' Report, March, 1833.

"The best situation for building a dam across the Grand River, "was about half a mile from the mouth; where the ground was "marked out, the work placed under contract, and about £400 "expended; when, by the representations of Commodore Barrie, "a stop was put to the work, and the Company were compelled "to select another situation five miles up the River, and cut an "entire new feeder that distance, at an additional expense to the "Company of at least £10,000."

On this subject I select a letter of Mr. Barrett, the Engineer, who had he been left to exercise his own discretion, would have acted with good judgment, but he was perpetually interfered with by Mr. Merritt and others interested, and had either to yield to their views or leave the work.

(OFFICE COPY.)

To the President and Directors
of the Welland Canal Company.

GENTLEMEN,

I send you herewith a detailed statement of removing the Dam five miles in the interior as well as the cost for enlarging the Canal to its proper dimensions—

The former amounts to	£4,605	5	0
The latter	9,223	15	0

My reasons for selecting the lower situation in the first instance was

1st. It gave a large and commodious harbor of 36 chains from the end of the piers to the dam, averaging at least 5 chains in width, capable of containing any number of vessels that may navigate those waters for ages to come, even had there been no lock in the dam to pass through at pleasure—which it is our intention to construct.

2d. It was the first and best position below Broad creek; above which I never contemplated building a Dam, from the difficulty which presents itself in crossing this stream, and the distance it would prolong the end of the Canal before entering the Grand River.

3d. Since our being compelled to relinquish this situation and to select another above Broad creek, the first and best is 5 miles from the mouth, where the dam is now constructing.

The difficulties of this situation however are not inconsiderable, in the first place it prolongs the canal near five miles, which will compel the Company to raise the dam near six inches higher than *below* to maintain the head heretofore calculated upon.

It removes the most desirable commercial and manufacturing situations five miles from the direct line of the canal, consequently must take every vessel which goes to that place for loading ten miles out of the way, and in no way increases or improves the navigation in the interior for that distance.

I therefore conceive the additional expense incurred by the Company a total loss to them without any corresponding benefit whatever besides retarding the completion of the Canal at least two months, and the expense of keeping up two to three miles of additional embankment besides waste weirs, waste gates, guard gates, &c

I am,
Gentlemen,
Your Obedient Servant,
A. BARRETT,
Pr. Engineer; W. C. C.

WELLAND CANAL OFFICE,
St. Catharines, June 30, 1829.

This Boulton job is as bad as that of the four mile circuit to oblige Mr. Merritt, down at St. Catharines. Even Captain Creighton, in one of his official letters, expressed his unqualified contempt for Boulton and his abettors in this robbery of the public:

Extract of a letter, Ogden Creighton, Esq. Director of the Welland Canal Company to W. H. Merritt, Esq. dated York, January 13, 1832.

"I told the Attorney General his berm bank was to be made; when he said "it was very hard I should call it his, as he had only the health of the people in the neighborhood at heart in urging its completion, as Mr. Randal had told him expressly the inhabitants were, or would, suffer greatly from sickness if it was not made." I do not think it necessary to assure you how very kind hearted and considerate this said Attorney General is in his nature; yet as it may be news to you, I must inform you, he apes at being disinterested in the bargain! poor fellow! what a pity he chose so vile a profession as the Law—his virtues might have done him great honor in the Church!"

(Office Copy.)

York, *May* 20, 1829.

Sir:

Mr. Phelps has made the Company acquainted with your present ideas respecting the most proper situation for the dam across the Grand River, which you think ought to be somewhat lower down than that selected when the Directors were over. It was intended by the Directors to leave with you the discretion of making any alteration that you might think expedient, with the understanding that the dam should not be placed within two miles of the mouth of the river, and that you should not deviate greatly from the site approved of by the Directors without first acquainting them. The change you suggest is such as you may adopt if you are decidedly of opinion that it will make the dam more secure, which is the first object.

I am Sir,
Your obedient servant,
JOHN H. DUNN,
President W. C. C.

Mr. Alfred Barrett, *Engineer.*

The Chief Justice (Robinson) then Attorney General, wrote Mr. Merritt from York, April 30th, 1829:

"Sir J. C. will authorize a dam any where above two miles from the mouth (meaning the mouth of the Ouse or Grand River) and perhaps if he were convinced the *necessity* was absolute he might do more."

Notwithstanding this offer, Messrs. Dunn, H. J. Boulton, C. J. Robinson, Keefer and Lefferty, determined, May —— to fix the dam between Moulton and the Indian lands, and they agreed to take it down whenever the Government should desire them to do so.

At the other end of the canal there is a creek called *the twelve*, upon which Mr. Hamilton Merritt had a mill which seldom had water to impel it, and was worth little. This mill and some improvement on it, and a few acres of land, were sold to the Company for £600—£30 of interest, and £673 of allowance for repairs to the mill. Had the canal gone in the straight table land course which the Engineer Mr. Hall has pointed out, it would have been nearly four miles shorter between Thorold and Port Dalhousie, which is a great advantage on a ship canal, but Mr. Merritt had influence to get it carried into the Twelve Mile Creek round about by St. Catharines, and close by his lands and property there, and by his mill. Besides the increase of distance, a perpetual bill of expense is incurred by having the locks in the bottom of the creek and subject to injury by freshets which it is often very difficult to repair.

York, 15*th January*, 1825.

Wm. Hamilton Merritt, Esq.
St. Catharines.

Dear Sir:

I am happy to hear such good accounts of your progress the canal; and think with you it would be very desirable to get the aid of Parliament. What the feeling of the House can be I cannot pretend to say, being a stranger to the most of the members. If anything however is intended it should be brought forward by petition from the Directors stating how they could pay the interest, and secure the ultimate payment of the principal.—If it is go to Niagara I doubt whether Government would encourage it. If it were sure to come to the 12, I would be inclined to think otherwise. I had an idea of offering to take stock in the canal to the amount of $10,000 if they would take 10,000 acres of my land in a block where they please, and pay me $10,000 in cash by instalments. This would be only $2 per acre, which by taking the canal through it, would raise it to $6 or $8, and would give the canal the benefit of its own improvements—besides this land would be taken in payment by the workmen most readily.

If a petition is brought forward you should come with it, as an experienced person would accelerate the business much.

Yours truly,
H. J. BOULTON.

York, 20*th February*, 1824.

Wm. H. Merritt, Esq.
&c. &c. &c.
York.

Sir:

It occurred to me after I had the pleasure to see you on the subject of the proposed canal, that instead of my name being as you mentioned at the top of the list, that you should solicit the countenance of His Excellency the Lieutenant Governor, whose name would stamp the character, and secure the support of Upper Canada. His Excellency's sentiments at the conclusion of the last session are very flattering indeed, and the view he was pleased to take of the matter, that you will not apply without success, in addition to which it will add to the Governor's property, if not, it will be a very desirable object from his residence. The little support I can give in my small subscription is all I am able to do, which is only to assure you how much I should be gratified to see so laudable a project carried into effect. At the same time I will use all the means I can make use of in promoting the under-aking

I have the honor to remain, Sir,
Your obedient servant,
(Signed) JOHN H. DUNN.

Friday, 11*th March*, 1836.

Committee met.

PRESENT.

James Edward Small, Esq., *Chairman,*
Messieurs Chisholm.
Gibson,
M'Donell.
Parke.
Roblin.
Shaver, and
Thorburn.—8.

Mr. Newlove *again called, and further examined.*

[By Mr. Mackenzie.]

345. It is assumed that £1,340 and upwards were paid from the Canal funds in 1825, to Theophilus Brundage, for timber of a large size for a tunnel, and never used for that purpose, and that no part of the proceeds of 200,000 square feet appears on the books, and that it has not been accounted for in any other way. As you were continually on the Canal, perhaps you can tell what became of the timber?—A good deal of it I can—I know Mr. M'Micking bought some of it. Mr. Phelps employed me to draw perhaps 40 or 50,000 feet to the first lock below the mountain. Mr. Phelps drew a good deal of it himself, perhaps as much as I did—I suppose that Phelps and myself and those I employed drew all that was fit for locks. I was to draw none but what

was a foot square and upwards. I drew some for Mr. Phelps to build a Presbyterian Meeting House with, and some to build his own Store and machines with—I heard it said that some of it floated down the Falls of Niagara.

346. Do you know whether any shanties were built with Brundage contract timber?—No. I believe not a stick was taken of that pine timber. We all built our shanties with wood, which was easy to be had. One Rolly got some sticks of white oak, but I do not know that it was the timber of Brundage's contract.

347. Are you aware that Hovey, Ward & Phelps, were obliged to supply themselves with timber for the lock contract, and not to receive timber from the Company?—They told me that they were. Hovey recommended me to Phelps to draw the timber—I asked Hovey what Phelps would give me per foot for drawing it—he told me that Phelps could not afford to give me a great price, as he had the timber to pay for to the Company.

348. How much of Galbreath's Gravelly Bay contract was left unfinished when you finished your contract for section 10 & 11 in the fall of 1832—and was there any greater difficulty in finishing No. 13 than you had to contend with in completing sections 10 & 11 below it?—To the first part of the question I answer I do not know, and to the latter part I answer—No. No. 13 was, I think, a foot higher than No. 10 & 11 which I done

349. Are you aware of the amount or value of Mr. Galbreath's contract for Sec. 13, Gravelly Bay route—could it have amounted at 13 cents to upwards of $5,000, including an extra allowance of $200?—No, I don't think it could—he had not half so much to do so I had—Galbreath gave his job up, and so did every one else but myself.

350. Do you believe there was 26,748 yards of excavation in Section 13, this being the quantity allowed Galbreath over and above an allowance which appears to have been made to Donaldson?—I think there was something like that in each of my sections, and I should think there was something like that in 13.

351. How wide was the bottom cutting by you in Nos. 10 & 11, and by Galbreath in No. 13?—Part of mine was 30 feet bottom. I do not know, but I think Galbreath's was 20 feet. I believe they calculated all to be 30 feet in the first instance, but there was difficulties occurring which were supposed to be the want of money, which caused alterations to be made.

352. Oliver Phelps claimed and was allowed a large sum for taking out roads at the Deep Cut. Did you make your roads at your own expense when a Contractor there, or was Mr. David Thompson, Messrs. Ward & Hovey, and yourself, paid like Mr. Phelps for these roads?—I do not know what Mr. Phelps was paid, but I never was paid, nor Ward & Hovey any such charge, although Hovey, Ward and myself often applied to Mr. Merritt for such allowance, and his answer was always the same, viz: "How did you expect to take the dirt out of the Canal without roads?"—Hovey, Ward, and myself ought to have been paid a great deal more than Phelps was. He cut his roads principally in the same way that we did—ours cost three times as much as his did, for want of the use of machinery—we cut ours at right angles with the Canal, but he cut his slanting. We were prevented in the first instance by Mr. Clowes from making our roads as Mr. Phelps made his.

Mr. Phelps' *evidence was read to witness.*

353. Referring you to Mr. Phelps' answer to question No. 238 regarding deep cutting on Canals, I would like to obtain your opinion as to the relative value of the first 10 feet cutting to each foot below?—I would rather take out the bottom than the top at the relative price as stated in Mr. Phelps' evidence, or at ½ a cent addition—I think the increase mentioned by Mr. Phelps is too much.

354. Did Phelps allow his sub-contractors on the Deep Cut over and above his agreement with them in proportion to the extra allowances made him?—I never heard that he did. I do not know that he was allowed any thing extra; he broke them all down but David Thompson.

355. Mr. Phelps says he bought all the shanties and paid for them. Did he pay for your's, or Rowley's, or Hartwell's?—He never paid for mine; he said he would buy my shanty and stable, but did not do so. He took possession of my poultry yard, my stables, and my granary, but never paid for them; he paid me 3½d less for my grain than I had offered for it.

356. Mr. Phelps says he lost oxen, horses, and other property, and it appears on reference to the accounts that he was very handsomely paid for these losses. Was he the only contractor on the Deep Cut who lost horses and cattle, or were others remunerated for losses?—I lost four of the best horses that were ever on the Deep Cut, but I was never paid for them. I never asked for pay; I have been a farmer almost all my life time and have lost many horses, &c., but I never asked pay for them from my landlord.

357. Was the part of the Deep Cut finished by Mr. Phelps of a harder description of soil as the depth increased?—Is Mr. Phelp's answer correct?—I think it was as hard within 12 feet of top as it was at any other place, and as many stone.

358. Did Thomas Merritt work as a contractor on the Canal when you was there?—Yes, he did.

359. Did you ever know him to begin and finish any of his contracts?—He finished his Gravelly Bay job at a great loss, but did not begin it. He began a large job at Cranberry Marsh, and I helped him to finish it.

[By Committee.]

360. Are you aware of Thomas Merritt having been a favorite; and if so, will you state in what instances the directors shewed a partiality towards him?—I never knew that they did.

[By Mr. Mackenzie.]

361. I see in the Company's books a bill paid you out of the Company's funds of £25 for the loan of a horse, saddle, and bridle, for the use of His Excellency Major General Sir John Colborne, Governor of Upper Canada. Surely all this money could not be for Sir John's horse; explain if you can how it

come to be paid out of the funds of the Welland Canal Company?—I received a letter from Mr. Black, the Secretary, saying, "I am desired by the Board of Directors to state that they and Sir John Colborne are coming to see the Grand River on a certain day. We are supplied with horses of Mr. Burgar's; if you have a horse fit for Sir John Colborne to ride on, I hope you have it in readiness on said morning, if not, get him one, we will pay the expense." On the said morning they did not come as early as he said they would, and I sent my horse to work. Afterwards, on the same day, I sent my horse to Mr. Burgar's, with a good saddle and bridle. Five or six days after I received a letter to meet the horse five or six miles from my place, but was without saddle or bridle—and I charged $1 a day for the horse, $18½ for the saddle, and $2½ for the bridle, to the best of my recollection. Mr. Dunn advised me to ask Sir John for the hire of the horse, which I refused to do, and then sued the Company.

[By Mr. Merritt.]

362. You say you was employed by Mr. Phelps to draw 40 or 50,000 feet of timber, not under 12 × 12; from where did you draw the timber, and which of the two locks under the mountain did you deliver it at—above or below Vanderburg's?—I drew it from Brown's at the Chippawa, where the timber was lying in a field, and I drew some out of the Chippawa River to the locks below Vanderburg's—Mr. Phelps paid me, I do not recollect how much.

[By Committee.]

363. You state you have been caught too often on that canal, will you inform the committee if you have been caught in any other instances than you already have stated, by the Directors of the Welland Canal Company or its officers?—I have—When Mr. Merritt persuaded me to give in writing to the Directors what I thought it was worth to take the whole width of the Deep Cut down at once, and what it is worth to take the ditch down, I refused to do it for nearly two days, telling him (Mr. Merritt) I already had a contract or a promise from the Directors that I was to go to bottom of said job either the whole width or the ditch as they thought proper—no price was to be set by either them or me; my work was to be measured and valued by the Company's Engineer, Mr. Barrett. I told Mr. Merritt that was my agreement with the Directors, if I now set a price on it it will be doing away with the bargain I have already made, that I should be using Mr. Barrett very badly, by first agreeing with the Directors that he should measure and value my work, and before one month setting my own price on it, it would be entirely doing away with what I had already promised. I think Mr. Barrett is a gentleman and will allow me a fair price for my work, and I ask no more—therefore I won't say what it is worth. Mr. Merritt told me that that should have no weight with Mr. Barrett—that it was for another purpose altogether. I said "do you think that this will have no weight with Mr. Barrett?—when I've agreed with the Directors without either me or them having any thing to say about the price for the work, and now you want me to come forward to say what it is worth. I will never fly into the face either of Mr. Barrett or the Directors; I can finish my contract by Mr. Barrett's value; he knows the worth of the work." Mr. Merritt again said, "I tell you it shall have no weight with Mr. Barrett whatever;" I told him it could not be otherwise, but have weight, and therefore said I would not give it. He still insisted that I should give it in or it would be worse for me; he said—"you have no occasion to dispute with the Directors above all folks." I then told him I would give it in writing how much it was worth more per yard to take down the ditch than it was to take down the whole width—but I would not say what I will take it for—if I did I was sure it would do away with the bargain I had already made. He told me "upon the points of honor it shall have nothing to do with the bargain you have made with the Directors, nor any weight with the Engineer. The Directors mean you to finish the job according to your bargain, this what I am aking you now is for another purpose entirely—Mr. McTaggart is writing against the Directors of this Company saying how much cheaper he could swim it out than they are getting it out by yours and other contracts." I asked Mr. Merritt if that was all he wanted; he said the Directors would not take upon themselves to say whether they would take it out as we were doing it, or whether they would follow McTaggart's plan. I then told him—"If that is the case I see into it; they cannot wash one part of the ditch out and let me cart the other part out—I will then say what it is worth more to take out the ditch as we are now than it would be to take the whole width down at once; but I will not say what I will take it for." He told me that would not do, "you must comply with what I've said, viz:—the Directors have always been in favor of you I tell you again—the Directors have nothing in view but your finishing the job at the bargain you made." I then believed him, and wrote or signed my name to what he told me to, with another promise that that should have no weight with the Engineer, and notwithstanding all that had just occurred between us, in two hours he (Mr. M.) came out and told me amongst other contractors the following, viz: "Gentlemen, you may all retire, Mr. Phelps has taken the whole of the Deep Cut."—I said to Mr. Merritt "are you such a man as that after making me the promises you have"—he turned away as though he did not hear me, with an air of disdain.—I turned to Hathaway and said "Mr. Merritt has coaxed me out of $2,000." I would not have given up my contract for that sum: that was the first time I had been deceived by him under the Welland Canal. I then was entirely thrown out of the work, and after some time I hired my four sons, six yoke of oxen, two span of horses, and myself, to Mr. Phelps for any thing he would give me. As soon as Mr. Phelps could conveniently turn round he discharged me, and then I had my living to seek other ways.—For that month's work in which Mr. Merritt induced me to sign the paper I had cleared, free of all expense, $600.

After the death of Hartwell, I was persuaded by the Agent and Directors of the Company to take my teams and sons from Monson at $5 50 per day to assist in finishing Hartwell's job. I worked about two months and a half, and I paid out $624 96;—also boarded a great many men, and my own services for the benefit of the canal, and never received a dollar for it. This is the second delusion of the Com-

pany. At the end of that job my wife took sick and died, and I was obliged to borrow $20 to bear the necessary expenses of her burial. I was left without one single shilling—and I have not received one farthing for all the outlay on that job of Hartwell's from that time to the present.

In the Spring of 1831 I took another contract on the Gravelly Bay line of Sections 10 and 11, as many others did—We all failed, and all the rest of the contractors gave up their jobs, and many of them re-took them again at an advanced price: I offered to give up mine at the same time and pay the forfeit which my contract demanded;—Mr. Merritt, Major Randal, and Col. Warren, were the only Directors present, at the same time they persuaded me to go on with my contract and I should be as well used as they that gave it up and re-took it. I told them if that was the case I would finish my job if I lost $1,000 on it—as I had finished every other contract I would also finish that—and for which according to said promise I have never had any remuneration yet, and indeed had to sue the Company for the amount due me according to the original contract. The reason of my wanting to give up the said job was on account of having so much more water than was expected, as may be seen on referring to the annual Report of the Board of Directors of 1832, page 13, viz:

"From various delays in exploring the different routes the work "was not put under contract until late in the season; and very "little progress was made in it, from the heavy rains which pre- "vailed during that year, and the peculiar situation of the route, "which could not be drained until back ditches were formed "nearly the whole extent of the cut; in consequence of which, "together with the low price at which the work was taken, every "contractor on the line, WITH ONE EXCEPTION, failed to finish "his work, which had to be re-let to other contractors."

SATURDAY, 12*th March*, 1836.

Committee met.

PRESENT.

JAMES EDWARD SMALL, Esq., *Chairman.*
Messieurs Chisholm.
Gibson,
McDonell,
Parke,
Roblin, and
Shaver,—7.

FRANCIS HINCKS, Esq. *called in and examined.*

[BY MR. MACKENZIE.]

364. You have been employed with James Young, Esq., to balance the Welland Canal Company's books, and to examine into certain charges I had made respecting the financial management of the Company's affairs?—I have.

365. Has there been a regular cash account kept by the Company of the cash transactions, and do you consider such an account or book as an indispensable requisite to a regular system of accounts?—There has not been such an account kept, and I think such an account indispensable to such a concern as the Welland Canal Company.

366. Do you consider that the books of the Welland Canal have been kept on the Italian method by Double Entry?—Only in part.

367. Do you find that the petty books kept for the convenience of making settlements with contractors, agree with the regular books of account in their results?—They very often differ materially.

368. In what respects do they disagree?—In examining the accounts of individuals in the Leger, which ought to show the true state of the account, I found different sums charged on the great leger from what was charged to the same party in the petty leger, both on the debtor and creditor side.

369. Do you find the vouchers of such a doubtful character that it is often of little service to have reference to them?—Many of the receipts and vouchers are in the hand-writing of the Secretary of the Company, and executed by the persons professing to have given the same with a mark only, and without any witness to verify the same; and there are some large sums for which there are no vouchers, particularly those paid out of the toll and forwarding.

370. Is the expenditure of £579 12s. 3d. of a balance of Grand River money, first charged in the great leger to George Keefer, but which it appears by that leger and the cash journal, he never got, satisfactorily accounted for by the Company or its officers in any way? Or does the statement of Messrs. Bowery & Burns, since approved of by the Board of Directors, shew that this money has been satisfactorily accounted for?—I consider the entry to have been improperly made, and that the manner for expending it, as stated in Messrs. Bowery & Burns' Report, is unsatisfactory. It is impossible to say whether that particular sum, as stated in the former part of the question, remains unaccounted for—it will depend upon the balance of the cash account when all the alterations are made.

371. The balance sheet presented to the House of Assembly for 1832, and now shewn you, states the whole £1370 2s. 03d. borrowed from the Bank of Upper Canada to pay the claimants on the Grand River, to have been appropriated for that purpose—was that a true statement?—It was not. £1370 2s. 3d. appears in the balance-sheet as paid to Mr. Keefer—it is not correct; as it appears by an entry on the books on the 17th June in the following year, that Mr. Keefer never got the whole of the money in question, that he only got £790 10s.

372. In the case of the Grand River moneys, and many others of a similar nature, are not the Company's books of account full of false and erroneous entries?—There are a great many of what I conceive to be false and erroneous entries. The sum last mentioned is the only one I have noticed as being connected with the Grand River moneys.

373. The sum of £149 12s. 8½d. was paid Mr. Merritt in 1832 out of the tolls, on his salary; and the sums of £37 10d., £40 11s. 6d., and £11 5s. 7d. were also paid him on account of his salary in the same year. He was further allowed interest on arrears of salary for that year. These sums amount to £238 19s. 9½d., paid Mr. Merritt three or four years ago. Has he been charged with any part of this money in any way or shape on the books of account up to this day?—The sum of £149 12s. 8 1-2d. was paid to Mr. Merritt, and there was an order of the Board that he should be charged with it; he is not so charged, but that sum is charged to toll at the end of the year 1835. 2d. The sum of £89 7s. 1d. is charged to salaries, Nov. 1832, as paid to Mr. Merritt, but this sum is not deducted from his next quarter's salary. Mr. Merritt was paid interest on the balance of his account after the time the above-mentioned sums were paid.

374. Was not Mr. Merritt himself the Secretary of the Company from June till the latter part of Nov. 1832?—It appears by the minutes of the Board that Mr. Merritt was appointed Secretary, but I see no proof in the books that he acted as such. It appears by a contract placed in my hand, dated Sept. 1832, that Mr. Merritt signed the same as Secretary to the Company.

375. I would now ask you, as an accountant, whether out of an income of £400 a year, which was Mr. Merritt's salary in 1832, you consider it probable that a man could have been paid on his salary in one year about a thousand dollars without knowing it either then or since?—I consider he could not.

376. Mr. Merritt is entered by the clerks as having received salary at the rate of £400 a year as agent, from the first of Jan. 1834, although the office was vacant, and as such offered to W. B. Robinson, Esq., on the 5th of Feb. thereafter, and there is no order of the Board to authorise such payment. Is not this an overcharge?—I could see no order for his being paid previous to his appointment. It appears to be an overcharge.

377. There is an entry of $30 stated as having been paid to Mr. Clark under the title of "Salaries," in Nov. 1832. Does not the full salary appear to have been paid Mr. Clark over and above this sum?—Yes.

378. Was not £75 paid out of the tolls of 1832 to Thomas Merritt, Jr., and not only charged to him, but he even allowed

interest on his account in 1833-4, as if he had received no such payment? And is not this sum only charged to him last Dec., and also the £50 not charged to him through the erasure, chargeable to him with interest?—Yes.

379. Were the accounts of the tolls and forwarding honestly and fairly entered on the Company's books for the years 1830, 1831, and 1832, so as to enable the officers to shew correct and accurate balances of their accounts? Or were these accounts for the greater part withheld from the books of account until Dec. last, and then entered defectively and improperly, and so as not to shew the actual sums due by their officers?—The accounts of the toll and forwarding for the years 1830, 1831, and 1832, have not been fully entered on the books in Dec 1835, and then upwards of £1000 received for forwarding in the years 1830 and 1831, have been short-entered, for which, however, the forwarding agent (Mr. Clark) hands in an account of expenditure for forwarding, within £254 of the amount, about which sum he states having been received by the then Secretary (Mr. Black.)

380. I have stated the difference or balance of cash in hand in the Company's coffers from tolls and forwarding as being more than they had entered it on their books by the sum of £782 1s. 4d., after making Mr. Merritt debtor to cash for the £149 12s. 8d. he had in 1832. Is the defection as I have stated it, and if so, be pleased to state the reasons?—The balance on the toll accounts for 1832, stated by you, is £782 4s. 4d. is I conceive, correct, and arises from Mr. Young and myself in our first balance of the books having given toll account credit for the amount charged in the cash journal, as paid from toll, while it appears that the sums paid to Yates of £300, £447 17s. 10d. for Steamboat Peacock, and some smaller ones, were already charged to toll account on the books of the Company. It appears these sums are first charged in cash journal in Nov. 1832, and are again charged in Dec. 1835 in same book.

381. Mr. Clark has received a credit of nearly £700 as payments made out of the proceeds of toll and forwarding for 1830 and 1831 to the Schooners Canadian and Prosperity. Was he able to produce any vouchers or receipts to shew that he was entitled to a credit for any part of that sum, or did he shew that his accounts were ever credited by the Board of Directors for these transactions which occurred about four years ago?—Mr. Clark takes credit for £716 4s., disbursed out of the toll and forwarding of 1830 and 1831, as paid for freight to the Schooners Canadian and Prosperity, for which he has no vouchers or receipts, but there is a statement in detail of the amounts credited to those vessels for each trip, in a toll book for that year—there is not any particular order of the Board for the payment of those sums, but the Company were acting as forwarding agents at the time.

382. Did you remember who is stated on the books to have been the owner of the Prosperity at that time?—I do not know that there is any statement on the books of who was the part owner, but the balance due to the Prosperity appears to have been carried to the credit of Mr. Merritt; and Mr. Clark stated that Mr. Merritt was the part owner.

383. Can you state the nature of the agreement made with the Peacock steamer, the sum paid for a deficiency of returns, and whether this deficiency is not part of it thrice charged on the Company's books, and the other part of it twice?—It appears on the 29th of March, 1830, an agreement was entered into between Mr. Reed of Erie and Mr Merritt, that he (Mr. Merritt) was to pay $2500 for the use of the Steamboat for the season. On the second of June following there is an order of the Board to charter her, if got for $2000 or less, for the use of the Company. She does not appear to have been employed until July, and the amount paid her was $1666 66 cents; there is only the balance of her account carried into the books, which was, as I have before stated, charged twice to toll, the sum of £79 16s. 11d. paid for wood is included in the amount charged as lost by her; this sum was already charged to the persons who furnished the wood—Silas St. John, Coulter, and Watson, so that this amount appears to have been charged three times to the Company.

384. In folio 328 of the cash journal (Dec. 1835) £50 5s. 7¾d. (a sum within one farthing of the journal entry respecting which the T. Merritt erasure took place) is debited to toll, as toll on canal boats employed in transit in 1830 and 1831, which sum does not appear to have been credited to toll, or to have made part of the gross receipts of those years. Was any reason given by Mr. Clark for deducting these sums from the tolls of these years, or any vouchers shewn? and under the circumstances is it a charge which ought to be allowed to an officer?—The sum of £50 5s. 7¾d is charged as toll paid on canal boats employed in transit, for which Mr. Clark could shew no voucher, but said he paid it—that amount does not appear to have been credited to toll. I am not prepared to say that Mr. Clark should be refused credit for that particular amount, under the circumstance that the books have been always irregularly kept, and the Directors it is to be presumed not having been very particular in insisting on proper vouchers.

385. The sum of £38 15s. is debited to toll in the same page of the Co.'s cash journal (328) as "amount paid toll on stone for dam and tow path." Is it not entered under the same circumstances as the £50 5s. 7¾d. in the last question? Or has Mr. Clark shewn that that sum was paid or allowed to any person or persons whatever?—It is entered under precisely the same circumstances as the sum mentioned in the last question.

[By Committee.]

386. Can you find where the entries £50 5s. 7¾d. and £28 15s. were taken from?—No.

[By Mr. Mackenzie.]

387. Are you prepared to offer an opinion as to the manner in which Mr. Clark's toll and forwarding accounts are kept and made out?—I think they have been very irregularly kept and made out.

388. Are not the entries for the toll and forwarding accounts of the Company in general, very confusedly and improperly made on the books of account?—The entries, with the exception of those for the years 1834 and 1835 have been very confusedly and improperly kept.

389. Has any reason been assigned to you why the receipts and payments from toll and forwarding in 1830 and 31, and of tolls in 1832 and 1833, were delayed to be entered in the books of the Company in a great measure until the month of December 1835?—No there has not; I am not aware that I ever asked the question.

390. The Directors have, at a late Board, approved of Messrs. Bowery and Burns' Report on the Company's financial management. I would ask whether, after balancing the books as they were handed to you by the Company's officers, and since hearing my objections to their accuracy, are you enabled to express an opinion of their character—are they not disreputable to the Board of Directors of a great corporation like the Welland Canal Company?—From what I have heard of the manner in which Messrs. Bowery and Burns examined the books I do not think it possible that they could have formed a correct opinion as to the manner in which the money was accounted for, which appeared not to have been charged to cash. The books, particularly at the end of the year 1833, were in such confusion that I do not think any accountant could satisfy himself as to the effect of the entries objected to. I do not think that the books have been kept in such a manner as is creditable to the Company.

391. Would you have the goodness to state the way in which the proceeds of the £1340 7s. paid to Theophilus Brundage for square timber in 1825, are accounted for on the books or whether they are at all accounted for?—I see no statement on the books accounting for the £1340 7s. which at present stands at the debit of Theophilus Brundage. It appears by the minutes and other documents that this money was paid him for timber for the tunnel, but he has as yet got no credit for any estimate or timber delivered, nor could I find from the books of account that there was any credit for that timber.

Monday, 14*th March*, 1836.

Committee met.

present,

James E. Small, Esq. *Chairman.*

Messieurs Chisholm,
McDonell,
Parke,
Roblin,
Shaver.

Mr. Hincks, *again called*

[By Mr. Mackenzie.]

392. Has not Mr. Clark a credit on the Company's books in 1831 for £85 as paid for horses forage &c.—Is there any detailed statement to shew who got the amount, or that any one got it, or any voucher?—There is such a credit and Mr. Clark could not give any detailed statement shewing who got the amount, nor is there any voucher.

393. Mr. Merritt appears to have received, several years ago £600 of principal, £30 of interest for awards, and £678 for repairs &c. to his mill—Did it appear by the examination of the deeds in the possession of the Secretary that Mr. Merritt had conveyed that property to the Company?—There was no deed from Mr. Merritt among the deeds which I was shewn as those belonging to the Company. The Secretary stated that he did not know of any deed.

394. Has it appeared to you that the sum of £2000 borrowed on the 14th of February, 1834 of the Commercial Bank, and for which £30 11s. 6d. of interest and £10 of agency are charged to the Canal Company was applied to the purposes of the Company either in whole or in part, or is the loan entered in the Company's regular books?—The sum of £40-11s. 6d. is charged as interest and agency as paid to the Commercial Bank, and I see no entry on the books of money being borrowed from that Bank.

395. Does it appear to you that a regular and correct balance has ever been made of the Company's books since the commencement of their operations until now?—or that even a trial balance has been taken to test the accuracy of their debts and credits?—No.

396. Are the $30,000 of provincial stock of 1833 given to Messrs. Macauley, Robinson, and Shade, to expend on the Canal in that year entered up to this date on the Canal Company's Books?—or the details of the expenditure of the money?—No.

397. Is the charge by Mr. Walker of Quebec of one half per cent for receiving and paying the £25,-000 Lower Canada stock, and the charges of per centage by the New York and Canada agents fair and reasonable?—I consider Mr. Walker's charge of ½ per cent for collecting £25,000 from the Government of Lower Canada to be too much; his charge of 1½ per cent for collecting the stock of individuals in Lower Canada is also I think too high, but of this it is difficult to form an opinion without knowing more of the circumstances, the same remark applies to the charge of 1 per cent by Messrs. Yates & McIntyre.

398. Would you have the goodness to state to this committee the effects of the disappearance of the great general estimate of £28,000 and upwards for November 1832, and which is entered in the minutes of 1833 without mentioning its amount or giving any details?—A person examining the estimates is obliged to assume that the copy is correct.

399. After carefully balancing the Welland Canal Company's Books of account with Mr. Young, and examining the several improper entries to which I have since directed your and his attention, and after hearing such explanations as the officers of the Company have thought fit to offer on the several items, I wish you would have the goodness to state the amount of loss the Company would have sustained, or were liable to sustain in consequence of these improper entries, had they not been pointed out—I wish this question to be considered as having no reference to the state of Mr. Robinson's accounts, as you have not yet fully examined them?—I think about £1700, which includes amounts over credited to individuals for which no satisfactory explanation has been as yet given, and sums charged twice over; after deducting sundry errors which had been made against the Company.

400. Express your opinion on the supposed debt of £30 5s. 5d. by Beattie & Co. for which the officers have obtained a credit in folio 189 of the leger without shewing any corresponding estimate of the Board?—There appears by the books to have been paid to Beattie & Co. in the year 1829 a sum of £30-5s. 5d. for which they have no credit it stands at present to their debit on the books, though there have been several transactions with them since which have been closed.

401. Have you seen any entry on the Books of account to shew that George Keefer Esq. has ever paid any rent for the privilege he has enjoyed of water to turn four run of stones, out of the canal since it was first opened?—No.

402. What amount of rent appears by the books to have been received by the Welland Canal Company from the Hydraulic privileges from the opening of the Canal to the present time?—£454 7s. 9½d. since the Company repurchased the works from the Hydraulic Company and £100 some years ago, being the rent of a mill.

403. Mr. Clark was appointed by the Welland Canal Company first bookkeeper and then Secretary;—Is there any part of the books of the Company—I mean the Cash and stock journals and great legers in his hand writing—so far as these books have come under your observation?—No.

404. A large sum (I think £100 and upwards) is charged the Company as payments made in 1834 for the detention of vessels, which has not been deducted—Have the Company's officers been able to produce any vouchers to shew that this money was so paid?—There were no vouchers for the sums paid for the detention of vessels.

405. In your balance sheet and great leger I find the Rev. Michael Harris entered as creditor of the Company for £25, Barton Farr for £37 10s., and Jesse Wilson for £37 1s. 1d.—were not these sums paid the parties long ago? and is it not elsewhere so stated?—The several amounts stated in this question have been paid and charged to awards and consequently should not now be at the credit of the parties.

406. How much money had all the directors paid in on their subscribed canal stock from the commencement in May 1824 to the 26th day of March 1825?—£15 12s. 6d.

407. State the way in which the account of the sale and repurchase of the Hydraulic privileges and canal lands appear on the Company's Books?—The original sale of the lands and privileges for £25,000 is not entered in the Books of the Company, the first years interest is charged to Mr. McDonell but the second is only entered in a petty book, none of the interest appears to have been paid in cash by the Hydraulic Company £968 was allowed by order of the Board out of the first year's interest and £500 out of the second, the balance of the second year's interest £1333 5s. is settled by a credit being given Mr. McDonnell for £1575 interest on £17,500 Bonds given to the Hydraulic Company for the repurchase.

408. Can you describe the way in which the £25,-000 mortgage from Mr. Alexander McDonell, agent to the Hydraulic Company, to the Canal Company, is executed?—The mortgage which I saw appears to be executed in blank, both as to the day and

month when the principal and interest should be payable—the instrument is dated the 4th day of April 1833—And the principal payable on the day of in the year 1843.

409. £137 10s. of a balance is entered against William Orderly and then this balance is omitted to be carried down, and the following year Orderly is paid by a note £70 or £80 of a supposed difference then appearing at his credit, seeing that the petty leger differs from the regular books in this case, does it appear to you probable that Orderly was paid £132 by mistake or that the vouchers shewn to support this improper account are of a creditable character?—The sum of £137 10s. appears at the debit of William Orderly on the books since the year 1832—there have been several transactions with him since that time—the old balance has not been brought forward, and I think from examining the petty leger that there is that amount charged to him which he never got, supposing the estimate to be correctly credited to him. There are vouchers for the sums of £100 and £37 10s. but not for the whole of the payments which he is charged with; the vouchers have no signature but a cross and no witness.

410. Have you examined John Donaldson,s accounts and do you observe a credit of £58 18s. 10d. he was not entitled to in 1832, besides the sum of £200 and upwards for which there was no estimate, except a paper put in, in 1835?—Donaldson is credited £58 18s. 10d. more than his estimate comes to, the original estimate for November 1832 is missing and part of Donaldson's credit in that estimate is on a slip of paper attached to the estimate book, amounting to £299 7s. 8d. I cannot tell when that paper, was attached to it—The over credit above stated is supposing that the amount on the slip of paper is correct.

411. Are not Johnson Orr's estimates over stated in the Company's journal and great leger and does not the petty books plainly shew that there are £16 which he is charged with, which he was not entitled to and never received?—The estimates are over-credited and the petty book shews I think that £16 is charged to Orr which he did not receive.

412. Are there not £25 entered as paid to Engineers salaries on the great leger for which there is no voucher to shew that it was ever paid, or to whom, while the whole of the salaries are settled for by other payments?—Is it not an erroneous entry?—There is £25 charged to salaries for which I have seen no voucher, but I cannot positively state that the whole of the Engineers salaries are settled for by other payments, it was at first improperly charged to salaries instead of Engineers expenses, and it does not state to whom or for what it was paid.

413. You have entered on the general balance sheet of the Company's affairs, made out by yourself and Mr. Young, that John Lymburner is a creditor of the Company for £62 10, and so he appears to be, on the authority of the great leger, folio 187; but is not this credit altogether erroneous, and was not Lymburner paid in full long ago?—Yes. Lymburner has been paid before, and the amount charged to awards, there should, therefore, be no sum at his credit, but the balance is not carried to the new leger, and, is, therefore, to be presumed that the Company would not have paid him again, though the amount remains at his credit.

414. Arthur Stone is entered on the Company's leger, folio 188, and in your balance sheet, as a creditor of the Company for a balance of £23 10—was not more than his claim paid him long ago, so as to leave him, in reality, a debtor at this time for $6?—It is a similar case to the last, and Shore is a debtor for £1 10.

415. Can you describe the effect of the erasure of a line on Oliver Phelps' accounts, by which a balance of £95 11 4 appears to have been extinguished in folio 157 of the great leger?—In Mr. Phelp's account in the leger a sum of £95 10 5 appears to have been erased from the credit side of the account, the amounts on the debit side are composed of several items, of which, the above forms a part, and which from a memorandum in the estimate book, appears to have been loans made to Phelps and re-paid by him—if such loans were not repaid, Mr. Phelps still owes the above balance.

416. John Boyle was a creditor of the Company in September, 1831, for an estimate of work done, the amount of which was £28 2 9—the Company placed funds in Mr. Black's hands to pay him in full, and Mr. Black immediately entered on the leger, folio 174, that he had done so—and in petty leger, that he had only paid £10, in part. Is not this sum of £18 2 9 again charged to the Company in the regular books, a note given for it in 1833, and paid out of the funds of the Company in 1834, and a new account opened with Boyle in the great leger therefor, as if it was a new transaction?—Yes. It is charged twice.

417. Is the statement given in by me, entitled "a Specimen of the Welland Canal Entries" a correct account in the case to which it refers, so far as the several entries are taken from the books?—Yes. It is correct.

418. Is the charge of £500 by J.B. Yates, for obtaining of the United States Bank the loan of £50,000 to the Welland Canal Company, on the credit of the Province, a fair business transaction, or is it exhorbitant and unreasonable?—I know nothing of the peculiar circumstances of the transaction referred to, but I think that for negotiating money of so large an amount when no personal responsibility was incurred, that the commission should not have exceeded ¼ per cent., which is the commission usually charged by bankers and money brokers.

419. You perceive that the firm of Jack Toyne & Co. were paid in full of all demands against the Company in 1833, by notes, payable with interest, and which have been since paid them. Have they not, also, or some person for them, got a note for £24 1, and been paid that sum (with interest) for which they had no claim, and is it not entered in the cash journal as if it had been legerized, and yet, not legerized, nor any attempt made to detain it from Toyne and Co. in their late transactions with the Company?—The sum of £24 1 is due by Toyne & Co. from an error in not posting that amount to their debit, in consequence of which, they were paid a second time.

420. Is the charge of £12 9 3, made by Mr. Clark against the Company for Kenneth Reach,

(page 97, book C.,) a just and proper one?—I think not.

421. Has not an improper charge of £12 5, been made against the Company by Mr. Clark in his claim for disbursements paid the late Mr. Randal, as per account, page 36, book B.?—There appears to be that amount; part of a sum of £32 14, charged as paid to Mr. Randal out of the tolls of 1830 and 1831, for which Mr. Clark could give no satisfactory account or explanation.

422. In page 257 of the cash journal, there is an entry duly checked as if entered in page 402 of the great leger, of cash £50 and cash 5s 7½d, paid Thomas Merritt, Junior, from the tolls of 1833, and which £50 were duly paid him; this appears to have been duly entered in the leger, but is neatly erased, and the 5s 7½d only left—was not this £50 improperly obliterated from the leger?—The sum of £50 appears to have been erased in the leger in Thomas Merritt's account, which appears to have been regularly posted from the cash journal.

423. Has not £15 5, regularly paid to George Smith, toll collector, been improperly charged a second time to the Company?—Mr. Smith appears to have been paid salary as a toll collector, during the year 1833, which is properly charged to the toll of that year, on the 7th of August of the same year, contingencies is charged with the half of two months' salary up to 1st of August, £15 5. I cannot state that that salary is the same that is charged elsewhere.

424. There is a sum of £45 15 6 charged in the old leger as a balance for cash advanced to Thomas McChesney at Port Colborne, in 1832; and it is stated in the cash journal, that this sum was paid McChesney by order of the Board. Were the officers able to shew that there was any such order of the Board, or is not the debit of this money to McChesney improper—is it not cash for which the officers of the Company are themselves answerable?—Yes. It should be to the debit of cash instead of McChesney, and it is a sum for which the officers of the Company should be themselves liable.

425. Are there many erasures in the Company's books—and, if yea—What is the effect produced by them, or what difficulties do they present to you, especially, where a whole line is erased from the leger, or an erasure made on the cash journal, a book of original entries?—There are a good many erasures in the books, but I do not think that all erasures are improper. I think they would be found in almost all books of account, more or less. I am not aware that we had many difficulties in consequence of erasures, beyond what have been already mentioned.

426. The sum of £189 13 6 appears at the credit of the contingent account on the leger. Is not this at variance with the balance sheet given in, in 1830, by the difference between that sum and £213 8 6? and can you account for the erasure on the books in this case?—It is the case, but I cannot account for the erasure.

427. Express the opinion you have of the entry of £50, as a supposed credit to James Sloan, on his harbor account, from folio 97 to folio 167, and on the erasures in these folios, and state the effect upon the balance due by Sloan by this £50 entry?—There appears to be £50 improperly credited to Sloan, and consequently, he appears to owe £50 more than is brought down on the books.

428. Is not the £31 5 of interest on the £250 bill, of the 9th February, 1832, an over charge or charge made against the Company twice over for the same service?—It is charged twice over.

429. Are there not errors of £24 9 and £64 11 3 of interest paid and not charged, in 1834?—Those sums appear to have been taken out of the Bank to pay interest on two notes, and it does not appear that they were ever charged to interest account.

430. Is it not evident that an improper or erroneous charge is made against the Company, in the matter of Robert Campbell, as per folios 122 and 126 of the minutes?—It appears that Mr. Campbell is credited £76 8 6 more than allowed by order of the Board.

431. In folio 228, great leger, £11 19 6, appears to me to be placed at the credit of Daly & Co. more than the estimate of November, 1832 sanctioned.—Is this a fact?—It is a fact, that the sum is over credited.

432. Have not large sums been allowed for alledged damages on goods forwarded by the Company without any order of the of Board and without any vouchers of the transactions?—About £80 is charged in the toll expenditure for 1830 and 1831, as paid for damage on ashes and tobacco, forwarded by the Company, for which the forwarding agent (Mr. Clark) could shew no order of the Board.

433. Does not the practice of the officers, of entering sums voted by the Board of Directors, as if they had been immediately paid to contractors (as in the case of Boyle,) while, in fact, they had not been so paid to them, give room for great errors in the financial management?—I think it does.

434. Have you not found many accounts of individuals which were marked in the journal as posted, and yet were not properly posted?—There are but few, if any.

435. Did not David Thompson get a credit for £166 11 without the proper cash corresponding entry?—Yes.

436. In page 246, of the cash journal, contingencies are charged with £17 1 2 for the detention of the schooner Cartwright, while it appears by page 33 of the toll book that £17 18 10 were paid in cash as an advance to the Cartwright, ought not the £17 1 2 to be at the debit of the vessel and not of contingencies?—It appears to me that, that sum is improperly charged to contingencies. It should be at the debit of the vessel.

437. Are there not about £20 charged thrice in the cash journal, as paid from the Company's funds for Yates' pamphlets in 1834, and only one £20 corrected, so that there remains a double charge of £20 against the Company in this matter?—Yes.

[Witness withdrew.]

Mr. John Dew, Engineer, *called in and examined.*

[By Mr. Mackenzie.]

438. You have been referred to by Mr. John Leys in evidence given by him relative to the Berm Bank contract by Rose and

Thomas Merritt, Junior. What do you know of Rose's proceedings in connexion with Merritt, relative to that contract?—I know little of the embankment referred to, but frequently saw the one that crosses close to Dunnville. I heard Mr. Rose say that he made a very good job it, and that he had got his money and cleared within about 3 months I think he said either £150 or £200. I saw him the day on which he got his last payment as I understood—he seemed highly pleased at the result of his undertaking. I remarked, I understand you have the other job, he said he had but not all in his own hands, he had a partner in the concern.—I said I thought he had better have taken it all to himself, than have a partner—he said he was more certain of getting the contract in conjunction with his partner who I understood to be Mr. Thomas Merritt. The impression on my mind was at the time that he (Rose) expected by receiving T. Merritt as his partner, that he (Merritt) would have more partiality shewn him than he would. He alluded to the contract across Mr. Boulton's land.

[By Mr. Merritt.]

439. What time did this conversation with Rose occur?—I think about the middle of September, 1834, but I am not sure.

440. Did he (Rose) say Thomas Merritt was concerned with him in that contract?—No. I understood he was not concerned with him in that contract.

441. Did you understand he was there at work on that contract?—I believe they had not commenced.

442. Did you understand from Rose there were any logs in the embankment alluded to?—Never.

[Witness withdrew.]

Friday, 15*th March*, 1836.

Committee met.

PRESENT:

James Edward Small, Esquire, *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Roblin,
Shaver, and
Thorburn—7.

James Young, Esquire, *called in and examined.*

The Clerk, by order of the committee, read to witness the evidence given by Mr. Hincks.

The examination of the witness was then proceeded in.

[By Mr. Mackenzie.]

443. You have heard the evidence of Mr. Hincks and have been associated with him as an accountant in the examination of my charges against the Company's books, and in the balancing of those books by order of the committee. Do you concur with Mr. Hincks as to the facts he has stated and the opinions he has expressed. Or if not, wherein do you dissent from his views?—I do concur in the answers by Mr. Hincks; (Mr. H.) and myself have examined the books together by order of the committee and my opinion is substantially the same in all material respects. We were generally satisfied as to a fact before we made a note of it.

[By Committee.]

444. Do you know any question that might be put to you that would tend to give further information to the committee as the result of your examination of the books and accounts of the Welland Canal Company?—Mr. Hincks and I have been called principally to the examination of those items pointed out by Mr. Mackenzie—in investigating these, we have also noticed any irregularities that appeared either in favor or against the Company.

[Witness withdrew.]

James Black, Esquire, *called in and examined.*

[By Mr. Mackenzie.]

445. How long were you Secretary to the Welland Canal Company?—Five years and one month.

446. What were your prescribed duties as Secretary?—To keep the books, receive and pay out the monies.

447. Why did you never keep a regular cash book shewing the actual receipts and payments made?—When I came to the office I began by opening a cash account in the leger and after making two or three entries was informed no cash account was to be kept, except at the Banks—there had been none previously kept, I think Mr. Wenham who acted as Secretary before me, gave me this information.

448. Was it not a law of the Corporation passed in 1824, that no money should be paid out by the Treasurer until the payment had been sanctioned by the Board of Directors?—I cannot recollect. It was a general understanding that that was the case.

449. When did you leave the Company's service as Secretary—and who succeeded you in that office?—I think it was in June, 1832. Mr. Merritt was appointed Secretary, and Mr. Clark was appointed Book-keeper.

450. Why have you never kept a bill book seeing you dealt so extensively in bills?—There never was one kept. I know of no reason why, except that the business of the Company was done through the Banks and they did not recognize business of that nature.

451. Have you never kept any regular book where your daily receipts and actual disbursements were invariably noted with the dates, and this book balanced every evening, week, or month?—I know of no other than my own private cash book.

452. Did not your system of keeping accounts occasion a great many false or fictitious entries?—There might be some fictitious entries in consequence of the pecuniary difficulties of the Company—monies that were advanced for a particular purpose if not so appropriated were used for the other purposes of the Company—I never used the power of appropriating the monies of the Company without authority.

453. And when you charged the uses of money in this way did you invariably correct the books so that the Directors on inspecting the books might see how matters really stood?—No, I did not. It would always appear by our own cash account.

454. Then I am to infer that while the books would shew to a Director fictitious entries, the only way in which he could find out the reality would be to inspect your private cash account?—Yes, this private cash account was always exposed to the inspection of the Directors. This cash book and petty leger were kept that I might be able to explain any account to the satisfaction of the Directors.

455. Was Mr. Phelps' contract for the Deep Cut missing when you was Secretary to the Canal Company?—I do not know.

456. Do you know the reason why Mr. Chief Justice Robinson's £100 donation and Mr. H. J. Boulton's £100 donation to the Welland Canal does not appear on the books along with that of the Catholic Bishop of Quebec?—It is before my time, I know noting of it.

457. Was Smith, Ward & Co's. bond in favor of the Welland Canal Company for £3000 dated 15th May, 1826, duly paid with interest?—I do remember there being such a thing, but I cannot answer that question.

458. Do you know what the entry means by which in the Journal the Secretary is credited with 186*l.* 7s. while in the Leger p. 113 the credit is reduced to 100*l.*?—It is after my time. The face of it appears irregular.

459. Where is the original estimate or bill of supply for Dec. 1831, and amounting to several thousands of pounds?—There was an estimate missing, but I know nothing of it.

460. Mr. Barrett's estimate of 1st of May, 1832, states the last estimate of Calbraith and Lax thus—"Calbraith and Lax, balance due on old canal enlargement $2104 29cts." Why are no particulars given in this as in other cases?—It did not rest with me to give particulars of the estimate, I merely examined the accounts and checked the calculations.

461. Do you consider that the books of the Welland Canal have been kept in the Italian method by double entry?—I cannot answer that—I kept them in the same way that my predecessor did.

462. I wish you to shew the entries you have referred to as containing the tolls and forwarding of 1830 and 1831?—I do not know that I can.

463. Are the many thousand pounds of estimates entered upon the same principle as Mr. Wenham, namely by an entry of a debtor and a creditor?—I believe they are.

464. Were the accounts of tolls and forwarding honestly and fairly entered on the Company's books for the year 1830, 1831, and 1832, so as to enable the officers to shew correct and accurate balances of their accounts, or were these accounts for the greater part withheld from the books of account until December last and then entered defectively and improperly, and so as not to shew the actual sums due by these officers?—I know nothing respecting the toll accounts; I believe they were entered regularly and correctly during my time as far as they came into my hands. I received 281*l.* 12s 11d. and paid 139*l.* 14s 11½d.

465. Are not the entries for the toll and forwarding accounts of the Company in general very confusedly and improperly made on the books of account?—I continued some months at the request of Mr. Dunn in the office after I tendered my resignation, but I refused to take any cognizance of the toll and forwarding accounts.

466. Would you have the goodness to state the way in which the proceeds of the 1340*l.* 17s. paid to Theophilus Brundage for square timber in 1825 are accounted for on the books, or whether they are at all accounted for?—I know nothing about it—the transaction was before my time.

467. Can you describe the effects of the erasure of a line on Oliver Phelps' accounts by which a balance of 95*l.* 11s 4d appears to have been extinguished in folio 157 of the great leger?—I have been trying to, but I cannot account for the erasure. I do not recollect having made it myself, and I lament it is so erased, because it thereby appears difficult to account for the said amount.

468. John Boyle was a creditor of the Company in September 1831 for an estimate of work done, the amount of which was 28*l.* 2s 9d. The Company placed funds in your hands to pay him in full, and you immediately entered on the leger, folio 174 that he had done so; and in the petty leger that you had only paid 10*l.* in part. Is not this sum of 18*l.* 2s 9d again charged to the Company in the regular books; a note given for it in 1833 and paid out of the funds of the Company in 1834, and a new account opened with Boyle in the great leger therefor as if it was a new transaction?—I have given credit to the Company for that amount in my balance. I accounted for the balance to Mr. Clark who gave credit in a new account to Mr. Boyle for the amount.

469. Is it not evident that an improper or erroneous charge is made against the Compuny in the matter of Robert Campbell as per folio 122 and 126 of the minutes?—The order of the Board of the 30th July 1830 was to be 350*l.* 10s. instead of 274*l.* 1s 6d. as ordered on the 11th January, which amount of 350*l.* 10s. was paid Mr. Campbell accordingly.

470. Why does that order refer to the order of the 11th of January previous as the authority, and can you produce the voucher for the payment?—I conceive it ought to have said see order of such a day. I am not in possession of the voucher.

471. The sum of 189*l.* 13s 6d appears at the credit of the contingent account on the leger, is not this at variance with the balance sheet given in in 1830 by the difference between that sum and 213*l.* 8s 6d, and can you account for the erasure in the books in this case?—The above 213*l.* 8s 6d was the amount of sale of sundries in the hands of Hovey & Ward and charged to the respective purchasers. The transaction took place previously to my appointment, and on settling account with T. Merritt & Kennedy for a wagon and ox (amounting to the difference between the two sums) they denied having had them; therefore it was deducted from the Cr. of contingent account and the debit of Kennedy & T. Merritt. With regard to the erasures page 61 journal, it is evident there is no deception, as will appear by the items page 77 and 8 above referred to.

472. Has not Mr. Clark a credit on the Company's books in 1831 for 85*l.* as paid for horses, forage, &c. Is there any detailed statement to shew who got the amount, or that any one got it, or any voucher?—The above was included in the estimate to Nov'r 1, 1831; it was submitted to the Board, approved, and ordered to be paid; the vouchers were no doubt examined at the time, but I have no knowledge of them now.

473. Should not your letter book as acting for a corporate body, contain copies of every letter written on business?—Undoubtedly it should.

474. What means the entry in folio 151, cash journal "Bank of U. C. Dr. to interest for 6 months interest on a portion of 25,000*l.* which was not applied; viz: 7,500*l.*, but remained in the Bank as a security for 5 years as a guarantee of 30,000*l.*"?—This was for six months interest upon three bills of exchange drawn upon Yates & Co. and negotiated by the Bank of Upper Canada, ordered to be retired as per minute of the Board, Nov. 3rd, 1830; the other part alludes to a matter which was never carried into effect.

475. Express your opinion on the supposed debt of 30*l.* 5*s* 5*d* by Beattie & Co. for which the officers have obtained a credit in folio 189 of the leger without shewing any corresponding estimate of the Board:

June 29, 1829, Beattie was paid on account,				£17	10 0
July 3, " Do. Do. per W. H. Merritt,				12	15 5
				£30	5 5
Nov. 1, 1829, By estimate,	£20	12	0		
July 24, 1830, By do....	9	13	5		
				£30	5 5

Why it was not entered in the leger to the credit of Beattie & Co. I cannot at this distance of time recollect.

476. Express the opinion you have of the entry of 50*l.* as a supposed credit to James Sloan on his harbor account from folio 97 to folio 167, and on the erasures in these folios; and state the effect upon the balance due by Sloan by this 50*l.* entry?—Mr. Sloan's account was a very intricate one, his work having been performed on several different sections, and by different contractors which occasioned frequent transfers from one to another; a great deal of time was occupied in a final adjustment with him previously to my quitting office, of the result of which he had a copy, by which it appears there was a balance due the Company of 35*l.* 15*s* 10*d* as per estimate book folio 94; had I been applied to at an earlier period I probably might have recollected how this was arranged, but I think it was considered as settled.

Respecting the Peacock steamboat, Smith & Macy's account 447*l.* 17*s* 10*d* wss submitted to the Board, February 2, 1832, examined and allowed. The cord-wood paid by Company was independent of that account and was paid as under:

July 8, 1831, S. St. John,	£36	1	3			
Jennings,...	50	0	0			
Coulter,...	37	10	0			
Watson,..	37	10	0			
				161	1	3
Sept. 15, Jennings,...	50	0	0			
Coulter,...	18	12	2			
Watson,..	12	12	2			
				81	4	4
Nov. 14, J. Clark,..	.....			22	0	3
Dec. 23, Coulter,...	.....			7	13	2½
Paid by Mr. Clark,—Johnson,..	2	10	0			
Thompson,	3	10	0			
Reade,....	3	15	0			
				9	15	0
			£	281	14	0½

477. You entered in the great leger in Nov. and Dec. 1831, 180*l.* and 51*l.* 19*s* 7*d* as having been paid by you out of certain funds in the United States Bank to the Bank of Upper Canada; also 572*l.* 10*s* as having been paid to George Keefer, jun. to pay Grand River claims, and in June 1832, you entered 347*l.* 12*s* 3*d* as having been paid to sundry persons out of the Grand River moneys, it appears that these sums were not so paid, what was your motive for making those false entries on the leger of the corporation, and for leaving them in an incorrect state when you ceased to be an officer of the Company?—On Dec'r 18th 1831, I received of the Bank of Upper Canada, 572*l.* 10*s* 0*d*, which was for the time being charged to G. Keefer to pay Grand River claims—but the whole not being required for that purpose it was otherwise disposed of, viz:

To G. Keefer,.....	£340	10	5	
*Interest paid Bank of U. C.	180	0	0	
*Sec'y for sundry disbursements,.....	51	19	7	
				572 10 0

*These should have been carried to Cr. G. Keefer.

The sum of 347*l.* 12*s* 3*d* was received by me for sundry claims, viz:

Shotwell, petty leger, 3...	£	1	5	0	
P. Carl, do. 10...		5	0	0	
R. Brown, do. 39...		1	15	0	
do. do. " ...		44	12	3	
J. Burgar, do. 75...		45	0	0	
*A. Marr—Secretary's acc't,		250	0	0	
					347 12

*This amount was drawn to pay for a lot of land; but which he afterwards declined selling—the amount therefore remained in my hands and is accounted for on my leaving the office. With regard to false entries I know of none.

[*The witness withdrew.*]

JOHN CLARK, ESQ. *Secretary to the Welland Canal Company, called in and examined.*

[BY MR. MACKENZIE.]

478. Can you state the nature of the agreement made with the Peacock Steamer, and why £447 10*s.* the alleged deficiency and her returns are twice charged and £79 16*s.* 11*d.* paid for wood is thrice charged to the Company by its officers on the Books although it was only paid once?—The steamer Peacock was employed by the Company for the purpose of running between Buffalo and Port Robinson, and for towing vessels navigating the canal up the Niagara River, the present route by Port Colborne not being then open—her accounts at the close of the season were settled by the late Secretary Mr. Black, I am not aware of a loss being made up to her, being twice charged against the funds of the Company and deny that such is the case and the charge of wood made against her can no doubt be accounted for by Mr. Black who settled the account.

479. Why did not the Company keep a regular cash account?—There was not a regular cash account kept when I came in the office, I believe the Bank of Upper Canada was considered the Treasurer of the Company under an act of the Legislature. A cash account is now open.

480. Are not the books full of false entries where the name of the Bank of Upper Canada is used in transactions they had nothing to do with?—There are no false entries—there are errors, which I always admitted.

481. Do you not consider a cash account an indispensible requisite in the correct management of the financial affairs of a canal corporation which has had the expenditure of upwards of £400,000?—I do.

482. What do you mean by the following expression in a letter addressed to the late Major Randall dated the 15th October, 1832.—"Yours of the 14th "inst. is before me. It is just as well that you have "not made your cash return to this office, for I am "convinced it would have long ago run out, and not "for *extreme cases* either."?—At this time the funds of the Company were low, and there were incessant demands made by persons to whom the Company were indebted, I may have supposed that some were paid that could have better waited for their money than others.

483. Although by the rule of the 7th August 1833, the tolls are not to merge in with the old accounts or debts, it is provided that the Secretary shall make out and shew a statement of the tolls collected for each month, and shew in detail the expenditure of the same—why was this not done—and why are the tolls of 1833 and 1834 entered in the leger of the tolls of 1830, 1831, and 1832 chiefly omitted, or only the credit part entered?—in 1831 the Canal first opened for business and to induce carriers to come that route with their boats, vessels &c. the Company undertook the receiving and forwarding, and appointed me their superintendent in that Department, making me alone responsible for the duties—the tolls and transit were connected together in the accounts—the want of experience in the toll collectors then appointed, it being a new thing, and myself being inexperienced, caused much difficulty in the accounts, which circumstance caused delay, and they have not been properly closed to this time. I was repeatedly urged by the Board of Directors to close the accounts, but have not yet entirely done so. The tolls of 1832 have in part merged in the general accounts and debts due by individuals for tolls remain unpaid.

484. Notwithstanding the by-law of the Board of Directors there never was once exhibited at the monthly meetings an official and regular statement of money's paid & received by the Company in the month then next preceding, I often complained of this irregular course of procedure, why was it not remedied?—I may not have held in mind the nature of the by-law had a statement been called for it would have been readily produced.

485. Has not Mr. Yates always had the nomination of a majority of the Canal Board, except at the first election of Directors?—Mr. Yates is an extensive stockholder and holds proxies to a considerable extent—it was in his power to have the greatest number of votes at every election of Directors.

486. Was not the Secretary placed exclusively under the control of the President?—I am not aware of such a by-law.

487. When the Company issued notes of hand for the payment of contractors, bearing interest, in 1833, did not they speedily fall to 20, 25, and even 30 per ent discount?—I have understood they were selling at a discount, but I do not know at what rate—none were offered to me, nor was I a purchaser.

488. Are you aware that the Board has entered into contracts it could not pay, and issued bills payable with interest it was without the means to redeem?—They have entered into contracts without the means *in hand* to my knowledge of paying—in respect to the latter contracts, the contractors must have been aware that the Company had not *then* the means on hand—but the prospect of the tolls coming in for another year would no doubt ensure their payment if the Canal is kept open.

489. Why is the great estimate of November 1832, amounting to £28,000 or there abouts missing; and from what charge was it taken?—I was Secretary at the time, all papers of the Company are considered to be in my charge—that estimate is missing in the office. I did not take it out, nor have I any knowledge who did. About that time a committee was appointed by the Board to examine Garrison & Little's accounts—this estimate may have been given to them with other papers and not returned, but I have no knowledge that such is the case; there was frequent resort to that estimate by engineers, contractors, and others, and I believe a true copy of it is to be found upon the estimate book of the Company.

490. Why were not the contents, particulars, details, or amount of the estimate of November 1832 entered on the minutes when passed in February 1833 as was usual?—It has been an omission of the Secretary—that is the only way in which I can account for it.

491. What means have you of knowing that the paper said to be a true copy of the great estimate of 1832 was so. The paper now shewn to you as such—has it the appearance of being a correct, true, and entire copy of any document whatever?—The book, not the paper now shewn me, is the authorised estimate book of the Company, and I believe the copy of the estimate thereon made of November 1832 to be a true copy from the original—The copy is in the handwriting of Mr. Beaton the book-keeper who could not have had any inducement for making an incorrect copy. The Engineer can best explain how the amounts in the paper attached to that copy of the estimate although forming a part of it, was not entered.

492. I perceive you were appointed book-keeper in 1831, and that you have for years had charge of the accounts—why do I never see your handwriting as the book-keeper in the regular books of the Company?—On the appointment of a book-keeper being ordered by the Board J. B. Yates Esq., one of the principal stockholders, urged me to take that situation, saying if I would consent to do so he would recommend me to the Board of Directors then assembled. I told Mr. Yates that I preferred declining so responsible a situation, and that I did not feel myself competent to its duties—Mr. Yates advised me to the contrary. Upon that the Board passed the following order.

"Present—The Hon. John H. Dunn, President, Alexander McDonell Esq. Vice President, the Hon. William Allan, and Robert Randall Esq.—At the request of Mr. Yates John Clark Esq. was nominated

for the office of book-keeper to the Company on Mr. Black's retiring from the situation, whereupon it was resolved that John Clark, Esq. be appointed book-keeper with a salary of £150 per annum, upon his giving security in the sum of £1000."

I accepted the situation, thinking that it would aid in the support of my family; in June 1832 Mr. Black left the office and I assumed the duties of Book-keeper—At no time have I made entries on the official books of the Company, because I had not confidence in myself for keeping those accounts, but have from time to time employed others.

[By Committee.]

493. Do the Engineers make up their estimates from documents retained afterwards in their possession and made by them on examination and measurement of the work, and is the same a subject for reference by them when explanation of any estimate is required?—The Engineers make up their estimates from the measurement of the work, notes of which I have understood they keep for after reference; they also make up their estimates from the accounts of individuals, which accounts are held as vouchers in the office in proof of the estimate.

[By Mr. Mackenzie.]

494. Until 1834 I understand that Mr. Beaton was employed but for short periods, when there was no person to keep the accounts—had they to lie over until copied from your memorandum?—Mr. Beaton was employed in the office the first time in October 1832. I had kept the accounts in the petty books and Mr. Beaton posted the accounts in the official books of the Company, and made out the balance sheet for that year.

495. Then in the months of June, July, August, and September, and until October 1832 there were no entries whatever made in the official books of the Company?—Between the period of Mr. Black leaving the office and Mr. Beaton being employed first in October 1832 there was but little required to be entered on the official books of the Company.

496. Why were the accounts of your expenditure of the tolls of 1830, 1831, 1832, and part of 1833, always withheld from the House of Assembly when it demanded your accounts in full for the year from the time of your previous returns—and why were only partial statements given in of the receipts?—The Board of Directors would desire to see the whole receipt and expenditure placed upon the books—There was no particular reason for keeping the expenditure back—I have said before, the tolls of 1832 in some instances merged into the general accounts and that there were debts still due for tolls that year. The receipts of toll were regularly submitted to the Legislature in all cases where the returns were made up in time for the meeting of the Legislature—I think the small amount collected after the meeting of the Legislature for the years 1832 and 1833 was not included in any return submitted—but with no desire to conceal the amount collected.

497. You have asked for a credit of nearly £700 as payments made by you out of the proceeds of toll and forwarding for 1830 and 1831 to the Schooners Canadaneand Prosperity. Are you able to produce any vouchers or receipts to shew that you are entitled to a credit for any part of that sum? or have the accounts for these vessels ever been audited by the Directors?—Those vessels were employed in the forwarding department by the Welland Canal Company for that year. I kept a credit and debit account with each of them, and paid them the amount charged as the books of account will shew, and charged the amount disbursed by them against the tolls and forwarding of 1830 and 1831, authorised by my appointment as forwarding agent under a general order of the Board.

498. The by-law of the 14th April 1825 provides that no director, officer, or servant of the Company shall directly or indirectly be concerned with any contract connected with the said undertaking—Why was George Keefer allowed to be so concerned when a director in the lock contract?—I have no knowledge that he was so concerned—I was not then an officer of the Company.

499. Why was Thomas Merritt Junior concerned as a contractor when a lock-keeper, and employed at day work in 1832 and 1833?—Mr. Thomas Merritt had charge of the lock at Port Colborne in 1833, which I think was authorised by the Board of Directors; he was a contractor at the same time—He was previously a contractor, and his being put in charge of the lock at Port Colborne must have been from his being the most competent person there.

500. Are you aware whether Mr. Phelps' mills at Dunnville, now owned by Mr. Hezekiah Davis, are not built upon a lock made by the Company descending from the dam to the river?—The mill is built upon a lock which I believe is useless, and by whose expense it was built I do not know.

501 Why has it been omitted of late years to sign and attest the minutes—In many instances they are neither attested by the President nor Secretary—why is this?—It has not been done since I have been in the office, nor am I aware it was previously done except in those cases shewn by the minutes

502. What is the reason why so very small a proportion of the business letters of the Company are recorded in the letter book of late years?—I believe all business letters of the Company to be recorded in the letter book, and it is so intended by the Board of Directors—there may have been some omissions on my part.

503. Are the Company stockholders in the steamer Caroline, and if so, under what circumstances and to what amount?—I believe they are owners to the amount of £125, which is held till it can be disposed of. I am not aware under what circumstances unless the desire to draw the travel and freight from Buffalo to the canal instead of remaining at Chippawa and going over the portage.

504. Can you describe the effect of the erasure of a line on Oliver Phelps' accounts by which a balance of £95 Hs. 4d. appears to have been extinguished in folio 157, of the great leger?—I know nothing about it—the former Secretary Mr. Black can best explain this transaction.

505. Why was it that you were unable on the 23d and 24th of October to explain the amount of tolls received in 1832, and the expenditure of the same?—I was not prepared to do so, a good deal of difficulty having arisen in the office at that time—and having just returned from Lower Canada where I had been

(on leave of absence) and *you* know I had no time to make up any statements or give the necessary explanation.

506. Have you as Secretary the deed for Mr. Merritt's mills and land, or have you ever seen a deed from him?---I have no knowledge of having ever seen such deed. Mr. Merritt was awarded payment for his mills by the arbitrators appointed under an act of the legislature.

207. Why is interest £178 1s. 7d. charged the Company as paid the Bank of Upper Canada for £3000 advanced the Canal Commissioners in 1833---Was not the money obtained at once from the Provincial chest?---Interest account is charged with £178 1s. 3d. for interest paid the Bank of Upper Canada 1833 on a loan to the Canal Commissioners; I don't know how or where the money was obtained by the Commissioners.

508. Are not Johnson Orr's estimates overstated in the Company's journal and great leger, and do not the petty books clearly shew that there are 16*l.* which he is charged with which he is not entitled to, and never received?---Johnson Orr has acknowledged to me the receipt of all the monies debited him in account with the Company.

509. You perceive that the firm of Jack Toyne & Co. were paid in full of all demands against the Company in 1833 by notes payable with interest, and which have been since paid them. Have they not also, or some person for them, got a note for £24 1s. and been paid that sum (with interest) for which they had no claim, and is it not entered in the cash journal as if it had been legerized and not yet legerized, nor any attempt made to detain it from Toyne & Co. in their late transactions with the Company?---This is one of those errors admitted by me the moment it was discovered.

510. In page 257 of the cash journal there is an entry duly checked as if entered in page 402 of the great leger---of cash 50*l.* and cash 5*s.* 7d½. paid Thomas Merritt, jr. from the tolls of 1833, and which 50*l.* was duly paid him---this appears to have been duly entered in the leger but is neatly erased and the 5*s.* 7d½. only left---Was not this 50*l.* improperly obliterated from the daily leger?---I refer to the affidavit of John Callaghan given in evidence. It was an error admitted by me on discovery.

511. Mr. John Donaldson's estimates of November, 1832, are over credited 58*l.* 18*s.* 10d½., and there is 200*l.* and upwards for which the copy of the estimate of that month gives no authority, and which appears irregular and improper---can you explain these matters?---There is an over credit to John Donaldson of 58*l.* 18*s.* 10d½. In answer to the latter part of this question I refer to the Engineer Mr. Geo. Keefer.

512. In folio 328 cash journal, December 1835, a sum of 50*l.* 5*s.* 7d½, and another sum of 38*l.* 15*s.* are debited to toll, as deductions, which sums do not appear to have been credited to toll or to have made part of the gross receipts of the years 1830 or 1831---Can you give any reason or shew any voucher for these deductions?---Those items were for toll on packet and freight boats, also on stone, gravel, &c. for Grand River dam and other repairs. The amount is included in return of tolls for 1831, and of course not having come into my pocket was recharged against toll, having been expended for canal purposes.

513. Are there not about 20*l.* charged thrice in the cash journal as paid from the Company's funds for Yates' pamphlets in 1834, and only one 20*l.* corrected, so that there remains a double charge of 20*l.* against the Company in this matter?---The item of 19*l.* 1*s.* 3d. charge for printing pamphlets is charged to contingencies and again settled in account with Mr. Yates for a Steam Dredge; the Company are therefore improperly charged with 19*l.* 1*s.* 3d.---which I at once admitted to you was an error when pointed out to me at St. Catharines.

514. Are there not errors of £24 9*s.* and £64 11*s.* 3d. of interest paid and not charged in 1834?---The interest account is short charged with £24 9*s.* and £64 11*s.* 3d. paid the Bank of Upper Canada in 1834---this omission is against the Secretary.

515. In folio 228 great leger £11 19*s.* 6d. appears to me to be placed at the credit of Daly & Co. more than the estimate of November, 1832, sanctioned---Is this a fact?---This is correct.

516. Has not £15 5*s.* regularly paid to George Smith, toll collector, been improperly charged a second time to the Company?---It is, and was so admitted by me at the time you were examining the books at St. Catharines.

517. There is a sum of £45 15*s.* 6d. charged in the old leger as a balance for cash advanced to Thos. McChesney, of Port Colborne in 1832---and it is stated in the cash journal that this sum was paid M'Chesney by order of the Board---Were the officers able to shew that there was any such order of the Board---or is not the debit of this money to M'Chesney improper---is it not cash for which the officers of the Company are themselves answerable?---This amount is admitted to be improper; it arose from crediting it to toll, from which fund it was first advanced---and omitting crediting it after the estimate was made against which it was also charged.

518. How do you explain the entry in the cash journal page 238 where George Keefer receives credit for £579 12*s.* 3d. of the Company's funds which had been placed to his debit without any other account being charged with the amount or any explanation as to the expenditure---Is Messrs. Bowery and Burns' explanation of that transaction, approved by the Board, yours also?---The former Secretary, James Black, Esquire, can best explain this transaction.

519. £137 10*s.* of a balance is entered against William Orderly, and then this balance is omitted to be carried down, and the following year Orderly is paid by a note, £70 or £80 of a supposed difference then appearing at his credit---Seeing that the petty leger differs from the regular books in this case, does it appear to you probable that Orderly was paid 132*l.* by mistake, or that the vouchers shewn to support this improper account are of a creditable character?---The money is charged in account to Orderly and appears to me that the vouchers are of a creditable character.

520. Have not large sums been allowed for alleged damages on goods forwarded by the Company without any order of the Board and without any vouch-

ers of the transactions?—There were only the following sums admitted for damages:

To McMillan & Co.....	£57	16	3
" do. do.....	21	7	10
" McPherson & Crane,.....	6	13	3
	£85	17	4

which I settled under authority of the Board appointing me forwarding agent, and to which I refer the committee on all transactions of this nature.

521. Do you not find many accounts of individuals which were marked in the Journal as posted and yet were not properly posted?—There may be in one or two instances.

522. Do you think an officer of the Company in the receipt of a salary of £400 a year could in a year of scarcity like 1832, receive $900 or $1000 on account of that salary without knowing it, or finding it out since?—I think he could not if paid regularly each year, but as this question I suppose alludes to Mr. Merritt the Agent of the Company, I think it due to him to state the manner in which any intricacy in Mr. Merritt's account arose—Mr. Black, the former Secretary, on retiring from the office left a balance against Mr. Merritt of £121 12. 8½, and I soon after paid him a further sum of £28, making in all £149 12 8½, which the Board authorise by their order in August 1832—desiring for my own satisfaction to make a distinction between the monies paid by Mr. Black and those paid by me to Mr. Merritt—I drew a line in his account in the petty leger and all above that line is not included in the addition of the account, which I am confident Mr. Merritt was not aware of. In balancing Mr. Merritt's account he is found a creditor of the Company for several hundred pounds on account of his salary and advances made to contractors and others. This sum of £121 12 8 was omitted to be included in any account rendered by me to Mr. Merritt.

523. Are there not £25 entered as Engineer's salaries on the great leger for which there is no voucher to shew that it ever was paid or to whom, while the whole of the salaries are settled for by other payments—Is it not an erroneous entry?—This £25 appears to have been included in the estimate 2d Aug. 1832, and is charged in the leger to account of Engineers—I believe it to have been paid, but the voucher being missing cannot say to whom.

524. The sum of £149 12 8½ was paid Mr. Merritt in 1832 out of the tolls on his salary, and the sums of £37 10s., £40 11s. 6d. and £11 5s. 7d. were also paid him on account of his salary in the same year. He was further allowed interest on arrears of salary for that year. These sums amount to £238 19 9½, paid Mr. Merritt three or four years ago. Has he been charged with any part of this money in any way or shape on the books of account up to this day?—The charge of £149 12s. 8d½. is answered by me to question No. 522, the other items amounting to £89 7s. 1d. are not charged to Mr. Merritt and arises from that sum being charged to salaries instead of his private account.

525. Are you aware that you have charged the Company twice for £300 allowed Mr. Yates on account of his agency, although there is no voucher to shew that it was ever paid once?—This sum is not twice charged against the funds of the Company—I have no doubt of that sum being paid Mr. Yates—I am not certain of any other voucher than an order of the Board.

526. Can you describe the effect of the erasure of a line on Oliver Phelps' accounts by which a balance of £95 11s. 4d. appears to have been extinguished in folio 157 of the great leger?—This can be better explained by Mr. Black, the former Secretary.

527 Were not £75 paid out of the tolls of 1832 to Thos. Merritt, Junr., and not only not charged to him but he even allowed interest on his account in 1833 and 1834 as if he had received no such payment, and is not this sum only charged to him last December, and also the £50 not charged to him through the erasure chargeable to him with interest?—The sum of £75 was paid to Thos. Merritt out of tolls in 1832, and was then omitted to be charged him—it is now charged in journal 326. The sum of £50 is also charged his account in petty leger. The interest paid Thomas Merritt was a balance due him on the old account—the sums above stated were advances on new contract.

[Witness withdrew.]

TUESDAY, *March* 22nd, 1836.

Committee met.

PRESENT.

JAMES E. SMALL, Esq., *Chairman.*

Messieurs Gibson,
McDonell,
Roblin, and
Thorburn—5.

MR. WILLIAM ORDERLY, *called in and examined.*

[BY MR. MACKENZIE.]

528. Was you a contractor on the Welland Canal in 1832?—I was.

529. When you left the Canal, were you paid in full?—No.

530. Were you paid in 1833, by notes of hand for the balance due you?—Yes.

531. Were you paid for any more than the work estimated to you by the Engineer?—No.

532. You are entered on the books as a debtor to the Canal, for £137 10, for monies said to have been over paid you in 1832. Was there any mention made of this £137 10 when you got the notes of hand in 1833, or at any time since then?—No. I disputed the settlement with Mr. Black, Mr. Clark and George Keefer, and spent two days overhauling my accounts on account of this dispute.

533. Can you write or sign your name?—No. I can neither read or write.

534. Did you get £100 in 1832; namely, $250 from George Keefer, and $150 from W. H. Merritt, and did you sign or make your mark in acknowledgment of these payments?—No. I got £12 10 from Wm. Hamilton Merritt, Esq., in May, 1832, and £24 odd, in my own house, from Mr. George Keefer, Junior, who stated that Mr. Merritt had stated to him, that he had given me $50, some time before, and he

wanted a receipt for both sums; I gave a receipt for the money Mr. Merritt gave me, and also, that which was given by Mr. Keefer at this time—but whether that is the receipt or not, I cannot say. I am sure I gave no other receipt but for these sums.

535. The Company produce a paper (now shewn to you) which they call a voucher for £100, it is in Mr. Clark's hand writing, has no witness, no date or year, but a cross, purporting to be made by you. Is it yours'? or have you any recollection of the transaction?—I have not. I never received that amount, and therefore never gave a receipt for it.

536. Was you in the employ of the Company in the summer of 1834?—No; not that I recollect, except that I think I scowed some gravel on the dam in 1834, and boarded some hands.

537. There is a paper in the Canal Office, purporting to be a voucher for £135 8 7, to which your × is attached, but no witness. Do you remember receiving this $541½ on the 8th of July, 1831, from the Company?—I do. I received the amount, less $30, which was deducted by Mr. Black for the tow-path not being levelled.

538. Is it probable that the Company would have given you £80 in notes, in 1833, and other monies in 1834, if they had considered you their debtor for cash overpaid you in 1832?—I should not think they would. I found a good deal of difficulty in my settlement with them as it was.

[By Committee.]

539. Was you in the habit of receiving monies at any time from any of the officers of the Company without giving a receipt for it?—Never but once; when I got the £12 10 then I gave no receipt.

540. Were you in the habit, when you sign receipts for money from the Company, of having them read over to you?—When I go to the office for money, Mr. Black would read over the estimate to me and tell me there was so much of a balance coming to me, and I would sign the receipt in a book for it.

541. When you gave the receipt to Mr. Keefer was there any other person present, that you remember?—No one, that I recollect, but my wife.

542. Do you remember that he read the receipt over to you at the time?—I do—stating, as I have before said, that he had included the $50 that Mr. Merritt gave me, as well as the £24 odd, which he gave me.

543. Where was it that Mr. Keefer paid you this money?—At my own house, on the line of the Canal.

[By Mr. Merritt.]

544. Did you object to the payment of this £100 at the office?—I do not recollect that this was represented in particular.

545. You have said you received from Mr. Merritt, £12 10, and from Mr. G. Keefer, Jun. the sum of £24, for which you gave a receipt, for what work, and at what time were these payments made?—You gave the £12 10 in the month of May, 1832, and that by Mr. Keefer, was in June in the same year, so far as I recollect.

[By Committee.]

546. Did you know the amount of the estimate to be done when you first took the work?—No.

[By Mr. Mackenzie.]

547. You say you never got the £100 composed of two payments of £62 10, and £37 10. I see you are also charged with other £62 10, paid you in 1833, in May. (Cash journal, page 207.) Did you get two sums of £62 10, in part of your contracts, ending in November, 1832?—I never got any money from August, 1832 till June, 1834. I never got the sum of £62 10 in 1833.

(Witness withdrew.)

Gilbert McMicking, Esquire, M. P., *called in and examined.*

[By Mr. Mackenzie.]

548. Do you know any thing of a contract made between Theophilus Brundage and the Welland Canal Company to supply them with 200,000 feet of large sized square timber in 1825?—No.

549. It is assumed that £1,340 and upwards, were paid from the Canal funds in 1825, to Theophilus Brundage, for timber of a large size for a tunnel, and never used for that purpose, and that no part of the proceeds of 200,000 square feet appears on the books, and that it has not been accounted for in any other way. As you were continually on the Canal, perhaps you can tell what became of the timber?—I bought a lot of timber of a man by the name of Howard—as to my own knowledge of its being Canal timber, I cannot say, but it was in the Chippewa River, and said to be such by Mr. Howard. The price was 10s. per 100 feet, but whether it was York or Halifax currency, I cannot now say. The timber I purchased, was of different sizes, but was hewed straight for 11 or 12 feet in length, but these lengths were sometimes 70 feet in length. I purchased enough to build a mill, a house, and several other buildings. I think I paid rising of £100 for what I bought.

550. Are you aware that Mr. Keefer, when one of the Directors, got a present of a mill-race and water to impel 4 run of stone, and that he continued to possess that great advantage, rent free? And if yea, will you please to inform the committee what effect such a present has upon the profits that steam millers in that district might reasonably expect to derive from their exertions?—It is an effect almost ruinous to those possessing steam mills, because, steam cannot be worked so cheap as water.

551. What is the effect of the aqueduct upon the navigation of the Chippewa or Welland?—It is very much complained of, and I think a very great injury to the navigation of the Chippawa.

552. Was it for the advantage of the public, that the Canal was carried round by St Catharines, at the one end, and up to Dunnville on the other?—I have always thought it a very injudicious route, for the reason that there is no harbor at Port Dalhousie, and that the Canal might have been taken a much shorter route, accomplished the same object, and cost a great

deal less money, and in the whole management of the Canal, I think that private interest was always studied, more than public good.

553. Ought Canal Agents and Directors to be mill lessees on the Canal in which they are Directors?—My decided opinion, is, they should not.

[By Mr. Merritt.]

554. In what year, or at what time did your purchase from Howard take place?—I think in 1824 or 1825.

555. You say you bought from Howard some timber said to be Canal or Tunnel timber, but you do not know it to have been the timber alluded to or not as belonging to the Welland Canal Company—did you ever inform the Welland Canal Company or any of their officers that you purchased their timber from that individual?—No; not to my recollection.

556. Would you have built Mr. Keefer's mill or laid out the capital he did at the time, under similar conditions, which were in 1824 or 5, that he was to have a flouring mill of best description, in readiness by the time the water was let in the Canal, and did you at the time think the Canal would ever be finished?—If I had had faith in the undertaking, I certainly should have been glad to have built the mill and laid out the capital Mr. Keefer did. But I cannot say that I thought at that time the Canal would ever be finished.

557. You say that you think individuals who are in the management of the Canal should not be interested in any erection; do you know that I have had any erections of the kind, and do you not conceive the erection of flouring mills, in particular, an advantage to the Canal by yielding a revenue?—From common report, I understand you are concerned in mill erections. Judging from what I have heard on the Erie Canal, the revenue from mills is considered a great detriment to the navigation.

[By Committee.]

558. What benefit would a mill be to the Welland Canal Company, if built where there was no water?—I cannot say, but I should suppose none at all.

559. Is it your opinion, that the Welland Canal Company could have lost so much valuable timber without knowing it?—I should think it would be impossible.

(Witness withdrew.)

Mr. Clark *again called.*

560. How do you explain the single entry on page 238 of the Journal discharging George Keefer from £579—and charging no other accounts?—The reasons for making the entry in question are given in the page of the Journal referred to, which amount is merged in the general expenditure.

561. Can you shew the vouchers for the sums charged by you as payments to the Schooners Prosperity and Canadian amounting to 6 or £700, or for any part thereof?—I have no vouchers to shew more than the books of account relating to those vessels, and have already answered this in my answer to question No. 497.

562. Can you shew the Committee any vouchers for £62 10s. alleged to have been paid Orderly in May 1833, and for £6 5s. and for £2 charged by the officers of the Company as payments made to Orderly at that time?—There are no vouchers yet found for those items.

[Witness Withdrew.]

Mr. McMicking, *again called.*

[By Committee.]

563. Can you state any thing further to the Committee relative to the timber respecting which you have already been examined?—I can—Oliver Phelps sold a quantity of it to a man by the name of Daniel B. Hembley, who told me he paid him (Oliver Phelps) $60 for enough to build a house and barn—The timber was marked W. C. C.—The two wings of the Pavilion were built of the Welland Canal timber, but I do not know what was paid for it—also the greater part of the present Ontario House was built with it—and also Joel Phelps on Lyon's Creek got enough of Oliver Phelps to build a barn, who only charged him $5 for the whole quantity he got.

[Witness Withdrew.]

Wednesday, *March* 23rd, 1836.

Committee met.

PRESENT.

James Edward Small, Esq., *Chairman.*

Messieurs Chisholm.
Gibson,
McDonell,
Parke,
Roblin, and
Thorburn,—7.

David Thorburn, Esquire, M. P., *a Member of the Committee examined.*

[By Mr. Mackenzie.]

564. Would you have the goodness to state to the Committee the general facts as known to you relative to the Hydraulic Company, and the nature of the bargains made with the Canal Company, also the opinion you entertain of the course pursued in leasing water-power last summer?—The Government Directors considered they had to be guided by the Report of the Committee on the Welland Canal of last year, which stated that the intricacies of the Hydraulic bargain, were such as induced them to recommend that during a recess, a commission of inquiry should be instituted, therefore, the Government Directors, of which I was one, considering the bargain as not finally settled until the Legislature approved of the repurchase of the same. The Government Directors conceived that they would not be fulfilling the spirit or letter of that report until they first inquired into the whole nature of the sale and repurchase. Mr. Mackenzie, one of the Government Directors, was appointed, with the approbation of the whole Board, as will appear by the minute book of the Company; and agreeably to which re-

solution Mr. Mackenzie did go into the examination of the whole affairs of the Company, including the Hydraulics---considering the repurchase of the Hydraulics was not consummated until the Legislature approved of it, the Government Directors would not interfere or approve of granting leases to applicants for water privileges, because they conceived by sanctioning leases while the bargain had not been approved of by the Legislature, they would be out of their duty, and any act of theirs consequently would have been a nullity. For several monthly meetings of the Board, applications were brought forward by the President, and on his introducing them to the consideration of the Board, he remarked that it did not matter whether the bargain was fully recognised by the Government or not, because the avails would still be subject for the general interest of the Company. Mr. Mackenzie and myself would reply that the Directors for the private stock being a majority of the Board might grant the leases if they pleased, we would not give it our protest further than not agree to the leasing. The President would then reply that he would not wish anything of the kind to go without the general approbation of the Board. There was an application made after this by one Hiram Slate, for mill privileges at Port Colborne, and upon inquiring into the nature of Mr. Slate's application, it was said to be for a Company, of which he was one; and also upon inquiring who the Company was composed of, it was said by the President that the Company was composed of Captain Creighton, Mr. M'Donell, the Vice President, Mr. Merritt, the President, Mr. Slate, Mr. Scott, Mr. Thos. Merritt, and I think, Mr. Ostrum, and I think there may have been others. The President further stated that erections were in progress, of a large extent, for milling operations. Mr. Mackenzie then remonstrated and inquired why these erections had been prosecuted, and such liberties taken, without first having a lease from the Board of Directors; and further, it was contrary, as he believed, to a standing order of the Board, that the officers of the Company should be connected, either directly or indirectly, with any works upon the line of Canal. The President replied that no application had been made for that mill site, and that he considered that it was to the benefit of the Company to make as many erections of such a description as they could upon the line of Canal, thereby creating business for the Canal; that he, individually, had not embarked in the project with a view to any private gain, but solely to promote the prosperity of the Company, and that he had given his name purely for that purpose; after which he (Mr. Merritt) wrote a letter addressed to Mr. Mackenzie and myself, which stated that he would sell out all his interest as regards special privileges, and that he tendered this note to remove any impression there might be upon our minds, that he was guided by any other motives than the prosperity of the Company. We replied verbally, that he ought not to have deviated from the rules of the Company, particularly the rule that leave must be had to obtain a lease or privilege, and that a lease ought to be had before a privilege should be taken by any Company, and that if the Company sustained any injury from the want of a lease, the fault was theirs and not ours. Mr. Mackenzie remarked that they ought to have given public notice that such privileges as those at Port Colborne would be leased by the Company, so that by competition, a fair value might be obtained by the Company for these privileges. The President replied that it was a standing rule of the Company that the first applicant for any privilege obtained it, and that there was a standing scale of prices for all such privileges. Mr. Mackenzie also stated that he believed in this instance that there was an encroachment on the Company's wharves at the entrance of the Canal, and that the job was discreditable to the Directors that were concerned in it. No leases were granted till the Nov. Board, when a resolution, embodying all the applicants through the summer, including Hiram Slate, the whole of which were granted---Messrs. Duncombe & Mackenzie, Government Directors, were absent, and I did not assent to it. I consider it essential to the Welland Canal that the Hydraulic interest should not be separate from the interest of the Company, as the Hydraulic is a secondary consideration, being only of benefit when the water can be spared from the Canal. That the Directors of the Welland Canal Company should have the power to regulate surplus water, and that the Directors ought to have power to cause saw-mill owners to keep the Canal clear of saw dust, which lodges in it and prevents the navigation of vessels drawing a certain depth of water fitting for the general depth of the Canal, likewise to prevent slabs from swimming towards the locks. I would further remark there are rules of the Company to compel saw-mill owners to do this.

565. Are you aware that the Hydraulic Company kept possession of the water-power and lands for several years---received the rents and also the proceeds of lands sold within that time, which they never paid over to the Company---and now retain, under a bargain with themselves as Canal Directors and the Government Directors, but subject to the approbation of the House of Assembly, the most valuable water power on the summit-level at Allanburgh, and the town ground at Gravelly Bay, besides receiving £17,500 in Canal bonds, payable with interest, forgiving up an agreement upon which they neither had paid principal nor interest?---I am aware that the water-privileges and certain lands of the Canal were alienated; I believe they remained in the hands of a Company who used the water-privileges and the moneys arising from such, for the particular use and benefit of such Company---I know that the Directors of the Welland Canal Company considered the water in the Canal should not be subject to the control of any others; therefore a repurchase of the privileges and water-powers so alienated, was effected subject to the approval of the Legislature, less certain lands and water-privileges at Allanburgh, and I believe lands at other places about Marshville and Port Colborne, but do not recollect what the quantity of lands is so retained; I believe the Canal Company did give Canal Bonds bearing interest to the amount of £17,000, I am not aware of the Canal Company receiving any part of the principal of the amount which the water-privileges, lands, &c. were sold for; the interest on the principal was placed to the credit of the gentleman in whose name the deed of conveyance from the Welland Canal Company was made. I understood that certain improvements were made upon the lands about Marshville, likewise the erection of a grist and saw-mill at the same place by the Hydraulic Company, which improvements and mills

were held by the Hydraulic Company as of much value; the mills I do not consider to be valuable for the Welland Canal Company—the improvements on the lands about Marshville are by no means an equivalent for the valuable consideration of £17,000 or the property retained at Allanburgh and elsewhere by the Hydraulic Company.

566. Is it for the interest of the Canal Company and of the country as connected therewith, that the President or Agents, and the Directors and Officers should be lessees of water-privileges on the line of Canal, while acting as such Directors and Agents?—I think not, because their not being so interested would remove suspicion and prevent temptation. It might be questionable how far a latitude should be given at the commencement of works of that description. As a reason for the first part of my answer, they (the Directors) being the guardians of the work, and the primary object being for navigation, they ought to have allowed so much water as not to injure the navigation.

567. Under what circumstances did Mr. Keefer obtain, and on what footing does he hold the water power which impels his grist-mill at Thorold?—I have heard the President admit it was given to him to encourage works of that description. I refer to the 10th resolution of the Board, 26th October, 1825.—[see resolution.]

568. Were not very great expectations held out to the country with respect to the profits and returns to be derived from the vast Hydraulic privileges on the Welland Canal; and have these advantages been in any respect realised?—From what I have learned from the Board and this Committee, there were certainly flattering prospects held out, and still are—I think their pecuniary realization is very trifling.

569. Was it proper to hold out expectations to Stockholders and the Province, that great pecuniary advantages would be derived by the Company from the Hydraulic powers, and then make presents of the mill races and water-power to the Directors, without reference to the Stockholders to encourage the building of grist-mills?—I think, in the first place, it is an electioneering scheme to knock up a job and make the best they can of it—that after a Company is formed the Directors are elected by the Stockholders to manage their works, should the Directors forfeit the confidence of the Stockholders by any act, they would be entitled to a severe reprehension; but if we find that the same Directors are continually re-elected, it is taken as a common evidence of their having performed their duties acceptably to the Stockholders, but I think in this case where there are two interests, a provincial interest and a private interest, and that private interest having a major voice at the Board, any act of appropriating any part of the property or privileges for their own particular interest, contrary to common established principles of right and wrong, would not be creditable. I do not approve, as I formerly stated, that the officers should be connected with any private jobbing, but should be paid a reasonable compensation for the discharge of their duties. This shews the necessity that there should be but one common interest.

570. In the case of the gift of the grist mill water power to Keefer, was it reported to the Stockholders in the annual reports, or had they any means of knowing the fact? Did not Captain Gordon, the Secretary, publicly complain of secrecy in such transactions, and declare it was most injurious to the canal and caused suspicion by the stockholders?—I have heard of it years ago, but I do not distinctly remember.

571. Do you consider that the canal has been taken to particular places, out of the direct line below the mountain, and up to Dunnville, to serve the purposes of interested individuals, to the injury of the work and to the great accumulation of expense from the funds of the corporation?—I consider as a public work that the first consideration should have been to connect the navigable waters at the cheapest and most lasting points—and that I consider the cheapest and lasting course to be from Lake Ontario by Queenston, and to Lake Erie by the mouth of the Chippawa or by Broad Creek on the Grand River. It appears to be most reasonable to take it the shortest route when it can be done.

572. What was the probable value of Merritt's (since called Butler and Bowrey's) mills before the Welland Canal went down the twelve mile creek?—and what the general supply of water?—I do not remember.

573. Are you aware that the Board has ever entered into contracts it was without the means of paying, and agreed to issue paper money it could not redeem?—They have entered into contracts this last fall for repairing the work through the course of the winter; the agreement on the part of the Company with the contractors was, that in the event of funds not coming in to the Company they would issue bills bearing interest payable at the Company's office one year after date. The Company had some reasonable prospect that they would not have to adopt this latter alternative, as Mr. Yates had requested permission of the Company to raise a loan of $500,000 for the purpose of paying off its debts, and to complete the works the directors for the private stockholders at the Board agreed to furnish Mr. Yates with authority to raise the loan, and that authority had been transmitted to Mr. Yates previous to the contracts being let out; the Company had likewise sent a petition by Mr. Mackenzie to the Lower Canada Legislature, (Quebec,) to request a loan or to take stock to the amount of £25,000, to enable the Company to put the works in a state of repair, the Company were not in possession of the replies from either of those applications when it was necessary to let the repairs. I found the work could not go on, and therefore gave the measure of letting out those contracts my support—upon finding by the engineer that the sum necessary to ensure the works to be in preparation for the opening of the navigation was £6,500, I considered the increasing trade through the canal by the shipping of goods that had passed this season from New York to the Western States the American merchants had found it was the quickest and cheapest route for the transit of them, and as the toll of this year amounted to nearly £6,000, which was evident that the transit business on the Canal was increasing, there was a reasonable prospect to suppose a further increase of tolls would take place through the increase of trade and transit of American goods and produce, also the Grand River Navigation Company's works were understood would be in readiness for business for the ensuing season,

much of the trade of which would pass through the Welland Canal, therefore I considered that it was better to agree to the issue of such paper money payable with interest at one year after date, as the increase in trade might be considered nearly if not equal to meet them when due.

574. Can you state the value of the Steam Dredge sent in by Mr. Yates which cost the Company £780 and upwards, and the grounds on which you joined Mr. Butler and myself in resisting the purchase of the Sir Walter for $2000?—It is found to be a complete failure for the purposes intended. A committee was appointed to sell it, of which I was one, I think there was only one offer of £50 made for it—we have it yet. The Sir Walter the President recommended to the special attention of the Board to purchase it; he thought it might be had for about £500, and that it would be found to be a great bargain to the Company for the purpose of a Steam Dredge, which was much wanted, particularly to clear the mouth of the harbor at Port Dalhousie of sand and accumulations of muck. The purchase was not agreed to by the Board, because there was a reason to believe that the Steam Dredge which had been authorised by the Government would be in readiness for the early part of next spring, the company might expect occasional turns of it, to clear the mouth of canal at Port Dalhousie.

575. Are you aware that Mr. Merritt has secured for himself while the Agent of the Company a large share of the land, at or near the western terminations of the Canal at Port Colborne and Dunnville?—I believe he has lands near to the mouth of the Canal at Port Colborne, and bought it of a man by the name of Paterson, an Englishman, about two years since. At Dunnville Mr. Merritt and Mr. Street have bought a tract from the widow Muirhead, of about eight or ten hundred acres opposite the toll bridge. Mr. Merritt along with Mr. Street is owner of the lands in which Dunnville is situated. The Directors conceive they ought to have more room at Dunnville. Mr. Merritt wanted the company to have it without charge, but Mr. Street thought they ought to pay the full value of it as town lots. At the end of the bridge over the Grand River dam, where there is an immense quantity of water power, Mr. Merritt wanted the arbitrators on damages to consider the damages by the company on those lands favorably towards them (the company.) Mr. Street and Mr. Merritt's view of this was that they would get a profit from it, as a village would rise there, being at the end of a toll bridge and possessed of great water privileges.

576. Do you remember that the Receiver General Mr. Dunn offered by letter which I enclosed to you before I went to Quebec, to take charge of the books and papers of the Canal until an accountant or accountants here could examine them and investigate any charges that might be made against the Company's officers? and can you now produce that letter?—I do remember, and now produce the letter as follows:—

Toronto, 27*th October*, 1835.

Sir,

In reply to your letter of this day's date I beg to acquaint you that I shall be happy to take charge of any papers the Directors of the Welland Canal Company may be pleased to place with me, and in any explanation or assistance I can afford, it will give me pleasure. I am not aware of any person who I could recommend at this moment as competent to the investigation of the Welland Canal accounts, but should I be fortunate on inquiry to find such a person I will not fail to inform you.

I have the honor to be,
Sir,
Your most ob't. servant
JOHN H. DUNN,

Wm. L. Mackenzie, Esq. &c. &c. &c.

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577. Did I make any charge to the Company for my Quebec journey, or on the contrary did I not state that I was going on my own or other business and would not make any charge or be fettered with any instructions?—You made no charge for that journey and none for your other services while at the Canal—the other directors wished you to take a reasonable allowance, which you refused; Mr. Butler and myself charged $4 a day—you made no charge further than what you considered was your actual outlay for personal support. You stated you were going to Quebec on your own or other business and would not be fettered by any instructions.

578. Do you consider that Mr. Beaton although a good accountant, was that sober steady man who ought to have been employed as the book-keeper of a great corporation like the Welland Canal, and trusted to for recording with accuracy and clearness its monied transactions?—I would prefer a person who is not known to possess any particular disposition towards intemperance.

[By Mr. Merritt.]

579. Although you received the letter from Mr. Dunn did you not agree to the appointment of the book-keepers on 19th November in pursuance of the resolution presented by Mr. Mackenzie and adopted by the Board on 24th October?—Yes, because those that were introduced to the notice of the Board were said to be competent for the duty. Mr. Bowery, one of the gentlemen, was before the Board at the time, and in reply to certain interrogatories I put to him said he knew the nature of the books and considered himself perfectly competent to undertake the examination required by the Board I informed him of the necessity of performing the duty with great care, minutely and diligently, and that there was scarcely a doubt but that the Legislature, (if the report that they Messrs. Burns and Bowery would make disagreed from Mr. Mackenzie's statements and views) would again cause the whole books and accounts to be re-examined.

580. At the time that resolution was passed in October 1825, promising to grant Mr. Keefer a mill privilege in Thorold in case he erected a flouring mill of the best description—was there not a general belief the Canal would never be finished or the water brought through the deep cut—did you ever hear the opinions and calculations of the late Hon. Colonel Clarke and the Hon. William Dickson on the cost of that work? And would you have accepted the offer as Mr. Keefer did at the time or declined it as General Beach did, as you see by the resolution?—I do not recollect the calculations—if I had been aware that the canal would be finished—Mr. Keefer was a director at the time, and was one of these directors forming the board which gave the mill site away, as appears by the minutes of the Company—he as a di-

rector would know the probability of the completion of the canal much better than any other person not a director, I would have taken it had I known that the canal would have been finished.

581. Although you heard Mr. Mackenzie say he was going on his own business and would take no pay for his journey to Quebec, did he not at the Board, in reply to an objection made by Captain Creighton to him (Mr. Mackenzie) being the bearer of the petition say decidedly that he would not present the petition unless he was certain he would obtain the money, and did he not promise up to the moment of his departure to use his best exertion to obtain this money?—He (Mr. Mackenzie) repeatedly declared that he would be under no instructions, and that he would take no pay for expense money in carrying the petition to Quebec—Questions were put at the Board to Mr. Mackenzie if he would use his best interest to secure the prayer of the petition, to which he gave some equivocal reply such as I think conveyed that the taking of the petition was for that object, and I think he stated to questions put that he would not offer the petition unless he considered the Legislature would consider it favorably.

[Witness Withdrew.]

MR. BLACK, *again called and further examined.*

[BY MR. MACKENZIE.]

582. There is, as it appears to the accountants employed by the committee, and to myself, a charge of £447 10s. for loss on steamer Peacock made twice as if it had been twice paid from the Company's funds. When I was at St. Catharines the clerks shewed me a detailed statement by the particulars of which it would appear that part of this £447 10s. had been charged the third time to the Company, and they shewed the same document to the accountants since this investigation began. I have asked Mr. Clark to explain the transaction and he now says that the paper shewn is not the voucher, and that they can find no voucher to shew that the money ever was paid; he further refers to you as the first entry took place in your time of being in office. Was there a regular and correct account submitted to the Board of Directors of that money, and did you leave it as a record on your quitting the office in June 1832?—The account alluded to was submitted to the Board February 2nd 1832—was examined and allowed. The cord-wood paid for was independent of that amount.

583. In the statement now declared not to be a voucher, £36 1s. 3d. is entered as paid S. St. John for cord-wood, and there is another large sum stated to have been paid for fire-wood to another person, and these sums are charged by you separately as paid from the Company's funds. We have never been able to obtain any voucher for this £36 1s. 3d. Do you know that there was such a voucher, and was cord-wood wanted by the Company that year for other purposes?—I believe the vouchers for all these money's are in the office. I know of no purpose that the Company may have wanted wood for at that time. There is no separate receipt for the £36 1s. 3d. the total amount of estimates including the above, amounted to £286 7s. 7d. which was paid to several orders of St. John! and for which receipts are in the office, viz:—

	£		
To John Darling.....	13	12	6
" William Youell.....	12	10	0
" A. Campbell.....	30	15	0
" R. Canby.....	25	0	0
" K. Reach.....	45	10	8
" M. Blodgett.....	8	1	8
" Bowery & Co.....	83	0	8
" Peter Keefer for G. K. No. 1421	57	9	7
" Sundry transfers.....	10	7	6
£	286	7	7

MR. CLARK, *again called and further examined.*

584. Where is the expenditure shewn in the Journals of £1261 10s. 3½d. out of the tolls collected 1832 in payment of sundry contractors, and for work on the Canal according to lists referred to in said minutes for which the minutes say "see Journal folio ——;" and the folio left blank?—I find no such expenditure entered on the Journals, it was intended to be so, but omitted. The expenditure of tolls for 1832 are entered on the Journals pages 324, 325, and 326.

585. Where is the order of the Board for the expenditure of £1406 11s. 3d. in August 5, 1832 ("August" erased, and "September" substituted in Journal p. 204)?—There is an order of the 5th September 1832, covering this expenditure.

586. By a regulation of the 20th September 1835 the Secretary is required to enter all deeds, leases, and conveyances of real estate and of water privileges in a book to be kept for that purpose, immediately after they shall have been executed, and also those already executed, and all mortgages to or from the Company, or any other incumbrances affecting such water privileges or real estate, and that all such documents be placed in charge of the Secretary—Has any such book been compiled?—A book was procured for this purpose, but in consequence of your investigations at St. Catharines, and the proceedings which followed thereon the book has not yet been compiled.

[Witness Withdrew.]

THURSDAY, *March* 24, 1836.

Committee met.

PRESENT.

JAMES EDWARD SMALL, ESQ. *Chairman*

Messieurs Gibson,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn—7.

MR. BLACK, *again called and further examined.*

[BY MR. MERRITT.]

587. Will you inform the committee if the words "to be copied in book" on the scrawl herewith shewn you, is in your own hand writing—and under what circumstances it was made, and whether it was copied in the books and considered an official document or not?—The memorandum alluded to is in my hand writing—it was made for the purpose of asking you if it was to be copied in the letter book, as I conceived it to be of a private and confidential nature. On inquiring of you, you confirmed my opin

ion, and desired I would lay it aside until Mr. Yates returned.—To the best of my knowledge and belief it was never copied in the Company's books or laid before the Board.

588. Do you recollect paying one Sylvester Hathaway, a subcontractor on the Deep Cut, by mistake, *one thousand dollars* over what was due him at the time he relinquished his work, and when let to Mr. Phelps? Did the Company prosecute him—and what was their principal reason for so doing—and what was the result?—I recollect paying Hathaway the amount of his estimate to 1st June amounting to several hundred pounds—he accompanied me to York and applied to the President to receive it there instead of at St. Catharines, and by his order I paid him at the Bank, and was not aware of his having received £250 on account, not having the books to refer to. It was the first estimate I paid after taking office. The Company prosecuted him for the amount, which he refused to refund, stating the Company was indebted to him for a larger amount—several trials took place on the business, in all of which judgment was recorded against him.

589. Did all monies pass through your hands while you acted as Secretary, and had any other person charge of the books?—I had the sole charge of the books and monies with the exception of the tolls and forwarding accounts beyond those items mentioned in a former answer.

[By Mr. Mackenzie.]

590. How do you reconcile this answer with your former statement that you refused to have any thing to do with the tolls and forwarding monies, which up to the time you left appears to have amounted to receipts £5,000 and upwards and very large disbursements?—Mr. Clark having been appointed to manage the toll and forwarding account I had nothing to do with them after my resignation. And in my answer to the former question I wish to be understood I had nothing to do with those accounts or books.

[Witness withdrew.]

Mr. McMicking, *again called and further examined.*

[By Committee.]

591. Were you Agent for the Peacock Steamer in the year 1831 when she was chartered by the Welland Canal Company?—I was.

592. In the absence of any voucher on the part of the Company and its officers to shew in what manner the loss sustained, as they say, on the Peacock Steamer, was occasioned, perhaps you could state whether there really was any loss sustained or give some satisfactory explanation to the committee on the subject?—At the close of the season I went to Buffalo, and the firm of Smith & Macey were the agents for the boat at that place, and in conversation with Mr. Macey he told me that the Peacock had that day or the day before earned money enough to pay the amount of the charter—he also stated she was then to run for the benefit of the Company for several days, but I do not recollect how many. The cause that brought me to see Mr. Macey was that we had an intention of building one at Chippawa for the same purpose, and I was wishing to get stock taken up there, he made the remark that the Peacock had done very well.

[By Mr. Merritt.]

593. You say that Mr. Macey, who was the Agent of the Steam-boat Peacock at Buffalo in partnership with Smith, told you the boat would that day or shortly after pay her way. The Secretary of the Company states that the boat sustained a loss of about £400 which was paid to Smith & Macey, are the committee to understand from you that Mr. Macey told you that the boat had sustained no loss, and from the tenor of that conversation do you believe the charge made by the Company for the payment of that boat to be false?—My impression was decidedly that if the charter was only £400 that she earned it, and that what he stated to me was correct. Mr. Macey said the Company would sustain no loss, the boat was still running; he said that on that day or the day before he had received the amount of their charter as the Agent of the boat, and that from that time forward she ran for the benefit of the Company.

594. At what period of the year was this conversation with Macey?—The latter end of October or the beginning of November.

595. Do you not think it possible that Mr. Macey may have been mistaken in his anticipations—and do you think them men of that character that they would make out any false statements to shew greater disbursements than had actually incurred?—We are all liable to mistakes, but I have no apprehension he was mistaken because he was considered one of the most business men in Buffalo. I think they (Messrs. Smith & Macey) would not have made charges beyond the actual disbursements.

[By Mr. Mackenzie.]

596. I see in a paper which was laid before me in St. Catharines shewing that the Steamer Peacock had earned $2185 88c. from 4th July to 3d October, 1831; and $341 30 from 4th October to 21st November, besides $15 for towing sundry vessels, and that $3860 86 was the expenditure. In Mr. Merritt's hand writing there is a balance shewn of $818 63 of loss, besides other $966 66 due on charter—the amount he makes $1785 34 of deficiency, and there are many vouchers and documents. Is it probable that you, as the Agent of the Steamer, could, on looking into these receipts, throw any more light on the question involved in this charge of loss?—I think not.

[Witness withdrew.]

John Ross, Esq. *cashier of the Branch of the Commercial Bank of the Midland District, established in this city, called in and examined.*

[By Mr. Mackenzie.]

597. Under what circumstances were you applied to in May 1834, to loan £2000 to the Welland Canal Company?—I have no recollection of the circumstance, the letter which you read to me was an answer to one from Mr. Merritt.

598. No part of this transaction of a loan appears on the Company's books; but there is a charge for interest of £30 11s. 6d. on the minutes, and of an additional half per cent, or £10 under the head of "Agency." From the stress you lay on the words "legal interest," in your letter now shewn to you, it would appear that the Commercial Bank contemplated an extra charge. Would you have the goodness to explain to the Committee why more than 6 per cent has been charged?—By the by-rules of the Bank all inland and foreign drafts and acceptances are subject to an Agency as in the case of the present transaction with Mr. Merritt, say:—

Draft for £2000—90 days, interest £30 11 6	£1969	8	6
½ per cent Agency, - - - - - -	10	0	0
Nett proceeds, - - - - - -	£1959	8	6

The Agents of this Bank are entitled to receive from the Institution their agency in room of salary.

599. You are now shewn a number of papers which the Welland Canal Company and the Welland Canal Commissioners exhibit to the Committee as vouchers for the expenditure of money. Do you, as a man of business, consider these papers to be such as ought to be received as vouchers by the Officers or Directors of a Bank, Canal, or other great corporation?—All I can say is, we (at the Commercial Bank) would not take them, they being as vouchers executed with crosses without witnesses.

[By Mr. Merritt.]

600. Although you say that you would not take those receipts in your Bank as vouchers, do you not conceive there is a material difference in payment to contractors, who may be illiterate men and and labourers on the line of a Canal; and would you think a Board of Directors would have good reason to refuse those vouchers when they agree with the estimates of the Engineer who states the work to have been performed?—In my own private business (independent of the Bank) I really could not receive vouchers with crosses without witnesses.

501. Would you think the officer who paid the money a sufficient witness?—Yes, I think so. He should have been a witness at the time.

[By Mr. Mackenzie.]

602. If in your Bank a dispute was to arise between an accountant and a person entitled to receive money, the latter denying that the accountant had paid him the money, and the former exhibiting a X without a witness to shew that he had paid it, how would the Bank act, would they consider the X unwitnessed as a sufficient proof of the payment?—They could not; but the clerk would be called to prove the payment.

[Witness withdrew.]

Mr. James Trotter *called in and examined.*

603. Can you state, from personal knowledge, Mr. Oliver Phelps' conduct with respect to the 34 locks' contract which he held, and the manner in which that contract was fulfilled?—Yes. He sub-let the locks to a number of persons at about $600 or $700 less than his own contract. I think that some of the locks were very well done, and there were others done by these sub-contractors very slightly. I spoke to a number of them, who said that the price was so low that they could not do their work as it ought to be, and that if the work was to be done well a better price ought to have been allowed.

604. Mr. Oliver Phelps states to the Committee that when he held the deep-cut contract he excavated 77 chains of the North end—that the average cutting was 49 feet 85-100—that he began 17 29-100 feet below the surface—and bottomed his part of the deep-cut. Is this true? Did he bottom these 77 chains or any part of it?—I do not think he did. I do not know that he bottomed any of the deep-cut, but Mr. Donaldson did I believe, who had a separate contract, as I considered, from the Company, and who stated so to me. Mr. Phelps stated that the bottom of the deep-cut was to be 15 feet wide, and wished me to take a pole and measure the width of the bottom where he (Donaldson) had bottomed it. I did so with a ten foot pole. Mr. Donaldson asked me why I was doing so, and said he supposed Mr. Phelps sent me there. When I measured it it was only from 10 to 11 feet wide; when I told Mr. Phelps this he said that he would see Mr. Merritt or the Engineer to ascertain whether Mr. Donaldson would be allowed to go on with it, or else he would have the contract out of his (Donaldson's) hands.

605. In his evidence as to his own proceedings as a contractor for the deep-cut, Mr. Phelps says he used his sub-contractors with great kindness; do you know the facts? Mr. Phelps got large allowances beyond his contract—did he make similar allowances to his sub-contractors?—He employed me the last summer that he worked on the deep-cut to let the shovelling out by the yard, and he would pay seven cents per yard for shovelling it into the carts; the deep-cut was arranged with a certain number of runs where the machines were fixed for carting up the muck—he was to have the earth ploughed for them. On these conditions I let the work out as I thought the men could make good wages at seven cents per yard for filling in. The men worked very hard for one month and got their estimates, and had only from three to six dollars a month, after paying their board; the men turned out and would not work any more; he wished me to get them to take it for another month on the same conditions, as he said he thought there was something astray in the estimates, and I persuaded them to try it another month, at the expiration of which they had only from eight to twelve dollars a month, after paying their board, and I considered from the way the men worked for the two months, that they ought to have had from fifteen to twenty dollars each month after paying their board. He then hired the men at twelve to thirteen dollars per month, and paid their board. I always considered that the men never got a fair statement of the quantum of the work from Mr. Phelps, as they did it by the yard.

[Witness withdrew.]

The Honorable John Henry Dunn, Receiver General, *called in and examined.*

[By Mr. Mackenzie.]

606. The following are extracts of a letter from you to W. H. Merritt, Esq., dated York, 24th July, 1834.

"Your Agent has been able to get donations of £100 each from the Solicitor and Attorney Generals."

"You should send a circular to His Excellency, and as he is not willing to be a member of the Company he may give a donation."

As these gentlemen paid donations to the work why are they not accounted for in the books like that from the Bishop of Quebec?—I think there were some donations given in land, but so inconsiderable that they never were called upon. The only sum of money that I remember having received was from Quebec, but I cannot remember from whom.

607. The sum of £447 10s. appears to be twice charged as cash paid by Company, viz: in 1831 and 1835, for loss on steamer Peacock, chartered by the Company. There is no voucher or detailed account to shew that there ever was any loss on this boat, and Mr. M'Micking has this day stated in evidence, that the Agent of the boat, Mr. Macey, told him there was no loss. Do you remember any thing of those transactions?—I do recollect that the steamboat Peacock was engaged, but I do not remember whether in the first instance by Mr. Merritt or the Company. It was considered very necessary for her to be engaged by the Company in that way, to induce travelling, &c. It was by way of experiment. I know nothing of the charge of £447 10s. mentioned in the question.

608. Why were the accounts of the toll and forwarding of the Company neither audited nor placed on the Company's books of account in 1830, 1831, 1832, and the early part of 1833?—It is a subject I have frequently brought before the consideration of the Board. I have frequently asked for a statement of these accounts, but never could get it. Mr. Black was the person to whom I most particularly used to speak, but the excuse was the returns or moneys were not received from time to time. Mr. Randal was the only one who used to make his returns regularly and pay his collection, it was always told me; when I applied to Mr. Black and others, for the moneys collected by other collectors, they answered that they were appropriated to the uses of the Canal, and to assist to pay the estimates.

609. Mr. Black states to the Committee that although a cash account of the actual monied transactions of the Company was necessary to be kept, he was prevented from doing so by some of the Directors, If so, what were the circumstances which induced the Board to dispense with a book or account held to be indispensable to the regular keeping of accounts?—I always objected to this system of keeping accounts, and considered Mr. Black incapable of so doing, and objected to his appointment from the first, and thought he would eventually bring the books into a state of confusion. I do not know whether there was any order for keeping a cash account.

610. Among the awards I find the following:—

"In the matter between Thomas Merritt and William H. Merritt and the said Welland Canal Company, we, the undersigned, do find, award, determine, and declare, that the advantages of the said Thomas Merritt and William H. Merritt (excepting the mill seat and appurtenances hereafter mentioned) are equivalent to the value of the lands proposed to be taken by the said Company, being estimated at nine acres and three quarters, and of all injuries or damage occasioned thereto by reason of the said canal.

It being intended that the said Company should purchase the mill-seat, mills and appurtenances of the said Thomas Merritt and William H. Merritt, we, the undersigned, to award, determine, and declare that the said Company shall pay to the said Thomas Merritt and Wm. H. Merritt the sum of six hundred pounds of lawful money of Upper Canada, in full compensation for the said mill-seat, mills, lands (estimated at seven or eight acres) and buildings appurtenant thereto, dated this 31st day of August, 1826.

(Signed) A. Nelles, T. Butler, Samuel Street, Thomas Clark, Alexander Wood, John Hill, William M'Clellan, Richard Woodruff, George Ball, Marshall Lewis, James Durham, George Shaw, Samuel Thiel, George Lacey, H. Mittleberger, Samuel P. Jarvis, James Black, Crowell Wilson, William Smith, Jacob Keefer, Robert Nelles, Grant Powell, Thaddeus Davis, Edward M'Bride, J. B. Macaulay."

I was unable to refer to it before closing the statements or charges, it being at St. Catharines. It appears that the arbitrators were informed that the Company intended buying Merritt's mills, and the Cash Journal shews that he was paid for these mills. The Secretary reports that he has no deed of those mills among his papers as required by the by-laws—was a deed given, or if not, why was Mr. Merritt paid until he gave a deed?—I do not recollect all the circumstances connected with this question.

611. Mr. Keefer has possession of a very valuable mill seat, for which he is paying no rent; he appears to have no lease, only an order of the Board when three Directors were present, he being one, in 1825, after the expectations held out to the public of great returns from the water power, was it correct to give this mill seat to Mr. Keefer for nothing, without consulting the Stockholders?—I think at the time that mill seat was given to Mr. Keefer it was hardly supposed that we should ever get the water through, and to induce confidence and promote the advantages of the Company, it was deemed an advantage to grant this mill to Mr. Keefer with a view of inducing others to enter into the same sort of enterprise and enable the Welland Canal Company to dispose of their hydraulic sites, and we thought it was but a fair compensation to give that gentleman that site for the example he had shewn. If the gift was to be made at this moment, I should say most unquestionably the Stockholders should be consulted because it is of great value, but at the time it was given for my part I thought it was a very hazardous thing to build a mill there at all—and therefore considered it of little or no value.

612. Was not Keefer's mill at that time expected to be the summit level of the canal, and consequently the most valuable of the whole, had not the deep cut slips taken place?—I do not consider that at that time that situation was more valuable than any other on the canal in that neighbourhood.

613. Did not the making Mr. Keefer a present of the mill seat for four run of stones the water to which was to be brought to his mill at the expense of the province, and private individuals enable him to compete in too advantageous terms with Messrs. Woodruff, McMicking, and others who had built mills with steam engines and could not grind so cheap as a director who had the impelling water power given him for nothing?—I consider the more mills there are in the country the better, as it induces farmers to take their choice in the market and consequently get a better price. I believe Mr. Keefer has got his wheat principally from the United States, and an advantage would result to the canal by way of toll.

614. It does not appear to the accountants employed by the Committee that more than £400 or £500 have ever been received for the leasing or sale of water power from the opening of the Canal up to last December—what was the system of management of the Hydraulic Privileges during your presidency?—I know the causes which led to the sale of those Hydraulic sites, but to the detail part of the payments what has been received and other particulars I forget. The Company were exceedingly embarrassed for want of means to carry on the canal; it was suggested by Mr. Yates that the sale of these hydraulic sites was a legitimate means of raising funds, and I think he placed the value of £25,000 upon them together with all the lands—I think he made an offer to this effect to become a purchaser—The Board considering however that the offer was a very liberal one, and the necessity great, they determined to dispose of them, and in order that there might be fair competition and more money got if possible for them the sale was made known through the various papers of the province and the United States, and the bargain was ultimately made with Mr. Yates for the sum of £25,000 on a credit bearing interest, which I think was to be paid annually, and upon which it was intended to raise a sum of money in the United States sufficient to carry on the works of the Canal the result of which I know nothing, but do know the object the Company had in view, which was the raising of money, was not realized. We were very much condemned for this transaction by the stockholders in England.

615. Supposing that Mr. McDonell and Mr. Yates had paid nothing at all on their purchase, sold part of the lands and kept the money, received the rents of water power on the line for years, kept possession of the mill sites and water power at Allanburg, got a deed of the town plots at Gravelly Bay, and received £17,500 in bonds of the Welland Canal Company bearing interest in order to induce them to give back the remainder of the lands and water power, would you consider it a transaction that ought to be sanctioned by the country?—I certainly am of opinion that as a bargain made between Mr. Yates and the Company whatever profit they might make of the Canal they were entitled to, as they would have to lay out a considerable sum of money to make the property valuable, and if they have not fulfilled their engagement they should be compelled to yield to the Company all the profits they may have made by the same,

616. The greatest confusion appears to me to have existed in the monied concerns of the Company in the latter half of the year 1832, after Mr. Black left. Mr. Merritt states that he did not act as Secretary although appointed to that office, and Mr. Clark is stated to have been the person in charge of the accounts—As this happened in the last year of your being President you can probably explain why monied matters were so conducted?—I think that the keeping the accounts of so large a concern as the Welland Canal, persons should have been chosen who were better acquainted with the nature of book-keeping—many errors would appear from that circumstance, and improper apprehensions might be conceived when there was no real cause of it—This applied as well to Mr. Clark the present Secretary as to Mr. Black as mentioned in my former answer.

617. Under what circumstances was the loan of £50,000 obtained from the United States Bank in 1831?—On the credit of provincial debentures issued by me and delivered to the Company and negotiated by Mr. Yates with the United States Bank at 5 per cent per annum for a certain number of years, at the expiration of which it occurs to me that the United States Bank charged 6 per cent—this was an arrangement entirely between the United States Bank and Mr. Yates.

618. Do you consider a charge of one per cent, on $2,000, on the Company's books as a payment to J. B. Yates for obtaining of the United States Bank this loan of £50,000 to the Welland Canal Company a fair and reasonable business transaction?—I am not acquainted with such transactions in the United States, but I have sold some private bills on London, negotiated by Prime Ward, King, & Co., and their charge is one half per cent commission.

619. Can you inform the Committee why £178 are charged by the Canal Company as interest on the £3,000 given to the Commissioners?—The loan was raised by me through the Bank of Upper Canada which was to bear the legal interest and the debentures were to bear only 5 per cent by the act They could not be negotiated at that rate and consequently could not be issued under that law.

620. Would you have considered it correct for the officers to have paid themselves their salaries without an order of the Board, and contrary to the by-laws during the time you were President?—If they did so it was very wrong, it being contrary to a by-law of the Company.

621. I would ask you whether in the case of an officer of the Company with a salary of £400 a year, which was the sum paid Mr. Merritt, is it probable that such officer could have received about $1000 in one year without knowing it or finding it out either then or since?—It depends entirely upon the officer keeping a regular account whether he could or could not.

622. Have not the people of Lower Canada as well as the Legislature, contributed with great liberality to the canal already in their subscriptions for nearly $150,000 of stock for the Province and for individuals?—I can only give the affirmative in answer, but I think the merchants and other individuals in Montreal should have been more liberal than they have.

623. Was it not a standing order when you were at the head of the Canal Board that no money should be paid out by the Treasurer or officers until it had been sanctioned by the Board of Directors?—I think so.

624. Can the President or officers of a Bank or Canal Incorporation, lawfully or with propriety lend the funds of the Institution to individuals without the approbation of the Board first obtained?—I think they should not be allowed to do so.

[By Committee.]

625. As you were President of the Welland Canal Company for some time should it appear that there have been errors, erasures, and false entries in the books, from your knowledge of the officers of that Company would you attribute this misconduct to an attempt to defraud either the public or the Company?—I attribute the erasures, &c. from the circumstance I have already stated of the insufficiency of Mr. Black to fulfil the duties of the office of Secretary who I verily believe to be a strictly honest man—no fraud could have been committed without his sanction—and further, from my knowledge of the other gentlemen who were and are connected with the control of its affairs, they are esteemed by me in the same light.

[Witness withdrew.]

Friday, *25th March*, 1836.

Committee met.

PRESENT:

James Edward Small, Esquire, *Chairman*.

Messieurs Chisholm,
Gibson,
Parke,
Roblin,
Shaver,
Thorburn,
M'Donell,—8.

Hon. JOHN HENRY DUNN *again called and further examined.*

[BY MR. MACKENZIE.]

626. It appears that upwards of 200,000 square feet of timber was got out in 1825, under a contract with Theophilus Brundage amounting to £1,300 or £1,400, for which he was paid, besides being paid for taking care of it. This timber was intended for a tunnel but not used by the Company in any way. I do not find that one shilling of returns from sales of that timber is to be met with on the Company's books, and evidence has been given shewing that persons in the employ of the Company realized money from the sale of that timber or of part of it. As President of the Company it is probable you can give the Committee some information on this subject.—I remember that there was a great quantity of timber got out for that purpose and brought into the Chippewa River and a person was employed to take charge of it by the name of Brown, some of it had been stolen and some had drifted away, and I think the remainder was sold to different individuals and a specific bargain made, but I cannot recall to my mind whether there was any money received, or how it was ultimately settled.

627. In what way do you account for the remarkable unwillingness shewn by capitalists and land-owners in all parts of this province to have any thing to do with the Welland Canal as stockholders?—We were very anxious to obtain persons in the neighborhood of Saint Catharines of respectability to become directors who were exceedingly interested in the completion of the work, but had not the means to make investment—and in order that the Company might avail themselves of the services of Mr. Clark, I was induced to qualify him.

628. Was you satisfied with the manner in which Mr. Oliver Phelps carried on his contract for the 34 locks?—There were 2 or 3 locks that I always complained of near his own place. I considered them badly built, and one or two of them I think bulged in a very short time after they were put up.

629. Seeing he did the work by sub-contractors and allowed them very moderate prices, I would like to ascertain the reason why he was allowed many thousand dollars more than the contract price?—I cannot call to my mind the circumstances—I think there were statements made from time to time of losses made by him; we were very much guided in the consideration of claims of this nature by the representation of the Engineer and Agent. I cannot tell if Mr. Phelps was allowed any additional remuneration or not, but I suppose the minutes of the Board will shew the transaction. The Board I will say always considered Mr. Phelps a very excellent man, and were ready to take into consideration any statements made by him.

630. Was not the work as well done by Hovey & Ward, Love Newlove, Rowley & Hartwell, on the Deep Cut before they were removed and the whole given to Oliver Phelps, the contractor for the locks?—The work appeared to be as well done, but Hovey and Ward were endeavoring to drive us into terms that we did not think ourselves warranted to accept, and unless we agreed to them they said they would not proceed. I think at that time there was an advertisement put in the papers offering a premium to construct machinery which would facilitate the excavation of the Deep Cut; Mr. Phelps appeared to offer the best method of doing so—this, together with the confidence the Company reposed in him, came to terms to relieve Ward & Hovey of their contract, who were anxious to give it up—and accordingly we engaged with Mr. Phelps: Messrs. Ward & Hovey were repeatedly urging the Company to increased demands per cubic yard; it was our intention to take into consideration their case on the completion of the job, but they still objected.

631. Will you have the goodness to mention upon what evidence you have stated that Messrs Ward & Hovey were desirous to give their contract up?—I believe they were anxious to give their contracts up rather than to proceed according to them—Mr Hovey stated that they could not compel him, and that he would not proceed with the work.

632. Mr. Oliver Phelps had the 34 locks contract with Ward & Hovey—he had been behind his time in finishing it—he had received far larger prices than he agreed for, and you have stated that you are dissatisfied with part of his work, and that you had great confidence in Mr. Ward. Under these circumstances, I would wish to know upon what principle you employed Phelps on the Deep Cut and gave him a large additional allowance after refusing any increase to the first contractors?—We considered Mr. Phelps as the ostensible person in the contract of the locks, which contract he completed to the satisfaction of the engineer; he continued on the Deep Cut to the time it was abandoned. Ward & Hovey had comparatively done but little.

633. Did Oliver Phelps bottom his part of the Deep Cut?—Some part of it he did, I believe. I cannot state from my personal knowledge any thing more about it.

634. As the locks contract was not finished when you gave Mr. Phelps the Deep Cut, you could not, I think, have been influenced by the Engineer's opinion, which you have referred to, in giving two such very large jobs to one person?—I think I have answered the question in a former answer.

635. Mr. Phelps having given the replies now read to you, I wish you to say whether Mr. Merritt urged on you or on the Board to continue Hovey & Ward in the Deep Cut contract at the time Phelps proposed to take it?—Not at that particular time, but he did up to that period.

636. Can you refer to any settlement with Mr. Phelps on the minutes of the Board wherein you agreed to forgive him £7,558 of advances, besides the £1,250 extra allowance, and the sum of $7,000 and upwards allowed him for teams, &c., on the Deep Cut contract?—All those circumstances are I suppose, recorded in the Journal of the Company's proceedings. I do not recollect of any such circumstance as that mentioned in the question; this I do remember that Mr. Phelps had a claim, but what it was for, or the amount, I cannot say. I do not remember a claim of so large an amount as that stated; but about the time I left I remember there was a desire evinced on the part of the Board to give up his mortgage, which was, I thought, about 2 or £3,000.

637. Were you aware at the time you left the

Board that Mr. Phelps was entered on the Company's books as a debtor for £10,000 or thereabouts for cash advances made him on the Deep Cut contract several years after the Deep Cut slips took place, and the engineers had reported on his work?—So far as I recollect the advance was about the amount of his mortgage.

638. Was there any allowance made Mr. Phelps while you were President or agreed to be made him other than as appears by the minutes of the Board?—It could not be, all the allowances that were made must have been made according to the minutes of the Board, and they should always shew it.

639. For what reason was Mr. Phelps allowed $2000 in 1832 for superintending the locks when it was his own contract?—I cannot call to my mind any circumstance relating to that subject.

[By Committee.]

640. Admitting that it be proved that the work has not been prosecuted with that regard to economy and good management which might have been desirable, do you think that Mr. Yates and the other large stockholders are the less entitled to favorable terms in their proposals for the purchase or sale of the canal?—The stockholders have nothing to do with the loss occasioned by mismanagement, if there was such,—as a proof that they were satisfied the canal was carried on with prudence and discretion—they elected the same Directors every year, and never seemed to desire a change.

641. Although Mr. Yates' commission for negotiating the loan may appear high in a plain business transaction, from your own personal knowledge of that gentleman's exertion, and the large amount of capital advanced by him at an early period, do you think him entitled to the favorable consideration of that Company?—I think Mr. Yates was always entitled to the most favorable consideration of the Company.

[By Mr. Mackenzie.]

642. Was not the election of the Directors or a majority of them always in the hands of Mr. Yates and the New York stockholders?—Yes, as Mr. Yates was the Attorney for all the New York Stockholders.

643. Mr. Buchanan in a letter to Mr. Wenham and now shewn you states that he entered into a private agreement with Mr. Merritt in 1824 of a nature different from his public agreement to become a stockholder. Do you know any thing of this transaction?—I think there was a letter written to the Board by Mr. Buchanan wishing to withdraw as a Stockholder altogether, which the Board did not accede to—a part of his stock subscribed at New York he stated he did not intend to pay. I know of no secret agreement other than by this letter.

[By Committee.]

644. Did you go to New York in the winter or spring of 1825 and dispose of stock, and to what amount—did you hear from any stockholder then at that time that they had subscribed in consequence or were influenced by seeing Mr. Buchanan's name on the list?—I went in the spring of 1825, about the last of April, and disposed of stock to the amount of £75,000, and could have disposed of more had I been authorised—I do not recollect that any person in New York stated to me that they were influenced to subscribe by Mr. Buchanan's name being on the subscription list.

645. Have you received any, and if so, what remuneration for any services performed by you for the Company as President or otherwise?—None whatever, either directly or indirectly.

[Witness withdrew.]

Mr. Trotter *again called.*

[By Mr. Mackenzie.]

646. Do you know any thing relative to the contract taken by Mr. Phelps for excavating five miles of the canal on this side of Dunnville in 1829 and 1830—the price he took it at, and what he received—the manner in which he carried it on—the nature of the embankment—and how the work was finally disposed of?—I proposed to do the whole of the route except three or four sections at from 13 to 15 cents per cubic yard. Mr. Phelps got the whole contract—I do not know at what rate. He sub-let the work to other contractor—they did not finish their contracts. Mr. Merritt wished me afterwards to go up to the feeder with men and teams to assist in finishing the work; he also employed other contractors for the same purpose. I do not think Mr. Phelps finished any part of the work.

647. I perceive that in his statements made to the Board of Directors, Oliver Phelps values a meeting house built by him, do you know how he came by the timber that built it, and what he did with the house?—There was a large house of worship there, he partly built it with tunnel timber. This timber was used for the siding of the house.

648. Did you ever cut any roads for Mr. Newlove when Mr. Merritt took his job at the Deep Cut away from him and gave it to Phelps? Did Newlove pay you—and did he use these roads?—Yes—I got I think two roads cut, and Mr. Newlove paid me $72 for the work. I do not think he did use these roads.

649. When you prosecuted the Company for the claim you had and recovered, was it because they denied the debt or because you were unwilling to wait—and what was the conduct of their accountants in that case?—At the time I got that claim I got a due bill from Mr. Black—I spoke to Mr. Dunn to know whether the Company had any money—he told me they had at that time, and that if I would go over he thought I would get my pay. I went over and saw Mr. Black, who told me he was not authorised to pay any claims, and told me to call on Mr. McDonell, and he told me to go to Mr. Merritt; but I could get no money and then returned home. In about three months after I visited St. Catharines again, when Mr. Black sent me to Mr. McDonell again, and Mr. McDonell told me that they could not nor would not pay me until such time as the Welland Canal office had funds to pay the claims. I then returned and gave my claim to a lawyer, who sued for it and recovered it.

650. How did Mr. Phelps use the men who had to work by the yard on the Deep Cut?---I do think Mr. Phelps used the men very unjustly by not allowing them what they really did.

651. Do you think that the placing the earth on the bank of the Deep Cut was the cause of the slips that took place?---I think that if the earth had been moved back according to the original practice the slides would not have taken place so soon, but I do not know what might have taken place afterwards.

652. Did any of the earth that was placed on the bank of the Deep Cut on Mr. Phelps' job slip in again?—It certainly did to a great extent—the earth on the banks pressed down and bulged in the sides.

653. Where did Phelps get the timber for his large store—and what was done with it after the Deep Cut failed?---The principal part of the timber for the frame and cellar was this tunnel timber, the building was afterwards sold when the work was done to the account of Mr. Phelps I believe.

654. Did Phelps take any of the tunnel timber down to his own place at Centreville?----There were teams employed in hauling that timber down to the foot of the mountain----I do not know whether he put it in the locks or for his own private use, but I rather think it was for the locks.

655. What did Phelps do with the tunnel timber of the church when the work was done?---It was hauled to the foot of the mountain to his own place.

656. Was the Deep Cut the full width when Phelps got the work, or did he widen it?---I do not think he widened it, as Hovey and Ward made a contract with me to widen a part of it ten feet wider, which I did before he got the work.

657. Was Love Newlove treated with injustice in having his contract taken from him without failure on his part in order that it might be given to Phelps?---I know that Mr. Newlove was making money by the job at the time it was taken from him---he said that he could finish his part of the work he thought for 30 cents.

658. Speaking from personal experience and observation, what was the conduct of the Company towards contractors---to yourself for instance?----I have a claim against the Company. In the fall of 1828 I finished section No. 24 in the spring of 1829. Mr. Barrett the Engineer employed me to raise the embankments where they had sunk, and told me that I would be paid by estimate or days work---he told me afterwards that he would give me a statement & I would be paid by the day. I got the statement from Mr. Gooden, an Engineer. Mr. Barrett told me to bring it before the Directors and that he would attend to it. Mr. Merritt asked to see the statement; he (Mr. Merritt) took it into the Secretary's office---I never saw any more of it, or got any thing for my work; the amount of work was 486 days. Mr. Barrett always told me that I would be paid for it---that I need not be uneasy. Mr. Newlove is acquainted with these facts.

659. In the case of Oliver Phelps I perceive that several years after he was paid in full, as per estimates of Engineer, for the lock contract, he makes a charge of $2000 which were paid him for superintending his own contract. Was it customary to make such allowances on the Welland Canal?---No. I never knew that contractors were in the habit of getting any such charge.

[By Mr. Merritt.]

660. Was not the contract you refer to on new feeder let out late in the spring---was not a condition in that contract as well as all others to finish within a given time or the Company had power to put on other contractors---was not every person sick without exception on that line—did the Company not put on you and all other contractors and concentrated thire entire force on that part of the line—and was any preference given Phelps or any other contractor on that occasion, and did not Phelps object to complain of their proceeding,—and further did you ever know more work done with the same number of men in the same time than on that occasion?—As regards the first contract to Mr. Phelps I think there was.—Mr. Phelps stated to me that he knew that I would get two or three sections of it, but that if I would withdraw he could get the whole and let me in as a partner—and I considered that when Mr. Phelps took the contract that my name was in the contract with his, and he afterwards told me it was not, but that the whole of it was his own private contract.—There was a time limited to do the work—Mr. Phelps failed in doing the work according to his contract—myself and other contractors were brought on and finished it. Every man did all he could to push the work forward so as to get the water in.

661. Did you ever mention the circumstance of Phelps agreeing to join you to the Engineer or myself until after Phelps had the contract and you had been up the line and returned?—No I did not.

662. What price did you understand Mr. Hovey asked the Welland Canal Company for excavating the Deep Cut?—Mr. Hovey told me he should not like to undertake to excavate to the bottom for less than 50 cents per yard.

663. Did you know of a well having been dug at the North end of the Deep Cut near the bridge, some feet below the level?—Yes.

664. And did you ever hear any person apprehend any danger from slips until after they had actually occurred?—No.

665. Except the claim you refer to do you know of any instance of partiality or injustice to you or any other contractor—was not the work generally carried on with as much rigor and attention as under the circumstances was practicable? Was not the claim you refer to the settling of embankment on lots?—Yes, by order of Mr. Barrett. I consider that other contractors were losers by their jobs and were not remunerated as was Mr. Phelps.

[Witness withdrew.]

Mr. Clark *again called.*

[By Mr. Mackenzie.]

666. There are $4051 in an account paid last spring or summer to T. Merritt, Junr. for day work and materials, with no other certificate than that of John Fisk the contractor, Merritt's own clerk, and an occasional workman. Is not Mr. Black the super-

intendent, and is it not a part of his duty to report on or sign accounts, certifying from his own knowledge?—I should suppose that if Mr. Black certifies he ought to do so with his own knowledge—I do not say that Mr. Black has not done so. In respect to Thomas Merritt's account 1st May, 1835, I do not observe Mr. Black's signature thereto; what reason he may have had for withholding it I do not know; I consider it was his duty to have placed his signature to it. This account passed the Board at the time yourself and Mr. Thorburn were present.

667. Why have you given up the system of keeping accounts current with the contractors which so much simplified the proceedings of the Company when in use by Mr. Wenham?—I am not now aware that that system was kept up by Mr. Black, and from that circumstance I suppose I neglected to keep such an account.

[Witness withdrew.]

SATURDAY, 26*th March*, 1836.

Committee met.

PRESENT.

JAMES EDWARD SMALL, ESQ., *Chairman*,

Messieurs Chisholm.
M'Donell.
Parke.
Roblin.
Shaver, and
Thorburn.—7.

MR. HINCKS *again called and further examined.*

[BY MR. MACKENZIE.]

668. The last item in the Commissioners' general account is, for Mr. Robinson, "paid my own salary for 254 days, at $5 per day, in part, £239 8s. 5d., this would leave a balance due Mr. R. of £78 1s. 7d., but in his detailed account he deducts 32 days absent, or £40, and £12 10s. received from Mr. Merritt, which is for an account charged by him, but paid and charged by the Company, leaving, as he states, a balance due him of £25 11s. 7d. In case the Legislature should consider Mr. Robinson entitled to $35 per week, for the term in which he was on the Canal, and admit his statement of time, is this balance correct?—I think that it is.

669. I have stated to the Committee that Mr. Robinson charges the following items to the Canal Company twice over, viz: Widow M'Keefer $50, 12th March; John Toyne, $25, March 9th; William Murray, $10, March 11th; H. M'Keefer, 10s., March 28th; Silverthorn, $8; Carson and Sloan, £5, April 5th; Johnson Orr, $14; H. M'Keefer, $10; John Vanderburgh, $300; Thomas Martindale, $40, and Andrew Ratcliffe & Co., $50. Are you satisfied, after having examined the accounts, that he has done so?—I am.

670. There is an order for £8 10s. S. H. Farnsworth, on John Clark, (the latter acting for Mr. Robinson) in favor of John Shore, dated 5th April, 1833, as follows:—

STONE LOCK, *April* 5, 1833.

J. Clark, Esq., please pay John Shore an account of Welland Canal Commissioners, eight pounds ten shillings, it being for emptying two cribs at Vanderburgh's lock.

S. H. FARNSWORTH

This is entered in Clark's Commissioners' leger, page 43, as £8 10s., but in Mr. Robinson's general account of his disbursements, he charges it as £18 10s., April 3d. The receipt, in the hand-writing of Mr. Clark, on the 5th of April for £8 10s., and signed by a cross, without a witness, has been since changed in another hand to £18 10s., and the date from the 5th to the 3d. Are these statements correct; and if so, have you been able to obtain any satisfactory explanations?—The receipt above alluded to has been evidently altered from £8 10s. to £18 10s.

671. I have stated to the Committee, that although Mr. Robinson claims £2201 11s. 4 1-2d. as money expended by Mr. Farnsworth, and refers to Farnsworth's account and the vouchers, yet the account thus referred to amounts only to £2124 5s. 5 1-2d. and of this sum, which is £77 5s. 11d. short, there are a great many receipts or vouchers made with a cross without any witness, some are without vouchers at all, and in a number of cases the service performed is not mentioned. Are these statements in accordance with the facts as inquired into by you?—They are perfectly correct.

672. Cyrus Rose, of Dunnville, received of the Welland Canal Commissioners, to expend on the Canal in 1833, £766 16s. 6d., also £131 0s. 0 1-2d. from the Canal Company. I wish that you would describe to the Committee how these sums are accounted for; and that you would state the sum overcharged by Mr. Robinson, after allowing all sorts of vouchers whether with or without dates or crosses or witnesses, or of whatsoever description they may have been.—On comparing the sums charged as paid to Mr. Rose by Mr. Robinson and his agents, with Rose's receipts, the sum of £98 8s. 1d. appears unaccounted for by Rose, allowing all the vouchers which are amongst Rose's papers, some of which are of a very unsatisfactory nature.

673. I have also stated that of the £200 charged by Mr. Robinson, as paid T. Merritt, in October, 1833, £50 were paid by Farnsworth without taking a receipt, and charged by Farnsworth, thus making an overcharge of £50; and that $100 is admitted by T. Merritt to have been received by him from Mr. Robinson on the 3rd of May, 1833, and $50 through Tench in June, which Mr. Robinson has not charged at all—thus reducing the overcharge to £12 10s. Is this correct?—Yes.

674. I have stated to the Committee, that with respect to Thomas Merritt, Jun.'s accounts, £200 were paid him by Mr. Robinson for the Commissioners, in 1833, on his Gravelly Bay Pier contract, at the request of the Board of Directors of the Canal Company, at a meeting held by them in July of that year; and that this sum is not yet charged to Thomas Merritt on the books of account of the Canal Company. Is this in accordance with the facts as inquired into by you?—Yes.

675. I have stated that Cyrus Rose charges the Company through Mr. Robinson, $23 13 cents, for gravel, paid Andrew Thomson on the 14th of June, 1833, and Mr. Robinson charges it over again, although it is evident from the account it was not twice paid. Is this so?—Yes.

676. I have stated that $30 paid Vanderburgh, 12th March, 1833, on account of Fisk, is charged twice to the Company by Mr. Robinson. Is it so?—Yes.

677. Did you observe sundry errors in the computation of John Vanderburgh's account for the hauling of stone, dated 11th of April, 1833, amounting to £12 7s. 3d., for which sum Mr. Robinson appears to have over-paid him?—Yes.

678. Should not £25 of the £103 9s. 2d., charged by Farnsworth, as paid T. Merritt, Jun., for Mr. Robinson, be deducted from that part of the accounts presented as payments by Mr. Robinson?—Yes.

679. With regard to Donaldson's accounts, as superintendent under Mr. Robinson, I have informed the Committee that some of his vouchers are crosses not witnessed; that others refer to no service done or materials furnished, and that for a part of the money entrusted to him there are no vouchers at all; and that about 300 gallons of whiskey purchased by Mrs. Paterson from Mr. Kirkpatrick, in the course of ten days are charged, through Donaldson, to the Canal. Have you found these statements correct?—Perfectly correct.

680. Mr. Robinson paid Helmer, on the 16th of October, 1833, his account in full, and being unaware that an order had been given Helmer for six cwts. of flour on George Keefer on the 8th. Keefer got the payment for this flour from Farnsworth, in Nov., and it is charged to the Company. Is it not a debt due by Helmer to the Company of $12?—It is.

681. There are £10 charged by S. H. Farnsworth as paid to St. John, in his detailed account, for which there is neither account of expenditure nor voucher. £10 also charged by him as paid to W. H. Merritt, and £2 to L. Dyer, both of which are in the same situation. Have any explanations been afforded you of a satisfactory nature relative to those sums?—Not at present.

682. A contract was entered into between the Welland Canal Company and John Vanderburgh in August, 1833, which commenced Sept. 15, and ended 15th Nov., at which time repairs, &c. are again charged to the Company as per estimate books and

accounts. The contract amounts to £115 10s. per month, as follows:—

15th Sept. to 15th October, 1 month, - - -	£115 10 0
15th Oct. to 15th November, 1 month, - - -	115 10 0
	231 0 0

The payments are all by Mr. Clark, as follows:—

A payment on 1st month, per receipt, No. 1, and estimate book, - - - - - - - - - - - - - -	£65 10 0
A payment on second month, per estimate book, page 31, - - - - - - - - - - - - - - -	65 10 0
A payment in August, 1834, per Mr. Clark, said in receipt to be on second month, - - - - - -	20 0 0
Already charged in Canal Company's books, -	£151 0 0
Mr. Clark also paid, on behalf of Mr. Robinson and the Commissioners, Nov. 2nd. £50 0 0	
Do do Nov. 19th, 30 0 0	80 0 0
	£231 0 0

I do not find that Mr. Robinson has charged this £80 in his general account, it must therefore go to his credit. But Mr. Clark also exhibits another receipt for £24, dated 14th Nov., 1833, with an order from Vanderburgh, dated the 8th of Nov., and an acceptance by Mr. Clark, dated the 12th. This is stated to be a payment on account of the Commissioners, and no service mentioned, it is not charged by Mr. Robinson. Does it appear to you that I have stated the facts as they stand on the books and papers shewn to you?—Yes.

683. Farnsworth charges $20 as paid for tools for John Fisk as per bill. There is no bill nor voucher, nor any explanation. Should such a charge as this be allowed as good against the Company?—I should think not without some explanation.

684. Do you consider the vouchers offered by Mr. Robinson for the expenditure of so much of this money as there are any detailed statements, in all cases satisfactory, and such as would be allowed in the public offices as a good discharge to an accountant entrusted with the expenditure of public money?—I consider the vouchers offered by Mr. Robinson to be very unsatisfactory and extremely discreditable to a person entrusted with public money. I do not know the the custom of public offices in this respect, but presume that such vouchers as I have seen (signed with a cross without a witness) would not be taken by any public accountant.

685. Is there any bill or voucher in detail, or any statement to shew the expenditure of $200 charged the Company as a payment to Vanderburgh for lock-tending up to May 1833, page 14 estimate book?—There appears to be no voucher.

686. Are the committee to understand that the conclusion you have come to on your examination of the accounts I have pointed out is that there is a defalcation or deficiency on the part of the persons entrusted with the money of the Company to the amount of about £2000? Is there not about that sum for which as yet no satisfactory account is given by them over and above sums for which they have no vouchers or no regular vouchers?—To the best of my knowledge the amount which has been twice charged on the books of the Company, or for which credit has been improperly taken by the officers as far as I could judge is about £1000—about £700 more appear to have been improperly credited to persons or paid them without authority. This latter sum includes £132 of Orderly's, the £149 paid Mr. Merritt and not charged him, the £75 not charged to T. Merritt till December 1835, and the £50 erasure in his account and other sums which though they would have caused a loss to the Company of that amount—say £734—yet I have not included them under the head of charges made twice or toll unaccounted for which constitute the £1000. I have not included the deficiency in Mr. Robinson's account under the first heads, It appears at present not having any explanation from him, that the sum of £302 6s. 3d. is the balance between those sums for which he has twice taken credit and the £80 which he did not charge.

687. Is it possible that the account sworn to in 1832 of the application of money's received by the Welland Canal Company and its officers from the United States Bank can be just and true, and if not why not?—My opinion is that it cannot be correct because the sums paid from the Bank as appears by the books for loss on Peacock and to Mr. Yates are not included in the balance handed to the Legislature, but it is possible that £50,000 may have been paid in the way stated, though it could not all have come through the United States Bank if the books are correct.

688. Have you not made every possible inquiry at the officers of the Company relative to the several accounts which I pointed out to you as being improper, before coming to a conclusion on the several matters to which your attention has been directed?—I have always asked Mr. Beaton to explain any matter on which there was a doubt and he has frequently assisted us, but latterly he declined giving any explanation.

[Witness Withdrew]

Mr. Young *again called and further examined.*

[By Mr. Mackenzie.]

689. As an accountant employed by the Committee of the Legislature you have been present examining the several accounts concerning which Mr Hincks has this day given evidence. Have you read the questions put to him and his answers, and do you concur with him in these, or in what respects or in which of his answers do you differ from him?—Having examined the accounts referred to conjunctly with Mr. Hincks. I concur with him in the answers he has given as to the facts:—with regard to giving a final opinion as to the amount of any defalcation, I should rather not do so at present, as the accounts have been kept in so irregular a manner that it may turn out that the officers can account for several of the sums which appear to be deficient although they are not entered on the great Books of the Company.

[Witness Withdrew.]

Honorable John Macaulay *called in and examined.*

[By Committee.]

690. State what information you can give the Committee upon the subject of the £7,500 entrusted to you as a Commissioner (with Messrs. Robinson and Shade) to expend on the Welland Canal, in 1832 or 33?—I know nothing of the accounts or the expenditure of the money—the whole was placed in Mr. Robinson's hands, who consented to attend to the matters entrusted to the Commissioners—I supposed the accounts would have been regularly laid before the Legislature the same Session we made our report.

[Witness withdrew.]

Mr. Clark *again called.*

[By Mr. Mackenzie.]

691. Mr. Robinson states that $233 of his expenditure in 1833, was for work which ought to have been performed by the lessees of mills, and to have been collected from them, and his letter now shown to you, dated 25th October, 1833, and addressed to you, requires that they should be so collected; $58 08 is for Marshville mill floom; $150 for stopping water at Bowery and Butler's mills, and $25 for floom-breaking at Allanburgh mills. Why have you not charged these sums to the parties?—The payments made out of tolls in 1834, for detention of vessels, was authorised by the following order of the Board, passed 15th October, 1833:—

"The subject of an application from sundry captains and ship "owners for relief on account of detention in the Canal from the "break at the Culvert and mill lock being reconsidered

"*Resolved*, That all those concerned be informed that they "will be allowed one cargo free from charge of toll next year to "the amount paid in by them at the time of the detention."

The several collectors received credit on their returns, 1834, for the amount so allowed.

692. I think that upwards of £100 are charged for detention of vessels in 1834, for which the accountant said he would look for the vouchers. Have you found them?—It appears by the minutes that those claims were submitted to the Board, 21st Oct., 1833, and were then deferred. They were again laid before the Board on the 15th Nov. following, and were laid over for information from Mr. Farnsworth the Commissioners' superintendant, after which no further proceeding appears to be had upon them.

MONDAY, *March* 28th, 1836.

Committee met.

PRESENT:

JAMES EDWARD SMALL, Esquire, *Chairman.*

Messieurs Chisholm,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn—7.

GEORGE KEEFER, JUNIOR, ESQUIRE, *Civil Engineer, called in and examined.*

[BY MR. MERRITT.]

693. Mr. Mackenzie states that Samuel Keefer was employed in April, to measure Boyle & Bradley's contract and made.....3,369 yd's, afterwards Mr. Barrett was employed and made..... } 2,921 " have you heard or do you know how this difference took place?—Samuel Keefer made his estimate from the supposed quantity of earth required to be excavated as pointed out to him by the contractor. It was, however, found necessary (as is often the case) to make some alteration in the work, which reduced the estimate of excavation; on the work being done, Mr. Barrett was sent up to take the measurement of what had actually been done; which accounts for the difference stated.

694. He also states I acted in conjunction with the Commissioners in their proceedings, and as proof, produces my signature on Hands & Co.'s account *examined and found correct*, £137 7 9. Will you state the reason of my signature appearing on this and other accounts in the Spring of that year?—Many contracts were entered into by the Company the Fall previous to Mr. Robinson taking charge of the work. The item of £137 7 9 relates to a contract with Hands & Co., which Mr. Robinson refused to pay without being certified by you.

695. What is your opinion respecting the slides in the Deep Cut, do you think they were occasioned by the earth having been placed too near the bank?—From the nature of the bottom soil of the Deep Cut, I am convinced that no effectual remedy could be adopted to avoid slips. In all cases where they have as yet occurred, it has not been from the pressure of earth on the bank, but owing to the nature of the quick-sand in the bottom, being too soft to sustain the natural bank, the perpendicular pressure of which forces up the bottom of the Canal. I would further observe, that where the bottom is good stiff clay, there have been no slips, although in the deepest cutting, where there is, consequently, the greatest pressure of earth.

296. Mr. Mackenzie asserts that Deeds are missing and not made out—will you state the cause they are not all made out, and the system intended to be adopted by the Board, relating to all land matters?—There was an order of the Board, that I should be employed to make out a survey and description of all lands belonging to the Company, on the line of the Canal, and enter them in a book, the survey was commenced accordingly, but from my being frequently called off to attend to other business of the Company, it has not yet been completed, for which reason many Deeds have not yet been given. You will see by the book of plans, the system I have adopted, wherein all the surveys which have yet been made, are entered, and where the whole are intended to be.

697. What do you know with respect to the estimate of November, 1832, being missing; has any injury arisen from it to the Company?—The estimate comprising all the work done on the Gravelly Bay route, was closed in November, 1832, stating all the particulars in detail, which estimate, was duly signed by myself, as Engineer, examined by the Secretary and approved of by the Board, but I can in no way account for its absence from the office. I do not recollect to have seen it since the settlement with Garrison & Little; the copy which appears in the book of estimates, I believe to be correct, as far as it goes, but it does not contain work done by Donaldson, and extras allowed Garrison & Little, although shewn in the abstract; the reason, I think, was this: After making up the estimate, it was kept open for some time to give Donaldson (who was employed with a company of men to remove all the bars, to finish the work which contractors neglected to do, and to prepare the Canal for the Spring navigation,) an opportunity to bring in his bills, and, I think, this work, together with the extras allowed Garrison & Little, was approved of by the Board, separately, this, also, in my opinion, accounts for the sum not having been mentioned in the minutes of the Board. I remember, perfectly well, that I made up these accounts, after making up the estimate, and that they were approved of by the Board, and, knowing this to be the case, I attached these additional items to the copy of the general estimate alluded to.

698. Mr. Mackenzie asserts that the method of entering the estimates, was discontinued after Mr. Wenham left; will you shew the Committee the manner in which they were kept?—The system first adopted, has been kept up, as I will shew by the books.

699. We have been accused of want of system, regularity, sufficient checks, &c. &c. &c.; will you relate to the Committee, minutely, the system on which returns were made, and the work paid for?—The system adopted by David Thomas and Mr. Barrett was the same as on the Erie Canal, as I understood:

1st.—After the line was run and the levels taken and proved and a computation made of the contents from tables prepared with great labor for that purpose, the ground was laid out into sections.

2nd.—After being so laid out, the number of yards computed, and the estimate of its value, in the Engineer's opinion, it was submitted to the Board of Directors and public notice given for tenders on each section on a given day.

3rd.—Those proposals were opened by the Engineer, in presence of the Board, and after computing the value of every description of work for which tenders were made, the name of the lowest bidder was given in, and the Directors on consultation, with the Engineer, gave out the contract to the lowest, and best, according to their judgment.

4th. A contract was then made out for the execution of the work according to the number of yards then exhibited by the Engineer, for the correctness of which the contractor was to be satisfied.

5th. Every month or two during the operation of the work or whenever an estimate was made a level was again run and an estimate made of the number of yards remaining in, retaining the balance so as to be certain on the last estimate that too great a number of yards had not been returned which was the only danger to be apprehended from the constant importunity of the contractors, to return them as much as possible. It, however, occurred on many occasions, from unforseen circumstances, to return extra work, which was allowed by the Board, if it appeared necessary and just.

6th.—After the estimate was made out by the Engineer, the Agent examined it with a view of ascertaining that the work had actually been done at the different places, there returned, and signed the estimate, then the Secretary examined the calculations and also signed it, when it was presented to the Board and approved. Notwithstanding all this precaution, errors have and will, in my opinion, always occur on this or any other work of equal magnitude.

7th.--On those estimates, the different contractors were paid.

700. Mr. Hall's answer to question 225, admits, the contractors who had been employed on Deep Cut were the best judges of the probable value of the work, but, in his answer to question 227, thinks contracts should not be varied, unless in extreme cases. Has a contract on the Canal ever been varied, except in extreme cases, to your knowledge?—I do not know of an instance where a contract has been varied, except when it was absolutely necessary.

701. What was the price paid Messrs. Hovey & Ward, on an average, for the depth they excavated the Deep Cut?—21 $\frac{6}{100}$ cents per cubic yard.

702. What was the actual price paid Mr. Phelps, per yard, including all advances for the bottom cutting in Deep Cut?—34 cents.

703. What is the average addition as you descend in deep cutting?—1 cent per yard to each foot, descending below 10 feet, is considered as a fair allowance in deep cutting.

704. What would the average price per yard be, on the Deep Cut from 17 feet downwards, allowing 15 cents for the 1st 10 feet, and one additional cent for each foot descending, and in the same ratio, what would it be at 18 cents?—The price at 15 cents per yard, would average 35 $\frac{3}{10}$ per yard, and if 18 cents were allowed, the proportion would be 38 $\frac{3}{10}$ cents.

705. In answer to question 352, Mr. Newlove states, he never was paid for roads on Deep Cut; by reference to settlement of Committee in 1832, does that appear to be the case?—By referring to the settlement on claims, in 1832, it will be seen that his was submitted and settled by a Committee, consisting of Messrs. Randal, Lefferty and McDonell, and that he was allowed for cutting roads.

706. Question 350 and 351, appear to have been put with a view of shewing, that more was allowed on section 13 than on 10 and 11, and that the bottom width of that section was 30 feet. Will you explain to the Committee, what was the actual width of the bottom of Canal, and why a greater price was allowed on section 13?—The whole of the new line was laid out 26 feet bottom, but part of the sections were afterwards reduced to 20 feet, except 8, 9, 10 and 11—the cutting on section 13, was 9 feet $\frac{30}{100}$ and that of 10 and 11 about 8 $\frac{1}{2}$ feet, no springs, principally muck and favorable cutting.

707. Mr. Newlove, in answer to question 348, states, there was no more difficulty in finishing section No. 13, than 10 and 11 of the Gravelly Bay route; will you state to the Committee your opinion on this subject?—Section 13 was the most difficult job on the whole of this route, to finish, on account of the number of springs to contend with, and the great difficulty of drainage. Besides, the excavation was of the hardest description. Donaldson finished this job after Galbraith and Upper left.

708. Mr. Hall states, in answer to question 86, that in short levels, it is almost impossible to keep levels up, where a saw mill is situated. Are there any saw mills situated on these short levels?—It is admitted that saw mills on short levels will draw down the water, and to avoid this inconvenience the Company have not allowed any to be so built except two at Thorold and these are so constructed by a flume and race way as not to allow the water to be drawn below its natural head.

709. Mr. Hall in answer to question No. 90, states that he observed detention on Partridges level, is that not one of the largest on the lower part of the line excepting Port Dalhousie?—Partridge's and all the other saw-mills are on the long level.

710. Mr. Hall states in answer to question 132 he thinks Mr. Barrett's estimate of locks correct—Did Mr. Barrett accept of those Locks, and how many ever broke under the mitre sill on the line of Canal before Mr. Hall's arrival—he states in answer to question 133. One since his arrival?—Mr. Barrett did accept of those Locks, and the only ones that have broken under the mitre sill, are Locks No. 19 and 20—one before Mr. Hall's arrival and one since.

711. Do you know of any injury arising to the Canal in any way in consequence of Directors being concerned in mills. Or have I as yet made use of any water of the Canal for that purpose?—I do not, On the contrary I am certain the Canal will be benefited thereby as well as the Stockholders, the country generally, it is quite obvious that the more mills and machinery you have, the more business will be done by bringing vessels into the Canal to convey the produce to market—as it regards yourself, I know that you are building a flouring mill at St. Catharines and have an interest in another at Port Colborne, neither of which has as yet used any water from the Canal.

712. Will you give the Committee your opinion respecting the relative advantages of the two routes from Mountain to Port Dalhousie, by valley of Dick's Creek and the one named by Mr. Hall?—I was not employed as an Engineer at the time the route through the valley of Dick's Creek was decided on but I believe all the Engineers who examined this route were decidedly in favor of its being the best and cheapest—The following extract from Mr. Barrett's report, will shew his opinion on this subject.

"Whereas in embracing the valley of Dicks Creek and the 12 you have a fine specious canal, which will in a great measure prevent that obstruction to the navigation which would necessarily occur in a canal

of more limited dimensions where so great a quantity of water must be drawn through to supply the different lifts and the extensive Hydraulic privileges which are evidently far superior to those on any canal of the above dimensions"—

Objections have been made by some Engineers against the propriety of carrying canals through valleys instead of keeping on table land—on account of their liability to injury from freshets, thereby endangering the Locks and embankments, but experience has proved that less expense in repairs from this cause has been incurred in that part of the canal from St. Catharines to Port Dalhousie than from St. Catharines upwards to the mountain—and this is to be attributed to the wide and extensive basins and waste wiers which gives the water an opportunity of discharging itself without doing injury.

As regards the route named by Mr. Hall, I am well acquainted with the face of the country through which it would pass but am not prepared with any estimate to shew the difference of expense between this and the former Route, there is a wide difference in the expense between making a canal in a valley where little else is required than placing in the Lock and waste wier & making a tow-path; and that of taking it over table land through entire cutting, besides the shortness of the levels, would prevent the erection of machinery which gives a decided advantage in favor of the present route—All these things were doubtless duly weighed in the minds of the Board of Directors at the time, founded on the opinion and reports of the engineers who were as a matter of course led to adopt the cheapest and best route.

713. What did the Steamer Sir Walter Scott cost including the engine—do you think with the apparatus for dredging we had on hand it would have been the interest of the Welland Canal Company to purchase her—and could she have been made to answer the purpose at a moderate expense?—Her expense including repairs &c. was upwards of £1500 and I think, with a moderate expenditure, she might have been converted into a good steam dredge—the machinery is good, and by giving more strength to the Boat, would answer that purpose, in my opinion, better than any one they could have got for that price.

714. Which Locks have been most expensive in repairing—from Phelps' up to bottom of Mountain or below—or has there been any comparison in the relative expense?—There has been less expense incurred in those Locks from Centreville to Port Dalhousie, than from that place upwards to the mountain.

715. A charge of general mismanagement having been made by Mr. Mackenzie, and particularly alluding to my conduct, will you state to the Committee generally how long you have been on the canal—your opportunity of witnessing my conduct and judging of motives towards the Company, Contractors, Engineers, and others—and state any and every occurrence wherein I have not acted as you may have conceived for the best interest of the Company in making advances, or any other matter?—I was first employed as Secretary as early as 1824 to be under the sole control of the agent in copying letters and documents on the first formation of the Canal, and the order I conceive alluded to by Mr. Mackenzie related wholly to me at that time. From 1828 to 1832 I was employed as assistant Engineer under Mr. Barrett, from that time as principal when required, there not being at all times employment for an engineer since the canal was finished. With respect to the other general questions, I have been frequently with you and Mr. Barrett on all parts of the Canal in shanties at night with contractors and others; on all such occasions the conversation had been directed by you to the best manner to execute different parts of the work and facilitate operations by consulting with engineers, mechanics, contractors, and others; I never knew an instance of your attempting to influence the engineer—on the contrary, in advising on any subject you have held out that they only were responsible, and you would be guided by their judgment. We have always considered you rigid towards contractors so far as regards their prosecuting the work, but never interfering in any way respecting the estimates or amounts paid after contracts were made. When short of money and advances became necessary to different contractors they were invariably made after a consultation, with a view to forward the work remaining to be done—the contracts were generally taken at too low a price, but every thing was settled up amicably and with good feeling—all claims were left to a Committee in May 1832 for an equitable settlement, and Mr. Thomson and Newlove, are I think the only ones not adjusted. As it regards the charge of partiality in all matters which have come under my observation, I can say that I never knew you influenced by motives of the kind, and I believe you have always been influenced by a wish to deal fairly and honorably to all classes engaged on the canal, and as for general execution and management, the work itself is the best witness.

716. Mr. Mackenzie asserts that an attempt was made to get an order of the Board that Thomas Merritt be paid the balance of his account?—Was that the case?—I was present at the Board when the discussion took place, and recollect perfectly that it was merely to get the estimate made by Mr. Hall and myself passed.

717. Was the work taken away from Lewis, Garrison & Little at Gravelly Bay without their consent, or did they relinquish it from their inability to finish it?—They relinquished it willingly from their inability to finish it.

718. Under what circumstances was the Harbor let to Thomas Merritt and others at Gravelly Bay?—I remember that a committee of the Board was held at Gravelly Bay in September 1832, (at which I was present) to take into consideration the backward state of the work—it will be seen by the minutes of the Board that Thomas Merritt and Lewis gave in the lowest proposals, and the work was relet to them—the name of Sloan and Clinton was left blank for this reason they had been employed at a simlar work at Black Rock, and were well furnished with scows &c. to carry it on—Mr. Merritt was anxious to encourage them, and left the day after for Buffalo for that purpose We had great difficulty at the time to procure contractors.

719. Was it usual as Mr. Mackenzie states to place the Company's seal to contracts or not?—It was not—I recollect no instance except in the large contracts made the first year, when land was involved.

720. Mr. Mackenzie asserts I signed Thomas Merritt's contract as Secretary to the Welland Canal Company in opposition to an order of the Board—is that true?—The minutes of the Board will shew that you were particularly authorised to sign that contract, as it was at a special meeting of the Board held at Gravelly Bay as alluded to before for the express purpose of forwarding that work. The order of the Board alluded to the time Mr. Merritt was absent in England, and does apply.

751. Did you ever inform Mr. Mackenzie as he asserts that Thomas Merritt & Co. failed in their contract like their predecessors—that they were dispossessed, and the whole again re-let to Thomas Merrit? He also states that before the completion of the contract the lock was ordered to be lengthened by the same contract at day labor, and before the work was taken off his hands—is this true?—He may have drawn that inference, but I certainly never told him that Thomas Merritt failed in his contract, for the contrary was the fact. The lock was finished in the spring of 1833, and accepted, and was not lengthened till the spring of 1835.

722. Mr. Mackenzie states, Ostrum and others signed a certificate of 1200 feet pier timber being lost, which you afterwards discover to be only 400 feet—how did it occur?—Ostrum measured all the timber which was displaced at the time, a portion of which was recovered, brought back, and replaced; I only measured the new timber which was procured to fill the space, consequently no deception was attempted, and no claim made for the additional quantity.

723. Is there any similarity between the risque of ordinary canal work and making piers in an open lake as at Gravelly Bay?—Not the least, the one being secured by land, the other exposed to the open lake.

724. It is stated as a charge of favoritism that in 1833 Thomas Merritt was one time contractor, lock keeper at $20 per month, concerned in building light house, and employing hands by day labor—was not the lock placed under charge of Thos. Merritt more as an object of security than profit?—Yes—he was requested to take charge of the lock at that time as no responsible person could be got, and in a work of that nature he could always turn his men to day labor advantageously when the weather would not permit him to work on the piers—he must have paid the same price he got, as no person could be hired for less than $20 per month.

725. What part had Thomas Merritt in building the light-house, and why was he so employed?—Furnishing stone and filling in the cribs, and furnishing a part of the timber, and because having scows, &c. he could furnish materials cheaper than any other person, and having suitable timber was enabled to furnish it at a cheaper rate than McChesney could do.

726. Was the same price paid for filling the piers? Did you ever hear of a less price for similar work? What was the lowest price per cord at Port Dalhousie?—The price for filling the piers was $2—I never heard of a lower price for similar work—the price paid at Port Dalhousie was $4 per cord.

727. What price was paid per cord for filling in piers at Grand River by Mr. Hall?—I think 17s. 6d,

728. Do you think the deductions recommended by the committee on Thomas Merritt's account to be just?—I do not.

"The final estimate" to Thos. Merritt, is only 38,880 yards instead of 40,472, as stated in the Report of the Committee.—See Estimate Book, p. 4., as follows:

	Yds.	Yds.
Original yards on Sec. No. 9.	21,988	
Deduct done by Monson,	165	21,823
Original yards on Sec. No. 8.	18,484	
Deduct done by Monson,	2,372	16,112
Cut extra width for embankment		945
Total as above,		38,880

There is a difference of 6,103 yards between the two estimates made on sections 8 and 9—the former was taken before the proof level was run (which could not be correctly done until the marsh was frozen up) the cutting proved to be deeper than was first calculated.

Although Monson was estimated and paid for 4780 yards on sections 8 and 9. Thomas Merritt only received the benefit of 2537 yards; this was occasioned by the manner in which the work was done, being cut full of holes here and there, filled up with muck, and a great portion cut out of line altogether—Mr. Barrett and myself made the estimate previous to its being taken by Thomas Merritt and the actual quantity was no more than here stated—it would therefore be unjust to deduct this amount when he actually did the work—

I am certain Mr. Barrett will corroborate this statement.

The reserve was allowed by the Board upon the same principle that Mr. Thompson and Donaldson were allowed, and if Thomas Merritt had an increased price, it was not the less just, as there is always a disadvantage in taking a second Contract on the same job, owing to the manner in which the work is cut up, and the top part only removed—no person will take a job which has been abandoned at the same price it was first let for, and any person acquainted with the situation of these sections at the time they were re-let to Thomas Merritt must know they were entirely overflown with water and the prosecution of the work attended with additional expense owing to the great difficulty of drainage.

As it regards the 266 yards "additional dredging" done in July 1833, I always conceived that he had a right to be paid for this over and above the original estimate of Dredging, as it was widening the cut beyond the piers to afford a more safe and easy entrance for vessels.

729. Mr. Mackenzie asserts that his suspicion first arose from your returning 15 cents instead of 14 on Berm contract; will you state to the committee how that occurred, and whether he or myself first discovered it?—It was yourself first called my attention to the mistake in the estimate of Thomas Merritt's Berm bank which I had returned at 15 cents instead of 14. You also sent me for the contract to make the comparison; the mistake occurred in the following manner,—Thomas Merritt had two different pieces of work in the same contract; one for excavating a basin at Gravelly Bay, which was at 15 cts. per yard, and the other for the Berm bank at 14 cts.—seeing the former price I thought it applied to both—but any person conversant with the routine of the transactions of the office must be quite satisfied the mistake would have been corrected in settling the account, even had it escaped the notice of the Board, as this return was merely an advance—this matter was satisfactorily explained to the Board at the time.

730. What was the lowest proposal received for the Berm bank in 1834—who from—and the next

lowest and who from—and what saving has occurred to the Company by accepting the last?

14 cents from Thomas Merritt.
16 " " John Aikins.

There was 33,892—16 cts.—Aikins, - -	$5422 62
" 33,892—14 " —T. Merritt,	4744 88
Leaves a saving to the Company of - - -	$ 677 74

731. Did I not give you particular orders to examine this work and all the other embankments (as well as the superintendents) with great care, and for what reason?—You did, and I conveyed the same instructions to Rose, to Thomas Merritt, and Mr. St. John—I also requested Mr. Thompson to keep an eye to the work, and if any logs were found in the bank to acquaint me of it. The reason of this caution was the extreme difficulty in getting clear of the logs and stumps which had been thrown directly in the line by former contractors, and a great part of the work being covered with water, which required unusual caution.

732. It appears from Mr. Hall, in answer to question 54, that he only saw 3 or 4 logs after the water was off. Mr. Norton, in answer to question 309 states he saw a number of logs and stumps in the embankment made by Thomas Merritt near Dunnville in 1834—also in answer to question 315 he states he saw Rose at work on Thomas Merritt's job, which confirms him in that opinion, and that the cause was to get extra measurement. Mr. Lee, in answer to question No. 326 says he saw those logs in 1835 before and after the water was in—on the contrary Mr. Dew says the cause of getting Thomas Merrit was he would have a preference in obtaining the work—never saw logs. As Mr. Mackenzie appears to attach much importance to this contract, and involve in it great mystery, will you explain to the committee whether Mr. Norton may not be mistaken with regard to Thomas Merritt's Berm contract, both as regards logs and measurement?—I think he was, for the following reason—Thomas Merritt had no work or contract there in 1834—he commenced his contract in the spring of 1835.

Rose finished a contract of embankment below Dunnville in 1834, and if Mr. Norton saw logs or stumps, it must have been in that. It was finished, well done, and accepted by me—it has withstood a head of nearly eight feet water for two years, and this is the first time I ever heard of logs or stumps having been put into this bank, although I inspected it frequently during its progress; it was made across a deep ravine, and great difficulty occurred in removing logs, &c., but if any remain in they were not to be seen, and no injury whatever has arose from them. The earth to make this embankment had to be carried in scows—the water being from 8 to 11 feet deep, and with regard to measurement, if Rose told Mr. Norton so silly a tale he must have known that no contractor can by possibility deceive an Engineer in measurement, the levels being taken and contents computed before contracts are made, and the Engineer being wholly responsible for his levels and measurements can scarcely be supposed to make a false return to benefit a contractor at the expense of the Company who employed him; if so, he must be doubly dishonest.

733. Have you any doubt that the contract will be completed, and do you think that the Company will be injured in any way or shape—or do you think the contractor will be benefitted?—I have none; I do not think the Company will sustain the least injury—on the contrary they are *gainers*. I think the contractor will be a *loser*—it was a most difficult job, having all the timber placed on it from the canal in addition to the natural growth was very wet, a great part covered with deep water.

734. Will you give your opinion respecting the removal of the dam from where it was first located and commenced, at the mouth of the Grand River, and the cause of its being so removed?—After contracts were entered into for building the dam at the mouth of the Grand River, and about $1500 expended, Commodore Barry gave orders that the proceedings should be stopped, and that the dam should not be built within five miles of the river mouth. I never heard that Mr. Boulton had any thing to do with this transaction; nor that he in any way attempted to influence the Board.

735. Is there a situation in which a dam can be built between the mouth of the Grand River and where the dam is now built at any reasonable expense?—There is not.

[Witness withdrew.]

Mr. Clark *again called.*

[By Mr. Merritt.]

736. Mr. Mackenzie alludes to the injury inflicted on Mr. Woodruff and Mr. McMicking by granting a mill privilege to Mr. Keefer in 1825—what was the state of the Niagara district with regard to those establishments prior to that period?—The price of wheat was governed by the price given by the frontier mill owners—Messrs. Clark and Street, Woodruff, and McMicking. In the dry seasons of the year many of the inhabitants at a distance had to resort to those mills for their grinding.

737. As a general question will you describe the duties of the Board as well as my individual duties on the canal when Agent of the Company and since my being President?—The duty of the Board of Directors is at their monthly meetings to examine and determine on all matters brought before them—to examine estimates of work and all other accounts—and make such orders thereupon as they think necessary. As the Agent of the Company you superintend all matters relating to the work and management of the canal, and to submit all matters for the information of the Board relating to the same; as President of the Company you of course preside at all meetings of the Board.

In no instance to my knowledge have you interfered in the duties of the office as relates to the books and accounts—on Mr. Black leaving the office in June 1832, agreeably to an order of the Board—you did the duty of Secretary in so far as countersigning drafts—at a meeting of the Board in Toronto in November the accounts were submitted in proper form

to be presented to the Legislature then in session;—under an Act of the Parliament it was required the Secretary should certify upon oath to the correctness of the accounts—you then declined doing so—stating that you had not the making up of the accounts.

738. Mr. Hall states in answer to question 142 that Mr. Merritt ordered Mr. Beaton to continue to write in the office independent of you as Secretary—will you relate to the committee what was the conversation in occurrence to which he alludes?—I never stated that you directed Mr. Beaton to write in the office independent of me as Secretary—I am not aware such was the case. In June 1834 the Board authorised an assistant in the office—I offered the situation to Mr. Beaton, which he then declined—I then employed Mr. Raincock, who continued in the office until September following. You frequently signified to me your impression that Mr. Raincock was not competent to the duties required. I felt averse to your opinion, and desired to keep Mr. Raincock, but he declined remaining, when I immediately requested Mr. Beaton to take the situation, which he did, and I believe the Board of Directors were unanimous in opinion that he should be employed—and if I have ever stated to Mr. Hall or any other person that I had an objection to Mr. Beaton being employed, it only arose from my desire to retain Mr. Raincock.

739. Mr. Newlove, in answer to question No. 7, says Mr. Black had charged against him in the books of account 4 or $500 more than he received—that you told him of it and sent for Mr. Black, who came down and rectified the mistake the same day?—Have you any recollection of the circumstance, or have you made any charge against Mr. Black to that amount, and must you not have done so had the circumstance taken place as related by Mr. Newlove?—I have no recollection of this circumstance, had it taken place I must have made a charge against Mr. Black for the amount which I do not find in the accounts.

740. Mr. Mackenzie states that in addition to $10-000 paid to Mr. Yates, Captain Creighton had £180—£164 14s. and £97 4s. 9d. and in consequence of such loan the debtors of the Company were injured; also that I was a forwarder of goods;—will you explain this transaction?—In 1833 an order of the Board authorises the collectors of tolls to credit persons (to whom the Company were indebted,) with the tolls on what property they may pass through the canal—the amount to be returned to the office by the Collectors and debited the individuals. You were at this time a creditor of the Company, and was a shareholder in some two or three schooners then navigating the Canal, and was in some instances debited with the tolls on the cargoes of those vessels in like manner with other individuals to whom the Company were indebted. The sum of £97 4s. 9d. was paid to Captain Creighton by the toll Collector, he being authorised to receive the same as treasurer. I loaned Captain Creighton £100 on your becoming responsible to me for its re-payment. The sum of £164 14s. I loaned to Captain Creighton on my own responsibility—a loan to Mr. Butler of £50 and R. E. Burns of £175 was on your accountability to me. The whole of those sums have been re-paid with interest and without loss to the Company.

741. What was the cause of Thomas Merritt not being charged £200 paid by Mr. Robinson?—In consequence of not having received Mr. Robinson's accounts—this £200 can yet be charged with the interest to Thomas Merritt, without loss to the Company.

742. Who were the sureties for his contract on Berm Bank?—Hiram Slate of Gravelly Bay, merchant, and John L. Burns of St. Catharines, merchant, both considered responsible men.

743. Who gave in the lowest proposal for that work?—Proposals for the Berm Bank were received and submitted to the Board from John Aikins and Thos. Merritt, Jr. John Aikins proposed at 16 cents per yard for excavation, and Thomas Merritt at 14 cents per yard. The President was authorised to accept the lowest offer—and the contract was in consequence entered into with Thomas Merritt.

744. What was the reason assigned for making deductions for rent of water to the Hydraulic Company and other mill owners?—The cause for making deductions for rent of water power arises in all instances from drawing off the water to repair the canal.

[Witness Withdrew.]

WEDNESDAY, 30*th March*, 1836.

Committee met.

JAMES E. SMALL, ESQ. *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver,
Thorburn.—8.

CALEB HOPKINS, ESQUIRE, M. P., *called in and examined.*

[BY MR. MERRITT.]

745. Were you one of the committee of the House of Assembly in 1830 to examine the books, accounts, and affairs of the Welland Canal Company—were the books then brought over by Mr. Black the Secretary—were the accounts and vouchers then exhibited as mentioned in your report and statement as they now stand on the Journals?—I was a member of a committee appointed for that purpose in 1830, but I have no recollection of the particular circumstances relative to that investigation—I refer the committee to our report as appears in the Journals of the House for that year which gives every explanation.

[BY MR. MACKENZIE.]

746. When the Committee of 1830, of which Dr. Blacklock was Chairman, examined the books shewn to them, had they an opportunity, or did they take the time and pains to examine papers and documents thoroughly, which an individual having leisure in the recess and access to every book and paper of the Corporation, would have done?—I do not think they had the opportunity of so thoroughly investigating the affairs of that Company as a person might have who is capable of so doing, and having such privileges, and devoting his entire attention thereto.

[By Mr. Merritt.]

747. Although the Committee had not the leisure to examine the books and accounts of the Company as carefully as if an individual was for months examining them; were not the books of the Company with all the vouchers and accounts, presented to the Committee at the time by the Secretary, Mr. Black, who was then present to give any explanation, and after the investigation of the accounts, did you not come to the following conclusion:—

"Charges of mismanagement having been publicly made against "individuals connected with the Company, among others by Mr. "Gordon, once the Treasurer, and relative of Mr. Merritt; and "by Mr. Clowes, formerly an Engineer on the canal; your com- "mittee were more strict and careful in their examination of the "books and accounts of the Company than they otherwise might "have been; but although they met with occasional charges "against the Company, perhaps not so moderate as would have "been willingly paid by a private individual; and although the "transaction in the books embrace an expenditure of a million of "dollars and upwards—*they saw very little indeed to censure*"!—

The particulars of the investigation referred to in the question, at this distant period, I cannot call to my recollection—but the principles contained in the report there can be no doubt I thought true at the time, otherwise I should not have sanctioned them by placing my signature to the same.

748. Do you believe that a committee, at the period when you were one in 1830, (who were composed of members, one of whom was from the Niagara District,—and when the witnesses had every thing fresh in thir memory,) were as likely to arrive at the truth, as at this time, six years after, when many circumstances must naturally have gone into oblivion—If the enquiry had at that time been as particular and as much in detail as at the present—I certainly think they would have been more likely to have arrived at the truth then than at this remote period.

(Witness withdrew.)

Wednesday, 30*th March*, 1836.

Committee met.

PRESENT.

James E. Small, Esq. *Chairman.*

Messieurs, Chisholm,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn.—7.

Mr. Merritt in behalf of the Directors and officers of the Welland Canal Company, submitted the following observations to the Committee as evidence upon the respective charges, brought against the said Officers and Directors, by Mr. Mackenzie, which were read by the Clerk and are as follows:

WITH RESPECT TO CHARGE No. 21.

Mr. Mackenzie asserts that Mr. Samuel Keefer made an error, this he adduces to draw unfavorable inferences, to destroy confidence in the estimate of the engineers—unsupported by a shadow of proof, he infers it without knowing the state of the ground when first measured—or whether the contractors did not excavate short of original boundaries—whether it was not varied, or misrepresented.

I recollect the circumstance well, and from knowing they had not taken out the original quantity, induced Mr. Robinson to send up Mr. Barrett to measure the actual quantity excavated, Mr. Samuel Keefer would have been sent, but was absent on the St. Lawrence Canal at the time— it was a simple measurement which any contractor could have calculated.

His allusion to my signature relates wholly to the work done under my direction prior to Mr. Robinson having taken charge of the repairs.

With respect to Mr. Robinson's accounts generally, I have only to remark that Mr. Robinson came over to St. Catharines to offer any explanation required—that Mr. Keefer assured him he would thoroughly examine those accounts—make out a report —send it to the Secretary who should furnish him [Mr. R.] with a copy of it, and give him time to correct any part of it—in consequence of which a resolution was moved by Mr. Thorburn, 8th October (see minutes to that effect.) Mr. Mackenzie left the accounts unfinished neglected to send the report, and is alone censurable for not having then settled, as shewn by minutes of 6th January as follow:

Extract from the Minutes of the Board of Directors of the Welland Canal Company, January 6, 1836.

PRESENT.

William Hamilton Merritt, Esq. *President.*

Ogden Creighton,
Thomas Butler,
David Thorburn. } Esqrs. Directors.

Whereas William L, Mackenzie, Esq. one of the Directors of this Board, did under an order of this Board undertake to send a copy of a report on the accounts of William B. Robinson, Esq. made out by him to the Secretary of this Board in order to transmit the same to Mr. Robinson with a view of having the same entered on our books, prior to the accounts of the present year being laid before the Legislature.

And whereas the said William L. Mackenzie has neglected or refused to transmit the same.

Ordered.

That the true cause of those accounts not having been submitted to Mr. Robinson to give him an opportunity to investigate the same—be entered on the minutes.

Extract from Minutes of Board 8th October, 1835.

PRESENT.

W. H. Merritt, Esq. *President.*
A. McDonell, Esq. *Vice President.*

Thomas Butler,
W. L. Mackenzie,
Ogden Creighton, &
David Thorburn. } Esqrs. Directors.

Folio 353 Mr. Thorburn moved—That a copy of Mr. Mackenzie's report made at the request of the Government Directors relative to Mr. Robinson's ac-

counts, be sent to Mr. Robinson by the Secretary for his observations thereon.

MEMORANDUM.—The Secretary never received this Report.

CHARGE 19.

Mr. Mackenzie's proof that George Keefer Esq. was interested in a contract is taken from an allusion to Mr. Gordon's letter dated 28th April, 1826,—although the sub-contract with Phelps was in 1826 and 1827 after the date of Mr. Gordon's letter.

On enquiry it will be found Mr. Keefer had no interest whatever in Phelps contract—he only furnished him with timber the same as furnishing him with any other material, and Phelps contract was for a given price per Lock. Phelps' evidence corroborated this statement the timber being returned in any one month for a greater or less price could not affect the contract, of Oliver Phelps who was paid for the at a given price for each; [in Mr. Keefers' answer to question 786.]

CHARGE 13.

Is designed to shew that I have acted partially in the distribution of contracts and that some of those contracts have been iniquitously performed.

Mr. Mackenzie's proof for this assertion is, that I was appointed Secretary in June 1832, after the retirement of Mr. Black and contracted officially as such with Thomas Merritt Junior, for the Harbor at Gravelly Bay in September of that year.

This assertion was made hitherto with a view of inducing the public to believe, *and now the Committee*, that my office as Secretary at that time after Mr. Black placed the books, accounts and money under my control—The same Board which appointed me Secretary (see resolution of Board of October 7th 1831) for the sole purpose of countersigning papers, as appears by the resolution above quoted.

Mr. Clark was appointed to the situation of bookkeeper 4th November 1831, see resolution in minutes of that date, which shews that neither of those appointments were to take place, until after Mr. Black resigned when Mr. Clark was to assume the situation of accountant.

On November 19th 1832, the following order passed the Board (see, minutes of that date) which I allude to, to shew it became necessary for the accountant to be made Secretary to comply with the provision of of the act, to testify to the accounts—in consequence of which the name was transferred from Mr. Merritt to Mr. Clark, who in reality did all the duty except signing bills of exchange &c. &c. as proved by answer to question 737—the minutes of the Board also confirm the above as it shews the security was actually entered into, and exists to this day. Mr. Hincks evidence also confirms the above, see his answer to question 374—consequently there is not the slightest grounds for the support of this assertion.

With respect to the report, on the 31st day of August an estimate was submitted shewing a detailed statement of all the work on piers, harbor &c., which was certified to after a minute examination by Messrs. Keefer and Hall, but as Mr. Mackenzie objected to the confirmation of this estimate as was usual in every other case for the last 12 years, it was laid over and the following minutes passed theron..

Extract from the minutes of the Board 31st August 1835.

" PRESENT.

W. H. MERRITT, ESQ. *President.*
A. McDONNELL, ESQ. *Vice President.*

W. L. Mackenzie, David Thorburn, Thomas Butler, and Ogden Creighton. } Directors.

Resolved, That the Engineer having reported that the Contract between T. Merritt, Sloan and Lewis, and the Canal Company is fulfilled, it be accepted by this Board as finished.

September, 2nd 1835.

The Engineers estimate was submitted and the examination of the same deferred until Saturday next, to be referred to a committee composed of Messrs. Mackenzie, Thorburn and Butler."

I wish the committee to understand that no attempt was made to get the balance of Thomas Merritt's account passed at the time, and that the passage of this estimate at that time which has since been confirmed, could have made no alteration or difference in the amount, or balance to be paid him, as proved by Mr. Keefer in answer to question No. 716.

In pursuance of the last resolution in No. 8, Mr. Mackenzie examined all accounts relating to Thomas Merritt. from the commencement of his work on the Canal, and made out his report which was signed by Messrs. Butler and Thorburn and presented to the Board 8th October 1835.

" *8th October*, 1835.

The select Committee on the accounts of Thomas Merritt Junior, presented their report which was read.

Resolved, That the report be received and laid over for future consideration, and that Mr. Hall and Mr. Thorburn be requested forthwith to proceed to Gravelly Bay, and inquire fully into the system, under which the check rolls, time lists and bills of labor and materials, have been compiled, and warranted for the last 12 months; that Mr. Thomas Merritt Junior, be requested to transmit to this office for examination the Books in which his accounts with this Company for such time and labor were kept and for the work done for Mr. Robinson in 1833.

Truly extracted from the minutes,

J. CLARK,
Secretary, W. C. C."

The report was received but not entered on the minutes, in consequence of the President stating it contained partial and unfounded statements, tending to censure the conduct of former Directors, and cast an odium on the general management of the Company, as the other two Directors, Mr. Thorburn and Butler, disavowed any such intention.

The President was requested to give in at the next meeting a reply to each objectionable statement, after which they could decide in what manner it should be disposed of—as they will state when called upon.

In the mean time Mr. Mackenzie went to Quebec, retained a copy of the report and published it contrary to the wishes and intention of every member of the Board.

However, as the document has been already published, and now forms a part of this charge, I beg to call the attention of the Committee to the following items:

1st. The report states that in September 1832 Lewis Garrison and Little were discharged from their contract—this is untrue as proved by Mr. Keefer's answer to question No. 717.

2nd. The inference drawn from the report that this contract was given to Thomas Merritt, Lewis, Sloan, and Clinton—as a favor, is also without the slightest foundation—as per the following extract from the minutes of the Board.

Extract, &c.—5th September, 1832.

"PRESENT.

McDonell,
Keefer,
Butler, and
Creighton.

Resolved, That as there is no prospect of Messrs. Garrison and Little finishing the Lock and Harbor in time, and as the engineer reports that there is not a sufficient force on to complete it.

Ordered, That the same be relet on the 14th instant and that Captain Creighton, Messrs. Keefer, Randal and Butler meet at the Canal Office to receive proposals for the same—notices to be put up immediately.

WELLAND CANAL OFFICE,
St Catharines, 4th Sep. 1832.

TO THE BOARD OF DIRECTORS,

Gentlemen.

The experience of the past and present year shews the necessity for adopting every precautionary measure for insuring a plentiful supply of water, as well as putting the Canal in a perfect state of repair the ensuing winter. This measure being strongly recommended by the Committee will doubtless receive your attention.

The next subject which should engage your serious attention is providing means for the completion of the new cut—the work at least the clay can be done in a month, the lock and rock in about two months, providing the lock is put into other hands and about the sum of from 10 to £15,000 provided in payment of the work.

At a meeting of the Board held at the Canal Office 1st September, 1832.

PRESENT.

Alexander McDonell, *Vice President*,
Robert Randal, and
Thomas Butler, } Esqrs. Directors"

It appears by the minutes in August that from the devastation committed by the Cholera the Board were then of opinion the work would not be finished the present season, but from what has been since done, and from the report of the agent and engineer of the quantity of rock remaining, the Board think it judicious to renew their exertions and make arrangements to finish the Canal to admit the passage of one vessel at least if possible the present season.

"*18th September*, 1832.

At a meeting of a Committee of the Board of Directors at Gravelly Bay on the 18th September 1832 consisting of Captain Creighton, George Keefer, and Robert Randal Esquires—which was deemed necessary in consequence of a letter from the engineer of the 30th August last, proposals were received from Messrs. H. B. Ostrum, Marshall Lewis, Thomas Merritt and James Sloan, for the same which did not vary materially after taking the subject into consideration—It was determined to let the whole to Messrs. T. Merritt, Sloan and Lewis on the following terms which were the best proposed viz:—

Estimate for Lock and Harbor at Gravelly Bay.

The Mitre	$ 12
Braces inside of Lock	36
Gates and paddle Gates	400
Coping Lock	110
Hollow Quoins	40
Planking Lock	80
5,040 feet 3 inch Plank $20 per M.	110
420 lbs. Spikes	62
2,500 lbs. Iron	150
1120 Perches Stone work $1 00	1120
600 yards Puddling 10 cents	60
Putting in the Puddling 600 yards 20 cents	120
For Pumping	100
300 yd's filling in with earth round the Lock, at 8 cts.	240
20 cents per yard for excavating below the Lock and Piers that can be taken out without dredging, For every pile required $2 50 cts.	240

Ordered, That a contract be made out and the work proceeded in immediately."

These extracts shew the great anxiety the Directors then felt to get the Harbor, Lock and Route finished, the work had laid idle during and since the visitation of the Cholera and the want of money to accomplish it, the only difficulty was to get any competent person to undertake it under those circumstances and a special committee was appointed for this express purpose, who assembled at Gravelly Bay on the spot, and after much persuation induced Thomas Merritt to accept the contract, with others who were selected wholly from a conviction of their competency to execute it—as proved by the answer to question No. 718.

A contract is produced, executed in my name as Secretary—the intimation that the contract was signed by the Secretary—contrary to the orders of the Board is also proved erroneous from the fact as stated in the above extract from the minutes, which shews the Board appointed a committee for the express purpose, and actually sanctioned the contract.

The assertion that it was usual to place the seal of the Company to all contracts is also unfounded, as may be seen by reference to the contracts for the last 12 years—As well as the answers to questions No. 719, and 720—with respect to the accusation of the failure of Thomas Merritt—lengthening of Lock before being finished &c. &c. &c.—Mr. Keefer's answer to question No. 721—shows that no grounds could have existed for the charge.

With respect to the false certificate of Ostrum respecting the pier timber—the answer to question No. 722, shews that it is also founded on erroneous premises—also answer to question No. 723—respecting risque.

It is the misfortune of theoretical men not to be enabled to comprehend the practical effect of employing men who already possess the material to do a certain work with one half the expense, the same person could accomplish it, without the same material.

With respect to the deduction the Committee thought proper to make in the account of that contractor for contracts closed in 1832—I refer to the engineer's opinion given in answer to question No. 728.

The Board of Directors have made the following proceedings on those deductions—Mr. Hall examined the vouchers, work, &c. and made his report, 6th January as appended to charge No. 13.

On the 20th November last, the following order was made on the deductions recommended by the committee, and thus the matter stands—by withholding from that individual £178 8s. 5d.

"*Extract from the Minutes of the Board, 20th November*, 1885.

"PRESENT:

"WILLIAM H. MERRITT, Esq., *President.*

"ALEXANDER M'DONELL, *Vice President.*

"Ogden Creighton, Esquire,
"Thomas Butler, Esquire, and
"David Thorburn, Esquire.

"*Ordered*,

"That the following items be reserved from Thomas Merritt's "account as recommended by the committee.

"The sum of £8	0	0	for interest on advance of £200 by Mr. Robinson.	
"	72	17	9	deducted from Marsh job.
"	19	16	2	
"	11	4	6	over estimated November, 1832.
"	66	10	0	over estimated for excavation.
	£178	8	5	

"Truly extracted,

"JOHN CLARK,

"*Secretary, W. C. C.*"

WITH RESPECT TO THE BERM BANK CONTRACT.

Mr. Mackenzie states his reason for suspecting pecuniary mismanagement from a return made by Mr. Geo. Keefer mentioning 15 cents in place of 14 on this contract—Whether he had good reason for this suspicion will be inferred from the answer given by Mr. Keefer to question No. 729.

The circumstances relating to this contract, are as follows—the arbitrators were very urgent that a Berm bank should be made from Broad Creek to Sunfish Creek in Moulton, 3 miles in length. The Board gave due notice and received proposals—the result of which is proved by answer to question No. 730—which shews a saving to the Company of $677 74—by this act of favoritism a contract was entered into by order of the Board as appears by the following extract from minutes in the usual manner.

"At a Meeting of the Board, 6th November, 1834.

"PRESENT,

"WM. H. MERRITT, ESQ., *President.*

"Doctor Duncombe, "Wm. Chisholm, and "Thos. Butler, Esq'rs. } *Directors.*

"Sundry proposals for excavating feeder, and work at Broad "Creek, also for excavating Lock pits—were submitted.

"*Ordered*—That the President accept the lowest tender."

It was a very heavy job—the winter unusually severe—and the great force necessary to apply on the culvert to get the water in, prevented the contractor, to his great loss, from finishing the Berm bank in time—he was merely estimated for the quantity of work done, and a Bond taken from him to ensure the completion of the work this year at my suggestion, it was quite immaterial who was the sureties, as I was quite satisfied he would finish the work—the sureties are however responsible men, as shewn by Mr. Clark's answer to question No. 742.

The work is now covered with water and will be fully tested before it is accepted—if logs are found they will be removed at the expense of the contractor—the Engineer will bear testimony of my instructions and vigilence on that subject, which produced the letters from Mr. St. John, and Mr. Keefer.

Questions No. 731 and 2 in the evidence are general and answered by Mr. Keefer the Engineer, which if any doubt remained after the proof adduced even by the accuser—must impress the committee with the belief that the Company deserve credit in place of censure for this *charge.*

It will be seen that every little petty attempt has been made to bear on this contractor. The sub-letting the work—which is and ever has been the established practice. Mr. Hall's evidence in answer to question No. 69 proves the calculations on this work to have been correct, also by reference to the following extract from his report to the Directors of August 5th, 1835.

"In reference to the former estimate I have calculated upon "the strictest geometrical principles, *all* the quantities therein "exhibited from minute memorandums and diagrams furnished "by Mr. Keefer, and beg leave to remark in submitting to the "Board the results papers Nos. 1 and 2, that amongst the numer- "ous, complex and varied calculations entered upon, no error of "importance, *or beyond fractional* has been detected."

CHARGE No. 10.

Mr. Mackenzie under this charge states as follows:—"That loans have been made to Directors, "Officers and others, from the funds of the Company, "and without the consent of the Board, and the inter- "est sometimes placed to the Company's credit, and "sometimes kept back by the clerks and officers."

"That independent of the $10,000 borrowed from tolls, Captain Ogden Creighton borrowed

September 1st, 1834,.....	£180	0	0
February 4th, 1835,.....	164	14	0
May 3rd, 1935,.....	[illegible]	4	9

in consequence of such loans the debtors of the Company were injured to accommodate the Directors."

The reply of the Secretary to this accusation is my proof to rebut the assertion;

Mr. Clark's reply to question No. 740, explains this transaction, the loan was made and repaid without loss.

I also had an interest in two or three vessels—taken for the express purpose of diverting business through the canal—and have ever made exertion to procure the building of vessels and other erections to forward that object, which the want of capital alone if no other reason would justify—but have never had any concern in any regular forwarding establishment.

WITH RESPECT TO CHARGES No. 28 & 29.

In this charge the Board are accused of favoritism and a desire to lavish the funds of the Company on particular individuals influencing the management of the Board.

To support this assertion he quotes a minute of the Board, 26th October, 1825—shewing the locks were let at this period to B. H. W. and P. The period when those locks were let is sufficient evidence that the Board are not actuated by those motives—they had not at the time any public grant, and a small proportion of stock paid in. By the testimony of Mr. Phelps in answer to question No. 264, it will be seen that this same person gave in a tender to build the 4 locks at Deep Cut—where timber was far

more easy of access from Chippawa, for $4,500—Although Phelps was only paid $3,400—and this after the experience gained by building the 34 Locks on Mountain, this shews the reliance to be placed on casual conversation or mere rumour—Also an examination of Mr. Phelps before a Committee of the House of Assembly December 5th, on same year (this is brought forward to prove the actual cost of those Locks, finished in 1829—although given in 1825, before they were commenced). Also a letter from Mr. Hall stating an excess of $16,547 having been paid 23rd September 1835—Also Mr. Halls conversation with Mr. Squires.

If the real object had been to ascertain the fact regarding this expenditure—a simple application to me at the Canal Office, either by Mr. Mackenzie or Hall would have satisfied them or any other person—Mr. Hall's estimate is founded on false premises as shewn by his own and Mr. Phelps' testimony—being on Mr. Lewis' specifiation which refers to Lock 100 feet in chamber which was afterwards altered to 110 feet do. Mr. Phelps has not been paid one farthing more on those Locks than Mr. Barrett the principal Engineer's estimate—And not a shadow of censure can rest on the Directors—Mr. Barrett their Engineer made the return, the correctness of which they have no reason to doubt—neither has Mr. Mackenzie attempted to prove or even doubt it himself, but on the contrary has given a favorable opinion of him by his allusion to the alteration of the Canal at Grand River.

The next charge is respecting the *deep cut*—his reason for asserting the Directors knew of the existence of quicksands at the bottom of the deep cut at at the commencement is inferred from the proposals excepting quicksands and hard pan, had he possessed any practical experience, he would have known it is usual for contractors on the Erie and most other canals to make those exceptions in all deep cutting, a well was dug at the north end of this work some feet below the level to ascertain the nature of the bottom which is proved by Mr. Trotter in answer to question No. 663—who states a well was dug below bottom level and that no apprehension existed of any slips at the time, nor in fact until after they had taken place—when men possessing the same foresight as Mr. Mackenzie knew all about it—In 1828 Mr. Barrett directed in clearing bottom of Canal, yet singular enough no wells were sunk—this happens to be the very year the slips took place.

However without further allusion to his inferences on this subject, it is only necessary to put the Committee in possession of all the facts connected with this particular work not only to remove every suspicion of censure, but on the contrary to shew that they were actuated by the most honorable and correct motives towards every contractor connected with it, as well as a due regard to the interests of the Company—It appears by reference to the minutes July 1825—proposals were received for excavating the deep cut on which the following resolutions were passed:

Extract &c.—July 2nd 1825.

"*Resolved*, That this Board considers the most advantageous proposal made them to be from Erastus Chapman, William Stranbogh, John W. Haye, J. Billy, W. P. Adams, Theophilus Brandage, Benjamin Gower and R. P. Baker, and if the above commissioners will produce a Bond from General B. Porter of Black Rock or any other opproved security for £1200 currency as security for completing the said undertaking within six days from this date, that we accept of said propusal, and if the said Bond should not be executed we consider the next most advantageous proposal from Messrs. Hovey, Beach and Ward, and that we accept the same.

Extract &c.—7th July, 1825.

"*Resolved*, That as Mr. Erastus Chapman & Co. have failed in giving the security required on the 2d instant—That Messrs. Hovey, Beach and Ward be notified that their proposals be accepted."

Extract &c.—4th July.

"That if Messrs. Chapman & Co. do not provide satisfactory security by Monday nevt, as they have agreed, that our Agent, Notify Mr. Hovey to make his arrangements for the immediate prosecution of the work, as his proposal has been accepted."

In consquence of which a contract was entered into with Messrs. Beach, Hovey and Ward on the ———at this period accusations were made against the agent for inducing the Board to accept this contract at 25 cents when 16 to 17½ cents were offered as appears by an investigation before a Committee of the House of Assembly in 1825 and 1826—See Mr. Yates evidence and Mr. Barrett's and Mr. Clews letter &c. &c., at this time Mr. Barrett asserts the contractors inform him they cannot finish the work for the prices contracted for, 25 cents—On the 13th February 1827, Messrs. Hovey and Ward applied for a relinquishment of their contract, as appears by the following extracts from the minutes of the Board.

"13*th February*, 1827.

"PRESENT.

"Messieurs Dunn,
Robinson,
H. J. Boulton, and
Merritt.

"It having been represented to the Board by Messrs. "Beach, Ward & Co. that they are desirous of relin- "quishing their contract for the completion of the "deep cut."

"It is resolved that the Board will accept their re- "linquishment of their contract so far as the same "may be under subcontracts, and that the Board "will thereupon enter into fresh contracts for the com- "pletion of those portions at the same price as Beach "& Co., took them at—It is also Resolved—That if "Messrs. Beach & Co. proceed to the completion "of that part which they have kept in their own "hands with vigor and despatch, the Board will take "into consideration any equitable claim they may "have for out fits or extra exertion on the completion "of their contracts.

"*March* 31, 1827.

"Present—Messrs. Dunn, Allan, Robinson, H. J. "Boulton and Merritt.

"The attention of the President and Directors "having been called by the Agent to the subject of "the Deep Cut, and to the necessity of coming to a "decision upon such measures as may ensure its "proceeding without obstruction.

"The Board referred to their resolution of the "13th Feb., to which they determined to adhere, "and desired that the Agent should request the En- "gineer, as soon as it may be expedient to resume "operations, to report what number of men should "be placed without delay upon that part of the Ca- "nal, in order that it may proceed with proper ex- "pedition, and then to call on Messrs. Hovey and "Co. to carry on their operations accordingly in "pursuance of their contract."

The attention of the Board was particularly called to the subject on 13th April, as per the following minutes:—

"DEEP CUT, *April* 13, 1827.

"Present—Dunn, H. J. Boulton, Robinson, Wells, "D'Arcy Boulton and Keefer.

"Messrs. Ward and Hovey presented themselves "to the Board for the purpose of making some ar- "rangements respecting their contract for the Deep "Cut, and after discussing and considering the sub- "ject, they said that they would relinquish their con- "tract with the Company for that portion of the Ca- "nal, & also all their contracts with the sub-contract- "ors. The Board agreed they should be paid the "full value of the work which they have performed "on section No. 6., according to the estimate and "survey to be made by Mr. Thomas, forthwith, and "if, when the whole of the Deep Cut is completed "and finished, it shall appear that the work has cost "more or less than Mr. Thomas' estimate, it is "agreed between the Company and Messrs. Ward "& Co. that the difference shall be received or paid "respectively by the parties, and at the request of "Messrs. Ward & Co. the Directors consented to "take the stock which Messrs. Ward & Co. have "subscribed at the full amount to which they had "paid upon it in the settlement of their account with "the Company.

"Messrs. Ward & Co. having agreed to the fore- "going terms rather than attempt to proceed under "their present contract which they altogether de- "clined, agreements were drawn up and executed "accordingly; and at the same time it was stated by "the Company that they did not consider this ar- "rangement as interfering at all with that part of "the resolution of the 13th Feb. which expresses the "readiness of the Board to consider any just claim "which may be urged by them as soon as the work "shall be completed, but that at present no such "consideration can be entertained.

"Mr. Hartwell, one of the sub-contractors, was "called in and informed that the Board intended to "take off the hands of Messrs. Hovey & Ward, their "several contracts with the sub-contractors, and he "was asked whether he had any remark to make as "to the effect of such an arrangement on his arrange- "ments.

"He said he had been paid 18 cents per yard on "the whole job, which was all Ward & Co. had re- "ceived of the Company—that he wished to have "them to give up his notes to the Company, which "had been passed for the 10 per cent stipulated to "be retained, and that he had nothing further to de- "sire.

"Mr. Rowley was also called in and informed in "like manner. He said that Ward & Co. had re- "tained in their hands a sum of about £375 on ac- "count of the 10 per cent stipulated to be retained; "they had given no notes to Ward & Co., and re- "quired nothing more than to be paid in the same "proportion as Ward & Co. receive from the Com- "pany.

"Mr. Hathaway was called in and informed in "like manner. He said he should have no claim "upon the Company for the past—he had given his "notes for the 10 per cent, which he wished should "be held by the Company, and not remain with "Ward & Co.

"Mr. Newlove was told the same—he had no re- "mark to make, and no claim upon the Company "for the past, and will have nothing to look to the "Company for. He has received from Ward & Co. "all he has any claim to, and has given them no "notes.

"Messrs. Ward & Co. being asked if they were "ready to give up the notes of the sub-contractors "which they held as a reservation for the fulfilment "of their sub-contracts, stated that they had not got "them with them at the present moment, but would "give them to the board, in order that they might be sur- "rendered to the parties on the completion of their "engagements; and at the same time requested that "on their so doing, the Board would give up their "notes which they hold in like manner; which was "agreed to.

"The Board having taken into consideration a "suggestion from Mr. M'Taggart, civil engineer, "from the Rideau Canal, communicated to the Agent "as to the practicability of washing out a fair portion "of the earth from the Deep Cut by means of "pumping, and the difficulties experienced in exca- "vating the earth from the increased depth being "magnified by the contractors. It is resolved, in "concurrence with the opinion of the engineer in "charge of the work, that he shall immediately lay "out a ditch throughout the Deep Cut, of suitable "dimensions, to admit sufficient water, to try the "experiment of thus washing out a portion of the "earth by means of a current of water, which they "are satisfied will, at all events, afford a sufficient "channel for scows or boats for the purpose of re- "moving the earth at a much cheaper rate than in "the manner now pursued in carriages; and the "Agent is desired to direct the different contract- "ors to apply the whole force of the Deep Cut "on the said ditch, or let it out to other contrac- "tors at the estimate of the Engineer, with a view "to its accomplishment in as short a time as possible.

"Messrs. Ward & Hovey were then called in, "and the Board proposed to them that if they were "desirous to continue their engagement on the Ca- "nal, they might proceed on their section, No. 6, "under the direction of the Engineer; that they "would probably be required to proceed in a man- "ner different from the original design, and that "the Board would pay them upon a monthly esti- "mate of the work done, to be made by the Engi- "neer, without reference to previous contracts, and

" would make them an advance of £1250 on their " note—to all which Messrs. Ward & Hovey per- " fectly agreed.

" Mr. Hartwell was called in and informed that " the Company being now in possession of his con- " tract made with Messrs. Ward & Co. with him, to " understand that they are about to alter their place " of operation on the Deep Cut, which they are de- " sirous should be prosecuted with all possible ex- " pedition, which will cause a material deviation " from the original design, and beg to know wheth- " er he is willing to proceed in the manner stated, " under the direction of the Engineer, to be paid " monthly according to his estimate, to which he " perfectly agreed; and the Board in order to ena- " ble him to commence his operations with spirit " and activity, will agree to make him an advance of " £125.

" Mr. Rowley was called in, to whom the same " statement was made, to which he agreed, and the " Board consented to make him an advance of £250."

" Mr. Hathaway was called in and informed to the " same effect, in which he concurred; and the Board " directed him an advance of £500, one-half by a " draft on New York at 60 days, and the Presi- " dent was requested to endorse his note to enable " him to obtain a discount at the Bank for the other.

" Mr. Newlove was called in, and the same com- " munication was made to him, to which he agreed, " and the Board directed an advance of £100 to be " made him."

They again present themselves and give up their contracts, and the Board at that time not only agree to pay them according to that contract, but the full value of the work performed, according to the estimate of Messrs. Thomas & Barrett, which for the depth from surface down as far as they had gone, amounts to 21½ cents per yard, (see Mr. Keefer's answer to question No. 701.) and further agree to pay them any further sum which the work may hereafter cost; and took back their stock. The sub-contractors were all called in and perfectly satisfied; they were then placed on the ditch at the estimate of the Engineer, but it was soon discovered the work was not prosecuted with energy, nor would the plan recommended by Mr. M'Taggart answer.

The board having previously offered the sum of $500 as a premium for the best mechanic for taking out the Deep Cut, Mr. Phelps makes an offer on 21st May—(see the proceedings of the Board thereon as follows.)

" *May* 21, 1827.

" Present—Messrs. Dunn, H. J. Boulton, Wells, "Robinson and D'Arcy Boulton.

" Read a letter from Mr. Phelps proposing to " excavate the remaining portion of the the Deep Cut " by machinery of his own invention at 27 cents per " cubic yard.

" When the Board determined that in order to " form a correct opinion with regard to the practica- " bility of the plan proposed, it will be necessary for " them to inspect its operation, and for this purpose " it was agreed that they would hold a meeting at " the Deep Cut on Friday next the 25th inst, where " they could also receive from the Agent and Engi- " neer their full report upon the subject."

In the meantime notice was given in for proposals on 26th May, when the Directors met, and the following proceedings were made thereon, which shews as equitable an arrangement as could be adopted.

" Deep Cut, *May* 26, 1827.

" Present—Messrs. Dunn, H. J. Boulton, Robin- " son, D'Arcy Boulton, Wells, Keefer and Clark.

" In pursuance of the resolution of the 21st inst., " the Directors assembled at the Deep Cut, and in- " spected the whole line thereof, and also the various " machines of the contractors, and of Mr. Phelps for " the more expeditiously completing the excavation; " and having required each contractor to deliver in " proposals of the terms upon which he or they would " complete such section or portion of section on which " they were severally engaged, they delivered their " proposals accordingly, viz:

" Sylvester R. Hathaway, the remainder of his " job the full width—40 cents—and ditch only, 60 " cents per square yard.

" Martindale and Donaldson—the ditch to the tow " path 1s. 10½d. *C'y.* or the whole width 1s. 6d. *C'y* " per square yard to the bottom level—water indem- " nified.

" A. Rowlay—the ditch for 50 cents, also to finish " the 52 rods on which he is engaged for 36 cents " per cubic yard.

" Hartwell and Son—the ditch at 45 cents, and " the whole of the Section No. 2 at 35 cents per " yard.

" Love Newlove—the remainder of his job—the " whole at 40 cents—the ditch at 60 cents per yard.

" Lory Davis—the ditch at 75 cents to the bot- " tom or the whole width at 50 cents, with the ex- " ception of quicksands, water, &c.

" Oliver Phelps—the whole remainder of the " Deep Cut at 25 cents, with an allowance of 2 cents " per cubic yard for machinery.

" When it was *Resolved*—To accept of Mr. Phelps' proposal, but the Board being desirous of doing justice to the contractors, and protect their interest and property in the concern, it was proposed to offer them the same terms for that portion of the work on which they were engaged under the direction of Mr. Phelps, upon which Mr. P. offered to unite with any of the contractors and give them a proportion of the profits equal to the strength they might employ, or to purchase their teams, shanties, provisions, machinery, &c., or furthermore to allow each contractor at the rate of $1000 per annum for his own services as superintendent—18s. York C'y. per day for each horse team, waggon and driver found —15s. for each yoke of oxen, cart and driver—12s. per week for common board—and $2 for overseers, and a reasonable compensation for other services performed by oxen, at plough or otherwise—and moreover if any one chooses to use any other machinery except such as Mr. Phelps shall erect, whereby a saving may be made, that person shall be entitled to and receive all the advantages that may result therefrom.

The several contractors were then called in, and being referred to Mr. Phelps they entered into en-

gagements with him solely except that they expected the Company would guarantee them for any amount due to them from Mr. Phelps, who agreed that such sum should be retained as might meet their several claims.

An agreement was then executed by Mr. Phelps to complete the above work according to the said terms in six months from this day.

On 9th June, 1827, the following proceedings were had at the Board and Messrs. Hovey and Ward settled with.

"York, *9th June*, 1827.

"PRESENT:

"Messieurs Dunn,
H. J. Boulton,
D'Arcy Boulton,
Robinson, and
Keefer.

"Messrs. Hovey and Ward attended the Board "respecting their contract on the Deep Cut, Section "No. 6, upon which the minutes of 13th April were "referred to and read—wherein it was agreed the "work they performed upon the said Section should "be paid for according to the estimate of Mr. Tho- "mas, the principal Engineer, which estimate was "now presented to the Board, viz: on Section No. "6, 27 cents per cubic yard for work done during "last season.

"Sec. 35—	11,704	yds. embankment	by Osborne,	10½ cents.
"	12,324	" ditto		15 do.
"	12,338	" Hovey and Ward,		12½ do.
"	6,769	" (near floating bridge)	Osborne,	16 do.
"	5,323	" (sand bank)	Hovey & Co.	16 do.

"*Resolved*—That the Secretary do make out a "statement of the work performed by Hovey and "Ward upon Section No. 6 during last year, and "transmit it together with their several contracts and "accounts with the Company, to the President.

"*Resolved*—That the drafts drawn by O. Phelps "on the Company in favor of Hovey and Ward, S. "R. Hathaway & Co. for cattle and other property "purchased of them, be endorsed by the President, "viz:

"To Smith, Ward & Co.	at	30 days,	dated 7th June,	£500
"		90 "	"	500
"		5 months,	"	500
"To S. R. Hathaway,	at	30 days,	"	250
"		90 "	"	500
"		5 months	"	500

"*Resolved*—That security be given by Mr. Phelps "for the above, and also for $7,000 agreed to be ad- "vanced to him.

"*Resolved*—That Hovey and Ward be paid for "the Shanties, Smith's Shop and other buildings ac- "cording to a valuation to be appraised by two "persons."

On the 22d November, 1828, the following proceedings were had respecting the slips or slides:

"Adjourned Meeting of Board, *22d Nov.* 1828.

"The Directors proceeded to the Deep Cut, ac- "companied by Mr. Barrett and Mr. Phelps—and "having examined the recent slides which have taken "place, of which the Engineer has given a particu- "lar description.

"It was proposed as the best mode to overcome "the difficulty occasioned by the unsoundness of the "bottom of the Deep Cut, to bring down a feeder "from the Grand River, from the still water above "the Bear foot rapids, in such a direction as will in- "tersect by the shortest practicable route, the pro- "posed line of the Welland Canal from Grand River "to the Welland (it is calculated that by these means "a head of water 14 feet above the Western section "of the canal will be obtained) to be descended by "two locks."

See also the proceedings of the Board, 1st of January, 1829.

Extract, &c.

"*January* 1*st*, 1829.

"PRESENT:

"Honorable J. H. Dunn, *President.*

"H. J. Boulton,
"Hon. Wm. Allan,
"J. B. Robinson, and
"Wm. H. Merritt.

"Mr. Merritt having attended at the request of "the other Directors, submitted a report from Mr. "Geddes of a survey made by him and Mr. Barrett for "the purpose formerly considered by the Directors "the result of which survey appears to make it inex- "pedient to proceed in the plan of taking the water "down from the Grand River, above Bearfoot ra- "pids by a feeder, a difficulty occurring from a height "of land in a place where it was not anticipated.

"Mr. Geddes fully confirms by his opinion the "judgment of Mr. Barrett formerly expressed in "favor of daming the Grand River near the mouth "and thus obtaining a few feet rise of water upon "the level through the Marsh.

"After discussing several propositions submitted "to the Board, it is *Resolved* by the Directors that "the most expedient is to Dam the Grand River "near the mouth—to proceed in cutting through the "Marsh for a feeder to be conducted to the Bank of "Welland, at or near Hellem's Creek to construct "an aqueduct over the Welland at that point and "dig a feeder from thence on the north side of the "Welland to deep cut—construct 2 Locks, by which "vessels may ascend from the Welland to the deep "cut upon the proposed level to be procured by "means of a feeder along the Welland."

All of which proves the difficulties they had to encounter, Mr. Geddes' report is also adduced with regard to the main question whether they paid Mr. Phelps more than the work executed was worth—sufficient proof is adduced from the evidence of Mr. Hall and Keefer shewing the actual or customary value of such work in proportion to depth—the statement of Mr. Phelps shewing the relative proportion, the pro-

posals given in at the time averaging 37 cents per yard—I refer to Mr. Hull's statement in answer to question No. 209.

The evidence in minutes, together with the concurrent testimony of Mr. Hull in answer to question No. 200 corroborating the average price shews the directors could not have been actuated by any improper motive in this transaction, nor could they have been inattentive to the best interests of the Company.

Mr. Trotter's evidence of the offer of Mr. Hovey 50 cents per yard.

Newlove 40 cents per yard—the average of offers at time 37 cents per yard. The lowest offer except Phelps, to indemnify water, 30 cents.

The actual value in case the first 10 feet is valued at 15 cents is 35 $\frac{3}{10}$ cents. I refer to answer to question No. 704.—If valued at the prices the Company have actually paid—38 $\frac{3}{10}$ cents.

The actual price paid Phelps after all advances are included is 34 cents per yard—I refer to answer to question 702, making no allowance for water, meeting house, cattle, or any other contingencies which clearly and fully proves that the work was executed at a less price than it was actually worth, including all allowances by concurrent testimony of engineers and offers at the time.

With respect to the construction of locks, reference is made to the report of Commissioner in 1831 when Mr. Mackenzie was employed as Secretary and was actually present at the inspection—I refer to that report in 1830.

Extract from the Minutes of the Board, 10th of May, 1835.

"That Mr. Clark having been required by minutes of the Board 4th November 1831, to give security to the amount of £1000 on taking upon himself the office of bookkeeper to the Company, submitted the following.

"Job Northrup and Charles Ingersol Esquires, as securities.

"*Resolved*, that the same be accepted of, and that he enter upon his office accordingly.

Extract from Minutes, 7th January, 1835, *page* 303.

"*Ordered*, that a reduction of one-third of the rent due for the past year will be remitted to the mill owners on the lower part of the Canal, provided the saw-mill owners bear a proportion of the expense for dredging the Canal below their mills, and the deduction for interest due for the year 1833."

Extract from Minutes, 9th June, 1827.

"*Resolved*, that the Secretary make out a staement of the work performed by Hovey and Ward upon sections 6 during the last year, and transmit it together with their several contracts and accounts with the Company to the President.

"*Resolved*, that Hovey and Ward be paid for the shanties, smith shop, and other buildings, according to a valuation to be appraised by two persons."

"*Resolved*, That Hovey and Ward be paid $50 for a machine which they erected at the tunnel in 1825."

At a meeting of the Board held at York on Monday, 21st May, 1827.

PRESENT.

The Hon. John H. Dunn, *President*.
H. J. Boulton,
Hon. Colonel Wells,
J. B. Robinson, &
D'Arcy Boulton, Esquires.

"Read a letter from Mr. Phelps proposing to excavate the remaining proportion of the Deep Cut, by Machinery of his own invention at 27 cents per cubic yard.

"When the Board determined that in order to form a correct opinion with regard to the practicability of the plan proposed, it will be necessary for them to inspect its operations, and for this purpose it was agreed that they would hold a meeting at the Deep Cut on Friday next, the 25th instant, where they could also receive from the Agent and Engineer the full report upon the subject."

Extract 24th November, 1827.

Hovey and Ward's business which was discussed and recommended to the meeting of the Board on the 4th ult., was now approved.

York, 24th *November*, 1827.

PRESENT:

Messieurs Dunn,
H. J. Boulton,
Wells,
Robinson, and
D'Arcy Boulton.

Mr. Merritt and Mr. Phelps were in attendance as required last Board.

Read a letter from Mr. Phelps dated 24th November, 1827, on which the Directors having deliberated and having examined the Agent and Mr. Phelps, and compared his general statement with the accounts—of work done and the expenditure incurred—the Board

Resolved—That on looking back on the proceedings of Mr. Phelps since the beginning of June when he undertook the completion of the Deep Cut, they find that he has established a strong claim to the confidence of the Company from the result of his exertions. It appears that when he entered upon his contract there remained to be excavated on the Deep Cut 677,328 yards—of this he has excavated and removed 344,260 yards, leaving 333,068 yards or about one quarter of the whole Deep Cut to be yet completed.

There has been paid to Mr. Phelps, £20,349, and about £9,500 has been advanced to him in addition to enable him to bear the immediate charges of the great outfit necessary for so extensive an operation—and now at the conclusion of the season Mr. Phelps represents that £2000 more is required by him to enable him to discharge unsatisfied claims of laborers and others.

Upon this view of the present state of that most arduous portion of the Canal, the Directors see reason for a well-grounded confidence in its completion, during the next season, under Mr. Phelps' management, and they see no reason to mistrust his ability, prudence, or good faith. The Directors resolve to support him as long as they continue of this opinion with the necessary advances for proceeding in the work, and they therefore agree to make the advance desired by him of £2000, upon his executing

a bond and warrant of attorney to the Company for the amount.

It is, however, the express direction of the Board that no part of the £2000 shall be advanced until Mr. Phelps has perfected his security upon all his real and personal property, to the satisfaction of the Solicitor of the Company, and the Agent is to see that the direction is strictly complied with, and an inventory of the property as descriptive as circumstances will permit, and pointing out where it is at present deposited, is to be forthwith furnished by Mr. Phelps to the Secretary of the Company.

CHARGE 18.

With respect to charge No. 18: In reply to the assertions made on this subject, I have merely to remark, that the entire proceedings which were before the Committee of last year, are again fully detailed in our last report, and that Mr. Yates is still ready to enter into any arrangement that may be deemed equitable and just, and as it is a subject still left open, it is difficult to conceive what could have prompted or induced any person to attempt to impute censure on the Directors with regard to it. The documents submitted to a Committee of this House last year, and Director's Report of this year gives a full detail of the proceedings of the Board relating to this transaction. The accusation respecting the Directors engaging in mills and erections on the line of Canal, is, in part, true, but he has not attempted to shew any evil which has arisen from it; in fact, the mills I am engaged in are not yet in operation. An order of the Board exists, as appears by the following resolution, of date, 4th July, 1834:

"*Resolved*—That every application for water power or land, be made in writing, and to have priority according to dates, and that the plans and surveys of the property be made, and the business to commence forthwith; the present occupants, of course, to continue in their property."

This resolution authorises the lease of water to the first applicant, on the terms therein stated—$100 for run of stone or single saw, and in that proportion for other machinery; it is found, that, at Gravelly Bay, only 6½ feet head can be obtained, and that water can only be used, at best, a portion of the time; the Board are desirous to procure erections on all parts of the line, knowing that the capital invested in mills at Oswego, forms a great portion of our revenue from toll; that the mills at Rochester, Black Rock, Lockport, and different parts of the Erie Canal, are in active competition, aided by any command of capital they may require. Any aid of that description, on the line, should be considered a favor conferred on the Company, by the individual making them, in place of a reproach; and it will be so considered by any individual, who can comprehend the subject. With regard to its influencing the reduction of toll, it has not been shewn; but must produce the contrary effect. However, if the Company, Stockholders, or any individual, think otherwise, every Director will be happy to relinquish their interest.

CHARGE 15.

With respect to charge 15: This relates to an old transaction, which took place in 1825, was before the Committee of the House that year, and again in 1830, and now brought forward for the third time—which, with the voluminous correspondence appended to it, is intended for information.

The whole transaction is explained over and over again, in each of the letters, the circumstances are, as near as I can recollect, as follows:

In September, 1825, Mr. McGillivray drew out a resolution, in his own hand-writing, appointing Mr. Boulton to go to London to obtain the stock which we expected Mr. McGillivray or Galt would have obtained—it is as follows:

Minutes of the Board—20th September, 1825.

The Report of the Surveyor in regard to the route of the canal from Holland Road to St. Catharines were read and re-considered, together with the maps and profiles prepared in order to be transmitted to England, and finally a draft of a detailed report proposed to be sent to England, was read, and taken into consideration, but the paper being very long, and the subject of the utmost importance, it was only arranged in regard thereto, that Mr. Boulton should take the papers with him to New York for further consideration, and from thence to transmit them to Mr. McGillivray by whom and by Mr. Ervine they are to be recommended to their friends in England.

On further consideration of the importance of this intended appeal to capitalists in England to furnish the Directors with that portion of the Company's capital which remains to be subscribed, and which has been expressly reserved for the stockholders whom they hope to find in England in preference to those who might have been found elsewhere; feeling the propriety of offering the most ample and satisfactory explanation on every point, and considering the difficulty of so doing, and especially the difficulty of meeting questions, or doubts arising from the want of local knowledge of this country in any other manner than by the presence of personal communication of some agent or representative duly authorised and qualified to afford such information as may be required, it was agreed that such mission to England, if undertaken by a competent person, would offer the most probable means of ensuring the success of the intended appeal to that country for the remaining capital, and Mr. Boulton having kindly offered his services for this purpose for three or four months on condition, merely of his reasonable expenses, not exceeding the sum of £300 st'g, being paid, the proposal was received with due acknowledgement, and it was

Resolved, That Henry J. Boulton, Esquire, be authorised and requested to proceed to England as the agent and representative of the Welland Canal Company to obtain such capital as may be required by the Company and in negotiating for the same and in all matters connected with this mission to act according to such instructions as he may hereafter receive from the Board.

That the Welland Canal Company do pay Mr. Boulton's reasonable expenses on his mission, not exceeding the sum of £300 sterling.

On the above, Mr. Boulton went to Toronto, after taking the draft for £300, Mr. Dunn not being there, repaired to Quebec, thence to New York and England. Much dissatisfaction prevailed at the time, in consequence of Mr. McGillivray's letters censuring Mr. Boulton, and my placing the seal on the Power of Attorney, for fear of imaginary consequences.—What was the result? Mr. Boulton re-paid the money, which exonerated Mr. Keefer and myself; he did not effect his object, consequently, no injury arose from it, and after his return, the Directors paid him for the trip. I have no objection to have all this old useless trash printed, with this farther addition, that with my present experience, from having had similar Powers of Attorney before and since, unlimited in their nature, and having given them to others; if the same thing was to be done over again, I should pursue precisely the same course.

CHARGE 7.

This subject was investigated as early as the year 1825, as appears by your Journals, the whole transaction is embraced in the following brief statement: Mr. McGillivray proposed and drew up the minutes relating to Mr. Boulton's mission to England I atiached the Company's seal to the Power of Attorney, expecting Mr. Boulton to get the approval of Mr. Dunn, who, it appears, was not seen by Mr. Boulton before his de-parture; the order to pay him the £300 was complied with before he went. Mr. Boulton returned the money, and there it ended; he was afterwards paid when I was not a Director. The whole matter was again canvassed in 1830, by a Committee, and now again brought forward, as new matter, to swell up the accusations.

Another question and answer is made out by Mr. Mackenzie and handed in, from which sundry small items are extracted—this account was also examined by the Committee of 1830, and approved of by this same person, as here shewn by the balance sheet of that year, but it answers his purpose to complain, sometimes of items, at others, for the want of them; he is more happy in displaying his talent and ability in those selections, than in any other measure relating to his duty as a Canal Director; they are fit emblems of the capacity of his mind. It will be seen, that the office copy is a receipt for £100, for expenditures, the items of which, were kept for my own private information, to shew the accuracy of my expenditure, and embraced the following periods and services:

From 3rd February, 1835 to 6th May, 1835, attending the Legislature, including two trips to Niagara and St. Catharines,	£44	15	9
One trip to Montreal and Quebec,	29	11	4
And one to New York between 6th May and 1st August, 1835,	24	7	1½
	£98	14	2½

It should have been entered at the £100, and the balance, £1 5 8, re-paid, but, we were not then in anticipation of having an inquisition instituted in 1835 or 6, for the second or third time. The account is reasonable, for the service performed, and is only produced to gratify a little personal malice.

The charge of £25, paid Newlove, for hire of horse, saddle and bridle, is a mistake.

The charge of horse hire and saddle is,	£ 5	5	0
The remainder is for payment of a road cut by said Newlove for which the committee made this allowance,	14	15	0
	£25	0	0

Although, he asserts in his evidence, he never received any payment for roads on Deep Cut.

The transaction relating to Mr. Yates having received £500 for getting a bill discounted, is another specimen of misrepresentation—the circumstances attending it were as follows:

The House passed a bill granting £50,000 to the Company, at 5 per cent. interest; it could not be negotiated in this Province, and Mr. Yates, after much time, and expense, and responsibility, succeeded in negotiating it, at par, in Philadelphia, for which, the Board unanimously voted him this sum, and I can scarcely believe any Stockholder or individual in this Province, could be found to make a rebuke on it, well knowing the sacrifices that individual has made, besides losing the interest for near ten years on so large an investment in this work.

CHARGE 30.

I consider this merely an attempt to get his Welland Canal paper printed under the sanction of the Committee, to go to the public with a semblance of truth and importance.

1st. Is his notice in Advocate 10th Dec. preparing the public mind for such an exposure as would excite the *indignation of every good man*, prepare the minds of *stockholders and creditors* to advise the *members of the Legislature*—and then leave it to them to say *who should pay the printer*. A most worthy motive.

2d. His letter to the Board, 21st Oct. 1835, wherein he states that "*false entries to the disadvantage of the stockholders and the public, to the amount of at least ten thousand dollars, are* CLEARLY *to be seen on the books of account.*

"That *fraudulent erasures* have been made, to the injury of the Corporation.

"That a defalcation of *many thousand dollars*, on the part of the officers, is plain and evident.

"And that the entries in the books, in many cases, exhibit to me a *systematic series of efforts* to cover dishonesty *and embezzlement.*"

3d. Resolution of Board—on which after the above extraordinary charge by this person, the Board sealed up the books and papers until their next meeting, which is appointed by his request *on 19th Nov.*, when they are to appoint *proper persons to enquire into their financial affairs*, and *report what grounds there are for the charges Mr. Mackenzie has preferred.*

4th. A letter he addressed to the Board, 6th Jan. 1836, which they considered *unworthy of notice.*

5th. A resolution passed 6th Jan., 1836, in substance, as follows:—that in consequence of the charges made by Mr. Mackenzie, Burns and Bowery, were appointed on the 19th Nov. last to make an examination of these charges and accounts, and having presented their report exonerating those officers from the imputations with which they were charged by that individual—which the Directors fully believed.

The Board did not concur with Mr. Thorburn, because, as, in their opinion, Mr. Mackenzie had gratuitously made a malicious and false accusation against the officers of the Company, unsupported by a particle of evidence, and had also published those opinions to the world, to the manifest injury of the Company, they did not consider him entitled to a consideration. Whereas, the officers of the Company, who were always considered men of integrity and character, were continuing under the most unjust imputation, without, in their opinion, a shadow of reason, except a few unimportant errors.

CHARGE 24.

Which states "that, after the first election, the nominees, of certain persons in New York, always "had the nomination of a majority of the Board, although holding a very small share of the stock, "and that the elections have not been, on all occasions, conducted according to law."

The grounds for this charge, appear to be, the election of Directors by Mr. Yates, who retains the confidence of the majority of the Stockholders. This is rather too frivolous to notice, were they not generally formed on similar grounds. Sometimes he

complains of the influence of the Executive Government, &c. &c. &c., and he produces one instance in 1829, where one of the Directors moved that the Hon. John H. Dunn should be re-appointed President, instead of putting a piece of paper in a tumbler and call it voting by ballot, when the sentiments of every member were well known to be unanimous on the subject.

CANAL MANAGEMENT.

For the Committee fully to understand this arduous, profitless, unpleasant, and thankless duty, it is only necessary to refer them to the minutes of the proceedings from year to year.

CHARGES 1, 2, 3, 4, 5, & 6.

These were given in six distinct charges, the first embracing—

"That the books are improperly kept, and, as I think, purposely to defraud the public and the Canal proprietors."

2. That very many erasures have been made in the Journal and Legers, some of which are to the evident disadvantage of the Company and the benefit of persons connected with the management of the Canal, while there are others concerning which nothing could be traced by which to discover the original entries."

"3. That false and erroneous entries have been made on the books of account to a large amount."

"4. That there is a great defalcation on the part of officers of the Company."

"5. That false accounts have been sworn to and laid before the Legislature."

"6. That important transactions of large amount have been improperly withheld from the Company's books of account for several years."

Mr. Mackenzie has, for the sake of perspicuity, or some other purpose, blended those charges all in one, and left the Committee to select. For instance, he calls such items as the following a defalcation:—charging for the printing of Mr. Yates' pamphlets, £21; payment to John Boyle, £18; payment to Jack Toyne & Co., £24 1; and many others of a similar description, which were errors admitted before any investigation was heard of.

For a correct understanding of Mr. Mackenzie's proceedings, in this matter, it will be necessary for the Committee to refer to my reply to charge No. 30, where his proceedings and accusations are briefly detailed. Before this, Mr. Beaton was employed in examining the books with Mr. Mackenzie, and when an error was discovered, it was promptly admitted.

The books and accounts having been briefly examined by Mr. Mackenzie and a Committee of the House of Assembly up to 1830, his inquiries at St. Catharines, did not extend prior to that period. After Mr. Mackenzie made those extraordinary charges the books were closed up until an investigation was made, as he recommended, in concurrence with Mr. Thorburn. The gentlemen appointed, reported NO DEFALCATION, and the Board fully concurred with them in that opinion.

As soon as this Committee was appointed, which was on 22nd January last, prompt measures were adopted to bring over the books and papers and officers of the Company—no delay has arisen on their part, but, on the contrary, every facility has been afforded to forward the investigation.

On the 27th of Jan., I, as the President presented the following letter to the Chairman of the Committee, with a view of obtaining a detailed statement of the items which composed Mr. Mackenzie's charge of defalcation.

HOUSE OF ASSEMBLY, *Jan.* 27, 1836.

To the Chairman of the Committee on Welland Canal Accounts.

SIR,

I have most respectfully to solicit that you will request William Lyon Mackenzie, Esq. to present a statement in writing, specifying the items which compose the defalcation with which he has charged the officers of the Welland Canal Company.

Also the items which compose the charge of fraudulent entries and erasures.

Also the charges he has made against myself, he having stated that I have served in the capacity of Secretary and Treasurer since Mr. Black resigned, and that the funds of the Company since that period have passed through my hands, in order that I may have time to answer to the allegations thus made.

The statement thus preferred not to preclude Mr. Mackenzie to make any other charges hereafter.

I am, Sir,
Your obedient servant,
W. H. MERRITT.

The motive in doing this, was, the President having called the meeting of the Directors in October, from the promise of Mr. Mackenzie to produce those items—that after producing them in the hand-writing of Mr. Hall, he obtained possession of them under a false pretence, and refused to give them up, and also refused to surrender them under an order of the Board, passed unanimously on the 19th November.

After Mr. Clark, the Secretary, arrived, he presented the following letter, in which, he admitted the existence of errors.

TORONTO, *Feb.* 8, 1836.

SIR,

I have the honor to acknowledge the receipt of a paper from W. L. Mackenzie, Esq. placed in my hands by the President of the Welland Canal Company, purporting to be in compliance with the following order:—

"*Resolved*, That William Lyon Mackenzie Esq. Canal Director, be required to furnish to the Committee *a detailed* statement of the charges he may have to prefer against the Welland Canal Company or any of its officers, specifying under distinct heads the *several* items of charge."

The first is a general assertion of the truth, of which you will judge hereafter

2. In compliance with the above order I request Mr. Mackenzie to name the items embodied in the above charge—I acknowledge are £50 to Thomas Merritt junior made in error by Callaghan my assistant.

3. I require the items which compose this charge.

4. I require the items which compose this charge.

5. This charge I pronounce untrue as far as the inference would lead, that any accounts have been knowingly and falsely sworn to by me. Errors I admit, and always have.

6. This is incorrect as to importance and time, but true inasmuch as relates to tolls of 1830, 1831, and 1832.

7. Those charges will speak for themselves.

8. I have no knowledge of any improper payments made, as here alluded to.

9. I am unaware of any payments made unless sanctioned by the Board.

10. It has never been done in any case to the injury of the Company.

11. The assertion is correct as to two sets of books which are unnecessary, as will be clearly shewn in the ordinary transactions of the Company, but the inference drawn from it is not correct.

12. Mr. Merritt never had charge of the books after Mr. Black left them. I succeeded Mr. Black in that department, as will be seen by the minutes of the Board.

The charges from 13 to 30 does not relate to monied transactions but management—must refer to the President Mr. Merritt for any further information on those points, my object is only to solicit to be furnished with the items which compose Nos. 2, 3, and 4, which will materially facilitate the investigation of the committee.

I am Sir,
Your obedient servant,
JOHN CLARK,
Secretary W. C. C

I again urged the committee to obtain a copy of the original charges which Mr. Mackenzie produced at the meeting of the Board in October, but it was only presented 26th inst.

The Committee cannot but perceive that if Mr. Mackenzie's motive had been to elicit the truth, this investigation could have been brought to a termination in a very short period as relates to the defalcation, inasmuch as the Secretary would at once have admitted all errors, and the committee could have judged as correctly then whether those errors were made with a fraudulent intent, as at this moment. But his motives can be clearly seen by the effect the publication of this evidence will produce if ever read. For instance it will appear that he has by his questions drawn out from the evidence proof of those different items, as no person will imagine for a moment that they were promptly admitted if only errors, and the list he produced first to the Board of Directors at St. Catharines, and now to the committee in the handwriting of Mr. Hall, calls them no more, whence the necessity of taking up so much time to investigate them by such a torturous proceeding.

Mr. Clark's evidence will shew the committee that the officers of the Company were fully aware of the existence of irregularities in the books, and explain the reason why the corrections were not made. It is unnecessary therefore to remark that the credit Mr. Mackenzie takes to himself as being the original discoverer of those irregularities, falls to the ground.

There is frequent allusion made to the absence of a cash account from the books, and this is done in such a way as to lead to the impression that up to this time there is no such account. A reference to Cash Journal folio 287 will shew that such an account has been kept for the last eighteen months.

It will be seen by a reference to the evidence of Mr. Keefer that the allegation made respecting the keeping of an estimate book is incorrect. The estimate book now in use will shew that an abstract is made up at the end of each estimate to shew the different divisions or the different works on which the amounts are expended, and a reference to former estimate books will shew that such a plan has always been kept up.

Messrs. Bowery and Burns were called on to examine the charges—more particularly that of defalcation—brought by Mr. Mackenzie against the Company and its officers, as the report of those gentlemen will shew, and not to the affairs of the Corporation generally. They gave it as their opinion that there existed no defalcation on the part of the officer of the Company, although the errors contained in Mr. Mackenzie's original list are notified by them, and in this opinion they will be borne out by any investigation.

In transactions so multifarious as those of the Welland Canal Company, where accounts were kept with about 2000 individuals, and extending over a period of twelve years, it would be rather extraordinary if no errors should have occurred It will be seen that such as *have* been pointed out do not operate prejudicially to the interests of the Company, and that as Bowery and Burns have given their opinion there has not been one shilling of defalcation shewn against any of the officers of the Company.

The following order of your committee of 27th February last

"Mr. Thorburn, seconded by Mr. Chisholm, moves that it be resolved That Messrs. Hincks and Young be required to examine such particular accounts on the books as *Mr. Mackenzie* may point out to them, with such assistance as they may require from *Mr. Mackenzie*, and that such books, papers and vouchers as they may require to enable him to do so, be furnished him by the Company."

Shews that every opportunity has been extended and every assistance afforded him for the fullest examination, which has been continued without interruption up to Saturday, 26th inst., while the time occupied in answering those voluminous charges was only three days.

Your committee are also respectfully requested to bear in mind that Mr. Mackenzie has had eight months to prepare his charges. While in St. Catharines he had the assistance of the officers of the Company; and since the books and papers came here he has had the assistance not only of the officers of the Company, but also of the gentlemen appointed for that purpose by your committee on 27th February last. A comparison of the schedule of errors he made up in St. Catharines (copied by Mr. Hall) with the charges he had submitted to this committee, will shew that many of those charges have been advanced by him since he has had access to the books and documents by order of the committee, and hence his refusal to present his schedule of errors until he had closed his case.

WITH RESPECT TO CHARGES 8, 9, & 11.

The first is that the officers paid their salaries without an order of the Board—this is incorrect; there was always a standing order to pay salaries, and by an examination of the books it will be seen that the Company were in most cases in arrears for salaries.

WITH RESPECT TO THE REPORT OF MESSRS. BOWERY AND BURNS.

By reference to charge No. 30, we have stated in what manner they were appointed—their report states they do not believe a defalcation of one pound will be found—time will determine whether the in-

sinuation respecting the Company and those gentlemen are correct, or whether their accuser merits the name of slanderer.

WITH RESPECT TO CHARGE No. 20.

"That important original estimates, contracts, receipts, and other papers, are missing at the canal "office, and that the officers in no way account for "their being missing."

That many important documents are missing (two are named.)

1st. The original estimate for Dec. 1831.

2d. The original estimate for Nov. 1832. It is true, the original documents alluded to, were missing, of which Mr. M'Kenzie was duly informed previous to his commencing his investigation. It caused great research and anxiety, and can only be accounted for from the circumstance, that at the periods alluded to, a committee was appointed to settle claims equitably and otherwise, composed of Messrs. M'Donell, Lefferty and Randal; also another committee to settle the accounts of Messrs. Little, Garrison, and Lewis, those estimates were taken out of the office for reference at the time, to satisfy the contractors and committee, and must have been lost or mislaid. The testimony of Mr. Keefer shews, that no injury has arisen from it.

The 3d is neglect of the Secretary to fill in the names of lock tenders, who had given in proposals. The reason no contract was ever entered into with those lock tenders, it being deemed advisable to hire them by the month—a matter of no moment whatever.

WITH RESPECT TO THE DEEDS, PLANS, &c.

Mr. Keefer's explanation will shew the method and manner of making them out and the cause of their not being registered.

WITH RESPECT TO THE OFFICE,

The accuser was in favor of the erection.

CHARGE 22.

A number of letters are copied as usual, and assertions made that the money has been shamefully jobbed and mismanaged—improvident contracts carelessly made—heavy debts incurred, &c. &c. &c.—all of which is unsupported by a shadow of proof.

If the committee would carefully investigate the minutes of the Board they will find not a solitary instance during the last twelve years when loss has arisen from carelessnes in drawing up or executing contracts.

That only two or three law suits have been incurred during that period—that altho' their necessities compelled their entering into contracts at some times to finish certain portions of the work, to open the navigation, no injury has arisen from the measure, but on the contrary, it only proves the judgment with which they have carried on this operation under the most appalling circumstances.

CHARGE 26.

It is alleged that £718 10s. is procured to pay Elam Lynds & Co. from Bank, and paid Mr. Yates in place of Lynds—the only explanation required is what the accuser was informed, that Lynds & Co. were the makers and that Mr. Yates engaged the machine from them and paid them—that we had all the documents prepared to prosecute them for the deception practised on us—which was deferred—the subject was fully explained to the committee of last year, and is no new matter.

WITH RESPECT TO THE STEAMER SIR WALTER SCOTT.

This Boat was built by a number—Mr. Merritt held four shares it is true $400—the engine cost £600 and the boat altogether £1500; the Company had the scrapers, frame, and all the apparatus for dredging on hand,—the boat was brought down on dry dock with a view of strengthening her—the ship carpenter thought she could be converted into a drudge at a very small expense,—the President agreed that it should not cost over £500 and was extremely anxious that the Directors should purchase it, and regrets to this moment they had not, for the interests of the Company; and the only reason assigned at the time against it was the certainty of having one at the expense of the Government, which would render this unnecessary—I refer to Messrs. Keefer and Thorburn's testimony on this subject.

The letter from Mr. Dalton and others of a similar nature, which were purloined from the office, is adduced to produce an effect. I cannot consider the Board or any of its officers responsible for the sentiments of others.

CHARGE 23

Relates to politics. As he has nothing to support this charge but a letter written from Mr. Dalton—for which neither the Board, the indivivual to whom it was addressed, or any other person except the writer, can be answerable. It appears he has withdrawn any accusation himself, therefore it is useless to consume the time of your committee on the subject.

CHARGE 12.

Our accuser asserts that I succeeded Mr. Black, as Secretary, in June, 1832; that the books and accounts were in my possession, and that I was the responsible officer, until November of that year. In making this assertion, I laid the minutes before him, consequently, the Committee cannot but be sensible of the motive which has governed me in making this statement.

By reference to the minutes of the Board, of October 7th, 1831, it will be seen, that the office of Agent, which I then held, was to be abolished, and the duties of Agent to be discharged by the Secretary, to which office I was to be appointed on the resignation of Mr. Black, which, I believe, was then given in. I refer to the following extract as follows:—

Extract from Minutes of the Board, Nov. 4, 1831.

" PRESENT :

" The Hon. John H. Dunn, *President*,

" Alex. McDonell, Esq. *Vice President*,

" The Hon. W. Allan, and R. Randall, Esq.

" At the request of Mr. Yates, John Clark, Esq. was nominated for the office of book-keeper to the Company on Mr. Black's retiring from the present situation of Secretary—whereupon it was resolved,

" That John Clark be appointed book-keeper with a salary of £150 per annum upon his giving security in the sum of £1000."

Truly extracted,

J. CLARK, *Secretary.*

It will be seen, that, at the request of Mr. Yates, John Clark, Esquire, was appointed book-keeper, upon his giving security to the amount of £1000, as soon as Mr. Black should retire, by the following extract from the minutes of the Board.

Extract from Minutes of the Board of 19th Nov. 1832.

" PRESENT :

" The Hon. John H. Dunn, *President*,

" George Keefer, Robert Randall, and

" Thomas Butler, Esquires.

" *Resolved*, That Mr. Merritt resume his situation as agent, and Mr. Clark be appointed secretary."

Truly extracted,

JOHN CLARK, *Secretary.*

On reference to the minutes of the Board, 19th of November, 1832, it will be seen that Mr. Clark was appointed Secretary, and I resumed the situation as Agent.

This could be corroborated by the testimony of every Director. I refer to the evidence of Mr. Clark, the Secretary, and Mr. Keefer, the Engineer, then on the line, also, to Mr. Hincks' evidence, proving this.

You will see in the minutes of the 10th May, 1832, that the security by Mr. Clark, was regularly given in, and further, that, after the decease of those gentlemen, the subject was again brought under the consideration of the Board, as per the following extracts, viz :

Extract from Minutes of the Board, July 4, 1834.

" PRESENT :

" W. H. Merritt, Esquire, *President*,

" Thomas Butler, and

" Ogden Creighton, Esquires, *Directors.*

" *Ordered*, That the Secretary, who is receiving and paying out moneys be requested to furnish security to the amount of £500 by two securities, and double the amount in his own name ; and that all those who have similar responsibilities be required to present them in this office within the present month, or consider their situations vacant."

Extract from Minutes, 13th September, 1834.

" The Bonds from the several persons required to produce the same were submitted.

" John Clark, Esquire, himself in £1000, his sureties George Adams and H. Mittleberger £500 each ; which were severally approved of."

Truly extracted,

JOHN CLARK, *Secretary.*

And that the Secretary is at this moment responsible, with two good sureties to amount of £500 each, and himself in £1000.

WITH RESPECT TO Mr. BEATON,

His general character, for integrity, has hitherto placed him above suspicion.

If any further proof was wanting to establish the facts, in contradiction to this charge, public notoriety would be sufficient. From the commencement of this work, my whole mind and personal attention has been directed to the general management of this Corporation, in obtaining means and attending to the work ; seldom in the office, or even at home ; and it never was intended or expected that I should have any charge whatever of the books. (See Mr. Dunn's evidence, Keefer's, Clark's, and every other person called before the Committee.) His statement, that I was in possession of books, from June to November, 1832, or that the Secretary is under the control of the President, is quite as true as $\frac{19}{20}$ths of all his assertions.

His main object, from the commencement, was to implicate me in the monied concerns of this Corporation, but I am satisfied there is not a member of the Committee who can entertain a doubt on this subject —he has failed to produce a shadow of proof, either personal or documentary.

CHARGE 16.

It is true, on the 26th October, 1825, the resolution referred to, was adopted, (in consequence of receiving General Beach's letter,) to which I refer as follows :

Resolution adopted at a Meeting of the Board of Directors, 26th October, 1825.

" A proposition having been made to the Directors by G. S. Beach, Esq. of Rochester and Geo. Keefer, Esq. of Thorold, that they would construct or cause to be constructed a large and extensive flouring mill with at least four run of stones on the line of the Welland Canal, capable of making the best superfine flour, adjoining to St. Catharines, and at the first locks on the mountain, and have the said mills in readiness by the time the water is let into the said canal—Be it resolved, that the said General S. Beach and Geo. Keefer, Esquires, be allowed the privilege of a mill seat for the above purpose, providing they perform the said conditions ; the above proposition having likewise received the sanction of Simon McGillivray and H. J. Boulton, Esquires, at the meeting of the Directors on 20th September last."

The motive assigned for puffing up a particular privilege on the mountain which is equalled to Rochester, was for the purpose of benefitting George Keefer, Esquire, one of the Directors. Passing over all this extraneous matter, the facts are, at the time this order was passed, not one man in 100 believed the Canal would ever be finished. (See Mr. McMicking's evidence.) But, as the Board were inclined to give the situation, at St. Catharines, on condition that the mill should be ready by the time the water was let in, they gladly embraced the offer of Mr. Keefer to erect one at the top of the mountain on the same conditions. To shew the value of the

grant at the time, it is only necessary to remark, that General Beach never accepted the offer, and Mr. Keefer was considered visionary for laying out his capital on his mill at the time. It is a very easy task for a person at this day to censure the conduct and attribute motives to the Directors 10 or 12 years back, for a particular act, but to ascertain the truth, the Committee should place themselves in their situation at the time.

WITH RESPECT TO THE St. CATHARINES FEEDER;

I had no interest in renting it from the Company. I have since rented from the lessees the lower level out of three, number one being still in possession of the Company, and besides the 500 bringing $200, and has situations for many more; and with all the assertions, I have no interest in any saw-mill or any machinery on the line, except shares in 2 grist-mills—one at Gravelly Bay and one at St. Catharines, neither of which have used a drop of water from the Canal, and are not finished. With respect to this subject, the Committee must see the obvious advantages those erections are to the Canal, and the income which must be derived from them. I should be happy to transfer any individual interest I possess in them, to the Company or any person whatever.

WITH RESPECT TO FORWARDING;

The same motive which induced me to join in the erection of mills, extended to vessels—having little or no capital on the line, I joined others in building and purchasing vessels; taking a small interest in each, to draw produce through the Canal; and as we had no funds in the year 1833, I advanced the amount of tolls to Mr. Randal that year on those vessels, but never was interested in forwarding, in any way, except in the proportion of those freights, which was a trifling business and attended with loss.

WITH RESPECT TO THE ALTERATION OF ROUTES;

As allusion is made to Mr. Gordon's letter, I refer to Journals, 1825 and 1826, page 10, for that gentleman's opinions, as well as the reports of the Engineers thereon; he has not, however, produced a shadow of proof in support of the charge, that I had any influence whatever in determing this route.

CHARGE 17.

This charge is made out by asserting, in the first place, that the mode of leasing water privileges is a bad one—that mode is as follows:

Extract from Minutes of the Board, June 7, 1834.

"*Resolved*, That all leases for hydraulic property be for two years only."

14th July, 1834.

"*Resolved*, That every applicant for water power or land be made in writing and to priority according to dates, and that the plans and surveys of the property be made, and the business to commence forthwith, the present occupants of course to be continued in their property."

By which means, the first applicant, in writing, is certain of obtaining a situation, it is the interest and desire of the Directors to obtain erections and court applications—the system is found to work well, and our accuser is the first person ever objected to it.

2nd—That important mill sites have been given away. This assertion is untrue; the only solitary instance is the one seat to George Keefer, Esquire—the other person who obtained a similar offer at the same time, 1824 or 5, did not choose to avail himself of it.

3rd—That Messrs. Merritt, McDonell, Boulton and Creighton, are interested as mill owners, and literally voted money into their own pockets, which he proves by quoting the resolution of 7th January, 1835 and 1833, where a reduction of ⅓ of the rent is made.

The facts relating to this subject, are as follows:

1st—I was not a mill owner at that period, and, up to this day, have not made use of any water.

2d.—The deductions were made in consequence of the water being taken out of the canal altogether near one half the year—to finish that part above Port Robinson—and it was deemed unreasonable to charge for water when the mill owners were deprived of the use of it. Again they may reduce the toll—the lock keepers might neglect their duty; but no instance is shewn that it has been done—on the contrary, even Mr. Hall's testimony proves the reverse: the want of capital on the line was the only reason which induced the Directors, particularly Mr. Yates, to engage in any erections whatever; that in so doing he and they have rendered great service to the Company and surrounding country is clearly manifest—at the same time as they are all ready at any time to surrender their interest it is rather singular it should be made a subject of censure.

Again we find—*Costly Favoritism—Merritt's Mill.* After an insinuation that I have been guilty of some extraordinary or base act, in connexion with Mr. Boulton—he quotes a petition of Mr. Gordon's Nov. 1825, praying for an alteration of the line of canal, but with his usual want of candor conceals the following admission of Mr. Gordon at the time, viz:

Extract from Mr. Gordon's *evidence taken before a Select Committee of the House of Assembly in Nov.* 1825.

"*Ques.* Have you any facts to state, or remarks to offer, in "support of the petition presented by you, and now read?—*Ans.* "As to the report of Mr. Roberts, which I only saw on Saturday "last, the explanations Mr. Merritt has given to the Committee "this morning, have overcome my objections as to the point, the "alteration of the route; and I now only wish the provision last "prayed for by me, to be afforded, viz: that stockholders not ap- "proving may withdraw their subscriptions, and their stock paid "in be refunded, as I believe there has been no meeting of the "Stockholders on that point."

He asserts the alteration was made to serve the private interests of myself—which he infers from my having been in possession of a mill on the 12 mile creek, for which the arbitrators in 1826, who were composed of a number of individuals awarded me £600—the only question for consideration is this—

Was the object of selling that mill a sufficient inducement for me to induce the Engineers to alter a route of such importance—Secondly—If so, have I exercised that influence?

To determine this point the committee should go back to 1825, ascertain the actual worth of a grist or flouring mill with three run of stone—a saw mill with 2 saws, the mill yard, 2 dwelling houses, a barn, and several acres of land included in the mill pond—for the remainder of the canal which went through a valuable meadow for which I paid $50 per acre in 1816 the arbitrators did not allow a farthing.

Then it would be necessary for them to form a correct judgment to ascertain whether the difference between that property and the £600 was a sufficient inducement; whether the Engineers employed (Messrs. Clowes, Roberts, and Hall, who were then on the several routes) were men of such dubious character as to be influenced by any individual to make a false return, or whether Mr. Gordon would have made the admission and withdrew his objection without good reason that the present route answer the most valuable purpose and is decidedly the best, practical experience has proved. (I refer to Mr. Keefer's evidence.)

To follow up this subject it may be necessary to explain further that in making the lock and dam the saw mill was removed, and it was necessary for a considerable expenditure to be made or let the grist mill go into disuse;—I advanced the capital and put a new saw mill and the grist mill in operation on condition that I was to have the use of it until the Company thought proper to resume it, on which I expended, as stated, £678 12s. 7d. He (Mr. Mackenzie) then produced several letters with a view of shewing the improper course pursued by me, to which I refer for the most positive proof of the correctness of my motives. In 1828 I wrote the Board stating I preferred the Company taking those mills as I did not wish to be concerned in them.

In 1831, having been requested by Mr. Yates to become interested in and take the management of the Hydraulic purchase, I addressed a letter to the Board—they answered me leaving it wholly with myself. On reflection I still continued of my former opinion and declined becoming interested.

Mr. Mackenzie asserts I have since become a lessee of the water power at St. Catharines.

I wish the committee to be in possession of every circumstance relating to my conduct and management, either with the Company or canal, since its commencement. I never, altho' in possession of all the facts relating to routes, made one original purchase before the canal was made; I have made a purchase of land in Dunnville with Mr. Street in 1832 from Mr. Phelps—another in 1834 at Port Colborne from Mr. Draper. I have also taken an interest of one-sixth in a mill at Port Colborne, to be propelled with steam and water alternately—and the principal share of a flouring mill at St. Catharines, wholly with a view of establishing those erections to improve other property. The latter privilege I leased from the individuals who leased from the Welland Canal Company without any interest in the former, and had there been any chance or prospect of other individuals making those erections I would not, and the moment an objection was made by any Director I manifested my willingness to relinquish as stated in my letter to Directors 1825—although not with a view of wishing to retain my situation in the Welland Canal Company, with which I have had good reason not to be well satisfied.

CHARGE 25.

An attempt is made to cast the odium in removing this route to the influence of Mr. Boulton.

Without referring to the private and other letters, he (Mr. Mackenzie) has thought proper to take from the office to make out a case on this subject. I have a perfect and distinct recollection of every circumstance relating to it.

Early in the year, 1st January, 1829, the Board determined on the Report of Mr. Geddes to assume a higher level and bring the waters of Grand River through the Deep Cut. Notice was given and proposals received the 31st of the same month; preparations were made, the route explored, and the dam placed under contract to the Messrs. Wilkinson, Simpson, Monson, & Pratt: the work was actually commenced in March, prosecuted with the greatest possible rigor until the order was received from Sir John Colborne to discontinue the work until the arrival of Commodore Barrie and Captain Phillpot, R. E. at the Naval depôt at the mouth of the river, the former of whom had formally protested against the dam being erected near that station. On their arrival I was sent for from St. Catharines—went up in the night—expostulated, and urged every thing in my power to induce him to alter this opinion, but to no effect.

I then went over to Toronto in Company with Mr. Yates, and obtained an order from His Excellency to resume the work on condition of the Company giving a bond to return it if hereafter required. I went up commenced again, and was again stopped by an order from His Excellency not to extend the dam within 5 miles of the mouth; this was afterwards reduced two miles, but on examination it was found impracticable to build a dam at any other or nearer situation to the mouth than the present site.

On the 8th May the Directors attended, and approved of the site, as will be seen by reference to the minutes as follows, viz:

May 8th, 1829.

"The President and Directors, on the 6th and 7th instant, inspected the Grand River, in order to determine upon a proper site for the proposed dam, having found it necessary, from the objections advanced by the naval department, to abandon the further prosecution of the dam near the mouth of the river. After an examination of the banks, it appeared to the Directors that it is expedient to construct a dam nearly opposite the limit, between Moulton and the Indian lands, and about four and a half miles from the mouth of the river.

"Resolved that the Engineer be directed to proceed immediately to lay out the dam, embankment, and feeder, from the Grand River, locating the dam at, or near the situation to be pointed out by the agent, (being that which appeared to the Directors to be preferable) unless the Engineer finds some good reason for suggesting an alteration, which he must, in that case, report immediately to the Board, with an estimate of the probable difference in expense to be occasioned by such alteration. The site for the dam to be approved by Mr. Wilkinson the contractor."

My advice was at the time at all hazards to erect the dam below and every member of the Board was

decidedly against the removal, as they have from time to time expressed. Mr. Barrett's letter of June 1829 was written at my express request on which to form our report.

The cause of the removal was always a subject of notoriety, and the only individual who ever charged Mr. Boulton as being the cause of it is our present accuser—which, like most of his other charges is formed from his own imagination without a shadow of proof or a vestige of truth.

WILLIAM H. MERRITT.

THURSDAY, *March* 31*st*, 1836.

Committee met.

PRESENT:

JAMES E. SMALL, ESQ. *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver,
Thorburn.—8.

J. T. BOWERY, Esq., *called in and examined.*

[BY MR. MERRITT.]

749. Mr. Mackenzie asserts that Mr. Burns and yourself were induced to make a report from some improper influence exercised by the Welland Canal Company, or some of its officers—is that the case. Further will you state when the examination of the books commenced, and whether you believe any defalcation of money exists?—The only intercourse Mr. Burns and myself had with the officers of the Company during the examination of the books was to get such explanations that we deemed requisite in order to compare with the statements Mr. Mackenzie publisbed in "THE WELLAND CANAL," we certainly did not allow ourselves to be influenced by any of the officers of the Welland Canal Company, or did they make any attempt to influence us. One of the Directors was generally in attendance.

The order for the examination of the books by the Board of Directors, I now hand in as follows:—

WELLAND CANAL OFFICE,

St. Catharines, 19th Nov'r, 1835.

Whereas it has been stated by Mr. Mackenzie, a member of this Board, that the financial affairs of this Corporation are in a state of great derangement, and that the books have been improperly tampered with—And Whereas the Board are desirous to have the charges made by Mr. Mackenzie thoroughly and impartially investigated by some competent and disinterested person or persons.

Resolved—That J. T. Bowry, Esq. be authorised to examine and compare the said charges with said books on behalf of this Company, together with all receipts and expenditures of all monies which have come into the possession of this Corporation from time to time up to the 31st October inclusive—and that the Secretary Mr. Clark be requested to appoint another person to act in conjunction with Mr. Bowry—and that those gentlemen do report the result of their investigations to this Board—and that they shall have full power to examine all persons, books and papers, in any way connected with the affairs of this Corporation.

Resolved—That the following Directors of the Board do attend at this office by turns weekly to superintend the examination of the books and closing of the accounts of this Corporation, in the following rotation.

Thomas Butler, Esq. to attend to the 30th November.

Alex. McDonell, Esq. the following week.

David Thorburn, Esq. the next week.

Ogden Creighton, Esq. the week after—And to be continued in rotation.

Truly extracted from the minutes,

JOHN CLARK,
Secretary.

This order is dated the 19th of November, but the examination was not commenced for some days afterwards, in consequence of Mr. Burns not being able to attend. Mr. Burns and myself, have already given it as our opinion, that no defalcations of the funds of the Company by any of its officers existed; and I have had no reason since to induce me to alter that opinion.

[BY MR. MACKENZIE.]

750. What is your occupation, and where do you reside?—I reside in St. Catharines—I am not at present in any particular employment.

751. You are I understand the late partner of Mr. Butler, one of the Welland Canal Directors appointed by the Company, and was with him the lessee of Merritt's mill, now called Bowry and Butler's mills?—I was a partner with Mr. Butler, but not when appointed by the Board to discharge the duty above stated.

752. Your reasons I presume for the conclusions you have come to with regard to the books of the Company are to be found in your and Mr. Burns' report which I have given in to the committee?—Yes.

753. Mr. Burns the accountant employed with you in the examination of the books is I understand a practising Attorney at St. Catharines, Mr. Merritt's brother Director in the Grand River canal, and the person who had the loan of $700 from the officers without an order of the Board, is he not?—Supposing those statements in the questions to be true, he is the same.

754. Mr. Merritt has asked Mr. Clark whether he was not aware that errors existed in the books and whether it was not his (Mr. Clark's) intention to examine and correct such errors to which Mr. Clark replied that it was, but that I had occupied Mr. Beaton's time so as to prevent this correction. I understand that you was chosen by the Directors and Mr. Burns by the Officers, to examine the books and accounts in November, after I left. Did Messrs. Beaton and Clark state to you that they had shewn you all such errors and improper entries as they knew of?—Mr. Beaton shewed me such entries as were irregular, but Mr. Clark did not interfere in any way or shape, and further I made no application to him.

755. Did Mr. Clark employ or nominate Mr. Burns your assistant employed to examine and correct the books?—I believe he proposed Mr. Burns as a competent person for the duty—(I refer to the minutes of the Board.)

MR. CLARK, *again called, and further examined.*

[BY MR. MERRITT.]

756. Mr. Mackenzie assumes that if he had not been appointed a Director of the Welland Canal Company the errors which appear would never have been discovered by the officers, was it not known to you that errors existed, and was it not always your intention to examine the Books and correct such errors?—It wss shortly after Mr. Beaton entered the office in September 1834 he mentioned to me that he had discovered the irregularity of some entries in the Books, and that he meant to examine and correct them, and also to make a general examination of the books since Mr. Black left up to the time he took charge of them. There being some matters in arrear then, and papers to regulate in the office, he was occupied during the winter in bringing forward those matters—and on Mr. Mackenzie becoming a Director and commencing his examination at St. Catharines Mr. Beaton's time was wholly engrossed by Mr. Mackenzie, and he was thus prevented from proceeding with the examination.

757. In question 413 an explanation is required why Lymburner and others remain creditors on the books?—When the awards were made the Company were not in possession of funds to pay them, and the amounts were carried to the credits of the individuals—when those individuals were paid the amounts were debited to the account of awards instead of the individuals.

758. Do you know the circumstances under which Mr. Yates negotiated a loan for £50,000?—The Debentures were issued by the Receiver General at 5 per cent—Mr. Yates negotiated the loan at the U. S. Bank, Philadelphia, at a very considerable expense to himself and a saving of one per cent interest to the Company from the month of June 1831 to the 16th September 1833, which at the legal rate of interest would have amounted to upwards of £800.

759 Under what circumstances was the loan of $10,000 made to Mr. Yates to which Mr. Mackenzie refers?—The loan to John B. Yates Esq. was authorised under the following order of the Board entered on the minutes 4th July 1834.

PRESENT.

" William H. Merritt Esq. *President.*
" Thomas Butler. and
" Ogden Creighton Esqrs. *Directors.*

" A letter from John B. Yates Esq. of the 10th of " June having been submitted requesting a loan of " £2,500 to repay certain sums advanced in this " country for which he will pay interest and return " the principal when required."

" *Ordered*, That the same be advanced, and the " Directors feel pleasure in having it in their power " to return him a favor so frequently received in the " various stages of the canal, and that the same be advanced from the tolls collected."

Truly extracted from the minutes,
JOHN CLARK,
Secretary.

At the time this loan was authorised to be made to Mr. Yates there was sufficient funds in the hands of the Company to meet the demands then against them.

The whole of this loan has been fully paid by Mr. Yates to the Company with the interest accruing thereon.

This loan was expended in the country.

760. Will you produce the vouchers to shew that Brundage should be credited the timber he delivered which Mr. Black omitted carrying to his credit on the Books?—I hand in the vouchers, which clearly shew it was a mere omission not to enter them, which are as follows—viz:

THOROLD, *March* 2, 1825.

DEAR SIR,

Mr. Merritt has written several times to us from York giving his opinion that you should stop getting any more timber, in his last he urged us again and the other Directors are also of opinion you should not get any more. You will therefore stop all further operations in the timber contracts until further advice from the Directors.

GEO. KEEFER,
P. W. C. C.

No. 27.

WELLAND CANAL OFFICE,
St. Catharines, 22d April, 1827.

Received from the Welland Canal Company, by Wm. Hamilton Merritt, Esq. the sum of fifty-eight pounds, sixteen shillings and five pence, currency, on account of my contract in procuring timber.

£58 16 5. T. BRUNDAGE.

Welland River.

MR. T. BRUNDAGE,

To HINKLE & ALLAN, *Dr.*

	C'y. £	s.	d.
1825—*June 27th*—To securing 112,819 feet of timber as per agreement at 1s. 3d per thousand,	7	1	0
June 27th—*Dr.* To order on Brown,	£4	0	0
Do. do.	2	5	0
	£6	5	0

St. Catharines, June 14th, 1825.

J. GORDON, Esq.

Please pay to John Brown the sum of $20 1-4 for Board, &c. while securing the timber.

Your Obedient Servant,
JAMES CLOWES,
Civil Engineer.

Countersigned, W. H. MERRITT, *Agent, W. C. C.*
Certified to be correct, SAML. CLOWES, *Civil Engineer.*

THEOPHILUS BRUNDAGE,

To W. DEVINE, Dr.

To 23½ days work, applied on the securing timber on the Chippawa, at mouth of Tunnel..... Halifax currency.....	£4	8	1½

Received payment in full,
WILLIAM DEVINE.

Chippawa, 12th *May*, 1825.

President and Directors of the Welland Canal,

To J. W. GARRISON, Dr.

To 4 days services assisting Mr. George Rykart to measure timber, at 5s.....	£1	0	0
To my board for said time, 3s. 9d per day.....	0	15	0
To my horse keeping, 1s. 3d. per day.....	0	5	0
Halifax currency.....	2	0	0

J. W. GARRISON.

St. Catherines, 14th May, 1925.

W. H. MERRITT, Esq.,

Please pay George Keefer, Esq. the sum of $39 25 cents, for orders left with you for accounts and receipts due me from the Welland Canal.

And oblige yours, truly,

JOHN BROWN.

27th December, 1825.

Expenses paid by Mr. Brundage on the Chippawa, while measuring timber, the Engineer having no money.

At Mr. Brown's	£0 6 6
" Burger's	0 10 0
" Burgar's Jun.	0 7 6
" Carroll's	0 2 6
" Ditty's	0 10 0
" Sensebough's	0 5 0
" Swezey's } Clowes' }	0 7 6
Halifax currency	£2 9 0
E. Hodge, Jun., 4 days measuring timber, at 3s. 9d.	0 15 0
	£3 4 0

JAMES CLOWES.

Welland River.

MR. T. BRUNDAGE,

To C. SENSEBOUGH, DR.

1835, June 14, rafting 40,625 feet of timber to the mouth of the Canal, as per agreement, at 6d. N. Y. c'y per hundred	£6 6 10½
Four days measuring timber, at 3s. 9d	0 15 0
June 16, Order on Brown, £2 8s. 9d.	£7 1 10½

J. R. M. Crysler, certify that Abner De Cow and Aaron Curby was sworn before me as arbitrators for Theophilus Brundage and Edmund Hodges, Jun., in prising the round timber sill for the Welland Canal.

Sworn this 15*th July*, 1835.

R. M. CRYSLER, J. P.

River Welland, Brown's Inn,
May 16th, 1825.

MR. BRUNDAGE,

To O. STRAIGHT, *Dr.*

Fastening, pegging and securing the timber in the River, 7 days,	£1 15 0

May 16*th*. Received payment,

ORIN STRAIGHT.

Award to Edward Hodges for the cutting of each tree 1s. 3*d*.

The above timber was contracted for with Mr. Brundage for the Welland Canal.

ABNER DECOW,
AARON D. KIRBY.

DAVID SECORD, Esquire,
UMPIRE—*London District.*

Received of T. Brundage £16 17s. 6d. Halifax C'y. for the round timber fell in the month of February in the Oswego Woods, 164 sticks or trees, and on Caston 106 sticks or trees.

EDWARD HODGES, *Junr.*

St. Catharines, 22*d July*, 1825.

Welland Canal.

MR. T. BRUNDAGE,

To J. B. PAPPENEU, *Dr.*

	£	s.	d.
1825			
May —To 12 days services, assisting to measuring timber, at 3s. 9d.	2	5	0
June 27.—Securing 40,625 feet of timber as per agreement, at 1s. 3d. per M.	2	10	9½
£	4	15	9½
To 6 days services collecting the timber adrift in the River,	1	2	6
£	5	18	3½
June 27—Do. to order on Brown, £	2	5	0
Do. do.	1	0	0

The Welland Canal Company, Dr.

To ORSON WILKINSON.

	To one days work			$ 1 00
May 2—	do.	do.	measuring timber	1 00
3	do.	do.		1 00
5	do.	do.		1 00
6	do.	do.		1 00
7	do.	do.		1 00
9	do.	do.		1 00
10	do.	do.		1 00
11	do.	do.		1 00
13	do.	do.		0 50
				$ 9 50

St. Catharines.

The President and Directors of the Welland Canal Co. DRS.

To T. BRUNDAGE.

	£	s.	d.
1835.			
April 28—Orson Wilkinson securing and measuring timber	2	7	6
May 12—Mr. Devine, securing	4	8	1½
" 14—To amount of services charged by J. W. Garrison, assisting in measuring timber with Mr. Rykart	2	0	0
" 16—To O. Straight, securing and measuring timber	1	15	0
June 6—Paid sundries for board, &c. up the Chippawa	3	4	0
" 27—Hinkle and Allan securing timber	7	1	0
J. B. Puppenew, assisting in measuring and securing	5	18	3½
C. Sensebough, securing timber, 23 days at 5s.	5	15	0
Assisting in measuring, 4 days at 3s. 9d.	0	15	0
Paid to Vannorman, marking the timber, 10 days at 3s. 9d.	3	2	6
July 22—Paid J. Hodge, for timber felled and not squared as per receipt	16	17	6
15 days attendance in securing timber, at 7s. 6.	5	12	6
	58	16	5

The above account is correct according to the vouchers,

JAMES CLOWES.

Welland Canal Company,

To J. VANNORMAN.

By assisting in measuring timber on the River Welland, with J. Clowes and Rykert, 10 days at 10s.	£5 0 0
Ditto, to 2½ days with S. Clowes, at 8s. per day	1 0 0
N. Y. currency	£6 0 0

£3 15s. Halifax currency,

J. VANNORMAN.

Welland Canal, 27*th May*, 1825.

St. Catharines, 13*th Feb.* 1826.

Received from W. H. Merritt the sum of £170 17s. 1d. Halifax currency, the balance on account of timber got out for the Welland Canal Company.

T. BRUNDAGE.

Welland Canal Company,

To T. Brundage, Dr.

	£	s.	d.
To 443 feet 6 inch framed timber at the north end of the proposed tunnel line at 19s. 11½d. per 100	4	8	5½
To 481 feet framed timber in north shaft at 19s. 11½d.	4	15	11
To 655 " " centre shaft, the one half at 19s. 11½d. per 100, the other half at 18s. per 100	6	4	2
To 3441 feet timber north end, not framed, at 17s. 5½d per 100	30	0	0
To 7125 feet timber, south end, " 15s. 6d	55	4	1½
To 199,072 " in the River Welland, 12s. 4½d	1231	15	2
To three-fourths of £32 10s. as per award for shanties, &c.	24	7	6
To 10 per cent on £164 2s. 6d. as per award	16	8	3
	1373	3	7
Deduct for ripping 13,867 feet of pine timber, at 4s. per 100, as per award	£27 14 6		
Deduct for ripping 100 feet of oak, at 6s	4 12 0		
	32	6	6
	1340	17	1

Approved,

JOHN H. DUNN,
P. W. C. C.
SAMUEL CLOWES,
Civil Engineer.

The above account is correct according to the best of my knowledge, from the estimate of the Engineer, who measured the same and the award of the arbitrators.

WILLIAM H. MERRITT,
Agent W. C. C.

Received from W. H. Merritt, £120 currency, on account of my contract for delivering timber to Welland Canal Company by order of the Board July 24th.

THEOP. BRUNDAGE.

St. Catharines, July 25th, 1825.

Received from James Gordon, Esq. Treasurer Welland Canal Company, the sum of £300 Provincial Currency, on account of my contract with that Company.

THEOP. BRUNDAGE.

St Catharines, 2d April, 1825.

Approved, GEO. KEEFER,
P. W C. C.

£300.

Received from W. H. Merritt, Esq. Agent for the Welland Canal Company, the sum of £750 Halifax Currency, on account of my contract with said Company, this being a duplicate receipt for the same amount of same date.

THEOP. BRUNDAGE.

St. Catharines, July 4th, 1825.

We, John Decow and Samuel Street, referred to by the Directors of the Welland Canal Company and Mr. Theophilus Brundage to adjust certain differences subsisting between the parties on an agreement made between them in the month of December last, for the supply of framed timber to have been furnished for the tunnel of the said Canal. Having duly considered the subject do adjudge, award, and determine as follows—that is to say—That there be deducted from the price Mr. Brundage was to be paid for the timber for the south half of the tunnel nearest Chippawa, for hauling out of Chippawa creek and delivering as specified in the contract 3s. 1½d. Canada C'y. for every 100 feet of timber which the said Theophilus Brundage has now in Chippawa at the south tunnel mouth ready to deliver—For framing the same if on the plan insisted on in the specification exhibited to us hereunto annexed, 2s. 6d. same C'y. per 100 feet, or 5s. C'y. aforesaid per 100 feet if framed on the plan exhibited to us on the tunnel route, ready framed all to boring and pinning the rafters at top—and cutting a gair or notches in each of the posts for the rafters to shoulder on.—For whip-sawing, dividing the same into two parts such of the raft timber ready to be delivered which is 20 inches square, and in that proportion for larger or smaller, 10s. *C'y.* aforesaid for every 50 feet in length of that size, and 6s. 8d. same currency for every 50 feet of pine timber of that size. That Mr. Brundage be allowed by the Company for expenses he has incurred in expectation of completing the contract from which he has been prevented in conformity to a clause set forth in the agreement.

	£	s.	d.
For one Shanty House by him built, - - £	12	10	0
For two Shanty Houses by him also built, - -	15	0	0
For one do. do. do. next to the north tunnel mouth, being good for itself, -	0	0	0
For making road on the tunnel route to haul timber	5	0	0
£	32	10	0

Three-fourths of this amount, being £24 7s. 6d. currency to be paid to Mr. Brundage for cattle, horses, and tools by him provided in aid of accomplishing the contract, amounting to £164 2s. 6d.—ten per cent of this sum being £16 8s. 3d. *C'y* aforesaid for the loss he may sustain—to realize the same the 3 first mentioned shanty houses hereafter to belong to, and be considered the property of the Company, and the one last mentioned to continue to be the property of Mr. Brundage.

Given under our hands and seals at Thorold, this 20th day of July, 1825.

JOHN DECOW, [L. S.]
SAML. STREET, [L. S.]

St. Catharines, June 7th, 1825.

To the President and Directors of the Welland Canal Company:

Gentlemen,

Agreeably to the instructions given me by your Agent W. H. Merritt, Esq. I have mentioned and marked all timber got out by Mr. Brundage or his sub-contractors under the contract held by him for timber to be delivered to the Welland Canal Company—have also entered the notes, names and sub-contractors, when got out, length and breadth of each stick, and where delivered—in one of the books of the canal company, and said book delivered to W. H. Merritt, Esq.

I remain,
Gentlemen,
Your most Obd't Humble Serv't.
JAMES CLOWES.

P. S.—The timber got out is as under:

Single.			*Double.*	
5439	8	On the line intended for tunnel	1530	6
2065	2	" " Bank of River Welland		
112819	4	In the River opposite J. Brown's farm	1019	11
39625	11	" " above Thompson's	2404	9
10444	1	" Oswego Woods	301	4
3987	6	" " Creek		
19859	3	On lot No. 1, 2d concession, Caistor	2441	10
239	6	Framed on the line		
			7698	4
204	0	For the tunnel mouths		

194684 5 + 7698 4 = 202,382 9 amount total.

Specification for the proposed Tunnel upon the Welland River.

This part of the work to consist of a subterraneous passage or mine, 16 feet 8 inches in width by 16½ feet in height, to be excavated from the Southern termination of No. 1 Section, extending in a direction 12° W. of North, for a distance of two miles, terminating 44 yards North of the Welland River.

The internal surface of this tunnel to be properly secured with well seasoned and connected timber, free of shakes, of the following dimensions:

The pavement or bottom frame work to be of plank 16 feet 8 inches in length into 12 by 6 inches in thickness,—the inferior surface laid flush six feet under the surface water of the Chippawa river and properly bedded in the levelled bottom, of the tunnel.

The side posts or uprights to be firmly indented into the bottom timbers or sleepers twelve inches upon the face, by 10 inches in thickness, and 12 feet in height, placed so as to support angular rafters each 9 feet in length, pitch 4 1-2 feet—the particular mode of uniting the timber work may be seen by an examination of the accompanying elevation.

Know all Men by these Presents, that we, the President and Directors of the Welland Canal Company, (for, and in behalf of the Stockholders of the said Company) in the District of Niagara and Province of Upper Canada of the one part, and Theophilus Brundage, of the Township of Grantham, District and Province aforesaid of the other part, have entered into an agreement this day of December, one thousand eight hundred and twenty four.

As witnesseth.

The said Theophilus Brundage doth hereby covenant, promise, and agree to and with the said President and Directors as aforesaid, that he will deliver, at the Shafts and Tunnel Mouths of Section Number two on the Welland Canal, all the timber which may be wanted for the Tunnel, in such proportions as may be required, the same to be procured from good sound pine, or white or swamp oak, to be fresh and firm, free from shakes, large knots, and every other defect, to be all ready framed to any pattern furnished by our Engineers. Posts and rafters to be ten inches by twelve inches wide and thick—the sills to be six by twelve inches, and will be received if taken from any firm wood—back side of posts may be one inch leaning or bend-edged. The rafters to be taken from the body of the tree, and in no instance from the top, to be the best of timber, the length to be for posts 12 feet, sills sixteen feet eight inches, rafters nine feet, as per Mr. Hall's specification, the same to be altered at any time by paying in proportion for other dimensions. The timber to be all inspected by any person the Company, their agent, superintendent, or engineer, may appoint. The timber to be all cut or felled in the months of January, February and March, when the sap is out of the tree, and to be delivered as soon as may be required. And further, in case the Company should alter the size of tunnel, or meet with any obstruction, we are only to pay for the quantity of timber then delivered, and a reasonable price for what may be on hand, and the expenses incurred.

In consideration of which, the said President and Directors of the Welland Canal Company, doth hereby covenant, promise, and agree to and with the said Theophilus Brundage, to pay him for all timber so delivered at the following rate, viz: eighteen shillings, Halifax currency per hundred feet for all the timber so delivered on the south half of said tunnel nearest Chippawa, and nineteen shillings and eleven pence farthing for all required on the north half of said tunnel, to be framed and delivered as above mentioned.

The payments to be made for all delivered monthly, reserving, for the first six months one quarter in each monthly payment, and one eighth per month thereafter, until the whole shall be delivered, when the arrearages, or reservation, shall be all paid up.

For the due performance of which, we bind ourselves each to the other, in the penal sum of One Thousand Pounds, lawful money of said Province. As witness our Hands and Seals the day and year above mentioned.

In presence of

THEOPHILUS BRUNDAGE, [L. S.]
GEORGE KEEFER, [L. S.]
President W. C. C.

THOMAS MERRITT,
GEORGE KEEFER, Jun.

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761. Did not Mr. Mackenzie on the 21st of October last, at the time I assented to call the Board, promise to furnish me with a copy of the items which composed the defalcation to which he alluded in his letter to me—that I might examine the same on the day after, prior to the meeting of the Board which was called on the 23rd of same month?—He did.

762. Was not the presentation of those items delayed until the day the Board met?—I understood the arrangement between Mr. Mackenzie and yourself to have been that he (Mr. Mackenzie) should have handed you the list of items on the morning of the 22nd of October, at which time you called, but did not obtain them.

763. Were they not presented to the Board on the 23rd in the handwriting of Mr. Hall, and did you not believe they were the same he had previously agreed to present me on the 21st October?—Mr. Mackenzie brought them before the Board on the morning of the 23rd, and I believe them to be the same that he agreed to deliver to you on the 22nd for your examination previous to the Board meeting on the 23rd.

764. Did not the Board pass a resolution requesting Mr. Mackenzie to return the paper he had handed in previous to the investigation of the books by Burns and Bowery, and did he comply with their request?—There was such an order passed, and I wrote to Mr. Mackenzie in duplicate informing him thereof, but he did not comply with their request.

[By Mr. Mackenzie.]

765. Mr. Merrit has just asked you whether you did not know that errors existed in the books, and whether it was not your intention to examine and correct such errors: to which you reply, that it was, but that I occupied your clerk, Beaton's time. Why did not you correct the errors (as you call them) of 1832, '33 & '34, before I came upon the canal in May 1835?—I always admitted that there were errors in the books that required correction, but had not sufficient assistance in the office to do so until Mr. Beaton was appointed, and he was so continally employed we had not time to go into them.

766. Why then did you state to the Directors in 1834, when they were prepared to employ Mr. Raincock, that you could put all to rights without them?—Because I supposed at that time it could be done, but from the pressure of business in the office it could not, and was allowed to lay over.

767. Had not two of you in the winters of 1832, 1833, 1834, and 1835, when the canal was closed, and business standing still, time enough to correct these errors and enter accounts?—There was not two persons constantly employed during the time mentioned, and there was not time enough to attend to it. I never had sufficient assistance allowed me in that office until the appointment of Mr. Beaton in October 1834.

768. When I was appointed to examine the books, and correct what was wrong, why did neither you nor Mr. Beaton shew these errors to me, and did I not ask you often enough?—Mr. Beaton was constantly employed with you in the office, Sundays and week days. Upon your motion at the Board I obtained leave of absence to visit Lower Canada—I left some time in the month of September. My time of departure was delayed in consequence of your examination of the books. Up to the period of my leaving I am not aware that you pointed out one single error in the books—The books and papers were constantly in your hands; on my return from Que-

bec on the 20th of October I found much confusion in the office, and as far as you pointed out any errors to me I readily admitted them. On the 23rd and 24th of that month the Board met, sealed up the books and accounts, and you left St. Catharines.

769. I ask you as Secretary of the Company whether for several months after I came on the Canal I entered into any examination of the books of account whatever, except such as more immediately came before the Board for adjustment?—I do not know that The books and accounts were in your possession, and you with Mr. Beaton were going on with some examination, what you were attending to I do not know. By an order of the Board you had all the documents of that office thrown open to y u—that is, only the *official* books and papers of that Company, and not Mr. Merritt's *private* papers.

770. When I had shewn the Directors, yourself, and the President, a number of improper entries and charges, and pencil marked them on the books, why did you, Messrs. Burns, Bowery, and the Directors, Mr. Thorburn excepted, declare that there were no material errors, and on the Report of Messrs. Burns and Bowery, adopted by the Board, expunge the resolutions I had moved, and declare all right?—There is an order of the Board to that effect, but I was no party to the same. I am not aware that I pointed out any errors to the examiners appointed by the Board. I did not interfere with them. They had your remarks on the books to lead them. Mr Beaton the book-keeper being in the examination with you, had it more in his power to point out errors to them than I had.

771. Acting as Secretary and Treasurer did you find these errors affect the cash in your hands? had you too much or too little at any time?—I never had too much, and very often too little.

772. When I was over at St. Catharines in Oct. last, I observed that £246 0s. 8d. expended on the St. Catharines feeder, was twice charged to the Company, which double charge has been since rectified by a corresponding entry by Messrs. Young and Hinks the accountants. But of that money I perceive £10 were paid (as it is said) to W. Anderson, in June, 1832, covered by an estimate of the 1st of August that year. There was no estimate in August, and I should like to see one; John Johnson receives an advance in August of $50 and upwards, but I can find no estimate. R. Maguire gets $50 1st of August, but there is no estimate, although your books refer to one. Again, Oliver Phelps gets an advance of £75, May 1st, on aqueduct. Was this one of the series of errors you knew of and did not feel called on to point out?—I answer this question by saying, that I have been always prepared to admit any errors in the accounts coming to my knowledge, and I have also said there was errors which were to be rectified.

773. I have understood that you sent to Messrs. Smith & Macey of Buffalo some weeks ago to obtain some vouchers, in proof of the loss of £447 17 10 by the Peacock, for which alledged loss you exhibit no voucher or detailed account—are you yet prepared to shew that items of the charge on that Company?—No satisfactory answer has as yet been received owing to Mr. Macey having gone to visit Albany. I know the charge is a correct one.

774. When you lent a sum of the Company's money, I think it was about £180 to Mr. Burns, one of your accountants, without any order of the Board, you exacted about $18 or $20 of interest thereon, but did not enter the same on the Company's books for months after nor until after I had complained of the transaction—why was this?—It was an unintentional omission—It was an express understanding that Mr. Burns should pay the interest of that sum—the principal and interest have since been accounted for to the Company by Mr. B. and no loss sustained.

775. You have been asked to produce the vouchers for the payments to Brundage for his timber, £1,340 17s., can you inform the Committee why no part of the proceeds of that timber is accounted for on the Company's books?—This was not a transaction during my time, I therefore know nothing of it.

776. In whose possession is your bond to make good defalcations? and what is the amount? and who are the securities?—The bond is in the possession of the President of the Company—the amount is £2,000, myself in £1,000, and two sureties of £500 each—the sureties are George Adams and Henry Mittleberger, Esqrs., of St. Catharines.

777. I see that you have no receipts to shew that the Captains of vessels knew, profited by, or received the sums for which you have taken credit as for detention of vessels in 1834. Why were receipts neglected that year more than other years?—I have answered that question in a former answer. The Collectors received credit on their toll returns under the authority of an order of the Board.

[Witness withdrew.]

JOHN MCALPINE CAMERON, Esq., *Book-keeper to the Canada Company, called in and examined.*

778. You were requested by the Chairman of this Committee to examine the books of the Welland Canal Company to ascertain whether the sum of £474 17s. 10d. paid by the said Company for a loss on the steamboat Peacock, and the £200 paid to J. B. Yates, Esq., were twice charged against the funds of the Company, will you have the goodness to state to the Committee the result of your examination, and the mode you pursued to arrive at your conclusion?—As my attention was only called to particular items, that were said to have been twice charged in the Journal, and in order to ascertain the effect these charges would have upon the funds of the Company, it was necessary to investigate the whole transactions for the years 1831 and 1832,—the items that were said to have been twice charged were taken credit for in the expenditure of £50,000 drawn from the United States Bank at Buffalo. I then was referred to the entries said to have been charged a second time, and to the best of my opinion I considered them only a restatement of those entries as I think will appear by the following:—

Dr. Cash.	£ s. d.	Contra.	£ s. d.	£ s. d.	£ s. d.
1831		1831			
June 3 To U. S. Bank at Buffalo,	2500	June 3 By am't p'd Contractors, ℔ estimates,			2500 0 0
27 To " " "	5000	27 By " " " "			5000 0 0
July 23 To " " "	1093 4 10	July 23 By " " " "			1093 4 10
Aug. 5 To " " "	1406 15 2	Aug. 5 By " " " "			1406 15 2
Sep. 6 To " " "	1150 2 2	Sep. 6 By " " " "			1150 2 2
" To " " "	2049 4 5	" By " " " "			2049 4 5
Oct. 11 To " " "	5437 5 2	Oct. 11 By " " Bank of U. Canada,		2157 8 2	
		By " " Salaries,		150 0 0	
		By " " Contractors, ℔ estimates,		2944 17 10	
		By " " Engineers' expenses,		68 5 0	
		By " " J. B. Yates,		55 6 9	
		By " " Contingencies,		61 7 5	5437 5 2
Nov. To " " "	5972 19 0	Nov. By " " Contractors, ℔ estimates,		2504 2 7	
		By " " Contingencies,		25 2 5	
Jan.		By " " Salaries,		92 10 6	
		By " " Steamboat Peacock,		22 0 3	
		By " " Forwarding comp'y,		30 5 4	
		By " " Engineers' expenses,		66 18 4	
		By " " Bank of U. Canada,		3231 19 7	5972 19 0
		1832			
4 To " " "	2677 14 6½	Jan. 4 By " " Contractors, ℔ estimates,		2543 15 11	
		By " " Engineers' expenses,		83 1 6	
		By " " Contingencies,		50 17 1½	2677 14 6½
17 To " " "	2492 13 9	17 By " " Contractors, ℔ estimates,	2542 13 7		
		By " " Less am't unaccountably included, ℔ journal entry,	49 19 10		2492 13 9
Feb. 13 To " " "	2926 14 0	Feb. 13 By " " Contractors, ℔ estimates,		1941 4 1	
		By " " Contingencies,		76 3 3	
		By " " Salaries,		150 0 0	
		By " " Engineers' expenses,		143 5 7	
		By " " Robert Randal,		100 0 0	
		By " " Jacob Keefer,		3 4 5½	
		By " " Steamboat Peacock,		447 17 10	
		By " " John Coulter,		7 13 3½	
		By " " Gilbert McMicking,		14 10 0	
		By " " Edward Warren,		30 5 6	
		By " " John C. Spenser,		12 10 0	2926 14 0
Mar. 10 To " " "	1957 18 2½	Mar. 10 By " " Contractors, ℔ estimates,		1936 1 1	
16 To " " "	718 1 2	By " " Contingencies,		21 17 1½	1957 18 2½
		16 By " " Interest,			718 1 2
Apr. 7 To " " "	2103 1 2	Apr. 7 By " " Contractors, ℔ estimates,		2022 10 0	
		By " " Contingencies,		80 11 2	2103 1 2
May 4 To " " "	2514 6 5	May 4 By " " Contingencies,		26 6 0	
		By " " Salaries,		50 0 0	
		By " " Contractors, ℔ estimates,		2438 0 5	2514 6 5
June 1 To " " "	1336 4 11	June 1 By " " " "		1226 6 10	
8 To " " "	1554 18 3	By " " Contingencies,		9 13 1	
16 To " " "	2300 0 0	By " " Engineers' expenses,		100 0 0	1336 4 11
Aug. 2 To " " "	2343 19 10	By " " Contractors, ℔ estimates,			1554 18 3
Sep. 15 To " " "	1406 4 3	By " " " "		2000 0 0	
16 To " " "	1058 12 9	By " " J. B. Yates,		300 0 0	2300 0 0
		Aug. 2 By " " Contractors, ℔ estimates,		2239 13 7½	
		By " " Contingencies,		45 19 6½	
To am't received from tolls during the period of 1832,	2432 7 8½	By " " Salaries,		53 6 8	2343 19 10
		Sep. 15 By " " Contractors, ℔ estimates,			1406 4 3
Bal. in favor of Sec'y	41 4 0	16 By " " Interest,			1058 12 9
Total carried forward, £	52473 11 8½	Carried forward, £			50000 0 0

Dr.	Cash.	£	s.	d.		Contra.	£	s.	d.	£	s.	d.	£	s.	d.
	Total brought forward, £	52473	11	8¾		Brought forward, ... £							50000	0	0
1831.					1832.	By " " Contractors, ℔ estimates, ...				995	12	11			
						By " " Contingencies, . .				78	7	4½			
						By " " Salaries, ...				96	17	1	1170	17	4½
						By statement of payments made, ℔ journal, p. 326, ...				2322	15	5¾			
						From which the following sums should be deducted they being only re-stated as payments made from the tolls, and credit had been taken for them in the expenditure of the £50,000 drawn from the United States Bank at Buffalo, viz:									
						Am't p'd J. B. Yates, . .	300	0	0						
						" " ℔ S. Boat Pencock, . . .	447	17	10						
						" " St. Catharines Feeder, . . .	246	0	8						
						" " Wm. H. Merritt, £149 12 8									
						Less p'd from tolls, 28 0 0	121	12	8						
						Am't p'd John Clark, (which sum is included in the am't of £96 17 1. paid for salaries, in Sept, 1832:	7	10	0	1123	1	2	1199	14	3¾
						By am't p'd W. H. Merritt, as above, ...							28	0	0
						By " " Thos. Merritt, . .							75	0	0
		52473	11	8¾									52473	11	8¾

[By Mr. Mackenzie.]

779. Have you met with the other accountants and shewn them the conclusions you arrived at, and the reasons you had for the conclusions you formed?—No.

[Witness withdrew.]

C. S. Murray, Esq., *Book-keeper to the Bank of Upper Canada, called in and examined.*

The Clerk, by order of the Committee, read to witness the evidence given by Mr. Cameron.

[By Committee.]

780. You have heard read the question put to Mr. Cameron and his answer thereto, do you concur with him in his opinion?—I agree with Mr. Cameron in every particular—having personally joined in the investigation, alluded to by Mr. C.

[Witness withdrew.]

Col. Elliott, of Sandwich, *called in and examined.*

[By Mr. Merritt.]

781. Was you not a member of the House of Assembly in 1833, and appointed a Director of the Welland Canal Company on the part of the Province, together with William Chisholm and Charles Duncombe, Esquires, and did you not enter into an arrangement with Mr. Yates for the re-purchase of the Hydraulics, and what was your motive for doing so?—I was with Messrs. Duncombe and Chisholm by a resolution of the House of Assembly appointed a Director of the Welland Canal Company during the session of 1833, and 1834. The strong feeling which appeared to prevail in the minds of a majority of the members of the House of Assembly at that time appeared to me to make it desirable that the Company should re-possess the Hydraulic power and property, which had been sold by the Company to Mr. J. B. Yates. Having been notified that a meeting would be held on the first Monday in June 1834, for taking the subject into consideration, I attended with the other Government Directors, when by an order of the Board, Messrs. Chisholm, Duncombe, and myself were appointed a committee to examine and report upon the propriety of re-purchasing from the Hydraulic Company the surplus water and privileges together with the land heretofore sold by the Welland Canal Company. I refer to the original report, which I understand has been already given in, as my reasons for advising the re-purchase.

[By Mr. Mackenzie.]

782. Are you aware that although Dr. Duncombe and the other Government Directors agreed to the re-sale of the Hydraulics, it was only provisionally, in case the Assembly was content—that the Assembly never sanctioned the proceeding—and that Dr. Duncombe was chairman of the Welland Canal committee of last session, associated with Mr. Merritt and others, who recommended further inquiry before further steps were taken?—I was one of the committee appointed by the Board of Directors to report on re-purchasing the Hydraulic privileges.—At that time the Board, after receiving the report, agreed to repurchase the Hydraulic privileges, no mention was made of any reference to the Legislature—I think afterwards the President suggested it and Mr. Yates agreed, and that if not approved of by the Legislature he would return the Debentures upon the property being restored to him upon the same conditions that the Company received it from

him. With respect to the latter part of the question, I have no knowledge but from hear say.

783. Supposing that Mr. McDonell and Mr. Yates had paid nothing at all on their purchase, sold part of the lands, and kept the money, received the rents of water power on the line for years, kept possession of the great mill sites, and water power at Allanburgh, got a deed of the town plots at Gravelly Bay, and received £17,500 in bonds of the Welland Canal Company bearing interest, in order to induce them to give back the remainder of the lands and water power, would you consider it a transaction that ought to be sanctioned by the country?—The balance of the property might have been worth the purchase money, even then.

784. Wherein did the bargain of the Canal Company for the re-purchase from the Hydraulic Company of the water power and part of the lands differ from the facts assumed in the last question you have answered?—They do not differ—I will state that the re-purchase was to the advantage of the country and the company for the reasons given in our report of 7th June, 1834.

Mr. Keefer *again called and further examined.*

[By Mr. Merritt.]

785. It appears there is a receipt produced in the hand writing of Mr. Clark, with no date attached thereto, signed as follows with a cross.

his
William × Orderly,
mark.

which receipt is endorsed by you as follows—$\frac{150}{250}$—$\frac{400}{}$—and appears charged by the Secretary on 19th June, 1832—did you pay the above, and under what circumstances?—There was a certain sum of money ordered by the Board in 1832 as an advance to contractors on the new line, which sum, together with blank receipts, were sent up, of which this receipt of £100 for Orderly's signature was included—you paid a part a day or two previous leaving a statement with me—$150 to Orderly was one of the items;—when I presented the blank receipt which was in the hand writing of Mr. Clark I entered on the back the $150; also $250 balance he acknowledged having received to the $150 paid by you—I paid him the $250 balance, and took his receipt for the whole amount—It was signed with a cross in my presence, and the presence of his wife,—his name was written by myself, but the date omitted.

786. Mr. Mackenzie states Mr. Keefer, Senr. is $60 richer by his letter to Mr. Barrett in returning estimate for timber—explain this transaction to committee, and shew the effect on general estimate?—Mr. Keefer had a contract with Mr. Phelps, to furnish a certain quantity of timber for the locks at three different prices in 1825, viz:—

For Back Timber, $3½; Face do, $4; Gate do, $5.

It matters not at what price the Engineer returned the timber, as it was merely an advance on the contract, and no advantage in this case could be taken of the Company—nor in any way affect the general estimate, and Mr. Keefer could not have been a gainer by having more returned one month than another.

[By Mr. Mackenzie.]

787. In one of your letters to Mr. Merritt you say that the same iniquitous practice of filling in logs in the Berm Bank is continued—and in your answer to question 733 that the Company will be no losers, is there not a loss where work is improperly done?—The letter I wrote is true—and I think if work is improperly done there is a loss to the Company—Those logs which I saw have been removed at the expense of the contractors.

788. Do you mean to say that nobody could be got in 1833 to take the responsibility of opening and shutting a lock at Gravelly Bay except the Pier contractor?—There was great difficulty in getting persons to attend on the canal at that time—it was immediately after the Cholera. Thomas Merritt was desired to take charge of the lock, he being the only responsible person at that place.

789. Do you know the reason why it has been found necessary to pass a law in the State of New York to prevent managers and agents on canals from being concerned in mills and machinery on the line?—I do not.

790. You express an opinion that the Welland Canal is benefitted by the Directors being concerned in mills and machinery. What is the chief purpose for which the canal was made?—To open a water communication between the two lakes. The creation of mills assists in drawing produce through the canal, and consequently increases the tolls thereon.

791. Let us see the calculation on which you have framed a reply to question 702, and tell us what particular sums you mean by advances?—I took it from the estimate book,—I took the number of yards excavated by Mr. Phelps, and the sums opposite, adding the $30,000 given up by the Company, dividing that sum by the number of yards, which produced the result I have stated.

792. Let us see the calculation and the sums, and state the order for giving up $30,000 to Mr. Phelps?—I submit a statement to the committee of the calculation required.

Statement shewing the several estimates of work done by Oliver Phelps, *on the Deep Cut, and the average price paid him per yard on the whole.*

Date.	Yards.	£	s.	d.	$	c.
June 30, - - - 1827.	35,131	1,832	3	11		
July 31, - - - - - -	69,355	4,293	19	2		
August 31, - - - - -	94,150	6,155	18	9		
September 30, - - - -	69,639	4,666	8	11		
October 31, - - - - -	49,139	3,348	17	5		
April 30, - - - 1828.	1,289	77	6	10		
May 31, - - - - - -	896	56	0	0		
- - - - - - - -	27,737	2,010	18	8		
June 30, - - - - - -	2,639	171	10	8		
- - - - - - - -	39,148	2,936	2	0		
July 31, - - - - - -	521	36	9	5		
- - - - - - - -	6,196	433	14	5		
- - - - - - - -	33,260	2,743	19	0		
August 31, - - - - -	5,074	340	11	0		
- - - - - - - -	4,367	327	10	6		
- - - - - - - -	17,799	1,512	18	3		
September 30, - - - -	3,709	227	8	11		
- - - - - - - -	1,245	93	7	6		
- - - - - - - -	5,607	476	11	11		
November 20, - - - -	5,230	470	15	1		
- - - - - - - -	4,714	392	18	1		
- - - - - - - -	2,209	187	15	4		
	479,154	32,948	5	9		
By Donaldson & Davies.	41,076	3,732	9	6		
Total...o.....	520,230					
Add am't relinquished by the Co.		7,580	1	4		
		44,260	7	7	or 177,041	52

$177041 52 ÷ 520,230 yards = 34 cents per yard, the average amount paid to Mr. Phelps.

GEORGE KEEFER, Jun.

793. How do you find the answer to question 701?—I did it in the same manner I made the last. I submit the Statement as follows, viz:—

STATEMENT shewing the quantity of work done on the Deep Cut, by different Contractors, and the average price paid them per Yard.

NAMES.	YARDS.	AMOUNT. $	c.	RATE. cts.	
Hovey and Ward	623,869	133,840	05	$21\frac{54}{100}$	
John Hartwell	63,847	15,653	42	$24\frac{51}{100}$	
J. Rowley	21,821	5,029	81	$23\frac{1}{2}$	
S. R. Hathaway	11,759	13,156	65	$27\frac{5}{100}$	
Dickenson	464	83	52	18	
Love Newlove	4,805	1,363	47	$28\frac{38}{100}$	
Francis Galbraith	1,440	341	88	$23\frac{70}{100}$	
Streyker	1,739	374	75	$21\frac{55}{100}$	
Osburn	2,250	406	62	18	
Jenkins	1.588	285	84	18	
Pratt and Simpson	36,414	10,513	90	$28\frac{87}{100}$	
Vanalstine	4,885	1,216	45	$24\frac{9}{10}$	
Lory Davis	1,412	324	76	23	
Georges W. Harris	1,000	300	00	30	
David Thompson	46,328	14,520	41	$31\frac{34}{100}$	
	823,623	187,411	53	$22\frac{3}{4}$ average.	
Done by Oliver Phelps	520,230	146,720	10	Including work done by Davies & Donaldson.	
	1,343,853	334,131	63		
Add amount relinquished to O. Phelps		30,320	27		
Total		364,451	90	Equal $27\frac{12}{100}$ average per yard.	

GEORGE KEEFER, Jun.

Toronto, March 10, 1836.

794. Who judged of the *absolute necessity* which you say in answer to question 700 always existed when you varied contracts?—The Engineer should have been the best judge of course.

795. What is it you call "Public Notice" of contracts in your answer to question 699? How many newspapers did you advertise in? How many hand bills did you print?—It was not always the practice to advertise in the public papers. It was conceived to be the best way to give information by sending written notices generally, throughout the line, and in all public places. All important lettings I think were advertised in the papers, and small contracts were generally given out by written or printed notices.

796. What is your authority for the statement you have made in your answer to question 693?—I have it from information. I know that errors may be supposed to exist in such cases, when in reality they do not, I have already stated to the committee in what manner errors do occur.

797. You say that the lowest proposal for the Berm Bank was, 14 cents from Thomas Merritt, and 16 from John Aikins. Did you advertise the contract in the public papers? or did you consider that an important contract?—I cannot say positively from want of recollection whether that contract was advertised in the papers or not.

798. What is the date of the order of the Board to which your answer to question No. 647 has reference?—I do not know the date, but I have it in a letter of instructions founded upon that resolution, transmitted to me by the Secretary.

799. Was the estimate of November 1832, kept open after it was approved by the Board?—I refer to my answer to question No. 697.

800. Do you mean to say that the Board passed estimates in blank of the amount of £28,000 and upwards, and then left the engineers or clerks to determine the sums without any further action of the Directors?—The estimate was not finally passed, but merely kept open until all matters relating to the new line were finally settled.

801. How do you reconcile this answer with the minutes of the Board which state that the November estimate was passed by the Board? and with the signature of the officers affixed thereto—the amount in your hand-writing being £28,483 11s. 11d.?—That is correct as far as it goes—but before there could be a final settlement of all the work on the

new line, it was necessary to keep the estimate open for some work then doing by Donaldson & Co. and the settlement with Garrison & Little. The abstract shews the total amount of the November estimate, and the additional items allowed by the Board to Donaldson and Garrison and Little.

802. Then will you refer to the order of the Board on £700 of additional charges not entered by you in the estimate book until 1835, when I was over?—I know of no such order, the original estimate contained those items.

803. As the full value of the section or contract done by Galbreath is entered on the November estimate of 1832 in detail, why have you entered several hundred pounds more to Donaldson since on that contract, although an extra £50 is allowed to Upper and the sub-contractors since paid by notes of hand out of the balance due and unpaid at that time?—The abstract shews the entire expense on the new line. I have already stated why these sums were added to the estimate.

804. When you added the November estimate and made an abstract, why did you not detect your own errors of addition. I see $100 false addition by you in one page, and other false additions, why were you not more careful before you certified, and before you allowed the Vice-President to certify?—If there are errors, they existed without my knowledge—the Secretary also examined the estimate, the abstract corrects any error that may have been made so that the Company have not sustained any loss thereby.

805. Referring you to the answer you have given to question No. 721, where you deny one of my statements in Charge 13, I now beg to remind you that on the 4th of June last you were examined by Mr. Thorburn and myself, as follows:

"What articles of the Company's did Thomas Merritt & Co. "take at Port Colborne at a fair valuation in pursuance of their "contract of September, 1832?" Mr. Keefer read a list of articles from a memorandum book, and was then asked—"Did "Thomas Merritt & Co. complete the contract at the time spe- "cified?" Ans. "They did not—they were dispossessed—they "gave up—and Thos. Merritt took it alone, and the time was "extended under the same contract."

Have you since found reason to change these answers?—If I gave such evidence, it was not correct—I said Garrison and Little did not fail, at the examination you refer to—The Pier contract was not finished at that time.

806. Shew by the books that the system first adopted by keeping contractors' accounts in detail has been kept up?—I refer to the Secretary for that information.

807. When was the special meeting held at Gravelly Bay at which Mr. Merritt was authorised as Secretary to sign the contract of Thomas Merritt and others, without using the seal of the Company or the signature of the President?—The 20th September, 1832.

808. Your father's timber appears to have been given in by Phelps monthly to the Company, and Mr. Barrett the engineer enters the timber at a higher price than your father estimated, he being then a member of the Board. I perceive that in consequence of these monthly statements, Phelps got between $3,000 and $4,000 for locks contracted for at $2,200—Can you explain this?—My father was accountable to Mr. Phelps only, for the timber, and was governed by the contract with him.

[Witness withdrew.]

THURSDAY, *5th April*, 1836.

Committee met.

PRESENT:

JAMES EDWARD SMALL, Esquire, *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn—8.

Mr. Mackenzie proceeded in summoning up the evidence adduced in support of his charges against the officers of the Welland Canal Company and concluded.

Doors closed.

Doors opened.

Adjourned till 5 P. M. this day.

At 5 o'clock, P. M. the Committee met pursuant to adjournment.

PRESENT.

JAMES EDWARD SMALL, Esq. *Chairman.*

Messieurs Chisholm,
Gibson,
McDonell,
Parke,
Shaver,
Sol. General, and
Thorburn—8.

The chairman reported having received a communication from Messrs. Cameron and Murray, which was read by the clerk and is as follows:

TORONTO, *April* 2nd, 1836.

To the Chairman of the Committee on the Welland Canal Affairs.

SIR:

In compliance with the following letter which you were pleased to have addressed to us, viz:

"COMMITTEE ROOM, HOUSE OF ASSEMBLY,
"*March* 18th, 1836.

"SIR:

"I am directed, by the Committee appointed to investigate the affairs of the Welland Canal Company, and request you will have the goodness to give them your attendance this afternoon, at 4 o'clock, for a few moments, as a dispute has arisen between the book-keepers upon the subject of an item of £700, upon which they desire to have your opinion.

"I have the honor to be
"Your obedient servant,
"JAMES E. SMALL,
"*Chairman.*"

And on the question being submitted to us, whether the sum of £447 17 10, paid for a loss on the charter of the Steam Boat Peacock, and a sum of £300, paid J. B. Yates, Esq., as stated in the journal of the Welland Canal Company, had the effect of being taken credit for twice in the expenditure of the funds of the

Welland Canal Company, or not, we, in order to ascertain the fact, took into consideration the whole amount of funds which the Welland Canal Company had during the period of 1831 and 2, comprised in the sum of £50,000 drawn from the United States Branch Bank at Buffalo, and the sum of £2,432 7 8, received for tolls during said period, and, upon a minute investigation of the expenditure of said sums, we had the opportunity of seeing clearly the entries in the Journal were not intended to have the effect of a double charge upon the funds of the Company, but only a statement to shew the appropriation of the tolls only, and the error committed was in giving said statement the form of a Journal entry, because were it otherwise, if the sums in said statement were contended for by the officers of the Welland Canal Co. as items of expenditure for which they were entitled to credit the amount of such entries, would be not only £747 17s. 10d., but £1,123 1s. 2d., which sum we found necessary to deduct from the amount so stated as having been expended from the tolls as the items comprising said amount of £1,123 1s. 2d. had been paid from the £50,000 received from the United States Branch Bank at Buffalo, which upon reference to the cash account drawn up by us of the receipts and expenditure during the period of 1831 and 1832, and submitted to the Committee, will shew, and we most decidedly give it as our opinion, that no defalcation on the part of the officers of the Welland Canal Company exists for the expenditures of monies in their hands during said period of 1831 and 1832. But on the contrary there appears to be a balance due the Secretary of £41 4s; and should Messrs. Hincks and Young still persist in their being a defalcation upon the whole transactions of the Company, we are of opinion that they should submit a statement of the items in which they are led to suppose the defalcation exists, and we shall be most happy, so far as may be in our power, to give it due consideration for the sake of all concerned, for it would be grievous indeed to have any person saddled with the operation which mistaken entries would effect, and this, our opinion, we most respectfully submit.

We have the honor to be,
Sir,

Your most obdt. servants,
JOHN M. A. CAMERON.
C. S. MURRAY.

The Chairman reported having also received a communication from Mr. Clark, Secretary, W. C. C. which was read by the Clerk, and is as follows :—

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
April 4th, 1836.

To the Honorable the Committee on the affairs of the Welland Canal Company.

GENTLEMEN :

You are informed by my evidence, taken before your honorable committee, that I have given two responsible sureties, who are liable for any defalcation of the funds of the Welland Canal Company passing through my hands, as Secretary of the Company.

Your honorable committee appointed two gentlemen, Messrs. Hincks and Young, to examine the books of the Company upon Mr. Mackenzie's charges against the officers:—these gentlemen state to question, put by Mr. Mackenzie, No. 360, that the sum of £300, paid to Mr. Yates, and the sum of £447 17 10, for a loss on the Steamer Peacock, are twice charged against the funds of the Company.

In my answer to questions Nos. 478 and 525 put by Mr. Mackenzie, I deny that the sum of £447 17s. 10d. to the Peacock, and £300 paid to J. B. Yates, Esq, are twice charged against the funds of the Company—My reasons for forming this opinion were from my own personal knowledge, that those sums were in the first instance paid out of £50,000 received from the U. S. Bank Buffalo—being a loan from the government—and which the Company were prohibited by an act of the legislature from spending otherwise than for the purpose of the canal—In consequence the amount so taken for the Peacock and Mr. Yates was made good in the expenditure of the £50,000 from the toll fund of 1832—and those items £447 17s. 10d. and £300 was charged against the tolls of that year.

Those items of £447 17s. 10d. and £300, having been made a question between your accountants Messrs. Hincks and Young and those charged with the defalcation—Your Honorable Committee promptly referred the question thus at issue to the examination of Messrs. Cameron and Murray, accountants employed in the Canada Company's Office and Bank of Upper Canada—after a careful examination of this matter those gentlemen presented a report to your committee which corroborates my testimony on your records and herein referred to, that those sums of £447 17s. 10d. and £300, are not twice charged against the funds of the Company—as would appear by Mr. Hinck's evidence to be included in the sum of £1000 for sums twice charged to the Company, or for which credit had been improperly taken by the officers—see question No. 686.

My object in presenting this statement to your honorable Committee is to request that if you are not perfectly satisfied that the sums alluded to have been only once charged against the funds of the Welland Canal Company—That in justice to myself and sureties your honorable committee will suspend any opinion on the subject until an opportunity is afforded me of a further investigation, as I feel confident that notwithstanding the irregularities of entries and errors always admitted by me, there exists no defalcation of the funds of the Company in so far as I may have been entrusted with their expenditure. I have further to state that one of your accountants, Mr. Young, repeatedly informed me that on an examination, if the sums of £447 17s. 10d. and £300 were not found twice charged against the funds of the Company, it would reduce the balance said to be unaccounted for as those sums were included in that balance of £1000 for sums twice charged against the Company, or for which credit had been improperly taken by the officers.

I am very respectfully,
Gentlemen,
Your obedient and humble servant,
JOHN CLARK,
Sec'y W. C. C.

MR. HINCKS *again called and further examined.*

[BY COMMITTEE.]

809. Have you any thing to offer to this committee in connexion with the evidence and statement given in by Messrs. Murray and Cameron?—Messrs. Murray and Cameron state that the £300 paid J. B. Yates, and £447 17 10 loss on Peacock, are not twice charged on the Company's books, and to prove this they submit a statement accounting for the £50,000 received from the United States Bank and the toll of that year, amounting to £2432 7 8½. Their statement professes to be a correct statement of the way the monies in question should be entered, but it is certainly not the way they are entered on the Company's book—I submit the following statement [No. 1.] of the way the entries are made on the Company's books, by which it will appear that the entries above mentioned were made twice, although the toll accounts, as it appears, were also credited twice over with the debts, and the £1170 17 4½ paid in 1832. This of course would, as the books stood, have prevented the double charge being any gain to the officers, as they overcharged themselves on the other side, and that is evidently the view Messrs. Murray and Cameron take of the entry—I have put in the above statement and made the above remarks to shew that I am correct in saying the sums are twice charged and legerised, although as those gentlemen state it cannot be a defalcation. I now proceed to shew the effect the entries mentioned had upon the books. Mr. Young and myself took the same view that Messrs. Murray and Cameron have done of the toll entry, and conceived it was necessary to make a cash account to shew the proper result. We told this to Mr. Beaton, and he was present and assisted us in making them. We accordingly debited cash with the whole amount stated to have been collected deducting the £1170 17 4½ and the £500 14 5½

before at the credit of toll charging cash with £760 15 10. We then proceeded to credit cash with the payments, and here we looked to the gross amount stated in the entries at the end of 1835, Journal 234, and credited cash with the sum of £1569 11 11¾, which, as appears by Messrs. Murray and Cameron's own statement is £76713 1¾ more than was paid, or indeed than they had funds to pay—for I admit that the statement put in is correct, and that all their money in that year appears to have been expended; I shall now state to the committee the effect of this over credit:—In our appendix the cash account is debited with sundry sums which the officers had to account for—say the Grand River money and other smaller sums, as will appear by a reference to the account; now by our *crediting* cash with the above sum it turned the balance in favor of the officers in our original statement. In our investigation into the account afterwards we found that by the above sums being charged improperly on the Company's books a second time in December 1835, we had given the officers twice credit for them, and that consequently we must deduct the difference between what we had over credited them in consequence of their improper entry and the amount really expended, in which we agree with Messrs. Murray and Cameron. The following statement [No. 2.] shews the correct cash account of the toll of 1832, and it will be found to agree with Messrs. Murray and Cameron's statement, after deducting both from the receipt and expenditure £500 14 5¾ which is the amount of debts for toll, and which these gentlemen erroneously included in the expenditure. The committee will thus perceive clearly that the balance against the officers, and unaccounted for, remains precisely as we before stated.

STATEMENT No. 1.

Dr. TOLL. Cr.

	£	s.	d.		£	s.	d.
To amount at debit for Yates, Peacock, and St. Catharines Feeder per journal and ledger,.....	993	18	6	By sundry individuals, per cash journal and ledger, folio —,.....	1170	17	4½
To amount allowed Randal, ledger 389,.....	5	15	1¾	By this amount, at debit of sundry individuals, being toll not paid in; cash journal, folio —, and ledger, folio —,.....	500	14	5¾
To this amount, in journal, folio 324, and leger, folio 176, being in full for payments made out of toll and in which the Peacock and Yates' entry are repeated,.....	2322	15	5¾	By this amount, as stated in journal, folio —, and also in ledger, folio —, being the whole amount of tolls,.....	2432	7	8½
To allowed sundry Schooners, in ledger, 389.....	32	12	11½				
£	3355	2	1		4103	19	6½

STATEMENT No. 2.

Dr. CASH. Cr.

	£	s.	d.		£	s.	d.
To the full amount collected in 1832, as per toll-books,.....£2432 7 8½				By the amount paid sundry individuals, as per journal, folio 205,.....	1170	17	4½
To less amount of debts not paid in cash,..... 500 14 5¾	1931	13	2½	By the following real payments out of toll, as per cash journal, per —, in which Messrs. Murray and Cameron agree with me—the £500 odd, of debts deducted on the other side, being also deducted on this side,.....	801	19	10
To balance,.....	41	4	0				
£	1972	17	2½	£	1972	17	2½

810. After the examination you have made of the books of the Welland Canal Company, can you state with any degree of certainty whether there is a defalcation on the part of the officers, and if so to what amount, or might not any apparent defalcation at present be satisfactorily accounted for upon a general investigation of the several accounts of the Company, and if so, how long would it take you with another accountant to go through the entries of the Company from the commencement of their operations?—I have no doubt, from my examination of the books of the Welland Canal Company, that there are defalcations the particulars of which are fully stated in a paper which I here put in [marked A.] It is possible that these defalcations might be accounted for, but it would only be by finding new mistakes, or sums paid which have not been charged. To examine the books in such a way as to arrive at any thing like truth would in my opinion take many months, and from the incorrect way in which they have been kept I do not think it would be possible ever to come to a satisfactory conclusion on them. The items of which the defalcations are composed are all either sums charged twice, or improper credits allowed, or sums paid to persons and not charged to them.

A.

STATEMENT OF THE ITEMS OF DEFALCATION.

The amount unaccounted for on the General Cash Account—*(See statement hereto appended No. 1,)*—is.....	£	378 0 5½	
do. do. on the toll and forwarding of 1830 and '31, (*Do. No. 2,)*.....		273 0 11	
do. do. on do. do. 1832 (*Do. No. 3,)*.....		124 5 10½	
do. do. on do. do. 1833 (*Do. No. 4,)*.....		25 10 6½	
In all unaccounted for.....	£		800 17 9½
Over charges and over credits—*(See Statement No. 5.)*.....			560 16 1
From which is deducted £76 8s. 6d. of Campbell, which has been paid under an order of the Board, although there is no satisfactory reason why it should be. Also £23 15s. which Mr. Black has been able to explain. Besides these sums there are others at the debit of individuals amounting to—*(See Statement No. 6,)*.... which sums were not charged to them before December, 1835.			362 17 2
In all, the loss which the Company appears to have suffered is.....			1724 11 0½
Since my last evidence was given the Officers of the Company have found out in a Petty Leger, sundry sums which appear to have been paid and not charged:			
For sundry claims.....£97 10 3			
For which are no Vouchers,			
Short credited to cash..... 80 11 3			
Paid to persons not charged..... 88 4 6			
			266 6 0
This sum should be deducted from the balance on the general cash account of.....			378 0 5½
as it has nothing to do with tolls—which leaves the actual balance now unaccounted for by the Officers of the Company on the general cash account.....£			111 14 5½

No. 1.

DR. CASH. CR.

	£	s.	d.		£	s.	d.
To Grand River money.....	579	12	3	Amount short credited Secretary.....	86	7	0
To error, cash journal 132.....	0	10	0	Charged to Donaldson.....	64	8	5½
To this amount at credit Mr. Merritt.....	4	10	2½	For this amount at debit of McDonell.....	50	0	0
To do. at do. St. John.....	3	3	3	do. do. Mr. Merritt.....	15	5	0
To do. at do. do.	2	13	2	do. do. Sundries.....	7	8	3
To sundries per Appendix 6.....	210	13	10	do. do. McDonell.....	30	11	3
To do. Donaldson.....	36	18	7	do. do. Lewis & Co.....	3	1	5½
To do. Cooper.....	5	8	9	do. see cash journal 239.....	25	0	0
To do. at credit of O. Phelps.....	95	10	4	For sundries per Appendix and cash account...	146	19	11
To contingencies.....	1	3	11	For these amounts short credited to McEvoy and Newlove.....	37	15	7
To Butler's expenses.....	3	15	0	By interest paid and not charged.....	89	0	3
To Elliott's do.	6	7	6	By balance.....	499	13	1½
To Keefer's do.	3	13	3	£	1055	10	3½
To Int. do.	31	5	0				
To Yates' Pamphlets.....	19	1	3	By W. H. Merritt.....	121	12	8
To Thomas McChesney.....	45	17	6	By balance.....	378	0	5½
To Calbraith	5	6	6	£	499	13	1½
	1055	10	3½				
To balance.....	499	13	1½				
To Balance.....	378	0	5½				
To toll 1831—No. 2.	273	0	11				
To toll 1832—No. 3.....	124	5	10½				
To toll 1833—No. 4.....	25	10	6½				
£	800	17	9				

No. 2.

DR. TOLL—1831. CR.

	£	s.	d.		£	s.	d.
To this amount as per Journal.....	1956	18	7½	By amounts paid per old leger.....	281	12	11
To do. debts due.....	565	16	1	By sundry debts.....	565	16	1
To do. being balance toll and forwarding	1085	0	0	By sundry payments per journal.....	1655	11	10
				By sundry additional credits as shewn by Mr. Clark in a paper furnished by him.....	831	12	11
£	3607	14	8½	By balance.....	273	0	11
To balance.....£	273	0	12		3607	14	8½

No. 3.

Dr. TOLL, 1832, AS CASH. Cr.

	£	s.	d.		£	s.	d.
To receipts,	2432	7	8½	By sundry debts,	500	14	5
To error in addition,	1	17	9½	By sundry payments,	1170	17	4½
				By sundry payments charged in journal, folio 323, for which the officers are entitled to credit,	562	18	11
				By this amount paid Mr. Merritt,	28	0	0
				By this paid Thomas Merritt,	75	0	0
				By balance,	96	14	8½
	2434	5	5½	£	2434	5	5½
To balance,	96	14	8½				
To endorsement on note,	10	10	0				
To Schooner Curtwright,	17	1	2				
£	124	5	10½				

No. 4.

Dr, TOLL, 1833. Cr.

	£	s.	d.		£	s.	d.
To receipts,	3618	1	7½	Sundries,	3592	11	1½
					25	10	6½
£	3618	1	7½	£	3618	1	7½
To balance,	25	10	6½				

No. 5.

OVER-CHARGES AND OVER-CREDITS.

	£	s.	d.		£	s.	d.
Johnson Orr,	16	0	0	Brought forward, £	297	6	1
Erie and Ontario,	10	6	8				
Peacock,	81	3	1	Orderly,	132	18	9
Mr. Merritt's extra salary,	99	7	1	Constantine,	3	19	4
Sinclair over-credit,	6	8	9	Donaldson,	58	18	10
Thomas Merritt,	11	6	6	Smith	15	5	0
Toyne & Co.,	24	1	0	O. Phelps,	2	6	7
Daly & Co.,	11	19	6	Sloan,	50	0	0
Mr. Merritt's over-credit for salary,	39	0	0				
Clark's do do	7	10	0	£	560	16	1
Carried forward, £	297	6	1				

No. 6.

Sums *for which cash has got credit, and which were not before charged to the parties, till December,* 1835.

	£	s.	d.
William Hamilton Merritt,	149	12	8
Thomas Merritt,	75	0	0
Do do erasure,	50	0	0
Do do do	51	4	6
John Donaldson,	37	0	0
£	362	17	2

No. 7.

	£	s.	d.
Amount paid to different persons and not charged, their estimates being short-credited,	80	11	3
" " Merritt and Donaldson and not charged,	88	4	6
" " claims and not charged,	97	10	3
£	266	6	0

CASH.

Dr.	£	s.	d.	Cr.	£	s.	d.
To this sum over-charged to Johnson Orr—*See old leger* 283	16	0	0	By sundry credits taken by Mr. Clark as paid out of forwarding as appears by his account £2520 12 0			
To this sum which should be at the credit of O. Phelps	95	10	4	Less errors as per account 35 1 2			
To this amount, being the balance between the sum credited cash in our account for sundries, and the sum which ought to be credited £1494 12 11 / 712 11 7				£2485 10 11 / Less already credited 1653 17 11			
					831	12	11
				By Scott & McEvoy	2	10	0
	782	1	4	By Newlove	35	5	7
To toll for error in summing up	1	17	9½				
To toll for the balance to make up the forwarding, already entered.. £1956 18 7 / 565 16 1							
	1085	0	0				
And now							
To schooner Cartwright, this amount placed by us in error to credit of cash in our Appendix	10	0	0				
To Contingencies—*P.* 5	1	3	11				
To Butler's expenses	3	15	0				
To Elliot's expenses	6	7	6				
To Thos. M'Chesney	45	17	6				
To Calbraith	5	6	6				
To Erie and Ontario	10	6	8				
To Peacock	81	8	1				
To Contingences	3	13	3				
To Interest	31	5	0				
To Merritt, extra salary	89	7	1				
Yates' Pamphlets	21	13	9	By interest paid cash journal 288, *see our mem. book, page* 13	89	0	3
£	2290	13	8½	£	958	8	9

OVER-CREDITS.

	£	s.	d.		£	s.	d.
John Sinclair	6	8	9	Brought forward	396	14	8
Thomas Merritt	11	6	6	Merritt's over-credit for salary	39	0	0
Boyle	18	2	9	Clark's over salary	7	10	0
Toyne & Co.	24	1	0	Orderly—no voucher	132	18	9
Thomas Merritt, not before entered	75	0	0	Constantine	3	19	4
W. H. Merritt	149	12	8	Donaldson	58	18	10
Schooner Cartwright, advance	0	0	0	Thomas Merritt	50	0	0
Daly & Co.—223	11	19	6	Smith—second credit	15	5	0
Robert Campbell—over credit	76	8	6	O. Phelps	2	6	7
Erie and Ontario—page 328	0	0	0	£	734	1	0
Contingencies—short credited page 6	23	15	0				
Carried forward £	396	14	8				

ENTRIES FOR WHICH THERE ARE NO VOUCHERS

	£	s.	d.		£	s.	d.
Smith debit to contingencies—Journal p. 244	0	0	0	Pet. charged to Prosperity	11	0	6
Orson Phelps	0	0	0	Salaries to Engineers	25	0	0
Toll entries Boat and Stone	89	0	7	Sloan (improper credit)	50	0	0
Damage on Tobacco, &c.	79	4	1	David Price	110	15	6
Kenneth Reach	12	9	3	Donaldson, second estimate	2	0	0

UNDER-CREDITS.

	£	s.	d.
Murray & White,	4	11	2
Price & Fagan,	1	2	10
H. Quin,	4	5	0
Constantine,	3	19	4
Craig & Boyle,	1	5	0
McGraw,	1	12	3
McChesney,	1	5	0
Love Nowlove,	37	5	7*
Orderly,	0	10	0
Monson & Camp,	17	14	9
Scott & McEvoy,	2	10	0†
Buchanan,	11	11	3
McMurray,	1	5	0
Robb,			
Calaghan,	17	10	0‡
Vanderburg,	8	0	0
Attwood,	1	0	0
Davenport,	3	12	9
Armington,	1	1	11
William Looney,	0	5	0
£	118	6	10
Already credited in our account,	35	5	7
	83	1	3
	2	10	0
£	80	11	3

OVER-CREDITS.

	£	s.	d.
Thomas Merritt,	11	6	6
Donaldson,	18	18	10
Orr,	13	8	0
Robb,	1	8	3
£	85	1	7

* Already to credit, cash.
† Quere—Is it in our cash?—Yes.
‡ And £7 10s. charged to toll instead of Calahgun.

SUMS PAID PER PETTY LEDGER, AND NOT CHARGED.

	£	s.	d.
Paid Thomas Merritt,	51	4	6
Paid sundry claims, per petty cash book, June 11th, 1832,	97	12	0

SUMS PAID FOR ESTIMATES NOT ENTERED.

	£	s.	d.
Murray and White,	4	11	2
Price and Fagan,	1	2	10
Hugh Quin,	4	5	0
L. A. Constantine,	3	19	4
Craig and Boyle,	1	5	0
McGraw,	1	12	3
McChesney,	1	5	0
Orderly,	0	10	0
Monson and Camp,	17	14	9
Robert Buchanan,	11	11	3
William Murray,	1	5	0
N. Robb,	0	0	0
Carried forward,	49	1	7

	£	s.	d.
Brought forward,	49	1	7
John Calahan,	17	10	0
John Vanderburgh,	8	0	0
John Attwood,	1	0	0
D. Davenport,	3	12	9
Armington,	1	1	11
Looney,	0	5	0
	83	13	0
	3	1	9
	80	11	3

OVER-CREDITS.

	£	s.	d.
Johnson Orr,	13	8	0
Merritt's,	11	6	6
Donaldson,	58	18	10
Daly,	11	19	6
	95	12	10

CLAIMS.

	£	s.	d.
Shotwell,	1	5	0
Carl,	5	0	0
Burns,	1	15	0
Robert Brown,	44	12	3
Jos. Berger,	45	0	0
	97	10	3

	£	s.	d.
Thomas Merritt,	51	4	6
John Donaldson,	37	0	0
	88	4	6

811. Have you examined all accounts on the books of the Company to ascertain their correctness, or have you only particularly examined those accounts pointed out to you by Mr. Mackenzie, and have you so come to your conclusions without going into a general examination of the accounts? I of course presumed all the entries on the books to be correct, and was only appointed to attend Mr. Mackenzie, I therefore only examined as to the correctness of such accounts as he pointed out. One of the officers of the Company was generally present at our investigations—many errors were found which were in favor of the officers of the Company, for all of which we gave them credit.

812. Is it your opinion that the books of the company have been kept in a manner that would lead you to suppose any fraud was intended by the officers in charge?—I certainly do not suppose that the books were kept with intent to fraud, I think the errors were caused from the book-keepers not being thoroughly versed in accounts, particularly during the year 1833.

813. Can you state that any defalcation exists in the time of Mr. Black or Mr. Clark?—I think it almost impossible to separate the transactions of the different Secretaries—the toll account of 1830 and 1831 is the only account which I could say decidedly Mr. Clark was responsible to account for.

814. Have the officers of the Company ever attempted to influence your decisions on the accounts?—No.

815. Is there any other item except £95 10 4 on the account of Mr. Phelps which has not been properly accounted for by Mr. Black prior to 1830?—I think not.

816. In your answer to question No. 357 a case is stated—(assuming salaries are regularly paid) as you have seen the manner in which the account was kept and entries made—do you think that answer properly applies to the case of Mr. Merritt?—I do not think from the way Mr. Merritt's account appears to have been kept in the petty Leger, that my answer to the question alluded to, at all applies to him.

[Witness withdrew.]

William Hamilton Merritt, Esquire, M. P. *President of the Welland Canal Company, called in and examined.*

[By Committee.]

817. Did you ever pay Orderly more than £12 10s, and if so did you take receipts for the monies so paid him?—I paid him besides the £12 10s $100, left a statement of it with Mr. Keefer, the Engineer, and requested him to pay the remainder, to the amount of £100, and to take his receipt, which he did (as he received from Mr. Clark in the Canal office in blank,) and regularly obtained his (Orderly's) acknowledgment for the whole amount, as per his receipt, which has been produced to the committee by the Secretary of the Company.

[Witness withdrew.]

Mr. Hincks *again called and further examined.*

[By Committee.]

818. Did you as the Book-keeper appointed by this committee examined all accounts required of you as well on the part of any of the officers of the Company as on the part of Mr. Mackenzie?—I proffered a willingness to examine any accounts in which the officers had found an error, with a view to ascertain its correctness, but I did not attempt to go into a general investigation.

[Witness withdrew.]

Mr. Merritt *again called and further examined.*

[By Committee.]

819. Do you think if more time were allowed the officers of the Company they could produce other evidence than that given in the account for the apparent deficiency of £1458?—I understand from the Secretary and Book-keeper of the Company that a part of the sum which composes this deficiency is now properly charged to individuals, and that only £534 is now apparently made to stand against the officers of the Company—I feel perfectly satisfied and quite sure that on a further and more general investigation, the whole can be properly accounted for by them.

[Witness withdrew.]

Mr. Hincks *again called, and further examined.*

[By Committee.]

820. Can you, from the manner in which the Books of the Company have been kept, impute fraud to any one connected therewith?—I have already stated that I really do not think that any fraudulent intent can attach itself to any individual connected with the Books of the Company.

[Witness withdrew.]

Mr. Young *again called, and further examined.*

[By Committee.]

821. You have heard the last question put to Mr. Hincks, do you concur in his answer?—I do most unhesitatingly.

[Witness withdrew.]

The Chairman reported having received a communication from William B. Robinson, Esquire, M. P., which was read by the Clerk, and is as follows:—

House of Assembly,
Toronto, 29th March, 1836.

James E. Small, Esq.,
Chairman Welland Canal Committee,

Sir,

In reply to the various charges made to your Committee by W. L. Mackenzie, Esq. in relation to my accounts and vouchers for the expenditure of the sum of £7,500, intrusted by the Legislature to Messrs McAulay, Shade, and myself, I beg to make the following statement:

In the first place, I wish it to be clearly understood that the whole management of the Welland Canal for the year 1833, so far as putting it in repair, was by the Company thrown on the three Commissioners above named; and subsequently by them upon myself, it appearing absolutely necessary, that one of their number should immediately after appointment repair to the Canal, and personally superintend the work in progress, in order that the first wish of the Legislature should be complied with, which was to have the Canal in order for navigation and use by the earliest possible period. I agreed to take upon myself the arduous duty, and superintend the repairs and expenditure of the money for such remuneration as might be thought adequate and reasonable; having done this, my fellowCommissioners of course were relieved from *all, except* occasional attendance, as to the repairs, and I consider totally as regards the expenditure of the money. I will here beg leave to draw the attention of the Committee to the situation in which I found myself placed:—Upon visiting the Canal in February with Mr. Shade we commenced at Port Dalhousie, and from that place carefully examined every part of the Canal to Gravelly Bay and Dunnville, taking a memorandum of the necessary work to be done on both routes. On our return to St. Catharines we entered into contracts where necessary, for various repairs—some of the most extensive had already been commenced by the Company before the commission to us issued—continuing them in the hands of the *same* contractors gave me much trouble in keeping the accounts, and caused some of the errors in them.

The Committee will, I am sure, readily acknowledge that the duty thus devolving on me was one of great importance and anxiety—I was there a stranger to the business I had undertaken, with all the responsibility of having the Canal in repair early, resting upon myself—all persons applying to the Company for information on this head, were referred to me, and I soon became aware, from the number and earnestness of these applications of the necessity of using every possible exertion on my part not to disappoint public expectation—how far I succeeded the Report of the Commissioners made at the close of the season, which I herewith transmit,* will shew. I have the satisfaction of knowing that I succeeded far beyond the expectations of many who visited the Canal, and were capable of judging; and I would here remark that I received at all times every assistance from the President of the Company, Mr. Merritt, whose long experience enabled him to give advice which I found truly serviceable. I have already verbally stated to the Committee that I found it absolutely necessary, in order to expedite the work, to carry money constantly with me, which I paid out at all times, and in all places where I met those to whom it was due; had I not done this, they must have left their work and gone to the office at St. Catharines, a distance of from 3 to 30 or 40 miles, thereby causing much delay. I was obliged to make advances and pay the men more frequently from the fact that they had received no payment from the Company for many months before, under these circumstances it is evident I could not keep my accounts or take vouchers in so clear and satisfactory a manner as I could wish. During the whole period of my attendance at the Canal I was actively employed superintending in person the various works and repairs in progress, seldom having even an hour to spare for the office, indeed such was my anxiety to advance the work that I kept parties of men employed on the most important points, on Sundays and also during the night. The Canal was open and in use *early* in *May*—but much remained to be done during the summer and autumn, repairing accidents and completing various extensive improvements at the Grand River Dam, and Gravelly Bay, so that during all this time I had little leisure to be in the office. At the close of the navigation in the fall, and after the money entrusted to me had been expended, I was forced by my own business to return home, instead of remaining at St. Catharines to make up my accounts.—On endeavoring to do so *at home*, I found many things requiring explanation that could only be set right by reference to persons on various parts of the Canal, this I found inconvenient to do, and put it off from time to time, much longer I am aware than I should have done. This is all I can say in reply to the charge of my not having furnished my accounts at an earlier period. I do not for a moment desire to take any advantage of the Act of Parliament under which I discharged my duty as a commissioner, from the fact that it does *not require us to account at all* to any one—this your committee will ascertain to be the case on reference to the act itself. My having laid before *Mr. Mackenzie* all my *original vouchers and documents* fully proves that I desired to conceal nothing.

When Mr. Mackenzie was at St. Catharines last October I received a letter from him stating that my accounts required explanation, and that he wished me to come over and give it. I repaired accordingly to the office there, and went over the accounts with Mr. Mackenzie; he pointed out to me several errors, which I explained as well as I could at the time; he stated to me that he would soon report to his colleagues (the other Government Directors) upon them, and that I should have a copy of his report;—I was also promised this by Mr. Merritt, and fully expected to receive it in time to enable me to visit the Canal before the navigation closed, in order to see the different persons necessary to explain the apparent errors in charges relating to them. Mr. Merritt's reply to Mr. Mackenzie's charge (No. 21) will corroborate what I have here stated. It is well known to your committee that I did not receive a copy of the Report until very lately, and how far it was proper for Mr. Mackenzie to publish to the world his charges against me, *in the manner he did*, under *such circumstances*, is for the committee to determine.

As I cannot, for the reasons just stated, give a full and satisfactory answer to Mr. Mackenzie's questions, and as an opportunity *will be* afforded me for doing so, I will not now attempt it further than to notice some of the leading ones.

It is for the Committee to judge whether the salary paid me while at the Canal was unreasonable—it must be remembered that I had to keep a horse all the time I was there.

In regard to my having taken vouchers signed with a cross and not witnessed, I do not deny having done so in numerous cases—often when I could not obtain a witness, and not unfrequently when I might have done so;—the same course had been pursued at the Canal office before.

With respect to the receipt, which appears to have been altered from £8 10s to £18 10s, I cannot recollect how it came to be so but will use every means to discover how it happened.

There seems to be £300 not properly accounted for—this sum is *principally* made up from a deficiency in Rose's and Vanderburgh's vouchers; I am very certain that both these persons did more work than their accounts exhibit, and by seeing them I hope to make it appear so.

I will merely add that I shall take an early opportunity of visiting the Canal, and inquiring into the defects in Mr. Farnsworth's and other accounts—holding myself liable, of course, for any deficiency that may appear after the most minute and careful inquiry.

All which is respectfully submitted.

W. B. ROBINSON.

*(For Report of Commissioners, see Appendix to Mr. Merritt's remarks on Canal management during the year 1833, marked No. 2.)

The Chairman reported a communication from Mr. Merritt, addressed to the Committee, embodying sundry documentary evidences, which was read by the Clerk, and is as follows:—

TORONTO, *March* 29, 1836.

To the Committee appointed by the House of Assembly to investigate the affairs of the Welland Canal Company.

GENTLEMEN,

Charges of the most serious and important nature having been made against the Directors of this Company, their officers and servants, not only implicating their character, but imputing designs and motives, which, if true, would render them unfit or incapable of being trusted with any future confidence. Those charges are so framed as to embrace every possible crime. The prominent features are fraud, deception, mismanagement, secrecy, favouritism, &c. &c., supported by inferences and misrepresentation throughout, without one single act of commendation.

Without entering into an investigation of the motives which may have induced the individual to bring forward those charges, I feel it incumbent on me, in behalf of the Directors, Stockholders, and all concerned in that Company, to lay before this Committee, a detailed statement of the transactions of each year, as they actually occurred, which must at least remove any suspicion of their being actuated by any motive requiring secrecy.

Remarks on the management of the Welland Canal, 1823 and 1824.

With this view I purpose submitting the following documentary evidence of the proceedings of this Company, as our accuser asserts this project was entertained as early as 1818, and the following proceedings, &c., were made thereon.—(See proceedings, &c. marked No. 1)

This brings up to the close of 1824, in which year, on the 30th of Nov. St. Andrew's Day, the ground was first broken, and the work actually commenced. And as a proof how little this subject had attracted public enterprise at the time, not half a dozen gentlemen of capital or influence in the District attended this ceremony, by which it will be seen we are not chargeable for want of energy, exertion or attention, and it may not be amiss to add, that Mr. Tibbett, the Engineer, was brought over from surveying the route from Manchester to Lewiston, which shews we are not altogether behind our neighbours in this particular enterprise. The minutes of the proceedings of this year are hereto appended, (marked no 2.) as well as the report of the Directors for 1824, (marked No. 3.

The charges preferred, up to this period are, not having obtained over £18 15s.—but in truth, there was not as much received as paid the Engineer or Surveyors, (*See original subscription list hereto appended, marked No. 4,*) also fraud and deception on the part of the Directors, in admitting their agent to allow Mr. Buchanan, of New York, to subscribe 40 shares, which he did not pay, thereby entrapping Stockholders, although an Act was passed April 13, 1825, a few months after, allowing all persons to withdraw, when the same individuals, and others, increased their stock to $300,000, *(see letter from New York, No.* 6,) in the same place, under the direction of the Hon. J. H. Dunn, then President of the Company, *(see act of 13th April, 1825, marked No. 5.)*

The Directors for this year were:—
The Hon. John H. Dunn, William H. Merritt,
George Keefer, Thomas Butler,
John Decou, Samuel Clowes, and
Chauncey Beedle, Esquires.

DOCUMENTS REFERRED TO IN THE FOREGOING REMARKS.

Proceedings, &c. relating to the Welland Canal, with various documents,..... Marked No. 1.
Minutes of the Board of Directors for the year 1824,..... 2.
Report of the board of Directors for the year 1824 3.
Original Subscription List, dated April, 1823... 4.
Act of the 4th Session, 8th Parliament, cap. 17, 5.
Letter from New York Stockholders, recommending enlargement of the Canal,..... 6.
General description of the Welland Canal by 12 mile Creek..... 7.
Abstract Estimate of an open cut through the tunnel line for a schooner navigation..... 8.
Mr. Hall's specification of cut for the Welland Canal,..... 9.
Estimate for Niagara line..... 10
Estimate for line by the valley of the 12 mile creek..... 11.
General description of the Welland Canal, from the Chippawa to Lake Ontario, via Niagara, by Mr. Hall,..... 12.

No. 1.

In 1818, Messrs. Keefer, Davis, Upper and Merritt, with a number of inhabitants of Thorold, levelled the summit between Chippawa creek, and the source of the 12 mile creek, with a view of connecting them for hydraulic purposes, and connecting Lakes Erie and Ontario by a boat navigation. A meeting was held at Beaver Dams—Mr. Merritt went over to York during the sitting of the Legislature, with a profile of the route, and a petition, praying the Legislature would appropriate a sum of money for the purpose of exploring it. They would not attend to it at that time—and no more was done until April Sessions, 1823, when a subscription was got up, headed by the Hon. Thomas Clark, for the purpose of employing an Engineer. This is the first publication that appeared in print on the subject, dated April 12th, 1823.

"[*Communicated.*]"

"A subscription has been raised at the last Session in this District, for the purpose of raising money for surveying, and taking the level of the land, lying between the Chippawa river and the source of the nearest stream leading into Lake Ontario, with a view of connecting those waters, that they may become navigable for boats. We are happy to see the names of our most respectable and influential inhabitants at the head of the list, and trust it will be liberally supported. The subscription paper will be left with Mr. John Crooks, of this town."

"We are credibly informed the distance between the Chippawa and source of the 12 mile creek, is no more than one and three-quarters of a mile, by cutting this length and letting a sufficient supply of water from the Chippawa into the latter stream, it is obvious a boat navigation would be immediately effected between lakes Erie and Ontario except the pitch of the Mountain, which can be easily ascended by means of railways at a small expense. In a month or two we hope to publish the report of the Engineer on this interesting subject."

Mr. Merritt went over the River immediately and employed Mr. Hiram Tibbett Engineer who examined and levelled the route and made the following report on the subject.

Having been called upon to level the Ground between the River Welland or Chippawa and Lake Ontario.

REPORT AS FOLLOWS:

Commenced at Chippawa, on the 6th Instant, 10 miles from its mouth, as stated to me on Mr. John Browns farm, Township of Thorold; explored from thence two routes, to the head waters of the 12 mile creek: find the ridge of land between the two requires a cut of 26 feet on an average, for two miles; from thence to the road in New Holland, 60 chains; from thence to Captain John Decou's—there is a fall of 17 feet in a distance of 25 chains; from thence to the brow of the Mountain, 71 chains; from thence to the foot of the Mountain, and on the surface of the west branch of 12 mile creek 50 chains—fall 242 feet; thence to Thomas' Mill 107 chains 50 links—fall 3 feet—fall at the mill 13 feet 8 inches; thence to Campbell's mill pond, 118 chains—fall 8 feet 4 inches; thence to mill 14 chains—fall at the mill 7 feet 10 inches; thence to Merritt's mill pond 139 chains 50 links—fall 9 feet 3 inches; thence to Adams' mill, 75 chains 50 links—fall at the dam 4 feet; from this, did not measure or level to the lake. I am informed, the distance is about four miles—do not suppose the fall to be more than 2 feet. The whole distance from Lake Ontario, to the mouth of Chippawa is 27 miles and 50 links.

It will be necessary for the purpose of navigation to make the above cut four feet lower than the surface of the Chippawa, 7 feet wide at the bottom and 19 feet at the top or surface of the water, which will draw off as much as may be required, 4 feet above this a tow path must be formed 8 feet on one side and a berm of 3 feet wide on the other, which will stop all the earth that may crumble off the sides from falling into the water; from those projections the bank may go up at a moderate elevation, leaving the top of the cut 44 feet wide; the whole makes 310,733 cubic yards. From the great depth of the Chippawa at this place, the inhabitants having dug wells to a greater depth on each end of the cut and from the quality of the soil, which is clay, I do not apprehend the least danger of meeting with rock. From the peculiar advantages derived from this situation, the excavation can be effected at a comparatively trifling expense. A deep navigable river being situated at the commencement of the cut,—Boats can follow every foot of the way; and be so constructed that one man can unload them without loss of time. To give a clear and simple idea of this method, construct on each end of the scow, a box similar to a cart body, which will be filled and discharge any quantity of earth in the stream. Suppose the farthest end of the

Canal 2 miles 2 men will man two boats, or one man and a horse while the one boat is loading will take the other to Chippawa, in 30 minutes and return in 20 minutes, (say one hour at farthest) and carry 20, 30 or 40 tons of earth and so on alternately, and will keep 12 men at least digging to supply the scows; whereas on the American Canal it requires 2 men to remove the earth as fast as one man digs it, and the expense of barrows and plank, will be equal to the scow; the average price of digging from 3 to 10 feet is 8 cents per yard. I am therefore confident, this cut can be effected at 10 cents, or $30,000, and contructors will offer to take it for less money (tunnelling has been mentioned to me to be the cheapest method, but having never witnessed the practical part of it—cannot give an opinion)—From the termination of this cut, the water will flow with an easy and gentle descent to Captain John Decoe's. It will be necessary to widen the stream and cut off the points in many places; but as Mr. Hall Davis will carry it through his farm and Mr. Hiram Swayze, the greater part of his, the expense will be too trifling to form an item. From Mr. Decoe's mill dam, it will be necessary to carry the water through the farms of Messrs. Burneston and Cooper, where nature has formed a ravine, or cut to the top of the mountain. The expense of this cut at 10 cents the yard, will not exceed seven hundred dollars. From this to the waters of the west branch of 12-mile creek, on Mr. Adam Brown's farm, nature has continued her favors; the ravine extends with a gentle descent or regular inclined plane the whole way, and one rail-way may be formed to take up boats at once, or two can be constructed, if necessary, or more convenient. I am not sufficiently informed on this subject, to give a correct estimate, but will forward one as soon as I can obtain the necessary information.—I am satisfied, however from the favorable situation of this ravine, it can be locked with 24 good wooden locks, for 20 thousand dollars. It will be necessary to construct at Thomas' mill a wooden lock which, from its height will cost $1000; at Campbell's mill the lock will cost $500; at Merritt's mill the lock will cost $500; and at Adam's mill, $350; from whence there is plenty of water to the Lake. I have likewise examined the Harbor but am not sufficiently informed to give an opinion as to the effect the water may produce on it for the purpose of deepening the channel to admit vessels. It will cost for a tow path through the woods, one hundred dollars per mile but a small portion of this distance passes through them—will therefore compute it at $50 per mile at the extent making $1500. The whole expense of the route exclusive of rail-ways, is thirty-four thousand five hundred and fifty dollars. I would suggest an improvement that will of course follow in a few years, viz: a lock at the head of Mr. Merritt's mill dam, taken from a race-way that can be dug at a trifling expense, from the foot of Mr. Campbell's mill dam. A lock on Colonel Johnson's farm, at the head of Mr. Campbell's mill dam, to another race-way at the foot of Mr. Thomas' mill dam, and one between Captain Decoe's and the Chippawa.—Those three will not average more than $1000 each, and make the stream a regular canal, the whole distance with the exception of the mountain.

Boats from 20 to 40 tons will navigate this stream with ease, and two men and a horse will take one from Lake Ontario to Chippawa, in a day or a day and a half at furthest. They navigate from 25 to 30 miles per day on the Erie Canal, on an average, and the mountain here will only cause a detention, of probably about 2 hours, in the ascent.

HIRAM TIBBETT,
Engineer.

St. Catharine's, 10th May, 1823.

The annexed notice was generally circulated through the District; the meeting however was thinly attended; the Honorable Thomas Clark and the Honorable William Dickson were present.

NOTICE.

A public meeting of the inhabitants of the district of Niagara—will take place at Mr. M'Leland's Inn Beaver Dam on Saturday the 28th instant at 12 o'clock, to take into consideration and adopt measures to facilitate the opening of the proposed Canal from lakes Erie to Ontario every person interested in the prosperity of the country, it is hoped, will give their attendance.

Niagara, 23rd June, 1823.

The following resolutions, were then passed:

Pursuant to public notice, a meeting of the most respectable inhabitants of the Niagara District, was this day convened at the Beaver Dam, to take into consideration and adopt measures for opening a Canal between Lake Erie and Ontario.

Geo. Keefer, Esq. of Thorold, called to the chair.

Geo. Keefer, Junior, was appointed Secretary.

1st. On motion of John Clark, Esq., seconded by Mr. J. Northrop, the Report of Mr. Tibbett, the Engineer appointed to level the route to the head of the 12 mile creek was read and unanimously approved of.—*Ordered* to be printed and circulated as general as possible.

2nd. On motion of Mr. J. Northrop, seconded by Samuel Wood, Esq., an address to the inhabitants of Upper and Lower Canada was read, approved of, signed by the chairman, and ordered to be printed.

3rd. On motion of G. Adams, Esq., seconded by Mr. Woodruff, ordered that public notice be immediately given, that we intend petitioning the Legislature the next session for an act to incorporate a company for the purpose of connecting Lake Erie & Ontario, with a communication by water by the 12 Mile Creek, and from the Grand River to Chippawa, and for the erection of machinery on the route.

4th. On motion of S. Wood, Esq., seconded by Mr. Woodruff, moved, that some suitable person be appointed to act as general agent, to be invested with as full power as the nature of the case will admit to receive and make all communications, until the act is passed to incorporate the said company—when he must call a general meeting of the stockholders in the most convenient situation, for them to adopt such measures as they may think advisable.

5th. On motion of Mr. R. Woodruff, ordered that Wm. Hamilton Merritt, Esq. be appointed to act as our agent on this occasion.

6th. On motion of J. Clark, Esq., the thanks of the meeting be given to the chairman for his able management in the chair.

(Signed) GEORGE KEEFER,
Chairman.

Beaver Dam, June 28th, 1823.

In furtherance of the above, the following documents were made out and circulated:

To the Editor of the _____

Sir:

I have taken the liberty of sending you the enclosed documents, which I trust you will insert in your paper gratis, and any favourable remark you may please to make on the necessity, importance, and public benefit of the undertaking, will be conferring a favor on the community at large.

I am,
Sir,
Your obedient servant,
W. H. MERRITT, *Agent Pro Tem.*

Address to the Inhabitants of Upper and Lower Canada.

Gentlemen,

The extraordinary exertions which our neighbors, the Americans, have made, and which they continue with unabated perseverance for the improvement of their internal navigation, point out to those who wish well to this country, not only the importance of the subject, but the necessity which exists for similar exertions amongst ourselves, for unless some efforts be speedily resorted to, and continued with equal spirit and determination, the direct tendency of *their skill* and industry, operating with our own supineness, must be the actual loss of a great part of our trade.

On an examination of the state of the two countries it must be evident that the natural facilities possessed by this Province for such improvement, are beyond comparison superior to those of our neighbors. The two great Lakes, which furnish so extensive a portion of our internal navigation, are in one part so nearly connected, as to require an artificial cut of only two miles, by which the water communication berween them would be uninterrupted.

The ease with which so desirable an object might be effected, has been long known to many individuals present, and it must afford them pleasure to be enabled to communicate to the public this interesting information, corroborated by the report of an able and scientific Engineer.

The object of the present meeting is to submit the outline of a plan, by which so very desirable a matter might be carried into effect, in order to its being maturely weighed and well understood. Notice has been given of an intention to petition the Legislature at its next Session for an act to incorporate a Company, with permission to raise a capital of £25,000 for the purpose of opening

a canal, by the most eligible and convenient route from Lake Ontario to the River Welland, (Chippawa) and from thence to the mouth of the Grand River. The dimensions to be similar to the Erie Canal, in the State of New York, or capable of carrying boats from 20 to 40 tons. And, as the supply of water is abundant, it is in contemplation to divert part of it in favorable situations, for the use of machinery. In this scheme it is proposed to raise the above capital of £25,000. The shares to be £6 5s. each. Ten per cent of which will be required at the time of subscribing, and the remainder when called for, at a month's public notice. The principal reason for making the shares small, are, that almost every individual may have an opportunity of taking more, and that it may be as general as possible.

Officers and managers as usual on such occasions, will be chosen by the Stockholders, when a sufficient amount shall have been subscribed. When £10,000 of the stock shall have been taken, it is proposed to commence cutting at Chippawa, and from thence in the direction of the 12 mile creek, to Lake Ontario; and no doubt is entertained but this part of it may be completed in one year from the time of commencement. The continuation between the Chippawa and Grand River, will be undertaken as soon afterwards as the state of the subscription will allow, that is, when the whole, or major part of the stock shall have been taken up.

Agents will be appointed at Montreal, Quebec, Amherstburgh, and the most convenient intermediate situations, for the purpose of ascertaining, at an early period, the amount of stock which the inhabitants of each place will be inclined to take, should our application to the Legislature for an act of incorporation be successful. It is desirable that the returns from those places should be furnished by the 1st October next, in order (if favorable) that arrangements may be made to facilitate the work one year, by commencing the 1st day of May ensuing.

It is not yet possible to speak with the same certainty as to the expense which must be incurred in making the second cut, but one route which has been explored between the Chippawa and Grand River, is only five miles, the other supposed three; and as the ground throughout both routes is favorable for cutting, it is presumed the expense cannot exceed £2,500.

A material advantage will result to the Western Districts of this Province, and those parts of the United States which border on Lake Erie, if this last part of the design be effected in consequence of the easy access to the mouth of the Grand River, it being always open for navigation at a much earlier period in spring, than the ports of Buffalo and Fort Erie. It is the primary object of the merchant to save time and distance in the conveyance of his produce to market, and the route by the Grand River will unite these advantages; such inhabitants as are settled on the Upper part of the Grand River and in the townships adjoining, will in common with settlers on the Western shores of the Lake, partake of the advantages of this early navigation, as the spring floods, by enabling them to float down their produce, will, when this part is completed, gain immediate access to the lower Lake, and enable them to reach Montreal, while Buffalo and Fort Erie, remain enveloped in ice. An important benefit must likewise be derived by the owners & occupiers of land, within reach of the Lake, and the banks of this River, from the certainty, that much of their valuable timber, will find easy and ready access to market, after being converted into staves, and other descriptions of lumber, which are in constant demand at Quebec for the supply of our West India Colonies. It is a melancholy subject to reflect upon the immense tracts of fine timbered land, which, for want of such facilities, are at present, not only unproductive to the owner, but acting as a constant drain upon the purse, whilst the time of remuneration seems, from day to day, to elude his pursuit, and after years of protracted hope, closes in final disappointment.

Need it be mentioned, that farmers and others, the actual occupants of the soil, are not (though, undoubtedly, great sufferers,) the only losers in this state of things. No; the Lower Canadian merchant shares equally, though not so immediately, in the loss. He suffers from the deterioration in value of the property of his debtor, in the Upper Province, from the difficulty that debtor meets with in converting the produce of his farm and industry into a tangible shape for the creditor's satisfaction: and again, from the reduced value of such land as he holds in security, or has accepted in liquidation of debts, contracted to him, under a more favourable state of trade, the taxes, in interim, substracting from the profits of his mercantile pursuits; in fact, it is for the general interests of the farmer, the mechanic and the merchant, that something effectual should be undertaken, to promote their joint welfare.

Another source of profit to the immediate Stockholders, will arise from the judicious use of the superfluous water, for the purposes of driving machinery, &c., and which, by proper management, might be made to reimburse them in a few years for the entire outlay of their capital. This taken in connection with the public convenience in a part of the country where mill streams are both scarce and scant, is far from being one of minor importance. From Long Point, on the shores of lake Erie, round to Dundas, at the upper end of lake Ontario, the only mill, possessing a sufficient supply of water to carry on business, to an extent that may be considered mercantile, is that of Messrs. Clark & Street, at the Falls.

The production of wheat, in a soil and climate so well adapted to its culture, must, of course, be considered one of our principal staples; but, to render this valuable to the farmer, it is necessary he should possess the means of converting it into a fit state for use, so that he may not only reap part of the benefit arising from the manufacture, but reduce the bulk and weight of his exportable commodity, so as to be enabled to enter the market less unfavorably, with respect to transport charges, than at present.

As this Company will be justly entitled to all the advantages that will result from the command of the water, throughout the route of the Canal, the mills now erected on that part of the 12 Mile Creek, (which will be benefitted by an additional supply of water,) must be purchased at a fair valuation, from the present proprietors, and be at the disposal of the Company, after the completion of the cut: two flouring mills of the best description, and other machinery should be erected by the Company; a flouring mill, as near Chippawa as possible, to receive wheat and produce, coming downwards from lake Erie; and another, as near lake Ontario, to receive produce from the banks thereof, and dispose of all the intermediate situations.

Subjoined, is a calculation upon good data, of the probable expence of the undertaking, contrasted with a sketch of the profits which it is presumed would accrue to the Company.

To estimate of 1st cut from Chippawa to lake Ontario,		£10,000 0 0
" probable amount of valuation of the different mills, &c., on the 12 Mile Creek, which it will be necessary to purchase,		4,000 0 0
" erection of 2 Grist Mills, Saw Mills, and, with other Machinery,		5,625 0 0
" cut to Grand River,		2,500 0 0
Halifax currency,		£22,125 0 0
By rental of Machinery to be erected by the Company,	£2000 0 0	
" interest on sale of the intermediate for hydraulic purposes,	300 0 0	
" rental of Mills now erected,	500 0 0	

The proceeds from the sale of the intemediate sites for hydraulic purposes; the increased value of the mills now erected, & the rental of the Company's two grand establishments on each end of the Canal, will, of itself, bring in a handsome dividend to the stockholders, on the amount necessary to complete the whole—leaving out the reasonable expectation, of a large sum that must be derived from the transportation of various articles. A boat, carrying 40 tons, will be taken up at the same expence, that two tons can be conveyed with a waggon at the present period.

If a sufficient degree of public spirit should not be found in the two Provinces, to complete so great and noble an object, we trust, private interests will induce individuals to embark a portion of their capital, in a fund where a profit will be immediately realized, continue and increase with the growing prosperity of the country.

GEORGE KEEFER,
Chairman.

Beaver Dam, June 27th, 1823.

The annexed is the notice alluded to in the 3rd resolution:

PUBLIC NOTICE.

We, the undermentioned freeholders of the District of Niagara, intend petitioning the Legislature, the next Session of Parliament, to incorporate a Company for the purpose of connecting lakes Erie and Ontario, with a Canal capable of carrying boats of from 20 to 40 tons—by the following route: commencing at Chippawa Creek, 10 miles above its mouth, on the farm of John Brown, from thence to head of middle branch of the 12 Mile Creek, at Garrat Vanderbarrack's; from thence to John Decoe's; pass over to the West branch of

the 12 Mile Creek, on the farm of Adam Brown; and continue the said stream, to lake Ontario. From the Chippawa to Grand River—either from the forks of Chippawa through the marsh, or from Oswego, which ever may prove most advantageous;—and for the erection of machinery for hydraulic purposes on the entire route.

George Keefer,
J. Northrup,
Thomas Merritt,
William Chisholm,
Joseph Smith,
Paul Shipman,
George Adams,
John Decoe,
W. Hamilton Merritt.

St. Catharines, July 4th 1823.

[*This was sent to every Post Master in the Upper Province, and almost every person of influence in it.*]

CIRCULAR.

St. Catharines.

SIR,

The accompanying report and address to the public together with the proceedings of the meeting will point out to you the object of this circular; and I trust You will conceive it of sufficient importance to the Provinces in general, to merit your exertions in promoting so necessary an undertaking. We have drawn up two lists, as some decline being stockholders, but say they will contribute their aid in case it should be effected.

You will submit both to every individual you think has the means in your vicinity, and return them as soon as you can possibly get the minds of the people on the subject—and at all events, by the first day of October next.

As this is an object of such general utility, I have taken the liberty of appointing you agent for the Township of————and vicinity—without your previous concurrence.—If you decline acting, have the goodness to hand it to some respectable person of your acquaintance, who will exert himself; and send me his name at your earliest convenience. Prompt attention will be paid to any communication you may make for further information.

I have the honor to be,
Sir,
Your obt. Servant,
W. H. MERRITT.
Agent, Pro. Tem.

St. Catharines, July, 4th 1823.

[*This Circular was sent to the different Post Offices in Lower Canada.*]

CIRCULAR.

St. Catharines.

SIR,

The accompanying report &c. (see last circular.)

To,

P. S.—As the distance between us will not admit of any early reply Mr. George Davis of Montreal, has been appointed Agent for Lower Canada—to whom we refer you for the information you may require. W. H. M.

[*This was sent to the different Merchants and other Capitalists in Lower Canada.*

CIRCULAR.

SIR,

You will perceive, by the Public Papers, it is in contemplation to unite Lakes Erie and Ontario, by a Canal, of the same dimensions as the Erie Canal in the state of New York.

As the capital in this as well as in all other countries, centre in its cities it is impossible for any public improvement to be effected in the interior, unless a portion of that capital returns to assist in carrying it into operation.

In this instance we appeal with confidence for a liberal support from Lower Canada; setting aside the dividend you may reasonably expect from a stock of so profitable and durable a nature, your interests will be materially affected by drawing to your market the products of an immense country, which will otherwise most assuredly go to New York. It would far exceed the bounds of a letter to state all the advantages, which your intelligence will immediately comprehend.

The object of this circular is to solicit your prompt assistance to the undertaking together with those of your friends who are immediately interested in the prosperity of the two Provinces.

Referring you to our agent, Mr. George Davis Montreal, for further information.

I have the honor to be,
Sir,
Your obt. Servant,
GEORGE KEEFER,
Chairman.

St. Catharines, July 4*th* 1823.

Those lists accompanied the aforementioned Circulars.

We the Subscribers do hereby promise to take stock to the amount opposite our respective names, immediately after an Act is passed by the Legislature of Upper Canada incorporating a Company to open a Canal from Lake Erie to Ontario providing it is on the terms held out in an address signed by George Keefer as Chairman of a meeting held at Beaver Dam, Upper Canada.

June 28th, 1823.

NAMES.	PLACE OF RESIDENCE.	NO. OF SHARES	AMOUNT. £	s.	d.

WE the undermentioned subscribers, do hereby promise to pay to Mr. ————, of ————, the sums annexed to our respective names, as soon as a canal is effected and put in operation, between Lake Erie and Ontario, capable of conveying boats from 20 to 40 tons.

NAMES.	PLACE OF RESIDENCE.	NO. OF SHARES	AMOUNT. £	s.	d.

Besides the above there were 1,000 letters wrote to different individuals, during this interval visited the American canal from Syracuse up to obtain assistance, immediately after the sitting of the Legislature, the following petition was laid before the three branches by Mr. Merritt, and an Act incorporating the Welland Canal Company was passed that Session on the 24th January.

COPY OF PETITION.

To the Honorable the Members of the Legislature in Upper Canada in Parliament assembled.

The petition of the undersigned freeholders and inhabitants of the Niagara District.

MOST HUMBLY SHEWETH—

That your petitioners not only viewing the great advantages this Province must derive, but the absolute necessity of improving our internal communication by canals to keep within the Province, a part of its trade and transportation.

Humbly pray that your honorable body may be pleased to incorporate a Company with such a capital as you in your wisdom may deem meet, in the name of George Keefer, John Decow, J. Northrup, Geo. Adams, Thomas Merritt, William Chisholm, Paul Shipman, Joseph Smith, William Hamilton Merritt and their associates, enabling them to open a canal from the Grand River to the Chippawa Creek, and from thence to Lake Ontario of sufficient dimensions to convey boats from twenty to forty tons burthen, and for the erection of machinery thereon. The route to be from the Grand River, either through the marsh to the forks of the Chippawa or by Oswego creek and from Chippawa by the 12 mile creek, on the route laid down by Mr. Hyram Tibbett, engineer, or any other they find more advantageous between the two lakes.

And as your petitioners have understood, your honorable body have made a rule of the House that six months notice shall be given, before any law will be passed, in order that due time may be given to any persons to remonstrate against the passing of such act, beg your honorable body may be pleased in this instance, to dispense with the said rule inasmuch as they would have been in due time, had the House met at the period it has usually been called.

They beg leave further to state that this project has been in contemplation since *March* last, that the survey took place prior to the 10th May, that public meetings have been called on the route to discuss the subject and every means have been resorted to, to make it as public as possible in order that every person might have it in their power to oppose it if so inclined.

And as in duty bound, &c.

St. Catharines, 2d Feb'y, 1824.

SIR,

At a meeting of the petitioners for the Welland Canal Company held at Niagara the 31st ultimo, you were appointed to open books of subscription in your district to receive stock.

The act requires 10 per cent on the amount subscribed, to be paid on the formation of the Company (which will be on the 1st May next), and 10 per cent per month after the first payment if called for.

The money can be paid in to yourself by the subscribers when duly notified, subject to the direction of the President and Directors of the Company.

The books with whatever signatures you may obtain must be sent me by the 1st April next, in order to proceed to the formation of the Company, the subscribers must appoint an agent or agents in this district to vote for the proper officers to manage the affairs of the Company unless they or some one of them attend in person.

From the great public benefit the Provinces in general and particularly your district, must derive from the measure when carried into effect—The Board of Managers have every reason to believe you will make use of every exertion, to obtain a fair proportion of the stock.

I have the honor to be,
Sir,
Your obedient servant,
WM. H. MERRITT,
Agent for Petitioners.

NOTICE.

A meeting of the petitioners of the WELLAND CANAL COMPANY, will take place at Mrs. Rogers' Hotel in the Town of Niagara, on Saturday, the 31st instant for the purpose of appointing some person to each county town in the several districts in this Province, to open books of subscription as provided by the act, and to devise measures for the speedy formation of the Company.

WM. H. MERRITT,
One of the Petitioners.

St. Catharines, Jan'y 22d, 1824.

The above notice was then inserted and the followed resolutions produced from the meeting—and the following letter from the chairman.

At a numerous meeting of the inhabitants of the District of Niagara, assembled at the house of Mrs. Rogers' in the town of Niagara, on Saturday, Jan'y 31st, convened under the authority of an Act of the Provincial Parliament of this Province passed last session, entitled, "An Act to incorporate sundry persons therein mentioned, and their associates under

the style and title of the Welland Canal Company," whereof certain of the original petitioners being then and there present, a Chairman and Secretary to such meeting were duly appointed, the act of incorporation being read by the chairman and the object of the meeting explained—it was then

Resolved—That in conformity to the provisions of the act, books be provided by the Agents hereafter named, and transmitted to certain persons in the different Assize towns, in this Province, for the purpose of receiving subscriptions for stock in said Incorporated Company.

2d. *Resolved*—That George Keefer,
Wm. H. Merritt,
George Adams,
John Johnson Lefferty,
George Conelly,
Richard Woodruff,
R. M. Crysler, Esquires—

Be a Board of Managers, in behalf of the petitioners, to make all necessary arrangements until the Company is duly organized.

3. *Resolved*, That William Hamilton Merritt, of Grantham, Esq., be appointed a general agent, to obtain subscriptions for stock in the said company, and that it be recommended to him to proceed to the Lower Province with as little delay as possible, and solicit subscriptions for stock therein from those who may be inclined to further an object so momentous and beneficial to the future prosperity of both Provinces.

4. *Resolved*, That the chairman in behalf of the petitioners, address letters to such gentlemen in either Province as he may consider would take an active interest in promoting any laudable and enterprising undertaking of the kind; particularly, The Hon. J. H. Dunn, His Majesty's Receiver General at York, the Hon. George Markland, of Kingston, the Hon. John Richardson, of Montreal, and the Hon. James Irvine, of Quebec, soliciting their support and assistance in aiding Mr. Merritt, by recommending subscriptions in the said corporation.

WM. DICKSON, *Chairman.*
THOMAS BUTLER, *Secretary.*

[CIRCULAR IN ACCORDANCE WITH FOREGOING.]

Niagara, January 31, 1824.

SIR,

An Act of the Provincial Legislature of Upper Canada, passed last session, has sanctioned the incorporation of a company for making a canal between the Grand River on Lake Erie and the River Welland or Chippawa, and from thence to Lake Ontario.—Certain preliminary measures are to be taken before the formation of the Company, and in pursuance thereof a meeting took place in the town of Niagara, when certain resolutions were passed, a copy of which you will find enclosed.—Having had the honor of presiding at the meeting, it becomes my duty to address you on the subject, and to state that William Hamilton Merritt, Esq., of this place, is the General Agent, and will wait on you personally to solicit your countenance and assistance in promoting the object of his mission to Lower Canada, which is to obtain stock to as large an amount in the books of the company, as a sound discretion with a favorable view and consideration of all circumstances may warrant you in recommending.

It would have been proper to have sent a copy of the act, but unfortunately it is not yet in print—Mr. Merritt, however, carries with him a manuscript.

I have the honor to be,
Sir,
Your most obedient serv't,
WILLIAM DICKSON.

Immediately after this meeting Mr. Merritt went to Montreal and Quebec, called meetings, &c. &c. &c., and obtained subscriptions to the amount of £32,000; returned by the State of New York, and was made known to many contractors on Erie Canal.—The following notice was inserted to countermand one of the 1st of May, sent from Montreal.

NOTICE.

A Meeting of the Stockholders of the *Welland Canal* having been called on the 1st day of May next, for the purpose of appointing Directors to and for the said Company—which notice not having reached the *Niagara Gleaner* in time to give full 30 days notice, as required by the act—the said Meeting is unavoidably postponed until the 15th day of May—on which day the Stockholders will assemble at the Hotel of Mrs. Rogers, in the town of Niagara, at 12 o'clock, for the purpose of appointing the said Directors, as required by law.

WILLIAM HAMILTON MERRITT,
One of the Subscribers.

Niagara, April 8th, 1824.

On the 18th of said month an election was held pursuant to notice, and the Hon. John Henry Dunn, George Keefer, Esq., John Decou, Samuel Clowes, and William Hamilton Merritt, were appointed Directors.—The Hon. J. H. Dunn was then elected President, but declined serving from the distance which he resided from the Canal—Mr. Clowes likewise resigned, and Chauncey Beedle and Thomas Butler were appointed in their places.

Prior to this Mr. M. engaged Mr. Clowes to examine the route of the Canal—with a view to have every thing in readiness against the appointment of Directors—called a meeting of the Board of Managers at Shipmans, on the 10th April, to adopt some measure to forward the business, but so many different opinions, interests and views were taken that we broke up without determining on a single measure. Mr. Clowes gave in his estimate for a boat navigation, £26,000, and the following report:

To the Directors of the Welland Canal Company.

GENTLEMEN,

In submitting this report to your consideration, it may be advisable to accompany it with a few observations and remarks to guide you in the prosecution of the work, and to state some reasons for estimating and proportioning our Canal for eight feet Locks.

The greatest obstacle to overcome, and the only one worthy of consideration on this route is the dividing ridge between the Chippawa & the head waters

of the 12 Mile Creek—this we propose tunneling, which will save far more than one half the money necessary to expend in cutting it open—and every foot in width would add proportionally to the expense by giving it an extra foot more than the locks—boats will never meet with any obstruction in their loading, and room will be left for the surplus quantity of water for your hydraulic concerns, and for all purposes of boat navigation—a canal of this size is considered the most profitable, and will pass all the produce that may be necessary for a century to come.—The grand trunk canal in Great Britain is only of those dimensions.

In recommending wooden locks we are guided by the following considerations:—A stone lock would cost you at least £1000—from the low price of wooden materials in this country a wooden lock will be built for £220; the foundation of those locks, and that part under water, will last a century—the upper timber at least ten years, when the whole expense of building these entire will not exceed £100, this can be done in the winter season, and not interrupt the navigation one single hour—now the difference in the original cost is £780, the interest on which is £46 16s C'y per year, consequently an entire new lock may be built, including the foundation, every five years, for the difference in interest of the money.

In regard to the harbor I beg to observe that there is a natural bason capable of holding 500 sail of Vessels, drawing 7 feet of water and that they can proceed 3 miles in the interior without incurring one shilling additional expense to the four foot canal.

Respecting the prosecution of this work to advantage and with expedition, you must open the two tunnel mouths, as soon as possible which will draw off the water from each end of the tunnel then a heading may be drove through in six months, which will not cause an expenditure of more than £162 per month; after which it will take 15 months to complete the tunnel at an outlay of £500 per month; it is not necessary to lay out money the present year on any part of the route as ample time will be left you to finish the ensuing and year after at your leisure, the tunnel cannot be drove faster than mentioned which shews the necessity of its speedy completion.

We must further observe that this estimate is formed on mature deliberation, and from the experience of the practical part of canal operations for a series of years that we will undertake to complete the whole of it according to the above estimate and require from you no advance—when we finish each mile we will expect payment and not until then.

We have the honor to be,
Gentlemen,
Your Obedient Servants,
SAMUEL CLOWES,
JAMES CLOWES,
Civil Engineers.

In the meantime certain gentlemen from Niagara wrote below stating the object to be altogether visionary and would result in a total loss to the subscribers. The stockholders in Quebec became alarmed and wrote up positive instructions not to commence the work until at least the amount of the estimate had been subscribed—this caused an unavoidable delay, and to satisfy the public we employed two other Engineers whose reports are as under. We likewise had the country explored in every direction as will be seen from the following answer to a letter from the hon. James Irvine, of Quebec.

St. Catharines, 20th May, 1834.

The Hon. JAMES IRVINE, Quebec:

SIR,

I had the honor of receiving your communication of the 5th instant in behalf of the committee, yesterday, and assure you it is with no less regret than surprise I hear of the communication directed to the committee.

We are fully sensible that many gentlemen living on the Niagara frontier, were making use of every exertion to prevent the canal's being carried into effect, as we conceive from interested motives, but as it is a measure of too much consequence to the Provinces and so easily accomplished, they will not be able to accomplish their designs. I hope you will feel no delicacy in giving us the author of your communication, for if it is founded on truth it can never affect him, at the same time beg you will give us an opportunity of rebutting any statement that may reach you which is founded on report or rumour.

We do not pretend to deny that many individuals may conceive it a visionary and fallacious undertaking. Many of that description are to be found who would condemn any project however simple or easy to be accomplished, but we contend the Legislature of the Province would not pass a law—His Excellency the Governor mention it in his speech at the close of the Session—so many public meetings be convened, and send an agent to the extremity of the two Provinces to obtain stock to an undertaking that had not been maturely considered and generally known to be easily accomplished. However as those are merely opinions, be good enough to assure the committee and subscribers, that I will follow their directions most implicitly, and not proceed without their concurrence in any measure relative to the undertaking, for I would much sooner abandon the design altogether, however important, than to incur the least censure by deviating in the smallest respect from the confidence reposed in me.

We have a sufficient amount subscribed to complete the first deep cutting, but the Directors that I have seen, think it prudent not to commence until we have a sufficient sum taken up to complete the whole. On this subject you will be addressed officially next week by the Directors. Mr. Samuel Clowes and Son, the Engineers heretofore and still in the employment of our commissioners have been through the line from the River Welland to Lake Ontario, and made out an accurate estimate of the expense to complete the whole, which is £26,000 Currency. They offer to contract on their own estimates and finish each mile before they receive any payment, a plan and estimate in detail will be sent you as soon as finished.

On the 15th instant, the Company were formed, they are composed of the Hon. J. H. Dunn, *President*, George Keefer, John Decou, Samuel Clowes, and W. H. Merritt, as I had so decided a majority of votes from Lower Canada I relinquished them all,

and left the appointment of Directors to the shares taken in Upper Canada, so as not to have any influence in their selection. Mr. Clowes was solicited in consequence of his taking an interest in the concern, and being a professional gentleman, will doubtless adopt and recommend the best method to carry it into effect.

We propose getting the opinion of the most celebrated Engineers, on the American side, and one more here, before we proceed further—likewise to get the route surveyed from the Grand River to the Welland, and obtain an accurate estimate of the whole.

It may be necessary to call in 2½ per cent to cover the expenses attending those surveys, which will be the only instalment required until the whole amount is taken up.

I have the honor to be,
Dear Sir,
Your most obedient servant,
(Signed) WM. H. MERRITT.

(CIRCULAR.)

St. Catharines, 1st September, 1824.

MR. EDITOR,

For the information of stockholders in the Welland Canal & the public in general, the Directors of the Company publish the accompanying reports.

On the formation of the Company, Messrs. Samuel and James Clowes were employed to lay out a canal from the River Welland to Lake Ontario;—two routes were explored, one terminating at the mouth of the 12 mile creek, the other at Niagara,—the summit level at lock No. 1, about 3½ miles from the Welland, being common to both, and a dividing ridge of one mile and a half within this distance being the only obstacles of any magnitude in either route.

On receipt of Messrs. Clowes' report, it was intended to put this part of the canal under contract, by cutting open, or tunneling, to be determined by offers most advantageous to the Company, the gentlemen having offered to complete the canal on their own estimate to be paid mile by mile, as each was finished, agreeable to their report published about three months since.

Unfortunately for the prosecution of that work, a contrary opinion was at this period advanced and industriously circulated by some gentlemen in this district, who were totally unacquainted with the natural facilities of the routes, and without giving themselves the trouble to enquire into the merits of the undertaking:—they even undertook to represent the project to the stockholders in Lower Canada as altogether fallacious and visionary, advising them to withhold their subscriptions.

To silence those frequent statements, and to restore public confidence without a doubt, the Directors determined on suspending all operations until they obtained the opinion of two other Engineers,—and explored the whole route through to Lake Erie and the Grand River. In consquence of the ill-health of Mr. Clowes, and the difficulty of obtaining Mr. Roberts, it has caused more delay than was anticipated.

The following is an abstract of the different estimates:

Messrs. Clowes and Hall, from the Grand River to River Welland,	£ 7,456	18	0
Messrs. Samuel and James Clowes, from Welland—Lock No. 1—3½ miles by tunneling,.....	11,654	6	7½
From Lock No. 1, to Lake Ontario by the 12 mile creek,.....	14,346	13	4½
	£33,454	18	0

Mr. Hall's estimate for an open cut from Welland to Lock No. 1, (3½ miles) £14,680 0 9½, exceeding tunnelling £3025 14 2.

Mr. Roberts' estimate for same distance by open cut £22,037 4s. exceeding tunnelling £10,482 17 4½—by which it appears the lowest estimate is by Mr. Clowes to tunnel the one and one-half miles, and corroborated by Mr. Roberts.

Mr. S. Clowes is an Engineer of great experience in constructing canals in Europe,—both have had some in America, and have been employed by Government in this country, and the elder is still engaged in a canal route from Kingston to Ottawa, (near Montreal.)

Mr. Hall is a scientific educated Engineer (under the celebrated Tilford) of much practical knowledge, now employed in constructing the Monument at Queenston and the Canal at Burlington Beach.

Mr. Roberts has been several years employed in the Erie Canal—estimated the western section; and has the entire management, direction, and completion of the same.

The Directors are sanguine to believe that the corroborating reports of such men, as to the facility, utility, profits, and expense of the project, must remove every shadow of doubt from minds of the most sceptical, and they feel sensible a discerning public will see the propriety and even necessity of the undertaking; and be no longer amused by the fabulous reports of interested people, inimical to a work fraught with such infinite advantages to the public and Province in general.

(Signed) GEORGE KEEFER,
President W. C. C.

MR. HALL'S REPORT.

TO THE PRESIDENT AND DIRECTORS OF THE WELLAND CANAL COMPANY.

Agreeable to your instructions I have examined that part of the country situated between Lake Erie and the Welland or Chippawa River; also from the Niagara River Westward to the Valley of the 12 mile creek.

After various trials, find that the table laid North from the Chippawa to the Mountain face has a regular acclivity to the North East, thereby determining a direction from same point considerably above the confluence of the Chippawa with the Niagara River.

Upon the surface of this table land, various streams take their rise; all descending in a North West direc-

tion, viz :—the eight, the ten, and the twelve mile creeks—the head water of the latter stream has been found progressively lower than those to the Eastward.

A line has been levelled by Mr. Clowes, and verified by me in nearly a direct course from Big Creek, upon Brown's farm, township of Thorold, to the middle branch of the 12 Mile Creek; this level has been carried six feet under the average waters of the Chippawa, passing the dividing ridge, composed of strong adhesive clay, by deep cutting, rising abruptly from 10 to 15 and 19 feet—length of deep cutting 1 mile and 1,188 yards; again descending to water level near lock No. 1. or termination of summit level; distance from Chippawa is 3 miles and 1,120 yards. The variations of height and other particulars are carefully marked out in the accompanying sections.

From the nature of the ground, and shape of the adjacent country, this extent of canal must of necessity be common for any line of water communication between the Chippawa and Lake Ontario.

The elevations, detailed drawings, and specifications, will exhibit the particular mode of executing this part of the work by retaining walls, timber framing and top excavation, so as to obviate tunneling, as in the event of any extension of the canal dimensions, the mode submitted will have a decided advantage by saving two-thirds of the expense.

The expense of executing this part of the work according to the subjoined particular estimate, is,..... £13,345 9 10½

Ten per cent for contingencies,	1334	10	11
Total,.....	£14,680	0	9½

It will be observed by the estimates, that the extent of excavation required here amounts to 328,293 cubic yards of earth, exclusive of 255,200 lineal feet of timber work. The time required to execute this in a proper manner will exceed by one season, that of all the other parts—therefore no time should be lost in closing contracts for the execution of this particular section, so as uniformly to open the navigation by the spring of 1826.

According to the subject descriptions of the routes from the summit levels to Lake Ontario by the Niagara River, and by the valley of the 12 Mile Creek, it would appear that nothing of an unfavourable nature occurs by adhering to either direction, the descent of the mountain, by both lines, is uncommonly favourable, and the soil generally well adapted to canal operations.

The mountain descent, by either line, will afford peculiar advantage for hydraulic operations, not only in the immediate vicinity of the canal line but by feeders carried to a great distance; the main feeder from Chippawa being inexhaustable, machinery to any extent, and capital to any amount may be constantly employed.

Messrs. Samuel & James Clowes having estimated the remainder of the proposed canal, publicly pledging themselves to become contractors at their own statements, and to finish each mile previous to receiving payment makes it unnecessary for me to proceed with further investigation as to estimate.

Have made particular sections of both routes, shewing the comparative length the lockage cutting and embarkments, on all particulars marked, these documents will be valuable during the execution of the work, whatever line your Directors may adopt.

The general dimensions are also marked upon the sections, viz :—in common cutting 28 feet, at water level 31 feet; at top bank, depth of the water, under the summit level 4 feet, and 5 feet from bottom of water to top bank, inside slope 1½ horizontal, to one perpendicular, trucking path 6 feet, benching on off side 3 feet.

Embanking same dimensions as to canal size, top of trucking path 10 feet, off side 5 feet; outside slope, 2 horizontal to one perpendicular, with the exception of these parts in deep cutting, where the canal size will diminish in proportion to the height or depth of excavation—locks within the chamber 72 feet, 12 feet in width, and 106 feet from extremities of wing walls.

These dimensions are calculated for a boat navigation of 40 tons burden; a limitation of funds is the more to be regretted, as nothing appears to be more likely to improve the general interests of the country than a free schooner navigation between the Lakes, however the general dimensions of the canal may be enlarged in sections from an increased facili- of boating stuff, stone, timber, and at less expense than by proceedieg in the first place to execute a commensurate schooner navigation.

That an extension within a limited period may be effected; wooden locks have been adopted, as they may be enlarged by masonary without much increased expense.

Have likewise investigated a canal route from the Chippawa to the Grand River, commencing at Misener's Creek, on the first fork of the Chippawa, miles above Big Creek. This line continues for two miles by Misener's Creek then, by a very different line to Broad Creek, about 2 miles above the junction to the Grand River with Lake Erie.—Expense as under :—

Cutting,.....	£5,905	18	0
Lockage,.....	400	0	0
Waste Wears,.....	60	0	0
Feeders,.....	1,056	0	0
Troughs, &c.....	35	0	0
	£7,456	18	0

By adhering to this line the actual distance from Lake Erie to Ontario will not exceed 40 miles :—Cranberry Marsh will be effectually drained, thereby improving 30,000 acres of valuable land, independent of an immense field of Iron Ore which may be available in many shapes in promoting the interests of the country.

(Signed) FRANCIS HALL,
Engineer.

Queenston, August 7, 1824.

True Copy,
GEORGE KEEFER,
Secretary W. C. C.

To the President and Directors of the Welland Canal Company.

GENTLEMEN:

In compliance with your directions I proceeded to level the country situated between Lake Erie and the River Welland, in order to ascertain the best route for a canal to connect these waters.

I have accordingly explored three different routes, estimates and specifications of which I submit for your consideration.

ROUTE No. 1

Commences on the River Welland, at the forks, nine miles West of the entrance of the Canal to connect this River with Lake Ontario, thence following the Southern branch of said River two miles, forming a natural Canal, thence leaving the River a distance of 26 chains through favorable ground; soil, light loom, and not more than two feet higher than the River passing Misener's house to the foot of Lock and Waste Wear No. 1. Eight feet lift from the head of this Lock make use of Misener's creek to the head of Cranberry Marsh, a distance of 134 chains; the stream requires straightening in places and clearing out;—expense of which is computed in estimate; thence crossing Cranberry Marsh, intersecting Broad Creek and following the same, till it discharges into the Grand River two miles West of outlet in Lake Erie. The distance of this station is ten miles averaging four feet cutting: it is now from one to two feet covered with water. This cut must be supplied by a feeder from the Grand River at an elevation of eight feet, a distance of twelve miles, the expense of completing this route will be—

For Feeder,.....	£1,091	0	0
Excavation of Cut,.....	5,905	0	0
Lockage,.....	400	0	0
Waste Wears,.....	60	0	0
	£7,456	0	0

In addition to the many advantages this route possesses, may be added the draining of about 30,000 acres of marshy land, which, at the present time is the greatest nuisance in this part of the country, and will be the most valuable when reclaimed, besides affording the country an abundant supply of bog ore with which this vicinity abounds.

ROUTE No. 2

Commences at the forks of the River Welland and pursuing the same route as No. 1 to Mr. McDonald's on Lot No. 17, 4th Concession of Wainfleet, thence crossing the Cranberry Marsh, South Easterly to Lot No. 8, in the 1st Concession, and intersects Lake Erie at the East end of a Bay formed by Point Industry and Mr. Graybiel's; there is a most favorable situation for constructing a harbour at this point of Lake Erie; but from the deep cutting the whole distance (5 miles) averaging ten feet, it would cost the sum of £9,924 13s. 4d. exclusive of harbour, as per reference to estimate and specifications herewith.

ROUTE No. 3

Commences on Lot No. 5, 2nd Concession in Canboro', on Oswego creek, running a South-eastern direction, until it intersects the Grand River, a distance of 5 miles and 19 chains. It would be necessary to bring a feeder from the Grand River to supply this route at an elevation of 12 feet, and will cost the sum of £8,034 12s. 5d. as per estimate, &c.—This route is favorable and could be completed at a less expense than here estimated, on a superior level, but the increased distance on Chippawa, and other considerations, gives it a decided advantage to No. 1.

(Signed) JAMES CLOWES,
Engineer.

August 10th, 1824.

A true Copy,
GEORGE KEEFER, JUNR.
Secretary W. C. C.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

Having, at your request, examined the two routes of the Welland Canal from the River Welland to Lake Ontario,—the one terminating at the mouth of the 12 Mile Creek, and the other at Niagara; both being heretofore levelled, (which I take for granted to be correct) and estimated by by Messrs. Clowes.

I beg leave to remark that I have made a personal minute observation of both lines, and carefully examined the estimates of Messrs. Clowes.—I think them judicious, and am of opinion, that either route can be effected at their estimates, by proper and economical management.

From a close examination of the creek I am fully of opinion, that by means of a lock, dam, waste wear, and other improvements, according to the plans of said Engineers, that an excellent harbor may be made for a great number of lake vessels, drawing from 7 to 8 feet water, which can be towed 3 or 4 miles up, to the first lock, where hydraulic establishments may be elected.—From this the line of canal will follow the channel of said creek to lock No. 1., within 3½ miles of the River Welland, the greater part of which has more the appearance of an artificial canal than the natural bed of a stream, the construction of locks, waste wears, and a suitable towing path forms the principal part of the expense on this route.

From Lock No. 1. to Niagara.

This line presents unusual facilities for constructing a canal, but from its requiring to be wholly excavated, with a very small share of embankment, it will necessarily cost a considerable sum more for its completion, than the other route; but when completed will be a far more elegant canal, and less liable to be impaired by spring floods and freshets, to which the bed of every stream is liable.

I have likewise examined the estimate of Mr. Hall, Engineer, of the deep cut, from lock No. 1 to the River Welland, which is common to both routes, and the only obstacle of magnitude that presents itself in either. I approve of his plan of timbering as a matter of economy, with a little variation, as per accompanying estimate, making a total of £22,072.

From the experience I have had in this kind of work on the western section of the Erie Canal, there

being much deeper cutting; and from the unforeseen difficulties attending the same, I have been induced to give such an estimate, that you may not be deceived in its accomplishment, for it is almost impossible for any engineer to estimate this description of cutting without having witnessed the operation.

Having been presented by Mr. Clowes with the calculations for a tunnel of suitable dimensions, supported by well connected timber, to be driven through the said deep cut, which would cost but little more than one half of the above.—I deem it worthy of favourable notice.

From the natural facilities on either of the above routes, the Canal can be completed at a trifling expense, compared to the importance of the object.

The geographical situation of this country presenting an extent of thousands of miles of inland navigation, will by means of this canal, be connected, and it is reasonable to believe that the tolls arising from it will exceed the calculations of the most sanguine, besides the benefits to be derived from hydraulic situations.—Taking all advantages into consideration, I have no hesitation in stating, that it must be the most profitable description of stock, and when once completed a never failing source of revenue to the proprietors.

The wealth and capital it will draw to your country; the facilities it will afford to commerce, with the other advantages that you will realize from its completion, make it an object worthy of your most laudable exertions, and of the patronage of every friend to internal improvement in your country.

Respectfully submitted by your obedient servant,

(Signed) NATHAN S. ROBERTS,
Engineer.

St. Catharines, 28th August, 1824.

We likewise had the country explored in every direction where the least natural advantages presented themselves, as the accompanying reports of Mr. Cusack will shew.

REPORT OF SURVEY AND LEVEL

Of the contemplated canal to unite the waters of the River Welland (or Chippawa) and Lake Ontario, by way of the village of St Johns, known by the name of Short Hills, (viz) commencing at a stake planted by Mr. Samuel Clowes, Civil Engineer, marked 8 feet 3, 5 decimals above the surface level of the Chippawa water, then bearing in a north westerly direction along Big Creek, on Mr. Carroll's farm, frequently crossing said creek in the distance of 20 chains, fall 2 feet 3 inches—then in the distance of 21 chains, rise 1 foot 7 inches—then in the distance of 42 chains and 68 links, rise 6 feet 7 inches, making the whole ascent in the distance of 83 chains and 68 links, 13 feet 2¼ inches above the aforesaid level; then in the distance of 41 chains frequently crossing the different meanders of said creek, rise 12 feet 7¼ inches—then abandoning said creek, and across John Smith's Farm, in the distance of 12 chains, rise 10 feet 4 inches—then in the distance of 20 chains, fall 4 feet 3¼ inches—then at the distance of 254 chains from the place of commencement across a high noll of ground, rise in the whole 38 feet 5 inches—then to the brow of the mountain, in the distance of 6 chains and 9 links, fall 1 foot 5¼ inches, making the whole ascent to where the mountain descends on Mr. Damewood's farm 36 feet 11¾ inches above the surface level of the Chippawa water—then in the distance of 2 chains and 11 links, fall to the level, having overcome that great barrier that nature has seemingly formed to oppose inland navigation between the two lakes, and that by a favorable route did not survey or level any farther. The mountain at this place answers a good purpose, being an inland place, and will admit of regular ponds (or levels) between each lock. Not being furnished with the proper implements to ascertain the quality of the earth, prevents me of describing it at present, the inhabitants having dug wells to a very great depth, give a favorable account of the different stratas. The face of the country is apparently composed of strong clay, and that of the best kind for a canal.

A plan and estimate will be transmitted if required.

RHEDDY CUSACK,
Civil Engineer.

Stamford, 10th May, 1824.

NOTE.—The whole distance from Mr. S. Clowes' stake to the brow of the mountain and level 262 chains 80 links.

REPORT OF A SURVEY AND LEVEL

Of the contemplated Canal to unite the waters of the River Welland (or Chippawa) with Lake Ontario, by way of the 15 Mile Creek, (viz.) commencing on the 7th instant on Sucker Creek, 5 chains west of the township line, between Gainsborough and Pelham, then bearing north 41°, 15 west, in the distance of 45 chains and 30 links, frequently crossing said Creek, rise 9 feet 4 inches above the surface level of the Chippawa water—then north easterly, abandoning said creek in the distance of 25 chains, rise 18 feet 3 inches—then continuing the same course in the distance of 7 chains, fall 3¼ inches—then bearing north in the distance of 7 chains, rise 2 feet 4 inches—then in the distanse of 16 chains, fall 1 foot 10¾ inches, leaving the ascent at the distance of 103 chains and 30 links, 31 feet 5¼ inches above the aforesaid surface—then continuing the same course in the distance of 10 chains, rise 2 feet 2 inches—then in the distance of 5 chains, fall 1 foot 6¾ inches—then in the distance of 9 chains, rise 3 feet 5¾ inches—then in the distance of 5 chains fall 4¼ inches—then in the distance of 22 chains, rise 6 feet 5¼ inches—then in the distance of 43 chains terminates on the Canborough road, in 57 feet 11 inches above the surface level, as aforesaid, making the whole distance 197 chains and 30 links; in this distance, and as far as the course of the creek continued the bottom appeared to be a strong clay, and of the same strata as apparently compose the face of the country, and best kind for a canal—considering the excavation in this route too heavy for inland navigation, and a prospect of a more favorable route being intimated to me (viz.) by Scott's Creek, was the cause of my not exploring this route farther.

If an estimate is required it will be transmitted without delay.

RHEDDY CUSACK,
Civil Engineer.

Stamford, 10th May, 1824.

REPORT OF A SURVEY AND LEVEL

Of the contemplated canal, intended to unite the waters of the River Welland or Chippawa and the River Niagara by way of the Village of St. Davids, and then Easterly to Queenston—Commenced on the North branch of the Chippawa about 40 chains from its mouth, then North 45° West, frequently crossing the different meanders of Mr. Bell's creek in the distance of 58 chains and 67 links, rise 13 feet 5½ inches above the surface level of the Chippawa—then bearing North in the distance of 66 chains and 39 links, rise 19 feet 2½ inches, then in the distance of 18 chains and 58 links, rise 4 feet 11 inches, making the whole ascent to the summit of the portage road at the falls 37 feet 7 inches—then under the high bank in the distance of 3 chains 54 links fall to the level—then North-east under the said bank retaining the level for the distance of 56 chains and 63 links—then ascending to the summit in the distance of 15 chains, rise 46 feet 6¾ inches—then North 25 degrees East in the distance of 21 chains and 90 links, rise 4 feet 2 inches—then continuing in the same course in the distance of 7 chains and 54 links, fall 10 feet 9 inches, then North in the distance of 24 chains and 31 links, fall 7 feet 7 inches—then North 45°, East, frequently crossing the windings of the Muddy run, in the distance of 36 chains and 97 links, fall 7 feet 7 inches—then in the distance of 43 chains and 34 links, fall 4 feet 9 inches—then in the distance of 13 chains and 57 links, fall 5 feet 1 inch—then in the distance of 57 chains and 55 links, rise 5 feet 6 inches—then in the distance of 3 chains, full to the level, leaving the bottom of Fralick's creek 1 foot 2½ inches below level—then in the distance of 50 chains, rise 11 feet—then in the distance of 10 chains 87 links, fall to the level, leaving the bottom of Adam Bowman's creek 8 feet 5 inches below level—then in the distance of 17 chains and 8 links, rise 10 feet 5¾ inches—then in the distance of 73 chains and 22 links, rise 23 feet 6¼ inches, making the whole ascent from the level to the summit of the mountain 34 feet—then bearing North 25° West, in the distance of 25 chains and 83 links, fall to the level—then in the distance of 77 chains and 57 links, fall 156 feet 6 inches—then North 25° East, in the distance of 32 chains and 83 links, fall 48 feet 4 inches—then East in the distance of 53 chains and 66 links, fall 3 feet—then continuing the same course in the distance of 56 chains and 26 links, rise 1 foot 9 inches—then in the distance of 48 chains and 43 links, fall 30 feet 7 inches—then in the distance of 24 chains and 25 links, fall 66 feet 10 inches, making the distance from the level 352 feet, and the whole distance from Chippawa to Queenston, 11 miles, 1 furlong and 28 perches.

R. CUSACK,
Civil Engineer.

Stamford, May 30, 1824.

On application having been made to His Excellency for the waste lands, the success of which in Wainfleet was rather dubious, and every person so lukewarm and indifferent to the undertaking, we endeavored to rouse them by the following Circular, knowing that if any quantity of land was obtained it would be an additional inducement for capitalists to invest money on this increased security.

(CIRCULAR.)

St. Catharines, June 28, 1824.

SIR,

Every exertion has been made by a few individuals in this District to connect Lakes Erie and Ontario, with a navigable canal. They have obtained an Act of Incorporation and stock to the amount of *fifty thousand dollars*, principally from Lower Canada, the Company are now regularly organized according to law. They have had the routes explored by skilful and experienced Engineers, and find, by the report of Messrs. Clowes, it will require the sum of £26,000 to complete the Canal from the River Welland to Lake Ontario; and the Directors think it advisable, not to commence operations until stock is subscribed to this amount.

Although this sum is trifling to a degree compared with the object of the undertaking, still the greatest difficulty is experienced in getting it subscribed.—There is a great want of enterprise through the country, and a very great scarcity of money; besides which an unfavorable opinion of the ultimate profit of this undertaking to the stockholders emanated from gentlemen possessing the greatest capital, and most influence in the district, and has been circulated both in this and the Lower Province, greatly to the prejudice of the present stockholders, and has deterred others from coming forward that were otherwise favorably disposed.

The President and Directors have determined on appealing to the public spirit of the land-holders throughout the Province;—A similar measure was adopted in the State of New York prior to the commencement of the grand Erie Canal, and donations, in land, received to the amount of ONE MILLION OF DOLLARS. The Holland Land Company gave 100,000 acres, Gideon Grainger, &c. &c. of Canandagua 10,000 acres—The inhabitants evinced the warmest attachment to their country by the zealous manner in which they defended it last war, and we have no doubt they feel an equal interest for its improvement.

Besides if the opinion advanced by some should prove correct, and the stock turn out unproductive, it would be ungenerous for one part of the community to have their property enhanced at the expense of the other, for it is a well established fact that canals add 30 per cent to the value of all property connected by them. Suppose two countries similarly situated, in soil, climate, and every other local advantage, the one possessing good roads, the other water communication, commodities of all descriptions will be furnished by the latter, 30 per cent cheaper than the former, or in other words, the latter would be one-third richer than the former.

Canals diminish the distance between places and encourage the settlement of the most remote parts of the country. They create new sources of internal trade, and encourage manufactures of all descriptions. Surely no country can feel the want of this branch more than ourselves.

They unite cheapness, celerity, certainty, and safety in the transportation of commodities: a loaded boat can be taken from the mouth of the Grand River to Lake Ontario, in two days, carrying 30 tons, with one man and boy and two horses: allow each man and horse $1 per day, and the tolls to be double the expense of transportation, it will not exceed 5s. per ton: add to this, 50 per cent. it will only bring flour to 9 pence per barrel.—However the fairest way to make calculations on an undertaking of this nature, is to establish precedents:—The Americans take one barrel of salt weighing 300lbs. from Salina to Rochester, one hundred and two miles, from 18 to 20 yents per barrel. If we charge the same rate for 60 odd miles, it will bring flour from 13½ to 16 cents—Staves from $2 to $4 per thousand; and all other articles proportionably less.

We would likewise call your attention to the present danger of navigating Lake Erie from the mouth of Grand River to Fort Erie, and the immense advantage of navigating that Lake one month earlier every season.*

Land owners on Lake Ontario, although they may not feel their immediate interests connected in this undertaking, will derive great advantage from its accomplishment, by the increased employment of vessels, hands, &c. &c. on this lake, and trade of every description. In case it is not effected, the produce of all the upper country, the most fertile part of Canada, must find its way to the United States.

We have endeavored to state these facts in a clear and fair point of view—Our object by this Circular is to notify you that we intend calling on you with a subscription the purport of which will be, that in case the Welland Canal Company completes a Canal between the mouth of the Grand River and Lake Ontario, within five years from January next (1825), that you will give them so many acres of land situated so and so. On this additional security, we will endeavor either to borrow money or induce subscribers to come forward and take up the remainder of the stock, that we may proceed immediately and complete the undertaking.

Trusting it will meet with your favorable consideration,

I have the honor to be,
Sir,
Your obt. Servant,
(Signed) GEORGE KEEFER,
President W. C. C.

But it produced no effect, all the principal gentlemen in the District *refusing to give an acre.*

In September Mr. Merritt was sent to New York, and there obtained stock to the amount of £14,000. Notice was inserted in the different papers in the States by the Agent, and the annexed in the Gleaner by the President.

NOTICE.

The remainder of STOCK required for completing the *Welland Canal*, from the River Welland to Lake Ontario, having been subscribed at New York, the Directors will put that part of it from the Welland to Lock No. 1, (two miles) under contract.—Proposals will be received at their Office, St. Catharines, until the 15th day of November next, for the whole or any one Section of it, (which are laid out in 20 chains each.) One mile and 54 chains of the above is from 25 to 49 feet, deep cut, for which part they will receive proposals, for both tunnelling and cutting open, and be guided by the offers received, which method they will adopt.

Any information on the subject may be obtained from Mr. Hall, Engineer at Queenston, or at the Canal Office.

(Signed) GEORGE KEEFER,
President W. C. C.

St. Catharines, 20th Oct. 1824.

Twenty-two proposals were given in, and the summit contracted for by Mr. Hovey, Messrs. Kennedy & Co., and Mr. Simpson.

No. II.

MINUTES OF THE BOARD OF DIRECTORS FOR 1824.

At a meeting held at Niagara, the 15th day of May, 1824, at the House of Mr. Alexander Rogers, pursuant to notice, the undermentioned persons were duly elected Directors of the Welland Canal Company, viz:—

The Hon. John Henry Dunn,
William H. Merritt, Esquire,
George Keefer, Esquire,
Mr. John Decow, and
Mr. Samuel Clowes,

GEORGE KEEFER, *Chairman.*

At the same meeting, on the same day, the Hon. JOHN HENRY DUNN, was unanimously appointed President of the said Company.

(Signed) GEORGE KEEFER,
Chairman.

At a meeting of the Directors of the Welland Canal Company held at St. Catharines, the 24th May, 1824,

It was Resolved, That William H. Merritt, Esq., one of the Directors, proceed to York, as soon as possible, and wait on the Honorable J. H. Dunn, to solicit him to accept of the situation of President; conferred on him by the Directors on the 15th inst., at Niagara, more especially as a violent opposition has arisen to the measure; Mr. Merritt is likewise requested to state to Mr. Dunn, that it will not be necessary for him to attend to the concerns of the Company only to sanction their plan of operations from time to time.

GEORGE KEEFER,
JOHN DECOW,
WILLIAM H. MERRITT, } *Directors.*

* The Ice remains every Spring sometime on the North end of Lake Erie longer than to the South-west—So that the navigation is open from the Straits of Detroit to the Mouth of the Grand River some weeks before it is open to Fort Erie and Buffalo.

At a meeting of the Directors of the Welland Canal Company, held at St. Catharines, 8th June, 1824,

It was Resolved, That Chauncey Beedle, of St. Catharines, and Thomas Butler, of Niagara, Esqrs., be appointed Directors in the Place of John Henry Dunn, and Samuel Clews, resigned.

GEORGE KEEFER,
JOHN DECOW.
WILLIAM H. MERRITT, } *Directors.*

At a meeting of the Directors of the Welland Canal Company, held at the house of Paul Shipman, on 9th June, 1824,

GEORGE KEEFER, Esquire, of Thorold, was unanimously elected President, by ballot, in the place of the Hon. John Henry Dunn, resigned.

It was *Resolved*, That William Hamilton Merritt, of St. Catharines, Esquire, be appointed Agent and Managing Director, to and for this Company, and to lawfully act in all manner of things relating thereto, according to the best of his knowledge and ability.

Resolved, That James Gordon, of St. Catharines, Esquire, be appointed Treasurer of said Company, on his giving satisfactory security to the amount of eight thousand pounds lawful money of this Province, and that he be allowed two per cent on all monies received and paid out.

Resolved, That George Keefer, Junior, be appointed Secretary to the said Company, and that he be allowed 5s per day for the time he may be employed.—That the Secretary be requested to collect and insert in a book provided for that purpose, every document relating to, & preceding the formation of this Company and contemplated Canal, with a copy of plans, &c.

That the Honorable J. Irvine, or his firm, be appointed Agent for said Company, at Quebec, George Davis, Commission Merchant, Montreal, and any other in the different Districts in this Province, and elsewhere, that our agent may recommend—that he order our Secretary to notify those persons or agents of their appointment, likewise of the appointment of Mr. Merritt, with whom they are to correspond, and publish the same in the different newspapers.

That 2½ per cent be called in on each instalment by the 10th July next.

That all the proceedings of the Directors heretofore be fully approved of.

That our Engineers and Agents be paid for their services and expenses out of the 1st money received by the Treasurer.

That copies of all letters and documents be kept for the information of the Directors.

That the cut from the River Welland to the first lock on mountain be commenced as soon as we obtain the consent of the Committee at Quebec.

GEORGE KEEFER, *President.*
JOHN DECOW,
CHAUNCEY BEEDLE,
WM. H. MERRITT, } *Directors.*

The undermentioned Bye Laws were read and approved of unanimously by the undersigned Directors, at their meeting the 9th day of June, 1824, for the good government of said Company, according to the 33rd clause of the act.

1st. That the President shall sign all papers and give his sanction to all measures and proceedings adopted by a majority of the Directors, although the same may be contrary to his private opinion.

2nd. That we agree all and every of us, to forward and promote the prosecution of this work to the utmost of our ability, and promise to give our attendance to all meetings that may be appointed to forward the same.

3rd. That our Agent presents all measures of Amended 2nd Sept. 1835. } moment that may be contemplated for our concurrence and approval at each meeting previous to acting upon the same, that he be allowed the assistance of the Secretary, who shall be exclusively under his control.

4th. That all money transactions must be approved of by the Directors, who will meet the 1st Monday in each month for that purpose, and that no money must be paid out by the Treasurer until their sanction is obtained.

Expunged 2nd Sept. 1835. } 5th. That we promise to co-operate cordially with each other, and if a difference of opinion should arise, that we keep the same secret, and not allow it to be promulgated to the public—that all estimates of Engineers, and other matters that are necessary, we promise in like manner to keep to ourselves.

6th. that to prevent confusion, the President al- Amended 2nd Sept. 1835. } ways to preside at each meeting, to have full power to establish order and regularity—each person to deliver his sentiments without interruption, and each to speak in his proper turn.

7th. That those resolutions be referred to at any Expunged 2nd Sept. 1835. } and all times for our guidance and direction in case a difference of opinion should arise, and we promise likewise to adopt and insert any other resolution that may be approved of for the good government of the Company.

GEORGE KEEFER, *President.*
JOHN DECOW,
CHAUNCEY BEEDLE,
WM. H. MERRITT,
T. BUTLER, } *Directors.*

At a Meeting of the Directors of the Welland Canal Company, held at the Canal Office on the 9th August.

Resolved, That a communication be made immediately to the committee at Quebec and Montreal, enclosing Messrs. Hall and Clowes report of the whole line, with the plans accompanying the same.

That we petition His Excellency for the waste lands in the township of Wainfleet immediately.

That we send for an American Engineer for the purpose of examining the different routes of the Canal.

That all accounts against the Welland Canal Company be presented to the Treasurer for payment, if approved of, by the 1st Monday in September.

That the Secretary draw off plans of the Canal for York, Montreal, Quebec, New York, and the different Districts particularly interested, and to write to the stockholders in this District for the immediate payment of 2½ per cent. which, if not paid in a fortnight, to be prosecuted immediately.

That the Treasurer draw for 2½ per cent for Montreal and Quebec.

JOHN DECOW,
CHAUNCEY BEEDLE,
W. H. MERRITT, } *Directors.*

By order,

GEORGE KEEFER, Jun. *Secretary W. C. C.*

At a meeting of the President and Directors of the Welland Canal Company, held at St Catharines, the 6th day of Sept. 1824,

It was *Resolved*, That we send our Agent immediately to New York, to get the remainder of the Stock subscribed, with discretionary power to go to any other place where he may think proper, and act in all things thereto according to the best of his judgment and ability.

That the Treasurer advance $150 to pay the expenses of our Agent in his mission to New York for the purpose of obtaining the said Stock.

That we pay Mr. Merritt £66 4s. 3d., the amount of his expenses in going to Montreal and other places, last winter, which he expended for the benefit of the Company.

Resolved, That we approve of the documents sent to the different Agents in Montreal and Quebec.

Ordered, That the next meeting take place the 1st Monday in November, if not called sooner by the President.

GEORGE KEEFER, *President*,
J. BUTLER,
JOHN DECOW,
WILLIAM H. MERRITT, } *Directors.*

At a meeting of the President and Directors of the Welland Canal Company, held at P. Shipman's Inn, the 27th October, 1824,

The following resolutions were made :—

Resolved, That Mr. Francis Hall be employed as Engineer to level, estimate, and lay out the different Sections of the Canal, from the Chippawa to the Welland road, for the sum of £10.

That Mr. Merritt's expenses, over and above what has been granted him, be paid by the Company.

That the Secretary write circulars to the different Agents in the Province, to solicit them to take up the remainder of the Stock.

That Mr. Decow appoint some person to be employed in pointing out to the Contractors, the route which shall be marked out by the Engineer.

That a notice (copied from the Gleaner) be sent to the Lockport Observer for contracts.

That a notice be sent to the Gleaner for those who wish to take stock, to apply to the Agent at St. Catharines, on or before the 1st day of January next, after which time the book will be closed.

That the Directors meet again on Monday, 15th November next, at ten o'clock.

GEORGE KEEFER, *President.*
J. BUTLER,
WILLIAM H. MERRITT.
JOHN DECOW,
C. BEEDLE, } *Directors.*

At a meeting of the President and Directors of the Welland Canal Company, held at Mr. Badgeley's Tavern, on the 11th December, 1824.

PRESENT.

GEORGE KEEFER, Esq., *President.*
JOHN DECOW, Esq.,
C. BEEDLE, Esq., and
Wm. H. MERRITT, Esq.. } *Directors.*

Twenty-one proposals for the delivery of timber required for the tunnel, were received.

The lowest was from Mr. Walter Clendenning, of St. Catharines, for the sum of 17s. 3d. currency per hundred, for getting out, delivering and framing.

The next was from Theophilus Brundage, of Grantham, the north half of tunnel, for nineteen and elevenpence.

All other proposals were at and over £1 5s., for delivering on the bank of Chippawa, at tunnel mouth.

It was, therefore, *Resolved*, That if Mr. Walter Clendenning gives our Agent satisfactory security for the performance of his proposal, that he accepts it, and in case he does not, that we accept of the offer of Mr. Theophilus Brundage.

Resolved, That our Agent writes Mr. Samuel Clowes and Francis Hall, Engineers, proposing the following queries :—

1. Will it be necessary to employ an Engineer constantly during the operation of the tunnel and opening the two mouths ?

2. If so, will you engage to superintend it and be answerable for its correct execution ?

3. Do you perfectly understand the practical part of tunnelling ?

In case you do not conceive it necessary for an Engineer to be constantly employed, what will you charge us to superintend the construction of the tunnel, or what per day for occasional attendance.

The Directors wish to adopt the best and most economical system for the prosecution of the work already commenced, and wish you to give them your ideas fully on the subject as they must decide on a permanent plan in a very short time.

GEORGE KEEFER,
President W. C. C.

At a meeting of the Board, 18th Dec., 1824.

PRESENT:

GEORGE KEEFER, Esq., *President.*
JOHN DECOW, Esq.,
C. BEEDLE, Esq.,
Wm. H. MERRITT, Esq., } *Directors.*

William Hamilton Merritt, Esquire, having been appointed as an Agent for the Company since Directors were chosen, but as no such record appears in the books, it is now *Resolved*, That he be appointed from the 15th of November last past, to superintend the concerns of the Company, until the appointment of new Directors, and that it be his duty to attend wholly to it, submitting from time to time, for our consideration, any alterations that may be required in the plans adopted.

That Walter Clendenning cannot furnish the necessary security referred to, it is *Resolved*, That we accept Mr. Theophilus Brundage's proposal and enter into contract with him immediately.

GEORGE KEEFER,
President W. C. C.

No. 3.

REPORT OF THE DIRECTORS OF THE WELLAND CANAL COMPANY,

For the Year 1824.

As it has ever been the intention of the Directors of this Company to prosecute the work committed to their management with vigor, they conceive it their duty to lay before the public a statement of their proceedings to this period.

A sufficient amount of stock having been subscribed on the 1st November last, to warrant the commencement of the undertaking, due notice was given and contracts made on the 15th, and the work commenced on the 30th of the same month, for the completion of the summit ridge extending from the River Welland to New Holland, a distance of three miles, two of which is to be tunneled.

Those contracts have been entered into with able, energetic, and experienced men, every way qualified for the undertaking, who have commenced their different sections and prosecuted their work with a zeal that does them credit, no preparatory arrangements could have been made, nevertheless the necessary buildings and machinery have been erected, tools and implements procured, and as many men employed as can work to advantage.

From the uncommon favorable state of the weather since our commencement, the work has progressed with unusual rapidity, both tunnel mouths have been taken out to bottom level and will be finished the whole canal size by the 1st May next at the extent.

A shaft has likewise been sunk to bottom level in the centre of the tunnel which has enabled the contractors to test the quality of the earth to a certainty, it proves a strong adhesive clay laying in regular strata from end to end and peculiarly adapted for a safe and rapid prosecution of the tunnel, no water is met with at either end or centre until below water level. We can therefore assert with confidence, no serious obstruction will intervene.

The original plan of this canal was for a 9 feet wide tunnel, 8 feet locks and 16 feet bottom, the propriety of enlarging it to 15 feet wide, the same dimensions as the Erie Canal, was suggested, and has been adopted with the general concurrence of the stockholders—the advantages of this arrangement are apparent, more especially from our proximity to the American Canal, boats from which, will pass through this without shifting cargoes, our present dimensions are 15 feet wide, by 14 feet high, including 6 feet water.

When the tunnel was first contemplated it was supposed to occupy two years in its execution, we are now satisfied from experiment it can be completed within the present season, and Mr. Hovey the contractor, is making extensive preparations to that effect, from his plan submitted to us for the prosecution of this work, we are convinced it may become navigable by the 1st of November next.

Arrangements have been made with the stockholders in Lower Canada and New York for the prompt and regular payment of their instalments monthly, and they appear desirous from their communications to us, that we should prosecute the work in the most expeditious manner.—We are therefore enabled to assure the stockholders that this canal is progressing under the most favorable circumstances—it was generally supposed to be an undertaking of magnitude, the greatest difficulty to encounter has been to effect its commencement, this is removed, its prosecution is simple and easy—and if a moderate share of public patronage is afforded us, we anticipate the entire completion of the whole line from Grand River to Lake Ontario during the present season.

GEORGE KEEFER,
President W. C. C.

Welland Canal Office,
St. Catharines, Feb'y 1, 1825.

No. 4.

We the subscribers do hereby promise to pay to Messrs. Wm. Hamilton Merritt and Job Northrop, or either of them, the sum annexed to our respective names, for the procuring the level of the ground between the Chippawa creek and Lake Ontario, for the purpose of ascertaining the expense of a Canal by the nearest and most practical route.

Thomas Clark,	$2—paid.
William Dickson	$2—paid.
Samuel Street	$2—paid.
Robert Grant	$1—paid.
Thomas Racey	$2
John Clark,	5s. cy. paid.
J. Breakenridge	5s. cy. paid.
Alexander Stewart	5s. cy. paid.
J. B. Clench	5s.
R. Leonard	5s.—paid.
J. B. Jones	5s.—paid.
Edward McBride	5s.—paid.
A. Adams	5s.
Adam Brown	10s.—paid.
W. Chisholm	5s.—paid.
W. J. Kerr	5s.

O. Nichol.....5s.—paid.
Lewis Clement.....5s.—paid.
T. Butler.....5s.
John Lampman.....5s.—paid.
John Whitmire.....5s.—paid.
John Buckley.....5s.
John Crooks.....5s.—paid.
James Kirby.....5s.—paid.
Robert Kerr.....10s.—paid.
Peter McDougall.....5s.—paid.
John Grier.....5s.
John W. Muirhead.....5s.—paid.
John Tannahill.....5s.—paid.
Peter T. Paulis.....5s.—paid.
Robert Dickson.....5s.—paid.
William Crooks.....10s.
A. Nelles.....5s.—paid.
R. M. Crysler.....5s.—paid.
John Blackwood.....5s.—paid.
Jos. Wilson.....5s.—paid.
Jared Stocking.....5s.—paid.
John Smith, Inn-keeper, Queenston,.5s.
Richard Woodruff, by request.....5s.—paid.
David Secord, do. .....5s.
Robt. Nichol, Esq. do. .....10s.
John Decou, Esq.....5s.—paid.
David Thompson.....5s.—paid.
Jonathan H. Clendenning.....5s.
William Parnell.....5s.
William Pestover.....5s.
Jacob Hartsell.....5s.
Jeremiah Durham.....5s.
George Adams.....5s.—paid.
Paul Shipman.....5s.—paid.
Garet Schram.....5s.
Benjamin Turmatta.....5s.
George Keefer.....5s.—paid.

No. 5.

An Act to incorporate certain persons therein mentioned, under the style and title of the "Welland Canal Company."

WHEREAS, George Keefer, Thomas Merritt, George Adams, William Chisholm, Joseph Smith, Paul Shipman, John Decow, William Hamilton Merritt, and others, have petitioned to be incorporated for the purposes of this Act, be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the said George Keefer, Thomas Merritt, George Adams, William Chisholm, Jos'h Smith, Paul Shipman, John Decow, and William Hamilton Merritt, or either of them, together with all such persons as shall become stockholders of the Company, hereafter mentioned, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact, and by the name of "The Welland Canal Company"; and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, answering and being answered unto in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of "The Welland Canal Company," shall be in law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they may deem necessary or expedient.

2. *And be it further enacted by the authority aforesaid*, That the Directors of the Welland Canal Company shall have full power and authority to explore the country, lying between the River Welland, in the District of Niagara, and Lake Ontario, and between the said River Welland and the Grand River, or Ouse, in the said District, and to designate and establish, and for the said Company to take, appropriate, have, and hold, to and for the use of them and their successors, the line and boundaries of two intended canals, with their necessary locks, towing paths, basons, and railways, the one to connect the River Welland with Lake Ontario, and the other to connect the River Welland with the said Grand River, as near the mouth as praticable, and also to select such convenient sites for such and so many mills, manufactories, warehouses, and other erections as may be required by the said Company for the purposes thereof, and to purchase the same to and for the use of the said Company; Provided always, that nothing hereinbefore contained shall extend, or be construed to extend, to compel the owner or owners of any mill seat to sell, convey, or otherwise depart with the same to the said Company; Provided also that the owner or owners of any mill seat or mill seats using any additional supply of water brought thereto by the said canal shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for determining any damage done to property by the said Company.

3. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, and they are hereby authorised and empowered, from and after the passing of this Act, to supply the said Canal, whilst making and when made, with water from all such brooks, springs streams, water courses, hollows, or other repositories of water, as shall be found in making the said Canals, or within the distance of one thousand yards, (except as hereinbefore or hereinafter mentioned,) from any part of the said Canal, or from any reservoir or reservoirs to be made for supplying the said Canal with water; and the said Company are hereby also authorised and empowered, by themselves and their deputies, agents, servants, and workmen, to make 1 or more reservoir or reservoirs, and such or so many feeders, tunnels, and aqueducts for supplying the said reservoirs and canal with water, and conveying water from any such reservoir or reservoirs to the said canal

as to them shall seem necessary and proper, (excepting as hereinafter or above mentioned;) and for the purposes aforesaid the said Company and their agents, servants, and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, his heirs or successors, or to any other person or persons, bodies politic or corporate, (excepting as hereinbefore provided,) and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said Canal and any such reservoir or reservoirs, feeders, tunnels, and aqueducts, and all such other matters and conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing, and using, in the said intended navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or things which may be dug and got in making of the said canal, or in making of any reservoir or reservoirs, feeders, or aqueducts, or out of any lands or grounds of any person or persons adjoining or laying contiguous thereto, and which may be proper, requisite, or convenient for carrying on, continuing, or repairing the said canal, or other the said works, or which may hinder, prevent, or obstruct the making, using, completing, or maintaining the same; and also to make, build, erect, and set up in and upon the said canal, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing places, and other works, ways, roads, and conveniences, as the said Company shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter, repair, amend, widen, or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber, and other things to and from the said canal as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of and belonging to the said navigation; and also place, lay, work, and manufacture the said materials, on the grounds near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired, or done, and to build and construct the several locks, bridges, works, and erections belonging thereto; and also to make, maintain, repair, and alter any fences or passages, over, under, or through the said canal, or the reservoirs and tunnels, aqueducts, passages, gutters, water courses, and sluices, respectively, which shall communicate therewith; and also to make, set up, and appoint drawing boats, barges, vessels, or rafts, passing in, through, along, or upon the said canals, as they the said Company shall think convenient; and to construct, erect, and keep in repair any piers, arches, or other works, in, upon, and across any rivers or brooks, for making, using, maintaining, and repairing the said canal, and the towing paths on the sides thereof; and also to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the canal in pursuance and within the true meaning of this act; they the said commissioners doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owner or occupiers of such lands, tenements, or hereditaments: Provided that nothing in this act contained shall extend, or be construed to extend, to authorise the said Company to divert or take away for the use of the said canal the water of any stream or river so as to injure any mills within the limits of the said intended canal, without the consent of the owner or owners thereof.

4. *And be it further enacted by the authority aforesaid,* That should the owner or owners, occupier or occupiers, of any mill seats on the line of the said canal, or within five hundred yards thereof, consider the same in any manner injured, or the value thereof in any way depreciated, from the erection of rival establishments, or from any other cause growing out of the cutting and making the said canal, and for the compensation of which no provision is made in this act, it shall and may be lawful for the said Company, and they are hereby required to purchase the same at a fair valuation, founded on an average of former years, to be ascertained by arbitrators, as hereinafter provided, to ascertain the value of lands and tenements to be purchased, or the amount of damages in any case sustained; Provided always that nothing herein contained shall extend or be construed to extend to compel the said owner or owners, occupier or occupiers of any such mill seats, to sell, convey, or otherwise dispose of the same to the said Company.

5. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company, in constructing and making the said Canal from Lake Ontario to the River Welland, and from the said Grand River to the River Welland, to take and appropriate, for the use of the said Canal, as much water as they may find necessary from out of the River Niagara, the said Grand River, and River Welland; and it shall be lawful for the said Company to erect, at the mouth of the River Welland, a pier, and at the points of departure of the said Canal, from the said Grand River, and from the River Welland, and at the place of its termination at Lake Ontario, such and so many wharves, quays, piers, fore-bays, locks, and other erections as may be necessary for the use of the said Company and the purposes of transport on the said Canal: provided always that no such erection, work, or device of the said Company shall obstruct the navigation of the said River Welland or the said Grand River, or in any manner prejudice any establishment, work, or depot, of or for the use of the royal navy, or other department of the public service now formed and situate at or near the mouth of the Grand River or River Welland, or upon the banks thereof, or to be placed on any ground more than one hundred yards distant from such points of departure and termination, as aforesaid, and that the powers of obtaining any land for that purpose shall be governed by the provisions therein contained.

6. *And be it further enacted by the authority aforesaid,* That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said Canal and other purposes and conveniences hereinbefore mentioned, it shall and

may be lawful for all bodies politic, communities, corporations, aggregate or sole guardians, and all other trustees whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and in behalf of those whom they represent, whether infants, lunatics, idiots, femmes couverts, or other person or persons who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell and convey unto the said company all or any part of such lands or grounds which shall from time to time be set out and ascertained as aforesaid; and that all such contracts, agreements, and sales shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, or usage to the contrary thereof in anywise notwithstanding; and the amount thereof shall be established in the manner hereinafter mentioned, for the determination of the value of lands or other tenements to be purchased by the said company, and of the amount of damage committed thereby.

7. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be, and the same are hereby empowered to contract, compound, compromise, and agree with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Canal, with all necessary and convenient locks, towing paths, railways, and other erections and constructions contemplated by this act to be cut, erected, constructed, and built, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she, or they shall and may be entitled to recover from the said Company in consequence of the said intended canal, locks, towing paths, railways, and other constructions and erections being cut and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the said Directors to nominate and appoint an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the said persons so named, shall be arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to attend at some convenient place in the vicinity of the route of the said intended Canal, to be appointed by the said Directors within eight days after notice be given them by the said Directors for that purpose, then and there to arbitrate, award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose well and truly to assess the damages between the parties according to the best of his judgment: Provided always that no arbitrator shall be compellable to attend any such meeting of the arbitrators aforesaid, who shall usually reside more than fifty miles from the place of meeting.

8. *And be it further enacted by the authority aforesaid,* That any award made under this act shall be subject to be set aside on application to the Court of King's Bench in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitrators, as hereinbefore provided.

9. *Provided always, and be it further enacted by the authority aforesaid,* That if any part of the canal shall pass through any tract of land in the possession of any tribe or tribes of Indians in this Province, or if any act occasioning damage to their property or their possessions shall be done under the authority of this act, compensation shall be made to them therefor in the same manner as is provided with and respect to the property, possession, or rights of other individuals; and that in any arbitration required for settling the amount of such compensation, the chief officer of the Indian Department within this Province is hereby authorised and required to name an arbitrator on the behalf of the said Indians, and the amount which shall be awarded in any such case shall be paid to the said chief officer of the Indian Department to the use of the said Indians.

10. *And be it further enacted by the authority aforesaid,* That when and so often as it shall be necessary to cut into any highway in order to conduct the said canal through the same, the said Company of proprietors shall within one month cause to be constructed a secure, sufficient, and commodious bridge for the passing of carriages in order to re-establish the communication between the several parts of such highways, under the penalty of five pounds currency for each and every day after the expiration of the said time, which the said Company shall neglect to construct such secure, sufficient, and commodious bridge as aforesaid.

11. [Repealed by 7th Geo. 4, C. 19, S. 7.]

12. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully, maliciously, or to the prejudice of the said Company, break, throw down, damage, or destroy any bank, lock, gate, sluice, or any works, machine, or device to be erected or made by virtue of this act, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent the carrying into execution, or completing, supporting, or maintaining the said canal, every such person or persons so offending shall forfeit and pay to the said Company the value of the damage, proved by the oath of two or more credible witnesses to have been done; such damages, together with costs of suit in that behalf incurred, to be recovered by action in any court of law in this Province having jurisdiction competent to the same; or in case of default of payment, such offender or offenders may be committed to the common gaol for any time not exceeding three months, at the discretion of the court before which such offender shall be convicted.

13. *And be it further enacted by the authority aforesaid,* That if any person shall float any timber upon the said canal, or shall suffer the overloading of any boat

or vessel or raft navigating in or upon the said canal, so as by such over-loading to obstruct the passage of any other boat, vessel, or raft, and shall not immediately upon due notice given to the owner or person having the care of such boat, vessel, or raft, so obstructing the passage aforesaid, remove the same so as to make a free passage for the other boats, vessels, or rafts, every such owner or person floating such timber, or having the care of such boat, vessel, or raft so obstructing the passage as aforesaid, shall forfeit and pay for every such offence the sum of five pounds currency; and if any person shall throw any ballast, gravel, stones, or rubbish, into any part of the said canal, every such person shall for every such offence forfeit a sum not exceeding five pounds currency; which said respective forfeitures shall be paid to the Company, to be by them applied for the purposes of the said navigation.

14. *And be it further enacted by the authority aforesaid,* That if any boat, vessel, or raft shall be placed in any part of the said canal so as to obstruct the navigation thereof, and the person having the care of such boat, vessel, or raft, shall not immediately upon the request of any of the servants of the said Company made for that purpose, remove the same, he shall for every such offence forfeit a penalty of ten shillings of lawful money of Upper Canada, for every hour such obstruction shall continue; and it shall be lawful for the agents or servants of the said Company to cause any such boat, vessel, or raft, to be unloaded if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, or raft, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading and removal are paid; and if any boat or vessel shall be sunk in the said canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not, without loss of time weigh or draw up the same, it shall be lawful for the agents or servants of the said Company to cause such boat or vessel to be weighed or drawn up, and to obtain and keep the same until payment be made of all expenses necessarily occasioned thereby.

15. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners and occupiers of any lands adjoining to the said canal, to use any pleasure boats or any boats upon the said canal for the purpose of husbandry, or for conveying cattle from one farm, or part of a farm or lands, to any other farm or lands of the same owner or occupier (not passing through any lock without the consent of the said Company, their successors, or their principal agent for the time being), without interruption from the said Company or their successors, and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares, or merchandize to market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the navigation of the said intended canal, or the towing-paths thereof.

16. And Whereas it may hereafter happen from floods, or from some unexpected accident, that wears, flood-gates, dams, banks, reservoirs, trenches, or other works of the said navigation, may be damaged or destroyed, and the adjacent lands or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or re-built to prevent further damages, *be it therefore enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for the said Company from time to time, or for their or any of their servants, agents, or workmen, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds, or hereditaments adjoining or near to the said intended canal, or branches, reservoirs, or trenches, or any of them (not being an orchard, garden, or yard), and to dig for, work, get, and carry away and use all such stones, gravel, and other materials as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in such lands, grounds, or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owners and occupiers of, or other persons interested in such lands, grounds, property, or hereditaments, within the space of six calendar months next after the same shall have been demanded for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away, and using such stones, gravel, and materials, or any of them; which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained, and determined, by the ways and means hereinbefore described with respect to other damages done by the making and completing the said navigation.

17. *And be it further enacted by the authority aforesaid,* That the said Company shall and may in such parts of the said canal as shall not be of sufficient breadth for admitting a boat, vessel, or raft to turn about or lie, or for two boats or other vessels or rafts to pass each other, to open or cut proper spaces or places in the lands adjoining to the said canal, at convenient distances from each other for the turning, laying, and passing of any such boat, vessel, or raft, and that the said boats, vessels, and rafts, being hauled or navigated upon the said canal, shall, upon meeting any other boat or vessel, stop at, or go back to and lie in the said places or spaces in such manner as the Directors, or the major part of them, under their hands shall direct and appoint.

18. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company to regulate from time to time and establish the rates of toll payable by persons navigating upon the said canal; and the said Company shall annually, if required, exhibit an account to either branch of the Legislature of the tolls collected upon the said canal, and of the sums expended in keeping the same in repair, and also of the goods, wares, and merchandize transported in and along the same: *Provided always,* that if at any time after the expiration of five years from the commencement of the navigation upon any part of the said canal the Legislature should deem the tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said Company less than twenty per cent on the capital actually expended in making the said canal.

19. *And be it further enacted by the authority aforesaid*, That the said Company, to entitle themselves to the benefit and advantages to them granted by this act, shall, and they are hereby required to make and complete the said canal, rail-way, towing-paths, and other erections required for the navigation thereof, (as laid down in the Report of Mr. Hiram Tibbet, Engineer,) from Lake Ontario to the River Welland within five years from the date hereof, and from the River Welland to the said Grand River within seven years from the date hereof, so as to be navigable for boats, barges, and rafts; otherwise this act, and every matter and thing herein contained, shall cease and be utterly null and void: *Provided nevertheless* that the said Company shall be entitled to all the advantages of this act inasmuch as relates to the cut to the River Welland in case they complete and finish that part of it within the time limited by this act.

20. *And be it further enacted by the authority aforesaid*, That the Company shall at their first general meeting held after any part of the canal shall be finished, ascertain and fix the rates and dues to be taken by virtue of this act; and that it shall and may be lawful for the Directors of the said Company to alter the said rates at any subsequent meeting, after giving three months' public notice of the same, and that a schedule of rates shall be affixed on the different public places on the route of the said canal.

21. And for preventing disputes touching the tonnage of any boat, barge, or other vessel navigating upon the said canal, *be it further enacted by the authority aforesaid*, That the owner or master of every such boat, barge, or vessel shall permit and suffer every such boat, barge, or vessel to be gauged or measured, and refusing so to permit and suffer shall forfeit and pay the sum of forty shillings currency; and it shall be lawful for the said Company, or their toll gatherer, or such person or persons as shall be appointed by them for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates or dues; and if such owner or master shall refuse or decline to choose a person in his behalf as aforesaid, then the person appointed by the said Company or their toll gatherer shall have alone the power of ascertaining such tonnage.

22. *And be it further enacted by the authority aforesaid*, That all persons whatsoever shall have free liberty to use with horses, cattle, and carriages, the private roads and ways to be made as aforesaid (except the towing paths) for the purpose of conveying any goods, wares, merchandize, timber, and commodities whatsoever, to and from the said canal, and also to navigate on the said canal with any boats, barges, vessels, or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, lumber, and commodities, and also to use the said towing paths with horses for drawing and hauling such boats and vessels upon payment of such rates or dues as shall be established by the said Company.

23. *And be it further enacted by the authority aforesaid*, That the said several dues shall be paid to such person or persons, at such place or places near to the said canal, in such manner and under such regulations as the said Directors shall direct or appoint; & in case of denial or neglect of payment of any such rates or dues or any part thereof, on demand to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid may, and he is, and they are, hereby empowered to seize and detain such boat, vessel, barge, or raft, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

24. [Repealed by 6th Geo. 4, Chap. 2.]

25. *And be it further enacted by the authority aforesaid*, That each share in the said Company shall be twelve pounds ten shillings provincial currency, and the number of shares shall not exceed three thousand; and that books of subscription shall be opened in the several assize towns in this Province within two months after the passing of this act, by such person or persons, and under such regulations, as the majority of the said petitioners, assembled at a meeting to be called by any one of them in the town of Niagara for that purpose, shall direct.

26. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any person or persons, His Majesty's subjects or others, to subscribe for any number of shares (not exceeding in the first instance eighty,) the amount whereof shall be due and payable to the Company in the manner hereinafter mentioned, that is to say,—ten per cent on each share so subscribed shall be payable to the said Company immediately after the stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by instalments of not more than ten per cent at such periods as the President and Directors shall from time to time direct and appoint for the payment thereof: *Provided* that no instalment shall be called for in less than thirty days after public notice shall have been given in all the newspapers in every district of this Province where any stock shall have been subscribed: *Provided always* that if any stockholder or stockholders as aforesaid shall neglect or refuse to pay to the said Company the instalment due upon any share or shares held by him, her, or them, at the time required by law, such stockholder or stockholders shall forfeit such share as aforesaid, with the amount previously paid thereon; and the share or shares shall be sold by the Directors at public auction after having given thirty days' notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other funds of the said Company: *Provided always* that such purchaser or purchasers shall pay to the said Company the amount of the instalment required, over and above the purchase money of the share or shares to be purchased by him, her, or them as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid.

27. *And be it further enacted by the authority aforesaid*, That if the whole number of shares shall not be subscribed within two months after the books of subscription shall have been opened as aforesaid, then

and in such case it shall and may be lawful for any former subscriber to increase his, her, or their subscription; and that after the first instalment shall have been paid to the said Company, the said shares shall become transferable on the books of the Company: *Provided always* that until the said canal shall be completed from the River Welland to Lake Ontario, no part of the funds paid in shall be applied to any other purpose whatsoever, and after the same is completed not more than five thousand pounds shall be expended in the erection of machinery until the cut to the said Grand River is completed; and the said Company shall proceed to the completion of the whole with as little delay as possible.

28. *And be it further enacted by the authority aforesaid*, That so soon as five thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers or any of them, to call a meeting at some place to be named (in the town of Niagara,) for the purpose of proceeding to the election of the number of Directors hereinafter mentioned; and such election shall then and there be made by a majority of shares voted for in manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors and be capable of serving until the first Monday in April succeeding their election; and the Directors so chosen shall, as soon as a deposite amounting to five hundred pounds upon the shares subscribed as aforesaid shall be paid to the said Directors, commence the business and operations of the Company: *Provided always* that no such meeting of the said subscribers shall take place until a notice is published in all the newspapers in this Province at the distance of not less than thirty days from the time of such notification.

29. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs, and concerns of the said Corporation shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their offices for one year, which Directors shall be stockholders, and shall be inhabitants of this Province, and be elected on the first Monday in April in every year, at such time of the day and at such place near the line of the said intended canal, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in the different newspapers printed within this Province, of such time and place not more than sixty nor less than thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter directed; and if it should happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than five shall by plurality of votes appear to be chosen as Directors, then the said stockholders hereinbefore authorised to hold such election shall proceed by ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be Director or Directors so as to complete the whole number of five; and the said Directors so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and two of the Directors which shall be chosen at the preceding year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than three of the Directors, exclusive of the President who served for the last year shall appear to be elected, then the election of such person or persons above the said number who shall have the fewest votes shall be considered void, and such other of the stockholders as shall be eligible, and shall have the greatest number of votes, shall be considered as elected in the room of such last described person or persons, who are hereby declared ineligible as aforesaid; and the President for the time being shall always be eligible to the office of Director, but stockholders not residing within the Province shall be ineligible; and if any Director shall absent himself from this Province and cease to be an inhabitant thereof for the space of six months, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors, or if the office of President, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors:—*Provided always* that no person shall be eligible to be a Director who shall not be a stockholder to the amount of at least ten shares.

30. *And be it further enacted by the authority aforesaid*, That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least three months prior to the time of voting, (except at the first election) according to the following rates—that is to say, at the rate of one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

31. *And be it further enacted by the authority aforesaid*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

32. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said Company as to them, or to the majority of them shall appear advisable; and that once in every three years, and oftener if thereunto required by a majority of the votes of the stockholders, to be given agreeably to the ratios hereinbefore established at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the debts which shall have remained unpaid after the expiration of the original credit for a period of treble the term of that credit, and of the surplus profits, if any, after deducting losses, dividends, and expenditures.

33. *And be it further enacted by the authority aforesaid*, That the directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duty and conduct of the officers, clerks, and servants employed by the said Company, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many officers, clerks, and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet, *Provided* that such rules and regulations be not repugnant to the laws of this Province.

34. *And be it further enacted by the authority aforesaid*, That every treasurer, before he enters into the duties of his office, shall give bond, with two or more sureties, in such sum as may be satisfactory to the directors with condition for the faithful discharge of his duty.

35. *And be it further enacted by the authority aforesaid*, That all penalties and forfeitures for offences against this Act, or against any rule, order, or by-law of the said Company to be made in pursuance thereof, for the levying and recovering whereof no particular mode is hereinbefore directed, shall, upon proof of the offences respectively before any two justices of the peace for the district of Niagara, either by confession of the party or parties, or by the oath of one credible witness (which oath such justices are hereby empowered and required to administer without fee or reward) be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such justices, (which warrant such justices are hereby empowered to grant,) and the overplus, after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such justices by warrant under their hand and seal, to cause such offender or offenders to be committed to the common gaol of the District of Niagara, there to remain without bail or mainprize, for such time as such justices may direct, not exceeding twenty days, unless such penalties and forfeitures and all reasonable charges attending the same shall be sooner paid and satisfied, all which said penalties and forfeitures when levied and satisfied in manner aforesaid, shall be paid to the said Company, to be by them applied for the purposes of the said navigation.

36. *And be it further enacted by the authority aforesaid*, That the land and ground to be taken and used for the said Canal, the towing paths and the ditches, drains, and fences, to separate any such towing paths from the adjoining lands, shall not exceed forty yards in breadth, except in such places where the said Canal shall be raised higher or cut above five feet deeper, than the present surface of the land; and in such places where it shall be judged necessary for boats and other vessels, and rafts to turn, lie, or pass each other, not more than sixty-five yards in breadth in any of those places, without the consent of the owner or owners of such land or ground respectively, under his, her, or their hand or seal, in writing, first had and obtained; nor shall any land or ground be let out, ascertained, contracted for, or sold, for the purpose of making any navigable cut, trench, or sluice, to convey goods or other things to or from the said Canal without such consent as aforesaid, anything in this act contained to the contrary notwithstanding.

37. *And be it further enacted by the authority aforesaid*, That after a period of thirty years after the making and completing of the said Canal it shall and may be lawful for His Majesty, his heirs and successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging, or in anywise appertaining, upon paying to the said Company, their heirs, executors, administrators, and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing of the said Canal, together with such further sum as will amount to twenty-five per centum upon the monies so advanced and paid, as a full indemnification to such Company; and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, his heirs and successors, who shall from thenceforth be substituted in the place or stead of the said Company, their heirs and assigns, for all and every the purposes of this Act, in so far as regards the said Canal.

38. *And be it further enacted by the authority aforesaid*, That if any plaint shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages shall cease, and not afterwards; and the defendant or defendants in such action or suit shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this act; and if it shall appear to be so done, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

39. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall effect in any manner or way whatsoever the right of His Majesty, His heirs and successors, or of any person or persons, or of any bodies politic or corporate, except as is herein expressly provided.

40. *And be it further enacted by the authority aforesaid*, That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

No. 6.

New York, *December 22nd*, 1824.

George Keefer, Esq.,
President of the Welland Canal Comp'y.,
St. Catharine's, U. C.,

Sir,—Your letter dated 16th ult., addressed to the Stockholders of "the Welland Canal Company" in New York has been laid before us; and having met for the purpose of taking the same into consideration we beg to state the result of our sentiments, in all of which we have been unanimous.

We have requested Mr. Thomas Proctor to act as Agent and beg to recommend him as a fit and proper person to attend to the concerns of the Company in this city.

We highly approve of your so soon getting your contract made and commencing operations. It will be greatly to the advantage of the Stockholders to get the whole finished as soon as practicable.

We approve of encreasing the Tunnel to 15 feet wide, (15 feet is the clear of the Erie Canal in this State) as we ought to keep in view, Sloop, as well as Boat navigation in order to render the Stock valuable. We beg leave to recommend to the consideration of the Directors, how far it is practicable (*now*) to make the Canal large enough for Sloop navigation over the ridge from the Chippewa river to the descent towards Lake Ontario, which we understand is not more than three miles. Should this not be deemed prudent at present, but keeping it in view, we think it would be advisable to have an *open cut* instead of a Tunnel—we submit, that if this part of the Canal should be cut for Sloop navigation—the other parts hereafter could be done without any material inconvenience, and would greatly increase the supply for Hydraulic purposes.

In case of the enlargement of the dimensions of the Canal it might become necessary to apply to the Legislature, for an extension of privileges and an increase of capital.

In the above remarks you will please to observe we merely offer our sentiments, as to what we deem desirable to be accomplished, for unless the work contemplated is rendered truly efficient for the purposes of an extensive trade, the Stockholders cannot look with confidence to realize those advantages which may be fairly anticipated, if carried through upon a liberal plan and free from all local interests.

We have agreed to make the payment of the first instalment five per cent. and shall pay it to the Agent on the 1st day of January next.

We have the honor to be,
Sir.
Your most obedient Servants,

WILLIAM McLEOD,
DAVID R. LAMBERT,
JAMES BUCHANAN,
J. B. YATES,
CHARLES MOWATT,
JOHN S. BARTLETT,
JAMES BRYAR,
W. S. CALDWELL.

No. 7.

General description of the Welland Canal, from Lock No. 1., to Lake Ontario, by the Valley of the 12 Mile Creek.

From Lock No. 1, near the Holland road, proceeding by the sight of Mr. Davis' house, following the valley of the middle branch of the 12, by Wilson's farm, continuing by favorable ground to the crossing of the short Hills and Beaver dam road near Mr. Sweazy's house, joining Creek between Sweazy's clearing and wood, continuing by the course of the stream, the banks being sufficiently high, cutting of angles and removing detached stones, pass the junction of the East Branch of the twelve, from thence adhering where practicable, by the course of the stream to *De Cou's* mill pond which must be raised to the level of descending Lock No. 5, departing from the stream and following its left bank, passing two ravines by embankments. One of these embankments is conveniently situated for a waste wier, from thence descending gradually to the middle of Cooper's Plantation where an Embankment 60 feet wide at top, 12 at bottom, and 30 feet in depth, must be constructed, thereby forming No. 16 Lock pond, and avoiding rock excavation in subjacent Lockage, from the point descending the mountain by a succession of Locks, through a defile of sufficient width for Canal size and Lock ponds, joining the Western Branch of the 12 Creek at Brown's bridge, situated upon the Beaver dam and Short Hills road, proceeding partly by stream, to a convenient spot at bottom of Thomas's mill pond for placing Lock No. 25, following the united waters of the creek, cutting several bends, to near Mrs. Campbell's house, where a deviation commences, thereby avoiding many circuitous windings of the stream and securing favorable lengths for middle ponds passing through easy ground, to Blue Hills where the level runs into a plantation. The soil at this place consists of a moist clay loom; no difficulty will be experienced, only care requisite in execution to raise the embankments with sufficient slopes. A short embankment will be required opposite Dettrick's Bridge, proceeding onward through favorable level cutting, passing St. Catharine's road, 100 yards to the left of Bridge, descending by Locks No. 28 and 29, to creek, from thence adhering generally to the course of the stream passing Mr. Merritt and Adam's mill pond, inserting Locks and shortening the Line by several cuts, raising the banks in some places, facing and sloping in others, to the junction with Richardson's creek, where the waters of the 12 are at present 6 feet in depth and expand over a considerable surface for a distance of 2 miles to the Beach, between the 12 mile basin and Lake Ontario.

For passing this length a timber Tracking path must be formed—general fall from the Chippewa to Lake Ontario is 330 feet.

By raising an embankment across the Beach 550 yards in length and 3½ feet in height, an additional depth of water will be obtained in the Basin and in the direction of the tracking path, so that Vessels drawing eight feet water may at *navigable* seasons, proceed to the entrance of the artificial cut, a distance of nearly 3 miles from Ontario.

The cut across the Beach, Guard Lock, and protecting Piers must be executed at the Northern Angle of the Beach, this situation being composed of a strong clay soil and subsoil, is well adapted for timber work and excavation.

FRANCIS HALL,
Engineer.

Queenston, 10*th December*, 1824.

No. 8.

ABSTRACT ESTIMATE of tunnel line by open cutting for a Schooner Navigation, 6 feet depth of water and 25 feet width of surface.

Canal line = 3473 yards × 13 =	45149	cubic yards	at 30 cents.	$ 13,544
Excavation within retaining walls = 3473 × 13 × 3 =	135,447	do.	" 25 "	33,861
Centre Wedge 3473 × 13 × 4 =	180,596	do.	" 20 "	
Slopes 3473 × 4 × 6 =	83,352	do.	" 20 "	52,789
No. 1 Wedge $\frac{7}{4}\frac{4}{8}$ × 24 × 9 =	50,544	do.		
Pyramid $\frac{4}{3}\frac{4}{8}$ X 9 X 13.5 =	18,954	do.		
No. 2 1240 X 24 X 7 =	208,320	do.		
Slopes 1240 X 7 X 10 =	86,800	do.		
No. 3. $\frac{1}{3}\frac{7}{7}\frac{1}{1}$ X 24 X 6 =	127,200	do.		
Pyramidal spt. $\frac{1}{3}\frac{7}{7}\frac{1}{1}$ X 6 X 9	31,860	do.	" 18 "	94,262
Cubic yards =	968,222		Expense,	$ 194,456
Retaining walls = 6946 lineal yards.....$2 per yard,				13,892
				$ 208,348

Queenston, 20th January, 1825.

FRANCIS HALL, *Engineer.*

No. 9.

CHIPPAWA CANAL.

Specification for No. 1 Section.

DESCRIPTION OF THIS CUT.

To commence at the Chippawa River near Brown's farm, passing through favorable ground for a distance of 1733 yards, to commencement of deep cutting. The extent of this excavation, also the various heights are carefully marked upon the section. Extreme length of summit level from the Chippawa to No. 1 Lock head is 3 miles and 1120 yards. The soil and subsoil throughout this section as ascertained by boring is a strong adhesive clay.

DIMENSIONS OF THE CANAL IN GENERAL.

The Canal except in such situations as are after noticed to be 22 feet wide at the bottom or 4 feet under water level. 37 feet wide at the water surface, and 40 feet at the top of the banks. The inside slopes to be 1½ horizontal to 1 foot perpendicular, to be excavated at least 6 inches under bottom, the top of the bank on tracking side before the path is made to be 9 inches and banks on off side, and benchings to be 12 inches above water level. The breadth of the banks, where raised above the natural surface, to be 10 feet at top, on the track path side, and eight feet on the off side, the outside slopes of the embankment to be at least two feet horizontal to one perpendicular.

DIMENSIONS OF THE CANAL THROUGH NO. 1 SECTION.

The Canal from the Chippawa River, to commencement of timber work as after described, and from termination of timber work to No. 1 Lock to be 7 feet in width at bottom or 6 feet under water level, 25 feet wide at the surface of water and 28 feet at top banks, the inside slope to be 1½ horizontal to one foot perpendicular. The tracking path to be formed 9 feet in width, allowing for the base of retaining walls and a benching of 2½ feet upon the off side, making a total width within retaining walls of 36 feet 4 inches. When the depth of cutting exceeds 10 feet, retaining walls must be constructed varying in height and solidity, according to the increased depth of cutting.—These dimensions and mode of construction, also the inclinations for the benchings, tracking path and slopes, will be seen by an examination of the general drawings and elevations. The deepest part of the cutting upon this section extends 2900 yards and must be constructed as under a cut of 12 feet in width to be formed so as to admit Timber frames 36 feet in depth, viz: 3 feet sunk under the bottom of Canal, 6 feet depth of water, and 27 feet above surface.—These frames to be composed either of square or round timber, with ties and braces, the uprights placed two feet distant from each other. The cross beams at the top to be morticed, those at 12 feet above surface of water to be dovetailed and treenailed, all as particularly shewn upon the elevations and sections. Where the cutting exceeds 24 feet above water level, the slopes must be carried back at the usual permanent rates. At a distance of 1450 yards from either end of timber framing, a commodious passing place must be provided 100 feet in length by 47 feet in width, the form and extent of the curves and face, will be seen upon the drawings.

TRACK PATH AND BENCHINGS IN DEEP CUTTING.

In deep cutting and where the level of the track path falls below the natural surface of the ground, the track path will vary from 4 ft. 10 inches to 6 feet wide at the range of the slope, having under 10 feet cutting, a dwarf wall of dry stone work, 15 inches high, coped with turf; the off side benching to vary according to the nature of the soil from 2½ to 4 feet in width.

SIDE PUDDLES.

In cutting where the banks have to be raised above the surface of the ground a proper puddle must be formed, by cutting a puddle gutter of 1 yard wide, having its edge next the Canal two feet back from the line of the top water. This gutter to be cut

down through the loose vegetable soil, and into stuff that will retain water. The gutter to be filled with proper worked puddle of strong soil in clay, and to be raised all the thickness of three feet along with the banks, to 9 inches above the water level, it will be observed by the section, that an extent of 750 yards, must be excavated as above.

LINING IN LOOSE OR OPEN GROUND.

Where the ground consists of gravel, sand, porous rock or other substances that will not retain water, both the bottom and sides must be excavated to admit of a proper lining which is to be executed under authority of the Engineer appointed by the Directors, as it cannot be ascertained before hand where lining of this nature will be required, the offers may state a price per superficial or lineal yard, for such bottom and side linings 3 feet thick and by the cubic yard.

DIMENSIONS MAY BE VARIED.

Although the dimensions of the Canal and other works are particularly specified, yet it is to be understood, that the Directors by their Engineer, may later & vary the dimensions of the canal, the slopes, an allowance being made on either side fo thre same. This may be done in the offer specifying a price per cubic yard to be added in case of additional cutting, or to be deducted in case of a diminution of dimensions—any other difference made on the work or additional work thereon to be settled by reference to two persons of skill, mutually chosen, in case the Contractor and Engineer, cannot agree between themselves.

WORK DONE TO SATISFACTION.

The whole work to be done to the satisfaction of the Engineer appointed by the Directors or the Overseer, either of whom may at any time stop the works should they find any part done in an improper manner, or contrary to this specification, unless the Contractor has express orders in writing from the Directors for such deviations.

CONDITION UNDER WHICH PROPOSALS FOR THIS LOT ARE TO BE GIVEN IN.

1st. The cutting and embanking to be estimated by the sections, the accuracy of which, intending Contractors must satisfy themselves.

2nd. The proposals to be made out corresponding with the annexed form which is to be filled up and signed by those making offers.

3rd. The Contractors are to provide all tools, materials and implements of every kind, boats, scows. &c.

4th. Those who give in proposals are required to produce satisfactory certificates of their character and of their ability to do such works; also to find security for the proper and due performance of the works they undertake or agree to leave a sufficient sum or proportion of the price in the hands of the Directors till the works are finished.

5th. To engage to begin the work in one month after the Directors shall accept their offer, and to finish by 1825.

6th. The contract price to be paid by monthly instalments in such proportions as shall be certified to the Directors by their Engineer, upon the day of each month.

CHIPPAWA CANAL.—PROPOSAL FOR A JOB OF WORK.

For the Lot of work No. 1, as explained in the description and drawings of that Lot, including all work and materials, timber, framing, cutting, embanking, retaining walls and making the canal complete, water tight and navigable—the sum of Pounds.

For lining and side puddling such parts of the Canal as may prove open ground (not including the lining of embankments or side puddles in good ground) per lineal yard of canal or in proportion for any part thereof, where lining may be required Pounds.

N. B. Slips to be paid for at the rate affixed for additional cutting; and be it understood that any trifling deviation proposed or made by the Contractor, for the saving of cutting, if approved of by the Engineer is not to subject him to any deduction.

FORM.

I, do hereby make, offer and agree to do the lot of work No. 1, on the summit level of the Chippewa Canal for the sums and at the prices and rates stated in this proposal, and to conform to the conditions and specifications, which have been perused by me, and as security for my due performance of the work I undertake, propose as my security, &c.

FRANCIS HALL,
Engineer.

Queenston, 14*th* JUNE, 1824.

No. 10.

ABSTRACT ESTIMATE of the Expense of making a Canal from the Chippawa River to Lake Ontario, by Niagara.

	£	s.	d.
Estimate according to particular statement for 3 miles and 1120 yards,	13,345	9	10
550 lineal yards plain cutting = 550 X 18 = 9900 cubic yards at 6d per yard,	247	10	0

Embankment for Ravine

	c. yards.
No. 1. Parallelogram south end $7\frac{7}{2}$ X 3 X 15 =	1732
Slopes Pyramidal $\frac{7}{3}$ X 3 X 7 =	546
No. 2. Parallelogram 66 X 3 X 15 =	2976
Slopes 66 X 3 X 7 =	1386
No. 3. North End $\frac{65}{2}$ X 3 X 15 =	1215

		£	s.	d.
Slopes $\frac{5.5}{3}$ X 3 X 7 =	378			
	8,227			
Deduct Canal size 198 X 13 =	2,574			
Cubic yards at 6d per yard	5,653	141	6	6
Plain Cutting 66 X 13 = 858 yards, 6d.		21	9	0

Ravine Embankment.

	c. yards.			
No. 4. Parallelogram $\frac{3.1}{3}$ X 5 X 15 =	1162			
Slopes $\frac{3.1}{3}$ X 4 X 9 =	360			
No. 5. Parallelogram 66 X 4 X 15 =	3960			
Slopes 66 X 4 X 9 =	2376			
No. 6. Parallelogram Wedge $\frac{13.3}{2}$ X 4 X 15 =	3960			
Slopes Wedge $\frac{13.3}{2}$ X 4 X 9 =	1584			
	13,402			
Minus Canal size =	2,977			
	10,425 at 6d =	260	12	6
One 4 feet culvert = 32 X 4 X 1 = 128 solid yards of Masonry, faces and wing walls = 10 X 3 X 1 X 2 = 60 = 188 yards at 10d per yard,		94	0	0
Plain cutting 528 X 13 = 6864 cubic yards at 6d per yard,		171	12	0

Ravine Embankment.

	c. yards.			
No. 7. Parallelogram Wedge $\frac{2.2}{3}$ X 6 X 15 =	990			
Slopes Pyramidal $\frac{3.2}{3}$ X 6 X 12 =	504			
No. 8. Parallelogram 44 X 6 X 15 =	3960			
Slopes 44 X 6 X 12 =	3168			
No. 9. Wedge $\frac{2.2}{3}$ X 6 X 15 =	990			
Slopes Pyramidal $\frac{2.2}{3}$ X 6 X 12 =	504			
	10,106			
Deduct Canal line =	1144			
	8,972 at 6d	224	6	0

Culvert.

Masonry = 39 X 4 X 1 =	156			
Faces, &c. 10 X 3 X 1 X 2 =	60			
	216 at 10s.	108	0	0

	c. yards.			
Plain cutting 1430 X 13 =	18590 at 6d.	464	15	0
Embanking 154 X 2 X 15 = 4620				
Slopes 154 X 2 X 4 = 1232 5,852—2002 = 3850 solid yards at 6d.		96	5	0
Hollow 66 X 6 X 15 = 5940				
Slopes 66 X 6 X 12 = 4722 = 10,692				
Deduct Canal size 858 = 9834 solid yards at 8d		327	16	0

East branch of 12 *Creek Embankment.*

	solid yards.			
No. 8. Parallelogram 88 X 7 X 15 =	9,240			
Slopes 88 X 7 X 14 =	8,624			
No. 9. Wedge $\frac{5.5}{3}$ X 7 X 15 =	2,835			
Slopes $\frac{5.5}{3}$ X 7 X 14 =	1,764			
22,463—Canal size 1859 = 20,604 yards at 8d.		686	16	0
Culvert 8 feet = 44 X 8 X 2 = 352 yards of masonry—Faces and wings = 4 X 15 X 1 X 2 = 120 yards of masonry =	472 y's at 10d	236	0	0

		£	s.	d.
A* *Beaverdam Creek and Embankment, with a Culvert of 10 feet diameter.*				
	solid yards.			
No. 10. Parallelogram 44 X 6 X 15 =	3960			
Slopes 44 X 6 X 12 =	3168			
No. 11. Wedge $\frac{88}{3}$ X 6 X 15 =	3960			
Slopes $\frac{88}{3}$ X 6 X 12 =	2088			
13176—Canal size 2716 yards = 10460 y'sat 8d		348	13	4
Culvert 38 X 10 X 1 = 380 solid yards masonry—Faces and wings 4 X 16 X 1 X 2 = 128 yards = 508 y's at 10s		254	0	0
Plain cutting and embanking = 1210 X 13 = 15,730 y's at 6d.		393	15	0
Deep cutting and dividing ridge.				
	cubic yards.			
No. 12. Canal line = 792 X 13 =	10,296			
Wedge = $\frac{28}{3}$ X 7 X 14 =	14,014			
Slopes = $\frac{28}{3}$ X 7 X 10.5 =	6,982			
No. 13. Wedge = $\frac{56}{3}$ X 7 X 14 =	24,794			
Slopes = $\frac{56}{3}$ X 7 X 10.5 =	12,348 = 68,434 yards at 6d.	1,710	17	0
Plain cutting and embankment to Lock No. 1. = 220 X 13 = 2,860 yd's at 6d		71	10	0
Do. from No. 1 to No. 9 Lock = 1650 X 13 = 21,450 yd's at 6d		536	5	0
9 Locks, including excav. & embank. Lock pits according to particular estimate for lockage		3,231	0	9½
Grubbing, &c, to Lock No. 9 inclusive,		150	0	0
Loose rock excavation = 176 X 13 = 2288 solid yards at 1s.		114	8	0
Locks Nos. 10, 11, 12, 13, 14, 15, & 16, including Lock pits and excavation,		2,549	2	8
Loose rock excavation 484 X 13 = 6292 yards at 6d.		157	6	0
Extra cutting between No. 17 & 18 locks = 483 X 13 X 2 yards = 12584 c. yd's				
Slopes, 430 X 2 X 4 do. = 3440 do. = 16,024 at 1s		801	4	0
Locks Nos. 17 & 18		719	15	0
Plain cutting and embanking = 1320 X 13 = 17160 yards at 6d.		858	0	0
Lock No. 19 with embankment for lock head		361	10	9
Culvert 4 feet diameter, and Embankment.				
	solid yards.			
Parallelogram 44 X 3 X 15 =	1980			
Pyramidal $\frac{44}{3}$ X 3 X 6 =	396			
Parallelogram 132 X 3 X 15 =	5940			
Pyramidal $\frac{132}{3}$ X 3 X 6 = 792 =	9108 yards			
Deduct canal size 2288 = 6820 at 8d		227	6	8
Culvert 28 X 4 = 112 solid yards of masonry, wings, &c. 10 X 3 X 1 X 2 = 60 do.—total yards 172 at 10s.		86	0	0
Plain cutting 902 X 13 = 11726 at 6d.		293	3	0
Lock No. 20, including lock pit		283	7	0
Plain cutting and embanking 506 X 13 = 6578 yards at 6d.		164	9	0
Locks Nos. 21 & 22, including Pond excavation		738	4	0
Plain cutting and embanking 374 X 13 = 4862 yards at 6d.		121	11	0
Lock No 23		359	17	6
Plain cutting and embanking = 946 X 13 = 12532 yards at 6d.		313	6	0
Lock No. 24, with excavation,		314	4	0
Plain cutting 550 X 13 = 7150 yards at 6d.		178	15	0
Lock No. 25,		359	17	6
Plain cutting and embanking = 2860 X 13 = 37180 yards at 6d,		929	10	0
Lock No 26,		340	0	0
Plain cutting and embanking 2222 X 13 = 28,886 yards at 6d.		722	3	0
Lock No. 27,		340	0	0
Plain cutting, &c. = 1298 X 13 = 16,874 yards at 6d.		421	17	0
Lock No. 28.		359	17	6
Embankment and Culvert 10 feet diameter.				
Wedge = $\frac{66}{3}$ X 15 X 6 =	2970 solid yards,			
Slopes = $\frac{66}{3}$ X 6 X 12 =	1584 do.			
Wedge = $\frac{132}{3}$ X 15 X 6 =	5940 do.			
Slopes = $\frac{132}{3}$ X 6 X 12 =	3168 do.			
13,662 yards minus canal size 2574 yards = 11,088 yd's at 8d.		369	12	0
Culvert = 39 X 10 X 1 =	390 solid yards of masonry,			
Faces & wings 5 X 12. 1 X 2 = 120	do. = 510 yards at 10s per yard,	255	0	0

	£	s.	d.
Plain cutting and embankments = 2728 X 13 = 35464 yards at 6d,	886	12	0
Lock No. 29, including lock pit	359	17	6
Embanking 3 Mile Run.			
Parallellogram 22 X 15 X 4 = 1320 solid yards,			
Slopes 22 X 4 X 8 = 704 do. =2024 yards at 6d.	50	12	0
Grubbing partially 10 miles at £50 per mile,	500	0	0
Embanking 2 Mile Run.			
Wedge $\frac{3}{5}$ X 15 X 5 = 825 cubic yards,			
Slopes $\frac{3}{5}$ X 5 X 10 = 350 do.			
Parallelogram 44 X 15 X 5 = 3,300 do.			
Slopes 44 X 5 X 10 = 2,200 do.			
Wedge $\frac{4}{5}$ X 15 X 5 = 1,650 do.			
Slopes $\frac{4}{5}$ X 5 X 10 = 700 do. = 9025 y's m. canal size 2002 y's = 7023 at 8d	234	2	0
Culvert 36 X 10 X 1 = 360 yards of masonry,			
Wings & Face 5 X 12 X 1 X 2 = 120 do. = 480 yards at 10s,	240	0	0
Culvert near Court House 28 X 4 X 1 = 112 yards of masonry—3 X 10 X 1 X 2 = 60 yards of do.—total 172 yards at 10s.	86	0	0
Plain cutting and embanking = 4422 X 13 = 57,480 yards at 6d,	1437	3	0
Locks Nos. 30, 31, 32 & 33.	1440	0	0
Pond between do. Locks = 352 X 13 = 4576 at 6d.	114	8	0
Road and occupation bridges at one per mile 20 X 40 =	800	0	0
3 pair of stop gates and recesses at £24 each,	72	0	0
Ten per cent for incidental expenses,	4107	4	1
Total,	45,179	14	1½
Plain cutting omitted at A = 528 X 13 = 6864 yards at 6d.	171	12	0
Ten per cent upon do.	17	3	2
	45,368	9	3½

FRANCIS HALL, *Enginesr.*

Queenston, 10th December, 1824.

No. 11.

ESTIMATE of the expense of making a Canal from the Chippawa River, by the Valley of the 12 *Mile Creek.*

	£	s.	d.
To Lock No. 1, according to particular estimate, distance 3 miles and 11,120 yards	13,345	9	10
Lock No. 1, timber, workmanship, iron and excavation of earth work.	359	17	6
Plain cutting between No. 1 and 2 Locks, = 1452 X 14 = 20,328 cubic yards, at 6d	508	4	0
Grubbing, &c., 1452 yards	32	0	0
Lock No. 2	359	17	6
From No. 2 to No. 3 Lock, cutting = 2816 yards, and ½ cutting, widening and sloping banks = 19,712 cubic yards at 6d	492	16	0
Lock No. 3	303	7	9
From No. 3 to No. 4 Lock, distance 2376 yards, at ½ cutting, sloping, &c. = 16,632 yards, at 6d	415	16	0
Lock No. 4	307	14	6
From Lock No. 4 to DeCow's mill-pond, distance 2420 yards, ½ cutting, &c. 7 X 2420 = 16,940 cubic yards, at 6d	423	10	0
Clearing of detached stones in this length	7	14	0
From DeCow's mill-pond to No. 5 Lock, length 746 yards, side cutting 946 X 23 = 21,758 solid yards at 6d	543	19	0
Embankments = 99 X 3 X 7 = 2079 cubic yards, slopes, &c. = 99 X 7 X 14 = 9702, do total 11,781 yards at 6d.	294	10	10
Lock No. 5	359	17	6
From No. 5 to Lock No. 6 = 286 lineal yards, extra cutting = 286 X 23 = 6578 cubic y'ds, at 6d	164	9	0

	£	s.	d.
No. 6 Lock	359	17	6
From No. 6 to No. 7 Lock, 305 X 10 = 3050 cubic yards, at 6d	76	5	0
Lock No. 7	360	0	0
From Lock No. 7 to No. 9 Lock = 198 lineal yards at ½ cutting, widening, &c. = 1386 yards, at 6d	69	16	0
Locks No. 8 and 9	720	0	0
From Lock No. 7 to No. 9 = 2002 cubic yards, at 6d	50	1	0
Locks Nos. 10, 11, 12, 13, 14 and 15, with middle and side ponds = 6578 yards, at 6d. £164 9s.—lockage £2,160, total	2,324	9	0
Cross embankment between No. 15 and 16 Locks = 300 cubic yards of earth, lining, piling and securing, at 5s. per yard	75	0	0
Locks No. 16, 17, 18, 19, 20, 21, 22, 23 and 24 =	3,240	0	0
Ponds for centre and sides = 10,880 yards, at 6d	272	0	0
Grubbing 1320 yards	75	0	0
From Lock No. 24 to Thomas's mill-pond, cutting, widening and raising, 2244 X 16 = 35,904 cubic yards, at 6d	897	12	0
Lock No. 25	359	17	6
From Lock No. 25 to 26, 1474 lineal yards, cutting, sloping and embanking 14,740 cubic yards, at 6d	368	10	0
Lock No. 26	360	0	0
From Lock No. 26 to No. 27, distance 2508 yards, widening, embanking, &c. = 15,048 cubic yards, at 6d	376	4	0
Lock No. 27	359	17	6
From Lock 27, deviation by Blue Hill to Lock No. 28 = 41,470 cubic yards, at 6d	1,036	15	0
Locks No. 28 and 29	720	0	0
From Lock No. 29 to 30 = 1386 lineal yards, grubbing, widening, sloping, &c. 9702 cubic yards, at 6d	242	11	0
Lock No. 30	359	17	6
From Lock No. 30 to 31, lineal distance 1650 yards widening, &c. = 16500 yards at 6d	402	10	0
Lock No. 31	359	17	6
From Lock No. 31 to No. 32, lineal distance 1610 yards widening, embankments, &c. 16,100 cubic yards at 6d	402	10	0
Lock No. 32	359	17	6
From Lock No. 32 to opp. Ball's mill, lineal distance 1991 yards embanking and sloping, = 13937 yards at 6d	348	8	10
Waste wiers, average £24 each	528	0	0
Guard Lock of 3 feet rise and 7 feet depth of chamber, 50 yards excavation as per separate estimate,	1000	0	0
Embankment across entrance of 12 Mile Pond = 978 yards X 6 X 1 = 5868 cubic yards at 1s per yard.——	293	8	0
Protecting Pier, as per particular design, extending into Lake Ontario, 84 yards to 8 feet water,	2,147	4	6
Raising Decou's Mill Pond	274	10	6
Do. Merritt & Adams' do	200	0	0
Tracking Path for 2 miles through the 12 Pond = 25 solid feet of timber per lineal yard = 88000 solid feet at 15s per hundred	660	0	0
Workmanship of 3520 frames at 5s each	880	0	0
One pair of stop gates and recesses for this line	24	19	6
Road Bridges, six in number, at £40 each	240	0	0
Ten per cent for contingencies, &c.	3,874	4	3
Total	42,616	7	0

FRANCIS HALL, *Engineer.*

Queenston, 10th December, 1824.

No. 12.

General description of the Welland Canal from the Chippawa River to Lake Ontario by Niagara.

From the Chippawa River, Brown's farm, to No. 1 Lock, a distance of 3 miles and 1120 yards is common to both lines—leaving the middle branch of the 12 creek continuing to the north east upon the summit level, crossing a ravine, from thence passing Captain Napier's creek, in nearly a straight course to Wilson's clearing—crossing west branch of the Beaver Dam Creek by a culvert of eight feet diameter in the foregoing length; two culverts, each 4 feet diameter, must be constructed, pursuing a favourable course to the main branch of the Beaver Dam Creek, where a culvert of 10 feet will be requisite, proceeding by easy ground to Carroll's house, thence to westward, or Van Every's barn, crossing falls and Beaver Dam road into Shriner's farm, pass the dividing ridge between the Beaver Dam Creek and mountain face by deep cutting 25 feet at summit to No. 1 Lock—descend the mountain by favorable ground through a

defile to the east of Mr. Keefer's house, crossing St. David's road; continuing by the course of a narrow ravine to near Mr. Ball's, where loose rock excavation will be experienced.—From thence, crossing the line between Thorold and Grantham, leave 10 Mile Creek to the left and Grasse's house to the right, passing Young's farm, crossing road and ravine through Stull's orchard, passing a road and ravine between Bradd's and Vanderlip's No. 19 Lock onward through the black swamp woodlands, to intersection of Niagara road, proceeding parallel with this road, crossing 4 and 3 Mile Creeks by culverts, proceeding to near Mr. Ball's, leaving Swamp Road to the right, crossing 2 Mile Run by a culvert of 8 feet; again crossing Niagara road opposite Mr. Butler's house, continuing in a north east direction, crossing three roads and two small ravines, leaving Niagara upon the left, proceeding upon the plains to the head of a small hollow, north east of church,—from thence descending to Lake Ontario, where sufficient depth of water and secure anchorage may at all seasons be obtained.

FRANCIS HALL,
Engineer.

Queenston, 10th December, 1824.

IN THE YEAR 1825.

From the extensive correspondence and various publications during the two preceding years, public attention was at length drawn to the undertaking.—The New York Stockholders recommended an open cut, with a view of hereafter extending the dimensions of the canal, and although two shafts had been sunk—the two ends of the deep cut opened to bottom level—the timber for tunnel got out, and every proposition entered into, they discontinued the work, incurring a loss thereby of nearly £5,000.—This year was memorable in Europe for an unusual degree of enterprize and speculation in stocks and funds of every description. Messrs. McGillivray & Galt, Commissioners of the Canada Company arrived in this Province and took an active part in promoting this object—from their representations of the facility of obtaining capital in Europe, the Directors petitioned and obtained the act which passed on 13th April, 1825, as referred to above, increasing the Capital Stock to £200,000, defining the route; allowing stockholders to withdraw, and appointing the Bank of Upper Canada Treasurer. (*See act appended hereto, marked No.* 1.) On which the President repaired to New York, obtained stock to the amount of £75,000—then to Montreal and Quebec—a re-survey took place, Engineers finding they could not descend the mountain at Mr. Decou,s without a combination of locks discontinued further operations—explored a new route, which produced the reports of Messrs. Clowe's & Roberts respecting the same. (*See Reports of Messrs. Clowes and Roberts, annexed to a report of the House of Assembly, which is hereto appended, and marked* 4.) Also of Messrs. Geddes & Hall, respecting the Harbor at Port Dalhousie. (*See Reports of Messrs. Geddes and Hall, marked No.* 2 *and No* 3, *and hereto appended.*)—This year likewise brought into action all those feelings of cupidity, envy, jealousy, and distrust, which unhappily characterize our nature.—Those who had heretofore looked on with appathy and indifference conceiving the project to be altogether visionary, began to exert themselves to endeavour to direct the route to the frontier. It is unnecessary to recapitulate the means resorted to, but the reports and proceedings of the different meetings, (*see proceedings of a Meeting at St. Catharines hereto appended, marked No.* 7,) and the list of Stockholders, many of whom withdrew, (*See list of stockholders and withdrawals hereto appended, marked No.* 8,) will more clearly shew the struggle which ensued on both sides.—The increased dimensions of the canal and consequent increase of capital, for the procuring of which we relied wholly on Messrs. McGillivray and Galt, was the commencement of that arduous struggle, with which the Stockholders and Directors of this Company had to contend; my own judgment was at the time against the enlarged dimension, as I did not view the prospect of obtaining so large a capital so favorable as those who I admitted to be far more competent judges—and the result, whatever may have been the difficulties experienced, has confirmed my error, as the Canal on the smaller scale would never have answered the desired object.—(*See suggestions on Steam Boat Navigation. No.* 9.) Mr. McGillivray visited the line of canal, was highly pleased with the route, recommended Mr. Boulton's mission to England immediately, as he could not leave himself, as was originally intended, to take up the remaining proportion of stock which had been obtained expressly for that purpose—contracts were let out on the entire line of canal, and the most active operations commenced. This year also furnished the Director of 1835 with the following subjects, which he claims as a new discovery:

1st. The alteration of the route.—2nd. Mr. Boulton's mission to England.—3rd. Mr. McGillivray's letter respecting the Books.—4th. The resolution promising to grant Mr. Keefer water for a flouring mill.

By reference to the proceedings of a committee appointed by the House of Assembly this year, (*See Report, &c. appended hereto, marked No.* 4.) we find the objection made by Mr. Gordon to the the alteration of the route withdrawn. The Hon. William Allan's evidence on the subject of Mr. Boulton's mission, the evidence of the Directors and the different individuals who were then interested, for and against it, and who we may fairly suppose understood the nature of the transaction quite as well as the individual who comes forward 10 years after the occurrence took place; we also find by the minutes of the Board the bonus granted Mr. Keefer for water privilege, rejected by General Beach.—The letter written by Mr. McGillivray referred to books then in existence, before the work was fairly in progress, instead of the books of account generally, as the public are led to believe—that Mr. Wenham was appointed after this period—enters upon an entire set of new books—that Mr. Boulton actually repays the money advanced, which is again repaid him at a subsequent meeting of the Directors, and that all the matter he has referred to has been canvassed from year to year, and by this time should fairly have passed into oblivion.

The Directors of this year were the Hononorable John Henry Dunn, and Henry John Boulton, James Irvine, Simon McGillivray, James Clarke Buchanan, George Keefer, and William Hamilton Merritt, Esquires.

DOCUMENTS *referred to in the foregoing remarks, viz:*

Act of Parliament 6th Geo. 4th, chap. 2., passed 13th April, 1825.....	marked	No. 1.
Report of Mr. Geddes, Civil Engineer	do.	No. 2.
Report, &c. of Mr. Hall, Civil Engineer	do.	No. 3.
Report and Evidence of Select Committee of House of Assembly, 2nd Session, 9th Parliament,.....	do.	No. 4.
Minutes of the Board of Directors for 1825, ...	do.	No. 5.
Report of the Board of Directors for 1825,.....	do.	No. 6.
Proceedings, &c. of a meeting at St. Catharines, ...	do.	No. 7.
List of Stockholders and Withdrawals	do.	No. 8.
Suggestions on Steam Boat Navigation	do.	No. 9.
Letters from New York recommending Mr. Geddes,.....	do.	No. 10.

No. 1.

AN ACT *to repeal part of and extend the provisions of an act passed in the fourth year of His present Majesty's reign, entitled, "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company."*

Whereas it is expedient to repeal part of and amend an act passed during the last Session of the Parliament of this Province, entitled "An Act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company"; and to enable the Directors thereof to enlarge the dimensions of the said Canal if they shall think proper; *Be it therefore enacted by the King's Most Excellent Majesty*, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the 24th clause, the thirty-seventh clause, and so much of the twenty-fifth clause of the said first mentioned act as declares the number of shares shall not exceed three thousand, shall be, and the same are hereby repealed; and that from and after the passing of this act the number of shares to be held by the said Company shall not exceed sixteen thousand, at twelve pounds ten shillings each.

2. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act the land and ground to be taken and used for the said canal, the towing paths, ditches, drains, and fences, to separate any such towing paths from the adjoining lands shall not exceed sixty yards in breadth, except in such places where the said canal shall be raised higher or cut above five feet deeper than the present surface of the land; and in such places where it may be judged necessary for boats and other vessels and rafts to turn, lie, or pass each other, not more than one hundred yards in breadth, without the consent of the owner or owners of such lands or grounds respectively, under his, her, or their hand and seal first had and obtained, anything in the said first mentioned act to the contrary notwithstanding.

3. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President and Directors of the said Company to extend the dimensions of the said Canal for the purposes of Sloop navigation if they shall see fit to do so, any thing in the said first recited act to the contrary notwithstanding.

4. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company to construct a track or towing path, from the point where the Canal from Lake Ontario intersects the River Welland to the point where the Canal leaves the River Welland for the Grand River, and from the point where it intersects the Grand River, on the bank thereof, to Lake Erie; also from the point where the Canal from Ontario intersects the River Welland, to the mouth of said river on either bank thereof, which ever the Company may find most convenient, and from thence to Fort Erie at the head of Niagara River: *Provided always*, nevertheless, that nothing in this Act contained shall be construed to prevent any person or persons whatever from having and enjoying the use of the said rivers or either of them, and of the banks thereof, (subject to such regulations as may be made by the said Company for the preservation of the towing paths or tracks aforesaid) for all purposes as fully, freely, and effectually, as if this Act had never been made.

5. *And be it further enacted by the authority aforesaid*, That the authority given to the said Company in the third clause of the said recited Act to construct reservoirs shall be construed to authorise them to execute the said reservoirs (in the manner pointed out) on the line of the Canal if to the said Company it shall seem expedient.

6. *And be it further enacted by the authority aforesaid*, That so much of the twenty-ninth clause of the said recited Act as requires the election of five Directors, be and the same is hereby repealed; and that the said Company shall elect in manner and at the times pointed out by the said Act, seven Directors, annually, (one of whom shall be President) to manage the affairs of the said Company.

7. *And whereas* doubts may be hereafter entertained with respect to the direction by which it was intended the said Canal should be conducted in order to entitle the said Company to the privileges extended by the above recited Act, the same not having been otherwise declared in the said Act than by reference to the Report of Mr. Hiram Tibbet, Engineer; *be it therefore further enacted by the authority aforesaid and declared*, That the route along which the said Canal shall be conducted shall be as follows, that is to say—that part thereof which is to connect the River Welland with Lake Ontario shall commence at John Brown's farm on the River Welland in the township of Thorold, passing down the valley of the Twelve Mile Creek and terminating in Lake Ontario at the mouth of the said Creek, such being the route surveyed and reported by Hiram Tibbet, Engineer, before the passing of the said Act, and referred to in the nineteenth section thereof; and that part thereof which is to connect the River Ouse or Grand River with the River Welland, shall commence at or near Broad Creek on the Grand River, and terminate at or near Misiner's Mills on the forks of the River Welland; *Provided always*, nevertheless, that if within three months after the

passing of this Act any Stockholder in the said Company shall by instrument in writing executed in the presence of one or more witnesses under their hands and seals, declare to the President and Directors of the said Company that they would not, under the provisions of this Act, have taken shares in the said Canal, such Stockholder shall be considered no longer liable to pay his subscription or any part thereof; and upon repayment to him of such instalments as he may have paid, his shares shall be thenceforth forfeited.

8. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall be construed to authorise the said Company to construct such track or towing path as herein mentioned in any manner to interfere with or prejudice the property of any person or persons having mills, storehouses, wharves, or other buildings, on the banks of either of the said rivers.

9. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Directors now chosen to procure without delay a survey to be made of the harbor at the mouth of the Grand River on Lake Erie, and of the entrance into the Twelve Mile Creek from Lake Ontario, by an able and experienced engineer in order to ascertain whether secure and capacious harbors can be constructed for Sloops and Schooners intended to pass through the said Canal, at an expense which will not occasion the whole estimate to exceed the amount of stock which the said Company are by this Act authorised to hold.

10. *And be it further enacted by the authority aforesaid*, That the whole amount of stock now paid in, and remaining on hand, and such as shall hereafter be paid in upon the subscription of the said Company shall from time to time be deposited in the Bank of Upper Canada, and there placed to the credit of the Welland Canal Company to be withdrawn only by order of a Board of Directors, signed by the President or Vice-President, and countersigned by the Secretary of the Board for the time being.

11. *And be it further enacted by the authority aforesaid*, That no part of the funds of the said Company shall at any time be appropriated to any purpose unconnected with the making the said Canal and the navigation thereof, unless upon specific estimates submitted to a general meeting of the Stockholders to be legally called and approved of by a majority of the stockholders attending such meeting, or by his or their agent or agents duly authorised to act in his or their behalf.

12. *And be it further enacted by the authority aforesaid*, That at and after the next general election of Directors no person shall be eligible to be a Director of the said Company who shall not be a Stockholder in the said Company to the amount of twenty shares, any thing in the twenty-ninth clause of the said Act passed in the fourth year of His Majesty's reign to the contrary notwithstanding.

13. *And be it further enacted by the authority aforesaid*, That the Honorable James Irvine and Simon McGillivray, Esquire, in addition to the five Directors already elected, shall constitute the Directors of the said Company till the next general election, anything in the twenty-ninth clause of the said recited Act to the contrary notwithstanding.

14. *And be it further enacted by the authority aforesaid*, That the holder of five shares shall be entitled to one vote; the holder of twenty shares to two votes; the holder of fifty shares, three votes, and the holders of one hundred shares and upwards, four votes, at all general meetings of the Stockholders.

15. } [Repealed by 1st William IV, c. 18.]
16. }

No. 2.

To the Hon. the President of the Welland Canal Company.

Gentlemen,

In compliance with your request I have examined the mouth of the Twelve Mile Creek, proposed for the entrance of your Canal into Lake Ontario, a description of which you have in the following Report:

The margin of Lake Ontario at the mouth of Twelve Mile Creek is an extensive smooth plane elevated at the shore about 30 feet above the level of the lake's surface, consisting mainly of a mass of brown clay of great depth, passing, probably far into the Lake, and forming the bottom for a great distance from the shore. The conjecture is quite probable that a shore so soluble in water has been far encroached upon by the lake, consequently the bottom now left is composed of clay over the surface of which lies a bed several inches in depth of rolled stones and pebbles of various sizes, amongst which is a very fine sand, being the insoluble remains of the immense deep clay stratum in which the above hard substances were imbedded. There are likewise formed in this clay stratum large boulders of granite, a few of which are visible on the bottom of the lake—one lies a short distance from the mouth of the creek, at the edge of the water on the west side, from which a cube of nearly 4 feet might be cut. In deepening the lake some such might be met with, but from so few being in sight it is not very probable. Near the surface of the earth, the proportion of sand and gravel is small, but at the water's edge much more abundant. A portion brought up from beneath 9 feet water by boring, was very similar. Piles would be easier driven if the proportion of sand was less.—The action of the waves against the current of the creek has worn on this clayey shore until the two headlands are 616 yards apart, and from the insoluble remains a sandy beach is formed from one cape to the other, so high that the waters break over it. The creek runs through an opening in the beach continually varying in width, and at times entirely shut, overflowing the meadows up stream, until the water rises high enough to run over and cut away the bar of sand. At westermost cape (as shown on the map) is the most favorable situation for a Lock, measuring from the shore at this point N. 60° W. the depths were taken at every 22 yards, and were in feet as follows: 4, 4, 4, 4½, 5⅝, 6½ 6¾ and 7½ from measurement, it results that a depth of eight feet can be had for those 198 yards by the removal under water of 2040 cubic yards, calculating a bottom 10 yards wide, and slope of the sides 18 inches base to 12 perpendicular. In the same direction was measured from the shore 671 yards to 12 feet water, and depths found as follows: at 198 yards, 8 feet; 236 yards, 11 feet; 440 yards, 9 feet 4 inches; 473 yards, 10 feet; 671 yards, 12

feet; calculating said measurements for a depth of 12 feet water, (bottom and slope the same). The quantity to be excavated under water will be about 8,800 cubic yards. The bottom rises and sinks with great regularity to 12 feet water, beyond which it sinks in a short distance to the depth of 21 feet. By running a mole in the direction measured upon, and putting the dam or waste wier at a narrow place 17 or 18 chains up the Creek, near all the movable sand will be shut away from the entrance into the Lock, and as the sand is evidently produced by a solution of the shores and bottom very little would be formed after the erection of the mound. The substance of the bottom of the lake is undoubtedly very closely compacted, as is evident by the rocky appearance under the water, a little west of the proposed entrance, which, notwithstanding the continual action of the waves over it, remains, and gives the appearance of a smooth rocky bottom, but when taken up, proves to be nothing but clay, sand, and small pebbles.—As no person taking a contract for constructing a mole or excavating under the water of this place would engage in it without first making thorough trials of the nature of the substance to be entered into or removed, it is useless by *guessing* to endeavour to make an estimate of a *mole* or the *excavation* required to be performed; but it may be said that appearances are not formidable, and (considering how great an undertaking it is to form an artificial harbor in a lake) that a canal can be made to enter here without encountering great difficulties. The wearing back of the lake shore had been estimated at a yard per year, and a small hovel at the 12 Mile Creek was set 80 yards from the edge of the bank, and at the end of thirty years it was measured, and 40 yards were found to have worn away. Taking into consideration this historical fact which is well authenticated, the lock ought not to be set so near the water as the place marked on the map.

Very respectfully submitted,
By your obedient servant,
JAMES GEDDES,
Engineer.

May 27th, 1825.

No. 3.

To the Welland Canal Corresponding Committee at Niagara.

GENTLEMEN,

According to instructions from your committee, I have proceeded to examine the actual state of Lake Ontario, opposite the proposed Canal, by the outlet of the 12 mile basin.—From the nature of the soil and subsoil in the 12 pond, a general depth of 12 feet water may be obtained by partial excavation, and having recourse to an embankment of 3 or 3½ feet across the beach.—This embankment will extend 264 lineal yards. Upon Lake Ontario side, find the depth and soundings to correspond with the table as under.

Distance in yards from the Bench of Lake Ontario.	Depth of water at different points.	DESCRIPTION OF BOTTOM ASCERTAINED BY BORINGS.
Yards.	Feet.	
120	11	Bottom, 2 inches of blue clay, with a hard rocky substrata.
320	9	Bottom, no clay, with an irregular rocky surface.
420	8	Bottom, of a similar description.
570	8	Bottom, consisting of large detached stones, with a consolodated rocky bottom.
670	8	Bottom, of a similar description, with clay between the interstices of rocky bottom.
770	11	Bottom, rock highly indurated, flat and few stones.
820	12	Bottom, compacted rock.
1020	18	Bottom, detached stones, clay, and rocky subsoil.
1220	18	Bottom, rocky, with clay fissures.
1460	19½	Bottom, 3 inches clay, rocky subsoil, interstices, filled with clay

The above Soundings, Borings, and Trials, have been executed with great care, and determine, beyond conjecture, *that*, the approach from any point of Ontario to the mouth of the Twelve Mile Creek, is *barred* up by a ridge or curved line, composed of *Stone, Clay*, and *Rock;* all of a very indurated nature,—in consequence it requires no demonstration to shew that a Schooner drawing 12 feet water during a moderate gale, cannot approach nearer the Beach than from 12 to 1400 yards. Supposing this object, from necessity, to be carried into execution, the consequence must be, the construction of *solid masonry* for a *Breakwater, Defences,* and side Piers, for a lineal distance of 1460 yards,—recourse must also be had to under excavation of Rock previous to acquiring 12 feet of water at the Beach.—It seems unnecessary to point out more particularly the disadvantages of this situation for a Harbour, even of the most limited description, as it must be apparent to your Committee that the expense of under water excavation *alone*, must render impracticable any attempt to improve this outlet.

I have the honor to be,
Gentlemen,
Your very obedient,
FRANCIS HALL,
Engineer.

Queenston, 24th March, 1825.

REPORT *relative to the termination of the Welland Canal at the Niagara River, near Queenston.*

Having examined a line of canal from Mr. Bassey's house, near the bottom of the mountain to the Niagara River at Queenston, find upon actual measurement that a diminution of *three and one half miles* can be effected in favor of this route over the Niagara line, and *five miles*, over that by the valley of the Twelve Mile Creek. From investigations already made, no ground can be found better adapted for canal operations, there being comparatively a *short extent* of *grubbing*, no *culverts* or *embankments* for an extent of six miles, and in so far as regards *distance*

and *expense* this route appears to be worthy of the particular attention of the Welland Canal Directors.

FRANCIS HALL,
Engineer.

Queenston, 1st Feb'y., 1825.

No. 4.

The Select Committee appointed to Report upon the several petitions of the President and Directors of the Welland Canal Company; of JAMES GORDON, Esq., A STOCKHOLDER IN THE SAID COMPANY; *of JACOB UPPER and others,* INHABITANTS OF THE DISTRICT OF NIAGARA; *of SAMUEL WOOD and others, and of the Inhabitants of the Town of Niagara and its vicinity; have, pursuant to the order of the House, considered the matters to them referred, and have agreed to the following as their* FIRST REPORT.

Your Committee desirous of affording to the House the most satisfactory means of judging of the actual progress of the very interesting and important undertaking in which the Welland Canal Company is now engaged, and also of the prospect of its successful termination, have proceeded to examine such witnesses, and to receive such other testimony as appeared to them most likely to furnish information that might be safely relied on.

Your Committee had also in view the necessity of enabling the House to determine upon the most satisfactory grounds the expediency of authorising the Government of this Province to assist the Company either by a loan or by subscribing Stock, according to the spirit of a resolution passed in the last session; and they have also examined into the various complaints which have been urged by individuals, either against the Charter itself, or the manner in which it has been acted upon. They have further endeavored to inform themselves with respect to the expediency of authorising a deviation from a part of the course of the projected Canal, for the reasons stated in the petition of the President and Directors; and of the propriety of sanctioning the prayer of the petitioners of the Town of Niagara and its vicinity, for permission to cut a Canal, navigable for Boats, leading from the Welland Canal, after it descends the mountain, to the Town of Niagara.

Upon these and other points which incidentally present themselves, your Committee have received the evidence which is subjoined to this report; and they now beg to lay before the House the following remarks as the result of their deliberations upon it.

It appears to your Committee that the calling upon the present Stockholders to pay up a very great proportion of their subscription, while the one half of the Stock considered necessary for the undertaking and authorised on that understanding by the Legislature, has not only not been subscribed, but in truth has not yet been actually solicited, is a measure which if it be even admitted to be strictly legal, is at least not one which the actual Stockholders could reasonably be supposed to have anticipated, or to have been prepared for; and therefore your Committee feel it desirable to relieve them from this unexpected pressure. The evidence will shew for what reason the one half of the Stock was intended to be withheld for a time from the market, and from what circumstances it has been withheld so long. It is the opinion of your Committee that when the necessary documents arrive in England, and a Committee of Agency is properly organized there is little question but the amount of Stock required will be taken up in London, and in the mean time, such is the confidence of the Committee in the ultimate success of the undertaking, that they have no hesitation in recommending to the House the confirmation of their vote at the conclusion of last session, by authorising the Government to borrow on debenture the sum of twenty-five thousand pounds to be loaned to the Welland Canal Company for a period of three years, at the rate of interest paid by the Government, and upon the security of the Company's bond.

This manifestation of confidence the Committee thinks is due to the prompt and strenuous exertions of the Company, by which, as it will be seen, the whole line of the Canal, from the Welland to the Twelve Mile Creek, including also the Harbor on Lake Ontario, has been actually put under contract, under circumstances which leave no reasonable ground for doubt that, with the exception of the deep cut, of which the increased cost is noticed in the evidence, the whole will be completed early in the summer of 1827, for a sum within the amount heretofore estimated; and by this proof of public confidence in the undertaking the Committee are persuaded that the subscription of the remaining Stock will be placed beyond question, so that the Company may proceed, as they have begun, without apprehension.

Upon the second point mentioned in the petition of the President and Directors, namely the sanctioning a deviation in part of the route from the Welland to Lake Ontario for the purpose of shortening the distance, diminishing the expense, and avoiding inconveniences in the descent of the mountain which render a Canal upon the present enlarged scale impracticable upon the former route, except at a very great cost, your Committee have maturely deliberated, and they have no doubt whatever remaining in their minds that the proposed alteration is decidedly expedient; but upon that point the Reports of Messrs. Clowes and Roberts are so entirely satisfactory that, in the absence of any evidence to the contrary, your Committee have concurred in recommending it.

With regard to the remission of duties on such articles as the Company or Contractors are compelled to import from the United States of America for carrying on the work, your Committee found at first some reason to hesitate, from their desire on the one hand to protect the public revenue, and their inclination on the other to see every obstacle removed that might occasion loss or difficulty to the persons engaged in a work of such great consequence to the country. From information which the Committee has received from W. H. Merritt, Esq., since his last examination, there is reason to suppose that the whole amount of duties which it will be necessary to pay upon the importations alluded to, through the progress of the work, will not be less than five or six hundred pounds.

It will be seen by the evidence on that point, that to compel the Contractors to obtain these articles in this Province (or such of them rather as could be

procured here) would subject *them*, and of course ultimately the *Company*, to unreasonable disadvantages, and this being satisfactorily ascertained, the Committee have agreed to recommend a remission of the duties, persuaded that it will not be thought desirable to increase the revenue by enhancing in any degree the cost of a public work undertaken with so much spirit. It is believed that many precedents of such an indulgence are afforded with respect to similar works in England, and your Committee therefore are only at a loss as to the proper mode of extending it in this case. The duties in question are imposed by a recent British Act of Parliament, and therefore your Committee conceives that their payment in the first instance must be complied with, and the relief must be afforded by authorising by law the repayment from the Provincial Treasury of a sum of equal amount.

A careful examination into the various complaints which have been preferred by individuals against the Company, charging them with an unnecessary and improper interference with private rights, has afforded your committee no grounds to believe either that the Charter conveys greater powers than are required for carrying on a work of such a description, or that those powers have been in any manner abused.

Indeed hitherto very little has been done that can have interfered with the improved possessions of any person, and whenever in the course of the work damages are occasioned by the act of the Company, the Law appears to provide a convenient and just method of obtaining compensation.

If unauthorized acts shall be committed occasioning injury to individuals, the Company are liable as a corporate body to an action for such injury. Indeed upon this branch of their inquiries your committee are inclined to suggest that the Company is rather the party that appears to require additional protection, and that it might be neither unjust nor inexpedient to provide that in estimating the damage done to individuals, consideration should be given to the benefit which the individual derives from the Canal, as well as to the injury it occasions, upon the principle explained in the evidence of Oliver Phelps. This is the rule with respect to the Erie Canal in the State of New York, and it appears to your Committee not unreasonable, for they have indeed grounds to believe that the actual value of all the possessions through which the Canal is to pass is already much enhanced in consequence of the projected work, and that not a few of the individuals who have urged complaints against its being taken through their property would be exceedingly disappointed if their applications were literally taken, it being their object rather to strengthen by such remonstrances their claim for damages than to prevent the completion of the Canal.

With respect to the enjoyment, for ordinary purposes, of the privilege of water brought down by the Canal, your Committee conceives that it is proper to provide that if in any case the Canal should interfere with convenient enjoyment of any advantage of water previously existing, free access to the bank of the Canal should be secured to the party.

One of the most material points to be considered by your Committee is the propriety of either *directing* the Company or *authorizing* individuals to build Bridges over the Canal in order to connect the possessions of persons through whose land the Canal will pass. It is evident to your Committee that to multiply Bridges upon a Canal intended for a navigation by Sloops and Schooners would be to increase exceedingly the delay and inconvenience of the passage, and their impression is that Bridges should only be required to be built by the Company where some principal Highway is intersected by the Canal, and that individuals should only be allowed to erect them for the purpose of connecting Buildings or improvements of considerable value, and that restrictions as to the form of such Bridges should be imposed, and also as to the periods during which they should be left closed. Your Committee are happy to believe that the Canal passing through the route now intended will occasion as little inconvenience, of every kind to the inhabitants of the adjacent lands as could be expected to occur in the prosecution of so great a work, and when they reflect upon the incomparably greater advantages which it will bring to those individuals they have less difficulty in recommending that the Navigation should not be embarrassed by the impracticable effort to obviate every inconvenience which it must unavoidably occasion.

JOHN B. ROBINSON,
Chairman.

House of Assembly Committee Room,
Decr. 7th, 1825.

MINUTES OF EVIDENCE.

Witnesses.

WILLIAM HAMILTON MERRITT, Esq.
The Honorable J. H. DUNN.
JAMES GORDON, Esq.
JOHN J. LEFFERTY, Esq. M. P. P.
JOHN CLARK, Esq. M. P. P.
ROBERT DICKSON, Esq.
EDWARD McBRIDE, Esq. M. P. P.
ZACCHEUS BURNHAM, Esq. M. P. P.
DONALD McDONALD, Esq. M. P. P.
The Honorable WILLIAM ALLAN,
Mr. OLIVER PHELPS, and
GEORGE KEEFER, Esq.

Saturday November 26th, 1825.

The Committee met.

THE ATTTORNEY GENERAL in the Chair.

WILLIAM HAMILTON MERRITT, Esq., *called in and Examined.*

Are you Secretary to the Welland Canal Company? I am acting Secretary to the Company.

Have you in your possession the Reports of the Civil Engineers which are referred to in the Petition of the President and Directors of the Company? I have. These are the Reports referred to—the one is a Survey and Report by Mr. Clowes, the other by Mr. Roberts.

[Here the Witness delivered in the Reports which were read and are as follows.]

"FIRST GENERAL REPORT

"TO THE PRESIDENT AND DIRECTORS OF THE WELLAND CANAL COMPANY.

"*For the proposed Line of Route to connect Lakes*

"*Erie and Ontario*,—Commencing at the outlet of "Grand River to make a safe and permanent Harbor "would require a Pier from West side of said River, "running South Easterly into Lake Erie 440 yards, "answering as a Breakwater against the South West "Winds, and giving the current of River a turn the "same course as current in Lake, also a Pier 200 "yards long on the East side, to prevent the water "from spreading itself, by which means a sufficient "quantity of water would be collected in a body, the "current of which would prevent the Bar forming at "the junction of the two waters. Thence following "the Grand River two miles to Broad Creek River, "averaging about 700 feet wide and 16 feet deep wa- "ter, no other expense necessary than forming tow "path where it is proposed to leave the River. In "the first two miles after leaving the River the Land "rises 8 feet above the surface of Lake Erie, and to "water level in said marsh, then crossing said marsh "8 miles to Lot No. 17, 4th Con. Wainfleet, the sur- "face in this distance varies but little in any part, its "general appearance being one vast Swamp inter- "spersed with small Ponds of water, varying from 3 "to 6 feet deep of soft black mud on a bed of strong "blue clay; many places for several hundred acres "together are entirely free from Timber, where it is "wooded it is principally Tamarack; it is evident from "the nature of the Swamp unless the water in the "Canal was 4 feet below the surface of the marsh, it "would not drain it so effectually. The next 2¼ "miles crosses Lot No. 17 and part of 16. 4th Con- "cession Wainfleet to head of Misener's Creek, fol- "lowing course of same, cutting off the curves and "straightening the Creek to first forks below Misen- "ers Mill, water level in the River Welland, the ¾ "mile descent 6 feet to Mr. McDonald's, crossing "rich black alluvial flats heavy timbered, the next 1½ "falls 9 feet; by adhering to the bed of Misener's "Creek the expense would be much diminished, ad- "mitting 10 feet cutting through the marsh, there "would be one Lock of 4 feet descent into the Grand "River, and two of 6 feet each into the Welland; "on this principle there is a summit between the two "Rivers, and would require a Feeder brought from "the Grand River about 16 miles in length; from "the first forks of Misener's Creek to the Welland is "two miles,—to render the same navigable for "Schooners it will be necessary to form a tow path "and deepen the Creek on an average 18 inches; "thence down the Welland to Mr. J. Brown's farm, "to mouth of Canal now in operation, is 9 miles Riv- "er, averaging about 250 feet wide and 12 feet deep, "no other expense necessary than forming tow path "and alteration of Bridges, (making a distance be- "tween Lake Erie and John Brown's farm of 25¼ "miles.)

"Aggregate of Estimate for a Cut "on the Summit,..... £28157 6 6

do do 11 feet deep "to drain the marsh more effectually, 45831 13 1½

"To render a Feeder useless and bring the waters "of Lake Erie through the marsh, descending in- "to the Welland by a Lock of 8 feet fall, aggregate "of estimated cost, £69540 13 11

"To connect these Rivers from a small Creek a- "bout six miles above the outlet of the Grand River "by means of the Oswego or Lot No. 5, 2nd Con- "cession Canboro' near M. William Robinson's Mill "is a distance of 5½ miles, the Land in this route is "composed of strong brown clay excellent for a Ca- "nal, frequently crossing ravines and swails which "would considerably lessen the expense, the Canal "would then descend into the Grand River with 2 "Locks of 6 feet fall each and into the Welland with "3 of 7 feet fall each, a Feeder to supply this summit "is described above. From Mr. William Robinson's to "the intersection of the Oswego with the Welland is "a distance of five miles, the banks of the Oswego are "sufficiently high to admit a Lock being placed at its "outlet, thereby raising the water at Mr. Robinson's "to the depth of 7 feet, making a Canal that distance "at the trifling expense of clearing Creek and form- "ing tow path; thence down the Welland 25 miles "to J. Brown's farm or Canal, the whole distance be- "ing navigable for Vessels drawing 12 feet water, "the only expense necessary is forming tow path and "alteration in Bridges making a distance from Lake "Erie to Brown's farm of 41¼ miles, and aggregate "of Estimate,.....£26930 2 10.

"Section No. 1 intersects the Welland on Brown's "farm at the outlet of a small Creek frequently cross- "ing the same in the distance of ¾ miles to section "No. 2; the outlet of this Creek presents a favorable "situation for forming an extensive Basin, at a com- "parative small expense, and the banks are well sit- "uated for the erection of Warehouses, &c.; the "Welland is very wide at this place—would admit "a number of Vessels, Rafts, &c. to lie without ob- "structing the Navigation of the River.

"At Section No. 2, a Lock must be placed to guard "against the fluctuation of the Welland as well as to "regulate the quantities of water necessary for Na- "vigation and Hydraulic purposes. At No. 2 com- "mences the dividing ridge between the waters of "the Welland and the head waters of the twelve mile "Creek, this ridge commences with 16 feet and runs "2 miles, then descends to 10 feet and varies in height "from 16 to 54 feet deep cutting. In this ridge the "only formidable obstacle presents itself in connect- "ing the two Lakes on the most extensive scale, and "can be done at less than half the expense of any "other situation between Niagara River and Burling- "ton Bay; the nature of the strata this ridge is com- "posed of having been ascertained, its completion as "to time and cost can be accurately computed, say "within two years from the time Contracts have been "entered into; thence to proposed dam at Wilson's "is 1½ miles—at the end of first half mile falls below "level near Mr. Adley's, running down on ravine "which adds a little to the length, but lessens the "amount of its cost; the next ¾ mile adhering to the "bed of the middle branch of twelve mile Creek to "Mr. Wilson's clear land, where it is proposed to "place a Dam between two projecting points and "raise the water to the same level as the River Wel- "land, forming a Reservoir of 70 or 80 acres, and a "Canal at the expense of clearing Creek and making "tow path; thence 1½ mile to Van Every's near the "Queenston road. In this distance the line crosses "two small ravines and two branches of the Beaver "dam Creek, a short length of deep cutting between "them, lying very convenient for the embankment, "it is proposed to place only one bank and form a "Reservoir at each of the above branches, the South

"one containing about 40 or 50 acres, the North one "would back 7 feet water a distance of 47 chains "forming for that length an excellent Canal and Res- "ervoir of at least 40 acres; from Van Every's to "head of Lock No. 1 in Shriner's ravine, a distance "of one mile crossing a dividing ridge between the "Beaver dam Creek and Shriner's ravine, the sum- "mit of which is 32 feet 10 inches above level, the "strata is blue clay mixed with small stones, not diffi- "cult to excavate: from foot of dividing ridge to "head of Lock No. 1, Shriner's ravine falls to four "feet below level), making a distance between the "Welland and Lock No. 1, of 6½ miles, in the last 3 "miles would be 3 large Reservoirs, the advantages "arising from which are very great, being situated at "convenient distances, so as to afford excellent har- "bors for vessels and lumber to any extent, as well "as to admit any quantity of water to be drawn off "for the supply of locks and machinery without cre "ating any sensible current in the deep cut.

"In the next ¾ mile ending at the township line be- "tween Thorold and Grantham about half the above "distance, the line continues in Shriner's ravine, the "banks of which are sufficiently high, care being ta- "ken in choosing the most favourable situation for "Locks and Waste weirs; the Canal would average "160 feet wide and from 7 to 11 feet water, leaving "the ravine opposite Mr. Keefer's Distillery, and "running parallel with the mountain below Mr. Kee- "fer's, requiring only a lower bank to form a Canal "on an average 100 feet wide, making this Pond "equal in supply to more than one mile of Canal ob- "tained at a very trifling amount, which forms the "principal part of Reservoir for Locks descending "mountain.

"By adhering to the rake of the mountain we des- "cend by a succession of Locks with a sufficient "pond between each to the head of Shaver's ravine "I would therefore by all means recommend the ad- "option of this route, as it will make a perfect and "complete Canal throughout, without being subject "to the necessary delay in combined Locks.

"Thence 1 mile down Shaver's ravine to intersec- "tion of Dick's Creek and 1¼ miles down Dick's "Creek to bridge at Saint Catharines descending in "the above 2¼ miles 104 feet with 12 Locks, the "banks of this ravine and Creek allow of every ad- "vantage being taken by placing the Locks, Waste "weirs, &c. between projecting points and save near- "ly all the excavation in the bottom of the same, the "whole distance forming a natural Canal 150 feet "wide and 9 feet deep; although Dick's Creek is "the main water course for a number of small ravines "its great width, and care being taken in placing "Locks &c. would render all artificial works erected "thereon perfectly secure; at the termination of "Dick's Creek at St. Catharines there are excellent "conveniences for Hydraulic establishments, situa- "ted at the side of the York and Niagara road, com- "manding a great extent of a well cultivated coun- "try. From the bridge at St. Catharines to the outlet "of the twelve mile Creek into Lake Ontario is 5 "miles (making a distance between the River Wel- "land and Lake Ontario of 15¾ miles,) in this dis- "tance the line adheres to the bed of the twelve mile "Creek, with but little variation in the first two "miles, then is 13 feet fall, descended by two Locks, "one at Mr. Merritt's and one at Mr. Adam's mill, "(making 311 feet fall,) descended by 34 Locks be- "tween the Welland and Lake Ontario; the guard "or entrance Lock at harbour (making 318 feet bot- "tom level) all the alterations necessary in the twelve "mile Creek are in the first two miles between St. "Catharines and Mr. Tenbroeck's, the remaining "three miles being rendered navigable by the forma "tion of Harbour.

"To form a good and permanent Harbour at the "twelve mile Pond, it will be necessary to place a "Lock at the foot of West bank, thence carry an em- "bankment across to the East bank 430 yards long, "then placing a waste weir 132 feet wide: a pro- "tecting pier to be carried from the East wing wall "of Lock into Lake Ontario, in a N. W. direction "200, the waste weir standing 3 feet above the pres- "ent surface of water in the Pond would give a depth "of 8 feet water, a distance of 3 miles, and form a "Harbour sufficiently deep for any vessel navigating "Lake Ontario, and in extent upwards of 350 acres, "varying from 4 to 20 feet deep water; to render "the Harbour useful for Vessels navigating the Lakes "but too large for the Canal it is proposed to con- "struct the Lock at the entrance into Lake Ontario "of suitable dimensions for that purpose, a small "quantity of excavation will be required in the "Lake, and at the entrance into the Pond, and a tow "path making up said Pond 3 miles when completed "on the plan proposed will form an extensive Har- "bour by far the most safe and secure of any on Lake "Ontario. Estimated cost from the Welland to Lake "Ontario, including Harbour &c. complete £110,015 "19 8."

ROUTES.	Distance in miles between Lakes	TOTAL AMOUNT.
"Bringing the waters of Lake Erie through the Cranberry Marsh.	41	£179,556 13 7
"By having a 4 feet summit in the Cranberry Marsh feeder, &c. complete.....	41	155,847 12 9½
"By way of Oswego, feeder, &c. complete,.	56	136,946 2 6

I am, Gentlemen,
Your obedient servant,
(Signed) SAMUEL CLOWES,
Engineer.

A true copy.
GEORGE SMITH,
Clerk W. C. Co.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

I have examined two routes for that part of the Welland Canal, which is situated between Andrew Wilson's and St. Catharines, and having re- viewed the ground attentively, and examined and compared the Estimates on both those Routes, ac- companied by two Members of your Board, and as- sisted by your Engineers, take the liberty to Report as follows:

1st. On the Route by Shaver's ravine and Dick's creek, or the Easterly Route to St. Catharines, the Estimates of Expense are as follows:—

Grubbing and Clearing 20½ acres,				£268 10 0	
Chopping and Clearing 28 do.				84 0 0	
Clearing Beaver Dam Creek,				34 9 4	
Earth Excavation,	149,948	yards,	£5,623 1 0		
	117,523	"	3,672 11 10½		
	34,727	"	868 3 6		
	4,136	"	68 18 8		
				10,232 15 0½	
Rock do.	17,136	"		2,142 0 0	
Embankment,	20,484	"	£768 3 0		
	35,078	"	1,096 3 9		
Puddling	7,418	"	185 9 0		
				2,049 15 9	
Waste Weirs and Trunks in the Embankment—4, at £10 each,				40 0 0	
Lockage—298 feet, at £57 13s. per foot, lift,				17,180 0 0	
Bridges over Canal—9, at £60 each,				540 0 0	
Fencing Canal,				136 17 6	
				£32,708 7 7½	

Which is an average of £4,845 13s. 8d. per mile.

On the Route from Wilsons meadow, by Beaver Dam and down the mountain to Brown's flats, and passing Thomas' mills, to St. Catharines, the estimates are as follows:—

Grubbing and Clearing 17 acres,		£284 18 0	
Forming Towing Path through Reservoir,		26 8 0	
Excavating Earth,		11,604 4 10½	
do. Rock,		5,751 17 0	
do Loose Stone,		271 14 0	
Embankments,	£998 1 3		
Puddling, &c.	97 6 6		
		1,095 7 9	
Culvert—1,		10 0 0	
Lockage—298 feet, at £57 13s per foot, lift,		17,180 0 0	
Bridges over Canal—10, at £60 each,		600 0 0	
Fencing Canal		163 5 0	
		£36,987 14 7½	

On a careful examination and comparison of the calculations made by Mr. Clowes, Engineer, on the different items of expense to be incurred in constructing the Canal on the above mentioned Routes, I am of opinion the same are reasonable, and are such prices as are usually paid for similar kinds of work, on other Canals where I am acquainted.

On the within Route, the mountain is so steep that the following Combinations of Locks will be unavoidable, and is the best arrangement which can be made, viz:

17 Combined Locks. { 3 Combinations of 3 Locks each, and 12 feet lift, nearly. 2 Combinations of 4 Locks each, and 12 feet lift.

These Combined Locks, with short pounds between the setts, reach to the foot of the mountain. It is believed by Mr. Clowes, your Engineer, and with some propriety, that Wooden Locks will not be sufficient for such heavy lifts, and for which reason he has added to the above, 17 Locks, which are to be made partly of stone.

Amount brought from within,		£36,987 14 7½	
The amount proposed to be added to make a part of the lift of each of the 17 Locks (on the mountain,) of stone, is estimated at £1,532 each,		26,055 0 0	
The distance on this route is 8*m.* 16*chs.* and will cost,		£63,042 14 7½	
Which is an average of £7688 2*s.* 8*d.* per mile,			

From the above Estimates it appears that, setting aside the allowance for Stone Locks, £26,055,) still there is a difference in favor of the Easterly Route, viz:

West Route by Beaver dam, as above, length 8*m.* 16*chs.* will cost,	36,987 14 7½	
East Route by Dick's creek, 6*m.* 60*chs.* will cost,	32,708 7 7½	
Difference in favour of the Easterly Route—1*m.* 36*chs.*—and will cost less		4,279 7 0

Duly considering the advantages and disadvantages of the two Routes above estimated, it is but just to observe, that the Westerly Route has many great facilities for making a Boat Canal; but it must also be observed, that for a Canal of dimensions for Lake

Vessels, it is not so favourable as the Easterly Route: the principal difference consists in the steep declivity where the 17 Locks are to be placed.—These Locks being of great lift, and combined as above stated, will always be a source of unavoidable delay to vessels, or boats, meeting at those Locks, and these inconveniences will be increased in proportion to the trade which passes through them. Double or Combined Locks of wood are more perishable than single Locks, as the intervening Locks are liable to be emptied quite to the bottom, whereas Single Locks have always water in them equal to the depth of the Canal.

From Andrew Wilson's the Easterly route passes a low ridge, and enters the valley of a branch of the Beaver Dam Creek, which will form a Reservoir of 40 or 50 acres, there is also a cut of about 30 feet deep for a short distance, which is ascertained to be soft clay of easy excavation. Passing this Cut the Canal enters Shriner's ravine which will afford a very copious basin, near which the line of Canal crosses the line between the Townships of Thorold and Grantham; and here the descent of the mountain commences, which is very easy and gradual; every Lock it is believed, can be built single: as the line is at present, there would be one combination of about 3 Locks. Another great advantage is, that the Locks need not exceed 8 feet lift, which are much more convenient and durable than those of greater altitude.—Having descended the mountain the line is very straight, with a gentle declivity, to the head of a ravine, which has very much the appearance of a wide Canal; along this ravine the Canal is conducted with but little expense, except the necessary Locks and waste wiers, and clearing away the timber and constructing a towing path. This valley will afford spacious and beautiful Basins at the head of each Lock, quite to St. Catharines, affording at each Lock, also, Hydraulic power equal to the lift of such Lock; and considering the great number of Basins between the Welland River and the Lake Ontario, the supply of water will at all times be both equal and ample.—Being fully satisfied that the Canal from Wilson's Basin by Beaver Dam and Dick's Creek, or the Easterly route to St. Catharines, is not only shorter and cheaper than the more Westerly route, though great pains and much time have been taken by Mr. Clowes Engineer, in order to ascertain the facts, and to locate those Locks to the best possible advantage, down the mountain as above stated, on the Westerly route.—The Easterly route has decidedly the advantage in running more contiguous to public roads, in the capacity of its Basins, and the gentle declivity by which it descends the mountain to the beautiful valley of Dick's Creek, which is at present unimproved and presents no claims for damages of consequence. I would for the above reasons recommend and decide that the Easterly route is the most suitable and proper line for a Canal, both for intrinsic value and for public accommodations of trade, manufactures, &c.

The distance from the Welland River to Lake Oniario, on this route, is fifteen and three fourths miles, and is composed of Canal and Reservoirs, and Basins, in the following proportions:

From Welland River to Deep Cut is.....	0m	60 ch's.	Canal.
Through Deep Cut	2m	0	do.
To head of Reservoir.....	0m	40	Reservoirs.

	Canal		Reservoirs	
Reservoir from end of cutting to Wilson's.....	0	0	0	60 chains.
Cutting from Wilson's to Beaver Dam.....	73		0	0
Reservoir along Beaver Dam Creek.....	0	0	0	47
Cutting to Shriner's Ravine..	1	0	0	0
Reservoir to Township line at head of Locks.....	0	0	0	60
Cutting descending mountain to Shaver's Ravine.....	1	20	0	0
Reservoir and Natural Canal thence to Lake Ontario.....	0	0	7	20
	m6	33	m9	27

In the above distance we have to excavate an entire Canal but *six miles* and *thirty-three chains:* the remainder of the route is Reservoirs or large Artificial Ponds, formed in Vallies and Ravines, and by being deeper than the Canal will afford much the pleasantest part of the navigation, as boats and veesels can be towed through them with more ease and expedition than along the narrow Canal.

All which is respectfully submitted.
(Signed) NATHAN S. ROBERTS,
Engineer.

St. Catharines, 16th August, 1825.

The Hon. John Henry Dunn, *called in and examined.*

Will you be so good as to state to the Committee what situation you hold in the Welland Canal Company?

I am President of the Company.

Will you have the goodness to state to the Committee such matters as you think may enable them to judge more clearly of the several points embraced in the petition of the President and Directors of the Company presented to the House of Assembly, and to make any representations respecting the progress of the Canal which the Company may desire to offer?

Immediately after the passing of the last Act, a meeting of the Company was held, and the Stock being limited to £200,000 it was thought desirable to reserve £100,000 for the London market—I went to New York, instructed by the Board to get Stock subscribed to the amount of £50,000, but finding a great readiness to subscribe I accepted subscriptions to the amount of £75,000, and might, I think, have got the whole amount if it had been wished for.

The remaining £25,000 was taken up in Lower and Upper Canada. After the above had been subscribed, Mr. McGillivray, a Director appointed by the Act, at whose instance, in a great measure, half the Stock had been reserved for the London market, wished to withhold his reference to England until he could himself personally inspect the route.—He came up in September last for that purpose, and having satisfied himself upon the subject, a meeting of the Board was held at St. Catharine's, and it was resolved to send a gentleman to England with the necessary information to procure subscription of stock.—The Solicitor General accordingly has proceeded to England for that purpose, and in the mean time it is resolved to apply for no more Stock in this

country. The whole line from the River Welland to Lake Ontario is actually put under contract. It is divided into 15 or 20 contracts—the Harbour is also contracted for—the contracts are for a Canal of seven feet six inches in depth of water, thirty-four feet at bottom, fifty-two feet six inches at top, except the deep cut, which is about two miles in length, and is fifteen feet at the bottom and thirty-two feet six inches at top; the Locks are to be made of wood, twenty-two feet in wedth, and one hundred feet in length. According to these contracts that part of the Canal will be completed for the following expense, viz :—

The Deep Cut,.....	£75,000
The remainder including the Harbor,	38,000
	£113,000

The part of the Canal above the Welland and not under contract, as estimated by Mr. Clowes, will cost, including the Harbor at the Grand River, about £60,000, and this estimate is upon a plan for bringing down the water of Lake Erie, instead of being supplied by a Feeder from the summit level. The latter place would have cost, by estimate, somewhere about £23,000. To bring the water of Lake Erie all the way occasions an additional excavation of almost twelve feet.—The contracts actually taken have been all under Mr. Clowes' estimate, except the Deep Cut, which will cost one-fifth more than he had estimated.

The contracts are for completing the whole work contracted for in April 1827.—The contractors are, generally speaking, persons of property, and large Stockholders in the Company.

The Deep Cut is all contracted for by Beech, Hovey, and Ward, who are Stockholders to the amount of $25,000; the harbor and several parts of the line are in progress, but the principal part of the expenditure has been on the Deep Cut, on which from two to four or five hundred hands have been employed since September, and no unexpected obstacle has hitherto been met with. Regular written contracts have been entered into, which were drawn up by the Solicitor to the Company, and which, if requested, I am ready to produce.

It is the intention of the Company to put the remainder of the Canal under contract this winter or early next season.

Fifteen per cent upon the Stock subscribed has been paid in by the subscribers in New York, and they are now called upon to pay five per cent more. Twenty per cent has been paid in upon the Stock held in Canada. According to the contracts the work is to be paid for monthly; always withholding a portion (about $\frac{1}{4}$) as a security for the performance of the contract.

The subscribers in New York have remonstrated on account of the delay in filling up the Stock, as it occasions instalments to be too rapidly called in, and there is reason to apprehend that some of them may decline further payments; which makes it highly necessary that the Company should be enabled to proceed in the work, if possible, without urging any considerable advance from the present subscribers until the issue of the application in England can be ascertained.—I think, if the application in England fails, it is very unlikely that the stock would be taken up in New York. I am not sure that Mr. McGillivray has yet recommended the measure in England.

The Company have prepared a general report of the origin and progress of the work, accompanied with copies of the Acts, Engineer's Estimates, and Plans, to be transmitted immediately to Mr. McGillivray for the purpose of being sent to England.

The Solicitor General has a power from the Company under the seal of the Company and signed by the Secretary, but not by the President or Vice-President, the President being absent at New York, the power was sent over to Mr. Boulton, sealed at Mr. Boulton's request, and a resolution has been since passed appointing a Committee in England to superintend the taking of stock—which resolution will be sent by the next post to Mr. McGillivray—I do not expect that any stock will be taken in England until the documents spoken of arrive there.

The General Report with respect to the proceedings of the Company is now in the Press.

Before the last Spring the surveys of the Engineer had been confined to the valley of the Twelve Mile Creek, never conceiving that any other route would answer. In Augest last, in the hope of avoiding, by a gradual descent of the mountain, the inconvenience of a combination of locks, which would be necessary on the prescribed route, an attempt was made to find a route by which that inconvenience would be avoided; and that course was discovered and reported upon, which is referred to in the petition, and which is stated to be on every account preferable.

Tuesday, 29th November.

The Committee met—The Attorney General in the chair.

WILLIAM HAMILTON MERRITT, ESQ., *called in and examined.*

Can you state what will be the probable expenditure per month under existing contracts between this and the first of April next?

I have here a statement of the probable expenditure.

[The witness delivered in the same and it was read as follows:]

"SIR,

"At the request of the Committee I subjoin "a statement of the probable amount required per "month for the prosecution of the Welland Canal "between this and the first April next.

"For the Deep Cut, from	£2000	to	£2500
" Harbor,.....	125	"	250
" Contingencies,.....	75	"	100
	£2200	to	£2850

"The Contractors all state the whole line can be "finished by the 1st January, 1827,—but allowing "them the time of their actual contract, we will re- "quire after April the sum of from £6,500 to £7,- "500 per month.

"It is likewise the intention of the Board to put that "part of the line under contract between the Welland "and Grand River, as soon as the Stock is subscrib-

"ed in London, which will require £5000 per "month.

"I am,
"Sir,
"Your obedient servant,
"WM. HAMILTON MERRITT,
"*Agent W. C. C.*

"To the Chairman of Canal Committee,
"Parliament House."

When was it first conceived that the route now prayed for from the Mountain to the Twelve Mile Creek would be the preferable one, and upon whose suggestion?

In July last the Company found a difficulty in descending the Mountain by the old route, near Decou's, on account of want of space to descend without a combination of locks with very high lifts. The proposed extension of the locks, by the last Act created these difficulties, which before did not exist. —The old route had been surveyed and approved of by Messrs. Clowes, Roberts, and Hall, Engineers, and would have been persevered in if the Canal had been confined to Boat navigation.

In July last Mr. Clowes, accompanied by myself and another of the Directors, Mr. Keefer, surveyed the route called No. 2, which was easterly of the old one, but not so far removed from it as the one now prayed for.—Afterwards it was found that still further to the eastward we could descend the mountain at less expense, and with less rock excavation, and that route so reported upon by Mr. Clowes, is the one now desired to be adopted.

Does Mr. Clowes' report contain, in your opinion, a correct statement of the comparative advantages of the old and new routes?

It does; and it is entirely for the reasons there stated that the Company wish the route changed.

Has any other surveyor been employed to survey the country in order to find the best route?

Immediately after Mr. Clowes had made his survey and report, which is now before the Committee, the Board determined to send for Mr. Roberts, who was then employed on the Erie Canal.

Mr. Roberts is an American Civil Engineer, who has been much employed on the Erie Canal, and in charge of the Western Section of it, and he has also been in the State of Ohio to determine the route of the proposed Canal there—before, Mr. Roberts had been highly recommended to the Company by Mr. Wright the principal Civil Engineer, as I understand in America, whose letter respecting Mr. Roberts, I beg to produce to the Committee.

[Here the witness delivered in the letter, which was read as follows:]

"NEW YORK, *October 1st*, 1824.

"To W. H. MERRITT, ESQ.,
"of Upper Canada.

"SIR,

"In answer to your request that I would give "my opinion of the opinion and ability of Nathan "S. Roberts, Esquire, as a Civil Engineer.

"I say with pleasure that he is a prudent, careful "man, and free from any visionary plans of internal "improvement.

"Mr. Roberts commenced with me as assistant on "the Erie Canal in 1816, and has continued in the "employ of the State of New York ever since.— "While I conducted that work, and had Mr. Roberts "for an assistant, I could place every reliance upon "his accuracy and care, and I should have the most "perfect confidence in any estimate he should sub- "scribe to, as being fair and honorable in every part. "I can freely recommend him as worthy of every "confidence in his profession.

"As regards your plan of improvement and its "advantages, as far as my acquaintance with the "localities and great advantages of your contempla- "ted improvements by Canal and hydraulic uses, "there can be little doubt in my opinion, of its being "a profitable work soon after completed, and passing "through and connecting such an immense extent of "fertile country it must be daily growing more valu- "able.

"Respectfully, I am,
"Sir,
"Your obedient,
"(Signed) BENJAMIN WRIGHT,
"*Civil Engineer.*"

[Mr. Gordon, a member of the Committee, here states that as one of the Commissioners for improvement of internal navigation, he had occasion to confer with Mr. Wright in the United States on the proposed improvements in this country, and found him, in his opinion, exceedingly intelligent,—he was then employed as a principal Engineer on the Erie Canal and recommended to Mr. Gordon as the person best qualified to inform him—Mr. Wright upon that occasion enforced upon Mr. Gordon that it would be decidedly right not to stop short of a Sloop navigation in internal improvements in this province.]

When Mr. Roberts came in did he survey the country generally for the purpose of finding the best route, or was his attention exclusively directed to the route last suggested by Mr. Clowes?

His intention was directed to the old route, and the one reported on by Mr. Clowes, and he was requested to give his opinion which of the two was the best.—He was employed five or six days, and finding Mr. Clowes' levels correct on the third route he took them to be correct throughout on both routes, and made his calculation accordingly.

I was present at both surveys of Mr. Roberts; and Mr. Keefer also accompanied him in the survey of the new route, Mr. Clowes did not accompany him—his son did.

Did Mr. Roberts, soon after the survey, make the report which is now before the Committee?

He did—immediately after.

Have these reports and the proposed change in the route undergone much consideration of the Board?

They have both been submitted and considered, and the new route is unanimously approved of by all the Directors.

Has there been any expression of opinion on this subject by the Stockholders to the Board?

None, except from Mr. Gordon, who I understand has petitioned against it.—Mr. Yates of New York, in whose name Stock is taken to the amount of $203,-

000, has been since upon the line of the Canal and fully approved of the proposed change

Has any particular reference been made to the Stockholders upon the subject?

None, but it has been generally talked of and known throughout the country—no express communication has been made to the Stockholders on the subject.

Has any work been done upon the Western route which it is now proposed to abandon?

None.

Has any land been purchased on that route from individuals?

None.

In how great a length of country will the new route deviate from the old line?

About six miles sixty chains.

Does the new line pass through an improved country so as to disturb improved possessions, houses, orchards, &c., in a greater or less degree than the old line?

Less in my opinion.

Are you aware that the new route, if adopted, will occasion any extraordinary instance of hardship to any individual by depriving him of the use of mills, or overflowing land, &c., which would not have occurred to an equal extent with respect to other individuals on the old line?

I do not think it will.

The Petition of Jacob Uppers and others, with the Report annexed, was then read as follows:—

"TO THE HONORABLE THE MEMBERS OF THE COMMONS "HOUSE OF ASSEMBLY, AT YORK, IN PARLIAMENT "CONVENED.

"The Petition of sundry Inhabitants of the District "of Niagara,

"RESPECTFULLY SHEWETH,

"That the Agent and Directors of the Welland Canal Company intend altering from the route "already Chartered to them, and further intend to "apply to your Honorable House for a new Charter "so as to enable them to dam up the two East branches of the twelve mile Creek, which if they are allowed to do will overflow some hundreds of acres "of the best meadow lands in the township of Thorold with a mass of stagnated water, much to the injury of your Petitioners and his Majesty's subjects "in general, both in health and property, throwing "back water over roads and bridges, and on Mr. John "Crooks Kitchen floor—besides depriving the Mills "below of the privileges of their water courses.

"Your Petitioners beg leave to state further that "the said Agent and Directors report the mountain "on the Chartered route not practicable, which route "both them and their Engineers have frequently reported effeasible and advantageous for Inland Navigation.—Buttheir motive at present is to alter from "that route with a view to accommodate two of the "Directors, viz. Hamilton Merritt and George Keefer Esquires, and deprive your Petitioners, and the "Stockholders in general, of the great advantages "they expected to derive from Machinery of every "description which could be erected on the Chartered route, which route is far preferable to the intended new route, as will appear by the annexed Report of an experienced and scientific Engineer, and "will make a saving of some thousands of dollars to "the Company. Moreover the people, with the exception of one or two individuals, are willing to "give their lands free gratis on the Chartered route.

"Not so on the new intended route—the majority of "the people are opposed to its running diagonally "across their Farms, and humbly pray that your "honorable body will order them payment for their "houses, timber, and lands, before one sod of the "ground is broken. Your Petitioners therefore humbly pray that you, as honorable Representatives of "the people, will take their present unequalled grievances into your serious consideration, and compel "the said Agent and Directors to keep within the "limits of their former Charter—Grant them no other—and pass no Act to aid or assist the Company "by taxation of the Province.

"And we your Memorialists, as in duty bound, "will ever pray.

Thorold 1st November, 1825.

"Being called upon by a number of the inhabitants of the District of Niagara to ascertain the distance of the Chartered and contemplated routes of "the Welland Canal from the point of departure on "Mr. Wilson's farm, in the township of Thorold, to the "point of intersection at Saint Catharines, and also to "ascertain the practicability of the mountain on the "Chartered route—

"REPORTS AS FOLLOWS:

"Commenced at the Section post at the point of "departure on Mr. Wilson's Farm, then bearing "Northerly following the route of the new intended "line of Canal, I find in some places on the first three "miles from 14 to 32½ feet excavation marked on the "line stakes. In this route there is considerable rock "excavation.

"Having carefully measured the distance from the "said point of departure to the point of intersection at "Saint Catharines I find it to be seven miles, three "furlongs and six perches.

"Secondly, commenced on the Chartered route at "the point of intersection at Saint Catharines, following the original surveyed course to the point of departure on Mr. Wilson's Farm in the township of "Thorold. In this route I find very little excavatfon "more than what is necessary for the formation of "banks &c.

"There is rome rock excavation in this route, but "nothing in comparison to the other. Distance of "Chartered route, eight miles, one furlong and thirteen perches, making a difference of six furlongs "and seven perches in favour of the new route.

"I have also levelled and ascertained the descent "from the brow of the mountain on Mr. Cooper's "farm to Brown's bridge on the valley of the twelve "mile Creek, a distance of sixty seven chains and "six links, fall 179 feet, which can be formed into a "regular inclined plane, and will require eight single "Locks, each ten feet lift, admitting level of two "chains twenty links and a half between each Lock "after deducting one hundred feet for each Chamber.

"Having taken a retrospective view of the incal-

"culable advantages the Stockholders and the Prov-
"ince in general could derive from the Chartered
"route in preference to the contemplated one, indu-
"ced me to give my decided opinion in its favour.

"Which is respectfully submitted—

"By Gentlemen,

"Your obedient servant,

"R. CUSACK.

"Late Assistant Engineer to the Right Honourable
"and Honourable &c. &c. &c. The Directors
"General of Inland Navigation in Ireland."

You have now heard read the Petition of Jacob Upper and other inhabitants of the District of Niagara, have you any remarks to offer as to the statements therein contained?

It is not intended to dam up that branch (the main one) of the twelve mile Creek, which reaches to Mr. Crooks. The other branch is to be dammed up; (the Eastern branch,) it will cover 40 acres of meadow land, partly improved, belonging to a Mr. Marlott, Norman Vanevery, Carrol, and I think also a Mr. Miller. It will be in the immediate vicinity of three dwelling houses, but not interfere with the access to any of them. The water so dammed up will be 10 or 12 feet deep on the line of the Canal, and from five to eight feet over the surface generally. The water is to escape over a waste weir, and I think cannot be prejudicial to health, as stagnant water: this opinion I have heard also expressed by one or two Physicians there. I am certain that it cannot overflow roads or bridges in any part of the line, except one or two hundred yards in one instance, where an equally good road can be made on the side. The new line would certainly benefit Mr. Keefer, one of the Directors, by passing through his land, but that was by no means the motive to the change, nor had it any effect either in suggesting it or deciding upon it. To myself I consider the change as indifferent; indeed my private interest merely would lead me to prefer the old route. As to advantages for the purposes of machinery, so far as the Stockholders are concerned I think the new line decidedly preferable as reported by Mr. Roberts.

With respect to the statement in the Petition that the old route is the preferable one for purposes of navigation, the Report of the Engineers must decide. With respect to Mr. Cusack, whose Survey accompanies that Petition, I would remark one inaccuracy, which is the leaving two chains only between each Lock, which is manifestly insufficient for the passage of Vessels; and with reference to the signers of that petition, I think there are but two—Wormer and Vanevery, who possess property on the proposed route; and most of them reside several miles off the line of the Canal.

MR. GORDON, *the signer of the Petition marked No. 9, and referred to the Committee, was next examined in support of his Petition, which was read as follows:*

TO THE HONORABLE THE COMMONS OF UPPER CANADA IN PARLIAMENT ASSEMBLED.

"The Petition of James Gordon, Stockholder, in the Welland Canal Company,

"HUMBLY SHEWETH,

"That your Petitioner is a Stockholder to the amount of forty shares in the Welland Canal Company, and is not aware that any of the business or transactions of the Company's affairs have been published or communicated to the Stockholders since the last Act of Parliament relative thereto.

"That your Petitioner having heard that several Contracts were made on the 26th ult. for carrying the line of Canal out of the lawful route, as laid down by Hiram Tibbitt, and that an application has been made to your honourable House without the general sanction of the Stockholders, for altering the route expressed in the Act of Incorporation, and confirmed by an additional Act the present year.

"Your Petitioner humbly sheweth that Hiram Tibbitt's route is the same now as it was at that time, and that there was abundance of time and opportunity previous thereto of ascertaining any more practicable route, especially as the contemplated deviation therefrom is embraced in the Niagara Survey of James Clowes and Francis Hall the last year, long before the confirmation of the present route by your honourable House.

"Your petitioner therefore humbly prays your honourable House may be pleased to suffer the route of the Canal to remain, but should your honourable House be disposed to alter the same, your petitioner humbly prays that as a direct line is always the shortest, your honourable House may be pleased to cause a faithful survey and estimate for carrying the line of Canal from the base of the mountain in as direct a line as may be, down one of the ravines terminating at the mouth of the twelve mile pond, instead of turning round through St. Catharines; there being no perceptible difficulty save the cutting off that village, the aggrandizement of which can be of no importance to the Company's general interest.

"Your petitioner also humbly prays that should it be the will and pleasure of your honorable House to alter the line of Canal, that your honorable House may be pleased to make the like provision as in the late Act, of permitting all dissenting Stockholders to withdraw within a given time, and the sums paid by them to be immediately refunded on giving such notice.

"Your petitioner further prays your honorable House will be pleased to provide that the land as well as the water belonging to individuals which the Company or their servants may take possession of or encroach upon, shall be paid for within a given time from such encroachment.

"Your petitioner as in duty bound shall ever pray.

"JAS. GORDON,

"Stockholder Welland Canal Company."

"*Niagara 22nd November* 1825.

Have you any facts to state or remarks to offer in support of the Petition presented by you and now read?

As to the Report of Mr. Roberts, which I only saw on Saturday last, the explanations Mr. Merritt has given to the Committee this morning have overcome my objections as to the point of the alteration of the route; and I only now wish the provision last prayed for by me to be afforded, namely that Stockholders not approving may withdraw their subscriptions, and their stock paid in be refunded, as I believe there has been no Meeting of the Stockholders on that point.

As to the proposed alteration near the village of St. Catharines, I am not prepared to say it is the best—it is merely my own idea, and I know not that any Engineer has proposed or Surveyed it, or that it has been proposed by any one to the Directors; but I was desirous that it should have been done, to convince the Stockholders that the more circuitous route was really preferable, and not chosen from any private motives affecting the interests of Mr. Merritt.

Have you any further remarks to offer to the Committeee? None.

DR. LEFFERTY, *a Member of the House, attended, and was examined.*

Were you instructed by the signers of the petition of the inhabitants of the District of Niagara, referred to the Committee to present their petition and support the statements contained in it; and is it your desire to offer any observations respecting their statements to the Committee?

At the day the petition was signed I attended by request of some of my constituents a meeting at Thorold on the proposed line of the Canal. Many of the petitioners were there, much was said about the Canal.

There is a general suspicion in the District of Niagara that the Directors have not acted prudently or correctly, and particularly in this respect. That if the Directors had adopted this route in the first instance, which had before been explored, I think by Mr. Roberts, the expediency and ease of taking it to Queenston would have been more apparent, and that that course would have been more likely to have been adopted by the Legislature.

It is another complaint against them that they did not settle their route decidedly and bargain for the land, and ascertain the expense, before they got their Charter.

Have you any personal knowledge of the facts stated in the petition presented by you?

I have not.

Do you know whether the petitioners have any person attending whom they desire should be heard in support of it?

None that I know of.

Are any of the petitioners attending?

Not that I know of.

Do you know any person that could give information as to the proposed route that would be valuable to the committee?

I do not—my own opinion is that it is the best—I believe there is no doubt of that.

WEDNESDAY, *November* 30., 1825.

Committee met at ten o'clock.

Present, all the members except Mr. Beardsley.

MR. MERRITT *again called in and examined.*

What information can you give the Committee with reference to that part of the petition of the President and Directors of the Welland Canal Company which prays the remission of duties on tools and machinery employed in making the Canal?

The Company has already paid somewhere about $200 for duties, principally on waggons and horses brought in to work on the Canal, and on scrapers, ploughs, shovels, and spades, or rather the contractors have paid it, but with the understanding that the Company will repay it if not remitted.—Perhaps duties to the amount of £50 more are secured to be paid by the Company.

Cannot all these articles be provided as advantageously in the country?

The proper spades and shovels are not imported here, but are made in the United States. The inducement to bring horses and oxen is that the contractors coming from the United States owned many horses, cattle, and waggons, which they desired to bring in rather than purchase: but these horses bringing a higher price in the United States than in this country, they will be taken back after the work is completed. Waggons could not be procured in this country at a reasonable price or in sufficient number.

Can you form any opinion as to the probable amount of duties the Company or Directors would be required to pay hereafter?

I think £400 would cover all the demand.

MR. CLARKE, *a Member of the House, attended and was examined by the Committee.*

The petition of Samuel Wood and others, referred to the committee, was read, and is as follows:

"*To the Honorable the Commons' House of Assembly in Provincial Parliament of Upper Canada assembled.*

"The undersigned petitioners being well disposed to the completion of the Welland Canal, convinced of the general benefit it will be to the public; at the same time we view with regret that the individuals living on the line of said Canal are not provided for by the present act, and that depredations now have and may still continue to be committed.

"We conceive it a grievance and great injury that the power is given by the Welland Canal Act for the Directors, Agents, or as an Incorporated Body or Company, to enter upon our lands without any previous arrangement, laying our farms to commons and waste without compensation, to the great injury of individuals, although considered a benefit to the province.

"We also consider it a grievous injury that at the completion of the Welland Canal, lands will be divided, and the owners deprived of having free access to the same, unless bridges are built by the Company, which the circumstances of no individual is able to effect, and the inhabitants will be deprived of the water privileges, except where it backs on lands, for watering cattle; and in case of seasons like the present, man and beast must suffer for want of one of the greatest blessings the Almighty has bestowed upon us.

"We view with regret that the Welland Canal Company will monopolize too great a proportion of our lands, so that we are deprived of those privileges from which heretofore we derived a benefit; and understand the Company intend making further application for lands, we hope the lands may be limited to the Company as not to deprive owners of such privileges as they may be justly entitled to.

"We humbly solicit the interference of your Honorable House to make such amendments to the Welland Canal Act as will protect such portion of His Majesty's subjects owning real estate on the line of the intended Canal, in their just rights and privileges. And your petitioners, as in duty bound, will ever pray.

"(Signed) SAMUEL WOOD,
And others."

"*Grantham, 14th November*, 1825.

Have you any statements to offer in support of the petition of Samuel Wood and others beyond what appears on the face of the petition?

None that I know of.

I know of no apparently wanton and unnecessary abuse by the Company of the powers given them by the Act. I have heard Mr. Adams, one of the subscribers, object to their breaking ground on his farm till they had first satisfied him for the damages they were to occasion.

I am not aware that the proposed route will interfere with any water privilege except of Mr. Adams, who has a mill on the 12 Mile Creek, and who fears that the Canal will interfere with it. I am of opinion that the law already affords sufficient protection in such cases, and conceive that the only ground of discontent on their part is that they are not to be paid before ground is broken, and they think they will have to wait the Company's pleasure.

The general complaint is, that the Company pulls down a man's fences and lays open his farm to common.

MR. MERRITT *called back and asked,*

Have you any observations to offer on behalf of the Company with respect to the statements contained in the petition of Samuel Wood and others?

As to taking the land without payment of damages beforehand, I would observe, that the Company have power by law to do so, and that in point of fact they cannot estimate the damages their work will occasion in any case until that work is done.

The Company would not object, I think, to bind themselves to pay by the 1st of August or September next, all damages that would be estimated by arbitrators as the Act appointed directs; provided such arbitrators were allowed, as is the case with respect to the Erie Canal, to take into consideration the advantage which the Canal produces to the proprietor of each farm, as well as the disadvantages, and decide, upon a full and fair view of all circumstances.

As to the bridges, the chief objection is not so much to the expense as to the great obstruction which a Sloop navigation would experience if the respective proprietors could compel the Company to have a bridge erected upon every distinct property.

The Committee then proceeded to consider the petition of James Muirhead and other inhabitants of the town of Niagara, and Robert Dickson, Esquire, being called in, the petition was read as follows:—

"TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY IN PROVINCIAL PARLIAMENT CONVENED.

"The Petition of the Inhabitants of the Town of Niagara and its vicinity,

"HUMBLY SHEWETH,

"That your petitioners deeply impressed with the importance and necessity of improving the internal navigation, and opening water communications throughout the province, are desirous to promote this object by opening a lateral cut from the Welland Canal below the mountain ridge to the Town of Niagara, sufficient in its dimensions for a boat navigation; the Company to be incorporated under the name and style of the Niagara Canal Company, and to be vested with a capital of £20,000.

"Your petitioners therefore pray that it may be enacted that five Directors, and no more, shall be appointed for the direction and management of the proposed Company, one of whom shall be elected President, and that the directors shall be chosen by the majority of the stockholders votes; that the President shall have power and authority to appoint a Treasurer and Secretary; and that the Treasurer give sufficient security for the due and faithful discharge of his trust.

"That each share subscribed for shall be the sum of twelve pounds ten shillings, and no more.

"That no individual shall be deemed eligible to the office of a Director unless he is a subscriber for five shares.

"That after all the stock to be subscribed is disposed of, that the Directors shall have power to call in ten per cent, and after that is paid not more than ten per cent monthly, by giving thirty days notice.

"And your petitioners further represent, and beg leave to acquaint your Honorable House that in soliciting the passage of the required act and incorporation of the proposed Company, they by no means wish to injure any individual private right with which this contemplated lateral cut may interfere, without first obtaining the consent of the legal owners of the soil, and subsequently affording them ample remuneration for any injury that they may sustain from the Company's acts in the progress of the Canal.

"And your petitioners would moreover submit that the route laid down and prescribed by the act of incorporation for the Welland Canal has been deviated from, they cannot but entertain hopes that their representatives will assist, by their interference, a section of the country which has so materially suffered by its determined and successful defence during the late war, and which from its resources and natural advantages is so capable of improvement; especially when it is taken into consideration that your petitioners only solicit a participation in privileges which justice proclaims open to all, when all collectively contribute to an expenditure for its advancement.

"Your petitioners deem it unnecessary to cite precedents of other countries when they are convinced that every enterprise embarked in for the improvement of the country, without the aid of the Provincial Treasury, or interference with private rights, will receive that consideration which its importance deserves."

Are you agent for the persons signing the petition just read?—I am.

Have you any more distinct proposals to offer for the consideration of the Committee than are contained in that petition, or any plans or drawings of the proposed cut?—I have not.

Have you any report of a Surveyor or Engineer who has explored a route for such a Canal as is prayed for, or any estimate to submit of its expense?—I have not.

What reason have you to suppose that it can be accomplished for £20,000?—

It is about nine miles passing through a level country, and may be conducted generally in a straight line. It would intersect the ten, four, and two mile creeks, and a small creek called the One Mile Creek; the supply of water would be required to be drawn from the main canal. The precise point of termination is not settled, but it is proposed to bring it to the Four Mile Creek, and leave it from that point to the discretion of the stockholders. I believe it is contemplated that it should terminate somewhere near Navy Hall. The route has been explored by Messrs. Clowes, Roberts, and Hall, and surveyed by Mr. Clowes, and they have all reported upon it, but such survey and report were not made for the specific purpose of this application, but in order to enforce the expediency of conducting the Welland Canal by that channel. I am not in possession of these reports.

What are the nature and extent of the advantages expected from the proposed Canal?—

The petitioners consider the advantage of water for machinery the most important.—In addition it would drain a great extent of low and marshy country. It would facilitate the transportation of cord wood, staves, and lumber of all kinds, passing through a country abounding in good timber. Stone for building would also be brought down by it. It is also conceived that it would tend much to the improvement and advantage of the Town of Niagara. It is contemplated also that articles transported from the western country and destined for Niagara could be much more advantageously brought down by this route than from the mouth of the Twelve Mile Creek.

Have the petitioners had any communication with the Welland Canal Company on the subject of their proposal?—

None—time has not admitted of it.

Are many of the subscribers to that petition stockholders in the principal Company?

I think not one.—The petitioners are willing to make compensation to the Welland Canal Company for the use of the water. They have obtained from every proprietor of land on the proposed route a release under seal of such portion of their lands as may be required. In explanation of this application generally I would remark that it was the reported recent change of the route intended to be applied for by the Welland Canal Company, from the Mountain to the Twelve Mile Creek, which suggested this application, and it has therefore been so recently thought of, that the Petitioners are not prepared, as they otherwise would have been, to support it.

Edward McBride, Esq., a member of the Committee and Representative from the Town of Niagara, being asked whether he desired to offer to the Committee any information or remarks respecting the petition, confirms in all respects the statements made by Mr. Dickson, and adds that through the extent of country spoken of, there is frequently so great a want of water that great inconvenience is felt by the inhabitants, an evil which the proposed Canal would of course remedy; further, that it has been contemplated as a part of the scheme to form a dry dock for repairing vessels, and perhaps a wet dock in which they might winter, without being exposed, as in the River, to dangers from ice in the winter and spring.

W. H. Merritt, Esq., *again called in.*

Do you conceive that any objections could be stated on the part of the Company to complying with the prayer of this petition?

When the present Stockholders in the Welland Canal Company subscribed, the had in view every advantage likely to arise from Machinery, Docks, &c., in consequence of the proposed junction of the two lakes; and I think they contemplated the exclusive enjoyment of all such advantages as could not have accrued without the bringing down of the water from Lake Erie. I think the Directors could not take upon themselves to waive any part of this advantage without reference to the Stockholders; but am of opinion that the Stockholders would not object, on the Company's being paid a reasonable compensation for the proportion of water taken down; as for instance if they should require one fourth of the water, that they should pay one fourth of the expense of the work for bringing down that water to the point at which the took it. I think if an Act were passed *obliging* the Company to assent to the proposed plan, it would depreciate the Stock of the Welland Canal, especially abroad.

Do you think the Welland Canal Company would themselves undertake this proposed lateral cut, on having their capital enlarged for that purpose?

I think they would not; they would now get all the transport between the two lakes, and unless it could be shewn to them that there would be so much additional transport in consequence of the cut as would pay the interest on the additional Stock, they would not find it for their advantage to undertake it. I think this could not be shewn them, and therefore I think they would decline it. This is only my opinion; the proposal might be made to the Stockholders.

Have you any reason to suppose that the sparing the necessary water from the Welland Canal would produce injury to the navigation, or to any machinery, except by affording the means of rival establishments?

I think not; but that the supply of water would be abundant if no more was taken than would be required for a boat navigation.

December 1st. 1825.

Committee met—Attorney General in the chair.

Mr. Merritt *again called in and examined.*

Has it appeared to the Welland Canal Company

since the granting of the last Act, that any material alteration is desirable in the dimensions of the Canal for the purpose of adapting it to Steam Boat navigation, or any particular change in the terms of their Charter for any purpose?

It has been spoken of as very desirable to make the Canal fit for Steam Boat navigation. In order to do so I conceive the depth of the Canal should be in no place less than nine feet six inches. The present width would answer for Steam Boat navigation in all parts except in the Deep Cut and the Locks, there being ample width in the general course of the Canal for Steam Boats to move, and many places throughout the line in which, from the width of the natural channel two Steam Boats could pass—the principal alteration therefore that would be necessary, would be widening the Deep Cut and making the Locks larger; the former change could be made perhaps with greater facility after the Canal was completed than at present. The Locks, of their present dimensions, would be insufficient for Steam Boats, and therefore so far as regards them, if it were likely that a Steam Boat navigation would ever be made there, it is most desirable that the Locks should be now constructed with a view to it. It is estimated that the Locks should be thirty-two feet wide, and they would be better to be five feet longer. The increased expense of the additional width of the Locks would not exceed £5000 (the additional expense of the increased length has not been intimated,) and the Contractors have engaged to undertake it for that sum. I think if the Company can receive present assistance from the Province, to the amount of £25-000, as prayed for, that the Company would adopt the improvement spoken of. These remarks are confined to that part of the Canal from the Welland to Lake Ontario. In the Western section of the Canal no difficulty presents itself; the width and depth must be greater, but the probable increase of the expense has not been estimated.

I would add that the Company is generally averse to the clause which provides for the Government assuming the Canal at the end of fifty years, if thought expedient.

Dr. Lefferty presented to the Committee a letter from George Adams, Esq., of Nov. 28th, 1825, which was read to the Committee and Dr. Lefferty examined upon it, who says he knows nothing of the injury that will be occasioned to the family of Gould in particular; and that as to Mr. Adams, he thinks the damage he apprehends is from drowning his lands, and the loss in value of his machinery from competition on the part of the Company, through the means of the advantages of water afforded by the Canal.

W. H. Merritt, Esq., *called in and examined in reference to this complaint.*

The injury to Mr. Gould's property is trifling in the extreme; two or three acres of his land will be taken, and four or five acres of Mr. Adams'; his mill seat cannot be injured by it with respect to the supply of water; if his mills and machinery are injured by competition of the Company it is provided by the Charter that the Company must purchase his property by appraisement. I have heard no other complaint from these parties than that they want payment immediately, which the Act does not require.

At the request of the Committee Mr. Merritt produced the original contracts entered into for the making of the Canal from the Welland to Lake Ontario, and also the harbor on Lake Ontario.

Zaccheus Burnham and Donald McDonald, Esquires, members of the House, who have, since the meeting of the Legislature, gone to the line of the Canal for the purpose of examining it for their private satisfaction, were called in by the Committee and Mr. Burnham was asked—

From your own observations is there any information which you can give to the Committee relative to the progress of the work that can guide their judgement as to the probability of its being completed within the time and at the price specified? Or do you think the same improbable for any and what reason?

I went to the Deep Cut: it was on a Sunday when none of the men were at work. In the deepest place about twenty feet had been excavated. I was told that about seventeen feet in depth below that had been excavated and was now filled with water, which could be readily drained off by a cut. I saw none of the Contractors—no information was given to me, nor have I any reason, from my own observation for believing that the work will not be found practicable at the sum estimated for. I was told that the soil had turned out even more favorable than was expected, and I heard of no apprehension of any difficulty.

Donald McDonald, Esq., M. P., gives the same relation to the Committee.

December 2nd, 1825.

Committee met—Attorney General in the chair.

The Hon. William Allen *examined.*

Are you a Director of the Welland Canal Company?

I am; and also Vice-President.

You hear now read the petition of certain Inhabitants of the Town of Niagara and its vicinity.—Do you conceive that any objection could be stated, on the part of the Company, to complying with the prayer of this petition?

I think that the Stockholders, and particularly those resident abroad, would consider it as prejudicing their Stock, from not having the necessary means of juding what the effect might be. As far as respects myself as a Director, I could not assent to such a measure without first referring to a general meeting of the Stockholders, and I can form no opinion as to what would be the issue of such an application.

Do you think the Welland Canal Company would themselves undertake this proposed lateral cut on having their capital enlarged for that purpose?

Speaking merely from my individual opinion, I should think it would be much better to have the work in question undertaken by the Welland Canal

Company than by other hands; the additional expense would be no great object to the Company.

Have you any reason to suppose that the sparing the necessary water from the Welland Canal would produce injury to the navigation, or to any machinery except by affording the means of rival establishments?

It might very possibly; but until the Canal is completed I could not venture to say.

The Petition of the President and Directors of the Welland Canal Company was read as follows:—

"TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY OF THE PROVINCE OF UPPER CANADA IN PROVINCIAL PARLIAMENT ASSEMBLED.

"The Petition of the President and Directors of the Welland Canal Company,

"HUMBLY SHEWETH,

"That since the passing of the Act to alter the dimensions of the Welland Canal, your petitioners have obtained in the Canadas and the State of New York, Stock to the amount of £100,000—that they have enlarged the dimensions of the said Canal to 7 feet 6 inches depth of water, Locks at least 100 feet in length by 22 feet in width, and have placed the whole line from the Welland to Lake Ontario under contract, and are sanguine that its entire completion may be expected by the Spring of 1827.

"Your petitioners reserved for the London market one half of the amount of Stock which is not yet available, and in order to lessen the dividends necessary to be called in from the Stockholders in America, as well as to facilitate the work already commenced and now in successful operation, they pray Your Honorable Body will be pleased to carry into effect that part of your resolution of the 13th April last, wherein you resolved to loan to the Welland Canal Company the sum of £25,000 currency, and that you may be pleased to grant the said loan for such a period and on as favorable terms as you may conceive the public advantages likely to arise from the undertaking may warrant.

"And your petitioners further pray, that Your Honorable Body may be pleased to sanction a deviation in the line of the Canal, which, from the accompanying Reports of two experienced Engineers, they trust you will deem expedient, as it not only shortens the route and lessens the expense, but will make a far more perfect and complete Canal.

"Your petitioners further pray Your Honorable Body may be pleased to cause the duties already paid on their tools, machinery, &c., to be repealed, and that they may in future be brought from the United States free from charges of every description.

"And as in duty bound your petitioners will ever pray.

"For the Directors,
"JOHN H. DUNN,
"*President Welland Canal Company.*

"WELLAND CANAL OFFICE,
"*St. Catharine's, 12th Nov.* 1825."

You hear the petition of the President and Directors read—have you any remarks to offer as to the statement contained in it?

I attended as Vice-President a meeting of the Board, at which it was proposed to enter into contracts for that part of the line from the River Welland to the Twelve Mile Creek which had not before been taken up.—I first inquired of Mr. Merritt, the Secretary, what means there were of making the contract. He shewed me, among other things, the Resolution of the House of Assembly of last session, with respect to a loan of £25,000. This, together with the Stock taken up, and the prospect of Stock being taken up in England, prevented me from hesitating to sign the contracts. Had it not been for these circumstances I should have entered into no contract. I have no doubt but that the Stock will be subscribed in England.

Mr. McGillivray, I believe, intended to have gone sooner to England, but circumstances have arisen to detain him here; the delay, I think, in referring to England, has arisen from that cause.

Do you think the proposed deviation from the original route desirable?

I do certainly, so far as I can judge, both in point of distance and expense.

Do you think the Company would prefer that the Government should lend them £25,000 or take Stock to that amount?

I think it would be preferable that the Government should take Stock, as it would give greater confidence respecting the work, and particularly to people abroad.

If it were proposed to loan the Company £25,000, within what period would it be convenient that the Company should repay it?

I think a period of ten years, or more, would be preferred.

Have you a copy of the Power of Attorney given to Mr. Boulton?

I have not. I have seen it. It went I think to authorise him generally to dispose of Stock for the Company—to receive instalments, and appoint other persons under him. Mr. Boulton did not shew his power to me before his departure, nor did I know of it. I was here when Mr. Boulton went away—I think I should not have authorised a power in such general terms—I think they were too undefined—I think the power should have been signed by the President or Vice-President to be regular; and so far as I am a judge I think the instrument, wanting this signature, is irregular. Whenever there is a common seal, I think the signature of Secretary or other officer, *affixed by an order of the Board*, would be good. I believe the President has so far revoked the power that he has written to Mr. Boulton that he is not to use, or act under it.

Have you any reason to doubt the practicability of the work being performed within the sum and time specified?

None—on the contrary, I think there is every reason to be assured of it from my own observation of what has been done.

MR. W. H. MERRITT, *again called in and examined.*

In whose custody is the Company's Seal generally kept?

It has been kept in mine at the Canal Office at St. Catharine's, but is now with the President, or rather Mr. Wenham, under the President's direction, who is to take charge of the office here. The reason of this I think is my having been supposed to affix the Seal without proper authority, which I had no idea was the case. Mr. Boulton, I believe, expected, as I did, that the instrument sent him would be perfected at a meeting below. Mr. Allan was not then Vice-President—Mr. Boulton was—and as such wrote for the instrument. It having been resolved at a previous meeting that Mr. Boulton should, receive his instructions from the Board, and being required officially by him as Vice-President to send over the power in question, I did so, sealed with the Seal and countersigned by me. There was no other Vice-President but Mr. Boulton—the President was at New York.

Mr. Boulton went to Montreal to see Mr. M'Gillivray, and to Quebec to see Mr. Irvine, and I fully believed that every thing would be arranged below. My only motive was to avoid delay, as the matter had been deferred so long. This is the only paper I ever put the seal to with my signature alone; it has only been put to two papers, and they bear the signatures of the Vice-President.

The President, Mr. DUNN, *again called in, asked as to lateral cut, the same questions as* Mr. MERRITT *and* Mr. ALLAN.

I think the Company would not be willing to undertake it if their stock was enlarged. If the interests of the Company are protected I think the Company would have no objection to its being undertaken by others. I think if the new Company would pay their proportion of the charge of the original Canal in proportion to the water they took, the Welland Canal Company would not object to it. I think the affording means of competition, in regard to machinery, would not be complained of by the Company, and that they could not reasonably complain of it. I think, however, no person is now authorised to consent to it, and that the Stockholders generally must be consulted.

Mr. Dunn being asked, with respect to the resolution which had been taken at a former meeting, for draining Cranberry Marsh in Wainfleet, and rescinded afterwards at his instance, says:—

I objected, because I thought until the route of that part of the Canal had been actually decided on, it was premature to make a drain that might not suit the actual line of the Canal. Mr. Clowes, the Engineer concurred, and the order was rescinded at a subsequent meeting. Moreover I think that it was proper to complete altogether, in the first place, the Canal from the Welland to Lake Ontario, without incurring any expenditure on the other section.

Mr. Merritt, in relation to this matter, says that it will be absolutely necessary to make this drain before this section can be made, as the people cannot work in the water, and that it never was contemplated to make any such drain, except on the line of the Canal.

MONDAY, *December 5th*, 1825.

Committee met.—Attorney General in the chair.

OLIVER PHELPS *called in and examined.*

Are you a contractor for any part of the Welland Canal?

I am a contractor for all the locks from the Welland to Lake Ontario, exclusive of the Lock at the harbor at the mouth of the 12 Mile Creek. There are 34 locks, and I have taken them at $2200 per lock, which will complete them in the very best manner, entirely of wood.

Why have you not undertaken the lock at the harbor?

It was commenced and put under contract before I came in.

What are to be the dimensions of the Locks—22 feet in width and 100 feet in length (the chamber of the Lock.)

Have you been asked to estimate what would be the increased expense of making all the locks *thirty six* feet wide in the clear?

I have. I think it could be done for $20,000, including the excavation—*thirty-two* feet in breadth—for about $16,000. I am sure it would not very greatly differ from that.

Would any addition to the length be necessary for Steamboat navigation?

I think not, for a steamboat of 150 to 200 tons, well proportioned. From the greater space required for opening the gates of the locks when widened, an additional length of about six feet would be advantageous. The charge for the additional length would be in proportion to that for the whole length of the side, and might occasion an additional charge of about $3000 for the whole.

Are you well acquainted with canal navigation, and do you think that to allow bridges to be erected wherever the canal intersects the property of individuals, would be a great obstacle to the navigation?

I think it would, and that it ought only to be the case where some important road would be obstructed, or buildings and improvements of great value divided.

Are you acquainted with the principle upon which individuals possessing property on the line of the Erie Canal have been compensated for any damage done to their property?

Commissioners were appointed to estimate it, and such commissioners have, by law, authority to estimate what advantage the individual derives from the canal, as well as the damage; not, however, to that extent as to make individuals *pay* anything, and generally the Commissioners have been liberal, and allowed something, even when the canal may in fact have caused more benefit than injury to the individual. I am confident that along the Welland Canal the proprietors could sell their lands through which it is desired that it should pass for one third more than they could before have done, and that they would in general be much disappointed if the route were not altered so as to come through their lands; some who have signed petitions against it have told me so.

GEORGE KEEFER, Esq., *a Director of the Company, called in and examined.*

The several points which have been discussed before the Committee being stated to him, he is asked whether he has any information or opinion to offer to the Committee respecting them.

Ans.—I have no doubt as to the superior advantages of the new route proposed. With respect to the projected lateral cut to Niagara, I am myself of opinion that it would be well for the Company to undertake it themselves on their stock being increased. I think it would pay them. As a stockholder I should consent, but as a Director I cannot offer an opinion that shall affect the interests of others upon a point of this kind. I think they must all be referred to upon it. With respect to the complaints of individuals on account of damage done to their property, I know of no particular reason for such complaint. The Company will pay any ascertained damage so soon as they have completed their work through any person's premises.

The Canal I think will deprive no one of water which he enjoyed before; it will bring water to many who were before without, and in most places, from the width of the natural ravines through which the Canal will pass, the proprietors of the lands adjoining will have abundance of water without going through the enclosures upon the bank of the Canal.

I would add further, that with respect to the lateral cut to Niagara, the saving that will be made by adopting the proposed new route from the Mountain to the 12 Mile Creek, would be sufficient, in my opinion, to defray the expense of such Canal to Niagara.

The Select Committee appointed to report upon the several petitions of the President and Directors of the Welland Canal Company—of James Gordon, Esq., a Stockholder in the said Company—of Jacob Upper, and others, inhabitants of the District of Niagara—of Samuel Wood, and others—and of the inhabitants of the town of Niagara and its vicinity, pursuant to the order of the House, have further considered the matters to them referred, and agreed to the following as their second Report:—

Your Committee having deferred reporting upon the petition of the inhabitants of the town of Niagara and its vicinity, for authority to make a lateral cut from the Welland Canal to the town of Niagara, until Mr. Dickson, the Agent for the petitioners, could again communicate with them upon several points on which he desired to consult them, and having again examined Mr. Dickson and received from him the statement subjoined to this report, they now beg to report to the House their opinion that until reference has been had to the Stockholders of the Welland Canal Company, to be convened at a General Meeting for that purpose, and their consent or objections made known, the Legislature ought not to sanction upon any terms the diverting, by an independent Company, any part of the water brought down by the Welland Canal Company, for the purpose of forming a Canal by another route, and of affording facilities for the erection of rival establishments of mills or other machinery.

The Committee, however, are highly favorable to the undertaking of such a work as the inhabitants of the town of Niagara and its vicinity have prayed for, and they earnestly hope that the Welland Canal Company will either find it consistent with their interests to engage in it upon their stock being enlarged for that purpose, or in the event of their declining that course that they would accede to some reasonable arrangement which may enable a distinct Company to effect an object so desirable, and capable of being so easily accomplished.

The Committee cannot conclude this report without calling the attention of the House to the very gratifying circumstance, that the Company looks forward to the completion of a Canal which will be adapted to Steamboat navigation, and that they entertain this idea with so much confidence that they are strongly inclined to construct the locks at once upon a proportionate scale.

JOHN B. ROBINSON,
Chairman.

HOUSE OF ASSEMBLY, COMMITTEE ROOM,
December 15th, 1825.

THURSDAY, *December 15th*, 1825.

The Committee met.

The Attorney General in the chair.

ROBERT DICKSON, Esq., *called in and examined.*

Have you, since you were last examined by the committee, received any particular instructions as agent for the petitioners of the town of Niagara and its vicinity; and have you anything now to communicate or propose to the committee in reference to their application for permission to cut a Branch Canal from the Welland Canal to Niagara?

I have no further information. I have been at Niagara recently and called a meeting of the petitioners, and upon discussion of the subject of their petition, they adopted the Resolution which I now deliver to the committee.

(Here Mr. Dickson delivered in said Resolution, which was read, and is as follows:)

At a meeting of the inhabitants of Niagara, held at Mr. Cannon's Hotel, December 5th, 1825—Thomas Butler, Esq., in the chair,

It was Resolved, That Robert Dickson, Esq., be instructed to propose to the committee of the House of Assembly that the Niagara petitioners be allowed, with the consent of the majority of the stockholders of the Welland Canal, to make a lateral cut to Niagara, and that the expense of such cut be allowed by them to merge into the general stock.

That they will commence the cut as soon as the Welland Canal Company have advanced as far as the intersecting point, and not before.

That should the above proposition be rejected, then it will be at the discretion of Mr. D. to make the best terms he can for bringing the waters into the lateral cut, but especial care be taken that no arbitrary or oppressive toll be allowed at any time to be levied on the lateral cut—should it be granted.

As the opinion of the stockholders is prelimenary to any measure, it is deemed desirable that no time be lost in obtaining recommendatory letters from the Chairman and Directors in favor of our request, and that Mr. D. forward a letter in the name of the merchants of Niagara, and others, together with necessary documents to Agents in New York, Montreal, and Quebec, requesting them to call, instanter, a meeting of the stockholders in each place, to obtain their sanction, before the close of the session.

WILLIAM YATES, *New York*,
HORATIO GATES, *Montreal*,
M. SUTHERLAND, *Quebec*,
} AGENTS.

JAMES RADCLIFF, *Secretary*.

Extracts from the Journals of the House of Assembly on the subject of the foregoing Reports.

FRIDAY, *December 16th*, 1829.

The House in Committee on the Reports of the Select Committee to which was referred the subject of the Welland Canal.

Mr. Beasley in the chair.

The House resumed.

Mr. Beasley reported a resolution, which was adopted, as follows:

Resolved, That it is the opinion of this House that it would undoubtedly be expedient to authorise by law the deviation from the route of the proposed Canal from the Mountain to the 12 Mile Creek, as prayed for in the petition of the President and Directors of the Company, and surveyed and reported upon by Mr. Clowes and Mr. Roberts, Engineers.

SATURDAY, *December 17th*, 1825.

The House again in Committee on the Reports of the Select Committee on the subject of the Welland Canal.

Mr. Beasley in the chair.

The House resumed.

Mr. Beasley reported three resolutions, which were severally put and carried as follows:

Resolved—That it is the opinion of this House that until reference has been had to the Stockholders of the Welland Canal Company, to be convened at a General Meeting for that purpose, and their consent or objections made known, the Legislature ought not to sanction, upon any terms, the diverting, by an independent Company, any part of the water brought down by the Welland Canal Company for the purpose of forming a canal by another route, and of affording facilities for the erection of rival establishments of mills or other machinery.

Resolved—That this House is highly favorable to the undertaking of such a work as the inhabitants of the town of Niagara and its vicinity have prayed for, and they earnestly hope that the Welland Canal Company will either find it consistent with their interests to engage in it upon their stock being enlarged for that purpose, or in the event of their declining that course, that they would accede to some reasonable arrangement which may enable a distinct Company to effect an object so desirable and capable of being so easily accomplished.

Resolved—That it is the opinion of this House that it would be a proper indulgence to be granted on the part of this province to the Welland Canal Company to accede to their prayer with respect to the remission of duties, if the same can be legally done, and if not, that the Government be authorised, by a particular appropriation, to return to the Company an equal amount to that which they shall have paid and shall hereafter pay for duties.

No. 5.

Minutes of the Board of Directors of the Welland Canal Company, for the year 1825.

At a Meeting of the Board, *4th January*, 1825.

PRESENT.

GEORGE KEEFER, ESQUIRE, *President*,

John Decou,
Chauncey Beedle,
Wm. Hamilton Merritt,
} Esquires, *Directors*.

The following resolutions were made.

"That we send a notice to the *Gleaner* for the subscribers to pay in their instalments of 5 per cent on all that has not been paid, making the instalments all equal."

"The Treasurer to submit a regular statement of all shares subscribed, the first Monday in next month as well as a statement of all accounts due by said Company."

"To prosecute for all dividends after the 12th day of February next."

"That we petition the Legislature of Upper and Lower Canada for a grant of £12,000 each."

GEORGE KEEFER,
Secretary W. C. C.

At a Meeting of the Board, *2nd April*, 1825.

PRESENT.

GEORGE KEEFER, ESQUIRE, *President*.

Wm. Hamilton Merritt,
John Decou, and
Chauncey Beedle,
} Esquires, *Directors*.

RULES FOR GOVERNING THE NEXT ELECTION.

1st. That all tickets shall be handed to the Secretary and by him counted and placed in the Ballot box.

2nd. That the President and Directors shall scrutinize all votes and ascertain that the Election is fairly and honorably conducted.

3rd. That no man who has neglected or refused to pay in to the Treasurer of the Welland Canal Company ten per cent on the Stock subscribed shall be entitled to vote for the Election of Directors for the ensuing year.

On the 4th day of April, 1825, being the 1st Monday in that month, a Meeting of the Stockholders of the Welland Canal Company took place at the Court

House in Niagara, pursuant to public notice as provided by law—When and where the undermentioned Gentlemen were appointed Directors for the ensuing year, viz :

The Hon. John Henry Dunn, *Receiver General*,
Henry John Boulton, Esquire, *Solicitor General*,
George Keefer, Esquire,
James Clarke Buchanan, Esquire, and
William Hamilton Merritt, Esquire.

James C. Buchanan, Esquire, appointed conditionally ; to resign in favor of any person the Government, Mr. Galt, (for Commissioners of Canada Land Company) or the Stockholders may appoint.

The Honorable John Henry Dunn, was then unanimously elected, *President* of said Company, by ballot.

On the 13th day of April the Charter of said Company was extended to £200,000, and the Honorable James Irvine of Quebec and Simon McGillivray, Esquire, of London, were appointed Directors for the present or ensuing year; consequently the Directors for 1825 and until the 1st Monday in April next, stand thus :—

The Honorable John Henry Dunn, *President.*

The Honorable James Irvine,
Henry John Boulton, Esquire,
Simon McGillivray, Esquire,
J. C. Buchanan, Esq.(*conditionally*)
George Keefer, Esquire, and
William Hamilton Merritt, Esquire, } *Directors.*

At a Meeting of the Board, *April 14th*, 1825.

Present.

The Honorable John Henry Dunn, *President.*
Henry John Boulton, Esquire,
Simon McGillivray, Esquire, and
William Hamilton Merritt, Esquire, } *Directors.*

That our Agent give notice that the Summit Ridge will be let out on contract the first of July next, and whatever other part of the line may be in readiness.

That our Agent proceed as soon as practicable to Lower Canada, there to obtain as much Stock as possible, then to proceed to New York or elsewhere, to obtain to the amount of £75,000, in case the President should not obtain the sum of £50,000 in that place.

That as soon as the sum of £50,000 be obtained the whole line of the Canal be advertised for contract and that in the mean time the whole line be laid out in sections by our Engineers.

That we employ Mr. Clowes the present Engineer to superintend the work, at the rate of £400 per annum, to include Board, &c., and that he be allowed an Assistant at £100 per year.

That we continue the present Treasurer until July when a regular transfer of books and accounts shall be made.

That Henry J. Boulton, Esquire, be appointed Vice-President.

That William Hamilton Merritt, Esquire, be and is hereby appointed superintendant of the works, and of all matters connected therewith, also to act as Secretary and attend to all the concerns of said undertaking and that he be requested to accept of for his services since the commencement of the undertaking.

That the Treasurer do pay the present Contractors of the Welland Canal Company ¾ of the amount of work performed by them under and in pursuance of contracts now entered into, such work to be approved and certified by the Engineer.

JOHN H. DUNN,
President, W. C. C.

A true copy,
W. H. M.———, *Agent.*

Copy of Bye Laws adopted by the President and Directors of the Welland Canal Company.

York, 14th April, 1825.

Present.

The Honorable John Henry Dunn, *President.*
The Honorable James Irvine,
Henry John Boulton, Esquire,
Simon McGillivray, Esquire,
James Clarke Buchanan, Esquire,
George Keefer, Esquire, and } *Directors.*
William Hamilton Merritt, Esqr. } *Also Agent & Sup.*

First.—The Directors shall meet the first Wednesday in every month, and oftener if necessary.—[*Expunged 2nd September*, 1835.]

Second.—That no Director, Officer, or Servant of the Company shall directly or indirectly be concerned in any contract connected with the said undertaking.

Third.—That no contracts shall be entered into until public notice shall have been published six weeks in such newspapers as the Directors shall think fit—for tenders to be delivered to the Board of Directors on a day to be fixed in the said notice, and that all tenders shall be opened in the presence of the parties making the same, if they think proper to attend.—[*Expunged 2nd September*, 1835.]

Fourth.—That no monies be advanced to any contractor until good and sufficient securities shall have been entered into for the due performance of his contract.

Fifth.—That Henry J. Boulton, Esq. *His Majesty's Solicitor General*, is hereby appointed Solicitor for the said Company.—[*Expunged 2nd September*, 1835]

Sixth.—That the deposits from the Stockholders in Great Britain shall be paid into te Banking House of Wm. Williams, Burgess & Williams, London, and that all Bills to be drawn on said Bankers shall be signed by the President and Vice President, by order of the Board.—[*Expunged 2nd September*, 1835.]

Seventh.—That two of the said Directors, with the President or Vice President shall form a quorum.—[*Amended 2nd September*, 1835.]

Eighth.—That the travelling expenses of any of the Directors who shall reside at a distance from the place of meeting shall be paid out of the funds of the Company, such charges to be exhibited in the

annual accounts to be submitted to the stockholders, previous to the election of Directors in each year.

Ninth.—That William Hamilton Merritt, Esq., be paid an annual salary of £300 besides his necessary expenses, to commence this day.—[*Expunged 2nd September*, 1832.]

JOHN HENRY DUNN,
President.

A true copy,
WM. H. MERRITT, *Agent.*

At a Meeting of the Board, 22*nd July*, 1825.

PRESENT.

The Hon. JOHN HENRY DUNN, *President.*
HENRY J. BOULTON, Esquire, *Vice President.*
George Keefer, Esquire, and
William Hamilton Merritt, Esquire, } *Directors.*

Resolved.—That each Contractor shall be entitled to two thirds of the money which may be due him at the end of each month, and the remaining one third may be loaned him without interest until he shall either have forfeited or completed his contracts by his giving responsible security.

July 4th, 1825.

"The Board opened according to adjournment when the following resolutions were passed."

"That the Agents transmit a list of the present Stockholders to this office together with an account of the sums paid in by each Stockholder respectively."

"That a Stock and Account Books be opened at this office."

"That on the first Wednesday in each month the Agent shall lay before the Board a regular statement of what has been done together with all charges, &c., which may be against the Company for work done, or any other act certified by the Engineer for the preceding month and what may be necessary to adopt the ensuing."

"That all letters be received at the Canal Office, the receipt acknowledged and answers prepared for the inspection and sanction of the Board at each succeeding meeting."

"That our agent procure from each owner of land, a bond for the relinquishment of what land may be necessary for the construction of the Canal."

"That our Agent procure plans and estimates and furnish the necessary information for the President to transmit Simon McGillivray, Esquire."

"That a premium of $100 be awarded for the best model of a wooden Lock, or wood and stone combined, to be submitted with specifications on the 1st Wednesday in October."

"That a transfer office be established in New York as soon as the agent may think proper after the payment of 10 per cent on account of all stock subscribed in that place."

"That the scrip for the new stock, or certificates of stock subscribed, may be signed by the different agents in Upper and Lower Canada, and in New York, on payment of 10 per cent."

"That 5 per cent be called in immediately on all new subscriptions."

Ordered, that all persons who have expressed a wish to withdraw their subscriptions under the 7th clause of the Welland Canal Act, shall have whatever money they have paid in refunded, and that the agent pay the same.

At a Meeting of the Board, 21st *July*, 1825.

PRESENT:

H. J. Boulton, Esquire, *Vice President,*
George Keefer, Esquire, and
William H. Merritt, Esquire, } *Directors.*

Ordered, That whatever damage may have been done by the Welland Canal Company to the property of Mr. John Brown, on the River Welland, be left to the decision of Samuel Street, Esquire, to which Mr. Brown agrees and has affixed his signature.

That 5 per cent be paid in the ensuing month, and Mr. Davis to pay amount in Bank at Montreal to the credit of the Upper Canada Bank as a deposit by the Welland Canal Company.

That all Agents close their books and send us copies only, they keep the original signatures.

That as doubts have arisen respecting the most eligible route for the Canal from the Welland to the mouth of 12 Mile Creek, that we employ Mr. Roberts, Engineer, to explore and report on the same as well as the Canal generally.

That the Vice-President employ Mr. Roberts and some other Engineer who will explore and report on the route from Grand River to Welland—the report of Mr. James Clowes not proving satisfactory.

That a report be drawn up and sent the President by our agent for any correction he may think proper to make, when signed to be immediately published.

That the papers, plans, &c., be sent Mr. Dunn as soon as the Engineers report be obtained of the whole route.

The Directors were employed the 21st, 22nd, and 23rd, during which they examined the different routes from Harbor to the Deep Cut.

Resolved, That the Vice President draw on Thomas Proctor for $8,000, and that our agent advise him of the same.

At a Meeting of the Board, 10*th August*, 1825.

PRESENT:

The Honorable John Henry Dunn, *President.*
George Keefer, Esquire, and
Wm. Hamilton Merritt, Esquire, } *Directors.*

The minutes of the former meeting were read and approved.

Ordered, That the President having laid before

the Board Mr. Proctors 'Letters of the 13th, 16th, and 22nd, the Agent be desired to request Mr. Proc tor to address all communications to the Board, at their office at St. Catharines, where they will reply monthly, and furnish any information required, and that an answer be prepared to the above communications.

That the Accounts of the late Treasurer having been examined by the President and Board, are found to correspond with the vouchers.

That as the President will be in New York on or about the 1st September, the Agent be advised to pay over to him whatever monies he may have called in on the instalments in that city.

At a Meeting of the Board, 6*th September*, 1825.

PRESENT:

Henry J. Boulton, Esquire, *Vice President.*
George Keefer, Esquire, and Wm. Hamilton Merritt, Esquire, } *Directors.*

Ordered, That our Agent write the respective Agents to transmit us an account current up to this date, with the amounts paid in by each stockholder.

That all stockholders be required to pay up to 15 per cent on the amount of their subscriptions.

That Edward McMahon, J. G. Chewett, and R. W. Prentice, not having paid in their instalments shall forfeit the same as the law directs.

That our agent advertise the timber for sale at private contract in one of the Buffalo and Lockport papers, that Mr. Roberts, the American Engineer, having examined the two proposed routes of the Welland Canal, the one descending the mountain by Mr. Decow's, the other by George Keefer, Esquire's—and coinciding with the Company's Engineer, Mr. Samuel Clowes, that the latter route is decidedly the cheapest, and will make the most perfect navigation.—The Board then unanimously adopted the same.

That our Agent give notice that proposals will be received on the day of November for completing the whole line of the Welland Canal from Lake Erie to Lake Ontario.

At a Meeting of the Board, 10*th September*, 1825.

PRESENT:

Henry J. Boulton, Esquire, *President.*
George Keefer, Esquire, and Wm. Hamilton Merritt, Esquire, } *Directors.*

Ordered, That the Agent have £25, to be accounted for in paying contingencies next meeting.

At a Meeting of the Board, 20*th September*, 1825.

PRESENT:

Henry J. Boulton, Esquire, *President.*
Simon McGillivray, Esquire, George Keefer, Esquire, and Wm. Hamilton Merritt, Esquire, } *Directors.*

Mr. McGillivray tendered the name of the Hon. William Allan as a subscriber for 20 shares, and tendered his own name as a subscriber for 22 shares, in addition to his present interest in the stock of the Company, both which tenders were accepted, and the three first instalments thereon paid, being 15 per cent, amount £78 15s.

It was unanimously resolved, That the Hon. William Allan be elected a Director of the Welland Canal Company during the interval between this date and the regular election of Directors in the year 1826.

Considering the important services rendered to this undertaking by William Hamilton Merritt, Esquire, before the passing of the late Act of the Provincial Legislature, and his appointment as Agent for managing the works of the Canal, services and exertions which occupied his time for a period of nearly two years, and to which the directors cannot but in a great measure attribute the success of the project, from which so much public benefit is likely to arise, referring also to the vote adopted on the 14th April last, whereby Mr. Merritt was requested to accept a sum of money in remuneration of those services, but which sum was left blank—the Directors though admitting that in the case of any honorary or other acknowledgement to a member of their own body—it would be more desirable to have the amount fixed by the proprietors at large than by themselves—yet under the circumstances of this case and considering the proposed acknowledgment to Mr. Merritt is in fact a debt which in equity they are bound to pay: It is *Resolved*, That the blank left in the said resolution of the 14th April last, be filled up with the words "*five hundred pounds.*"

In consideration of the importance of avoiding all occasion of dispute about the property of the land bordering on the line which may be determined on, for the course of the Canal, betwixt the Deep Cut on the Bank of the Welland River and the Harbor at the Twelve Mile Creek, on which line will be situated the valuable mill seats which are to be formed by the water admitting through the Canal, and in order to prevent any question with the present proprietors of such lands, about the right of erecting mills or other buildings on scites which are to derive their value from the operations of the Company, considering that it is only just that the Company should enjoy the benefit arising from their own improvements and that the powers granted to them by their Charter, were intended by the Legislature to secure the same. —It is therefore *Resolved*, That 10 chains by 8 in front of the Canal mouth, and 4 chains wide by 10 in length, be appropriated at its junction with the Welland River in Thorold, and that 2 chains wide on each side of the Canal reservoirs and the Harbor exclusive of towing path, be appropriated from the Holland road to the mouth of the Twelve Mile Creek, together with the beach in front of the embankment at the Harbor which beach having been lately purchased by Mr. Merritt from Mr. Pawling the proprietor of the adjoining lot on the west side of the Twelve Mile Creek at its entrance into Lake Ontario, has been liberally relinquished to the Company by Mr. Merritt at the same price which he paid for the same.

That in order to carry the above resolution into effect the agent do immediately negotiate with the

owners or occupiers of the above land, and lay a statement of the amount claimed upon the Board, as soon as the said land may be laid out, that
be employed to run the said line.

That in order to enable the Company to increase the body of water in the Canal, and to raise the level of the same at the Deep Cut and elsewhere, as may be found expedient, a guard lock be erected across the Welland River below the entrance of the Canal whereby the level of that River may be raised as far as may be required; and inasmuch as this process will prevent any water from flowing out of the Niagara River and through the Welland River into the Canal, and it is not deemed expedient to trust to the Welland River alone for the supply which will be required, but to render Lake Erie or the Grand River at its mouth at once the summit level and the Feeder of the Canal—*Be it Resolved*, That from the Grand River to the entrance of Misner's Creek near the River Welland, the Canal be cut of the depth of 8 feet below the low water mark of Lake Erie, 30 feet wide at the bottom and the same slope at the sides as in the deep cutting at the east side of the River Welland.

The reports of our surveyors in regard to the route of the Canal from Holland road to St. Catharine's, were read and reconsidered together with the maps and profile prepared in order to be transmitted to England was read and taken into consideration, but the paper being very long and the subject of the utmost importance it was only arranged in regard thereto that Mr. Boulton should take the papers with him to York for further consideration and from thence to transmit them to Mr. McGillivray, by whom and by Mr. Irvine, they are to be recommended to their friends in England.

On further consideration of the importance of this intended appeal to Capitalists in England to furnish the Directors with that portion of the Company's Capital which remains to be subscribed and which has been expressly reserved for the Stockholders whom they hope to find in England in preference to those who might have been found elsewhere. Feeling the propriety of offering the most ample and satisfactory explanation on every point and considering the difficulty of so doing and especially the difficulty of meeting questions or doubts arising from the want of local knowledge of this country in any other manner than by the presence and personal communication of some Agent or representation duly authorised and qualified to afford such information as may be required, it was agreed that such mission to England, if undertaken by a competent person, would offer the most probable means of ensuring the success of the intended appeal to that country for the remaining Capital.—And Mr. Boulton having kindly volunteered his services for this purpose for three or four months on condition merely of his reasonable expenses not exceeding the sum of £300 sterling being paid. The proposal was received with due acknowledgment, and it was *Resolved*, That HENRY J. BOULTON, Esquire, be authorised and required to proceed to England as the Agent and Representative of the Welland Canal Company, to obtain such capital as may be required by the Company and in negotiating for the same and in all matters connected with this mission to act according to such instructions as he may hereafter receive from the Board.

That the Welland Canal Company do pay Mr. Boulton's reasonable Expenses in this Mission not exceeding the sum of £300 sterling.

At a Meeting of the Board, *6th October*, 1825.

PRESENT:

The Honorable William Allan,
George Keefer Esquire, and
William Hamilton Merritt Esquire, } *Directors.*

It was resolved that the Board of Directors at their last meeting notified their Agent to signify to the Board that when they again assembled, that it was their desire the Hon. Wm. Allan should be appointed Vice President during the present year in consequence of the absence of Mr. Boulton, the present Vice President who is absent to procure the subscription of Stock designed for the London Market. The Honorable Wm. Allan was accordingly appointed Vice President of the Welland Canal Company.

Ordered that 5 per cent be called in for the present month, making 20 per cent on the amount of Stock subscribed by each Stockholder, and that our Agent notify the different Agents of the same.

Ordered that the Vice President draw in favor of the Cashier of the Bank of Upper Canada on Thomas Proctor of New York at 30 days sight for £1500, on the Bank of Montreal for £750, and that our Agent advise them of the same.

Ordered that our Agent notify each Stockholder that they pay their respective instalments into the Bank of Upper Canada at York, or the Branch Bank at Niagara, and give public notice of the same.

At a Meeting of the Board, *26th October* 1825.

PRESENT.:

The Honorable William Allan, *Vice President.*
George Keefer Esquire, and
William Hamilton Merritt Esquire, } *Directors.*

The Board of Directors being aware that the whole line of the Canal from the Welland to Lake Ontario would be placed under contract the ensuing Meeting and being fully aware of the importance of selecting the best Contractors on the most advantageous terms for the interest of the Company, solicited the attendance of James B. McAulay Esq. that they might avail themselves of his assistance as a legal adviser in the absence of the Company's Solicitor.

Many proposals were delivered in for the construction of the Locks and some on lower terms or for a less sum than the offer accepted but from the character and responsibility of the Company offering as well as the importance of having this work properly and faithfully executed, the Board decided on letting the whole to Messrs. Beach, Ward, Hovey & Phelps—at the sum of £550 Cy. per each Lock.

Whereas doubts have arisen whether the Company have power to take and appropriate 2 chains on each side of the Canal, *Resolved*, That we submit the question to the Attorney General for his opinion thereon.

Ordered, That 5 per cent on all the Stock subscribed be called in making 25 per cent in all.

Ordered, That the President draw on our Agent in New York for the sum of £1500 Cy. and on our Agents in Montreal and Quebec for the sum of £500.

Ordered, That our Agent sign Scrips or Certificates for each instalment called in from the Stockholders in the Upper Province and leave them monthly at the Bank of Upper Canada in York and the Branch Bank of U. C. in Niagara and that this arrangement take place from the 7th instant.

A proposition having been made to the Directors by E. S. Beach Esquire, of Rochester and George Keefer, Esquire, of Thorold that they would construct or cause to be constructed a large and extensive Flouring Mill with at least 4 runs of Stones on the line of the Welland Canal, capable of making the best superfine Flour, adjoining St. Catharines and at the first Locks on the mountain, and have the said Mills in readiness by the time the water is let into the said Canal. Be it *Resolved*, that the said E. S. Beach, Esq. and George Keefer Esquire be allowed the privilege of a Mill seat for the above purpose, providing they perform the said condition, the above proposition having likewise received the sanction of Simon McGillivray and Henry J. Boulton Esquires, at the meeting of the Directors on the 20th September last.

At a Meeting of the Board, 22*nd November* 1825.

PRESENT:

The Honorable John Henry Dunn, *President.*
The Honorable William Allan, *Vice President.*
William Hamilton Merritt Esquire, *Director.*

The Board considering it will be necessary for the Welland Canal Company to have a resident Agent in England providing the Stock is taken up which was reserved for that Market in the 1st instance.

1st *Resolved*, That Henry J. Boulton, Esq. his Majesty's Solicitor General now in London and one of the Directors of this Company, be requested to offer the situation of Agent, under the direction of the Committee who may be appointed, to Mr. Galt, who is now Secretary to the Canadian Land Company.

In order that the affairs of the Company may be conducted in such a manner as may be likely to meet with equal approbation, to all concerned, as the Canada Land Directors will no doubt feel the vast importance of this Canal to the Canadas, it would in the opinion of the Board be highly important that some of those gentlemen should be solicited to undertake the management of the Welland Canal Stockholders in Great Britain.

Resolved therefore that a Committee be formed in London, consisting of not less than 5 gentlemen, and that from Mr. Galt's personal knowledge of the province, that he be recommended to this Committee as a proper person to fill the situation of Agent to conduct the affairs of the Welland Canal Company in London, and that Mr. Galt's reasonable remuneration be fixed by the said Committee.

Resolved, That stock to the amount of £100,000 be disposed of in London agreeably to a resolution of the Board of Directors of the 14th April last, (immediately after the passing of the Act of Incorporation) in which this sum was reserved for the London Market.

Resolved, That the instalments necessary for prosecuting the work be called in monthly, as has been the case in America, and that the said instalments shall not exceed 10 per cent.

Resolved, That on subscribing for the said stock, 10 per cent should be deposited in the hands of Messrs. William Williams, Burgess and Williams of London, the house heretofore named by the Company, or any other Bankers in London who may be named by the Committee.

That the subjoined rule, passed by the Board 14th April last, regarding the method of drawing drafts for the instalments paid in London, be transmitted for the information of the Committee.

"*Resolved*, That all Bills to be drawn on our Bankers in London, shall be signed by the President and Vice-President, by order of the Board.

"*Resolved*, That the drafts on London shall be disposed of at the highest rate of Exchange in the Canadas, and the proceeds to be accounted for accordingly, for the benefit of the stockholders resident there.

"*Resolved*, That the Engineers reports, plans, profiles, and such other documents as may be necessary, be immediately sent Simon McGillivray, Esquire, at Montreal, to be transmitted to England.

"*Resolved*, That a copy of the above resolution be transmitted Simon McGillivray, Esquire, Montreal, and the Hon. James Irvine, of Quebec, two of the Directors of this Company, for their information."

By order of the Board,
JOHN H. DUNN,
President, W. C. C.

Resolved, That the whole line of the Welland Canal is now under contract from the Welland River to Lake Ontario, that a necessity for the office of the Company being at St. Catharine's for the convenience of persons offering as Contractors for the work and other local business does not now exist, and as the President and Vice-President of the Company from necessity residing at York the seat of the Government of Upper Canada, will not be able to attend the meetings of the Directors at St. Catharines, that the said office be immediately removed to York and the Agent to deposit all books, papers, &c., relating to the affairs of the said Company without delay.

Resolved, That the President and Vice-President jointly, hire an eligible house for an office and a suitable person as Book-keeper, and to transact whatever other business may be required on account of the Company.

At a Meeting of the Board, at York, 7*th December*, 1825.

PRESENT:

The Honorable John Henry Dunn, *President,*
The Honorable William Allan, *Vice-President.*
George Keefer, Esquire, and
William Hamilton Merritt, Esquire, } *Directors.*

The President stated that agreeable to a resolution of the last Board, authorising himself and the Vice-President to engage an office for the Company, and a person to keep the books, accounts, &c., they had made choice of Mr. Wenham to perform the duty.

Resolved, That the Engineer shall make out an estimate of the amount due upon each contract on the first of every month, the same to be certified by the Agent and transmitted to the Board at their monthly meeting.—[*Expunged 2nd September*, 1835.]

The office of the Company being removed from St. Catharine's in consequence of which all official communications are in future to be made to and by the President at York, and all the books and records are to be kept here, It is resolved, that the Agent Mr. Merritt, residing at St. Catharine's, shall have the general superintendance of the Engineers, Surveyors, Contractors, and all other persons in any way employed by the Company, and that he shall keep a private account with all the Contractors of the monthly performance of their work according to the Engineer's estimate, which he shall certify and transmit to the President in order that the same may be laid before the Board; upon which he shall receive a draft for the amount to be paid to the parties on taking their receipt for the same,—[*Expunged 2nd September*, 1835.]

Resolved, That an application be made to Major Hillier, Secretary to his Excellency the Lieut. Governor requesting permission to cut timber for Piers &c., for the use of the Canal, from off the Government land adjoining the twelve and sixteen mile Creeks.

Ordered, That the timber belonging to the Company now lying on the River Welland which was furnished by Contract by Mr. Brundage, be advertised for sale by Public Auction on the 1st Monday in February next, the same not to be sold for less than 7s. 6d. per 100 feet.

Mr. Merritt laid before the Board a letter from Mr. James Gordon, Treasurer, under the 1st Act of Incorporation for a further consideration of his services, which being read it was *Resolved*, That during the time Mr. Gordon acted as Treasurer under the 1st Act he received his per centage according to agreement, and that £50 having been awarded him by a resolution of the 20th Sept. last for all duties performed during the extra time he continued in the service of the Company, the Board are unwilling to make any alteration in that decision.

It was *Ordered*, That the different Agents be immediately written to, requesting their accounts current to the 30th ulto. with a full list of Subscribers and Instalments paid to that date, desiring them to furnish supplementary Accounts to the 31st inst., in order that the Accounts may be balanced at the close of the year.

Resolved, That Mr. Roberts be engaged as Engineer from the 1st of April next at a Salary of £500 per. annum, besides his expenses of Board, Lodging &c., and that Mr. Merritt be requested to inform him to this effect.

JOHN H. DUNN,
President.

At a Meeting of the Board at York, *8th Dec.* 1828.

PRESENT:

The Honorable John Henry Dunn, *President.*
The Honorable William Allan, *Vice President.*
George Keefer Esquire, and
William Hamilton Merritt Esquire, } *Directors.*

Resolved, That the President draw on Thos. Proctor the Company's Agent at New York, at 30 days sight for £2000, and that the same be paid into the Bank on account of the Welland Canal Company to meet the above disbursements.

Resolved, That the sum of £25 be paid to Mr. Smith as a remuneration for his services to the Company while the Office was at St. Catharines.

As the Board will not meet again till Feby. next, unless Special business should require—

It is *Resolved*, That a further instalment of 5 per cent. is directed to be called in, payable on the 5th January 1826.

JOHN H. DUNN,
President.

No. 6.

WELLAND CANAL COMPANY.

DIRECTORS REPORT.

To His Excellency Sir P. Maitland K. C. B. Lieutenant Governor, &c. &c. &c.

To the Honorable the Legislative Council and to the House of Assembly of the Province of Upper Canada.—To the Proprietors of the Welland Canal, and to the Public:—

The Directors respectfully submit the following Report, viz:

An Act passed the Legislature of the Province of Upper Canada in February 1824, incorporating a Company with a Capital of £40,000 to cut a Canal for Boat Navigation around the Cataract of Niagara, and thus to open a Navigation from Lake Ontario to Lake Erie by means in part of the River Welland; which flows into the Niagara above the Falls, and from which the company take its name, being Incorporated under the style and title of the Welland Canal Company.—About £10,000, or one fourth of the whole Capital was immediately subscribed, the Company was regularly organized, and the work commenced, but the Directors upon a minute inspection of the uncommon natural facilities which present themselves on the line of the Canal, were induced to postpone their operations from the conviction that such a vast object as that of connecting the upper with the lower Basin of the St. Lawrence, demanded a water communication of far greater dimensions than the one contemplated, and capable of admitting all such vessels as usually navigate the Lakes. On referring the plans and estimates to the Stockholders, the conduct of the Directors was highly approved and it was determined to petition the Legislature for an Act authorising them to increase their Capital Stock to £200,000, a sum trifling as it appears to be compared with the magnificence of the object to be attained, yet quite sufficient to complete a Canal capable of allowing Vessels of considerable burthen to pass from one Lake into the other, thus opening a

continued internal navigation without breaking bulk, of more than a thousand miles.

The Legislature had only to revert to the peculiar position of the country to be convinced of the immense advantage that must accrue to the Canadas and to the British Empire, from the completion of this magnificent undertaking, and therefore readily granted the prayer of the Petition by passing an Act on the 13th April, 1825, enabling the Company to increase their Stock for the purposes herein mentioned to £200,000.

On the day subsequent to the passing of this Act, the Directors assembled, and being anxious to preserve the management of the Company under British influence they determined to preserve a considerable part of this increased stock, in order to be offered in the first instance to subscribers in England. Of the original Stock of £40,000 more than one half has been subscribed in New York, and there was little doubt but that the whole capital required might at once have been obtained in that oppulent and enterprising city: whereas in Canada the want of capital in the country precluded any prospect of obtaining subscriptions to so large an amount. Feeling the expediency of immediately obtaining means to proceed with the works which had already commenced, and at the same time being desirous that at least a majority of the Stockholders should be British subjects, the Directors resolved to limit the subscription in New York to £75,000, which sum was immediately taken up by the old Stockholders to whom the option was first given, so that at a Public Meeting which had been advertised for opening books and receiving subscriptions, no subscription could be accepted, and such was the general opinion of the benefit promised by the undertaking, that more than the whole capital would, at that meeting, have readily been subscribed, but the President of the Company who was present in person, refused to receive more than the £75,000. Of the remaining Stock £25,000 has been subscribed in the Canadas and thus £100,000, or one moiety of the whole, remains to be subscribed in London. It was deemed requisite that one of the Directors should proceed to London to afford such explanations and local information as might be requisite to make the necessary arrangements for obtaining the required subscriptions, this mission was entrusted to Mr. Sol. General Boulton, late Vice-President of the Company, who resigned that office on his recent departure for England, and with whom Mr. McGillivray, another of the Directors, being about to return to England is now associated. The delay which has taken place in submitting the object of their mission to the public in the British metropolis, has arisen from the necessity of procuring correct maps of the country through which the Canal is to pass, and proper sections, reports and estimates of the work itself, for the information of those who might desire to become subscribers. In the mean time the Canal is rapidly advancing, for the Directors under the impression that more Stock than they require would readily be taken in London, and assured at all events it would be taken in New York, if an appeal to foreigners should become requisite, did not think it necessary to delay entering into contracts till the subscription was full.

In offering half the Stock of the Welland Canal to the Merchants and Capitalists of the first commercial city in the world, the Directors act with confidence upon two facts; first, that the other money has been already taken up by the Merchants and Capitalists in New York and the Canadas, who are well acquainted with the country which this Canal is intended to unite and who although in the habit of obtaining six per cent, for their money, the legal interest in these countries, consider this as a far more profitable method of employing their capital.—The second fact presents itself on reviewing the map of the country by which it will be seen that the Canal must be the avenue of greater wealth and commerce than any other now on the face of the earth.

But in order to render this mighty undertaking familiar to the British public, the Directors beg to be indulged in giving a short review of the causes which led to its commencement and to the astonishing results which must follow its completion. In March, 1807, the Senate of the United States of America passed a resolution requiring the Secretary of the Treasury Mr. Gallatin to report to them, at their next session, on the subject of roads and canals. In obedience to this order, the Secretary delivered, on the 4th April, 1808, a most able States paper, in which a general view is taken of the greater number of practicable canals which could be made with advantage in any part of the Union. Some offering benefits which might well be deemed national, others common to several Provinces, and a few only of advantage to individual States, but all tending directly to the augmentation of the power and wealth of the Republic. Among other Canals, one for Sloop navigation around the Falls of Niagara was suggested in order to unite Lake Ontario with Lakes Erie, Michigan, Huron, and Superior. And to preserve the advantage of being the carriers and exporters of their own produce, another Canal as a continuation of the line from Lake Ontario to the Hudson, is also proposed in the same elaborate document.

It is quite evident that this able communication of Mr. Gallatin's, if it has not suggested, has encouraged the different States to undertake and complete many Canals now in operation; and among others, that stupendous work of 353 miles long which connects Lake Erie with the tide waters of the Hudson river; for it follows the line, or nearly so, which Mr. Gallatin points out, till it reaches the place where it becomes necessary to diverge either to Lake Ontario or Lake Erie.

The Secretaries Report was for several years considered speculative, and visionary; and when the practicability of this magnificent Canal was first announced by some eminent and intelligent men of the State of New York, the most distinguished of whom was Governor Clinton, who still lives to enjoy the fruits of his patriotic and persevering exertions, it was treated with contempt and derision. It appeared to be a century before the age; and men incapable of enlarged views while they were forced to admit that it was splendid on paper, declared it impracticable; that the resources of the whole Union were unequal to the expense, that, if made it would be useless and consequently that the Capital would be sunk, or ruinously unproductive. Even political animosity was mingled in the contest; for the advocates of the project being friendly to moderation, they were stigmatised as men hunting for popularity, by visionary

schemes, which must terminate in the ruin and degradation of the State.

When, however, the reiterated explanations of the general utility of Canals and the vast advantage which must accrue to New York by directing to its Market all the productions of the Western States, had made an impression on the public mind and began to dissipate the prejudices of its opposers, the Legislature was induced to pass an Act in 1811, to provide for the improvement of the internal navigation of the State, the Commissioners appointed under this Law procured plans and surveys of the proposed Canal, by which it appeared that the expense would be much less than had been anticipated even by the most frugal calculators. This perhaps arose from the fact, that sources of expense which in other countries are extremely heavy, here cost nothing, viz:—Land for the bed of the Canal, and the water necessary for its supply, the land was readily and joyfully given by the proprietors, and abundance of water was found whenever it was wanted.—These estimates and the facilities which the face of the country exhibited, opened the eyes of the public, and at length good sense triumphed over every opposition.

A water communication to join the Hudson with the Western Lakes was now so far from being considered impracticable, or attended with ruinous expense, that it was deemed of easy accomplishment and of too much utility to be longer delayed. It nevertheless still appeared an undertaking far too great for a Company, or even a single State, and an application was therefore made to the general Government as well as to those States which were more immediately interested in its accomplishment, for pecuniary assistance.

No aid was given: Congress pronounced it a Provincial, not a National object, and the other States immediately interested, had either no available funds or were not sufficiently convinced of the benefit to themselves to justify any sacrifice.

The State of New York was therefore left entirely to its own resources. But disappointment did not chill the ardour of the friends of the measure, on the contrary, it increased their diligence and zeal. Some delay however was produced by a difference of opinion among intelligent men, whether it would be more advantageous to carry the Canal at once from the Hudson to Lake Erie, or first to Lake Ontario, and then to pass around the Falls, as had been suggested by Mr. Gallatin.

Those who were for making use of Lake Ontario as part of the line, agreed that it was absurd to abandon the navigation of the most noble, the most beautiful, and most commodious means of internal communication ever presented in any part of the world.—That to reject such a gift, provided by the bounteous and ever prodigal hand of nature, without any expense, and on a scale, which human science and human labour, or the treasures of a world are competent to rival, and to institute in its stead a narrow, winding, obstructed Canal, would be an insult to common sense, and to degrade the character of their rising nation. That a Canal round the Falls of Niagara should be for a ship navigation, since it was truly a national object, and ought to be executed on a scale of unrivalled magnitude.—That it was a task, which if properly completed, would be of equal duration with the world, and ought therefore to be accomplished at any cost and at any trouble, not grudging the most liberal supplies, or neglecting to apply them with unremitting attention and perseverence till the object is ascertained.—Such a Canal, said they, has been estimated at £250,000, but it is more than probable it will cost more than five times that sum, and yet it will be cheap, for of its vast productiveness there can be no doubt. Already the trade with the Western States is great, notwithstanding the difficulties which it has to encounter, but the rapidity of its increase from the growth of population when these difficulties are removed it is not easy to conjecture.—Through this Canal must the whole commerce of the western countries forever pass, whether destined to the St. Lawrence, or to the Hudson, to New York, or Montreal.

Once afloat on Lake Ontario, a Canal around the rapids of Oswego, will present a fair competition between both markets, and the commodity will reach the one where its price is higher.—This alone is the interest of the producer, and indirectly of the consumer, and by such a communication only can justice be done to the inhabitants of the United States, living on the banks of the Canadian lakes. To this it was answered, that to cut a Canal round the Falls of Niagara in order to admit the productions of the Western States into Lake Ontario, would be to commit suicide, as it were on the commerce of New York. For once afloat in the bosom of Ontario every thing would proceed to Montreal, where the best market will generally be found.—But were the markets equal, or even a little better at New York than at Montreal, the commodities passing through the Canal would proceed to the latter, as they would reach Prescott or Ogdensburgh, only 120 miles from the Canadian market, in the same vessel as they could the mouth of the Oswego, where the proposed Canal from Ontario to the Hudson is to commence a point nearly 400 miles, or more than three times that distance from New York. Moreover produce can be conveyed from Prescott to Montreal in thirty hours, and from Oswego to New York it must take at least eight days. These arguments were decisive with the Merchants of New York, who were the principal supporters of the Canal, and who, as might have been expected, were little disposed to hazard the loss of a trade so lucrative and immense by allowing it even a chance of passing through another channel. It was therefore determined to extend the Canal at once to Lake Erie, so that after the productions of the vast countries west of the Falls of Niagara would be once unloaded from the vessels on the lake into boats on the canal, there might be no danger of their being diverted from the New York market, by the temptation arising from the greater facility of conveyance to Montreal.

There were doubtless other considerations which had great weight with the Legislature of the State of New York in persuading them to adopt the present line of Canal in preference to the route by Lake Ontario. The public mind was indeed too enlightened on the subject of Canals to relinquish the one proposed between Lake Erie and the tide waters of the Hudson: but assistance from other states and the government had been asked and refused, and therefore the expense of the more magnificent work appeared far beyond their abilities.—Some were even

afraid that a Boat Canal through so vast an extent of country would exhaust the revenues of the State; and it was not without much apprehension that the attempt was made on a very reduced scale of forty-five feet wide at the top, with four feet water; to extend from the Hudson at Albany, to Buffalo and Black Rock, on Lake Erie, a distance of 353 miles.

The commencement of this stupendous work excited the most earnest attention of the inhabitants of Upper Canada. It was likely to deprive them of the advantage of becoming the carriers of all the produce of all the extensive countries belonging to the United States, west of the Falls of Niagara, and to divert much of their own produce to New York; and altho' they beheld in the Canal a pledge of peaceable intention on the part of the American people, and a relinquishment by, at least the State of New York, of any hope of ever conquering the Canadas, and were moreover filled with admiration at the magnitude of the work, it was nevertheless attended with feelings of regret that the resources of the Province were too feeble to enable them to improve their own greatly superior natural advantages.

But in the state and with the prospects of the Colony at that time; recovering slowly and with difficulty from the cruel effects of an unnatural and desolating war in which the inhabitants had suffered most severely, the produce of the soil remaining on the hands of the cultivator, without a market, and the extension of commerce restricted by the shackles of a Colonial system, the child of a darker age; it seemed hopeless to attempt any competition with their powerful and enterprising neighbors.

So soon however, as the more liberal policy of the enlightened Statesmen, who now direct his Majesty's councils began to be developed, and a prospect was opened to the Colonies of a free commerce with all nations, and of receiving greater privileges and advantages in the ports of the Parent State, as well as in those of each other, a new spirit was infused into the Province and enquiries were made to ascertain what natural facilities offered themselves for the improvement of internal navigation. Accordingly, in 1821 an Act was passed by the Legislature, appointing a Board of Commissioners to report upon this interesting subject.

It is due to the memory of the late Mr. Nichol, formerly an active and very intelligent member of the Legislature, to remark that his zeal in the cause of public improvement occasioned this measure to be brought forward at an earlier period than it otherwise would have been; and that so long as he lived he persevered very faithfully in carrying it into effect.

The example of the State of New York, vigorously engaged in completing an inland navigation, from the Canadian Lakes to the Ocean, a work which might have well been thought to exceed its power, directed the attention of the Commissioners to the joining of Lakes Erie and Ontario by a Sloop navigation. This was not only the most obvious, but the most important work which could engage their attention; and accordingly a Survey was made by an able Engineer, and Estimates of the probable expense carefully calculated.

Subsequent experience and examination have shewn that the route chosen by the Commissioners, though possessing some peculiar advantages, was too circuitous: by which the expense was very much enhanced. The conception was indeed magnificent, —the Canal was to have 7 feet water and to admit all such Vessels as usually navigated the Lakes; but the execution was far beyond the resources of the Province, and the Legislature was compelled, though not without reluctance, to defer the undertaking till more propitious times, and the growing wealth of the Colony might justify its commencement.

This delay, instead of checking increased the ardor for internal improvement; even persons of moderate temperament were encouraged by the success which attended the opening of every mile of the New York Canal. No sooner was one section finished and the water introduced than the tolls did more than repay the interest of the Capital expended: and in prosecuting the work, it was found that, contrary to usual experience, the estimates of the Engineer almost always exceeded the actual expense.

These matters of fact induced some active spirits who had a more immediate interest in connecting the waters of Lake Ontario and Lake Erie, to examine whether a more favourable line could not be discovered than that which had been adopted by Colonel Nichol and the other Commissioners. It had indeed been conjectured that there were more convenient routes for a Canal, and accordingly Surveys were made at different points; but owing to the ignorance of the persons employed or the greatness of the expense attending a minute examination, they all came to nothing.

At length several enterprising gentlemen, living on the banks of a small creek, which runs into Lake Ontario, called the *Twelve Mile Creek*, the source of which is very near the deep river *Welland* which communicates through the Niagara river, above the Falls, with Lake Erie, were induced to believe, from carefully observing the valley of the Creek and its gentle declination towards Lake Ontario, that it afforded singular facilities for Canal navigation. One of these gentlemen, W. H. Merritt, Esq., possessed of great zeal and energy, and to whose exertions in forwarding the Canal, the Province will ever be indebted; entertaining this idea, examined the course of the creek and was so much encouraged with the facilities it presented, that procuring the assistance of an experienced Engineer, a line was surveyed, by which it was discovered that very little cutting would be necessary, and that the Locks could be placed in a ravine of such gradual declivity, that they could be built at sufficient distances from one another.

Pursuing with ardour his object, Mr. Merritt procured plans and sections, as well as estimates of the expense of completing a canal for boats which hardly amount to £40,000. Having proceeded so far he very naturally supposed that this sum was not too much to be assumed by a private company, and many persons thinking well of the project, joined him in petitioning the Legislature that they might be incorporated with a Capital of £40,000, for the purpose of opening a canal for boat navigation between Lakes Erie and Ontario. On passing this law, in the Spring of 1824, a large portion of the capital was immediately subscribed, and the work was actually begun; but as we have already noticed, it appearing upon a

more minute examination of the route, to be uncommonly favorable and capable at a little additional expense, in comparison to the object of admitting an excellent Sloop navigation; the Directors thought it prudent to pause in their proceedings and to petition the Provincial Legislature to allow them to enlarge their capital to £200,000, in order to make the canal capable of receiving such vessels as usually navigated the Lakes.

The Legislature was more disposed to grant this increase of capital from the many advantages the State of New York was already reaping from such parts of their canal as were finished, though made on a scale so inferior. The amount of Stock as by the Act passed, was taken up rapidly by those who were best acquainted with the country, thus affording to strangers the strongest guarantee possible, not merely of the safety, but of the uncommon advantages which must ultimately accrue to the Stockholders. The avidity with which the Stock was sought in the city of New York has been already mentioned, and the facility with which the whole capital required might there have been obtained, but Upper Canada is a British Colony, the Directors are loyal British subjects, and anxious that their fellow-subjects should be their constituents and in the hope that the Province might derive other important benefits from British Capitalists taking an interest in its improvements, and finding that interest advantageous to themselves, they reserved £100,000 for their capital, to be offered to subscribers in England, and confident in the vast benefit of the undertaking, and anxious to accelerate its completion, they are in the mean time proceeding with the work, as if the subscription had already been filled.

The proposed Canal as appears from the report and drawings of the Engineer, commences at the mouth of the Twelve Mile Creek, on Lake Ontario, and terminates at the mouth of the Grand River or River Ouse on Lake Erie, a distance of 41 miles. It may be described generally as consisting of *three* great sections; the *first* of the length of *sixteen miles*, ascending from Lake Ontario, passing through a ravine in the mountain ridge, and entering the River Welland, through a deep clay bank which divides it from the mountain ridge, and in which for a distance of 1¾ miles the canal is to be cut from 30 to 54 feet 6 inches, which is the greatest depth at any one point. This *deep cut* is already under contract and it is ascertained that the bank consists wholly of clay.—It is also a peculiar advantage possessed by this line, that in passing through the mountain ridge and in a considerable part of the descent from thence into Lake Ontario, the Canal follows the direction of the natural ravines, where no excavation will be required, and where it will only be requisite to form embankments in which to construct the Locks, whilst the width of the ravine is such as to form ample reservoirs; and the slope is so easy and regular, that one of these reservoirs will in almost every instance be interposed between each two Locks throughout the descent and the sloping banks of these ravines, and the abundant and inexhaustible supply of water, afford an almost unlimited power of Hydraulic machinery, which it is intended to connect with the Falls at the different Locks, and which it is hoped will soon afford a considerable revenue to the proprietors of the Canal. —The difference of level from Lake Ontario to the River Welland, is about three hundred and thirteen feet, requiring about 35 Locks: and this is the first section to be completed.

The second great section of the Canal consists of the River Welland itself, which for a distance of nearly thirty miles resembles a canal more than a running stream, having scarcely a perceptible current, and being from 12 to 30 feet deep, so that it will only be requisite to construct a towing path along its bank.—The Canal opens into the Welland about 8 miles above its entrance into the Niagara River, at the Village of Chippawa; and by that route on constructing a towing path from the opening of the canal to the mouth of the Welland, an inland navigation around the cataract of Niagara, is in fact accomplished; because from the mouth of the Welland, vessels can sail up the Niagara River into Lake Erie, but below Fort Erie there is a strong current in the river, and besides avoiding this impediment to the navigation, in the case of vessels ascending, there are other important advantages which will be attained by the intended opening of the Canal into Lake Erie through the Grand River.—Therefore, in addition to the towing path from the Canal to the mouth of the Welland there is another towing path to be constructed, ascending the course of the River for a distance of 11 miles, which may be described as constituting the second great section of the Canal.

The 3rd great section is a cut of about 12 miles from the Welland to the Grand River, through a flat swampy tract of country, called the Canboro' or Wainfleet marsh, the surface of which is about 8 feet higher than the level of Lake Erie.—It was at first proposed to cut the canal on a level with the surface of this tract of country, and to supply it with water from a feeder from the Grand River above the rapids; but the present and the more improved plan is to cut an excavation through the Camboro' marsh to the depth of 16 feet, which will render Lake Erie at once the summit level, and the feeder of the Welland Canal throughout its whole extent.

At the mouth of the Grand River there is a harbor to be constructed; and it will thus be seen that the canal has two outlets for vessels ascending from Lake Ontario; one through the Niagara River into the eastern extremity of Lake Erie, and opposite to the entrace of the American grand Erie Canal, and another through the Grand River into Lake Erie, at a distance of 40 miles nearer to the central and western shores of the lake, besides, with which reduction of distance in lake sailing the route by the Grand River offers other important advantages to vessels from the upper parts of Lake Erie.—From the Grand River to Fort Erie, the navigation on Lake Erie is dangerous, and at Fort Erie there is no good harbor, nor is it ascertained if the new American harbors at Buffalo and Black Rock will resist the severe gales of wind which are frequent in the fall of the year, and the heavy surf which rolls on the beach at that end of the Lake where the coast is much more exposed to its violence than at the mouth of the Grand River. The prevailing winds on the Lakes are from the westward; and by a glance at the map, it will at once be seen that a gale of wind from that quarter sets on that Beach at Buffalo with an uninterrupted sweep of above 200 miles, whereas the mouth of the Grand River partially protected by head lands on each side of its own bay, and further

sheltered from the gales of wind, by Long Point, which projects nearly 30 miles into the lake.

Another circumstance is to be noticed peculiarly advantageous to the canal entering at the mouth of the Grand River, and which arises from the form of Lake Erie, the prevalence of westerly winds, and the gradual though scarcely perceptible flow of the current towards the outlet of the lake into the Niagara River, where the current being at length contracted as into a funnel, an accumulation of ice from the lake regularly takes place every spring, and effectually blocks up the channel; thus forming a barrier which prevents the opening of the navigation at Buffalo and Fort Erie, for a certain time after the ice has disappeared in the rest of the lake, and after the opening of the Grand River—which, as it flows into the lake without obstruction, carries away the ice before it with the first freshet in the spring.—This difference of time betwixt the opening of the navigation of the Grand River and the River Niagara, has seldom been less than three weeks, and in some seasons has been five weeks; but estimating it at a shorter period, it gives to the Welland Canal the advantage of being open before the American Canal for three weeks of the most important part of each season.

These general inductions are deemed sufficient for this place, the details and estimates are in the hands of the Directors, who will most cheerfully submit them to the inspection of any person who may be disposed to examine them—they have been drawn up and calculated by an Engineer of great intelligence and professional knowledge, on whose accuracy the Directors, from long experience, have the most perfect reliance.—From the whole it is seen at how little expense the canal may be constructed, and how much the bounty of nature assists in its formation.

It was happy for Upper Canada that the canal undertaken in the state of New York, and now almost completed, is on a scale so very small, and is nevertheless attended with immense profit; for this example encouraged the colonists to attempt what perhaps they never would have dared even to imagine, a canal of similar dimensions.—This attempt led to a minute examination of the route, the facilities of which appeared so great that their views gradually expanded, and they began to consider a canal on a far greater scale as possible, and not greatly beyond their resources; the more they examined the country through which it must pass the more easy of accomplishment did it appear—and from considering it possible, they began to think it advisable, and even despise the more humble attempt they had formerly conceived.—It was therefore equally fortunate that a canal of similar dimensions with that of our neighbors was at first proposed, and that it has been enlarged from a conviction arising from the existence of local advantages which will render it infinitely more profitable, convenient, and important; such are the causes that led to the project now going forward of uniting the great Lakes of Canada by a sloop navigation.

In touching upon the mighty results which must attend or soon follow the completion of the Welland Canal, the truth will assume the appearance of the most extravagant exaggeration to those who do not make themselves acquainted with the singular Geography of North America. We therefore desire all those who are astonished at our remarks and feel inclined to pronounce them erroneous, to take this preliminary step, by placing a Map before them and estimating the wonderful water capabilities which present themselves, and the immense countries which can approach the Sea only by the St. Lawrence.—Moreover, to judge correctly, those conversant with the largest and most productive of European Canals must divest themselves of prejudices in their favor, and only take into account the facilities of communication which they offer when compared to those which will be opened by the Welland Canal.

Darby, one of the most faithful of Geographers, who never published a Map till he had traversed on foot the country which it represents, estimates the Valley of the St. Lawrence, above the Falls of Niagara, exclusive of the Lakes, at 186,700 square miles, to which we may add the Valley of the Ohio, containing 226,000 square miles, when the Canal now cutting between that River and Lake Erie shall be finished. Thus the commercial intercourse between the Sea and upwards of 400,000 square miles of fertile land, must pass through the Welland Canal or the smaller one belonging to the State of New York. When this fact is considered the first idea that strikes us is the impossibility that the produce of countries so vastly extensive can pass through these two Canals, and the necessity that soon must arise for opening other communications to meet the increase of commerce: but as no other can be made with any prospect of success, except by the straits of Niagara, the Welland Canal need fear no competition.

The reader will have a more distinct conception of the magnitude of the intercourse that must soon be carried on through these two Canals, by supposing Great Britain, Spain, France and Germany to be so situated that all their intercourse with other Nations must come through one narrow Valley, admitting only two or three convenient Roads or Canals—such a supposition gives a vivid image of what must be the case at the Straits which divide Lake Erie from Lake Ontario, and will enable us to form some estimate of the Ships and Boats that must pass through these Canals, bearing the riches of the Western World to the Atlantic Ocean. Nor are these countries in a state of nature and without inhabitants, they are indeed thinly peopled in proportion to their extent; but nearly three millions are scattered over them; and from the known rapidity of the increase of population in new countries [illegible] period is at hand when the quantities of produce will be so great as to compel an enlargement of the present dimensions of the Canal, great and magnificent as they are.

It has been found from experience, that when Agricultural produce had to be carted 130 miles it ceased to be worth raising, as the expense of bringing it (a Barrel of Flour for example,) so far, added to that of raising it, exceeds or equals what can be obtained for it in the Market; hence at this distance, a check is put upon agriculture, and the improvement of any country. It has also been found that water communication, such as that which the Welland Canal opens is to Land Carriage as 1 to 25; consequently commodities can be conveyed by Canal and Lake Navigation 3,250 miles, as cheaply as one hundred and

thirty by Cartage. But as 130 miles of Land Carriage ceases to be profitable let us take the limit of 100 miles, at which a positive advantage accrues; and then a Ton will be carried by water 2500 miles at the same rate as you can Wagon it 100 miles. In applying these facts, deduced from experience, to North America, we see the certainty of improving countries, which but for this, must forever have remained in a state of nature, totally inaccessible to civilized man, and discover grounds for believing that all the productions of the upper Valley of the Missisippi, the settlement of which is now commencing, will be conveyed to the Ocean by the Welland Canal, thus opening a farther extent of country of 225,000 square miles. Indeed the communication between the Canadian Seas and the River Missisippi is now practicable at high water; in the Spring loaded Boats of a considerable size pass from Lake Michigan into the Illinois River which falls into the Missisippi, and from Lake Michigan by the Miami River into the Wabash, a tributary stream of the Missisippi; but it would engage us too much in detail to point out the extraordinary facilities which a bountiful Creator has afforded, for opening water communications between the different parts of this vast Continent; it is presumed that enough has been stated to shew the great quantities of produce which, of necessity must pass through the Welland Canal and it is easy to infer the consequent profits that must accrue to the proprietors.

As the Welland Canal and that which passes through the State of New York, from Lake Erie to the tide waters of the Hudson, are in some degree rivals, it may not be out of place to state the superior advantages of the former; but in doing this, the Directors disclaim all wish or intention of disparaging the mighty work of their neighbors; for to its astonishing success they are indebted for the commencement of their own. They confine themselves to matter of fact and to the fair exposition of such matters as are necessary to enable those whose assistance they are soliciting, to form a correct judgment on the subject.

1st. The Welland Canal passing on the diameter of an ellipsis forty-one miles long, unites both Lakes at little more than half the length of the present communication by Buffalo and the Falls of Niagara.

2nd. Ships passing the Grand River where the Welland Canal begins, have to sail down Lake Erie about 40 miles to the mouth of the New York canal, and here they are nearly as far from Lake Ontario as if they were at the entrance of the Welland Canal.

3rd. The Welland Canal as has been already noticed, has two outlets; vessels may pass from Lake Ontario by the Grand River into the broadest parts of Lake Erie; or they may proceed down the Welland into Niagara River and thence to Buffalo and Lake Erie.

4th. Vessels have access three or four weeks sooner every year to the mouth of the Welland Canal on Lake Erie than to that of the New-York Canal at Black Rock; add to this that vessels are often detained many days in the narrows, between Black Rock and Point Abino, a distance of 9 miles, but vessels passing through the Welland Canal get at nce into the broad lake and therefore make good their passage.

5th. The New-York Canal commences about 500 miles from the sea, of which 353 miles is a Boat navigation, at the end of which you are farther from the market of New-York, than you are from Montreal, at the extremity of the Ship navigation opened by the Welland Canal.

6th. The Welland Canal will bring all the commodities of the Western countries without breaking bulk, within 120 miles of Montreal, and the distance may be passed in less than two days by large boats, on account of the rapidty of the stream; and it will probably in a few years be rendered capable of steam navigation.

7th. The Welland Canal opens an uninterrupted navigation from Prescott and Ogdensburg on the River St. Lawrence, for all craft used in navigating the Canadian seas to the Western shores of Lakes Huron and Michigan, and by removing a trifling obstruction to the head of Lake Superior, a distance of more than twelve hundred miles, or upwards of 3000 miles of coast.

The late Mr. Fulton, justly celebrated for applying steam with effect to the purposes of navigation, calculated that one million of tons would pass the canal, from Buffalo to the tide waters of the Hudson, in a very few years after its completion, (and ten times that quantity in a short period) which at one hundredth part of a dollar per mile, taking the length of the canal at 350 miles to avoid broken numbers, will yield a revenue to the State of three and a half million of dollars per annum. This he reckoned as trifling to the revenue arising from the Canal when the vast regions west of the cataract of Niagara, become full of inhabitants. Supposing an aqual quantity or one million of tons to pass through the Welland Canal at the same time, it would give four hundred and ten thousand dollars per annum, or more than fifty per cent on the original expense, suppose only one half this quantity to pass or that the one million of tons is equally divided between the two canals, we have still 205,000 dollars per annum, or rather more than 25 per cent on the the capital expended.

If it be said that the state of New-York may remit or greatly lessen the Toll; we answer that the cost of keeping so long a line of canal in good repair, is very great, and will never admit of a total relinquishment of duty; but if it were entirely done away it can be easily be demonstrated, that commodities entering the Welland Canal, can be conveyed at less expense to Montreal and Quebec than the same can be carried for to New York were the whole Toll remitted.

Hence it may be reasonably expected, that this magnificent work will, as a lucrative speculation for the Company,(that is when accomplished,) be far superior in its advantages to any similar undertaking yet attempted in any part of the world: and it is therefore confidently offered and recommended to the attention of the public, both in Great Britain and in the Canadas as a project combining the prospect of great success to the Stockholders, with that of the most important benefits to the public; it will tend to draw forth the latent resources of this rising colony; bring to our Ports a portion of the riches of the more fertile half of the United States; and while it must produce immense profit to the Company, it is an object honorable to those by whom it is to be accom-

plished, and a noble example of enterprise to our more wealthy and more populous sister colonies.

But in addition to pecuniary advantages to the Company, commercial advantages to the Province and honorable distinction to those under whose auspices, and by whose means this important undertaking is to be accomplished, it is a public measure connected with even higher considerations. Improvements suggest and assist each other, and tend to the nourishment and developement of that vivifying principle, which exalts one nation above another and which connects the distant branches of one parent stem to each other, by the ties of common origin, of mutual attachment and of reciprocal advantage; that principle which has enabled Great Britain to maintain the character of being at the same time the first nation in war, the first in manufactures, the first in public improvement; that principle which enabled the small and scattered population of this young Province successfully to resist the repeated inroads of their powerful invaders in *war*, and which it is hoped may in *peace* enable them to follow the great example of the mother country in the career of improvement, and like her derive wealth and power from the honorable exertion of individual enterprise.

In the progress of improvements, and amongst those *public works* which bestow wealth and power on nations and which confer permanent distinction on individuals, there are none of equal importance or celebrity with the construction of canals. The conquests of Louis XIV are forgotten or remembered only to be held up to execration, but the Canal of Languedoc remains a blessing to France and to *his* name a monument of imperishable renown. The Duke of Bridgewater's rank and wealth would not have preserved his name from oblivion; but he will always be remembered, as the man who embarked his fortune in constructing the first canal in Great Britain, regardless alike of popular prejudices, of friendly remonstrances and of prophetic threats of ruin.—And in our times and in our immediate neighborhood, it is probable that the name of Dewitt Clinton will always remain associated with the Grand Erie Canal of the State of New York, when the names and the measures of other contemporary chief magistrates of States and of Nations, will be consigned to the same forgetfulness which has already swallowed up so many of their predecessors.

The Directors of the Welland Canal Company profess not to be insensible to the honor conferred upon them, in being chosen to begin so noble a work as a Canal for Ship Navigation, round the Cataract of Niagara, and as their services are gratuitous, the honor of conducting the undertaking is their only reward. It is one of those rare measures which, though of immense magnitude, is of comparatively easy and absolutely certain accomplishment. The natural advantages of the ground, combined with the inexhaustible supply of water are such as no other Canal ever had, and such as can be found for no other Canal; and when finished on the intended scale it will be one of the grandest works ever effected by any country or by any nation. No work in Europe, or in Asia, ancient or modern, will bear a comparison with it in usefulness, to an equal extent of Territory: and it will yield only to the Canal which may hereafter unite the Pacific with the Atlantic Ocean through the Isthmus of Darien.

But each undertaking has its own peculiar advantages, and the Welland Canal will possess some advantages even over the projected Canal of Darien.—The Pacific is already accessible by navigating round the Cape of Good Hope or Cape Horn; but the interior Seas of North America, which contain more than half of the fresh water in this Planet, and the fertile and extensive shores of which are destined to be peopled by an active, an intelligent and an enterprising race—boasting their descent from England, and preserving and perpetuating her language and her institutions; these interior Seas can be approached in Ships only through the Welland Canal.

Such is the importance and such will be the splendid and immense results of the work now offered to the notice of those enterprising and enlightened capitalists who may be disposed to contribute to its completion; at the same time that they secure for themselves a participation in its advantages and a share of the liberal profits which it may reasonably and speedily be expected to produce.

N. B. In consequence of the delay which has arisen in making the proposed application for obtaining in England a certain part of the increased Capital of the Welland Canal Company, in consideration of a Petition presented by the Directors, at the opening of the present Session of the Provincial Parliament, and in order to prevent any delay in the progress of the Works now under Contract, a Bill has been introduced for granting to the Company a Loan of £25,000 or $100,000. This Bill has already been passed by the House of Assembly and it is not doubted that the measure will obtain the sanction of the other branches of the Provincial Legislature.

31*st December* 1825.

No 7.

At a numerous and respectable Meeting of the inhabitants of the townhips of Grantham, Louth and Thorold, held at the house of Mr. Paul Shipman in St. Catharines, on Saturday the 8th inst., pursuant to public notice. Samuel Wood Esquire, *in the Chair* and Mr. George Rykert, *Secretary*.

The following Resolutions were adopted.

1st. *Resolved*—That the information obtained by the Niagara Committee, their Estimates and Resolutions, were so palpably erroneous and idle, that they would not have attracted the notice of this Meeting, were it not that silence, might by some of the Stockholders at a distance, be construed to be an acquiesence in misrepresentations.

2nd. *Resolved*,—That we approve of the *Queries* submitted to, and answered by Mr. Samuel Clowes, the Engineer who first levelled, laid out and estimated the Welland Canal.

3rd. *Resolved*,—That Samuel Wood Esquire, Mr. Nathan Pawling and Mr. John Clowes, the gentlemen who composed those *queries*, be appointed a Committee to correspond with the different Stockholders and publish their communication in the different Papers, for the information of the public.

4th. *Resolved*, That the President and Directors of the Welland Canal Company are entitled to the thanks of this meeting for the obliging manner in

which they furnished us with the different plans and reports relating to the two routes.

5th. *Resolved*, That we conceive it due the public to lay the two statements of Mr. Hall before them, in his report furnished the Directors in July last, he states, by raising an embankment of 3 feet across the beach, an additional depth of water will be obtained in the basin, and in the direction of the towing paths, so that vessels drawing 8 feet water may at all navigable seasons proceed to the entrance of the artificial canal, and to a distance of 3 miles from Ontario.

In reply to *Query 2d*, to the Niagara Committee, he states a sufficient depth of water will be obtained in the 12 Mile Pond to admit vessels drawing from 6 to 7 feet water; in this specification and estimate handed the Directors at the same time he states:—

Guard Locks, at 3 feet rise and 5 feet deep, 50 yards cutting, as per separate calculation, including solid masonry & timber work,	£1,142	8	4
Embankments across the entrance of the 12 Mile Creek, 5,868 solid yards, at 1 shilling per yard,	293	8	0
Protecting Pier, as per particular design and estimate, to 8 feet water, 84 yards in length,	2,147	4	6

Although the sum of £2,147 4s 6d is particularly set down for a protecting pier, a plan of which, drawn by himself, we have now before us, he states in reply to *query 3rd*:—"*No protection from the Lake winds whatever was contemplated*" in his estimate, and adds, from its similarity to Burlington outlet that a sum not exceeding £7,000 would be adequate to afford protection for vessels navigating Lake Ontario; we would add, the length of pier at Burlington is about 1,160 yards—here but 168 yards,—his estimate for that harbor was £8,000 for this £10,583, including his £7,000 for protecting pier.

6th. *Resolved*, We forbear noticing the mean and unmanly insinuations held out by the Niagara Committee in the close of their communication, being conscious it will meet with the contempt it merits.

7th. *Resolved*, That the thanks of this meeting are due to Samuel Wood, Esq. for his able conduct in the Chair.

(Signed) SAMUEL WOOD,
Chairman.

GEORGE RYKERT,
Secretary.

The following *queries* were proposed by the gentlemen forming this Committee, to Mr. Samuel Clowes, the Engineer, who first levelled and estimated the Welland Canal by the valley of the 12 Mile Creek, and answered by him:

The same queries proposed by the Niagara Committee to Mr. Hall, *Engineer.*

First, Will you give a comparative and general view of the two proposed routes of the Welland Canal;—the one terminating in the harbor at Niagara, and the other at the mouth of the 12 Mile Creek, with a probable estimate of each?

Answer 1st. The estimate by the 12 Mile Creek route was made by me, from a minute survey of every part of the line, which occupied us nearly six months. The amount, including harbor, was £26,000 for a canal 16 feet bottom, and 8 by 72 feet Locks. The estimate from the Welland to Niagara was made by my son James Clowes—I must therefore refer you to him.

Query 2nd. What description of Harbor at the mouth of the 12 Mile Creek was contemplated in your estimate, furnished by request of the Board of Directors and what kind of vessels could be admitted into it?

Answer 2nd.—In our estimate furnished the Directors, a perfect and complete Harbor was contemplated for vessels of the draft of water therein mentioned, which were to be taken three miles into the interior.

Query 3rd. What additional expense would be necessary in erecting a Pier and Break Water at the mouth of the twelve mile Creek, sufficient to protect such Vessels as may navigate Lake Ontario?

Answer 3rd. No additional expense will be necessary, as a Pier of sufficient dimensions and extent for protection from the Lake, in entering the Harbor, was included in that Estimate, but in order to enlarge the same for Vessels drawing 12 feet water, the sum of £800 at the extent will be adequate.

Query 4th. How far was it intended in your Report to the Directors, to adhere to the channel of the Creek, and if it is advantageous to make use of a natural stream in preference to a Cut?

Answer 4th. The channel of the Beaver Dam Creek (a small stream,) is adhered to about 4 miles and the main branch of the twelve mile Creek, 7 miles. On general principles, an artifical cut is preferable to the bed of a stream, and for this reason a strong prejudice exists against making use of them for Canal operations.

This Creek is an exception to the general rule; in all my experience I never met with the bed of a stream so favourably situated for constructing a perfect and complete Canal—not a branch of it extends more than 16 or 20 miles in the country. The banks have their summit near the Creek, all the water from the adjoining lands is let off into streams on the right and left—but one small brook empties into it from the Mountain to the Pond. There is not one embankment, aqueduct, culvert or extra artificial erection necessary on the route: there is not a sufficient supply of water during the navigable part of the season to drive a pair of Mill Stones in ordinary situations, one fourth of the time. In the breaking up of Winter the water rises over the present Waste weir, from two to three feet—when they are constructed of an equal and sufficient width, the Creek cleared out and the different projections of the Bank cut off, according to our Estimates, the water can never rise 18 inches, and the navigation never be obstructed.

Query 5th. Can Mill Seats be obtained at the termination of the Canal in the Harbor of Niagara by making a suitable Reservoir?

Answer 5th. A good situation may be obtained at this point for Machinery during the Summer months, by widening the dividing Ridge at Mr. Keefer's, and all the embankments, together with enlarging the di-

mensions of the last Pond to make a suitable Reservoir.

It is apparent to every person acquainted with the effect frost produces on Embankments, Rapids, Locks &c., on artificial Canals, that it becomes necessary to draw off the water early in the season, (as on the Erie Canal,) otherwise the water would congeal to the depth of 1 or 2 feet. The current caused by affording an adequate supply for Machinery would undermine the banks, which, with the frost, would evidently cause the upper part to fall into the Canal, to such a degree as would render it expedient to keep the Machinery inactive for some months.

Query 6th. What would be the propable effect of the Ice with the artificial works which must be necessarily erected for the bed of the twelve mile Creek and its mouth, provided this route should be adopted?

Answer 6th. There is no artificial erection necessary in the course of this stream, excepting simply Waste weirs and Locks. The latter are placed separately, and all the water is turned over the Waste weirs, leaving the Locks perfectly dry above 4 feet water, exempt from any injury and free from ice, some days earlier than on the other route.

Queries submitted by this Committee to MR. CLOWES, *with the answers thereto.*

Query 1st. Mr. Hall states in his reply to the Niagara committee, that the nature of the adjoining banks renders it inexpedient to proceed upon any level superior to the bed of this stream.

Are the banks of this stream favorably situated for constructing a canal if necessary?

Answer 1st. The whole line from the Tunnel mouth to the Harbor is most favorably situated for constructing an artificial canal. From the Tunnel mouth to Mr. Decou's, about 3 miles, the canal can be constructed on the bank with the most favorable excavation, from thence a level may be carried down the mountain east of the Beaver Dam Falls two miles, when there is a table land continuing on a gentle descent in a direct line to the Harbor without any extra excavation, and but one embankment, distance 6 miles.

Q. 2nd. What would be the distance saved, and additional expense incurred by adhering to this line?

A. 2nd Six and a half miles and the additional expense would be about £4,000.

Q. 3rd. What dimensions would be most profitable for the Company to adopt in constructing this canal?

A. 3rd. As you have enlarged the Tunnel to fifteen feet the Locks must be 15 by 90, and the bottom at least 20 feet to admit boats of the like dimensions.

Q. 4th. What would be the increased expense in making a canal of those dimensions on the two routes?

A. 4th. As there is but trifling excavation on the route by the Twelve Mile Creek, the additional expense will be in the enlargement of the Locks and pits, say, £2000.

By Niagara considerable more, as the whole line must be excavated, but as I am not in possession of the field notes on that route I cannot speak with accuracy.

Q. 5th. What additional expense will be incurred on the Niagara route by an error of three feet eight inches on the summit level?

A. 5th. About £2,500.

Q. 6th. State your candid opinion an an Engineer on the comparative advantages and disadvantages of the two routes?

A. 6th. By omitting Lock No. 1, and making an embankment across a narrow strait at No. 2, a pond or reservoir is formed containing from 30 to 40 acres checking the waters to Chippawa, preventing any perceptible current through the Tunnel, and forming a most valuable situation for machinery within 3 miles of that river.

The next situation is Mr. Decou's, on the brow of the mountain, where machinery to any extent may be erected and all the surplus water pass down the natural stream without interfering with the Locks on the mountain descent.

From the lock under the mountain to the lake there is a continuation of valuable privileges at each Lock, the main channel is about one chain wide and the surplus water passes over the waste weirs alternately and is received into the lower level, the Locks being situated at the end of those waste weirs, as before mentioned, you have the perfect control of the water and can keep them free—the canal can receive no damage by retaining a competent supply for machinery during the winter season.

The Harbor will be extensive and commodious; having already offered to complete it at my own estimate, renders it unnecessary for me to say more on the subject, than that I am still ready to fulfil my proposal for it or any other part of the line.

The most prominent situation for machinery on the Niagara route, is at George Keefer's, Esq., 7½ miles from Chippawa, where it may be erected to any extent, but taking the whole into consideration a decided preference must be given to the Twelve Mile Creek route for Hydraulic purposes;—whether more transit will be acquired from Lake Ontario by Niagara, to cover the difference on the interest of the money expended, is a question any Stockholder may be as capable of determining as myself.

(Signed) SAMUEL CLOWES,
Civil Engineer.

The following is a copy of a Circular sent to the different Stockholders.

ST. CATHARINES, *January* 1825.

SIR,

A committee having been appointed by the inhabitants of Niagara for the purpose of corresponding with the Stockholders residing at a distance, with a view to prepossess them with a favorable opinion of their route.

They state as a clear and established fact by Mr. Hall's report, that the Canal will cost less by $17,000 to carry it to Niagara than to take it by the Twelve Mile Creek, and $28,000 more for a necessary Pier, making the sum $45,000. If this statement be correct we at once admit the expediency of

its terminating there; but we will shew you clearly, from the Report of Messrs. Samual and James Clowes, and Mr. N. S. Roberts, (an American Engineer) that their statement will not bear the shadow of investigation:

Mr. Hall's Estimate from the Welland to Niagara, including open cut and timbering, is				£45,365	9	3½
Deduct his estimate for open cut, which is already under contract for Tunnelling,....				14,680	0	9
Leaves this sum from Tunnel end to Niagara, ...				£30,685	8	6½
Add thereto for error in level 3 feet 8 inches not noticed by the Niagara Committee,.....	£2,500	0	0			
Add for extension of the Canal to 20 feet bottom and Locks 15 feet, which we state at one ninth,.....	3,687	5	4¾	6,187	5	4¾
				£36,872	13	11¼
Messrs. Clowes' Estimate from the River Welland to Lake Ontario, including 9 feet Tunnel and Harbor by the Twelve,.....	26,000	0	0			
Deduct for the Tunnel and open ends,.....	11,653	6	8			
	£14,346	13	4			
Add thereto for enlarging the Canal to 20 feet bottom and Locks fifteen feet wide,.....	2,300	0	0			
Do. deepening the entrance to harbor to admit vessels drawing 12 feet water if necessary,.....	800	0	0			
				17,446	13	4
Leaving a balance of				£19,426	0	7½

in favor of the Twelve Mile Creek route, including extension of the Harbor, and in case an artificial canal should be approved of the whole way £15,414 18s 4½d, besides shortening the distance six miles.

We would remark this estimate is taken from the original report of Messrs. Clowes, and coroborated by Mr. Nathan S. Roberts, the Engineer in charge of the Erie Canal. All the alterations we have ventured to propose, is correcting an error in the summit level, made by Mr. James Clowes, and widening the Canal—which, for the Twelve Mile Creek route is estimated at £2,300. It will be observed there is but 4 miles excavation on this route, and 18 on the Niagara, which will consequently encrease the expenses in a greater proportion than we have stated.

In their circular they state a balance of $45,000 in favor of Niagara.

We state a balance of..... 77,704 in favor of Twelve Mile Creek.

Making a difference of..... $122,704

or £30,676 0s. 7½d—it is therefore evident that either the Niagara committee or we must be in an error, or have a design to mislead the Stockholders.

We are aware that short and conclusive arguments on those subjects have the best tendency to satisfy the public:

And as Messrs. Clowes offer to take the Canal at their own estimate, and having received assurances from men every way qualified to effect it, that they will execute the work for the sum specified,—and in order to set the matter at rest we will guarantee the completion of the Canal, on this route for the sum of £17,500 Hlf. C'y., from the Tunnel end to Lake Ontario, including the Harbor, (from thence to the Welland being already under Contract). We will enter into Contract with the Directors, furnish them with competent security and complete the Harbor, (which has been represented as so difficult an undertaking,) without any advance.

This Committee are assured that the people of Niagara would gladly defeat the object altogether rather than have it terminate elsewhere, which would remove the little trade they possess and reduce the value of their property. Measures have been attempted by them to produce that effect. We disclaim any such motive, for we are sensible that the country will derive great advantages and the Stock be productive, even should they expend £20,000 more by taking it to Niagara—although it will be far more advantageous to the Stockholders and beneficial to the country on this route, for which we assign the following reasons:

It will require £19,426 less Capital by their own Estimate, and save an annual interest of £1,165, 11s.

By reference to the reasons adduced by Mr. Clowes you will perceive the great difference in the value of Hydraulic privileges which being situated 12 miles in the interior will draw so much more business to those establishments from the country on each side, and tend to the convenience of the Agricultural interest, —whereas Niagara being situated on a point cannot have recourse to an equal extent of country.

The water on this line from its being on the lowest level cannot pass to the advantage of any individual and may be used in all seasons, whereas, the Niagara route crosses several streams, and all the water that escapes goes to benefit individuals at the Company's expense.

The Harbor will be more convenient and commodious than Niagara—it will retain with greater safety any quantity of Lumber, Staves, or Timber of any description which can be shipped at once. The current and exposed situation of the Niagara River will prevent any quantity of Lumber rumaining in Rafts with equal security.

Five or six hundred Vessels can winter here without the least danger, and the Harbor be cleared from ice before any other on the Lake,—at Niagara they are exposed to the drifting of immense bodies of ice from Lake Erie, to the great danger of Vessels wintering in that port.

The Canal being situated in the interior, will not be obstructed in time of War—whereas Niagara being under the command of the American guns, the profits must cease during hostilities.

There will be no difference in the amount or quantity of commodities from Lake Ontario by either route;—but from the local advantages this possesses in Hydraulic situations, and commanding a more extensive scope of country on each side, will create a great internal transit.

The following are among the numerous reasons that can be assigned for a preference to this route for the benefit of the public and the country in general:

It has been admitted that the erection of a Harbor in any country enhances the value of all the property situated near it; and in this instance it must be of the greatest importance to the District and country and in time of War invaluable.

The argument that has always been held out by our Legislators, Commissioners &c., was, to remove the Canal as far as possible in the interior. Former experience has shewn us the value of this situation, when driven from Fort George all our supplies were brought up this Creek in Boats and kept in perfect security.

A safe and easy retreat will be afforded our Vessels three miles from the Lake,—the banks of which are well situated for defence. Towns will be built and a population increased to enable them to protect their property. The public will derive every advantage from the uninterrupted communication of the Canal, and not be subject to pay the loss of all the Buildings that may be erected as has been the case in Niagara. We must bear in mind that the greatest proportion of losses sustained in this District during the late War, was in the destruction of that Town.

Although we hope never to witness a recurrence of those scenes, it is nevertheless prudent to guard against them. We considered ourselves as safe in 1810 as we do at this day.

Besides the advantages above enumerated we must not lose sight of one of the greatest moment, viz:—Sloop Navigation. By adhering to this route we have a summit of only 3 miles from thence; by making use of the bed of this stream, very little excavation will be necessary to make the Canal contain 7 feet water. The Tunnel can hereafter be cut open at a less expense than in the first instance by carting out the earth, and a perfect navigation may be formed for Vessels between the two Lakes.

On the Niagara route the summit extends seven and a half miles over embankments, and through deep cutting—from thence, there is excavation the whole way to Niagara. Consequently the expense necessary to effect this improvement will bear no comparison between the two routes.

We submit the above reasons to your consideration, trusting you will act under the influence of plain reason and solid argument.

(Signed)

SAMUEL WOOD.
NATHAN PAWLING.
JOHN CLOWES.

Niagara, 1825.

No. 8.

LIST OF STOCKHOLDERS.

We the Subscribers hereby bind ourselves to take the number of Shares opposite to our respective names, agreeable to an Act of the Legislatnre of this Province, passed in the 4th Session of the Eighth Provincial Parliament, entitled "An Act to incorporate certain persons under the style and title of the Welland Canal Company."

NAMES.	RESIDENCE.	No. of Shares.	Amount. £ s. d.
David McDonald	St. Catharines,	Four	50 0 0
Henry Dodge	Do.	Four	50 0 0
David W. Camp	Grimsby,	Four	50 0 0
his Isaac ⋈ Bradt mark.	Chatham,	Four	50 0 0
David Bradt	Louth,	Four	50 0 0
Thomas Dowdle	Yarmouth,	Four	50 0 0
Jacob Hosteder	Grantham,	Four	50 0 0
Moses Goodfellow	Grantham,	One	12 10 0
Jacob Flander	Grantham,	Four	50 0 0
Timothy Wallis	Grantham,	Four	50 0 0
Walter Manley,	Grantham,	Four	50 0 0
John Nickerson,	Grantham,	Four	50 0 0
John Soper,	Grantham,	Four	50 0 0
Jacob A. Kipp,	Grantham,	Four	50 0 0
Cornelius Crumb,	Louth,	Four	50 0 0

NAMES.	RESIDENCE.	No. of Shares.	Amount. £	s	D
Thomas Glasford,	Grantham,	Four	50	0	0
John Bradt,	Louth,	Four	50	0	0
Oliver Graham,	Louth,	Four	50	0	0
Abraham Vankenger,	Grantham,	Four	50	0	0
Henry Hayner,	Grantham,	Four	50	0	0
Elijah Young,	Grantham,	Four	50	0	0
John Smith,	Louth,	Four	50	0	0
Niagara, 17th November, 1824.					
J. Breakenridge,	Niagara,	Ten	125	0	0
A. Heron,	Niagara,	Two	25	0	0
John Crooks,	Niagara,	Ten	125	0	0
Edward McBride,	Niagara,	Four	50	0	0
John Holme,	Niagara,	Eight	100	0	0
John Martindale,	Niagara,	Five	62	10	0
John Brown,	Niagara,	Two	25	0	0
Lewis Stevens,	Niagara,	Two	25	0	0
Lewis Clement,	Niagara,	Two	25	0	0
Peter T. Pauley,	Niagara,	Five	62	10	0
T. Raymond,	Niagara,	Two	25	0	0
R. M. Crysler,	Niagara,	Eight	100	0	0
W. King,	Niagara,	Two	25	0	0
Jos. Wilson,	Niagara,	Five	62	10	0
R. M. Long,	Niagara,	Ten	125	0	0
D. McDougal,	Niagara,	Ten	125	0	0
J. Stocking,	Niagara,	Two	25	0	0
Starkweather & Brown,	Niagara,	Five	62	10	0
Richard FitzGerrald,	Niagara,	Three	37	10	0
John J. Daly,	Niagara,	Two	25	0	0
W. D. Miller,	Niagara,	Five	62	10	0
John Tannahill,	Niagara,	Two	25	0	0
Jacob Conniff,	Niagara,	Ten	125	0	0
John Ross,	Niagara,	Five	62	10	0
John Grier,	Niagara,	Ten	125	0	0
Abraham Overholt,	Niagara,	Two	25	0	0
Edward Oates,	Niagara,	Two	25	0	0
Alexander Stewart,	Niagara,	Ten	125	0	0
James B. Jones,	Niagara,	Two	25	0	0
John Claus,	Niagara,	Two	25	0	0
J. Muirhead,	Niagara,	Two	25	0	0
John Wagstaff,	Niagara,	Four	50	0	0
Robert Gray,	Niagara,	Five	62	10	0
Luke Carroll,	Niagara,	Two	25	0	0
Henry Cleland,	Niagara,	One	12	10	0
Samuel Potts,	Niagara,	One	12	10	0
John Hammond,	Niagara,	One	12	10	0
Patrick Fagan,	Niagara,	Two	25	0	0
Robert Canvine,	Niagara,	Two	25	0	0
James Wilson,	Niagara,	Two	25	0	0
Joseph Clement,	Grantham,	One	12	10	0
John Bradley,	Grantham,	One	12	10	0
Robert Read,	Grantham,	One	12	10	0
George Young,	Grantham,	Four	50	0	0
Peter Z. Rykert,	St. Catharines,	Four	50	0	0
Richard Wilkins,	St. Catharines,	Four	50	0	0
John Emerson,	Grantham,	Four	50	0	0
William Wiley,	St. Catharines,	Three	37	10	0
William H. Sanderson,	St. Catharines,	Four	50	0	0
I. John Clendenning,	St. Catharines,	Four	50	0	0
Walter Detrick,	Louth,	Four	50	0	0
Benjamin Pickard,	Louth,	Four	50	0	0
Daniel Smith,	Grantham,	Four	50	0	0
Charles Rolls,	St. Catharines,	Four	50	0	0
Robert Hindman,	Grantham,	Four	50	0	0
Henry Goodfellow,					

NAMES.	RESIDENCE.	No. of Shares.	Amount. £	s.	d.
Isaac H. Banks,	Grantham,	Four	50	0	0
Walter Clendenning,	Grantham,	Two	25	0	0
Robert Dettrick,	Grantham,	Four	50	0	0
Samuel Dolson,	Grantham,	Four	50	0	0
Jacob Wiley,	Grantham,	Four	50	0	0
James Wiley,	Grantham,	Four	50	0	0
Joseph Doan,	Louth,	Four	50	0	0
Robert Campbell,	Louth,	Four	50	0	0
Peter S. Campbell,	Louth,	Four	50	0	0
Henry Campbell,	Louth,	Four	50	0	0
Henry C. Ball,	Thorold,	Two	25	0	0
John Bebsey,	Grantham,	One	12	10	0
Jacob Stull,	Grantham,	One	12	10	0
Michael Grass,	Grantham,	One	12	10	0
Ebenezer Caners,	Grantham,	One	12	10	0
Joseph C. Cudney,	Grantham,	One	12	10	0
L. O. Ball,	Niagara,	Two	25	0	0
James Narsfetto,	Niagara,	One	12	10	0
George Ball,	Niagara,	Ten	125	0	0
Edward Sealing,	Niagara,	Two	25	0	0
Simon Keating,	Niagara,	Two	25	0	0
W. Ball,	Niagara,	Two	25	0	0
Peter M. Ball,	Niagara,	Two	25	0	0
John Samarh,	Niagara,	One	12	10	0
James Crooks, by his Attorney, T. Butler,	Flamboro' West,	Twenty	250	0	0
John Wilson,	Niagara,	Four	50	0	0
Edward Dunn,	Niagara,	One	12	10	0
William Jackes,	Niagara,	One	12	10	0
Thomas M. McNamara,	Niagara,	Two	25	0	0
John J. Lawe,	Niagara,	One	12	10	0
John Conyhell,	Niagara,	One	12	10	0
Jacob Dockstader,	Niagara,	One	12	10	0
John Nettles,	Niagara,	One	12	10	0
John H. Fleet,	Niagara,	One	12	10	0
James Ingersoll, by W. H. M.,	Oxford,	Four	50	0	0
Eleazor Wright,	St. Catharines,	Four	50	0	0
James Miner,	St. Catharines,	Four	50	0	0
Samuel Swayze,	Thorold,	Four	50	0	0
Garret Vanderburgh,	Thorold,	Three	37	10	0
Jeremiah Odley,	Thorold,	Four	50	0	0
Richard Swayze,	Thorold,	Four	50	0	0
Hall Davis,	Thorold,	Two	25	0	0
William Davis,	Thorold,	Four	50	0	0
Samuel Wightman,	Grimsby,	Four	50	0	0
Ambrose Vanalter,	Grantham,	Four	50	0	0
William Westover,	Grantham,	Four	50	0	0
George Aikert,	Grantham,	Four	50	0	0
Catharine Hainer,	St. Catharines,	Four	50	0	0
Jacob Dettrick,	St. Catharines,	Four	50	0	0
Jacob Dettrick, 2nd	St. Catharines,	Four	50	0	0
Peter Doan,	St. Catharines,	Four	50	0	0
Nicholas Patterson,	Louth,	Four	50	0	0
John Seburn,	Louth,	Four	50	0	0
William M. Bull,	Louth,	Four	50	0	0
John Goold,	Grantham,	Four	50	0	0
Adam Goold,	Grantham,	Four	50	0	0
John Hansinger, Sen'r,	Grantham,	Four	50	0	0
Abraham Bater,	Grantham,	Four	50	0	0
James Dettrick,	Grantham,	Four	50	0	0
Peter Barton,	Grantham,	One	12	10	0
Peter McCall,	Louth,	Four	50	0	0
his Cornelius ⋈ Riteman, mark.	Louth,	Four	50	0	0
Henry Yocom,	Grantham,	Four	50	0	0

NAMES.	RESIDENCE.	No. of Shares.	Amount. £ s. d.
his John ⋈ Hausinger, Jun'r. mark.	Grantham,	Four	50 0 0
William Smith,	Grantham,	Four	50 0 0
Alexander Montrass,	Louth,	Four	50 0 0
his Samuel ⋈ Jones, mark.	Grantham,	Four	50 0 0
his William ⋈ Dettrick, mark.	Grantham,	Four	50 0 0
his Joseph ⋈ Smith, mark.	Louth,	Four	50 0 0
Henry Ousterhout,	Louth,	Four	0 0 0
Jonas Lorraway,	Louth,	Four	50 0 0
John Hainer,	Grantham,	Four	50 0 0
John Haynes,	Grantham,	Four	50 0 0
John Gilleland,	Grantham,	Three	37 10 0
John Gibson,	Grantham,	Three	37 10 0
Alpheus Baleum,	Grantham,	Four	50 0 0
his Aaron B. ⋈ Bradt, mark	Louth,	Four	50 0 0
his George R. ⋈ Brown, mark	Louth,	Four	50 0 0
his Basnett ⋈ Dell, mark	Louth,	Four	50 0 0
John Shipman,	Thorold,	Four	50 0 0
his Jones ⋈ Lanaway, mark	Louth,	Four	50 0 0
Benjamin Doan,	Louth,	Four	50 0 0
Darius Devenport,	Grantham,	Four	50 0 0
John Bernell,	Grantham,	Four	50 0 0
William Johnson,	Grantham,	Four	50 0 0
Lewis Traver,	Grantham,	Four	50 0 0
John Johnson,	Stoney Creek,	Four	50 0 0
Ezekiel Bunker,	St. Catharines,	Four	50 0 0
Thompson McKeel,	St. Catharines,	Four	50 0 0
John Thorne,	St. Catharines,	Four	50 0 0
Nicholas Thorne	St. Catharines,	Four	50 0 0
John Wilkinson,	St. Catharines,	Four	50 0 0
Silas Vandecou,	Louth,	Three	37 0 0
Joseph S. Smith,	Grantham,	Four	50 0 0
Henry Wilkinson,	St. Catharines,	Four	50 0 0
John Rykert,	Grantham,	Four	50 0 0
K. Neach,	St. Catharines,	Four	50 0 0
Lavia Cole,	Louth,	One	12 10 0
Thomas McMahon,	St. Catharines,	Four	50 0 0
James Dunlop,	St. Catharines,	Three	37 10 0
M. A. Moore,	St. Catharines,	Four	50 0 0
J. Stewart,	St. Catharines,	Four	50 0 0
Patrick McMahon,	St. Catharines,	Four	50 0 0
John Soper,	Grantham,	Four	50 0 0
Thomas Burgar,	St. Catharines,	Four	50 0 0
Rufus Wright,	St. Catharines,	Four	55 0 0
John Vaughan,	St. Catharines,	Four	50 0 0
A. McKenny,	St. Catharinet,	Three	37 10 0
Thomas Kipp,	St. Catharines,	Four	50 0 0
Lyman Parsons,	St. Catharines,	Two	25 0 0
Stephens F. Humphrey,	St. Catharines,	Four	50 0 0
John Wright,	St. Catharines,	Three	37 10 0
Barnabas Gregory	Louth,	Three	37 10 0
John Junkin,	Grantham,	Four	50 0 0

WITHDRAWALS.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

I sincerely regret being under the necessity of acquainting you that in consequence of the provisions of the Welland Canal amendment Act, I can no longer consider myself a Stockholder therein, and do therefore take this method of requesting that you will be pleased to erase my name from amongst those who are inclined to favor the route adopted by the present Parliament.

I am, Gentlemen,
Your obedient humble Servt.
ADAM BROWN, (L. S.)

Witness,
JAMES MCMILLAN,
JOHN MARTINDALE.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

Agreeable to provisions of the late Welland Canal Act, we the undersigned beg leave to inform you that we intend withdrawing the Stock subscribed by us under the Act of 1824.

RICHARD FITZGERALD, (L. S.)
WILLIAM JACKES, (L. S.)
HENRY CLELAND, (L. S.)

In presence of
JAMES LITTE,
GEORGE P. MCBRIDE.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

Agreeably to the provisions of the late Welland Canal Act, I hereby notify you that I intend withdrawing the Stock subscribed by me, under the Act of 1824.

EDWARD MCBRIDE, (L. S.)

Niagara, May 11th 1825.

Witness,
JOSEPH ALLEN,
GEORGE P. MCBRIDE.

NIAGARA, 26th May 1825.

To the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

We the undersigned beg leave to notify you that we wish our names as Stockholders to the Welland Canal, erased from the list, as we decline taking any further interest in that undertaking. Witness our hands and seals at Niagara the day and year above mentioned.

T. BUTLER, (L. S.)
JOHN CROOKS, (L. S.)

Witness,
RALFE CLENCH JR.
WILLIAM DOCKSTADER.

Te the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

Agreeable to the provision of the late Welland Canal Act, I beg leave to acquaint you that I intend withdrawing the Stock subscribed by me under the Canal Act of 1824, and that I would not have taken Stock under the provisions of the present Act.

I am Gentlemen, your obt. Servt.
R. M. CRYSLER.

Witness,
JOSEPH CLEMENT,
JOSEPH B. CLEMENT.
Niagara, 1st June, 1825.

To the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

Agreeable to the provisions of the late Welland Canal amendment Act I beg leave to acquaint you that I intend withdrawing the Stock subscribed by me under the Canal Act of 1824, and that I would not have taken Stock under the provisions of the present Act.

I am Gentlemen, your obt. Servt.
JOSEPH CLEMENT, (L. S.)

Witness,
EDWD. MCBRIDE,
R. M. CRYSLER.
Niagara, June 1st 1825.

To the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

Agreeably to the provisions of the Welland Canal amendment Act, we the undersigned Stockholders beg leave to inform you, that it is our intention to withdraw the Stock subscribed by us under the Welland Canal Act of 1824 and declare that we would not have taken Stock under the provisions of the present Act, and we do hereby withdraw our respective Shares accordingly.

J. MUIREHEAD, (L. S.)
JOHN MARTINDALE, (L. S.)
A. HERON, (L. S.)
T. BUTLER, (L. S.)
JOHN ROSS, (L. S.)
R. M. LONG, (L. S.)
P. BALL, (by his Agent, Peter M. Ball,) L. S.
LUKE CARROLL, (L. S.)
GEORGE BULL, (L. S.)
TRUMAN RAYMOND, (L. S.)
PETER M. BALL, (L. S.)
W. D. MILLER, (L. S.)
JACOB CUNNIFF, (L. S.)
JNO. GREER, (L. S.)
EDWD. KEATING, (L. S.)
HENRY C. BALL, (L. S.)
JOHN WAGSTAFF, (L. S.)
JNO. TANNAHILL, (L. S.)
ROBT. GRAY, (L. S.)

Witness,
HORATIO N. CAMP,
JAMES MCMILLAN.
Niagara, June 2nd 1825.

To the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

In consequence of our *wise* Legislature having defined the route of the Welland Canal I beg leave to trouble you to order that my name may be forthwith struck off the list of subscribers to that Stock.

Yours, &c.

D. McDOUGALL, (L. S.)

Witnessed by
GEORGE MACAN, (L. S.)
JOHN MARTINDALE, (L. S.)
June 3rd 1825.

THOROLD, June 8th 1825.

To the President and Directors of the Welland Canal Company.

Having taken Sthck in the Welland Canal merely for the purpose of promoting that desirable Work, which is now in a prosperous condition, I beg to take advantage of the late amendment to the Act to withdraw my name from the Books, and request that the amount £18 15s., being 10 per cent on the 10 Shares held by me, be refunded, as I should not have subscribed thereto under present circumstances.

Yours Gentlemen, very respectfully,

JOHN DE COU, (L. S.)

Witness,
ROBERT DE COU.

To the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

Agreeably to the provisions of the Welland Canal amendment Act I hereby have to acquaint you that I intend withdrawing the Stock subscribed by me under the Act of 1824, and declare I would not have taken Stock under the provisions of the present Act, and do hereby withdraw my Stock accordingly, this 10th day of June 1825. As witness my hand and seal.

WILLIAM KING, (L. S.)

In presence of
W. D. MILLER,
HORATIO N. CAMP.

NIAGARA, June 14th 1825.

To the President, Directors & Company of the Welland Canal.

GENTLEMEN,

Agreeably to the provisions of the Welland Canal amendment Act, I hereby have to acquaint you that I intend withdrawing the Stock subscribed by me under the Act of 1824, and declare I would not have taken Stock under the provisions of the present Act, and hereby withdraw my Stock accordingly.

JARED STOCKING, (L. S.)

Witness,
JOHN WILLSON,
RICHARD DOCKSTADER.

NIAGARA, June 14th 1825.

To the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

Agreeable to the provisions of the Welland Canal amendment Act I hereby have to acquaint you that I intend withdrawing the Stock subscribed by me under the Act of 1824, and declare I would not have taken Stock under the provisions of the present Act, and do hereby withdraw my Stock accordingly.

JOHN WILLSON, (L. S.)

Witness,
JARED STOCKING,
E. JESSUP.

NIAGARA, 17th June 1825.

GENTLEMEN,

In consequence of a provision made in the Welland Canal Bill, passed the Legislature at its last meeting, I beg leave to notify you that I have withdrawn, and do hereby withdraw the Stock subscribed for by me in that undertaking.

I remain, your obt. hble. Servt.

JAMES CROOKS, (L. S.).

To the President & Directors of the W. C. Co.

Signed, sealed and delivered in presence of us,
JOHN J. LACEY,
T. BUTLER.

THOROLD, 17th June 1825.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

Having taken into serious consideration the conduct of the Welland Canal Company it is my intention to withdraw my Shares from being a Stockholder in the said Canal—Gentlemen, and likewise it is my intention to have pay for the excavation of the said Canal that goes through my ground—for the former Contract is null and void by the widening of the Canal for the mouth of the Basin, for it has cut up my ground too much—Gentlemen, with much respect, I am your most obt. Servt.

JEREMIAH ORDLEY.

NIAGARA, June 17th 1825.

To the President, Directors & Co. of the Welland Canal.

GENTEEMEN,

Agreeable to the provisions of the Welland Canal amendment Act I hereby have to acquaint you that I intend withdrawing the Stock subscribed by me under the Act of 1824, and declare I would not have taken Stock under the provisions of the present Act, and do hereby withdraw my Stock accordingly.

JOS. WILSON, (L. S.)

Witness present,
W. ADAMS,
JAS. McFARLAND.

To the President, Directors & Co. of the Welland Canal.

GENTLEMEN,

I hereby inform you that I wish to withdraw my Stock subscribed to the Welland Canal. Given under my hand and seal this 20th day of June 1825.

A. CRYSLER, (L. S.)

Witness, ℔ JAMES CRYSLER, Atty.
R. M. CRYSLER,
JOS. B. CLEMENT.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

I beg leave to inform you that it is my intention to relinquish my Shares in the Stock of the Welland Canal, and will thank you if you will be kind enough to grant a Certificate that will enable me to obtain the money I advanced.

I am Gentlemen, your obt. Servt.

GEO. RYKERT.

St. Catharines, 1st July 1825.

ST. CATHARINES, 1st July 1825.

GENTLEMEN,

I beg leave to observe that it is my intention of withdrawing my Stock in the Welland Canal, being one Share, the amount of Instalments paid thereon is $7½, which you will have the goodness to pay to the order of Mr. H. Mittleberger.

I have the honor to be,

Gentlemen,

Your obt. Servant.

K. REACH.

To the President & Directors of the W. C. Co.

ST. CATHARINES, July 2nd 1825.

GENTLEMEN,

I beg leave to suggest that it is my wish and intention to withdraw the number of Shares which I have taken in the Welland Canal, and likewise to receive from you the amount of Instalment paid thereon to the Company.

I am,

Gentlemen,

Yours, &c.,

E. S. ADAMS.

To the President & Directors of the W. C. Company.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

In consequence of an Act of Parliament passed last Session establishing the line for the Welland Canal depriving the Stockholders of privileges granted them by a former Act, I withdraw my subscription for Two Shares of Stock in said Company.

I am,

Gentlemen,

Yours, &c.,

J. O. BALL.

NIAGARA, *July 6th*, 1825.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

In consequence of an Act of Parliament passed last Session, establishing the line for the Welland Canal, to deprive the Stockholders of privileges granted to them by a former Act, I withdraw my subscription for one Share of Stock in said Company.

I remain,

Gentlemen,

yours &c.

JOHN COUGHELL.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

I do declare that I would not have taken Shares in the Welland Canal under the provisions of an Act passed the 13th day of last April which repeals part of, and amends an Act entitled "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company."

Witness my hand and Seal at Niagara, this 7th day of July 1825.

J. BREAKENRIDGE, [L. S.]

Signed and Sealed in the presence of ROBERT E. BURNS.

To the President and Directors of the Welland Canal Company.

I am compelled from misfortune to relinquish my Shares in the Welland Canal Company, and take advantage of the Act to withdraw my subscription.

Yours, &c.

ELIZABETH SHIPMAN.

St. Catharines, 12th July, 1825.

List of Stockholders in the Welland Canal, relinqushed in consequence of the alteration in Route, with Amount paid in.

NO. OF SHARES	NAMES.	AMOUNT PAID IN. £ s d	NO. OF SHARES	NAMES.	AMOUNT PAID IN. £ s d
10	Thomas Butler,	6 5 0	2	John Wagstaff,	2 10 0
10	R. M. Crysler,		7	John Martindale,	
2	Joseph Clement,		10	R. M. Louge,	
10	John Crooks,		2	Freeman Raymond,	
5	John Willson,		5	John Grier,	
5	Joseph Willson,		3	Andrew Heron,	
2	Jared Stocking,	2 10 0	2	Peter Ball,	
10	Adam Brown,		2	Peter M. Ball,	
20	James Crooks,		2	Edward Keating,	
7	Edward McBride,		5	John Tannahill,	
2	J. C. Ball,		4	Robert Gray,	
2	John Coughill,		2	Luke Carroll,	
10	J. Breakenridge,		2	W. D. Miller,	
2	J. Muirhead,		3	Henry C. Ball,	
10	J. W. Ross,			A. Chrysler,	2 10 0
10	George Ball,			D. McDougall,	
2	Jacob Caniff,	2 10 0		Wm. King,	1 17 6

List of Stockholders in the Welland Canal, relinquished from various causes, with Amount paid in.

NO. OF SHARES	NAMES.	AMOUNT PAID IN. £ s d	NO. OF SHARES	NAMES.	AMOUNT PAID IN. £ s d
10	John Decou,	18 15 0	4	John Robinson,	1 5 0
4	Widow of Paul Shipman,	7 10 0	4	Junkins,	1 5 0
4	Rameth Reach,	1 17 6	4	Jeremiah Adley,	7 10 0
4	George Rykert,	5 0 0	4	E. S. Adams,	2 10 0
1	John Gibson,	12 6	4	Charles Ingersoll,	5 0 0

No. 9.

SUGGESTIONS

ON THE ENLARGEMENT OF THE WELLAND CANAL

FOR

STEAM-BOAT NAVIGATION.

It is rather surprising that such an uncommon degree of apathy should prevail among the inhabitants of this Province, respecting its internal improvement, when nature has favored us in so extraordinary a manner, and seems determined by the facilities she offers us to force us into the measure.

Was a spirit of inquiry instituted, and the Members of our Legislature take time to make themselves acquainted with embarrassments under which we labor for want of a direct water communication, a very short period would relieve us and place this Province in a most enviable situation.

The Welland Canal, which is intended to unite Lakes Erie and Ontario, has commenced under the most favorable auspices, and is now in such a state of forwardness that we may look for its completion the ensuing year. I learn the Directors of that Company have determined the dimensions of their Locks to be 100 feet in length by 22 feet in width—depth of water 7 feet 6 inches—width 34 feet bottom and 56 feet 6 inches surface, except in the Deep Cut, where one vessel must pass at a time.

Those dimensions at first view appear ample for the commerce of the country for years to come, but when we take into consideration the importance of the undertaking, and the rivalship we are creating with an active, economical, and enterprising nation, it behoves us to secure every natural advantage we can by possibility acquire—and I will endeavor to shew by the following calculation it is now within our power, by extending those locks to 32 feet in width to admit Steam Boat navigation between those lakes to effectually secure all the transit and travel between Lake Erie and the ocean, and vice versa, by way of New York, where by means of the Erie Canal the only possibility of rivalship can exist.

For instance we will draw a comparison of the distance, expense of transit, and time, between Syracuse on the Erie Canal and Cleveland to Lake Erie. We mention this place from its being the termination of the Ohio Canal, and which must have a direct connexion with the Welland.

The distance from Syracuse to Buffalo by the Erie Canal is 200 miles, the price of transit on which is Nine Dollars per ton, requires four days to accomplish the route by their fastest day and night freight boats.

From Buffalo to Cleveland 150 miles, one to one and a half days—$1 25cts. per ton.

	$ cts.		£	s	d
The distance from Syracuse to Oswego is 32 miles, which at the same rate of toll as on the Erie Canal—4½cts. pr. ton per mile, is - - - - - - - - -	1 44	or	0	7	2
From Oswego to Welland Canal Harbor 120 miles (steam navigation.) - - - - - - -	1 00	or	0	5	0
From W. C. Harbor to Grand River on Lake Erie, 43 miles @ 4½cts. per ton per mile -	1 93½	or	0	9	8
From Grand River to Cleveland 110 miles - - - - - - -	1 00	or	0	5	0
			£1	6	10

The distance between those places, via Buffalo, is 350 miles—by Grand River, 303 miles—total expense on the former per ton £2 11s. 3d., on the latter £1 6s. 10d.,—time required by former at least five days, by the latter, two to two and a half days, allowing the Steam Boat only six miles the hour; at the same time we are aware all the new Steam Boats on the coasts of Great Britain and on the Hudson River in New York, are of sufficient power to perform 10 miles the hour.

Steam is generally admitted to be the cheapest application of power for propelling boats when expedition is combined. However we will quote one fact in corroboration of our statement—a ton of merchandise is now transported from Quebec to Montreal, 180 miles, for 6s. 3d., and down for 5s.—average 5s. 7½d. per ton—admitting we could carry on equal terms, it would reduce our calculation to £1 4s., per ton.

Those advantages in distance, time, and expense, are in addition to many other the Welland Canal possesses, by means of the Harbor at Grand River, which having been so frequently stated are well understood. However there is another prominent feature in this canal not generally known. There is but *six miles and thirty three chains* entire excavation from the River Welland to Lake Ontario by placing a guard lock on the Welland and raising an embankment at the end of the summit level and on each succeeding lock—two feet additional water can be added to the Canal throughout, making a depth of nine feet six inches at an additional expense not exceeding £10,000.

For the correctness of these statements, any gentleman may satisfy himself by examining the profiles and plans now before the Legislature, and if they prove correct we are satisfied every statesman or friend to his country, instead of cramping and endeavoring to crush the undertaking in its infancy, will render the Company every countenance and support to induce them to make an alteration fraught with such incalculable advantages to the Canadas.

Few members of the Legislature have had an opportunity by a personal observation of knowing what progress has already been made in the work, and whether it has been conducted with that energy and good management such operations require.—An appeal may be made, however, to those who have witnessed it. The law was passed the 13th April—operations matured and the Stock procured from New York and Lower Canada by the 13th March—six weeks due notice given, and the most formidable part of the work which required the longest time to execute, being deep cut and harbor, was placed under contract on the 1st July—every preparatory arrangement made by the contractors, and the work commenced with a favorable force the first of September—and from what has been done there is no question the whole may be finished the ensuing year.

The remainder of the Canal between those intermediate situations is likewise placed under contract, providing the Legislature thinks proper to sanction a deviation in the route. This measure was indispensable with the Directors in order to finish the canal the ensuing year, as all the timber for the locks require to be felled and brought to the spot the present winter, or a delay must arise of another year. It must be apparent to every observer if the above alteration is now made in those locks—as it can never be done hereafter at any moderate expense—a canal on a commensurate scale will undoubtedly be made between Prescott and Montreal, and enable those on and above Lake Erie to avail themselves of that profitable branch of trade—ship building, which now proves so successful in Quebec.

A Friend to Internal Improvement.

York, *November 23rd*, 1825.

No. 10.

New York, *May 17th*, 1825.

The Hon. J. N. Dunn,
President of the W. C. Company.

Sir,

You were informed when here, that Mr. Geddes, a highly respectable and experienced Engineer, had been written to with a request that he would undertake to make a survey across the isthmus of Niagara to ascertain the shortest and most eligible route for a canal to connect the Lakes Erie and Ontario. He has accepted the proposition, and was to leave his place of residence on the 15th instant.

Mr. Yates, who is acquainted with Mr. Geddes, at the request of the Stockholders wrote him a letter stating the object of his mission, which he of course would submit to you. It is expected that on his arrival there would be no delay in commencing his surveys.

As you suggested that any observations that the Stockholders here might make on the subject of the Canal would be favorably received, they respectfully submit the following to the consideration of the President and Directors thereof.

As there has been such diversity of opinion regarding the route of the Canal, particularly in that part of it from the east side of the ridge to Lake Ontario—that they suggest the propriety of directing the Engineer to find the *shortest* and most *eligible*

route from or near that point where the Niagara and Twelve Mile Creek branches separate, according to the surveys exhibited, to the basin of the Twelve Mile Creek, or where a safe port for vessels which navigate the lake can be constructed, as it is understood that none now exists. That a straight course as near as may be, taking into estimation the comparative expense of each, ought to be taken in preference to any circuitous one, and that no water privileges ought to induce the adoption of a longer route:—they believe that the water could be applied with equal advantage for mills on the short route as on the circuitous one, and the saving of five miles in distance in forty miles is of great importance, admitting that both routes cost the same sum to complete them, being one-eighth saved in the transportation.

In making these remarks on the route they however by no means think lightly of the water privileges, on the contrary they think them very important, and are desirous that the cut across the ridge should be made deep and wide enough *now* to supply a sufficiency of water for the purpose both of navigation and mill seats for many years to come. The Engineer will first make his calculation how much water will be required for navigation—second, how much of the same water can be made use of for mills—and thirdly what will be the additional quantity required.

It is not understood that any difference of opinion exists as regards the route from the Grand to the Chippawa rivers—it has been suggested that there is a sand bar at the mouth of the Grand River which presents some difficulties—this the Engineer will of course examine. They wish him also particularly to examine the Chippawa river from Wainfleet marsh to the mouth of the ridge canal, to ascertain whether it will be better to make use of the river or to have a canal cut alongside.

That the locks ought to be of wood, and that a good strong wooden lock will remain in good order with as little or less expensive repairs than a stone lock, will last from ten to twenty years and be built at one-tenth the expense, that is for the corresponding parts built of stone or wood. The simple interest therefore of the cost of the stone lock would annually, if requisite, renew every perishable part of a wood lock. To construct stone locks therefore on this canal would be uselessly wasting the money of the Stockholders. There is another important reason for making locks of wood—that is, the depth and size which ultimately may be required for the locks—to make them therefore at this time of the most expensive materials would be improvident.

On this subject no decision need be had instantly. The route must depend upon the survey and estimates made by the Engineer, and until his report be made nothing can be done, and the advantage of wood locks is so certain, that they think when the question is presented to the Board there will be but one opinion about it. Mr. Merritt returns this way from Canada, when the Stockholders will confer with him on every thing relative to the canal.

I am, with much respect,

Your most obed't servant,

THOMAS PROCTOR, *Agent.*

NEW YORK, *May 17th*, 1825.

GEORGE KEEFER, ESQ.

SIR,

As Mr. Dunn, President of the Welland Canal Company, may be absent in York, I beg leave to enclose a letter for him which I have left unsealed, as it is addressed to him as President of the Company, and is intended to convey to him and the Board of Directors the views of the Stockholders in this city relative to the Canal—Mr. Geddes the Engineer, I expect, will have arrived and commenced his operations—we are desirous *that no time* should be lost in getting the work executed.

I am, very respectfully,

Your most obed't servant,

THOMAS PROCTOR, *Agent.*

IN THE YEAR 1826.

On 30th January an Act was passed authorising the Company to alter the route—*(see Act hereto appended marked No 1.)* An Act was also passed loaning the Company £25,000 until the Stock was taken up in England, of which they had every expectation. On this occasion they expressed great confidence that no further sum could be required, which was caused from the confidence in the estimates of Engineers—and the ability of those who expected to obtain Stock to perform it—in which however they were sadly disappointed. The work was continued with energy through the Season, and at the close of it, the Contractors, Messrs. Hovey and Ward discovered that they could not complete their Contracts for deep Cut—at the Contract price, 25 cents—and give it up.—For particulars and details reference is made to the minutes of this year, *(hereto appended marked No. 2.)* For general reference respecting the work of Directors, see Report of 1826 *(hereto appended, marked No. 3,)* and also to Mr. Thomas' Report for May, June and August—*annexed hereto, and respectively marked No. 4, No. 5, and No. 6.)*. This year the Arbitration took place—the submission, proceedings and awards are likewise hereto appended, *(see proceedings of Arbitrators marked No. 7, and awards of Arbitrators, marked No. 8.)*—by which it appears that a number of Evidences were produced from the immediate neighbourhood of the Canal—which affords reasonable inference that they would have brought forward whatever may have been seen amiss. Individuals were not backward in making allegations—Mr. Clowes' letter, Mr. Gordon's and others, appeared in print during this year making accusations which the annexed letters from Saml. Clowes and James Clowes will place in a proper view, *(see letter of Saml. Clowes marked No. 9, and of James Clowes marked No. 10, hereto appended)*, and would never have appeared except for the renewal of similar proceedings by the Director of 1835. After this period the most violent local opposition ceased, and the Work went on with comparative tranquility.

The Directors of this year were—

The Honorable John H. Dunn, the Hon. William Allan, John B. Robinson, H. J. Boulton, John Clark, George Keefer and Wm. H. Merritt, Esquires.

Documents referred to in the foregoing Remarks.

Act of Parliament, 7th Geo. 4th.—
ch. 19. passed 30th Jany. 1826,..Marked No. 1.
Minutes of the Board of Directors
for the year 1826,..... " No. 2.
Report of the Board of Directors for
the year 1826,..... " No. 3.
Mr. Thomas' Report for May,..... " No. 4.
Mr. Thomas' Do. for June,..... " No. 5.
Mr. Thomas' Do. for August,.... " No. 6.
Proceedings of Arbitrators,..... " No. 7.
Awards of Arbitrators,..... " No. 8.
Samuel Clowes' Letter,..... " No. 9.
James Clowes' Letter,..... " No. 10.
Extract respecting Routes,..... " No. 11.
Circular of a Shareholder,..... " No. 12.

No. 1.

An Act to repeal part of and to explain and amend the several acts of this province relating to the Welland Canal Company.

[Passed January 30th, 1826.]

WHEREAS it is expedient to explain, alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company," and also a certain other act passed in the sixth year of His Majesty's reign, entitled, "An Act to repeal part of and extend the provisions of an act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company;'" and whereas it has been found that to descend the mountain by the route prescribed by the seventh section of the above recited statute passed in the fifth year of His Majesty's reign, would be attended with great difficulty and expense, and that a new route has been surveyed and reported upon which will diminish the distance and expense and afford a more easy and practicable descent; and whereas the President and Directors of the Welland Canal Company have by petition prayed that the legislature would sanction a deviation as hereinafter mentioned from the route prescribed by the act last mentioned, and it is expedient to authorise the same.—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An Act to repeal certain parts of an act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the government of the said province," and by the authority of the same, That so much of the seventh clause of the last above mentioned act as relates to the route along which that part of the said canal which is to connect the River Welland with Lake Ontario shall be conducted, shall be and the same is hereby repealed; and that the route along which that part of the said canal shall be conducted shall be as follows—that is to say: by Sharer's ravine and Dick's creek to the valley of the Twelve Mile Creek, as the said route has been surveyed and reported upon by Mr. Clowes and Mr. Roberts, Engineers, or as nearly thereto as circumstances will permit, and that from the said Twelve Mile Creek to Lake Ontario the same route shall be pursued as has been prescribed by the act last mentioned, or as near thereto as circumstances will permit.

2. *And whereas*, by the second clause of the said act passed in the fourth year of His Majesty's reign it is provided that nothing therein contained shall extend to compel the owner or owners of any mill seat to sell, convey, or otherwise depart with the same to the said Company, and it being intended that the said proviso should only apply to such good mill seats as actually existed before the making of the said canal.—*Be it therefore enacted by the authority aforesaid*, That the said recited proviso shall not extend or be construed to extend to any mill seat or mill seats not existing before the making of the said canal.

3. *And be it further enacted by the authority aforesaid*, That the value of any mill seat or tract of land which the said Company will be authorised to purchase for the purposes of machinery shall be ascertained, in case of disagreement, by arbitrators, in the same manner as the value of the land is to be assessed through which the said canal shall pass; and that the said arbitrators shall be also empowered to decide whether the mill seat or site or other machinery desired by the Company is such as the person owning the same can be compelled to part with to the said Company.

4. *And whereas* it is desirable that the arbitrators to be appointed under the seventh clause of the said act passed in the fourth year of His Majesty's reign, should be empowered to consider the advantages as well as disadvantages of the said canal as respects the lands of any person or persons through which the same may pass; *Be it therefore enacted by the authority aforesaid*, That the said arbitrators so to be appointed as aforesaid shall and may, and they are hereby authorised and required in assessing the value of any lands or tenements of any person or persons proposed to be purchased by the said Company, or the amount of damages to be paid by the said Company to any person or persons under the provisions of the said seventh clause, to take into their consideration the advantages likely to accrue as well as the injury or damage occasioned to lands or tenements by reason of the said canal: *Provided always nevertheless*, that it shall not be in the power of such arbitrators to award that any such sum shall be paid by any person or persons to the said Company on account of any such advantages as aforesaid.

5. *And be it further enacted by the authority aforesaid*, That all matters of disagreement or dispute to be settled or determined by arbitration under the provisions of the said seventh clause of the said act passed in the fourth year of His Majesty's reign shall be referred to arbitrators, as therein provided, so that the award or awards of such arbitrators may be made, published, and declared on or before the first day of September next, and that all and every sum of money by such award or awards directed to be paid by the said Company shall be paid to the party or parties entitled to receive the same on or before the first day of October next.

6. *And be it further enacted by the authority aforesaid*, That whenever the Canal to be made by the said Company, in any part of its course from the Grand River to Lake Ontario shall have the effect of depriving any person possessing lands adjacent there to, of any privilege or convenience of water for ordinary purposes, which he had before enjoyed, it shall be incumbent upon the said Company to allow to the person or persons then and at all times thereafter possessing the said lands, free and convenient access for persons and cattle, to the waters of the said canal.

7. *And whereas*, in consequence of the enlargement of the said canal in order to adapt it to schooner navigation, it is expedient to repeal the eleventh clause of the said act passed in the fourth year of His Majestys reign, and to make further provision in respect thereof—*Be it therefore enacted by the authority aforesaid*, That the said clause shall be and the same is hereby repealed; and it shall be lawful for any person possessing lands through which the said canal shall pass, and upon which there shall now be buildings, improvements or fields, which the said canal shall divide, to erect a bridge at his own expense to connect the same: *Provided always*, That such bridge shall not present greater obstacles to the navigation of the said canal than the bridges erected thereon by the said Company.

No. 2.

At a Meeting of the Directors held at York on Wednesday, February 1st, 1826.

PRESENT:

The Hon. John H. Dunn, *President*,
William Allan, *Vice-President*,
George Keefer,
William H. Merritt.

The minutes of the former meeting were read and confirmed.

Mr. Clowes, the Company's Engineer, then presented himself to the Board for the purpose of making certain representations respecting the prices at which the contracts were given to Messrs. Smith, Ward & Co., and stating other matters relating to the general business of the Canal, tending to implicate the Company's agent, which were as follows, viz:

1st. That offers were made to perform the work at a lower rate than that given to Smith, Ward & Co.

When, upon referring to the various unaccepted proposals, it was satisfactorily proved to the Board that no other persons capable of undertaking and performing the work had made any offer on lower terms—that one other was made by Chapman & Co., but sufficient security could not be obtained for its fulfilment and they subsequently relinquished it.

2nd. That the work was conducted in an improper and unfinished manner.

Whereupon the president stated that he would go to the canal for the purpose of ascertaining how far the work was in an improper state or not, but it was the opinion of the board that at this time of the year it was hardly possible to form any very correct judgment.

3rd. That the contracts are re-let to other contractors, who are not sufficiently paid.

In reference to this the Board were unanimously of opinion that they did not wish to interfere in any arrangements that Messrs. Smith, Ward & Co. might make with other persons, all they desired and would require of the present Contractors was the punctual fulfilment of their Contract.

4th. He had reason to think that Mr. Merritt was a party interested with them in their Contracts.

This Mr. Merritt plainly and positively denied, at the same time desiring any investigation the Board might think proper, and stating that Messrs. Ward and Hovey would appear before the Board tomorrow on business, when they might be questioned on the subject.

The Board then adjourned until tomorrow morning at 10 o'clock.

JOHN H. DUNN,
President.

THURSDAY, *Feb. 2nd* 1826.

The Board being met pursuant to adjournment,

PRESENT:

The Hon. John H. Dunn, *President.*
William Allan, *Vice President.*
George Keefer, and
William H. Merritt, Esquires.

Upon the representation of the Board it was *Ordered*, That the dimensions of the Deep Cut be 15 feet at bottom.

Resolved, That not any more money be paid to Fenlon & Smith until a full estimate is given in of the whole of the work performed by them, nor any further sum expended on the Harbor until a specific Contract is made for its completion on the scale of its increased dimensions.

The Letter of Mr. Roberts declining an engagement with the Company on account of his present and numerous other undertakings was read. Whereupon it was *Resolved*, That Mr. Merritt write to Mr. Proctor desiring him to engage a suitable person at New York on the best terms he can, at the same time consulting the opinion of the Stockholders there, especially Mr. Yates.

It was agreed that Mr. Marshall Lewis shall erect a turn Bridge by way of experiment, and that the same be paid for at the Engineer's valuation if approvsd of.

Ordered, That public notice be given of the ensuing election for Directors, agreeable to the Act of Incorporation.

Resolved, That not any part of the Loan for £25,000 advanced by the Government be applied until 25 per cent is paid by all the present Stockholders, and that the balance now remaining in the Agent's hands be drawn for.

It was determined that it is not necessary to enforce any right at present which the Company may have by Law, to appropriate 2 chains of Land on the line of the Canal, and that should it be hereafter necessary for the interests of the Company it will be best to consider it then.

Messrs. Ward and Hovey being present, the President informed them that it had been stated to the Board that Mr. Merritt was thought to be interested in their Contracts with the Company, and that it was the particular desire of the Directors to know if that was the case.

To which they replied by denying that Mr. Merritt had any direct or indirect participation in their engagement in any way whatever, and the Board were decidedly convinced that Mr. Clowes' surmises in this respect are utterly without foundation.

JOHN H. DUNN,
President.

FRIDAY, *February 3rd*, 1826.

The Board being met again pursuant to adjournment.

PRESENT:

The Hon. John H. Dunn, *President*,
William Allan, *Vice-President*,
George Keefer, Esquire, and
William. H. Merritt, Esquire.

Ordered—That Mr. Rykert be desired by our agent to commence as soon as possible a survey of the land to be appropriated for the use of the canal, and to make out a description for each lot or parcel of land on the following principles.

To commence at Lake Ontario at each side of the harbor and reserve one acre for machinery at each end of the embankment, which must include one chain above it and run out a suitable distance for erections, likewise take in the beach between those reservations for the purposes of storehouses, &c. &c. &c. Then take half a chain on each side of the canal above high water mark throughout, reserving one acre as above at each end of the waste weirs at each lock, and from Jacob Ball's land on the mountain ascent near Mr. Hoard's, appropriate three chains at least on the upper side of the Canal and one below. (All this to be clearly understood to be over and above the land required for the canal on the width of the surface of the water, and at the River Welland from two to four chains in width and about ten chains in length on the canal for store houses and other necessary erections.)

And as the Board of Directors are desirous to afford every accommodation to all and every inhabitant on the line of the Canal consistent with the interests of the Company. The Engineer or surveyor will take in whatever small parcels of land may be separated from any individual's property by means of the Canal if particularly requested so to do by the owner thereof.

And in case any alteration on further examination from the peculiar formation of the land at any point should appear necessary or expedient to the Agent, Engineer, or Surveyor, the same will be noted and reported to the board.

In consequence of a representation of our Agent that the work at the harbour is not proceeding properly, or to the advantage of the Company, owing to the disagreement of the present Contractors, Messrs. Fenlon & Smith, It was *Ordered* That they be paid up on the Engineer's estimate, and the harbor be let to Messrs. Smith, Ward & Hovey, at their proposals.

Ordered, That two locks on the lower five mile level be of equal width with the harbor.

Ordered, That Smith, Ward & Co. be paid eighteen cents per yard for the first lift on the deep cut and throughout in proportion, that price being considered by the Board a fair proportion for their contract, and that the Engineer be notified by our Agent to that effect.

Ordered, That Messrs. Smith, Ward & Co., be paid the sum of £2,183 2s. 3d., being 18 cents per yard on the Engineer's Estimate; and that a draft for £2,700 be given them on our Agent in N. York, that being the supposed balance on 25 per cent, called in at that place; and that Messrs. Smith, Ward & Co., pay into the Bank of Upper Canada the sum of £489 17s. 9d., to the credit of this Company, being the difference between the above sums, allowing them two months interest in said draft, viz: £27, the draft being at 90 days' sight, instead of 30, as formerly.

JOHN H. DUNN,
President.

ANNUAL ELECTION.

April 3, 1826.

At a meeting held this day at St. Catharines, of the Stockholders of the Welland Canal Company, for the election of Directors—

The Hon. JOHN H. DUNN, *being called to the chair.*

On motion of Mr. Merritt, seconded by Mr. Keefer, it was *Resolved*, That Messrs. James Gordon & Josph Wenham be appointed scrutineers for receiving the votes, and that the election be kept open from 11 until 2 o'clock.

At two o'clock the election being closed, the scrutineers proceeded to an examination of the votes, and reported the following persons duly elected, viz:—

The Hon. John Henry Dunn,
The Hon. William Allan,
John B. Robinson, Esquire,
Henry J. Boulton, Esquire,
John Clark, Esquire,
George Keefer, Esquire,
William H. Merritt, Esquire,

At a subsequent meeting of the Directors,

PRESENT:

The Hon. John H. Dunn,
George Keefer, Esq.
John Clark, Esq., and
W. H. Merritt, Esq.

Upon the motion of Mr. Keefer, seconded by Mr. Merritt, the Hon. John H. Dunn was re-elected President, and the Hon. Wm. Allan, Vice-President for the ensuing year.

The minutes of the last meeting were then read and confirmed.

The President then informed the Board that since their last meeting the Company's Agent had been to New York, by his desire, for the purpose of ascertaining the feelings and intention of the Stockholders there on the subject of the payment of their future instalments; because he deemed it highly necessary before any part of the Government Loan was used to receive an assurance from them of their readiness under all and every circumstance, promptly to meet them in such a manner as might be required in payment of the contracts already entered into; and that Mr. Merritt being returned would now give the result of his mission.

Mr. Merritt then stated, that according to the President's instructions he had seen and consulted the Stockholders at New York on the subject mentioned, and had received from them every possible assurance of the prompt payment of all their instalments as they became due; that they would be prepared to meet them at the rate of 8 per cent per month—and do this although the stock reserved for the London market should not be taken up; requesting that drafts drawn on account of those instalments might be at 90 days sight, at the same time expressing their wish that the work might be prosecuted with all the vigour which means would allow, and especially recommending for the consideration of the Directors the propriety of employing an Engineer of sufficient talent and responsibility to superintend the work.

The Board concurring in the above recommendation as well as being themselves convinced of the necessity of placing the duties of Engineer in the hands of those who may be relied upon for their performance.

It was *Resolved*, That Mr. Thomas, a gentleman concerning whose talents and respectability the Agent had made suitable inquiry, and that enquiry being of a very satisfactory nature, be engaged at a Salary of £375 per annum to superintend the whole work of the Canal, and that Mr. Barrett, concerning whom the same testimonials had been received, be employed as Resident Engineer, at a Salary of £450 per annum, including his expenses, with an allowance of £125 per annum for an Assistant; thus placing the whole of the duties of this Department upon the best possible footing in order to promote and secure the success of the undertaking.

It was then *Resolved*, That the Agent inform Mr. Clowes of the preceding arrangements, and that in consequence of them his engagement, terminating on the 20th instant, willl not be renewed, at the same time requesting that he would deliver into the hands of Mr. Merritt, all plans and papers relating to the Canal, and furnish all that may have been necessary for the completion of the work, particularly a statement of the dimensions of the Deep Cut, plan and specification for each Waste weir, the number of cubic feet of water passing over each, the rate of current per mile which will be created in the Deep Cut, and throughout the whole Canal, the height that the Locks were intended to be raised above the water level, with a view to 9 feet 6 inches water, with any other information which he may be in possession of, necessary for the work of the Canal.

Mr. Merritt stated that Mr. Rykert had requested him to make an offer of his services to the Company as Engineer, at a Salary of £250 per annum, which the Board declined.

Resolved, That immediate application be made for the Loan of £25,000 advanced by the Government, and that the President apply the same from time to time as may be necessary.

A Letter from Mr. Proctor, the Agent at New York being read, requesting the Company to advance him the snm of £1250 upon the security of 500 Shares of Canal Stock.

It was *Ordered*, That Mr. Proctor be informed that the Board are unable to comply with his request, as they consider it would be perfectly inconsistent with the objects and intention for which the Company was incorporated.

Resolved—That Mr. Wenham be employed as Secretary at a salary of £100 per annum.

JOHN H. DUNN,
President.

At a Meeting of the Directors held at St. Catharines, on Thursday May 4th, 1826.

PRESENT:

The Hon. John H. Dunn, *President*,
William Allan, *Vice-President*,
John B. Robinson,
John Clark,
William H. Merritt, and
George Keefer, Esquires.

The minutes of the former meeting were read and confirmed.

Mr. Merritt informed the Board that he had been requested by Mr. Rykert to make an application that he might be employed by the Company.

Upon which it was *resolved*—That Mr. Rykert be offered an engagement at the rate of £15 per month until Mr. Barrett the resident Engineer comes in, when it shall be left to Mr. Barrett's choice either to continue Mr. Rykert or employ any other person he may select at the same rate, and as it appears from the Agent's account that Mr. Thomas the superintending Engineer may require some immediate assistance,—it is agreed that should Mr. Rykert decline the above offer Mr. Thomas shall be authorised to procure whatever help he may find necessary until next meeting of the Board.

A letter from Major Hillier, Secretary to His Excellency the Lieutenant Governor, being read, requesting to know from the Board whether Mr. Clowes, lately employed as Engineer on the line of the Canal was in their opinion competent to undertake the Survey of the River St. Lawrence with a view to its improvement by canal or otherwise.

It was *Resolved*, That the Company employed Mr. Clowes on laying out the Line of the Canal and making an Estimate of the expense—that not feeling

it proper to rest solely upon his judgement and accuracy they employed other Engineers reported to them to be men of considerable eminence in Works of that description, and they found the correctness of Mr Clowes' proceeding in general verified by such subsequent Surveys—that the Directors were induced to discontinue their employment of Mr. Clowes from an opinion that he was not suffisiently active to superintend the execution in detail.

That the Survey alluded to in Major Hillier's Letter appearing to be one of a very important nature, and probably requiring different qualifications, the Directors will not venture to assert that Mr. Clowes is perfectly competent to discharge the duty in such a manner and in all respects as the Government may require.

Ordered, That the foregoing Resolutions be communicated to Major Hillier in reply.

Resolved, That all Drafts which may in future be drawn on the Agents for moneys, received on account of the Company, shall be at 30 days sight, and the Commission allowed on the moneys collected at Quebec and Montreal be 1½ per cent.

JOHN H. DUNN,
President.

At a meeting of the Directors held at York on Thursday, June 8th, 1826.

PRESENT:

The Hon. John H. Dunn, *President*,
The Hon. Wm. Allan, *Vice-President*,
John B. Robinson, and
Wm. H. Merritt, Esquires.

The minutes of the former meeting were read and confirmed.

A letter from Messrs. Yates & M'Intyre, dated 19th May, being read, expressing their dissatisfaction with many of the proceedings of the Company, it was *Resolved*,

1st. That the Board have on all important occations consulted the wishes of the Stockholders at New York, more especially in regard to the plans and operations of the present year, and have hitherto received from them every assurance of approbation.

2d. That as that part of their letter which refers to the inconvenience sustained in consequence of having to furnish so large a sum of money to make good Mr. Proctor's defalcation, appears to be written under a wrong impression of the terms on which the advance was made; they be informed that the Company always considered themselves responsible for the amount thus paid, and that it would be acknowledged as payments on account of future instalments.

3d. That the thanks of the Directors are due to them for the handsome manner in which they came forward for the honor and credit of the Company.

4th. That as there is not any certain prospect of Mr. Proctor's making good his payments, the Board feel it necessary on behalf of the Company to compel the payments, whatever may be the consequences, unless the Stockholders at whose instance he was appointed, are willing to assume the whole responsibility on his behalf, and that as Messrs. Yates & M'Intyre are acquainted with all the circumstances, they be requested to have immediate communication with Mr. Proctor, and adopt legal measures for the recovery of the amount now due.

5th. That it is necessary for the satisfaction of the Board as well as the general success of the undertaking, that the sentiments expressed in this letter should not be allowed to remain, and that a letter be therefore written, giving a full statement of the above particulars, the Directors feeling assured that such explanation will effectually remove them.

The Board then taking into their consideratton the situation of Mr. Proctor's affairs, and the future inconvenience likely to arise from such a line of conduct, feel it necessary to discontinue his agency.

It is, therefore, *Resolved*, That Mr. Proctor be thus informed and directed neither to receive any monies or give any receipts for the future in the name of the Welland Canal Company, and that Messrs. Yates & M'Intyre be requested to become the Agents at New York, and state, for the information of the Directors on what terms they will transact the general business of the Company.

Mr. Merritt stated that Messrs. Thomas & Barrett recommended an alteration in the present line of the Canal at Hall Davis', the expense of which they estimated at £375.

When it was *Ordered*, That Mr. Thomas give in a report of the proposed alteration in writing, stating his reasons for it, and if the expense will not exceed that sum it may be done on his recommendation and responsibility.

They also suggested that it would be an improvement if the canal were carried forward at Shaver's in a direct line instead of making a curve.

Upon which it was agreed that the advantages and expediency of this alteration shall be left for them to decide upon and adopt if they see proper.

Mr. Merritt then said that he was requested by the contractors to state that it would afford them great accommodation if the amount of duties payable on grain and implements brought from the United States could be allowed to stand over, which might perhaps be obtained if the Company would assume a responsibility on their behalf for the future payment.

When it was *Resolved*, That the Directors are willing to afford them this accommodation, and upon the agent drawing up a statement of what they desire, an application be made to His Excellency praying the proposed indulgence.

Read a letter from Mr. Wood complaining of the injury he will sustain in consequence of the canal passing through his land.

Upon which it was *Resolved*, That Mr. Wood be informed that when he names the price he is willing to take as a compensation the Board will consider and reply to it.

Read a letter from Mr. Adams desiring compensation for loss sustained by the construction of the canal, and offering his mill, machinery, &c. for £1,250.

When it was *Resolved*, That Mr. Adams' be informed that the Directors have received his letter, but do not feel they can accede to the sum he has named before submitting it to arbitration.

The Board taking into their consideration that many applications of this sort are likely to be made, *Resolve*, that the agent be directed to obtain from all persons possessing property along the line of the canal a statement in writing of the compensation either for property or damages which they would be willing to accept, and that having made enquiry and informed himself as satisfactorily as possible on the subject he shall submit the same without delay to the Board, with his remarks upon the several claims, when they will take the necessary measures thereon.

Resolved, That an instalment of 8 per cent be called for, payable on the 20th July, and that the several agents of the Company be written to directing them to adopt the usual means for its collection.

JOHN H. DUNN,
President.

FRIDAY, *June* 9.

The Board having met pursuant to adjournment.

PRESSNT:

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President*, &
William H. Merritt, Esquire.

The draft of a letter to Messrs. Yates and McIntyre, agreeably to the resolutions of yesterday, was read and approved.

The Engineer having in his estimate recommended the advance of £50 to Messrs. Pearse & Co., *Resolved*, That the sum be granted accordingly.

Resolved, That the President do apply for the remainder of the Government loan in payment of certain disbursements.

Resolved, That the sum of £100 be advanced to the agent for three months on account of incidental expenses to which he is liable.

Resolved, That Mr. Rykert be employed until the next Meeting at a Salary of £15 per month.

JOHN H. DUNN,
President.

At a Meeting of the Directors held at York on THURSDAY, *June* 22 1826.

PRESENT.

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President.*
" John B. Robinson,
John Clark,
George Keefer, and
William H. Merritt, Esquires.

The Board having met and Mr. Yates of New York being present, stated that as he was deeply interested in the success of the Canal he requested permission to prepare some measures for the consideration of the Directors which he thought would at once raise the character of the Stock now unsold, and provide means for carrying on the Work until it was disposed of.

Which were the following, viz:—

1st. That some steps should be taken either for the immediate disposal of the Stock reserved for the London Market or the recall of the powers vested in Mr. McGillivray for that purpose in order that it might be offered here.

2d. That in the mean time the Board should authorize him to raise a Loan of Twenty five or Thirty Thousand Pounds, so that the pressure of Stock might be withdrawn from the Market, and the Canal still proceed with activity towards completion.

3rd. That it would much increase the value of the Canal in the public estimation if it were possible to obtain a Grant of the Lands in Wainfleet which has been already promised conditionally: this would also much facilitate the means of raising any sum of money that might be wanted, as well as create much confidence in the undertaking.

Whereupon the Board came to the following Resolutions, viz.

1*st.* That a Letter should be written to Mr. McGillivray desiring him, should the Stock which has been reserved for the London Market and entrusted to his management for that purpose, still remain unsubscribed, he shall continue the offer of it for 14 days longer only after the receipt of the Letter, and if not subscribed in that time it shall be returned to the Company that it may be disposed of without fail as they shall direct.

2*nd.* That in order to prosecute the Work with advantage it is highly important that Funds be secured so as to meet the payments to the Contractors as they become due, with certainty. Mr. Yates is therefore authorised to procure a Loan of thirty or forty thousand pounds, on the security of the Canal, upon the best terms in his power.

3*rd.* That it will conduce very much to the general welfare of the Canal as well as afford better security to any persons who may be willing to advance the said Loan, if a Grant of the Lands in Wainfleet were procured to the Company: the President is therefore requested to make application to the Government for a Deed of them.

Mr. Yates said that the question had been started how far American Vessels could be legally allowed to pass through the Canal, and being one of importance he wished to submit it to their consideration.

Upon which the Board *Resolve*, That they will give immediate attention to the subject and adopt some measures for obtaining an Act from the Imperial Parliament if it shall appear necessary, to allow the passage of American Vessels transporting Merchandize on the same terms as British, and that the matter be fully discussed at the next Meeting.

Read a Letter from Mr. William Micklejohn Jun. with Proposals for cutting the Canal through the Cranberry Marsh, accompanied by Profiles and Estimates.

When it was *Resolved*, That Mr. Micklejohn be informed that the Board are much pleased with his Statement and Plans; but that it is not probable the Work will be commenced sooner than will afford him time to make himself thoroughly acquainted with the nature of it. Public notice will be given when the

Directors are ready to accept Proposals for it, and they will be very happy to receive his.

It appearing upon the statement of Mr. Merritt that the sum of £535 17s. 2d. was omitted in the last Estimate, for Messrs. Smith, Ward & Co. It was *agreed* that the amount shall be paid to them now and included in the Estimate of the ensuing month.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held at the Deep Cut,

WEDNESDAY, *July* 4, 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President.*
" John B. Robinson,
John Clark,
Keorge Keefer, and
William H. Merritt, Esquires.

The Minutes of the former Meeting were read and confirmed.

Read a Letter from Messrs. Irvine, McNaught & Co. of Quebec, dated June 24th, resigning their Agency. When the Vice President stating that he woutd write to Mr. Willi Walker of Quebec, and request him to undertake the business of the Company, It was *Ordered*, that in the event of Mr. Walker accepting the appointment he be authorised to receive the Accounts, Papers &c., from Messrs. Irvine & Co.

Read a Letter from Henr J. Boulton, Esq. dated London, May 3rd.

Mr. Thomas' Report on the Canal, &c. was read and approved.

Resolved, That a further Instalment of 8 per cent be called in, payable on the 22nd of August.

JOHN H. DUNN,
President.

THURSDAY MORNING.

The Board having met,

The Engineer's Estimate for the past month amounting to £4958 3s. 8d. was submitted, approved and ordered to be paid.

Read a Letter from Messrs. Pearse & Co. expressing their inability to perform their Contract, on Sections No. 31 and 32.

Whereupon it was *Resolved*, That those Sections shall be re-let on the 17th Inst., to the persons offering to take them at the best rate, and that Messrs. Clark, Keefer and Merritt, with the resident Engineer, be requested to meet at St. Catharines on that day to receive the Proposals and enter into Contract for the same.

JOHN H. DUNN,
President.

At a Meeting of the Directors held at York,

THURSDAY, *August* 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
" William Allan *Vice President.*
John Clark, and
William H. Merritt, Esquires.

It appearing by the 7th clause of the last amended Act that the compensation to be allowed for loss or injury said to be sustained by various persons in the construction of the Canal, must be determined by Arbitration, on or before the 1st September next. It was *Resolved* 1st, That the following gentlemen be selected as Arbitrators on behalf of the Company, and that as many as are necessary be requested to attend at St. Catharines on Tuesday the 22nd Inst., viz:—

John Wilson,	Samuel P. Jarvis,
James B. Macaulay,	Edward McBride,
Samuel Street,	Samuel Beckett,
Smith Griffin,	Grant Powell,
John Warren,	Thaddeus Davis,
Crowell Wilson,	James Fitzgibbon,
Hugh Wilson,	Alex. Hamilton,
James Black,	Matthew Crooks,
Robert Nelles,	William Thompson,
Henry Nelles,	Samuel Leonard,
James Macklem,	William Chisholm,
Thomas McCormick,	Alexander Wood.

Resolved—That the following method be adopted in settling the said claims.

1st. The agent shall obtain from all those persons who agree to submit the discussion of their claims to the arbitrators appointed to meet on the 22nd instant, their consent in writing to abide by such decision.

2nd. He shall make application to those who intend to refer their claims to arbitrators as provided in the Act, and procure from them the person whom they shall select by name and designate in writing when he shall in like manner appoint one on behalf of the Company.

3rd. Should any persons wish to defer making their demand until the Canal is completed, he shall obtain from them their written consent to await and abide by such decision.

Read a letter from Messrs. Pearse & Co., stating their inability to proceed with their work on sections No. 26, 27, 28, 29, and 30, at their contract prices and offering to do it at other rates or desiring to give up the job.

When it was *Resolved*—That those sections shall be re-let, and the Agent give notice that the Directors will be ready to receive proposals at their next meeting at St. Catharines on Wednesday the of September.

Resolved—That Mr. Macaulay be engaged as Solicitor for the benefit of the Company in the ensuing arbitrators.

The Engineer's Estimate for the past month amounting to £6201 19s. 10d. was submitted, approved, and ordered to be paid.

JOHN H. DUNN,
President.

At a Meeting of the Directors held at Niagara, Saturday, September 2nd, 1826.

PRESENT:

The Hon. John H. Dunn, *President*,
" William Allan, *Vice-President*,
John B. Robinson,
William H. Merritt,
John Clark, and
George Keefer, Esquires.

The minutes of the former meetings were read and confirmed.

Read Mr. Galt's letter to Dr. Strachan, and Dr. Strachan's to the President, dated London, 16th June, and

Resolved 1*st*.—That an Instrument be prepared under seal of the Company appointing the five gentlemen, named by Mr. Galt, a committee to solicit subscriptions and demand payment of instalments upon £100,000, the Stock remaining to be subscribed, and that the committee be authorised to pay the monies received by them into the hands of Messrs. Bosanquet, Pitt & Co., and to appoint Mr. Galt if he will accept of it, and if he will not, any other gentleman whom the Committee may deem eligible, agent to the Company, to act under the direction of the Committee in London, and to whom such remuneration will be made for agency as is given to the agents of the Company in New York, unless upon future application to the Company it shall appear reasonable to make an additional allowance.

2*nd*.—That this Instrument be immediately despatched to London under cover to Mr. Bosanquet, and accompanied by the several reports of the Engineer on the progress of the work and general information as to the state of the undertaking.

3*rd*.—That the Stockholders in New York be immediately informed of the above measures taken by the Company, and that Mr. Yates be authorised by a letter from the President to negotiate a loan for $50,000 or $100,000 if necessary, upon the Company's bond and upon further security on the grant of land in Wainfleet on the supposition that the Company will have it in their power to offer that security by the time it can be ascertained by Mr. Yates whether he can succeed in effecting the loan. That Mr. Yates be also informed that on the supposition that the New York Stockholders may find it more convenient, and deem it more advisable to dispose immediately of £25,000 of Stock, the Company have in their communication with the Committee in London apprised them of their having authorised the New York Stockholders to do so, and that the Stock must consequently be subscribed in London subject to a proportionate abatement if such an amount of Stock shall be disposed of in New York. But it is to be understood that as it would be the object of this arrangement to procure the immediate advance of £25,000, if that amount of Stock shall be no wsubscried in the United States it must be on the condition that the whole amount of the shares is to be paid up within four months from the time of subscription.

It appearing that several Stockholders have neglected to pay up their instalments as they become due, and that the arrears in some instances have accumulated so that the two last remain unpaid.

Resolved—That the several agents of the Company be directed to apprise all Stockholders who have made default in paying up their instalments, that unless the arrearages are paid up by the 10th of October next, the provision of the law for forfeiting their shares will upon that day be certainly put in force, and directing them on such day to give 30 days notice according to the act and expose them to sale, but should any defaulter tender his payment before the day of sale they may receive it.

Read a Resolution from the majority of the arbitrators engaged in the late arbitration, recommending a personal allowance of £1 per day for their services, when it was *Resolved*, That that sum be paid to those gentlemen who were engaged on behalf of the Company.

Resolved, That a further instalment of 8 per cent be called in payable on the 20th of October.

JOHN H. DUNN,
President.

At a meeting of the Directors held at York on Thursday, September 7th, 1826.

PRESENT:

The Hon. John H. Dunn, *President*,
The Hon. Wm. Allan, *Vice-President*, and
W. H. Merritt, Esquire.

The Engineer's estimate for the past month amounting to £4945, 4s. 8d., and the following accounts, were approved and ordered to be paid, viz:

David Thomas, for travelling expenses.	£12	2	3
George Rykert, for services.....	25	10	0
The Secretary, for sundries.....	26	10	8
	£64	2	11

On account of the very important services rendered by Mr. Macaulay, as the Company's Solicitor in the late arbitration, and his being obliged in performing those duties to neglect other professional engagements.

It was *Resolved*, That he be allowed three guineas per day for the same.

The accounts for the expenses of the arbitrators being submitted to the Board, and it appearing that many of the charges are very excessive.

It was *Resolved*, That Mr. Merritt and Mr. Samuel P. Jarvis be requested to examine them.

The proposals for sections Nos. 26, 27, 28, 29, & 30, were deferred until the next meeting in order to receive Mr. Burrett's report on them.

The agent having stated that the following sums had been paid by the contractors for duties on articles necessarily imported from the United States.

It was *Resolved*, That the Board will consent to advance them the several amounts until the application to the Government is made agreeably to the resolution of the 8th June last, upon receiving their note of hand for the same payable in six moths after date, and the following sums were ordered to be according paid in, viz:

Ward & Co.....	£411	9	1
Bell & Co.....	17	0	1
Gooding & Co.....	15	0	9

The Secretary's letter to Mr. Bosanquet was read and approved.

JOHN H. DUNN,
President.

At a meeting of the Directors held at York, Friday, October 6th, 1826.

PRESENT:

The Hon. John H. Dunn. *President,*
" William Allan, *Vice President,*
John B. Robinson,
George Keefer,
Henry J. Boulton,
William H. Merritt, Esquires.

The minutes of the former meeting were then read and confirmed.

Read a letter written by the President to Mr. Bosanquet in pursuance of a resolution of the 2nd September, which being approved of and sanctioned by the Board, was ordered to be entered accordingly.

Also a letter from Mr. Adams requesting that his claim for injury sustained by the construction of the canal might be considered and settled by the Board —When it was *Resolved*—That as he declined submitting the same to arbitration in the regular way and has not made any specific proposal, the consideration of it must be deferred until the Directors meet at St. Catharines, when he will have an opportunity of attending personally and the Board be better able from personal inspection to judge of the value of his property and the loss he has sustained.

Some persons having refused to accept the sum awarded to them—It was *Resolved*—That the agent be furnished with £75 in specie and make them a legal tender of the amount.

The Engineer's estimate for the past month, amounting to £5624 2s. 3d., was submitted and ordered to be paid, also six months interest on the 1st instalment of the loan from Government—£5000 —amounting to £150.

Mr. Boulton having adverted to a passage in a letter from Simon McGillivray, Esq., to the President, now before the Board, in which he describes the draft of a report taken down by Mr. Boulton to Montreal as his own version of a report that had been previously submitted to the Board, appearing to represent it as one unauthorised, and having called upon the Board as an act of justice to himself to state.

1st. In what manner he (Mr. Boulton) was authorised to prepare or revise the report so that it should conform in principle to the draft read at the meeting at St. Catharines.

2nd. By what particular act of the Board Mr. McGillivray was authorised to frame the report subsequently published under his direction and to state in it that he (Mr. McGillivray) had been associated with Mr. Boulton in the agency in England.

It was stated by the President—That having been called to Montreal in the latter end of the month of December, 1825, he took this opportunity of seeing Mr. McGillivray on the subject of a report of the Welland Canal, which he left with him in September, for the purpose of receiving the sanction of the Board of Directors at St. Catharines, he (the President) being called to New York. Mr. McGillivray stated that as the Report was intended for the information of the persons in London, it was necessary that the Report should be amended agreeable to his ideas, and inserted his own name, which Mr. McGillivray thought important, and to which he (the President) agreed, and Mr. McGillivray submitted certain alterationsi n which he acquiesced upon the ground that as Mr. McGillivray was best able to judge of such matters rather than himself and that every confidence had always been reposed in him—and that it was most expedient for many reasons that some Report should be made by the Directors more particularly at that moment, as there was an application pending in the Legislature for a loan of money.

And it was also stated by Mr. Merritt and Mr. Keefer, that there were not any minutes entered in the proceedings of the Board respecting the said report, but it was understood in conversation at the Board that Mr. Boulton should consult with the Hon. Doctor Strachan and the Attorney General, and revise the Report, when it was to be taken to Montreal and receive the sanction of Mr. McGillivray and Mr. Irvine, and then be printed.

Mr. Boulton also adverted to a passage in Mr. McGillivray's letter of the 14th October, to the President and Vice President, and in a letter of Mr. McCillivray to Mr. Irvine, in which he conceives it to be insinuated that the meeting at which it was Resolved that he (Mr. Boulton) should proceed to England as the Company's Agent, was *a casual* and not a regular meeting—that matters resolved upon then required confirmation at a subsequent and regular meeting, and that accordingly although many important matters were decided upon at the same meeting, besides the particular measure which regarded Mr. Boulton, there were in fact matters which had been previously discussed and virtually decided upon, which rendered subsequent confirmation unnecessary, and Mr. Boulton referring to the two Directors present who formed part of the Board at St. Catharines on the 20th September, desired to know how far these representations are confirmed by their knowledge of the facts.

They, viz: Mr. Keefer and Mr. Merritt, stated that the matters discussed at the meeting of the Board in September were generally new; it had never been the practice of the Board to lay over or wait for carrying into effect any measure for the sanction of a subsequent Board: the measure or minute respecting the mission of Mr. Boulton was proposed on Friday, the day after the other business was transacted; but they considered it a regular meeting, it was sanctioned as such on the same day. The minute referred to expressed a confirmation at another meeting respecting Mr. Boulton's Instructions.

At the same time they had (as it was understood by our general conversation at the time) no doubt but the business would be arranged in Montreal by

Mr. McGillivray, Mr. Irvine, and himself, although Mr. McGillivray mentioned that Mr. Boulton should not come down as early as he proposed.

At a Meeting of the Directors held at the Deep Cut, FRIDAY, *Oct.* 27., 1826.

PRESENT:

The Hon. William Allan, *Vice President*,
John B. Robinson,
John Clark,
Henry J. Boulton,
George Keefer, &
William H. Merritt, Esquires.

The minutes of the last meeting were read and confirmed.

Mr. Yates of New York being present:

A letter from Mr. Davis, Agent at Montreal (dated 12th inst.) to the Secretary, and his answer, being read, it was *Resolved*, That the Directors having ascertained that it is by no means the opinion of those stockholders who have made much greater advances with punctuality, that any forbearance should be shewn from apprehension of injury to their interests by advertising the stock of defaulters for sale, and the directors seeing no other reason for hesitation: The resolution of the 2nd September, which has been communicated to the several agents, shall be carried into effect, and the shares of all persons who shall be defaulters on the 10th day of November next shall on that day be advertised for sale at auction in the town of York on Wednesday the 20th day of December next.

Mr. Yates having stated to the Board that if the resolution of the 2nd September authorising him to dispose of £25,000 stock on condition of the subscribers paying up the whole amount in four payments of 25 per cent each, was so far altered as to admit new subscribers on the same footing as the present stobkholders, it would in all probability enable him to succeed in the object contemplated, which as yet he has not been able to attain in consequence of that restriction—it was therefore

Resolved, That the Agents of the Company in New York be authorised to receive subscriptions to the capital stock to the amount of £25,000 upon condition of the subscribers paying £25 per cent at the time of subscribing, and £15 per cent per month if required by the Directors until their subscriptions shall be upon a par with those of former subscribers.

Ordered, That a copy of the above Resolution be furnished to Mr. Yates, under the seal of the Company.

As the operations of the present season are now drawing to a close it is considered expedient both for the information of the stockholders and to increase the general interest in the work, to give some detailed account of the progress already made, and of the future prospects of the undertaking, wherefore it is *Resolved*, That as soon as the Agent can furnish the necessary information a meeting shall be held in York for the purpose of appointing a Committee to prepare a General Report on the state of the Canal.

Mr. Yates, the principal Stockholder from New York, having attended at the meeting of the Board, and having recently inspected the whole line of the Canal, and thus enabled himself to judge most satisfactorily of the opinion of the Board—the Directors have the more pleasure in expressing on this occasion their full and decided approbation of the conduct of the Agent, Mr. Merritt, upon whose intelligence and exertions the success of the work has so much depended, and whose attentions have been most unremitting—they feel also much pleasure in declaring their entire satisfaction with the proceedings of the contractors and the engineers employed in the work, and that up to this period they have every reason to repose confidence in their performing their several engagements to the satisfaction of the Company.

Saturday Morning.

The directors having met

Mr. Adams attended for the purpose of stating his reasons why he had objected to refer his claim for loss and injury sustained by the construction of the Canal to arbitration, and of submitting to the Board a statement of the compensation which he considered himself entitled to receive. When the Directors having taken the same into their consideration—

Resolved, That Mr. Adams be offered £600 in compensation for all land necessarily occupied, and all damages done to him by the Company, including mills, privileges, and improvements of every description—Mr. Adams to be at liberty to remove from his mill and erections of every kind such machinery and other fixtures as he may desire.

The above offer being made personally to Mr. Adams, he agreed to accept it—and the said sum of £600 was ordered to be paid on his compliance with the necessary forms and conditions.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held at York *November* 14, 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President.*
John B. Robinson, and
Henry J. Boulton, Esquires.

The Agent having furnished the necessary information Mr. Robinson and Mr. Boulton were requested, and agreed to prepare a Report on the operation and state of the Canal, for the information of the Stockholders and the public.

It appearing that the following persons, viz.

Andrew Mercer,	Maitland, Garden & Co.
Saml. Ridout,	Robert Watson,
Henry Drean,	Beckett & Co.
Henry Read,	James Crooks, and
Simon McGillivray,	Thomas Elliott.

have been defaulters in the payment of their instalments for a considerable time, and have not expressed any intention of paying up their arrears—It was *Resolved*, That their Shares be forfeited agreeable to the 24th clause of the Act of Incorporation, which provides for the same, and that the Stock be advertised for sale at Public Auction on the 20th December,

Resolved, That a further Instalment be called in payable on the 20th December.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held at Mr. Robinson's Office, on

TUESDAY, *November* 28, 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President.*
John B. Robinson, and
Henry J. Boulton, Esquires.

Read a Letter from Mr. Yates, dated 14th Novr., when it was

Resolved, That as the Directors have relied upon the Funds to be received from New York they advise drawing in some shape, but in order to afford them all the relief possible the Agent to be instructed to make arrangements with Messrs. Ward & Co. for the payment of the amount which may be due to them, by a Draft on Messrs. Yates & McIntyre at 90 days sight, and that Messrs. Yates, & Co. be informed to this effect, and also that if at the expiration of that time they should not be able to meet the amount, the Directors will place them in Funds by requiring from Messrs. Ward & Co. the repayment of a Loan of £3000, which is now due, but would otherwise be continued on account of the different nature of their engagement.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held on Saturday, December 16, 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
" Wm. Allan, *Vice President.*
John B. Robinson.
John Clark, and
Henry J. Boulton, Esquires.

Ordered, That a General Meeting of the Board be held on Wednesday the 27th instant, and that Mr. Merritt be requested to bring with him every information respecting the future expenditure of the Company for the winter, viz. until the 1st of April, and how much it will require to carry on the Work from the 1st April to the 1st August, estimating the lowest rate at which it can be done, so that the Work may proceed.

Ordered, That Mr. Thomas be requested to attend the Meeting of the Board if possible, if not, to come as soon as he can.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held in the Directors' Room of the Bank, Tuesday Decr. 12, 1826.

The Minutes of the last Meeting were read, and confirmed.

The Report drawn up by Mr. Robinson and Mr. Boulton, pursuant to the Resolution of the 14th November, was finally read and approved, and 500 copies ordered to be printed.

Read a Letter from Mr. Adams and *Resolved*, That the sum of £600 be sent to Mr. Merritt requesting him to settle with him agreeable to the Resolution of the 27th October last, and Mr. Adams to be informed that if he is desirous of obtaining any Mill Seat or other privilege from the Company, that the Board are ready to receive his proposals.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held on Monday Decr. 18, 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President.*
John B. Robinson, and
Henry J. Boulton, Esquires.

The Estimate for the last month, amounting to £4830 7s. 9d. was approved and ordered to be paid.

Resolved, That a further Instalment of 8 per cent be called in, payable on the 29th January.

The Stock of the following persons, Defaulters in the payment of their Instalments, was ordered to be sold by Auction on Wednesday next, the 20th inst., due notice having been given, agreeable to the Act, viz:—

Andrew Mercer,	4	Shares.
Samuel Ridout,	4	"
Henry Drean,	5	"
Thomas Elliott,	6	"
Henry Read,	5	"
Simon McGillivray,	122	"
Maitland, & Co.	50	"
Robert Watson,	5	"
Beckett, & Co.	5	"
James Crooks,	20	"
	226.	

JOHN H. DUNN,
President.

At a Meeting of the Directors, held on Thursday Decr. 21, 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President.*
John B. Robinson,
John Clark,
Henry J. Boulton, and
J. B. Yates, Esquires.

Read Major Hillier's Letter, inclosing Despatch from Lord Bathurst.

Resolved, That Mr. Robinson and Mr. Boulton be requested to prepare an Answer to the Government in reply to the Communication.

Resolved, That (permission being first obtained) Lord Bathurst's Letter be added to the present Report.

Resolved, That application be made to to the several branches of the Legislature for an Act agreeable to the conditions contained in the said Despatch.

JOHN H. DUNN,
President.

At a Meeting of the Directors held at the Committee Room belonging to the Legislative Council, Decr. 28, 1826.

PRESENT:

The Hon. John H. Dunn, *President.*
William Allan, *Vice President.*
John Clark,
Henry J. Boulton,
W. H. Merritt,
George Keefer, Esquires, and
Mr. Yates.

Mr. Boulton having drawn up a Petition for several amendments to the present Act of Incorporation, It was read and approved, and ordered to be presented to the different branches of the Legislature.

JOHN H. DUNN,
President.

No. 3.

REPORT

Of the President and Directors of the Welland Canal Company to the Stockholders, published by order of the Board, York, U. C.

[Printed by R. Stanton, 1826.]

The President and Directors of the Welland Canal Company in submitting to the stockholders a report of the progress of the work under their superintendence, do not deem it necessary to enter into an exposition of the causes which led to the undertaking or the advantages expected from its completion, these have been already in various shapes before the public, & their desire is now to afford such general information in regard to the actual state of the canal and the affairs of the Company as the stockholders will naturally require, and the public by whose countenance it has been materially aided have a right to expect.

To enable themselves to judge more satisfactorily the Directors have frequently inspected the whole line of the canal and in addition to such remarks as it occurs to them to offer they have subjoined the last report of Mr. Thomas, the principal Engineer who has had so much experience in similar operations; and this report as it proceeds from a gentleman of established character for integrity, judgment and science, can scarcely fail to be received as a document entitled to the fullest credit.

The present Directors were chosen in April last, when great preparations had already been made for conducting the work during the season which had then commenced; it was consequently left to them either to prosecute the undertaking with the utmost vigor, which the means within their reach would admit of, or by contracting the intended scale of operations to disappoint public expectation, and increase the apprehensions of all who had appeared to doubt of the completion of the Canal—Such a course would also have brought upon the contractors the perplexity and confusion which must have followed such a step after they had prepared to proceed with dispatch; and upon the Company the disadvantages not easily estimated of pursuing the least economical method for carrying so great an undertaking to its completion.

Whether the event shall prove that they have done right or wrong, they did not hesitate in their decision; and although the measures they have adopted in consequence have been attended with no little responsibility, and presented serious difficulties they have persevered to this point and they are happy to think successfully, without restraining the exertions of the contractors, from giving way to doubts either as to results, or as to the possibility of finding means to meet so rapid and considerable an expenditure. The Directors are confident, that if resources are at hand to resume the work during the next season in the same spirit it will at the conclusion, be apparent to the Company that economy has been best consulted by the extraordinary exertion which has completed so large a portion within the present year.

After the public discussions which have taken place relative to the affairs and proceedings of the Company, it is to be presumed that it must be generally known to the stockholders and to others, that of the £200,000, the amount of stock authorised to be held by the Welland Canal Company, only one half, or £10,000, was actually subscribed when the Legislature in their last session authorised the advance by way of loan of £25,000 in aid of the undertaking. The case is the same at present.—When it was determined upon the suggestion of the principal stockholders that a canal upon an enlarged scale so as to admit of navigation by schooners, would be much to be preferred both on the ground of utility to the public, and profit to the Company, the Legislature was necessarily applied to for authority to increase the amount of stock in order to meet the great additional cost.

The design appeared to have been approved of in every quarter, and as soon as the requisite authority was obtained those who had then the direction of the Company's affairs were eager to pursue with the least possible delay an undertaking which had now acquired so great additional interest and importance. It having been thought expedient to increase the number of Directors, Mr. Simon McGillivray, and Mr. Irvine were added by act of the Legislature to those who had been chosen for the year then current.—Mr. McGillivray was at that time in this Province and had the opportunity of consulting with the other members of the Board, the stockholders resident in New York had communicated their opinions very freely in regard to the interests of the Company, and with a liberality of conduct which

has marked their proceedings in every step, had expressed their entire confidence in the propriety of whatever measures should be resolved upon. There cannot therefore be the slightest reason to question that the resolution which was then taken immediately after the act had passed, enlarging the stock and materially changing the character of the undertaking was one which appeared to the Directors to promise the most substantial benefits in every point of view.

It was thought that the practicability of connecting our great inland waters by a most convenient navigation, and at a cost, moderate indeed, when compared to the object, could be demonstated to the entire satisfaction of our fellow subjects in England: and it was considered little doubtful that when the project could be made plainly to appear a safe, and rational one, the same abundance of capital and spirit of enterprise which were at that time leading to the formation of companies for objects comparatively visionary, and of which many regarded improvements in foreign countries, could be easily enlisted to the small extent required in aid of one of the greatest and most useful undertakings of modern times.—Indulging this hope, it was resolved to throw open no more than one hundred thousand pounds for subscription in these Provinces and the United States, and to reserve the remainiug £100,000 to be subscribed in London.—It was believed through the intervention of gentlemen who had commercial connexions and acquaintances in London, the project of the Welland Canal could be so favorably introduced as to meet that confidence which it was known to be entitled to here; that the small sum required would be immediately taken up, if the application were at all successful, was at least as probable, and it cannot be a matter of surprise that the Directors should feel a strong desire to associate British Capitalists in this Provincial undertaking and thus make it the means of attracting the attention of persons who would have it so much in their power to promote the commercial interests of Upper Canada.

Under these impressions it must be presumed, the Directors acted in April, 1825, when they made this reservation of stock, and in pursuance of their plans the President was instructed when he repaired to New York, in order to confer with the Stockholders resident there,and to procure additional subscriptions not to accept of a greater amount of stock than £50,000, which it was presumed would, in addition to that which had been and might be subscribed in the British Provinces, make up £100,000. So far from meeting with difficulty in procuring the limited amount, the President was induced by the readiness exhibited, to extend the subscription to £75,000 which was instantly taken up, and he returned with the impression that if the whole had been thrown open it would have been subscribed with equal facility. The reference to England, however, had been finally resolved upon, and it was necessary to await the issue.

The Directors of the Company for that year now commenced their work with spirit, they found a large amount of stock already subscribed, and they saw a confidence in the undertaking exhibited, which left no room to doubt that the remainder would have been taken in America, if it had not been designedly reserved. They may be supposed also to have expected confidently, that before the progress of the work required it they would hear of £100,000 being subscribed in England, and having this double assurance of being in a condition to meet their engagements, they entered into contracts for the completion of the Canal from the River Welland to Lake Ontario, for a sum exceeding by almost one third the amount of stock which was actually taken up.

This portion of the Canal, it must be observed, embraces the only serious difficulties which have been apprehended as likely to present themselves—namely, the harbor on Lake Ontario, the descent of the mountain which includes some rock excavation, and the deep cutting which through a distance of nearly a mile and three quarters, averages a depth of excavation of 44 feet.

When completed it will afford a perfect communication with Lake Erie, by the descent of the Welland to the Niagara River, and for this reason as well as from the desire to shew the practicability of the whole design as speedily as possible, by encountering at once the only difficulties to be dreaded —it was thought clearly expedient to devote the whole of the present means of the Company to the completion of that section, leaving the other to be undertaken so soon as the remaining funds should become available.

As the present Directors have adopted and persevered in the course which their predecessors had begun, it may be permitted them to say something, if it be necessary, in vindication of the resolution to proceed with the work, while so great a proportion of the stock remained unsubscribed. Besides the expectation (amounting under existing circumstances to almost a moral certainty of the remaining stock being speedily filled up; it is, in the first place to be borne in mind, that had the stock at once been all taken, it would have been competent to the Directors, and they would doubtless have deemed it judicious, to have put both sections or the whole line under contract at the same time. In that case the calls upon the present Stockholders would have been nearly the same, both in regard to periods and amount, as they have been in order to carry on the section now in progress.

In the next place, it is but justice to mention, that the Directors of the present year, however much they might have been fairly influenced by these considerations, and notwithstanding their ardour to prosecute the work without delay, did not in fact proceed except under the fullest sanction of those stockhers at least, whose share in the undertaking was so great as to make it proper to consult them before embarking in contracts, which would call for greater and more rapid advances than might appear reasonable.

The contracts were entered into in the month of July, 1825, and considerable progress made in the execution of some of them duriug the summer. The contractors, after the experience that has now been had of them, are stated with great confidence by the Directors, to be persons as eligible in all respects as they think the Board could have met with; and indeed, with a few exceptions, and those not in cases of any moment, they have exhibited a knowledge of their several descriptions of work, and have practis-

ed to this time a regularity, economy, and a persevering industry in the conduct of it, which it is believed have not often been excelled.

It was perceived very early in the operations of 1825, that to continue them with the despatch which the contractors pressed upon the Company, and which it was evidently the interest of the latter to facilitate, would demand an expenditure which could not be provided for from the funds expected to be raised in England, unless the reference for that purpose were promptly attended with success. For giving effect to that reference it seems that much reliance was naturally placed on the zeal and intelligence of one of the Directors appointed by the Legislature, who desired, before he could pledge himself satisfactorily for the success of the undertaking to acquire from personal observation a more intimate knowledge of it. Circumstances put it out of his power it appears to make the desired inspection before the month of September, 1825; and other occurrences to which it is painful to allude, shortly after combined to render his services of little avail.

At this time, however, viz. in September, 1825, it was determined that Mr. Boulton, another of the Directors should proceed to England for the purpose of endeavoring to raise subscriptions of Stock, and he was to be furnished with the necessary powers and instructions. In the month of November such instructions as the Board considered necessary were transmitted to Mr. McGillivray in Montreal to be forwarded to Mr. Boulton, then in London; but from the unfortunate occurrences already alluded to, they were omitted to be sent, and in the absence of such authority, no direct attempt was made nor could be made by Mr. Boulton to procure subscriptions.

It is not however very probable that this delay was of material consequence, for in the first place means were taken by Mr. Boulton to attract favorable attention in England to the measure, and moreover, that unhappy reverse had occurred in the commercial world, which not only had disabled many from lending their aid, who might a few months before have cheerfully granted it, but which had the much more general and decided effect of producing an universal suspicion of all such undertakings, and a disinclination to invest capital in them.

Before however it could be known that the application for subscriptions in England was not likely to meet with immediate encouragement, it was thought unsafe to rest in entire dependence upon it. The delay in making it, for which the reasons have been assigned, left it no longer prudent to await its result without attempting to provide other means for prosecuting the work with despatch according to the contracts into which the Directors had entered; and under this impression, relief was sought by applying to the Legislature for an advance of £25,000 by way of loan, in anticipation of the Company's funds.

The ready acquiescence of the Legislature has been of infinite use—it has not only enabled the Directors to proceed through the season in the manner thought most desirable, and, to which indeed they were pledged; but it served at a critical moment to give a character to the undertaking and a confidence in its success, for which the Company is most grateful and for which they trust the Province will at no distant day receive an ample recompense.

With the aid of this advance the Directors have had it in their power to make such arrangements for calling in the Stock as the Stockholders have been enabled to meet, although so great has been the pressure during the last few months upon persons engaged in commerce, that if it could have been foreseen the Directors would probably have felt it incumbent upon them to have restricted their operations, in order to avoid those frequent calls for large instalments, which they are sensible have borne most heavily upon those gentlemen at New York who hold the greatest proportion of Stock, but who have nevertheless answered those calls with a promptness and punctuality in the highest degree honorable.

In the midst of the operations of last summer which it required an average monthly expenditure of nearly £7,000 to maintain, the Directors found a good deal of uneasiness was naturally excited by the long delay in filling up the Stock. The reference to England had been hitherto ineffectual, and it was strongly pressed by those Stockholders who were sustaining the great weight of expenditure, that a period should be put to this indefinite expectation, and measures speedily taken for completing the subscription in America.—The Directors in deference to representations, certainly not unreasonable, determined though reluctantly, to send instructions to England, that if, within 14 days after the receipt of their letter, the required amount of Stock was not subscribed, the Books should be closed and an immediate communication made to this country in order that instant measures might be taken for soliciting subscriptions here, and in the United States.

Although sufficient time has elapsed no answer has been returned, and a hope arises which has been suggested by another circumstance, that the original expectations of the Directors may yet be fulfilled.

Not long after the Directors had written to England in the terms already mentioned, a letter was received from Mr. Galt, Secretary to the Canada Company apprising them, that the following very respectable gentlemen, Directors of that Association, viz:—

CHARLES BOSANQUET,
JOHN HULLET,
JOHN ESTHORPE, M. P.,
MARTIN TUCKER SMITH, and
HART LOGAN,
} Esquires,

had consented to act as a Committee in behalf of the Welland Canal Company. Upon this intimation so gratifying to the Directors, no time was lost in transmitting to Mr. Bosanquet, the Chairman, the necessary powers and instructions to enable the Committee to act, and these documents were accompanied by an account of the present state of the Company's affairs, and of the nature and progress of the Canal. The communication of the Directors was sent from New York on the 24th September, and it is to be supposed that a long time will not elapse before some intelligence is received from the Committee in London.

To enable the Stockholders in America to bear with the less inconvenience the additional delay of awaiting this intelligence, the Directors have author-

ised the agent for the stockholders in New York either to negotiate in the meantime for a loan on the credit of the Company, or to procure subscriptions to the amount of £25,000, and they have apprised the committee in London of this step, and of the necessity, in case the £100,000 should be subscribed there, of its being accepted, subject to the contingency of a proportional abatement in the subscription of each stockholder in case the £25,000 should be subscribed in America.

To facilitate the negotiation for a loan if that were thought advisable, the Directors preferred an application to His Excellency the Liutenant Governor in Council, praying that the company might receive an immediate grant of the tract of land in Wainfleet, comprising 13,000 acres, of which, upon His Excellency's intercession, His Majesty's Government in England had authorised a grant to be made to the Company, but which it had been understood would not issue until there appeared a reasonable assurance that the objects of the Company would be fulfilled.

His Excellency has been pleased to consider the great exertions which have been made, and the actual state of the work, a sufficient assurance of its completion, and the grant has accordingly been directed to be perfected, which additional mark of public countenance and support the Directors cannot but regard as highly favorable to the Company.

Having thus explained the situation of the Company's affairs, and by what means they have been enabled to complete their engagements, the Directors proceed to give some account of the present state of the Canal, and the hopes which, so far as they can judge, may be reasonably indulged, in regard to its completion.

It was a recommendation strongly urged upon the Directors, by the principal Stockholders, that no necessary expense should be spared in procuring Engineers of competent ability and of known character, and accordingly early in this season, Mr. Alfred Barrett, long employed on the Erie Canal, was engaged as the principal resident Engineer, under whose immediate and constant superintendance the whole of the work has proceeded.

Mr. David Thomas the principal Engineer, whose reputation and experience were satisfactorily vouched for, has also been engaged at an annual salary to visit the work at stated intervals, report its state and progress, and offer suggestions of any improvements on the original design which might appear desirable. The Directors have had no reason to regret their selection in either case.

Without descending to unnecessary details the Directors now report to the Stockholders that up to the 10th November last there has been expended the sum of £69,404 1s. 10d., and that they have with that expenditure fully complied with their engagements of every description.

The Report of Mr. Thomas states concisely what proportion of the work is done, and what remains to be executed, with the expense which will be necessary to complete it.

The plan which the Directors have appended to this Report exhibits the route and profile of the Canal and it is thought it may not be uninteresting to inform the Stockholders also of the names of the Contractors who have undertaken the several Sections, 35 in number. This information is given in Appendix [No. 2.]

Of the first Section, which commences at the River Welland, and is 66 chains in length, one half is completed, the Canal is filled and the Towing Path finished, so that it exhibits a fair specimen of this great navigable channel as it will appear when perfected.

The 2nd, 3rd, 4th, 5th and 6th sections comprehend the Deep Cut, and on this part of the Canal the greatest portion of labor has been employed and the most persevering exertions of the Contractors have been applied to it throughout the season, which has been very favorable to their operations.

The present appearance of the work sufficiently proves how great these exertions have been, at the same time that it affords the means of judging, with tolerable accuracy of the labor necessary to complete this most arduous part of the undertaking.

It has been already stated in this Report that the extent of what has commonly been called the Deep Cut, is nearly one mile and three-fourths, the greatest depth of excavation necessary is 56 feet, and the average depth about 44 feet.

In one part of it they have obtained the bottom level—in every section great progress has been made—and taking the whole cut through, the average depth of excavation completed on the 1st Nov. last, is estimated at about 18 feet.

It must be expected, of course, that the labor of excavating and raising each cubic yard will be greater as they descend; but on the other hand it is to be considered that as the Canal contracts greatly towards the bottom, the completion of the first eighteen feet has required the removal of a vast deal more of earth than will be necessary for descending an equal distance beyond the present excavation.

The Directors felt it indispensible, in order to adapt the Canal to navigation by schooners, to enlarge very materially the dimensions of this Deep Cut beyond the original design. They have been so extended as to afford fifteen feet in depth at the bottom level, and the Banks rise from thence to the towing path twelve feet, with a slope of nearly two feet to one. The towing path is to be ten feet in width, and on the opposite side there will be a berm of seven feet. From thence the Canal rises with an angle of 45 ° to the surface. These dimensions give a surface of forty-three feet of water on this portion of the Canal, viz: for a mile and three-fourths, which is calculated will admit the passing of 10,000 cubic feet of water at the rate of half a mile per hour, and thus afford an abundant supply of water for all hydraulic purposes. In the judgment of the engineer the slope at the bottom is ample, and as there appears to be no reason to apprehend the slipping of the banks, he is of opinion the steeper the cut can be made above the towing path the better, as the less will be the surface exposed to the action of rains and frost.

It is impossible that earth more favorable for such an operation could have been met with. There is no rock to impede the excavation, and although, the soil a stiff clay, is more expensive to remove than

lighter earth, that difficulty is amply atoned for by the solidity and tenacity of the banks, and the assurance there seems to be that they will sustain, without material alteration, the influence of the weather. Experience has given no reason for apprehension on this head. When the excavation of the Canal is finished, so that the margin can be dressed and the water led off from it by some small drains, it is not probable that any considerable quantity of earth will be crumbled by frost and thaw, or washed down by torrents; and it is conceived that whatever portion shall be from time to time detached from the sides, will be conveniently intercepted by the towing path on the one side, and the berm on the other, and be removed from thence in scows with little difficulty.

The alteration in the dimensions of the Deep Cut has rendered an additional excavation necessary of 115,090 cubic yards, but it is conceived that the obvious advantages of it will fully justify the measure. It will be seen in the Engineer's Report, before referred to, in what state of advancement the Locks now are. The Contractor has had difficulties and disappointments to contend with, but has, nevertheless, proceeded with much activity, and from present appearances there is every reason to trust that this important part of the work will be executed to the satisfaction of the Company.

Three Locks of 32 feet in width, and 125 feet in length, with 5-7 and 9 feet lifts between the village of St. Catharines and Lake Ontario, on a level of 5 miles, will, it is expected, be completed this autumn and will be navigable by means of a feeder from the west branch of the 12 Mile Creek. On the section including the ascent of the mountain, four locks will be finished also this season, with the exception of the gates.

It has been a matter of much consideration with the Directors, whether it would not be advisable to construct the Locks throughout of the width of 32 feet, in order to admit of a continual navigation by steamboats from one Lake to the other, but they found that the increase of expense would be more than they dare venture to incur; besides that from the greater length required there would not be room to descend the mountain without a combination of locks, which it is very desirable to avoid. The object, however, is so important of admitting navigation without transhipment by steamboats, which it is to be supposed, will in time be almost exclusively employed in transporting the productions of the Upper countries, that the Directors deem it right, notwithstanding this apparent inconvenience, to call the attention of the Stockholders to the subject, while the progress made in the Locks is not yet such as to increase greatly the difficulty of the alteration. To make the suggestion the more intelligible, it is to be observed, that steamboats entering the Canal from the Welland, would, from the large scale on which it is made, have no difficulty to encounter in passing through the Deep Cut and along the Canal to the first lock, from whence, in the course of four miles and 32 chains, including the descent of the mountain —there will occur 32 locks of 100 feet in length, and 22 in width, dimensions too small to admit of steamboats; and this distance of 4 miles and 32 chains so long as these 32 locks remain of these small dimensions will constitute the only interruption to the passage of a steamboat from the one Lake to the other, and indeed from Lake Huron to Prescott on the St. Lawrence.

From the foot of this chain of Locks to Lake Ontario, there are indeed three other Locks, but the Directors have thought it advisable to construct these of such a width as to admit steamboats, which will, therefore, have no difficulty in ascending the Canal to the village of St. Catharines, a distance of 5 miles. Throughout the greater part of this distance, such is the peculiar make of the banks along the 12 Mile Creek, that the navigation will rather resemble in some places a basin, and in others a large river, than a Canal. The additional cost of constructing these Locks on the enlarged scale is about £125 each Lock, an expense which it is believed will be amply compensated by the increase of tonnage on the steamboats, and by the convenience they will afford to navigation.

The dimensions of the Canal, with the exception of the Deep Cut, are as follows: 26 feet on the bottom, with slopes of two to one up to the towing path; and a breadth of 56 feet on the water line. These dimensions are sufficient for vessels of 22 feet beam to pass each other, and none of larger size can enter the Locks. The ordinary depth of the water will be 8 feet.

For the progress of the intervening sections of the Canal which present no particular feature the Directors refer to Mr. Thomas's report. It will be seen by it that the distance of 4 miles and 61 chains from the harbor at the 12 Mile Creek upward, will most probably be completed even before the operations of this season are absolutely closed.—And when this is considered in conjuction with the labor done at the Deep Cut, and the proportion of the work performed along the whole line it cannot but be admitted that immense progress has been made during the last year in this most desirable undertaking.

In regard to the harbor itself, so far as the opinion of several Engineers can be depended upon, and which opinions, it is said, are confirmed by the concurring testimony of Col. Sir James Carmichael Smith, of the Royal Engineers, who visited the work last year, during his tour through this Province—so far also as the judgment of the Directors, unskilled as they certainly are in matters of this kind, can be thought of any value, they are happy to express their belief that there is no good reason to doubt its successful completion.—Great progress is made in it—all that has been done appears to be sufficiently substantial, and they expect early in the next year it will be finished, and present a capacious and secure port, the access to which will have a depth of water of 12 feet.

Reviewing at once the whole of the line now in progress, from the Welland Canal to Lake Ontario, it is estimated that 1,330,704 cubic yards of earth have been excavated, and 202,707 yards of embankment made, besides finishing a culvert of solid masonry, and it is expected that at the end of the present month 10 miles of the Canal will be finished. It appears also by Mr. Thomas's estimate, that on the 1st Nov. last there remained still to be excavated 1,120,534 cubic yards, and 155,445 yards to be embanked. The greater part of the materials for

the locks is in readiness, and also the timber for piers at the harbor.

The erection of buildings, stables, and outhouses necessary in the conduct of so great a work, forms no inconsiderable part of the operation. This labor is surmounted—every section of the Canal is in a state of forwardness, and the clearing and grubbing is now completed.

Many of the contractors commenced late in the season, and yet they had on the 1st of November last excavated 204,176 yards, and embanked 47,262 yards more than remained then to be done; so that unless some unforeseen obstruction occurs there seems every reason to anticipate that the work will be completed, or certainly very nearly so, during the next year.

The full amount of stock being not yet subscribed, the Directors have not proceeded to contract for the western section of the Canal, leading from the Welland to the Grand River, but so soon as the necessary funds are available they will enter upon this part of the work; as it is sufficiently evident that neither the Company nor the public will reap the full benefit of what is now doing until this part of the Canal is also finished.

According to the provisions of the statute passed last year, an arbitration was held at St. Catharines in August last, to determine the amount of damages to be paid by the Company to proprietors of land along the course of the Canal from the Welland to Lake Ontario.—With the exception of a very few individuals (one of whom, and the only one whose claim can be considerable, has since been settled with for the sum of £600.) all persons who can have demands upon the Company, in respect to that portion of the Canal, submitted them to the arbitrators, and a final award has been made, which directs the Company to pay claims amounting in the whole to £1,794.

The Directors cannot close this Report without desiring to pay a just tribute to Mr. Merritt the Agent of the Company, to whose indefatigable exertions, intelligence and uncommon perseverance, displayed from the original conception of the work to the present moment, it would be most unjust not to ascribe, in a great measure, it present encouraging state.

They can best appreciate the difficulties he has had to encounter, and have had the best opportunity of judging of his conduct and motives. Of thelatter they would not take the liberty of speaking, if they were not sensible that injustice has been sometimes done to them, which makes it a duty to declare their entire approbation of Mr. Merritt's proceedings in all that has fallen under their observation.

The Directors have acquired information of several facts tending to demonstrate that an immense intercourse through the Welland Canal must necessarily and speedily follow its completion, and to hold forth every motive both of public feeling and of private interest to the people of this Province, to desire the success of this work, with an ardor which they cannot but remark how small a degree has on this occasion been hitherto exhibited by the inhabitants of the country generally, and even by many who reside in the vicinity of the Canal.

But they do not consider this the proper occasion for entering into detailed calculations necessary to illustrate the value of the object which the Company is endeavouring to obtain.

John H. Dunn, *President.*
W. Allan,
John B. Robinson,
H. J. Boulton,
John Clark, } *Directors.*

York, 18*th December* 1826.

Since the Report was put to press, a most gratifying letter of which the following is a copy, has been received by the President, from Major Hillier, Secretary to His Excellency the Lieutenant Governor, enclosing a copy of a Despatch from the right honorable Earl Bathurst, his Majesty's Provincial Secretary of State, which being communicated at a special meeting of the Board, it was directed that they should be added to the Report, nothing could be more agreeable and more highly satisfactory to the Directors than to have it in their power thus to conclude their Report. By recording another act of the munificence of the British Government extended to this highly favored colony. An act the more gratifying, as it has been entirely unsolicited on the part of the Company, and adds, at a moment when it was unlooked for, the encouraging patronage and support of the Imperial Government, to an undertaking which had before experienced the assistance of the Government and Legislature of this Province.

The Directors have resolved immediately to prefer a petition to the Legislature for the enactments necessary to carry into effect His Majesty's most gracious intentions.

Government House,
21*st December* 1826.

Sir,

I am commanded to convey to you, for information of the Directors and Stockholders of the Welland Canal Company, the enclosed copy of a Despatch from His Majesty's Government, from which I am to assure you His Excellency the Lieutenant Governor has derived the highest gratification: and has charged me to lose no time in communicating it to you.

I have honor to be
Sir,
Your most obedient
humble Servant,
G. HILLIER.

The Hon. J. H. Dunn.

Downing Street,
September 30*th*, 1826.

Sir,

His Majesty's Government having granted the sum of twelve thousand pounds, in aid of the expense of constructing the Lachine Canal in Lower Canada, upon condition that all Boats and Vessels

with Public Stores should be permitted to pass without the payment of any toll or duty; and considering that the Welland Canal, now in progress on the Niagara Frontier, will afford great facility in forwarding Stores to Lake Erie and the upper parts of the Province of Upper Canada, and that by constructing the Locks of the width of 22 ft. it would become a work of much greater public utility. I am to desire that you will acquaint the Directors that His Majesty's Government would be willing to afford the same degree of assistance towards the expense of the Welland Canal which was given to that of Lachine which was about a ninth of the estimated sum required in its completion; and as the estimated expense of the Welland Canal is £147,240, the sum to be contributed by the public for the privilege of forwarding Government Stores &c., would be sixteen thousand three hundred and sixty pounds.

In the event of the Directors agreeing to this proposal, it is necessary that a Provincial Act should be passed, in which the Company shall engage to construct the Locks of the Canal of the width of at least 22 ft., and securing the use of the Canal to all Vessels and Boats, the property of His Majesty; and also to all other Boats and Vessels, when engaged in carrying Government Stores, without the payment of any duty or toll in consideration of the sum of £16,360; to be paid in four equal annual instalments, or sooner, if the Canal should be completed at an earlier period.

I have the honor to be,
Sir,
Your most obedient
Humble Servant,
(Signed) BATHURST.

(A true Copy.)

MAJOR GENERAL
SIR PEREGRINE MAITLAND,
K. C. B. &c. &c. &c.

APPENDIX.

No. 1.

To the President and Directors of the Welland Canal Company.

The subscriber respectfully reports:—

That on Sections No. 1, 2, 3, 4, 5, 6, *which include the Deep Cut*, there has been excavated 692,699 cubic yards and there remains to be done 796,021 cubic yards, which at the contract price, will amount to £60,878 15s.

One half of the Section No. 1, (66. 71 chains in length) is finished and the other half is cut within 5 feet of *bottom*. The remainder of these Sections (1 mile 55 chains) is excavated to the average depth of 18 feet, and another year will be required for its completion. Nothing unfavorable has occurred during the progress of the work.

On Sections No. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, extending down to the *first Lock*, 233,812 cubic yards have been excavated, 67,365 cubic yards have been embanked and a culvert of 307 perches of Masonry, constructed. The contract prices for 174, 679 cubic yards of excavation and 26,500 cubic yards of embankment yet remaining to be done, will be £5,532.

Of this part 2 miles 75 chains are *bottomed*. On the remainder (1 mile 18 chains) the grubbing is chiefly done, and but a small part of the ground is unbroken.

The distance from *the first Lock* down to St. Catharines includes 14 Sections. On these 252,329 cubic yards have been excavated, and 28,327 cubic yards embanked. To finish them, 135,710 cubic yards of excavation, and 104,745 cubic yards of embankment will be required with the sum of £7,286 17s.

Only 58 chains of this part are finished.—Of the remainder, 1 mile and 49 chains are unbroken; and about one-third of the work on 2 miles and five chains is done, with all the grubbing, except half a mile.

On this part, 32 locks are located. Of 4 locks, two-thirds of the work is done; and of the remaining 28 Locks, two-thirds of the timber is delivered.

To render the Locks more permanent it has been deemed proper to have *hollow quoin posts, braces, lining in the chambers, an increase of iron about the paddle gates and culverts, an extension of the mitre sills, a greater depth for the upper gates, and an additional foot to the height of the lock walls.* These *Extras* on all the Locks, with the encreased dimensions of those below St. Catharines, added to the contract prices will amount to £5,991 2s. 11d.

Between St. Catharines and Lake Ontario, there has been done 151,864 cubic yards of excavation and 107,015 cubic yards of embankment. There remains 20,124 cubic yards to be excavated, and 24,200 cubic yards to be embanked which will require £5,300 including the expense of the harbor, the extension of the Piers, and the excavation between them into 12 feet water.

On this part three Locks were located, which will probably be completed in a month. The distance of 4 miles and 61 chains are nearly finished and 25 chains are yet to be embanked, but it is intended to finish the whole this season with the exception of the harbor.

DAVID THOMAS,
Principal Engineer.

ST. CATHARINES,
November 11*th*, 1826.

No. 2.

Names of the Contractors on the Welland Canal, with the Sections opposite thereto. The Sections are numbered from the River Welland, and vary in length according to the depth of cutting and amount of work.

SECTIONS.	CONTRACTORS.
Nos. 1, 2, 3, 4, 5, 6, the Deep Cut, ...	Messrs. Beach, Ward, and Hovey.
" 7, ...	" Kennedy & Co.
" 8, ...	James Simpson.
" 9 and 10, ...	Hall Davis.
" 11, 12, 15, 16, 20, 24, and 25, ...	Messrs. Wallace, Bell, Thomas Griffiths, William Richardson, Nicholas Walton and Joseph Carr.
" 13, ...	William Simpson.
" 14, 17, 18, 19, 21, and 22, ...	Messrs. John Gooding, Levi Taylor, Richard Hathaway, & — Sayer.
" 23, ...	James Simpson.
" 26, and 27, ...	Messrs. Davis & Simpson.
" 28, ...	" Hanan & Co.
" 29, and 30, ...	" Houg & Co.
" 31, ...	" Davis & Simpson.
" 32, ...	" Goodling, Houg, Biglow & Jones.
" 33, ...	" Porter & Donaldson.
" 34, ...	John Tenbroeck.
" 35, ...	Messrs. Beach, Ward, and Hovey.
The Harbor, ...	" Beach, Ward, and Hovey.
The Locks, ...	" Oliver, Phelps, & Co.

W. H. MERRITT,
Agent, W. C. C.

No. 4.

REPORTS OF DAVID THOMAS.

May 12th, 1826.

To the President and Directors of the Welland Canal Company.

The Subscriber respecting the works on the line of said Canal,

Respectfully Reports,

That from the state in which the work was found, it will require one month at least to have it staked and laid out in proper order by the resident Engineer who will want two assistants besides rod men, probably during the season and it is most certainly for the interest of the Company to employ them.

The alterations recommended at this time, are

1st. To remove the Lock at the Harbor a few feet to the east to avoid excavating a high bank.

2nd. To give the Canal below the tow path a slope of 2 to 1, to save the excavation of a solid angle (or prism) which experience has shewn to be speedily filled again by the scouring of the *under tow*, or recoiling of the water.

3rd. To shorten the land-ties of the Locks under water to save excavation in the Lock-pit.

4th. To place the upper gates below the top water line of the lower level so that Lock culverts may be dispensed with by discharging the water for filling the Lock through the gates and to prevent the drifting of sand or gravel over the miter-sill.

From the late arrival of the resident Engineer I regret that it is not in my power to make a full report of all the operations at this time.

DAVID THOMAS.

St. Catharines, *5th mo., 12th*, 1826.

No. 5.

June 13th, 1826.

To the President and Directors of the Welland Canal Company.

The Subscriber respectfully Reports:

That since the middle of last month, Alfred Barrett, the resident Engineer, has made a careful estimate of the work performed, throughout the line of said canal; and by great and mutual exertion is reducing the work to order, and the business of his department to a regular sysem. He is fully competent to the charge, and his services have been very satisfactory.

The slopes of the Deep Cut above the tow path are at an angle of 45°. These are steeper than it has been usual to cut canals, but the clay is so firm, that the frosts and rains of two seasons have occasioned no slips worthy of notice. The tow path on one side, and the berm or recess on the other, will receive the earth that crumbles or washes down, which may be cheaply removed in boats when the canal shall be completed.

With a velocity of half a mile an hour, nearly 10,000 cubic feet of water per minute will pass through this section of the canal, and furnish an ample supply for hydraulic purposes.

The dimensions now proposed are 26 feet on the bottom, with slopes of 2 to 1 up to the tow path; and a breadth of 56 feet on the top water line—this is sufficient for vessels of 22 feet beam to pass each other, and no larger can enter the locks.

The prices agreed to be paid to each contractor on the line of the Canal, have been examined by the subscriber, and he has no hesitation in saying that should the work be finished, for the prices, it will be cheaper than any similar work on the Erie Canal.

It affords him much satisfaction that the Deep Cut, the most important part of the work, is in the hands of contractors of acknowledged abilities and experience; and whose plan of operations, combining expedition with economy, is, perhaps unequalled. The

construction of the locks requires great care, attention, and ingenuity; and their management could not be placed in better hands. In short, from his personal knowlege of most of the contractors on the line, he is confident that no better selection could be made.

Particular attention has been paid to procuring at the proper season, the timber for constructing the locks; the labor of the contractors have been directed to such points as first require excavation and embankment; and the estimate for last month shews that the works are advancing with rapidity.

The line of the canal is very favorably and singularly situated for combining an extensive navigation with hydraulic advantages. Another prominent feature of this work is the descent of the mountain ridge by a succession of single locks placed at sufficient distances from each other to admit the passing of vessels without detention, or the hazard attending a combination of locks. The harbor is in a state of forwardness, and will be commodious, extensive, and safe.

DAVID THOMAS,
Principal Engineer.

St. Catharines, 6 mo. 13th, 1826.

AUGUST, 11th 1826.

To the President and Directors of the Welland Canal Company.

THE SUBSCRIBER RESPECTFULLY REPORTS:

That the work on the line of the said Canal is continued with vigor.—From the estimates of the resident Engineers, it appears that more than *six hundred thousand* cubic yards have been excavated at the DEEP CUT, which is but little less than one half of the whole quantity required; and affords a well grounded hope, that this most important part, requiring the most labor on the least space, may be easily finished next season.

From the Deep Cut to St. Catharines, a distance of 8¼ miles, nearly *two hundred and forty-one thousand* cubic yards of excavation and embankment have been completed.—Three lock and waste weirs, on this part of the line will soon be finished.

From St. Catharines to the harbor (nearly 5 miles) more than *one hundred and forty thousand* cubic yards have been excavated and embanked. This part of the line will probably be finished in two or three months. The west branch of the Twelve Mile Creek will serve as a feeder, and enable vessels, or rafts of timber for the contractors, to ascend from Lake Ontario, through three locks to this village.

No difficulty or obstruction has occurred. The value of the work done, well justifies the expenditure, and from the experience had during its prosecution, there is reason to believe that the contracts may be completed with few exceptions at the stipulated prices.

DAVID THOMAS,
Principal Engineer.

St. Catharines, August 11., 1826.

No. 7.

Proceedings of the Board of Arbitrators appointed under the Provincial Statute 4th Geo. 4th cap. 17th, to adjust certain differences between the Welland Canal Company and the proprietors of certain lands on the Line of the Canal.

ST. CATHARINES,
August 22d, 1826.

The Arbitrators having assembled, pursuant to notice, and the Directors and Agent of the Company on the one hand and the respective parties on the being present, the following Indenture of submission was prepared for execution:—

This Indenture, made the twenty-third day of August, in the year of Our Lord one thousand eight hundred and twenty-six, between Nathan Pawling, of the first part, James Gordon, of the second part, William May, of the third part, Robert Brown, of the fourth part, Peter May, of the fifth part, William Ball, of the sixth part, Jacob Ten Broeck, of the seventh part, John Ten Broeck, of the eighth part, Job Northrup, of the ninth part, Adam Gould, of the tenth part, Thomas Merritt and William Hamton Merritt, of the eleventh part, John Hainer, of the twelfth part, John Clendenning, of the thirteenth part, William Chisholm, of the fourteenth part, William C. Chase, of the fifteenth part, the widow Elizabeth Shipman, of the sixteenth part, Elias S. Adams, of the seventeenth part, William Sanderson, of the eighteenth part, the widow Isabella Stewart, of the nineteenth part, Jonathan Clendenning, of the twentieth part, Hannah Secord, of the twenty-first part, Francis Parnell, of the twenty-second part, Zachariah Rycart, by his Agent, George Havens, of the twenty-third part, John Soper, of the twenty, fourth part, Alexander Nickson, of the twenty-fifth part, Robert Detrick, of the twenty-sixth part, Oliver Phelps, of the twenty-seventh part, Jacob Ball, of the twenty-eighth part, Thomas Kerr, of the twenty ninth part, the widow Elizabeth Ball, of the thirtieth part, William Yule, of the thirty-first part, Peter Van Every, of the thirty-second part, Luke Carroll, of the thirty-third part, Jacob Bowman, of the thirty fourth part, George Marlatt, of the thirty fifth part, Andrew Wilson, of the thirty-sixth part, Hall Davis, of the thirty-seventh part, Jeremiah Atley, of the thirty-eighth part, Samuel Swayze, of the thirty-ninth part, Garrett Vandeburgh, of the fortieth part, John Carl, of the forty-first part, John Brown, of the forty second part, John Ten Broeck, of the forty-third part, & "The Welland Canal Company," of the forty-fourth part. *Whereas,* by an Act of the Parliament of the Province of Upper Canada, passed the nineteenth day of January, in the year of Our Lord one thousand eight hundred and twenty-four for the incorporation of certain persons under the name of the said Welland Canal Company, it was amongst other things enacted, that the Directors of the said Company should have full power and authority to explore the country lying between the River Welland in the District of Niagara and Lake Ontario, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, with its necessary locks, tow-

ing paths, basons, and Railways, to connect the River Welland with Lake Ontario, and also to select such convenient sites for such and so many mills, manufactories, warehouses, and other erections as might be required by the said Company for the purposes thereof, and to purchase the same to and for the said Company, *Provided* that nothing therein contained should compel the owner of any mill-seat to sell, convey, or otherwise depart with the same to the said Company; and also that in case the owner or owners, occupier or occupiers of any mill seats on the line of the said Canal or within five hundred yards thereof, consider the same in any manner injured, or the value thereof in any way depreciated from the erection of rival establishments, or from any other cause growing out of the cutting and making the said Canal, and for the compensation of which no provision should be made by that Act, it should and might be lawful for the said Company, and they are thereby required to purchase the same at a fair valuation founded on an average of former years, to be ascertained by Arbitrators as thereinafter provided to ascertain the value of Lands and tenements to be purchased, or the amount of damages in any case sustained. And also that the Directors of the said Company should be, and they are thereby empowered to contract, compound, compromise and agree with the owners and occupiers of any land through or upon which they might determine to cut and construct the said intended Canal and appurtenances—either for the absolute purchase of so much of the said land as they should require for the purposes of the said Company or for the damages which he, she, or they should and might be entitled to recover from the said Company in consequence of the said intended Canal, &c. being cut and constructed in and upon his, her, or their respective lands.—And that in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid it should and might be lawful from time to time as often as the said Directors should think fit, for each owner or occupier so disagreeing with the said Directors either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the said Directors to nominate and appoint an equal number of indifferent persons, who together with one other person to be elected by ballot by the said persons so named, shall be Arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same—the award of a majority of whom shall be final. And whereas, also by a certain other Act passed in the thirtieth day of January last past, entitled "an Act to repeal parts of, and to explain and amend the several Acts of this Province relating to the Welland Canal Company"—it is amongst other things enacted that the value of any Mill Seat or tract of Land which the said Company should be authorised to purchase for the purposes of Machinery should be ascertained in case of disagreement by Arbitrators in the same manner as the value of Land is to be assessed through which the said Canal should pass—and that the said Arbitrators should be also empowered to decide whether the Mill Seat or site, or other machinery desired by the said Company is such as the person owning the same could be compelled to part with to the said Company, and that the said Arbitrators so to be appointed as aforesaid, should and might and they are thereby authorised and required in assessing the value of any lands or tenements, of any person or persons proposed to be purchased by the said Company, or the amount of damages to be paid by the said Company to any person or persons under the provision of the seventh clause of the said, first in part recited Act to take into their consideration the advantages likely to accrue as well as the injury or damage occasioned to lands or tenements by reason of the said Canal. And also that all matters of disagreement or dispute to be settled or determined by Arbitration, under the provisions of the said seventh clause of the aforesaid Act should be referred to Arbitrators as therein provided, so that the award or awards of such Arbitrators might be made, published and declared, on or before the first day of September now next ensuing. And whereas some disagreement hath taken place between the Directors of the said Company and the respective parties to these presents (the said parties to these presents respectively being the respective owners and occupiers of certain lands and tenements required by the said Company for the line and boundaries of the said Canal, and for sites for Mills, Manufactories, Warehouses and other erections, for the purposes thereof,) both as respects the value of such lands and premises as the said Company is desirous of actually purchasing, as well as the damages which the said parties respectively may be entitled respectively to recover from the said Company in consequence of the said Canal and appurtenances, according to the provisions of the said in part recited Acts. And whereas for settling and determining the value of such lands, tenements, and premises, as well as such damages aforesaid, and all other matters between the said respective parties to these presents and the said Company to be settled, adjusted, and determined by Arbitration, according to the provisions of the said in part recited Acts, and the true intent and meaning thereof, the said parties to these presents have severally and respectively agreed to refer the same premises to Arbitration, and to nominate and appoint Arbitrators in that behalf, according to the purport, true intent and meaning of the said Acts. NOW this Indenture witnesseth, that in pursuance of the premises aforesaid, and for the purposes aforesaid the said parties to, and executing these presents have, and each of them respectively hath nominated, constituted and appointed their several and respective Arbitrators in the premises aforesaid as follows:—That is to say the said Nathan Pawling doth hereby nominate, constitute and appoint Henry Mettleberger as his Arbitrator, and the said Welland Canal Company do hereby nominate and appoint Grant Powell Esquire the Arbitrator of the said Company in the premises. The said James Gordon hereby nominates, constitues, and appoints James Clowes as his Arbitrator, and the said Company hereby appoint Alexander Wood, Esquire, as their Arbitrator in the premises aforesaid. The said William May hereby nominates and appoints Chauncey Beadle as his Arbitrator, and the said Company hereby appoint Samuel Peters Jarvis Esquire, as their Arbitrator in the premises aforesaid. The said Robert Brown hereby nominates and appoints Abraham Nelles Esquire, as his Arbitrator, and the said Company hereby appoint James Black, Esquire, as their Arbitrator in the premises

aforesaid. The said Peter May hereby nominates and appoints Richard Woodruff as his arbitrator, and the said Company appoint James Black as their arbitrator in the premises aforesaid. The said William Ball doth hereby nominate and appoint Abraham Nelles as his arbitrator, and the said Company hereby appoint Grant Powell as their arbitrator in the premises aforesaid. The said Jacob Tenbroock hereby nominates and appoints Thomas Butler, Esquire, as his arbitrator, and the said Company hereby appoint Crowell Willson Esquire, as their arbitrator in the premises aforesaid. The said Job Northrup hereby nominates and appoints Samuel Street Esquire, as his arbitrator, and the said Company hereby nominate and appoint Hon. J. B. Macaulay as their arbitrator in the premises aforesaid. the said Adam Gould hereby nominates and appoints George Ball as his arbitrator, and the said Company hereby nominate and appoint Samuel Street as their arbitrator in the premises aforesaid. The said Thomas Merritt and William H. Merritt hereby nominate and appoint Marshal Lewis as their arbitrator, and the said Company hereby nominates and appoints William Smith as their arbitrator in the premises aforesaid. The said John Hainer hereby nominates and appoints Samuel Street as his arbitrator, and the said Company hereby appoints Alexander Wood as their arbitrator in the premises aforesaid. The said John Clendenning hereby nominates and appoints Thomas Butler as his arbitrator, and the said Company hereby appoint Samuel P. Jarvis as their arbitrator in the premises aforesaid. The said William Chisholm hereby nominates and appoints Samuel Street as his arbitrator, and the said Company hereby nominate and appoint Alexander Wood as their arbitrator in the premises aforesaid. The said William C. Chase hereby nominates and appoints Henry Mettleberger as his arbitrator, and the said Company hereby nominate and appoint Grant Powell as their arbitrator in the premises aforesaid. The said Widow Elizabeth Shipman hereby nominates and appoints Samuel Street as her arbitrator, and the said Company hereby appoints Alexander Wood as their arbitrator in the premises aforesaid. The said Elias S. Adams hereby appoints Richard Woodruff as his arbitrator and the said Company hereby appoint John Willson Esquire, as their arbitrator in the premises aforesaid. The said Widow Isabella Stewart hereby appoints Richard Woodruff as her arbitrator, and the said Company hereby appoint Thaddeus Davis as their arbitrator in the premises aforesaid. The said Jonathan Clendenning hereby nominates and appoints Samuel Street as his arbitrator, and the said Company hereby appoint Alexander Wood as their arbitrator in the premises aforesaid. The said Hannah Secord hereby appoints Samuel Street as her arbitrator, and the said Company hereby appoints Alexander Wood as their arbitrator in the premises aforesaid. The said Francis Parnell hereby appoints Richard Woodruff as his arbitrator, and the said Company hereby appoint Thaddeus Davis as their arbitrator in the premises aforesaid. The said Zachariah Rykert hereby appoints George Havens as his arbitrator, and the said Company hereby appoint Hugh Willson as their arbitrator in the premises aforesaid.—The said John Soper hereby appoints George Havens as his arbitrator and the said Company hereby appoint Hugh Willson as their arbitrator in the premises aforesaid—the said Alexander Nickison hereby appoints Richard Woodruff as his arbitrator and the said Company hereby appoints S. P. Jarvis as their arbitrator in the premises aforesaid—the said Robert Dettrick hereby appoints Thomas Butler and the said Company hereby appoints Samuel P. Jarvis as their arbitrator in the premises aforesaid—the said Oliver Phelps hereby appoints Thomas Butler as his arbitrator and the said Company hereby appoint Samuel P. Jarvis as their arbitrator in the premises aforesaid—the said Jacob J. Ball hereby appoints James Durham as his arbitrator and the said Company hereby appoint Jacob Keefer, Esq., as their arbitrator in the premises aforesaid—the said Thomas Kerr hereby appoints Richard Woodruff as his arbitrator and the said Company hereby appoints Grant Powell, as their arbitrator in the premises aforesaid—the said widow Elizabeth Ball hereby appoints Richard Woodruff as her arbitrator and the said Company hereby appoint John Willson as their arbitrator in the premises aforesaid—the said William Yule hereby appoints Richard Woodruff as his arbitrator and the said Company hereby appoint John Willson as their arbitrator in the premises aforesaid—the said Peter Van Every hereby appoints Richard Woodruff as his arbitrator and the said Company hereby appoint John Willson as their arbitrator in the premises aforesaid—the said Luke Carroll hereby appoints George Shaw as his arbitrator and the said Company hereby appoint James B. Macaulay as their arbitrator in the premises aforesaid—the said Jacob Bowman hereby appoints Samuel Theal as his arbitrator and the said Company hereby appoint John Warren, Esquire, as their arbitrator in the premises aforesaid—the said George Marlatt hereby appoints George Lacey as his arbitrator and the said Company hereby appoint Robert Nelles as their arbitrator in the premises aforesaid—the said Hall Davis hereby appoints Samuel Street as his arbitrator and the said Company hereby appoint Alexander Wood as their arbitrator in the premises aforesaid—the said Jeremiah Atley hereby appoints William McClellan as his arbitrator and the said Company hereby appoint Thaddeus Davis as their arbitrator in the premises aforesaid—the said Samuel Swayze hereby appoints Samuel Street as his arbitrator and the said Company hereby appoint Alexander Wood as their arbitrator in the premises aforesaid—Garrett Vandeburg hereby appoints John Hill as his arbitrator and the said Company hereby appoint Edward McBride Esquire, as their arbitrator in the premises aforesaid—the said John Carl hereby appoints John Hill as his arbitrator and the said Company hereby appoint Thaddeus Davis as their arbitrator in the premises aforesaid—the said John Brown hereby appoints Samuel Street as his arbitrator and the said Company hereby appoint Alexander Wood, Esquire, as their arbitrator in the premises aforesaid—the said William Sanderson hereby appoints Richard Woodruff as his arbitrator and the said Company appoint Samuel P. Jarvis as their arbitrator in the premises aforesaid,—And the respective parties to these presents respectively do hereby covenant, promise, and agree, well and truly to stand to, obey, abide by, observe, perform, fulfil, and keep the award, order, arbitrament, and final determination of the said above named arbitrators and the persons to be appointed by them pursuant to the said Act first above recited or the majority of them according to the terms and provisions of the

said Act touching and concerning all and every such matters and things respectively herein before mentioned as shall be submitted to the said arbitrators under the provisions of said in part recited Acts, and be in difference between the said parties to these presents respectively and the said Welland Canal Company—it hereby being fully declared, understood and agreed by and between the parties to these presents respectively that (without any separate or specific explanation thereof by and in this submission) that all matters of disagreement or dispute by and between the said respective persons, parties, to and executing these presents and the said Company to be settled is determined by arbitration according to the provisions of the hereinbefore in part recited acts of what nature or kind soever shall be and are hereby agreed to be referred to the arbitrators hereinbefore appointed and the person to be appointed by them according to and in compliance with the provisions of the said in part recited Acts and the true intent and meaning thereof.—And it is also agreed by and between the said parties to these presents that these presents and the submission hereby made of the premises aforesaid shall be made a rule of His Majesty's Court of King's Bench for the Province of Upper Canada, pursuant to the statute in that behalf.

In witness whereof the parties to these presents have hereunto respectively set their hands and seals, and the said Company the seal of the said Company, the day and year first above written—and the undersigned Directors have hereunto also put their respective hands on the part and behalf of the said Company.

Garret Vanderburg,	[L. S.]	Isabella Stewart,	[L. S.]
William May,	[L. S.]	Hall Davis,	[L. S.]
his		Jon. H. Clendennen,	[L. S.]
Robert ⋈ Brown,	[L. S.]	Jeremiah Adley,	[L. S.]
mark		F. G. Parnell, by	[L. S.]
his		Wm. E. Parnell	
Peter ⋈ May,	[L. S.]	Alex'r Nickerson,	[L. S.]
mark		Robert Dittrick,	[L. S.]
his		Oliver Phelps,	[L. S.]
Jacob ⋈ TenBroeck	[L. S]	Jacob J. Ball,	[L. S.]
mark		Thomas Kerr,	[L. S.]
John TenBroeck,	[L. S.]	Wiliam Youell,	[L. S]
J. Northrup,	[L. S.]	Luke Carrell,	[L. S.]
Adam Gould,	[L. S.]	his	
Tho's Merritt, &	[L. S.]	Jacob ⋈ Bowman,	[L. S.]
Wm. H. Merritt,		mark	
John Clendennen,	[L. S.]	George Marlatt,	[L. S.]
W. Chisholm,	[L. S.]	Samuel Swayze,	[L. S.]
Wm. C. Chace,	[L. S.]	his	
John Brown,	[L. S.]	Andrew ⋈ Willson,	[L. S.]
Wm H. Sanderson,	[L. S.]	mark	

For the Welland Canal Company.

Directors, { John H. Dunn, *Pres't,* John Clark, Wm. H. Merritt, George Keefer,

Canal Welland Upper Canada L S

Witnesss to signature of Peter May,	John Cairl,	[L. S.]
	his	
	Peter ⋈ May,	[L. S.]
	mark	
John G. Spragg.	N. Pauling,	[L. S.
	his	
Witness to the Signature of John Hainer,	John ⋈ Soper,	[L. S.]
	mark	
William Merritt.	John Hainer,	[L. S.]

We the undersigned arbitrators within named by this memorandum in writing, under our hands made before entering upon the within mentioned arbitration, ballotted for an indifferent person according to the act in that behalf, and the Honorable Thomas Clark upon such ballot being appointed, we do hereby nominate and appoint the said Thomas Clark the person to whom, together with ourselves, the said within mentioned matters in difference between the parties within respectively mentioned shall be referred according to the statute in that behalf.—In witness whereof we have hereunto set our hands, this 23rd day of August, 1826.

A. Nelles,	Crowell Willson,
T. Butler,	Samuel P. Jarvis,
Samuel Street,	James Black,
Geo. Ball,	J. B. Macaulay,
Marshal Lewis,	Wm. Smith,
Richard Woodruff,	Jacob Keefer,
James Durham,	Robert Nelles,
George Shaw,	Thaddeus Davis,
James Theal,	Edward McBride,
George Lacey,	Alexander Wood,
H. Mittleberger,	J. Warren,
John Hill,	G. Powell.
Wm. McClellan,	

Upper Canada, District of Niagara. } Be it remembered that on the twenty third day of August, in the year of our Lord one thousand eight hundred and twenty six, before me George Adams, Esquire, one of His Majesty's Justices of the Peace, in and for the said District of Niagara,

PERSONALLY APPEARED,

Abraham Nelles,	Samuel P. Jarvis,
Thomas Butler,	James Black,
Samuel Street,	Crowell Willson,
George Ball,	James B. Macaulay,
Marshal Lewis,	William Smith,
Richard Woodruff,	Jacob Keffer,
James Durham,	John Warren,
George Shaw,	Robert Nelles,
Samuel Theal,	Grant Powell,
George Lacey,	Thaddeus Davis,
Henry Mettleberger,	Edward McBride,
William McClellan,	Alexander Wood,

(John Hill, affirmed.)

Arbitrators appointed under the authority of an Act of the Parliament of this Province, passed the nineteenth day of January, in the year of our Lord 1824, for the incorporation of certain persons under the name of "The Welland Canal Company," and each of them for himself, before me, took the following Oath in pursuance of the said Act.

I do swear that I will according to the best of my judgment well and truly assess the damages between the parties on behalf of whom I am an Arbitrator, under the provisions of the Statute of the Province of Upper Canada, passed the nineteenth day of January, in the year of our Lord one thousand eight hundred and twenty four, entitled "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company."

(Signed,) So help me God.

Geo. Adams, J. P.
Grantham.

The undernamed Arbitrators having been duly appointed under the Welland Canal Act, and having met at St. Catharines, the 23rd August 1826, took the Oath required by the Statute, before George Adams Esquire, when they proceeded to ballot for a colleague, according to the terms of the Act, and thereupon appointed the Honorable Thomas Clark, to whom a communication was forthwith despatched.

Grant Powell, Esq. being appointed to preside pro. tem., it was *Resolved*, that the Umpire should preside on his arrival, and

Resolved, That Mr. Macaulay do act as Secretary, and that the Arbitrators do now adjourn till ten o'clock tomorrow morning, at which time Mr. Clark is expected to attend.

ARBITRATORS PRESENT.

1. Abra'm. Nelles, Esq.	1. Saml. P. Jarvis,
2. Thomas Butler,	2. James Black,
3. Samuel Street,	3. Crowell Willson,
4. George Ball,	4. James B. Macaulay,
5. Marshall Lewis,	5. William Smith,
6. Richard Woodruff,	6. Jacob Keffer,
7. James Durham,	7. John Warren,
8. George Shaw,	8. Robert Nelles,
9. Samuel Theal,	9. Grant Powell,
10. George Lacey,	10. Thaddeus Davis,
11. Henry Mittleberger,	11. Edward McBride,
12. John Hill,	12. Alexander Wood,
13. Wm. McLellan,	

Hon. Thomas Clark.

Thursday, 24*th August* 1826.

The Arbitrators met—all present.

Mr. Street reported that Mr. Clark had not returned to this District, and that he could not therefore be served with notice of his appointment.

Mr. Warren moved that the Arbitrators present should proceed to business, there being a majority of the whole—seconded by Mr. Crowell Willson.

Carried nem. con.

Mr. Jarvis proposed that a set of general interrogations should be drawn up for each owner and witness, to be propounded through the Chairman—and that all questions should be put through the Chair—seconded by Mr. Macaulay.

Carried.

The following interrogatories were then adopted—

1. What is the number of your Lot and of the Concession?

2. What quantity thereof is required for the Canal?

3. What is the nature of the Land—wild or cleared?

4. What is the nature of the soil?

5. In what proportions or how is the Lot or parcel of Land owned by you, separated or divided by the Canal?

6. How long have you been occupier of, and what price did you give for the premises?

7. At what do you value your Lot per acre at present?

8. At what sum did you value it 5 or 6 years ago?

9. At what sum did you value it when the Canal was at first projected in 1824?

10. Has the Canal added to the value of your Lands—that is, could you in consequence of the Canal obtain a higher price for it than you could have done had the Canal not been undertaken?

11. Has the Canal been of any advantage to your Land, if so in what respect and to what extent?

12. Has the Canal been of any disadvantage to your lands—if so, in what respect, and to what extent?

13. Do you apprehend any disadvantage from the Canal not yet experienced—and if so, explain in what respect and to what extent?

14. Are the disadvantages so great to you that you would prefer the route of the Canal being changed rather than its following the present line assuming that you were to obtain no other remuneration for your property than the advantages which might accrue from the Canal?

15. Do you as a general question consider property situated on the banks of a Canal or other navigable water of more or less value than lands of similar quality in situations more remote—say retired from 10 to 12 miles?

16. If your land is divided by the Canal what do you suppose it would cost you to erect and keep in order a bridge over it or otherwise by means of a boat or scow to connect the farm?

17. Does the Canal by raising the waters upon low or marshy lands in the vicinity of your premises improve the health of the situation and thereby prove beneficial to you?

18. Did you before the projection of this Canal consider lands of similar quality on the Niagara River or near the town of Niagara, of greater value than lands on the 12 mile creek, and if so, why?

19. Will the Canal enable you to irrigate any of your lands—and will you enjoy advantages thereby?

20. Do you consider the advantages of the waters of a navigable Canal passing through your farm equivalent to the loss of soil occasioned there by?

21. Is your farm well supplied with water independent of the Canal?

22. What distance have you hitherto in the dry seasons of the year had to drive your cattle for water?

23. Can you obtain a supply of water more conveniently since the Canal has passed through your farm?

24. Have you any springs on your farm contiguous to the Canal, and will they be injured or entirely destroyed by the rise of water?

25. Did you petition for or remonstrate against the Canal originally,—and if so would you have done so had it been at first designed for sloop navigation?

26. Are you disposed to sell to the Company that part of your farm cut off by the Canal? and at what rate?

Mr. Macaulay moved, seconded by Mr. Crowell Willson, that the arbitrators should view the several

parcels of land, &c., to be arbitrated upon, and examine the owners, or occupiers as well as the agent of the Company and any witnesses produced upon the premises respectively.

Carried.

Mr. Jarvis moves, seconded by Mr. Butler, that the Arbitrators should proceed to the Dalhousie Harbor to enter upon their duties.

Carried.

The Arbitrators then proceeded to explore the line of the Canal from Dalhousie Harbor to St. Catharines and examined Mr. Pawling and Mr. Brown.

NATHAN PAWLING *sworn by* A. NELLES, ESQ.

The Interrogatories being put, deponent answered as follows:—

1. Lot No. 1, part of broken front or 1st Concession Grantham.

2. Supposes 40 acres.

3. Covered with water principally—all but that required for the Lockage.

4. Soil of the dry part principally sand excepting a part of the Hill removed to make embankments.

5. About 8 acres of sandy beach divided from the arable land not fit for cultivation.

6. Has resided on the premises about 9 years—received of his father.

7. Has sold some of the upland adjoining the lock from 140 to 800 dollars per acre.

8. Valued at about 10 or 15 dollars an acre—would have asked more for a small piece than a quantity.

9. At 10 or 15 dollars taking the farm generally.

10. Certainly could obtain a higher price for it although he has never offered to sell the whole in a body.

11. Has been of great advantage—has raised the price of the land a good deal, cannot say to what extent.

12. Has taken off a small portion of the land, but otherwise of great advantage.

13. He does not.

14. Certainly not.

15. If not much injured by the Canal must be of advantage.

16. Does not apply to his premises.

17. He thinks so.

18. He believes generally considered so because nearer a market.

19. No.

20. He does.

21. It is.

22. The same as at present—to the lake.

23. Not applicable.

24. One or more—one frequently used.

25. Did not originally petition, but was always a warm supporter of it. Does not know that his interest would be affected by one kind of navigation more than another. Probably a boat navigation would be of most advantage to his property.

26. If used for buildings, &c. for the Company, has no objection to sell at a fair valuation all required. As to the eight acres not disposed to sell, except such as may be actually required for the Company—supposed to be about half an acre—that is, less than an acre.

ROBERT BROWN *sworn*.

1. Cannot tell—is composed of broken fronts and bound by the channel of the creek.

2. Supposed to be upwards of 50 acres—none is required for the construction of the Canal, but overflowed by back water.

3. Marsh and meadow—more than half marsh.

4. Rich meadow to a certain extent.

5. The back water will cut off 26 acres of wild land susceptible of cultivation; also another piece of 36 acres—the first piece, called the island, is sometimes surrounded when the marsh is high.

6. Six years. Exchanged for a farm on the 10 Mile Creek, receiving $65 to boot—valued it at about $3000.

7. Has never fixed any value—would not take $150 an acre for his meadow land.

8. Offered to sell it for £1000 currency at that time.

9. Has lately offered it for $400, sensible the Canal will be of disadvantage.

10. Thinks he cannot get as much—Canal has not added to the value of the land.

11. No.

12. Had to open a lane for a road to the harbour. Had to throw down fences, and thereby a part of his upland is yet common. The exposure of the fields has caused loss of apples, &c. Now has orchard secured. Fences moved by neighbors at a bee. Cannot say what his damage is—lost 200 bushels apples. Does not think he would have cultivated the land now common. Paid $10 for making rails.

13. No—except the overflowing already spoken to.

14. Would rather the Canal should go in another direction.

15. Personally he would rather live from off the line of the Canal.

16. Can form an idea—supposes £25 would make a good permanent bridge to the island. Could not for £100 make the other.

17. Thinks he will be injured—that lands now dry will be made marshy, and oblige him to erect his new house in a different place from that he originally intended.

18. He would rather have a farm of equal value on the 12 Mile Creek.

19. No.

20. No.

21. Yes—has very good springs.

22. None.

23. No.

24. Has springs, but they will not be affected.

25. Was neither for nor against it.

26. Yes—whatever it was worth—say £5 an acre. To a question of Mr. Merritt's, says, if the water is embanked out of the meadow, he, of course, claims no damage for the land so secured.

The arbitrators having explored the line of Canal from the Harbour to St. Catharines—

Adjourned till eight o'clock, A. M., of the morrow.

FRIDAY, *August* 25, 1826.

The Board of arbitrators met.

ABSENT:

William M'Clellan and Jacob Keefer, but who afterwards joined the Board.

The Arbitrators proceeded to examine claimants.

ADAM GOULD *sworn.*

1. Does not know.

2. Six acres of meadow, and another small tract.

3. Meadow land.

4. Ditto.

5. The lot is not divided, but a part of the front is taken.

6. Inherits the lot—owned it about a year.

7. Never fixed a price—values meadow at $125 per acre.

8. Cannot say what his father then valued it at.

9. Did not then own it.

10. It has not—does not think it would sell for so much now as if the Canal had not passed by it.

11. No.

12. It has deprived him of the meadow above mentioned. Does not know whether the water will be equally accessible.

13. Loses the pasture, and apprehends about two acres of meadow more will be overflowed. Has this year been deprived of a field on the side hill—about ten acres—the want of it considerable damage—intended for pasture—expects another field (meadow) to be opened for drawing timber—has another pasture—has 30 head of cattle he thinks—estimates his damages by loss of side hill field at $40—cattle run in the woods and are not in as good condition as they would have been had he not been deprived of his pasture.

14. Would prefer its going in another direction—does not see that the Canal is of any benefit to him.

15. Does not think a navigable water would enhance the value.

16. Not applicable.

17. No.

18. Cannot say.

19. Not applicable.

20. No—could take flour in boats before.

21. Yes.

22. Not applicable.

23. No.

24. No.

25. Did not petition—believes his father did not—he disapproved of it.

26. Not applicable.

General—The meadow used to yield two tons an acre—never took to market—average price of hay $10—could not fence in the field—hill was 100 steep.

JACOB TEN BROECK *sworn.*

1. Part of 22 and 23—3rd Concession Grantham.

2. About 40 acres, including lands likely to be damaged.

3. Meadow.

4. Ditto.

5. There are two farms, and the communication will be cut off—he owns one farm and his son the other—live together—he lives on his son's farm.

6. Possessed by the family since 1783—Inherited by witness both farms.

7. Values his farm (265 acres) at $6000.

8. At the same sum.

9. Ditto do.

10. Would sell it for less now than before—loses so much meadow.

11. None.

12. Deprives him of meadow—lost the use of it this summer, owing to the making of the tow-path—three acres damaged—each acre usually yielding from two to three tons—the field generally, yielded less than usual by six or eight tons—could get £15 per ton for hay at present—old price $10 per ton, average, by taking it to Fort George.

13. Answered in above.

14. Would rather have the line changed.

15. Does not know it would make any difference.

16. Could not build a bridge for less than $2,000 he thinks—which sum he could not afford.

17. Thinks it would rather be more unhealthy.

18. Did not.

19. No.

20. No.

21. Yes.

22. None.

23. No.

24. Some may—has very few springs—thinks they will be destroyed—freshets did not injure them—springs on his son's farm.

25. Did neither one nor the other.

26. Not applicable—told Mr. Merritt that he would sell a piece cut off by the Canal for $100, about 12 acres of pasture land, not meadow.

JOHN TEN BROECK, *sworn*.

1. Part of 22 and 23—3d and 4th concession Grantham—155 acres.

2. Cannot say—Mr. Merritt says three acres arable land.

3. Meadow cleared.

4. Ditto.

5. Not divided—a piece cut off in front.

6. Gave $4,500 for the farm, bought from Mr. Butler.

7. Is willing to take what he gave for it.

8. Has only owned it three or four years.

9. The same as at present.

10. Has not been offered any higher price—does not think he could sell it for more than he gave for it.

11. No advantage that he knows of.

12. No other disadvantage as yet, except that in last March he had some wheat destroyed—not quite four acres—estimated at 30 bushels an acre.

13. Answered in last.

14. Would rather the Canal were changed than lose his land.

15. Cannot answer.

16. Not applicable.

17. Cannot answer.

18. Ditto ditto.

19. Inapplicable.

20. No.

21. Inapplicable.

22. Ditto.

23. Ditto.

24. Cannot say—has springs, but does not know whether they would be injured.

25. Had nothing to do with it.

26. Considers that the Canal takes all the first cut off—the meadow land yields about 2½ tons hay per acre—would rather keep the land taken by the Canal than accept $100 an acre for it.

The arbitrators then explored the line of the Canal from St. Catharines to the Chippewa, and

Adjourned till the morrow.

SATURDAY, *August* 26, 1826.

ABSENT:

Thomas Butler and John Warren.

JOHN CARROLL, *sworn*.

1. No. 186—100 acres—and No. 203—also 100 acres—in Thorold—also a broken front.

2. Cannot say, but crosses the lot length-ways—(60 acres.)

3. Principally wild.

4. Similar to the general soil of the country—hard timber land—it lies where the deep cutting is.

5. The line takes a part of each lot, and leaves a stripe on each side of the Canal.

6. Drew the land from the Crown—occupied many years.

7. Never fixed any value upon it.

8. Never valued.

9. Ditto.

10. Does not know wherein—has taken land and timber from him.

11. No.

12. Has caused a great deal of trouble to him from the thoroughfare, &c.

13. Nothing more than the future loss of timber.

14. Yes, would have been well pleased if 50 miles off.

15. It seems reasonable that a convenient water carriage should enhance the value of lands—but he already enjoyed that advantage by the Chippewa.

16. It would cost a great sum—but if the public road is kept up he would not require any.

17. Waters not raised—no lands drained—at present some land is covered by an embankment stopping the water—hereafter to be removed.

18. Should think land on the Niagara of less value than on the line of the Canal, because he could have himself obtained land there—thinks the land better.

19. Not applicable.

20. No.

21. Not applicable.

22. Ditto.

23. Ditto.

24. Ditto.

25. No.

26. Not disposed to sell any—wishes to keep all not required for the Canal.

JEREMIAH ATLEY, *sworn*.

1. No. 96 in Thorold, 100 acres.

2. Mr. Merritt says 3 1-5 acres, including the corner.

3. Cleared land.

4. Good soil—interval land—meadow.

5. A corner, cut off about 3½ acres—divided off.

6. $1,000 about five years ago—has since built cider house upon it and repaired barn.

7. Cannot say.

8. $10 an acre—would take £5 per acre for the whole—but not even $100 for a single acre of the land required by the Canal.

9. Does not know—never estimated it.

10. Not a cent—of no benefit to him.

11. No.

12. Yes—a great deal—fruit and fence (300 rails) all destroyed—a thoroughfare about the place, &c. —would not have suffered all for $100—ten acres lay out in common last year—meadow ground, owing to the Canal—is now fenced.

13. Not that he knows of.

14. Yes—would rather have it away from his premises.

15. Does not know—is not going to trouble his head about it.

16. The public bridge will dispense with the necessity of a private one.

17. The banks of the Canal cause the accumulation of ponds of water in rainy weather.

18. Knows nothing about the value of lands, &c.

19. Not applicable.

20. No.

21. Yes—had two creeks.

22. Had plenty of water on the farm.

23. Always had plenty of water on the lot.

24. No.

25. Petitioned against the new route—one route did not affect witness' property more than another.

26. Not if he could help it.

Mr. Simpson offered $150 for it—does not think he would have done so had it not been for the Canal.

To a question of Mr. Merritt's, witness says he was not against the Canal at first—had agreed to give up his property—but the enlargement of the Canal is injurious.

Matthias Misner, *sworn*, as a witness for Mr. Brown, who was prevented by illness from attending.

1. Does not know—joins Mr. Carroll—is on the Chippewa 280 acres.

2. Mr. Merritt says about 12 acres.

3. Bottom land excellent—some marsh.

4. Ditto ditto ditto.

5. Is cut angling across a corner—cutting off about 30 acres—a creek originally run in the direction of the Canal—straitens the creek—*i. e.* crosses its windings frequently.

6. Occupied three years—price unknown.

7. A farm of 100 acres adjacent lately bought for between $6,00 and $7,00—supposed to be too low a price—worth about $1,800 in its present state.

8. Worth £900 N. Y. currency—$2,250 and upwards.

9. Worth about $2,250.

10. No.

11. Does not consider it so.

12. In its present situation not of so great an injury—but in respect to the original route a deep cut was made near the barn for tunnelling—also the principal part of the good timber on the land was cut down—a quarter of an acre dug up and soil thrown on adjacent land—80 or 90 acres improved leaving 190 or 200 acres of timbered land. The strip of the old route contained the principal part of the good timber —pine, oak, &c.,—length or breadth not known.

13. None.

14. Cannot say—Has heard him wish it had not come near him.

15. Of more value.

16. The public road will keep up the communication.

17. Inapplicable.

18. Cannot say—should prefer the one nearest the market.

19. Inapplicable.

20. Does not know but that it would—does not think the present farm so far improved considering its situation.

21. Not applicable.

22. do.

23. do.

24. do.

25. Does not know.

26 Does not know—never heard it valued.

Samuel Swayze, *sworn*.

1. Thinks No. 97 in Thorold between Vandeburgh's and Atley's—100 acres.

2. Cannot tell—Mr. Merritt says about 12 acres.

3. About 70 acres cleared—80 acres woodland.

4. Ordinary soil of the country—some meadow where canal passes—some of it.

5. Runs lengthways of the lot—comes in at the South end and runs towards the North end.

6. Paid $1250 four years ago.

7. Would not take less than it cost—would take that if paid for its use.

8. At $1250—the place has been sold for $1500—has good buildings on it.

9. Would not take short of $1500.

10. Does not know but he could.

11. None at all.

12. Thrown him out of the use of it since the Canal commenced—fences kept open—timber nearly all destroyed—18 acres of wheat sown, destroyed—Canal goes through timbered land—did not cut wheat enough to pay for harvesting and seed.

13. Will be kept out of the use of his land still—some places will be overflowed—some at present overflowed might be drained at some expense—Canal stops the channel of some creeks running towards the Canal—10 or 12 acres drowned.

14. Would rather it had not touched his place.

15. Would consider land nearest a market most valuable.

16. A public road keeps up communication.

17. No.

18. Does not know that he did.

19. Not that he knows of.

20. No.

21. Yes.

22. Never off the farm.

23. No.

24. Had two springs close to the house, which will be destroyed at bottom of the Canal.

25. No neither.

26. Would rather sell the whole.

ANTHONY UPPER *called by the Agent of the Company—sworn, says—*

He owned a lot adjoining Mr. Brown's; 100 acres; sold it to Mr. Lampman who sold to Mr. Dunn; witness deeded it to Mr. Dunn; sold to Lampman 3 or 4 years ago or more at $300. The Canal had been in contemplation but witness supposed abandoned again or he would not have sold it so low; took produce as 3s. 9d. a bushel—wheat. Thinks Lampman sold it for $600. It was said Mr. Lampman was going to be troublesome about the timber, and therefore purchased it; Lampman had exchanged the lot with one McPherson, but writings not being drawn Lampman (the canal being established) refused to adhere to his bargain. Witness considers the canal passing through land of advantage; considered it so much so that he would have given the land required and some hundreds of dollars to have it pass through his lands; passes within a short distance of his land now; 150 or 200 yards from his line; a lot near the Deep Cut, 40 acres cleared, rented for 50 and 40 dollars a year. Thinks Vandeburgh's farm ruined as a farm; had some improvement; a snug house; lies on a road; would not before the projection of the canal have given more than $800 for it; is 100 acres. There is a lot between the lot sold Lampman and the Welland. Land tolerably good; thinks the soil on the Welland better timbered; thinks Brown's land better timbered than Lampman's. Would value his own property at from 15 to 20 dollars an acre.

HALL DAVIS, *sworn.*

1. No. 90 he thinks—joins Atley's.

2. Mr. Merritt says 20 acres.

3. Half improved, half cleared.

4. Cleared land, chiefly meadow.

5. Commences near South East angle—angles towards centre—then Northing, making an elbow with middle of lot,

6. Owned 24 or 25 years—purchased wild at 3\frac{1}{2}$ an acre.

7. Valued it at £5 an acre—has been offered more for it.

8. About £5 an acre.

9. In 1824 lands were lower than some years before.

10. Thinks the canal a benefit as respects price—would think a farm situated on the banks of a canal would bring a better price.

11. No other advantage than the general value of property being enhanced.

12. Has deprived him of the use of some part—has had additional fencing to do—has had rails burnt—expended two thousand rails last year—the canal workmen burnt them.

13. None excepting the future division of a part of the timbered land which will not be so accessible.

14. The canal cuts up the farm and injures it of course as a farm—but it enhances the value of the land left as also other property owned by witness. Would give up the land required rather than the canal should fail as a matter of public spirit, but cannot say whether the land left will be raised in value equal to that part lost.

15. He does.

16. Is near a highway and expects a communication without the expense of a private one.

17. Not applicable.

18. Cannot say.

19. Does not anticipate any advantage that way—will lose springs and perhaps get some water by canal.

20. Does not know—it may be so—should not think so had he no other than the one lot.

21. Pretty well—had two good springs.

22. Inapplicable.

23. Does not know that he can.

24. The springs will be lost, but replaced by canal water.

25. Was anxious, and petitioned for it.

26. Would as soon keep it.

ANDREW WILLSON *sworn.*

1. No. 74 Thorold—100 acres.

2. Mr. Merritt says about 17 acres.

3. All cleared except a small corner.

4. Ordinary soil of the country—upland and meadow.

5. Nearly through the middle lengthways.

6. Nearly 17 years—willed to him.

7. Once agreed to sell it for £250 currency, shortly before or during the war.

8. Did not value it.

9. About the same as before.

10. Does not think it has—has had no higher offers.

11. None.

12. Has caused a field to be thrown open this season—others will be opened in the progress of the work—about 25 acres should have been mowed this year.

13. Not further than the opening of his farm and division of his lot.

14. The disadvantages have not been so great as yet—would as lief have it six miles off—would rather have no canal than give the land required for it.

15. Thinks the Canal would enhance the value of land.

16. There is an allowance for road between his lot and another—and if a bridge erected over it would be accessible—but at much inconvenience—will have to cross McLellan's land.

17. Not applicable.

18. Does not know.

19. Does not know.

20. Already answered.

21. Yes.

22. Not applicable.

23. No.

24. No.

25. No.

26. Yes—would take $12½ per acre.

The buildings on the lot are indifferent—about a dozen fruit trees.

GARETT VANDERBURGH *sworn.*

1. No. 142, Thorold—100 acres.

2. About 40 acres.

3. 20 acres cleared land—some wild—all the timber taken.

4. Common soil of the township.

5. Lengthways—all west side cut off.

6. 17 or 18 years—inherited.

7. Offered the land wanted to Mr. Merritt at £5 an acre—does not want to sell the residue.

8. Not valued.

9. Not valued.

10. Is a damage to him—rents a quarter of an acre at £5 a year on the Deep Cut.

11. No—has been a positive damage.

12. Yes—destroyed his farm—lost 21 apple trees—had to yield 15 or 18 tons of hay—rents a piece at £12 10s. a year to one Hunt.

13. No—There is a pond of water in front of his place at present.

14. The canal is no accommodation to him.

15. Does not answer.

16. Not applicable.

17. do.

18. Not asked.

19. Not Applicable.

20. Already answered.

21. No—merely a well.

22. Always had plenty of water (well water) on the farm.

23. No.

24. No.

25. No—but was always for it.

26. No.

Lost a quantity of rails—had 4 acres of wheat destrowed last year—had also potatoes destroyed by the workmen.

GEORGE MARLATT.

1. No. 50 & 32, Thorold—200 acres.

2. Mr. Merritt says about 20 acres.

3. All cleared.

4. Upland and meadow land—usual soil—14 or 15 acres good meadow land, an acre yielding on an average a ton.

5. About 24 years—purchased at different times—where the basin is, and similar land, paid nearly £5 currency an acre—was wild, i. e. a little improved, and but a little.

6. Runs irregularly through No. 50 and curves upon No. 32—taking but a little of No. 32;—32 may however be overflowed—cannot yet tell.

7. Would not sell the land taken by the Canal at £12 10s. an acre.

8. Not valued.

9. Not valued.

10. Does not know—not offered a higher price—has not offered to sell.

11. No.

12. Has had to make fences to the amount of £26 N. Y. currency, as per bill given in—the banks of canal will cause in many places stagnant water, unless drained—may produce sickness.

13. Would rather have had the Canal off his premises.

14. Would rather have no Canal.

15. Of little consequence as applied to this part of the country.

16. The public Bridge will keep up the communication, but witness will have to travel a quarter of a mile or so to cross it.

17. Some Land will be overflowed and thereby the premises may be rendered more unhealthy.

18. More valuable near Niagara he should think.

19. No.

20. No.

21. Yes.

22. Water on Farm abundant.

23. No.

24. Not if a Culvert projected is erected, otherwise a Spring will be lost.

25. Did not interfere, would have petitioned against Canal for Sloop Navigation passing through his Lot.

26. Not at present.

[Questioned by Mr. Merritt.]

Nine years ago purchased 6 acres at $110, at the corner of the Beaver Dam roads × roods. Purchased lot No. 32 three years ago—paid £2 an acre for the whole lot—never offered any specific price for piece cut off—would not have sold a corner acre for $ before the Canal.

Luke Carroll, *sworn*.

1. ½ of No. 29 or 30—50 acres Thorold, he believes.

2. Mr. Merritt says 16¼ acres,

3. Meadow Land.

4. Do Do.—black soil.

5. Passes through East and West, leaving more on the North than the South side.

6. Ten years—paid £6 5s. an acre for the 50 acres, including buildings—a snug house and log barn.

7. Values land taken from him at £12 10s. an acre, so appraised by nieghbours—Apple trees $7 each and Pears.

8. The price given above mentioned.

9. Has offered to sell the place lately for $1500, before Canal was talked of—asks no more now.

10. Cannot sell it at all now—a person refused to purchase it because the Canal passed through it.

11. Cannot say.

12. Has caused the loss of all his Crops this year—the Cattle of the working parties are let in &c. &c. Has lost his Corn, Potatoes, Oats—4 acres of Corn, ½ of Potatoes, 4 of Oats.

13. Not at present—the lot is divided—apprehends the water will run or leak into his cellar.

14. Yes.

15. Thinks the Canal will benefit many lots very much—but not his.

16. Is to lose 20 apple trees, cut away or destroyed on the line of the Canal—an equal number of pear, peach, and cherry trees, 1 walnut tree. It is said a proper Bridge would cost £100—will have no public Bridge—about 20 acres divided off by Canal including land covered by water of Canal—making 6 or 7 acres cut off.

17. Not applicable.

18. Cannot say.

19. Does not think it will.

20. No—would not give a dollar for the Canal, but 200 to get rid of it.

21 It was.

22. No.

23. There will be more water—but of no use to witness.

24. A Well will be filled up by Tow Path—no other Spring—the Spring or Well is walled up 12 feet.

25. No—was favorable towards it.

26. No.

Adds.—He will lose a pear tree that he would not take $40 for. Wants to keep the piece cut off for woodland and sugar bush. Rents his place at £15 a year—never let before Canal talked of.

William Youall, *sworn*.

1. No. 16, Thorold—90 acres.

2. 3 or 4 acres.

3. Wild land.

4. Ordinary soil of Township.

5. Cuts 4 or 5 acres off the South corner.

6. A year—paid $6½ per acre for it.

7. With improvements values it at $15 an acre.

8. Nothing.

9. No.

10. Has added to the value of the land—could obtain a higher price.

11. No advantage except in enhancing the value in his mind.

12. Has suffered from depredations of workmen—timber taken by men—inconvenience only temporary.

13. No further than as above stated.

14. No—would rather the Canal go as it does at present.

15. He does.

16. Not applicable.

17. Do.

18. Do.

19. Very little.

20. Yes—as applied to his estate.

21. None without digging for it.

22. Had to drive to Mr. Keefer's ¼ of a mile—but has a Well now.

23. Yes.

24. No superficial ones.

25. Petitioned for it.

26. Not disposed to sell the part cut off—four or five acres—Thinks the Canal will be the means of enhancing its value—is near the commencement of the locks.

The Board of Arbitrators adjourned.

MONDAY, 28*th August* 1826.

The Board of Arbitrators met.

ABSENT.

George Shaw, Crowell Willson, and John Warren.

PETER M. BALL appeared before the Board on behalf of the Estate of the late Jacob Ball, to which he is Administrator, and said that the widow Ball and himself were willing to go to an Arbitration, but declined signing any papers.

Moved, That the witnesses be excluded except those under examination.

Carried.

1. Thinks in 8 & 9 Concession Grantham. No. of lot not known.

2. Mr. Merritt says 4 acres.

3. Is cleared—part he thinks not hitherto ploughed.

4. Good soil—clay.

5. Understands the wood is cut off from the cleared land—an angle cut off.

6. In possession of last owner 25 years.

7. Estimates it at present at $6000—150 acres improved.

8. Supposes it worth as much then as at present, a good house and buildings on it.

9. Did not estimate it then—says £1500 Cy.

10. Cannot say—in his opinion it will require it.

11. No.

12. It has—the fences have been taken down.—The excavated ground will injure the land on which it is placed.

13. Not unless more land than at present supposed is taken by the Company.

14. At present thinks the Canal injurious. If allowed the water for hydraulic purposes the value of the estate would be enhanced—not otherwise.

15. It would depend upon the line of the canal.

16. It would depend upon the nature of the bridge required.

17. No—cannot say.

18. Considers them more valuable on Niagara River—situation more pleasant, &c.

19. Cannot say.

20. No.

21. Yes.

22. Not to any inconvenient distance.

23. It will depend upon the Company.

24. Cannot say.

25. Did not interfere.

26. It belongs to a minor, and could not take upon himself to do so.

WILLIAM HULL—*a witness.*

Knows the premises—has no land on canal—knows the line of the canal through the premises—cuts off an angle, including clearing and woods—the woodland at the corner. Cuts off a piece of woodland not accessible without a bridge. A lime kiln was established on the lot—does not speak to its value—would estimate the whole farm at £1000 currency—200 acres, £5 an acre—is a fine situation—has a good house on it. There is a spring near the lime kiln—it is supposed the canal will cut it off—does not know it was ever used for cattle or family use.

THOMAS KERR, *a claimant, sworn.*

1. No. 10, 10th concession, Grantham—100 acres.

2. 8 or 9 acres.

3. All woodland except 1½ acres.

4. Rocky, except the 1½ acres which had been sown with wheat.

5. Goes nearly through the centre—leaving one half cleared and the other half woodland.

6. Was given to his wife—occupied 16 or 17 years.

7. Offered that part used by canal at $12½ an acre to Mr. Merritt—but now understanding that some land adjacent, more valuable than that part wanted by canal, which is principally rocky, will be taken—i. e. an acre to each lock, being three locks, would not sell the whole farm at less than 25 or 30 dollars per acre. The puddling in the locks will require clay perhaps to be taken from witness' field—if so would injure 15 or 16 acres.

8. Did not value it.

9. Did not value it.

10. Does not think the canal beneficial to the farm.

11. None.

12. Has lost 1½ acres of wheat—moved fence to open line for canal—fence moved in February last.

(See Bill.)

13. Apprehends 15 or 16 acres will be destroyed by clay taken for puddling—it is adjacent to the locks—if not taken of no consequence. Had a grove of maple along the line of the canal, which was cut down.

14. Would rather have no canal, or that it should go in any other direction, though it could not cross his farm in any other direction so little to his injury.

15. Should think land on the navigation would be the more valuable.

16. There is no public road within the width of a lot of him—cannot say what a bridge, &c. would cost.

17. Not applicable.

18. Lands towards Niagara have always sold highest, according to common report.

19. If allowed to take the water would allow him to irrigate some of his meadows.

20. No.

21. No living streams on lot—no water without digging.

22. Except last season not more than a quarter of a mile of Mr. Ball's springs—last year had to go further.

23. If allowed access to the water it will be more convenient—not otherwise.

24. No springs.

25. Signed a petition at first not saying by what route—hardly thinks he would have signed it if the line through his farm had been known.

26. No—cannot part with woodland.

In answer to Mr. Merritt.

The nature of the soil cut off is clay—i. e. the woodland.—If allowed to irrigate it could raise grass from off it—could not however raise as much again from an acre. Denies no present advantage, such as selling or leasing building lots—a corner acre close to orchard he would not sell for $90.

Mr. Crowell Willson, an arbitrator, took his place.

JACOB J. BALL *sworn.*

1. No. 12 & 13, 10th concession, Grantham, 200 acres, a public road between them.

2. It is said 9 or 10 acres.

3. Wild and cleared—more cleared than wild.

4. Soil clay-loom, &c. Under the mountain may be used as meadow or plough land.

5. See diagram.

6. Since 1806—devised to him.

7. Since the canal projected offered it for $5000—would not have sold it at all, or so low, were it not for the canal passing throught it.

8. Did not value it—that it was worth more than at present—had no idea of selling it.

9. Higher than at present.

10. Thinks not.

11. None.

12. Cuts his fields up awkwardly—takes in a part of the mountain with a valuable Stone Quarry in it.

13. Earth for puddling the Locks may be taken out of his fields—cannot yet say.

14. Would prefer its going in another direction.

15. Cannot say.

16. The public Bridge will enable him to cross except that the distance will be increased.

17. Not applicable.

18. It depends upon the quality and situation—cannot say.

19. It could be done—cannot say whether the privilege can be claimed.

20. No.

21. Well supplied with Springs which the Canal will destroy—were amply sufficient for the farm—for cattle, and other purposes, irrigation if required.

22. Not of the farm.

23. No.

24. Yes—will lose two good ones—one he is sure will be lost, and thinks the other also.

25. Did both—first for it—secondly against the *alteration*—not on account of the enlargement of tt, but its passing through his lot.

26. No—would not sell one part without the whole. Has springs remaining not so valuable as respects the vicinity of those lost. People purchase stone from the quarry.

Examined.—There are other places where there is stone, but the quantity and quality are not uniform. —Does not know precisely how much the Canal will deprive him of.

ALEXANDER NICKISON, *sworn.*

1. The lot belongs to one widow Wright—lives on it—14, 7th concession Grantham, 100 acres.

2. About 12 acres Mr. Merritt says.

3. Wild land.

4. Principally clay land.

5. About 25 acres cut off on the South West corner.

6. Four years—took it to maintain the old Woman —was owned by her husband, now dead. Unknown if the heir is alive.

7. Would if he owned it value it at $15 per acre.

8. At same price.

9. About the same.

10. Thinks it likely he could.

11. Cannot say that it has been any.

12. Not more than in cutting off a part. Timber dertroyed—a sugar bush principally destroyed by the line of the Canal.

13. Does not in particular—cuts off rail timber &c.

14. Would rather give up the land required for the Canal than not have it there.

15. He does.

16. Does not know—there is a concession road not open.

17. Not applicable.

18. Does not know but he should.

19. Expects it will overflow some meadow constantly by the stoppage of a Creek.

20. Yes.

21. It is with brooks.

22. Never off the farm.

23. Does not know that he will.

24. None.

25. Was neutral—did neither he believes.

26. No.

There will be 3 Locks on the land.

Robert Dettrick, *sworn.*

1. No 15, 7th concession Grantham—100 acres.

2. Supposed 8 or 9 acres will be overflowed.

3. Wild and cleared—proportions not known.

4. Principally bottom land—some hill side.

5. A part is cut off not accessible 1½ acre—another overflowed that will be accessible, but at some trouble.

6. Thirty years—given to him by his Father.

7. Would ask about $3000 for it.

8. At same price.

9. Do.

10. Cannot say.

11. None.

12. Injurious—it takes away woodland, overflows bottoms and meadows—destroys a sugar bush—takes away a good Mill seat on Dick's creek upon which he intended to build a Mill—a seat for a Saw Mill. Is shut up, has no means of getting out.

13. No.

14. Would prefer its going another way.

15. In some places—not where he lives.

16. Not applicable.

17. Do.

18. Cannot say.

19. No.

20. No.

21. Yes.

22. Not off farm.

23. No.

24. No.

25. Cannot say—does not recollect.

26. Yes—at £12 10s. an acre.

John Soper.

1. No. 14, 6th concession Grantham—100 acres.

2. About 1½ acre.

3. Cleared.

4. Clay soil—the bottom richer than upland.

5. Cuts off a corner—the Canal will touch very little, but will overflow about 1½ acre.

6. About 10 years—paid $1750 for it.

7. Has refused $2000 for it last year. Had the offer before and since Canal projected.

8. Do. Do.

9. Do. Do.

10. Does not know, would, he thinks, hold it higher in consequence of the Canal—would not take less than $3000 for the farm.

11. Not materially.

12. Nothing more than already stated.

13. No.

14. Thinks the land would be more profit to him than the Canal—was offered more for a lot of land before the Canal projected than since—a one acre lot.

15. Cannot say.

16. Not applicable.

17. Do.

18. Is not sure.

19. No.

20. Not quite.

21. Pretty well.

22. Not off the farm.

23. No.

24. Has springs but they will not be injured.

25. Did neither.

26. Not applicable.

The Widow Pamelia Rycart, for Zachariah Rycart, who is insane and incapable of transacting business.

1. See Document No. 1.

2. Mr. Merritt says between 5 and 6 acres.

3. All cleared—bottom land cultivated.

4. Wm. Westover, sworn, says soil excellent.

5. Do. cuts off an angle of timbered land the principal part—also a sugar bush.

6. Before the war.

7. Cannot say—is not in the market.

8. Do. Do.

9. Do. Do.

10. Does not think she could get so much for it.

11. No.

12. See statement No. 1.

13. The separation of the farm—fruit, &c., destroyed.

14. Yes.

15. Not answered.

16. Cannot say.

17. Inapplicable.

18. Not answered.

19. Westover says no.

20. Not in the present case.

21. Yes.

22. Not off the farm.

23. No—not so convenient.

24. No—there is one—but it will not be lost.

25. No.

26. Cannot say.

WILLIAM CHISHOLM.

1. Adjacent to the village of St. Catharines—owns four acres.

2. It is said two acres.

3. Cultivated land.

4. Clay—bottom land.

5. Cuts off one side.

6. Fourteen years—paid $100 an acre for part of it, and $— for a small strip—part of both taken for canal.

7. At not less than prime cost.

8. At same price.

9. Was not in the market.

10. Thinks it has.

11. The lots in this vicinity are enhanced in value.

12. Cut off a part and deprived him of pasture, &c.

13. None.

14. Would not wish to have the canal altered.

15. Double or treble.

16. Not applicable.

17. Do.

18. Some lands on the Twelve Mile Creek equally valuable—generally the Niagara lands most so.

19. Not applicable.

20. He does.

21. Yes.

22. Not applicable.

23. No.

24. No.

25. Petitioned for it—would have done so for the enlargement.

26. Not applicable.

Thinks the canal has enhanced the value of property in St. Catharines.

The canal has in general enhanced the value of property on the line from the Welland to the harbor, although some farms have suffered materially.—Cannot speak as to individual injury.

Examined—Would not have taken less for the four acres than he gave unless he could have sold the whole.

When the canal was projected lands were at a low price in this vicinity—not more so than some years before—but increased in value since. Lands in the village doubled or trebled in value.

JONATHAN CLENDENNING.

1. Part of 16 and 17 in vicinity of St. Catharines—55 acres more or less.

2. About five acres or more.

3. Wood land—one and a half acre cleared and fenced.

4. Very good loom and clay—bottom land.

5. Crosses the lot, cutting off about three acres.

6. Paid thirty-two dollars and a half per acre for all except two acre lots—has had a title since 1820—for the two acres paid at the rate of £200, N. Y. C'y, per lot, including interest. The first cut was £100, N. Y. C'y ½ an acre taken for canal. The lot cost witness £150 principal. Had buildings on it not included in price—purchased it before canal projected—considered it worth it—was shortly after the War, when lands were high.

7. Exclusive of the three acres he lives upon he values it at £100 c'y. per acre—can sell it in town lots—means that part contiguous to the road—has sold some town lots.

8. Valued 20 acres of it at $100 per acre.

9. Held it at $200 (£50) per acre, but it was difficult to effect sales.

10. Yes.

11. Has enhanced the price—doubled the value—town lots are more than doubled.

12. Merely the loss of land.

13. None.

14. No—would prefer the canal.

15. He does.

16. A matter of no moment to witness.

17. Not applicable.

18. From its situation should consider lands on the Niagara most valuable.

19. No.

20. He does.

21. Has good springs.

22. No.

23. No.

24. No.

25. Does not recollect—petitioned for a bridge.

26. No.

WILLIAM PARNELL, for his brother FRANCIS GORING PARNELL.

1. West ½ of 15, 6th Concession Grantham—fifty acres.

2. Mr. Merritt says about 5 acres.

3. Part cleared—part wild.

4. Loom and clay.

5. Irregularly—cuts off better than one third.

6. Possessed since 1824—cost eight or nine hundred dollars before canal projected. Bought it for the privilege of a mill (saw mill) seat.

7. Would sell it for first cost.

8. Not applicable.

9. About $900.

10. No—thinks value not so much.

11. No.

12. Has thrown open a field of 8 acres, besides cutting off a part—destroys the mill seat unless allowed the privilege of water—claims no damage for field of 8 acres.

13. Not except the difficulty of crossing the canal.

14. Thinks so—would rather have the canal elsewhere.

15. Would rather have lands retired from a canal.

16. Cannot tell—will flow very wide.

17. Not applicable.

18. Do.

19. No.

20. Not in the present case.

21. Yes.

22. No.

23. No.

24. No.

25. Neither.

26. Not without selling the whole.

The Lot has 25 acres cultivated.

Shews a bond granting the privilege of overflowing the East half of the lot (Rycart's) at $25 per acre—as far as a dam for machinery might extend—no dam erected hitherto. Could raise a head of eight feet water by overflowing Rycart's half of the lot—cannot say how long such a head could be kept. There is no living course—depends upon floods in Spring and Fall. Paid for the greatest part of the lot in cash—was a cash agreement.

The Board of Arbitrators adjourned until 8 o'clock A. M. of the morrow.

TUESDAY, 29*th August* 1826.

The Board of Arbitrators met.

ABSENT.

Thomas Butler, George Ball, Marshall Lewis, George Shaw, George Lacy, William McClellan, and John Warren.

JOHN CLENDENNING, *sworn.*

1. No. 17, 7th Concession Grantham—90 acres.

2. About 3 acres.

3. Cleared.

4. Bottom land.

5. Passes through a corner, cutting off ¼ or ½ an acre.

6. Since 1812—inherited.

7. Values the farm at £12 10s. per acre—has extensive clearings and improvements.

8. Cannot say—did not value it.

9. Did not value it.

10. Does not know that he could.

11. None.

12. Thinks it is—takes his land—had a clear stream of the Twelve Mile Creek before which will now be dammed or stopped up and rendered stagnant.

13. Apprehends a bottom of 5 acres will be overflowed by the back water of the canal.—Is all the meadow attached to the farm, or the greater part of it.

14. Had rather the canal had gone elsewhere.

15. Not in a situation such as his.

16. Will have no way of getting to the highway unless by crossing the canal without the sufferance of his neighbors.

17. Not applicable.

18. Considered his farm as that of any one else.—If he owned a farm at each place would ask more for the Niagara one.

19. No.

20. No.

21. Yes.

22. Not of the farm.

23. No—not such good water.

24. No.

25. Petitioned for the bridge—not for the canal.

26. Supposes the Company will take it.

Left a small piece of land along the creek for a road—sold between 5 and 6 acres—John Clendenning at $100—a tract joining his farm.

Mr. GEORGE BALL came in. SAMUEL THEAL, an arbitrator on the part of

JACOB BOWMAN, *sworn.*

1. See plan 31 Thorold 100 acres.

2. About 16 acres will be overflowed.

3. Almost all cleared—a little wood—very valuable.

4. Meadow land or plough land—excellent.

5. Overflows the end of the South West angle, and cuts off 15 or 16 acres of wood land.

6. Was deeded to him by his Grandfather—In possession a few years only.

7. If the Canal did not go through it $100—no buildings on it.

8. Thinks £200 currency.

9. Do.

10. At present the Canal is a disadvantage---if the Canal were finished perhaps not---though it would drown a tract still.

11. No.

12. Yes---overflowing all the meadow land---timber cut off.

13. No.

14. Cannot say. If *his* land, should consider the damages a great deal more than the value of the Canal to the place.

15. If the Canal were finished should say—Yes.

16. Cannot say—there is a public road if not overflowed.

17. Not applicable.

18. Yes.

19. No.

20. No.

21. Yes—creek always had water and a good spring.

22. Not off the same.

23. No—thinks not.

24. It may injure one—the only one—not sure—thinks it will.

25. Cannot say—thinks not.

26. The owner says not—would sell the whole—was offered $600 in cash and a lot of land in one of the new townships, valued at $400—cannot say what he would now ask.

Estimates the timber cut off at $50. The timber has only been taken from the land that will be overflowed.

Never knew the meadow to be mowed—has known it yield good Wheat harvest a year or two ago.

Of the 16 acres that will be overflowed 10 or 12 cleared, but the woodland is equally valuable.

The premises not cultivated till lately—always an open common.

George Lacey, an Arbitrator, took his seat.

JOB NORTHRUP *sworn.*

1. No. 21, 4th concession Grantham, 200 acres.

2. About 8 acres—cuts off about 2 acres. Excavated earth thrown against side hill.

3. All cleared.

4. Bottom land.

5. About 2 acres of meadow land cut off.

6. Five years. Paid $6000. Is Sheriff Merritt's Farm.

Mr. Lewis and Mr. McClellan came in.

7. At $8000, would not take less.

8. At $6000.

9. Did not value it.

10. Does not know that he could.—Thinks it enhances the value of land generally.

11. No.

12. Is a friend to the Canal and thinks little of it—but 30 acres of land have been laid open. He does not set up a claim for damage.

13. No.

14. Would prefer the Canal.

15. Thinks land 5 or 6 miles off equally improved, and that all is enhanced in value.

16. Cannot say.

17. Thinks it will.

18. Cannot say he did—preferred the 12 mile creek himself.

19. No.

20. To some it would—to him in other business than farming thinks it would, but to a mere farmer should not think it of any advantage.

21. Yes.

22. Not off Farm.

23. No—much the same.

24. No.

25. Petitioned for it.

26. Yes—would have sold the meadow land at $100 per acre before Canal—would give that for Gould's meadow now. At the time the Canal was projected did not want meadow land.

JOHN BROWN, *sworn.*

1. 102 in Chippawa, 100 acres—also 101—100 acres and B. F.—the whole 220 acres.

2. 400 yards about 2 chains wide, say 12 acres.

3. All cleared.

4. Lies along a creek—some marsh—some meadow—an acre of marsh—some ridge land—½ plough and ½ meadow land. The creek valuable for the sake of the water.

5. Cuts off about 30 acres on the West side.

6. Three years—exchanged it for another property £1000 N. Y. currency.

7. About £1000 N. Y. currency.

8. Not applicable.

9. Did not then own it.

10. Does not know that he could—has offered to sell it.

11. No.

12. Yes—in its present route had to make more fences—loses the convenience of water. The approach to the Chippawa is soft and bad for cattle. The fencing, &c., equal to $40. On the old route there is a hole cut close to the barn—intercepts the old approach to the farm—an acre dug—would cost two or three hundred dollars to fill it up. There is a chain between the barn and excavation. Two bearing apple trees covered up with excavation.

13. No more fencing will be required.

14. Would rather have had the Canal elsewhere—cut timber on the old route about 30 chains long and upwards of 2 chains wide—upwards of 6 acres—some other timber cut also—would not have had it done for $200—lost the best timber.

15. He does not.

16. There is a public road.

17. Not applicable.

18. Niagara lands sold highest.

19. No.

20. Not in his case.

21. Yes—better before than at present.

22. Not off the farm.

23. No.

24. Had two, which the canal has destroyed.]

25. No.

26. Yes—It is meadow land—valuable to the farm—cannot say price—would rather sell the whole farm. Tendered a bill of damages. Thinks he offered to take $700 in full of all damage on old route. The Company offered a mere trifle.

Mr. Butler *came in.*

Witness declined a thousand dollars for an acre of the meadow land at the mouth of the canal—i. e. the tunnel.

Estimates buildings at $1000 when he purchased the place.

Mr. Misner *recalled.*

Is asked as to the value of the timber taken on the old route—the six acres—its damage to the farm—$200 would have cleared the six acres for the plough for the timber. Clearing and fencing land worth $12½—different prices.

Is asked the damage to Carroll's farm—by loss of timber cut over the line of the canal—thinks $20.

Marshall Lewis on behalf of the Company, *sworn.*

Says he examined the timber on Brown's farm; particularly last year to seek timber for a bridge across the Deep Cut; saw the line of the old route, and he could tell what timber had been cut; Oak not then removed; some Pine cut and all carried away; some Beech trees cut, and others; not cleared all through, but the best timber is cut out; on some acres not more than 3 or 4 trees cut. The timber picked here and there throughout; should not think there were more than 3000 feet of timber Pine and Oak cut on the 6 acres; not worth more than a dollar per hundred feet standing; was cut for the Canal; many of the trees good timber trees. The Oak trees would average 35 feet. Of the 3000 feet of timber more than half Oak. The Beech trees had been hewed; the six acres not cut all off. The choice timber merely picked here and there for the Canal works, but not all removed.

George Keefer, Esq., *sworn* on behalf of the Company.

1. Lots 6 and 17 in Thorold, 200 acres.

2. Twenty or thirty acres.

3. Almost all cleared.

4. Good soil.

5. Cuts off an adjoining lot—passes lengthways through No. 6.

6. 32 years—paid them £106, N. Y. currency for 200 acres.

7. At about £10 an acre, including building—would not sell it for that or less than that.

8. About £5.

9. About £5.

10. Yes—knows he can—has sold small lots since Canal.

11. Has enhanced its value.

12. No other than depriving them of soil and opening his fences—moved his fences.

13. None—anticipates advantage.

14. Would prefer Canal.

15. Yes.

16. A public bridge will save the necessity of a private one.

17. No.

18. Always did—bore a higher price.

19. Thinks so.

20. Yes—a great deal more.

21. It was with springs better than the generality of farms.

22. Never before last season—then had.

23. Anticipates it.

24. One will—a very good one belonging to Still House—there will be three left.

25. Petitioned for Canal—always for it.

26. No.

Adds, if he had no other than agricultural pursuits would then think the benefit of the Canal equivalent to the loss of soil—more so on his premises—thinks some of his neighbors' property will be benefitted as much as his—purchased a lot (17) this year at double what he would have given before on account of the Canal—is well acquainted with the land from the

Welland to St. Catharines---from hence (St. Catharines) to his own place is a ravine---bottom land---thinks Dick's Creek would have remained a wilderness a long time had it not been for the Canal. Mr. Phelps bought two lots on it at $12½ an acre, and one at ten. Would hardly think the valley of Dick's Creek worth clearing, considering the steepness of the banks---should not think the ravine of any benefit to a farm---lands on the creek have sold from 10 to 12 dollars since Canal. Conceives them enhanced in value. Thinks the farms will be benefitted---thinks any farm on the Canal from St. Catharines to the Welland will sell for more than before.

Does not think the water running in Dick's creek sufficient in duration to pay the expense of a Saw Mill.—Has seen it tried on better streams and fail. —No living stream.—Fed by rains, snows, &c.—Mr. Deddrick has a Saw Mill further up the creek does business—a Mill built near St. Catharies in the valley never did any business.

Mr. Dunn bought a lot in rear of Brown's of the Chippawa at $6 an acre since Canal projected. Has sold pine timber to the Canal Contractors at a dollar a hundred. Has a grove of pines very thick. One object of Mr. Phelps in buying Deddrick's lot was to get timber for the Locks.—Thinks it was well timbered—contained pine and oak—considers the average price of land throughout the townships of Grantham and Thorold from 8 to 10 dollars.—Has bought and sold a good deal.—Meadow more valuable than ordinary land—would cost 10 or 12 dollars to clear land—an acre of meadow worth two of upland—meadow worth £5.

Expects the Canal, now under contract, will go into operation next fall—is satisfied it *will* go into operation.—Has not the least idea funds will be wanted.—He took 20 shares at first—not sold any nor increased the number.

Mr. Lewis, *recalled.*

Thinks a Draw Bridge would cost 200 or 300 dollars—a floating bridge $100. If recesses made by Company a Scow could be had for $40.

George Adams, Esq. *sworn, upon* Mr. Merritt's *Claim.*

Says the Mill Seat was considered a good one.—The dam kept breaking occasionally.—Mr. Merritt paid him £100 Cy. for one third of the Mill Seat and adjoining land—a Saw Mill had been built but did not go into operation.—The dam broke.—Would have been willing to give £500 for the establishment two years ago—that is when Mr. Merritt purchased it. The Canal will require a good deal more land than the Mill Seat itself. Mr. Merrit repaired the Mills.—The Mill was rented in 1822 at £100 per annum currency, but he was to allow for certain repairs out of it—i. e. a breach in the dam. It had been at first a 9 foot dam, but had sunk to 7 feet.—Mr. Merritt raised it—witness does not know how much.

Values the average meadow land from St. Catharines to the Lake at £100 an acre with the privilege of water—if no water not higher than uplands.—Lands on Dick's creek not of such good quality nor so valuable—would rather have the valley land than upland.—Considers one acre of valley worth 4 acres of upland. The banks of the 12 mile creek bear excellent wheat.—Average of 100 acre farms in Grantham from 10 to 20 dollars per acre; depends upon situation. Thinks he would give more than £5 an acre for some farms on the line of the Canal. Names Mr. Ball's—Mr. Shaver's—before Canal in contemplation lands in this vicinity sold for £5 an acre.—Thinks his farm and many others seriously injured—may benefit some and injure others.

Thinks the farm from St. Catharines to the Lake will be injured—but may enhance the value if owners disposed to sell.

Thinks many farms between St. Catharines and the Welland river would not bring so much as before the Canal was projected.

Alfred Barrett, *on behalf of the Company, sworn.*

Was employed on the Erie Canal.—There was much opposition to it by the land owners—saw more of it there, such as opposing Surveys &.—People supposed it would sink the value of property.—Lands were appraised by Commissioners appointed by the Legislature.—The Canal Commissioners were also afterwards—were required to consider advantages as well as disadvantages.—The former generally considered to prevail except almost the whole of a Town Lot were taken, or a Mill Seat or other valuable property—since the Canal has gone into operation many of the strongest opponents have changed their sentiments and think well of it. Is acquainted well with the line of the Welland Canal—thinks the value of property will be enhanced generally on the line of the Canal.

Considers the Harbor site unhealthy from the falling of the marshes &c.—being sickly this year from that cause.

Erie Canal 40 feet wide on the surface of the water.

This Canal a little wider at top, but not much.

On the Erie Canal there are accommodation Bridges built at the public expense---one to two farms.

Property enhanced by the establishment of new ports of entry---more ready sale of produce. The property has also risen on the Erie Canal. Infers from that a similar result here.

Expects the Canal will be completed in a year from October next. The whole line is estimated at two hundred thousand pounds by other Engineers ---not estimated by him. The part completed has been done within the estimate---cannot without reference tell how much has been expended. At the expiration of this month (August) half the expense will be incurred, perhaps a little more. Has been an Engineer eight years—knows of no obstacle in the way of the completion of the work---never heard or read of a Canal, the ulterior objects of which are so great as this made at the expense and within the time estimated for this.

The Erie Canal has caused increase of settlement and cultivation.

When the Erie Canal was projected on the north side of Mud Creek the people made high claims, but afterwards when the line on the south side the creek was adopted they offered to give up their property for nothing with a view to it.—Vast quantities of timber pass the Erie Canal—staves drawn 10 miles.—Does not consider the Erie Canal unhealthy. —Thinks this Canal will render the country more healthy.

Walter Dettrick, on behalf of the Company, *sworn*.

Was present when Mr. Merritt purchased a lot from his father—14, 5th concession, Grantham—had valuable timber on it—was a heavy timbered lot, as much so as any—was sold at $10 an acre—£100 in hand, the remainder in three years, without interest—his father had offered it for $500 about nine months before canal projected—thinks the canal enhanced its price—thinks the canal has raised the value of property on the line.

Oliver Phelps *sworn*.

1. 12, 13, & 14, 8th concession, Grantham—300 acres.

2. About 13 acres.

3. Wild land.

4. Usual soil of the country—a ravine.

5. Enters south east corner of middle lot, and out at the north west corner of same lot—cuts a little on the corner of the others—cuts the centre lot nearly in the middle, but angling.

6. Last fall paid $2,500 for 200 acres and $1000 for 100 acres.

7. Has been cleared and timber cut since—considered it a good purchase—would not like to sell it for what it cost.

8. Not applicable.

9. Do.

10. Thinks so—would not have purchased it had it not been for the canal—wanted the timber and thought the canal would enhance the value.

11. Cannot say it has in particular.

12. No.

13. No.

14. Yes.

15. Should think lands on or adjacent to canal most valuable.

16. There are locks on the line of his lots.—Swing bridges might be erected.

17.

18.

19. Yes—if the Company will allow it.

20. Yes.

21. Not very well.

22.

23. Thinks so.

24. No.

25. No.

26. Has no wish to sell.

John Hainer *sworn*.

1. 20, 6th concession, Grantham—298 acres (in lot 100).

2. About 13 or 14 acres, including a small piece sold to Mr. Adams.

3. Cleared.

4. Clay—interval and bottom.

5. Cuts off the front.

6. Possessed 3 years—inherited.

7. Sold 5 acres for $270 since canal projected last fall.

8. Cannot say.

9. Should say about 10 dollars an acre—could sell it for that.

10. Does not know but it has a little.

11. It has to that not destroyed by increasing its value.

12. No.

13. No.

14. Would rather have no canal.

15. Cannot say.

16.

17.

18.

19. No.

20. No.

21. Yes.

22.

23. No.

24. No.

25. Petitioned for it—would rather have had a boat navigation.

26. Not applicable.

Does not place any particular value upon the land taken for a tow path—or indeed the canal—apprehends his bottom land will be overflowed by the back water of the canal.

1. Mr. William Sanderson,
2. Mrs. Isabella Stewart,
3. Mrs. Shipman,
4. Mr. William C. Chase,

All in the village of St. Catharines } Do not wish to be examined, but wish arbitrators to adjudge with the rest.

Mr. Adams thinks the loss nothing—that the canal enhances value equal to the loss.

Mr. Sanderson has from ⅓ to ½ of an acre cut off from his lot about 2 or 3 acres.

Mrs. Shipman ⅛ of an acre cut off.
Mrs. Stewart 1/10 " " cut off.
Mrs. Chase, ¼ " " cut off.

William Hamilton Merritt *sworn*.

1. 18 & 19, 6th concession, Grantham—250 acres.
2. 10 or 12 acres—exclusive of the mill seat and land flowed thereby—6 acres.
3. Cleared.
4. Meadow---side land---mill seat.
5. Cuts off the front---divides about an acre off.
6. Since 1816---paid £2 10s. per acre for 24 acres in 1820---purchased 17 acres at $17½ per acre---purchased mill seat and 150 acres adjoining, for about $4600---some wild land.
7. Altogether at £25 per acre---100 acres valued much less.
8. 5 or six years ago land was high---afterwards fell in value.
9. When Canal projected land at lowest price---say £6 5s. per acre, would sell the meadow land (if no Canal) at $30 an acre if a farmer.
10. Yes, double—treble.
11. Increased the value and purchasers.
12. Fences removed—kettles at salt works must be taken up—damage or expense £25—has lost the use of the mill since May or June last—claims the interest on the appraisal of its value claims damages like others—values mill and seat at $3000—mill seat about seven acres.
13. Overflowing valuable bottom land.
14. would rather lose half his property than the Canal. If half taken, residue will be more valuable than whole otherwise.
15. Yes.
16. Not applicable—says his opinion is the Company will afford access so as not to incommode the owners of lands.
17. Yes.
18. Yes---situation more favorable.
19. No.
20. Yes.
21. Yes.
22. Not off farm.
23. Not generally---in some fields well.
24. No—will cover salt spring, but thinks it may be diked.
25. Yes.
26. No.

Mr. Merritt states, that except in the spring and fall the mouth of the 12 Mile Creek not open—not more than one-third or one-fourth of the year. Tried to bring goods up, but did not find the navigation so practicable as to render it expedient for commercial purposes.

Mr. Merritt delivered in some written observations as Agent of the Company.

Darius Davenport *sworn for* Mr. Merritt.

Rented Mr. Merritt's mills in 1825. Rent calculated at $450 per year—up to February last rent to be $100 in lumber, at market price, 100 bushels of rye and corn, 400 bushels of wheat—lumber worth in cash 5s., and in proportion—Rye 2s. 6d. currency per bushel—Corn 2s. 6d.—wheat 3s. 9d. currency per bushel. Was to keep mill in as good repair, and leave it as good as found, except natural wear and tear. Were in as good order when he left them as before—as good as common run of mills.

The Board of Arbitrators adjourned till 10 o'clock a. m., of the morrow.

As a preliminary motion it was *Resolved*, That the Board deliberate in private. The room was accordingly cleared.

Wednesday, 30*th August*, 1826.

The Board of Arbitrators met.

Absent:

John Warren.

Mr. Clark having gone to view the line of the Canal, It was moved by Mr. Macaulay, and carried, That Dr. Powell should resume the Chair *pro tem.*

Philip Carrol, *on behalf of his father says:*—

He counted the stumps upon his father's lot where the Canal passes, *i. e.* supposed to be beyond the line—the line is not staked. Postponed.

Valentine Ward, a millwright, *sworn* on behalf of Francis G. Parnell.

Knows Dick's Creek—Rycart's property—Rycart asked him to level a mill seat—did not—said there was a seat—that it would not do much business—would go ⅓ of the year—cannot say the head of water, not having levelled it—from the eye should think 8 feet head—means a saw mill—could raise a head of 8 feet without overflowing next lot. Timber for sawing abundant in the neighborhood. There is no living stream—but in Spring and Fall there is water sufficient.

Alfred Barrett, (Engineer) on behalf of the Company, says,

He examined the premises this morning—the fall from the road to Parnell's line is six feet and an inch or so—the distance is 20 or 25 chains as the Ravine runs—if sufficient quantity of water would give head enough for a saw mill—from appearances should not think it worth while for any one to build a mill upon it—no stream—fed by rains—freshets, &c.—was here in May last—a large quantity of water accumulated at a rainy period in July last, but soon subsided—the Ravine about 4 chains wide.

Mr. Lewis says—he resided in the vicinity of the premises since last March—knows it well—should not advise any one to erect a mill there—saw the remains of an old mill further down—supposed the person threw away his money. Mr. Lewis is a millwright. From the head that could be raised does not

think the casual supplies of water would be of sufficient advantage to support a saw mill.

James Dettrick, *sworn* for Francis G. Parnell, says,

He once owned the mill called Dettrick's mill on the same Ravine as Parnell's seat—a stream comes in below Dettrick's mill, indeed several branches. As to his mill, its going depends much upon the seasons and supplies of water—goes three months or more. Has a head of 9 feet. Has a small pond not so large as Parnell could raise—would build a mill on it if his. Does not know the extent of dam that would be required. His own mill and dam cost about $1000—his dam is about 100 feet—one saw built for two—has sawed nearly 100,000 feet this season—was a better season than usual—did not do so much last year. Thinks it would average 100,000 feet a year.

Mr. Clark having joined the Board,

Philip Carrol, resumed.

He counted the Pine and Oak stumps—counted 60 Pine and 30 Oak without the limits of the Canal route,—i. e. beyond the bank of the Canal—the outline not seen that he knows of—never forbid that he knows of—cut beyond where earth is thrown out.

Mr. Merritt says no one has cut any by the authority of the Company.

Mr. Merritt states that the Company has never authorised any person to cut timber beyond the line.

Witness says, there are 15 shanties on the line of the Canal. Firewood off his father's lot.

The following were moved and adopted as principles by which the arbitrators should be governed in their decisions.

1. It is resolved to proceed in the arbitration upon the assumption that the section of the Canal from the Welland River to Dalhousie Harbor will be completed and go into operation as required by the Act, and as anticipated by the Company and the public—and that in a general point of view it will hereafter prove as advantageous to the public as well as to the adjacent estates and country in its vicinity as canals in other parts of the world have hitherto done under circumstances equally favorable.

2. But should any unforeseen obstacles prevent the completion of the Canal according to the reasonable expectations at present entertained, or produce any other unfavorable change of circumstances not contemplated the basis of the awards now to be made shall be considered so far destroyed as fairly to entitle the individual proprietors in question to seek a further remuneration for the loss of their property or other damage.

3. With regard to the advantages or disadvantages of the Canal as respects the adjacent estates it is not proposed to consider the general rise of property on the line of the Canal, and the additional price at which sales thereof might be effected, as uniformily to be opposed to the value of property taken for or damaged in consequence of the Canal, or that the amount of enhanced value should always be balanced against the actual or necessary loss. The application of such advantages depending, in our construction of the Statute, very much upon local circumstances.

4. It is however conceived to be the meaning of the Act that any peculiar local advantages (such as facility of sales of town lots, or other prominent advantages to an estate which may be a matter of commercial speculation rather than of agricultural use) should be considered—as also such as may accrue to any contiguous estates entirely devoted to agriculture—that is to say, improving the health of the situation, increasing the supply of water, reclaiming wet and marshy lands, affording facilities to irrigation, establishing mills and other machinery in the vicinity, affording a more easy transport, ensuring more ready sales and more convenient markets to the farmer, and many other benefits necessarily resulting in the completion of the canal.

5. It is likewise conceived that the great public object in view in the construction of the canal, and the general rule in all countries, that private interests should yield to those of the public; should here so far operate as to supersede any claim for compensation on the ground of the owner's personal attachment to the particular part of his estate required and taken; it being deemed just, and in accordance with the true spirit of all boards appointed for such objects as the present, not to award to any individuals more than the intrinsic value of the property taken or damaged—considering nevertheless (if important) the peculiar value of any particular lands to the estate generally on the one hand and the benefits accruing to the residue on the other hand.

6. Lands to be appraised by the acre when practicable—quantity to be taken as stated by the Company, with a proviso as to any excess or deficiency.

7. The nature of the soil to be specified.

8. Each case to be considered in rotation.

9. Secretary to record decisions and names of Yeas and Nays in each case.

10. At the end of the day all the Arbitrators to sign the minutes.

11. When the award is prepared, the yeas to sign each case in favor of which they vote.

The Arbitrators then proceeded to award upon the several cases as follows—

1st. Case—Nathan Pawling.

Upon the question being put that the advantages of the Canal to the Estate of the said Nathan Pawling are fully equivalent to the loss of property occasioned thereby, and that he has no claim to any remuneration from the Welland Canal Company—the Yeas and Nays were as follows:—

Yeas.—Messrs. Jarvis, Black, Davis, Theal, Wilson, Nelles, Keefer, Ball, Lewis, Powell, Misselberger, Woodruff, Shaw, Durham, Street, Butler, Wood, A. Nelles, Macaulay, Clark.

Nays.—Messrs. McBride, Smith, McClellan, Lacy, and Hill.

Carried.

2nd. Case—Robert Brown.

16—40 acres.—Principally meadow, of which 4—40 is out of fence, leaving 12 acres of meadow and 4—40 out of fence.

Carried unanimously that claimant is entitled to remuneration.

It being proposed that each Arbitrator should name what he considered a fair compensation for the 12 acres of meadow,

Mr. Mittleberger named,...	£ 4	0	0	per acre.
" Butler,.....	20	0	0	"
" Street,.....	20	0	0	"
" Jarvis,.....	10	0	0	"
" Black,.....	6	0	0	"
" Davis,.....	10	0	0	"
" McBride,.....	7	10	0	"
" Wilson,.....	12	10	0	"
" R. Nelles,.....	12	10	0	"
" Smith,.....	5	0	0	"
" Ball,.....	25	0	0	"
" Keefer,.....	5	0	0	"
" Shaw,.....	20	0	0	"
" Woodruff,.....	20	0	0	"
" Powell,.....	5	0	0	"
" McClellan,.....	12	10	0	"
" Lewis,.....	10	0	0	"
" Lacey,.....	12	10	0	"
" Durham,.....	20	0	0	"
" Theal,.....	25	0	0	"
" Hill,.....	20	0	0	"
" Wood,.....	5	0	0	"
" A. Nelles,.....	25	0	0	"
" Macaulay,.....	10	0	0	"
" Clark,.....	20	0	0	"

Bridge not decided.

Voted to be adjusted at the end.

The sum of £12 10s. per acre being proposed for the 12 acres of meadow land—

Yeas.—Messrs. Jarvis, Black, Davis, McBride, Wilson, R. Nelles, Smith, Keefer, Powell, McClellan, Lewis, Lacey, Wood, Macaulay—14.

Nays.—Messrs. Butler, Street, Woodruff, Ball, Mittleberger, A Nelles, Shaw, Durham, Theal, Hill, Clark, 11.

Carried.—12 acres of meadow at £12 10 per acre.

The sum of £5 per acre was proposed for the 4½ acres.

Yeas.—Messrs. Clark, Butler, Street, Jarvis, R. Nelles, Ball, Mittleberger, A. Nelles, McClellan, Lacy, Durham, Theal, Hill, 13.

Nays.—Messrs. Black, Davis, McBride, Willson, Keefer, Smith, Lewis, Powell, Macaulay, 9.

Messrs. Woodruff and Shaw do not vote.

Awarded £12 10 per acre for 12 acres meadow.
£ 5 per acre for 4½ acres.

And at that rate for more or less of land outside the fence.

3rd.—Jacob Ten Broeck.

9¾ *Acres.*

£13 per acre was proposed for 3 acres taken for a Tow Path.

Yeas.—Messrs. Clark, Butler, Street, Woodruff, R. Nelles, Ball, Mittleberger, A. Nelles, Shaw, Lacey, Durham, Theal, Hill.—13.

Nays.—Mersrs. Jarvis, Black, Davis, McBride, Wilson, Smith, Keefer, Powell, McClellan, Lewis, Wood, Macaulay.—12.

Carried.

The sum of £7 10 per acre was proposed for the residue—about 6 6¾ acres.

Yeas.—Messrs. Street, Jarvis, Black, Davis, McBride, Willson, Smith, Keefer, Mittleberger, McClellan, Powell, Lewis, Wood, Theal, Macaulay.—15.

Nays.—Messrs. Butler, R. Nelles, Ball, A. Nelles, Shaw, Lacey, Durham, Hill, Clark.—9.

Carried.

For any excess of meadow land as good as the Tow Path, at the rate of £13 per acre.

For land similar to the residue of the 9¾ acres in Engineer's schedule at the rate of £7 10 per acre.

Moved,—That the advantages of the Canal are equal to the loss of the 12 acres meadow and marsh that will be overflowed joining Mr. Ball's—the point cut off.

Yeas.—Messrs. Street, Woodruff, Jarvis, Black, Davis, McBride, R. Nelles, Willson, Smith, Keefer, A. Nelles, Shaw, McClellan, Powell, Lewis, Theal, Wood, Clark, Mecaulay.—19.

Nays.—Messrs. Mittleberger, Lacy, Durham, Hill, Butler, Ball.—6.

Carried.

4th—John Ten Broeck.

Moved,—That the advantages of the Canal are equivalent to the loss of soil occasioned by the Canal, being the quantity actually required for the Canal below the bridge, but if any meadow lands be overflowed by the Canal the same to be paid for at the rate of £13 per acre. If any land cut off but not overflowed, to belong to claimant.

Yeas.—Messrs. Street, Woodruff, Jarvis, Black, McBride, Davis, R. Nelles, Willson, Keefer, Ball, Shaw, Powell, McClellan, Lewis, Lacy, Durham, Theal, Hill, Wood, Clark, Macaulay.—21.

Nays.—Messrs. Butler, Smith, Mittleberger, 3.

Carried.

5th.—Job Northrup.

Moved,—That the advantages of the Canal are equivalent to the disadvantages, so far as respects the soil actually required for the Canal—but if any extra land shall be taken for hydraulic or other purposes, except the actual construction of the Canal, the same to be paid for at the rate of £25 per acre.

Yeas.—Messrs. Clark, Butler, Street, Woodruff, Black, Ball, Mittleberger, Smith, A. Nelles, Shaw, McClellan, Lacey, Durham, Hill, Macaulay.—15.

Nays.—Messrs. Jarvis, McBride, Davis, Willson, R. Nelles, Keefer, Powell, Lewis, Theal, Wood, 10.

Carried.

6th.—Adam Gould.

Eight acres of meadow valued at £12 10 per acre, and so for more or less.

Yeas.—Messrs. Jarvis, Black, McBride, Davis, Willson, R. Nelles, Mittleberger, Smith, Keefer, McClellan, Powell, Lewis, Theal, Wood, Macaulay, —15.

Nays.—Messrs. Clark, Butler, Street, Woodruff, Ball, A. Nelles, Shaw, Denham, Hill, Lacey.—10.

Carried.

7th.—John Hainer Bacres.

Advantages considered equivalent to disadvantages.

Unanimous.

8th.—Thomas Merritt and William H. Merritt

Nine and a half acres, exclusive of mill seat—advantages equal to loss.

Unanimous.

For mills, adjacent lands, and appurtenances, £600.

Unanimous.

9th.—John Clendinning.

$3\frac{1}{10}$ acres overflowed.

$\frac{1}{2}$ ditto for a lock erection.

Advantages equivalent to the $3\frac{1}{10}$ acres specified in the Engineer's schedule.

The half acre for lock erections, and any meadow not overflowed not included in the Engineer's schedule, at £25 per acre.

Unanimous.

10th.—William Chisholm.

Considered unanimously that advantages are equal to disadvantages.

William Chase,
William Sanderson,
Isabella Stewart,
Elizabeth Shipman.

Elias J. Adams, name inserted at the instance of Mr. Woodruff, his Arbitrator.

In the above five cases the advantages are unanimously considered equivalent to the disadvantages.

Jonathan Clendenning.

Considered unanimously that advantages are equivalent to disadvantages.

11th.—Francis Goring Parnell

5 acres.

A mill seat.

Awarded unanimously £30.

12th.—Zachariah Rycart.

5 acres.

Allowed unanimously £15.

10th.—John Soper.

Considered unanimously that advantages are equivalent to disadvantages.

13th.—Robert Dettrick, $3\frac{3}{4}$.

Allowed unanimously £2 10 per acre for the land taken for or overflowed by the Canal.

14th.—Mrs. Wright.

13 acres required for Canal, and one acre adjacent to each Lock.

The benefits of the Canal equivalent to the land actually taken for the Canal.

The sum of £3 10 for the acre of land adjacent to each Lock, to be taken for hydraulic purposes—that is £3 10 for each acre so taken.

Yeas.—Messrs. Jarvis, Black, McBride, Davis, Willson, R. Nelles, Mittleberger, Smith, Keefer, A. Nelles, Powell, Wood, Macaulay.—13.

Nays.—Messrs. Street, Butler, Woodruff, Ball, Shaw, McClellan, Lewis, Lacy, Durham, Theal, Hill, Clark,—12.

Carried.

10th.—Oliver Phelps.

Considered unanimously that the advantages of Canal are equivalent to the loss of soil.

15th.—Jacob J. Ball,

$5\frac{1}{2}$ acres.

That advantages are equivalent to disadvantages, except the land taken for the locks.

Yeas.—Messrs. Clark, Street, Jarvis, Black, Davis, Willson, R. Nelles, Keefer, Powell, McClellan, Lewis, Woodruff, Macaulay,—13.

Nays.—Messrs. Butler, Wood, McBride, Mittleberger, Ball, Smith, A. Nelles, Shaw, Lacey, Durham, Theal, Hill,—12.

Each acre taken for manufactories adjacent to the Locks (an acre to each Lock,) £5 an acre.

Yeas.—Messrs. Butler, Street, Woodruff, McBride, Davis, Willson, Nelles, Mittleberger, Ball, Smith, A. Nelles, McClellan, Lewis, Theal, Hill, Clark, Shaw.—17.

Nays.—Messrs. Jarvis, Black, Keefer, Powell, Lacey, Durham, Wood, Macaulay,—8.

Awarded.

16th.—Thomas Kerr.

4⅕ acres.

Advantages of Canal equivalent to loss of soil actually required for the construction of Canal.

Allowed £5 an acre for each acre taken for manufactories &c.—that is, an acre for each lock.

Unanimous.

17.—Widow of Jacob Ball.

4⅕ acres.

Advantages of Canal equivalent to loss of soil actually required for construction of Canal.

Allowed £5 an acre for each acre taken for manufactures &c., i. e. an acre to each lock if taken by the Company—that is £5 an acre if taken, and so on in proportion for any less quantity.

Unanimous.

10th.—William Youall.

4 acres.

Advantages unanimously considered equivalent to disadvantages.

18th.—Jacob Bowman.

9½ acres.

That land should be valued at £5 an acre.

Yeas.—Messrs. Jarvis, Black, Davis, Willson, R. Nelles, Mittleberger, Ball, Smith, Keefer, Powell, McClellan, Lewis, Durham, Wood, Macaulay,—15.

Nays.—Messrs. Street, Butler, Woodruff, McBride, Shaw, A. Nelles, Lacey, Hill, Clark, Theal, —10.

20th.—George Marlatt.

9¼ acres meadow.
9¼ " upland.

Total, 18½

Uplands, equivalent to advantages of Canal.

The 9¼ acres of meadow land to be paid for at the rate of £4 per acre.

Yeas.—Messrs. Jarvis, Black, Davis, R. Nelles, Keefer, Mettleberger, Smith, A. Nelles, Shaw, Powell, Lewis, Wood, Macaulay, 14.

Nays.—Messrs. Street, Woodruff, Butler, McBride, Ball, Durham, Theal, Hill, Clark, McClellan, 10.

Carried.

Allowed for Fencing Bill £165.

21st.—Andrew Willson.

17 Acres.

That he be allowed £3 per acre for land taken.

Yeas.—Messrs. Jarvis, Black, Davis, Willson, Keefer, R. Nelles, Smith, B. Nelles, Mettleberger, Shaw, Powell, McClellan, McBride, Clark, Durham, Ball, Theal, Butler, 18.

Nays.—Messrs. Street, Woodruff, Lewis, Lacey, Wood, Hill, Macaulay, 7.

Carried.

For Hay lost, allowed £6.

22nd.—Hall Davis.

18½ acres

That claimant be allowed £2 per acre.

Yeas.—Messrs. Butler, Street, Woodruff, Black, Jarvis, Willson, R. Nelles, Smith, Ball, Shaw, McClellan, Lewis, Lacey, Durham, Theal, Hill, Wood, Macaulay, Clark, McBride, A. Nelles, 21.

Nays.—Messrs. Davis, Keefer, Mettleberger, Powell, 4.

Carried.

23rd.—Jeremiah Atley.

3⅕ acres.

That advantages are equivalent to disadvantages.

Yeas.—Messrs. Butler, Street, Woodruff, Jarvis, Black, Davis, Willson, Keefer, R. Nelles, A. Nelles, Ball, Shaw, Mittleberger, Powell, Lewis, McBride, Wood, Clark, Macaulay, 19.

Nays.—Messrs. Smith, McClellan, Durham, Lacey, Theal, Hill, 6.

Carried.

24th.—Samuel Swayze.

12½ acres.

That claimant be allowed £3 per acre for all taken by canal.

Yeas.—Messrs. Woodruff, Jarvis, Black, Willson, R. Nelles, Smith, Shaw, Keefer, Powell, Lewis, Wood, Theal, Clark, Macaulay, 14.

Nays.—Messrs. Butler, Street, Davis, A. Nelles, Ball, McClellan, Mittleberger, McBride, Lacey, Durham, Hill, 11.

Also, £25 for general loss of use of Estate for two years.

Carried.

25th.—Garrett Vandeburgh.

50 acres.

That lands be valued at £2 10s. per acre for all taken, including all damages.

Yeas.—Messrs. Butler, Street, Davis, Willson, R. Nelles, Keefer, Smith, A. Nelles, Ball, Shaw, McClellan, Mittleberger, Lacey, Durham, Theal, Hill, Wood, Clark, 18.

Nays.—Messrs. Woodruff, Jarvis, Black, McBride, Powell, Lewis, Macaulay, 7.

Carried.

26th.—John Carroll.

61½ acres.

That lands be valued at £2 per acre for all taken by the canal, including all damages.

Yeas.—Messrs. Butler, Street, Woodruff, Jarvis, Davis, Black, Willson, R. Nelles, Keefer, Smith, A. Nelles, Shaw, Powell, Mittleberger, McClellan, Lewis, McBride, Wood, Clark, Macaulay, 20.

Nays.—Messrs. Ball, Lacey, Durham, Theal, Hill, 5.

Carried.

27th.—John Brown.

7½ acres.

The advantages of the Canal equivalent to the loss of soil on present route.

Unanimous.

Timber £8 15s.

Unanimous.

That £25 be allowed for chasm for tunnel.

Yeas.—Messrs. Butler, Street, Woodruff, Willson, R. Nelles, A. Nelles, Ball, Shaw, Mittleberger, Powell, McClellan, Lacey, McBride, Durham, Theal, Clark, Macaulay, 17.

Nays.—Messrs. Jarvis, Davis, Black, Keefer, Smith, Lewis, Wood, Hill, 8.

Carried.

The whole signed by all the Arbitrators as follows:—

Signed,
Thomas Clark,
A. Nelles,
Samuel P. Jarvis,
T. Butler,
James Black,
Samuel Street,
Crowell Willson,
George Ball
George Lacey,
Thaddeus Davis,
H. Mittleberger,
Edward McBride,
John Hill,
Alexander Wood,
Wm. M'Clellan,

Signed,
J. B. Macaulay,
Marshall Lewis,
Wm. Smith,
Richard Woodruff,
Jacob Keefer,
James Durham,
George Shaw,
Robert Nelles,
Samuel Theal,
Grant Powell,

The Board of Arbitrators adjourned to to-morrow till the award should be prepared.

Friday, 1st *September*, 1826.

The Board of Arbitrators met.

absent: John Warren.

Darius Laphan, Assistant Engineer, affirms that he surveyed the lands as per schedule given in, and states that to the best of his knowledge of schedule contains a statement of the quantities and quality of lands required for the Canal or likely to be overflowed thereby. An acre reserved to each lock and included in the schedule.

No. 8.

AWARD OF ARBITRATORS.

To all to whom these presents shall come: We, the Honorable Thomas Clark, Abraham Nelles, Thomas Butler, Samuel Street, George Ball, Marshal Lewis, Richard Woodruff, James Durham, George Shaw, Samuel Theal, George Lacey, Henry Mittleberger, John Hill, William McLellan, Samuel Peters Jarvis, James Black, Crowell Wilson, J. B. McCaulay, William Smith, Jacob Keefer, Robert Nelles, Grant Powell, Thaddeus Davis, Edward McBride, and Alexander Wood,

Send Greeting.

Whereas by a certain deed bearing date the 23rd day of August, in the year of our Lord one thousand eight hundred and twenty-six, and made between the parties whose hands and seals are thereunto set and subscribed, and the Welland Canal Company—after reciting that by an Act of the Parliament of the Province of Upper Canada, passed the 19th day of January in the year of our Lord 1824, for the incorporation of certain persons under the name of the said Welland Canal Company, it was amongst other things enacted that the Directors of the said Company should have full power and authority to explore the country lying between the River Welland and the District of Niagara and Lake Ontario, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, with its necessary Locks, Towing Paths, Basins and Railways to connect the River Welland with Lake Ontario, and also to select such convenient scites for such and so many Mills, Manufactories, Warehouses and other erections as might be required by the said Company for the purposes thereof, and to purchase the same to and for the use of the said Company. Provided that nothing therein contained should compel the owner of any Mill seat to sell, convey or otherwise depart with the same to the said Company, and also that in case the owner or owners, occupier or occupiers of any Mill seats on the line of the said Canal, or within 500 yards thereof, should consider the same in any manner injured, or the value thereof in any way depreciated from the erection of rival establishments or from any other cause growing out of the cutting and making the said Canal, and for the compensation of which no provision should have been made by that Act, it should and might be lawful for the said Company, and they were thereby required to purchase the same at a fair valuation founded on an average of former years, to be ascertained by Arbitrators, as hereinafter provided, to ascertain the value of lands and

tenements to be purchased, or the amount of damages in any case sustained and also that the Directors of the said Company should be, and that they were thereby empowered to contract, compound, compromise and agree with the owners and occupiers on any land through or upon which they might determine to cut and construct the said intended canal and appurtenances, either for the absolute purchase of so much of the said land as they should require for the purposes of the said Company, or for the damages which he, she, or they, should and might be entitled to recover from the said Company in consequence of the said intended Canal, &c., being cut and constructed in and upon his, her, or their respective lands—and that in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it should and might be lawful from time to time as often as the said Directors should think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person and for the said Directors to nominate and appoint an equal number of indifferent persons who together with one other person to be elected by ballot by the said persons so named should be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company should pay to the respective persons entitled to recover the same, the award of a majority of whom shall be final, after reciting also that by a certain other Act passed on the 13th day of January last passed, Entitled "An Act to repeal parts of and to explain "and amend the several Acts of this Province re-"lating to the Welland Canal Company," it is amongst other things enacted that the value of any Mill Seat or Tract of Land which the said Company should be authorised to purchase for the purposes of Machinery should be ascertained in case of disagreement by Arbitrators in the same manner as the value of land was to be assessed through which the said Canal should pass, and that the said Arbitrators should be also empowered to decide whether the mill seat or scite, or other Machinery desired by the said Company, were such as the person owning the same could be compelled to part with, to the said Company, and that the said Arbitrators so to be appointed as aforesaid, should and might and that they were thereby authorised and required in assessing the value of any lands or tenements of any person or persons proposed to be purchased by the said Company or the amount of damages to be paid by the said Company to any person or persons under the provision of the seventh clause of the said 1st therein in part recited Act to take into their consideration the advantages likely to accrue as well as the injury or damage occasioned to lands or tenements by reason of the said canal; and also that all matters of disagreement or dispute to be settled or determined by Arbitration under the Provision of the said 7th clause of the aforesaid Act should be referred to Arbitrators as therein provided so that the award or awards of such Arbitrators might be made, published and declared, on or before the first day of September then next ensuing after reciting also that some disagreement had taken place between the Directors of the said Company and the respective parties to the said Deed (the said parties to the said Deed respectively being the respective owners and occupiers of certain lands and tenements required by the said Company for the line and boundaries of the said Canal, and for scites for mills, manufactories, ware houses, and other erections for the purposes thereof) both as respects the value of such lands and premises as the said Company was desirous of actually purchasing as well as the damages which the said parties respectively might be entitled respectively to recover from the said Company in consequence of the said Canal and appurtenances according to the provisions of the said therein in part recited Acts.—And after reciting also that for settling and determining the value of such lands, tenements and premises, as well as such damages aforesaid, and all other matters between the said respective parties to the said Deed and the said Company to be settled adjusted and determined by Arbitration according to the provisions of the therein in part recited Acts, and the true intent and meaning thereof,—the said parties to the said Deed had severally and respectively agreed to refer the same premises to Arbitration and to nominate and appoint Arbitrators in that behalf according to the purport, true intent, and meaning of the said Acts—the said parties to and executing the said Deed did and each of them respectively did nominate, constitute, and appoint their several and respective Arbitrators in the premises aforesaid, that is to say, the said parties to and executing the said Deed being owners and occupiers of land on the Route of the said Canal did nominate, constitute and appoint Henry Mittleberger, Abraham Nelles, Richard Woodruff, Thomas Butler, Samuel Street, George Ball, Marshall Lewis, James Durham, George Shaw, Samuel Theal, George Lacey, William McLellan, and John Hill, as their arbitrators in the premises, and the said Company did nominate, constitute, and appoint Grant Powell, Alexander Wood, Samuel Peters Jarvis, James Black, Crowell Willson, James B. Macaulay, Samuel Street, William Smith, Thaddeus Davis, Jacob Keefer, John Warren, Robert Nelles, and Edward McBride, as their arbitrators in the premises.

And the said parties to the said Deed respectively did thereby covenant, promise and agree, well and truly to stand to, obey, abide by, observe, perform, fulfil and keep the award, order, arbitrament and final determination of the said above named Arbitrators, and the person to be appointed by them pursuant to the said Act, first above therein recited, or the majority of them, according to the terms and provisions of the said Act, touching and concerning all and every such matters and things respectively thereinbefore mentioned as should be submitted to the said Arbitrators, under the provisions of the said, therein in part recited Acts, and be in difference between the said parties to the said Deed respectively and the said Welland Canal Company—it being thereby fully declared, understood and agreed by and between the parties thereto respectively, that (without any separate or specific explanation thereof by and in the said Deed or submission) all matters of disagreement or dispute by and between the said respective persons, parties to, and executing the said Deed and the said Company, to be settled or determined by Arbitration according to the provisions of the thereinbefore in part recited Acts, of what nature or kind soever should be and were thereby agreed to be referred to the Arbitrators thereinbefore appointed and the person

to be appointed by them according to and in compliance with the provisions of the said therein in part recited Acts and the true intent and meaning thereof. And it was also agreed by and between the said parties to the said Deed, that the said Deed and the submission thereby made should be made a rule of His Majestys Court of King's Bench for the Province of Upper Canada, pursuant to the Statute in that behalf.

And Whereas, the Arbitrators appointed by the said Deed, appointed by ballot, the Hon. Thomas Clark as an Arbitrator with them in the premises aforesaid, according to the Statute in that behalf, before entering upon the said reference.

Now know Ye, that we, the said Thomas Clark, Abraham Nelles, Thomas Butler, Saml. Street, George Ball, Marshall Lewis, Richard Woodruff, James Durham, George Shaw, Saml. Theal, George Lacey, Henry Mittleberger, John Hill, William McClellan, Saml. P. Jarvis, James Black, Crowell Willson, James B. Macaulay, Wm. Smith, Jacob Keefer, Robert Nelles, Grant Powell, Thaddeus Davis, Edward McBride, and Alexander Wood, being a majority of the Arbitrators in the said Deed named :—

Having taken upon ourselves the burthen of the said Arbitration so referred to us as aforesaid, and having heard and duly considered the allegations, vouchers, proofs and witnesses of the said parties do make this our award in writing, of and concerning the premises to us referred, as follows, that is to say :—

First, In the matter between Nathan Pawling and the said Welland Canal Company we, the undersigned do find, award, determine and declare that the advantages of the said Welland Canal, as respects the lands of the said Nathan Pawling are equivalent to the value of the lands proposed to be taken by the said Company, being estimated at 4 and ½ acres, and of all injury or damage occasioned to the lands of the said Nathan Pawling by reason of the said Canal.

Saml. P. Jarvis,	H. Mittleberger,
James Black,	Richard Woodruff,
Thaddeus Davis,	George Shaw,
Salm. Theal,	James Durham,
Crowell Willson,	Samuel Street,
Robert Nelles,	T. Butler,
Jacob Keefer,	Alexander Wood,
George Ball,	A. Nelles,
Marshall Lewis,	J. B. Macaulay,
Grant Powell,	Thomas Clark.

Second, In the matter between Robert Brown and the said Welland Canal Company, we, the undersigned do find, award, determine and declare that the said Company shall pay to the said Robert Brown at the rate of twelve pounds ten shillings, lawful money of Upper Canada per acre, for 12 acres of meadow land of the said Robert Brown, to be overflowed by the said Canal, and in the same proportion for any greater or smaller quantity of the said meadow land that may be so overflowed. And also that the said Company shall pay to the said Robert Brown at the rate of £5 per acre for 4½ acres of pasture land lying adjacent to the aforesaid meadow, without the fence of the said Robert Brown, to be overflowed by the said Canal—and in the same proportion for any greater or smaller quantity of the said pasture land that may be so overflowed.

Saml. P. Jarvis,	Marshall Lewis,
James Black,	George Lacey,
Thaddeus Davis,	Alexander Wood,
Edward McBride,	J. B. Macaulay,
Crowell Willson,	Thomas Clark,
Robt. Nelles,	T. Butler,
Wm. Smith,	Samuel Street,
Jacob Keefer,	George Ball,
Grant Powell,	A. Nelles,
Wm. McClellan,	James Durham,

Saml. Theal.

Third, In the matter between Jacob Tenbroeck and the said Welland Canal Company we, the undersigned do find, award, determine and declare, that the said Company shall pay to the said Jacob Tenbroeck at the rate of thirteen pounds per acre for three acres of meadow land of the said Jacob Tenbroeck, taken by the said Company for a Tow Path, and at the same rate for any greater quantity of meadow land of the said Jacob Tenbroeck, of equal quality, taken by the said Company—and also that the said Company shall pay to the said Jacob Tenbroeck at the rate of £7 10s. per acre for 6¾ acres of other land of the said John Tenbroeck, (being bottom and side hill) as per estimate of Darius Lapham, Assistant Engineer, taken or overflowed by the said Company, and in the same proportion for any greater or less quantity of similar land. And as respects 12 acres of meadow and marsh land of the said Jacob Tenbroeck adjoining the premises of Wm. M. Ball, being a small point cut off and to be overflowed by the said Canal, we do find, award, determine and declare that the advantages of the said Canal as respects the lands of the said Jacob Tenbroeck, are equivalent to the value of the last mentioned lands of the said Jacob Tenbroeck and of all injury or damage occasioned thereto by reason of the said Canal.

Thomas Clark,	John Hill,
T. Butler,	Jacob Keefer,
Samuel Street,	Samuel P. Jarvis,
Richard Woodruff,	James Black,
Robert Nelles,	Thaddeus Davis,
George Ball,	Edward McBride,
H. Mittleberger,	Crowell Willson,
A. Nelles,	Wm. Smith,
George Shaw,	William McClellan,
George Lacy,	Grant Powell,
James Durham,	Marshall Lewis,
Samuel Theal,	Alexander Wood,

John B. Macaulay.

Fourth. In the matter between John Tenbroeck and the said Welland Canal Company, we the undersigned do find, award, determine and declare that the advantages of the said Canal as respects the lands of the said John Tenbroeck are equivalent to the land and soil of the said John Tenbroeck, actually required for the construction of the said Canal and tow path, being that part lying a little below a Bridge,—and of all injury or damage occasioned to the lands of the said John Tenbroeck by reason of the said Canal—in case no meadow land shall hereafter be overflowed thereby. But should any meadow land of the said John Tenbroeck be hereafter overflowed by reason of the said Canal then and in such case we the undersigned find, award, determine, and declare that the said Company shall pay to the said John Tenbroeck,

at the rate of £13 per acre for every acre of meadow land so overflowed, and in that proportion for any greater or less quantity.—And we do hereby declare that it is not to be understood by this our award that any lands of the said John Tenbroeck cut off or separated from the main farm by the said Canal and not overflowed or actually required for this said Canal or tow paths is to be considered as belonging to the said Company but that the same shall continue to be the property of the said John Tenbroeck.

Dated this 31st day of August, 1826.

Samuel Street, Richard Woodruff, Samuel P. Jarvis, James Black, Edward McBride, Thaddeus Davis, Robert Nelles, Crowell Willson, Jacob Keefer, George Ball, Grant Powell, William McClellan, Marshall Lewis, George Lacey, James Durham, Samuel Theal, John Hill, Alexander Wood, Thomas Clark, J. B. Macaulay.

George Shaw.

Fifth. In the matter between Job Northrup and the said Welland Canal Company, We the undersigned do find, award, determine, and declare that the advantages of the said canal as respects the lands of the said Job Northrup, are equivalent to the value of the said lands and soil of the said Job Northrup actually required for the construction of the said canal tow-paths and appurtenances, estimated at six and six-tenths acres of meadow land and of all injury or damage occasioned to the said lands of the said Job Northrup by reason of the said Canal.

But in case the said Company shall require and take any greater quantity of the lands of the said Job Northrup than shall be required as aforesaid, as a scite or scites for mills, machinery, or Hydraulic purposes independent of the Canal itself, then and in such case, we the undersigned, do find, award, determine, and declare that the said Company shall pay to the said Job Northrup for any extra quantity of his lands so taken and required as last aforesaid at the rate of £25 per acre and so in proportion for any greater or less quantity.

Dated this 31st day of August, 1826.

Thomas Clark, T. Butler, Samuel Street, Richard Woodruff, James Black, George Ball, H. Mittleberger, William Smith, A. Nelles, George Shaw, William McClellan, George Lacey, James Durham, John Hill,

J. B. Macaulay.

Sixth. In the matter between Adam Gould and the said Welland Canal Company, We the undersigned do find, award, determine and declare, that the said Company shall pay to the said Adam Gould for the meadow land of the said Adam Gould taken and required for the said Canal being estimated at 8 acres, at the rate of £12 10s. per acre, and in proportion for any greater or less quantity.—And further that the advantages of the Canal to the lands of the said Adam Gould, are equivalent to all other damages occasioned to the lands of the said Adam Gould by reason of the said Canal.

Dated this 31st day of August, 1826.

Samuel P. Jarvis, James Black, Edward McBride, Thaddeus Davis, Crowell Willson, Robert Nelles, H. Mittleberger, William Smith, Jacob Keefer, William McClellan, Grant Powell, Marshall Lewis, Samuel Theal, Alexander Wood,

J. B. Macaulay.

Seventh, In the matter between John Hainer and the Welland Canal Company, we the undersigned, do find, award, determine and declare that the advantages of the said Canal as respects the lands of the said John Hainer, are equivalent to the value of the lands and soil proposed to be taken by the said Company for the said Canal—being estimated at thirteen acres, and of all injury or damage occasioned to the lands of the said John Hainer by reason of the said Canal.

Dated this 31st day of August, 1826.

A Nelles, T. Butler, Samuel Street, Thomas Clark, Alexander Wood, John Hill, George Lacey, George Ball, Marshall Lewis, Richard Woodruff, James Durham, George Shaw, Saml Theal, H. Mittleberger, Wm. McClellan, Saml. P. Jarvis, James Black, Crowell Willson, Wm. Smith, Jacob Keefer, Robert Nelles, Grant Powell, Thaddeus Davis, Edward McBride,

J. B. Macaulay.

Eighth, In the matter between Thomas Merritt and Wm. H. Merritt, and the said Welland Canal Company, we the undersigned do find, award, determine and declare that the advantages of the said Canal as respects the lands of the said Thomas Merritt, and Wm. H. Merritt, (excepting the Mill seat and appurtenances hereafter mentioned,) are equivalent to the value of the lands proposed to be taken by the said Company, being estimated at 9¾ acres, and all injury or damage occasioned thereto, by reason of the said Canal.

It being intended that the said Company should purchase the Mill seat, Mills and appurtenances of the said Thomas Merritt and Wm. H. Merritt, we the undersigned do award, determine and declare that the said Company shall pay to the said Thomas Merritt and Wm. H. Merritt, the sum of £600 of lawful money of Upper Canada, in full compensation for the said Mill Seat, Mills, lands (estimated at 7 or 8 acres) and buildings appurtenant thereto.

Dated this 31st day of August, 1826.

A Nelles, T. Butler, Samuel Street, Thomas Clark, Alexander Wood, John Hill, Wm. McClellan, Richard Woodruff, George Ball, Marshal Lewis, James Durham, George Shaw, Samuel Theal, George Lacey, H. Mittleberger, Samuel P. Jarvis, James Black, Crowell Willson, William Smith, Jacob Keefer, Robert Nelles, Grant Powell, Thaddeus Davis, Edward McBride,

J. B. Macaulay.

Ninth. In the matter between John Clendenning and the said Welland Canal Company, We the un-

dersigned do find, award, determine and declare that the advantages of the said Canal as respects the lands of the said John Clendenning are equivalent to the value of the lands and soil of the said John Clendenning (estimated at three and one-tenth acres; to be overflowed,) actually required for the construction of the said Canal, tow-paths, and appurtenances, and of all injury or damage occasioned to the lands of the said John Clendenning by reason of the said Canal. But in case the said Canal Company shall require and take any greater quantity of the lands of the said John Clendenning, than shall be actually required as aforesaid, as a scite or scites for mills, machinery, or for Hydraulic purposes independent of the Canal itself, or in case any excess or meadow land of the said John Clendenning beyond the quantity of three and one-tenth acres above specified shall be overflowed by reason of the said Canal, then and in such case, we the undersigned do find, award, determine and declare that the said Company shall pay to the said John Clendending for any extra quantity of his lands so taken, required or overflowed as last aforesaid, at the rate of £25 per acre, and so in proportion for any greater or less quantity.

Dated this 31st day of August, 1826.

A. Nelles,
T. Butler,
Samuel Street,
George Ball,
Marshall Lewis,
Richard Woodruff,
James Durham,
George Shaw,
Samuel Theal,
George Lacey,
H Mittleberger,
John Hill,
William McClellan,
Crowell Willson,
Samuel P. Jarvis,
James Black,
Wm. Smith,
Jacob Keefer,
Robert Nelles,
Grant Powell.
Thaddeus Davis,
Edward McBride,
J. B. Macaulay,
Thomas Clark,
Alexander Wood.

Tenth. In the respective matters between William Chisholm, William C. Chase, William Sanderson, Isabella Stewart, Elizabeth Shipman, Jonathan Clendenning, Elias Adams, Oliver Phelps, John Soper, and William Youall, respectively, and the said Welland Canal Company.

We the undersigned do find, award, determine, and declare that the advantages of the said canal as respects the lands of the said parties above named respectively, are equivalent to the loss of lands and soil of the said parties respectively, actually required for the construction of the said canal, tow-paths and appurtenances, estimated as follows, that is to say:—

Of the said William Chisholm, 2½ acres.

Of the said William C. Chase, about ¼ of an acre.

Of the said William Sanderson, nearly ¼ of an acre.

Of the said Isabella Stewart, a small piece off her lot.

Of the said Elizabeth Shipman, ⅛ of an acre.

Of the said Jonathan Clendenning, nearly 6¾ acres.

Of the said Elias Adams, about ⅜ of an acre.

Of the said Oliver Phelps, about 13 acres.

Of the said John Soper, 1 acre, and

Of the said William Youall, 3 or 4 acres.

Dated this 31st day of August, 1826.

A. Nelles,
T. Butler,
Samuel Street,
George Ball,
Marshall Lewis,
Richard Woodruff,
James Durham,
George Shaw,
Samuel Theal,
George Lacey,
H. Mittleberger,
John Hill,
William McClellan,
Crowell Willson,
Thaddeus Davis,
Edward McBride,
Samuel P. Jarvis,
James Black,
William Smith,
J. Keefer,
Robert Nelles,
Grant Powell,
J. B. Macaulay,
Alexander Wood,
Thomas Clark.

Eleventh. In the matter between Francis Goring Parnell and the said Welland Canal Company, We the undersigned do find award and determine and declare that the said Company shall pay to the said Francis Goring Parnell the sum of £30, in full compensation for the mill seat of the said Francis Goring Parnell, required and taken for the said Canal, estimated as containing five acres of the lands of the said Francis Goring Parnell—and that the advantages of the said Canal, as respects the lands of the said Francis Goring Parnell, are equivalent to all other damages to his lands by reason of the said Canal.

Dated this 31st day of August, 1826.

A. Nelles,
T. Butler,
Samuel Street,
George Ball,
Marshall Lewis,
Richard Woodruff,
James Durham,
George Shaw,
Samuel Theal,
George Lacey,
H. Mittleberger,
John Hill,
Wm. McClellan,
Crowell Willson,
Samuel P. Jarvis,
James Black,
Wm. Smith,
Jacob Keefer,
Robert Nelles,
Grant Powell,
Thaddeus Davis,
Edward McBride,
Thomas Clark,
Alexander Wood,
J. B. Macaulay.

Twelfth. In the matter between Zachariah Rykert and the said Welland Canal Company, We the undersigned do find, award, determine and declare that the said Company shall pay to the said Zachariah Rykert the sum of £15, in full compensation for the lands of the said Zachariah Rykert, (estimated at 5 acres) required and proposed to be taken for the said Canal, and that the advantages of the said Canal as respects the lands of the said Zachariah Rykert are equivolent to all other damages to his lands by reason of the said Canal.

Dated this 31st day of August, 1826.

A. Nelles,
T. Butler,
Samuel Street,
George Ball,
Marshal Lewis,
Richard Woodruff,
James Durham,
George Shaw,
Samuel Theal,
George Lacey,
H. Mittleberger,
John Hill,
Wm. McClellan,
Crowell Willson,
Samuel P. Jarvis,
James Black,
Wm. Smith,
Jacob Keefer,
Robert Nelles,
Grant Powell,
Thaddeus Davis,
Edward McBride,
Thomas Clark,
Alexander Wood,
J. B. Macaulay.

Thirteenth. In the matter between Robert Dettrick and the said Welland Canal Company, We the

undersigned do find, award, determine and declare, that the said Company shall pay to the said Robert Dettrick the sum of £2 10 per acre for each acre of the lands of the said Robert Dettrick, estimated at 3¾ acres, required and taken for the said Canal, and so in proportion for any greater or less quantity thereof, and that the advantages of the said Canal as respects the lands of the said Robert Dettrick are equivalent to all other damages to his lands by reason of the said Canal.

Dated this 31st day of August, 1826.

A. Nelles,	Wm. McClellan,
T. Butler,	Crowell Wilson,
Samuel Street,	Samuel P. Jarvis,
George Ball,	James Black,
Marshal Lewis,	Wm. Smith,
Richard Woodruff,	Jacob Keefer,
James Durham,	Robert Nelles,
George Shaw,	Grant Powell,
Samuel Theal,	Thaddeus Davis,
George Lacey,	Edward McBride,
H. Mittleberger,	Thomas Clark,
John Hill,	Alexander Wood,

J. B. Macaulay.

Fourteenth. In the matter between the Widow Wright and the said Welland Canal Company, Alexander Nickerson on behalf of the said Widow Wright. We the undersigned do find, award, determine and declare that the advantages of the said Canal, as respects the lands in the possession of the said Widow Wright are equivalent to the value of the lands and soil actually required and taken for the construction of the said Canal, tow-paths and appurtenances, being estimated at 13 acres of land.

But in case the said Company shall require and take any greater quantity of the lands of the said Widow Wright than shall be required as aforesaid as appurtenant to the lock or locks erected on the said premises, or as a site or sites for mills, machinery, or hydraulic purposes, independent of the Canal itself, then and in such case we the undersigned award, determine, and declare that the said Company shall pay to the said Widow Wright for any extra quantity of lands so taken or required as aforesaid at the rate of £3 14s. per acre, and so in proportion for any greater or less quantity.

Dated this 31st day of August, 1826.

Samuel P. Jarvis,	H. Mittleberger,
James Black,	William Smith,
Edward McBride,	Jacob Keefer,
Thaddeus Davis,	A. Nelles,
Robert Nelles,	Grant Powell,
Crowell Willson,	Alexander Wood,

J. B. Macaulay.

Fifteenth. In the matter between Jacob J. Ball and the said Welland Canal Company, we the undersigned do find, award, determine, and declare that the advantages of the said Canal as respects the lands of the said Jacob J. Ball, are equivalent to the value of the lands and soil of the said Jacob J. Ball actually required for the construction of the said canal, tow paths and appurtenances, estimated at 5½ acres and of all injury or damage occasioned to the lands of the said Jacob J. Ball, by reason of the said canal. But in case the said Company shall require and take any greater quantity of the lands of the said Jacob J. Ball than shall be required as aforesaid as appurtenant to the lock or locks erected on the said premises or as a site or sites for mills, machinery, or Hydraulic purposes independent of the canal itself, then and in such case we the undersigned do award, determine and declare, that the said Company shall pay to the said Jacob J. Ball for any extra quantity of his lands so taken or required as last aforesaid, at the rate of £5 per acre, and so in proportion for any greater or less quantity.

Dated this 31st day of August, 1826.

Samuel P. Jarvis,	J. B. Macaulay,
James Black,	Thomas Clark,
Thaddeus Davis,	Samuel Street,
Robert Nelles,	William McClellan,
Jacob Keefer,	T. Butler,
Grant Powell,	Marshal Lewis,
Alexander Wood,	Crowell Willson.

Sixteenth. In the matter between Thomas Kerr and the said Welland Canal Company, We the undersigned do find, award, determine and declare, that the advantages of the said Canal as respects the lands of the said Thomas Kerr are equivalent to the value of the lands and soil of the said Thomas Kerr, actually required for the construction of the said Canal, tow paths, and appurtenances estimated at 4 acres and one-fifth of an acre, and of all injury or damage occasioned to the lands of the said Thomas Kerr, by reason of the said Canal.

But in case the said Company shall require or take any greater quantity of the lands of the said Thomas Kerr, than shall be required as aforesaid, as appurtenant to the lock or locks erected on the said premises or as a site or sites for mills, machinery, or Hydraulic purposes independent of the Canal itself, then and in such case we the undersigned do award, determine and declare that the said Company shall pay to the said Thomas Kerr, for any extra quantity of his lands so taken or required as last aforesaid, at the rate of £5 per acre and so in proportion for any greater or less quantity.

Dated this 31st day of August, 1826.

Samuel P. Jarvis,	J. B. Macaulay,
James Black,	Thomas Clark,
Edward McBride,	Samuel Street,
Thaddeus Davis,	Wm. McClellan,
Robert Nelles,	T. Butler,
Crowell Willson,	Marshal Lewis,
H. Mittleberger,	George Ball,
William Smith,	James Durham,
Jacob Keefer,	Richard Woodruff,
A. Nelles,	George Shaw,
Grant Powell,	Samuel Theal,
Alexander Wood,	George Lacey,

John Hill.

Seventeen. In the matter between the widow Elizabeth Ball and the said Welland Canal Company, We the undersigned do find, award, determine and declare that the advantages of the said Canal as respects the lands of the said Elizabeth Ball are equivalent to the value of the lands and soil of the said Elizabeth Ball, actually required for the construction of the said Canal, tow paths and appurtenances, estimated at four acres and one fifth of an acre, and of all injury or damage occasioned to the lands of the said Elizabeth Ball, by reason of the said Canal.

But in case the said Company shall require and take any greater quantity of the lands of the said Elizabeth Ball than shall be required as aforesaid, as appurtenant to the lock or locks or as a site or sites for mills, machinery, or Hydraulic purposes independent of the Canal itself, then and in such case we the undersigned award, determine and declare that the said Company shall pay the said Elizabeth Ball for any extra quantity of her lands so taken or required as last aforesaid, at the rate of £6 an acre and so in proportion for any greater or less quantity.

Dated this 31st day of August, 1826.

Samuel P. Jarvis,	J. B. Macaulay,
James Black,	Thomas Clark,
Edward McBride,	Samuel Street,
Thaddeus Davis,	William McClellan,
Robert Nelles,	T. Butler,
Crowell Willson,	Marshal Lewis,
H. Mittleberger,	George Ball,
Wm. Smith,	James Durham,
Jacob Keefer,	Richard Woodruff,
A. Nelles,	George Shaw,
Grant Powell,	Samuel Theal,
Alexander Wood,	George Lacey,

John Hill.

Eighteenth. In the matter between Luke Carroll and the said Welland Canal Company, We the undersigned do award, determine, and declare that the said Company shall pay to the said Luke Carroll the sum of £5 per acre for each acre of the lands of the said Luke Carroll required or taken for the said Canal, estimated at 16½ acres and so in proportion for any greater or less quantity.

And also that the said Company shall pay to the said Luke Carroll the sum of £25 in full satisfaction for the loss of fruit-trees, grain, &c., mentioned in the testimony of the said Luke Carroll, by reason of the said Canal.

Provided nevertheless, that in case the well of the said Luke Carrell, in the line of the Canal shall hereafter be destroyed or injured thereby, the said Luke Carrell shall be entitled to demand and have compensation therefor from the said Company, the same not having been included in this award.

Dated this 31st day of August, 1826.

Samuel P. Jarvis,	Jacob Keefer,
James Black,	Grant Powell,
Thaddeus Davis,	Marshal Lewis,
Crowell Willson,	Alexander Wood,
Robert Nelles,	Thomas Clark,
George Ball,	J. B. Macaulay,
William Smith,	H. Mittleberger.

Nineteenth. In the matter between Jacob Bowman and the said Welland Canal Company, We the undersigned do award, determine and declare that the said Company shall pay to the said Jacob Bowman at the rate of £5 per acre for each acre of the lands of the said Jacob Bowman actually required and taken for the said Canal estimated at 9½ acres and in proportion for any greater or less quantity.

And that the advantages of the said Canal as respects the lands of the said Jacob Bowman are equivalent to all other damages occasioned thereto by reason of the said Canal.

Dated this 31st day of August, 1826.

Samuel P. Jarvis,	William Smith,
James Black,	Jacob Keefer,
Thaddeus Davis,	Grant Powell,
Crowell Willson,	Marshal Lewis,
Robert Nelles,	Alexander Wood,
George Ball,	J. B. Macaulay,
H. Mittleberger,	William McClellen,

James Durham.

Twentieth. In the matter between George Marlatt and the said Welland Canal Company, We the undersigned do find, award, determine and declare, that the advantages of the said canal as respects the lands of the said George Marlatt, are equivalent to the value of the upland of the said George Marlatt, actually required for the construction of the said canal, (estimated at 9¼ acres)—But that the said Company shall pay to the said George Marlatt, at the rate of £4 per acre for each acre of the meadow land of the said George Marlatt, estimated at 9¼ acres, required and taken for the said canal, and so in proportion for any greater or less quantity thereof.—And also that the said Company shall pay to the said George Marlatt, the sum of £16 5s., in full satisfaction for damages to fences and all other damages to the lands of the said George Marlatt, by reason of the said Canal.

Dated this 31st day of August, 1826.

Saml. P. Jarvis,	Grant Powell,
James Black,	Marshall Lewis,
Thaddeus Davis,	Alexander Wood,
Crowell Willson,	J. B. Macaulay,
Robt. Nelles,	H. Mittleberger,
Wm. Smith,	A. Nelles,
Jacob Keefer,	George Shaw.

Twenty-one, In the matter between Andrew Willson and the said Welland Canal Company, we the undersigned do find, award, determine and declare that the said Company shall pay to the said Andrew Willson at the rate of £3 per acre for each acre of the lands of the said Andrew Willson actually required and taken for the said Canal, estimated at 17 acres, and so in proportion for any greater or less quantity.

And that the advantages of the said Canal as respects the lands of the said Andrew Willson are equivalent to all other damages occasioned thereto by reason of the said Canal.

And further that the said Company shall pay to the said Andrew Willson the sum of £6 in full satisfaction for loss of Hay and all other damages of a like nature.

Dated this 31st day of August 1826.

Saml. P. Jarvis,	Grant Powell,
James Black,	Thomas Clark,
Thaddeus Davis,	Wm. McClellan,
Crowell Willson,	James Durham,
Robert Nelles,	A. Nelles,
George Ball,	George Shaw,
Wm. Smith,	Edwd. McBride,
Jacob Keefer,	T. Butler,
H. Mittleberger,	Samuel Theal.

Twenty second, In the matter between Hall Davis and the Welland Canal Company, we the undersigned do find, award, determine and declare, that the said Company shall pay to the said Hall Davis at the rate of £2 per acre, for each acre of the land of

the said Hall Davis actually required and taken for the said Canal (estimated at 18½ acres,) and so in proportion for any greater or less quantity. And that the advantages of the said Canal, as respects the lands of the said Hall Davis, are equivalent to all other damages occasioned thereto by reason of the said Canal.

Dated this 31*st day of August*, 1826.

T. Butler,	Wm. McClellan,
Samuel Street,	Marshall Lewis,
Richard Woodruff,	George Lacey,
James Black,	James Durham,
Samuel P. Jarvis,	Samuel Theal,
Crowell Wilson,	John Hill,
Robert Nelles,	Alexander Wood,
Wm. Smith,	J. B. Macaulay,
George Ball,	Thomas Clark,
George Shaw,	Edwd. McBride,

A Nelles.

Twenty third, In the matter between Jeremiah Atley and the said Welland Canal Company, we the undersigned do find, award, determine and declare that the advantages of the said Welland Canal as it respects the lands of the said Jeremiah Atley, are equivalent to the value of the lands proposed to be taken by the said Company, being estimated at three and one fifth acres, and of all injury or damage occasioned to the lands of the said Jeremiah Atley by reason of the said Canal.

Dated this 31*st day of August*, 1826.

T. Butler.	Marshall Lewis,
Samuel Street,	Alexander Wood,
Richard Woodruff,	J. B. Macaulay,
James Black,	Thomas Clark,
Samuel P. Jarvis,	Edward McBride,
Crowell Wilson,	A. Nelles,
Robert Nelles,	Jacob Keefer,
George Ball,	H. Mittleberger,
George Shaw,	Thaddeus Davis,

Grant Powell.

Twenty fourth, In the matter between Samuel Swayzee and the said Welland Canal Company, we the undersigned do find, award, determine and declare, that the said Company shall pay to the said Samuel Swayzee at the rate of £3 per acre for each acre of the lands of the said Samuel Swayzee actually required and taken for the said Canal. (Estimated at 12½ acres) and so in proportion for any greater or less quantity—and that the advantages of the said Canal as respects the lands of the said Samuel Swayzee are equivalent to all other damages occasioned thereto by reason of the said Canal. Except the damages occasioned by the general losses and injuries to his Estate for the last two years, in full compensation for which we award and direct that the said Company do pay the said Samuel Swayzee the sum of £25 0, 0.

Dated this 31*st day of August*, 1826.

T. Butler,	Marshall Lewis,
Samuel Street,	George Lacy,
Richard Woodruff,	Samuel Theal,
James Black,	Alexander Wood,
Saml. P. Jarvis,	J. B. Macaulay,
Crowell Wilson,	Thomas Clark,
Robert Nelles,	Edwd. McBride,
Wm. Smith,	A. Nelles,
George Ball,	Jacob Keefer,
George Shaw,	H. Mittleberger,
Wm. McClellan,	Thaddeus Davis,

Grant Powell.

No. 25

In the matter between Garrett Vanderburgh and the said Welland Canal Company, We, the undersigned, do find, award, determine and declare, that the said Company shall pay to the said Garret Vanderburgh at the rate of £2 10s. per acre, for each acre of the lands of the said Garrett Vanderburgh, required and taken for the said Canal, estimated at 50 acres, and so in proportion for any greater or less quantity; and that the advantages of the said Canal as respects the lands of the said Garrett Vanderburgh, are equivalent to all other damages occasioned thereto by reason of the said Canal.

Dated this 31*st day of August*, 1826.

T. Butler,	H. Mittleberger,
Samuel Street,	Thaddeus Davis,
Crowell Wilson,	George Lacy,
Robert Nelles,	James Durham,
William Smith,	Samuel Theal,
George Ball,	John Hill,
George Shaw,	Alexander Wood,
William M'Lellan,	Thomas Clark,
Jacob Keefer,	A. Nelles.

No. 26.

In the matter between John Carl and the said Welland Canal Company, We, the undersigned, do find, award, determine and declare, that the said Welland Canal Company, do pay to the said John Carl, at the rate of £2 per acre for each acre of the lands of the Said John Carl, actually required and taken, for the said Canal, estimated at 61½ acres, and so in proportion for any greater or less quantity; and that the advantages of the said Canal, as respects the lands of the said John Carl, are equivalent to all other damages occasioned thereto by reasons of the said Canal.

Dated this 31*st day of August*, 1826.

T. Butler,	A. Nelles,
Samuel Street,	George Shaw,
Richard Woodruff,	Grant Powell,
Samuel P. Jarvis,	H. Mittleberger,
Thaddeus Davis,	Marshall Lewis,
James Black,	William M'Lellan,
Crowell Wilson,	Edward M'Bride,
Robert Nelles,	Alexander Wood,
Jacob Keefer,	Thomas Clark,
William Smith,	J. B. Macaulay.

No. 27.

In the matter between John Brown and the said Welland Canal Company, We, the undersigned do find, award, determine and declare, that the advantages of the said Canal, as respects the lands of the said John Brown, are equivalent to the loss of lands and soil estimated at 7½ acres actually required and taken for the construction of the said Canal and tow paths.

But that the said Company shall pay to the said John Brown the sum of £8 15s. for the timber of

the said John Brown, cut by the said Company upon the premises of the said John Brown upon the line originally laid out for the said Canal, the said Company being at liberty to remove such of the said timber as is still lying on the said premises thereby; and that the said Company do also pay to the said John Brown the sum of £25 in satisfaction for the injury and damage done by the said Company to the lands of the said John Brown, by means of the excavation in the vicinity of his barn made at the commencement of a tunnel formerly projected, but afterwards abandoned by the said Company, and of all other damages occasioned to the lands of the said John Brown, by reason of the said Canal.

Dated this 31st day of August, 1826.

T. Butler,
Samuel Street,
Richard Woodruff,
Crowell Willson,
Robert Nelles,
A. Nelles,
George Shaw,
Grant Powell,
H. Hittleberger,
Wm. McClellan,
Edward McBride,
Thomas Clark,
J. B. Macaulay,
George Ball,
George Lacey,
Samuel Theal,
James Durham.

It appearing that in the following cases the farms of the respective owners will be separated by the line of the canal, and the intercourse between the one part and the other obstructed thereby, namely: in the case of Robert Brown, the Widow Wright, (Zachariah Rykert, and F. G. Parnell,) (Jacob Bowman, and Luke Carroll,) Oliver Phelps, John Clendenning,) (and there may be others whose situations the Board may not be apprized.)

And it being indispensible that a means of passage across the Canal should be afforded to the respective proprietors at the expense of the Company but difficult nevertheless to adjust in the shape of damages sums equivalent to that object in the several cases mentioned (we the undersigned) understanding such to be the present intention of the said Company do hereby award and direct that the said Welland Canal Company do and shall furnish to the proprietors of farms divided, convenient means of passage across the Canal by bridges or scows at the expense of the Company, and that in case they shall neglect or refuse so to do the parties interested in the premises shall not be considered as precluded by this award from any future right to damages or compensation on that account.—*Provided always*, and it is hereby declared not to be intended to require the said Company to furnish any such accommodations in cases where the quantity of lands divided or cut off from any individual lot of land or farm, shall not exceed ten acres. We do hereby further award and declare that the enumeration of names in the introductory part of this part of our award of persons entitled to bridges or scows is not to be constructed to exclude a claim to similar accommodation, by all persons not named whose estates may be divided to the extent above specified and who shall not have access to the separated parcels by means of public bridges, or otherwise as commodiously as before the making of the Canal.

T. Butler,
Samuel Street,
Richard Woodruff,
A. Nelles,
George Shaw,
H. Mittleberger,
Thaddeus Davis,
Crowell Willson,
George Ball,
James Durham,
Marshal Lewis,
Thomas Clarke,
John Hill,
James Black,
William McClellan,
George Lacey,
Samuel Theal,
Edward McBride.
Jacob Keefer,
Wm. Smith,
Alexander Wood,
Samuel P. Jarvis.

1st September, 1826.

Moved that the Company do pay the costs of the Arbitration.

Yeas.—Messrs. Butler, Street, Woodruff, Davis, Willson, Ball, A. Nelles.

Nays.—Messrs. Black, McBride, Keefer, R. Nelles, Smith, Jarvis, Powell, Shaw, McClellan, Mittleberger, Theal, Lacey, Durham, Lewis, Hill, Clark, Macaulay, Wood.

It being doubtful whether this Board have a legal power to award costs under the present reference, the undersigned do hereby intimate, that if they had not until the conclusion of the individual awards, conceived they had the right to do so—they would, with a view to cover the expenses thereof, have enhanced the amounts awarded the respective parties—and trust the Welland Canal Company will pay the amount under such circumstances.

Yeas the same as the last division.

Estimate at £1 per day to each arbitrator.

T. Butler,
Samuel Street,
Richard Woodruff,
Thaddeus Davis,
George Ball,
Crowell Willson,
George Shaw,
A. Nelles,
Wm. McClellan,
A. Mittleberger,
Samuel Theal,
George Lacey,
Marshal Lewis,
James Durham,
John Hill,
Thomas Clark.

Witness present at the execution of the foregoing awards.

JOHN. G. SPRAGGE.

No. 9.

Letter, Samuel Clowes, Esquire, Civil Engineer, to Wm. Hamilton Merritt, Esquire.

SIR,

Many insinuations and reports having been in circulation respecting your conduct as Agent of the Welland Canal Company said to have arisen with me.

I take this opportunity of informing you that I never knew a single instance, while I was Principal Engineer to said Company, in which you have not individually acted correctly, and I believe with a view to the best interest of the Company.

Your humble servant,

SAMUEL CLOWES,
Civil Engineer.

Montreal, 20th February, 1827.

Wm. Hamilton Merritt, Esq.

No. 10.

LETTER.

James Clowes, Esquire, to William Hamilton Merritt, Esquire.

SIR,

Considering it to be honorable and just for a person who has committed an error to make immediate reperation—

And finding on reflection, and having obtained more correct information, that the publication I caused to be inserted in the Advocate published by William Lyon M'Kenzie, in February, relating to the offers made for the Deep Cut, was founded on information, which was not correct—

And further, I know of no circumstance whatever relating to *your* conduct as Agent of the Welland Canal Company, which is not perfectly correct.

I am,

Sir,

Yours, &c.

JAMES CLOWES.

No. 11.

EXTRACT RESPECTING ROUTES.

To the Public.

I had determined on preserving the strictest silence until the completion of the undertaking in which I have the honor to be engaged, from a conviction that the rapid and successful progress of the work would give perfect and entire satisfaction to every individual not immediately interested against it. To those who are, it will be idle to assign a reason or produce a proof. But from the various rumors and misrepresentations so industriously circulated, I conceive it becomes necessary to make a reply, and produce facts and authority to substantiate them. I will pass over without notice those malignant insinuations which have been levelled against me personally, and leave the public to discriminate between those who by a close application are exerting every faculty to assist in promoting an object which will be a credit to the age in which we live and those whose exertions are bent on retarding it.

The importance of this work is now so well understood, that those who considered it as a visionary undertaking, and folded their arms with a silent hope it would never come to maturity, do not venture openly to come out and express their real intentions, and oppose the measure; but endevour to create doubts, start difficulties, raise objections, and in their wisdom find out something which should or ought to have been done.

The whole drift of their argument is now directed from the merits of the undertaking and pointed at a certain individual who from *interested motives* has duped the Legislature, misled the stockholders, and been guilty of various other crimes and misdemeanours.

This individual is well aware it is much easier to declaim against, than to adopt and bring to maturity any undertaking where so many conflicting interesis are engaged.—He is likewise well aware, if he does his duty to his employers much angry feeling will be excited—and it affords him no ordinary satisfaction, that with all their clamour they have not been able to substantiate one single charge or accusation against him.

But to point, those who wish to retard the undertaking, endeavour to create a false impression on the minds of the public, by continuing to assert, from time to time, in the most positive manner, that the canal could have been taken to Niagara, or some other place by a shorter route, and at a saving of thousands of pounds.

Others endeavor to divert the public attention by stating that there should be a canal from the Thames to Burlington Bay—from Lake Simcoe to York, and various other places—any project to throw an obstacle in the way of one already undertaken—losing sight of the grand scheme of uniting Lakes Erie and Ontario by the most feasible and cheapest route; and thereby bringing into action the best and greatest portion of the province now dormant and almost wholly useless, besides participating in the greater part of the transit from the American side.

It requires very little discernment to ascertain the real and true value of those who admit the utility of the measure, providing it had terminated at this or that part, or had taken this or that direction.

We have been exploring from May 1823 until 1826; and it is well known to the Legislature that every objection has been raised, every argument made use of, and every means resorted to, to influence them against the present route, and induce them to adopt some other.

I will not attempt to answer those shameful misrepresentations by similar means.—Mere assertions, unsupported by a shadow of proof or authority, can have but little weight with the public.—But in the first place we will produce the authority which induced the Legislature to adopt this route.

Mr. Samuel Clowes, in his report of 8th August, 1825, states that a Canal on the most extensive scale can be completed on this route for near one half the expense of any other between Niagara and Burlington Bay.

With respect to the ravine, he says, the banks of this ravine and creek allow of every advantage, and will serve nearly all the excavation in the bottom of the same—the whole distance forming a natural canal 150 feet wide and nine feet deep.

Mr. Roberts, in his Report of 16th August 1825, states:—

"Having descended the Mountain the line is very straight, with a gentle declivity, to the head of the ravine, which has very much the appearance of a wide Canal; along which it is conducted with but little expense, except the necessary Locks and Waste weirs, clearing timber, and constructing Tow paths, Reservoirs, and natural Canals, from thence to Lake Ontario, seven miles and twenty chains."

Even Mr. Hall, after valuing the Harbor for eight feet water at £8,257, in his Report of the 8th March 1825, says the 12 mile Creek route will be the cheapest by £11306 4s. 10d.—referring however to the Western route.

It will be understood that the route to Niagara would have to deviate at the head of this ravine, or near it, about 120 feet above the level of Lake Ontario; be subject to the same Lockage, have to pass over the 10, 5, 4, 2, and 1 mile Creeks, with Culverts and heavy embankments, and the distance at least ten miles to the Niagara River.

However, as Engineers are liable to err in their opinions, I have the satisfaction to state what the Canal in this distance, (five miles of which *is finished;* the remainder under Contract and estimated at the same ratio) has and will actually cost, reserving Locks and pits, which are common to both routes, by the following estimate from Mr. Alfred Barrett, resident Engineer:

"St. Catharines, Dec. 21, 1826.

Sir,

In reply to your Note of the 19th inst., requesting me to make an estimate of the cost for constructing the Welland Canal from the head of Dick's Creek, near O. Phelps', through its valley and the valley of the 12 mile Creek to Lake Ontario, a distance of 7½ miles, exclusive of Locks, Lock Pits, and the necessary embankments around them, which would be the same let the Canal take any direction to the Lake from that point.

Also an estimate of the expense of a Canal for one mile, of similar magnitude to the Welland Canal in entire excavation. In reply, I say that the expense on the 7½ miles is $29,935.

The expense of constructing a Canal of equal capability to that above O. Phelps' on the Welland Canal, in entire excavation, could not ordinarily cost less than $3,500—making in all $13,495.

This estimate is made on an average cutting of eight feet, (which I am aware is low, where no ravine can be embraced,) and the Canal is confined to 26 feet bottom and 58 feet surface.

Whereas, in embracing the valleys of Dick's Creek and the 12, you have a fine spacious Canal, which will in a great measure prevent that obstruction to the navigation which would necessarily occur in a Canal of more limited dimensions, where so great a quantity must be drawn through to supply the different lifts and the extensive hydraulic privileges which are evidently far superior to those on any Canal of the above dimensions.

I beg leave to mention that the Harbor at the entrance into Lake Ontario remains as it was when reported on by Messrs. Clowes, Geddes, and Roberts, Engineers, without presenting any unexpected difficulties; and will, in my opinion, form a safe and good Harbor, when completed on the present plan.

Respectfully,

ALFRED BARRETT,

Resident Engineer."

I beg to call the attention of the public particularly to this statement, in order that they may judge whether reliance should be placed on the assertion of every day scribblers, or practical and scientific Engineers.

To draw the distinction clearly, you will observe the cost of the excavation and embankment for the Canal, from the head of the ravine to Lake Ontario, is about $30,000 in a distance of 7½ miles.

On a Canal of our smallest dimensions, on the most favourable situation for entire excavation, it will cost per mile $9,195. I am certain the nearest line a Canal could be taken from the head of this ravine to Niagara, is at least ten miles—making the sum of $91,950. It is known to every person who has passed the country that Culverts and heavy embankments would be required over the 10, 4, 2, and 1 mile Creeks, if not more, which on the most moderate computation will cost $30000; making in all $121,950 by this *highly favoured* route—leaving a saving in the other of $90,950, from which sum the expense of the Harbor must be deducted. Admitting if you please, the Harbor for 12 feet water should cost $50,000, what is the result? You enrich the country by creating a new Harbor—instead of a narrow confined cut, as it must necessarily be to Niagara, you make one of the most extensive artificial navigations or Canals in the world; create hydraulic situations in the centre of the country which are unrivalled, and shorten the distance at least 2½ miles.

My object in submitting the foregoing statements to the public is merely to enable them to judge correctly whether the assertions and reports circulated against this route are worthy of consideration.

I am now, as I ever have been convinced that nature has favoured us with greater facilities than can be found in any other part of the Peninsula; and am sensible it only requires being seen to admit its superior advantages.

It has been hitherto a common remark, that no public work, no improvement, has ever succeeded in Canada. It can scarcely be a matter of surprise when we find such contemptible shifts resorted to as we know have been by a few in this district, to retard our operations—for I would not insult the good sense of the community by admitting there is not a very large majority in favor of this work. Neither would I be understood to allude to those who opposed it from principle, many of whom, after seeing the favorable situation of the line, and the forward state of the work, have been candid enough to admit they were deceived.

If there ever was an undertaking which had a claim to public favor or public patronage, it is this. It is worthy the attention of every member of the Legislature; and I trust they will give it their personal inspection before the close of the present session, when they will have an opportunity of judging for themselves whether they have acted judiciously, or been duped by false representations.

WILLIAM HAMILTON MERRITT.

St. Catharines,

Dec. 23rd, 1826.

No. 12.

CIRCULAR OF A STOCKHOLDER.

Sir,

Desirous that the situation of the Welland Canal, the prospects of the Company, and its intimate connection with the best interests of the Province, may be clearly seen and understood, I

have taken the liberty to present for your examination and reflection the following facts relative to it:—

The original estimate for a thorough cut was £179,556. It is now ascertained from actual experience that £200,000 will be required to complete the work pursuant to the dimensions, and in the manner now determined on by the Board of Directors.

Stock to the amount of £90,000,* is now in the hands of individuals, on which 65 per cent. has been called in, paid and expended by the Company, besides the £25,000 loaned by the Province; consequently: there remains only £31,500 to be realized, in case the whole amount should be paid in by those Stockholders.

The grant from the Military Government, in lieu of Tolls, on Military Stores, is not available to the Company immediately. If added, the whole amount of funds under any circumstances, will be only about £47,500, leaving a deficiency of £69,000 to complete the work, admitting the Stockholders to have the ability to support the Canal, and make their payments as promptly as may be required.

But suppose, which is the more probable conclusion, that under the present circumstances, the holders of stock shall not be able to pay up their instalments; even on the supposition that the grant of the Military Government should be immediately realized which cannot be expected until the Canal is completed, there remains to be provided the sum of £100,500, which may prove disastrous and ruinous to the proprietors and injurious to the country.

If the Provincial Government should take the £50,000 of Stock now solicited, the whole situation of things will be changed—the confidence they exhibit in the prospects of the Canal will give it an entire new character and be highly beneficial to the remainder of the Stock yet to be offered; and in point of expediency it is demonstrable, that as a measure of sound policy, in aid of the resources of the country, nothing can be offered presenting greater advantages.

The Stock in place of adding to a weight of debt, will give an additional income, besides paying its own interest, and redeeming the principal, [in corroboration of this statement we refer to the Erie Canal, which pays principal and interest and will ultimately leave a fund at the disposal of the State, equalling all its other resources,†] which income may be used in aid of other objects of internal improvements, increase the facilities for emigration and settlement, add materially to the population, and with it the respectability, strength and resources of the country.

No amount of debt incurred for such objects, if yielding a moderate income, can ever be a load, or require any taxation.

To prove that this Canal will yield a large income, we give a statement of facts which are undeniable and the conclusion as inevitable as any mathematical truth, that the income will be equal to the interest upon a capital double the amount of its cost.

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* Note.—In the Report of the Directors, £100,000 is stated as subscribed, but of this sum about £10,000 of Stock has since its subscription reverted to the Company and the amount of subscription now stands at about the sum named.

† Remarks.—*Illustrative of the progress and present condition of manufactures in the United States, and concerning internal improvements, aiding and assisting every branch of the national industry.*

The making of the New York canals did not really cost the people of the State the value of 1 cent, except so far as *foreign* materials may have been employed in the construction of them, or for that small portion of the profits on labor which the artists and laborers may have carried *out of the State*. On the contrary, they gave a large and wholesome circulation to money, and enriched many individuals; and the increased value of property and of profit resulting from them, must be supposed by counting up hundreds of millions of dollars, if indeed, the benefits of them be within *supposition* at all! The rise in the value of lands and lots on their borders—at Albany, Troy, Rochester, Utica, Buffalo and an hundred new and thriving villages which have started into existence as if created by magic—the *new* employment of tens of thousands of persons—the *new* commodities transported to market, many of which, of great value, were hitherto quiescent, or useless, because of the want of such market, with the *new* products of a teeming, busy, bustling and happy population—make up an aggregate of benefits that the mind cannot grasp with any degree of confidence in itself; and to all these should be added, the wealth and power caused by the increased inhabitants of the State on account of these things; perhaps directly and already, to the number of three or four hundred persons. Such are the general effects of canals, roads and bridges, and besides, the revenue arising from tolls will not only pay the interest on the money expended, but speedily extinguish the debt, and then supply the chief part of the funds required for the support of the Government of New York.

These canals cost $3,123,000, but the actual debt created was only $7,771,000, the interest payable on which was $419,000—but the tolls of the present year will amount to a million! And the business of the canals will go *on, on, on*, and increase every year, for years to come, until the utmost shore of Lake Superior teems with civilised men, and cities are located where the wolf has his home and the bear takes up his winter quarters.

Up to the 13th Aug. last, and for the present season, about 9000 tons of coals, 4000 do. wheat, 2000 do. iron ore, 1500 do. flour, and 4000 tons of other articles, arrived at Philadelphia by the improved navigation of the Schuylkill—100 vessels laden with Schuylkill coal will have arrived at New York from Philadelphia, during the present season. What is the *new* profit or value of the products or employments caused by this comparatively small work, yet in the very infancy of its usefulness? What is the amount of *new* capital put into useful operation? *Let it be calculated!*

Some particulars might be given about other canals; but these two cases have been referred to only to shew general results, and they speak a language that cannot be mistaken—to the glory of those who have supported INTERNAL IMPROVEMENTS, to the shame of those who have opposed them, and the [what shall I say?] the *something* of others who were so much interested in *arguing*, while others were employed in *digging!* But such will always be the difference between talking and doing—the talkers will become poorer and poorer and the doers richer and richer. *One* spade full of earth removed in New York or Pennsylvania, has rendered more service, in either State, than a *ten-column essay* in the Richmond "Enquirer" has benefitted Virginia. The policy of the first, is to make even a small State a great one—of the other, to reduce a great State into a small one.

—*Colonial Advocate press.*

NILES.

In the first place we shew the difference of transit from Lake Erie to Syracuse, between the

ERIE AND WELLAND CANALS.

The distance from Buffalo to Syracuse is 200 miles,		
Charge for tolls is 1½ cents per ton per mile....		$3 00
The same for transportation.....		3 00
Toll on boats, about.....		0 07
		$6 07
41 miles Welland Canal		
32 miles Oswego Canal		
73		
Toll and transit, 3 cents.	$2 19	
Tonnage on vessels....	0 03	
Freight from Welland Canal harbour to Oswego, being a mere continuation of voyage.....	0 50	
		2 72
Gain on the Welland Canal.....		$3 26

RETURN TRANSPORTATION.

The toll in ascending is 3 cents per ton per mile, making on 127 miles, the distance gained, at 1½ cents per ton per mile.....	1 96
Which added to the gain in descending, is equal to.....	3 26
Makes a gain in ascending of.....	$5 22

2. A small proportion of transportation is requisite to afford an ample dividend on the stock. 200 vessels are now supposed to be in use on the two Lakes—add 100 more on completion of the Canals, say one half or 150 vessels pass 14 times in each season, averaging 50 tons, at $1 per ton, will produce a revenue of $105,000. On the completion of the Northern Canal there were about 30 to 40 vessels on Lake Champlain—there are now, as appears from the American papers, 218. What may be anticipated on Lake Erie on the completion of the Ohio Canal, 65 miles of which is already finished?

3. The relative cost of the Erie and Welland Canals, and the income from them the last year. The Erie Canal cost $8,000,000 & extends 360 miles. The Welland Canal 41 miles, at the same rate, would require upwards of $900,000—the latter a ship Canal of eight feet water. The Erie Canal yielded an income of $760,000 for the last year; averaging the same distance, the Welland Canal would give an income of $84,444; and it must be admitted that no one portion of the Erie Canal possesses, in an equal distance, the same advantage as the Welland.

These statements shew that the difference of transportation in favour of the Welland Canal is $3.26 down, $5.22 up.—It may also be remarked that a very great proportion of the produce sent from the upper Lakes comes from the different States bordering thereon. The municipal Government of the several States being entirely distinct, there can be no feeling likely to produce a regulation which can operate in favour of the Erie Canal in preference to any other cheaper channel of communication, provided it takes them to the same market.

In the Constitution of the United States, there is a permanent inhibition against the imposition of duties on vessels clearing from one port to another in the United States; if therefore American vessels be permitted to pass without duty, through those waters, it must be a mutual benefit to both Canal and country. Exclusive of these considerations, in the spring of the year the Harbors of Buffalo and Black Rock are closed from 3 to 5 weeks after the Welland Canal will be open. All the produce, therefore, destined for the Montreal, Quebec or New York markets, will most assuredly pass through this Canal during this period, which embraces a very considerable portion of the year, in consequence of the anxiety always manifested in obtaining the earliest market; and even should all the toll be rescinded from the Western part of the Erie Canal, this affords still a cheaper conveyance.

From this exhibition it will be seen that in no event, and under no circumstances of commercial difficulty between the two countries which might interrupt their intercourse, could the tolls ever be reduced so low as not to afford a large and abundant income; and in times when commercial reciprocity and liberal feelings appear to be so well understood and anxiously desired by the greater part of the community, the amount of income will reach an extent that those who have not examined the subject in detail, and in all its various relations can scarcely credit. To those who have given it a due share of attention it will appear simple and plain—and (as in the case of the Erie Canal) will exceed the most sanguine expectations of those who had formed the most favorable and enlarged views on the subject.

It will be observed that the Welland Canal will be constructed at a less expense, proportioned to the distance than the Erie Canal, although its dimensions and advantages are so much greater. Allowing it therefore to receive no more annual income in perpetuity from toll than has been realized on the Erie Canal for the last year, which is $760,000, from the same proportion of distance, it would equal 6 per cent, or nearly double the amount of capital required in making it. You have therefore as much certainty as can possibly be desired that it must, when finished, be profitable.

Exclusive of those certain sources of income, we have all the hydraulic advantages on the Canal, the transit of that portion of country not immediately connected with Lake Erie, and the income arising from the sale of 13000 acres of land granted to the Company, lying on the Western section of the Canal, between the Welland and Grand Rivers, which from being alluvial will be rendered, by draining the marsh, valuable.

It is now respectfully submitted with those facts and such prospects, together with the experience already had on this side the Atlantic, whether every correct politician will not consider the accidental circumstances which have left this portion of Stock yet to be taken up, rather fortunate for the Province than otherwise: inasmuch, as an opportunity is thereby given to interest the Provincial Government in an undertaking from which they will derive an annual income, and render an essential and perpetual benefit to the Province at large.

For particular opinions on the subject of this Canal by American Statesmen and their Canal Commissioners, your attention is called to some printed extracts from their Reports enclosed herewith.

(Signed) A STOCKHOLDER.

IN THE YEAR 1827.

After a full investigation of all matters relating to the Canal before a Committee of the House of Assembly as recorded in your Journals, *(See Report of Select Committee of the House of Assembly on Petition of the President and Directors of the Welland Canal Company, of the year* 1827, *hereto appended marked No.* 1,*)* at a time when every transaction was fresh in the memory of those persons who were interested either for or against the undertaking:

The Legislature took to the amount of £50,000 of the Stock reserved for the London market, *(See Act hereto appended marked No.* 2,*)* every effort having failed to obtain it in London; and so fully were the Directors impressed with the necessity of obtaining the remainder of that Stock, that the Agent was despatched to Quebec to apply for assistance from the Legislature of that Province, who also subscribed Stock to the amount of £25,000.

On 17th of February of this year an Act was passed, *(See Act hereto appended marked No.* 3,*)* granting the free use of the Canal for Government Stores, on condition of the grant of one-ninth by the British Government agreeably to the Despatch of Lord Bathurst. *(See Despatch hereto annexed marked No.* 4.*)*

The different routes from Chippawa to the Grand River were explored this year with great difficulty, and at considerable expense; reference is made to them in Mr. Barrett's report which is appended to the Report of the Board of Directors for this year.

The work was carried on this year with vigor; for a general view of which, reference is made to the Report of Directors *(hereto appended marked No.* 5,*)* and the Minutes of the Board for this year, *(hereto appended marked No.* 6,*)* and also—

Regulations at Deep Cut,..... No. 7,
Notice to Stockholders,..... No. 8,
Application to Quarter Sessions,..... No. 9,
Address to Stockholders,..... No. 10,

the above are annexed, and will shew that every possible expedient was resorted to, to forward the undertaking up to this period.

THE DIRECTORS FOR THE YEAR 1827,

WERE

The Honorable JOHN HENRY DUNN,
The Honorable COLONEL WELLS,
JOHN B. ROBINSON, Esquire,
D. ARCY BOULTON, Esquire,
JOHN CLARK, Esquire, and
GEORGE KEEFER, Esquire.

DOCUMENTS REFERRED TO IN THE FOREGOING REMARKS.

VIZ:

Report of Select Committee of the House of Assembly on the Petition of the President and Directors of the Welland Canal Company, of the year 1827—marked....No. 1.
Act of Parliament—8th Geo. IV, chap. 2... " 2.
Act of Parliament—8th Geo. IV, chap. 17. " 3.
Despatch of Lord Bathurst,..... " 4.
Report of Directors, for 1827,..... " 5.
Minutes of Directors, for 1827,..... " 6.
Regulations for Deep Cut,..... " 7.
Notice to Laborers,..... " 8.
Application to Quarter Sessions,..... " 9.
Address to Stockholders,..... " 10.

No. 1.

REPORT OF THE SELECT COMMITTEE

Appointed for the purpose of EXAMINING *and* REPORTING *upon the Petition of the* PRESIDENT *and* DIRECTORS *of the* WELLAND CANAL COMPANY, *praying that* PUBLIC AID *should be afforded to the Company; and on the Petition of the* INHABITANTS *of* NIAGARA, *on the subject of a* LATERAL CUT.

THE SELECT COMMITTEE, appointed for the purposes of examining and reporting whether it is necessary, in order to ensure the speedy completion of the Welland Canal, upon its enlarged scale, that public aid should be afforded to the Company; and if so, to what extent and whether such aid would be most effectually extended by making a further loan or taking stock in the name of the Government, or by any and what other measures; and also to examine and report upon such parts of the prayer of the Petition of the President and Directors of the Welland Canal Company as do not relate to the application for pecuniary aid; and further, to examine and report upon the Petition of the Inhabitants of Niagara on the subject of a Lateral Cut, have availed themselves of such opportunities of acquiring information respecting the matters referred to them, as were within their reach, and they offer to the House, as the result of their enquiries, the evidence collected in the appendix to this Report. They have also given their best consideration to such views of the undertaking in question, its progress and probable consequences, as have been from time to time exhibited in documents published by the Company, and in reports which have been heretofore submitted to the House of Assembly. So much indeed has already been said and written on the subject of the Welland Canal—the advantages it holds forth are so obvious, and the different questions connected with it, have undergone already such full investigation, that your Committee do not conceive that much new information will be found to have been elicited by their enquiries. They will serve however to shew more clearly upon what foundation many opinions rest, which have been hitherto discussed, and in conjuction with the Report of the President and Directors of the Company, of which the House is in possession, will it is hoped, tend to place satisfactorily under one view, the grounds upon which the Committee have decided, in the matters referred to them.

The Committee have earnestly endeavoured to draw from the various sources of information referred to, such a conclusion as they could justify to themselves, and as they could present with satisfaction and confidence to the House.

The very extensive operations which have been carried through by the Company during the last year, have now brought much nearer to view the desirable end, which the projectors of this great public improvement had proposed, and which not long ago, many persons seemed to despair of seeing over accomplished.

The comparison of what has been done with what remains to be performed, and testimony of experienced Engineers, become more satisfactory in proportion as it has been verified by results already attained, seem now to leave no longer any rational ground for apprehension, that the Welland Canal cannot be completed at something near the estimated cost. It is true there is yet much difficulty to be surmounted, but none of which an estimate cannot now be made with reasonable accuracy by persons accustomed to such calculations. That the event may not to a certain extent discredit these calculations, your Committee could, under no circumstances, venture to affirm; because they are not ignorant that in great undertakings of this description, as in almost every concern of human life, difficulties and disappointments do frequently present themselves which impose a necessity for increased exertion, although they are not of sufficient magnitude to prevent the prosecution of the design.

Your Committee conceives that on this as on other occasions, a reasonable confidence must of necessity be reposed in the opinion of those who from their science and experience are best able to judge, and against whose testimony no objection is raised on the score of pecuniary interest, or local prejudices.—The Company seems fortunately to have felt strongly the necessity of employing competent and respectable Engineers to superintend their operations—and it happens, as will be seen on the evidence of Col. Clark, that from a particular circumstance out of the ordinary course, the Company and the public have the advantage of possessing the opinion of the principal resident Engineer, as to the present state and probable completion of the Canal, expressed on oath. In the absence of every information to the contrary, which can be thought equally entitled to attention, your Committee have necessarily founded their opinion upon the assumed accuracy of the Engineer's estimates—and upon his judgment thus declared, under a more than ordinary sanction.

The section of the Canal between the Welland and the Grand River, does not appear at present to claim any particular enquiry or consideration, as affecting the decision which it may be proper to come to upon the several matters embraced in the resolutions of the House. That portion of the undertaking will doubtless be accomplished if the other is ensured: its cost it appears can be estimated almost with certainty, the labor required is not of a difficult or extraordinary kind, and your Committee in viewing the Welland Canal as a work of public benefit have all along felt that they may safely regard the construction of this part of the Canal as a consequence that will unquestionably follow the accomplishment of the section now in progress.

Confining their observations entirely to the latter, it appears to the Committee that the report recently published by the President and Directors of the Company, and annexed to the petition to the House of Assembly, renders it unnecessary to enter here into any particular statement of the present situation of the work, or the past proceedings of the Company, as these are detailed at length in the report referred to, which is not at variance with any information which has been acquired by your Committee.

It is now made evident, so far as the best means of information can be depended upon, that a navigation convenient for schooners of the burthen ordinarily in use on the lakes, can be formed between Lakes Erie and Ontario—the present interruption occasioned by the Falls of Niagara thus happily obviated, and a continued water communication from the western extremity of the Province to the ocean effected, at a charge not materially varying from that which the House of Assembly was led to expect when they lent their countenance to the undertaking by their vote of the last session.

Within the last season more than half the labor necessary to the completion of this stupendous work has been actually performed. It has been advanced with a perseverance and activity which have astonished those who have witnessed it, and which has compelled the approbation of some who were unfriendly to the project, as it has given confidence to many who had been avowedly incredulous.

The economy and judgment with which the funds have been expended, have not been in the slightest degree impeached by any thing which has appeared to your Committee; on the contrary it is satisfactory to state that they have been acknowledged in the most express and unqualified manner, in his own name and on behalf of the Stockholders whom he represents, by the gentleman, who from his great stake in the Company, has borne by far the greatest share in the burthen of expenditure. While from his residence out of the Province he has had no voice in directing its application.

Up to this moment the greatest pressure has borne upon the Stockholders resident in New York. The very timely aid afforded by the public loan of £25,000, and the extraordinary efforts of those gentlemen who embarked so deeply in the undertaking, have placed it in the power of the Directors to proceed without relaxing their exertions; but your Committee is assured that to effect this object, the means of individuals have been strained to the utmost, and even a risk of embarrassment incurred, which ought not to be contemplated without painful emotions by those who regard the importance of the Welland Canal to our public interests.

If it is to proceed to its termination with the same spirit with which it has hitherto advanced, corresponding preparations must be made this winter for resuming the work early in the Spring. Great expenditures are required to be almost immediately incurred, while the roads admit convenient transport. Uncertainty and delay are embarrassing, and may be even ruinous to Contractors whose fortunes are embarked in this great public work and whose exertions, through a season of unremitted activity, have attracted general admiration.

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If it be proposed as a question, whether the undertaking shall be now suffered to languish and the

od of its completion be deferred, at the hazard of injury to portions of the Canal now in progress—and with the risk of so much depressing public confidence in the result,as not only to increase greatly the difficulties which have pressed already too heavily upon a few individuals, but even to render the final issue doubtful, Your Committee regarding the question as one of public concern, cannot hesitate to recommend that public aid should be extended to the utmost convenient limit rather than suffer so fatal a disappointment.

With regard to the prospect of future means, your Committee do not think that any reliance ought to be placed upon the probability of subscriptions of Stock in England. That expectation has already led to most unfortunate and perplexing delays; and, for the relief of the present exigency, no dependance should, in their opinion, be placed upon it. It is equally their impression, from all that has been submitted to them, that the measures of preparation which *ought* now to be adopted *cannot* be taken upon the prospect of filling up the remaining subscriptions in America, for of that no assurance whatever, can as they conceive, be prudently indulged. Your Committee therefore, are decidedly of opinion, that setting aside all considerations connected with the actual state of the public revenue (which they understand not to be in any manner referred to their deliberations, but to be reserved to the judgement of the House,) the present state of the Welland Canal requires that the immediate and effectual support of the Legislature should be given to the undertaking.

It is a work manifestly of great public interest.—It has attracted, and deservedly, the particular patronage of His Majesty's Government, and of the Government and Legislature of this Province. It will be seen by the evidence appended to this Report that the inhabitants of some of our largest and most fertile Districts look with intense anxiety to its accomplishment, and whatever may be the measure of accuracy in those calculations upon the productiveness of the Stock, which it is natural the Stockholders should look to, it is indisputable that the benefit it will confer directly upon one third part of Upper Canada, and indirectly upon the whole, will be greater than can now be estimated. Under this conviction your Committee recommend the acceding to the prayer of the petition, by authorising £50,000 to be held as public Stock, and suffering the £25,000 now advanced as a loan, to be retained as a payment on account of such Stock.

Your Committee on a due consideration of the circumstances, are even inclined to go farther, in the belief that as the object of affording public aid must be to place the completion of the Canal beyond question, it would neither be proper nor prudent in the Legislature, if they embark to so great an extent in the undertaking, to stop short of such measures as are necessary to render their assistance effectual. If public stock to the amount of £50,000 were taken, and the loan of £25,000 suffered to remain as at present, the Company paying the interest as thay have hitherto done, and will no doubt continue to do, the Committee are assured that the work will proceed without danger of interruption, of which there does not otherwise appear to be sufficient certainty.

By receiving assistance to this effect, the Company will have immediately the use of a large sum, and can make their preparations at once, and with confidence, while the present pressure upon the Provincial Revenue would be scarcely at all increased by it, on account of the interest upon the £25,000 loaned, continuing to be paid by the Company and not by the Government, as it must be, if converted into stock.

Your Committee have deliberated on the comparative expediency of affording assistance by subscribing stock, or making a loan to the Company, and have been led to recommend the former.

1st. Because it will leave so much less stock unsubscribed, that it will undoubtedly hasten and probably ensure immediately the taking up of the whole remaining amount; and from the moment that is done the Committee conceives that the completion of the entire line of the Canal will be placed beyond a question.

2nd. Because the Company being burthened with a debt of £50,000 or £75,000, will have a tendency to deter individuals from subscribing and thus operate against the filling up the list.

3rd. Because when the amount of stock to be subscribed is reduced to £50,000, and the certainty afforded of the work being carried so nearly to its completion, by the subscription made by the Government, the Committee has little doubt that the remaining stock will be quickly taken, and that when that is the case the stock will become at once marketable, and it will be in the power of the Government, if it should be thought desirable, to relieve themselves of part of the advance, by selling a portion of its stock.

4th. Because it is obvious to your Committee that whether the Government be authorised to make a loan to the Company or to take stock to the amount recommended, the Legislature can only reasonably look for security of reimbursement, to the assurance of the Canal being completed, and the stock invested in it being productive.—If these expectations are, (contrary to every present appearance) disappointed, the Committee do not see that the Government would be in any degree better situated as holders of a loan than as stockholders.—But if on the other hand, they are realized, the public revenue will be benefited by any profit arising, and the Government will have the option of retaining a productive stock, or of parting with it, and thus reimbursing themselves sooner than the loan should be repaid.

5th. Because if there is any truth in a rumour which has gained circulation, that His Majesty's Government may, from public inducements, be inclined to possess themselves of the whole stock of the Company, such an arrangement would be facilitated by the Government now becoming stockholders to so considerable an amount.

ARCHIBALD McLEAN,
Chairman.

WITNESSES.

John B. Yates, Esquire,
Mr. Alfred Barrett,
William Hamilton Merritt, Esquire,
Joseph Wenham, Esquire,
John J. Lefferty, Esquire, M. P. P.,

Samuel Wood, Esquire,
Charles Ingersoll, Esquire, M. P. P.,
James Gordon, Esquire, M. P. P.,
The Honorable Thomas Clark,
Francis Baby, Esquire, M. P. P.,
Alexander Wilkinson, Esquire, M. P. P.,
Richard Beasley, Esquire, M. P. P.,
Francis L. Walsh, Esquire, M. P. P.,
Edward McBride, Esquire, M. P. P.,
Alexander Stewart, Esquire, and
The Honorable John Henry Dunn.

The Committee met for the purpose of examining and reporting whether it is necessary, in order to ensure the speedy completion of the Welland Canal upon its present enlarged scale, that public aid should be afforded to the Company; and if so, to what extent:—and whether such aid would be most effectually extended by making a further loan or taking Stock in the name of the Government, or by any and what other measures; and also to examine and report by bill or otherwise, upon such parts of the prayer of the Petition of the President and Directors of the Welland Canal Company, as do not relate to the application for pecuniary aid;—and further, to examine and report upon the petition of the Inhabitants of Niagara on the subject of a Lateral Cut.

The following Petition of the President and Directors of the Welland Canal Company, and also the Petition referred from Niagara, were then read.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY OF THE PROVINCE OF UPPER CANADA, IN PROVINCIAL PARLIAMENT ASSEMBLED.

The Petition of the President and Directors of the Welland Canal Company.

HUMBLY SHEWETH,

That since the last session of the Provincial Parliament, they have, with the assistance so liberally, at that time, afforded them by the Legislature, made very great efforts towards the completion of the work confided to their care, and which have been crowned with success fully equal to their most sanguine expectation; for a more particular account whereof they respectfully beg leave to refer to their Report to the Stockholders, hereto annexed; but they regret to state, that from a variety of unforeseen and untoward circumstances, the amount of Stock actually subscribed remains nearly the same as it did last year, when they sought for, and obtained from your Honorable House, that aid and assistance which has been so beneficial to the Company.

That the Directors still retain the desire that originally influenced the Board, when they determined to offer one half of their Stock for subscription in London; and with that wish they have hitherto forborne throwing it open for subscription in America, where three fourths of the amount already subscribed were taken up: that from the delay necessarily attendant upon negotiations at a distance, a considerable time has already elapsed, and a further period may still transpire before the final result of their application to London for filling up the subscription of the remaining Stock is communicated to them, which embarrasses them extremely in making arrangements for resuming their operations at the opening of the ensuing season with the same vigor which has marked their progress during the last; inasmuch as it is absolutely necessary for so doing, that no uncertainty should exist with regard to the funds for carrying on the work.

That under these circumstances the President and Directors have deemed it expedient, most respectfully to represent to your Honorable House, that a subscription by the Provincial Government of £50,000, of Stock, would relieve the Company from all embarrassment, the one half of which sum has already been loaned to the Company under the authority of the Act of the last session of Parliament, passed for that purpose.

That such a share in the Stock of the Company would give the Government a claim to the appointment of at least two Directors, which could not fail to add to the respectability of the Company, and increase public confidence both at home and abroad.

That from the small number of persons who are eligible to become Directors, some difficulty has been experienced by the Stockholders in selecting proper individuals to fill that situation, the Directors have therefore been requested to state the inconvenience to the Legislature; and pray that so much of the 27th clause of the Act of Incorporation may be repealed, as renders it necessary for two at least of the Directors to go out each year.

That the time fixed for the election of Directors by the 27th clause of the said act, namely the first Monday in April, has been found inconvenient for the attendance of Stockholders, and that the second Tuesday in May in each year would be preferable, and also that the number of votes established by the 14th Section of the 6th, Geo. IV, does not, in the opinion of the Directors, bear a due proportion to the number of shares held by Stockholders, which they conceive might be amended according to the following scale—namely, one vote for ten shares, two votes for twenty shares, and one vote for every additional forty shares.

That the provision contained in the 15th clause of the last mentioned act, enabling his Majesty to assume the possession and property of the Canal at any time after fifty years, upon payment of the sums furnished and advanced towards the making or completing the said Canal, together with 25 per cent., upon the monies so advanced and paid, has, and will continue to have, an injurious tendency in depressing the value of the Stock of the Company; and that if it is deemed expedient to enable his Majesty to assume the property of the said Canal at all, it should be upon payment to the Stockholders of the market price of the Stock at the time of purchase; in which case ten per cent., over and above such price would be a sufficient premium to the Company.

That from the scarcity of coarse grain in this part of the province, and the absolute necessity of procuring it, as well as various other articles, from the United States, necessary for the construction of the Canal, your petitioners pray your Honorable Body may be pleased to remit the duties now paid, and what may hereafter be required in the construction of the Canal. Your petitioners therefore pray that

your Honorable House will take the premises into consideration and grant such relief to the Company as to Your Honorable House may seem meet.

And as in duty bound will ever pray,

For the Directors,

JOHN H. DUNN,

President W. C. C.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY IN PROVINCIAL PARLIAMENT ASSEMBLED.

The Petition of the inhabitants of the Town of Niagara.

HUMBLY SHEWETH:—

That your Petitioners are desirous of making a lateral Cut from the River Niagara to intersect the Welland Canal below the Mountain Ridge, of equal dimensions with the Welland Canal, and for the information of your honorable House would beg leave to state, that they have obtained the consent of John B. Yates, the largest individual Stockholder in the said Welland Canal, and who is acting in behalf of the Stockholders of the State of New York, to that effect.

Your petitioners therefore humbly pray that your honorable House would pass a Bill to incorporate your said petitioners into a Company, with a Capital of £30,000, to make such lateral Cut, under the control of such a number of Directors as to your honorable House may seem proper; and also that when such cut is completed the Stock may be added to the Stock of the Welland Canal, that they may form one Company and one interest.

And your petitioners as in duty bound, will ever pray.

J. MUIRHEAD, and others.

John B. Yates Esq., was then called in, and the matters referred to the Committee being stated to him, he was asked whether he had any information to offer to the Committee on the subjects referred.

The following communications were in consequence received from him, addressed to the Chairman.

SIR,

In order fully to answer the inquiry of the Committee, I will state and answer their questions in the order submitted.

1*st*, Whether any and what aid from Government is requisite to enable the Company to complete the Canal pursuant to the present plan?

There is now somewhat less than half of the capital Stock subscribed, owing to the causes named in the Report of the Board of Directors, and all the operations of the Company have been supported by calls on that proportion of Stock and the Government loan of £25,000. In order to complete the Canal to the Welland River, about £80,000 more will be required; and it is estimated that about £37,500 more will be requisite to complete the portion from the Welland to the Grand River.

The amount of present subscribed Stock remaining uncalled is £31,500; in order therefore to complete it to the Welland River £48,500 will be necessary, beyond what may be called from present Stockholders. It is therefore evident that unless much more Stock be subscribed either by Government or individuals, the work cannot be completed, even to the Welland.

2*nd*. Whether such aid would be most effectually extended by making a further loan, or by taking Stock in the name of the Government, or by any and what other measures?

The shape in which this aid, if afforded, would be most beneficial, both to the Government and the Company, I have no hesitation in saying is that of subscribing Stock; the amount of Stock so subscribed will then be taken entirely out of the market; the influence and attention of the persons interested in the Company will enable them to procure the remainder of the Stock to be taken up, and it would be an object of interest to the Government, much greater than a loan to the Company, and much greater than will pay, in a very short time, the principal and interest of any debt incurred for it. On an examination of the resources of the country, on the Canadian shores of Lake Erie alone, and between that and Lake Huron, the fertility of its soil, and great facility for water communication by the Thames and Grand Rivers, which are navigable, the former of which runs through the centre of the country, parallel with Lake Erie and the outlet of Lake Huron, this result must be evident to every man of common intelligence and observation, unless such a man can believe that like causes will not produce like effects. If the amount of Stock thus taken shall be £50,000 exclusive of the £25,000 already loaned, there will then be about £35,000 more to be offered in market, which I have not the least doubt will be readily disposed of. Should however the Government confine themselves to £50000, including the £25,000 already loaned, being the amount contained in the petition of the Directors, I believe the Company may be enabled to go on with renewed hope of completing the work, in the reasonable expectation that this act of the Government, together with the amount to be received from the Military Government, will give sufficient confidence to dispose of the then remaining £60,000 of Stock. The idea of an additional loan of £25,000, I have named last, because I think it the least advantageous to the Government and Company; although even that may be efficient. It will readily be seen why this aid cannot be as effectual as the other, when it is known that the £110,000 of Stock must still be offered; and in consequence of the debt, together with the misrepresentations and efforts of the opponents to the Canal, there will be a reluctance on the part of new subscribers to take it. If therefore a loan of money to the Company be made, it ought to be sufficient to complete the Canal; and then the Government would have an amount of property as security therefor, vested in the Canal Company, equal to double the amount of money loaned. Such is the confidence of the present Stockholders in the prospects of the Canal, that in this event they would wish no more Stock to be offered by the Directors until the expiration of two or three years after the Canal shall be completed, and then let it be sold at public Auction in lots of twenty shares.

each, for the payment of the debt. They are satisfied that it will then sell for a sum far exceeding any amount requisite to pay their debt, and all the advance of interest money that shall then have been paid for such loan.

3rd. What are the reasons in favor of an alteration in that part of the act of incorporation declaring two of the former Directors ineligible to a second election the next succeeding year?

The provision in the charter for an annual change in the Board of Directors, by rendering two of the Directors ineligible a second year, may prove injurious to the interest of the Company, owing to the small number of stockholders from whom they have the power to select, and there is no one light in which I can view this prohibition that it appears likely to be really useful. If good directors are in the board there is no reason why they should not be retained, and if they are not so, men whose interest it is to remove them, will certainly not re-elect them.

4th. What are the reasons in favor of altering the time of election?

With regard to the time of election, I cannot say that it is very important. A more convenient month for travelling would induce a more general attendance of stockholders, and the month of May is on that account better than April, and the beginning of June better than either.

5th. What are the reasons in favor of changing the ratio of voting at all meetings of stockholders?

I feel myself constrained to say, in answer to this question, that I think the ratio of votes to be given proportioned to the stock by the present law is positively unjust.

The 14th section of the law of 1825, extending and amending the charter, contains the following enactments:—"That the holder of five shares shall be "entitled to one vote, the holder of twenty shares "to two votes, the holder of fifty shares three votes, "and the holder of one hundred shares and upwards "four votes at all general meetings of the stockhold-"ers." In the management of the affairs of an incorporated Company where the whole subject of government and direction is of a pecuniary nature, the only fair rule in my opinion is, that the power shall be proportioned to the interest. If this rule be varied it ought not to be so much varied that by the combination of a number of flagitious persons who can command a small amount of money, fraud on unsuspicious and bona fide stockholders may be committed. The present law affords such opportunity, and I think the amendment solicited by the Directors will give power sufficient to those greatly interested in the stock to prevent it. I am however an advocate in all money incorporations for the representation of each unit of stock in the affairs of the Company, so far as it is practicable. I believe greater security against every species of misconduct is afforded by it than any other rate of voting.

6th. What are the reasons in favor of a repeal or alteration of the part authorising the purchase of the Canal by the Government?

The 15th and 16th sections create a limitation, and declare a conditional termination, which must have a serious effect upon the value of the stock already taken, and may deter others from investing, especially as there is a limitation of dividends contained in the original act of incorporation.

I have been told that this limitation is merely a matter of form, and will never be enforced—of that I am myself well satisfied.—The generosity of His Majesty's Government and the great liberality with which the Company has been patronized, give sufficient assurance that every reasonable support and countenance will be granted to them. As however much individual effort has been requisite to support the Company, and much more will probably be required before the work can be completed, it is important that every proper inducement should be afforded to new adventurers for the balance of stock that may yet remain unsubscribed. These sections which are viewed as of no great consequence to the Government, I consider of great importance to the stockholders, and particularly the estimation in which the stock will be held as an object for permanent investment for any particular purpose.

7. What are the reasons in favor of the remission of duties on particular articles at this time?

The propriety of, and necessity for, such a measure, can be better shewn by the Agent and Engineer of the Company, who are now here, than by me.

8. The last inquiry which I am desired to answer is, the propriety and advantage of making an additional or branch Canal to Niagara.

This is a subject that has created some considerable excitement, but as the termination at the mouth of the 12 Mile Creek is now fixed and the Harbour there will be completed, the only question presented is, whether the Company will be injured and the stock depreciated by a future addition of capital sufficient to construct a Canal from the mountain ridge to the harbor at Niagara? I believe not many years will pass by, before every channel of communcation from the Upper Lakes to the markets on the sea board will be filled, and that there will be abundant work for both the routes, to the mouth of the 12 Mile Creek and Niagara. I believe also the mercantile competition between the inhabitants on both routes, together with the Hydraulic privileges will be very advantageous to the income of the Company, and the business on the Canal, as well as certainly to the country at large. An active and industrious population will be induced by competition, and especially local competition, to do business for the smallest possible gains by which they can be supported. Thus their business is increased, and they are enabled to do it for a less proportional compensation than they can a smaller business. It not unfrequently happens where such business is not necessarily circumscibed by small territorial limits or amount, that each place so actively engaged, increases more in population and wealth than either would, if controlling the whole business that might be offered. The inducement to transact business where there is such competition is certainly greater to the people in the country than without it. The stock, however, thrown into market at this time would be injurious, and, therefore, the whole direction of such added stock, and making such branch canal should be left discretionary with the Company, and it ought to be made under the direc-

tion, and form a part of the capital stock, of the present Company.

It would perhaps also be well to name a sum large enough, and give authority to the Company to improve the navigation of the Welland and Grand Rivers as high up as possible. The improvements of these rivers will probably at no very distant time become an object of attention, and when this Canal shall be completed there can be no objection to authorise an increase of stock for such purpose.

With the greatest respect,

I am, Sir,

Your obedient servant,

J. B. YATES.

York, *Jan.* 12, 1827.

Archibald M'Lean, Esquire, *Chairman of the Committee, on the Petition of the Welland Canal Company.*

Sir,

In consequence of the request of the Committee to furnish them with a statement of the facts and calculations on which the opinion is founded that the Welland Canal will yield an income immediately after its completion equal to the interest of its cost.

I submit the following:

On an examination of the census of 1825, it appears that the portion of country within the Province, the produce of which will pass through the Welland Canal, contains a population of more than 50,000 at this time. The articles to be exported consist of lumber of all sorts, stone, gypsum, pot and pearl ashes, flour, wheat, cornmeal, pork, whiskey, cider, fruit, lard, butter, cheese, tobacco, &c.—In estimating the quantity of each of these articles which will probably pass, a much less amount is named than the same extent of population, under equally advantageous circumstances, have sent from places within my observation, the toll for the whole 41 miles, is put down at 7s. 6d. per ton descending, and 10s. up, except lumber.

1,500,000 Staves, at £1 10s. per thousand,	£1,500	0	0
Boards, Plank, and other lumber, at 3s. 9d. per thousand feet, broad measure,	5,625	0	0
Masts, Spars, &c.	750	0	0
Stone, Gypsum, &c.	750	0	0
5,000 Barrels Potash, at 7s. 6d. per ton,	468	15	0
Flour and Wheat, equal to 100,000 barrels,	3,750	0	0
5,000 Barrels Pork,	187	10	0
Whiskey, Cider, Lard, Butter and Cheese,	187	10	0
100 hogsheads of Tobacco and other articles not named,	187	10	0
	£13,406	5	0
Add	7,937	10	0
	£21,343	15	0

Articles to be sent up.

12,000 barrels Salt, at 10s. per ton..	£900	0	0
Merchandize of all sorts, including Hardware, Castings, and Mill Stones at $\frac{1}{10}$ in weight, of the quantity sent down, at 10s. per ton,	1,787	10	0
Amount of toll on operations on the Canal, the erection and conducting of buildings suited to the hydraulic advantages, estimated 10,000 tons, at 3s. 9d. per ton,	1,875	0	0
Toll on the tonnage of vessels at £1 5s. per trip, say 50 vessels, 14 miles each,	875	0	0
Rent from hydraulic situations to be received after the expiration of 3 years,	2,500	0	0
	£*7,937	10	0

Amount of capital £200,000—six per cent interest on it is £12,000; deduct this from the £21,343 15s. will leave £9,343 15s. income after paying the interest. In this estimation it will be observed that I have confined myself to what in my opinion are the reasonable resources of the country on the Canadian side of Lake Erie only, nor have I taken in the estimate any portion of what has been and will be received from Government, that is, the gratuity of 13,000 acres of land—and one ninth of the capital to be expended in making the Canal, as a compensation for passing Government Stores without toll or duty.—These items I have left to meet any allegations that may be made, that the actual expenditure will exceed the nominal capital; although there is no reason for this opinion, and I think they may safely be added as sources of income. Without therefore, any reliance on the produce from the American side, which I will shew conclusively it is their interest to send by this channel if permitted to do so, and after making an allowance of nearly one half for an over estimate of the exports of the present population, there will still be enough left to pay the interest on the full capital expended. And here I desire to observe, as a proof that the quantity expected to be exported is very low, that a single Township in the Western part of the State of New York, the Township of Scipio, on Cayuga Lake, exported in 1824, 150,000 bushels of Wheat, and upwards of 3,000 barrels of Pork, besides other articles, and a person owning a Store in the small Village of Pittsford, 7 miles East of Rochester informed me that this Fall 20,000 bushels of new wheat had passed through one store in bulk to Albany since last harvest. There is one article I have not named, but which will soon become a very important and profitable material for exportation from this country, that is Indian corn meal in tierces; hitherto it has not been worth attention, because of the difficulty of transportation, but after the Canal shall be completed it will receive immediate attention. There is also a great variety of other articles not named which this country may produce. I am told that there is iron ore in great abundance not far from the mouth of Grand River. It will be profitable for American merchants along Lake Erie to use this Canal, even for a N. York market, and if profitable they will do it. In or-

* To be added to the down freight

der to shew this more conclusively, I will take for the Welland Canal the same rate of charge above named, which is greater than that on the Erie Canal, and it will still be found much cheaper to send by this route to New York than the other.—The Canal from Oswego to Syracuse is now making, and will be finished in the course of this year.

The difference of transit from Lake Erie to Syracuse between the Erie and Welland Canals.

The distance from Buffalo to Syracuse is 200 miles.

Charge for toll is 1½ cents per ton per mile...	$3 00	
The same for transportation.....	3 00	
Toll on boats.....	0 07	
		$6 07
41 miles Welland Canal toll.....	$1 50	
32 miles Oswego Canal at 1½ cents...	0 48	
73 miles transportation at 1½ cents.....	1 09	
Tonnage on vessels, about.....	0 07	
Freight from Welland Canal Harbor to Oswego, being a mere continuation of voyage.....	0 50	
		3 64
Balance in favour of Welland Canal route, per ton.....		$2 43

ASCENDING.

From Syracuse to Buffalo, at 3 cents per mile.....		$6 00
Transportation at 1½ cents per mile.....	3 00	
Toll on boats per ton, whole distance.....	0 07	
		$9 07
Syracuse to Oswego, 3 cents per mile	$0 96	
Welland Canal.....	2 00	
Tonnage, about.....	0 07	
Transportation.....	1 59	
		4 62
Balance in favor of Welland Canal per ton.		$4 45

Thus it will be seen that with the rate of toll I have assumed, it will be the interest of the American Vessels to use the Canal; and vessels once having their Cargo on board will carry it as far as they can. If under such circumstances one fourth only use it, an immense amount of income will be added to the above probable estimate; and it is most difficult to say in the range of reasonable anticipation where to name a limit. It is a well known and acknowledged fact that in the Spring of the year, from 3 to 5 weeks the Harbor of Buffalo is closed, when the Lake beyond point Abino is clear of ice, and as it is always in the power of the Company to break up the ice in the Canal when the weather is mild, a decided advantage in navigation must be enjoyed by the Company in consequence of this irremediable difficulty which will induce great efforts to hasten down produce for an early market through the Welland and Oswego Canals to New York. The facility of travelling by way of Oswego and the Welland Canal will also be so much greater, that the number of Steam Boats for the conveyance of passengers will probably be much increased by it. Let the income arising from these additional sources of revenue be added to the computaton above made, and I think there can no longer be any doubt as to the fair prospects of the Canal and the profits which must arise from it. To put this calculation in figures would swell it to an amount beyond any conception; but when it is known, which it is now officially, from the Message of the Governor, that the New York Canals have given an income this last year of $771,780, it is not unreasonable to expect that the most incredulous must believe, and *even* the sceptic will lose his doubts. The increased amount of annual transportation on the New York Canals very far exceeds the increased proportion. The facility affords the power and the opportunity to the old inhabitants to increase their exports, and receive from them a much larger product, owing to the diminished expense of transit.

With great respect,
I am Sir,
Your obedient Servant,
J. B. YATES.

There is another apparent difference in favor of the Welland Canal which I have forgotten to mention in the proper place, although it is evidently important. The difference between the daily expense of a vessel of 100 tons and 3 hands navigating the Lakes and the Welland Canal, and a Canal Boat of 30 or 40 tons with the same number of hands and additional expense of horses. And if the Canal Boats go night and day, which they must to make the same average progress with a vessel on the Lakes, they must be double manned and have two sets of horses.

J. B. YATES, ESQUIRE.

States,—That if the whole amount of Stock had been subscribed it would have been quite sufficient to complete the Canal. The estimate for the whole is under the amount of Stock authorised by law.—Thinks the whole amount of Stock would have been taken if offered in June or July 1825, at New York; and that sufficient would then have been paid in to ensure the ultimate payment of the whole, but was satisfied at that time with the reasons given for withholding it. Without further aid from the Province, the Company will be greatly embarrassed in the progress of the work, and even in completing their present contracts, arising from the circumstance of so little Stock being taken up, and the price of that Stock being depreciated in the market in consequence of the difficulties and the distant prospect of completing the work—less than half the Stock being taken up. One half was subscribed, but about one tenth has reverted to the Company in consequence of failure on the part of the holders to pay the instalments. Some of the holders seem to have relinquished their Stock from apprehension of the failure of the undertaking, and others from the want of funds.

He is one of the original subscribers to the Welland Canal Company, to the amount of 2510 shares for himself individually: and in his own name, and his partners and friends, about 4000 shares are held at this time, of which about 1000 have been acquired by transfer. He has paid in on the whole amount of shares 65 per cent, by himself and partner &c. He is not, and cannot be a Director from his residence out of the Province.

He has visited the work several times in its progress, and has had satisfactory opportunity afforded by the Directors, of knowing the proceedings of the Company from time to time, and has found every reason to be fully satisfied with the manner in which the work has been conducted and the funds expended.

He thinks that every Stokholder ought to be satisfied, as there has been the greatest economy and attention.

He has no means of knowing from his personal observation whether the Erie or Welland Canal have been conducted with more economy; but from what he has heard from persons capable of judging, he thinks the Welland Canal has been conducted as economically as (if not more so than) the Erie Canal.

He is satisfied from the state of the funds and the state of the work that it would not be advantageous to enlarge the Locks on the mountain ridge to correspond with those from St. Catharines downwards, as five of the Locks are already completed and the expense of these would be lost; besides the advantages which might be expected would not be commensurate with the expense necessary to be incurred.

He can form no opinion of the relative expense of carrying the Canal to Niagara or to the Twelve Mile Creek. If it had been originally carried to Niagara it would have secured the interest of the inhabitants of that place, which has since been against it.

He thought originally under all the circumstances it would have been more prudent to take the Canal to Niagara; but that as the route was settled by Act of Parliament, he assented to it.

He thinks the manner of conducting the Canal has given satisfaction to all who had an interest worth naming. There were representations made by persons opposed to the Canal, dissuading persons at New York from taking stock, in consequence of which a great many shares were thrown into the market, which were purchased by Mr. Yates and partner; one hundred shares were sent out also to the New York market from Montreal, being the shares of Messrs. Goldschmidt, an insolvent estate.

On being asked whether any offer has been made to take the completion of the whole of the Deep Cut at 17½ cents per cubic yard and rejected, the work being given to another person at 25 cents per cubic yard. Mr. Yates says, that such offer was made but not accepted, and the higher price given. The offer was communicated to him before any work was commenced, and the reasons assigned for rejecting it were satisfactory to him at the time.

It was evident to him from the examination of the work and the Report of the Engineers that the work could not have been completed at 17½ cents, and that any Contractor who would have taken it at that price must have been ruined.

He is satisfied that the person who offered it at 17½ cents would have failed in his contract had it been given to him, and that the Company must thereby have sustained great injury, and it was thought more for the interest of the Company to give that work even at a higher price to a person who would complete it than to run any risk in accepting the cheaper proposal. It was not offered at the higher price to the person who made the lowest proposal.

All the Stock would not probably at this time be taken up at New York if offered, as there are several very influential persons, Stockbrokers there, who apparently from interest are hostile to the undertaking, and who have taken pains to depress the value of the Stock as well in Lower Canada as at New York.

He thinks that the effect of completing this canal would be that it would afford the means to the Company to embark in other undertakings for the improvement of the navigation. If the navigation of the St. Lawrence were improved it would have a good effect upon the stock of the Welland Canal.

It would be an advantage that the Company should have it in their power after the completion of the Canal to go on with the improvement of the navigation of the St. Lawrence, as each of these undertakings, when completed, would give additional value to the other.

Alfred Barrett.

Is a Civil Engineer, educated under Wright and Roberts—all his experience has been acquired at the Erie Canal—he still holds his station as an Engineer in the State of New York—has frequently had the immediate direction of parts of the Erie Canal under the general superintendance of Mr. Wright and Mr. Roberts—since the 10th May last has been constantly employed in superintending Welland Canal and Harbor.

The Contractors have generally proceeded well, and no difficulties have occurred in the work which were not anticipated—that it does not appear to him that any material error has been committed, either in the planning or progress of the work—the expenditure has been regulated by his certificates of the work done—the contracts had been formed before he came, and he thinks the prices were reasonable.

He assisted in making all the calculations contained in Mr. Thomas' report, dated 11th November 1826, and is of opinion that the sum therein stated will be required to complete the work from the Welland to Lake Ontario, and that an additional sum will be required for the Harbor—the probable sum may be $15,000—the original estimate was $15,000, and he thinks it will cost double that sum, from the extension and the increased dimensions of the Piers and the additional depth of excavation, as well as to make the whole more substantial—thinks the whole can be completed at as cheap a rate in one year as in two, and the Contractors are anxious to proceed so as to finish next summer, and that they would feel it a disadvantage if not allowed to do so—thinks it practicable to complete the whole from the Welland to Lake Ontario next summer, if furnished with means. The operations are almost wholly suspended at this time, but will be renewed in the latter part of March or beginning of April—an average expenditure of from 30 to $32,000 per month, from March till January next, inclusive, would complete the work.—Does not anticipate any difficulty at the Deep

Cut, having already dug down to the bottom level without obstruction—the rock excavation does not exceed a quarter of a mile, and may be done for less than the original estimate. It is very important to the Contractors, in order that they may make their preparations, to know how the operations of the Company are to be conducted next summer.

Thinks that there would be no great surf at the Harbor except from easterly winds, and that if it was blowing an easterly gale a Vessel might conveniently enter the Harbor. There will be 12 feet water in the Harbor when completed, and it may be finished by the first of August—the Canal is now nearly completed to St. Catharines, except the Harbor—the Harbor will not require any expenditure beyond what is stated in Mr. Thomas' Report, unless a Breakwater is constructed, in which case it may require about a thousand pounds additional. If the Locks were completed on the mountain ridge on the same scale as from St. Catharines to the Harbor, it would occasion an expense to the Company of about $42,000, or £10,500, including the alterations to be made in the Locks already completed, and the sum already expended in finishing them, which must be nearly all lost to the Company. The loss in taking up the Locks now completed to enlarge them, would be seven thousand dollars. The expense of enlarging the two Locks between Saint Catharines and the Harbor has been about $2,000 beyond the original estimate and the cost considered necessary to make them substantial—has formed no estimate of the difference of expense in taking the Canal to Niagara or through St. Catharines.

Thinks there is no doubt the Harbor will be completed on the present contract, and will be permanent—the original estimate was for a Harbour of eight feet water, but it is now thought necessary in order to make it more safe, to have it 12 feet deep, and the expence is necessarily increased. All that part of the Canal between the Welland and Lake Ontario is now contracted for, and will in his opinion be completed at the contract prices, with the exception of Sections 15, 16 and 20, which will require an additional sum of £1000 to finish them.

The Contractors for the Deep Cut have expressed doubts whether they could afford to complete their contracts at the prices contracted for, being 25 cents per cubic yard, and have intimated that they will be unable to proceed at that price, but he thinks the whole may be completed at 25 cents.

About $27,000 has been paid for work done since the date of Mr. Thomas' Report, and work to a greater amount has been done, but one fourth of its value has in most cases been reserved by the Company to ensure the fulfilment of contracts—as agreed upon by the contractors.

About £77,488 14 11 will be required at the contract prices to complete the Canal, exclusive of the Breakwater. The Contractors for the Deep Cut have received about 19 cents per cubic yard on their whole Contract; but not more than the value of the work done by them—care has been taken to pay only so much for the work done on the surface as may leave enough to complete the bottom, even should the present Contractors fail, at the rate of 25 cents per cubic yard.

Does not think that the present Contractors for the Deep Cut can make much by it, and that if any person had taken it for less he must have lost by it.

He has thought that 25 cents per yard was too small a price.—It has been customary to retain 25 per cent on the work done, to insure the completion of the remainder; but this has not been done with the Contractors for the Deep Cut, who have given their Notes to the Company for the amount usually withheld. This has been in pursuance of the terms of the Contract entered into.

These Contractors are men generally considered wealthy and able to answer the amount of their Notes in case they should fail in performing their Contracts.

There is no indication at present of the banks on the Deep Cut slipping—but the banks may, and probably will, acquire a greater slope eventually.

The earth in that case may be more easily removed by the Canal, and the expense will be much less than to remove it at present. It is not however, probable that any alteration in the slope of the banks will take place for some years, as care has been taken as much as possible to prevent any water washing over them from the adjoining banks. Thinks that the Welland Canal will be as productive as any portion of equal extent of the Erie Canal—and more so.—The expense of the Erie Canal from Lockport to Buffalo, has been (exclusive of the Locks) about six hundred thousand pounds. Thinks the whole Canal can be completed within the amount of Mr. Thomas' estimate, with the exception of the Breakwater, which he thinks will be necessary to make the Harbor secure. The Contractors on the Deep Cut of the Canal have been paid at the rate of 15 cents per cubic yard for the first 8 or 10 feet, and an additional half cent for every foot lower.

Is of opinion that the system adopted by the Directors in paying the Contractors as they progressed in the Deep Cut, has been judicious, and that the work could not otherwise have been so advantageously conducted.

Feels confident from his experience and observation that the progress of the work will not be interrupted by rock in the Deep Cut.

Has had a conversation with Mr. Clowes, the Engineer, recently, respecting Sections 15 and 16, which have been contracted for at 12 and 13 cents per cubic yard. Mr. Clowes then said that these Sections could not be done for less than 20 cents, and that he had been quite mistaken in his estimate of the Deep Cut, that he had estimated too low.

WILLIAM H. MERRITT, ESQ.

Agent for the Welland Canal Company,

Was present when Proposals, under seal, were received and opened by the Board of Directors for the Deep Cut.

The lowest offer was from Chapman and others at 16½ cents per cubic yard—the next was from John and James Clowes at 17½ cents per cubic yard—and the next from Messrs. Hovey, Beach, and Ward, at 25 cents per yard—and there were from 30 to 40 offers from other persons at higher prices. The Board decided on accepting the lowest

proposal, on being furnished with sufficient security for the completion of the contract; and fourteen days time was given to furnish such security, at the end of which time no security being given, it was decided to give the contract to Messrs. Hovey, Beach, and Ward, without having offered it to Messrs. Clowes. The Board did not enquire from Messrs. Clowes whether they could furnish security, being satisfied that they had not the means of going on with the work, and also that no sufficient security could be furnished by them. The board was influenced also in its decision by the consideration that the managing Engineer Mr. Clowes was the father of the proposed contractors. It had been previously ascertained that the work could not be done at the price offered by Messrs. Clowes, and it was the unanimous decision of the board that their offer should be rejected, and that of Messrs. Hovey, Beach, and Ward accepted. Has heard seme of the principal stockholders express their entire satisfaction with the course pursued in relation to this contract, and never heard any of them object to it except Mr. Gordon of Niagara, who is not now a stockholder.

In giving out so large a contract (equal nearly to one half the work from the Welland to the harbor,) it was important that some persons of sufficient capital and means should be employed, and on that account, as well as for the reasons before given, the Board preferred the proposals of Messrs. Hovey, Beach, and Ward, from whom it was not considered necessary to exact any security; they were then stockholders to the amount of $10,000, and on taking the contract they took stock to the amount of $15,000 more.

He has no discretionary power in management of the Co.'s affairs as agent, but is governed wholly by the Directors of the Board. The work has gone on more favorably in every respect than was at all anticipated, and no unforeseen obstacles whatever have presented themselves.

More work has been done for the amount expended than has been done for the same amount on any part of the Erie Canal, similarly situated, or any other undertaking of the kind with which he is acquainted.

He applied at the commencement of the undertaking to Messrs. Prime, Ward, and Sands, who are considered as very extensive and influential brokers at New York, and offered them 2½ per cent to induce them to get the Welland canal stock taken up—they refused to do so, and assigned as their reason that the opening of this canal would be injurious to them in as much as it would divert the course of trade from New York to Montreal, and they expressed an opinion that no persons at New York would be found to embark in the undertaking on this account.—Thinks that the stock now remaining would not be taken at New York from the scarcity of money, and for the reasons assigned by Messrs. Prime, Ward, and Sands. It would operate against the stock if no aid were now afforded by the Legislature, as it would be supposed that the withholding such aid proceeded from apprehension after due enquiry as to the practicability or profit of the work. The most effectual mode of affording the desired aid would be by taking stock for Government, as it would at once give confidence in the ultimate success of the undertaking, and could not fail to have a good effect upon the stock which might remain to be offered in the market.

If Government were to take stock to the amount of £50,000, including the loan already made, he thinks the Company would be enabled to proceed to complete the work, but it would be a more effectual and certain aid if the government were to take, in the whole, to the amount of £75,000, as it would withdraw so much stock from the market.

Thinks the alterations in the charter prayed for by the Directors are important and necessary to them, and that it would be advantageous that power should be given to the present Company to increase their stock for the purpose of improving the navigation of the Saint Lawrence. The Company will have gained experience in their present undertaking, which will enable them more advantageously to execute the work necessary to the improvement of the Saint Lawrence, and no time will be lost in the accomplishment of the latter object, as the Company could enter upon it immediately after the completion of the Canal, or sooner if circumstances admit of it.

With respect to the lateral cut to Niagara, he thinks it would be beneficial to the Company to *enable* them to make it; but that it would be *injurious* if it were made imperative upon them, and thinks it will be the interest of the Company to make this cut eventually.

Mr. Wenham.

There are only eight stockholders in the province qualified to be directors—there are 7,126 shares taken and now held, on which all the required instalments have been paid; (65 per cent) the act authorises 16,000 shares—8,874 remain to be taken—£606 15s paid agreeable to the award of arbitrators to persons claiming damages from the Company—the balance awarded remains unpaid till the parties interested sign conveyances to the Company.

About £82,000 expended by the Company; the instalment now called for will amount to about £7000, and will be sufficient to pay off all the demands against the Company.

The 7,126 shares of stock subscribed have been taken as follows:

5480	shares	at New York.
505	"	at Montreal.
40	"	at New Brunswick.
232	"	in Upper Canada.
510	"	by Smith, Ward, & Co., Contractors.
359	"	at Quebec.

Doctor Lefferty.

Thinks the canal cannot be completed for less than £300,000—has been at the canal and thinks the principal contractors are very industrious and fit persons to be employed. Thinks Messrs. Hovey & Co., cannot complete their contract on the deep cut for the amount agreed upon—cannot get through for less than 40 or 50 cents per cubic yard.

Question.—Does it appear to you that the Welland Canal ought to be regarded as an undertaking so im-

portant to the public that it should be assisted by the funds of the province, if such assistance shall appear necessary in order to ensure its completion? and if you do not so regard it, what are your reasons?

Answer.—Does not regard it as an undertaking which will be profitable to the country if money should be invested in it, and thinks that if the Province were to take stock it would not yield the interest of the money invested—does not think it will pay interest for many years—perhaps not for 50 years. This is his only reason for being unwilling to afford public aid.

Thinks that two waggons would have taken all the transport between Chippawa and Queenston, of that part of the country west of Chippawa for some years back.

Question.—Can you state any particular objections to the mode of proceedings adopted by the Company or their agent?

Answer.—Objects to the proceedings of the Company, having in the first place applied for a Canal for boat navigation, the cost of which was estimated at £40,000. Then applying for sloop navigation to cost £80,000, subsequently coming forward with a statement shewing that the canal would cost £147,000, and now the cost is estimated at £200,000.

He further objects to the proceedings of the Company in not having satisfied the persons through whose lands the canal passes.—Thinks the Directors have acted improvidently in laying out monies on that part of the canal from the Deep Cut to the Harbor, in as much as the Deep Cut cannot in his opinion be completed in less than two years and the Company is in the mean time losing the interest of the amount expended from the Deep Cut to the Harbor, which part he thinks might be at any time completed in three months. Has no other objections to urge as to the proceedings of the Company or their agent.

Samuel Wood.

Resides within 50 yards of the route of the canal, but has never visited the Deep Cut since the Contractors have commenced upon it, nor has he often visited the Harbor. He has no objection to urge against the Company, except, that he has not been paid for his land. He declined leaving the value of his lands to the arbitrators who decided upon other claims, as he preferred a reference to two persons. But he would now be unwilling to leave it to arbitration. He proposed leaving his claim to the decision of Mr. Street, who had been chosen as an arbitrator by the Company and also by him, but the Company declined leaving it to Mr. Street alone.

Charles Ingersol, Esq., M. P.

Is not a Stockholder in the Welland Canal.—Resides in the township of Oxford, London District, and is well acquainted with the London District, and in some measure with the Western. The population of the London District is about 19,000, almost wholly agriculturists.—Taking the whole district, thinks it is not excelled as a grain country by any district in the Province.

The completion of the Welland Canal would be extremely beneficial to the people of his District, who generally feel a deep interest in the undertaking, and would feel it as a great public misfortune if it were to fail.—Has no doubt that if the Canal were completed a great deal more produce would be raised and sent to market than at present. Has read the communication and estimate of Mr. Yates, as to the probable quantity of produce, &c., which may be expected to be forwarded through the canal, and has no doubt, that within a very short time after the completion of the Canal, Mr. Yates' estimate will be realised.

Thinks 50,000 barrels of flour, and 4000 barrels of potash will almost immediately after its completion be sent through the Canal from the London District, and the country adjacent to the Grand River. The District of Gore, which is not so populous or extensive as the London District, has sent to market during the last year about 22,0000 barrels.

A greater quantity of potashes would be sent if the Canal were completed, and a great deal of wheat which is now used in distilleries, and made into whiskey, would be manufactured into flour and sent to market.

Thinks there is no mode of granting any public assistance to the London and Western Districts, which will be so beneficial to them as the opening of the Welland Caual.

James Gordon, Esq., M. P.

Resides at Amherstburg, and knows that the people of the Western District look with very great interest to the completion of the Welland Canal, and would consider the failure of the undertaking as a great misfortune—there are some fertile tracts of country in the Western District, which have been long settled, and which have remained nearly stationary as to improvements from the want of markets for their produce.

He is satisfied that no public aid which could be afforded to the people of the Western District could be so advantageous to them as the completion of the Welland Canal, as it would enable the people to send many heavy articles to market, which at present they cannot—a great deal of lumber would be sent if the canal were completed—a great deal of potash would be sent from the Western District if facilities of transportation were afforded—at present the charges of transport across the portage and elsewhere are so great and the price at market so low that very little is sent.

Has no doubt that the opening of the canal will promote the settlement of the country to the west of it, as it will afford to settlers a more easy mode of conveyance to and from market with their produce, &c.

Thinks if the Canal were completed its advantages would induce many to settle in the Western and London Districts who at present will not do so, though the climate and soil are very favorable.

The inhabitants in the western part of the province do not raise more than sufficient for their own support, as the difficulties and expenses of sending to market are so great that they cannot meet the produce from other parts of the province on equal terms in market.

The Honorable Thomas Clark.

Says, that in his opinion the Welland Canal will be advantageous to part of the London District and the Western District, but that its advantages will not be much felt by the other parts of the province.

He does not think that the business on the Canadian side will be sufficient for many years to pay the interest on the cost of the Canal. Has understood that it is in contemplation to improve the navigation of the Erie Canal from Lockport to Tonnewanta Creek, and to open a Canal from Lockport to the Eighteen Mile Creek, which empties into Lake Ontario. Should this be done and a sloop navigation opened, it will of course affect the Welland Canal.

Has visited the whole of the route of the Welland Canal from the harbour to Chippawa, and has no doubt at present, though he once was inclined to question it, that it will be completed. Thinks the money has been well expended.

The Engineer, Mr. Barrrett, declared upon oath, in August last, that one-half of the work from the Welland to the mouth of the 12 Mile Creek was then done; and Mr. Keefer, one of the Directors, also stated on oath, before the Arbitrators, that he thought the Company would have means through their connexions at New York, to complete the Canal from the Welland to the harbor.

He does not think the harbour at the 12 Mile Creek will ever be as commodious as that at Niagara.

The entrance into the Niagara River from Lake Erie is frequently blocked up with floating ice from three to five weeks at a time in the spring of the year, after the opening of the navigation in other places. The Canal will be open on an average from three to four weeks before the Niagara River can be entered from Lake Erie, but the easterly winds blowing the ice up the Lake may prevent vessels from entering the Grand River. Until the Canal from the Welland to the Grand River is completed, all vessels going into Lake Erie will have to cross to the American side in order to go through a lock to pass the Fort Erie Rapids, unless when there is a very strong wind in their favor.

Francis Baby, Esquire, M. P. *for Essex.*

Has not visited the Welland Canal—has resided in the Western District since its first settlement—is acquainted with all parts of it—the settlements have not advanced so rapidly as in other parts of the Province—the land is of as good a quality he thinks as any other part of the Province he has seen, and the climate much preferable—the want of a water communication has kept the country back—the people of the Western District are very anxious respecting the Welland Canal, and think it the only thing that can make that District prosperous—thinks if it were to fall through for want of means they would consider it the greatest misfortune they could meet with—there is, in his opinion, no manner in which public public money could be expended that would produce so much good to the District.

All the surplus produce that is raised on the Thames and around Sandwich, is taken to Detroit and sold there. The soil is vere favorable for Indian corn, and if there was a good market for pork at Montreal, and the difficulty of transport removed, a great quantity might be sent from thence.

Alexander Wilkinson, Esquire, M. P. *for Essex.*

Has not seen the Welland Canal, knows that it is regarded with much interest by the inhabitants of the Western District—agrees perfectly in Mr. Baby's statement. Tobacco is becoming a very important article of cultivation in the Western District. It is almost four years since any considerable quantity began to be raised there—this year about 700 hogsheads he thinks have been raised—it is packed for market in hogsheads which being bulky, and the tobacco requiring to be carefully preserved from wet, any facility in the transport is of much consequence.

Richard Beasley, Esquire, M. P.

Resides at Barton—thinks the Welland Canal is a work of much consequence to the western parts of the Province—is well acquainted with the country, thinks the inhabitants of such parts of the District of Gore as border on the Grand River would share in the benefits afforded by it so soon as the cut to the Grand River is completed. The waters of the Grand River usually open about the latter end of April and continue high through May and June—often highest in June—and produce could be sent down the stream from the Falls at Woolwich to the mouth—staves could also pass down. The country on the banks of the river within some miles of it is in general very fertile, and when the country is fully peopled must be very productive, being favorable for grain, both as regards climate and soil—a great deal of pine lumber would be floated down the river. He thinks the inhabitants of the section of the Province bordering on the Grand River look forward anxiously to the completion of the Canal, and would be much disappointed if the undertaking were to fail.

Francis L. Walsh, Esquire, M. P. *for Norfolk.*

Resides in Charlotteville, has a general acquaintance with the eastern parts of the District—thinks there is not so much interest felt there respecting the Welland Canal as might be supposed, which he attributes in part to the circumstance that the Erie Canal affords an outlet for a good deal of their produce—feels himself indifferent as to its success—thinks there is a duty on Canadian produce in the United States, but it is sometimes evaded.

Being asked if intercourse with the United States should be suspended or high duties imposed, where the market would be for their produce? says it must be taken below.

Has frequently heard merchants say they did not think Canal stock would pay two per cent.

January 15th.

EDWARD MCBRIDE, ESQ. M. P.

Asked the general question proposed by the instruction given to the Committee—thinks the work one of great interest to the inhabitants of the Western section of the Province.

Has seen the Canal about the beginning of December, and having been one of the Arbitrators had occasion in August last, to examine the whole line—was very much pleased with its progress, and has strong hopes of its accomplishment.

Nothing has occurred to lead him to doubt it—thinks it a work of that consequence that if it cannot be otherwise effected, public aid should by all means be afforded to it—thinks it very important to the District of Niagara that a cut into the Niagara River should be authorised; and considers it of additional consequence, from an opinion which he entertains that the Harbor at the 12 mile Creek will not be convenient of access in bad weather.

There has been no recent survey made of the proposed lateral Cut, nor any regular estimate of the expense of it, on a scale commensurate with the Welland Canal, thinks it would cost from 35 to 40,000 pounds, and that the Stock so vested could be as productive as the other.—Is of opinion that another strong inducement to connect the Canal with the Niagara River is, that Vessels of large burthens which could not enter the Harbor of St. Catharines could go into the Niagara River securely and deposite their cargoes, and might, if necessary, have the advantage of a Dry Dock for the purpose of repairs, and that the hydraulic powers which would be erected at Niagara would be of great advantage to the Company.

ALEXANDER STEWART, ESQUIRE,

Is one of the signers of the Petition for a lateral Cut to Niagara. No particular Survey or estimate has been made since the Petition was preferred last year—thinks from conversation with Engineers that a Canal might be made on as large a scale as the Welland for £30,000 or less—concurs in Mr. McBride's statement as to the inducement to a lateral Cut.—Is informed by Masters of Vessels that when the wind sets strongly for the Eastward, it will be impossible to enter the Harbor, and that it will be difficult for Vessels to put out from the Harbor with strong winds, although they may be from such a quarter as would take them down the Lake if they could safely leave the Harbor.

The proprietors of land along the route have agreed to relinquish what the Company may require without remuneration.—Thinks not less than $50,000 Stock would be taken in Niagara by persons favorable to the lateral Cut, and that the whole could be procured without difficulty in a short time.

THE HONORABLE JOHN HENRY DUNN,
President Welland Canal Company,

Says that from the small quantity of Stock taken up, and the little prospect of a subscription for the remainder, the Company would be greatly embarrassed in the further progress of the work, unless some aid is afforded by the province.

If the Government were to take Stock to any considerable amount it would have the effect of establishing confidence in the undertaking, and there would be no difficulty in getting sufficient of the remaining Stock taken up to complete the work—thinks it would be much more advantageous to the Province and the Company that any aid which may be afforded should be by taking Stock rather than by making a Loan.

If a Loan were made to the Company it might deter persons from taking Stock on account of the debt which the Company will be owing, but if Stock were taken by the Province it would have the double effect of withdrawing so much Stock from the market and giving confidence in the value of the Stock remaining to be taken. Thinks if the Canal were completed it would pay the interest of its cost immediately, but even if it should not pay more than 1 per cent for the first year or two, still the Stock must be valuable, as the intercourse through the Canal must greatly increase as the Western parts of the Province become settled.

The present embarrassments of the Company arise from unfortunate circumstances in having withheld one half of the Stock for British Capitalists at a time when the whole might have been taken up in the United States, and having subsequently offered that Stock in England, when owing to the great pecuniary embarrassments then generally felt, and other causes, few if any persons could be found to embark in so distant an undertaking.

If the Province were to take Stock, he is satisfied that when the Canal is completed it can be sold without difficulty, as many persons are prevented from taking Stock by the apprehension that the Canal will not be completed.

No. 2.

ACT OF PARLIAMENT, 8TH GEO. 4TH, CHAP. 2.

An Act to enable the President and Directors of the Welland Canal Company to accept an aid from His Majesty's Government, towards the completion of the said Canal, and to secure His Majesty the free use thereof.

[Passed February 17th, 1827.]

WHEREAS, His Majesty has been most graciously pleased to intimate, through the Principal Secretary of State for the Colonies, to His Excellency the Lieutenant Governor of this Province, that His Ma-

jesty would be willing to afford to the Welland Canal Company his royal aid and assistance, to the extent of £16,360 sterling, being the one ninth part of the sum represented to His Majesdy as the estimated cost of the said Canal, upon condition of the locks thereon being constructed of at least 22 feet in width; and also upon His Majesty being secured in the use of the said Canal, for all vessels and boats, when engaged in conveying Government stores, without payment of any duty or toll; *And whereas*, His Majesty's royal intention having been communicated by His Excellency the Lieutenant Governor to the President and Directors of the said Company, they have expressed their desire to accept His Majesty's bounty upon the terms in which His Majesty has been pleased to signify his pleasure thereon; *And whereas*, for carrying His Majesty's most gracious intentions into effect it is necessery to secure to His Majesty the free use of the said Canal for the public services of His Majesty, by an act of the legislature; *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an act passed in the fourteenth year of His Majesty's reign, "entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same "That the locks of the said canal shall not be constructed of a less width than 22 feet; and that in all time to come all vessels and boats the property of His Majesty, and all other vessels and boats when engaged in carrying His Majesty's stores, shall be at liberty to pass and repass upon and through the said canal and locks without the payment of any duty or toll; *Provided always*, that nothing herein contained shall extend, or be construed to extend, to exempt from the ordinary charges of toll or duty such goods or commodities, the property of individuals, as shall be transported in any vessel or boat not being the property of His Majesty, or the tonnage employed in transport thereof.

No. 3.

ACT OF PARLIAMENT, 5TH GEO. 4TH, CHAP. 17.

An Act for affording Public Aid towards the Completion of the Welland Canal.

[Passed 17th Feb. 1827.]

WHEREAS it is necessary to afford public aid in furtherance of the great undertaking now in progress for uniting the waters of Lake Erie and Ontario by a Canal, navigable for such vessels as are ordinarily used for transport on the Lakes.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" & by the authority of the same, That at any time before the first day of April next it shall be in the power of the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to direct His Majesty's Receiver-General to subscribe Stock in the Welland Canal Company to the amount of Fifty Thousand Pounds, which Stock shall from thenceforth be held as, and deemed to be, public Stock, and that the Government of this Province shall, as the holders of such Stock, be subject to the same conditions and have the same powers, advantages, and privileges as other Stockholders in the said Company.

II. *And whereas*, it will afford great relief to the said Company to be enabled to avail themselves of the whole funds thus subscribed by the Government, without the delay of calling in instalments, and such advance will further enable the said Company to resume and continue their operations without the necessity of exacting from individual Stockholders such rapid advances of capital as they have hitherto, at great inconvenience, been compelled to furnish; *And whereas*, it is reasonable that, in consideration of such facility to be afforded to the Company, the Government should be relieved from the immediate payment of interest on the sum to be advanced by them, *Be it therefore enacted by the authority aforesaid*, That before such sum of Fifty Thousand Pounds shall be advanced by the Government to the said Company, a written assent, under the Seal of the said Company, shall be deposited with His Majesty's Receiver-General for the time being, signifying that they are willing to accept the said subscription of Stock and the payment of the same in full, upon the condition that the said Company shall pay to the Government, half-yearly, the interest upon the said sum of Fifty Thousand Pounds, from the time of the same being advanced until the expiration of one year from and after the comp etion of the Welland Canal from the Grand River to Lake Ontario: *Provided always nevertheless*, that so soon as the proceeds of the said Canal shall afford to the Company a clear dividend of Six per Centum upon the Capital advanced, such interest so paid to the Government shall be equitably adjusted as between the Government and the other Stockholders in any dividends to be thereafter made.

III. *And be it further enacted by the authority aforesaid*, That the Welland Canal Company shall, before receiving the payment of the Stock to be taken under the authority of this Act, deposit with His Majesty's Receiver-General a Bond under their Seal, in the penalty of Twenty Thousand Pounds, binding themselves to pay annually to His Majesty the legal interest upon such payment, until the expiration of one year after the whole Canal shall be finished.

IV. *And be it further enacted by the authority aforesaid*, That it shall be in the power of the Governor, Lieutenant-Governor, or Person administering the Government of this Province, at any time in his discretion, to direct the Receiver-General, for the time being, to sell and transfer the Stock so sub-

scribed, or any portion thereof, so soon as its nominal value can be obtained, and that the sum to be received for the same shall be paid to and remain in the hands of His Majesty's Receiver-General, for the time being, subject to the disposition of the Legislature thereof.

V. *And be it further enacted by the authority aforesaid,* That the interest to be paid by the said Company within the period aforesaid, shall be applicable, by His Majesty's Receiver-General, to the payment of interest on any Loan that may be contracted by the Government for the purposes of this Act, and that all such payments and dividends as may thereafter be paid to the Government on account of the said Stock shall and may be applicable to the public uses of this Province as the Legislature thereof may direct.

VI. *And be it further enacted by the authority aforesaid,* That the sum of money herein authorized to be raised by loan and paid on account of Stock to be held in the said Company, shall not be subject to any deduction of poundage for the Receiver-General of this Province.

VII. *And whereas,* to provide for the payment of the Stock to be subscribed as aforesaid, it is necessary to authorize the raising, upon Debenture, the sum of Fifty Thousand Pounds, in manner hereinafter mentioned: *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to authorize and direct His Majesty's Receiver-General of this Province to raise by loan, at a rate of interest not exceeding Six Pounds per Centum, and as much lower as can be obtained from any Person or Persons, bodies Corporate or Politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorized to be issued as hereinafter mentioned, such sum not exceeding in the whole, Fifty Thousand Pounds, as may be required for the purposes of this Act.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver-General, for the time being, to cause or direct any number of Debentures to be made out for such sum or sums of money, not exceeding, in the whole, the said sum of Fifty Thousand Pounds, as any Person or Persons, bodies Corporate or Politic, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver-General shall think most safe and convenient, and shall be signed by him, and that for each loan or advance three several Debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one-third of the sum so advanced, at the expiration of periods not shorter than two, four, and six years respectively, with interest according to the rate at which such loan shall be negociated, from the date of such Debenture until the same shall be discharged.

IX. *And be it further enacted by the authority aforesaid,* That all such Debentures, with the interest thereon, and all charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the Receiver-General, to and for the public uses of this Province, and at the disposal of the Legislature thereof.

X. *And be it further enacted by the authority aforesaid,* That the loan authorized by this Act shall be contracted for, upon the express condition that at any time, either before or after the said Debentures, or any of them, which are by this Act directed to be issued, shall become due, according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Province, if he shall think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment; and if, after insertion of the said Notice for three months, any Debenture shall remain out more than six months from the first publication of such Notice, all interest on such Debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

XI. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the seventh year of His Majesty's Reign, entitled, "An Act to authorize the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company," respecting the Debentures, authorized by the said Act passing current, with certain Public Accountants, the payment of interest upon the same by such Accountants, and the suspension of interest in certain cases, the submitting to the Legislature accounts of such Debentures, and the interest paid thereon and the expenses attending the same, the payment of interest to holders of such Debentures, the remuneration to the Receiver General for the services required by the said Act, paying off and cancelling the said Debentures; and also, the provision made in the seventh Section of the said Act, for punishing the forging of any Debenture thereby authorized to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged Debenture, or other matter as aforesaid, shall apply to, and be in force in respect to the Debentures which shall be issued according to this Act.

No. 4.

DESPATCH FROM LORD BATHURST.

COPY, DOWNING STREET, *30th September*, 1826.

SIR, His Majesty's Government having granted the sum of twelve thousand pounds in aid of the expense of constructing the Lachine Canal in Lower Canada, upon condition that all boats and vessels with public stores should be permitted to pass without the payment of any toll or duty, and considering that the Welland Canal, now in progress on the Niagara frontier, will afford great facility in forwarding stores to Lake Erie and the upper parts of the

province of Upper Canada, and that by constructing the locks of the width of twenty-two feet, it would become a work of much greater public utility: I am to desire that you will acquaint the Directors that His Majesty's Government would be willing to afford the same degree of assistance towards the expense of the Welland Canal which was given to that of Lachine, which was about a ninth of the estimated sum required in its completion, and as the estimated expense of the Welland Canal is one hundred and forty seven thousand two hundred and forty pounds, the sum to be contributed by the public for the privilege of forwarding government stores, &c., would be sixteen thousand three hundred and sixty pound

In the event of the Directors agreeing to this proposal it is necessary that a provincial act should be passed in which the Company shall engage to construct the locks of the canals of the width of at least twenty-two feet, and securing the use of the canals to all vessels and boats the property of His Majesty, and also to all other boats and vessels when engaged in carrying government stores, without the payment of any duty or toll, in consideration of receiving the sum of sixteen thousand three hundred and sixty pounds, to be paid in four equal annual instalments or sooner if the canal should be completed at an earlier period.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed) BATHURST.

MAJOR GENERAL
SIR P. MAITLAND,
K. C. B. &c. &c. &c.

Certified,

G. HILLIER.

No. 5.

REPORT OF THE BOARD OF DIRECTORS FOR 1827.

In presenting to the Stockholders the annual report of the proceedings of this Company, the Directors have every reason to congratulate them and the public, on the results of the last year's operations.—And although they have had to contend with many difficulties, inseparable from works of such magnitude yet these have been less than might reasonably have been expected.

Although the sanguine expectations entertained last year by the Directors, that the amount of stock then remaining unsubscribed would speedily be taken up, have not yet been realised as far as individual subscriptions are concerned, yet the timely and effectual support afforded by the Legislatures of both provinces during the last session of their respective Parliaments, entirely relieved the Directors from that embarrassment which must otherwise for a time have paralysed their exertions. The ample means thus afforded have enabled the Directors to continue their operations during the past year with increased vigor.

By the opening of the season, the Contractors for the Deep Cut, Messrs. Beach, Hovey and Ward, represented their inability to carry on the work further at the price contracted for, and the Directors, after a full consideration of their proposal, censented to release them from their engagements, and to make preparations for reletting that portion of the work. Preparatory however to entering into any new contracts for the completion of the Deep Cut, the Directors offered a reward of £125 to the person who would construct a machine that would remove the greatest quantity of earth in a given time, at the least expense, and many intelligent men were competitors for the premium.

The best inventions were those of Mr. Oliver Phelps and of Messrs. Pratt and Simpson, who have used them with great advantage during the past season.

The machine invented by Mr. Phelps, which has been generally used, consists of a wheel revolving round an axle, having one end fixed to the ground, and at such an angle as to bring the rim of the wheel upon the same plane with the slope of the road up the band,—around this wheel a rope is passed, with a hook at each end to attach the empty cart going down and the loaded one coming up, keeping the cattle at a draft up and down—the empty team going down being generally sufficient to bring the returning load up with little labor to the cattle drawing the latter; thereby in effect reducing the ascent to a level.

The rains set in last autumn much earlier than usual; and from the stiff and adhesive nature of the clay the work could not be prosecuted with advantage in wet weather, and the contractor thought it most judicious to suspend operations towards the latter end of October—which in the end proved fortunate, as the rain continued during the whole of the following month.

The Deep Cut contained in September, 1825—1,487,514 cubic yards of earth: there now remains only 371,643 to be removed; consequently there can be no reasonable doubt that the whole will be finished in good time next season, as we have had but little more than two entire seasons to remove the great proportion already excavated.

From this to the brow of the Mountain, including sections 7 to 16, (or lock No. 1,) a distance of 4¼ miles, the canal is finished and ready for the reception of water, with the exception of 12,000 cubic yards on section 15, which will stand over till next season. This section and No. 16, for a distance of 20 chains averaged 20 feet of deep cutting: the excavation proved very hard, and the Directors cannot speak in too high terms of the perseverance, industry, and good management of the contractors—Messrs. Bell, Richardson & Co., under whose immediate direction it has been conducted. This part of the Canal, (viz., from section 7 to 16), being a continuance of the summit level, contained, on commencing in the spring of 1826—407,641 cubic yards of excavation, and 124,567 yards of embankment, which has been finished by the same contractors who were mentioned in the appendix to last year's report.

The excavation along the declivity of the mountain, comprehending the sections from 17 to 30 inclusive, and extending to the distance of 4 $\frac{8}{10}$ miles, is all finished, except what is purposely left for backing or filling in the sides of the locks.

The locks down the mountain, thirty-two in number, are in a state of great forwardness, with the exception of two; and the whole may easily be finished early in the ensuing season. This part of the canal, embracing the mountain descent, contained originally 224,556 cubic yards of earth, and 57,000 yards of rock excavation; 303,313 yards of embankment, and 33,000 yards of puddling.

The remaining part of the Canal to Lake Ontario, including a distance of 5 miles is finished and filled with water; it presents a surface of great width throughout, and affords a correct view of the magnitude of the canal. This part required originally 157,566 cubic yards to be excavated, and 158,609 to be embanked. For a more particular detail see Engineer's Report, Appendix (A.)

Of the 2,333,706 cubic yards of earth originally required to be excavated on this Northern section of the Canal, 406,553 yards now only remain to be removed; and of the 586,489 yards of embankment at first required, 87,262 yet remain to be completed.

Fifteen miles of the Canal will be finished by the first of June next—leaving only a distance of one and a half miles to be finished in order to form an uninterrupted communication between Lakes Erie and Ontario by way of the Niagara and Welland Rivers.

This portion of the Canal (from Lake Ontario to the Welland) being so far advanced, and its speedy completion being no longer problematical, the Directors thought no farther delay should be allowed to intervene before the remaining section (from the Welland to Lake Erie) was commenced, and this appeared the more necessary when it was considered that the Canal can certainly answer its object but very imperfectly while this section remains unfinished, and that several months would be required to drain the great marsh previous to its being undertaken. The Report of Mr. Barrett, which contains all the information relative to this part of the line, will be found in the Appendix (B.) and the Board for the reasons which have been mentioned, concurred in the recommendation of their Engineer, advertised immediately for proposals, & placed it under contract to Messrs. Monson, Simpson & Co. on the 4th October, who are now employed on this part of the line, which may be worked to advantage in the winter season. On this part of the line the clearing has been nearly finished, much of the grubbing has been done, the ditches carried between three and four miles, and about 72,000 cubic yards of earth have been excavated.

During the past year the work has been conducted under the immediate superintendence of Mr. Alfred Barrett, principal Engineer, to whom the Company are much indebted for his industry, zeal and good management, in the laborious and responsible situation he has occupied.

The 13,400 acres of land granted to the Company by Government, has proved to be most fortunately situated, the line of the Canal running nearly through the centre of it.

Of the capital stock of the Welland Canal Company, consisting of 16,000 shares, and amounting to £200,000:—

	Shares.	£	s.
Individuals have subscribed....	6,893	86,162	10
Provincial Government of U. C.	4,000	50,000	0
Provincial Government of L. C.	2,000	25,000	0
Remaining unsubscribed.....	3,107	38,837	10
	16,000	200,000	0

There has been actually paid in and expended on the Canal:—

Eighty-one per cent on 8,893 shares held by the Government of Lower Canada and by individuals.....	£90,041	12	6
Whole amount by Government of Upper Canada.....	50,000	0	0
Amount of Loan from Provincial Government.....	25,000	0	0
	£165,041	12	6

The remaining available funds of the Company consist of

The donation from the British Government in consideration of the free passage of Government stores.....	£17,777	16	0
Nineteen per cent on 8,893 shares...	21,120	17	6
	£38,898	13	6

It will require to finish the Canal

From Lake Ontario to River Welland....	£40,000	0	0		
From Welland to the Grand River.....	50,000	0	0		
				90,000	0 0
Leaving this sum to be provided for.				£51,101	6 6
If the whole stock should be taken up				38,837	10 0
There would only remain to be provided.....				£12,263	16 6

The public advantages to be derived from this undertaking are daily developing themselves, not only by the rapid improvement of the country on its immediate borders, but by the spirit of enterprise and exertion it calls forth in the inhabitants of the country more remote, who appear desirous of availing themselves immediately of all the advantages the Canal is likely to afford, by improving the different streams leading into Lake Erie. The connexion of those Lakes by ship navigation will have a tendency of facilitating the improvement of the Grand River, the Thames, the Otter, and many other large and valuable streams taking their source in the interior of the country; and consequently will not only increase the present trade, but create new sources to a very great extent.

JOHN DUNN, *President.*
HENRY J. BOULTON,
JOHN B. ROBINSON,
COL. WELLS,
D'ARCY BOULTON,
GEORGE KEEFER,
JOHN CLARK,
} *Directors.*

WELLAND CANAL OFFICE,
St. Catharines, Dec. 31st, 1827.

APPENDIX.

(A.)

To the President and Directors of the Welland Canal Company.

I BEG LEAVE TO REPORT,

That on Section No. 1, of the Deep Cut, of the 21,116 cubic yards of excavation that remained Nov. 11th, 1826, only 7,479 yards now remain. The whole could easily have been completed this season; but it was thought more advisable that it should be delayed until a ditch was effected through the Deep Cut, when it may be done at far less expense. Near the head of this section has been erected a guard gate, to check the rise of water in the Welland River.

On sections No. 2, 3, 4, 5, & 6, (embracing the whole extent of the Deep Cut,) there were excavated previous to the commencement by Mr. Oliver Phelps—under S. Ward, & Co. 666,694 cubic yards, paid for as per contract, at an average price of 19 cents, $130,812 22. Under Mr. O. Phelps, 341,490 yards at 25 cents, 6 mills $88,271 04, Total yards excavated, 1,008,184 at an average price of 21 cents, 7 mills, making the sum of $219,083 26.

It may be proper to mention here that the greatest proportion of the work has been done this season through the deepest part of the cut. The two northerly sections, embracing a distance of 55 chains, originally averaged 51 feet: they now average only 14 feet; consequently there remains the least number of yards to remove from the deepest cutting; which shews that the work done has not been overrated. It was very late in the season before an efficient force was applied to this work, which has prolonged it beyond what was anticipated; consequently the greater part of another season will be required for its completion. No obstacles have appeared during this season's operations to impede the progress of excavation. The banks stand remarkably well, although they have been far more exposed than heretofore, both from their increased height, and the irregular manner in which the earth has been laid on them.—Measures are now taken to lay the spoil banks in such a measure as to turn all the water that falls on them to the rear, from whence it may easily be discharged into the Welland river, from the natural inclination of the land in that direction.

At the foot of this cut a draw-bridge has been erected over the canal at an elevation of 35 feet above the surface of the water. Three stone culverts have been built on sections No. 10 & 13, containing 649 perches of masonry.

Three waste weirs and flooms are constructing on the summit level between the Deep Cut and section No. 17: one at Mr. Hall Davis', on section No. 9; one at the Beaverdam, on section No. 14; and one at the head of section No. 17, above lock No. 1, for the purpose of discharging the surplus water in the canal, and passing off any additional quantity in the spring and fall floods, by the valley of the 10 mile creek. It will be necessary to cut a small ditch to lead the main branch of the Beaverdam Creek into its eastern branch, at the time of high water; by which we have the control of all the water on this summit, and can at pleasure either discharge it from the canal or lead it into it. Those waste weirs, instead of stopping the water from the original branches, as some persons now apprehend, will always afford an additional supply of water to those streams; at the same time they regulate any excess caused by floods or freshets, as formerly, and will not only be useful to the canal navigation, but highly beneficial to those possessing hydraulic advantages on any of these branches. The waste gate on section 9 will be placed 5 feet below bottom level, for the purpose of scouring out the Deep Cut or drawing off the water, if at any time it may be found necessary.

The embankment on Section No. 9 has settled since it was accepted, considerably, occasioned by its being composed of light soil and made in the driest part of the season, principally by Wheel barrows. 3,355 cubic yards of earth have been found necessary to raise it to its original height. All the other banks on this summit have been constructed with Teams and Carts: they appear well packed, and remain permanent.

The guard Lock at the Welland on this Section is 40 feet wide. There will be four Bridges on this level, which are now in progress, and have 40 feet span; so that Steam Boats of any dimensions now built on Lake Erie may reach the grand Reservoir at the mountain descent, which is of sufficient dimensions to contain any quantity of Lumber or any number of Vessels for a great length of time.

From Lock No. 1 to St. Catharines thirty two Locks are located in a distance of four miles and 72 chains—3 of which are finished, 12 average three quarters, 7 one half, and 8 one third; the remaining two are not laid, but the Timber is in readiness to place them early in the Spring. We have seven rock foundations in the line; the remainder, without exception, are bedded in a hard, tough, blue clay.—Most of the Contractors have met with serious difficulties in sinking those Pits, the excavation of which have invariably proved exceedingly hard. We have met with only 57,000 yards of rock excavation on Sections 19 and 20; which in a distance of the length of this Canal, with so great a descent on the face of a mountain, is a most remarkable circumstance.

From the head of Lock No. 1 we carry a ditch for surplus water into the level between Locks No. 4 and 5; from the head of No. 5 to between 17 and 18; from the head of No. 18 to the level between 27 and 28—affording an abundant supply of water for hydraulic erections to any extent without causing any perceptible current in the Canal. In addition to which Waste weirs are constructed at Locks 19 to 31, between which there are large and spacious natural Basins or Reservoirs formed by a Ravine through which the Canal descends.

From St. Catharines to the Harbor we have three Waste weirs and three Locks, which are finished, and the water has been let in for some time. In the upper two Waste Gates have been constructed during the last season of sufficient dimensions to control the surplus water. They have been thoroughly proved this Fall, together with the Locks, and answer in every respect the purposes for which they were intended. The middle Waste weir was carried off on the first rising of the water last Spring, owing to the embankment being frozen, and not

having time to settle. Two Lock Gates were also carried off, on first Lock, partly by accident and not being made sufficiently substantial.

The Piers at the entrance of the Harbor have not yet been entirely filled with stone: nevertheless they have resisted the force of the waves for two seasons; and no doubt can be entertained of their efficacy or durability. By the removal of 320 yards of earth from between the Piers nine feet of water will be afforded at all times; and if found desirable or necessary, twelve feet may be obtained by the use of a machine for scraping the bottom, which has proved highly beneficial.

The following Abstract will shew the number of yards excavated from the Deep Cut to Lake Ontario, together with the number required to be removed to finish the same:—

Work done on Deep Cut since commencement is as follows:—

Chopping and clearing.....	70 acres.
Grubbing.....	30 "
Excavation, (including Section 1 and Reserve,).....1,115,871 cubic yards.	

From Deep Cut to Lake Ontario.

Chopping and clearing,....	91¾ acres.
Grubbing,.....	50¾ "
Excavation, ...	818,751 cubic yards.
Embankment, ...	499,227 "
Puddling,.....	33,291 "

Making a total of 161¾ acres of chopping and clearing—80¾ acres of grubbing—1,934,622 yards of excavation—499,227 yards of embankment—and 33,261 yards of puddling.

ALFRED BARRETT,
Principal Engineer.

St. Catharines, January, 1st 1828.

APPENDIX.

(B.)

To the President and Directors of the Welland Canal Company.

Having finished the Survey of the Southern Section of the Welland Canal, I beg leave to submit the following Report:

No. 1. The table land has been levelled over from the forks of the Grand River to Grabel's Bay, on Lake Erie—distance five miles—average cutting 15 feet. This route presents but few difficulties. A canal and safe harbor may be constructed at an expense not exceeding £35,000.

No. 2. Northern route.—In consequence of the deep cutting on the line explored by Messrs. Clowes & Rykert, it was thought advisable to try for a more favorable one to the north. Messrs. Lapham and Gooding, assistant engineers, received instructions to make an examination from the forks of the River Welland up the valleys of Beser's and Kelley's creeks, crossing the north west arm of the Wainfleet Marsh to Broad Creek, near its entrance into the Grand River. This route, in making Lake Erie the summit, will cost £53,230. The whole distance is 11 miles and 65 chains, of which only 4 miles are in the marsh—average cutting varies from 8 to 10 and 15 feet.

No. 3. Middle route.—This is the one formerly traced out by Messrs. Clowes and Rykert, which has been carefully re-surveyed. Commencing at the forks of the Welland River, it passes up the valley of Mill's Creek, terminating in Broad Creek, at the same point with the above.—Whole distance 12 miles; 9 of which lies through the lower part of the upper marsh—average depth 8 to 15 feet—cost, as per estimate, £61,934 5s.

Several routes have also been examined with reference to a feeder from the Grand River, which may be brought either into No. 2 or 3, by raising the level 8 feet, placing two additional locks, constructing a dam across the Grand River, 17 miles above the junction of the canal with the same, 8 feet high, and placing a lock thereon. The estimated cost is £35,000—whole length of the feeder 17 miles. The difference of expense will not be material on either of the foregoing routes. But in making the Grand River the summit, the object of the marsh would in a great measure be defeated; the surface of water in the canal would be too near the level of the ground to admit of it.

The three routes, together with the feeder, stand thus:—

No. 1.—5 miles in length,—estimated cost		£35,000
No. 2.—11 miles 65 chains—	"	53,230
No. 3.—12 miles,.....	"	61,934

By bringing a feeder for either of the two last routes, the estimate will be only £35,000. They are nearly equal in length, and the cutting shallow; consequently the estimates do not vary materially.

In route No, 1, you will gain a distance of seven miles cutting, besides shortening the Canal 9½ miles, and partially draining the marsh; but will entirely lose the object of effecting a junction with the Grand River—as from 15 to 20 miles of a difficult Lake coast will intervene, rendering the navigation at all times hazardous. Besides, you approach so near point Abino, that danger may be apprehended from obstructions by ice from the Niagara River—reasons in my opinion fully sufficient to abandon the route.

In route No. 2, a saving of £8,704 5s. in the construction of the Canal will be effected; the marsh will not be drained, and not one mile of it will pass through the Company's land; the difference in the distance being only 15 chains, is of no material consequence. The feeder will likewise produce a saving on either route of £18,230. The objection to it is, in supporting or maintaining 19 miles of a feeder, two additional locks, and not draining the marsh; which in my opinion, besides the difficulty and obstruction of the navigation, is more than equivalent to the additional expense of a thorough cut.

Although route No. 3 is the most expensive, it has a decided preference, and will be the most advantageous one for the Board to adopt. It will be seen by a reference to the map, that the Company's lands lay on either side of it, throughout the township of Wainfleet; it passes through the lowest part of the marsh; will effectually drain the lands on its borders, and greatly enhance their value.

The connexion of the Grand River with the Welland by a thorough cut, will offer an important fea-

ture in the accomplishment of this Canal, by avoiding any ascent from Lake Erie through the peninsula, besides connecting a country bordering on the Grand River, the commodities of which, if transported by the Lake shore, (as they will be) principally in boats and rafts, would be attended with great risque; and it is a question whether in a few years it would not be equal to the additional expense of this route.

This section of the Canal being generally covered with water, and lying on so long a level, will require under the best of management, a long time to drain it so that a suitable number of men may be employed to finish it in a reasonable time. We have not been able to survey it this season before the present month; therefore no time should be lost in placing it under contract, in order to take advantage of the winter's operation; otherwise another entire season will be lost. There will be no difficulty in draining it; but as the work can only proceed from the two ends, it will be a slow operation.

I beg leave to call the attention of the Board to the following plan, on which this section may be completed for a much less sum, at the same time it comprises every advantage of the thorough cut, with the exception of a rise of five feet, and passing two additional locks.

The Grand River is a perfect level for 12 miles into the interior, at which distance the river is governed by the rise or fall of the lake; there are extensive marshes on either side, which are, from the above cause, alternately wet and dry, and can never be reclaimed without incurring an expense far beyond their value.

By damming this river near its mouth to the height of five feet, and placing in a lock, we avoid five feet of excavation from the bottom of the Canal for 10 miles; the saving of which will be as per the accompanying estimate. This plan may, however, be adopted at any time the ensuing year if thought advisable.

The course of the river may be diverted from its present channel, and the danger of filling up the harbour, as suggested by Captain Hall, removed; the marsh become unhealthy, by rendering the water stationary; and would be far more likely to *make* land from the deposite brought down the stream than in its present situation.

Should the Board think proper to adopt the measure of damming the river, and raising the level, as above proposed, there will be made a saving in excavation through the marsh of..... $130,320

On the other hand, the cost of the brush dam and ship lock through it will be.....	$10,230	
One additional lock.....	3,000	
To pay for damage done to lands, if any.....	4,000	
		17,230
Which deducted from the foregoing, leaves		$113,090

This cut may be lowered at any future period, during the winter season, and the dam remain or not, as may be thought most advisable.

The mouth of Grand River and Mohawk Bay have been examined. The estimated expense of the latter is £5,050; additional length of Canal—two miles—will cost £24,775; total £29,825. This bay, with the exception of the difficulty in approaching it from the Canal, is well calculated for a harbour: it has a sufficient depth of water across the bar, affords good anchorage, and is protected against the prevailing winds by a projection of high land.

I would, however, recommend the mouth of the Grand River, where a saving of expense will be made, in the aggregate, of £24,525. A safe harbour may be formed here, by the construction of two piers, the expense of which, embracing the towing path to Broad Creek, will be £5,600. There is no formidable difficulty in constructing this harbour, which will be as extensive as may be desired, affording moorings for any number of vessels.

Before closing my Report, I will venture to make a remark, which may be considered irrelevant to the subject; nevertheless it is of public importance. The Cranberry Marsh contains about 30,000 acres of land: it is enclosed by a small rim of land, elevated from two to three feet above its surface; has several small outlets, not sufficient, however, to drain it. By constructing the Canal through it, as proposed in route No. 3, a very valuable tract of land may be reclaimed, on part of which there is a heavy growth of ash, oak, and maple timber, the remainder is a thicket of small brush and open marsh: the top soil, from four to five and six feet, is a rich vegetable mould, intermixed occasionally with sand, resting on a bed of clay, which causes the water to remain on its surface for so great a length of time. This immense tract can be effectually drained by cutting a ditch through between lots No. 17 and 18, where the marsh is only one mile wide, and can be led into Mill Creek; then, by cutting a drain into Lyon's Creek, in Crowland, a few miles above the Deep Cut, leading into the Welland River, one mile from its mouth; again, at Savage's Mill and at Hooper's Creek, leading into Lake Erie. These outlets would effect the draining of the marsh, which in its present state is a public nuisance; but which, at a very moderate expense, would become as valuable land as any in America.

ALFRED BARRETT,
Principal Engineer.

St. Catharines, Sept. 1, 1827.

No. 6.

MINUTES OF THE BOARD OF DIRECTORS

FOR 1827.

At a Meeting of the Directors, held at Mr. Robinsons on Wednesday, January 4th 1827.

PRESENT:

The Hon. John H. Dunn, *President*,
" William Allan, *Vice President*.
John B. Robinson,
John Clark,
Henry J. Boulton,
William H. Merritt, and
George Keefer, Esquires. } *Directors.*

The Engineer's Estimate for the past month, amounting to £1696 11 3 was submitted to the Board, and on examination ordered to be paid.

Mr. Merritt having mentioned to the Board that he had consented to allow Mr. Adams the privilege of retaining by diking, any portion of the land surrendered to the Company, a discussion took place on the propriety of such permission, and it was considered by the Board that the award in each case having been formed upon a calculation of the value of the land to be surrendered, it is clearly understood by the Board that the former proprietors are to have no further control over it under any circumstances, and with respect to Mr. Adams' case in particular, it is *Resolved*, by the Board, that the Engineer under the sanction of the Agent shall make an accurate Survey and description of such portion of his land as will be required for the purposes of the Canal.—That the boundaries shall be marked out with stakes and a stone monument—and a Deed corresponding with such description be tendered to Mr. Adams for his signature, the money being ready to be paid to him on its execution, and that in case of his declining, he must pursue whatever remedy he may select.

Application being made by Messrs. Bell, & Co., for an advance of £500—It was *Resolved*; that the sum be granted them, on their giving satisfactory security.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held in the Legislative Council Room on Thursday, January 18, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
" " William Allan, *Vice President.*
Henry J. Boulton, and
Wm. H. Merritt, Esquires. } *Directors.*

And Mr. Yates.

Whereas a few Landholders on the route of the Canal heretofore refused to leave the amount of compensation to be awarded them to Arbitration, at the time appoined by the Legislature—and whereas the expense of a second Arbitration would be considerable, if an Arbitrator were now to be named on behalf of each person interested as heretofore.—It is therefore *Resolved*, that the Company will name one Arbitrator if all the persons now unsettled with, will name another, to Arbitrate and award the compensation to be paid to the respective parties—these two in case of disagreement to name a third; but should the Landholders be unable to agree upon any individual, or refuse to do so, they will leave the matter to Arbitration in the manner provided by the Charter upon the Landholders paying the expense thereof.

The following Accounts were ordered to be paid—viz.

C. Fothergill,—Printing,.....£7 10.
W. L. Mackenzie,—do..... 9 10.

Resolved, That as the Instalment payable on the 29th inst., may possibly not be required, the advertisement for the same shall be discontinued.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held in the Legislative Council Room on Thursday, February 8th, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
" " Wm. Allan, *Vice President.*
John B. Robinson,
Henry J. Boulton, and
John Clark, Esquires. } *Directors.*

The Board taking into their further consideration a request made by Mr. Wood to the President, for the settlement of his claim, it was

Resolved, That in pursuance of the Resolution of the 18th January, Mr. McCormick be appointed as Arbitrator on behalf of the Company, to meet such other person as may be named by the parties, at such time as may be convenient to him, but should the whole of those persons decline the Arbitration in either manner named in those Resolutions, then the claims of such as shall agree may be considered and decided—Mr. Wood engaging that three persons will agree to his nomination of an Arbitrator, and Mr. Thomas Clark being agreed upon between the Board and Mr. Wood, as Umpire.

JOHN H. DUNN,
President.

At a Meeting of the Directors, held at Mr. Dunn's on Tuesday, 13th February 1827,

PRESENT:

The Hon. John Henry Dunn, *President.*
John B. Robinson,
Henry J. Boulton, and
Wm. H. Merritt, Esquires. } *Directors.*

Whereas it has been deemed (by the Board) expedient to petition the Legislature of Lower Canada to become Subscribers to the Capital Stock of the Company, and it being necessary that the Company's Agent should attend the presentation of the Petition for the purpose of affording such information as may be required.

It was *Resolved*, That W. H. Merritt, Esq., the Agent of the Company, do forthwith proceed to Quebec, and cause the Petitions of the President and Directors to the several branches of the Legislature of Lower Canada, of which he is the bearer, to be presented immediately after his arrival, and that he do use his best endeavours to procure the remainder of the stock of the Company, amounting to £60,000, yet unsubscribed, to be taken up either by the Provincial Government of Lower Canada, or private individuals.

Whereas, by the Act passed during the present Sessions of Parliament, authorizing the Provincial Parliament to become stockholders to the extent of £50,000, the amount of the capital stock remaining unsubscribed will be reduced to £60,000, which it is desirable should be immediately offered to the public.

It is *Resolved*, That our Agent, Wm. Hamilton Merritt, Esq., be authorized, in conjunction with J. B. Yates, Esq., of New York, to open books in that city, or elsewhere, for the subscription of the remaining number of shares.

And it is further *Resolved*, That, for the convenience of subscribers, no greater instalment than five per cent. shall be called for monthly, exclusive of the deposite of ten per cent. on subscription, to be paid into the hands of J. B. Yates & Co., in New York, who are hereby authorized to issue receipts for the same.

Resolved, That Mr. Merritt be advanced £125 for the expenses of his journey, to be accounted for on his return.

It having been represented to the Board, by Messrs. Beach, Ward & Co., that they are desirous of relinquishing their contract for the completion of the Deep Cut,

It is *Resolved*, That the Board will accept their relinquishment of their contract, so far as the same may be under sub-contracts, and that the Board will thereupon enter into fresh contracts for the completion of those portions, at the same price as Beach & Co. took them at. It is also *Resolved*, That if Messrs. Beach & Co. proceed to the completion of that part which they have kept in their own hands with vigour and despatch, the Board will take into consideration any equitable claim they may have for outfits or extra exertion on the completion of their contracts.

On a representation, from the Agent, that Mrs. Rykert is in indigent circumstances, and her husband, T. Rykert, being at present insane, *Ordered*, That she be paid the sum of £15, as awarded her, on taking her receipt in full for the same, specifying the description of land in the receipt.

At a meeting of the Board, held on Wednesday, March 6, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
" " William Allan, *Vice-President.*
John B. Robinson, and Henry J. Boulton, Esquires, } *Directors.*

The minutes from the 14th November to 13th February were read and approved.

Resolved, That the Hon. Peter Robinson be furnished with a copy of the two Welland Canal Acts passed last Session, 25 Reports of the Work, and a Power of Attorney to negociate a loan to the extent of £75,000 with the British Government, or other persons, and authorizing him to confer with Messrs. Bosanquet and others for the purpose of obtaining subscriptions to that amount—and a letter from the President to the Lords of the Treasury accompanying the application for the loan.

Read a letter from Messrs. Gates & Co., dated February 19, requesting that they might be allowed to pay up the arrears on 100 shares standing in the name of B. A. Goldschmidt by two payments, viz.:—one half on the 1st August, and the remainder on the 1st November;

When it was *Resolved*, That the Board, taking into their consideration the peculiar circumstances under which that stock was subscribed, and is now placed, will agree to their application, Messrs. Gates & Co. paying also interest from the time the instalments became due.

Read a note from Mr. Gerard, a Trustee on behalf of Messrs. M'Gillivray & Co., soliciting the sale of their stock forfeited for non-payment of the instalments might be deferred until an answer was received to a letter which had been written Mr. S. M'Gillivray, now in England, on the subject;

Whereupon it was *Resolved*, That Mr. Gerard be informed, that if the Trustees of Messrs. M'Gillivray will give their notes of hand in the same manner and at the same time as Messrs. Gates & Co., so as to secure the payment, the Board will consent to allow them the same indulgence.

Read Mr. Crook's letter, dated February 20, and *Resolved*, That there is not any thing contained in it which would authorize the Board in making a distinction between him and the other stockholders, whose stock had been forfeited and sold.

Resolved, That the President, referring to the Act of last Session, do write to Major Hillier, representing that the success of the Company in filling up the remainder of the stock, as well as the immediate operations of the Company, render it highly desirable that the amount of stock which the Government intends to hold should be actually subscribed without delay, and expressing the hope of the Company that the full amount authorized may be subscribed.

JOHN H. DUNN,
President.

At a meeting of the Board, held 24th March, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
" " William Allan, *Vice-President.*
John B. Robinson, and Henry J. Boulton, Esquires, } *Directors.*

Read Mr. Davis' letter, containing an application from Mr. Auldjo that he might be permitted to pay up the arrears of the stock, held by and to which it was resolved that he should be permitted to do so, and that Mr. Davis be informed accordingly.

JOHN H. DUNN,
President.

At a Meeting of the Board held on Saturday, March 31st, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
" William Allan, *Vice President.*
John B. Robinson, Henry J. Boulton, and W. H. Merritt, Esquires, } *Directors.*

Resolved, That the amount to be received from Lower Canada for the stock subscribed there, be drawn through the Agent at Quebec, in the mean time an application to be made to the Bank to know if they will allow the Company any premium on those drafts.

Read a letter from Messrs. Yates and McIntyre, of 16th inst., requesting that the balance due by them as agents might be drawn in three epual amounts, payable 1st June, July, and August. It was—

Resolved, That the Board will grant the accommodation which Messrs. Yates, & Co. solicit.

Resolved, That Mr. Lewis shall build the bridges which may be required by the Company, and be paid for them agreeable to the Engineer's estimate of the same.

The attention of the President and Directors having been called by the Agent to the subject of the Deep Cut, and to the necessity of coming to a decision upon such measures as may ensure its proceeding without obstruction.

The Board referred to their Resolution of the 13th February, to which they determined to adhere, and desired that the Agent shall request the Engineer as soon as it may be expedient to resume operations, to report what number of men should be placed without delay upon that part of the Canal, in order that it may proceed with proper expedition, and then to call upon Messrs. Hovey, & Co. to carry on their operations accordingly, in pursuance with their contract.

Mr. Barrett's account for salary for himself and assistant £187 0s. 4d., was ordered to be paid.

Levi Taylor's estimate, amounting to £55 5 10. was ordered to be paid.

The sum of £75 to be paid to James Butler for Robert Brown on account of his award on his giving a deed for the lands required by the Company.

Mr. Allan represented that from the frequent ill health of some members of his family he feared it might be exceedingly inconvenient to him to attend so often as might be proper at the meetings of the Board at St. Catharines during the ensuing season, and stated that he stated this much to the Board with a view to its being considered by the stockholders at the approaching election for directors, when two of the present Board must of necessity retire. It was Resolved, at Mr. Allan's request that the Agent do make the same known to the stockholders in order that they take it into their consideration on making their election.

JOHN H. DUNN,
President.

At a Meeting of the stockholders held at St. Catharines pursuant to advertisement, on Monday 2nd April, 1827, for the election of Directors for the ensuing year, the following gentlemen were duly elected:

The Honorable JOHN HENRY DUNN,
The Honorable COLONEL WELLS,
JOHN B. ROBINSON, Esquire,
HENRY J. BOULTON, Esquire,
D'ARCY BOULTON, JR. Esquire,
JOHN CLARK, Esquire, and
GEORGE KEEFER, Esquire.

At a Meeting of the Board, held at St. Catharines, April 11, 1827.

PRESENT:

The Hon. John H. Dunn,
The Hon. Colonel Wells,

John B. Robinson, Henry J. Boulton,
D'Arcy Boulton, John Clark, and
George Keefer, Esquires.

On motion of Col. Wells, seconded by Mr. D. Boulton, the Hon. John H. Dunn was unanimously elected President, and Henry J. Boulton, Esq., Vice-President.

Ordered, That Robert Diderick and Jacob Bowman, be paid their claims.

Read a letter from Pease & Co., requesting the Board would consider the frequent alterations made in their job while employed on section No. 26, 27, 28, 29, and 30, by which they sustained much loss and injury, and hoping they would make them such allowance on that account as in their judgment should appear just.

When it was

Ordered, That it should be referred to the Agent and Engineer, to report thereon.

Read a letter from Gooding & Co., requesting that the sum of £250 might be paid to them out of the monies reserved on their contracts.

Resolved, That the President be requested to endorse their note for £250, in order to enable them to obtain a discount for it at the Bank.

Read J. R. Tenbroeck's petition and statement requesting to be allowed 505 days labor on his contract section No. 34.

Ordered, That it be referred to the Agent and Engineer for their report thereon, and in the mean time that £50 be paid him.

Read a letter from Messrs. Yates & Co., of 27th March, inclosing one from Mr. Proctor, to them, of 21st March, and his mortgage on certain property in Montreal, as security for £2,500 in part of his debt to the Company.

Resolved, That a letter be written to Mr. Davis at Montreal, requesting his information on the following points, viz:

1st. Whether the property is subject to any other incumbrances by judgment or mortgage besides the mortgage to Mr. Thompson.

2nd. What the value of the property is.

3rd. If the Company should think it advisable whether this instrument is legally binding in Lower Canada, or what form is necessary to make it so.

Mr. Clowes' estimate for a former sum due to James Simpson, on section No. 8, amounting to £62, and Mr. Simpson having stated the sum of £53 4s. 11d., as being the amount due to him.

Ordered. That the latter sum be paid him.

JOHN H. DUNN,
President.

Deep Cut, *Thursday, April 12th*, 1827.

PRESENT:

The Honorable John Henry Dunn, *President*,
Henry John Boulton, Esquire, *Vice President*,

The Honorable Col. Wells,
John B. Robinson,
D'Arcy Boulton, and
George Keefer,
} Esquires, *Directors*.

No business being decided upon, the Board adjourned till Friday morning.

JOHN H. DUNN,
President.

Deep Cut, *Friday, April 13th*, 1827.

PRESENT:

The Honorable John H. Dunn, *President*,
Henry J. Boulton, Esquire, *Vice President*.

John B. Robinson,
D'Arcy Boulton,
Hon. Colonel Wells, and
George Keefer,
} Esquires, *Directors*.

Messrs. Ward and Hovey, presented themselves to the Board for the purpose of making some arrangement respecting their contract for the Deep Cut, and after discussing and considering the subject they said that they would relinquish their contract with the Company for that portion of the Canal, and also all their contract with the sub-contractors. The Board agreed they should be paid the full value of the work which they have performed on section No. 6, according to the estimate and survey to be made by Mr. Thomas, forthwith, and if when the whole of the Deep Cut is completed and finished it shall appear that the whole of the Deep Cut has cost more or less than Mr. Thomas' estimate, it is agreed between the Company and Messrs. Ward & Co., that the difference shall be received or paid respectively by the parties, and at the request of Messrs. Ward & Co., the Directors consented to take the stock which Messrs. Ward & Co., had subscribed at the full amount to which they had paid upon it in the settlement of their account with the Company.

Messrs. Ward & Co. having agreed to the foregoing terms rather than attempt to proceed under their present Contract which they altogether declined, agreements were drawn up and executed accordingly, and at the same time it was stated by the Company that they did not consider this arrangement as interfering at all with that part of the Resolution of the 13th February, which expresses the readiness of the Board to consider any just claim which may be urged by them as soon as the work shall be completed, but that at present no such consideration can be entertained.

Mr. Hartwell, one of the sub-Contractors, was called in and informed that the Board intended to take off the hands of Messrs. Ward & Hovey their several Contracts, with the sub-Contractors, and he was asked whether he had any remark to make as to the effect of such an arrangement on his arrangements.

He said he had been paid 18 cents per yard on the whole Job, which was all Ward & Co. had received of the Company—that he wished to have them give up his Notes to the Company which had been passed for the 10 per cent stipulated to be retained, and that he had nothing further to desire.

Mr. Rowley was also called in and informed in like manner; he said that Ward & Co. had retained in their hands a sum of about £375 on account of the 10 per cent stipulated to be retained—they had given no Notes to Ward & Co. and required nothing more than to be paid in the same proportion as Ward & Co. received from the Company.

Mr. Hathaway was called in and informed in like manner.—He said he should have no claim upon the Company for the past—he had given his Notes for the 10 per cent which he wished should be held by the Company and not remain with Ward &c.

Mr. Newlove was told the same—he had no remark to make and no claim upon the Company for the past, and will have nothing to look to the Company for—he has received from Ward & Co. all he has any claim to, and has given them no Notes.

Messrs. Ward & Co. being asked if they were ready to give up the Notes of the sub-Contractors which they held as a reservation for the fulfilment of their sub-Contracts, stated that they had not got them with them at the present moment, but would give them to the Board in order that they might be surrendered to the parties on the completion of their engagements, and at the same time requested that on their so doing, the Board would give up their Notes which they held in like manner, which was agreed to.

The Board having taken into consideration a suggestion from Mr. McTaggart, Civil Engineer, from the Rideau Canal, communicated to the Agent as to the practicability of washing out a fair portion of the earth from the Deep Cut by means of pumping, and the difficulties experienced in excavating the earth, from the increased depth being magnified by the Contractor.—It is *Resolved*, in concurrence with the opinion of the Engineer in charge of the work, that he shall immediately lay out a ditch throughout the Deep Cut, of suitable dimensions to admit sufficient water to try the experiment of thus washing out a portion of the earth by means of a current of water which they are satisfied will at all events afford a sufficient channel for Scows or Boats, for the purpose of removing the earth at a much cheaper rate than in the manner now pursued in Carriages—and the Agent is desired to direct the different Contractors to apply the whole force of the Deep Cut on the said ditch, or let it out to other Contractors at the estimate of the Engineer with a view to its accomplishment in as short a time as possible.

Messrs. Ward & Hovey were then called in, and the Board proposed to them that if they were desirous to continue their employment on the Canal they might proceed on their Section No 6, under the direction of the Engineer—that they would probably be required to proceed in a manner different from the original design, and that the Board would pay them upon a monthly estimate of the work done, to be made by the Engineer, without reference to previous Contracts, and the Board also acquainted them that to enable them to commence their work more con-

veniently, they would make them an advance of £1250 upon their Note—to all which Messrs. Ward & Hovey perfectly agreed.

Mr. Hartwell was called in and informed that the Company being now in possession of his Contract made with Messrs. Ward & Co., wish him to understand that they are about to alter their plan of operations on the Deep Cut, which they are desirous should be prosecuted with all possible expedition, which will cause a material deviation from the original design, and beg to know whether he is willing to proceed in the manner stated, under the direction of the Engineer, to be paid monthly, according to his Estimate, to which he perfectly agreed, and the Board in order to enable him to commence his operations with spirit and activity, will agree to make him an advance of £125.

Mr. Rowley was called in, to whom the same statement was made to which he agreed, and the Board consented to make him an advance of £250.

Mr. Hathaway was called in and informed to the same effect, in which he concurred, and the Board directed him an advance of £500—one half by a draft on New York at 60 days sight, and the President was requested to endorse his note to enable him to obtain a discount at the bank for the other.

Mr. Newlove was called in, and the same communication was made to him, to which he agreed, and the Board directed an advance of £100 to be made him.

Expunged 2d September, 1835. *Resolved*, That the Office of the Company be removed to St. Catharines, and that Mr. James Black be appointed Resident Secretary, at a salary of £200 per annum.

Expunged 2d September, 1835. *Resolved*, That the salary of the Agent, W. H. Merritt, Esq., be increased to £400 per annum, commencing from 1st January last.

Resolved, That an office be built at St. Catharines for the Agent, Secretary, and Engineers, by contract, Mr. Merritt agreeing to pay the Company for the same at any time they may choose to relinquish it.

JOHN H. DUNN,
President.

At a meeting of the Board, held on Thursday, May 3, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
Colonel Wells.
George Keefer, and
John Clark, Esquires, } *Directors.*

The minutes of the last meeting were read and confirmed.

Mr. John Gould presented an application for damage sustained in consequence of timber deposited on his land, destroying his fences, &c., which was referred to the Agent for enquiry and examination, and to report at the next meeting.

Deep Cut, *Friday, May* 4, 1827.

Resolved, That as Mr. Street was employed as an Arbitrator on the part of the Company, and omitted, that he now be paid.

Resolved, That a further advance of £117 10s. be made to Messrs. M'Neilledge & Co. for the purchase of pork.

Resolved, That the President be requested to endorse the notes of those contractors who may require advances to enable them to obtain a discount at the Bank.

At a meeting of the Board, held at York on Monday, May 7, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
Henry J. Boulton, Esquire, *Vice-President.*
J. B. Robinson, and
D'Arcy Boulton, Esquires, } *Directors.*

Mr. Geo. Adams attended respecting his claim for compensation, and requested to be permitted to reclaim a certain portion of the land to be occupied by the Company.

Resolved to adhere to the Resolutions of the 4th January.

Resolved, That the sums of £150 and £240, being the half yearly interest due on loans from Government, be paid. Checks were signed accordingly.

At a meeting of the Board, held at York on Monday, May 21, 1827.

PRESENT:

The Hon. John H. Dunn, *President.*
Henry J. Boulton, Esquire, *Vice-President.*
The Hon. Colonel Wells,
J. B. Robinson, and
D'Arcy Boulton, Esquires, } *Directors.*

Read a letter from Mr. Phelps, proposing to excavate the remaining portion of the Deep Cut by machinery of his own invention at 27 cents per cubic yard;

When the Board determined that, in order to form a correct opinion with regard to the practicability of the plan proposed, it will be necessary for them to inspect its operation; and for this purpose, it was agreed that they would hold a meeting at the Deep Cut on Friday next, the 25th instant, where they could also receive from the Agent and Engineer their full report upon the subject.

Ordered, That the Seal of the Company be affixed to a Power of Attorney, authorizing Mr. Walker, the Company's Agent at Quebec, to receive the amount payable on the stock outstanding in Lower Canada.

Ordered, That Mr. Walker be requested to have hand-bills printed and circulated at Quebec, more particularly to the emigrants there, on landing, stating that any number of persons will obtain employment and good wages on the Welland Canal.

May 26, 1827.

At a meeting of the Board, held this day at the Deep Cut.

PRESENT:

The Hon. John H. Dunn, *President.*
Henry J. Boulton, Esquire, *Vice-President.*
John B. Robinson, and D'Arcy Boulton, } Esquires.
The Hon. Col. Wells.
George Keefer, and John Clark, Esquires, } *Directors.*

The minutes were read and confirmed.

In pursuance of the Resolution of the 21st instant, the Directors assembled at the Deep Cut and inspected the whole line thereof and also the various machines of the contractors and of Mr. Phelps, for the more expeditiously completing the excavation, and having required each contractor to deliver in proposals of the terms upon which he or they would complete such section or portion of section on which they were severally engaged, they delivered their proposals accordingly, viz.

Sylvester R. Hathaway—the remainder of his job, the full width 40 cents, and the ditch only 60 cents per square yard.

Martindale and Donaldson—the ditch to the tow path 1s. 10½d., or the whole width 1s. 6d., per square yard to the bottom level, water indemnified.

A. Rowley—the ditch for 50 cts.,—also to finish the 52 rods on which he is engaged for 36 cts. per cubic yard.

Hartwell and Son—The Ditch through their section, or more, down to towing path at 37½ cts. per cubic yard including roads, or the whole width 32 cts. per cubic yard including roads.

Oliver Phelps—The whole remainder of the Deep Cut at 25 cts. with an allowance of 2 cts. per cubic yard for machinery.

When it was

Resolved, To accept of Mr. Phelps proposal, but the Board being desirous of doing justice to the contractors and protect their interests and property in the concern, it was proposed to offer them the same terms for that portion of the work on which they were engaged under the direction of Mr. Phelps—upon which Mr. P., offered to unite with any of the contractors and give them a proportion of the profit equal to the strength they might employ, or to purchase their teams, shanties, provisions, machinery, &c., or furthermore to allow each contractor at the rate of $1000 per annum for his own services as superintendant—18s., York currency per day for each horse team, waggon, and driver found—15s., for each yoke of oxen, cart and driver—12s., per week for common Board, and $2 for overseers, and a reasonable compensation for other service performed by oxen at plough or otherwise, and moreover, if any one chooses to use any other machinery except such as Mr. Phelps shall erect whereby a saving may be made, that person shall be entitled to and receive all the advantages that may result therefrom, (vide Mr. Phelps' agreement.)

The several contractors were then called in and being referred to Mr. Phelps, they entered into engagements with him solely, except that they expected the Company would guarantee them for any amount due to them from Mr. Phelps, who agreed that such sum should be retained as might meet their several claims.

An agreement was then executed by Mr. Phelps to complete the above work according to the said terms in 6 months from this day.

Resolved, That the Hon. J. B. Macaulay be requested to act as arbitrator on behalf of the Company to award damages to Mr. Wood and others—and that he be written to accordingly.

Mr. H. J. Boulton presented an account of his expenses to England amounting to £310 19s. 9d., C'y, when it was referred to the minutes of the 20th September, 1825, wherein a sum not exceeding £300 sterling was granted for the said mission.

Resolved, That the account be paid.

Mr. Hill submitted a claim he had upon Hovey and Ward.

Rrsolved, That Hovey and Ward be required to pay Hill, in case the amount withheld from him is not retained by the Company from them and that $682 be withheld until the same is discharged.

Mr. Gibbs submitted a claim to the Board—referred to Engineer.

A claim was submitted by J. B. Clench, Chairman of the Niagara Quarter Sessions, for £5 2s. 6d, on account of Roswell O'Brien.

Which was rejected.

At a Meeting of the Board, held at York, on Saturday, June 9th, 1827.

PRESENT:

The Honorable John H. Dunn, *President,*
Henry J Boulton, Esquire, *Vice President.*
John B. Robinson, D'Arcy Boulton, and George Keefer, } Esquires, *Directors.*

The minutes of the last meeting were read and confirmed.

Read a letter from Mr. Thomas, Principal Engineer, resigning his engagement with the Company.

Resolved, That Mr. Thomas' resignation be accepted.

Messrs. Hovey and Ward attended the Board respecting their contract on the Deep Cut, section No. 6, upon which the minutes of 12th April were referred to and read, wherein it was agreed the work they performed upon the said section should be paid for according to the estimate of Mr. Thomas, the Principal Engineer, which estimate was now presented to the Board, viz: on Section 6, 27 cts. per cubic yard for work done during last season.

Sec. 35—11704	yds, embanked by	Osborne	10½ cts.
12824	" "	"	15 "
12338	" "	Hovey & Ward,	12½ "
6769	" n'r float'g bridge,	Osborne,	16 "
5323	" sand bank,	Hovey & Co.	16 "

Resolved, That the Secretary do make out a statement of the work performed by Hovey & Ward, upon Section No. 6, during last year, and transmit it, together with their several contracts and accounts with the Company, to the President.

Resolved, That the drafts drawn by O. Phelps on the Company in favor of Hovey and Ward, S. R. Hathaway, &c., for cattle and other property purchased of them be endorsed by the President, viz.,—

To Smith, Ward & Co. @	30 days,	(dated 7th June,)	£500
"	90 "	"	500
"	5 months,	"	500
To S. R. Hathaway,	30 days,	"	500
"	90 "	"	500
"	5 months,	"	500

Resolved, That security be given by Mr. Phelps for the above, and also for $7000 agreed to be advanced to him.

Resolved, That Hovey & Ward be paid for the shanties, smith's shop, and other buildings, according to a valuation to be appraised by two persons.

Resolved, That Hovey & Ward be paid $50 for a machine which they erected at the tunnel in 1825.

Resolved, That Mr. Hathaway be paid the amount of duties which he has paid on account of the Company upon the collector's receipts being produced.

Resolved, That the President be authorised to settle the advances made by the Bank of Upper Canada from the amount to be received for stock purchased by the Lower Provincial Government, being 73 per cent on the same.

Resolved, That Mr. Merritt's accounts for last winter be passed and carried to his credit, amounting to £133 19s. 5d., and that an advance be made to him of £250 on account of his mill property.

Resolved, That notices be printed and circulated to protect Catholics from ill usage by the laborers on the canal.

A letter was read from Mr. Monson, engaging to erect a mill at St. Catharines, provided the Company will give him the mill seat—which was rejected.

Resolved, That Mr. Thomas be paid his salary and expenses as per account delivered, amounting to £105 4s. 10d.

Read a letter from Mr. Walker, the Company's Agent at Quebec, stating that he had received the subscription from the Government of Lower Canada, amounting to £18,250, being 83 per cent on the stock subscribed by the Legislature of Lower Canada, and that ½ per cent was charged by the agent for transacting and receiving the money and paying the same to the Montreal Bank to the credit of the Bank of Upper Canada—which was agreed to.

Read a letter from Mr. Davis, the Company's Agent at Montreal, transmitting a legal opinion on the security of property proposed to be given the Company by Mr. Proctor, late agent at New York, for a balance due by him for instalments collected on account of the Company, which was ordered to be transmitted to Messrs. Yates & McIntyre for their information and guidance, and to urge those gentlemen to use every possible means to recover the money, or to take such steps as may appear most judicious for the benefit and security of the Company.

Resolved, That the Bank be paid £100 on account of J. TenBroeck, that amount having been charged to him in last estimate.

At a Meeting of the Board held at York, on Friday June 15. 1827.

PRESENT:

The Hon. John H. Dunn, *President*,
Henry J. Boulton, Esqr., *Vice President*,
John B. Robinson, and
D'Arcy Boulton, Junr. Esqrs., } *Directors.*

Messrs. S. Ward & Hovey having relinquished all their contracts on the Canal, submitted certain papers to the Board containing various items for the final settlement of their account, which not appearing to be sufficient for a full and satisfactory arrangement with those persons, it was—

Resolved, That the Board cannot come to a decision without having before them the books and accounts of the Company and a reference on them to the agent and officers of the Company, and therefore the matter must remain over until the next meeting of the Directors at St. Catharines, on Thusday July 5th.

It appearing that certain apparatus would be necessary for carrying on the work at the harbor, and that it could be obtained from the dock yard at Kingston on a suitable application.

Resolved, That the President be requested to make that application, and that Mr. Oates be sent for the purpose of selecting and bringing such Tackle as may be required.

Resolved, That Colonel Wells and Mr. D. Boulton be requested to go over to St. Catharines previous to the next Meeting, for the purpose of auditing the Accounts, &c.

6th July, 1827.

At a Meeting of the Board, held at St. Catharines

PRESENT:

The Hon. John H. Dunn, *President*.
H. J. Boulton, Esquire, *Vice President*.
John B. Robinson,
D'Arcy Boulton,
Colonel Wells, and
George Keefer, Esquires. } *Directors.*

The minutes were read and confirmed.

Read a Letter from Mr. John Clark, tendering his resignation as a Director.

Resolved, That Mr. Clark be written to, acknowledging the receipt thereof, and agreeing to dispense with his services so long as his present engagement with Mr. Phelps continues.

Read a Letter from the Honorable Captain Byng respecting application made to him for Tackle wanted at the Harbor.

Resolved, That a Letter be written to Captain Byng acknowledging receipt of Tackle &c., and if the Contractors do not think proper to take the Rope, that it will be returned forthwith.

The award signed Thomas Clark and Alexander Stewart, in the case of Samuel Wood, declaring that the Company shall pay to the said Samuel Wood the sum of £254, in full for the meadows and other land taken, and to be overflowed by the said Company, estimated altogether at 8 acres, being taken into consideration,

Resolved, That inasmuch as the said award does not specify the price per acre, and as no particular quantity has yet been determined upon by the Company as necessary for the purpose of the Canal, and the particular price of the land not specified, the Board consider the said award wholly uncertain and inconclusive, and therefore illegal, and consequently do not feel themselves justified in acquiescing therein, more especially as they cannot in justice to others, be inattentive to the fact that the lands required by the Company of an equally good quality, and of a similar description, adjacent to the lands of the said Samuel Wood, was valued at the former Arbitration held at St. Catharines, in August last, at less than one third the price now fixed upon, and at which Arbitration the said T. Clark was present and concurred—and in some instances very similar the Arbitrators (of whom Mr. Clark was one,) declared the advantages to be derived by the parties, from the Canal passing through their premises, more than equivalent.

Resolved, That Mr. Wood be furnished with a copy of the above.

Resolved, That the award of P. Shaver and Hannah Secord be confirmed.

Resolved, That Jarai Rowley be paid £250, and W. Hill £170, as the amount of their claims upon Hovey & Ward, provided they (Hovey and Ward) agree to the proposal to be submitted to them.

Resolved, That Hovey and Ward be allowed £25 for a Scow, &c. at Harbor.

Resolved, That the interest due from Hovey & Ward be remitted, provided they agree to the final settlement of their concern with the Company.

Messrs. Hovey & Ward attended the Board, at which time J. Rowley submitted a claim upon them of £452 5, and Mr. Hill, another Sub-Contractor, of £170.

The Board having agreed to take back the Stock of the Company held by Messrs. Beach, Hovey, & Ward, the two latter preferred their respective Shares, amounting to £1425, and £712 10, which is endorsed on their Bond of £3000, and placed to their credit, as will also be that of E. Beach, immediately the tranfer is made.—Messrs. Hovey & Ward then retired, after having had the several accounts exhibited to them, and acknowledged the correctness of the general statement, shewing a balance in their favor, of £399 9 5, and after discussing all their transactions and claims, and the responsibility which the Board had assumed with respect to some of the Sub-Contractors—it was proposed to them that the settlement should be made as follows:—

Balance in their favour, as per general account.....	£399	9	5	
Interest on their Bond, which, if a settlement on this principle is acceded to, will be relinquished....	195	0	0	
Balance paid on account of duties paid, after deducting Nelles' note for £27 12s. 6d.....	6	7	2	
Deduct amount withheld from Rowley*.....	£250	0	0	
Deduct amount overpaid on Hill's job...	170	0	0	
Deduct draft in favour of Osborne.....	156	19	0	
				576 19 10
Causing a balance due to Hovey & Ward.....				£23 16 9

Which the Board will pay them.

* Rowley's claims £452 5s., as short paid, according to the estimate of 18 cents—but the Board only exact from Hovey & Co. £250.

Messrs. Hovey and Ward declined accepting the above settlement.

Mr. Phelps applied for a further advance upon his contract at the Deep Cut; but it being agreed that he should receive the amount of his estimate twice during the month, such further advance was not required, except £500, which was to make up the amount of £5,500, for which he has given security.

The Directors particularly called the attention of Mr. Phelps and the Engineer to the state of the locks, and urged the necessity of a more strict regard thereto, and that they will not consider Mr. Phelps in the slightest degree relieved from his responsibility in that respect from the circumstances of his recent contract.

A petition was presented by Luke Carrell, praying for aid towards digging a well, in consequence of his spring being destroyed by the Canal.

The Board granted £10.

Adam and Benjamin Gould presented an application for payment of damage and expense in removing fences, &c.

The Board granted £5.

John Gould claimed £10 for damage in wheat field.

The Board think no occasion could exist for doing more damage than would be amply compensated by £2 10s.; and that if any wanton or unnecessary damage was done, it should be made good by the person who did it.

The Board granted £2 10s.

Mr. Lapham's Report of the Grand River Route was presented, with account of expenses.

Resolved, That progress on the Wainfleet Marsh be made forthwith.

Mr. Merritt having paid John Donaldson a draft, dated 23d June, at 90 days, for £76 2s. 6d.—that is £75 for a machine erected at the Deep Cut, and £1 2s. 6d. interest—*Resolved*, That Mr. O. Phelps defray one moiety, and the Company the other.

Mr. Oates attended the Board respecting the inefficiency of the present mode of sinking the piers, &c. He was directed by the Board, in the presence of the Agents and Engineers, to see that no insufficient ties or other timbers are put in, and to give the contractors notice that nothing will be paid for work done contrary to the specification. It was further represented that the last pier sunk had been twice washed down, and was now in an insecure state, the upper timber not being united with the lower, whereupon it was directed that the Engineer and

Capt. Oates do make a particular inspection of that part of the work, and the payment of the estimate be withheld till the sufficiency thereof be ascertained by them.

Resolved, That an advance be made to Bell & Co., on Sections 15, 16, and 20, according to the estimate of Messrs. Thomas & Barrett, the Engineers, to commence from 1st April last past, and that a further allowance on Section No. 11 be made, for bottom cutting, according to the estimate of Mr. Barrett, hereafter.

Resolved, That Mr. Merritt do prosecute S. R. Hathaway on the part of the Company.

Resolved, That a spirit level be purchased for the use of the Engineers, of Mr. Hawks, Troy.

Resolved, That Mr. Merritt be paid for his land, &c., as per award, £600, and £30 for interest, by a draft upon Messrs. Yates & M'Intyre for £630, at 60 days.

Mr. Samuel Swaizy offers to dispose of his farm, consisting of 100 acres of land, house, barn, orchard, &c., for the sum of £375, rather than accept of the amount of the award, £62 10s. As Mr. Hall Davis will take all the land on the west side of the Canal, supposed to be about 30 acres, at £3 2s. 6d. per acre, and as there is likewise a probability of saving a bridge on the same,

Resolved, That the farm be purchased accordingly.

The estimate for June, amounting to £7,460 8s. 7d., was approved, and a draft given also for contingencies £40 11s. 3d., and for interest account with Bank of Upper Canada, £122 18s. 5d.

August 9, 1827.

At a meeting of the Board, held at St. Catharines.

PRESENT:

The Hon. John H. Dunn, *President*.
The Hon. Colonel Wells.
D'Arcy Boulton, and
George Keefer, Esquires, } *Directors*.

The minutes were read and confirmed.

The estimates were approved and ordered to be paid, amounting to £10,179 10s. 5d.

Mr. Hill applied to the Board respecting his claim upon Hovey & Ward—Mr. S. Ward attended in reply, when it was mutually agreed between the parties to leave their respective acts and differences to the decision of an Engineer, to be determined by their original contract, which decision shall be final, and the balance (if any, is awarded against Hovey & Ward) to be paid to Hill out of the monies due to Hovey & Ward, now in the hands of the Welland Canal Company, as per Resolution of July 6, 1827.

A resolution having passed the Board authorising the Agent to employ a person to dig a well for Luke Carroll, in conformity to the decision of the arbitrators in August 1826, or to pay him £10 in lieu thereof, but Mr. Merritt not being able to procure a person to undertake it for that sum, and Carroll having refused to accept it,

Resolved, That he be paid £12 10s., which sum he will accept.

Elizabeth Ball presented a claim of £9 for injury sustained by covering 6 acres of land with timber.—Rejected.

The Board not feeling inclined to go to the expense of removing the Grist Mill formerly belonging to W. H. Merritt, Esq., at this time, and considering its being put into immediate operation would be beneficial;

Resolved, That Mr. Merritt retain it in his possession, on the same terms as the saw mill, viz:—By advancing the capital to put it in operation he is to have the use of it till the Company may consider it an object to take it to themselves, in which case they agree to pay the amount of his outlay or expenditure in the repairs.

August 10, 1827.

At a Board of Directors held at the Deep Cut,

PRESENT:

The Hon. John H. Dunn, *President*,
The Hon. Colonel Wells, and
George Keefer, Esquire, } *Directors*.

Mr. O. Phelps stated to the Board that from the estimate taken on the commencement of his work he thinks 25,000 yards of earth have not been estimated to him in consequence of the projection of the banks where roads were left, and Mr. Barrett the Engineer being of opinion that nearly 20,000 yards may have remained in, which being retained will be a serious loss to the contractor.

Resolved, That the Board deem it expedient, and for the benefit of the work, to make Mr. Keefer an advance of £1,250, which he thinks an ample allowance, and which he conceives will prevent the necessity of calling again on the Company during the month.

September 7th, 1827.

PRESENT:

H. J. Boulton, Esquire, *Vice President*,
The Hon. Colonel Wells,
D'Arcy Boulton, and
George Keefer, Esquires, } *Directors*.

The minutes were read and confirmed.

The estimate for Aug. amounting to £10477 3s. 4d. ordered to be paid, but subject to queries to be answered next Board.

The contingent account, viz.

Cordage had of H. M. Dock Yard, Kingston,.....	£46 11 4
Sundries,.....	99 6 7

Ordered to be paid.

A Letter was read from George Davies, dated Montreal, 9th August 1827, with his Account, stating the Balance in his hands to be £515 15.

Resolved, That the Secretary write to Mr. G. Davies, requiring him to pay the said balance into the

Bank of Montreal, to the Account of the Bank of Upper Canada.

Read a Letter from O. Phelps, respecting a grant of water for a Distillery, &c.

Resolved, That the above be agreed to—viz. that a Deed be granted of as much water as will pass through one of the Cast Iron paddle gates, which is 3 feet by 2 feet 6, for the purpose of working a Distillery, with one run of Stones for chopping grain, on which condition O. Phelps agrees to grant a Deed to the Company of the 10 or 12 acres of land occupied by the Canal across his premises, and also an acre of land at each of the five Locks, if wanted by the Company for hydraulic purposes.

Another Letter was read from Mr. Phelps requesting a delay of one month before he commences paying off his monthly payment of one sixth—which was granted.

Read a Letter from Wm. Hepburn & Henry Hancock, requesting employ as Lock Keepers, &c. at the Harbor.

As no such appointment was required at present, the petition was rejected.

An application having been made for the grant of a mill seat at St. Catharines, the same was taken into consideration, when it was resolved to pospone any decision thereon till a meeting of the Board be held at York on the subject.

Mr. Job Northrup also made an application for a mill seat upon his land at lock No. 2.

Resolved, That a lease be granted to Mr. Northrup for the term of ten years for the said mill seat and the land adjoining thereto not exceeding —— acres, at the annual rent of £25 upon his executing a deed to the Company of the land necessary for the said mill seat, including those contained in the award of arbitration, and for a mill race and road leading to said mill from the high road on the hill, to be laid out by the Company's Engineer.—The rent to commence 1st January, 1829, and at the expiration of said term of 10 years, his erections on said premises to be taken by the Company at a valuation.

N. Pauling made a similar application to erect a saw mill at harbor, which was granted upon the same terms as above.—The rent to commence 1st July, 1828.

The Engineers having completed the survey of of land between Chippawa and Grand River, and made an estimate thereon—and it appearing desirable to have the same commenced as soon as possible.

Resolved, That notices be immediately printed and circulated to receive sealed proposals on or before Thursday the 4th of October, for excavating any part of the Black Ash Swamp, (or Cranberry Marsh, as usually called) from the River Welland to the Grand River, and that it be advertised in the York, Gore, St. Catharines, Lockport, Buffalo, Rochester, and Albany papers.

Resolved, That the Company's Agent be empowered to negociate for the purchase of Misener's mills and the Reserves annexed, and if he completes the same, to throw open the dam immediately.

4th October, 1827.

At a meeting of the Board held at St. Catharines

PRESENT:

H. J. Boulton, *Vice President.*
J. B. Robinson, and
George Keefer, Esquires. } *Directors.*

The minutes were read and confirmed.

The queries in last estimate were satisfactorily explained.

The estimate for September, amounting to £8583 9 7, and contingent account to £11 0 6, were approved and ordered to be paid.

Read a Letter from Mr. G. Davies, stating that he had paid into the Montreal Bank £150 to the Company's credit in the Bank of Upper Canada, the balance in his hands being required to pay for Iron ordered by Mr. Phelps.

The Oats remaining at York ordered to be sold.

A Letter was read from John Misener requiring $2500 for the Glebe Land and Mill in his possession, in answer to an application by Mr. Merritt for the purchase thereof, as per minute of last Board—which was rejected, and it was

Resolved, That an application be made to prevent a renewal of his lease, unless he agrees to an equitable compensation, and that Mr. Heward be written to on the subject.

The property is not supposed to be worth more than £150 or £175.

Jaira Rowley attended the Board respecting a claim he has upon Smith Ward & Co. for work performed at the Deep Cut—the Board having understood at the time of their arrangement with Ward & Co. that they had paid the Sub-Contractors the full amount of 18 c. per yard on the sum they themselves had received from the Company, intimated to Mr. Rowley the amount due from Ward & Co. should be paid—Messrs. Ward & Co. now refusing to make up the said amount.

Resolved, That the sum of £250 be guaranteed to J. Rowley as soon as he gets down his Job to admit of Scows, the same being retained from Ward & Co. for that purpose.

Resolved, That £75 7 be paid to D. W. Smith, Agent to James Simpson, on account of Ward & Co.

The Board taking into consideration the very pressing and urgent necessities of S. Ward & Co., as stated by them, and referring to a former resolution holding out to them an expectation of some future gratuity on account of their early exertion at the commencement of the Deep Cut, it was

Resolved, That should the Directors now absent concur in the opinion of the present Board, the sum of £250 be advanced to Messrs. Ward & Co., for their immediate relief, without reference to the accounts yet unsettled, to be deducted from whatever sum it may be deemed proper to allow Ward & Co. on the final arrangement of their concern with the Company.

It being represented to the Board that it was requisite to build a stone wall for the double purpose of protecting the Culvert on Section 13 and carrying

all the surplus water from the Canal, or cutting a ditch between Kelley's and Wilkinson's.

Resolved, That Mr. Barrett do make out a written statement of his opinion on the subject as soon as possible for the Board.

Resolved, That a ditch be cut from the head of Lock No. 1, to enable the surplus water on the summit level to be discharged down the ten mile Creek, or to lead it again into the Canal at the foot of Lock No. 4.

Resolved, That the said ditch be continued from the head of Lock No. 5 to below Shaver's barn, between Locks 17 and 18, to carry round the surplus water, save building of Waste weirs, obtain stuff for puddling on Section 20, gain an increase of land, and give the Company as many hydraulic situations as may be necessary.

Resolved, That the same be continued from the head of No. 18 to Soper's valley in rear of Mr. Phelps' house and barn, and that Mr. Phelps do perform the job on the same terms as the adjoining one is done at.

Note.—The four preceding Resolutions were suspended for this season.

Resolved, That the three Waste weirs advertised by the Engineer to be erected at Mr. Keefer's, Marlett's, and H. Davis—the two last with flumes to drain off the Deep Cut & upper level if necessary & be approved.

In consequence of the wet weather in the early part of the season, as well as meeting with a Spring in the bottom of the Lock pit at the commencement of the Deep Cut, it was found impracticable to get down the Lock this season, and Mr. Phelps having suggested the propriety of removing it to the other end of the Deep Cut.

Resolved, That the operation thereon be discontinued and preparation be made for Boating

Mr. Yates having submitted some observations to the Board respecting the Marsh and Mill Seats,

Resolved, That the consideration thereof be postponed till the next meeting of the Board.

Resolved, That the Tow Path on the River Welland be paced on whichever side may be considered most convenient by the Engineer.

Resolved, That if one Engineer can be spared, a level be taken from the commencement of the Grand River to Brantford.

Resolved, That the President be requested to call upon Major Hillier respecting the money to be obtained from the British Government, and to determine upon the most proper steps to be taken to obtain immediate payment thereof, and that the President be authorised to draw any bills which may be thought advisable, or execute a Power for the receipt of the money.

Resolved, That an advance be made upon Sections 26 and 27 to enable the Contractor to pay the arrears due to the laborers so far as such an advance may go.

A Letter was read from Mr. Gooding requesting an advance upon Sections 17, 18, 19, 21, and 22, to enable him to prosecute the work with increased vigor.

Resolved, That the Agent be authorised to advance not exceeding ⅔ the amount withheld, as he may find most expedient for the due performance of the Contracts, taking care to make the advance in such a manner as may best insure the due execution of the work.

Read a Letter from Mr. Vanalstine to O. Phelps, requesting an allowance upon his Job at the Deep Cut in consequence of the ditch having been filled up.

Resolved, That the subject be taken into consideration and an equitable allowance be made as soon as the banks are put into the same state as Mr. Phelps.

November 3rd, 1827.

At a meeting of the Board held at St. Catharines,

PRESENT:

Henry J. Boulton, Esq. *Vice President.*
George Keefer, and John Clark, Esquires. } *Directors.*

The Minutes were read and approved.

The Estimates were approved, amounting to..... £6306 19 3
The Contingencies,..... 37 7 7

Inquiry was ordered to be made respecting the Scow sunk at the Harbor (bought of Hovey & Ward) and reported accordingly.

The consideration of Mr. Proctor's Letter respecting his concerns with the Company postponed, but

Ordered that Mr. Proctor be written to for either the originals or copies of all the documents he has relative to his title to lands in Montreal, and copies of all papers he has signed relating to the security offered to the Company, particularly Mr. Thompson's mortgage.

Ordered, That Mr. Davis be written to for a copy of the case submitted to Messrs. Sewell & Co., respecting Proctor's business.

Ordered, That Mr. Beach be written to to execute a Power of Attorney to transfer his Stock or remit the amount of his bond.

The Board considering it expedient for the preservation of the locks on the canal that a by-law be made to level a fine upon such persons who may wantonly or carelessly commit any injury or damage to them,

Resolved, That any person or persons on board any vessel, boat, scow, raft, or craft of any description, who shall at any time strike a pike, pole, or any other sharp instrument into the gates or sides of any lock, that the owner or master of the said vessel, boat, scow, raft, or craft, shall pay a fine of five shillings currency for every puncture or indenture so made, and that the lock-keeper or any other person duly authorised by the Company be required to collect the same immediately.

A letter was read from Smith Ward requesting the Board to take the Stock he bought of John Clowes, upon which £91 5s., has been paid. Refused.

Ordered, That the wages due to the late Capt. Oates, amounting to £3 15s., be paid to his widow.

Mr. Barrett having decided respecting Hill's claim upon S. Ward and Hovey, the final settlement of their accounts together with £250 voted to them last Board, was referred to a Board to be held at York.

It appearing that £50 has been paid to John Ten-Broeck more than his estimates.

Resolved, That a statement of his account be laid before the Board next meeting, and the said £50 accounted for by the Agent.

Vanorman having been applied to for payment of his note of £31 11s. 3d-, for contingencies, (see minutes Sept. 7th,) he produced a bill against the Company, of £33 13s. 7d.

Resolved, As no items are mentioned in said bill it be not allowed.

Mr. Barrett's account of Engineer's expenses, ...	£252	0	0
And incidental expenses, ...	4	6	3
	£256	6	3

ordered to be paid, but in future no allowance to be made for incidental expenses.

Ordered, That Mr. Phelps do not pay Vanalstine till he smooths off the banks, and that he be written to accordingly.

Read a notice from John Upper and others forbidding the Company turning a ditch or stopping up the water course passing through or near his premises. Not attended to.

Read a letter from N. Pauling, requesting his rent of mill privilege to commence from when the water is let into the Canal from the Chippawa, instead of from 1st July, 1828. Rejected.

6th November, 1827.

At a Meeting of the Board held at St. Catharines,

PRESENT:

The Hon. John H. Dunn, *President,*
The Hon. Colonel Wells, *Director.*

Resolved, That the undermentioned advances be made at the recommendation of Mr. Merritt, viz.

To J. Gooding, on section 22, ... £25
J. Martindale, on Wainfleet Marsh, ... 50

Resolved, That Mr. Merritt and Mr. Phelps be required to attend a meeting of the Board to be held at York, at such a time in this month as may be appointed

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24th November, 1827.

At a Meeting of the Board of Directors, held at York.

PRESENT:

The Hon. John H. Dunn, *President,*
Henry J. Boulton, Esq., *Vice President.*

The Hon. Colonel Wells,
John B. Robinson, and
D'Arcy Boulton, Esquires, } *Directors.*

Mr. Merritt and Mr. Phelps were in attendance as required last Board.

Read a letter from Mr. Phelps, dated 24th Nov., 1827, on which the Directors having deliberated, and having examined the Agent and Mr. Phelps and compared his general statement with the accounts of work done and the expenditure incurred, the Board

Resolved, That on looking back on the proceedings of Mr. Phelps since the beginning of June, when he undertook the completion of the Deep Cut, they find that he has established a strong claim to the confidence of the Company from the result of his exertions. It appears that when he entered upon his contract there remained to be excavated on the Deep Cut 677,328 yards, of this he had excavated and removed 344,260 yards, leaving 333,068 yards, or about $\frac{1}{2}$ of the whole Deep Cut to be yet completed. There has been paid to Mr. Phelps £20,349 and about £9,500 has been advanced to him in addition to enable him to bear the immediate charges of the great outfit necessary for so extensive an operation, and now at the conclusion of the season Mr. Phelps represents that £2000 more is required by him to enable him to discharge unsatisfied claims of laborers and others.

Upon this view of the present state of that most arduous portion of the Canal the Directors see reason for a well grounded confidence in its completion during the next season under Mr. Phelps' management, and they see no reason to mistrust his ability, prudence, or good faith. The Directors resolve to support him as long as they continue of this opinion with the necessary advances for proceeding in the work, and they therefore agree to make the advance desired by him of £2000 upon his executing a bond and warrant of Attorney to the Company for the amount.

It is however the express direction of the Board that no part of the £2000 shall be advanced until Mr. Phelps has perfected his security upon all his real and personal property to the satisfaction of the Solicitor of the Company, and the Agent is to see that the direction is strictly complied with and an inventory of the property as descriptive as circumstances will permit, and pointing out where it is at present deposited is to be forthwith furnished by Mr. Phelps to the Secretary of the Company.

No. 7.

RULES AND REGULATIONS FOR THE DEEP CUT.

1st. As *profane language* is highly offensive to God, and dishonorable to rational men it will be wholly discountenanced; and those who cannot bring themselves to dispense with it cannot be longer employed on this work.

2nd. As *Sabbath Breaking* is a great evil, and has an unhappy influence upon society generally, it is to be hoped that all persons engaged on the Deep Cut will feel disposed to reverence the Holy Sabbath, and as far as circumstances will admit give their attendance at the House of Worship; and in no case indulge themselves in drinking or tippling at

the groceries or taverns, on that day especially. Every person in the employ of the subscriber, let his religious tenets be as they may, shall be entitled to equal privileges and equal protection.

3rd. No *quarrelling or wrangling* will be admitted on any occasion whatever; and every such offence will lesson the persons engaged in it, in the estimation of their employer, and however the first offence may be disposed of, a second will meet with a final discharge.

4th. It is the particular request of your employer, that every person as soon as he quits work at night, will put on suitable clothes to preserve health, and at an early hour retire to rest. No *gambling* will be countenanced; and those who cannot dispense with it must not expect the approbation of their employer, or to stay long on the work.

5th. A comfortable house will soon be erected for the worship of God, and some good ministers of the gospel will be engaged to preach every Sabbath.—A large and suitable house is already provided for the reception of the sick, where medical aid, with other necessary attendance, will be administered *gratis* to the labourers, and at the expense of their employers.—All those who comply with the four first articles, will be entitled to the privileges of the fifth.

As a further encouragement to the hands employed in completing the Deep Cut, the following advantages are afforded as a premium, to those who wish to make money themselves, and see this great work speedily completed:—

1st. The Deep Cut will be divided into as many sections as there may be machines—probably about fifty; each section will require from 12 to 15 shovellers, one overseer, and five or six teams.

2nd. Shovellers' regular wages will be $12 per month; but should they average *eleven* yards per day, (after the earth is well ploughed up,) their wages will be increased to $13; and an additional dollar per month will be paid for every extra yard of earth they may average per day.

3rd. It will be equally to the advantage of each teamster to render every assistance, by his industry and activity, and by placing his waggon or cart in the best position for the reception of the earth, and by every other assistance he may render, and every one complying with this article, and who is faithful in taking care of his team shall have his wages increased in exact proportion to that of the shovellers who had his waggon or cart.

4th. Every overseer who shall prove himself deserving the station he holds, by endeavouring to preserve peace and good order, and a uniformity of operation, so as to enable his men to be benefited by his good management, shall have his wages increased in exact proportion to the shovellers.

5th. As very much depends upon the skill and activity of the overseers of each company the following PREMIUMS will be paid at the close of the work among the overseers:

The Overseer that produces the greatest number of yards, according to the number of days shovelling during the whole job, shall be entitled to and receive a premium of One Hundred Dollars. Second best $90: *Third best* $80. *Fourth do.* $70. *Fifth do.* $60. *Sixth do* $50. *Seventh do.* $40. *Eighth do.* $30. *Ninth do.* $20. *Tenth do.* $10.

OLIVER PHELPS.

Deep Cut, 12th January, 1827.

No. 8.

NOTICE TO LABOURERS.

WELLAND CANAL OFFICE,
St. Catharines, June 20th, 1827.

It has been represented to the Directors, that many labourers professing the Roman Catholic religion, are deterred from working on the Canal through fear of ill usage from persons of other persuasions, this is therefore to give PUBLIC NOTICE, that the Contractors are required to use every lawful means in their power to prevent such conduct; and not only to dismiss those who may be guilty of violating the peace, but institute legal proceedings against the offending party without delay.

J. BLACK, *Secretary to the Welland Canal Company.*

No. 9.

APPLICATION TO QUARTER SESSIONS.

WELLAND CANAL OFFICE,
St. Catharines, June 20, 1827.

SIR,

The Board of Directors of the Welland Canal Company have authorised me to make application to the Quarter Sessions for the appropriation of £50 per year for *two* years, out of the funds of the District, for each Bridge that may be constructed on the public highway across the Canal—being 12 in number. I therefore transmit to you the enclosed Statement, in order that you may give the subject due consideration, and be prepared by the next July Sessions, to give your opinion of the same.

Twelve bridges will cost £1,200, the interest of which is, per annum	£	72	0 0
The increased tax, by the erection of the Canal		217	0 0
Leaving a gain to the District of, per annum	£	145	0 0

The Board have every reason to anticipate that a greater amount will be realized. However, so that no risque may be apprehended, and that there may be no possibility of an increase of taxation, they will engage to pay the District the interest on the money expended, until the increased rates in consequence of the operations of the Company exceeded the amount realized.

I am, Sir,
Your obedient servant,
W. H. MERRITT,
Agent, Welland Canal Company.

ESTIMATE of the probable increased Rates for the District of Niagara which will be created by the completion of the Welland Canal.

DESCRIPTION OF PROPERTY ENUMERATED.	No.	VALUATION. £	s.	d.	TOTAL. £	s.	d.
Framed Houses under two stories	200	35	0	0	7,000	0	0
Additional Fire-places	200	5	0	0	1,000	0	0
Framed Houses two stories	100	60	0	0	6,000	0	0
Stone and Brick ditto	100	60	0	0	6,000	0	0
Additional Fire-places	300	10	0	0	3,000	0	0
Grist Mills	4	150	0	0	600	0	0
Additional Fire-places	12	200	0	0	2,400	0	0
Saw Mills	20	100	0	0	2,000	0	0
Merchants' Shops	25	200	0	0	5,000	0	0
Store Houses	10	200	0	0	2,000	0	0
Horses	400	8	0	0	3,200	0	0
Yokes of Oxen	200	8	0	0	1,600	0	0
Pleasure Carriages	10	100	0	0	1,000	0	0
Pleasure Waggons	50	15	0	0	750	0	0
Milch Cows	200	3	0	0	600	0	0
10,000 acres of Arable Pasture and Meadow Land		1	0	0	10,000	0	0
					152,000	0	0
Which at *one penny* on the pound, will amount to					£217	1	8

No. 10.

ADDRESS TO STOCKHOLDERS.

[For this Address see appendix to Remarks for 1826, marked No. 12.]

IN THE YEAR 1828.

By a reference to the report of last year it will be seen the Company had still on hand stock to the amount of £38,837 10s. and all the means then at their disposal was 19 per cent on 8,393 shares sold = £21,120 17 6 to complete a work still requiring £90,000. The situation of the Directors became still more embarassing. They had got so far on with the undertaking at this period, it was almost impossible to discontinue the work without immense loss. After mature consideration the Board determined to make another attempt in London. The moment it was decided on, the most prompt and efficient measures were adopted for carrying it into effect. The Agent repaired to England, obtained a loan of £50,000 on certain conditions, disposed of the entire stock, and returned in October.

The work was continued without interruption throughout the season, means having been provided through Mr. Yates who became responsible for advances to the amount of £10,000.

Notwithstanding the success in disposing of stock and obtaining means, this year closed under circumstances equally appalling, if not greater than at any former period. On the 35th October when the Engineers had, estimated that ten days work with the force on hand would bring the waters of the Welland River through this formidable summit, slips occurred at the south end to such an extent as to induce the Engineers to recommend the discontinuance of the work. Application was made to obtain advice from those best qualified to give it. Mr. Geddes was sent for, and the Engineers were immediately sent up to the Grand River, with a view of obtaining a higher level, to pass over those slides, the removing of which was deemed impracticable in their present situation.

The Report of Mr. Geddes, No. 1.

The Report of Mr. Barrett, No. 2.

The General Report of the Company, No. 3.

Statement to Stockholders, No. 4.

Copy of a letter from Agent to Directors, No. 5.

And minutes of this year for general details, No. 6; all of which are appended hereto.

The increase over last year's estimate is shewn to be about £25,000, and although great apprehension existed, as to the result, the reports of the Engineers and Directors shew that the greatest injury sustained was in time. All concurring in opinion that it would make a far better canal—but as usual those casualties and disasters were magnified and made a subject of reproach.

It is also worthy of remark that up to this period the private stockholders had sustained all the loss and expense having paid the interest on both loan and stock to the Provincial Treasury.

The minutes will shew the anxiety and difficulty of the Directors at this period.

DOCUMENTS

REFERRED TO IN THE FOREGOING REMARKS.

Report of Mr. Geddes,	marked	No. 1.
Report of Mr. Barrett,	"	" 2.
Report of Directors,	"	" 3.
Statement to Stockholders	"	" 4.
Copy of a letter from the Agent to the Directors,	"	" 5.
Minutes of 1828,	"	" 6.

THE DIRECTORS OF THIS YEAR WERE:

The Honorable JOHN HENRY DUNN,
The Honorable COLONEL WELLS,
The Honorable WILLIAM ALLAN,
HENRY J. BOULTON, Esquire,
JOHN B. ROBINSON, Esquire,
GEORGE KEEFER, Esquire, and
WILLIAM HAMILTON MERRITT, Esquire.

No. 1.

MR. GEDDES REPORT.

To the President & Directors of the Welland Canal Company.

The following Report is very respectfully presented:—

The disastrous *slips* at the *Deep Cut* present certainty of expense in attempting to remove them, and great uncertainty as to the successful operation of any remedy proposed. These considerations have suggested the expediency of supplying the Canal with water from the Grand River instead of the Chippawa.

Owing to the unfavorable surface over which a feeder from up the Grand River must pass, it results from the examinations and calculations made, that the cost of its construction would exceed $200000—the most costly mile upwards of $30,000.

The best plan that presents itself is to raise the Grand River by a dam. Seventeen miles of this River, which now rises and falls with Lake Erie, is to be brought up to the line of the highest mark to which the hurricanes on Lake Erie now raise it.—From this pond a supply for the Canal through to Lake Ontario, is to be drawn. This level, passing over Wainfleet Marsh, will continue across the Chippawa in an aqueduct, under which will be ample space for the Boats and Rafts moving on that stream: the same level to be continued through to the north end of the *Deep Cut*, where this summit Pond will terminate.

As the Canal from Grand River northwards, is intended to supply water-works of different kinds, as well as Lockage water, it ought not to be a perfect level. A declivity of three quarters of an inch in a mile will, in a Canal with twenty-six feet bottom, eight feet depth, and fifty eight feet surface, have a medium current of thirty-seven feet twenty six hundredths per minute, and the area of the cross Section being three hundred and thirty six feet, the discharge in each minute will be 12. 519÷ cubic feet.*

The elevation will be seventeen feet above the surface of the River Welland, and the width of the surface of this sheet of water through the Deep Cut, will be one hundred feet.

The slope of the banks in this cut above the Towing path, having the steepness of forty five degrees, the rains will carry down such quantities of earth that a bottom only fifteen feet wide would have required very expensive annual scourings, the cost of which will be saved by this body of water receiving safely, for many ages, all that can be carried down. Farther, it will, without detriment, receive all the earth necessary to be removed in forming a Towing Path for this new level.

The soft substance at the bottom of the *Deep Cut* which was insufficient to support the superincumbent banks of clay, is doubtless an underlay to the Chippawa valley, and may extend beneath the Wainfleet Marsh, under the valley of Grand River.

Attempts to bore below the level of the bottom of the *Deep Cut* were made, and the substance found was a loose sand; and the difficulty of boring was such that the Auger was not made to penetrate more than eight feet below the level of said bottom.

A Well was dug at the north end of the straight line run for the Canal through the Wainfleet Marsh, fifty two feet deep, when the bottom was found so soft that it was penetrated with a pole to the depth of eighteen feet. An auger forty feet long was bored its whole length into the bottom of this Well; and at the depth of seventy six feet below the level of the Chippawa, no rock was found. A Well was dug near the north end of the *Deep Cut*, and in boring in its bottom to thirty three feet below the level of the Chippawa surface, there was found no rock. It thus appears that if not *all*, a large portion of the Niagara River might run down the 12 mile Creek, without the removal of any rock.

For seventeen miles up, the Grand River may be called an *estuary* operated upon by the motions of the Lake. Much of this level piece of water is bordered by a sedgy shore, where rotting vegetables are acted upon by the fluctuations of the Lake, and the beams of a hot sun; and from this decaying mass rises a vapour that makes the lower part of the Grand River valley unhealthy. Covering this amphibious description of shore with a body of water that will remain permanently upon it, will doubtless act with great effect in improving the health of this sickly region of country, and will be hailed with joy by those living at the Naval depot. The navigation will likewise be improved by making here a more spacious Harbor for vessels.

Artificial structures for keeping open the entrance from the Lake into rivers are much aided by the passage through them of large streams—an advantage possessed by the Grand River. A dam however being put across the mouth of this river, there will be seasons when the stream will (during an active navigation and a full demand by the Mills) have

* As calculated by Etelwein's Formula.

much of its water drawn through the Canal, leaving little to waste over the dam to operate in clearing out the sand from between the Piers, which are to be erected for securing a proper depth into the Lake.

To remedy this let the upper gates of the Lake-Lock be made nearly as deep as the Lock Chamber, with four or more large paddle gates for the purpose of letting out a temporary rush of water to carry off the effects of a severe long continued gale. That the water may act with greater effect the two Piers ought to be carried into the deep water of the Lake as nigh to each other as circumstances will allow.

Between the Grand River and the Chippawa there will be a *straight* line of Canal perhaps of fifteen or sixteen miles. Where is a piece of straight Canal so long?

The surface of the Canal water will be below the general surface of the great marsh, two feet, and act as a great discharging drain to cary off the issues of the several lateral drains that will be made for reclaiming the marsh.

Although the *slips* at the *Deep Cut* have been considered a great disaster, yet as they have been the means of leading to a plan of canal altogether preferable to the one that was prosecuting, the occurrence may be considered fortunate.

The Canal through the *Deep Cut* will *now* be of great dimensions,—through which vessels will be towed rapidly with ease, and the washings from the banks will be harmless. But through the *Deep Cut* as it *would* have been (bottom only fifteen feet wide) vessels must have stopped in recesses while others were passing them, and the area of their cross sections approaching so near to that of the canal, their motion must have been extremely slow, without a great augmentation of the towing power. Then the expense of continued cleansing of the bottom must have been a serious item.

According to the estimates and calculations of Mr. Barrett, your principal Engineer, (which upon inspection appear to be correct) the cost of the two plans differ very little. But if a sum was taken, the annual interest of which would defray the expense of clearing the bottom of the *Deep Cut*, in point of cost the balance would be in favor of the new one.

Mr. Barrett's plan of piers at the mouth of Grand River, appears on examination to combine strength with cheapness of execution. His plan of the Grand River Dam, to wit, a formation of brush, is doubtless the one that ought to be recommended for all localities of the like kind. Nature not having furnished a bottom, an artificial one must be made; and of the stability of such dams no doubt need be entertained.

As four millions of cubic feet of water can be retained in natural reservoirs south of the *Deep Cut*, at a small expense, two locks being made three feet extra height, a navigation through the canal, by way of the Chippawa and Niagara Rivers, may commence early next spring. The expedient may be adopted profitably to the Company, and with particular advantage as respects the preservation of the locks.

Submitted with great respect,

By your most obedient servant,

JAMES GEDDES,

Engineer.

St. Catharines, 27th December, 1828.

No. 2.

Mr. BARRETT'S REPORT.

To the President and Directors of the Welland Canal Company.

Agreeably to the Directions received from the Board the 24th ult., I caused an examination of the bottom of the Deep Cut. The soft strata continue above our level the whole distance of forty chains, between the slips that have already occurred, and confirms the representation made by me when you were present. Last fall we bottomed several chains of the Deep Cut at the North end, and four chains at the South end; and from the nature of the earth no damage by the caving of the banks was apprehended. The first indication of the kind was in June last, at the South end, which was secured by a few piles,—at the same time I suggested the idea of bringing a feeder from the Grand River summit, if any farther slips should occur. By endeavoring to sink a ditch to bring through the water of the River Welland to supply the Canal below the Deep Cut, we came to the soft substance alluded to. As soon as the nature of the soil we had to contend with was ascertained an immediate stop was put to the work until an examination of the country between the Grand River summit and this place, could be made. This I have done, and find the situation of the ground the whole way most favorable, and also a good position for crossing the Welland by an Aqueduct. On comparing the estimate of the expense of locking down into the Welland, making a towing path on that stream, and continuing the feeder to the Deep Cut, as suggested, with the cost of continuing the canal on the summit until it crosses to the North end of the Deep Cut, the difference is found so trifling that no doubt can be entertained but that the latter plan should be adopted. By it we incur no additional lockage from the original design, and have to supply only one summit with water instead of two, besides shortening the route.

After finishing this survey I went up to explore the Grand River, with a view of bringing a feeder from the Bear's Foot Rapids, (where Mr. Geddes had been making examinations) which would have removed all the material obstacles in the navigation of the Grand River, and extended all the advantages of a lateral canal fifty miles into the interior of the country. This project was abandoned from the great expense which would have been incurred—the estimate exceeding $214,000. It was designed to carry a feeder (of the same dimensions of the Erie Canal) around the high bluffs which extend to the river at and near the head of still water. The main obstacle occurred in the very place we were led to believe there was none, from actual surveys heretofore taken, and reports made.

I take this opportunity of stating that there is no difficulty in making this stream navigable at a moderate expense on the plans laid down by Mr. Cusack and Mr. Lewis, by dams with locks of small lifts.

From all the examinations which have been made fully and with great care, it appears the idea I suggested in my report of last year of damming the mouth of the Grand River five feet, is the cheapest and best which can be resorted to.

As the public have imbibed a most erroneous opinion as to the effect which the late casualities at the Deep Cut were likely to produce, by increasing the expense of finishing the Canal, I submit the following statement of the expense of completing this work on the original plan, by entering the Welland, and the present plan in maintaining the summit from Marshville, (the point where the deviation commences) to the North end of the Deep Cut, and substituting the Grand River for a feeder instead of the Welland, which is the only alteration made.

Expense of finishing the Canal on original plan,	$74,910 36
On the present plan,	75,982 96
Making a difference of	$ 1,072 60

All that is required to finish the Deep Cut to admit the passage of vessels between the Welland and Lake Ontario, is an expendlture of $18,000, and can be accomplished by the first of next May. A sufficient supply of water can be collected in reservoirs above the Deep Cut, to supply the navigation until the water can be admitted from the Grand River. Thus no delay will be experienced in completing the Canal; it will be more spacious, subject to no casualty from caving, and will accelerate the passing of vessels through the Deep Cut.

To forward this work to the best advantage, the four locks at the Deep Cut, and the necessary excavation, should be put under contract immediately. The acqueduct over the Welland, the dam across the Grand River, the canal from the Deep Cut to Marshville, the cut of eleven chains at the mouth of the Welland, and the towing path from Niagara River to the Deep Cut—by the 31st of January next. And to insure an early supply of water from the Grand River, the contractors should be bound in the first instance to dig a feeder on the slope side of the Deep Cut to contain four feet depth of water, with twenty feet surface; the remainder of the canal can be widened to the proper dimensions hereafter with very little additional expense; and in the mean time it will answer every purpose for a boat navigation from the Grand River to the Deep Cut, and supply the Canal from the Welland to Ontario, with ample water for navigation and machinery.

To finish the cut including two locks which properly belong to the Grand River Estimate, will require	$18,150
For making a towing path from the Deep Cut to Niagara, and necessary work to open the communication with Lake Erie by this route,	15,000
Expense of cutting a feeder, or small canal, from Grand River to Deep Cut including the dam on that stream, and aqueduct of proper dimensions for navigation over the Welland,	41,850
	$75,000
To which add for contingencies,	25,000
	£25,000 = $100,000
Expense of extending the dimensions of the Canal from Deep Cut to Grand River, for ship navigation, including the harbor, &c. &c.	£33,412 = 133,648
Making a total of	£58,412 = $233,648

Respectfully submitted,

ALFRED BARRETT,

Principal Engineer, W. C. C.

St. Catharines, Dec. 26., 1828.

No. 3

REPORT OF THE BOARD OF DIRECTORS FOR THE YEAR 1828.

When the Directors of the Welland Canal Company made their last Report, it was anticipated that the Deep Cut would be finished during the year 1828. Not more than 327,643 cubic yards of earth remained to be removed at the beginning of the season in order to complete this difficult portion of the work; and although almost incessant rains in the early part of the year retarded the operations of the Contractors very materially, yet from the average quantity of earth removed in each month, there was no room left to doubt that the means in use would have completed the Deep Cut before the commencement of the winter. In order to procure as speedily as possible the very gratifying result of bringing the waters of the River Welland through the Deep Cut into Lake Ontario, and to facilitate the removal of earth remaining in the Deep Cut, it was resolved in the latter part of the summer to carry down the excavation of a reduced width to the bottom level, through such parts as remained unfinished, and to accomplish this as soon as possible; by these means scows could be employed in removing the earth through that portion of the Canal which has long been completed, into the River Welland, where it could be so deposited as to assist in forming the tow path along the river. This mode of operation by scows had indeed been in use during the greater part of the season. Along the northern portion, and in the centre of the Deep Cut, the contractors had succeeded in completing their work very satisfactorily; and the whole wore a very promising appearance. On the first of October the smaller cut through the southern end of the Deep Cut, was commenced for the purpose above-mentioned.

Along other parts of the line, from the Deep Cut to Lake Ontario, every necessary exertion had been used; the locks had been constructed, and many of them prepared for the reception of water: and every arrangement had been made to meet the object which it was expected would have been attained in a few weeks—the uniting the waters of Lakes Erie and Ontario by the valley of the 12 Mile Creek. But on the ninth day of November, at a time when not more than ten days or a fortnight's labor, with the force then employed, were required for sinking the ditch at the southern end of the Deep Cut to a sufficient depth, an accident occurred, by the slipping of a portion of the bank, which demonstrated the want of sufficient solidity in the stratum of earth at the extreme depth near the southern end of the

Deep Cut to support the sides, after the harder earth in the space between had been removed.

Similar difficulties have occurred in other works of this kind; and from the measures which had been taken in this instance to ascertain the difficulties likely to occur, and from the judgment which had been formed and expressed by the persons best qualified to judge, it seems that there is, and must be, in great undertakings of this description, a precariousness against which neither sagacity nor experience can always effectually guard. Other casualties of the same description with the first, and arising from the same causes, occurred soon afterwards; the season had become so far advanced that labor could not be applied with economy and advantage, and the recent accidents having compelled the Directors to abandon the hopes which they had entertained of effecting a passage for the water before the close of the year, it was thought judicious to direct the dismissal of the laborers and check further expenditure for the present on this part of the Canal.

The Directors visited and inspected the several slides which had occurred, a description of which will be found in the annual report of their engineer; and observations upon the spot produced the conviction that it would not be safe to ascribe the slipping of the earth, either to the degree of slope which had been given to the sides, or to the weight of earth which had been moved from the bottom and placed near the margin on the top. If the slides which have occurred could be ascribed on satisfactory grounds to either of these causes, then the expectation of surmounting the inconvenience, and providing against such accidents in future, could be more readily admitted. But the Directors having given their attention to the subject in all its bearings, were convinced of the expediency of meeting the present difficulty by adapting a change in the original plan which necessity seems to have suggested as the readiest means of surmounting the obstacle.

The annexed report of Mr. Barrett and Mr. Geddes will explain the alterations intended, and the advantages to be derived from them; and they will shew that with no material increase of expense, a better navigation will be procured than that which was originally contemplated. The plan of bringing down a feeder, (which would in fact have served the purposes of boat navigation) from the Bear's Foot Rapids in the Grand River so as to intersect the Canal, from Broad Creek through the Wainfleet marsh, was that which the Directors, from several considerations, were most inclined to favor; but a minute survey which has been made under their direction having proved that there were more formidable difficulties in the way than had been supposed to exist, it has in consequence been determined to erect a dam across the Grand River near the mouth, so as to obtain five feet additional height of water. By this method it will be seen that the Canal through the marsh will require much less excavation and be, on several accounts, better when completed, and the higher level of water, which by the proposed change will be brought to the navigation of the Welland will be preserved by being conducted across the river in an acqueduct, at a height that will leave the navigation of the river unobstructed; and from thence along the Welland until it flows into the Deep Cut, at such an elevation as will raise the Canal above all difficulty to be apprehended from the unsound bottom of the Deep Cut at its present depth, and afford a spacious and deep channel for schooners, very much preferable to that which would have been obtained had the original design been completed.

The Directors have taken their measures to suit this proposed alteration. The judgment of their principal engineer, Mr. Barrett, with whose conduct and skill they continue to be perfectly satisfied, has been confirmed by that of Mr. Geddes, whose character and great experience induced the Directors to desire his suggestions and assistance under present circumstances. It is satisfactory to be able on good grounds, to anticipate that on the plan now proposed a navigation of the same description as was expected to be made, but in some points much to be preferred, will be obtained at no greater cost than would have been required to complete it according to the former design.

It will very probably be objected that if the alteration which accident seems to have suggested, does in truth possess so much to recommend it, the Company ought to have adopted it on account of its intrinsic merit, and before the expense had been incurred of excavating the Deep Cut to a depth that will not now be necessary. Every means had been adopted to obtain information—the route having been repeatedly examined by different engineers; and it is questionable whether the idea of conducting the higher level over the Wellrnd, and thence through the Deep Cut, would ever have occurred had the Canal been finished on the original plan.

The expense of removing the earth from the Deep Cut to a greater depth than would be necessary for the present plan, will by no means be wholly lost, as Mr. Geddes' report explains.

The Directors have determined upon constructing a towing path along the River Welland to its mouth and making a cut across the point into the Niagara River, which will make the navigation safe and convenient from Lake Erie through the Welland into the Deep Cut. These improvements will be immediately proceeded in. The Deep Cut, and the portion of the Canal below, will be completed without delay, and as a sufficient feeder may be brought from the Grand River into the Deep Cut, before the western section of the Canal can be completed for navigation by Schooners, it is expected that a navigation will be effected by the route of the Niagara and Welland Rivers through the Canal to Lake Ontario, in the early part of the next season, in the manner suggested at the conclusion of Mr. Geddes' report.

In the Engineer's estimate of last year, it was stated that the sum of £90,000 would probably finish the Canal. We have expended during the last season £60,000, and still require £54,062 to complete it for ship navigation throughout.

It appears from the different estimates which have been made with care by Mr. Barrett, and examined and confirmed by Mr. Geddes, that to finish the Deep Cut, make a towing path from thence to the Niagara River, and a cut to admit vessels from thence to the Welland, will require about £12,500. To make a dam across the Grand River, the acqueduct over the Welland, and bring a feeder with twenty feet surface and four feet depth of water from Grand River, will cost £12,500; or in other

words, to complete the navigation between Lakes Erie and Ontario by the Niagara River, and bring a supply of water from the Grand River, which will also afford a boat navigation, will cost in all £25,000.

The funds of the Company now amount to nearly as much as would cover the estimate of expenditure for the whole work on the above estimate of £54,662; but from the large sums we have to pay for interest of loans, contingencies, &c., the Directors do not feel that they would act prudently in undertaking to complete the whole line the present season for ship navigation, with their present means, although they are satisfied that it would be far more economical, and in every respect far more advantageous for the Company, than to delay it for another year.

In order to insure the completion of a navigation between the lakes early in the ensuing spring, the cheapest method is adopted in the first instance: the locks will be made of the proper dimensions, and the upper part of the Canal, being the section through the Wainfleet Marsh, can be afterwards enlarged according to the original intentions.

The capital stock of the Company is now disposed of, and His Majesty's Government has lent the Company £50,000 sterling, at four per cent interest.

The stockholders have paid in the whole amount of their subscriptions; and the Directors think it just to remark, that however great have been the difficulties surmounted in constructing so formidable an undertaking to its present advanced state, the whole pressure has been hitherto borne by the stockholders, since no aid has been granted by the Government, or by the Legislature for which the interest has not been punctually paid by the Company.

In looking forward to the early completion of the Welland Canal in a manner not prejudiced, and at an expense scarcely increased by the casualties which have occurred, the Directors feel warranted in anticipating benefits to the province and to the stockholders, which will amply recompense the expenditure incurred; but on this point every source of information is open to others as well as to the Directors.

The Honorable John H. Dunn, *President*,
Henry J. Boulton, Esquire, *Vice President*.

Joseph Wells,
Willam Allan,
John B. Robinson,
George Keefer,
Wm. H. Merritt, Esquires, } *Directors*.

Welland Canal Office,
St. Catharines, Dec. 31, 1828.

No. 4.

STATEMENT TO STOCKHOLDERS RESIDENT IN ENGLAND.

THE WELLAND CANAL.

A Company was incorporated in the year 1825 by an Act of the Provincial Parliament of Upper Canada for the purpose of connecting Lakes Erie and Ontario by a Canal of sufficient dimensions to admit the passage of vessels of 125 tons burden.—The Capital £200,000 Canada Currency, or £180,000 Sterling—is divided into 16,000 shares at £11 5s. each; of these shares 13,533 have been subscribed for, and 2,467 shares amounting to £27,753 15s. remain undisposed of.

The extreme length of this Canal is 41½ miles, of which only about 19 require entire excavation, the remainder being a natural navigation, caused by rivers and reservoirs.—The summit of Lake Erie is 330 feet above Ontario, and the ascent is surmounted by 37 Locks. There are two communications with Lake Erie, the one by Niagara, which will be finished by the 1st of November next, the other by the Grand River, which has been contracted for, and will be finished by the 1st of November 1829.

The extent of the country connected by this Canal, may be seen by reference to a Map of North America. From Lake Erie there is an uninterruppted communication to Lakes St. Clair, Huron and Michigan, and the connexion with Lake Superior, at the Sault St. Marie, may be rendered navigable at a small expense; and although the trade of the country bordering on Lake Erie alone is a sufficient object for this Canal, its profits must eventually be increased by the navigation of the Lakes beyond, and the settlements upon those Lakes greatly advanced by the opening of this communication. A Canal from Lake Erie to the Ohio in the United States, will be finished next season, by which the produce of a great portion of the country bordering on Ohio and Mississippi Rivers will be conveyed to Lake Erie according to the statemant of the Collector of Customs at Sandusky, (an American port on Lake Erie): the merchandize landed at that place alone last season, after passing through the American Erie Canal, amounted to $1,319,823, from whence it was taken by land for the supply of the States, bordering on Ohio. What then may be expected when these waters are connected by a navigable communication?

When property is once afloat on Lake Erie, even if destined for the New York market, it will unquestionably pass through the Welland Canal and enter the American Canal at Oswego on Lake Ontario, in preference to entering it at Buffalo on Lake Erie; because there will not only be thereby saved 127 miles of Canal navigation in boats from Buffalo to Syracuse, but the distance upon Lake Erie will be shortened 48 miles, and from the accumulation of ice in the spring at the entrance of the Niagara River, the navigation by the Welland Canal will be opened a month earlier every year. However, there can be no doubt there will be, in a few years, from an extent of 50,000,000 acres of land, which is situated on Lake Erie, and the waters above it as much as both these channels can convey. The American Commissioners have already recommended making a luteral Canal, adjoining the eastern part of Erie Canal from Utica to Albany.

The River St. Lawrence which connects Lake Ontario with the ocean is navigable for boats, between Prescott and Montreal, a distance of 130 miles although very difficult and tedious to ascend from the rapidity of the current.

The Rideau Canal, now in operation, and, intended to connect Lake Ontario with the St. Lawrence,

at or below Montreal, will avoid the obstructions in that part of the communication, besides being entirely within our own territory.

The St. Lawrence will soon be made navigable between Prescott and Montreal, for vessels drawing eight feet water, thereby connecting an extent of water equal to the whole extent of sea coast on the Atlantic ocean bordering on the United States.

When on Lake Ontario we have 194 feet lockage to the sea by the St. Lawrence, and 574 feet by the Hudson to New York; our natural advantages are apparent.

Ships of any moderate burden can approach Montreal; and a very great proportion of the exports of all those vast and fertile countries, both British and American, rapidly increasing in wealth and numbers will pass through this channel to the ocean.

Since the construction of the Erie Canal, the Americans have diverted almost the whole trade of the western country to the port of New York; the advantages they have gained by this communication will be seen by the following prices now paid for transportation per ton from the United Kingdom to Lake Erie.

BY THE ST. LAWRENCE.

	Miles.	£	s.	d.
London to Montreal	3200	1	2	6
Montreal to Prescott, river navigation	130	4	1	10
Prescott to Niagara Peninsula, Lake navigation	270	0	18	0
Portage and boats over Peninsula to Lake Erie	36	1	13	9
		7	15	3

BY THE WAY OF NEW YORK.

London to New York	3200	1	2	6
New York to Albany, River navigation	150	0	11	3
Albany to Buffalo, Lake or Canal navigation at the rate of 1¼d. per mile toll, and 1d. per mile transit	350	3	7	6
		5	2	3

The superior facilities of Canada for Canals, if we will avail ourselves of them, must soon enable us to regain this trade. When the proposed communications are there opened, the cost of transportation will be as follows:—

BY THE WAY OF NEW YORK.

Present price	£5	2	3
Saving by the Welland Canal	1	3	5
	£3	18	10

BY THE ST. LAWRENCE.

Present Price		£7	15	0
Saving by the Welland Canal	£1 15 6			
Saving by the St. Lawrence, when navigable	3 1 0			
	4	16	6	
	£2	18	9	

A calculation of the freights and tolls for exports descending, will make the advantages of the Welland Canal more obvious.

FROM LAKE ERIE TO NEW YORK.

Present price	£3	0	6
Saving by the Welland Canal	0	15	1
	£2	5	5

FROM LAKE ERIE TO MONTREAL.

Present price		£3	11	6
Saving by the Welland Canal	£1 13 6			
Saving by the St. Lawrence, when navigable	0 10 11			
	2	4	5	
	£1	7	1	

Besides the difference of trans-shipments.

The political and commercial advantages which must result to the British Empire on the completion of the canals in Canada are great.

The St. Lawrence throughout its present navigable course is British, and consequently open to British ships only;—whatever exports or imports therefore are brought down or sent up through the British Canals in that colony must become freight for the employment of British seamen and tonnage.

The duties imposed by the United States on British merchandize are excessive, and on staple commodities, such as course cottons, iron, salt, &c., amount to a prohibition; those duties will be effectually counteracted by the ex' nt of frontier opened by means of these canals—and the consumption of all British manufactures, both in their territory and our own, greatly increased.

The same reasons which shew the great national advantages of the Welland Canal are sufficient to prove it a profitable investment of capital. This expectation is encouraged by the fact that the tolls on the American Canal amounted the first year after its opening in 1825, to 511,280 dollars; in 1826 to 750,000; in 1827 to 859,058; and their Northern Canal, which was made to divert the trade of Lake Champlain from the St. Lawrence to the Hudson River, rather than from any expectation of profit, paid the first year after its completion 6 per cent upon the money expended.

It may be well to remark that before the Northern Canal was finished there were only twenty-two vessels employed on Lake Champlain; three years after its completion there were two hundred and eighteen; this increase must be chiefly attributed to the construction of this canal.

The profits of the Welland Canal are to be derived from the tolls to be regulated by the Company; with this provision, however, that they are never to divide more than 20 per cent profit upon the money expended, and that after fifty years if the profits shall not have been less than 12½ per cent per annum, the King may assume the whole canal upon paying to the Company the money subscribed, and 25 per cent in addition. The Company possess also by Royal grant 13,400 acres of valuable land, and have purchased 1000 acres more along the line of

the Canal. Its hydraulic situations also will be a source of considerable profit in a country where water power is so valuable.

The opinion entertained in America of this undertaking may be collected from the sums granted by the Colonial Legislatures for the purchase of shares, and still more from the large amount subscribed by foreign capitalists in New York, who could not have been induced so to advance their money from any other motive than a profitable return, and among whom the whole sum required could have been raised, but that it was thought expedient to secure a majority of shares to British holders.

To shew the opinion of such as are fully competent to decide on such matters—the following letter from two very eminent Engineers who have examined the subject is here inserted:—

"London, 13*th May*, 1828.

"Sir,

"We have, with much attention and interest, examined the documents you have laid before us relative to the Welland Canal now in progress in Upper Canada, and which is intended to connect Lakes Erie and Ontario by a ship navigation.

"With respect to the great importance of this undertaking, whether in a political or commercial view, and the advantages to that country likely to result from its completion, there can be but one opinion among persons who will thoroughly investigate the subject.

"The very great extent of ship navigation in the lakes above the Falls of Niagara, upon the same level, must always confine the carriage of the products of that country to vessels of considerable burden; for whenever this is practicable with few transhipments, no other mode of transport can compete with it.

"By your Welland Canal these productions are conveyed 120 miles nearer to their market, even if delivered at Oswego for New York, and 200 miles if intended for the St. Lawrence; and as this when the goods are once embarked, will be attended with little additional freight or insurance, it must be impossible for a canal, so far as it runs parallel with the lake, to compete with it.

"We are of opinion that you are perfectly justified in reckoning the advantage at the rate of 20s. per ton; and that you must necessarily have a good proportion of that trade which now passes from Lake Erie to New York.

"But as the improvement of the river St. Lawrence below Lake Ontario, will follow as a natural consequence of this measure (and in this we understand there is no material difficulty) so as to form an uninterrupted line of ship navigation to the ocean; from the superior facilities of that route the produce of the countries on the upper Lakes will ultimately fall into the natural outlet of the St. Lawrence, and the importation of the upper country will return in the same bottoms from the markets of Europe or the West Indies.

"What the extent of this trade may be in a country so rapidly advancing, cannot be conjectured by us, but there can be little doubt of its amply reimbursing the subscribers for the outlay of their capital.

"From the plans and sections that have been submitted to us this canal seems to be very favorably circumstanced with respect to the ground through which it is cut; the inexhaustible reservoirs which supply it with water, and the very extensive mill power which will be established at its locks. The prolongation into Lake Erie, besides saving several miles of navigation, will avoid the serious obstruction caused by drift ice, at the head of the Niagara River, and thus have a material advantage over the New York Canal.

"THOMAS TELFORD,
"ALEXANDER NIMMO.

"Wm. H. Merritt, Esq."

An office will be permanently established in London for the purpose of transferring shares and paying the dividends. The dividends upon all the shares now subscribed, or to be subscribed in the United Kingdom will be paid half yearly in London at par, so that whatever may be the difference of exchange between the two countries the loss or profit will belong to the Company, and not affect the holders of those shares.

Messrs. Bosanquet, & Co., No. 73, Lombard Street, are the Company's Bankers in London, where subscriptions will be received, and the dividends hereafter paid as they arise.

Plans, Profiles, and Reports, shewing the present state of the undertaking, the Act of the Provincial Legislature, and the Powers of the Agent acting for the Company, as well as the documents necessary to establish the foregoing statements, remain with that firm to be exhibited to parties willing to become subscribers, and the Agent, Wm. Hamilton Merritt, Esq., 19 Bury Street, St. James's, will be ready at all times to give such further explanation as may be required.

No. 5.

Welland Canal Office,
St. Catharines, 27th Dec., 1828.

To the Board of Directors of the Welland Canal Company.

Gentlemen,

The calculations on the surveys above the Welland was finished yesterday—and Mesrrs. Geddes & Barrett are this day making out their respective reports.

It appears it will now require to finish the Deep Cut, on plan proposed.....	$11,140 38	
To carying the Canal to Chippawa, ...	37,213 80	
To build the acqueduct over Welland River,.....	5000 00	
		53,354 18
To continue the Canal to Marshville,.....	22,628 80	

To construct a dam over the Grand River,.....	10,000 00	
To finish the Canal from Grand River to Marshville, to admit the waters of Grand River sufficient to supply the summit below the Welland,.....	10,000 00	
		42,628 S0
		$95,982 9S
In addition to this it will require to finish the route to Fort Erie by the mouth of Chippawa, ...		15,000 00
Making,.....		$100,983 00
To the entire estimate by Mr. Barrett's Report, ...		198,650 46
You must add the completion of the harbor		20,000 00
		$218,650 46
		or £54,662 12 6

By Mr. Black's statement of our available funds we have at our disposal £40,000 or thereabouts—and will require to complete the whole a further loan of £15,000—besides perhaps about £5000 more for contingencies, casualties, &c. &c.

The only question for our present consideration is whether we will make arrangements at once for completing the whole Canal to Grand River by letting out every part of the work—or only such parts of it as will ensure us the navigation between the two lakes by the Niagara and Welland Rivers the ensuing season with our present means.

To accomplish the latter it is necessary to let out the making of Locks on Deep Cut, and the Canal about half a mile beyond it to embrace or include the reservoirs at once, and in any plan you may think necessary to adopt. I beg you will send me authority at once to let this part out on the estimate of our engineer—we have not a moment to lose, and you perceive it is necessary to be done in any case—it will give new zest to the work, and it shall be done by 1st June.

The remainder of the work—aqueduct, Canal to the Marsh, and Grand River Dam—should be advertised for contract by 19th of January—by that time the Engineers will have the work all laid out and specifications prepared—the only difference we should make if we intend finishing the whole would be including the Grand River Harbor or Piers—and in the other case to make the contractor carry through a ditch and let out the towing path down Chippawa and cut to Niagara River, as reported on by Mr. Barrett last year.

To make the Board perfectly understand this plan they will see by raising the dam at Grand River 5 feet we can dig a ditch 2 feet below this and draw a sufficient supply of water for the Canals from the Welland down to Ontario without interfering with the work materially.

My opinion is that we should let out the whole and run the risk of borrowing 20 or £25,000.

This sum can be made up in various ways—1st, by procuring an act this session and augmenting our capital to £350,000,—and if they would give us banking privileges for £50,000, the stock would be disposed of more readily; if not we can get Mr. Ellice to dispose of this stock in England by guaranteeing the interest for 5 years.

This I know he would do, and we can offer him the following security, (and probably Yates would do the same thing) viz: authorize him to dispose of £100,000 Stock, the interest on which will be £6000 per year—this money he should retain in his possession, or enough to cover the annual interest—we would only require $100,000, or £25,000 more to finish the Canal, and the remainder would be applied to the payment of our debts.

After the Canal is finished, and time allowed us for building vessels or directing the trade of Lake Erie—there will be no further difficulty, as our credit will be established by our receipt of tolls.

Another expedient may be adopted by borrowing on our lands in this country—for I still think if the Directors of our bank, the only monied institution in the province, were told that 12 or £15,000 would complete the canal, there is public spirit enough among them to lend us that sum on the security of our first tolls—and hydraulic privileges, together with the land we possess.

At all events one of the two methods must be adopted. If you decide on letting out the whole the following resolutions will be necessary.

1st. In order to open the navigation between Lakes Erie and Ontario early the ensuing spring—

Resolved, That the Agent do let out the building of the locks at deep cut on the estimate of our Engineer, with the necessary excavation immediately.

[You will perceive time is not allowed to advertise this, as the timber requires to be delivered this winter.]

2nd. As it appears from the statement made by the Engineer, &c. &c., that the sum of £54,663 will finish the Canal from the Welland to Grand River—and from the statement of the Secretary that we have £40,000 on hand, it is considered expedient to put the whole line under contract and endeavor to borrow the remaining 15 or £20,000—therefore it is

Resolved, That the agent do immediately advertise for letting out the line of the Canal from Deep Cut to Marshville, the aqueduct, dam, and piers, at mouth of Grand River, on the 19th day of January next, to the lowest bidder.

If the Board on mature consideration do not think the £25,000 can be procured the ensuing year, it is indispensible they adopt immediate measures for opening the navigation between the lakes—in this case the following resolutions will be necessary.

From the Reports submitted to us by Mr. Geddes, an Engineer employed to examine the line of the Welland Canal from Deep Cut to Lake Erie by way of Grand River, and from Mr. Barrett, our principal Engineer, it appears that the sum of £54,662, will be required for the actual work on the Canal from Deep Cut to Grand River—besides contingencies, interest of money, &c. &c., and from the statement of our available funds from the Secret-

ary it appears we have only the sum of £40,000, on hand—it is deemed inexpedient to undertake the completion of this part of the Canal the present season, nevertheless as it is highly important to effect the junction of the two lakes as early as possible.

Resolved, That our agent take measures for finishing the Deep Cut, and let out the four locks and necessary excavation immediately on the estimate of our Engineers.

In order that we secure a feeder from the Grand River as soon as the same may be required for the supply of the Canal between the River Welland and Lake Ontario :—

Resolved, That our agent advertise to let under contract on the 19th January—

1st.—The Dam across the Grand River.

2nd.—The Canal from Marshville to Deep Cut, in suitable sections—and a ditch in the rst place to be sunk within 3 feet of bottom.

3rd.—The towing path between Deep Cut and mouth of Chippawa, the cut at Chippawa to admit vessels from the Niagara River (as reported at last meeting by Mr. Barrett, estimated expense $2000—and admit an expenditure of $2000 on the towing path on the Niagara River. By this methed we would give directions to Mr. Simpson on the Marsh job to dig down the ditch at once, after which he might finish the canal as required.

We thus secure the completion of the Canal between the lakes, drain our lands and go on securely —in the other case we must, as we have heretofore, trust to fortune for an additional sum.

The only thing I have to request is that you will send me over by the next post instructions to let out the Deep Cut—and as soon as convenient to advertise for the other—as it is indispensable in point of time.

WILLIAM HAMILTON MERRITT.

No. 6.

MINUTES OF THE BOARD OF DIRECTORS FOR THE YEAR 1828.

21st January, 1828.

At a Meeting of the Board, held at York.

PRESENT :

The Hon. John H. Dunn, *President*,
Henry J. Boulton, Esq., *Vice President*.
John B. Robinson, and
D'Arcy Boulton, Esquires, } *Directors*.

A letter was read from Mr. Proctor respecting his concerns with the Company.

Ordered to be referred to the Solicitor—the Secretary to send Mr. P. his account current.

Mr. TenBroeck presented a statement respecting his land overflowed by the Canal.—*Ordered* to be deferred.

Measrs. Seymour & Langford applied for balance of account for Lattice Yates, delivered on account of O. Phelps' contract for locks.

Ordered, That £125 be paid them on account of Phelps & Co.

An account was presented from Mr. Galt on account of the Canada Land Company.

Ordered to be referred to Mr. H. J. Boulton.

H. N. Monson applied for a further advance on reserves on J. Simpson's contracts.

Resolved, That his Notes £37 10, and £100, formerly advanced, be assumed by the Company, but that no further advance be now made.

Ordered, That O. Phelps & Co's. Notes £500 now due at Bank, on account of the Lock contract, be renewed.

Ordered, That Bell & Co's. application for £500 on their reserve be advanced.

Ordered, That Mr. Phelps' application for money to purchase Hay, &c., on Deep Cut, be complied with, and that £250 be now advanced for that purpose.

Resoleed, That the work on the Locks do not proceed beyond what is absolutely necessary for the preservation of the property.

Resolved, That £75 be advanced to Mr. Phelps on account of land purchased of Jacob Dittrick, assigned the Company.

Reoolved, That the Notes overdue at the Bank on account of O. Phelps & others, amounting to £4079 10s., be assumed by the Company and charged to the respective parties.

2nd February, 1828.

At a Meeting of the Board, held at the Parliament House, York,

PRESENT :

The Honorable John Henry Dunn, *President*,
Henry John Boulton, Esquire, *Vice President*,
John. B. Robinson, and
D. Boulton, Esquires. } *Directors*.

Mr. Samuel Wood attended and proposed in order to settle amicably with the Company his much contested claim, that they should become purchasers of his Farm near St. Catharines, (100 acres,) for £750, to be paid in such manner as might suit the convenience of the Company.

To which proposal the Company acceded, and it was directed that the Solicitor to the Company shall examine the title, and if he find it sufficient shall settle the conveyance to the Company without delay.

14th February, 1828.

At a Meeting of the Board, held at York,

PRESENT :

The Hon. John H. Dunn, *President*.
Henry J. Boulton, Esqr. *Vice President*.
John B. Robinson,
D. Boulton, and
John Clark, Esquires. } *Directors*.

The Agent attended and stated that all debts being paid, including advances by the Bank, the Company have at command £30,000—viz.

Grant from British Government,...	£17,777
Due on Instalments,.....	12,333
	£30,000
There has likewise been advanced to Contractors, which cannot be repaid till the conclusion of the work,.....	£11,000
There will be required to finish the Canal to Welland River,.....	£40,000
To Grand River,.....	50,000
	£90,000
Between this and the month of May there will be required an expenditure on the work of about £1000 per month = ...	£3000
For advance on Grain.....	1000
	£4000

In May and the following months we shall expend at least, £1000 per month, until the Deep Cut is finished, but in order to take advantage of the early and dryest time of the season, £15000 is necessary.

From which it appears the Stock now called in will certainly carry us on until the first of June, and if by that time the amount to be paid in England can be available, no embarrassment will be felt till the first of August, before which time some means must be devised to obtain £50,000 for the remainder of the season.

The result of any attempt in this country to subscribe, or negotiate a Loan can be ascertained by the first of May. The result of any reference here can be ascertained by the middle of July.

PROPOSAL

1st. To enlarge the Capital to £300,000.

2nd. To endeavor to sell Stock or effect a Loan in the United States.

3rd. To send an Agent immediately to England, to make an arrangement for drawing the ½ from Government, which we must apply to increase its proportion to the whole amount expended, which is implied in the Government Despatch.

4th. To endeavor to sell Stock.

5th. To endeavor to effect a Loan.

18*th February*, 1828.

At a Meeting of the Board held at York,

PRESENT:

Henry J. Boulton, Esq. *Vice President.*
John B. Robinson, and
John Clark, Esquires. } *Directors.*

Resolved, That all the Bridges on the Mountain summit be made 40 feet wide, for the purpose of admitting Steam Boats to the large Reservoir above Lock No. 1.

Resolved, That Marshall Lewis build all the turn Bridges agreeable to the Engineer's estimate.

John Henderson of Pelham having made an application for 400 acres of land on the marsh in Wainfleet on lease for the purpose of an experiment to grow hemp, ten of which to be sown this spring and manufactured in the fall for the inspection of the Board.

Resolved, That the same be granted for 10 years, at a nominal rent.

Resolved, That Mr. Phelps be advanced the amount of forage (hay and straw) delivered monthly at the Deep Cut on the statement of the Engineer.

2nd April, 1828.

At a meeting of the Board held this day at York,

PRESENT:

The Hon. John H. Dunn, *President*,
H. J. Boulton, *Vice President.*
J. B. Robinson, and
John Clark, Esquires. } *Directors.*

The Hon. T. Clark having made application for a copy of the papers relating to the arbitration on the matter of S. Wood and others, it was ordered that the Secretary furnish him with them.

Resolved, That the work on the Deep Cut be prosecuted with all possible despatch as far as means will allow, and other parts of the Canal as moderately as possible until intelligence is received from Mr. Merritt, the Company's Agent in England.

Resolved, That during the absence of Mr. Merritt it is necessary that there should be some person to fulfil his duties, and therefore that Mr. John Clark be appointed for that purpose, but as this appointment will come more regularly under the new Directors to be elected on the 7th instant it is esteemed most proper that the salary be determined by them.

10*th May*, 1828.

At a meeting of the stockholders, held at St. Catharines pursuant to advertisement, for the election of Directors for the ensuing year—the followng igentlemen were duly elected, viz:

The Honorable John Henry Dunn,
The Honorable Colonel Wells,
The Honorable William Allan,
Henry John Boulton, Esquire,
George Keefer, Esquire, and
William Hamilton Merritt, Esquire.

10*th May*, 1828.

At a meeting of the Directors held at St. Catharines,

PRESENT:

The Honorable John Henry Dunn,
The Honorable Colonel Wells,
John B Robinson,
Henry John Boulton, and
George Keefer, Esquires.

The Honorable John Henry Dunn was chosen President.

Henry John Boulton, Esquire, Vice President for the ensuing year.

The minutes were read and confirmed.

The Agent represented to the Board that the bridges which Mr. Lewis is now constructing are not of sufficient width—the Board therefore gave directions to Mr. Barrett (who was present) to see the resolutions of 31 March 1827 & 18 February, 1828, on that subject carried into effect, and that the bridges be not less than 14 feet in width, and of sufficient height above the surface of the water to admit of ordinary canal boats passing under, and that they be paid for according to his estimate.

Resolved, That the Balance Beam be painted, and the other timbers of the locks tarred.

Resolved, That the Board will not consider itself bound by any contract which the Agent or Secretary may make until it has received the sanction of the Board.

The Agent represented to the Board in the presence of the Engineer that it did not appear to him that the Engineer paid sufficiently close attention to the progress of the work along the line.

Mr. Barrett stated that his presence was little wanted at the Deep Cut, but was more particularly so at the locks, to which he had attended very minutely, and also to every other part of the work as far as was necessary. The Board expressed its thanks to the Agent for representing whatever he thought amiss, and informed him that it will always be happy to receive his remarks and suggestions, however disagreeable such a duty might be to himself. But the Board continue to have every confidence that Mr. Barrett will exert to the end of the work the same judicious and diligent superintendence as hitherto, and they trust that he will impress upon those serving under him the necessity of the same care and attention.

The Board enjoined the Agent and Engineer to confine the operations as much as possible to the Deep Cut, and to postpone the other parts of the work as much as can be done consistently with the engagements of the Company and the preservation of the work, it being the earnest desire of the Board to apply their means and exertions as exclusively to the Deep Cut as may be found practicable.

Mr. Monson applied for an advance on Reserve Section 23.

Resolved, That no further advance be made on this or any other section at present.

Mr. John TenBroeck applied for remuneration for losses sustained by his land being overflowed by the Canal.

Mr. Alexander Vanalstine applied for payment of extra work performed on his job at the Deep Cut in consequence of the ditch filling up from other contractors—referred to the Engineer and Agent to fix a just value thereon.

Mr. Barrett did not think any allowance should be made—the petition was therefore rejected.

Love Newlove applied for remuneration for losses sustained in receiving, storing, and delivery of grain and hay, and cutting roads on Deep Cut.

Ordered, That Mr. Phelps do report on the matter next Board.

W. G. Harris laid certain claims before the Board, the consideration of which were postponed until Mr. Merritt returns from England.

Mr. Hepburn applied for an increase of wages for duty performed at the harbor.

Resolved, That he be allowed $26 per month.

A letter was read from Mr. Yates dated New York, 18th April, respecting the funds of the Company.

Resolved, That considering the probable expenditure for the next two months, and being exceedly anxious that the Contractors for the Deep Cut should be enabled to proceed without any interruption for want of funds, the Board feels it necessary to take every means in their power for procuring money, since there is reason to believe that the funds now at the disposal of the Company will be exhausted early in June—It is therefore thought important that one of the Directors should proceed immediately to New York to confer with the stockholders there, and to raise, if possible, the sum of £25,000 by loan or subscription of stock. The President not being able to go, the Vice President consent to undertake the mission, and he is hereby authorised to proceed with as little delay as possible with discretionary power to act according to circumstances by Power of Attorney to be approved of by the President and Directors at York.

5th June, 1828.

At a Meeting of the Board of Directors, held at St. Catharines,

PRESENT:

The Hon. John H. Dunn, *President*,

The Hon. Colonel Wells, and George Keefer, Esquires, } *Directors.*

The minutes were read and confirmed.

The estimate for May, amounting to £5217 17s. 3d., and contingent account = £38 13s. 4d., were approved and ordered to be paid.

A letter was read from J. Gooding, requesting an advance on the amount reserved on his several sections.

A resolution having passed last Board not to make any further advances at present, Mr. Gooding's petition cannot be complied with.

L. Newlove's petition, deferred last meeting, ordered to be further postponed until Mr. Merritt returns.

Vanalstine's do. do.

A letter was read from Captain Northrup, expressing a wish to purchase a building at the harbor formerly used by Hovey and Co., as a stable.

Resolved, That Captain N., may remove the said building and have the use of it for such time as he may require, subject to the Company's order and control.

Jacob and John TenBroeck's land having been surveyed as per order of the Board, and it appearing

that £84 0s. 3d., is due to the former, and £131 7s. 4d., to the latter :—

Ordered, That they be respectively paid.

Duncan Kennedy, applied for an additional estimate on work performed in 1824.

Resolved, That an advance of £15 be made to him, and that the final adjustment of his claim stand over until he be fully acquainted with the business.

As no estimate has been taken upon the excavation at the harbor on Wainfleet Marsh,

Resolved, That £50 be advanced on the former, and £187 10s., on the latter.

Mr. Barrett stated to the Board the absolute necessity of raising the piers at the Harbor.

Resolved, That the Engineer order such work to be performed therein as in his judgment he may think requisite.

July 3rd, 1828.

At a meeting of the Board of Directors held at St. Catharines.

PRESENT :

H. J. Boulton, Esquire, *Vice President,*

The Hon. Colonel Wells, and George Keefer, Esquire, } *Directors.*

The minutes were read and confirmed.

The estimates amounting to £7808 1s. 7d., and contingencies £8 17s. 8d., were approved and ordered to be paid.

A Letter was read from Yates & Co., stating the balance in their hands to be £319 14s.

Resolved, That it be drawn for at 60 days, and they be advised accordingly.

P. Shaver's award was considered.

Resolved, That a copy of his will be sent to the Solicitor General, together with a survey of the land required, and a copy of the award.

A Letter from J. Gooding applying for the full amount on rock excavation, Section 19, was read.

Ordered, To be considered next Board.

The consideration of Mr. Clark's Salary postponed to next Board.

Mr. Monson applied for advance on Reserves.—Rejected.

Mr. Phelps' note £500 on lock contract, due 13th July.

Ordered, To be renewed.

A letter was read from James Whyte, Quebec, recommending Parker and Wyatt's cement.

Resolved, That a barrel be ordered as a sample.

August 8, 1828.

At a Meeting of the Board of Directors, at Niagara Falls.

PRESENT :

The Hon. John H. Dunn, *President.*

The Hon. William Allan, and George Keefer, Esquires, } *Directors.*

The minutes were read and confirmed.

Mr. Wood's award was considered.

Resolved, That it be referred to the Solicitor General, requesting him to have the deeds completed without further delay, and that the Secretary have the Copies of the Deeds certified by the Registrar and forwarded to the Solicitor General for that purpose.

A letter and statement of Hartwell's debts were submitted to the Board, also two letters from D. Thompson on the same subject in which he proposes to take a contract of Hartwell's job.

Resolved, That the amount of Hartwell's estimate £253 2s. 3d., be retained by the Company.

Resolved, That the Engineer and Agent be authorised to let the late John Hartwell's job at their discretion.

Resolved, That Rowley's estimate, £56, be retained by the Company, and that the Secretary write to J. & A. Rowley, respecting the claims upon them.

Mr. Monson's application for an advance on reserves, was considered.

Resolved, That £125 be advanced him.

Mr. Phelps attended respecting the amount reserved from his land contract.

Resolved, That $100 be reserved on locks No. 27, 28, and 29, and $40 on locks 1, to 26, and 30 to 32 inclusive, and that $1000 be advanced on his contract in addition to his estimate for July.

Messrs Simpson & Co., attended respecting damage sustained on their job at the Deep Cut.

Resolved, That the adjoining contractor be urged to remove the impediment complained of, and the £125 be deducted from the estimate of Simpson and Co., on account of advances.

Bell & Co., applied for advance on Section 15.

Resolved, That £125 be advanced on reserve.

Mr. Gooding's letter postponed last Board, was considered, and as the work on Section 19, would in all probability be finished this month, it was not thought advisable to make any further advances upon it.

Mr. Pauling's letter of June 5th, respecting his mill seat, considered.

Resolved, That his rent do not commence till the water of the Chippawa is brought through the Canal.

September 18*th*, 1828.

At a Meeting of the Board of Directors, held at St. Catharines.

PRESENT :

Henry J. Boulton, Esquire, *Vice-President.*

The Hon. William Allan, and George Keefer, Esquire, } *Directors.*

The minutes were read and confirmed.

The estimates, amounting to £5455 6s., and contingencies to £14 2s. 9d, were approved and ordered to be paid.

The Engineer was required to make a report respecting the Saw Mill on Section 32.

The Secretary was ordered to purchase 5 barrels of oil, and a proportionate quantity of Spanish Brown, &c., for lock gates.

Ordered, That the Secretary write to the Stockholders, &c., who are yet in arrear.

A letter was read from Mr. Thompson, respecting the late Mr. Hartwell's concerns, and proposing to finish his job on Deep Cut, in connexion with L. Newlove.

Resolved, That Messrs. Thompson & Newlove's offer be accepted.

A letter from Price and Johnson respecting labor performed on Hartwell's job.

Referred to the Administratrix.

Resolved, That the interest due to the Government of Upper Canada, due the 12th inst., stand over till next meeting of the Board.

Resolved, That the work on the Marsh be proceeded with so far as it can be done without interfering with the Deep Cut.

Resolved, That the Company subscribe £50 towards making a road from Sugar Loaf settlement to Misener's in Wainfleet. [*Rescinded on the 12th Instant,*]

Pratt and Simpson required an extension of time to pay their advances.

Resolved, That their petition be granted.

Adjourned.

September 12th, 1828.

At an adjourned Meeting of the Board, held at St. Catharines.

PRESENT.

Henry J. Boulton, *Vice President*,
The Hon. William Allan, and George Keefer, Esquire, } *Directors.*

Mr. Wood attended the Board when it was finally agreed to give him £175 as a compensation for the land taken by the Company and overflowed by the Canal, for which a deed was to be prepared accordingly.

Adjourned to Deep Cut.

PRESENT:

In addition to the above—John B. Robinson, Esqr.

A letter was read from Monson Simpson, & Co. respecting a road to be made from the Sugar Loaf settlement to Misiner's.

Resolved, That the Company make a road one half the distance required from Mr. McDonald's line towards the Sugar Loaf, and that the resolution of the 11th respecting a donation of £50 be rescinded.

Mr. Thompson attended respecting Hartwell's job, when the resolution of yesterday was confirmed, and on which they will have 35 cents per cubic yard, and 10 cents for scowing.

An account was presented of laborers who had not received their pay upon Hartwell's job, amounting to £78 10s. 10d.

Resolved, That £66 18s. due on the above for August be appropriated to that purpose, and the balance, £11 12s. 10d., be made up by the Company.

October 9th, 1828.

At a Meeting of the Board held this day at York,

PRESENT:

The Hon. John H. Dunn, *President.*
Henry J. Boulton, Esquire, *Vice-President.*
The Hon. William Allan, and J. B. Robinson, Esquire, } *Directors.*

The minutes were read and confirmed.

The estimates, amounting to £4,544 12s. 11d., and contingencies, £24 2s. 11d., were approved and ordered to be paid.

Mr. Phelps' note, £500 on Lock Contract, due the 14th instant, ordered to be renewed.

Pratt and Simpson applied for an extension of time to pay advances on the Deep Cut.

Monson Simpson, & Co., applied for a loan of $3000 upon the Marsh Contract, to be paid by instalments from estimates.

Resolved, That the President endorse a note for the above amount at 90 days, to be renewed, deducting the said instalment at stated periods.

McMahon applied for the Company to retain the reserves from the late sub-contractor on section 22.

Resolved, That the said reserves be retained until the work is complete.

Yates & McIntyre's letter respecting the Vice President's drafts upon New York was read.

Resolved, That the said drafts be retired at the Bank, and that Messrs. Yates. & Co. be informed thereof.

A letter was read from Mr. Northrup respecting obstruction at the harbor.

Resolved, That the thanks of the Board be expressed to him, and that Mr. Barrett be instructed to have channel sounded and the impediment removed.

Mr Phelps applied for the privilege of erecting a saw mill on the Canal, near Lock 29.

Resolved, That his petition be granted, and that he have the use of it for two years gratis, after which he may take the site at a valuation, or the Company take the mill in like manner at the option of the Company.

Resolved, That Mr. Boulton be paid £100 for his expenses to New York.

Resolved, That 50 be advanced to Mr. Clark on account of his salary.

N. Pauling applied to enlarge the floom of his mill at the harbor.

Resolved, That he be permitted to do so under the direction of the Engineers.

November 21, 1828.

At a meeting of the Board, held at St. Catharines :—

PRESENT :

Henry J. Boulton, Esquire, *Vice President.*

The Hon. Col. Wells,
The Hon. Willam Allan,
John B. Robinson,
George Keefer, and
Wm. H. Merritt, Esquires, } *Directors.*

Mr. Merritt's mission to England was taken into consideration.

Mr. Goulburn's letter was read.

Mr. Stewart's letter was read, authorising the President to draw upon E. & R. Ellice & Co. for £30,000.

Resolved, That the President write to the Hon. J. Stewart, of the Treasury, requesting him to order the remainder of the loan to be paid over to Messrs. Ellice & Co.

Resolved, That a letter be written to Messrs. Ellice & Co. accepting their offer of becoming Agents to the Company, and advising them that the President has drawn upon the Treasury for £20,000 in their favour, and at the same time that he will now draw upon them for £10,000 & the remaining £10,000 at a future period in favor of the Bank of Upper Canada.

Resolved, That Mr. Merritt's negotiation with Mr. Bliss, respecting 100 shares Canal stock, and with Messrs. Ellice for 1200 shares be agreed, and that letters be written to them accordingly.

Read a letter from Messrs. Bosanquet, Pitt & Co. respecting their receiving stock, dividends, &c.

Resolved, That they be appointed Bankers to the Company in London, and that they be drawn upon for £2,500 in favor of the Bank of Upper Canada, and that they be advised thereof.

Mr. Dawson's letter respecting his being appointed Agent at Liverpool.

Resolved, That it be agreed to on his disposing of 400 shares and that he be written to acccordingly.

Read the Resolutions of the Canada Company respecting a loan of £6000 ; also Mr. Spankie's opinion and Mr. Galt's letter.

Resolved, That the President obtain from Mr. Galt a specific proposal on the subject.

Messrs. Yates & Co. having applied to have drafts on London pass through their hands.

Resolved, [The Board having taken into consideration the said application] That the 10th clause of the Act 1825, requiring all monies to pass through the Bank of Upper Canada, it is out the power of the Directors to allow the funds of the Company to pass through the hands of any private individual by which the Company may subject itself to cost, in case their drafts should be dishonored.

Resolved, That the President draw upon Messrs. Yates & Co., for the balance in their hands at 30 days' sight in favor of the Cashier of the Bank of Upper Canada.

Mr. Merritt having stated that beside the £300 sterling advanced to him on going to England, he had expended £200 more, which he had received in London.

Resolved, That Bosanquet & Co. be requested to carry the same to the debit of the Company in full for compensation to Mr. Merritt for his mission to England.

Sloan & Co.'s contract was taken into consideration.

Resolved, That they be allowed to go on with their work at the harbour in the spring, or relinquish the same on giving notice thereof at the next Board.

Resolved, That Mr. John Clark be paid £200 for his services during Mr. Merritt's absence in England, and for one month from this period.

Mr. Jacob Keefer applied for a mill privilege near the Canal.

Resolved, That Mr. Keefer be allowed to erect a saw-mill, and that he have the privilege for the same period which others have, at a rent to be fixed on by the Company, or the Company to purchase the mill at valuation.

SATURDAY, *Nov.* 22, 1828.

At an adjourned meeting of the Directors held at St. Catharines.

The Directors proceeded to the Deep Cut, accompanied by Mr. Barrett and Mr. Phelps, and having examined the recent slides which have taken place, of which the Engineer has given a particular description.

It was proposed as the best mode of overcoming the difficulties occasioned by the unsoundness of the bottom of the Deep Cut to bring down a feeder from the Grand River from the still water above the Barefoot Rapids in such a direction as will intersect by the shortest practicable route the proposed line of the Welland Canal from the Grand River to the Welland, (it is calculated by these means a head of water 14 feet above the western section of the Canal will be obtained) to be descended by two locks.

The Grand River will doubtless afford a constant supply of water, and by abandoning the last project of deriving the supply from Lake Erie, the necessity will be superseded of proceeding to a greater depth with the Deep Cut, and the level of water through the Cut will be raised 12 or 16 feet, so that the present towing-path would constitute the bottom of the Canal—a navigation would thus be effected 110 feet in width through the Cut—and another most material consideration is, that the excavation through the Marsh from the Welland to the Grand River need not exceed 7 or 8 feet in depth—whereas, it appears upon the most accurate survey which has been taken,

that the average cutting, according to the original plan would be from 18 to 20 feet; besides the immense difference in expense, other considerations concur to make the deduction in the excavation along the western section most desirable.

The prospect of these advantages, added to the consideration that no other method presents itself for so certainly overcoming the unexpected difficulty of completing the Deep Cut, determine the Directors to adopt it, if upon examination and further reflection no obstacles occur which do not appear at present.

It is also to be observed that the improvement proposed can be easily so managed as to make the Feeder from the Grand River prove indeed a convenient boat canal, which will extend the advantage of an inland navigation to within 4 miles of the village of Brantford.

Having this change in view, the Board examined the different acts of the Legislature forming the Charter of the Welland Canal Company, in order to ascertain whether they have the power of extending their operations, &c. so as to pursue the proposed plan, and whether they can bring the water down from the western section of the Canal by a feeder along the bank of the Welland until it intersects the Deep Cut, so that the right of water obtained from the Grand River can be preserved while the Welland will still form a navigable canal, from whence vessels will ascend to the proposed new level of the Deep Cut by two locks.

The Board having come to the conclusion that besides the circumstances which threaten to prevent the completion of the Canal through the Deep Cut according to the original plan, and which would render the durability of the Canal at all times uncertain, it is competent to them to adopt the proposed alterations, and to apply the power given them by the Legislature in its accomplishment.

The Board further directs that the Engineer shall without delay make surveys for the purpose of ascertaining the proper lines for a feeder from the Grand River above the Bearfoot Falls to the canal leading from Broad Creek, and for the other feeder along the bank of the Welland to the Deep Cut, keeping in view that the feeder from the Grand River would be such as to afford a navigable boat canal 4 feet depth of water.

That these surveys be made with the greatest care and deliberation, and that estimates founded on them be immediately submitted to the Board.

Resolved, That Mr. Clark proceed immediately to the Welland and Grand River, and endeavor to obtain a relinquishment or purchase of whatever lands may be necessary for a feeder before alluded to.

The Board next took into their consideration the present state of the Deep Cut, and with every means of information which their own observation, the opinion of the Engineer, and others could furnish, and having reflected upon the different suggestions made, and particularly on a plan submitted by Mr. Phelps of supporting the bottom and sides of the Deep Cut with timber, and received the opinion of the Engineer and Agent upon it, they conceive that it is not expedient to continue any further operations on the Deep Cut through this winter, either with a view of removing the earth which has slipped down, or of staying the adjacent portion of the Canal.

They direct that the Engineer shall ascertain by boring the bottom of the Deep Cut in various parts through the whole length what is the nature of the earth below the bottom—how near the bottom any soft, or loose, or unsound stratum occurs, and to what depth such stratum extends, and that a minute report of this be made as soon as practicable by the Engineer.

They also direct that the water shall be drawn off from the sides of the Welland Canal by ditching, wherever it appears that its remaining in its present situation can be injurious—and that particular attention shall be paid to repairing any injury the tow path may have received, and to prevent it for the future from teams travelling upon it, &c.

The Board is not aware that there is any Civil Engineer in this Province or in Lower Canada whose judgment would be valuable, and whom they could get to examine the Deep Cut in its present state.

The Board further directs that the Engineer shall without delay so lay out and arrange the work to be done this winter by the contractors for the canal through the marsh, as that whatever shall be done may be consistent with the purposed change of plan with regard to the dimensions and depth of excavation.

With respect to the harbor on Lake Ontario, the Engineer reported that no injury appears to have been sustained to the piers so far as they are completed, but that the severe gale of Saturday last had removed and partly thrown down a pier which was in the act of being constructed. The Board directs the particular attention of the Engineer and Agent to the preservation of the work so as to secure it against the storms of winter—and with a view to its early completion the ensuing spring, an estimate of the work necessary to be done to render it permanently secure and to complete the excavation, be prepared and submitted to the Board.

The Board directs that an inspection of the locks be made by the Engineer, and a report of their present state, and the Agent is requested to engage Mr. Phelps to take them under his superintendence and charge through the winter and spring, making all necessary preparations for resisting any injury from weather or floods, and also to exercise a constant care of the sides of the Canal, including towing paths and all erections.

Mr. Phelps laid before the Board an inventory of all cattle, carts, and other property possessed by him and tranferred to the Company, the same having been purchased with advances made by the Company and not now required for the immediate prosecution of the work.

The Board Resolved, That Mr. Phelps, in concurrence with the agent, take immediate measures for disposing of the above property by auction, sending advertisements without delay to York, the head of the lake, Niagara, and also to Lockport, Buffalo, &c., taking care to prevent their being sold at an increased and an unreasonable sacrifice—a credit of nine months may be given on notes with endorsers, to be approved by the agent.

Under the recommendation of Mr. Barrett, the board ordered the making of a ditch (suggested in

his report, 1st January, 1828) during the winter for leading the main branch of the Beaverdam Creek into the Canal.

The Board request that the Agent and Engineer, at their earliest convenience, prepare an account of the present state of the work for the purpose of framing the annual report.

Mr. Simpson, one of the Contractors for the marsh, attended at the request of the Board, and was asked at what price per yard he would be willing to make the canal through the marsh of the diminished depth as per proposed alteration, his present contract being 13 cents per yard, grounded on the supposition that the depth would on an average be 15 feet.

It appeared to the Board that according to the calculation upon which the above contract was founded, 10 cents per yard would be a liberal price and considerably beyond the proportion, but in consideration that they would have some claim on the Company on account of their preparation for the original contract, and from a wish that they should not be compelled to abandon the work, the offer was made of 10 cents per yard, to which the said contractors Simpson, Monson & Co., objected; asking 13 cents, and declaring ultimately that they would not take less than 11 cents.

It was at length agreed that the Company should give them 10 cents per yard, and if any difficulty should arise in the excavation from whence it should appear to the satisfaction of the Company that the contractor had a hard contract, the price of 11 cents should be allowed them, but not otherwise—and furthermore it is agreed if the general average exceeds six feet in depth, the excess shall be paid for on the estimate of the Engineer, and for 3 miles of the distance 11 cents shall be allowed.

Any embankment necessary to be made along this portion of the Canal will be paid for on the estimate of the Engineer.

The Board having deliberated upon the propositions made by Mr. Ellice in his letter to the President,—

Resolved, to accede to them, and Mr. Merritt having acquainted them of the interest Mr. Ellice had very kindly taken in the success of the Company, and the active exertions he had made in advancement of the great work which they are engaged in—it is therefore

Resolved, That Mr. Ellice's offer, that the House of E. & R. Ellice & Co., transact the general business of the Company in England as their agent, be accepted, with an expression of the sincere thankfulness of the Board for the essential services which Mr. Ellice has so promptly rendered.

Mr. Clark's letter to Mr. Merritt, respecting the amount granted to him during Mr. Merritt's absence in England as per Resolution of the 21st, having been read:

Resolved, That that resolution having been passed at a full board it cannot be rescinded, but may be reconsidered on a future occasion.

Application having been made on behalf of the widow of the late Smith Ward, who is left in very destitute circumstances, and is therefore unable to pay the arrears due on 10 shares of Stock held by him.

Resolved, That the said shares be forfeited, and the amount paid on them, £95 5s., be presented to the widow.

Read a letter from Mr. Adams, offering to rent the mills lately occupied by Mr. Merritt.

Resolved, That the said mills be advertised, and that sealed proposals be received until the 1st January, 1829, to rent them for 5 years.

The executors of P. Shaver presented a petition to the Board which was considered.

Resolved, That upon the Company receiving a title to all the land required by and overflowed by the Canal, the £125 awarded, be paid, and the Engineer is desired to make an immediate survey to ascertain the quantity.

Lewis and Chadwick applied for a lease of mill seat on Lock No. 1.

Resolved, That they may have it for five years at an annual rent of £7 10s.

Several petitions were laid before the Board, by Harris, McMahon, Newlove, Vanalstine, and others.

Resolved, That they be examined into by the Agent and Engineer, and reported upon next Board.

Adjourned.

24th November, 1828.

At an adjourned Meeting of the Board, held at St. Catharines,

PRESENT:

Henry J. Boulton, Esqr. *Vice President.*
The Hon. Colonel Wells,
George Keefer,
J. B. Robinson, and
W. H. Merritt, Esquires, } *Directors.*

G. A. Atkins applied for payment of work performed upon Hartwell's job after his decease, amounting to $90.

Mr. D. Thompson having by order of the Board $314 16 cts. placed in his hands for the payment of men employed upon the same job, and a balance still remaining, he is hereby authorised to pay the above on his being certified that the account is correct, and upon receiving Atkins' receipt for the same.

15th December, 1828.

At a Meeting of the Directors, held at the Bank of U. C., York,

PRESENT:

The Honorable John Henry Dunn, *President,*
Henry John Boulton, Esquire, *Vice President,*
The Hon. W. Allan, and
John. B. Robinson, Esquire, } *Directors.*

The minutes of November were read, and that part of it which refers to an offer made to Messrs. Lewis and Chadwick being indifferently worded, and not coming immediately within the recollection of

the Board, was ordered to be reconsidered at the next regular meeting.

The Directors then proceeded to take into consideration the terms upon which Mr. Merritt had obtained the Loan of £50000 from England.:

Whereupon it was *Resolved*, that the Board cannot forbear an expression of regret at finding that this Loan has been only made upon condition that the grant of ⅓ of the cost of the Canal heretofore engaged to be paid by the Government shall be relinquished, a condition amounting in effect to the requiring a bonus of £27,000 for the Loan of £50,000, while the payment of full legal interest of 4 per cent per annum upon the whole Loan is exacted, and the repayment of the principal in ten years, while the Canal and tolls are in the mean time to be pledged to the Government.

This arrangement is so unreasonably disadvantageous that the Board cannot believe it possible after the Canal shall be actually completed, the Government will refuse to accept the payment of the balance between the grant first proffered and the Loan of £50,000, as an extinguishment of the whole Loan

The ample power given to the Agent of the Company under a very pressing exigency enabled him to enter into the stipulation above mentioned, and the Board cannot hesitate to confirm it—but on behalf of the Stockholders generally and especially of those whose deep stake in the Company would make the arrangement with the Government, if literally carried into effect, almost ruinous to them, the Board has felt it necessary to record the sentiment with which they have confirmed the arrangement.

The Directors were then about to consider the nature and conditions of various other engagements made by Mr. Merritt when in England, but as the Letters and papers necessary to a complete understanding and investigation of the same had not been sent from St. Catharines, it was

Resolved, That the Board should adjourn to Monday next at 11 o'clock, and that in the mean time the Secretary be written to requesting him to furnish all necessary documents and correspondence.

The Board therefore adjourned accordingly.

22nd December, 1828.

At a meeting of the Directors held at the Bank, York,

PRESENT:

The Hon. John H. Dunn, *President.*
H. J. Boulton, Esq. *Vice President.*
The Hon. Col Wells,
William Allan, and
John B. Robinson, Esq.

The minutes of the former meeting were read and confirmed.

Read a draft of a Letter to Mr. Yates respecting the negotiating of the Company's drafts on London through his house, which was approved, and the President was requested to sign and transmit the same to him.

Read Mr. Ellice's Letters of the 2nd, 13th, and 27th August, upon which the Board determined that if the President finds that he can invest the money in Government debentures, he shall immediately draw upon Mr. Ellice for the amount therein stated, allowing him 10 per cent exchange in the transaction, and that Mr. Ellice shall be informed that the Company not having occasion for its immediate use, have not yet deposited the security required by his Letter, but that, before any part of it is withdrawn by them from the security in which it is invested, the arrangement shall be perfected on the terms suggested by him.

Ordered, That a meeting of the Board be held as soon as Mr. Geddes' Report on the Feeder from the Grand River can be obtained—that Mr. Merritt be requested to attend if in his power, and that the Secretary be desired to furnish a general and particular account of the Company's affairs for the information of the Directors.

IN THE YEAR 1829.

After receiving the Reports of Messrs. Geddes & Barrett, and the deliberation of one entire day at this place the Directors consented to adopt the plan of gaining a higher level, and on the 1st January, the most extraordinary and unparalleled exertion was made, which with the most timely and judicious system of management, compelling by a written agreement each Contractor to retain a certain force until the entire line to Grand River was finished, also to allow any other Contractor after the 15th of May to enter on any portion of his work, ensure the completion of the entire line 27 miles in length, besides the North end of Deep Cut—4 Locks—Aqueduct and Dam in time to let through the Grand River water and pass the two first Vessels between Lakes Erie and Ontario. The *Report* of this year gives a general view of the work; the *Minutes* give a detail of particulars.

It will be observed in the Report, that engagements made in England for taking up Stock had not been complied with.

That reasons are assigned why the Dam was removed from the mouth of the Grand River.

The Cut at Chippawa and Towing Path on Welland was made this year.

The first proposal for establishing a line of Steam Boats is also suggested.

Documents referred to in the foregoing Report.

Report of Directors—	marked No. 1.
Mr. Barrett's Report,	" No. 2.
Prospectus,	" No. 3.
Minutes of 1829,	" No. 4.

This year the following Directors were appointed by the Legislature—viz.

J. J. Lefferty, and
Robert Dickson, } *Esquires.*

And the following by the Stockholders—viz.

The Hon. John Henry Dunn,
William Allan,
John B. Robinson, Esquire,
Henry J. Boulton, Esquire, and
George Keefer, Esquire.

No. 1.

REPORT OF THE BOARD OF DIRECTORS OF THE WELLAND CANAL COMPANY FOR 1829.

To the Stockholders of the Welland Canal Company.

As there is reason to believe, from remarks occasionally made in public papers and from other circumstances which have come under the notice of the Directors, that very erroneous opinions are entertained respecting the present state of the Welland Canal, and the prospects of its completion; & as the facts when truly stated, far from being discouraging, are exceedingly gratifying, the President and Directors think it proper to communicate to the Stockholders, and to the public generally, the result of their recent observation of the whole line of the Canal.

In January last, it was determined by the Directors, for the reasons stated in their last report, to discontinue the farther excation of the Deep Cut, and to overcome the difficulties experienced in that part of the Canal, by throwing a dam across the Grand River and bringing down the water of that River along a higher level than that of Lake Erie. To persons acquainted with that part of the country, the proposed alteration, and the effect of it, would be sufficiently understood from the statements in the last published Report of the Directors, and from the Report of the Engineer Mr. GEDDES, which was appended; but they may perhaps be made plainer to persons not possessing that local knowledge by the following statement.

The Grand River which empties into Lake Erie about forty miles above Fort Erie, has so little fall for the distance of sixteen or eighteen miles from the mouth, that the waters rise and subside throughout that extent according to the prevailing winds on the lake. It was formerly proposed to commence the Canal about two miles from the mouth of the Grand River, at the junction of a creek or inlet called Broad Creek, from which indeed, rather than from the Grand River, the Canal was to have led through the adjacent low lands and the Wainfleet Marsh to the River Welland, more commonly called the Chippawa, into which vessels would have passed by two Locks of six feet lift each. The Welland was then to have formed the channel for navigation for about 9 miles, or to a point distant about ¾ of a mile from the beginning of south end of Deep Cut which was to have been excavated to the level of the Welland; and from thence to Lake Ontario, the descent of 320 feet was to be accomplished by thirty-two locks. Upon this plan it will be seen that the canal was to bring down to the Welland through the Wainfleet Marsh, the waters of Lake Erie; and to bring down through the Deep Cut the water of the Welland, which, in truth, is the water of Lake Erie upon a lower level, or rather of the Niagara River running out of Lake Erie; because the Welland is a mere estuary or arm running up from the Niagara River, having often no perceptible current and sometimes indeed, no supply of water from the interior. It is a deep still water, upon a level with the Niagara river at the mouth of the Welland, and about 12 feet below the level of the waters of Lake Erie, at the mouth of the Grand River.

Proceeding upon this their original plan, the Directors had made very great advances towards its accomplishment at the close of the last season, and they do not rely merely upon their own judgment when they add, that they have effected as much with the means expended as can be exhibited in any similar undertaking in any country. The greatest difficulty (the deep cutting) had been so far surmounted that in two weeks more it was confidently expected a passage would have been made through it for the waters of the Welland; and the progress of the lower portion of the Canal was more than commensurate. The casualities which arrested the work in this stage, (the slipping of the Banks of the Deep Cut and the pushing up of the bottom) has been described and the cause of it being evidently such as to make it unsafe to trust to the completion and preservation of the Canal upon the original plan, the scheme was adopted by the Directors which has been already explained, and which consists in the following alteration:—

The Grand River is capable of being dammed at a moderate expense. It has been determined to do this and thereby to raise its waters about five feet—to make a Canal from the dam through the adjacent low lands and the Wainfleet Marsh to the River Welland, striking that River about five and a half miles lower down than it was before intended. Having a level of water five feet higher than by the original plan, the cut through the marsh will be of less depth in proportion; and consequently vessels will approach the Welland upon a level which will admit of their crossing it in an aqueduct, that will be sufficiently raised above the River not to obstruct the navigation more than the Bridges which at various points are thrown over it. From this aqueduct (the banks of the river being most favorable) the Canal is to be continued along the Northern side of the Welland to the Deep Cut, which it enters near the southern end of it, and preserves of course, through the cut, the same level of water which will have been brought down from the Grand River, descending at the northern end of the Deep Cut by two locks to the level originally designed when the Welland was to have constituted the feeder. From this point to Lake Ontario there will be no deviation from the first design.

Retracing the line down to Lake Ontario, upon the plan thus explained, the Directors will briefly remark:—That the practicability of making a permanent dam at the Grand River is not doubted; the breadth of the river at the proposed point being about 9 chains; the water almost free from current; the depth about 10 feet, and the bottom favorable.—The contract for the dam is in the hands of persons of ample responsibility and of the greatest experience in works of this description; and it is at this moment prosecuted with energy and despatch.—In cutting from thence to the Welland, through the Wainfleet Marsh, five feet depth of excavation, for a distance of 12 to 15 miles is saved upon the present plan; the navigation will be better than the original design would have afforded: there can be no room for apprehension as to the nature of the bottom, at

the present depth; and the Canal will present a line of 13 miles mathematically straight. The acqueduct over the Welland seems to present no difficulty—none was apprehended; and the appearance of the work, at the present moment is most satisfactory.—The Canal from thence to the Deep Cut, along the northern bank of the Welland traverses a line which presents very peculiar facilities; and thus the Deep Cut is reached by a Canal preserving the same level throughout the whole extent.—The passage through the Deep Cut will be along a level 16 feet higher than was at first proposed, this will elevate the channel above all inconvenience from the slides, and place it, as it is believed, beyond the danger of similar casualties; and the great depth of water and extent of surface, will render the navigation more easy and agreeable.

From the Canal, just before it intersects the Deep Cut, a descent is provided by two Locks to the Welland—thus forming a navigation from Lake Ontario to the village of Chippawa, Fort Erie, and Buffalo, by the Niagara River, and a cut is nearly completed through the point at the mouth of the River Welland which will render the transit into the Niagara River safe and convenient.—The Grand River it should be added contains an ample supply of water for the Canal; the dam is to be thrown across to a point about 5 miles above the mouth, near which a Lock is to be made, that the navigation of the Grand River may not be obstructed. Vessels will pass from Lake Erie into the Canal by the original route, leaving Grand River two miles above its mouth from Broad Creek.

That the Canal is of certain and easy accomplishment, upon this plan, there is no doubt in the opinion of men of science and great practical experience; and that when completed it will afford a navigation preferable to that at first contemplated, is plain.—But although conviction of this fact offers the best consolation for the check which the work has received from the unlooked for casualties at the Deep Cut, it is not to be inferred, as a necessary consequence, that the work ought to have been undertaken at first upon the plan which the Directors have now been compelled to adopt.—On the contrary, besides other considerations which it is not necessary here to enter into, the damming of the Grand River was a measure which the Directors would not and could not have resorted to, without necessity; and, although an idea of doing so was formed in a very early stage of the undertaking, it was soon relinquished.

The Grand River for the distance of 18 miles from its mouth is of sufficient depth and breadth for navigation by steam boats and vessels of every description used on the lakes; and little or no inconvenience, from current, occurs throughout this distance. Although the shoal at the entrance renders the Grand River of comparatively little use at present, as a harbor, still the navigation upon such a river as we have described ought not to be impeded without a strong necessity; and the proposed dam, although a convenient Lock will be constructed in it, has, therefore been thought objectionable, and the Directors have had no little opposition to encounter on that score.—The overflowing of a considerable quantity of land up the Grand River, although the proprietors will receive from the Company the just indemnity assured to them by law; and the interference with the passage of fish up the river, although there are none of the most valuable kinds which frequent it: and although measures may be adopted which will diminish the inconvenience apprehended, if they do not altogether overcome it, are further objections which have been advanced against the present plan, and they are objections which would have been urged with infinitely greater force if the Directors had taken such a step while another course was practicable

The difficulties indeed which the Directors have still had to contend against in consequence of the prejudice entertained against the damming of the river, are the best proofs that they would not have been thought warranted in attempting it upon the mere footing of expediency and choice. As an alternative they have adopted it rather than abandon a work of incalculable importance to the country in a military and commercial point of view, or put its ultimate safety to hazard after more than £200,000 had been expended in its accomplishment. Any inconvenience or loss it may occasion to individuals will be cheerfully and amply compensated; and the navigation which will thus be formed, will unquestionably be better and more convenient than would have been obtained by completing the original design.

When this alteration was first determined upon it was intended that the dam should be constructed across the Grand River, about 572 yards from the mouth, at the upper end of the naval establishment; and not anticipating objections, preparations had been made and the work commenced. Objections, however, were urged by the naval commander in this Province, to which it was thought necessary to yield, and the work was discontinued.

On the 7th and 8th of May last the Directors examined the river for several miles up, and ascertained that no proper place could be found for the dam within a shorter distance than five miles from the lake. A site has accordingly been selected there; a contract has been entered into, and the work is proceeding rapidly. The objections advanced by Commodore Barrie extend to this site also, and indeed to any that might be proposed within the whole navigation line of the river, extending to the first of all about eighteen or twenty miles from the mouth.

With the sanction of the Lieut. Governor, however, which has been afforded to the Directors from a sense of the vast importance of the work, they have proceeded as they have done; not by any means in defiance or disregard of the protest which Commodore Barry conceived it to be his duty to make, but in the earnest confidence that His Majesty's Government possessing so great an interest in the work, and so fully aware of its importance, will not desire to enforce those objections, when the circumstances are fully before them.

The change of position, renders it necessary to make a feeder of five miles in length; and the gravel required for constructing the dam, must be all brought up in scows from the mouth of the river, nearly five miles—disadvantages, against which must be set the lessening the quantity of land to be overflowed, and the having a depth of water where the river is now to be dammed up, little more than half that which was found at the place first chosen; the

river, however, at the point where the dam is to be constructed, is nearly as wide again as the other.

The Directors cannot but persuade themselves that His Majesty's Government will, from the disappointment which the Company have experienced, be the more induced to take upon themselves the charge of improving the harbor at the entrance of the Grand River, or rather of forming a harbor there; for there is, at present, nothing that deserves the name. Piers must be built, and a channel excavated; the works of that kind, to the extent necessary for commercial purposes, were part of the plan of the Welland Canal, for indeed without them the Canal would not be called accessible; but to make such a harbour as would be of use to a navy in time of war, is more properly a national work; and the Directors are encouraged to hope it will be undertaken on that footing.

The Directors next proceeded to lay before the Stockholders the present state of the Canal. They visited it early the last month inspecting the whole line, and the result of their observation was exceedingly satisfactory. The Harbor at Lake Ontario has received no damage whatever from its exposure for two years: the Piers have not swerved, nor have they been in the slightest degree shaken. The brush Dam at the mouth of the twelve mile Creek by which the Basin is formed, and which sustains a head of 4 feet water, has received no injury; and there seems, therefore, no reason to doubt its durability. From Lake Ontario to the Deep Cut the Locks are in a great state of forwardness—two at the Northern end for descending from the Grand River level to the original bottom level of the Canal; and two near the Southern end of the Deep Cut, for passing such Vessels into the Welland as are to be navigated on that River, and the River Niagara, into Lake Erie.—These Locks with every necessary work connected with this part of the navigation, will be finished by the first of July next, if the weather is commonly favourable.

When the navigation by this route shall be thus completed, timely notice will be given of the ascent of the first Vessel that shall thus surmount the obstacle hitherto presented by the Falls of Niagara, to the navigation between the two great Lakes, Erie and Ontario. There will be collected, from streams and natural Reservoirs in the vicinity, sufficient water to fill the Canal so as to admit of this experiment; and indeed, if the season is not unusually dry, the supply will even suffice for using the Canal to a considerable extent.

It has been already explained, in the last Report of the Directors, that from the Deep Cut to the Grand River, the operations of the Company during the present year, will be confined to the making a Feeder of the ordinary dimensions and depth of a Boat Canal; but constructing the Aqueduct, and every thing beyond the mere general excavation of the dimensions required for a Schooner navigation, the difficulties against which the Directors have had to contend, have induced them thus to contract their work for the present, for fear of encountering the risk of being unable to meet their engagements, if they had proceeded immediately with the entire plan. The greater part of the excavation which will be necessary to enlarge the Canal is of such a nature that it can be most advantageously done in the winter, when it will occasion no interruption to navigation. Public confidence will have been secured by the junction of the waters of the two Lakes having been effected; and it is not apprehended that there will be any difficulty in finding the necessary funds. In the mean time it is satisfactory to be able to state that along much of the distance between the Deep Cut and the marsh, the make of the land is such, that little or no additional excavation is necessary to convert the feeder into a Canal of the requisite dimensions; and wherever this can be done by a moderate increase in the expenditure, the Canal at those points will be made, at once, of the full dimensions from the Deep Cut to the Aqueduct, a distance of almost five miles; the work presents no difficulty; the cutting is shallow and easy, and it will be completed about the 1st of July.

The Aqueduct over the Welland is in a state of great forwardness, and is indeed nearly completed; it is of sufficient size to pass any Vessel that can navigate the Canal. The work and the materials are excellent; and the Directors are convinced, that it will be found to merit the approbation of the Stockholders. It was commenced on the 12th February last: its length will be 400 ft., all the timber and other materials were prepared and delivered; the Piers sunk, the balance beams, string pieces, &c. erected; and, in short, the whole main frame up, when the Directors visited it on the 7th of May—part of the frame of the trunk or body of the Aqueduct, and the planking remaining still to be executed.

From the Aqueduct to a place called Marshville, (the point from whence the Canal was formerly intended to diverge to the Welland, taking a direction higher up the river,) is a distance of almost 8 miles, the work along this portion is far advanced, so that no doubt is entertained of its completion by the 15th of August, although the Contractors have been retarded by the very severe frosts of the past winter. It is to be observed that every part of the work from the Deep Cut to this point, was placed under Contract so lately as the 31st January last; before which time the Directors had it not in their power to decide finally, upon the operations of the present season.—It was not fairly commenced until the 12th of April when the frost disappeared; though every preparation had been previously made by the respective contractors.

From Marshville to the Grand River, the distance is nine miles.—The work through this portion of the Canal has been much longer in progress, and is in a state of great forwardness. Three miles of it is excavated to the bottom; four miles and a half is partly bottomed; and the remaining mile and a half is cleared and grubbed.

The next important point now remaining to be completed is the dam and the feeder from thence to the original line of the Canal; which will also serve, when finished, for a boat canal. The contractors feel confident they will be able to complete the dam by the 1st July; and the feeder, there is every reason to believe, will keep pace with the excavation on the lower sections of the Canal, as the ground is of a more favorable description, although it was not put under contract until the 30th of May.

From this minute review of the differeet sectinns of the Canal, the Stockholders will see that the work

is rapidly approaching its accomplishment. It seems not too sanguine an expectation to indulge that the whole will be finished by the 20th day of August next.

It is an interesting and important fact, to state that the Grand River, and the Lake above it, were clear of ice this spring on the 11th day of April; on the 10th of April the steamboat Niagara arrived at the town of Niagara, from Prescott—which proves, that at that time, the line of communication from Lake Erie to Montreal, by the Grand River and Welland Canal, was open, and open simultaneously.

When the Directors were at the Grand River, on the 8th of May, the narrow part of the Lake between the Grand River and Buffalo, was still blocked up with ice, and no vessel did leave, or could have left that port or could enter there, from the upper part of Lake Erie until the 14th of May. Saying nothing of advantages in the difference of distance, convenience and expense, there is a superiority so evident and so decided in having the exclusive channel to market for a portion of the season in which so great a share of the productions of the upper country may be forwarded, that it is impossible the Welland Canal can fail to be favourably looked upon by those whose agricultural and commercial interests must be so directly promoted by it.

At this moment, when idle rumours are circulating respecting the Welland Canal and unnecessary despondency admitted even by those who are sincerely desirous to witness its completion, the Directors have thus endeavoured to lay distinctly before the public its present state, and the hopes that may be entertained of its speedy accomplishment.

It has been their mortification hitherto to find, that while with the greatest proportion of strangers who visit this Province the Welland Canal seems to possess a particular interest, the inhabitants of Upper Canada in general, appear to have the most imperfect ideas of the stupendous nature of this great undertaking—the rapid strides by which it is advancing to its consummation; and the immense advantages to themselves, and to their country, which must inevitably follow the successful termination of a work, that it is probable will be thought hereafter to reflect some degree of credit upon those by whose encouragement and exertions it has been supported.

That difficulties may not yet occur, and that the Directors may not have to encounter a protraction of that anxious and perplexing exertion which has hitherto been necessary, they do not venture to foretell. They can only express their explicit assurance that they have not now before them any reason for anticipating difficulty in the execution of the remainder of the work.

Their financial arrangements have been attended with difficulties, which they had no reason to have expected; because they have arisen from a hesitation to fulfil engagements which the Directors considered to have been binding and conclusive, and upon which they therefore relied. No such failure however has occurred with respect to the Stockholders in America; and they trust, when pains are taken to contrast authentic information with groundless fears and idle reports, any hesitation which has hitherto been exhibited will be removed.

At all events the Directors trust they will not want means to complete the work as they are now proceeding with it, and according to the description they have given in this Report; and it would seem absurd to suppose that any serious difficulty will be afterwards found in completing the Canal without delay, according to the dimensions intended.

The Directors cannot forbear to pay a just tribute to the indefatigable exertions and judicious conduct of Mr. Merritt, the Company's Agent; and they continue to have every confidence in the ability of the Engineer, Mr. Barrett.

JOHN H. DUNN,
President,
Welland Canal Co.

No. 2.

Mr. BARRETT'S REPORT.

Welland Canal Office,
St. Catharines, 10th Dec., 1829.

Gentlemen,

During the present season I have been endeavoring to carry into effect the plan approved of by the Board of Directors at the close of the last year, which was bringing a higher level from the Grand River to the North end of the Deep Cut, thereby raising above the soft ground or quick sand found below the level of the Welland River, and removing every apprehension of slips or similar casualties in future.

From the severe frosts in the winter the line was not properly laid out until April, although the Engineers were out constantly, nor could the contractors commence before the middle of that month, or the first of May, on many parts of the work.

The dam across the Grand River, and the aqueduct over the Welland, the only two artificial erections on the whole line, were let out and commenced in due time to ensure an early completion the present year; the latter was finished early in August, and I have not the least doubt had we been permitted to pursue the plan then decided on by the Board, the whole line would have been finished in that month.

The situation selected for building the dam over the Grand River, was on the direct line of the Canal near the lake—the work was commenced in January and suspended in March, after expending about fifteen hundred dollars.

2nd. From the various delays attending the removal of the dam, the work was not commenced until the 1st of June, and many parts of the new feeder not until the fifteenth. The loss sustained by the Company in consequence of this removal is fully stated in my letter of the 30th June last, to which I will refer you.

The water was let into the feeder from Grand River on the 7th of October; was immediately turned off to afford an opportunity of extending the security of the dam, and was not finally raised until November 6th. and from the extensive reservoirs to fill the Canal

was not fully supplied until the middle of that month.

The cut to intersect the Niagara and Welland Rivers, proved a far more formidable work than we anticipated, the earth very hard and difficult to be excavated, particularly under the bed of the two Rivers. It is now finished, with the exception of removing 400 yards of loose earth by means of a scraper or dredging machine, which may be accomplished in a very short time.

Part of the towing path on the Welland River is finished, the remainder is in progress and may be finished next month, that on the Niagara River will require only a few days work when the navigation will be completed.

The work on the main ship canal will speak for itself, and will I trust silence those evil reports so industriously circulated against it,—the canal has been filled with water, the truest level and the best test, and I can only add that I feel fully satisfied with the result.

From the difficulties met with at the Grand River, and the increased expense caused by removing the dam, I have altered my opinion respecting the termination of the ship canal in Lake Erie, and recommend the subject to the serious consideration of the Directors. When at the Deep Cut, we are nine and a half miles from the mouth of the Welland in the Niagara River, and only eleven and a half miles from Lake Erie, at or about the Sugar Loaf, consequently should our canal terminate at that point a vessel would reach Lake Erie, twenty-eight miles above Buffalo, nearly as soon as she will the mouth of the Welland, eighteen miles below Buffalo, thereby gaining 44 miles, and this is effected by a comparatively trifling expense.

Three good situations offer on the shore of Lake Erie, in this vicinity, for harbors—viz:—Steel's, Grabiel's, and Kennard's Bays; from either of these until it intersects the line of the Canal in the township of Wainfleet, near Humberstone, the distance is only 4½ to 5½ miles. From this point it will be recollected the canal is nearly all full width and depth to the Deep Cut, so that this distance constitutes the greater part of the expense.

The only sound objection to the Canal's now terminating near the Sugar Loaf, is that Lake Erie is free from ice above the Grand River earlier than it is at this place, which objection is well founded, and together with the inland trade from the interior formed the principal reason why this place was not selected in the first instance; but these reasons are at this time almost wholly removed by the construction of a boat canal from the Grand River, quite ample for all the produce from that country, and will admit the passage of all produce which may arrive at the Grand River before the ice is removed below. This will cause a reshipment, or a delay of the vessel until the Lake is cleared to the lower harbor, and is a fair consideration against the shortness of the passage during the remainder of the year, and the advantages of the situation for a harbor in cheapness and permanency. It may be questioned whether a vessel down the Lake with a fair S. W. or W. wind would not prefer passing down the Niagara River to making the Grand River and towing through the canal, when this being in a direct line would be seen to stop them as the length of the canal would not be increased and the whole circuitous voyage of 44 miles saved.

To finish and complete the Canal on the present plan the ensuing season, the following sums must be provided:—

For finishing the towing path on the Niagara and Welland Rivers, and through the Deep Cut,		$4,477 00
For widening the feeder from the Deep Cut to admit an ample supply of water for hydraulic purposes,		32,615 74
For raising the embankment from the Deep Cut to Lake Ontario,		2,000 00
And for incidental expenses,		5,000 00
It will require to finish the harbor at Lake Ontario on the original plan,		13,989 00
Making in all,		$58,081 74
To continue the ship canal to Lake Erie above Sugar Loaf will require to excavate Canal 4½ miles,	$74,128	
Harbor, (supposed)	15,000	
Additional expense for deepening the Canal from the junction to the Deep Cut,	22,155	
		111,283 00
Total,		$169,364 74

Respectfully submitted,
ALFRED BARRETT.
Principal Engineer.

To the President and
Directors of the Welland Canal Company.

No. 3.

PROSPECTUS.

The great natural facilities presented by the connexion of Lakes Erie and Ontario by a SHIP NAVIGATION, and the advantages which the Commercial and Agricultural interests bordering on and above Lake Erie must derive from an establishment combining regularity, celerity, and cheapness of transportation having been taken into consideration by a few individuals, they have thought proper to submit to the public the following outlines of a plan to form a Company for that purpose, to be called "THE ERIE AND ONTARIO TRANSPORTATION COMPANY," with a capital of $100,000 or £25,000, Canada Currency—to be divided into 1000 shares of $100 each. With this amount it is intended to build a small steam boat on Lake Erie, containing two engines of 40 horse power each, for the purpose of plying between Cleveland and the Deep Cut, Welland Canal, and either to purchase or build two steam boats on Lake Ontario, with similar power, to ply between the Welland Canal Harbor and Oswego, and the Welland Canal Harbor and Prescott—which ports, viz: Oswego, Prescott, and Cleveland, they are to leave regularly *twice a week*, or as often as practice and experience may prove to be necessary. To this line there will be TWELVE

schooners attached; two of which will be constantly at each port, to receive whatever may arrive destined to or from the New York or Montreal Markets, serving the purpose of store houses similar to the North River tow-boats—to pass through the Welland Canal without breaking bulk—meet their respective steamers, and be conveyed to their respective places of destination.

The Company will agree to receive produce at Cleveland, or any other port on Lake Erie, which they may hereafter select, and deliver the same either at Montreal or New York, and *vice versa*, at stated prices, and in a given time.

They propose making a specific contract with some one on the line of Canal boats on the Erie Canal, for the conveyance of produce and goods between Oswego and New York; and likewise with some established Company between Prescott and Montreal, if it can be done at moderate prices, and conformable to their regulations; otherwise they will extend their operations to both those ports direct.

Gentlemen will be appointed to receive subscriptions at the following places, viz:—New York, Albany, Syracuse, Oswego, Montreal, Quebec, St. Catharines on the Welland Canal, Buffalo, and Cleveland, in the State of Ohio. Each person to pay five per cent on subscribing; which money is to remain in the hands of the gentlemen appointed to receive it until the whole number of shares is subscribed, when a general meeting of the Stockholders will be called to appoint a committee of five, to be elected annually, under whose management the designs of the Company will be carried into effect.

The natural advantages this route possesses is simply in the prolongation of ship navigation. It is well known that a great proportion of the expense of transportation consists in loading, unloading, and port charges. Goods are conveyed from England to Montreal for $5 per ton, a distance of 3200 miles; and $5½ is considered a fair price from Liverpool to New York, which is the same distance; whereas, the current price of freight from Quebec to Montreal, 180 miles, per steamboat, is $1½ per ton. In order that it may be more clearly understood, the following numerical calculation is subjoined:—

The present price of transportation between Cleveland, in the State of Ohio, and New York, is as follows:—

Cleveland to Buffalo, 180 miles	$ 1 75
Storage at do	0 75
Buffalo to Albany, 362 miles, at 3 cents per ton per mile	10 86
Albany to New York, 150 miles	1 50
	$14 86

The lowest price for freight down, or eastward, is $14 50 per ton.

The price now paid from New York to Buffalo is $19 89 per ton; to which add $1 26 for storage and $1 75 for lake navigation—making a total of $22 90 for freight up, or westward.

By the Welland Canal route:—

Cleveland to Port Maitland, Grand River,	140 miles	
41 Welland Canal (including River Welland) Port Dalhousie to Oswego	120 miles	
Lake	260 miles	$ 2 17
198 Oswego to Albany		
239 miles Canal, at 3 cents per ton per mile		7 17
Albany to New York, river, 150 miles		1 50
		$10 84
For return freight between New York and Cleveland, add for 239 miles canal navigation, 1½ cents per ton per mile, being the additional toll, up		3 58
Additional river freight from New York to Albany		1 00
		$15 42

Saving in descending $4 2 per ton, and in ascending $7 48; and we shall likewise gain one or two days in time.

It will be observed that the greatest length of Canal navigation is allowed, as by the Niagara and Welland rivers there is only 16½ miles from lake to lake.

This route may be so arranged that *passengers* may be taken from Cleveland to Oswego in *two* days.

The present price of transportation from Lake Erie to Montreal, and *vice versa*, is as follows:—

	Miles.			
Lake Erie to Chippawa	18			
Storage at do				
Chippawa to Queenston	11			
Storage at do				
	29	miles		
	per ton	£	s	d
Queenston to Prescott	270	0	12	6
Prescott to Montreal	120	1	5	0
		£3	0	0
Montreal to Prescott, up		£3	15	0
Prescott to Ontario		1	0	0
Ontario to Erie		1	17	6
		£6	12	6

By extending this navigation so as to embrace the whole length of the lakes, it is expected to convey produce from Cleveland, in the State of Ohio, to Montreal, as follows:

	Miles.	
Cleveland to Welland Canal	140	
Welland Canal to Prescott	270	$3 42
Length of Welland Canal	41	1 23
Prescott to Montreal, down	120	5 00
Total £2 8s. 3d. for	571, or,	$9 65

Montreal to Prescott, up.....	£3	15	0
Prescott to Welland Canal, and Welland Canal to Cleveland.....	0	17	1
Through Welland Canal, 41 miles, at 4½ cents.....	0	9	3
	£5	1	4

Making a saving of 11s. 9d. per ton on the present price down, and £1 11s. 2d. per ton up; besides including the distance from Cleveland to the Welland Canal, 140 miles. Thus a barrel of flour, which now requires $1 50 from Cleveland to Montreal, will only cost $1.

The vessels on Lake Ontario, destined to carry produce to Prescott, will be British bottoms, and those to Oswego, American.

No. 4.

MINUTES OF BOARD FOR 1829.

At a Meeting of the Directors held at York, January 1st 1829.

PRESENT:

The Hon. John H. Dunn, *President.*
H. J. Boulton Esq, *Vice President.*
The Hon William Allan,
John B. Robinson, and
Wm. Hamilton Merritt, Esqrs.

Mr. Merritt having attended at the request of the other Directors, submitted a Report from Mr. Geddes of a Survey made by him and Mr. Barrett, for the purpose formerly considered by the Directors, the result of which survey appears to make it inexpedient to proceed in the plan of taking the water down from the Grand River above Bears foot Rapids by a Feeder—a difficulty occuring from a height of land in a place where it was not anticipated.

Mr. Geddes fully confirms by his opinion the judgment of Mr. Barrett formerly expressed in favor of damming the Grand River near the mouth, and thus obtaining a few feet rise of water upon the level through the marsh.

After discussing several propositions submitted to the Board, it was *Resolved*, by the Directors that the most expedient is to dam up the Grand River near the mouth—to proceed in cutting through the marsh for a Feeder to be conducted to the bank of the Welland, at or near Helm's Creek—construct an Aqueduct over the Welland at that point, and dig a Feeder from thence on the North side of the Welland to the Deep Cut—construct two Locks by which Vessels may ascend from the Welland to the Deep Cut upon the proposed level to be procured by means of a Feeder along the Welland.

It is also proposed to complete a Towing Path down the Welland River to the mouth, and to make the Cut across the point formerly estimated for. It is estimated that to finish the Deep Cut, including 2 Locks will cost,.....£18,150
From Lake Ontario to Deep Cut,..... 15,000
" Mouth of the Welland to Deep Cut,. 15,000
Feeder from Grand River,..... 26,850
Dam on Grand River, and Aqueduct over the Welland,,..... 15,000

£90,000

Assuming these calculations as they have been described to be made with care, to be reasonably correct, the Directors *Resolve*, That Contracts shall be entered into for the several portions of this work to be done with as much expedition as shall be advantageous.

By the expenditure of a sum upon which they can reckon as they trust with certainty, they shall with the least possible delay complete a Navigation capable of having it used with Schooners from Lake Erie to Lake Ontario—the part of the channel already finished from the Deep Cut to Lake Ontario will be brought as soon as possible into use, which is very desirable for the proper preservation of the Locks—the practicability of the whole work would be established—the hydraulic advantages will be realized—and as the Locks will be constructed with a view to Sloop navigation, nothing will remain but to give to the Canal from the Welland to Grand River sufficient depth and width for navigating by Sloops and Schrs.—a work which can be effected in the winter, and respecting which there can be neither doubt nor difficulty.

To carry this plan into effect the Agent is authorized to let out the Locks and necessary excavation at the Deep Cut immediately, at the estimate of the Engineer, and that public notice be given that the remaining parts of the work will be let out by Contract on Saturday the 31st instant.

It is however determined by the Board that no Contract for the dam across the Grand River shall be entered into unless the Contractor shall give undoubted security to be approved of by the Directors at a special meeting, that he will complete it for the price agreed upon, and that it shall remain good and substantial 5 years.

It is also directed by the Board that the expenditure of any money between the Deep Cut and Lake Ontario shall be forborne to the latest period consistent with the due preservation of the work already done, and with the having that portion in readiness to be used when sufficient water can be brought through the Deep Cut.

And that the making any Contracts for the towing path down the Welland River, and the Cut at the mouth be also postponed to the latest period that will admit of its being finished, so that it can be used for Navigation upon completion of the works required to bring the water through the Deep Cut.

January 21st, 1829.

At a meeting of the Board of Directors, at St. Catharines.

PRESENT:

H. J. Boulton, Esquire, *Vice President*,
George Keefer, and
William Hamilton Merritt, Esquires.

The minutes were read and confirmed.

Mr. Adams' proposal to rent the mills formerly belonging to Mr. Merritt was read and accepted on the following terms, viz :

Rent 1st year,..... £50
" 2nd year,..... 75
" 3rd to 10th years,..... 100

Nevertheless if the water does not come down this year only £50 is to be paid the second year, and £75 the third. Mr. Adams is authorised to erect machinery and to have the refusal of the premises after the expiration of the term of 10 years, at a rental according to the then value of the mill privilege, &c., and if such valuation is objected to the erections and improvements made by Mr. Adams to be valued by two experienced mill wrights and paid for by the Company.

It was moreover agreed to purchase 2½ acres of land adjoining the said privileges—to be paid for next June, if the Company is in funds, if not, as soon as the Canal is finished.

Advertisements having been issued for proposals to be received this day for erecting an acqueduct across the Welland River—a dam across the Grand River, and to excavate a feeder from the Grand River to the Deep Cut : the Board proceeded to examine the several proposals, when the following being the lowest, they were approved of, and contracts ordered to be entered into with the respective persons accordingly, viz :

Brush Dam across the Grand River, as per plan and specification, £2,625.

Lock adjoining do. at the same price as others now erected on the canal of like dimensions.

Embankment 18 cents per cubic yard.

Lock-pit, Embankment and Puddling, as per Estimate of Engineer.

Messrs. Wilkinson, Simpson, Monson, and Pratt.

Mouth of River Welland.

11 or more chains excavation 12 cents per cubic yard.

Messrs. R. Campbell and George Rowe £875.

Aqueduct across the Welland.

Piles to be paid for extra, 7s. 6d. each.

Messrs. C. Phelps, Brundage, and Lewis.

	Chopping per acre.	Grubbing per acre.	Excavat'n per yard	Embank't per yard.
Feeder 1 to 5—Lemen Ayres, & Co.....	$14	$50	10 cts.	12 cts
" 6 to 13—T. Merritt,.....	$30.			
" 14 do.	10	50	12	12½
" 6 to 10 do.			9½	
" 10 to 13 do.			9¼	
" 15 to 21—Peter Keefer, & Co...	12	50	11	12
" 22 & 23—T. McMahon,.....	16	60	8	9
" 24 & 25——McGill, & Co.....		65	8¾	8½
" 26 & 27—J. Berger, ...				
" 28 & 29— Scott and Galbraith, ..	12	50	10½	10
" 30, 1, 3 4—Trotter, & Co.....		50	11	10
" 30 do.			10½	
" 32—S. Sixsmith,	6	35	8	9½

Monday, 2nd February, 1829.

The Board, accompanied by Mr. Barrett, proceeded to the Grand River, to decide the best situation for the dam and lock, and examined the whole line of the Canal.

Friday 6th, Saturday 7th, & Monday 9th.

The Board was engaged executing contracts and settling claims upon the Company which had been postponed until Mr. Merritt's return from England, and referred to him and Mr. Barrett.

TUESDAY, *Feb.* 10, 1829.

At a meeting of the Board, held at Mr. Keefer's, Thorold.

PRESENT :

Henry J. Boulton, Esquire, *Vice President.*
George Keefer, and W. H. Merritt, Esquires, } *Directors.*

The annual report was read and approved—200 copies ordered to be printed.

Resolved, That Messrs. Monson and Simpson have their final contract on the marsh continued, and that in consideration of the Company having made an alteration of the work it is ordered, that they be paid 13 cents per yard for the work abandoned, the one-eighth retained to be paid on the canal being finished, and not on completion of the feeder, unless the same is not continued within 12 months thereafter—in that case it is to be paid up.

Mr. Simpson having represented the necessity of cutting an extra ditch to drain the main feeder,

Resolved, That if in the opinion of the Engineer the ditch is necessary, he order it to be done.

J. Martindale delivered proposals to extend the waste weir at harbor.

Resolved, That he be required to submit a statement of the amount of damage for the future consideration of the Board.

6th April, 1829.

At a general meeting of the Stockholders of the Welland Canal Company, held this day, in pursuance of the act of Incorporation for the election of Directors for the year ensuing.

PRESENT :

George Keefer, Esquire,
J. B. Yates, Esquire, and
W. H. Merritt, Esquire.

On close of the ballot the members were as follows:—

The Hon. John Henry Dunn.....104
The Hon. William Allan,.....104
John B. Robinson, Esquire,.....104
Henry J. Boulton, Esquire,.....104
George Keefer, Esquire,.....104

who, with John J Lefferty and Robert Dickson, Esquires, chosen by the Legislative Assembly, constitue the Board of Directors for the year ensuing.

May 5th, 1829.

At a Meeting of the Board of Directors, held at St. Catharines, this day.

PRESENT:

The Hon. John H. Dunn, H. J. Boulton, Esq.
John B. Robinson, Esq. George Keefer, Esq.
John J. Lefferty, Esq. and Robert Dickson, Esq.

A ballot took place according to law, when the Honorable John Henry Dunn, was elected President, and Henry John Boulton, Esquire, Vice-President, for the ensuing year.

The Board being duly constituted,

The minutes of last meeting were read and confirmed.

The advance made by Mr. Dunn, since the last Board, on account of estimate, amounting to £3143 5s. 6d., was confirmed.

At an adjourned Meeting of the Board, held at St. Catharines,

FRIDAY, 8*th May*, 1829.

PRESENT:

The Hon. John H. Dunn, *President.*
Henry J. Boulton, Esquire, *Vice-President.*
John B. Robinson,
John J. Lefferty, and
George Keefer, Esquires, } *Directors.*

The President and Directors on the 6th and 7th instant, inspected the Grand River in order to determine upon a proper site for the proposed dam, having found it necessary from the objections advanced by the Naval Department to abandon the further prosecution of the dam near the mouth of the River; after an examination of the banks it appeared to the Directors that it is expedient to construct the dam nearly opposite the limit between Moulton and the Indian lands, and about 4½ miles from the mouth of the River.

The change of situation having been communicated to Mr. Wilkinson, who in Company with Messrs. Monson, Simpson and Pratt, had agreed with the Company to build the dam at the place first selected near the mouth of the river, and it being requested of him to make an offer for constructing the dam in the place now chosen, having examiued it personally in Company with the Directors—Mr. Wilkinson proposes on behalf of himself and the others above named to undertake it for the sum of £12,500, and to warrant it to stand firm and complete for one year from the time of its being finished.

The Board resolved to accept of the proposal on the condition that Mr. Wilkinson shall in person superintend the work constantly during its progress, and that it shall be completed by the middle of July, or so soon as the feeder from the Grand River to the Deep Dut shall be finished.

The guarantee of the work is understood to extend to the whole of the dam and to the proper and sufficient connexion of the abutments with the embankments. The proposal is founded upon the presumption that the Company shall procure permission for the gravel and sand to be taken from within the mouth of the Grand River.

It is also understood that the contractors shall have the option of making one half of the embankment on the South side of the Grand River upon the estimate of the Company's Engineer, and that whatever earth they may find it necessary to excavate to be used in making roads on the dam shall be allowed on the estimate of the Engineer, if made under his direction, so as to answer for the lockpit or feeder.

A lock is to be constructed in the dam in such place and of such dimensions as the Company's Engineer shall direct upon the same terms in proportion to the dimensions as was allowed to Mr Phelps for the locks last constructed by him—Mr. Phelps to be joined in the contract for the lock.

The contractors having applied to the Company for permission to occupy a site for a saw mill for the term of 10 years, offering to pay for the same at a rent of £18 15s. per annum, and at the end of the term the lessees to have the refusal at a rate to be thus fixed.

The Company will allow the contractors the use of the scows belonging to them until the work is completed.

Mr. David Thompson attended the Board and urged a claim upon the Company for compensation for loss in being obliged to relinquish his contract at the Deep Cut in November last in consequence of the slide which compelled the Company to discontinue the excavation.

He represented that he had then on hand 46 yoke of cattle which have been since in a great measure useless, and other stock which he still retains, and he wishes the Company to take the cattle off his hands.

Resolved, That Mr. Thomson be informed that they decline taking his property—that if he conceives he has any fair claim to urge against the Company for loss on his contract he must prefer the same when the work is finished.

Resolved, That the Engineer be directed to proceed immediately to lay out the dam, embankment, and feeder from the Grand River, locating the dam at or near the situation to be pointed out by the Agent (being that which appeared to the Directors to be preferable) unless the Engineer finds some good reason for suggesting an alteration, which he must in that case report immediately to the Board, with an estimate of the probable difference in expense to be occasioned by such alteration—the site for the dam to be approved by Mr. Wilkinson the contractor.

Resolved, That the Engineer be required to survey the land that will be overflowed, describing the quality und quantity of timbered land, together with the names of the owners and occupiers, and nature of any improvement to be effected.

Resolved, That a circular be sent to every contractor, informing him that the time originally engaged for finishing the feeder be extended to the 1st of June, and that so soon after as his contract is finished and received by the Company he shall be employed with all his hands on another contract at the same price it is already contracted for, and continued thereon till the water is brought through, requiring at the same time that no greater extent of surface be broken up than each contractor can finish to bottom.

Resolved, That the Agent advertise for receiving proposals for excavating the Feeder from the main Canal to the Dam and one half the embankment opposite thereto on 30th instant, the same to be finished by 15th July, the Section to be laid out by the 20th instant and specification ready by the 25th.

Resolved, That Newlove and Porter be allowed to take 3 chains of their job on Canal to bottom.

Resolved, That Robert Campbell be allowed 14 cents per yard for his job at the mouth of the Welland instead of 12, originally contracted for, the excavation proving more difficult than was anticipated.

Resolved, That Mr. Phelps be recommended to advertise for sale by public auction all the Carts, implements, and property belonging to his job at the Deep Cut.

Many applications having been made for compensation for damage, and for land taken by the Canal, &c.

Resolved, That George Keefer, J. J. Lefferty, and Wm. H. Merritt, Esquires, be appointed a Committee with power to negotiate with the several claimants and settle the amount of damage if it should appear to them just and reasonable—if not, such claim to be submitted to the Board.

Resolved, That Messrs. Wilkinson & Co. be advanced £250 on the Dam.

Messrs. Wilkinson & Co. presented an account of expenses incurred in preparing to erect the Dam near the mouth of Grand River, amounting to $454, 50, besides timber and embankment

Resolved, That they be allowed ½ the cost of the hay, the quantity to be estimated by the Engineer—$15 for rent of house, and $10 for shanty and blacksmith's shop.

Mr. John Clarke's Letter, requiring further compensation for his services was re-considered.

Resolved, That the Board are of opinion that the compensation awarded to Mr. Clark is ample, and therefore they have not the power to alter their former decision.

Mr. Martindale's claim for compensation—referred to committee appointed for such purposes.

Bell, & Co. applied for extra work, &c.—referred to Mr. Barrett—the House to be allowed them till the Company require it.

Decow's claim referred to committee.

Mr. Yate's letter to be re-considered next Board.

Mr. Barrett's application for increase of salary—deferred till next Board.

Shaver's application referred to committee.

Mittleberger's letter to be re-considered—Engineer to report.

Mr. Cumming's letter referred to Committee.

Resolved, That a letter be written to His Excellency the Lieutenant Governor for leave to take sand from mouth of Grand River.

July 2nd, 1829.

At a meeting of the Board of Directors, held at the Bank of Upper Canada, York.

PRESENT.

The Hon. John H. Dunn, *President*.
Henry J. Boulton, Esq., *Vice President*,
The Hon. William Allan, and
John B. Robinson, Esquire.

The estimate of Engineer of work performed since March 10th was laid before the Board, amounting to £12,465 9s, of which £10,656 15s. 10d. has been advanced, leaving a balance of £1,808 13s. 2d., which was examined and ordered to be paid.

Mr. Merritt exhibited the following statement of the funds—A.

(COPY.)

JULY 2nd.

A. We require on this estimate	£1818	0	0			
and for the present month	1590	0	0			
				£3398	0	0
To meet which, we have—						
In the Bank	2833	16	4			
Draft on Messrs. Bosanquet & Co.	1130	0	0			
				£3963	16	4
Leaving a balance on hand—				£ 565	0	0

On the 1st of August we shall require at least		£6125
To meet which we have—		
In the Bank	£ 565	
Due in Montreal	380	
Notes on Phelps' sale	2000	
Balance New York & Ellice	78	
New Stock in London	4481	
	7504	
Leaving a balance of		£1379 providing the Bank will advance money on the above.
On 1st September will be required to fulfil engagements on Canal		£6125
Compensation for land due 16th August		1422
		£7547
To meet which—balance as above	£1379	
Security on Carl's Farm	750	
" Vanevery's Farm	250	
" Swaizy's Farm	1,000	
15,000 Acres in Wainfleet, worth £30,000—say	15,000	
	18379	
Leaving an additional security of		£10832

In addition to which the mill privileges next year will produce £600—viz :—

Lake Ontario	£ 50
G. Adams	100
St. Catharines	100
Phelps'	50
Keefer's	100
Davis'	100
Aqueduct	25
Grand River	150
	£625—which

will secure the interest on £10,000 without reference to navigation.

The above does not include the advances agreed to be made by the Canada Company, £6000, and by Ellice & Co. £15,000 = £21,000.

Messrs. Ellice having refused to comply with their agreement, and it appearing doubtful if the Canada Company will fulfil theirs, it was

Resolved, 1st. That the President, Mr. Robinson, and Mr. Merritt, call upon his Excellency the Lieutenant Governor this day, lay the statement before him, and ascertain whether he will guarantee the payment of a loan of £10,000, in case the Canada Company do not fulfil their engagement, in order that no delay may take place in finishing the canal, and that the money be timely provided for fulfilling the engagements of the Company.

Resolved, 2ndly. That the President draw immediately on the Court of Directors of the Canada Company, and accompanying the draft with an explanatory letter stating our present favorable prospect, and request Mr. Allan and Mr. Jones, the Commissioners of the Canada Company in York, to make their observations on the same.

Resolved, 3rdly. That the statement for August be drawn up and submitted to the Bank of Upper Canada to ascertain whether they will make the necessary advances thereon.

Ordered, That the Agent proceed immediately to the Marsh, and place on as many men as can be employed in accordance with the Resolution of 8th May last, with a view of having the same finished by the 1st of September.

August 13th, 1829.

At a Meeting of the Board held this day at Forsyth's Tavern, Niagara Falls.

PRESENT.

The Hon. John H. Dunn, *President*,

George Keefer, and J. J. Lefferty, Esquires. } *Directors.*

The minutes were read and confirmed.

Mr. Clark's letter was taken into consideration—deferred.

Messrs. Wilkinson's do. do. do.

The estimate for July was laid before the Board £7068

on which account has been advanced £1500
and a draft was signed for 4000
—— 5500

Leaving a balance due of £1568

Mr. Phelps' and Mr. Thomson's application for mill seats at Grand River—deferred.

Mr. Robb applied to purchase a lot of land on the marsh—rejected.

Mr. Dawson's letter 11th June, was read—

Ordered, That a certificate be forthwith sent to Messrs. Bosanquet & Co., and that they be drawn upon for the amount of Mr. Blacou's stock according to the periods mentioned.

Mr. Phelps presented a proposal to build a small lock at the Grand River, including the excavation connected therewith for £225, which was accepted.

Resolved, That the buttments of the bridge at at Chippawa be 40 feet wide.

Resolved, That Carl's Farm be purchased for £625. The President agreed to give a draft to that amount—the deed to be made in his name till he is repaid.

Resolved, That Mr. Proctor's letter be referred to Mr. Yates.

Resolved, That the following letters be considered next Board—Mr. Misener—Mr. Barrett—Mr. Macdonald, and Mr. Mittleberger.

September 24th, 1829.

At a meeting of the Board of Directors, held at Niagara.

PRESENT.

Henry J. Boulton, Esqr. *Vice President.*
George Keefer, J. J. Lefferty, and
Robert Dickson, Esquires.

Many applications having been made for lots of land on Wainfleet Marsh, it was

Resolved, That lots of 50 acres each adjoining the Canal be leased for 5 or 10 years, with the option of the tenant purchasing the land at the expiration of the term at the lowest price which may be fixed on for the whole tract—or to pay him for its improvements.

Resolved, That the mill privileges on the line of the Canal be let for the term of ten years, as under.
Grist mills, for each run of stones $100 per annum.
Saw mills, for each do. $100 "
and other machinery in proportion, and that notices be printed and circulated accordingly.

Resolved, That in order to meet the present expenditure, which is absolutely necessary to let in the water for the purpose of opening the navigation as well as placing the locks and other works in a state of security during the winter, it is expedient to obtain the sum of £10,000, which it is understood by the Directors the Lieutenant Governor will sanction, provided the Directors guarantee His Excellency from all personal responsibility.

It is therefore further *Resolved*, and the President, Directors, and Agent of the Welland Canal Company do hereby agree to save, defend, and bear harmless the Lieutenant Governor of this Province of and from all personal risk or responsibility for making such advance, and do moreover engage to see the said sum of £10,000 repaid within a reasonable time after the Canal is in operation.

22*nd October*, 1829.

At a meeting of the Directors held at Bradley's Hotel, York,

PRESENT:

The Honorable John H. Dunn, *President*,
Henry J. Boulton, Esquire, *Vice-President*.
& the Hon. William Allan.

Resolved, That a Petition be presented to His Excellency the Lieut. Governor to bind the Government to become answerable for the Loan of £10,000.

Resolved, That an application be made for a free passage of American Vessels, and that the Collector of Customs be notified thereof.

Resolved, That in order to preserve the banks of the Feeder, the Aqueduct, Towing-path, and other erections on the Canal—By-Laws be drawn up and a scale of tolls be prepared by the next meeting of the Board, and for the purpose of establishing a Turnpike Road.

Resolved, That the Lots of Land on the Marsh in Wainfleet and Humberstone be let for the term of 5 years at the rate of $5 per annum for each Lot of 50 acres.

Resoloed, That notice be given by the Agent that no person or persons be permitted to navigate the Canal at a rate exceeding three miles per hour.

29*th October*, 1829.

At a meeting of the Board of Directors, held at Bradley's Hotel, York,

PRESENT:

The Hon. John H. Dunn, *President*.
H. J. Boulton, Esq. *Vice President*.
& The Hon. William Allan.

It having been represented by the Company's Agent that to ensure a permanent and ample supply of water for all purposes, as well as to effect a perfect Boat navigation it is indispensably necessary to open the Feeder through the marsh to 20 feet bottom and slopes 2 to 1, and having every confidence that sufficient funds will be raised during the winter to pay the expenses thereof, it was

Resolved, That Messrs. Monson, Simpson & Co. be settled with, and their Contract be given up at the next meeting of the Board, and that in the meantime public notice be given that Contracts will be entered into for the above purpose on the 15th November or 1st December next—payments for which will be made by the Company on completion of the work in April next.

Resolved, That the Towing-path on the Niagara River be repaired forthwith so as to answer the immediate purpose of towing thereon.

The Directors (feeling sensible that the Stockholders will not derive all the advantages anticipated on completion of the Welland Canal until it is extended to Lake Erie by the upper route on the original extended scale, which they are not at present able to accomplish with their present funds) conceive it desirable that some person should be despatched to England to make an immediate application to the Home Government for a gratuity or Loan, and to dispose of the Stock on hand, and John B. Yates of New York, Esq., having consented to undertake the mission—it is

Resolved, That the Agent select from the Office such documents and papers as he may deem necessary, and deliver copies of them to Mr. Yates, and that a Report be laid before the Board at their next meeting, together with all such papers as may be thought necessary to furnish Mr. Yates with for the better securing the object of his mission.

The Bank of Upper Canada having loaned the Welland Canal Company £3000 for the purpose of paying off the laborers, and the sum of £7000 more being required to pay off other demands of the Company, the propriety of issuing Bills was taken into consideration. Mr. Yates, one of the principal Stockholders, being present, he was consulted on the subject, who thinks by making them payable at each of the Canal Offices—at St. Catharines, New York, or Montreal—arrangements may be made to establish nearly their full value—it was therefore

Resolved, That Bills of the following description be printed, and submitted to the next meeting of the Board—viz.

£12 10—One year from the date hereof—for value received, the Welland Canal Company promise to pay A. B. or bearer, the sum of Twelve Pounds Ten Shillings, with interest at the rate of six per cent, at either of their offices—St. Catharines, Montreal, or New York, the holder giving 30 days notice to the office when payment may be required, the above being part of a loan of £10,000, authorised by the Board of Directors the 1st day of November, 1829, in witness whereof the said Company have affixed their seal the 1st day of November, 1829.

The Agent was required to furnish Mr. Yates with a copy of the above resolution, and to request he will take the earliest opportunity of furnishing the Board with the result of his application in New York to redeem the bills if required.

The Bank having agreed to lend the Welland Canal Company the sum of £3000 on the President's bond, payable in 12 months.

Resolved, That a bond be executed accordingly.

31*st December*, 1829.

At a Meeting of the Directors, held at the Bank of U. C., York,

PRESENT:

The Honorable John Henry Dunn, *President*,
Henry John Boulton, Esquire, *Vice President*,
& The Hon: William Allan.

The subject of addressing the Home Government was taken into consideration, when it was determined to send anapplication by Mr. Yates for the one—ninth cost of the Canal originally granted to the Company.

Resolved, That a petition be presented to the Legislature of Lower Canada to loan or take stock to the amount of £12,500.

The Annual Report was read, approved, and ordered to be printed, if no objection is made by the absent members.

Resolved, That a bill be drawn upon J. B. Yates, at 90 days, for £500, in favor of the Bank of Upper Canada.

IN THE YEAR 1830.

During this year a very critical examination of the accounts of this corporation was entered into by a committee of the House of Assembly as will be more fully seen by reference to the proceedings & balance sheet, [hereto appended, marked No. 1.]

There was a grant made of £25,000, as will be seen by reference to the Act of Parliament [appended hereto, marked No. 2.] for detailed proceedings—widening route, making towing path on Welland, Niagara, and Grand River—reference is made to the minutes of this year [hereunto appended, marked No. 3.]—and also the annual report of the Directors for this year, [appended hereto, marked No. 4.]

The first Commissioner, Robert Randal, Esq., was this year appointed to examine and report on the state of the Canal. The Director of 1835 (Mr. Mackenzie) was a member of Parliament for that year, he was also a member of the committee who signed that report, and examined all the witnesses from the immediate neighbourhood of the canal at the time, most of whom it was supposed entertained feelings or prejudices against the work; he was the individual who actually drew up the report, and had all the books, vouchers, and accounts then before him—if wrong, why not then noticed? or why should he have there placed the following favorable commendation on them?

"Charges of mismanagement having been publicly
" made against individuals connected with the Com
" pany, among others by Mr. Gordon, once the Trea-
" surer, and a relative of Mr. Merritt, and by Mr.
" Clowes, formerly an Engineer on the Canal, your
" Committee were more strict and careful in their
" examination of the books and accounts of the
" Company than they might otherwise have been,
" but although they have met with occasional char-
" ges against the Company, perhaps not so moderate
" in amount as would have been willingly paid by a
" private individual, and although the transactions in
" the books embrace an expenditure of A MILLION
" OF DOLLARS AND UPWARDS, THEY SAW VERY LIT-
" TLE INDEED TO CENSURE."

After all the investigation now made, but one solitary alteration appears on any item contained in that Balance Sheet—the payment to Mr. Phelps of £95 10s. 4d. which has not been satisfactorily accounted for. The letter from Mr. Gordon, Clowes, &c, are also noticed, and the greatest vigilance exercised in consequence. Again the same individual is appointed Secretary to the said Commissioner. He goes over and examines the entire line of Canal with the Commissioner, who quotes the following passage of the Act:—

"As the 13th Section of the Statute requires every minute and particular examination of the Deep Cut to be made in order to ascertain as far as practicable the probability there is of the stability or instability of the Banks;" "also in addition," I have availed myself of the experience of a master carpenter in matters appertaining to his line of business, and obtained the advice and assistance of professional and other persons in whom I could place confidence in all such matters as seemed to me to require counsel and information. A great deal of doubt has been thrown on the stability of the locks, and perhaps some of them may give way—*but I have not had reason to apprehend such casualty from anything which came under my observation.* I examined the locks one by one very carefully as required by the Act, and consider them, *upon the whole*, as *fine a specimen*, both in *design* and *workmanship* as any others which have come under my observation on this continent. I ascertained, by enquiring at the carpenters, that the timber employed has been cut down at a proper period of the year, and not when full of sap—and that it was afterwards seasoned. The Lock gates, however, should be made of sunk oak or timber that has been immersed some time in water, and afterwards thoroughly dried—such timber is difficult to work, but makes a superior job; and it is well known, that Canal lock gates are in Canada exposed to great changes of climate, being, from the duty they perform, neither wet nor dry. Has not the prediction of Robert Randall, Esq., the Commissioner, been verified by the testimony of Mr. Hall, in answer to question No. 133—and of Mr. Keefer in answer to 710, that only two of those locks have ever given way in foundation since the time alluded to.

With respect to Deep Cut, the Committee are referred to the passage under this head, in the Report of the Select Committee above alluded to.

The Committee will see by those documents, that a careful examination of the accounts were entered into in 1830. Mr. Black, the Secretary, was in attendance with the books—every account was at the time strictly examined, and every voucher produced and a favorable Report then made, at a time when every subject was fresh in the recollection of the witnesses, who were, from the immediate neighborhood of the Canal.

They will also see that the Directors of the Welland Canal for 1835, who drew up the Report above referred to for the Committee, also drew up the Report of the Commissioner Robert Randall Esq., who was appointed by this House for the express purpose of examining the Canal, by a special Act of Parliament—and that he was also associated with the Commissioner as an assistant in examining the Canal, as

will be seen by the following item in the Commissioners' account of expenses.

"To W. L. Mackenzie, acting as Secretary to the "Commissioners' and assisting in examining "the Canal, with expenses to 1st of June, "1830.....£34 0 0

In another part of the Report he makes the following remark—

"I heartily concur with Captain Basil Hall in the opinion he has expressed 'that to Mr. Merritt's perseverance and knowledge of the subject, as well as his great personal exertions, this useful work stands mainly indebted for its success' ".

Is it just towards the Directors or managers of that Company, after this rigid investigation by a Commission, to bring them under a second investigation for the same thing at this distant day? If so, are you most likely to arrive at the truth by taking *his statement* at the time he acted in the double capacity of "*Secretary and Assistant in examining the Canal,*" and when he availed himself, as he states, of the advice and assistance of "professional and other persons in whom he could place confidence in all such matters as seemed to require counsel and information"—or at this distant day, when it is apparent other motives and objects are in view.

During this year the navigation was not only imperfect, but the circuitous route by the Niagara River was found so tedious, that one more direct to Lake Erie from the Welland, became, from practical experience so apparent, that Surveys were made during the year, the Reports of which are hereunto appended. Widening the Feeder also greatly increased the expense, and it was deemed necessary to prevail on Mr. Yates to go to England to endeavor to dispose of the Stock returned on the hands of the Company by the Canada Company and others—also to prevail on the British Government to afford further relief. His report to the Company, and his letter to Sir George Murray, with the answer thereto, are appended hereto. [Marked Nos. 5, 6, and 7.]

The want of capital to procure material to convey produce &c. at this period, was likely to render this communication almost useless. Mr. Yates recommended the Company to establish Store Houses and provide the necessary material to draw a portion of the transit, as will be seen by his Report, in which the Board unanimously concurred—and John Clark Esqr. was appointed to superintend this Department. The Report of the Directors will give the general view of the proceedings—and the minutes a detail.

This year the following Directors were appointed by the Government.

John Johnson Lefferty, and
Robert Randal, Esquires.

And by the private stockholders—

The Hon. John Henry Dunn,
The Hon. William Allan,
Henry John Boulton, Esquire,
Alexander Yates McDonell, Esquire, and
William Hamilton Merritt, Esquire.

Documents referred to in the foregoing remarks.

Report of Select Committee of House of Assembly, of 2nd Session of the 11th Parliament, with balance sheet, &c..... Marked No. 1.
Act of Parliament—11 Geo. 4, chap 11,..... " No. 2.
Minutes of 1830, ... " No. 3.
Report of Directors, ... " No. 4.
Report, &c. of Robert Randall, Esq., Welland Canal Commissioner, with estimates, &c. of George Keefer, Jun., Esq. Civil Engineer, " No. 5.
Mr. Yates' Report to the Board of Directors, ... " No. 6.
Mr. Yates' letter to the Right Honorable Sir George Murray, with answer thereto by the Right Hon. R. W. Hay,..... " No. 7

No. 1.

REPORTS OF A SELECT COMMITTEE OF HOUSE OF ASSEMBLY OF 2nd SESSION 10th PARLIAMENT, ON WELLAND CANAL, WITH BALANCE SHEET, &c. &c.

THE SELECT COMMITTEE *appointed to inquire into the management and expenditure of the Welland and Burlington Canals; and to report their observations to the House; have examined the matters to them referred, so far as respects the Welland Canal, and have agreed to the following Report thereupon.*

YOUR Committee began their investigation into the condition and management of the Welland Canal, by examining the several acts of the Provincial Parliament relating thereto; the Reports of Select Committees of former sessions; and the evidence on which these reports were founded.

Your Committee then proceeded to examine the Books of the Company, which were submitted to their inspection by Mr. Black the Secretary, and to investigate as far as was in their power the various statements of Canal resources and expenditure, which were laid before them by the Directors.

Your Committee obtained the testimony of Mr. Randal, Mr. Woodruff, Mr. Terry, Doctor Lefferty and Mr. Dickson,—all of them members of Your Honorable House, from the District through which the Welland Canal passes, and the two last named gentlemen being the Directors appointed by Your Honorable House, during its last session; they also examined Mr. Merritt the Agent, and Mr. Black the Secretary of the Company; Mr. Hamilton, an extensive land proprietor & ship-owner at Queenston, Lieutenant Wilkinson, a member of the House and who acted as an Engineer on the Canal, Mr. Monson, of St. Catharines, Mr. Whittlesey, of Ohio, and Mr. Marshall Lewis, an architect, who has been employed by the Company. It appears by the Statutes of 1824, that in January of that Year, the Welland Canal Company obtained an Act of Incorporation upon the Petition of Mr. Merritt, the present superintendent, with others his associates. Their capital stock was limited to £40,000; their shares were to be £12 10s. each; the navigation was to be for boats

only of less than 40 tons burthen, with a rail road to descend the mountain, and at the end of 30 years the King was empowered to assume the property of the Canal, on paying to the Stockholders the amount of their shares, and a premium of 25 per cent.

The province was not required to loan any money towards the work nor to purchase any of its capital Stock, it being understood that it would be speedily completed by private enterprise.

It is worthy of remark, that in this outset of the work, the superintendant estimated the probable expense, including the railway, at a sum under £10,000.

In the month of August, 1824, the Board of Directors, employed Mr. Hall and Mr. Clowes, British Engineers, and Mr. Roberts from the United States, to survey the line of Canal and report the best route; these Engineers estimated the cost of a Boat Canal at from 15 to £23,000 only; and Mr. Hall remarked that the general dimensions of this Canal may be "afterwards" enlarged in sections "from an increased facility of boating stuff, stone, timber, &c., at less expense than by proceeding in the first place to execute a commensurate Schooner navigation."

In 1825, the Directors of the Welland Canal applied to the Legislature for authority to amend their charter, and on the 25th day of February, in that year, a resolution passed the House of Assembly, by a vote of 28 to 4, declaring it was expedient to increase their capital, to prescribe the place of commencement and termination of the Canal, and its dimensions and depth, and to take stock in the name of the province to the amount of £25,000. In April, that year, an act passed the Legislature increasing the Company's Stock to £200,000, in 16,000 shares of $50 each, authorising the extension of the Canal for the purposes of Sloop navigation; and appointing the Bank of Upper Canada, Treasurer to the Company.

In January, 1826, two acts were passed relative to the Welland Canal; the first to meet several unforeseen difficulties in regard to private property and the line of Canal; and the second, to authorise the government to add £25,000 to the public debt, and to loan that sum to the Company for 3 years at interest. The Receiver General being required to take from the Company a bond to be made out in the manner and form he might "think most safe and proper." A Committee of the House of Assembly, were at this period, of opinion "that the remainder of the Company's stock would be taken up in England, and that the whole Canal would be completed early in the summer of 1827, for a sum within the amount heretofore estimated," [£180,000] nearly. And the President and Directors in their petition of date Nov. 12th, 1825, declare themselves "sanguine that its entire completion may be expected by the spring of 1827." The House of Assembly voted the loan by a majority of 21 to 12.

In the spring of 1827, however the sanguine expectations of the Directors were not destined to be fulfilled; for the stock was not taken in London; a variety of unforeseen and untoward circumstances "had occurred; and they deemed it necessary to solicit the Province to become partner in the Canal to the amount of £50,000.—A Select Committee of the House of Assembly reported favorably to their views, because (among other reasons) they (the committee) conceived, after examining 17 witnesses, that from the moment the stock would be so taken, "the completion of the entire line of Canal" would be "placed beyond a question." In the House of Assembly the vote was very close, being 18 to 20, after a motion to reduce the sum to £25,000 had failed, by 11 to 26. In his evidence that year, Doctor Lefferty declared, that the Canal could not be completed for less than £300,000, the sum to which the Directors are now desirous to augment their capital stock.

As the Province had to borrow the £50,000, it was provided in the stock bill, that the Company shall pay interest on it until one year after the completion of the Canal; a provision which they have lately discontinued to comply with, although a bond has been given for its punctual fulfilment in the penal sum of £20,000.

Early in the year 1827, the Legislature of Lower Canada subscribed for Stock in the Welland Canal to the amount of £25,000, thereby manifesting a degree of solicitude for the prosperity and welfare of their sister Province, highly honorable and deserving of remembrance.

In the summer of 1828, Mr. Merritt visited England in the capacity of Agent for the Company, and obtained from His Majesty's Government, for 10 years, a Loan of £50,000 Sterling, towards completing the work, at the low rate of 4 per cent interest. He also was enabled to sell a number of Shares of Stock to private individuals.

"The disastrous slips at the Deep Cut," observes Mr. Geddes the Engineer, in his report of December 27th 1828, "present a certainty of expense in attempting to remove them, and great uncertainty as to the successful operation of any remedy proposed"—these slides obliged the Directors to adopt new plans and doubtless delayed materially the completion of the Canal. They had expended £60,000 "during the last season," according to their Report published in January 1829; and would still require £54,662 to complete the undertaking. They here acknowledge that "it seems that there is and must be in great undertakings of this description a precariousness against which neither sagacity nor experience can always effectually guard.

On the 20th March 1829, an Act was passed authorising the Company to assign the Welland Canal and the tolls and profits thereof, and all the funds, property and effects of the Company to an Agent of the Imperial Government, as a security of the principal and interest of the Loan of £50000 sterling, made to the Company in the year 1828. The same Act which authorised the Directors to borrow money to complete the Canal, and to refer certain disputes to Arbitration, incorporated a Company to make a lateral cut to Niagara, altered the Law relative to Directors of the Welland Canal Company, and required the President and Directors to lay an account in detail every year before the Legislature of their receipts and expenditure.

In June last the Directors addressed to the Stockholders an extra Report, in which, after adverting to Newspaper misrepresentation, they proceed to describe, at great length, the state and progress of the

work, bearing testimony "to the indefatigable exertions and judicious conduct of Mr. Merritt," as the Company's Agent; and expressing their continued confidence "in the ability of the Engineer, Mr. Barrett."

Towards the conclusion of this interesting Report they complain that "it has been their mortification "hitherto to find that while with the greater proportion of strangers who visit this Province, the Welland Canal seems to possess a particular interest, "the inhabitants of Upper Canada, in general, appear "to have the most imperfect ideas of the stupendous "nature of this great undertaking, the rapid strides "by which it is advancing to its consummation, and "the immense advantages to themselves and to their "country, which must inevitably follow the successful "termination of a work that it is probable will be "thought hereafter to reflect some degree of credit "upon those by whose encouragement and exertions "it has been supported."

Your Committee have now arrived at the last report made by the Board of Directors, which has been given in evidence, and is appended hereto. It contains the very satisfactory intelligence that a schooner of 85 tons burthen, in company with a smaller vessel, passed between Lakes Ontario and Erie through the Welland Canal in the month of November last; thus at least demonstrating the stability of the locks and the near approach of the Canal towards completion.

By this report it will be seen that vessels drawing 7½ feet water, and not having more than 21½ feet breadth of beam, coming from any ports on Lakes Erie or Huron with produce, may sail down the River Niagara, and from thence by a canal at Chippawa, enter the Welland and pursue their voyage through the canal to Lake Ontario; the distance of artificial navigation being 16½ miles, and the number of locks 34.

It will be seen on a reference to the report of the Attorney General, that he is of opinion that the United States vessels may avail themselves of the great advantages expected to be derived from the Canal.

Charges of mismanagement having been publicly made against individuals connected with the Company, among others by Mr. Gordon, once the Treasurer, and a relative of Mr. Merritt; and by Mr. Clowes, formerly an Engineer on the Canal, your Committee were more strict and careful in their examination of the books and accounts of the Company than they might otherwise have been, but although they met with occasional charges against the Company, perhaps not so moderate in amount as would have been willingly paid by a private individual; and although the transactions in the books embrace an expenditure of a million of dollars and upwards, they saw very little indeed to censure.

Although your Committee spent much of their time examining the books, and found no error of moment, they are, nevertheless, aware that the important questions whether accuracy of measurement and impartiality in giving out contracts have been attended to in all such great undertakings, cannot be solved by the Legislature, but will depend upon the capability, patriotism, and fidelity of the Directors, Agents, Engineers, and other persons employed in the superintendence.

The accounts of the Company are kept according to a system laid down by Mr. Wenham, the Bank Accountant, by which, instead of being balanced annually or semi-annually, they are left open until the several sections of the canal shall be completed, a mode of book-keeping which, however convenient it may be to the Directors, does not render their task of inspection the more easy.

Appended hereto, [and marked A], is the Company's balance sheet, exhibiting the receipts and expenditures, with an abstract; also a statement of the contingencies [marked B.]

The only bad debt by which the Company has sustained loss is a sum of £3,428, lost in consequence of the failure of a Mr. Proctor in New York, who had acted as their agent.

The Company have already paid £4,583 12s. 11d. for real estate near the Canal, and for awards to individuals whose property has been used in its construction.

The Lower Canada Stockholders have paid in £12,825.—The New York Stockholders have paid £72,500.—The Upper Canada Stockholders have paid £2,462 18s.—And the New Brunswick Stockholders £500.

It appears that on a part of the loan from England the Bank only allowed a premium of 8 per cent, although the rate of Exchange was higher at New York at the time the bills were sold, while drafts on that city bore a premium here—nor has the Bank allowed the Company any premium on the instalments paid in New York, in Current money, by the Stockholders.

The sum of £600 and upwards has been paid by the Company in duties on the importation of tools, cattle and materials from the United States.

The expense incurred in excavating the Deep Cut was £86,223 8s. 5d. The cost of the harbor at Port Dalhousie, was £10,264 including the embankment.

The sum estimated as likely to be awarded to the Indians and other persons for damage done at the Grand River and elsewhere, is about £2,000.

The most pressing debts stated by the Agent to be due by the Company, and into the nature and extent of which Your Committee only made that partial enquiry which circumstances permitted—amount to £15,000, including unpaid awards, monies borrowed, contracts performed and labor done.

From an examination of the Company's balance sheet, Your Committee find that £179,514 12s. 6d., of capital stock has been paid in—that £55,555 11s. 2d., is due the Home Government—that £6448 8s. 10d., has been realised in premiums on exchange on London—and that £25,000, with interest, is due the Province, the expenditure amounts to £269,202 11s. 10d., of which £239,633 3s. 6d., is for estimates—£4,444 4s. 11d., for Engineers—£2,138 for salaries—£8,803 17s. 8d., for interest and duties—£4,780 9s. 9d, for certain contingencies, of which a detailed statement will be found in a document appended to this Report. [Marked B.]

On referring to the last report of the Board of Directors, we find that their expenditure is there declared to be £272,795, making a difference of about

£3,000, and for which the Secretary has promised to afford an explanation.—The Directors propose in their report, dated 31st December last, to admit produce upon the Canal for the ensuing year at very moderate rates of toll—a policy of which Your Committee approve, and which they consider likely to prove advantageous both to the Stockholders and the merchant.

With regard to the future management of the Welland Canal, Your Committee would respectfully submit, that in their opinion it is a work likely to become, ere long of vast importance to the trade and commerce of this country; being a ship navigation it will enable schooners to carry their cargoes from the most distant extremity of Lakes Huron or Erie to the Town of Prescott, on the River St. Lawrence, and from thence to Quebec or Halifax, after the navigation of the St. Lawrence shall have been improved. It will facilitate the conveyance of immense quantities of United States' produce to a British market. It will greatly improve the Western section of the province, and give confidence to settlers of capital and enterprise to purchase lands and make settlements therein; it will form the grand connecting link between the most distant parts of Upper Canada, bringing them nearer to each other for the purposes of commerce, and affording a stimulus to their growing industry; it will aid the manufacturing and shipping interests of Great Britain by extending the demand for her merchandise and manufactures; it will admit of being afterwards enlarged in sections to the size of the largest British ship Canals, upon the principle stated by Mr. Hall, whenever the increased wealth and commerce of the country require the alteration; and it will open the navigation into Lake Ontario, at a much earlier period of the year than that at which the Erie Canal is free from ice.

The 13,000 acres of Land, in Wainfleet and Humberstone, owned by the Company, and their Farms, three or four in number, on the line of the Canal, will every year become more valuable.

The water privileges owned by them will soon produce a handsome annual income. One of the witnesses estimated the hydraulic advantages at £1500 a year; another said they could spare water enough to turn 50 mills. Mr. Lewis, the Architect, considers that the water power may be increased to a very great extent indeed.

Should the House decline to offer further aid towards the Canal, it is the opinion of the Agent, as well as of several other witnesses, that it will not be in a perfect state of Schooner navigation next Spring, and it seems to be the general sentiment that the work already performed will receive material injury, if allowed to remain in its present state. A number of persons who have demands upon it for services rendered, or property made use of, would be greatly embarrassed and distressed, were the payment of their just debts withheld; and the advantages of the navigation would be altogether lost, were the work suffered to languish for want of funds.

Your Committee requested from Mr. Merritt a copy of the correspondence which had passed between him and the British Ministry on the subject of the £50,000 Loan, together with a copy of the Act of the Imperial Parliament authorising that Loan; but these documents he had left at St. Catharines.—His explanation of the circumstances which had induced him, on behalf of the Company, to relinquish a sum, the equivalent of one ninth of the cost of the Canal, which the British Government had agreed to pay towards its completion, will be found in the minutes of evidence hereto annexed. Mr. Merritt is understood to have had a power of Attorney from the Board of Directors to act for them in England; but it appears to your Committee not a little extraordinary that the Lords of the Treasury should have refused to loan £50,000, at 4 per cent interest, to an undertaking of such great national importance as the Welland Canal, upon terms less unfavourable, than such as involved the relinquishment of a sum, guaranteed to the Company by a solemn Act of the Legislature now in force in this Province, [or from £15,000 to £30,000] and also an actual surrender of the Canal itself, with its tolls and profits, into the hands of an Agent of the Government by way of security; and in preference to Stockholders who had at that time expended £150,000 upon the work, and who were also about to expend upon it the £50,000 then borrowed.—Mr. Merritt's statement is, that the Chancellor of the Exchequer offered to give £27,000 towards the Canal, or to lend the Company £50,000 and that they accepted the Loan, "our necessities" says Mr. Merritt, "compelled us to forego the offered grant of £27,000, and to accept the Loan of £50,000; but we still expect to get the £27,000."

As the important question, whether a further sum should be granted in aid of the Welland Canal, and, if so, what sum should be given, and under what circumstances a grant ought to be made, will come more immediately under the notice of the Select Committee appointed to consider and report upon the Petition of the President and Directors, praying for aid, your Committee have reported the evidence, taken before them on the subject without expressing an opinion as to the measures which may be deemed expedient hereafter to adopt.

All which is respectfully submitted.

AMB. BLACKLOCK; *Chairman.*
GEORGE LONGLEY,
CALEB HOPKINS,
WM. WOODRUFF,
WM. L. MCKENZIE. } *Members of Committee.*

Committee Room, Commons House of Assembly, January 22nd 1830.

APPENDIX TO FOREGOING REPORT.

MINUTES OF EVIDENCE.

COMMITTEE ROOM,
HOUSE OF ASSEMBLY,
Friday, Jan. 15th, 1830.

Committee met.

PRESENT.

Ambrose Blacklock, Esq.
Caleb Hopkins, Esq.
W. L. Mackenzie, Esq.
George Lhugley, Esq. and
William Woodruff, Esq,

DOCTOR BLACKLOCK, *in the chair.*

JAMES BLACK, ESQUIRE, *called in and examined.*

You are Secretary to the Welland Canal Company, are you not?—I am.

Can you furnish this Committee with an account of the receipts and expenditures of the Welland Canal up to this date?—I produce the same. [See paper marked A.]

Can you furnish this Committee with a statement in detail of the Company's contingent expenses!—I have prepared such a statement in regard to the contingencies, and now produce the same—the other items are to be found in the estimate Book. [*The witness here handed in the paper marked* B.]

Upon what principle did the Bank of Upper Canada charge one half per cent upon £3,000, remitted by them to New York, on the 12th Nov., 1828?—It was a customary charge.

What losses have the Company sustained by bad debts?—We have lost £3,428, by the failure of T. Proctor, in New York—I know of no other loss.

What is the amount paid by the Company for real estate near the Canal, and for awards to individuals whose property has been used in its construction?—£4583 12s. 11d.

WILLIAM HAMILTON MERRITT, ESQUIRE, *called in and examined.*

What capacity are you in with the Welland Canal Company?—I am agent.

What sum has been subscribed and paid by the New York Stockholders in New York to the Welland Canal?—£71,495.

In what manner did they pay this amount?—By instalments in current money of the City of New York, to Yates and McIntyre, the agents to the Welland Canal Company.

Did the Bank allow any premium to the Company on the New York money?—None.

Did the Bank advance money to the Directors without a charge in anticipation of the New York instalments becoming due?—Yes—the Board called in an instalment monthly, as the work required, and drew bills generally through the Bank, at 30 days sight, and perhaps 60. I conceive the Bank were the gainers of the difference of exchange, as it never was allowed the Welland Canal Company.

What premium was obtained upon the £50,000, loaned from England, and upon the other monies obtained from thence?—On £7,500, eight per cent—on £22,500, eightand a half per cent—on £3,700, nine per cent—on £20,000, nine and three quarters per cent—and on £10,200, ten per cent.

At what period did the Bank allow the Company the eight per cent on £7500?—In August, 1829.

When was the sum of £22,500, sold to the Bank at the eight and a half per cent?—The Bank had had that money in their hands from November, 1828, which was the period at which the Company drew the money, lent them by the British Government. The bank credited the Company with the premium in March, 1829.

To whom were the Drafts sold?—All of them to the Bank of Upper Canada.

Has the Bank of Upper Canada, acting as Treasurer for the Welland Canal Company, conferred any advantage on the Company?—I think it has conferred no advantage.

What amount of duties has been paid by the Canal Company on importation of tools, cattle, and materials from the United States?—£631 19 2.

Can you lay before this Committee the Contract or Contracts originally entered into with Mr. Oliver Phelps, for excavating the Deep Cut; with such additional agreements as may have been since entered into with him relative to that undertaking?

We could do so by sending to Saint Catharines.

Do you record in your day-book or waste book, all Contracts made with persons who agree to do work upon the Canal; that is, the rates per yard, or per 100, or as the case may be?

We merely preserve the original Contracts as matters of reference, acquainting the Engineer of their contents, for his guidance in the estimates, in the superintendance of the work.

What has been the expense incurred in excavating the Deep Cut?

£86,223 8s. 5.

What have the Company paid on the average for the Locks up the mountain?

About three thousand dollars each.

Does not the damming up of the twelve mile creek below Saint Catharines, render the neighbourhood unhealthy?

It has made it much more healthy.

What has been the cost of the Aqueduct you have thrown across the Welland?

£1,575:

Of what materials is it constructed?

Of wood.

What was the cost of the Grand River Dam?

Twelve thousand five hundred dollars.

What was the expense of the embankment on the opposite side?

About three thousand dollars.

What sums do you expect to pay to the Indians, and private persons, for property taken for Canal uses, or overflowed on the Grand River and elsewhere?

About two thousand pounds.

Has the last year's interest on the Provincial Loan to this Government, been paid by the Company?

It has not.

What landed property is there belonging to the Company?

13,000 acres in Humberstone and Wainfleet, and three or four valuable farms on the line of the Canal.

What may be the value of the water privileges owned by the Company?

Within two years they will bring us £1,500 a year.

Did not the British Government agree to pay towards the completion of the Welland Canal, £16,000 on certain conditions?

They did.

What were the conditions?

They agreed to do so on condition of the passage of a Law exempting the King's stores from toll, and making the Locks 22 feet wide, which has been done.

Why then have you not had the money?

On the application for a Loan of £50,000 from the British Government, the Chancellor of the Exchequer proposed either to give us £27,000 sterling, payable as follows: £10,000 the first year, and £17,000 the next, or to Loan us £50,000. Our necessities compelled us to forego the offered grant of £27,000 and to accept the Loan of £50,000; but we still expect to get the £27,000.

What is the amount of the Stock subscribed in Quebec and Montreal, the instalments on which were paid into the Lower Canada Banks—including the Government Stock?

Thirty-seven thousand eight hundred pounds.

Did Mr. William Walker, the Agent at Quebec, charge a half per cent for merely receiving £25,000 from the Government, and paying it into the Bank?

He did—he charged £169 16s. 2d. on the whole of the transactions, besides contingencies, being 1½ per cent premium on the private Stock, and one half on the Government Stock.

Did any charge, of agency or per centage, take place in London, in lifting the Loan of £50,000 from the Treasury to the Bankers?

None whatever.

Did the Bank of Upper Canada allow you a premium on these Lower Canada monies?

No.

What was the amount of contingencies charged by Mr. Walker, in the Quebec transactions?

Thirty five pounds sixteen shillings and nine pence.

What did Messrs. Ellice & Co. of London, charge the Company as contingencies on the £50,000 loan?

Only the stamps they paid, amounting to £2 12 9.

What charge did the Montreal agent, Mr. George Davies make?

A corresponding one to that made by Mr. Walker.

What sum did the Harbour at Port Dalhousie cost?

£10,264, including the embankment, Lake Lock, and a part of Section 34.

What is the amount of debts due by the Company?

£15,000; including unpaid awards, monies borrowed, Contracts performed, and labour done.

In case you fail in obtaining a further Loan will the Canal be navigable in the Spring, between the two Lakes?

It will not be in a perfect state for Schooner navigation.

Are the Stockholders in New York perfectly willing that an Act should be passed here increasing the Company's capital?

They have not been consulted, but I see no injury that can arise from the measure, which would certainly place us out of debt, when the Stock was sold.

Can you furnish this Committee with a copy of the annual Report of the Board of Directors, for the last year?

I produce the same (see appendix C.)

What is your practice in regard to sales and leases of the Company's lands or water privileges?

We sell none, but grant leases for ten years: after which the Stockholders will be better able to determine as to the manner of disposing of them.

How many Engineers do you now employ?

One principal and two assistants, who have an annual income of about £800, but they will not be much longer wanted.

When will the Feeder be so widened as to admit of a perfect Boat navigation, between the Welland and the Grand River?

By the first of April, the hands are now working on credit.

Do they accomplish as much work as if they had their daily pay?

The work is not done so low as if regular payments were made—but the men have worked as faithfully as could possibly have been expected.

COMMITTEE ROOM,
Saturday, January 16th, 1830.

PRESENT.

Amb. Blacklock, Esq. *Chairman.*
Messrs. Mackenzie,
Woodruff,
Hopkins, and
Longley.

JAMES BLACK, ESQUIRE, *again called in and Examined.*

Who are the principal creditors of the Company, amongst the Contractors?

Phelps and Co. who have finished the new Feeder—Monson & Co. who have finished nine miles of Marsh—Donaldson, Davis & Co. on the Marsh and Deep Cut—and perhaps forty or fifty other persons who have demands for smaller sums, being balances on their estimates.

How do you make up the sum of £5,352 1s. 6d. in the annual report of last year as being due to individuals for lands, damages, &c?

By the amount of awards to Carl, Burger, Silverthorn and others; and the loans in statement, together with the Grand River claims.

Have you any other information to submit to the Committee?

I am desirous to submit an extract from a Letter I have just received from Cleveland, on the Ohio, relative to the quantity of produce likely to pass the Welland Canal from that place. (Here the witness handed in the paper marked E.)

ROBERT RANDALL, ESQUIRE, *one of the Members of the House of Assembly for the District of Niagara, called in and examined.*

Are you personally acquainted with the state of the whole line of Canal? No.

The Committee understand that you were a passenger in one of the Vessels that passed through the Canal, on a part of the route, and would wish such information respecting its condition as your personal observation may have suggested? I was a passenger on board of one of the Vessels of 85 tons burthen, and my impression was, that the Canal admitted the vessels with much despatch; it took about seven minutes on the average to pass a Lock. As to the permanency of the Locks, I am not a sufficient judge to form an opinion, but my impression was favorable. The whole of the excavation of the Canal, as far as I am able to judge, is good and permanent.

Do you know of any accident happening to the Canal, or any part having given way, of late?—No; not any knowledge personally.

Are there frequent complaints in the District, respecting the conduct of Directors in taking or using the property of individuals for the uses of the Canal, and not paying them for the same?—I have heard complaints of those, through whose lands the Canal passed, that they were not satisfied for the same, though I have not heard of late; not since the Arbitrators settled the damages sustained by the inhabitants.

How long have you resided in the Niagara District?—Upwards of thirty years.

What advantages may be expected to be derived from the Welland Canal when completed?—I think the benefits that will be derived from connecting the waters of the two great lakes Erie and Ontario, will afford a most important advantage to the import and export trade, to and from the Western section of this Province, as well as that part of the American territory connected with the waters of Lake Erie.

What advantages will accrue to the agriculturalists, on Lake Erie?—It will give an easy and safe transport to the productions of the country, and in floating of their timber for market.

Is the canal becoming more popular in the Niagara District?—Since it has got into its present progress and state, I think it is.

Do you think that when the Canal is completed it will tend to increase the settlements on the lakes Erie, Huron &c.?—I think it will. It will tend no doubt, to promote the agriculturalists' interest over a territory having an uninterrupted inland navigation of upwards of 2,000 miles.

JOHN J. LEFFERTY, *Esquire, Member of Assembly for the District of Niagara, called in and examined.*

What has been the management of the canal, since you have been a member of the board of Directors?—I think it has been correct and good.

What is the present state of the Canal, from your personal observation?—I am of opinion that the Canal may be finished early in the spring, so as to admit of vessels, of at least 7½ feet of water passing from lake to lake.

Do you consider the work done of a permanent character?—I think there are two or three of the locks will need considerable repair, and that some of them will not be permanent, but they have already surpassed my expectation; the excavation I am no judge of, but there have been no slips lately not since the water has been let in.

Have you any idea what sum of money will be required to complete the navigation of the Canal?—I am of opinion that if the Canal shall be completed up to lake Erie, via the sugar loaf Settlement, it will be of far greater advantage to the country, than if it were to be finished only to the Welland River, there would be no locks on the direct line from the Welland to Lake Erie below the Sugar loaf Settlement, and the voyage will be shortened at least forty-four miles. The probable cost of completing the Canal to the Welland, I am not able to say, but if it is left in its present state, even for another year, what has already been done will gradually go into decay, and the navigation cannot be kept open. If it is ever to be finished, it ought to be completed immediately.

As a Director you have no doubt made full enquiry into the expenditures, mode of taking contracts and other matters connected with the monied transactions of the Canal. Are you satisfied that its monied matters are prudently conducted?—I dislike the system on which contracts have been given out—too large contracts are given out to one individual. That individual lets them out in similar sections to subcontractors, and these often wrong their workmen. I think that no larger section should be given to a man than he can personally superintend, and give security for. By the present system the principal contractor lets out jobs to others at a lower price than his own estimate, and these sub-contractors frequently run away with the money. The Company are not the losers; their contracts have been done low, but the poor labouring men have suffered greatly.

Are you of opinion that the Canal stock will be profitable?—Think that it will not.

JOHN A. WILKINSON, ESQ., (a member of the House of Assembly) *called in and examined.*

The committee understood that you have personal knowledge of the present state of the whole route of the Welland Canal, and are desirous to learn your opinion as to its condition, and also regarding the probable expenditure, which you suppose would be necessary to make it navigable?—I was employed as an Engineer by the Welland Canal Company for six months, last summer; I had therefore an oppor-

tunity of being acquainted with the Canal generally, and I consider the state of the excavation between Port Dalhousie and the River Welland to be good and permanent. As far as wooden locks can be made permanent, I consider these locks to bear that character. Perhaps they will have to be repaired, at least that part above water, once in eight years; two of the locks have bent or sided in a little, perhaps 5 or 6 inches, which may have been occasioned by exposure to the weather before the water was let into the Canal. To complete the whole route and render it navigable to Lake Erie, by the internal route, I presume that an additional expenditure of thirty or forty thousand pounds would be required.

What advantages does your section of the country expect to derive from the Welland Canal, after it shall be completed?—The lands on Lakes Erie and Huron would be very much increased in value; we could then afford to send staves, lumber and other weighty articles to market.—Our tobacco is a very bulky article; by the operations of this canal, the farmer will be enabled to send it to market at less expense—by greater quantity—and in better condition. The damage and trouble of trans-shipments, and land carriage of goods and produce would be avoided. In short, it would be the making of the Western Country.

Do you consider that the Canal will, ere long, be profitable to the Stockholders?—Not immediately; but ultimately I think the stock will be very profitable.

Should the canal remain for a season, or two, in its present unfinished state, what would be the consequence to the work, and to your section of the Province?—If the canal is allowed to remain long in its present state, what has been left unfinished will be liable to sustain great injury; and even the finished parts will suffer.—The inhabitants of the Western country would be much dispirited and disheartened; and property would suffer a consequent depreciation.

Will the hydraulic advantages of the canal be of much value to the Company?—Certainly, and to the country also.

Will the internal route, when completed, be open earlier in the Spring, than the grand Erie Canal?—It will be open about six weeks earlier, because the lake contracts below Sugar Loaf Point, and the Westerly winds prevailing in the lakes, force all the ice down towards Buffalo, where it remains until it is is either dissolved by the Sun, or gradually floated down the River.

William Woodruff, Esquire, one of the Members of Assembly for the Niagara District, and a member of this Committe, *examined.*

What is your opinion of the Welland Canal?—My opinion is, that it will ultimately succeed, if means can be found to carry it on. The works stand very well, much better than I had expected; I think it will not materially benefit the Niagara District, except in respect to water power for machinery. It will injure the frontier as much as it will benefit the line of canal; but I believe it will prove of material advantage to the upper parts of this Province, perhaps more so than is to be now anticipated. I think, however, that its advantages would have been much greater to the country in general, had it been located in the interior.

Was the management of the Directors, in your opinion, prudent in respect to the Deep Cut, previous to the slides which took place in 1828?—I know of no mismanagement on the part of the Directors in monied matters, but I think they were too careless, in not having bored in different places of the line of canal, especially in such a place as the Deep Cut, to ascertain whether there was a rocky bottom or quicksand.

Mr. Horatio Nelson Monson, Merchant of St. Catharines, *called in and examined.*

Are you a Contractor on the Welland Canal?—I am.

Do you consider the estimates at which the Company have contracted for the excavation, in general as being fair towards the public?—In eight cases out of ten the Contractors have been losers, often to a considerable amount.

Is the work already done of a stable and permanent character?—I should consider it so.

What advantages do you expect to be derived from the Welland Canal, after it shall have been completed?—I should imagine that the inhabitants on the North shore of Lake Erie, would be materially benefitted, as they would obtain an easier conveyance to market. To the people on the South shores of the lake the advantages must also be very great as they will then have a choice of markets.

Are you a Stockholder of the Welland Canal?—I am not.

Do you consider that its stock will be valuable in a short time?—I have no doubt but that it will pay for itself in thirty years.

Mr. Frederick Whittlesey, Councillor at Law, Elyria, Ohio, *called in and examined.*

Do you think that when the Welland Canal shall be completed, the produce of the Western Country, especially of Ohio, will pass down to New York through it on cheaper terms than if carried on the Erie Canal?—I think it would, if allowed to pass through the Welland, on the terms stated in the last report of the Directors.

What quantity of produce do you expect to bring down through the canal, from your side?—I cannot form a correct statement, but it would undoubtedly be very great. We hope that the Welland Canal will give us a choice of markets. Six thousand barrels of Pork are expected to pass through the Welland next Spring from one or two houses in Cleveland, (Ohio,) alone, for the Newfoundland fisheries, besides what may be forwarded by other establishments.

ROBERT DICKSON, ESQUIRE, *a Member of the House of Assembly, called in and examined.*

What has been the management of the Welland Canal since you have been a Member of the Board of Directors?—As far as my information has gone, I have seen nothing to condemn in its management, either before I came a Director, or since.

Are its monied transactions prudently conducted?—Since I have been a Director, they have been conducted to my satisfaction.

What is your opinion as to the advantages hereafter to be derived to the Province from the Welland Canal, or side cut to Niagara, when these shall have been completed?—As respects the utility of the Welland Canal to the country generally, I anticipate great and incalculable advantages from it. But the Western and Niagara Districts will most materially benefit after its completion. I never did, nor can I bring myself now to believe that the individuals, or Government, as Stockholders, ever will realize one per cent from the enterprise. I look to the Town of Niagara as likely to derive great advantages by getting the water there for hydraulic or other purposes, and also in the transport of articles, we (of Niagara) might require from the interior.

MR. MARSHALL LEWIS, *Architect, called in and examined.*

The Committee understand that your personal knowledge of the Welland Canal, its present condition, and the probable stability of its excavation, Locks, Aqueducts, Harbours, and embankments, is extensive, and are desirous to learn your opinion on these subjects?—As far as I have a knowledge of the Canal, I think the work has been well done, and that it will be permanent. I have been employed in the building of its Locks, Waste-wears, Aqueducts and Bridges. I planned all these and also executed part of the Contracts. I believe that the Locks, Bridges, Aqueducts and other wastes, principally of wood, will last from twelve to fifteen years, and that so much of the Locks and other wood work, as are under water, will last much longer. I think the Locks have been well proved, and that there is not the least danger of their giving way. They will want repairs from time to time, but, if duly attended to, will answer well. The excavation will stand well. The Deep Cut is now considered safe. The Harbour at Port Dalhousie, as far as it is done, is likely to be permanent and prove satisfactory.

What value do you attach to the hydraulic advantages owned by the Company?—I cannot now ascertain their value, but it must assuredly be very great, and they can be carried to almost any extent that may be wished for.

What further probable expenditure would be necessary to complete the work, all the way to Lake Erie, in a direct line, for Schooner navigation?—I have not estimated the work; but a further expenditure will certainly be necessary in order to prevent damages to what is already performed. I was upon the line of Canal when the two vessels passed between the Lakes; and they had as little difficulty in passing as could have been expected at that season of the year.

What advantages do you anticipate from the Canal when completed?—It will undoubtedly be of great importance to the upper country.

ROBERT HAMILTON, ESQ., *Queenston, called in and examined.*

What advantages do you anticipate to the country and to your District from the Welland Canal, after it shall have been completed?—When the Welland Canal is completed, the District I reside in, particularly the upper part, as well as all the Western country above, will derive such advantages that it is almost impossible, at the present time, to make a proper estimate.

What is your opinion of the management of the Welland Canal from first to last? Not having any thing to do with the Welland Canal, I am unable to answer this question.

Do you as owner of Schooners and Steam Boats, expect to derive material advantage from the Welland Canal?—Whenever there is a sufficient depth of water at the Harbour to admit Steam Boats, and that Lock made wide enough, I shall expect to derive a very material advantage.

Would you approve of a further grant of the public money to be expended on this Canal, and if so, whether would you recommend the Province, to take Stock, or give a Loan?—I certainly would approve of a further grant of money rather than the Canal should remain in the unfinished state it now is. As to a Loan of the money or Stock taken, I think it will amount nearly to the same thing in the end.

COMMITTEE ROOM,
Tuesday, January 19th, 1830.

PRESENT.

Messrs. Blacklock,
Mackenzie,
Woodruff,
Longley, and
Hopkins.

Dr. Blacklock, *called to the Chair.*

WM. TERRY, ESQ., *a Member of the House of Assembly, for the Niagara District, called in and examined.*

Are you personally acquainted with the whole line of Canal?—I am not. I am acquainted with the Canal general speaking from Port Dalhousie Harbour, to the River Welland.

What is your opinion regarding the stability of the Locks, Aqueducts, excavation and other works, on the Section with which you are acquainted?—The excavation is no doubt of a permanent nature, and may be, I believe, very easily kept in repair; the Locks will require to be frequently repaired; the Harbour, I think, will never be of general utility; the Aqueduct is said to be a work of superior mechanism, and likely to last many years.

What advantages may be expected to be derived from the Welland Canal when completed?—Mercantile men, Farmers, and those who have produce to export from the Western Country will derive great advantages from the Welland Canal. I think that it will also be advantageous to the Niagara District, and that when it shall be completed it will enhance the value of property, and produce, in the Niagara District.

Is the Canal becoming more popular in the Niagara District?—I am not aware that it is.

Do you know any thing concerning the expenditure and management of the Canal?—I have never heard any thing against it, except as to the change of Routes, and the expenditure on the Deep Cut.

Do you think that the Canal will be profitable to the Stockholders at an early day?—If the produce of the Western States, Ohio, Michigan, Indiana, &c. shall be allowed to pass through this Canal, and from thence into the Erie Canal via Oswego, without paying customs duties. I think the Stock will yield an immediate profit, otherwise I think it will not.

Do you think the hydraulic advantages of the Canal will be great to the country and to the Company?—It may afford water enough for fifty mills.

Are you a Stockholder in the Canal?—I am not.

Have you understood that the Contracts generally have been done at a moderate price?—I have; I believe that the Contractors generally have been losers.

Mr. Merritt *again called in and examined.*

On what terms did you obtain the Loan of £50,000 from the British Government?—There is a British Act authorising the Loan, we pay four per cent interest, and the principal in ten years.

Where did you agree to pay the interest?—It is payable in London.

Have you ever paid any interest?—No there is none yet due.

Can you shew to this Committee copies of your correspondence with the British Ministry regarding this Loan?—I cannot.

Have you obtained the opinion of the Crown officers on the question, whether American Vessels, laden with United States' produce, may pass through the Welland Canal without breaking bulk or paying duties?—I produce the same (See Document marked D.)

(A.)

BALANCE SHEET, 1*st January*, 1830.

Folio.		AMOUNT. £	s.	d.	Folio.		AMOUNT. £	s.	d.
	Dr.					Dr. Brought forward.....			
3	Engineer's expenses.....	4444	4	11	49	J. Simpson, 31.....	575	2	5
7	T. Brundage, Timber.....	1342	2	1	50	H. Davis, 10.....	1475	5	9
8	Kennedy & Co., section 7....	3683	11	1	51	J. Gooding, 51.....	1979	19	2
9	Ward & Co., 1 to 6.....	35,186	7	11	52	J. Johnson, 52.....	141	2	10
10	Fenton & Co. harbor.....	3121	17	9	53	Hoag & Co. 32.....	2313	18	9
11	Simpson James, 8.....	1502	5	10	54	Awards by Arbitration.....	2875	9	9
13	H. Robinson.....	79	12	10	56	S. Ward & Co. duties.....	572	6	3
14	Interest.....	8171	18	6	57	J. Gooding duties.....	15	0	9
16	T. Proctor.....	3428	3	7	58	Bell & Co. duties.....	17	0	1
17	Irving & Co.....	3	12	10	59	J. Simpson, 30.....	129	3	11
20	Salaries.....	2138	0	0	60	Winters, 32.....	26	10	0
22	Agency.....	1099	5	1	63	J. Simpson, 26, 27.....	1686	2	3
30	J. Gooding, 13.....	2081	0	1	65	Hanan & Co. 28.....	382	13	9
33	Pease & Co. 31, 32.....	548	5	0	66	Jones & Hoag, 30.....	620	3	10
34	Donaldson & Co. 33.....	1903	14	7	67	O. Phelps, duties.....	15	11	10
35	J. Tenbroeck, 34.....	1159	16	0	68	Jones & Hoag, 29.....	1411	9	0
37	Ward & Hovey, 35.....	1797	10	0	69	Forage.....	18	1	7
38	Bell & Co. 11, 12.....	1908	10	4	70	L. Taylor, 32.....	209	12	8
40	Hovey & Ward, harbor.....	4577	6	7	71	J. Rowley, 32, 4.....	526	4	9
41	Hall Davis, 9.....	1275	6	3	72	L. Newlove, 5.....	340	17	4
	Davis & Donaldson, No. D. C.	1323	3	0	72	L. Newlove, ½ 35.....	646	19	6
	Ditto do. feeder...	246	4	9	73	J. Hartwell, 2, 3.....	4796	12	5
42	J. Gooding, 17, 18.....	3159	16	5	74	S. R. Hathaway, 5.....	1051	0	3
43	O. Straight, 32.....	126	1	6	75	G. W. Harris, 29 to 33, &c...	1049	8	10
45	J. Simpson, 23.....	1747	11	2	76	T. Rose, 32.....	418	13	5
46	Pease & Co. 26 to 30.....	323	18	3	77	T. Merritt, 32, 34.....	1018	2	6
47	J. Gooding, 14.....	1479	18	9					

Folio.	Dr.	AMOUNT. £	s.	d.
78	Dickenson	20	17	7
79	Thatcher	3	10	0
80	H. Davies, 6	3777	10	1
82	J. Anderson, 28, 30	213	2	0
84	F. Galbraith	918	7	4
85	J. Streaker, 1	525	1	9
86	A. P. Osborn	115	8	1
87	Jenkins, 1	89	13	3
88	Pratt & Simpson, 3	152	17	6
89	Vanalstine, 3	275	6	3
90	Donaldson & Co. 4	26	4	0
91	L. Davis, 4	171	11	3
92	H. Davis, 7	754	14	11
93	H. Davis, 8	38	5	10
94	J. Anderson, 31	336	8	0
94	J. Anderson, ½ 35	511	18	11
95	J. Anderson, 32	112	10	5
96	L. Taylor, 33	132	2	9
97	J. Sloan & Co. 35	465	11	2
99	Vanornam	31	11	3
100	Vanderburg	0	18	9
101	Beadle	9	12	3
102	Timber, harbor	200	3	8
103	Real Estate	1978	3	2
104	Doty	307	4	9
105	O. Phelps, bridges	56	5	0
105	O. Phelps, repairs	146	15	0
106	Martindale & Co. harbor	767	13	4
108	Parker & Co	72	10	0
110	Curry & Co	54	17	3
111	J. Hartwell, duties	7	15	3
112	L. Davis, duties	4	5	0
113	Secretary, contingencies	50	0	0
113	Secretary, balance to meet estimate	365	7	2
114	S. B. Whitehead, 26	16	5	0
116	J. Scott	7	19	7
117	B. Finan	22	0	0
118	G. Coulter	16	9	9
119	S. Vandecar	16	18	6
120	W. Sanderson	5	17	1
121	J. Martindale, marsh	230	17	9
122	Davenport	2	3	4
123	Monson & Co. marsh	13,557	1	0
124	Bell & Co. 20, 24, 25	9277	2	1
125	Nicherson, bridges	53	0	0
126	Mackenzie	50	0	0
127	R. Campbell, Waste Weirs	885	19	6
127	R. Campbell, Chippawa	1211	18	7
128	G. W. Lake	237	1	0
128	G. W. Lake, feeder	89	10	7
129	Stephenson	0	13	10
130	W. Anderson	206	5	5
130	W. Anderson, western section	396	2	5
131	Bradley & Co.	17	11	6
131	Bradley & Co. western section	528	18	4
132	G. M'Donald	29	16	0
133	A. Rychman	15	9	2

Folio.	Dr.	AMOUNT. £	s.	d.
134	Bell & Co. 15, 16	7455	0	0
135	Simpson & Pratt, D. C	2785	5	7
136	O. Phelps, 1	26	4	0
137	A. Rowley, D. C	852	12	8
138	D. Thompson, D. C	3793	19	6
138	D. Thompson, timber	1384	14	4
140	O. Phelps, D. C	43,775	14	1
143	D. Curtis, 2, 29	46	14	0
144	J. Gooding, 21, 22	3368	9	8
147	J. Finney	11	4	9
148	Yates & Co	11	4	11
149	Ellice & Co	66	16	2
151	Contingencies	4180	9	9
152	R. Davis	41	0	0
153	S. Squires	60	3	9
154	Heslop	83	1	6
155	P. Shaver	1	15	0
156	J. M'Bride	229	13	10
157	O. Phelps, New Locks	2180	13	10
157	O. Phelps, Old Locks	28,847	1	3
157	O. Phelps, G. R. Lock	150	0	0
159	T. M'Mahon, 22	176	15	6
159	T. M'Mahon, feeder	332	12	9
160	G. J. Atkins	25	0	0
161	Fletcher & Co	25	0	0
162	Green & Co	17	4	4
163	Orrin Phelps	115	6	0
164	Rowen & Co	47	15	8
165	Messmore	8	11	3
166	R. York	78	14	8
167	Harbor, Sloan & others	2520	1	11
168	Phelps & Co. aqueduct	1525	0	0
169	P. Keefer, 17	173	18	9
169	P. Keefer, feeder	1405	16	12
170	Ayres & Co. feeder	953	5	5
171	Monson & Co. O. dam	337	19	0
	Wilkinson & Co. new dam	2500	0	0
172	T. Merritt, feeder	846	9	9
173	Galbraith, feeder	361	5	10
174	Boyle & Co. feeder	123	14	10
176	M'Gill & Co. feeder	516	17	0
177	J. Burger, feeder	501	6	5
178	Trotter & Co. feeder	665	7	0
179	S. Sixmith, feeder	20	0	0
180	Wilson and Bradley, feeder	50	0	0
181	J. Hurst, 15	30	0	0
182	J. Saunders, 20	147	7	0
185	G. Davis	0	2	9
186	W. Simpson, embankment	500	0	0
187	D. M'Cague	27	14	2
188	Shore & Co. Lock 2	27	13	0
189	Beattie & Co. do	30	5	5
190	F. Humphry's D. C	3	15	0
191	O. Phelps, new feeder	1750	0	0
192	Porter & Co	131	16	3
193	M. Lewis, bridges	2068	7	11
158	Bosanquet & Co	8	7	10
	Total	269,746	12	11

BALANCE SHEET, 1st January, 1830.

Folio.	Cr.	£	s.	d.	Folio.	Cr.	£	s.	d.
23	Government U. C. Loan	25,000	0	0		Brought forward	211,566	1	9
62	Capital Stock	179,514	12	6	184	British Government	55,555	11	2
146	Bank Upper Canada	603	0	5	194	Bills payable	2000	0	0
150	Exchange on London	6448	8	10	195	J. H. Dunn	625	0	0
	Carried forward	211,566	1	9		£	269,746	12	11

ABSTRACT OF EXPENDITURE.

	£	s.	d.		£	s.	d.	£	s.	d.
Estimate	239,633	3	6	Brought forward						
Engineers	4444	4	11		£	s.	d.			
Contingencies	4780	9	9	Agent, cash in hand	86	11	8			
Salaries	2138	0	0	Sundry accounts, not adjusted	42	2	3			
Interest and Duties	8803	17	8	Sec'y, for advances, &c	415	7	2			
Agency and T. Proctor	4531	1	6							
Real Estate and Awards	4853	12	11							
Forage, loss on	18	1	7					544	1	1
	269,202	11	10					269,746	12	11
Carried forward	211,566	1	9							

(B.)

CONTINGENCIES.

DATE.		AMOUNT. £	s.	d.	TOTAL. £	s.	d.
1824—July 26	Jones and Co., Stationary				4	5	3
Aug. 11	Mittleberger, writing				1	10	0
Sept. 10	W. H. Merritt, travelling expenses to Lower Canada	66	3	4			
	Ditto do do New York	37	10	0			
					103	13	4
Dec. 31	E. Wright, pump				1	15	3
	Mittleberger, stationery				1	2	3
	W. H. Merritt, travelling expenses				4	1	0
1825—Feb. 21	G. Rykert, board				0	14	3
	Hall Davis, assisting engineer				2	3	9
May 30	J. DeCow, ditto and horse hire				4	18	3
April 2	A. Hovey, advanced on tunnel	655	15	9			
	A. Hovey, contingent expenses	75	0	0			
	A. Hovey, services	125	0	0			
		855	15	9			
	Credit, by sundries sold on account of ditto	213	8	6			
					462	7	8
	P. Shipman, Director's expenses	3	15	0			
	Carried forward	3	15	0	666	10	7

DATE.		AMOUNT. £ s. d.	TOTAL. £ s. d.
	G. Keefer, Jun., services	21 10 0	
	J. Gordon, travelling expenses	8 5 0	
			33 10 9
April 9	George Davis, advertisements		1 4 7
June 4	P. Shipman, Director's bill		3 5 0
July 29	J. Dewer, services	2 0 0	
	W. L. Mackenzie, printing	1 11 2	
	E. Peck, ditto	5 16 3	
	J. Carey, ditto	12 10 0	
	W. C. Chase, sundries	7 8 0	
	W. H. Merritt, travelling expenses	7 10 0	
	H. J. Boulton, travelling expenses	2 18 6	
	M'Dougall, iron	1 12 6	
	E. Hickley, services	0 15 0	
			42 1 5
Sept. 29	W. H. Merritt, services to this time		500 0 0
	George Keefer, sundries		37 3 0
	A. Heron, printing		10 0 0
	W. H. Merritt, travelling expenses		98 14 2
Oct. 1	C. Fothergill, printing		8 2 5
	E. Lesslie, stationery	1 12 9	
	W. C. Chase, sundries	1 3 0	
	W. H. Merritt, travelling expenses	7 9 1	
	Mittleberger, stationery	0 16 11	
	M. Lewis, model of lock	25 0 0	
	G. Wright, sundries	1 10 3	
			37 12 0
Nov. 1	Irving and Co., Exchange-keeper	0 10 0	
	Ditto, do, Collecting	5 15 0	
	Ditto, do, Carey, printing	7 14 1	
	Ditto, do, Neilson, printing	8 11 0	
			22 10 1
	G. Davis, Mower, printing	2 4 6	
	Ditto, postages	1 5 4	
	Ditto, stationery	2 10 6	
	Ditto, Mower, advertisement	0 4 2	
	Ditto, Turner, advertisement	1 11 9	
	Ditto, Canadian Spectator, advertisement	0 5 4	
			8 1 7
Nov. 17	Ditto, iron	30 14 11	
	Ditto, postage	0 0 9	
			30 15 8
	Irving and Co., postage		0 10 10
Dec. 8	Collins, printing		2 0 0
	W. Allan, travelling expenses		8 12 8
	Thomson, printing		5 13 7
	G. Smith, services		25 0 0
Dec. 31	Proctor, postages	1 16 3	
	Proctor, Company's seal advertisement and printing	8 15 0	
			10 11 3
	G. Davis, postages		0 1 2
	Irving and Co., postages	0 1 6	
	Ditto, collecting	1 5 0	
			1 6 6
1826—Jan.	Interest, S. Ward, on draft 90 days		25 12 10
Feb. 4	Ditto, ditto, ditto		27 0 0
	G. Keefer, travelling expenses	7 17 8	
	Heron, printing	3 0 9	
	M'Dougall, taking out timber	2 0 0	
	G. Keefer, Jun., services	11 0 0	
	R. Hamilton, freight	2 1 11	
	C. Semiback, securing timber	11 13 0	
	A. Upper, board	0 14 4	

DATE.		AMOUNT. £ s. d.	TOTAL. £ s. d.
1826—Feb. 4	W. H. Merritt, travelling expenses	18 11 7	
	J. Nickles, account-books	38 15 0	
	M'Gee, book-case	4 0 0	
	T. Carfrae, desk	2 5 9	
	Leslie, stationery	5 10 6	
	Carey, printing	2 10 0	
			110 0 6
April 6	G. Smith, writing	2 0 0	
	W. H. Merritt, travelling expenses	43 9 9	
	G. Davies, printing	17 8 0	
	G. Keefer, travelling expenses	1 18 6	
	J. Wenham, arranging accounts	50 0 0	
			114 16 3
April 10	W. C. Chase, sundries	.....	9 5 0
	J. Gordon, services	50 0 0	
	V. Gill, drawing plans and maps	45 10 2	
			95 10 2
May 8	W. Hill, bridge at Chippawa	11 0 0	
	W. H. Merritt, travelling expenses	6 2 9	
			17 2 9
May 13	H. Leavenworth, printing	.....	2 5 0
June 10	Smith and Keefer, drawing maps	4 0 0	
	G. Wright, model of lock	0 7 6	
	W. Jackes, Directors' bill	3 15 0	
	J. Wenham, ditto	7 5 6	
			15 8 0
July 6	President, travelling expenses	27 15 8	
	W. H. Merritt, travelling expenses	15 4 9	
	Lesslie, stationery	1 9 10	
	Stanton, advertisements	3 17 9	
	Mackenzie, advertisements	0 16 3	
	J. Wenham, Directors' expenses	15 12 11	
			64 17 2
Aug. 4	J. B. Robinson, law expenses	5 0 0	
	J. B. Macaulay, law expenses	7 10 0	
	H. Leavenworth, printing	4 10 0	
	J. Carey, printing	6 19 7	
			23 19 7
Sept. 8	Arbitrators, remuneration for services	143 0 0	
	J. B. Macaulay, professional services	45 10 0	
	J. Wenham, Directors' expenses	26 10 0	
			215 0 0
Oct. 7	W. Jackes, bill on arbitration	50 0 0	
	Leavenworth, printing	2 0 0	
	W. H. Merritt, travelling expenses	15 17 0	
			67 17 0
	Irving & Co., postages	0 1 6	
	Ditto, collecting	6 4 4	
	Neilson & Co., printing	3 15 1	
	Ditto, stationery	3 0 0	
			13 0 11
Nov. 16	H. J. Boulton, travelling expenses	12 0 0	
	J. Wenham, Directors' expenses	17 10 0	29 10 0
Dec. 22	Ditto, ditto	.....	5 9 6
Dec. 31	Yates and Co., stationery	0 10 0	
	Ditto, account books	0 16 3	
	Ditto, map of canal	1 10 0	
	Ditto, printing	0 7 6	
	Ditto, postage	0 10 0	
	Ditto, expenses to Philadelphia	2 17 6	
			6 11 3
	W. Walker, advertisements	3 17 6	
	Ditto, collecting	12 10 0	

DATE.		AMOUNT. £ s. d.	TOTAL. £ s. d.
1826—Dec. 31	G. Davis, maps, &c.	0 17 6	
	Ditto, postages	0 8 6	
			17 13 6
	Ditto, advertisement	3 0 7	
	T. Proctor, postages, 1825	1 16 3	
	Ditto, Company's seal, advertisements, &c.	8 15 0	
	Ditto, postages 1826, and sundries	11 4 10	
			24 16 8
	H. Leavenworth, printing		14 12 6
1827—Jan. 27	W. L. Mackenzie, printing	9 10 0	
	Fothergill, printing	7 10 0	
			17 0 0
Feb. 17	Stanton, printing	14 13 6	
	Mackenzie, printing	6 5 0	
	Carey, printing	6 0 0	
	Ewart and Co., sundries, for arbitration	7 11 3	
			34 9 9
April 13	F. Smith, labor	2 13 1	
	W. Chisholm, going to Lockport	2 18 4	
	O'Brien, smith-work	2 1 0	
	J. Tenbroeck, damage to wheat	5 11 3	
	A. Bater, damage to wheat	13 0 0	
	T. Brundage, securing timber	58 16 5	
	J. Wenham, Directors' expenses	43 2 6	
			128 2 7
May 3	G. Keefer, Drawing maps		5 0 0
	J. Wenham, Directors' expenses		19 10 7
May 26	H. J. Boulton, mission to England	310 19 9	
	Ditto, maps	22 4 6	
			333 4 3
	Leavenworth, printing	5 10 0	
	M'Phail, stationery	6 16 10	
	Stevenson, Directors' bill	3 17 6	
			16 4 4
June 11	Secretary, sundries	15 4 3	
	N. Pauling, overseeing work at harbor	3 15 0	
			18 9 3
	Hovey and Ward, machine		12 10 0
June 13	W. H. Merritt, travelling expenses		133 19 4
July 7	Leavenworth, printing	2 10 0	
	L. Dyer, Directors' bill	3 8 2	
	Stephenson, Directors' bill	5 0 0	
	Lesslie, stationery	7 6 6	
	W. H. Merritt, travelling expenses	1 13 9	
	E. Oates, travelling expenses to Kingston	9 15 2	
	J. Wenham, Directors' bill	1 10 0	
	W. Chisholm, stationery	1 7 3	
	Botsford, Director	0 7 6	
	Secretary, postage and sundries	7 12 11	
			40 11 3
July 16	S. Street, services, arbitration		11 0 0
Aug. 10	G. Keefer, travelling expenses	3 15 0	
	Stephenson, Director	7 17 6	
	Dyer, Director	14 17 1	
	Richardson, Director	6 6 0	
			32 15 7
	E. Adams, table engineer	2 0 0	
	W. Chisholm, Office rent	4 17 4	
	W. H. Merritt, office chairs	1 10 0	
	Secretary, incidental expenses	2 15 5	
	A. and B. Gould, damages	5 0 0	

DATE.		AMOUNT. £ s. d.	TOTAL. £ s. d.
1827—Aug. 10	J. Gould, damages	2 10 0	
	President, directors' expences,	9 0 0	
			27 12 10
	E. Oates, attendance at Harbour,	25 12 1	
	Paid for labour at do.	17 14 6	
	L. Carrol, for Well,	12 10 0	
	Nicherson, removing fence,	0 15 0	
			56 11 7
	J. Hartwell, digging ditch,		2 10 8
	G. Davis, advertisements,	0 11 8	
	Sewell & Co., opinion,	2 6 8	
	Postage,	0 2 8	
			3 1 0
Sep. 8	Cordage from Kingston,	46 11 4	
	Credit by ditto received of contractors,	40 8 6	
			86 19 10
	L Dyer, Director,	8 13 7	
	Stephenson, do.	6 5 0	
	Secretary, incidental expences,	1 6 4	
	D. Lapham, surveying Grand River,	14 14 0	
	W. Hepburn labour at harbor,	21 15 11	
	Donaldson, machine,	38 1 3	
	Vanornum, directors,	4 13 0	
	O'Brien, drawing timber,	3 17 6	
			99 6 7
Oct. 5	W. Chisholm, Rent,	4 0 0	
	Chrysler, directors,	6 14 4	
	Richardson, do.	2 15 0	
	Stanton, Gazette,	0 10 0	
	Secretary, incidental expences,	1 1 2	
			15 0 6
11	Yates & Co., attending at York,	17 10 0	
	Postage 9s. 8d, advertisements £4 0 0	4 9 8	
			21 19 8
Nov. 5	Dyer, directors,	2 18 10	
	Chrysler, do.	2 1 7	
	Lewis, interest on note,	0 14 4	
	Smith, horse hire	0 10 0	
	E. Oates, services at harbour,	3 15 0	
	R. Stanton, printing,	3 3 9	
	Martindale, drawing timber,	2 0 0	
	Secretary, incidental expences,	2 10 3	
	Stephenson, directors,	1 15 0	
	Levenworth, printing,	2 13 9	
			22 2 6
	W. Chisholm, Rent,	2 5 0	
	W. Hepburn, labour at Harbor,	12 10 1	
	O. Turner, advertisement,	0 10 0	
			15 5 1
	T. Brundage, office rent 2 years,	.....	25 0 0
26	D. Lapham, Surveyors Compass,	.....	8 15 0
Dec. 12	Directors, travelling expenses,	10 10 0	
	Crysler, directors,	5 2 9	
	Dyer, do.	8 8 10	
	Richardson, do.	5 18 9	
	Stephenson, do.	6 13 9	
	W. H. Merritt, travelling expenses,	5 18 6	
	Secretary, incidental expenses,	2 12 8	
	W. H. Merritt, sick man on canal,	0 5 0	
	W. Hepburn, labour at harbour,	5 4 3	
	R. Cusack, survey Grand River,	6 5 0	
	L. Misener, do. Marsh,	6 5 0	
			63 4 7

DATE.		AMOUNT. £ s. d.	TOTAL. £ s. d.
1828—Jan. 26	T. Brundage, carpenters work,	6 2 8	
	Secretary, incidental expenses,	8 12 11	
	W. Hepburn, labor at harbour,	5 4 8	
	R. Grant, copy of duties,	1 10 0	
	Fraser, office stove and expenses,	8 3 7	
	G. Keefer, drawing maps,	3 10 0	
			33 3 10
March 17	Yates, & Co., advertisements,	.....	7 13 9
April 19	W. Walker, do	.....	8 14 6
May 10	W. C. Chace, sundries,	1 3 9	
	Levenworth, printing,	5 3 9	
	Finney, painting,	1 15 0	
	Stanley, sundries, engineer,	0 15 0	
	Lesslie, Stationary,	8 3 4	
	Martin, advertisements,	0 7 6	
	Grant and Kirby, duties,	0 8 11	
	Monson, sundries,	1 5 0	
			19 2 3
1828—May 10.	G. Keefer, drawing map,	9 0 0	
	T. Brundage, Box,	0 12 6	
	L. Dyer, Directors,	5 17 10	
	Crysler, do.	2 3 9	
	Secretary, incidental expenses for postage, firewood, &c. January to April,	22 5 10	
			39 19 11
June 5	Crysler, directors,	1 3 6	
	Botsford, do.	1 7 6	
	L. Dyer, do.	3 18 2	
	H. J. Boulton, do. coach hire,	1 15 0	
	Stephenson, do.	11 15 0	
	Freight of cordage, &c.	1 9 0	
			21 8 2
	Capt Oates, services, paid his widow,	15 0 0	
	Secretary, incidental expenses,	2 5 2	
			17 5 2
9	Yates & Co. travelling expenses with agent to Philadelphia,	9 10 4	
	Postage and advertisements,	5 3 3	
			14 13 7
July 3	Directors expenses,	5 0 0	
	L. Dyer, do.	2 3 9	
	Secretary, incidental expenses,	1 13 11	
			8 17 8
31	W. Walker, advertisement,	7 10 0	
	Collecting,	3 4 9	
			10 14 9
Aug. 8	Chrysler, directors,	8 16 0	
	Secretary, incidental expenses,	4 9 4	
			13 5 4
Sept. 13	L. Dyer, directors,	0 11 4	
	Richardson, do.	10 6 7½	
	Secretary, Incidental expenses,	3 4 9½	
			14 2 9
Oct. 10	E. Stephenson, director,	7 15 0	
	D. Bostford, do.	2 17 6	
	A. Chrysler, do.	4 10 2	
	H. Richardson, do.	8 1 3	
	Secretary, incidental expenses,	1 0 0	
			24 12 11
	H. J. Boulton, mission to New York,	.....	100 0 0
Oct. 14	George Davis, advertisement,	3 15 8	
	Barrel Roman Cement, 30s. 6d., Freight 12s. 8d.,	2 3 2	
	J. Nickless, Leger,	4 16 3	
	Postages, Cartage, &c.,	0 6 1	
			11 1 2
Nov. 4	Discount allowed John Hornby, for prompt payment of stock,	.....	6 5 0

DATE.		AMOUNT. £ s. d.	TOTAL. £ s. d.
1828—Nov. 12	Bank of U. Canada for remitting £3,000 to N. York to retire Notes,	.....	15 0 0
25	H. J. Boulton, law expenses to 1st December, 1828,	20 0 0	
	H. Leavenworth, canal intelligence toG. Davis,	1 0 0	
	L. Dyer, director,	4 1 11	
	Secretary, petty expenses,	5 0 7	
			30 2 6
	W. H. Merritt, mission to England £500 sterling, add currency and exchange, £113 17s. 10d.,	.....	613 17 10
1829—Jan. 1.	Chrysler, directors,	2 7 6	
	Dyer, do.	13 5 0	
	Richardson, do.	6 2 6	
	Secretary, incidental expenses, November,	5 13 4	
	Ditto, do December,	6 14 6	
			34 2 10
Feb. 2	W. H. Merritt, travelling expenses,	7 8 9	
	E. Stephenson, Directors,	5 12 6	
	D. Botsford,	2 6 10½	
	Secretary, incidental expenses,	7 13 7½	
			23 1 9
15	John Clark, travelling expenses,	.....	3 15 0
March 12	Bosanquet & Co., printing and advertising,	.....	9 1 8
	Bank of Upper Canada, postage,	.....	0 13 4
April 7	Ellice & Co., Stamp,	.....	2 12 9
16	Bosanquet & Co., postage,	.....	0 17 1
May 9	M'Phail, mounting a map,	0 7 6	
	G. Keefer, travelling expenses,	9 14 2	
	H. Mittleberger, memorandum book—Engineers,	0 15 6	
	L. Misener, running line in Marsh,	1 15 0	
	E. Parkin, office table,	4 2 6	
	Lesslie & Son, stationery,	10 7 0	
	W. H. Merritt, travelling expenses,	33 12 6	
	H. Leavenworth, printing,	10 12 6	
	Secretary, incidental expenses,	10 18 8	
	W. L. Mackenzie, advertisements	0 19 3	
	H. N. Monson, sundries,	2 3 6	
	J. B. Yates, travelling expenses,	2 3 9	
	J. Dittrick, horse hire,	0 10 0	
			88 1 10
	George Davis, for 2 sacks Hemp seed, and charge,	.....	8 0 0
Sept. 17	Bosanquet and Co., Postages and sundries,	.....	2 5 4
	Bank of U. Canada, do.	.....	0 15 4
Oct. 27	Bosanquet & Co., do.	.....	1 0 6
	Bank of U. Canada, do.	.....	0 6 5
Dec. 31	Bosanquet and Co., do.	.....	0 8 10
			4908 19 10
	Cr. By forfeited Stock,	5 7 6	
	By Donation,	25 0 0	
	By Premium, on Bill on New York,	98 4 3	128 11 9
		£	4780 8 1

ABSTRACT OF CONTINGENT EXPENSES TO 31st December, 1829.

Stationary, printing, advertisements, &c,	391 10 0
Miscellaneous services,	590 12 2
Agents' travelling expenses,	512 16 7
Ditto. Mission to England,	613 17 10
Ditto. Remuneration for service to 1825,	500 0 0
Incidental expenses, postages, firing, &c.	74 8 8

(C.)

REPORT OF THE WELLAND CANAL COMPANY, FOR 1829.

REPORT.

It was found, in the early part of the last season, that misrepresentations respecting the Welland Canal were so industriously circulated, and so many strange and discouraging rumors concerning it were afloat, that the Directors thought it right to publish a supplementary Report, describing minutely the condition in which the work then was, and the measures which they had determined to pursue.

To this Report, made in June last, they now refer for particulars, which it is unnecessary to recapitulate here. Those who feel such an interest in the undertaking as leads them to desire an accurate description of it, will find that Report sufficient for their purpose.

It is highly gratifying to the Directors, in presenting this Report at the conclusion of the present Season, to be able to announce that a practicable navigation has been at length accomplished from Lake Ontario to Lake Erie, by the route of the Niagara and Welland Rivers.

The public have been for some time in possession of this cheering intelligence, and it is difficult to conceive any event that could promise to add more to the prosperity of Upper Canada. It is not the intention of the Directors on this occasion to recapitulate the embarrassing difficulties which they have had to encounter during the past year, they have been of that nature, that if the object of their exertions had been one that affected only their own private interests, they could scarcely have hesitated to abandon it altogether; and it is but just to add, that so perplexing were those difficulties that the work must have been suspended if it had not been for the confidence manifested by the Contractors. By their indefatigable exertions under great disadvantages, the Canal was filled in the middle of November last with water brought down from the Grand River through the new Feeder, and on the 30th of the same month, the anniversary of the day on which the Canal was commenced five years ago, the inhabitants of the District of Niagara were gratified by witnessing the ascent of two Schooners from Lake Ontario to the River Welland.

These Vessels proceeded to Chippawa and Fort Erie, and to the opposite Harbours of Black Rock and Buffalo, in the State of New York, where their arrival excited no little surprise, and was welcomed in the most friendly manner.

The difficulties alluded to, together with the illness of the Agent, and principal Engineer, at a period when their active superintendance was most important, unfortunately delayed the completion of the work to a season much later than had been looked forward to.

The Directors feeling the importance of opening the Canal this autumn, had intended to celebrate the event in a manner worthy of the occasion, but it had become so late in the year, that it appeared inexpedient to incur the hazard of calling a number of persons together from a distance to witness a ceremony which a single severe night might render almost impossible; they, however gave directions for obtaining one or two Schooners and passing them through the Canal, if the season would admit of it. This has been accomplished, as we have above stated; the Schooners have both returned and the weather has continued so open, that even to this time the Canal might have been navigated.

The experiment thus made, in the presence of many respectable persons, has proved that the Locks are perfectly well constructed, and may be passed in a much shorter time than the most sanguine persons had anticipated.

Another important and remarkable feature in this Canal is, the expanded surface it presents along a great portion of its course, from its numerous reservoirs, and the peculiar make of the country through which it passes, enabling a large vessel to glide through this navigation with nearly the same facility that a Boat does in a Canal confined within its artificial channel. These facts which were evident to all who saw the passage of the Schooners Ann and Jane, and R. H. Boughton, have given a confidence in the work, which its warmest friends could scarcely have ventured to expect at so early a stage.

The channel which has thus been opened to commerce, and of which, we doubt not, the inhabitants of both sides of the upper Lakes will avail themselves, does not, by any means offer all the advantages which the completion of the entire design will produce. It places the final accomplishment of this great work, however, beyond question; because it is now carried to a point at which its benefits will be felt; all doubt is removed, and all real difficulty is surmounted. What remains is easy of execution, the expense can be estimated with comparative certainty; and no rational person can, for a moment hesitate in declaring that the work cannot, and must not stop short of the original design.

It may be thus described in a few words; vessels drawing 7½ feet water, and not having more than 21½ feet breadth of beam, coming from any port on Lake Erie with produce, will sail down the river Niagara, until they approach within about a fourth of a mile from the mouth of the River Welland or Chippawa. There they will enter a Canal which has been cut across a point of land into the River Welland, in order to avoid the difficulty and danger of descending the River Niagara so low as to the mouth of the Welland.

This cut is 15 chains in length; they will then pass up the River Welland, a distance of 9½ miles; the river is deep and still, and affords an admirable navigation for vessels of any burden. A tow path will be formed on its western bank, which is now in great forwardness. From the Welland they will ascend by two locks into the deep cut, from which point, to Lake Ontario, the distance is 16½ miles. Along this portion of the line, the canal is filled with water brought down the feeder from the Grand River, and conducted across the Welland in an aqueduct. Thirty-four locks occur in this distance: and it has been found in the first experiment made of them, that they may be passed in an average time of seven minutes. It will thus be seen that the whole distance of artificial navigation, between the two lakes, is sixten and a half miles, and that, including the passage of the Niagara and Welland Rivers, vessels will be towed 42 miles, which can be done in a day without difficulty; at least, that is the conviction resulting from the experiment made.

The directors are desirous of giving to the public all the information that can be of use in enabling them to avail themselves, promptly, of the advantages which this canal will afford: and they, therefore communicate a schedule of the rates of toll which they propose for the ensuing year, viz:

Flour, - - - - - - -	4d per bbl.
Pork, - - - - - - -	6d do.
Ashes, - - - - - - -	1s do.
Pipe Staves, - - - -	20s per M.

This information will enable merchants living in Ohio and other parts of the United States to make their calculations and determine whether it will be their interest to send through this channel, such of their produce as may be destined for New York. As to produce of every kind intended to be sent to Montreal, there can be no doubt that it will pass through the Welland Canal.

Foreign vessels using the canal, and not breaking bulk, will meet with neither detention nor charge, but will pass through this artificial channel in the same manner as they have always done through the waters of the Lakes and Rivers within our boundaries. If they desire to break bulk they must of course enter regularly in the same manner as at any other port.

It may seem to some of the stockholders that the tolls are much too low, when compared with those exacted in other places in this Province and Lower Canada. The experience of a year will best determine this point; but in the mean time, the Directors beg to state, that they have been governed by this consideration; certain expenses must be incurred to the payment of wages to lock-tenders and others, which will not be increased by any additional quantity of produce or merchandize passing through; it is therefore deemed prudent to proceed upon a system as liberal as possible, in order to attract a great trade which a contrary policy might exclude.

When we consider the immense extent of territory bordering on the great lakes above us, and how rapidly their population increases, and must continue to increase, it is difficult to set bounds to the expectations which may be fairly entertained. In the state of Ohio the population is estimated at about a million, the land is exceedingly productive, the people are industrious and enterprising, and have watched the progress of the Welland Canal with no little anxiety, as opening to them the advantage of a choice of markets.

Our countrymen in the upper Districts, will see at once how valuable an object has been attained for them from the following statement.

The price of conveying a barrel of Flour from the Township of Waterloo or the Grand River and shipping the same on Lake Ontario, is at present from 3s. 1½d. to 3s. 9d.

The price of conveying a barrel from thence to the mouth of Grand River, as furnished by Mr. Shade, an active merchant resident in Dumfries, will be 7½d.; from the Grand River to Ontario 7½d., which gives a saving on each barrel of from 1s. 7½d. to 2s. 6d. From any part of the Grand River below this it will bear the same proportion.

From Dover, or the interior of the Long Point country the saving will be equally great, Vessels will convey produce from any part of Lake Erie to Prescott for less than the price heretofore charged for the two Lake Freights.

As it is a mere continuation of voyage, the grower will consequently save the charge heretofore made for Storage at Fort Erie, Chippawa, and Queenston, together with the boating and land carriage between those places, which hitherto caused their property to be removed six times, whereas, by this conveyance it will not require one trans-shipment.

The Company are now indebted, to Labourers, Contractors, &c.....		£10,115 17 11
In addition to which, they have demands against them for lands, damages, &c.....		5,352 1 6
Making in all,.....		£15,467 18 5
They have on hand, 1,697 Shares of Stock, which persons had pledged themselves to take, amounting to.....	£21,212 10 0	
Balance in hands of Agents,.....	152 19 11	
		21,365 9 11
Which would have left this amount on hand, had the above Shares been paid up,.....		£ 5,397 11 6

The Directors exhibit the above statement, to shew in justice to themselves, that their being in arrears at this time, is not to be ascribed to any imprudent precipitation on their part, as they had, in two instances, entered into engagements, for the supply of £21,000, on the faith of which, Contracts were entered into and which, had they been fulfilled would have left a surplus on hand greater than the temporary deficit which the Directors have been struggling to supply.

To shew the Government and the Stockholders that their money has been economically expended, the following statement is presented:—

Amount expended on the work by the Engineer's Estimate,.....	£243,000
Awards and Real Estate,.....	4,853
Duties and interest to the Province and Bank of Upper Canada,.....	8,804
Due from Thos. Proctor, late Agent New York,.....	3,428
	£260,085
CONTINGENCIES, Including Salaries, Engineers expenses, Directors, Agents, &c. &c.....	12,710
	£272,795

Which is not quite equal to 5 per cent on the amount. Few if any, similar undertakings have been conducted at a less charge than 10 per cent.

It has been found necessary to widen the Feeder to 20 feet bottom, and 36 feet surface, from the Deep Cut to the Grand River, in order to insure an ample supply of water for hydraulic and other purposes, as well as to connect the Grand River by a Boat Canal of suitable dimensions. To accomplish this, as well

as to place the Ship Canal, by the Niagara River, in a perfect state for navigation by the opening of the Spring, it will require the sum of £14,530. This part of the work is already under Contract; and it is the intention of the Board to make immediate application to the Legislature for an extension of Capital, and either to take Stock for the public or loan the Company £25,000, to enable them to fulfil their engagements, and complete this work on the above dimensions.

The Directors feel assured the public will not derive the full advantages of this navigation, until the interior route is open throughout for ship navigation, according to the original design. To accomplish this a further sum of £25,000 will be required, to obtain which an early application will be made to the Legislature of Lower Canada, to take Stock to the amount of £12,500. They are not only equally interested in the complete success of the Canal, but have already manifested their good feeling by taking Stock to the amount of £25,000.

For what remains, an application will be made to the British Government, for which purpose, as well as to arrange other interests of the Company, J. B. Yates, Esquire, of New York, purposes to go to England, to give correct information on the present state of the work.

To Mr. Yates belongs the credit of being the largest individual Stockholder in the Welland Canal, and from his well known character, the Directors entertain every hope of his success.

The entire cost of this work when completed, viz. the ship Canal now finished between Lake Ontario and the River Welland, including 346 feet of Lockage, the Towing paths on the Niagara and Welland Rivers, the cut at the mouth of the Welland, and the Boat navigation from the Grand River to the Welland, 27 miles in extent, which will be completed the ensuing spring, will amount to £288,098.

It will be the largest Canal in America, and in point of expense, will bear the following comparison with similar undertakings.

The Erie Canal has a depth of 4 feet water, it cost after ascending the mountain at Lockport to Buffalo on Lake Erie, a distance of thirty two miles, the sum of $2,400,000, or £600,000, exclusive of Lockage.

The Lachine Canal, with a depth of five feet water, nine miles in length, with 44 feet Lockage, cost £120,000.

The first had a length of three miles deep rock excavation, and the other is finished on a much superior scale; still, when the Deep Cut on the Welland Canal, and all other difficulties this work has had to struggle against are taken into consideration, it will bear a fair comparison with any similar undertaking.

JOHN HENRY DUNN, *President.*
HENRY J. BOULTON, *Vice President.*

WILLIAM ALLAN,
GEORGE KEEFER,
JOHN J. LEFFERTY,
ROBERT DICKSON. } *Directors.*

Welland Canal Office,
Saint Catharines,
Dec. 31*st* 1829.

[Copy.]

(D.)

ATTORNEY GENERAL'S OFFICE,
30*th October*, 1829.

Sir—I have the honor to acknowledge the receipt of your Letter of the 28th instant, requesting my opinion whether American vessels passing through the Welland Canal can be subjected to the payment of any fees (beyond tolls,) when they do not break bulk, and also whether any and what instruction or notification may be deemed necessary to be given to Collectors, for their conduct in this case.

I am of opinion that there is no restriction upon American vessels passing and repassing through the Canal, whether laden or in ballast, in the same manner as British vessels, provided such vessels neither break bulk nor receive on board any additional cargo during the passage; and that such vessels will not be liable to pay any fees to the Collectors of any Port, unless they enter for the purpose of unloading a part or the whole of their cargo.

A copy of this opinion I conceive will be a sufficient instruction to the Collectors, with an intimation that should any foreign vessel break bulk before entry, she will be liable to seizure; and receiving on board any additional cargo during the passage will subject the master to a heavy penalty.

I have the honor to be,
Sir,
Your most ob't.,
Humble Servant.
Signed, H. J. BOULTON, *Atty. General.*

HON. JAMES BABY,
Inspector Genl. of Provincial Accounts.

EXTRACT OF A LETTER RECEIVED BY THE SECRETARY OF THE WELLAND CANAL COMPANY FROM CLEVELAND, OHIO, DATED 29TH DEC. 1829.

My Dear Sir,—

I was duly favoured with your kind Letter of the 8th instant. I need not say that the information it contained afforded me as much pleasure to know that an enterprise of such importance to Canada has at last been brought to a successful issue, (may it abundantly reward all interested) as that the prospect of getting my pork to market in the spring, at a less rate per barrel by its waters, appears by no means problematical.

I shall certain induce the Forwarders here to go directly to Prescott with 3000 barrels, if possible, and we will decide the matter as soon as ever you can make me a positive offer of the rate of toll we must pay per barrel through, and Salt back, specifying the regulations and bonds to be entered into for the re-landing the Pork in the U. S., because Vessels belonging to this Lake have no registers; when forwarded to Montreal it will be there finally bonded for the West Indies. Pray communicate this information as soon as possible, because I must make contracts for transportation by the 25th January; say also whether, and at what premium the Directors will assure the safe passage and return of, say the first six vessels from this port, under 90 tons burthen, and

drawing not exceeding 8 feet water. A little prejudice exists as to the safety of the Canal, as well as to the Harbor of Dalhousie, you had better, as the Secretary of the Company, correct any such undue prejudice by addressing Messrs. Gidding & Co., large owners here, advising them at same time rates of toll for pork, ashes, flour per barrel, wheat in bulk per cwt., lard, &c., in kegs, I shall purchase wheat next summer for the Oswego market for transport through your canal; let this toll be low and you must succeed.

(Signed) EDWARD WARHAM.

REPORT.

The Select Committee to whom was referred the petition of the President and Directors of the Welland Canal Company, praying for a loan of twenty-five thousand pounds, and that the capital stock of the Company may be increased to £300,000; respectfully report:

Your Committee have carefully considered the matters to them referred, and are ready to acknowledge their deep sense of the great advantages that would result to the Province and nation, were the Welland Canal completed.

But they have no certain means of knowing whether the canal could or would not be completed as far as to the Chippawa river, and its most pressing debts discharged, even with the sum mentioned in the petition, should it be granted to the Company: all former estimates having come far short of the actual cost of the undertaking.

And although it were positively ascertained that the sum of £25,000 would complete the canal and render it navigable as far as the Welland river, your committee would still hesitate, under the present circumstances of the country, either to recommend a loan, or a Provincial subscription for stock.

1. Because the Province is already deeply in debt, which has been chiefly contracted on account of this undertaking.

2. Because, under the present circumstances of the Province, it is inexpedient at this time to burthen the the people with additional debt and taxation, more especially to accomplish an undertaking from which no immediate profitable return is expected: and the repayment of a loan contracted for, which might prevent the accomplishment of other and more urgent public improvements hereafter.

3. Because his Majesty's government has failed to recognise the constitutional right of this House, to appropriate the whole of the revenue raised by taxes on its constituents, and to exercise that salutary control over the public expenditure of the Province, which would be most likely to leave in the treasury a surplus revenue, disposable in aid of important public undertakings.

4. Because the proceeds of the Canada Company's purchase are annually applied to purposes, all of which your committee cannot approve, instead of being laid out in improving the country.

5. Because the proceeds arising out of the sale of clergy lands, the public lands generally, and what is called the casual revenue, is not applied to purposes of public utility, but disposed of in a manner unknown to the country, without being accounted for to the Legislature.

6. Because the permanent appropriation of £2,500 annually, is applied as a pension fund, and to other purposes not contemplated by Parliament, and which serves to lessen the means by which the Legislature could aid objects of public improvement and national utility.

7. Because the Welland Canal with its tolls, profits, lands, harbours, uses, and advantages, has been altogether surrendered and given up into the hands of his Majesty's Ministers or their agents, as a security for £50,000 sterling, lent by the British government, and placed without the control of this House, by virtue of a Provincial act applied for by the canal Directors.

8. Because, His Majesty's government has withdrawn its promise to grant a sum equal in amount to one-ninth of the cost, or (£27,000) in aid of the canal, promised in consequence of a privilege assured to them for the free passage of government stores, and now confines its assistance to the loan above mentioned, at interest, with the above security.

9. Because, it has been ascertained that there will not be funds enough in the treasury to meet the appropriation so very much desired by the people, for the improvement of the roads and bridges in this Province, after paying the instalments of Provincial Bank Stock about to be called in, and the Government Debentures which lately became due.

10. Because that much and long desired measure the Road Bill, failed last year in the Legislative Council, and although renewed this year, has not yet been agreed to by that Honorable Body—a bill, the assurance of the passage of which into a law, ought, in the opinion of your committee to have precedence of any further attempts to involve the people in debt on account of the Welland Canal.

Your Committee have directed their chairman to report a bill, authorising an increase in the Company's Capital Stock to the amount prayed for in their petition.

All which is respectfully submitted,

THOMAS HORNER,

Chairman.

COMMONS HOUSE OF ASSEMBLY, 26*th January*, 1836.

SECOND REPORT.

Additional evidence taken by the Committee on the Welland Canal.

Your Committee appointed to enquire into the management of the Welland and Burlington Canals, respectfully report certain additional evidence, taken by them, in the matter of the Welland Canal, together with the explanation given by Mr. Black, regarding the apparent difference of £3,593 between the expenditure, as stated in the Annual Report of

the Directors, and as laid down, in the detailed accounts submitted to your Committee.

AMBROSE BLACKLOCK,
Chairman.

Committee Room,
Commons' House of Assembly,
February 16th, 1830.

COMMITTEE ROOM,
Thursday, February 4th.

PRESENT.

Messrs. Blacklock,
Hopkins,
Woodruff,
Longley, &
Mackenzie.

Dr. Blacklock was called to the chair.

DAVID THOMPSON, Esq., J. P., Wainfleet, *called in and examined.*

How near the line of Canal do you reside? Within three quarters of a mile; it runs through my land.

Do you think it practicable to finish the canal to Chippawa, and widen the feeder so as to render the work navigable, during the season for £25,000? I think that £2000 would finish the canal to the Chippawa, all except the feeder, and that £25,000 would widen the feeder for boat navigation, and complete the Canal to the Welland, the old debts not included.

Do you believe the Board of Directors gave that patient, careful and personal attention to the Deep Cut, previous to its caving in, which was calculated in all "human probability" to prevent the miscarriage which took place? The Directors attended once a month and viewed the works—their engineers were present almost tevery day, to give necessary directions to the contractors. Mr. Clark was their Agent.

Was it generally apprehended that the Deep Cut would slide in before it did give way? From the time of the first slip, I was of opinion that if the excavation was persisted in below the surface of the Welland, it would give way—I advised Mr. Merritt and the engineers that there was no probability of its continuing to stand, because the clay below that surface absorbed water quickly, and was therefore unable to support the weight of the Banks. There was a variety of opinions on the subject.

Whether would you advise parting with the Provincial Stock in the Canal to the company, without recompense, in order to enable them the better to finish the work—or would you recommend a loan? I would recommend a loan.

Is it your opinion, if further slips take place in the canal banks at the Deep Cut—that the work will sustain material injury? I think that any slips that can now take place will be of very little consequence.

In what situation are the Locks? With the exception of two, which have bilged in, they are in good order and will be likely to stand.

Do you think it absolutely necessary to widen the feeder, in order to give a permanent supply of water to the Canal? I do.

Are you a Stockholder in the Welland Canal? I am not.

Are you a Creditor of the Company? I am—to the amount of £1,400 or thereabouts.

Do the Company acknowledge your claim? It has not been before the Board.

Are there many such claims not yet decided on? There are many such claims.

Would the Welland Canal be of any use unless the feeder were widened? Scarcely any.

Do you consider that the Directors gave that constant attendance which was necessary for the welfare of the work? I think it would have been an advantage had they been oftener present. They attended, however, by their engineers and agent.

COMMITTEE ROOM,
Saturday, 6th February, 1830.

PRESENT:

Doctor, Blacklock,
Messrs. Mackenzie,
Hopkins,
Woodruff, &
Longley.

DOCTOR BLACKLOCK, *was called to the chair.*

W. H. MERRITT, Esq. *called in and examined.*

Can you shew this committee a copy of the Bond and Mortgage of the President of the Welland Canal Company, given to the British government as a security for £50,000 by the Directors? The Bond and Mortgage are in the Government office here, and I now produce Mr. Mudge's certificate shewing the conditions of the sale, which are as follows:

GOVERNMENT OFFICE,
York, 5th February, 1830.

The bond and mortgage of the Honourable John Henry Dunn, President of the Welland Canal Company, is lodged in this office—conditioned for the payment of fifty thousand pounds of sterling money of Great Britain, on or before the twenty-fifth day of July, 1838, at the Treasury Chambers in Whitehall, with interest after the rate of 4 pounds for every one hundred pounds, payable annually.

To secure which a mortgage was given on the Canal, its tolls and profits, in case the said £50,000 and interest is not paid by the time specified.

The mortgage likewise contains a clause to allow His Majesty's Government to assume the property of the canal in case the above mentioned condition is not complied with, saving however any prior incumbrance, on account of monies advanced for the canal.

It does not include fifteen thousand acres of land of the company in Wainfleet and Humberstone.

By command of His Excellency,
The Lieutenant Governor,
Z. MUDGE,
Secretary.

Have you seen this Bond and Mortgage. I saw it yesterday.

Does it contain any provision authorising the British or Provincial Government to take possession of the Canal at an earlier period than July, 1838? It does provided the interest on the loan is not punctually paid.

Does it include the Hydraulic privileges of the company? It includes every thing on the line of the canal except the lands.

As you have not an official copy of the British act authorising the loan, the committee are desirous of obtaining the substance of its provisions, as nearly as you can remember them? The following is the substance of its provisions, and I believe it to be correct.

Whereas it is expedient to authorise a loan of money to assist in completing the Welland Canal in Upper Canada. It shall and may be lawful for the Lords Commissioners of His Majesty's Treasury to advance the sum of fifty thousand pounds out of the consolidated funds, at such a rate of interest, and on such terms as any three of them may appoint.

(Explanatory note submitted to the Committee by Mr. Black, Secretary W. C. C.)

The difference between the Printed Report and the balance sheet arises from £3,000, received of the Bank of Upper Canada, which has been paid to Contractors in advance, but not having been estimated could not be carried to account so as to appear in the balance sheet.

JOHN BLACK,
Secretary W. C. C.

No. 2.

ACT OF PARLIAMENT 11th GEO. 4th. c. 11.

An Act to grant a further loan to the Welland Canal Company and to regulate their further operations.

[Passed, March 6th, 1830.]

Most Gracious Sovereign,

Whereas the Welland Canal has been so far completed as to allow the passage of vessels from Port Dalhousie on Lake Ontario, to Chippawa, on the Niagara River, above the falls of that River; and whereas an Act was passed in the eighth year of your Majesty's reign, entitled, "An Act to enable the President and Directors of the Welland Canal Company to accept an aid from His Majesty's Government, towards the completion of the said Canal, and to secure to His Majesty the free use thereof," whereby in consideration of the one-ninth of the estimated cost of the said Canal, to be paid by Your Majesty to the said Canal Company, the free use of the said Canal was secured to your Majesty and the Locks of the said Canal were enlarged to certain dimensions, stipulated in behalf of your Majesty by your Majesty's Secretary of State for the Colonies, and whereas the said Act is still in full force and effect, but the said aid not having been yet advanced by your Majesty, (though your Majesty's faithful Commons have every confidence that the said aid will be extended by your Majesty,) and the said Company from the want of the said aid and other causes, are unable to complete the said Canal so as to render the same at all times fit for navigation from Port Dalhousie, on Lake Ontario, to the mouth of the River Welland; and it is therefore necessary to grant the said Company immediate aid to insure the progress of the said Canal between the said places; We therefore pray your Majesty that it may be enacted, *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province, to raise by loan from any person or persons, bodies politic or corporate who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum not exceeding twenty five thousand pounds, at a rate of interest not exceeding six per centum; and that as soon as the said sum of twenty-five thousand pounds or any part thereof, shall be so raised it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province to issue his warrant upon the said Receiver General for the same in favor of the said Welland Canal Company, upon the terms and conditions hereinafter provided, respecting the same, which sum of money, when payable as aforesaid, in favor of the said Company shall be paid into the hands of the President of the said Company, to be held and applied by him to and for the uses of the said Company, in the completion of the said Canal, under the terms and conditions of this act.

II. *And be it further enacted by the authority aforesaid*, That the expenditure of the said sum of twenty-five thousand pounds shall be limited to the payment of the debts due by the said Welland Canal Company and to the completion of the said Canal between Lake Ontario and the mouth of the said Canal near Chippawa, on the River Niagara, and that no further expenditure shall be made until the condition of the Deep Cut, on the said canal shall be examined and reported to His Excellency the Lieutenant Governor by the person appointed by this Act for that purpose: *Provided always*, that it shall be lawful for the said Company to enlarge the feeder of the said Canal, now in progress, to such a width as will afford a sufficient supply of water for navigating the said Canal from the River Welland to Lake Ontario and no wider.

III. *And be it further enacted by the authority aforesaid*, That the sum of money hereby authorised to be raised by Loan shall not be subject to any deduction of poundage for the Receiver General of this Province, any law or usage to the contrary notwithstanding.

IV. *And be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Receiver General for the time being to cause or direct any number of Debentures to be made out for

such sum or sums of money, not exceeding in the whole the said sum of twenty five thousand pounds, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be signed by him; and that for each Loan or advance three several Debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of one third of the sum so advanced, at the expiration of periods not shorter than seven, nine, and eleven years, respectively, with interest according to the rate at which such Loan shall be negotiated, from the date of such debentures, until the same shall be discharged.

V. *And be it, &c.*, That all such debentures, with the interest thereon, and all charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon and shall be repaid and borne out of the monies that shall come into the hands of the Receiver General, to and for the public uses of this Province, and at the disposal of the Legislature thereof.

VI. *And be it further enacted by the authority aforesaid,* That the Loan authorized by this Act shall be contracted for upon the express condition, that at any time either before or after the said debentures or any of them which are by this Act directed to be issued, shall become due, according to the terms thereof, it shall and may be lawful for the Governor, Lt. Governor or person administering the Government of this Province, if he shall think proper so to do, to direct a notice to be inserted in the U. C. Gazette, requiring all holders of the said debentures to present the same for payment; and if after insertion of the said notice for three months, any debenture shall remain out more than six months from the first publication of such notice, all interest on such debentures after the expiration of the said six months shall cease, and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

VII. *And be it further enacted, by the Authority aforesaid,* That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the seventh year of His Majesty's reign, entitled "An Act to authorise the Government to borrow a certain sum of money, upon debenture, to be Loaned to the Welland Canal Company,"—respecting the debentures authorized by the said Act passing current with certain public accountants; the payment of interest upon the same, by such accountants, and the suspension of interest in certain cases; the submitting to the Legislature accounts of such debentures, and the interest paid thereon, and the expenses attending the same; the payment of interest to holders of such debentures; the remuneration to the Receiver General, for the services required by the said Act; paying off and cancelling the said debentures; and also, the provision made in the seventh Section of the said Act for punishing the forging of any debenture thereby authorised to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged debenture, or other matter, as aforesaid shall apply to, and be in force in respect to, the debentures which shall be issued according to this Act.

VIII. *And be it further enacted, by the Authority aforesaid,* That the said Receiver General of this Province for the time being, shall not pay or advance to the Welland Canal Company any sum or sums of money specified in or by virtue of any warrant or warrants which may be from time to time issued in their favour by the Governor, Lt. Governor or person administering the Government of this Province under the authority of this Act, until the said Welland Canal Company shall have delivered to the said Receiver General a bond or bonds, or writing or writings, obligatory to our Sovereign Lord the King, his Heirs and successors, duly sealed and executed under the seal of the said Welland Canal Company, in the penal sum of double the amount to be secured thereby, such bond or bonds, writing or writings, obligatory, respectively, to be conditioned for the payment to the said Receiver General, to and for the use of our said Lord the King, his heirs and successors, the sum or sums of money specified in said warrant or warrants, that may be from time to time issued in favor of the said Welland Canal Company, by virtue and under the authority of this Act, and at such period or periods respectively, as the debenture or debentures upon which such sum or sums of money, so to be from time to time advanced to the said Company by way of Loan may have been raised shall respectively have become due and payable according to the terms thereof, together with the legal interest thereon, at the rate of six per cent per annum, such interest to be paid to the Receiver General, to and for the use of our Sovereign Lord the King, his Heirs and successors, half-yearly, computed from the date or dates of the said bond or bonds, writing or writings, obligatory, respectively; and which bond or bonds, writing or writings, obligatory respectively, shall be prepared and made out in such method and form as the said Receiver General shall think most safe and proper.

IX. *And be it further enacted by the Authority aforesaid,* That upon payment by the said Company to the Receiver General of this Province, for the time being, of the principal or interest on any sum or sums of money, from time to time lent and advanced to the Welland Canal Company, by virtue of any such warrant or warrants issued under the authority of this Act, according to the condition, true intent, and meaning of any bond or bonds to be given by the said Company for issuing the same as by this Act required, such Receiver General shall deliver to the said Company a receipt or receipts for the same, under his hand, which receipt or receipts so signed and delivered, shall be, and are hereby declared to be, a full and sufficient acquittance or acquittances to the said Company for the sum or sums therein respectively mentioned and specified.

X. *And be it further enacted, by the Authority aforesaid,* That all and every sum and sums of money from time to time paid into the hands of the Receiver General of this Province by the said Welland Canal Company, as a principal or interest upon any bond or bonds of the said Company, given by virtue of this Act, shall remain in the hands of such Receiver General of this Province, at the disposal of the Legislature thereof, and that all sums of money paid under the authority of this Act, shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, for the time being, in such

manner and form as His Majesty, His Heirs and successors shall be graciously pleased to direct.

XI. [Repealed by 1st Wil. IV. c. 18.]

XII. *Provided always nevertheless, and be it further enacted, by the Authority aforesaid,* That nothing herein contained shall be construed to restrain or prevent the said Company after the completion of the said Canal from Port Dalhouse to the entrance of the said Canal into the Niagara River, to apply such sum of money as may be necessary in the formation and construction of a Towing Path along the Niagara River, from Lake Erie to the entrance of the said Canal.

YII. *And be it further enacted by the Authority aforesaid,* That Robert Randal, of the District of Niagara, Esq. shall be, and he is hereby appointed Commissioner, under and by virtue of this Act, to examine the said Canal, and particularly the section thereof called the Deep Cut, and to report to His Excellency the Lt. Governor, or person administering the Government for the time being, for the information of the Legislature, the condition of the said Canal and Deep Cut thereof, and particularly to examine and report upon the strata of which the said Deep Cut is composed; the effect which the seasons have already had thereon, and the probability there is of the stability or instability of the banks of the said Deep Cut, with the facts and reasons upon which such opinion of their stability or instability is founded, and to examine and report particularly upon the wooden Locks of the said Canal, their sufficiency, probable durability, and expense of repair; and to examine and report upon the Harbour at the twelve mile Creek, and the condition, practicability, and sufficiency thereof; and to examine and report upon the condition of the Dam erected across the Grand River, and the effects from overflowing, or otherwise, produced by the same; and to examine and report the condition of the Feeder from the Grand River to the said Canal, and whether it would not be practicable and advantageous to have a Feeder from another and higher point of the said Grand River, together with all such other and further facts and information as the said Commissioner may deem useful, in aid of forming a correct opinion of the said work, its progress, condition and future usefulness.

XIV. *And be it further enacted, by the Authority aforesaid,* That it shall and may be lawful for the Governor, Lt. Governor, or person administering the Government for the time being, to remunerate the said Robert Randal for his duties and services aforesaid, and for any disbursements he may have to make in the discharge of such duties and services, to such an amount as His Excellency the Lt. Governor or person administering the Government for the time being, shall think fit; and to issue his warrant, or warrants for such amount upon the Receiver General of this Province, in favor of the said Robert Randal, which amount shall be paid out of any monies in the hands of the said Receiver General unappropriated, and subject to the disposal of the Legislature.

No. 3.

MINUTES OF THE BOARD, FOR 1830.

Jannary 11th, 1830.

At a Meeting of the Directors, held at York,

PRESENT:

The Hon. John H. Dunn, *President.*
The Hon. William Allan,
J. J. Lefferty, and
George Keefer, Esquires.

The Minutes of 31st December were read and confirmed.

Resolved, That a Petition be presented to the Legislature to increase the Stock of the Company to £300,000, and to take Stock or grant a Loan to the amount of £25,000.

Resolved, That a Petition be presented to the Legislature to advance £15,775 to enable the Directors to discharge the debts and claims upon the Company, and a further sum of £9225 to carry on the work and to increase the Capital to £300,000.

Resolved, That J. A. Wilkinson be allowed for his assistance in the Engineering Department the sum of $40 per month, amounting to £35.

Resolved, That a Petition be presented to Sir George Murray, Secretary of State for the Colonies, for the ½ formerly granted to the Company.

Resolved, That the Mill Seats at Carl's, South end of Deep Cut, be let by Auction on Thursday the 3rd of June, and the Village Lots be sold at the same time—all buildings erected on the Mill Seats which may revert to the Company. to be built with good Stone foundations, 2 feet above the earth.

Resolved, That the Mill Seat at Hall Davis' be granted to him at the rent of $50 for each run of Stones, and $50 for a Saw Mill.

John Putnam having applied for a privilege to erect buildings on the banks of the Niagara River, the Company do not conceive they have any right thereto, and therefore cannot comply with his request.

Resolved, That the day of election be altered from the first Wednesday in April to the first day in June.

Resolved, That the Petition of Robert Campbell be complied with, viz., That he be paid to the extent of his cost upon his work at the mouth of the Chippawa, amounting to the sum of £2547, instead of £2272 18 6., as estimated by the Engineer.

Resolved, That Mr. Phelps' Petition be complied with subject to the further consideration of the Board, deducting £75 advanced on land. (see February 1.)

1st February, 1830.

At a Meeting of the Board of Directors, held at York,

PRESENT:

The Honorable John H. Dunn, *President,*
Henry J. Boulton, Esquire, *Vice-President.*
The Hon. William Allan, and
J. J. Lefferty, Esquire.

Resolved, That the Engineer be empowered to lay out a Race-way at St. Catharines, in the most suitable situation. The Mill Seats to be sold by Public Auction, on Saturday 5th June—the digging to be let out on the 15th April, but not to be paid out of the present funds. The other Mill Seats to be let, through the line, in the same proportion.

March 8th, 1830.

At a Meeting of the Board of Directors, held at Cork,

PRESENT:

The Hon. John H. Dunn, *President.*
H. J. Boulton Esq, *Vice President.*
The Hon. William Allan, and
Robert Randall, Esq.

The undermentioned Petitions and Applications were taken into consideration—viz:

1st. R. Armington's proposal for a Dry Dock.

In case the £25,000 is obtained the Agent is authorized to put the Dry Dock under Contract on such terms as he or the Superintendant may think most advantageous, after giving public notice of the same, and not otherwise—this may stand over.

2nd. Upper and others, for a Bridge on the Holland Road. In the opinion of the Engineer it is not necessary.

Resolved, That Mr. Upper be allowed to build a Bridge, provided he will erect one equal to those already built, for a sum not exceedieg $300—the site to be first examined.

3rd. The Petition of John Carl and others, to be attended to, and a Bridge built with the least possible delay, after the site is examined.

4th. Misener's claim for compensation to be decided by a general arbitration, which will be appointed as soon as all the other claims against the Company can be ascertained.

5th. The tolls heretofore decided on to be expunged.

6th. M. Lewis' Report of Harbor, Lake Erie—deferred to another meeting of the Board.

7th. W. L. Mackenzie's bill for printing report, £6 5s., ordered to be paid.

8th. Jesse Wilson's application for mill privilege, postponed till after the sale at Carl's, 3rd June.

9th. D. Thomson's claim for loss on Thompson's estate, &c., cannot be entertained, considering that contract was subsequently renewed by Messrs. Monson, Simpson, and Pratt.

10th. The other several claims, &c., were deferred—in the mean time, Messrs. G. Keefer, J. J. Lefferty, and R. Randal, Esquires, are requested to examine the same as well as others which may be submitted to the agent or Secretary at such convenient time as may be appointed before Mr. Barrett leaves, and to report their opinion thereon to the Board—this deferred.

11th. *Resolved*, That Mr. M. Lewis be employed to superintend the work from Port Dalhousie to the mountain at £225 per annum, and Mr. O. Phelps from thence to the Grand River at £250 per annum, as proposed by him on settlement of his account.

12th. That Mr. George Keefer be continued as principal Engineer, at his present salary,—and that Mr. Barrett, the principal Engineer be informed that the Board entertain a high opinion of the zeal and talent with which he has conducted the various operations of the canal, and regret that they are not in a situation to continue the remainder of the work so as to retain him in their service until the whole is completed.—Mr. Barrett's salary to be paid as soon as the accounts are settled and the committee have investigated the claims alluded to above.

13th. *Ordered*, That the agent, in conjuction with the Superintendents, take immediate measures to put the line of Canal from lake to lake in a situation to admit the passage of vessels at the earliest period according to the provision of the late Act.

14th. *Resolved*, That the agent adopt such arrangements on opening the Canal as circumstances may require, making a full report of the same at the first meeting of the Board, that they may be altered or confirmed, as may be deemed expedient.

J. A. Wilkinson's salary—£35, and the agent and Secretary—£150—ordered to be paid.

Ordered, That the Agent or Secretary collect and lay before the Committee appointed to report thereon, all claims for damages on the Grand River, that they may report at the next meeting of the Board.

Ordered, That the Engineer survey the land required from Mr. Adams from the original boundaries, and that the same be taken by the Company—the lease of the mills, as examined by the Attorney General, to be executed and delivered to Mr. Adams.

Application to the Legislature of Lower Canada having been forwarded some time ago and no answer received, it is deemed expedient to renew it—and as William Berczy, Esq., M. P. P., is going to Montreal, the Board think it expedient to solicit Mr. B., to proceed to Quebec and press their applicatien to the consideration of the House of Assembly—for which service they will remunerate him for this expense from Montreal to Quebec, and back. The Agent is requested to provide him with all necessary papers to forward the object of his mission.

The agent is authorised to announce the opening of the Canal, and to guarantee all property through the Canal on behalf of the Company.

Application having been made to erect a Woollen manufactory—

Resolved, The privilege be granted for $50.

Mr. McMicking having proposed to build a steam boat, the President recommends the Company taking a quarter share.

June 2nd, 1830.

At a meeting of the Stockholders held at St. Catharines, pursuant to advertisement for the election of Directors for the year ensuing,

PRESENT.

George Keefer, and
Alexander Y. McDonell, Esquires.

Mr. Keefer, produced a power of Attorney appointing him proxy for the Stockholders in New York.

The ballot having been taken, the following gen-

tlemen were declared to be duly elected, viz:

The Hon. John H. Dunn,
The Hon. William Allan,
Henry J. Boulton,
Alexander Y. McDonell, and
William Hamilton Merritt, Esquires.

July 30th, 1830.

At a meeting of the Directors, held at St. Catharines,

PRESENT:

The Hon. John H. Dunn,
The Hon. William Allan,
Robert Randal, Alex. Y. McDonell, and
W. H. Merritt, Esquires.

The Minutes of the 2nd June were read, respecting the Election of Directors for the ensuing year, when the Hon. John H. Dunn was re-elected *President*, and Alexr. Y. McDonell Esq. *Vice President*.

The Minutes from January 11 1830, were read and confirmed.

Resolved, That Mr. Berczy be written to to account for his claim of £22 10.

In conformity with the 14th resolution of 8th March, the Agent submitted the following items for the consideration of the Board, viz.

That the following gentlemen be Collectors of Toll.

Robert Randall, Esq.....Chippawa.
Orson Phelps,.....Grand River.
Thomas Merritt, senior,....Dalhousie.

which appointments were confirmed and the Secretary ordered to write to the parties to give the security required by 34th clause of the Statute 1824—viz.—"two or more sureties in such a sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty"—and to furnish them with their instructions.

Regulations relative to the navigation and management of the Canal were ordered to be printed and acted upon immediately.

The award of James Cummings, Esq.

It appears the amount awarded is £91 5—Mr. Keefer's statement of the land is A. 1, 3, 32, or 2 rood 16 perches, exclusive of the road—whereas Mr. C. make it 5 or 6 acres—the difference is supposed to be the land taken for Towing path—under this impression the Agent has not laid out the Towing path or entered on Mr. C's. premises—waiting the opinion of the Board, who will determine if this award will establish a precedent for other claimants or not.

Mr. C. was applied to, and it was intended to continue the Towing Path on his premises if he would consent to leave out the sum the Arbitrators awarded for it—otherwise it can be removed to the opposite side of the Cut, although that would be attended with much inconvenience.

Resolved, That the above be examined by the Committee, who will report thereon.

Would it not be advisable to propose to each claimant to leave the decision of his claim to the three Arbitrators named by the last Legislature, and in case they will not consent, to wait the next sitting of Parliament, and get a new Act nominating the Arbitrators;—experience shows the Company is always compelled to pay the expenses on each award, which generally brings the amount as high as if it were decided at once.

Claimants on the Grand River—should not the damages of crops and removal of buildings be settled with the individuals?—with whom are we to settle for the lands?—the people have all been waiting with much patience, and require an immediate decision.

Resolved, To refer this subject to the Committee, and that Mr. Keefer accompany them on the Survey.

The following applications and petitions were submitted.

Nicholas Smith for Land—rejected, as his offer was too low.

Philip Carl to purchase his Farm, 200 acres adjoining Robinson, for £500—his award is £158, leaving a balance of £342—declined.

Nathan Pawling, on the part of Wm. Budden to be permitted to erect a Store House at Port Dalhousie—granted Mr. Budden to have a Lease for 999 years, at a nominal rent, say 5 shillings per annum, the line to be marked out by the Company's Engineer, so as not to interfere with the navigation of the Canal.

On the same principle other applicants may occupy sites for Storehouses.

Jesse Wilson, for Mill Seat at Aqueduct—rejected.

Mr. Cusack. for $25 subscribed towards Grand River Survey—ordered to be paid.

Other claims referred to the Committee.

Resolved, That Alexr. Y. McDonell, R. Randall, and J. J. Lefferty, Esquires, and Afred Barret, Engineer, be a Committee to examine and report on all just and lawful claims, and as soon as they are prepared to apprise the President thereof, who will appoint a day for the meeting of the Board to decide thereon.

Resolved, That Thaddeus Davis be engaged to superintend the completion of the Dam at Grand River, provided the Committee who will examine the Dam are satisfied with what he has already done.

Resolved, That Judge Wilkinson be informed that the Board intend to commence a prosecution against him (for his roguery) as soon as the expense of repairing the Dam is ascertained.

Mr. Wm. Mylne having applied for compensation for damages sustained by the Canal passing through his land, and also to be appointed Collector at Grand River.

Resolved, That his claim cannot be entertained, and that the Collector is already appointed.

Referring to the minutes of last Board, it appears no purchasers of capital have offered for the mill seats or hydraulic privileges on lease for 10 years, except Guy Atkins for the surplus water at the River Welland at $150 per annum; a reservation being made at the time of sale that if the Company

decided on an absolute sale of the privileges the sale of leases were to be null and void.

An offer was made by Frederick Tucker of Lockport, of £500 for the choice of a mill seat for 4 run of stones at St. Catharines, or for a lease of 999 years at a rental of £30 per annum.

Resolved, That Mr. Tucker be informed that the Company will not sell any of the mill seats at St. Catharines at present.

To afford facility to those who may be inclined to purchase town lots with a view of building thereon—

Resolved, That the village or town lots be divided into 3 classes—viz:

ROBINSON.

1st class,.....	£25	0	0
2nd class,.....	12	10	0
3rd class,.....	6	5	0

ALLANBURGH.

1st class,.....	£18	15	0
2nd class,.....	10	0	0
3rd class,.....	5	0	0

MARSHVILLE.

Each lot,.....	£6	5	0

Persons purchasing lots are to erect a frame building on each lot within one year from the day of purchase.

Resolved, That Samuel Keefer draw a plan of the above, copies of which are to be sent to Mr. Buchanan, Quebec, and Mr. Day, Albany, with description thereof.

A back or soak ditch appearing necessary for the preservation of the banks of the canal as well as draining the land it is now being made—approved.

The towing path from the aqueduct to the Grand River being likely to become a great public benefit by permitting horses and carriages to travel thereon, which must necessarily damage the canal, especially in the wet season, it is

Resolved, That the following tolls be collected for the purpose of keeping the same in repair, viz:

	s.	d.
For every carriage, wagon, or sleigh, with 2 horses,.....	1	3
Do. do. do. with 1 horse,	1	0
Do. do. with a yoke of oxen,	1	0
Do. saddle or single horse,.....	0	7½
Do. yoke of cattle,.....	0	7½
Each Ox, Cow, &c.....	0	3½

Intermediate distances in like proportion, except from Broad Creek to Grand River Dam—which for that distance will be—

	s.	d.
For every carriage, wagon, or sleigh, with 2 horses,.....	0	7½
Do. do. do. with 1 horse,	0	6
Do. yoke of Oxen with cart or wagon,	0	6
Do. yoke of Oxen,.....	0	3½
Do. single or saddle horse,.....	0	3½
Do. Ox, Cow, &c.....	0	2

Resolved, That a Superintendant be placed at the aqueduct, whose duty it shall be to take charge of the canal from Carl's bason to the curve above Hellems'—he shall keep the banks and roads in repair, erect a toll gate and collect the toll—keep the canal free from timber, rubbish, &c.

Another at Marshville, who shall perform the like duty, from the curve to 4½ miles beyond Marshville.

Another at Grand River, beyond Broad Creek, to extend to the waste weir at Cranberry Marsh.

Application to be made to Mr. Boulton, for 4 acres of land to erect a house, &c., in the last mentioned place.

Another Superintendant at Grand River Dam to extend from the dam to Cranberry Creek, including the same to the right bank of the Grand River.

As a primary consideration is to secure a permanent supply of water for the navigation of the Canal,

Resolved, That instruction be given to the Superintendant at Graud River Dam and elsewhere,

Amended 2nd Sept. 1830. } 1st. That the waste weir at Cranberry Creek be alway kept at Feeder height—and whenever the water ceases to run over the waste weir, the saw mills on the Feeder above this point shall be stopped at the grist mill when one inch below it.

Amended 2nd Sept. 1830. } 2nd. That the waste weir at Marshville be raised exactly to water line, and whenever the water ceases to run over the waste weir the saw mills at Marshville to cease, and when one inch below it, all other machinery to cease.

3rd. That the waste weir at Robinson be raised to top water line, and whenever the water ceases to run over this waste weir, the saw mill to stop, and when one inch below it, other machinery.

Amended 2nd Sept. 1830. } 4th. The same principle to guide the Superintendants in regard to the other waste weirs and mills from this point to Lake Ontario.

October 12th, 1830.

At a Meeting of the Directors, held this day at York,

PRESENT:

Alex. Y. McDonell, Esq., *Vice-President*.
The Hon William Allan, and
H. J. Boulton, Esquires

Resolved, That the Vice President draw upon the Bank of Upper Canada on account of the Company for the sum of Two Thousand Pounds.

October 26th, 1830.

At a Meeting of the Board of Directors, held this day at St. Catharines,

PRESENT.

Alex. Y. McDonell, Esq., *Vice President*,
Henry J. Boulton,
Robert Randall, and
Wm. Hamilton Merritt, Esqrs.

Mr. Yates of New York having returned from England, attended the Board and laid before the

Directors a Report of his proceedings while in London, which was read and taken into consideration.

1st. From which it appears that His Majesty's Government have not confirmed the offer made by the Despatch of Lord Bathurst in 2826, to pay one ninth of the cost of the Canal, and that individuals do not feel disposed to lend money or embark their Capital in the Canal to the extent required, so long as the incumbrance which Government have on it exists—and it being the opinion of Mr. Yates, as well as the Members of this Board that if the money is repaid to the Government they may still feel it their duty to repay the $\frac{1}{9}$ on the original agreement, and sensible that the revenue of the Canal should be considerably increased by the outlay of Capital sufficient to erect Storehouses and suitable craft for the navigation thereof, as well as for other purposes connected with the undertaking.

Resolved—

1st. That John B. Yates Esq. be empowered to negotinte a Loan of money to the amount which he may deem necessary to pay off those incumbrances, and for the purposes of the Canal, with any individuals, bodies corporate or politic, in any way or manner he may conceive best adapted for the interests of the Company—the principal of which may be payable between 1830 and 1850, and the interest not to exceed 5 per cent per annum.

2nd. It is the opinion of this Board that if an immediate sale of the Lands of the Company, together with the hydraulic privileges, could be effected, it would promote the interest of the Company by the increased toll which must be brought on the Canal for the supply of the various machinery which will be erected, besides the indirect trade which must arise from the business thus created—the Board feel every disposition to promote the object—but as the amount of Capital necessary to invest in machinery, &c. must exceed £25,000, to obtain an income of £15,000 per annum, a sum beyond what the Company may command.

Resolved, That J. B. Yates be empowered to effect a sale of all the lands and hydraulic privileges now on or to be on the entire line of the Canal, including the route hereafter to be made to Lake Erie, reserving the entire management and regulation of the waters to the said Company, to preserve the levels throughout and make from time to time such alterations as they may deem necessary for preserving or improving the navigation of or on the Canal for the sum of £25,000, payable in 10 years, with interest payable yearly from the first day of January next.

And that the said John B. Yates may have the refusal thereof for one year—the title to be given on payment of the principal or any part thereof—and that a Contract be entered into with him to that effect provided the Directors unanimously approve of the measure.

3rd. As an early application to the Legislature the ensuing season appears necessary,

Resolved, That the Petition be made out embracing the following subjects:—

1st. A satisfactory explanation of the 4th clause of the 6th Geo. 4, passed 13th April 1825, to remove any objection to our obtaining toll on the Canal from the Niagara River to the River Welland—and authorising us to build a Dam at the mouth of the said River at Chippawa, which is to be considered a part of the Canal.

2nd. To report the 15th and 16th clauses which give the Government a right to assume the Canal, inasmuch as they have retained the right to regulate the toll.

3rd. To repeal the clause in the last Act preventing our making the Canal to Lake Erie without a further Legislative enactment.

4th. To pass an Act permitting the landing and relanding from any part of the United States, on or above Lake Erie to any American Port on or below Lake Ontario, without any duty or additional charge on the produce or vessel bringing or taking away the same.

5th. To connect the Lakes by the shortest possible route it is necessary to make a Lateral Cut to the most direct and best point on Lake Erie, which will cost $100,000—to pay off all demands against the Company, and to enable them to carry on the operation of the Canal, it is necessary to procure the further sum of $100,000.

Resolved, That a Petition be presented to the Legislatures of Upper and Lower Canada for Loans to the amount above mentioned, and that Mr. Berczy be apprised that the Company expect him to make the application as soon as the Legislature of Lower Canada may assemble.

6th. To consider the Grand River from the Dam to the mouth, including the opposite banks, as forming a part of the Canal.

The Committee and Mr. G. Keefer are requested to examine the claims of individuals on the Indian lands, to collect information and report thereon to the Board.

Resolved, from the present feeling of the Forwarders on the Niagara frontier, (as well as from the general want of enterprise) no Boats or erections being prepared, it is necessary the Company should make preparation for the ensuing season.

To accomplish this the Agent is authorised to carry into effect the following arrangements.

1st. The following notice to be published—

"Sealed proposals will be received at the Canal Office on or before the 1st December next for building a Store House at the Grand River Dam, Dunnville, of the following dimensions.—One at the Deep Cut on the River Welland, and one at Port Dalhousie.—The above to be framed buildings—plans and specifications will be furnished at the Welland Canal Office."

NOTE.—The Store Houses at Dunnville will reach from the River below the Dam to the Canal, so that Vessels may unload at one door, and Canal Boats load at the other—all plain Buildings—to cost about 5 or $600.—The one at Robinson will be on the Welland, for those Vessels which cannot pass the Canal.—The one at Dalhousie on the West Pier, for Steam Boats.—Likewise a Drudging Machine similar to the one in operation, with any improvement in its construction for the open Lake, which will be

submitted with the proposal. This Machine and Boats will cost about $500.

Also 4 Canal Boats, 95 feet by 14, drawing 3 feet 6 inches when loaded—a model or plan to accompany the proposal—to be completed by 1st March.

Resolved, That the Agent be instructed to put the whole line of the Canal in perfect repair this Fall, and leave nothing to be done the ensuing Spring.

NOTE.—The banks at Hall Davis' Reservoir, and Marlett's Culvert require raising and widening, and a small length of Feeder above Broad Creek they are now repairing—the remainder is all well settled and in no danger on Ship Canal.

Resolved,—That an immediate application be made to His Excellency soliciting his influence in removing any restrictions which may now exist in landing American produce and propetty on our shores, for the purpose of passing from one Lake to the other on the Welland Canal, and being again re-shipped to an American Port, and should an application to the Provincial Legislature be necessary for passing a Law to that effect, the Secretary is directed to prepare a Memorial to be submitted for the approval of the next Board.

NOTE.—Mr. Allan and Mr. Boulton will recollect many thousand barrels of Salt were formerly landed at Queenston and re-shipped at Fort Erie for the upper country, without duty or any charge—a similar arrangement or law to that effect, is what is now required—the greatest fear is, the Americans will place some restrictions themselves, if so a greater quantity will be withheld from the Canal, as the New York Market has with them a decided preference.

Resolved, That a Circular be printed and sent to the various Ports on Lake Erie, as soon as the names of the Agents are obtained.

November 3rd, 1830.

At a Meeting of the Board of Directors, held at the Hon. J. H. Dunn's, York,

PRESENT:

The Hon. John H. Dunn, *President*.
William Allan,
Henry J. Boulton, and
W. H. Merritt, Esquires.

All the Resolutions made at the last Meeting were confirmed except the proposition of J. B. Yates Esq., which having been taken into consideration, the Directors conceived they would assume too great a responsibility to close with his proposal without having more information respecting the value of the property to be disposed of, and conceiving they would be rendering the Stockholders all the advantages the sale could possibly afford by giving it the most extensive publicity.

Resolved, That the Agent be directed to advertise the sale thereof, stating all its advantages, in the Newspapers of New York, Boston, and elsewhere in the States, and Montreal &c., in the Canadas, for which, proposals will be received on or before the 1st day of March next ensuing.

Resolved, That application be made to the Bank of Upper Canada for the Loan of £3000.

Resolved, That the President draw upon the Bank for the sum of £5694 17 3½, in order that all claims and estimates, due as agreed upon, be forthwith paid to the respective parties.

Resolved, That the Engineer's account be passed, and that Mr. Barrett be notified that the Board expect him to make out an accurate estimate and return of the respective routes to Lake Erie, for which purpose the Engineers have been principally employed during the present season.

Resolved, That the Secretary do forthwith write to the Cashier of the Bank of Upper Canada to retire £7500 of the drafts upon Yates and McIntyre which first became due, out of the £10,000 drawn upon them.

No. 4.

REPORT

OF THE

BOARD OF DIRECTORS

OF THE

WELLAND CANAL COMPANY,

For the Year 1830.

At the close of the Year (1830) the Directors have the satisfaction of announcing that the Welland Canal is so far completed as to afford a convenient navigation for schooners from one Lake to the other by way of the Niagara and Welland Rivers; while on that portion of the route which is not yet completed on the scale contemplated, namely: from the River Welland to Grand River, a good navigable channel for boats has been made, of equal dimensions of the Erie Canal.

This navigation has been fully tested during the latter part of the season, by the passage of several vessels drawing 7½ feet water. The result has been such as to refute whatever may have been stated to its prejudice; and the Directors, therefore, forbear making any farther remarks on the subject.

The delay which occurred in not opening the navigation as early in the spring as was anticipated, arose wholly from having placed too great a reliance on the guarantee of the Contractor who built the dam across the Grand River, and who engaged to maintain it for a certain period. The stability of every other part of the work has fully equalled the most sanguine expectations of the Directors.

The disappointment in respect to the dam is much to be regretted, as the greater part of the produce had passed over the portage before the Canal was fully in operation. As no preparation, however, had been made for building boats, and as so few of the vessels owned on the Canadian side of the upper Lake are adapted for the double voyage, it would have been impossible to have conveyed the whole quantity of produce with the present means of transportation.

The Directors have now made arrangements to remedy this inconvenience, in the ensuing season; they are erecting store-houses for the reception of property at Dunnville, Grand River, Robinson, Deep Cut, and Port Dalhouse; and they are building large covered boats that will carry 600 or 700 barrels of flour.

As soon as Lake Erie is free from ice above the Grand River, buoys will be placed at the eastward of the channel, and 3 lights in range with them, for the guidance of vessels. From thence a daily line of boats will ply to Port Dalhousie, which will be in readiness at the period above stated; and if the season is an ordinary one, the produce taken by this route may be either in the Montreal or New York market before it will be possible to reach Buffalo or Fort Erie.

After the Niagara River is open, such vessels as are adapted for the navigation of both Lakes will, of course, proceed direct from Lake Erie to Prescott or Oswego.

Property that is designed for transhipment will generally be landed at the Grand River, because the vessel will save 48 miles of Lake and 18 miles of a tedious River navigation. When once the cargo is discharged it can be transported nearly as cheap from the Grand River to Lake Ontario as from the mouth of the Welland or Chippawa. Still, for the accomodation of such vessels as may pass down the Niagara without intending to proceed further, a sufficient number of covered boats will be kept in readiness at Chippawa, to take through any cargo that may arrive, and in most cases without the owner being put to the trouble of storing it; and, if necessary, a daily line will be kept up on this route, for the season, or until the business of transportation settles into its natural channel.

Time is required to develope the advantages this communication offers. A very great additional expense has been incurred by individuals and the public, to increase the dimensions of this canal so as to admit the uninterrupted passage of property from lake to lake, avoiding the expense, risk, delay, injury and inconvenience of a trans-shipment; but the want of a sufficient number of vessels adapted for the double voyage may prevent the owners of produce on Lake Erie, and particularly on the Canadian side, from availing themselves of this conveyance at all times during the ensuing season.

Experience shews that regularity and certainty in the sailing of vessels on stated days has tended greatly to the facility and increase of commerce. An effort therefore will be made in the ensuing season to procure a sufficient number of vessels to leave Prescott every other day, if not oftener, for Port Dalhousie; thence to Sandwich, touching at the intermediate ports on Lake Erie. To give this mode of conveyance facility, the aid of powerful steam boats is required on both lakes to tow those vessels to their destination, after passing the canal—an arrangement which there is little doubt be will effected by individual enterprize after another year; when we hope to see a daily line from Prescott to Amherstburgh, as well as from Oswego to Cleveland, and *vice versa*.

The TOLLS for the ensuing season will continue at the same rate as the past.

The only impediment in the communication between the two lakes, is found in the Welland and Niagara Rivers. The advantages anticipated by avoiding this channel is shewn by a letter received from Captain Bill of the Winnebago (the first vessel that passed from Oswego to Cleveland).

The Board were so early impressed with the importance of continuing the Canal direct to Lake Erie the past season, that they caused surveys and estimates to be made of different routes, which have again been examined the present year. No difficulty is presented on either route: the shortest and cheapest is estimated at £17,500; but as the actual expense invariably exceeds the estimates in works of this nature, it may be placed at £25,000.

It has been deemed advisable to offer for sale, on or before the first of March next, all the lands and hydraulic situations belonging to the Company on the line of the Canal, as they can be managed to better advantage by individuals; and the increased toll from the erections that must be immediately placed on the line in order to render them profitable to the purchaser, (who will pay an annual interest from the 1st January, 1831,) will be an equivalent for the increased value of those situations which the Company purpose to surrender.

We have expended this season:—

In payment of debts contracted the preceding year,				£10,115	17	11
In widening & deepening the feeder,	£20,000	0	0			
On the Grand River Dam and adjoining thereto,	3,000	0	0			
On other parts of the Canal,	5,832	4	4			
Real Estate, Engineers, Contingencies, &c.	6,315	13	11			
				35,147	18	3
				45,263	16	2
Balance in the Bank,				768	4	8
				£46,032	0	10

The Company are still indebted to various individuals	£5500		
To meet which we have stock and balance on hand to the amount of	8257		
Leaving a surplus of		£2757	

There is also a balance due for claims not yet ascertained.

In addition to which a farther sum of £25,000 will be required to complete a schooner navigation in a direct line to Lake Erie. To raise this outlay an application will be made to the Legislature of Upper Canada, for a loan of £25,000, and to the Legislature of Lower Canada for an equal sum.

The Directors feel a degree of satisfaction in making these applications which they have not hitherto experienced. Many gentlemen of character and high respectability were under the impression that the Canal never would or could be brought to a suc-

cessful termination; and that the sum already expended, and whatever might be further advanced, would be wholly lost. This opinion was circulated with no little industry, and of course produced the desired effect; particularly as it could not otherwise be repelled than by the friends of the undertaking advancing a contrary opinion. The time has at length arrived when the successful completion of the work has silenced those forebodings—so far at least that they can be no longer uttered by men of candor and intelligence.

The rejection of any application heretofore, would have stopped the work, delayed its completion for a length of time, and been attended with the most ruinous consequences. The work is now in a situation not to be similarly affected. Its accomplishment is no longer a question; and the assistance now required, is urged as a measure of policy and expediency, for the consideration of the Legislature: whatever may be the result, no serious consequences need be apprehended.

The only discouraging argument that can now be advanced, is by those persons who estimate the value of this work to the country, merely in proportion to the nett revenue to be immediately derived from the amount of TOLLS received. These may urge that it will never pay; or, at least, not until a very distant period. On this subject the Directors have good reason to retain their former opinion.

In 1831, the Canal which connects the Ohio River with Lake Erie, will be finished; and so also will the Rideau Canal.

In 1832, the necessary preparations will be made for the conveyance of property in vessels or boats suited to the dimensions of those Canals: and in 1833 a quantity of produce will pass this Canal, for the Canada market alone, which is scarcely contemplated by the most sanguine, at the present day.

All we require to insure a profitable return, is to continue the Welland Canal on this most direct route to Lake Erie.

John Henry Dunn, *President.*
Alex. Y. M'Donell, *Vice-President.*
William Allan,
Henry J. Boulton,
Robert Randall,
John J. Lefferty,
Wm. H. Merritt,
Directors.

Welland Canal Office,
Saint Catharines,
Dec. 31st 1830.

No. 5.

REPORTS

OF

ROBERT RANDAL, Esq.,

WELLAND CANAL COMMISSIONER,

With Estimates, &c. of GEORGE KEEFER, Jun., *Civil Engineer.*

FIRST General Report from the Commissioners appointed under and by virtue of an Act passed in the Eleventh year of His Majesty's Reign, entitled, "An Act to grant a further Loan to the Welland Canal Company, and to regulate their future operations."

To His Excellency Sir John Colborne, K. C. B., Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.

At an early period after the passing of the Act authorising and appointing me to examine the Welland Canal and to report to Your Excellency "all such" "facts and information" as I might "deem useful in aid of forming a correct opinion" of that work; "its progress, condition, and future usefulness."—I proceeded to Port Dalhousie, and from thence along the whole line of the Dam at the Grand River, and personally inspected as far as the state of the weather could admit, the Harbor on Lake Ontario, the Deep Cut, the Locks, the Aqueduct, the Feeder, the Dam, and the Excavation generally.

DEEP CUT.

As the 13th Section of the Statute requires a very minute and particular examination of the Deep Cut to be made in order to ascertain as far as practicable "the probability there is of the stability or instability of the banks," I have visited and inspected that section of the work from time to time, since the beginning of April, carefully enquiring into and noting down such facts and occurrences as I considered likely to prove useful.

Several slips in the left or west bank have taken place this spring; the surface area of one of them, perhaps exceeding half an acre; but the soil thus deposited in the Canal has partly filled up the vacant space below the *new* bottom level, and by widening the summit level rather benefited than injured the navigation.—I was informed that at the place where the banks had chiefly given way, during the present year, the workmen on the Canal had first discovered the *soft* clay bottom, and on further digging arrived at a stratum of quicksand.

An opinion is very generally entertained by persons residing near the Canal that the margin will give way in other places along the line of Deep Cutting, and it is indeed probable that such will be the case, for the banks that remain unbroken are apparently in the same unstable condition, as were those places which have already fallen in, the quality of the soil is the same, and they are equally steep; but I do not apprehend any very serious consequences from this state of the banks, for there are now eight, ten, and in some places twelve feet of water and vacant space, in the Canal below its present base level, where the margin has not caved in, and, unless the banks were to give way on both sides the soil (judging from the experience of the last 18 months) would not be likely to fill the Canal any farther than to its base level, and scarcely, if at all interrupt the navigation. The slips that have taken place since the Welland river level was abandoned, have occasioned very little additional excavation or trouble. I found a few laborers employed clearing out a bottom channel of twenty feet width for a short distance, the cutting was neither deep nor extensive.

The banks on the towing path side are steep but have, thus far, stood the test of the seasons, except

in a very few places. When the canal is filled with water, there will be much less chance of the sides giving way in this section, than there is in its present state, and looking at the subject in this its worst point of view, I can decidedly express my opinion that the anticipation of such an event ought not to be allowed to prevent or hinder the completion of the canal, or be received as an argument against its utility as a permanent public work. Were the soil to cave in, so as to stop the passage of vessels, it could be cleared out and placed at a proper distance at no great expense, and without much loss of time, and that is the worst that can happen.

It is to be regretted however, that more precaution was not made use of by the principal engineer employed on the canal, before the sum of eighty-five thousand pounds had been sunk in excavating this stupendous ravine. Had more pains been taken to ascertain by deep boring at short distances, the nature and quality of the substratum, on which the banks were intended to rest and which was to form the bottom level of the canal, a vast saving would have been effected to the colony and the canal by this time, probably open for ships from Erie to Ontario.

I visited the deep cut so late as Tuesday last, and found it open and almost clear of every obstruction.

GRAND RIVER DAM.

The idea of obtaining an ample supply of water from the River Ouse, for a ship Canal to connect Lakes Erie and Ontario, is not a new one—it occurred to the Commissioners of internal navigation as far back as 1823, as appears by their valuable report made to your Excellency's predecessor, in the month of February, in that year, and lately republished at Kingston, under the direction of the Gentleman who had been President of the Board. The same means of obtaining a supply for the Welland Canal was proposed to the Board of Directors in 1827 by Mr. Barrett, then Engineer; but was not then acted on. The dam thrown across the Grand River is nine chains in length and raises the water about 5 feet above the former level. The dam is said to have gradually settled down 12 to 16 inches since last June, the soil is favorable being a clay bottom; the base of the dam is 100 feet, and for a foundation, whole trees were cut down, drawn and laid lengthways into the stream with their branches on; gravel and stone were next thrown in and the work finished with alternate layers of brush and gravel. It is well timbered throughout, and the timbers in the abutment at its south end are well framed, and the workmanship substantial. The north wing of the dam is in want of repairs; it should be filled in, to prevent the river breaking round, and raised with a breast work of timber, brush and stone. 2 or 300 cords of small stones and gravel, if thrown on the top, would mix with the brush-wood and greatly strengthen the dam. South of the dam an embankment has been raised; its height is 9 feet, 12 feet at top; with a slope of 2 to 1; its length 22 chains, I consider the top unsafe in its present state, and would recommend that it be faced with timber and raised 3 or 4 feet higher than the summit level of the river above the dam at high water mark. South of this Embankment is an artificial channel which is to be filled up, there are also 2 waste wears, on the same side of the river, the apron of one of which is 180 feet, and the other 200 feet, the waste wear farther down, stands in need of repairs.

Persons residing at Dunville informed me that the River rises from two to three feet, that being the range between high and low water level above the dam; last winter's ice did no material injury either to the dam or the embankment. At this season of the year the waters of the River flow over the dam, but it is believed that about one fourth of the stream is lost in the dry season, a great part of which waste water could be retained, were the dam tightened.

According to the best information I could procure, the space open in the dam, at low water last year, through which the stream passed, was two and a half rods wide, and the average depth ten or twelve feet, with a current of five miles an hour. Thence may be inferred the immense extent and value of the water privileges on the Canal in a dry season. Below the dam the river forms one vast harbour four or five miles in length, six hundred feet average width and of a mean depth of twelve or fifteen feet. At the village of Dunnville (so named in honor of the President of the Canal Board, who has greatly exerted himself to bring the undertaking to a successful termination,) the Company have already rented water privileges to three Saw Mills and one Grist Mill, arks loaded with Flour, Pork and Whiskey had arrived from Brantford on the 15th instant at the Feeder, and were awaiting the opening of the navigation to cross the Peninsula to Port Dalhousie. The erection and maintenance of this great Dam across the Ouse is unauthorised by any Legislative Act of this Province; the lands of individuals situated on the banks of the river for a distance of about ten miles are overflowed without the consent of the owners and without recompense having been afforded them according to the award of a jury of the country, fish are prevented from ascending the river, and neither ark-gap, lock nor apron has been constructed or maintained of a sufficient width and depth to admit boats, arks and rafts.

Application might have been made to the Legislature before or since the building of this dam for authority to maintain it during the pleasure of parliament, and to regulate the mode of compensation to persons aggrieved, &c., but it has not been done. It will be for the Legislature to determine how far the circumstances in which the company were placed could be considered as an excuse for their violation of the laws which assure and protect the rights of persons and property in this province. Had the dam been built at the mouth of the River it would have tended to render the country more healthy—as it is, the lands below Dunville will long continue to stand in the way of the comforts of the inhabitants, "much of this level piece of water" (observed Mr. Geddes) "is bordered by a sedgy shore where rotten vegetables are acted upon by the fluctuations of the lake, and the beams of a hot sun; and from this decaying mass rises a vapor that makes the lower part of the *Grand River Valley unhealthy*—covering this amphibious description of shore with a body of water that will remain permanently upon it, will doubtless act with great effect in improving the health of this sickly region of country and will be hailed with joy by those living at the naval depot."

THE FEEDER OR BOAT CANAL.

From the Grand River Dam to Broad Creek, a distance of five miles, the feeder is 26 feet wide at top, 10 feet at bottom, and from 4 to 5 feet deep, when filled, it will overflow a considerable portion of the surrounding lands unless an embankment is thrown up on the berm or west side, and the surplus waters conveyed through, below the canal, by means of a culvert into the River Ouse.

I was informed that the country here is sickly, but that after passing Broad Creek into the Tamarisk Marsh, it becomes healthy and free of fever. In this section the water used is tinged with the bark and leaves of the Tamarisk, to which the workmen ascribe their healthful state. From Broad Creek to the main curve, the point where it is supposed that the *feeder* will intersect the ship canal, the excavation is twenty feet wide at the bottom, thirty-six feet at the surface, and upwards of four feet deep, this section is 14 miles and 50 chains in length, and perfectly straight—It forms one of the most magnificent avenues in the world.—On this line, at the village of Marshville, there are two miles of cutting upon the old route of the width of a ship canal, which have been abandoned—It is said to terminate in an excellent mill site, but I did not examine it. I will go over it some time during the summer and see whether or not it could be employed in any way, so as to defray in some degree the heavy expense of its excavation. Marshville is but four miles distant from Lake Erie, it is the centre of the Company's 13,000 acres of land. From main curve down to the aqueduct, where the waters of the canal pass over the Welland River, the distance is three miles 30 chains, and the feeder is constructed with 20 feet bottom, a slope of 2 to 1, and is from five to six feet deep, wherever there was low cutting it is the full width of the ship canal, and the alleged object in making it deeper near the Deep Cut is thereby to draw a more plentiful supply out of the Grand River. From the aqueduct to the village of Beverley, at the commencement of the Deep Cut, a distance of three miles, the same general dimensions are continued. The plan of the feeder is four feet water in the Canal at the dam; thence to Marshville, a gradual descent of 6 inches; thence to Helmes Creek, other 6 inches; thence to Carl's ravine, 6 inches; and thence to the Deep Cut, 6 inches, in all a descent of two feet; natural reservoirs being provided at each 6 inches of descent.

The carpenter work of the Bridge over the feeder at or near the dam, is well done, but the abutment wants repairs; from thence to Broad Creek, there are two waste wiers, and tow-path bridges over them, the carpenters work of which is sufficient, also at Broad Creek, a flume, the carpenter work of which is not good; the gates are insufficient and some puddling is required—the bridge and waste wier at Helmes', are in good order.

THE AQUEDUCT ACROSS THE WELLAND.

This is an excellent piece of workmanship, and a monument of the superior skill and ability of, M. Marshall Lewis, the Builder and Contractor.

THE WORKS AT OR NEAR CHIPPEWA.

The swing bridge across the Welland at Chippewa village, is a substantial piece of workmanship, and admits the passage of ships or steam boats of 40 feet beam, that part of the original bridge which has not been repaired by the Company is in a decayed state.

The towing path on the banks of the Welland, is incomplete, as is that from thence to Fort Erie.—The Canal or Cut across the point at the junction of the Niagara and Welland Rivers, has been completed with the exception of some dredging at each end. This work is extremely well done, and adds to the safety and convenience of the navigation greatly; the depth of water in the cut is 8 feet. It is proposed to build a steam boat at Chippawa, to navigate the rivers Welland and Niagara, and sail between Beverly at the Deep Cut, and Fort Erie, making one trip each way daily.

THE LOCKS, WASTE WIERS, &c.

Locks No. 1, 2, 3, are 32 feet wide and 130 feet long—above St. Catharines, the locks are 120 feet in length by 22 feet wide in the clear; in lock No. 7, at the lower corner on the west side, the joints have started down the stream a little but not so as to injure the lock or the navigation.

In lock No. 5, the timbers inside have sprung inwards about 12 inches, the width therefore is only 21 feet; locks 8, 9, 10, 11, 12, are in good condition, some puddling will be required at No. 12.

Lock No. 13, has sprung in the width at top, but not so as to injure it, at the lower corner the joints have sprung open a little. Lock No. 14, bilged out like No. 13. Lock No. 15, requires some puddling or filling in, and the gate post will have to be repaired, some other repairs are wanted, but it will not prove an obstruction to the navigation. Lock No. 16, bilged out like 13 and 14, No. 17, a good lock, and in good order. Locks No. 18, 19, 20, 22, 24, these are all in good condition—some puddling is required at No. 18; Lock No. 21, is bilged out as much as 26 inches wider.—There is a bridge across the canal here which is in good repair. The lower corners of lock No. 23, are not well put together—lock No. 25, is in good condition, at this place is the commencement of rock excavation between locks 25 and 26, the rock is full of chinks and the water leaks through at bottom, to the serious inconvenience and damage of the farm adjoining, which is owned by Mr. Ker, a settler from Scotland—No. 26, is a good lock of fine workmanship, the lower end of this lock and of No. 25, are handsomely faced with stone, laid up in dry wall.

The carpenter work of lock No. 27, is not well done; Lock No. 28, same as 26. No. 29, a good lock of fine workmanship. Lock No. 30, the same. The waste weir apron is too narrow. Lock No. 31, in good condition, a waste-weir between, and No. 30, and a waste-weir above, both in good order. Between 31 and 32 a highway and bridge across. No. 32, is a fine lock, the same may be said of 33 and 34, close by 34 is Mr. Keefer's gristmill, and a growing village of 15 or 20 dwelling houses. No. 35 is a good lock, and there is a bridge over the canal in this place, between this and the road from Decou's mill, is a waste weir in good order. On the Beaver Dam road there is a bridge which wants raising on the pivot. Between Malatt's and Upper's are 4 culverts in excellent condition. No. 36, is a complete lock, except the paddle gates which the

Company are about to alter, some puddling required, waste-weir good. No. 37, is a good lock, from this upwards about a hundred yards of excavation will be required of nearly a foot in depth, a short distance above the Lock there is a Saw Mill, and a flume is in progress for the purpose of draining the Deep Cut whenever it may be necessary to do so.

The Carpenter work on the whole line from the Harbour to St. Catharines appears to be substantial and in good order, except two Tow-path bridges.—The Towing-path Bridge at Lock No. 10, requires some repairs. I have availed myself of the experience of a Master Carpenter in matters appertaining to his line of business, and obtained the advice and assistance of professional and other persons in whom I could place confidence in all such matters as seemed to me to require counsel and information. A great deal of doubt has been thrown on the stability of the Locks and perhaps some of them may give way—but I have not had reason to apprehend such casualty from any thing which came under my observation. I examined the Locks one by one very carefully as required by the Act, and consider them *upon the whole* as fine a specimen both in design and workmanship as any others which have come under my observation on this continent. I ascertained, by enquiring at the carpenters that the timber employed has been cut down at a proper period of the year, and not when full of sap, and that it was afterwards sensoned. The Lock gates, however should be made of sunk oak, or timber that has been immersed some time in water and afterwards thoroughly dried, such timber is very difficult to work, but makes a superior job, and it is well known that Canal Lock gates are in Canada exposed to great changes of climate, being from the duty they perform neither wet nor dry.

PORT DALHOUSIE.

This harbor has an advantage over that at Burlington in being less exposed to the storms on the lake; and the soil which is a fine tough clay is far more favorable for the purposes of canal navigation. The piers, dam, waste wiers, entrance lock, and other works are in good order, having withstood the freshets of the creek from within and the storms of the lake from without, without suffering any material injury. Inside the lake lock, above the waste wier, there are from 10 to 12 and in some places 15, feet of water in the channel for nearly two miles up the valley of the 12. I ascertained the depth of the water in this harbor at two different periods; the first was in the beginning of this month, and the last time on Monday last, the lake was calm on both occasions, and the depth of water about the same. On the lower sill of the lock I found 13½ feet of water, and outside the lock between the piers, the soundings were from 8½ feet to 10 feet 11 inches, two machines were in operation deepenig the channel.

Beyond the piers in a line with the entrance the depth of water ranged from 10 feet 9 inches to 12 feet 6 inches, until upon the bar where the soundings were from 9 to 10 feet. Farther out in the lake about a hundred yards in the same direction I found fourteen feet of water. The bar is about a chain in width, and in the two intended channels the least depth upon it is nine feet. It is intended to extend the main pier sixty feet further into the lake, and to place another pier across the bar in the same line from the lake, excavating the channels sixty feet in width and eighteen inches deep across the bar. The other ship channel, north of the main pier head, is to be excavated to the same depth, and a buoy placed on each side of the entrance for the guidance of the mariner. For his guidance also two lights will be placed in a line with each other, and in a line with the main channel, at a proper distance. It is of consequence to the prosperity of the canal that this harbor should be speedily deepened and improved so as to ensure the regular reception of Steam Boats. A western merchant, after his property has arrived at Fort Erie, can depend upon its being forwarded to Montreal by a given day if sent over the portage and by steam boats from Queenston. To ensure confidence to the Welland Canal it is obvious that it should possess the same facilities for the regular transit of property by steam navigation that are enjoyed on the Queenston route. Lake Ontario is now understood to be between 15 and 24 inches higher than its level at certain seasons of the year, and its waters rise and fall not less than 3 feet, taking one season with another in a period of five or six years. I think it will be found necessary hereafter to widen the entrance lock, so as to admit steam boats of the size now navigating Lake Ontario, into the great dam, and if it should be determined to make this alteration, the lock ought to be placed at the first turn, about a hundred yards above its present scite, which would leave a large and convenient basin for steam boats and other large craft, the space outside the lock between the piers being too much confined. On the dyke of the great pond a mill with a horizontal or "reaction" wheel has been erected for years which I was informed had done considerable business. Already has the anticipated commerce of the canal begun to attract capital to port Dalhousie. They are building houses and stores and erecting granaries, and one merchant has established a wholesale store with a heavy stock of British goods. A road from this place to Niagara is much wanted.

The towing path from Port Dalhousie for several miles up the creek is an artificial mound of earth raised on the left bank of the natural channel. It follows the windings of the creek, and will have to be stoned up to prevent it from washing away, as will many of the artificial embankments on the line. The Erie Canal had to be stoned up on each side for many miles to prevent the soil from filling up the channel, but these improvements can be made in the winter seasons, when experience shall prove them to be necessary after the canal is completed. A floating bridge is made through the towing path, about two hundred yards above the entrance lock to enable vessels, rafts, &c. to pass from the canal into the grand basin. Should it be considered expedient to widen the present entrance lock instead of removing it further up the canal, I would suggest the propriety of placing another floating bridge on the towing path immediately above that lock.

WATER POWER.

The advantages possessed by this line of canal for impelling machinery are very great. At the grand River Dam there is water enough *to spare* for impelling a number of mills. At whatever place on the lake the Ship Canal shall terminate, there will be a fall of probably six or seven feet, with a never failing supply of water for mill purposes—a most

important acquisition, should the navigation terminate in the Sugar Loaf settlement—for on the lake shore in a distance of forty miles above Fort Erie there is but one mill seat, which though an indifferent one was obtained by laying upwards of six hundred acres of fertile land under water many years ago presenting an unpleasing spectacle to the eye and generating fever among the settlers. At the ground plot of the village of Beverly, where the Canal locks down into the Welland River, there is a descent of about sixteen feet with a large reservoir into which the feeder Canal will discharge its waters, and where manufactories requiring water power might be carried on to great advantage. At the north end of the deep cut, after the commencement of the mountain descent, a waste wier turns the superflous water *around* two locks, a fall of sixteen feet, after which it enters the Canal again, and may be used for any manufacturing purpose whatever. Then, at Thorold, it is conveyed *around* four Locks—then *around* thirteen Locks until it re-enters the Canal on Shaver's farm below the mountain ridge, then *around* locks until it enters the Canal at St. Catharines. By this contrivance, the mills and machinery that may be hereafter erected in the course of this descent can be continued in operation even at such times as the locks or sections are undergoing repairs.

Mr. Keefer of Thorold, has built on the line of Canal an excellent grist mill of the most durable materials, the walls are of stone and the machinery is worked by cast Iron wheels. It is calculated for eight run of stones, and has four run of French Burrs completed, this mill is one of the finest establishments of the kind in the colonies. Six mills have been erected along the line of canal, four more are now in progress and applications to the Company for water power to turn other fifteen grist-mills, saw mills, carding and fulling mills are now under consideration.—These hydraulic privileges will prove a never failing source of revenue.

UNFINISHED WORK.

A considerable outlay will yet be required to complete the Welland canal. The line of cutting to its termination in Lake Erie, with the expense of improving a harbor there; the alterations and improvements at Port Dalhousie, the lock and other additions at the Grand River dam, the widening the feeder to boat canal size, from Dunnville to Broad Creek, the stoning up of the banks where it may be found needful, and the erection of a weighing lock, are some of the principal items. Unforeseen accidents may likewise occur, and swell the list of expenses; but I have stated the grounds of my apprehension wherever I considered a possibility of danger or risk to exist.

TERMINATION OF SHIP CANAL ON LAKE ERIE.

The "future usefulness" of the canal will partly depend upon the skill and judgment that may be displayed in the selection of a place at which to carry it into Lake Erie, and as the Legislature have decided to defer that part of the work until the several routes shall have been examined, and reported upon; it is my intention in the course of the present summer, carefully to examine the coast; and, being assisted by professional men in whose skill and integrity I can place full reliance, to collect all the information necessary for enabling the Legislature to decide upon the advantages and disadvantages of the several proposed harbors and lines of canal, and to report the same to Your Excellency. Early in the present month I traversed part of the country between Marshville and Lake Erie, and found it favorable for canal purposes, so far as an examination of the surface could enable me to form an opinion. I visited the coast from Gravelly Bay up to Kinnaird's Bay, which latter is situated in that beautiful tract of country known as the Sugar Loaf settlement, 4 miles from Marshville. Graybiel's bay is 24 miles above Fort Erie, 20 from Chippawa village, between 6 and 7 from the acqueduct over the river Welland, and about 6 from the nearest point on that river, due north; abundance of gray freestone may be had within a mile, and hard wood is abundant, the bay is sheltered on the west by Point Industry; and, according to the information received from Mr. Graybiel, its bottom is hard clay, covered with a layer of sand and gravel, from one to four feet in depth. Gravelly Bay, otherwise called Steele's Bay, is about four miles below Mr. Graybiel's house, and 5¾ miles distant from the line of canal or feeder, it is protected both on the East and West by ledges of rock which extend a considerable distance out into the lake. If on due examination it should be found that Graybiel's Bay possesses as many natural advantages for a harbor as Gravelly Bay, it is (taking the two only into consideration) otherwise entitled to a decided preference—the country round the latter being low and unhealthy, while the lands in the neighborhood of the former are pleasant and salubrious, affording most desirable situations, on which hereafter to build a village or city.

The settlers informed me, that from Sugar Loaf up to the Grand River, the ice in the lake and bays breaks up much about the same time, and that this year it began to give way on the first day of March; and finally cleared out from Graybiel's Bay on the 22nd of that month. From such information as I been able to obtain, I learn that the ice left Buffalo harbor this year on the 19th day of April, a month after the lake was open from Gravelly Bay and upwards on the British side. Last year the Grand River and Lake near it were open and clear of ice on the 11th of April; and it is stated in a supplementary report of the Board of Directors of the Welland Canal, that no vessels could have entered the port of Buffalo from the upper parts of Lake Erie that season, earlier than the 14th of May. By means of the boat navigation, termed "the feeder," the main canal will be placed in communication with the Grand river, which is now navigable for 12 miles above the dam; and it appears by the evidence afforded to a select committee of the House of Assembly, during the session of 1828, that at a moderate expense it can be opened for boat navigation many miles higher up, passing through a rich and populous section of country, abounding in timber of all descriptions, and which now exports annually a large value in flour, ashes, pork, whiskey, lumber, gypsum, and other produce. By the feeder, the main canal will be placed in communication with the waters of the Grand River, below Dunville, as soon as a lock shall have been erected in the dam; and with the Niagara River above the Falls, and the populous and wealthy settlements on its banks, it is

connected by the River Welland, which is also navigable for at least eighteen miles beyond the Deep Cut, into the interior of the Niagara district. The canal intersects nearly 30 miles of country, fertile and well settled, and is accessible from Lakes Erie and Ontario with schooners. Being chiefly intended for schooner navigation, the shortest possible route to its grand western termination that offers a safe and convenient harbor ought to be adopted.

The attention of the Legislature of Upper Canada appears to have been early attracted to the importa t subject of uniting Lake Erie with the Ocean—in 1821 a statute was passed authorising the appointment of a commission, "for the purpose of exploring, surveying, and levelling the most practicable routes for opening a communication by canals and locks between Lake Erie and the Eastern boundary of this province"—that commission reported early in 1823, in favor of a ship navigation throughout; and considered it of the highest importance that the assistance of Lower Canada should be obtained. Of this line the Welland Canal is the only part which has been attempted to be opened, and it is gratifying to perceive that the undertaking approaches towards a successful termination. To Mr. William Hamilton Merritt, the Superintendant, great praise is unquestionably due, for his indefatiguable exertions to accomplish the work, though often placed in very difficult situations. I heartily concur with Capt. Basil Hall, in the opinion he has expressed "that to" Mr. Merritt's "perseverance and knowledge of the sub-"ject, as well as his great personal exertions, this "useful work stands mainly indebted for its success."

A COMMERCIAL EMPORIUM.

It is a circumstance greatly to be regretted that Upper Canada remains destitute of a commercial emporium under its control, and to which its rich and growing commerce could be directed. The trade of this colony being attracted to Montreal and Quebec, diffuses its "genial warmth" over the whole of the sister Province, adds to its wealth, its productive industry, its power and its population, and yields a rich revenue over which we have not that efficient control to which it appears to me that we are of right entitled. The means of paying the interest and ultimately the principal of a Loan which would be sufficient to continue the navigation of the Welland Canal, unbroken, to the Ocean, is in the hands of the sister colony, and chiefly arises out of the commerce of the ports of Montreal and Quebec. A further claim on the Legislature of Lower Canada for assistance to defray the cost of the Welland navigation, seems to me under those circumstances fair and reasonable.

Provided the produce of the upper Lakes within the territories of the U. States, shall be allowed to pass through the Canal, the tolls will be greatly augmented, a considerable traffic created, and the countries on its borders enriched; it is by far the best and cheapest route even to the New York market, and will of course receive a preference. The expenditure upon the Canal has given a large and wholesome circulation to money and enriched many. Villages are starting into existence upon its borders and new employment is created for individual industry. New capital is attracted and put in operation; settlers are induced to purchase lots and commence improvements, and the additional value of their skill and labor will add to the wealth of the Province and the strength of the nation. In proportion as this Canal will enable the agriculturist, in countries beyond it to bring produce to market, and carry merchandize back into the interior at a cheaper rate of freight and by a speedier mode of conveyance than he formerly possessed, in like proportion will it augment the value of property in these countries, and induce capitalists, enterprising men, to form settlements where without such improvements in the means of transit they would not have been thought of. The migrations of the productive class from Europe to the United States and especially to the state of New York, of late years, have been considerably augmented by reason of the Canals and Railroads carried on in different parts of the Union. To the commerce long established, carried on with the north west territories, great additional facilities will be afforded in the means of transporting goods and stores upwards and furs downwards, a region will be opened to the inquiries of the active and enterprising which is as yet but little known to Europeans. "Upper Canada" according to the statement contained in the report of the Joint Committee of the Legislature of this Colony of 1825 on internal navigation "contains an area of about 50,000 square miles" "regarding only those parts of it within the great waters which appear to be capable of cultivation," "the soil of which is with very little exception most favorable to agriculture, and the climate being equally propitious, there is no doubt that when sufficiently peopled, its productions and consequently its trade must be immense." The character and happiness of the people is intimately concerned in the extension of agriculture and the increased productiveness of the soil, and hereafter the wheat raised on the banks of the Lakes Huron and Ontario will enter into successful competition in the markets of Great Britain with that of New York and Baltimore, of Dantzic and Odessa, and a commerce be established through the Welland Canal alike important to the Merchant and beneficial to the Agriculturist. With the pecuniary affairs of the Canal, the system of letting out Contracts, the mode of measuring the excavations, and of conducting its business generally, I have but a very slight acquaintance, but shall endeavour to inform myself on these points before transmitting to your Excelleny my concluding Report upon its condition. The Tolls during the present season will not be a fair criterion by which to calculate the commerce of future years, large quantities of produce have already passed downwards by the portage at Queenston, the owners being generally anxious to reach the market as early in the season as possible. In the Ohio, one house alone was prepared to have sent through the Canal to Oswego four or five thousand barrels of Pork had the navigation been open on the 15th inst. Economy in the expenditures of money, moderate rates of toll, and a prudent careful mangement of the affairs of the Canal may enable the Stockholders before long to divide a fair percentage annually, after paying interest on Loans and the necessary charges for officers and servants. The future usefulness of the Welland Canal will greatly depend upon the removal of the obstructions which now impede the navigation of the Saint Lawrence below Prescott—In time of war the Rideau Canal may be eminently serviceable and the expenditure laid out in its construction is enriching the colony, but it is to the Saint Lawrence we must look for the cheapest and

best mode of conducting to the Montreal and Quebec markets the produce of the vast countries bordering upon the great Lakes, and of receiving the most bulky and heavy of our imported merchandize. It is the shortest and most direct route to the Atlantic, and the natural channel of the countries on its banks.—When a Schooner can take in a load of wheat on Lakes Erie or Huron, and proceed to Montreal without transhipping her cargo until she is placed at the side of the vessel that is to convey it to Europe, an immense benefit will have been conferred on these colonies, and a stream of commerce directed, at a comparatively trivial expense, to the greatest emporium of British manufactures and merchandize in British North America. The expense of improving the Saint Lawrence is *as nothing* when compared with the advantages that its uninterrupted navigation would confer. Capt. Bazil Hall, in his observations on the Canals of Canada, seems to have been fully aware of the value of the Welland, and how much its future usefulness would be increased by the improvement of the St. Lawrence. The most obvious and natural, and which will soon be the most advantageous communication with the sea," observes Capt. Hall, "is that, by the river Saint Lawrence. One grand step towards the accomplishment of this object which is of the highest importance, not only to the Canadas, but to the parent state, has already been made by the construction of the Welland Canal, as it links together all the upper Lakes by means of a ship Canal with Lake Ontario. Were the navigation of the river Saint Lawrence unimpeded, during its course from Lake Ontario to the sea, there would be nothing farther to desire on that point, and Upper Canada would then virtually be what it ought to be, but what it certainly is not at present in any sense of the word: a maritime Province of Great Britain.—The advantages to the Colony, and also to the mother country, which would flow from the increased facility of commercial and other intercourse between them, which these channels would open, are more considerable than many people are aware of. It may be worth while, therefore, to consider the means which it is proposed to adopt, in order to facilitate the direct intercourse between Great Britain and Upper Canada." The opening of a navigation which is now about to carry the ships of Lake Ontario to the rapids of St. Mary, and eventually to the remotest shores of Lake Superior, will form an important era in the history of Canada. "futurity will disclose the benefits it will produce, and experience will pronounce an unerring decision." A vessel arriving at Buffalo or Black Rock with goods or produce for New York, transfers her cargo in the Canal Boats, from whence at Albany they are transhipped into Schooners or Tow Boats and pay treble freight.—The Welland Canal will carry produce from the most remote inlet on Lake Huron to the Port of Prescott, and as soon as the Saint Lawrence shall have been improved, to Quebec or Halifax in the same bottom in which it was at first shipped. Men of business will readily perceive what an important advantage will thus be gained in the saving of double or treble freight.

In concluding this Report I beg leave very respectfully to congratulate your Excellency upon the prosperous and forward condition of the Canal generally, I feel that it will daily deservedly become more and more an object of public confidence and of public interest:—and should this plain statement of facts prove successful in removing, in part, the doubts of some and the fears of others, with regard to the stability of the works, I would be pleased and gratified. When the Canal is opened and has practically manifested its usefulness, for strengthening the ties of social connexion, for promoting and encouraging the progress of the arts of civilized life, for advancing the great interest of productive industry, and for establishing the blessings of easy intercommunication within the Province, then will it be considered that the grand system of internal improvements has had a fair and successful trial amongst us, and that the policy of continuing the line from Erie to the ocean has obtained in its favour the test of experience. Should the junction of the great Lakes with the Atlantic, by the line of Ship Canals thus happily begun be accomplished during your Excellency's administration of this Government, your Excellency by promoting and encouraging the great work would deserve the lasting gratitude of the colonist, and the approbation of the British Nation.

ROBERT RANDAL.

Chippawa, May 31st, 1830.

YORK, UPPER CANADA,
5th February, 1831.

SIR,

I have the honor to transmit to you for the information of His Excellency the Lieutenant Governor, the enclosed Report of the Welland Canal, being the second Report I have furnished as Commissioner appointed by the Legislature.

The various documents alluded to in this Report, are herein enclosed. In performing the various and arduous duties entrusted to me, I hope I have not failed to afford His Excellency every information connected with the Welland Canal, which has required my constant attention since I first commenced my duty as Commissioner, about the beginning of April last.

I have disbursed expenses &c. as per accounts and vouchers, the sum of £201 16 10 Currency, leaving a balance due me from warrant for £200 of £1 16 10 Currency, I beg leave to request you will be pleased to call the attention of His Excellency to the favorable consideration of my services, and to direct such remuneration to be made me, as His Excellency may think fair, with a just view of the labor and responsibility which has devolved upon me

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

ROBERT RANDAL,

Commissioner for the Welland Canal.

Z. MUDGE, Esq.,
P. Secretary,
&c. &c. &c.

To his Excellency Sir John Colborne, K. C. B., Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's forces therein, &c. &c. &c.

May it please Your Excellency,

The report which I had the honor to lay before your Excellency eight months ago, contains a full account of my proceedings under the authority of the Canal act up to that period. The following statements are a continuation of the same subject:—In November last I examined the Deep Cut, and found that its banks had sustained no additional injury but that they remained in the condition stated in my former report.

Since the month of July last, 797 cords of stone have been laid on the dam at Dunnville, in the Grand River—that work is now in good condition, substantial and likely to prove permanently useful, it may possibly require a few additional cords of stone yearly, for eight or ten years to come. The inclined plane at or near its centre, is 70 feet long, and 30 wide, having a fall of one foot in ten: at each end of the dam is an abutment filled with stone. The embankment has been improved within the last eight months; it is now 1500 feet in length, 75 feet wide at base, and 15 at surface, 12 feet high, with a piling for a break-water extending from the dam three-fourths of its length, three waste-wiers are placed at the south side of the dam, one of which is 150 feet, one 130, & the 3rd, 210 feet in length. At Dunnville there are three saw-mills, a grist mill, and carding machine, all of them in full operation. The state of the locks justifies the expectations I formerly expressed, with some little repairs they have been kept in good order during the past season, the feeder extending from Grand River to Robinson, is in length about 26 miles, and varies in depth from 4 to 6 feet, it also answers the purpose of a boat navigation. From Broad Creek to the aqueduct the width of the feeder or boat canal is from 36 to 44 feet at the surface. From the head of the Barefoot rapids, on the Grand River down to the dam at Dunville, there is a fall of 29 feet. To obtain a feeder from these rapids for the Welland Canal, would, according to the estimate of Mr. Geddes, in 1828, cost upwards of £50,000. To make the Grand River navigable from Brantford to Dunville, for boats, it is estimated by Cusack and Lewis, that 8 or 9 locks of 4 to 5 feet lift, would be required, with dams involving an expenditure of £17,500. A towing path is now in progress from the Grand River dam to the mouth of the river, a distance of 4¼ miles, the expense is estimated at £500. From 5 to 6 thousand dollars are to be expended in a dredging scow, long boats and ware houses, at the mouth of the Grand River, by which to hasten the transit of goods and produce between Lakes Erie and Ontario at the opening of the navigation in the Spring. The towing path from the locks at the head of the Deep Cut to the mouth of the Chippawa Creek, will cost about £1,000, two-thirds of this distance have been completed. A detailed statement of the improvements made within the last 8 months, or in progress at Port Dalhousie, is annexed to this report, and marked A. In September last I accompanied Mr. Samuel Keefer, the Engineer, in a survey of the north shore of Lake Erie and the Niagara river; from the mouth of the Grand River to the mouth of the Welland, the distance being 61 miles 13½ chains, the particulars of that survey are appended to this report marked B.

Messrs. McDonell, Barrett, Lefferty and myself were appointed by the Board of Directors a committee to examine and report on the damages sustained by the Indians and others in consequence of raising the dam at the Grand river; and as an enquiry into complaints made by individuals of injury done them by the operations of the Company became a part of my duties under the Canal Act,—I accompanied Mr. George Keefer, junior, and Mr. McDonell, in August last, on a survey and examination of the drowned lands on the Grand River up to the head of the Delaware flats. A copy of Mr. Keefer's estimates, with remarks, is herewith submitted to your Excellency's consideration numbered or marked C.

In the months of September and October last, I took soundings at the mouth of the Grand river, at the sand bar, at its entrance. The depth of the channel is 4 feet and it shifts its place—The width of the bar is a chain and a half; and twenty chains from the mouth of the River the depth is 15 feet on the bar; in other places than the channel, the depth varies from 1½ to 3½ feet. I examined the several bays and inlets on the lake, commencing with the Bay in front of Furry's lot, Township of Moulton, Boulton's tract. At a distance of 300 feet from the beach or north shore, the depth of water increases from 4 to 10 feet; at 900 feet distance the depth is 14 feet, and at 1600 feet it increases to 22 feet; this bay is much exposed to South West winds, its bottom is rocky. Boulton's Bay in the same township, is in front of lot No. 5, Boulton's tract; at a distance of 90 feet from the beach or north shore opposite Cranberry Creek, the depth of water is 4 feet; thence out 150 feet, the depth increases to 5½, 6 and 6½; in the centre of the bay, at 300 feet 7½, at 600 feet 9, at 900 feet 10, a quarter of a mile from the shore the depth is 14 feet, and 70 chains out it is 5 fathoms; this bay is well covered from south west and westerly winds by Bluff point, and by a small point below Furry's; it has a sandy bottom. An estimate of the expense of completing the canal to this bay, is attached to this report and marked F. My remarks on Kinnaird's bay, and Graybiel's bay, together with estimates by the Engineer are entered in the Appendix, marked D. and E.

Gravelly Bay is situated in the township of Humberstone, in front of Lots No. 26, 27, and 28. It seems formed by nature for a Harbor, being protected on the West and South East sides by rocky shoals, the first extending 550 yards from the shore into the Lake, and the 2nd 570 yards. Between the extreme points of these shoals there is a grand entrance of 620 yards into deep water, a capacious basin with a sandy bottom. A description of Gravelly bay with the soundings and distances, will be found on the map of the Niagara peninsular, which accompanies this report.—It will thence be seen that the depths of water, at the entrance of bay, between the shoals, varies from 8 to 25 feet, leaving a channel adapted to ships of any burthen; that the soundings in the bay from the north shore in a line to the entrance 770 yards, varies from 7 to 25 feet; that from the beach at lot No. 27, traversing the curve of the bay to the South Eastern shoal, midway, the depths are 7, 10, 11, 12, 11½, 10½, 11, 13, 12, 11; thence out

posite Steele's Tavern, between lots 29 and 30, west beyond the bay, the depth of water 300 feet out in the lake is only 5 feet; that 450 feet out it is a fathom; 600, 7 feet; 900, 11 feet; 20 chains, 14 feet; 40 chains, 3 fathoms; and that 200 yards south of Sugar Loaf point, which lies in a south west direction from the North shore of the Bay,—the depth of water is 7 feet; 440 chains out, it is 10 feet.

The land adjacent to *Gravelly Bay*, is, first a narrow ridge or bar of sand; then descending to a marsh, beyond which is a swamp; Gravelly Bay appears to me to possess very superior advantages for a harbor at which to terminate the ship canal: it is the best and the deepest on the coast and also the nearest to the aqueduct. The line of cutting described on the map extends 5 miles 1320 yards to the nearest point of the ship canal, but as it is probable, that in choosing the most favorable ground for excavation it would be found expedient to depart from a straight course, the extent of Canal to be made might perhaps exceed in length six miles (see Appendix G.) I personally examined the route from Boulton's Bay across the country to the Canal feeder, also the surveyed routes from Kinnaird's, Graybiel's and Gravelly bays, to where they intersect the Canal. I have reason to believe the Reports of the Engineers, concerning these routes, to be generally correct; with regard to the estimates of expense of excavation, they are at best conjectural. The distance that would be saved in navigating the Canal from Lake to Lake by opening a sloop navigation, on the shortest route from Lake Erie to Lake Ontario, would be 41 miles 37 chains. I have examined into the mode of doing business, letting out and measuring work done by Contract and generally into the pecuniary affairs of the Canal and find no great cause of complaint. In the statements of the last annual Report of the Canal Directors I fully concur, and consider their intended application for a further Loan justified by the condition of the work and the advantages that are anticipated from its early completion.

This Report is accompanied by a profile of the Canal, a map of the Niagara Peninsula, and an official copy of the Report of the Board of Directors of the Welland Canal hereinbefore referred to.

ROBERT RANDAL.

York, 4th February, 1831.

The Government of Upper Canada in Account with Robert Randal, Commissioner appointed to examine and Report on the Welland Canal, under authority of an Act of the Parliament of this Province.

				Dr. £	s.	d.
1830						
June 1st,	To personal expenses for self to this date, stage hire, waggon and horse hire, postages, passage to York, and a variety of other individual charges incurred during the survey,	Voucher	1	27	10	0
" "	To Frederick Smith, attending survey,	"	2	3	10	0
" "	" N. B. Goodell, Carpenter,	"	3	3	10	0
	" Thomas Hornor, Esq., assisting in examing canal at my request and expenses,	"	4	36	5	0
	" Thomas Vaux, copying part of the Report,	"	5	0	10	0
	" Thomas Lunham, do. do.	"	6	0	10	0
	" W. L. Mackenzie, acting as Secretary to the Commissioner, and assisting in examining the canal, with expenses to 1st June, 1830.	"	7	34	0	0
1831						
Jan. 19th	" Samuel Keefer's account, 27 days drawing plans and writing,	"	8	13	10	0
" 18th	" F. Smith, 2nd account,	"	9	11	0	0
" 20th	" Robert Campbell's account, expenses,	"	10	11	14	5½
Feb. 4th	" Personal and other expenses of Commissioner, since June 3rd, 1830	"	11	59	17	4½
			£	201	16	10
1830 June 2nd	By His Excellency the Lieutenant Governor's warrant, dated this day, on account expenses attending Commission,			200	0	0
	Expenses due the Commissioner,	Currency	£	1	16	10

Errors excepted.

ROBERT RANDAL,

Commissioner for the Welland Canal.

A.

Improvements made within the last eight months, or in progress at Port Dalhousie.

The west pier has been extend 25 feet, and the east pier 56 feet—workmen have also been employed in filling in these piers, and in dredging between them to about 9 feet water.

The expense incurred is as follows:

Dredging 694 yards,	$964 00
Stone, 132 cords at $3½	463 33
Davis's bill, extending piers,	882 39
Hepburn's bill, wages, &c.	169 00
	$2478 $\frac{72}{100}$

B.

Survey of the shore of Lake Erie from the mouth of Grand River to Fort Erie and thence down the Niagara River to the mouth of the River Welland, as taken by Samuel Keefer.

No. of stations	Courses.	Distances.	Remarks.
		chs. links.	
1	N. 89 d. E.	7,50	Commencing at the Western Extremity of the bar on W. side of River.
2	N. 75 d. ¾ E.	8,50	From the end of Sta: 1 to W. Grand River pt S. 59¼d. W.
3	N. 60 d. ¼ E.	2,82	To Bank of Grand River.
4	S. 47 d. ½ E.	1,70	Across the River.
5	S. 1 d. E.	3,87	Along the River.
6	S. 54 d. ½ E.	6,48	Along the Lake shore to Eastern end of the bar.
7	S. 62 d. ¼ E.	39,50	Along shore of Lake.
8	S. 57 d. ¾ E.	15,00	Do.
9	S. 51 d. E.	35,00	Do.
10	S. 44 E.	20,00	To Montague's clearing.
11	S. 39 E.	15,50	To Eastern point of Grand River Bay, the bank about 25 feet high and a shoal of Rock projects into the Lake in a southerly direction 3 feet above the waters, at foot of Bank, and slopes off to water level at the distance of 5 chains, and with the same slope projects into the water.
12	S. 4 ½ E.	4,87	To the middle of the point of rocks.
13	S. 59 E.	5,00	From here to W. Grand River point, S. 85½ W.
14	S. 88 ½ E.	9,00	Around Point Aux Barbet.
15	S. 69 ¼ E.	14,80	To the Western point of Mohawk Bay—S. 68½ E. to Gull Island.
16	N. 42 E.	3,00	
17	N. 18 E.	5,50	
18	N. 45 ½ W.	2,50	
19	N. 1 E.	8,00	
20	N. 36 W.	2,50	
21	N. 24 E.	2,35	Around Mohawk Bay, steep clay banks, with rugged rock at water edge, acute angles of which are alternately projecting into the water, wood land the whole distance.
22	N. 25 ¼ W.	4,00	
23	N. 27 ¼ E.	3,50	
24	N. 55 ¼ E.	7,00	
25	N. 72 ¾ E.	9,05	
26	N. 43 ¼ E.	2,90	
27	N. 10 ¼ E.	7,50	
28	N. 22 ¾ E.	8,00	
29	N. 2 ½ E.	5,50	No more rock, steep clay banks.
30	N. 5 W.	1,21	To top of bank.
31	N. 45 E.	4,00	Along top of bank.
32	N. 55 ¼ E.	10,50	do.
33	N. 66 ¾ E.	8,50	do.
34	N. 76 ½ E.	12,50	do.

No. of stations	Courses.	Distances	Remarks.
		chs. links.	
35	N 84 ¾ E	16,00	A long top of Bank.
36	S 73 ¼ E	2,50	do.
37	S 80 ¾ E	12,50	To clay bank settlement, bank 30 to 50 feet high.
38	S 76 E	19,50	
39	S 52 ¾ E	58,60	Cross the highest ridge of Land, which is about 90 feet above the water—from here to Gull Island S. 42¾ W.
40	S 70 ¾ E	2,90	Along the bank about 30 feet high.
41	S 68 E	7,00	
42	S 64 E	4,14	Down the bank to the beach.
43	S 80 E	26,50	Along the beach.
44	S 70 10 E	21,50	do
45	S 58 ¾ E	21,00	To Big, or Lopps Point N. 83½ E. to Point Industry.
46	N 41 ¼ E	8,00	Rocky shore.
47	N 71 ¼ E	12,50	do
48	N 34 ¼ E	6,00	do gravelly.
49	N 27 ½ E	8,00	do
50	N 25 E	12,50	Gravelly beach.
51	N 10 E	16,76	do
52	N 48 E	9,25	do
53	N 15 ¼ E	9,07	do
54	N 12 ¼ E	11.59	do
55	N 2 E	17,80	To 2 chains east of line between Boulton and Street.
56	N 50 E	13,50	
57	N 58 E	13,00	Along in Front of Furry's house.
58	N 68 E	15,45	
59	N 11½ E	14,03	
60	N 52 E	20,00	
61	N 53 ¼ E	16,50	
62	N 63 ¾ E	17,00	
63	N 18 ¼ E	6,76	
64	N 25 ¼ W	6,76	Around Hoover's or Bolton's bay
65	N 6 ¼ E	4,50	do
66	N 43 ¾ E	8,00	do
67	N 71 E	17,00	do
68	N 84 ¾ E	14,00	do
69	S 85 ¾ E	19,50	do
70	S 77 E	24,50	9'50 to line between Moulton and Wainfleet.
71	S 63 ½ E	26,50	
72	S 54 10 E	26,00	To little Point, Bear Isl. opposite.
73	N 51 ¾ E	4,50	Rocks.
74	N 17 ¼ E	7,66	do
75	N 65 ¼ E	14,50	Along the long beach.
76	N 86 ¾ E	21,10	do
77	S 76 ¼ E	25,00	do
78	S 68 ¼ E	29,00	do
79	S 62 ½ E	22,50	do
80	S 52 ¼ E	30,00	do
81	S 49 ¼ E	15,16	do
82	S 3 ¾ E	7,00	Around Neff's Point—rocks.
83	S 41 ¼ E	11,50	do do
84	S 71 ¾ E	7,50	do do
85	N 76 E	10,48	do do
86	N 47 ¾ E	16,80	do do in front of Saml. Graybiel's.
87	N 39 E	22,50	do do Kinnaird's.
88	N 86 ¾ E	11,50	Around Kinnaird's bay gravelly beach.
89	S 79 ¾ E	15,00	do do
90	S 67 ¾ E	19,00	do (30 ft. water in this bay) do
91	S 58 ¾ E	22,50	do do
92	S 53 ¼ E	10,50	Around Kinnaird's bay.
93	S 52 ¼ E	15,50	do
94	S 45 ¼ E	13,50	do
95	S 26 E	15,10	To Point Industry,—rocks.
96	S 40 E	4,10	Around do do N. 77 W. to Neff's Point S. 83½ W. to Big point.
97	S 70 E	6,65	do do
98	N 34 E	4,80	do do

No. of stations	Courses.	Distances	Remarks.
99	N 26 E	8,00	Around P't Ind'y—rocks. N. 77 W. to Neff's point S.83½ W. to big point.
100	N 8 E	12,50	Past Morgan's house.
101	N 49 ¼ E	8,00	Rock shore.
102	N 22 ½ E	7,38	do
103	N 50 E	9,81	Around Graybiel's bay,—rocks.
104	N 29 ½ E	10,50	do do
105	N 22 ¾ E	7,64	do do
106	N 36 E	18,00	do do
107	N 9 ½ E	6,45	do do
108	N d.½ W	8,00	do do
109	N 57 E	18,00	do do
110	N 70 d.¾ E	11,50	do no Rock.
111	N 82 ½ E	7,50	do do
112	N 81 E	11,60	do do
113	S 88 ¼ E	15,08	do do
114	S 84 ¼ E	14,21	do do
115	S 44 ¼ E	5,38	To. Greybiel's Point—Rocky.
116	N 76 E	11,66	Along in ft. of Greybiel's house.
117	S 82 ½ E	8,30	Around Greybiel's Point.
118	N 69 ½ E	13,28	do
119	N 36 E	12,58	Along the beach.
120	N 68 E	17,63	do
121	S 80 d. 50 E	24,00	do High sand banks next to the water—I. Steel's extensive
122	S 63 ¼ E	27,50	do Mill pond in rear.
123	S 55 ¼ E	27,50	do
124	S 38 E	6,80	To a little Point—Rocky.
125	N 83 ½ E	13,00	Around do do
126	S 66 ¼ E	7.21	3,50 to Township line between Wainfleet and Humberstone.
127	S 43 E	8,66	To Sugar Loaf Point.
128	S 63 E	6,29	Around do S. 75½ W. to Morgan's Point (Point Industry) S. 86 E. to Cassady's Point, S. 74¾ E to Point Abino.
129	N 57 ¾ E	14,50	Around Sugar Loaf Point.
130	N 11 W	11,00	do
131	N 45 E	13,86	do
132	N 29 ¾ W	7,50	do
133	N 37 ¼ E	10,67	Along in front of Steel's Mill.
134	N 72 ¼ E	12,00	
135	N 85 ½ E	24,59	To small Point, Rock projecting into the Bay southerly.
136	N 55 ½ E	9,50	Past Steel's Tavern.
137	N 82 ½ E	10,70	
138	S 76 E	8,44	
139	N 88 ½ E	13,56	To Point—Rocks projecting into the Lake Southerly.
140	N 65 E	6,31	Around Gravelly Bay.
141	S 82 E	8,50	do
142	S 53 ¾ E	22.00	do
143	S 47 E	7,50	do
144	S 17 ¼ E	10,00	To half way point, a shoal of rocks projecting into the Lake S. 60 W. from here to Cassady's Point, S. 64 E.
145	N 60 ¾ E	5,00	
146	N 82 ½ E	19,00	
147	S 65 ½ E	33,00	
148	S 44 E	43,00	To Cassaday's point, rocks.
149	S 63 E	12,00	Around do. S. 69¾ E. to Point Abino.
150	N 6 W	9,00	
151	N 37 E	12,00	
152	N 71 ½ E	14,00	
153	N 83 E	15,00	
154	S 85 d. 10 E	26,00	
155	S 60 ½ E	24,50	
156	S 40 E	11,00	To Denis' point.
157	N 87 E	20,50	Around do.
158	N 74 ¾ E	18,00	
159	N 48 ¼ E	18,00	
160	N 2 ¾ W	7,50	
161	N 62 ¾ E	16,00	

No. of stations.	Courses.	Distances.	Remarks.
		chs. links.	
162	S 77 d. 50 E	30,00	To a point.
163	N 40 E	21,00	Along beach.
164	S 79 E	48,00	do.
165	S 56 d. 20 E	34,00	do.
166	S 47 E	59,00	To Forsyth's Point.
167	N 79½ E	15,00	Around do.
168	S 76¼ E	39,79	Along the Beach.
169	S 62 E	27,00	do.
170	S 42½ E	62,00	do.
171	S 34 40 E	60,00	do.
172	S 8¼ E	41,00	To Point Abino, N. 83, W. to Point Industry.
173	S 74½ E	13,50	Around do.
174	N 45 E	18,00	do.
175	N 34 E	31,00	do.
176	N 24 W	12,00	do.
177	N 53½ W	12,00	do.
178	N 49¼ W	11,00	do.
179	N 2¾ W	48,50	do.
180	N 43½ E	21,00	Around Point Abino Bay.
181	N 60¾ E	30,00	do.
182	N 81½ E	38,00	do.
183	S 87½ E	35,50	do.
184	S 65 20 E	34,50	do. to Horn's Point, S. 49½
185	N 63 E	17,00	W. to Point Abino.
186	N 37 E	23,00	
187	N 62½ E	14,00	
188	N 16 E	14,00	
189	N 68½ E	26,00	
190	N 33½ E	10,00	
191	N 67 E	12,00	
192	N 48½ E	12,50	Opposite Peter Horn's.
193	S S7 E	25,00	
194	S 70 20 E	31,00	Across 6 Mile Creek.
195	S 55½ E	28,00	To Kettle Point, S. 61 W. to Point Abino.
196	S 72 E	29,00	
197	N 78¼ E	13,00	
198	N 20¼ E	14,00	
199	N 55¾ E	14,00	
200	N 44¾ E	9,00	
201	N 79 E	9,50	
202	N 9½ W	12,00	
203	N 40 E	12,00	Along in front of Capt. Baxter's House, Lot No. 12.
204	N 69¾ E	28,50	
205	S 84 E	33,00	To a little Point.
206	N 63¾ E	19,00	
207	S 67¾ E	18,00	To a little Point.
208	N 87¼ E	10,00	
209	N 18 E	13,00	
210	N 44 E	16,00	
211	N 79¼ E	20,00	
212	S 73¾ E	14,00	
213	S 51 E	34,50	To Point, S. 68½ W. to Point Abino.
214	N 83¾ E	7,00	
215	N 50¼ E	20,00	
216	N 84¼ E	29,00	To D'amour Point.
217	N 74½ E	28,50	Around do.
218	N 57 E	24,00	do.
219	N 48¼ E	17,00	To Maxwell's Inn, Fort Erie, 3 miles to Buffalo.
220	N 27½ E	24,00	To the Fort.
221	N 1½ W	22,50	Down Niagara River.
222	N 43¾ E	20,00	do.
223	N 29 E	39,00	do.
224	N 57 E	25,00	Through middle of street at Waterloo, to Kerby's office.
225	N 4½ E	25,00	Down street.
226	N 70¼ W	21,00	To Lewis' Tavern.

No. of stations.	Courses.		Distances.	Remarks.
228	N 30	W	12,00	Down bank of River.
227	N 8	W	57,00	do.
229	N 13¼	W	31,00	do.
230	N 39¼	W	20,00	do.
231	N 52¼	W	19,00	do.
232	N 39½	W	40,00	25 chains to Frenchman's Creek.
233	N 45¾	W	26,00	To. P. Wintermute's house.
234	N 69¾	W	26,00	N. 10, E. to head of Grand Island.
235	S 88	W	23,00	To McAfee's.
236	S 81	W	28,00	Down River.
237	N 79	W	38,00	do.
238	N 66	W	32,00	do.
239	N 48¾	W	24,00	do.
240	N 34¼	W	24,00	10 chs. to Pew's Creek.
241	N 1	E	23,50	
242	N 36¾	W	23,00	5 chs. to Township Line between Bertie and Willoughby.
243	N 46½	W	19,00	Low Land to right 6 chains wide.
244	N 56½	W	15,00	To W'd. Palmers.
245	N 77½	W	9,00	
246	N 73¾	W	54,00	
247	N 77¼	W	30,00	
248	N 57¼	W	17,00	
249	N 62½	W	29,00	
250	N 45¾	W	35,00	32 chains to Black Creek.
251	N 22	W	41,00	To. W'd. Shop's Tavern.
252	N 2¾	W	18,00	
253	N 6¼	E	23,00	
254	N 12½	W	39,00	
255	N 5	W	23,00	
256	N 7¾	E	11,00	
257	N 8	W	50,00	
258	N 25¾	E	39,50	
259	N 40¾	E	35,00	
260	N 28	E	34,00	
261	N 11½	E	28,00	N 35 E. to head of Navy Island.
262	N 4¾	W	27,00	N 58¼ E. to head of " "
263	N 23¼	W	26,00	
264	N 32½	W	70,00	17 chs. to Usher's Creek 37 to Misner's Inn N. 67 E to Lr. end Navy Island.
265	N 67	W	11,50	
266	N 84¾	W	36,00	
267	N 70¼	W	23,00	To Canal at mouth of Chippawa.
268	S 62	W	11;00	To tree in frt. of Cummings House.
269	S 38½	W	15,00	To road at Secor's Tavern, Chippawa.
			4893,50 =	61 miles 13½ chs. from mouth of Grand River to mouth of Welland River via. the Lake coast.

October, 1830.

SAMUEL KEEFER.

(C.)

At the request of the Committee appointed by the Board of Directors of the Welland Canal Company, to examine and report on the damages sustained by the Indians and others, in consequence of raising the Dam on Grand River, I beg leave to state, that, in September, 1829, when the water had raised two feet on the Dam, I made a survey of all the lands as far up as Norton's Flats, which had been or would be overflown by the water in the Dam. The grain then destroyed is submitted in Statement No. 1. The number of acres of land covered, as per Statement No. 2. In the month of August last (1830) in company with Messrs. Randal & M'Donell, I concluded my survey of all the drowned lands up to the head of the Delaware Flats, the water then being up to its full height, this is also continued in Statement No. 2. I have also examined the claims of sundry individuals, presented by the superintendent of the six nations, on which I have given my opinion, on what appears just, to be allowed in Schedule No. 3.

STATEMENT No. 1.

NAMES.	Amount. £	s.	d.	REMARKS.
Joseph Downey, 20 bush. buckwheat at 1s. 3d	1	5	0	
John Lymburner, 40 bushels corn, at 1s. 10½d	3	15	0	
John M'Donell, 4 tons hay, $3	3	0	0	Marsh hay inferior quality,
Henry Docksteder, ½ acre buckwheat	0	12	6	20 bushels per acre, at 1s. 3d. per bushel.
Henry Docksteder, 3 tons marsh hay, $3	2	5	0	
Barton Far, 1½ acres corn	2	16	3	Allow 20 bush. per acre, at 1s. 10½d per bush.
Barton Far, ½ acre oats, 10 bushels	0	12	6	At 1s. 3d. per bushel.
Avary Burnham, 3½ acres corn	6	0	0	
Avary Burnham, 2½ acres oats	3	2	6	
Avary Burnham, 3 tons hay, $4	3	0	0	
Avary Burnham, 20 bushels potatoes	1	5	0	Estimated at 1s. 3d.
Lummis, 1 ton hay	1	0	0	
Lummis, 20 bushels potatoes	1	5	0	
Lummis, 10 bushels corn	0	18	9	
John Curley, 15 bushels corn	1	8	1½	
John Curley, 10 bushels oats	0	12	6	
James M'Donell, 1 acre corn, 20 bushels	1	17	6	
James M'Donell, 10 bushels potatoes	0	12	6	
John L. Campbell, 10 bushels corn	0	18	9	
John L. Campbell, 30 bushels oats	1	17	6	
Caleb Taylor, 20 bushels oats	1	5	0	
William Cook, 10 bushels corn	0	18	9	
Burzee, 30 bushels corn	2	16	3	
Samuel Billings, 20 bushels corn	1	17	6	
Daniel Thompson, 10 bushels corn	0	18	9	
John Singer, on J. Burnham's land, 1¾ acres corn, 35 bushels	3	5	8	
Ditto, 20 bushels oats	1	5	0	
Ditto, 2 tons hay	2	0	0	At the time this estimate was taken the water was up as high as to reach the foundation of the stacks, and I think very little of the hay was ever taken away.
Lyman Burnham, 180 bushels corn	16	17	6	
Lyman Burnham, 8 tons hay, at 25s	10	0	0	
Henry Matthews, 2½ acres corn, 50 bushels	4	13	9	
Henry Matthews, 40 bushels oats,	2	10	0	
William Anthony, 3 tons hay, 20s	3	0	0	
Salmon Miner, $1\frac{1}{10}$ acres cultivated land, 50s.	2	15	0	North side of river.
John M'Donell, 4½ acres cultivated land, 50s.	10	12	6	
Six nations, 5 acres cultivated land, 50s	12	10	0	
Ditto, $24\frac{1}{10}$ acres uncultivated land, 25s	30	2	6	
Ditto, $4\frac{35}{100}$ acres ditto, south side of river	5	9	3	
Joseph Downey, $8\frac{75}{100}$ acres cultivated land 50s	20	14	0	
John Lymburner, 2 acres cultivated land	5	0	0	
Henry Docksteeder, $5\frac{1}{10}$ acres ditto, 50s	12	15	0	
Ditto, $1\frac{8}{10}$ acres uncultivated land, 5s	2	5	0	
Barton Farr, or John Farr, 7½ acres cultivated land, 50s	18	15	0	
Avary Burnham, 12 acres cultivated land, 50s	30	0	0	
Lummis, $8\frac{35}{100}$ acres cultivated land, 50s	20	17	6	
John Burnham, $6\frac{0}{10}$ acres cultivated land, 50s	16	10	0	
John Burnham, 6 acres cultivated land, 50s	15	0	0	South side.
John L. Campbell, 10 acres ditto, 50s	25	0	0	
Ditto, 2½ acres uncultivated land, 25s	3	4	0	
John Curley, 7 acres cultivated land, 50s	17	10	0	North side.
Ditto, 25¼ acres cultivated land, 40s	30	10	0	South side.
Ditto, 2 acres uncultivated land, 20s	2	0	0	South side.
John Delare, $5\frac{07}{100}$ cultivated land, 50s	14	3	6	
Benjamin Delare, $2\frac{65}{100}$ acres cultivated land, 50s	6	12	6	
James M'Donell, 2 acres cultivated land, 50s	5	0	0	
Oliver Burnham, $3\frac{00}{100}$ acres cultivated land, 50s	9	0	0	
Ditto, $2\frac{40}{100}$ acres uncultivated land, 25s	3	2	6	

NAMES.	Amount. £	s.	d.	REMARKS.
John Crooks, $5\frac{1}{10}$ acres cultivated land, 50s..	12	15	0	The qnantity of land actually drowned in the Norton Flats is less than was estimated in September, 1829, which may be seen by referring to my first statement.
Jabez Smith, 3 acres cultivated land, 50s....	7	10	0	
Abraham Huff, 9 acres cultivated land 50s...	20	0	0	
Ditto, 2 acres uncultivated land, 25s.....	2	10	0	
Benjamin Steward, $6\frac{1}{2}$ acres cultivated land, 50s	16	5	0	
John Huff, 15 acres cultivated land, 50s.....	37	10	0	
John Norton, 8 acres cultivated land, 50s....	20	0	0	
Augustus Jones, 5 acres uncultivated ditto, 25s	6	5	0	
Abner Decow, 2 acres cultivated land, 40s...	4	0	0	
Henry Huff, $4\frac{1}{2}$ acres cultivated land, 50s.....	11	5	0	
Abraham Huff, 3 acres cultivated land, 50s..	7	10	0	Lands..... £468 7 0
Ditto, $2\frac{3}{4}$ acres uncultivated land, 25s.....	3	8	9	Grain, &c..... 89 12 6
	557	19	6	£557 19 6

N. B.—In addition to the above, Benjamin Canby will have between three and four acres of wood land drowned, worth 20s. per acre, adjoining the dam, and Dr. Muirhead, about three acres on the flats, but the remainder of these lands being so much increased in value, by the location of the dam, that in justice I do not think they can have any claim.

NAMES.	Amount. £	s.	d.	REMARKS.
W. Anthony, 2 acres of cultivated land, 40s..	4	0	0	South side of Grand River, surveyed in the month of September, 1829.
Henry Matthews, 23 acres cultivated land, 40s	46	0	0	
Avary Burnham, $4\frac{9}{10}$ acres cultivated land, 50s	12	5	0	
Lyman Burnham, $25\frac{1}{2}$ acres cultivated land, 50s	63	15	0	
John Singer, or John Burnham, $6\frac{1}{2}$ acres cultivated land, 50s.....	16	5	0	
Ditto, 3 acres uncultivated land, 20s.....	3	0	0	
James Billings, or D. Thompson, $3\frac{4}{10}$ acres cultivated land, 40s.....	6	16	0	
Samuel Billings, 4 acres cultivated land, 40s..	8	0	0	
John Styers, $1\frac{1}{2}$ acres cultivated land, 40s....	3	0	0	
Burzee, $4\frac{1}{3}$ acres cultivated land, 40s.....	8	8	0	
Joe Monture, $4\frac{3}{10}$ acres cultivated land, 40s..	8	12	0	
William Cook, $5\frac{1}{2}$ acres cultivated land, 40s..	11	0	0	
Ditto, $3\frac{1}{2}$ acres uncultivated land, 20s.....	3	4	0	
James M'Glaughlin, $2\frac{70}{100}$ acres cultivated land 50s	6	15	0	South side of river.
Ditto, 3 acres uncltivated land, 20s.....	3	0	0	
Caleb Taylor, $5\frac{1}{2}$ acres cultivated land, 50s...	13	15	0	
Ditto, 1 acre uncultivated land, 25s.....	1	5	0	
Harry Gifford, $3\frac{61}{100}$ acres cultivated land, 50s	9	0	0	
Perry Gifford, $4\frac{73}{100}$ acres cultivated land, 50s	10	16	6	
Wilhelmus Freddenburg, 7 acres cultivated land, 50s.....	17	10	0	
John Hall, $1\frac{1}{2}$ acres cultivated land, worth 30s	2	5	6	South aide estimated in August, 1730, when the water was up to its full height.
William Holmes, 5 acres land, 30s.....	7	10	0	
Elizabeth Pooler, 5 acres land, 40s.....	10	0	0	
Rich Woman, $8\frac{86}{100}$ acres land, 25s.....	11	1	6	
Chief Petop, $4\frac{17}{100}$ acres land, 25s.....	5	4	3	Delaware Flats, 2d quality of land. North side of river.
John Bull, $2\frac{35}{100}$ acres land, 25s.....	3	11	3	
Widow Moses, $5\frac{60}{100}$ acres land, 25s.....	7	0	0	
Delaware Peggy, $3\frac{33}{100}$ acres land, 25s.....	4	3	3	When this survey was taken the water had risen to its full height, and a great proportion of the best lands on the Delaware Flats was not at all injured. The land estimated is of a second quality, being low and subject to be overflown spring and fall by the sudden rise of water
John Delaware, $3\frac{73}{100}$ acres land, 25s.....	4	12	3	
Jacob Hottenburgh, $5\frac{1}{10}$ acres land, 25s.....	6	7	6	
E. Jackson, $\frac{33}{100}$ acre of land, 25s.....	0	7	3	
Joe Jackson, 1 acre of land.....	1	5	0	
Joe Chew, 3 acres of land, 25s.....	3	15	0	
Serjeant Major, $3\frac{1}{10}$ acres land 25s.....	0	7	9	

NAMES.	Amount. £	s.	d.	REMARKS.			
John Thompson's mother-in-law, $\frac{6}{10}$ acre of land, 25s	0	15	0				
Captain Charles, $\frac{45}{100}$ acres land, 25s	0	11	3				
Old Chief's daughter, $1\frac{1}{4}$ acres land, 25s	1	11	3				
John Wampum, $\frac{3}{10}$ acre of land, 25s	0	7	6				
Ditto, $\frac{75}{100}$ acre of land, island, 25s	0	18	2				
Hannah Docksteder, $1\frac{6}{10}$ acres land, 25s	2	0	0				
John Mosley, $2\frac{10}{100}$ acres land, 25s	2	14	0				
John Tunis, or Thompson, $1\frac{80}{100}$ acres land, 25s	2	5	0				
Hank Young, $\frac{9}{10}$ acres land, 25s	1	2	6				
Adam Potts, $3\frac{1}{2}$ acres land, 25s	4	7	6				
Shoemaker Snake, $\frac{6}{10}$ acre land, 25s	0	15	0				
Tom Snake, 1 acre land	1	5	0				
John Monture, $\frac{2}{10}$ acre of land, 25s	0	2	6				
George Anthony, $\frac{1}{10}$ acres land, 25s	1	7	6				
Delaware Nancy, $\frac{1}{2}$ acre land, 25s	0	12	6				
Totely Molly's grandson, 2 acres of land, 25s	2	10	0				
John Cornelius, $\frac{1}{4}$ acre of land, 25s	0	6	3				
Captain Cornelius $\frac{1}{4}$ acre land, 25s	0	6	3				
Jack Cornelius, $\frac{1}{4}$ acre of land, 25s	0	6	3				
	905	19	9	nds,	£816	7	3
				Grain, &c	89	12	6
					£905	19	9

STATEMENT No. 3.

STATEMENT of the Amount of Claims presented by the Superintendent of the Indians, with my opinion thereon.

NAMES.	Amount claimed £	s.	d.	Amount allowed £	s.	d.	REMARKS.
Old Charles, $\frac{1}{2}$ acre corn, 15 bushels	1	17	6	1	5	0	In the first place the dam was not closed until the 1st October, and took a number of days to raise a full head. By this time, all the corn was perfectly ripe and could have been removed if the owners had been disposed, as I gave them notice. The only corn necessarily damaged was near the dam, by raising it 2 feet before my survey. Apple trees not all drowned may be transplanted; rails all on the premises may be removed at trifling expense. The average crop of an acre of corn would not exceed 20 bushels, admitting it to be 30 bushels, the price of gathering, &c. would be 7½d. valuing it therefore at 2s. 6d. it would leave 1s. 10½d. per bushel.
John Delaware, 20 bushels corn, 2 do. beans	3	0	0	1	10	0	
Jane Jackson, $\frac{1}{2}$ acre corn, 2 bushels beans	2	7	6	1	5	0	
John Tunis, or Thompson, $\frac{1}{2}$ acre corn, 10 bushels potatoes, 2 bushels beans	3	6	3	2	0	0	
John Huff, 20 bushels oats, 10 bushels corn, 3 tons hay, 40 bearing apple trees and some cherry trees, 2000 rails (old log house and barn abandoned	115	7	6	20	15	0	
Elizabeth Pooler, 30 bushels buckwheat, 1 ton hay, $\frac{1}{2}$ acre corn, 15 bushels potatoes, 350 rails, 2 bushels beans, 10 bushels oats, 1 small block house	11	17	6	5	10	0	
Hannah Doxteder, 1 acre corn, 10 bushels potatoes	4	13	9	2	5	0	
Joseph Chew, 2 acres corn, $2\frac{1}{2}$ bushels beans	8	2	6	3	0	0	
John Moses, 1 acre corn, 20 bushels turnips, 20 bushels potatoes	6	17	6	2	10	0	
Samuel Tory, 40 bushels buckwheat, 30 bush. potatoes, 49 bushels corn	12	3	9	5	0	0	
Betsy Docksteder, 1 acre corn, 10 bushels potatoes, and 2 bushels beans	5	1	3	2	5	0	
Jacob Quaker, $\frac{1}{2}$ acre corn, 20 bushels potatoes	3	15	0	1	5	0	
Susan Richwoman, $\frac{1}{2}$ acre corn, 300 rails	2	16	3	2	10	0	
Widow Moses, 60 bushels corn, 5 bush. beans	8	15	0	3	0	0	
Tom Harris' Widow, $\frac{1}{2}$ acre corn	1	17	6	1	0	0	
John Curley, 3000 rails, 4 tons hay, 38 bushels rye, 40 bearing fruit trees and 1 block house.	129	12	6	15	0	0	The fruit trees have not yet

NAMES.	Amount claimed £	s.	d.	Amount allowed £	s.	d.	REMARKS.
John Burnham, 4 acres corn, 1½ acres buckwheat, 2 tons marsh hay, ½ acre potatoes...	25	1	10	5	0	0	been injured by the rise of water, houses will not be injured nor rails destroyed.
Jacob Hottenbarrick's second sister, ½ acre corn, 2 bushels potatoes, ½ acre oats.....	3	9	4½	1	10	0	
Delaware Peggy, ½ acre corn.....	1	17	6	1	5	0	
Polly Snake, 2 acres corn, ½ acre potatoes, 1 barrel beans.....	8	13	9	2	5	0	
John Cornelius, ½ acre corn.....	3	15	0	1	15	0	
Captain Cornelius, 40 bushels potatoes.....	3	15	0	1	15	0	
Thomas Snake, 2 acres corn, 1 bushel beans..	7	15	0	2	10	0	
John Isaac's mother, ½ acre corn, 1 bush. beans	1	2	6	1	0	0	
Jacob Hottinbarrick's oldest sister, 1½ acres corn, 1 bushel beans.....	5	17	6	1	15	0	
Black Sally's youngest daughter, ½ acre corn.	1	17	6	1	0	0	
John Monture, 1 acre corn, 20 bushels potatoes, 1 bushel beans, 100 rails.....	6	3	9	2	15	0	
Old Hank, 1½ acres corn, 1 bushel beans.....	5	17	6	2	0	0	
Adam Pott, 2 acres corn, 1½ bushel beans....	7	17	6	3	0	0	
Young John Monture, ½ acre potatoes.....	2	16	3	1	5	0	
Old Hanks daughter, ½ acre corn, ½ bushel beans.....	2	0	0	1	2	6	
John Bull, 1½ acres corn, 5 bushels beans.....	6	17	6	2	18	0	
Adam Oneida, 15 bush. potatoes, 1 bush. beans	1	13	1½	0	12	6	
Abraham Young's Sister, 1½ acre corn,.....	1	17	6	1	0	0	
Young Hank, 1½ acre corn,.....	1	17	6	1	0	0	
Catharine Chapin, 1½ acres corn, 1 bush. beans.	2	2	6	1	5	0	
Capt. Charle's Sister, 1½ acre corn, 1 bushel beans.....	2	2	6	1	5	0	
John Wampum's Mother, 2 acres corn.....	7	10	0	2	2	6	
Young Hank's Wife, 1 acre corn.....	3	15	0	1	5	0	
Delaware Chief Petop, ½ acre corn, 1 bushel beans, 800 rails.....	4	12	6	2	15	0	
Widow Dick, 1½ acre corn, 1 bushel beans....	2	2	6	1	5	0	
Abraham Huff, 100,080 rails, 1 acre corn, 1 Block House.....	38	0	0	10	0	0	
William Cook, 2 acres corn, 3000 rails.....	8	8	9	3	0	0	
Henry Huff, 4 acres corn, ½ acre potatoes, 1½ acres Buckwheat.....	19	13	9	5	10	0	
Susan Cook, 2 acres corn,.....	7	10	0	2	10	0	
John Norton, 1 Frame Barn, 2 Block Houses, 28 apple trees, 8000 rails, 40 bushels peas..	175	0	0	50	0	0	Norton's barn is now standing
Oliver Burnham, 2000 rails.....	6	5	0	3	0	0	in the water will require mooring, values it as it stands at $200
Total.....	698	19	4½	189	5	6	is not underpinned, frame building 30 by 50 feet, values his
In addition to the above I have estimated for Abner Decow a hewn log house, 10 logs high, with an addition of 14 feet square and 2 natural springs, at.....	.....			20	0	0	house at $200, glass, sashes, boards and every thing of value is removed.
For Jabez Smith, 1 old log house 18 by 20 feet.	.....			2	10	0	Not occupied, water comes
John Crooks, log store house 20 by 30.....	.....			4	0	0	near it.
John McDonell, 19 small apple trees.....	.....			2	0	0	Shut up and has not been occupied for some time.
Total amount.....				217	15	6	

ABSTRACT.

	£	s.	d.
Damages of grain &c. estimated in september, 1829.....	89	12	6
Damages for all the lands.....	816	7	3
Damages per Statement No. 3.....	217	15	6
Total.....	1123	15	3

GEORGE KEEFER, Junior, *Assistant Engineer.*

St. Catharines, 20*th January*, 1831.

(D.)

Kinnaird's Bay is in front of Lot No. 19, Township of Wainfleet.

SOUNDINGS.

Distance from shore 300 feet out, from		4 increases to 8 feet.
300 to 450	depth	9 increases to 10 feet.
450 to 600	variations in depth	10½, 11½, 12, 14 18.
600 to 900		25 feet
900 to 1200		30 "

Soundings taken from opposite the mouth of marsh creek; centre of bay, a south course from beach.

Bay exposed to west and south west winds.

I also took soundings from the extreme point of a reef of rocks which project or extend out from Neff's Point.

At a distance of 300 feet from this reef, out in the Lake, the depth of water was 4 feet, thence 150 feet further out, 6 to 7½ feet, thence 150 feet further, 9 to 9½, 660 feet out, depth 10 to 11,900 feet out, depth gradually increases to 12, 13 and 14 feet.

For a quarter of a mile on the west side from the beach the bottom of the bay is rocky.

ROBERT RANDAL.

ESTIMATED Expense for completing the Welland Canal from Deep Cut to Kinnairds Bay, Lake Erie.

PARTICULARS.	Rate.	Amount Items.	TOTAL.
		$ cts.	$ cts.
From Deep Cut to the Aqueduct remains to be excavated 70,108 yards.....	c.15	10516 20	
2 acres of grubbing,.....	$50	100 00	
			10616 20
Thence to where this route leaves the present Canal, on section No 3, near Marshville.....			
280,233 yards excavation.....	c.15	42034 95	
5000 yards embankment.....	c.12	600 00	
Grubbing 8 $\frac{2}{10}$ acres.....	$40	450 00	
			43044 95
In the first 80 chains in the direction of Kinnaird's bay the Canal will pass through low and favorable cutting, and extends entirely through the marsh —timber, black ash & tamerick, average cutting 8½.....			
Yards 64440 yards.....	c.11	6758 40	
8 acres grubbing.....	$40	320 00	
16 acres chopping and clearing.....	c.12	192 00	
			7270 40
Mile 2.—Is on hard land, rising gradually, towards the lake, heavy timber oak, maple and ash, average cutting 12 feet.....			
117,28 yards, excavation.....	c.12	14073 60	
Grubbing 8 acres.....	$60	480 00	
Chopping and clearing 16 acres.....	$20	320 00	
			14873 60
Mile 3.—Passes over a ridge of land, the summit of which is upwards 18 feet cutting, the land descends then gradually towards the south, heavy timbered land, average depth, 16 feet.....			
162,620 yards excavation.....	c.13	21140 60	
Grubbing 8 acres.....	$60	480 00	
Chopping and clearing 16 at.....	$20	320 00	
			21940 60
Mile 4.—Here the Canal enters into a ravine which runs directly to the Lake, with a gentle descent towards the Lake, black ash and oak timber, average cutting 12 feet.....			

PARTICULARS.	Rate.	Amount Items.	TOTAL.
		$ cts.	$ cts.
117280 yards	c.12	14073 60	
8 acres grubbing	$60	480 00	
Chopping and clearing 16 ac	$20	320 00	
The next distance of 53 chains, extends to the Lake and continues in the same ravine, same quality of soil and timber, average cutting 8. 70 feet			14873 60
Yards excavation 42135	c.12	5056 20	
Grubbing 5 acres	$60	300 00	
Chopping and clearing, 10 acres	$20	200 00	
2 road bridges $300	....	600 00	
Lock 8 feet lift	....	3000 00	
Harbor estimated at	....	15000 00	24156 20
Total			136775 55

GEORGE KEEFER,

Assistant Engineer.

St. Catharines,
3*d February*, 1831.

(E)

GRAYBIEL'S BAY.

REMARKS BY THE COMMISSIONER.

Graybiel's Bay is in front of Lots 9 and 10, in the Township of Wainfleet.

Soundings taken by me, from the beach opposite the line between lots 9 and 10; thence south half a mile to a line ranging between Morgan's Point and Graybiel's Point.

From shore,—Distance, feet,

60		depth 4 feet,
" to	90	6
90 to	150	8
150 to	240	10
240 to	300	12
300 to	420	14
420 to	900	19
900 to	1200	24
half a mile out		43

From Morgan's Point, 900 feet south, there is 10 feet water. From Greybiel's Point, south 50 degrees west, 180 feet, 18 feet water. In the same direction 1200 feet from the Point, 24 feet water, half a mile off shore, 43 feet water. Sugar Loaf Point, distance from shore 600 feet, 10 feet water.

The bottom of this Bay is clay, the shore banks are composed of hard soil. The Bay is accessible by vessels in any wind except from the north going in. The ingress and egress are easy, adjacent to the curve of the Bay the Canal is level, and the soil and timber good. The Engineer's Report is annexed.

ROBERT RANDAL.

ESTIMATED Expense for completing the Welland Canal from the Deep Cut to Graybiel's Bay on Lake Erie.

PARTICULARS.	Rate.	Amount Items.	TOTAL.
		$ cts.	$ cts.
From the Deep Cut to the Aqueduct, as given in detail in the estimate to Hover's Bay, 70108 cubic yards	c.15	10516 20	
2 acres grubbing	$50	100 00	10615 20
Thence to where this route leaves the line of Canal on section No 13, 148,122 yards	c.15	22218 30	
5000 yards embankment	c.12	600 00	
Grubbing 5 acres	$40	200 00	23018 30
In the next distance of 80 chains in the direction of Graybiel's bay, the Canal will pass through the Cranberry marsh, lightly timbered with tamerac, presenting a very level surface, gently ascending towards the Lake, muck from two to three feet deep, average cutting, 10 feet.			
89920 yards	c.12	10790 40	
Grubbing 8 acres	$30	240 00	
Chopping and clearing 16 acres	$12	192 00	11222 40
In the 2nd mile the quality of the soil is the same, marsh more open, with spruce and tamarac.			
Average cutting, 10. 50 feet, 96480 yards excavation	c.12	11577 60	
Grubbing 8 acres	$30	240 00	
Chopping and clearing 16 acres	$12	192 00	12009 60
Mile 3.—Continues in the marsh, same description of soil and timber, average cutting 12 feet, 117,280 yards excavation	c.12	14073 60	
Grubbing 8 acres	$30	240 00	
Chopping and clearing 16 acres	$12	192 00	14505 60
Mile 4.—This distance extends through to the hard land, and reaches the summit; timber heavier, and less muck, the average cutting, 14 feet, 147,840 yards	c.12	17740 80	
Grubbing 8 acres	$40	320 00	
Chopping and clearing 16 acres	$14	224 00	18284 80
The next distance is 51 chains on the 5th mile, and extends through to the lake, clay soil, mixt with loam and sand, continues quite level for some distance, then falls off gradually towards the lake, heavy timber.			
Average cutting, 15 feet, 114,703 yards excavation	c.13	14911 39	
Grubbing 5 acres	$70	350 00	
Chopping and clearing 10 acres	$20	200 00	
Road Bridge		300 00	
Lock 8 feet lift		3000 00	
Harbor estimated at		20000 00	38761 39
Total			118417 29

GEORGE KEEFER, Junior.
Assistant Engineer.

St. Catharines,
2nd February, 1830.

(F.)

ESTIMATE of the Expense of completing the Canal from the Deep Cut to Hoover's Bay, on Lake Erie.

PARTICULARS.		Rate.	Amount Items.	TOTAL.
			$ cts.	$ cts.
This estimate commences at the Deep Cut, and shews in detail the number of cubic yards of excavation remaining on each particular section throughout.				
On section 35	1690 yards.			
On section 34	8560 yards.			
On section 33	2220 yards.			
On section 32	3418 yards.			
On section 31	5026 yards.			
On section 30	9000 yards.			
On section 29	11000 yards.			
On section 28	3647 yards.			
On section 27	12700 yards.			
On section 26	2293 yards.			
On section 25	2230 yards.			
On section 24	8324 yards.			
To Aqueduct	70108 yards.	c.15	10516 20	
2 acres grubbing		$50	100 00	
				10616 20
On section 23, south side Aqueduct	2500 yards.			
On section 22	23008 yards.			
On section 21	19491 yards.			
On section 20	12900 yards.			
On section 19	18742 yards.			
On section 18	18040 yards.			
On section 17	12478 yards.			
On section 16	11321 yards.			
On section 15	11442 yards.			
On section 14	11766 yards.			
On section 13	11868 yards.			
On section 12	12044 yards.			
On section 11	11826 yards.			
On section 10	11682 yards.			
On section 9	14471 yards.			
On section 8	13850 yards.			
On section 7	13553 yards.			
On section 6	13972 yards.			
On section 5	12861 yards.			
On section 4	11368 yards.			
On section 3	10550 yards.			
On section 2	2520 yards.			
On section 1	10920 yards.			
To Marshville, 8½ miles	293673 yards.	c.15	44050 95	
5000 yards embankment		c .12	600 00	
Grubbing 8 20 acres		$50	410 00	
				45069 95
Section No: 1, above Marshville, average	8.50 feet.			
Remains to be excavated 168 chains	96,432 feet.			
Section 2 63 chains	42,966 feet.			
Section 3 81 chains	55,242 feet.			
Section 4 8 chains	5,240 feet.			
	199,880 feet.	c.15	29982 00	
12 acres grubbing		$30	360 00	
				30342 00

PARTICULARS	Rate.	Amount Items.	TOTAL.
		$ cts.	$ cts.
The next distance of 60 chains leaves the present line of feeder, and runs in the direction of Hoover's Bay,—will average 10.20 feet cutting. Muck in many places from 5 to 6 feet deep, timber tamarac and alder—69360 yards. In the next distance of 60 chains, the Canal will pass through a swale of black ash, alder and tamarac, cutting low and favorable.—The average depth, 8 feet..... 49260 yards.			
The next 36 chains extends to the Lake, average depth, 12.30 feet, through heavy timbered land..... 54756 yards.			
173376 yards.	c.12	20805 12	
Whole distance 156 chains.....			
Lock of 8 feet lift,.....		3000 00	
Harbor estimated.....		15000 00	
Road Bridge.....		300 00	
40 chains hard grubbing, 3,80 acres.....	$60	228 00	
120 light do. 11.50 acres.....	$30	345 00	
Chopping and clearing 75 acres.....	$12	900 00	40578 13
Total.....			126597 27

GEORGE KEEFER, Junior,
Assistant Engineer

St. Catharines,
Febuary 1st, 1831.

(G.)

ESTIMATE of the Expense of completing the Canal from the Deep Cut to Gravelly Bay.

PARTICULARS.	Rate.	Amount Items.	TOTAL.
		$ cts.	$ cts.
This estimate commences at the Deep Cut, from whence to the head of section No. 21, where the route to Gravelly Bay leaves, the expense is common to all the routes to Lake Erie—distance 6 miles 20 chains, a part of 1 mile of which is now Canal bottom, the remainder requires only from 2 to 3 feet excavation, the whole can be drained without delay or difficulty.....			
The estimate is calculated at 11 cents per yard, which is considered a fair price, the whole amount is,.....			12000 00
On the route to Gravelly Bay, the first mile passes through an ash swale, gently descending to the north east—regular cutting from 7 to 8 feet.....			
Yards..... 77,440	c.12	9292 80	
Grubbing 8 acres.....	$70	560 00	
Chopping and clearing 8 acres.....	$15	120 00	
The 2d and 3d mile pass through the eastern part of the great Cranberry Marsh, a part of which is open marsh, and part small tamarac, spruce, &c. &c. muck from 3 to 5 feet deep.....			9972 80
Second mile.—Excavation..... 77,440 yards.	c.10	7744 00	
Grubbing 6 acres.....	$30	180 00	
Chopping 6 acres.....	$ 9	54 00	7978 00
Third mile.—Excavation..... 77,440 yards.	c.10	7744 00	
Grubbing 7 acres.....	$40	280 00	
Clearing 7 acres.....	$10	70 00	8094 00
The 4th and 5th mile run along an arm of the marsh extending quite to the Lake shore, 3 to 10 chains in width, running due south which is the general direction of this route, bounded on both sides by ridges of rocky land, elevated from 25 to 30 feet above the flat or marsh.....			

PARTICULARS.	Rate.	Amount Items.	TOTAL.
		$ cts.	$ cts.
Fourth mile.—Excavation.....77,440 yards.	c.11	8518 40	
Grubbing 8 acres.....	$60	480 00	
Clearing 8 acres.....	$15	120 00	
One draw-Bridge.....	....	300 00	
			9418 40
Fifth mile.—Excavation.....77,400	c.12	8928 00	
Grubbing 8 acres.....	$70	560 00	
Clearing 8 acres.....	$15	120 00	
Road Bridge.....	....	300 00	9908 00
Rock Excavation, 3,040 yards.....	c.75		2280 00
Sixth mile.—Extends to the Lake—timber—tamerick, black ash, and spruce, 60 chains.....			
Excavation.....77,440	c.11	8518 40	
Grubbing 8 acres.....	$60	480 00	
Chopping 8 acres.....	$15	120 00	
Lock 8 feet lift.....	....	3000 00	
Harbor.....	....	8000 00	20110 40
			78769 60
N. B. An addition of 4 cents per yard is allowed on the number of yards from the Deep Cut to where the Sugar Loaf route leaves on section 21—which is considered over valued.....	....	.....	4624 28
Total.....			83393 88

GEORGE KEEFER, Junior.
Assistant Engineer.

St. Catharines,
February 1st, 1831.

House of Assembly, York,
4th March, 1831.

Sir,

I enclose a memorial to His Excellency with reference to the subject matter of my letter of the 5th ult., and as my stay in town will be but for a few days, I trust that you will be able to forward to me His Excellency's answer to the request contained in that letter and this memorial.

I have the honor to remain,
Sir,
Your Obedient
Humble Servant,
ROBERT RANDAL.

To Z. Mudge, Esq.,
Sec'y to His Excellency
the Lt. Governor.

To His Excellency Sir John Colborne, K. C. B., Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.

The Memorial of Robert Randal of Chippawa, in the District of Niagara, Esquire,

Humbly Sheweth,

That in the last session of last Parliament the House of Assembly passed a bill to grant a further loan to the Welland Canal Company, after your memorialist should have examined and reported to Your Excellency the Condition of the Deep Cut: the said Bill further imposed upon your Memorialist the important and laborious trust of fully examining into and reporting to Your Excellency upon the condition of the said Canal, and every matter and thing therewith connected, and of obtaining all such facts and information as might enable the Legislature to form a "correct opinion of its progress, condition and future usefulness." The Legislative Council were pleased to concur in opinion with the House of Assembly in regard to the fitness of your memorialist to undertake this extensive and important trust, and that Honorable body most readily concurred in the appointment and agreed to the provisions of the bill. Your Excellency on the 6th March last was also pleased to signify your entire approbation of the appointment of your memorialist, as Welland Canal Commissioner, and by giving the Royal assent to the Statute Chapter 11, passed last session, graciously assumed the duty of remunerating your memorialist for his services and for the disbursements he might have to make in discharge of the very important duties of the said Commission.

Fully relying upon the faith of the Legislature as pledged to your memorialist by a solemn act of Parliament, and being aware that by the 14th section, Your Excellency had cheerfully undertaken to afford your memorialist that fair and reasonable recompense for his services, which it was the desire of Parlia-

ment he should receive. Your memorialist entered last spring upon the discharge of the duties of the office of Canal Commissioner, and was urged to hasten his first report by a notification that Your Excellency would make no order for money in favor of the Company until your memorialist had reported agreeably to law. Your memorialist understood from Your Excellency that the first report made by your memorialist was very satisfactory, and that report as well as the report made during the present year, having been by Your Excellency communicated to the House of Assembly, have been printed by special order of the House and, as your memorialist has ascertained, has given much satisfaction.

That on the 5th February last, your memorialist addressed a letter to Mr. Mudge, requesting that officer to call the attention of your Excellency to the consideration of your memorialist's services as commissioner (then terminated) in order that Your Excellency might direct such remuneration to be made to your memorialist, as the labor and great responsibility which has devolved upon your memorialist, might, in the opinion of Your Excellency be just and right. That to this letter your memorialist has received no reply although a month has elapsed from its date. May it therefore please Your Excellency to cause a reasonable remuneration to be made to your memorialist for his services as canal commissioner, agreeably to the provisions of the 14th section of the canal act.

And your Memorialist as in duty bound will ever pray,

ROBERT RANDAL.

No. 6.

REPORT

OF

JOHN B. YATES, Esquire,

To the President and Directors of the Welland Canal Company.

In compliance with the request of the Directors I visited England for the purpose of disposing of the remainder of the stock of the Welland Canal Company, or to borrow from His Majesty's Government or individuals the sum of £25,000, at an annual interest of five per cent, in order to enable the Directors to complete the Canal, and further to make an effort by means of the explanation I was enabled and authorised by the Board of Directors to give, to induce His Majesty's Government to fulfil their engagement in 1826, to pay one-ninth of the cost of the Canal, in consideration of which, Government stores should be permitted to pass through the Canal without payment of any toll or duty to the Company.

On my arrival in London I called immediately at the Colonial office in Downing-street, and presented the Despatch of the Governor, containing the application of the Company and the Representation of the Commons' House of Assembly of the Province, and was requested to call again the following week and make such additional representation as I was desirous or instructed to make in writing. I called accordingly, and left a communication to Sir George Murray, of which the paper marked A. is a copy.

I though from the manner in which the business was conducted, that there was no prospect of obtaining money from the Government, and therefore confined myself to the request that the one-ninth should be credited on the amount borrowed by the Company from the Government—I was then informed that I should be made acquainted with the decision of the Lords Commissioners of the Treasury whenever it should be communicated to the department.

It now became necessary in the accomplishment of my object to turn my attention to the disposition of the stock on hand or borrow the money. The attempt to borrow the money was first made, but I was met in this by an insuperable objection—the prior lien on the property of the Company by the Government for their debt of £50,000 sterling, and the debt to the province of £50,000 currency. It therefore was necessary to rely on the disposition of stock solely, not having any power to enter into a negotiation for a loan sufficient to remove the lien of the Government. With the aid of the letters of introduction I took with me from New York, a subscription of 470 shares of stock was procured from the individual members of the house of Fletcher Alexander & Co., London, with power to draw for the money immediately, but two several negotiations at different times for the whole balance of stock I verbally closed were broken off in consequence of the unfavorable opinion decidedly expressed by the partners in a highly respectable commercial house in the Canada trade who for some cause have taken a stand against the Canal Company.

After this when I perceived that no hope could be entertained of aid from any of the former sources, my attention was thrown into small individual efforts, and in this I was much assisted by a friend with whom I had become acquainted, and in whose name a pamphlet was issued, explaining the object, progress, prospect, and state of the Canal, as far as the materials then in my possession would enable such information to be given.

By this means and the aid of Captain Creighton some additional subscriptions were procured, an account of which has been given by the agents in London. Of this the amount now in the hands of the agents for which the Directors are authorised to draw or have drawn—858 shares at £11 5s., sterling, £9652 10s. The amount of the subscription of Major Taylor, named by the agents as unpaid, was subsequently paid to them before I left England, of which they advised me by letter, and the house of Thomas Wilson & Co., have subscribed 50 shares in addition to their former subscription, for which they have either paid the agents or will pay when the agents shall be drawn upon for it—this subscription has been accidentally omitted in the agent's account.

There are also 50 shares more for which the Rev. Mr. Blacou, has subscribed, which have no doubt been paid for, through Mr. Dawson of Liverpool, before this time—the 100 shares put down as subscribed by Captain Creighton, are to be paid for in New York, and will be attended to on his return

this fall—there is then an explanation to be given of the 100 shares of Mr. Ellice only.

When I saw Mr. Ellice he mentioned that he considered the delay of the Company in not immediately answering the terms of his former conditional arrangement with Mr. Merritt to have released him from all honorary and legal obligation to comply with them, and the person who was to have united in the engagement had utterly refused when they heard of the accident two years ago at the Deep Cut, considering the whole project, according to the representations then made, to have wholly failed; such was still the prevailing opinion, and nothing but an actual use of the canal would ensure confidence. I called upon him afterwards for his subscription for 100 shares—his answer was that he did not want the dividends payable in England, he would rather receive them in Canada, and asked me whether I wished it paid in England or Canada—My answer was that it was wholly immaterial, the money was wanted in Canada, and if paid there would save drawing for it. He then told me he would order it paid there immediately, which I supposed had been done, no condition or qualification having been suggested to me, for if it had been I would have rejected the subscription as dishonorable to the other subscribers who had taken their stock without condition—I have been thus particular with this account of the transaction because I have been informed that some improper and subsequent condition has been appended to the payment in consequence of which it has been procrastinated. If these 100 are then considered as subscribed there will be 1108 shares to be deducted from 1667, leaving 559 shares:—these were left with Daniel Bell and Son, Stockbroker, London: but it is not probable any more will be sold until information has reached them of the state of the canal.

After being there so long a time without hearing any direct information of the state and progress of the canal, and the unfavorable account that reached us through the Montreal papers, my situation became exceedingly embarrassing in the disposition of stock. A species of personal responsibility was obliged to be assumed in the representation that no object of this sort ought ever to require, and which never fails to impair confidence in, if it does not injure the character of the person making it.

I therefore determined on abandoning any further effort at that time, and urge the Department for an answer to the application for the remission of the debt to the extent of one ninth of the cost of the Canal preparatory to my return. For which purpose I wrote a Note to Mr. Hay and received his answer marked B,—afterwards the official communication was sent, a copy of which furnished from the books of the Colonial Office, marked C, accompanies this, containing the information that the Government would abandon the right to pass Government stores without payment of toll or duty to the Company. I communicated my design to some of the principal Stockholders to return, and propose to the Board to give me power to negotiate a Loan sufficient to pay off all our debts and complete all the objects of the Company, so that any one debt due from the Company should not have precedence over another.—The plan was approved by all to whom I named it decidedly, and they suggested that it should be attended to as soon as possible, as money was now plenty, and any offer of good security would insure good terms. There is another subject connected with the authority to negotiate a Loan. It has now become evident that in order to overcome all difficulty and render the Canal useful and the Stock profitable, three objects must be accomplished by the Company—a speedy settlement of the lands along the Canal, occupation of the Mill Seats, and active attention to Forwarding business. Individual effort alone will effect the two first advantageously; but the business of forwarding, and preparation for it, which is of primary importance and in consequence of the power and privileges of the Company and opposition of capitalists elsewhere, must be started and attended to by them. It is therefore necessary that in the arrangements for any loan provision should be made for means to accomplish this object.

There are two forms in which this may be effected either by a reliance on the responsibility of the Company solely, or soliciting the Government of the Province to guarantee such engagements as the Company may make, for money, pledging the Canal and tolls to the province as their security. The probability is that the money can be procured without guarantee, but it will make a difference of perhaps one per cent annually in interest with us, and as the province is a partner with us, it is as important to them as to us that the money should be procured at the lowest rate of interest, if they are safe in lending their responsibility, which a lien upon the Canal will make them. Such responsibilities have been frequent for objects of public interest.

The province of Nova Scotia has guaranteed to the Stockholders of the Shubenacada Canal five per cent. per annum for ten years. The State of Pennsylvania has guaranteed to the Stockholders of the Union Canal Company, six per cent. per annum for twenty years. The State of New York has loaned the credit of the State to the Hudson and Delaware Canal for 800,000 dollars for 25 years, the Canal Company providing for and paying the interest on the loan. The State of Louisiana has loaned the credit of the State to a large Agricultural Association for 1,000,000 dollars, the Company providing for the payment of the interest annually. Indeed where individual capital has been hazarded in public improvements, it is not at all improbable that Government will aid in sustaining the improvement to the extent necessary, especially when there is a certainty of its proving beneficial.

I have since my arrival here been over the whole line of the Canal;—the work appears well done, and the dam at the Grand River is now an excellent work. It has cost more money than was originally contemplated, but it is now a permanent and substantial dam, and in my opinion the additional expenditure was necessary to render it safe.

There is a large amount of money still requisite to be expended to finish off the work and make the canal to Lake Erie. This ought to be undertaken as soon as means can be procured to accomplish it, but it should by no means be engaged in unless the funds are in hand. The Board as well as the original stockholders, have had embarrassments sufficient arising from contracts made on the strength of anticipating funds for the procuring of which no positive and certain provision had been made. If

no further loan is made, the funds which may now be realised had better be employed in preparation for an active use of the Canal as it now is, and dressing and smoothing the banks, than be expended in commencing a continuation or extension of the Canal, necessary indeed to derive full advantage from it, but which the funds are not adequate to accomplish.

I have ventured to offer an opinion on this subject, which is submitted to the Board with the utmost deference.

J. B. YATES.

No. 7.

LETTER OF JOHN B. YATES, Esq.,

TO THE

RIGHT HON'BLE SIR GEORGE MURRAY, AND ANSWER THERETO.

54, Regent Street,
May 31st, 1830.

Sir,

I have the honor to submit for your consideration a statement of some facts connected with the application of the Welland Canal Company and the address of the House of Assembly of Upper Canada for one ninth of the cost of the Canal.

With the importance of the Welland Canal in its probable prospective commercial effect upon the interests of the country, you are fully acquainted. To this however I will take the liberty more particularly to refer when examining the subject of the petition of the Company in relation to the duties on produce.

It may appear singular that an application should now be made on the part of the Company for this sum, when the alternative was offered to their agent William Hamilton Merritt, Esq., either to accept the sum of £27,000 for the one-ninth promised to be advanced by his Majesty's Government on a loan of £50,000 and that the Canal should be mortgaged for its repayment. But in explanation I beg leave to say, that an unpleasant duty was thus presented to Mr. Merritt from which he could not escape. The unexpected difficulties in the prosecution of the work, had increased the expense, far beyond the original estimate and the £27,000 would not have been sufficient to place the Canal in such a state as to be beyond the danger of entire failure. It will also be borne in mind that the project, from a cause altogether inexplicable had many and virulent opponents, every possible effort was made to disparage the value of the stock in the estimation of capitalists. There was no good reason to expect farther aid from individuals in the then state of the work. Mr. Merritt therefore felt himself bound to accept the other alternative of £50,000 loan. There is another consideration which may have occurred to him, and appears to afford reasonable ground for his decision. That as the sum required and about to be advanced was much more than was ever contemplated by the Government and the promise of even the one-ninth had been made on the condition that the work should be completed previous to the payment, it was not only perfectly proper but necessary for the security of the Government that all the property of the Company should be pledged for the whole debt; for without having received the loan, before the Company could have consistently asked for the payment of the promised one-ninth in advance they ought and probably would have been required to give security that the work should be completed within a reasonable time. It was therefore more easy and a less complex transaction, if even it was probable that the one-ninth would be allowed by Government, when the work should be finished, to place the whole in the shape of a Loan; more especially as the cost of the Canal, so as to determine the exact amount of the one-ninth was not yet known.

If this view of the subject be correct it follows that the expectation might well have been entertained by Mr. Merritt, that the condition of the loan would be so far favorably modified, as to credit the originally contemplated grant, (one-ninth of the cost of the canal) on the debt of fifty thousand pounds when it should be completed:—I beg leave further to say, that the whole additional expense incurred, has been owing to the effort, on the part of the Directors, to make a thorough cut through the mountain ridge to the Welland River. And although that attempt has failed in consequence of the obstacles encountered at the deep cutting last fall, yet it has been highly beneficial by giving a deeper and wider canal through the ridge than would otherwise have been made. The Company have also been embarrassed and delayed, as well as put to much additional expense, by alterations in their plans required by the interference of officers of the Government, especially at the Grand River. Commodore Barrie, the naval Commander on the Lakes, required the Company to remove the dam across that river five miles higher up the stream than the point at which they had commenced constructing it; which obliged the Company to make some miles additional canal not before designed. I do not intend to convey any censure by this reference to Commodore Barrie's interference; it was done in the performance of duty, and although the Company could not acquiesce in the soundness of the reasons for it, yet they felt themselves bound to submit to the order.

The Company have now overcome all difficulties so far as to have the navigation opened; and they trust in consequence of the great additional expense to which they have been subjected and the importance of the communication as a commanding channel for commercial intercourse the one-ninth of the cost of the Canal, will be credited upon the amount of debt they owe to His Majesty's government. From the report of last winter made by the Directors it appears that the sum of £272,795, Canada currency, had been expended, and that the amount required fully to complete the canal would make the whole expenditure above £300,000, Canada currency. The one-ninth of this sum is about £30,000 sterling, while if credited would leave the Company indebted £20,000 sterling. The amount to the government is of no great moment, but to the persons interested in the stock of the Company it is of much importance, and the transportation of Government stores without examination or imposition of Toll on the part of a private company may in the course of time become an object of some consequence; I trust

I shall be permitted to say in closing my remarks on this part of the application in justice to the great attention and preserving efforts of the indefatigable Agent of the Company, Mr. Merritt, and the highly respectable gentlemen composing the Board of Directors by whom he has been uniformly sustained in his exertions, that a communication of such magnitude and importance to the country and perhaps it is not too much to say, the whole empire in a commercial view never has been accomplished at so small an expense and under such discouraging circumstances arising not from any faults in the management, but from causes entirely beyond the control of the Directors.

The greatest portion of the stock held by individuals is owned by very few persons, who have persisted in sustaining the work, notwithstanding the discouraging occurrences. Those stockholders saw in the despatch of Lord Bathurst, received in Canada in the winter of 1827, during the session of the Colonial Parliament, a very encouraging evidence, that the Government felt an interest in the successful progress of the work, and were induced to engage more largely in it in consequence of that conviction. The Directors have therefore in behalf of such Stockholders solicited that this promised loan may not be withheld.

The other branch of the application rests on a different foundation. An alteration in the rate of duties is a measure of policy, and I have great hesitation in making any suggestions on that subject. There are however considerations of a local nature which it may be useful to name.

The outlet which the Welland Canal will open to the productions of the United States, as well as the Province of Upper Canada, will be highly beneficial to the interests of both countries. That portion of the great New-York Canal lying between the junction with it of a canal now completed and in use from Oswego on Lake Ontario, and the western termination of the great canal at Buffalo on Lake Erie will be avoided by the Welland Canal, and the expense of a distance of 130 miles canal navigation saved in approach even to the New York market.

The advantage derived from the alteration in duties and making Port Dalhousie a free ware-housing port, for which the Company have petitioned, will enable American vessels to carry mixed cargoes of articles, that may be landed in part or whole and such as are intended for an American port and market continue to the destined Port. The canal will not only be aided by this measure, but additional employment will be given to the vessels on the Canada side.—Thus a cargo of wheat and tobacco may be taken by an American vessel from Ohio, and the wheat a permitted article, be left to be manufactured into flour at the mills on the Welland Canal or transhipped to Montreal by Canadian vessels, and the tobacco, an article on which the duty is so high as to amount to a prohibition will be taken to a Port on the American side of Lake Ontario.

It is an important fact to induce this measure, that the facility afforded by the Welland Canal will be so great, that such produce of the country on the upper lakes, as shall be landed at Buffalo may be taken thence in boats through the Welland Canal by way of the Niagara and Welland Rivers and reshipped at any place on the canal or Port Dalhousie to Oswego and thence to New York at less expense than through the Erie Canal. As the law now is, every American Vessel with such mixed cargo, a part destined for New York and a part for Montreal or Quebec will be compelled to land that part of her cargo intended for New York, at Buffalo to be sent by the Erie Canal.

If this provision should be adopted it would hold out an inducement to land the Montreal part of the cargo at Port Dalhousie, and proceed with the remainder to Oswego for New York, thus giving the Canal the advantage of the whole lading, giving the owner a choice of markets at the cheapest rates, affording additional employment for Canadian vessels, and in no way injuring the revenue. If, therefore, it shall be deemed expedient to recommend the enactment of a law relative to duties pursuant to the petition of the Company, it may also be considered proper to add a clause.—That from the peculiar local situation of the Welland Canal, it is expedient to admit the landing and the warehousing of any produce or property, or any part of a cargo, from on board any American vessel or boat from any American port on Lake Erie, or above it; and that it may be lawful for the property so landed and warehoused to be reshipped on board of any American or British vessel, and conveyed for the port for which it was originally intended in the same manner, as if it had not been landed,—such a provision is highly important to the Company, and would not impair any interest in Canada.

The peculiar and commanding situation of the Welland Canal is such that I cannot forbear one general remark as particularly applicable to the two commercial channels through the St. Lawrence and Hudson Rivers; every measure of restriction on either side of the boundary, bearing on the commercial intercourse through the respective Canals, must be injurious to the country adopting it, and will aid no one employment, but must injure it. Thus, if the State of New York should, in order to preserve the revenue from its Canal, impose an additional toll on the junction Canal terminating at Oswego, and thus attempt to force transportation through the whole of the Erie Canal, every cent of added toll would operate as a bounty in favour of the Canada trade; and not only would the toll on its whole Canal be lost to them by such a measure, on the production of the region of country bordering on the Upper Lakes, which can be sent to either market, but, what is of much greater consequence, its inhabitants would be deprived of the advantage arising from the employment it would require, and its commercial interests much injured. The same reasoning will apply in favour of a repeal of restrictions now existing in Canada.

I have the honor to be,

Sir,

Your obt. humble servant,

J. B. YATES.

To

The Right Hon. Sir Geo. Murray,

&c. &c. &c.

Answer to the above Letter, by the Right Hon. R. W. Hay.

DOWNING STREET, *July* 2, 1830.

SIR,

I have laid before Secretary Sir George Murray your letter of the 1st instant, requesting information as to the intention of His Majesty's Government with respect to the debt due by the Welland Canal Company; and I am directed to acquaint you that the subject has been brought under the consideration of the Lords Commissioners of the Treasury, and I will not fail to communicate the result to you as soon as their Lordships' decision is made known to this Department.

I am,

Sir,

Your most obt. servant,

R. W. HAY.

J. B. YATES, Esq.,

Cheltenham.

IN THE YEAR 1831.

It became evident that the tardy and circuitous route by the Niagara River would not realise the expectation of the stockholders, consequently various routes to Lake Erie were explored, as will be seen by reference to the Reports of Marshall Lewis and Messrs. Yates & Warren—[Nos. 1 and 2.] An application was made to the Legislature, and a further loan of £50,000 granted, for the purpose of making the route to Lake Erie—see Act passed 6th March, 1831—[appended hereto, marked No. 3.] Contracts were entered into and the work commenced this summer. The Minutes of this year [hereto appended, marked No. 4] and the Report of the Directors [appended, marked No. 5] gives a full detail of the proceedings.

Documents referred to in the foregoing remarks.

Report of Marshall Lewis to the President of the Welland Canal Company	marked No. 1
Report of Messrs. Yates & Warren.	marked No. 2
Act of Parliament, 1st Will. 4th, ch. 18.....	marked No. 3
Minutes of 1831.....	marked No. 4
Report of Directors 1831.....	marked No. 5

This year the Government appointed two Directors, viz.:—

John Warren, and
Robert Randal, } Esquires.

And the private Stockholders the following, viz.:

The Hon. John H. Dunn,
The Hon. William Allan,
H. J. Boulton, Esq.
A Y. McDonell, Esq., and
Thomas Butler, Esq.

No. 1.

REPORT

OF

MARSHALL LEWIS, Esquire.

To the President of the Welland Canal Company.

SIR,

Having been requested by Wm. Hamilton Merritt, Esq., to write you my opinion respecting the best place for a harbour on Lake Erie, I beg to say, that I have recently had an opportunity of examining the mouth of the Grand River for that purpose; it is, no doubt, the most natural and best place for a harbour; and can have the channel secured across the bar with less expense than has formerly been anticipated, or estimated by others.

The project of the two harbours strikes me to be the best; it embraces the two great objects in view—the Grand River route for early navigation, by trans-shipping and boating—and Gravelly Bay for the schooner navigation, with the shortest towing that can be found between the lakes; and if harbors are of use to those sailing the lake, two will be better than one, and can be made at less expense than making the schooner navigation to the mouth of the river, which will cause the Canal to be useless for one season; but on the other plan, it can be done this summer and next winter, without interfering with or stopping the boating in the least.

Taking all things into consideration, I am led to believe that the plan of constructing both harbours is, by a great majority, the best that can be adopted.

Respectfully, yours, &c. &c.

MARSHALL LEWIS.

St. Catharines, May 23, 1831.

P. S.—The inexhaustible quarries of the best kind of grey lime stone (in that neighbourhood) for locks or any other buildings where cut stone is required should not pass unnoticed.

No. 2.

REPORT

OF

J. B. YATES AND JOHN WARREN, Esqs.

The Board of Directors of the Welland Canal Company having requested us to examine Gravelly Bay, and report the result of our observations relative to its advantages as a harbour for one point of termination for the Canal on Lake Erie—we present to the Board the result of such observations as we have been enabled to make.

The Engineer's Report of the soundings and depth of water, with the relative situation and bearing of the reefs of sunken rocks, appeared to us to have been made on accurate examination.

In its present natural state, there is sufficient evidence of the cause of terror the mariners on the lake must have had for this bay, without any buoys

or marks to indicate the particular situation of the rocks; but this very cause of fear to mariners forms one of the strongest reasons for a decision in favour of this bay as a harbour.

The two reefs of rocks converge so far only as to leave a convenient space between their terminations for the safe passage of vessels in any gale on the lake; and the water is deep enough, until near the shore, to float all lake vessels. By raising piers on those reefs of rocks, a perfect shelter may be formed for vessels, and the entrance into the Canal completely protected. The bottom appears to be of clay, affording excellent anchorage; and the amount of expense to make a perfect harbour will certainly be far less than could possibly be anticipated, without a knowledge of the particular situation of the different ledges of rock. The approach to it appears unobstructed and safe: we examined as far out as 22 feet water.

There are some important considerations which have been forcibly presented to our minds, after having satisfactorily ascertained that this can be made an excellent and safe harbour without much expense. The opening of the Canal, this year, has been prosperous—evidence has been given, that it will be generally used, and that in no event can its advantages, as a public work, be questioned. It would, therefore, be improvident, and, perhaps, might be deemed highly improper, without an evident necessity, to deprive the public of the advantages, and the Stockholders of the profits of the Canal for two years, when, by the selection of one point of termination that necessity would not exist, and in selecting any other it must be unavoidable.

It will also be recollected, that the particular care taken by the Legislative enactment to limit the amount of expenditure, so as to require even private security that it should not exceed a certain sum, also particularly demands, on the part of the Board, direct attention to the amount of relative expenditure.

The Legislature has, as it were, directed them to accomplish their object of reaching some eligible point or bay on Lake Erie, at the least possible expense. This we would not deem conclusive, if the excellence of the harbour was at all doubtful; but as it is not so, we think the consideration important.

The harbour at the mouth of Grand River can be improved, and the cut to and harbor at Gravelly Bay made, for about £10,000 less than the Canal can be increased in size and the harbour at Grand River made, besides the two years loss of navigation. It is, therefore, our opinion, that the Canal at Gravelly Bay ought to be made, in preference to any other on Lake Erie.

We saw most of the inhabitants who own the property on the line of the Canal to Gravelly Bay, and procured from them written stipulations to convey the necessary land, on such terms as we thought reasonable.

J. B. YATES.
J. WARREN.

St. Catharines,
June 1, 1831.

No. 3.

ACT OF PARLIAMENT,

1st Will. IV., Chap. 18.

An Act to afford further aid to the Welland Canal Company, and to repeal part of and amend the laws now in force relating to the said Company.

[Passed *March* 16th, 1831.]

Whereas the Welland Canal Company are desirous of raising by loan the sum of £50,000 of lawful money of this Province, to complete the said Canal from the River Welland, to Lake Erie; and *whereas* it is expedient to afford public aid in furtherance of the said undertaking, upon security of the said Canal Company, as hereinafter mentioned; *be it therefore enacted*, &c. &c., That whenever the said Welland Canal Company shall have executed a bond, under form of law, conditioned for the punctual payment of the interest and principal of such debentures as shall by this act be issued for their benefit; and shall also have executed a mortgage upon the Canal and the tolls thereon, as collateral security for the payment of the said condition, then it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province, to give and deliver to the Directors of the said Company the debentures of this Province, to the amount of £50,000, in sums not less than £200 each, as may be required by the said Directors, payable to the order of the said Company at the expiration of 25 years from the passing of this act, with interest at the rate of 5 per cent per annum —payable half yearly in the city of London, at such place as shall from time to time be named by the President of the said Company for the time being, and published in two newspapers of said city at least three months before such interest shall become due, and whenever any change in the place of payment shall be made, such notice shall again be given in the same manner: provided also, that no part of the said sum of £50,000 shall be expended by the said Welland Canal Company in building boats or vessels, erecting warehouses, or in any other manner than in completing of the said Canal, and the towing paths, locks, and harbors appertaining thereto.

2. *And be it*, &c., That all such debentures as are hereby authorised to be issued, and the interest thereon, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the Receiver General, to and for the public uses of this Province, and at the disposal of the Legislature thereof.

3. *And be it*, &c., That it shall be the duty of the Directors in the appropriation of their tolls, to make provision for the payment of the interest of the aforesaid debentures, pursuant to their tenor, sufficient for one year in advance, and to have that sum always at their command before any dividend of profits to the Stockholders shall be declared; and further, in their annual Report to the Parliament, they shall particularly name the place and manner in which the same is deposited or invested.

4. *And be it*, &c., That all such debentures with the interest thereon, and all charges incident to or at-

tending the same, shall be and are hereby charged and chargeable upon the fund provided by the securities given for the repayment thereof, by the said Welland Canal Company; and if at any time, satisfactory provision shall not have been made, in the manner named in the preceding clause, for the payment of the interest and the principal when due, it shall then be lawful for His Majesty's Receiver General of this province for the time being, and he is hereby required, in the name and on the behalf of His Majesty, to take possession of the said Canal, and appoint such agents, collectors, and other officers, as may be requisite to manage the same, and deposit and apply the proceeds thereof to the payment of the interest and principal aforesaid; *Provided always*, that no part of the said sum of £50,000 shall be advanced to the said Company, until personal security shall have been given to the satisfaction of His Excellency the Lieutenant Governor, to the amount of £25,000, that the said Canal shall be completed for ship navigation from the said River Welland to some point in Lake Erie to be fixed upon by the Directors of the said Company for a harbor and that the said harbor shall likewise be completed without any further grant for that purpose; and that the said Company shall bear harmless, and keep indemnified the government of this province of from and against, the payment of one half of the said sum of £50,000; and the interest from time to time growing due thereon.

5. *And be it, &c.*, That the President and Directors of the Welland Canal Company shall be permitted to occupy such portion of the Grand River, and the Land adjoining the same, from the upper part of the dam erected by the said Company across the same, and thence to the mouth of the said river, as may be necessary for a towing path, warehouses and other buildings or erections, and to improve the navigation thereof by the use of dredging machines and otherwise; and that the said Company shall have the privilege to extend their Canal for ship navigation to the said grand river, and to any other Bay or Harbor on Lake Erie to the Eastward faom the mouth of the said River, and occupy the same as aforesaid, as they may think the public convenience and the interest of the said Company may require.

6. *And be it, &c.*, That the 11th clause of the act to grant a further loan to the Welland Canal Company, and to regulate the further operations, passed in the 2nd session of the 10th parliament, by which the said Company are restricted from extending said Canal to Lake Esie, without further Legislative provision for that purpose, and the 15th and 16th clauses of the Act passed in the 6th year of his late Majesty's Reign, entitled "An Act to repeal part of and to extend the provisions of an act passed in the 4th year of his present Majesty's reign, entitled, An Act to incorporate certain persons therein named, under the style and title of the Welland Canal Company," be and the same are hereby repealed.

7. *And be it, &c.*, That John Warren, Esquire, Samuel Street, Esquire, and David Thorburn, Esquire, shall be arbitrators to settle and award the damages sustained by individuals whose property has been injured by the operations of the Company, and whose property shall have been or may hereafter be, taken by the Company, and with whom the Company have not agreed and cannot agree, and whose claims have not been adjusted under former laws; whose decision shall be final between the parties; and the said arbitrators shall be allowed for every day of their attendance to the duties of such arbitration the sum of 20s.

8. *And be it &c.*, That the said Arbitrators shall be sworn before some one of His Majesty's Justices of the Peace, well and truly to hear and determine all matters submitted to them, and a true judgement to give according to the evidence.

9. *And be it &c.*, That the said Arbitrators shall have full power and authority to summon all witnesses that may be required by any of the parties to appear before them, and to swear the said witnesses to testify the truth, the whole truth and nothing but the truth, respecting the matters to which they shall be interrogated, and that they shall be allowed a sum not exceeding 5s. per diem, according to the discretion of the said Arbitrators, and that such remuneration shall be paid by the party requiring their attendance.

10. *And be it &c.* That a true, full and particular account in detail of the expenditure of all monies raised by the Welland Canal Company, from the debentures hereinbefore mentioned, be laid before the Legislative Council and House of Assembly by the President, Directors and Company of the Welland Canal Company, which account shall be veified by the oath of the President and Secretary of said Company, made before a Judge of the King's Bench or of any District Court in this Province, stating that the said account is a just and true account of the expenditures of the said monies.

No. 4.

MINUTES OF THE BOARD,

For 1831.

March 10th, 1831.

At a meeting of the Directors, held at York, this day.

PRESENT:

The Hon. John H. Dunn, *President.*
The Hon. William Allan,
Henry J. Boulton,
Robert Randal, and
Wm. Hamilton Merritt, Esqrs.

The Board being desirous of carrying into effect the intention of the Legislature without delay, and being fully aware of the necessity of having both routes into Lake Erie explored and laid out before the breaking up of the ice—

Resolved, That the Agent give immediate notice after the passing of the Bill,

That proposals will be received at the Welland Canal Office at St. Catharines, on Thursday the 20th day of April, for enlarging the Canal from the Deep Cut to Hellens, about 4½ miles—thence to about the centre of the large Cranberry marsh, 12 miles—thence to Lake Erie, about 1¾ miles, an entire cut into the Lake, and for the completion of the Harbor.

After receiving proposals for both routes the Directors will determine on the one they intend to adopt, and enter into Contracts accordingly, in the mean time the Engineers must be directed to lay out the route and furnish specifications and plans for the same.

By the present law the appropriation of £25,000 is limited to finishing the Canal and making the cut into Lake Erie, consequently the Directors have it not in their power to pay the debts due for the land and other damages due, for the purposes of the Canal—the interest on the Government debt or for any other purposes necessary for the successful operations of the Company.

Resolved, Therefore, that William Berczy, Esq. be requested to proceed to Lower Canada without delay, for the purpose of making an application for such aid as the Legislature may be disposed to loan, and that the Agent be directed to make out a petition for the signature of the President.

Resolved, That a letter be written to Mr. Yates enclosing a copy of the law of this Province authorising the Government to issue debentures for the sum of £50,000, payable in 25 years, with interest at 5 per cent, payable half yearly in London, together with such other documents as may be necessary, to enable him to ascertain upon what terms the said debentures may be negotiated.

Resolved, That a Board of Directors be summoned to meet on the first Thursday in April, and that the members be notified accordingly.

Resolved, That an application be made to the Bank of Upper Canada to prolong the payment of the drafts on Messrs. Yates & McIntyre for six months.

The undermentioned rates of toll between Grand River and Port Dalhousie were ordered to be published—viv:

DOWNWARDS.

	s.	d.
Flour per barrel	0	4
Ashes	1	0
Pig Iron, Grindstones, Coal, Gypsum, &c., per ton	2	6
Castings per ton	3	9
Boards, averaging ¾ per M	2	6
Square timber, per M. cubic feet	15	0
Pipe Staves, per M	15	0
Saw Logs each	0	4
Firkins and small casks, packages, &c	0	1½
Pork and Whiskey, per barrel	0	6
Wheat per bushel	0	1¼
Merchandise, per ton	5	0
West India Staves, per M. feet	5	0
Round Lumber		

UPWARDS.

Merchandize per ton	10	0
Stone, Pig Iron, &c. per ton	2	6
Castings, per ton	5	0
Salt, per barrel	0	3½

Other articles, in proportion.

Vessels under 40 tons, 5s.: 40 to 50 tons, 10s: upwards, 15s: under 50 tons, entering Port Dalhousie and not passing through 5s.: over 50 tons 7s. 6d.

Boats for passengers, 5s.—or 3½d. per mile:
Boats for freight, 2s. 6d or 1¾d.
Every passenger on Feeder, 3½d.

Every Boat, Scow, or Raft under 5 Locks, 1s. 3d.: under 10 Locks, 2s. 6d.: over 5s.

Resolved, That the plan for extending the Harbor at Port Dalhousie by removing the Lock be approved and notice of the same published to receive proposals on 1st day of June.

Third—*Resolved*, That a berm bank and Culvert is necessary to drain the land from Broad Creek to Grand River, and also at Hellen's Creek, and that proposals be received for the same the 1st day of June.

Fourth—Decision of the route.—It appearing from the last Act of the Legislature that the termination of the ship Canal to Lake Erie was left to the decision of the Directors—accordingly on the 29th and 30th of April, and 1st of May, the Directors traversed the entire line of the Canal to Dunnville, Grand River Dam, mouth of Grand River, Boulton's, Graybiel's, and Gravelly Bays, and on this day, the 2nd of May, after minutely examining the plans and estimates of the Engineers, and Marshall Lewis, who was employed to explore the different sites, found that to extend the navigation from the Deep Cut would cost as follows:

To Gravelly Bay, a distance of 12 miles	£27,329	8	9
To Graybiel's Bay, a distance of 13 miles	31,104	6	5
To Boulton's Bay, a distance of 18 miles	33,694	5	11
To Grand River, a distance of 30 miles	40,267	4	4

when from the saving expense as well as distance, the erection of an additional Harbor on Lake Erie, and the connexion of the Lakes by the least possible distance, the Board decided on the termination being at Gravelly Bay. But as the Grand River is likely to be open about two months earlier in the spring than this Bay it is deemed advisable to open a Harbor at that place also, particularly as it can be done at a less expense than continuing the ship Canal to that Point, which will enable the owners of property on Lake Erie not only to avail themselves of the earliest possible navigation by a transhipment while the ice remains between the two Harbors, but gives them the best and shortest route between the two Lakes for the remainder of the season.

The President, Messrs. Allan, M'Donell, Randal, and Merritt, were in favour of the above. Mr. Boulton was opposed to it. On which Mr. Boulton proposed the following:—

Resolved,—That it is expedient to make a pier at the mouth of the Grand River, in order to ascertain whether a permanent harbour may not be constructed at that point which is open every year upon an average three weeks earlier than at any of the lower points, and, therefore, the completion of the ship canal is postponed until the harbour at the mouth of the Grand River has been tried; which was negatived, Mr. Boulton being in favour of the motion, and Mr. Allan, who agreed to a postponement of the decision of the route, although he was decidedly of opinion the harbor at Grand River was not to be relied on, and thought it most for the public interest to secure the two harbors, and the shortest route—the other directors decided against the motion.

The President again put the former Resolution for the termination at Gravelly Bay, when Mr. Boulton alone dissented; but it was

Resolved, in order to give Mr. Boulton, or any other Director, more time to investigate the estimates, so as to form a more correct opinion on the subject, that the decision be deferred to Tuesday,

the 17th instant, at which time, if any Director dissents, he must give it in writing, otherwise it is to be and remain in force.

In consequence of which the acceptance of proposals was deferred to Thursday, the 19th instant, until which time they will be received.

Ordered, That John Warren, Esq., be furnished with the above Resolution.

No money having been advanced for some months for the purposes of the Canal, and the Bank of Upper Canada having refused to lend any money on the credit of the Company, the President was requested to endorse a note for the sum of £2000, at 90 days, which he did, and it was sent to the Bank for discount.

May 10th, 1831.

At a Meeting of the Board of Directors, held this day at the Steamboat Hotel, York.

PRESENT:

The Hon. John H. Dunn, *President.*

Alex. Y. M'Donell, *Vice-President.*

Henry J. Boulton,
Robert Randal,
John Warren, and
Wm. H. Merritt, } *Esquires.*

A letter from His Excellency Sir John Colborne, inclosing the opinion of the Council, having been read,

Resolved, That the following letter be sent to the Lieutenant-Governor, viz.:—

"The Board of Directors of the Welland Canal Company have had under consideration the correspondence which your Excellency has submitted to them in relation to the security required by the Act to loan the credit of the Government to the Company for £50,000. The question submitted to them is one of great interest to the Company, and delicacy on the part of the Board.

"The loan is necessary to complete the Canal as a useful public work, and the evident object of the law was to obtain a reasonable security that the money is sufficient to complete the Canal, and that a sufficiency of income will be received from it to pay the interest and principal of one half the loan. The real estate of Mr. Merritt and Mr. M'Donell is in the Province, and is continually increasing. It is represented to be worth of itself at present a sum equal to the whole responsibility required, or nearly so. The other person, who has executed the bond, is not a resident in this Province, but has a deep interest in the Canal, and the amount of his stock is more than the amount of security required.

"This may not be considered by your Excellency as affording any additional security beside the bond of the Company, with the mortgage on the Canal. Mr. Yates is, however, represented to have a large real and personal estate in the State of New York; and the Board cannot but consider the bond sufficient for all purposes of security to accomplish the object of the law.

"The individual members of the Board have not that pecuniary interest in the Canal to induce them to incur any personal responsibility, but they trust your Excellency will deem the bond as now given sufficient.

"The Board have investigated the estimates for the different routes of the new cut. There are two under consideration, on which no final decision has yet been had. The mouth of the Grand River and Gravelly Bay. The most expensive of these routes will not exceed £40,000, as presented by the estimates. The £10,000 left is more than sufficient for any possible deficiency in the estimates, in the opinion of the Board.

"A full Board of Directors have assembled at this place, and they cannot take any further measure in relation to operations on the Canal without the decision of His Excellency. Will you have the goodness to communicate that decision as soon as your convenience will permit."

Resolved, That the Board adjourn till tomorrow at one o'clock, to receive the Governor's answer.

11th May, 1831.

At an adjourned meeting of the Board, held this day—

PRESENT.

The Hon. John Henry Dunn, *President.*

Alex. Y. McDonell, Esq., *Vice-President.*

The Hon William Allan,
Henry J. Boulton,
Robert Randal,
John Warren, and
W. H. Merritt, Esquires.

The answer of his Excellency having been received, acquainting the Board that the security would be accepted,

Resolved, That the President be authorised to execute a bond for the sum of £50,000 to the Government of this Province in pursuance of the act of the Legislature.

Resolved, That the Receiver General of the Province be requested to execute the debenture of the Province to the amount of £10,000 in sums of £250 each, pursuant to the Act.

Resolved, That a power of Attorney be prepared and executed by the President, authorising J. B. Yates, Esq., to negotiate a loan with any person or body corporate for the whole or any part of the loan of £50,000, authorised by the law of the last Session for this Company.

Whereas J. B. Yates, Esq. had authority from the Board on the 10th of March last to ascertain whether a loan could not be negotiated on the debenture of the Government, and on what sum a temporary loan could be effected, and Mr. Yates having negotiated a loan with the Bank of the United States to lend the Company such sum or sums of money as they may require from time to time for the purposes of the Company, at the rate of 5 per cent per annum on the bond of the Company, accompanied by an equal

amount of the above Government debentures to be transferred and held as collateral security.

Resolved, That the requisite bond or notes be duly executed from time to time as the money may be wanted under the direction of the Board, and the money to be placed credit to the Company, and drawn under the direction, and by the authority of the Board.

Resolved, That the Debentures when executed, be deposited in the Bank of the United States, at the disposal of the Board.

Resolved, That Messrs. M'Donell, Randal, and Warren, be a Committee of Finance to examine and direct the expenditure of money, and to authorise such sum as may be required to be drawn out of the Bank as well as all expenditures on the Canal.

Whereas public notice having been given that proposals would be received for the purchase of all the real estate and hydraulic privileges belonging to the Welland Canal Company, and no proposal having been received so advantageous as the one made by Mr. Yates, it is therefore

Resolved, That the proposition of Mr. Yates be accepted, and that a contract be executed pursuant to the terms thereof, the interest of which is to commence on the 1st day of January, 1832, with the principal payable in ten years.

Resolved, That John Warren & J. B. Yates, Esqrs. be requested to examine the coast on or about Gravelly Bay, and if any shoals, rocks, or other impediments in approaching the said harbor at that place should exist, that a Report be made to the President, and that the last Resolution of the 3rd May be rescinded, and the acceptance of proposals be deferred to the 1st June, on which day a meeting shall be held for the purpose of deciding thereon, but if no impediment should appear to exist, the said Resolution of the 3d May shall remain.

June 1st, 1831.

At a meeting of the Stockholders, held at the Welland Canal office, pursuant to advertisement for the election of Directors for the year ensuing—

PRESENT:

The Hon. John Dunn,
The Hon. William Allan,
Alex. Y. McDonell,
George Keefer,
J. B. Yates,
Thomas Butler, and
W. H. Merritt, Esqrs., &c. &c.

The ballot being closed, the undermentioned gentlemen were duly elected, viz:—

The Hon. John Henry Dunn,
The Hon. William Allan,
H. J. Boulton,
Alex. Y. M'Donell, and
Thomas Butler, Esquires.

FROM WHOM

The Hon. John Henry Dunn was chosen President, and A. M'Donell Vice-President.

June 2d, 1831.

At a meeting of the Directors held at the Welland Canal Office—

PRESENT:

The Hon. John Henry Dunn, *President*,
Alex. McDonell, *Vice President*,
The Hon. William Allan,
Thomas Butler,
Robert Randal, and
John Warren, Esquires.

The minutes were read and confirmed.

The termination of the Canal into Lake Erie was taken into consideration. At the last meeting of the Board held at York, the 11th May, Messrs. Warren & Yates were requested to examine the site for a harbor at Gravelly Bay, it having been reported much difficulty would exist in entering it; those gentlemen, after making due examination submitted their Report:—

1*st Resolved*, unanimously, That Gravelly Bay be adopted as the most advantageous route for the termination of the canal into Lake Erie.

2*nd, Resolved*, That contracts be made for building the harbor at Grand River and Gravelly Bay, and for excavating, &c., the different sections of the Canal;—the following being the best and cheapest, proposals were accepted as follows:—viz.

Pier at Grand River....Lewis, Garrison, & Little.
Harbor at Gravelly bay,. do, do. do.
Sections 1, and 2..... Buchanan, Ewen & Armstrong.
3,.....W. M. Doty.
4,..... M. Sixsmith, J. Sixsmith. Bradley and Saunders.
5,.....Moore and Walker.
6,.....Craig and Boyle.
7, 8, 9, 17, & 18, Monson, H. N.
10, 11.....L. Newlove.
12, 14,.....G. Hexson.
13,.....F. Galbraith.
15, 16, 19,.....Lewis, Garrison & Little.

J. B. Yates having negotiated a temporary loan with the Bank of the United States for the sum of £50,000 and the directors having made arrangements to raise this sum at the rate of 5 per cent., provided debentures for the whole sum shall be deposited, which arrangement allows the Company their own time to sell them, as well as the opportunity of selecting the best market aided by the influence of the Bank, it is therefore

3*rd, Resolved*, That His Excellency the Lieutenant Governor be requested by the President to direct the proper officer to issue to the Company the whole amount of debentures, amounting to £50,000, in such amounts as the said Directors shall require, and that the same shall be deposited in the Bank of the United States.

4*th. Resolved*, That it is expedient the debentures be issued in sums of £250 each.

5*th, Resolved*, That the proper instrument or instruments be duly executed in behalf of this Board from time to time, pledging such amount of Government debentures as have been or shall be ordered by the Board to be pledged to the Bank of the United States—That the seal of the Company be fixed

thereon, and the same signed by the President or Vice President in behalf of the Board.

6th, Resolved, That the note of the Board for ten thousand dollars payable on the 16th of March next, to the order of the Cashier of the Branch Bank of the United States at Buffalo, with interest, at the rate of 5 per cent., per annum, be executed on account of the loan for which debentures have been pledged to the Bank, and that the same be signed by the President or Vice President, and countersigned by the Secretary.

7th, Resolved, That from the accumulation of business on the Canal it becomes necessary to apportion the various duties of the servants of the Company as follows:—

The Agent, William Hamilton Merritt, Esquire, who is now employed at a salary of £400 per annum to carry into effect the orders of the Board from time to time to have the general direction of all the officers and servants of the Company, and in case any accident should happen on the line, or any urgent necessity for making repairs be required during the recess of the Board, he be empowered to order it to be done, although no specific order of the Board may exist at the time—but that the same be submitted on the next meeting of the Board for their approval.

Amended 2nd Sept. 1830.

8th, Resolved, That Salmon Fuller be appointed Superintendent of the works on the entire line of the Canal at a salary of ten shillings currency per diem, and that he be responsible to the Agent for the safety of the same (who has power to remove him at pleasure) that he be fully authorised to employ such men as he may select under him, and have power to dismiss any one or more without reference to any other person, and that all reports respecting the works be made to him, who is to be alone responsible for them according to the following instructions:—

In the first place you will take the general direction of all the works on the canal, and be responsible for their being at all times kept in repair—the arrangement heretofore has been as follows,—Mr. Sanderson has charge of the harbor and lock including towing path to the furnace—his instructions is to keep every thing in repair,—to keep out all logs, drift wood, &c. &c. &c., from between the piers as well as the Canal,—to allow no vessel to remain between the piers during the night, or any staves, wood, or any other material, to encumber the passage of the harbor.

Mr. Turner has charge of the Locks from Furnace to the River Welland, waste weirs and all the erections appertaining to the Canal—the locks are let by contract—besides this, four men are kept for keeping them and the Canal in repair.

The most important point to which your attention will at first be called is the upper level, commencing as the Grand River. You will regulate the waste weirs so as to throw one inch of water over the aqueduct, and throw a sufficient supply over a waste weir you will erect at Allanville at least 120 feet wide to supply the hydraulic works below; you will leave Johnson in charge at Grand River, his jurisdiction to extend to Cranberry Creek—he will employ as many hands as you may conceive necessary, and no more.—Perry is now employed at Broad Creek to keep every thing in order from Cranberry to half way to Marshville—Windman at Marshville from Perry to curve near Hellin's waste weir—Buchanan from thence to Quaker road—Thomas Bell from thence to one half of Deep Cut, including the main canal to Chippawa—Campbell from thence to flume at Hall Davis', and thence to Thorold where the regular lock tenders commence.—Those men have agreed to be always on the work with a barrow;—their duty is to keep towing path and canal always in repair—to watch flumes, waste weirs, &c. &c., and to examine the whole of their charge as often as necessary; if you do not find they keep the canal clear of logs, and keep a man or themselves constantly at work, you will dismiss them and substitute other persons in their places. After you have regulated the upper level, or got the workmen at it, you will proceed with the next level above Mr. Keefer's—the embankments are all to be raised one foot higher than the main land, so that if the water escapes it can do no damage;—the waste weirs you will so regulate as to throw the surplus water into the canal, and over the two now built at Hall Davis' and Marlatt's—these examine, and make every one of them on the line secure.

You will make it your business to pass the line frequently—take your time, and examine every part of it—spending most of your time where the work is going on—contract for repairs where practicable, and leave the contracts to be executed by the Secretary—your duty will be the execution of the work only.

W. HAMILTON MERRITT,
Agent W. C. C.

St. Catharines,
June 1st, 1831.

9th. Resolved, That a forwarding Agent be appointed with the following instructions, and that he be alone responsible for that department, and that John Clark, Esq., be appointed to that office at 12s. 6d., per diem, during the navigation of the canal, and as long after as may be necessary to make up the accounts.

Instructions to John Clark, Esq., *as per order Board, June 2nd.*

Sir:—

You will take charge of the forwarding on the Welland Canal, and attend exclusively to that branch.

In the first place you will receive from Mr. Black the names of all our Agents on Lake Erie—you will take a statement of the prices of transportation, and make yourself acquainted with the nature of our engagements with the different vessels.

Boats are engaged to run daily between Grand River and Port Dalhousie—they are allowed five days to perform the trip, and 1½ bushel of oats and 30 lbs. of hay for each span of horses. The Captains are allowed $— per month and $7 per month for boarding men, and are allowed to hire their own men.

You will open accounts with them and each boat—with each vessel—and draw for amount of each shipment, paying the toll to the Secretary—and the freight to defray the various expenses of boats, &c. &c. &c. You will see horses provided, and attend to furnishing what may be necessary to keep them up,

as well as horses for towing vessels for the season, provender, &c. &c.

A monthly return to be made of the transactions to the Canal office—an active correspondence to be kept up both with the forwarders below and the merchants above, answering all letters and giving every information respecting the canal.

You will in the first place have an immediate settlement of all accounts for forwarding up to this time and commence anew under your own direction.

W. HAMILTON MERRITT,

Agent W. C. C.

10*th*, *Resolved*, That a Surveyor be employed to designate and establish the boundary of the Canal throughout, under the direction of Mr. McDonell, who will submit the plans of the same for the sanction of the Board as soon as completed.

11*th*. *Resolved*, That a deed of the above lands be made out to Alexander McDonell, Esq., at the request of J. B. Yates, Esq., he not being authorised to hold real estate in this Province, and that a bond and mortgage be made out and executed by Mr. McDonell for payment of the consideration and interest and that Mr. Yates execute the bond with him.

Whereas sundry debts remain due from the Company for the payment of lands and damages on the line of canal, as well as for the erection of storehouses and building of boats necessary for the operations of the Company, and the last act of the Legislature granting a loan of £50,000, having limited the expenditure of that money to the purpose of completing the canal and making the cut for ship navigation into Lake Erie only, it is desirable for the credit and interest of the Company that those claims be paid, and that the Company may have at their disposal a a sufficient sum of money to procure the building of as many vessels as may be necessary for carrying on their operations—Be it therefore

12*th*. *Resolved*, That J. B. Yates, Esq, be authorised and empowered to negotiate a loan not exceeding £25,000, payable in 10 years with a semi-annual interest of 6 per cent for the above purposes, and that the bond and mortgage for the lands and hydraulic privileges be given as a collateral security for the same.

13*th*. *Resolved*, That as it is important to establish a regular communication between the two lakes, the Steamer Peacock be employed to run for the remainder of the season at the sum of $2000 if it cannot be procured for less—to run in connexion with the Chief Justice and Albion packet boats, so as to connect Fort Erie as well as Dunville, daily, with Lake Ontario—and that it be the duty of the forwarding agent to see that she is regularly supplied with fuel, &c. &c. &c.

14*th*. *Resolved*, That James Cummings, Esq., be paid £150 for his damages at Chippawa Cut, on his giving a deed for the land as proffered by him to Mr. Merritt, in August last.

15*th*. *Resolved*, That the grant of lease to Messrs. Merritt and Donaldson, for a dry dock, be confirmed.

16*th*. *Resolved*, That the drafts unpaid on Messrs. Yates & McIntyre be paid:—The President agreed to make the necessary arrangement with the Bank for retiring them to the amount of £1750.

17*th*. *Resolved*, That in consequence of the hazard to which the books, papers, and property of the Company are exposed to in the present office, that plans and estimates be prepared for erecting a brick building for the better securing them, and for the general purposes of the Company, to be submitted to the Board as soon as possible

18*th*. *Resolved*, That Augustus Jones be paid for the stone taken from his premises as per estimate of Engineer.

Mr. George Smith submitted a charge to the Board of $2½ per day (and allowance for a clerk) for collecting toll at Port Dalhousie and attending to the forwarding business at that place.

19*th*. *Resolved*, That Mr. George Smith be allowed $2 per day during the navigation of the canal, and that no allowance be made for a clerk.

The Secretary was informed that the Canal was now so near its completion, the Board would not require his services for any length of time.

20*th June*, 1831.

At a meeting of the Directors, held at St. Catharines this day,

PRESENT:

Alexander McDonell, Esq., *Vice President*,
Thomas Butler, and
Robert Randal, Esquires.

The minutes of last meeting were read and confirmed.

1st. *Resolved*, That the President or Vice President draw for the amount of the tolls and freight accounts deposited in the Bank to be appropriated to the payment of scows, storehouses, and other purposes of the Canal.

2nd. *Resolved*, That the several sums due for building storehouses, boats, and the outfit for forwarding, be paid out of the funds now in hand, a separate account of which will be rendered to the next meeting of the Board, so as not to be chargeable to the sum now appropriated by the Legislature.

3rd. *Resolved*, That the agent be instructed to visit the different ports on Lake Erie to ascertain the quantity of wheat and other produce likely to pass through this season, and after ascertaining the time the Steamer Peacock will be got off to change the route to Grand River and the British side of Lake Erie—if he conceives it will be for the interest of the Company to do so.

At the last meeting of the Board it was determined to employ a surveyor to designate and establish the boundary of the Canal, and Mr. George Keefer having a better knowledge of the Canal than any other person—

4th. *Resolved*, That Mr. George Keefer be employed upon the above duty until it is finished, and submit the result to the Board.

5th. *Resolved*, That Mr. Barrett be employed on the new line of the Canal, at one pound per day, or £365 per annum.

6th. *Resolved*, That Mr. Emery be employed under Mr. Barrett at £100 per annum.

Resolved, That the following letter be sent to each of the owners of vessels on Lake Erie, and if an answer be not received in one month, to direct the Solicitor of the Company to prosecute.

GENTLEMEN,

We are informed by our collector, R. Randal, Esq., at Chippawa, that the schooner belonging to you refused paying toll after passing the cut from the Niagara to the Welland River, as well as to give a manifest of the copy.

We beg leave to submit for your consideration a copy of the 23rd clause of the Act of Incorporation of Welland Canal Company—we request you will forward to us a statement of the cargo of said vessel, and let us know whether you will be answerable for the amount of tolls, which is—Flour 1d—Pork 1½d—whiskey 1½d—ashes 2d—wheat per bushel 1½d—iron per ton 1d, merchandize—salt 1d—vessels under 50 tons 5s—above 10s.

If you do not comply with the above, we shall be under the disagreeable necessity of instituting an action against you for the amount, which we hope by a ready compliance with the law you will prevent.

By order of the Board

JAMES BLACK,
Secretary, W. C. C.

8th. *Resolved*, That the sum of £5000 more be advanced, and that the Engineer and Secretary re-examine the estimate bills (after the former has been through the line) that a correct balance may be made with a view of closing the accounts of the Canal to this period.

All future accounts must be presented to and examined by the Secretary referring to the former accounts of each individual—the prices to be affixed by the Superintendent of works, and closed each month.

The Vice President is requested to proceed to New York with the estimate and proceedings of this meeting for the approval of the President and Directors, as well as to obtain the President's signato papers, &c. ordered at last meeting.

Approved and signed the 20th June, 1831.

A. McDONELL, *Vice President*,
W. C. Co.

(Signed) JOHN H. DUNN.

7th July, 1831.

At a Meeting of the Directors, held this day at St. Catharines,

PRESENT:

The Hon. John H. Dunn, *President*.
The Hon. William Allan,
Robert Randal, and
Thomas Butler, Esquires.

The minutes of last meeting were read and confirmed.

The matter respecting resisting payment of toll at Chippawa was taken into consideration.

Resolved, That the case be laid before the Attorney General, and if he thinks it advisable the parties are to be immediately proceeded against.

8th July, 1831.

Expunged 2nd September, 1830. } Resolved that the meeting of the Board in future be held at 3 o'clock on the first Thursday in every month.

Resolved, That on Mr. Clarke's presenting a statement of expenditure on account of forwarding, after examination by the Secretary, the President be authorised to draw for the amount.

The Schooners Prosperity and Canadian having been employed in transporting produce from Port Dalhousie to Prescott, and the freight belonging to those vessels having been blended with the tolls of the Welland Canal and included in certain drafts made to the Bank,

Resolved, That the President authorise the payment of the amount due to Mr. Merritt for the above from the Bank, on the Secretary forwarding the amount.

Resolved, That the minutes of all the meetings which have taken place be without loss of time fairly entered into the fair minute book and examined.

Resolved, That Mr. Black after that proceed immediately to York to get the assistance of Mr. Wenham to have the books fairly balanced, and to have a balance sheet for the Board—and that a statement of the funds be laid before the Board monthly.

In consequence of the notice given to the Secretary at the meeting of the Board the 2nd of June, that his services would be dispensed with in a short time, he requested the President would inform him more specifically when he was to quit.—No period could be fixed upon, but as soon as the accounts could be made up the arrangements now made would enable the Company to carry on their concerns without his aid, and therefore he might then leave.

THURSDAY, *August* 4, 18[illegible]

At a meeting of the Board held this day,

PRESENT:

The Hon. John H. Dunn, *President*,
Alexander McDonell, Esq., *Vice President*,
J. Warren,
R. Randal, and
T. Butler, Esquires.

1st. The Agent reported that during the past month the Grand River Dam was found to leak through the loose stones and under the crib placed on the brush last season, so as to lower the feeder at least 18 inches in depth:—a force was immediately put on to remove the stones, break them up, fill up the cavities with gravel, and put on a sufficient quan-

tity of earth on the face of the dam to make it perfectly tight and prevent a recurrence.

The water commenced raising immediately after the main leak was stopped, from 1 to 1½ inches per day, and it now affords a satisfactory proof of an abundant supply in the dryest season.

The waste weir on the opposite side will be finished during the present month. The one at the Deep Cut, and four others on the line of the Canal repaired will regulate our supply of water. Driving piles at Bergers and Hellem's, and making two flumes at Cranberry Level and Broad Creek will finish the work for the season.

The locks require gravel near the timbers and the towing-path on the lower level, to be walled with timber and stone.

Resolved, That the above be approved, and the necessary repairs done accordingly.

2d. The following erections appear necessary for the security of the Canal this Fall, viz.:—

One guard lock at feeder near Grand River.

One guard lock before entering the ship canal at Hellems'.

One guard lock near bridge at Atkins', one foot below the level of ship canal.

One guard lock at each end of Deep Cut would add greatly to the security of the locks, particularly the one at North End.

Resolved, That the Engineer make out accurate bills of timber for the above, and advertise for proposals, to be given in on the 15th instant, for its delivery by the 1st November at the above places, to be hauled out and placed in the most convenient spot.

And also advertise for proposals for building the above locks, the parties finding their own materials.

Mr. Barrett presented a Report on the expediency of the above.

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

The following erections appear necessary for securing the Canal this Fall, viz.:—

A guard lock near Feeder Grand River, cost	$1600
A guard lock above Hellem's.....	1000
A guard lock near Road Bridge, Robinson..	1400
A flume between store house and guard lock at Atkins', one foot below ship canal.....	420
A guard gate at the end of Deep Cut would add greatly to the security of the locks at North End.....	400
	$4820

(Signed) ALFRED BARRETT,
Engineer W. C. Co.

St. Catharines, Aug. 4, 1831.

3d. The object in view when the storehouses and boats were built was to assure the public the Canal could be navigated without risk or detention. The present season has fully tested the fact; it is, therefore, the interest of the Company to discontinue forwarding on their own account, and to prohibit any of their officers or servants to be interested, directly or indirectly, with any Transportation Company, or in any Commission business, but to throw open the same fully and fairly to public competition.

It is, therefore, proposed for the consideration of the Board (during the present month) that they give notice on the 1st September, that on the 1st Thursday in November proposals will be received for the rent of the storehouses at Grand River, Port Robinson, and Port Dalhousie, for not less than three, or more than ten years, and for the purchase of four boats, horses, harnesses, &c., and that the Company discontinue forwarding from the 15th November ensuing.

Notice should likewise be given that the navigation on the Canal will cease on the 15th November for the season, and that proposals will be received on the 1st November for excavating or deepening the Canal from the Deep Cut to Hellem's.

4th. From various causes—rain, difficulty of clearing, and want of hands—very little progress has been made on the new cut. The labour has been applied where not required, in the deepest digging at the end. There is at present 116 to 130 men on the line.

The following was submitted by Mr. Barrett, which was agreed to:—

To the President and Directors of the Welland Canal Company.

GENTLEMEN,

The contractors for the undermentioned sections having failed to apply a sufficient force to finish their jobs according to their contracts; therefore, in order to secure the completion of the said work by the 1st of April, 1832, it is necessary that the Board of Directors should re-let as follows:

2 chains of Section 3—W. M. Doty, Contractor.
15 chains of Section 4—Sixsmith & Co, Contractors.
10 chains of Section 5—Crague & Boyle, Contractors.
The whole of 7, 8, and 9—H. N. Monson, Contractor.
The whole of 12—G. Hixson, Contractor.
The whole of 15 and 16—Lewis, Garrison & Co., Contractors.
The whole of 17 and 18—H. N. Monson, Contractor.

ALFRED BARRETT,
Engineer W. C. Co.

St. Catharines, August 4.

The number of hands required to finish this work by the 1st of May, 1832, will be 500—370 of which must be provided during the present month and brought on the work.

The re-letting to responsible contractors, with a positive assurance of completing the work by the 1st of April, will be attended with an additional ex-

pense of from $8,000 to $10,000; but if it can be accomplished, it is proposed to club the expense with each contractor in proportion to the amount of his work, and send to York, Prescott, Montreal, and Quebec, a responsible person to procure labourers, and send them up at once.

To re-let Section 7 to 14, with the understanding they are paid for ditching per yard—or so much per yard, and the Company to do the ditching.

At least one good log shanty (double) to be erected on each section, and the clearing to be done within two weeks of the letting.

Resolved, That the remaining Contractors be notified by the Secretary that if they do not put on sufficient force in the opinion of the Agent and Engineer within two weeks, to finish the work according to their Contracts, that it will be re-let

The price at which the sections are to be re-let shall not exceed 14 cents per yard—the proposals to be received by the Vice President and two Directors.

No. 5. It appears the acccounts of tolls have been very imperfectly returned, and a system of credit pursued which prevents the Collectors making their returns with accuracy—there appears by as near a calculation as the Secretary can produce that more than £1000 has been collected up to 31 July.

Resolved, That the Collectors at Chippawa, Dalhousie, Robinson, and Dunnville, have immediate notice that no further credit be allowed except on property subject to charges at the different Forwarding Houses on Lake Ontario and Merchants upwards, and that the balance now due be immediately collected—and no property to pass until the whole amount of toll due from the owner be paid. (Amended 2nd Sept. 1835.)

No. 6. *Resolved*, That the Collectors at Grand River and Port Robinson keep the accounts and pay out all monies returned to the men for labor and repairs on that part of the work—those from Deep Cut downwards will be returned and paid at this Office—the Superintendant only certifying to the amount of labor performed, and the Secretary to notify them accordingly.

No. 7. The Engineer recommends that two hands be employed on every six Locks, under one Superintendant to keep up and regulate Locks in preference to putting them out by Contract as at present.

Ordered, That Jacob Turner be employed at one dollar per day and board, and the men at $20 and $22 per month, including board.

Resolved, That the President be requested to apply to the Lieutenant Governor for debentures for the further sum of £10,000 on account of the £50,000 Loan.

Resolved, That the balance on Chippawa Bridge £87 5s. 5d., be paid.

Resolved, That a draft be signed for the sum of £433 8s. 2d., for that amount advanced by the Secretary on account of the estimates in November 1830—the same to be paid by him to the Bank at Niagara, on account of notes received on account of Phelp's sale &c.

Resolved, That the balance now in the Bank United States, Buffalo, amounting to £1406 15s. 2d., or $5627 03, be drawn on account of estimates, &c.

The following letter was delivered by the Secretary and read.

"St. Catharines, *Aug.* 5, 1831.

"*To the President and Directors of the Welland Canal Company.*

"Gentlemen,

"As no answer has been made to my application to the President at the last meeting of the Board, as recorded in the minutes, and read and confirmed yesterday, I beg leave to tender my resignation of the office of Secretary to the Company—at the same time to prevent the inconvenience which might arise from my leaving before another person was prepared to occupy the situation I am willing to continue so long as may be required to examine and balance the accounts &c., but not to engage on any new concern,

"JAMES BLACK,
Secretary, W. C. Co."

Resolved, That Mr. Black's resignation be accepted, but that he be requested to continue until another person be appointed and sufficiently acquainted with the accounts, &c.

Resolved, That two Lock keeper's houses be erected, one at the Furnace, and one at or near the Bridge at St. Catharines, one story 14 feet posts, consisting of two rooms and one chimney.

Resolved, That Mr. Martell be employed as Collector at Port Robinson during the navigation of the Canal, at $1 per diem.

Resolved, That the Company have no connexion with the Schooner Canadian—Mr. Merritt is therefore to settle her accounts.

Mr. Black, the present Secretary, having resigned his situation,

Resolved, That public notice be given that proposals will be received for a competent person to fill it until the 1st of September. He must be a good Book Keeper, and active man, his salary will be £150 per annum; in the mean time that Mr. Walker be employed during the present week to attend to the accounts and duties of the office.

It was afterwards *Resolved*, That the advertisement for a Secretary to succeed Mr. Black be postponed until next meeting of the Board.

October 6th, 1831.

At a meeting of the Board of Directors, held this day at St. Catharines,

PRESENT:

The Hon. John H. Dunn, *President.*
Alexander McDonell, *Vice President.*

The Hon. William Allan,
Henry J. Boulton,
John Warren,
Robert Randall, and
T. Butler, Esquires.

The minutes of last meeting were read, and confirmed.

James Simpson's letter, 23rd July, respecting £125 due from Simpson and Pratt, and awarded to Monson, was read.

Ordered, That they be written to with a receipt for their signature, after which it is to be reconsidered.

Decow's letter, 4th August, read.

As his claim is before the Arbitrators, the Board cannot entertain it.

Colin McNelledge and Mr. Clark's letters, respecting allowance to vessels detained on the Canal were read.

Ordered, That the tolls be remitted on such vessels as were detained in consequence of the breach at the Aqueduct, or such portion as may be reasonable.

Mr. Otley's application for the situation of Secretary was read, as was also Mr. David Macnab's.

Ordrred, That Mr. Macnab be written to, stating the duties of the office of Accountant, together with the salary of £150 per annum, and requesting him to attend at this office till the next meeting of the Board, when if approved of, he will be appointed.

The Vice President afterwards produced an application from Messrs. J. W. Keating, D. McDonell, and N. H. Baird, together with a letter from Colonel By, on behalf of Mr. McDonell to fill the said office —but as the Board had previously agreed unanimously to the preceding resolution, they could not rescind it.

Before there was an opportunity to copy this, the Recr. Genl. required them and they were sent accordingly to him.

Mr. Yates' bond and Mortgage were submitted.
Ordered, to be entered on the minutes and deposited in a secure place.

Orson Phelps applied for £5 for going at various times to St. Catharines.

Ordered, That he be required to send a bill of his actual expenses, and that it be paid.

Sensabaugh's claim for securing timber in 1825— £5 5, submitted, and rejected.

Plan and estimate of Office submitted.

Ordered to be deferred.

The Surveyor General's letter respecting Lots 27 and 28 Humberstone, read—*Ordered*, That a letter be written to Mr. McMahon on the subject.

The Attorney General's opinion respecting tolls at Chippawa considered—*Ordered*, That application be made to next meeting of Parliament on the subject.

October 7, 1831.

At an adjourned meeting of the Board, held at St. Catharines,

PRESENT:

The Hon. John Henry Dunn, *President*.
Henry J. Boulton,
John Warren,
Robert Randall, and
Thomas Butler, Esquires.

Mr. Wood's application to repair the buildings belonging to the Company, which will cost $150, and to rent them for four years in lieu thereof, and if the Company should require them before that period, to pay him for said repairs—*Agreed to*.

Mr. Barrett submitted a plan of Guard gates instead of Locks, which were ordered to be constructed.

As this plan is supposed to answer the purpose, and at a considerably less expense—*Ordered*, That it be adopted.

W. C. Johnson applied for payment of work on tow path Grand River (not estimated) amounting to 2000 yards. The Engineers have recommended that 1000 yards be paid for on certain conditions.

Resolved, That the Agent examine the above and report the same to the Board accordingly.

A letter was read from Mr. Bush of Ogdensburgh, requesting the Canal may continue open during the month of November.

This was afterwards altered to 15 November, per order of President,

Resolved, That it be kept open till 1st December.

W. C. Johnson's agreement to excavate &c., part of sections 3 and 4 of Gravelly Bay route, was submitted and—*Agreed to*.

The 3rd resolution of May 2nd last, was considered, so far as regarded the berm bank and culverts from Broad Creek to Grand River, when it was

Resolved, That the same be put into immediate effect and proposals be received on 15th November for the work—Engineers to estimate and prepare plans against next meeting of the Board.

Mr. Yates' account of Packet Boats, amounting to £180 6 9, was submitted and passed.

H. M. Monson's letter respecting J. Simpson (read at last Board) forbidding any money to be paid to said Simpson & Pratt on his account without consent was read.

Resolved, That it be not paid to any person at present.

A letter was read from Mr. R. Dickson respecting a claim of R. Campbell's upon the Company, and for which he has instructed Mr. D. to proceed against the Company.

Resolved, That the Secretary write to Mr. Dickson, stating that Mr. C. has no claim whatever.

Lewis Garrison & Little applied for payment of the ¼ reserved under their Contract.

Resolved, That the petition cannot be complied with—the Contract must be adhered to.

Resolved, That Wm. Hamilton Merritt, Esq., the present Agent of the Company, be appointed to the office of Secretary in the place of Mr. Black, resigned, at an annual salary of £400 per annum, to take place on Mr. Black quitting.

Resolved, That the office of Agent to the Welland Canal Company be abolished, and that in future the Secretary shall discharge the duties heretofore performed by the Agent, and that a competent person be appointed as accountant to the Company, who shall keep the books and accounts, and make such other entries in the minutes of the Secretary's office as may be required.

Moved by Mr. Boulton, seconded by Mr. Warren,

That after the next election of Directors a President shall be chosen who shall be resident near the line of Canal, and that he shall be entitled to a salary of £500 per annum, and that he shall assume, under a responsibility to the Board of Directors, the general management of the affairs of the Company.

Deferred to next Board.

The undermentioned resolutions were then carried.

1st. That notice be published to receive proposals for excavating the Ship Canal from Deep Cut to Hellem's, on the Gravelly Bay route, and for making a guard gate at the entrance of deep cut, on the 15th November.

2nd. That so much of the 3rd Resolution of the 4th August as regards the Company's discontinuing forwarding after this season, and for the sale of boats, &c., and letting of the storehouses, be carried into effect.

3rd. That the toll-keepers' accounts, and all persons concerned in the Welland Canal shall at the end of each week, (say Saturday) make a full statement and return of all tolls, vessels, &c., and all matters relating to their respective duties, and the accountant lay the same before the first meeting of the Board in one general sheet.

4th That Mr. K. Emery be allowed £2 5s. in addition to his present wages as assistant engineer for the last two months.

6th. That American vessels forming a line from Oswego to Cleveland be permitted to pass the Canal by paying a duty of 5s. per ton and 3 cents per barrel on salt, and the vessels forming a line from Amherstburg to Prescott or Kingston only a toll of 5s. per ton on merchandise upwards.

Expunged 2nd September, 1835.

7th. That Mr. Joseph Wenham be paid £50 for services to May 1827.

FRIDAY, *4th Nov.*, 1831.

At a meeting of the Board of Directors, held at St. Catharines,

PRESENT:

The Hon. John H. Dunn, *President*,
Alexander McDonell, *Vice President*,
The Hon. William Allan, and
Robert Randal, Esquire.

The minutes of last meeting were read and confirmed, with the exception of that respecting the appointment of a resident President, which is to stand over until there is a full meeting of the Board called for the consideration of that particular purpose.

In conformity with the resolution of the last Board Mr. Barrett produced an estimate of the expense of Berm Bank and Culverts from Broad Creek to Grand River, amounting to £1,234 2 2.

The Board of Directors feel sensible of the importance of having the above attended to, but having no means at their disposal which would authorise the immediate commencement of that work, the £50,000 loaned by the last Legislature being restricted, it is therefore

Resolved, That the Berm Bank alluded to be made as soon as means can be devised to defray the expense of the same, together with one in Humberstone.

Mr. S. Street's letter respecting stone taken for the purpose of the Company.

Resolved, That Mr. Street be informed that the Company will allow him the same as Mr. Augustus Jones, viz: 4d per cord.

Resolved, That the undermentioned memorials be presented, viz:—

1st. To the Legislative Council and House of Assembly, U. C., for the privilege of making rail roads, and to increase the capital of the Company for that purpose.

2nd. To the same, to amend the former act as far as regards the toll at Chippawa.

3rd. To the Legislative Council and House of Assembly, L. C., to allow them such aid as they may deem expedient to complete the works which their present means do not allow them to use.

Mr. Barrett presented a report on the Gravelly Bay route, to contract if not less than 20 feet.

Resolved, That the same be adopted.

William Galbraith and John Lax proposed to execute the work required from Deep Cut to Gravelly Bay route.

Resolved, That the same be received on the 15th inst., and be determined by the Vice President and Mr. Randal, together with all other proposals.

Mr. McKay's application for office of Secretary, was read.

To be considered with other applicants.

Mr. Robert Dickson applied for a copy of R. Campbell's petition respecting his claim.

Resolved, That Mr. Dickson be allowed to inspect the same at the office, but not to have a copy of it.

Mr. Martell having been allowed 5s. per day while Collector at Robinson, applied for an increase from the 9th ultimo of 2s. 6d. per day.

Resolved, The same be complied with.

Mr. Simpson and Mr. Monson's letter presented.

Resolved, That the resolution of the former Board be adhered to, both parties having required the amount to be withheld.

Mr. D. Thompson presented a notice of submitting his claim to the arbitrators.

Resolved, That the Board having once appointed a Committee to determine on the claims of Mr. Thompson, do not deem it expedient to again enter into the subject.

York and Conrod's claim submitted.

Resolved, That the same be referred to the Committee; on reference it was found to have been investigated and not allowed.

Mr. Clark's letter and statement of forwarding accounts were presented.

Resolved, That the Vice-President and Mr. Randal be requested to examine into the correctness of the same.

The balance in Bank of United States being inefficient to meet the present demands,

Resolved, That the President make application to His Excellency for issuing debentures to the amount of £30,000.

At the request of Mr. Yates, John Clark, Esq., was nominated for the office of Book-Keeper to the Company, on Mr. Black's retiring from his present situation of Secretary—whereupon it was

Resolved, That John Clark be appointed Book-Keeper, with a salary of £150 per annum, upon his giving security in the sum of £1000.

Resolved, That Mr. Geo. Keefer, Jun., be authorized to negociate and settle with the claimants at Grand River for damages sustained by them, and that Mr. Keefer act by advice of, and after consultation with, the Vice-President and Agent.

The Toll Account was laid before the Board, amounting to £2051 1s. 2d. to October 1, 1831, viz.:—1830, £174 10s. 6½d.—and 1831, £1876 10s. 7½d.

Tuesday, *December* 23, 1831.

At a meeting of the Board of Directors, held this day at York.

PRESENT:

Alexander M'Donell, Esq., *Vice-President.*
The Hon. William Allan.
John Warren,
Robert Randal, and
H. J. Boulton, } *Esquires.*

The minutes were read and confirmed.

The estimate, amounting to £2543 15s. 11½d., approved.

Whereas there are many contractors on the new route to Gravelly Bay who have taken the contracts at prices which will not enable them to complete the same, and as the contractors themselves are not men of responsibility, by reference to the Engineer upon the subject, he states, that by increase of price to a rate that will enable them to fulfil their contract, the original estimate given in by Mr. Barrett, as the amount of the new cut, will not be exceeded, many contractors having contracts at a less price than the estimated cost, and who, from the nature of the work, will be able to complete the same.

Mr. Randal's account for £100, as Collector at Chippawa, was deferred till Mr. M'Micking's account of tolls, £19 17s. 3½d., which was to have been deducted, be further explained by Mr. Merritt.

The Resolution respecting the Berm Bank from Grand River to Broad Creek, passed the 4th November last, not meeting the approbation of the present Board,

Resolved, That the same be rescinded, and that the original Resolution, passed on the 6th of October, be carried into effect.

Mr. Jacob Keefer's account and letter to be reconsidered, it being stated that he was appointed Collector at Thorold to accommodate his father.

Mr. Merritt's letter respecting $1000 to be advanced to Messrs. Smith & Macey on account of steamboat Peacock to be deferred for further information, or until the whole account is made up.

J. Coulter's bill, £7 13s. 2½d., on same account, ditto.

Mr. M'Micking's bill, £14 10s., ordered to be reconsidered.

Messrs. Grant & Duff's bill, £1, deferred.

E. Washam's letter and account, £30 5s. 6d., do.

J. C. Spence's account, 12s. 10d., to be paid from first receipt of toll.

Henry Bliss' letter respecting £50 interest due, to be ditto.

W. K. Emery's application to be reconsidered.

Garrison & Co.'s, Hixson & Galbraith's, and Perry's } letters to be reconsidered.

Mr. Clark's letter and enclosure considered respecting the appointment of Collector at Port Colborne.

Ordered, That a letter be written to Mr. M'Mahon on the subject, informing His Excellency that the Directors have not, nor do they wish to interfere in the subject.

Mr. Merritt's letter respecting purchasing part of the hydraulic privileges read.

The Board leave the matter entirely to Mr. Merritt, who is at liberty to act as he thinks proper.

No. 5.

REPORT

OF THE

BOARD OF DIRECTORS

OF THE

WELLAND CANAL COMPANY,

For the Year 1831.

The Directors are desirous to lay before the Stockholders, as early as possible, a statement of their proceedings for the past season.

The first object which occupied their attention was the termination of the Canal in Lake Erie. As this important subject was left by the Legislature to their decision, and being one on which a diversity of opinion existed, they gave it every possible attention.

Various surveys were made from the present line of Canal to the mouth of Grand River, Boulton's Bay, Graybiel's Bay, Kinnaird's Bay, and Gravelly Bay. After which, [viz.:—in the latter part of April,] the Directors examined the different Bays on Lake Erie in person. They likewise obtained the following opinions, in writing, from Mr. Barrett, their principal Engineer, (see Appendix A.,) and Mr. Lewis, who was appointed to make the surveys of the different harbours. In addition to which, in consequence of various reports circulated respecting Gravelly Bay, John Warren, Esq., one of the Directors, and John B. Yates, Esq., one of the principal stockholders, were selected on the part of the

Board, in May, to again examine it. At the ensuing meeting, after mature deliberation on the various topics connected with it, the Board (in the absence of Mr. Boulton, who was, and continues to be, decidedly opposed to this route,) unanimously resolved on adopting the route to Gravelly Bay—now Port Colborne. These surveys necessarily occupied a long time. The work was not put under contract until late in June, which, together with the wetness of the season, has materially retarded its progress, and in consequence thereof, it will not be completed until the middle of next season. Notwithstanding the decision of the Board, to terminate the Canal for ship or schooner navigation at Gravelly Bay, on Lake Erie, (which, in their opinion, was required for the general benefit of the community, as well as the interest of the Company); yet, as it was evident that advantage might be derived from having a harbour at the mouth of the Grand River, also, both from the acknowledged importance of its more western position, and to increase the number of channels and ease of access to the Canal; and as it appeared from the Reports that such harbour could be easily made, the Board authorized the expenditure of £3000 for this purpose—which, from the progress of the work, and expenditure already made, the Directors have good reason to believe will not exceed the original estimate. The extent of the Western Pier is 600 feet, and it appears quite sufficient for the purpose intended, as the channel is of suitable depth for the navigation of the Upper Lakes. Lake Erie was clear of ice above this port on the 10th of April; the Company had a dredge to keep open the bar, and a party of men to pilot in any vessel that might arrive; the Canal was likewise clear of ice and in good order at this period—while the lower part of the lake remained closed until the 8th of May. Notwithstanding this early preparation to do business, when the Canal could have been advantageously used for the double voyage by the Niagara River, owners of property were deterred from giving it this direction to market. A rumour, encouraged and circulated, if not invented, by some persons inimical to this useful work, that a slide of earth, or, as it was emphatically called, "an avalanche," had occurred in the early part of the season, at the deep cutting, and filled up the Welland Canal, had obtained general currency. It was believed more readily, perhaps, because a similar occurrence had taken place, when the Canal was nearly completed on the original plan. There was not sufficient time to correct this unfounded report, until the evil of its circulation had been severely felt, in the commencement of their operations. The fact, that, by the alteration of the level, (it being now raised 16 feet higher,) such an accident cannot happen again, was not then generally known; and not being aware or suspicious of any designed misstatement or imposition, many were misled, and made their arrangements to send their property by other channels, although they had previously designed to send it through this Canal. No improvement having been made at the mouth of the Grand River, the harbour was not deemed sufficiently safe, and mariners approached it with great caution, and under much apprehension. In consequence, probably, of the general want of confidence in the Canal and harbours, no previous preparations had been made by the merchants, to avail themselves of this route, although the inducement was great throughout the latter part of April, and beginning of May. The Directors have, however, great satisfaction in being enabled to say that public confidence is now fixed on both the harbour and this branch of the Canal by the summer's experience; and with the additional improvements made, and now in progress, no apprehension need be entertained of a recurrence of such injurious impressions.

Another great inconvenience, however, still continues to injure the business of the Canal; this arises from a dam thrown across the Grand River, some distance above Dunnville, near the rapids, which prevented the greater part of the internal trade by the Grand River from descending this route; and up to this period no preparation is making by the merchants in the interior to descend the river, in consequence of this and other obstructions—which we trust will be remedied during the present session of our Legislature, by granting a charter to a Company to make it navigable as far as Brantford. It must also be observed that no vessels or craft were constructed suitable for the double voyage on both Lakes, and for the Canal navigation—no regular lines of communication were formed between the different ports on Lakes Erie and Ontario; and only four or five boats were in readiness to ply on the Canal. In addition to these unavoidable impediments, a breach took place in an embankment near the aqueduct on the upper level of the Canal, in September, during the most active part of the season, which gave a check to the business and caused an interruption of one month. A recurrence of such an accident will be prevented during the present month by strengthening the banks where required. The expenditure for the past season, out of the appropriation of the Legislature, is as follows:—

In payment of debts due various individuals last year, as per Report.	£5500 0 0	
In payment on the work which was in progress, but not estimated	£5500 0 0	
		11,000 0 0
Contingencies, Engineer's salaries, &c.		2,436 14 4
The expenditure during the past season, in finishing the main Canal, and on the new route		11,172 16 5
		£24,609 10 9
There has likewise been expended, out of other funds		2,315 18 2
Total		£26,925 8 11

In order to deepen the Canal from Port Robinson [Deep Cut] to the beginning of the Gravelly Bay route, for ship navigation, it was necessary to draw off the water as early as the 15th Nov., of which the Board gave timely notice. This is much to be regretted as it has materially interfered with the fall business. It will be again open the first day of April, for the ensuing season. Impediments must necessarily attend the opening of all works of such magnitude; nevertheless, the Stockholders and the public have every reason to be gratified with the result. The real estate and hydraulic privileges belonging to the Company, occasioned much trouble and embarassment in their disposition, and it was decided by the unanimous vote of the Directors, to dispose of them, in the year 1829. In pursuance

thereof, notices were published for six months in succession, in the *Montreal Gazette*, *New York Commercial Advertiser*, and several country newspapers. The best proposal offered was £25,000, payable in ten years, with yearly interest of £1500. This proposal was acceded to, in the early part of the present season, and the title made out accordingly—the Directors considering it far more advantageous for the Welland Canal Company to realize £1500 per annum, at once, with a certainty of procuring the active exertion of another company, who must embark a large capital for the purpose of erecting machinery, &c., to make it profitable to themselves, which will bring a corresponding increase of toll to the Canal, than to keep the property in possession of the Company, increasing the objects of its attention not immediately connected with operations on the Canal, and rendering their affairs more complex in their management. This sale proves that the Canal has not only given an impetus to the general improvement of the country, but has created an actual increase in the value of property, far greater than the cost of its construction. Trade and commerce are seeking new channels—vessels are in the course of building adapted to its use, the demand for lumber far exceeds the supply, notwithstanding there are twelve saw mills in operation on and contiguous to the line of Canal—six grist mills are built and in course of building, besides various other machinery—and a market is opened for the most bulky and useful articles, heretofore of little value. During the past season, three storehouses and a few scows or boats were procured by the Company, for the purpose of forwarding; a line of communication was kept open from Port Dalhousie to L. Erie, by means of a steamboat, which plied regularly between Port Robinson and Buffalo, and answered the double purpose of towing vessels up the Niagara river, and conveying produce from the American side; a line of packet or freight boats was likewise in operation between Port Robinson and Dunnville, thus forming almost a daily communication between Buffalo, Grand River and Port Dalhousie. This is now discontinued, and the attention of the Directors hereafter, will be confined exclusively to keeping the canal in a state of repair for transportation only, leaving forwarding, and all business connected therewith, open to individual competition. Within the past season there has been transported on the Canal, the following quantity of produce, viz:—

30,081 barrels Flour,
8,600 barrels Pork and Lard,
1,795 barrels Whiskey and High Wines,
2,600 barrels Ashes,
210,104¾ bushels Wheat,
412½ casks Tobacco,
91 kegs Tobacco,
307,718 Staves,
986,888 feet Boards,
4,189 Saw Logs,
28,500 feet Square Timber,
14,182 barrels Salt,
736 tons, 14 cwt. 2 qrs. 2 lbs. Merchandise.

Miscellaneous articles, such as potatoes, butter, cheese, grass seed, vinegar, oysters, brls. fish, biscuit, and various other items, are not included in the above:—

From the best information we can collect, there has passed over the portage at Queenston this season—

65,000 bushels Wheat,
11,035 barrels Flour,
650 barrels Ashes,
4,139 barrels Pork and Lard,
300 hhds Tobacco,
105 kegs Tobacco,
2,000 feet Walnut Boards,
450 tons Merchandise.

Thus it appears; as near as we can ascertain, that there has passed between the Lakes, together, the present season—

41,116 barrels Flour,
12,739 barrels Pork and Lard,
1,795 barrels Whiskey and High Wines,
3,250 barrels Ashes,
275,104¾ bushels Wheat,
712½ hhds. Tobacco,
196 kegs Tobacco,
137,718 Staves,
988,888 feet Boards,
4,187 Saw Logs,
28,500 feet Square timber,
14,182 barrels Salt,
1,186 tons, 14 cwt, 2 qrs. 2 lbs merchandise.

Which at our present rate of toll, admitted by all to be moderate, would amount to £4,150. It appears that in 1829, the quantity passing between those lakes was nearly as follows:—

270 tons Merchandise,
5595 barrels Flour,
453 barrels Pork,
620 barrels Whiskey and High Wines,
476 barrels Ashes,
508 hhds. and 765 kegs Tobacco,
97 barrels Hickery Nuts,
5 barrels Tallow,
5 barrels Feathers,
23 casks Bees' Wax,
97 kegs Butter and Lard,
2148 bushels Wheat.

Which would amount, pro rata, to the sum of £375 to £400, and shews an increase in two years of more than 1000 per cent. From these data we have good reason to infer, that the business created by the Canal during the next two years will improve in a much greater proportion. In submitting this flattering statement of the prospects of this Canal, the Directors feel no little gratification in being able to state, that the increase alluded to is entirely exclusive of the New York trade. Scarcely a ton of which passed this route the last season. The transit is wholly from Upper Canada, and to and from Oswego—principally wheat down, and salt up. This trade is confined to Lake Ontario; and from the number of superior flouring mills recently erected at Oswego, cannot fail of increasing to an immense extent; it is also evident, that we have not yet felt the influence of the Canada Trade Act—not 1000 bbls. of flour having been diverted from Lake Erie to the Montreal market since the Canal has been in operation. Much will depend on the enterprise of the Quebec and Montreal merchants who, we trust, will turn their attention to the subject as the advantages to be derived from sending American produce thro'

the Colonies are so apparent. It was never anticipated by the most sanguine, that this work would remunerate the Stockholders without drawing a portion of the trade of Ohio to and from the New York market. The experience of the first season proves a far more favorable result. The emigration to the Western part of the Province next year, we have reason to believe, will be great. This will continue with a rapidity heretofore unexampled; and in a few years the fruits of their industry will form no inconsiderable item to the general increase of that flourishing part of the country. The Ohio Canal will be finished throughout next year. New commercial houses are forming in Cleveland and other parts of Ohio, in connexion with those of Oswego, Ogdensburgh and Montreal. We have assurances of a regular line of vessels being formed between Oswego and Cleveland, to commence early in the season—which, when brought fairly into operation, cannot fail to draw a portion of the transit of Ohio, Michigan, and the country bordering on those Western waters, (which are rapidly and steadily increasing,) to and from the New York market.—The people of the Western country, generally express a warm feeling in favor of this route, and will not fail to avail themselves of the natural advantages it presents, when fully and fairly developed. In another season three different channels will be open between those lakes—the most western and easiest of access is by the mouth of Grand River, where a good harbor is now in readiness—another, by the Niagara river, via Buffalo and Fort Erie—and the third will be entered at equal distances between the two, at Port Colborne where another new harbor will be made; this presents the shortest and best route between the Lakes. There is good reason to expect from the preparations now making that as much produce will pass the Canal by way of Grand River the first month of the ensuing season, as has gone through the whole of this. We find the yearly increase of transportation on the Erie Canal, baffled every calculation made on the subject by the most sanguine, and we have every reason to expect a similar result. The Directors have given their personal attention, throughout the season, to the Canal, with far greater satisfaction to themselves than heretofore; as they have witnessed, from time to time, the result of their long and arduous duties.

JOHN HENRY DUNN, *President*,
A. McDONELL, *Vice-President*.
T. BUTLER,
ROBERT RANDAL,
J. WARREN,
W. ALLAN,
} *Directors.*

WELLAND CANAL OFFICE,
St. Catharines, Dec. 31st, 1831.

P. S. This Report was intended to have been published in November last; since then a bill to improve the Grand River has passed the Commons House of Assembly, and will no doubt become a law.

APPENDIX

[A.]

To the Hon. J. H. DUNN, *President of the Welland Canal Company.*

SIR:—Being instructed, through William Hamilton Merritt, Esq., to give my opinion of the best route for a sloop Canal from the Deep Cut into Lake Erie, together with my reasons for preferring the same, I beg leave to state, that I am decidedly of opinion the best route is the one terminating at Gravelly Bay. My reasons for recommending this route, are, that it is the shortest and most direct route across the Peninsula; it is the cheapest route we have been able to discover; it can be completed for $60,000 less than the Grand River route, and is eleven miles shorter; and by adopting this route you combine the advantages of the earliest and shortest navigation. You will be able successfully to compete with opposition in the transit of property, by adopting the Gravelly Bay route. In proportion to the less amount of capital required in its completion, the less distance you have to tow vessels; besides the saving of time in passing from Lake to Lake. One further reason for preferring the Gravelly Bay route, is,—that the whole work may be done without interrupting the navigation in the mean time; whereas, on the other, you either lose the use of the Canal the best part of two seasons, or very much delay the completion of the work.

I am,
Sir,
Your most obedient servant,
ALFRED BARRETT,
Engineer.

CHIPPAWA,
May 15th, 1831.

IN THE YEAR 1832.

The greatest activity prevailed on the line this year, until interrupted by the Cholera, which carried off some contractors and many of the workmen. Notwithstanding which the work was nearly completed. The accompanying Report of the Directors for this year [hereto appended marked No. 1.] enters very minutely into details—I refer also to the minutes for this year [appended, marked No. 2.] and the Report of a Select Committee on the Welland Canal [appended, marked No. 3.], and also a concise view of the Inland Navigation of the Canadian Provinces, by A PROJECTOR [marked No. 4.]

Documents referred to in the foregoing remarks:

Report of the Directors for the year 1832, ...	marked	No. 1.
Minutes of the Board of Directors,	"	No. 2.
Report of Select Committee on Welland Canal accounts, ...	"	No. 3.
A Projector, ...	"	No. 4.

This year the Government appointed the following Directors, viz:

John Warren, and
Robert Randall, Esquires.

And the private Stockholders—

The Hon. John Henry Dunn,
Alexander Yates McDonell, Esquire,
T. Butler, Esquire,
Ogden Creighton, Esquire, and
George Keefer, Esquire.

No. 1.

REPORT

OF

THE BOARD OF DIRECTORS

OF

THE WELLAND CANAL COMPANY

FOR THE YEAR 1832.

The Board of Directors have deferred the publication of their annual report beyond the usual period, that they might be enabled to announce to the stockholders and the public *the completion of the Welland Canal*, which will be in readiness at the opening of the navigation to pass vessels by the new route from Port Colborne on Lake Erie to Lake Ontario—the entire distance being only 28 miles.

The rapid manner in which the work progressed, until the prevailing epidemic reached the canal, will sufficiently support the statement made in the last Report, of 1831. That the new route, or continuation of the ship channel direct to Lake Erie, would have been completed at the time specified: but as soon as the cholera made its appearance the affrighted workmen fled from the scene of death. One doctor fell a sacrifice to his humane exertions, a second, hired at double pay, was seized with sickness, and obliged to return to St. Catharines. No competent medical aid could be procured at any price; and upwards of seventy laborers, who a few weeks before were in perfect health, fell victims to this sweeping scourge. When the disorder abated, and the work was resumed, it was found too late for the contractors to finish their jobs before the close of the season—the accumulation of water and other obstacles occasioned by the suspension of the work, rendering the fulfilment of their engagements impracticable.

Before and during this interruption, on the new route, other important works were carred on with vigor; the canal and feeder underwent a thorough repair; the Grand River Dam was made permanent with stone and gravel; waste and stop gates were placed at Dunnville—head of the Feeder, Port Robinson, Broad Creek, Marshville, and the aqueduct, to prevent overpressure on the dam and banks by a regular discharge of the superfluous waters.

A berm bank has been erected from Dunnville to the new cut on the entire line of the feeder, on the recommendation of the arbitrators appointed by the Legislature to award damages to the various individuals residing on the line of the canal, who conceived it necessary to preserve the health of that part of the country—it will also reclaim a large tract of land which would have been overflowed. The embankments have been raised and strengthened on the entire line of the main canal, and the work throughout has been made as permanent as time and circumstances would permit.

The navigation was interrupted about one month last season, in consequence of the grass growing up in a part of the feeder, or Cranberry Marsh, unobserved by those having charge of the work, as well as the boatmen passing daily on the canal. The obstruction was removed in a few days, after the cause was ascertained. No casualty of amount occurred on the line from any defects in the works during the season. The removal of this obstruction tended however to convince a committee appointed to investigate the cause of this long and serious stoppage of the navigation, that to insure an abundant supply of water at all times, it would be only necessary to deepen the feeder from near Broad Creek to the main canal, which they recommended to be done, and which was accordingly executed during the winter.

PRESENT STATE OF THE CANAL.

The dam at the Grand River is a most permanent work. It was constructed in 13 feet water, 7 feet high, with a base of 150 feet, forming a tumbling way 9 chains in length. Waste weirs are likewise constructed on the right bank of the river, 10 chains in length, on a clay bank or point, which has an elevation barely sufficient to retain the water. In addition to this there is a length of about 9 chains cut down through this bank, so as to discharge the surplus water from the Grand River when it rises two feet above the natural surface; by which means a sufficient space is allowed to discharge any quantity of water, which is under perfect control, and regulates itself; so that with ordinary care no danger need be apprehended to any part of the works in this important part of the Canal, which may be considered the key to the whole.

An embankment is made from the right bank of the river, across the low lands, fifteen chains in length, slope two to one, with an elevation three feet above high water mark. A large stop-gate is constructed immediately at the mouth of the feeder, to control the water at its entrance into the Canal. A Culvert is placed under the Canal, about 200 yards below this, to drain the country from Dunnville to Cranberry Creek, 3 miles distant; and another waste weir and waste gate to draw off the water when necessary at Broad Creek. Thence to Marshville, 9 miles, no artificial erection is necessary. Here a waste weir and another stop-gate is placed; half a mile below this is a Culvert through which Mill Creek passes, which discharges the marsh water for an extent of nine miles; thence, for the distance of seven miles, no other erection is necessary, with the exception of a waste weir already erected, and a stop gate, which were intended to retain the water at full head in the feeder, in case of a breach occurring in any part of the main Canal. (The dimensions of this feeder are 20 feet bottom, 36 feet surface, 4 feet depth, and 20 miles in length.) This point is the termination of the feeder or Boat Canal, where it discharges into the main Canal seven and a half miles from Lake Erie.

Leaving the feeder at this point, we will, for the purpose of giving a more accurate description of the *Ship Canal*, commence at Lake Erie. First, with respect to Gravelly Bay, now Port Colborne. This may be considered almost a natural Harbor, two reefs of sunken rocks converge within 620 yards of each other, leaving a depth of from 8 to 22 feet water; the main channel being to the westward of the entrance to the Canal. The water maintains a sufficient depth to near the shore, and the Harbor is sufficiently spacious for all purposes. The bottom is of clay, affording excellent anchorage, and the approach

to it uninterrupted and safe. Piers are in progress, which will form a perfect shelter for vessels, and completely protect the entrance into the Canal.

A Lock of 6 feet lift, constructed of stone above water, brings you to the summit, which is supplied with water from the Grand River, by the Boat Canal or feeder before described. From this Harbor a towing path is made on both sides of the Canal, to the junction; one side of which forms an excellent carriage road, 30 feet wide. Two bridges and two culverts are constructed in this distance, which altogether forms as beautiful a line of Canal as any in America.

The Aqueduct over the River Welland, one mile from is, is constructed of wood, 600 feet in length, and serves as a waste weir to regulate the water to near the Deept Cut, four miles; where there are two other waste weirs and a stop gate. At the South end of the Deep Cut are two Locks of 8 feet lift each, by which you descend to the Chippawa or River Welland, on the route leading to the Niagara River. Proceeding two miles further, to the north end of the Deep Cut, another waste weir regulates the supply of water for the remainder of the descent to Lake Ontario. The water can be discharged from this level, at pleasure, into the Welland river. The first descent towards Lake Ontario is made at this point by two Locks of 8 feet each. Thence one mile is a waste weir on the west branch of Beaver dam Creek, and a culvert under the Canal. Thence two miles is another culvert, to pass the middle or main branch, and a waste weir on the east branch of said stream. Thence to Thorold, two miles, are two waste weirs, to discharge as much water from the Canal as may be required by the 10 mile creek, or to retain it in the main channel. Thence a continuation of waste weirs and Locks alternately on each level (except three, where they are also required) to the Harbor.

The water is taken out of the Canal, from the summit, in three different positions, for hydraulic purposes, so as not to interfere either with the navigation, or to obstruct it fro any necessary repairs.

From the Grand River throughout to Lake Ontario, the lands and waste weirs work well, and answer the desired purposes.

REPAIRS AND ERECTIONS,

Recommended to render the Canal perfect for the navigation of vessels.

1. Deepening the feeder from within two miles of Broad Creek to the main Canal.

2. Repairing two Locks on the main Canal, one of which was found defective at the close of the navigation, so as to render it necessary to take up one end from the foundation.

3. Deepening some parts of the Deep Cut, and extending the pier 100 feet at Port Dalhousie. The outer pier at Gravelly Bay is under contract, and will be finished during the season.

4. To construct a stop gate or feeder above the main Canal.

5. To strengthen the banks for the last time; to raise all those over ravines or low grounds, one and a half feet above the ordinary height, to prevent damage from sudden floods.

Those repairs would have been nearly perfected before this time, had the Board been provided with means; as the weather in the latter part of the fall and the commencement of the winter has been peculiarly favorable for such operations. [They are now in progress.]

ALTERATIONS,

Recommended to command the entire transportation between the Lakes.

It must be obvious to the most casual observer, from the facility and certainty which steamboats offer, they will always command a great portion of light and valuable freight, as well as passengers; and without putting our harbors in a situation to receive those boats, the Canal cannot depend on receiving this portion of the transit. The Lock at Port Dalhousie was erroneously placed at the entrance of the harbour at the commencement of the work, before steamboats were extended to their present enlarged dimensions. It is necessary, therefore, to remove this Lock about half a mile up the Bay, so as to admit steam vessels with ease and facility, and leave a large basin on the same level with the Lake. Mr. Nathan Pawling, who owns the property at this point, has offered to make the alteration for £2,500, and not obstruct the navigation.

2. Extending the outward piers at Port Colborne, Lake Erie, and erecting a light-house.

3. Extending the main pier at Grand River, 500 yards, as originally intended; and one 200 yards on the east side, which will make it the most spacious harbor on the Lake. These alterations and improvements may be made in due process of time, without interrupting the navigation, and will not in all exceed £12,500.

ALTERATIONS

That may be effected hereafter.

A very great difference of opinion existed at the time the slips at the Deep Cut occurred, many contending that the plan of making the Rivers Niagara and Welland the feeders and summit should be adhered to, and the slips removed, be the expense what it may. Experience has since proved the alteration then adopted in taking a higher level was judicious; in fact the Canal could not have been constructed without it. By referring to the Report of the Directors for 1828, it will be seen that the Deep Cut was excavated to the bottom of the level at both ends, and that only a small portion of earth remained in the centre, a distance of 40 chains; and that with the force then employed ten days or a fortnight would have removed it so as to have drawn the waters of the Welland through into Lake Ontario. The bottom of this part proving to be quicksand, slips occurred, which rendered it indispensably necessary to resort to a higher level, which is now attained from the Grand River.

The middle branch of the twelve, or Beaverdam Creek, commences at the north end of the Deep Cut, and forms a natural ravine, falling off 40 feet below the present surface of the water in the Deep Cut. The Board has reason to believe that, by cutting the embankments and letting the water rush under this head, it would remove the sand from the bottom and deposite it in the ravine below, leaving a sufficient

cavity for the clay to form its natural slope. The embankments can be replaced in the spring without damage to the Canal.

The Board considered it due to the former as well as present Directors of this Company, to take a brief review of their past transactions. It was not their intention to have entered into this explanation until after the work was fully and perfectly completed in every respect according to the alterations and improvements recommended, but recent occurrences have rendered it necessary.

In the first place, it will be remembered that when this undertaking was commenced, in 1824, no work of a similar nature had been attempted in the Province. The object then in view was making a small cut to draw the waters of the Chippawa into the Beaver Dam and Twelve-Mile Creeks; improving or widening the beds of those streams to Lake Ontario, and descending the mountain by a wooden railway. The summit of the Deep Cut was apparently a level swamp, from whence the waters gradually flowed, both into the Welland River and Twelve-Mile Creek. The depth of this cut was supposed to be inconsiderable. At this period there was not a person to be obtained in Upper Canada who knew the use of a spirit level. In August, an engineer was procured from the State of New York, who surveyed, levelled, and reported thereon.

In January, 1824, an Act of Incorporation was obtained, a part of the stock subscribed, and the work commenced on the 30th November. At this time the subject began to attract public attention. The stockholders applied for an extension of capital, with a view of enlarging the Canal for ship navigation. Mr. M'Gillivray and others, of the Canada Company, having taken an active part, the Directors were under the impression that Company would co-operate most cordially in promoting the object, and that the stock would be taken up in Great Britain through their influence. During this year surveys were made by Messrs. Clowes, Hall, and Roberts, who reported thereon—the last being one of the principal engineers employed in constructing the Erie Canal, and a gentleman in whom great confidence was deservedly placed.

It was discovered during this year that the mountain could not be descended on the original route with a canal of the increased dimensions contemplated, without a combination of locks; to avoid which another route was selected, at a great additional expense.

In 1826, an Act was passed, authorising the deviation in the route, and granting a loan of £25,000 by the Provincial Legislature. This sum the Directors had reason to believe would be refunded by the stock expected to be subscribed in England. In this expectation they were disappointed; and to this cause the difficulties and embarrassments that attended the undertaking may be attributed.

A great part of the private stock had been paid in; the work was all under contract, and in a state of forwardness; the only alternative was to prosecute the work with vigour, and make every exertion to obtain subscriptions for stock, and such other aid as could be procured; or abandon the work now committed to their charge. The Directors, happily for the Province and all concerned, decided on the former. They applied for and obtained, through His Excellency Sir Peregrine Maitland, a grant of all the waste lands in the Cranberry Marsh; and employed David Thomas, one of the principal engineers on the Erie Canal, to take charge of the work.

In 1827, the Legislature of Upper Canada subscribed stock to the amount of £50,000, and the Legislature of Lower Canada £25,000; and His Majesty's Government granted £16,360 on certain conditions, which were complied with on behalf of the Company. This year, Mr. Alfred Barrett was appointed principal Engineer, having been, since the commencement of 1826, a resident Engineer.

At the close of this season the Directors had every reason to believe that the work could be accomplished by the end of the ensuing year, provided means were at their disposal; to obtain which, in 1828, they made an application to the Home Government for assistance, and obtained a loan of £50,000, payable in ten years, at four per cent. Subscriptions for stock to the amount of £30,000 were obtained at the same time from private individuals. Every part of the work was pressed forward with the greatest energy, and placed in readiness for the early navigation of the ensuing year by the Niagara River; and up to the 9th of November they were in confident expectation that their views would be realised, when an end was put to their hopes by the slips in the Deep Cut. This casualty was attended with the most serious and appalling consequences, which no energy or exertion could fully counteract. The most serious evil was the *delay* attending the new plan they were compelled to adopt.

Every exertion was made to bring the feeder from Bearfoot Rapids, or from some point up the Grand River of sufficient height to avoid erecting a dam across that stream; which, after repeated attempts, was found, by the most experienced Engineers, (Mr. Geddes as well as Mr. Barrett,) to be impracticable at any expense within the means of the Company to command. They mention this more particularly as an opinion prevailed that this survey was never made.

The best situation for building a dam across the Grand River was about half a mile from the mouth; where the ground was marked out, the work placed under contract, and about £400 expended; when, by the representations of Commodore Barrie, a stop was put to the work, and the Company were compelled to select another situation five miles up the river, and cut an entire new feeder that distance, at an additional expense to the Company of at least £10,000.

Notwithstanding these obstacles, and their attend ant delays in 1829, an entire canal or feeder, 27 miles in length, a dam, of no ordinary dimensions across the Grand River, an aqueduct over the Wel, land, and four locks at the Deep Cut, were constructed, and the water let in by the 5th of October. To forward the work the feeder was excavated one half its intended width, to admit the water into the main canal, to prove the levels, and satisfy the public that the plan would answer the desired purpose, which was generally doubted at the time. A vessel was passed through from Lake Ontario to Erie in November of this year. Another effort was made during this season, in England, and a considerable sum subscribed by individuals.

In 1830, an application was made to the Legislature for a further grant of £25,000, to pay off the debts and widen the feeder. A commission was appointed by the Legislature this Session, whose report we subjoin (see Appendix A.)

The navigation of this season, by the Niagara River, was quite sufficient to show that impediments existed of so serious a nature as to induce the Directors to recommend the extension of the ship canal to Lake Erie, by a more direct route; which was most fully concurred in by the Commissioners appointed by the House of Assembly.

In 1831, an application was made to the Legislature for a grant of £200,000 to extend the Canal into Lake Erie, finish it in a durable manner, and enable them to pay off all demands against the Company. This measure was recommended by a Committee, and at one time adopted by the House; although subsequently altered to a loan of £50,000, under certain restrictions. This alteration is to be regretted, as it has failed to accomplish the desired object.

From various delays in exploring the different routes, the work was not put under contract until late in the season; and very little progress was made in it, from the heavy rains which prevailed during that year, and the peculiar situation of the route, which could not be drained until back ditches were formed nearly the whole extent of the cut; in consequence of which, together with the low price at which the work was taken, every contractor on the line, with one exception, failed to finish his work, which had to be re-let to other contractors.

During the past season (1832) the work was prosecuted with a degree of vigour and energy equal to any former period.

It is not the intention of the Board to discuss whether this work has been sustained with that degree of public spirit with which similar undertakings have been prosecuted in other countries; or whether the embarrassments they have had to contend against, from time to time, are not principally to be ascribed to that cause. By those who have had any practical experience in the construction of canals, or works of a similar description, an excess of expenditure over the original estimate is considered a matter of course; by those who have never given the subject much consideration, the causes are not so readily comprehended. In the different estimates alluded to, the enlargement and extension of the Canal is generally kept out of view.

The first loan granted from the Legislature of this Province, of £25,000, was supposed to be repaid out of the stock which the Directors had reason to believe would have been subscribed in London. In this expectation, as already shewn, they were disappointed.

The Stock to the amount of £50,000 was subscribed, on condition that the Company would pay the interest until the Canal was finished; and this was supposed sufficient to get it in operation, and open the navigation by the Niagara river.

The casualities arising at the Deep Cut compelled the Board to resort to the Grand River for a supply of water, and protracted the completion of the Canal nearly two years. This cause of itself greatly increased the expenditures, besides accumulating interest and depriving the Company of any income. The loan of £25,000 was for widening and increasing the dimensions of the feeder; and the last loan of £25,000 was for a new object,—the extension of the ship canal to Lake Erie by the shortest and most direct route, thereby avoiding the Niagara river altogether.

	MILES.
This navigation extends from Lake Ontario to Lake Erie, for vessels drawing 8 feet water,	28
From Port Robinson to Niagara River,	9½
From the mouth of Grand River to Dunnville,	5
Total ship canal,	42½
Boat canal, or feeder, four feet water,	20
	62½

with a lockage of 340 feet, and the construction of three entire new harbors.

The canal has already cost	£345,955
There will still be required to pay the debts due for labor, &c.,	11,000
Making,	£356,955

It may be asserted without fear of contradiction, that including all delays, casualities, and unavoidable expenses, few works, in any country, have been constructed at less cost. It is notorious that the work has been constructed in the cheapest manner and with a degree of economy perhaps never equalled by any similar undertaking; as one instance we will merely mention that the Erie Canal, with four feet water, cost, from Lake Erie to Lockport, before descending the meuntain ridge, a distance of 28 miles, $1,600,000. The deep cut, for one mile and three-fourths, was from 30 to 56 feet deep, and cost one half of the amount of the whole canal from Welland to Ontario.

The Board has reason to regret, on account of the Stockholders, that the completion of the Canal has been prolonged so far beyond the period anticipated at the time the work was commenced, as well as the great increase of expenditure beyond what was then contemplated. They alone are the sufferers: to their enterprise and exertions are the provinces indebted for the undertaking; and in no way have they derived any advantage from the work; the actual dividend hereafter to be made is all they can look for. Notwithstanding, those most deeply concerned have only expressed a desire to see the full and perfect completion of the canal; having every confidence that when completed as it should be it will meet their most sanguine expectations.

The British Government, and the provinces of Upper and Lower Canada, have different views and interests, and are already gainers by the work, which every person having any pretension to financial affairs must admit.

In the first place, with respect to the British Government.—They have expended a large sum in the construction of the Rideau Canal. The completion of the Welland is indispensable for the profitable use of that communication, by drawing a great share of the transit from the Southern and Western parts of the United States of America through it.

Secondly, the Crown Lands held by Government, adjoining Lakes Erie, St. Clair, and Huron, have been enhanced in value by its construction, to an incalculable amount, besides the indirect advantages accruing to the shipping interest, and the increase of commerce to Quebec, Montreal, and Great Britain.

Thirdly, Government has the privilege of passing the canal free of toll, with all government vessels and stores, secured by an act of the Provincial Legislature, in 1827.

The above act was passed in consequence of receiving the following Despatch :—

"Downing Street, *Sept. 30th* 1823.

"*Sir*—

His Majesty's Government having granted the sum of twelve thousand pounds in aid of the expense of constructing the Lachine Canal in Lower Canada, upon condition that all boats and vessels with public stores should be permitted to pass without the payment of any toll or duty; and considering that the Welland Canal, now in progress on the Niagara frontier, will afford great facility in forwarding stores to Lake Erie and the upper parts of the Province of Upper Canada, and that by constructing the Locks of the width of twenty two feet, it would become a work of much greater public utility; I am to desire that you will acquaint the Directors that His Majesty's Government would be willing to afford the same degree of assistance towards the expense of the Welland Canal which was given to that of Lachine, which is about a ninth of the estimated sum required in its completion; and as the estimated expense of the Welland Canal is one hundred and forty seven thousand, two hundred and forty pounds, the sum to be contributed by the public for the privilege of forwarding government stores &c., would be sixteen thousand three hundred and sixty pounds.

In the event of the Directors agreeing to this proposal, it is necessary that a Provincial Act should be passed in which the Company shall engage to construct the Locks of the Canal of the width of at least twenty two feet, and securing the use of the Canal to all vessels and boats the property of His Majesty; and also to all other boats and vessels, when engaged in carrying Government stores, without the payment of any duty or toll, in consideration of the sum of sixteen thousand three hundred and sixty pounds; to be paid in four equal annual instalments, or sooner if the Canal should be completed at an earlier period.

I have the honor to be,
Sir,
Your most obedient
Humble Servant.
(Signed) BATHURST.

Major General,
Sir Peregrine Maitland,
K. C. B.

Besides the above advantages, the Government has been accessary, although with the best intention, to increasing the expenses of the Company, by compelling them to remove the dam at the Grand River. It was expected at the time that Government would make this Harbour, which would in part compensate them; but they have been under the necessity of constructing it since, at their own expense.

In 1828 the Company made an application to the British Government for assistance to finish the work. The terms offered were a Loan of £50,000, payable in ten years, at four per cent; or a grant of £27,000, payable in four yearly instalments. Their necessity compelled them to accept the former; knowing the Canal would be useless until in operation, the Company have at all times made that a primary object, and have been compelled to accept any terms to accomplish it. However, now that the main object is effected, the Board entertain no doubt that His Majesty's Government will carry their original intention into effect, and place the Welland at least on as favorable a footing as the Lachine Canal, by still making a grant of *one-ninth of the actual expenditure.*

With respect to the Province of Upper Canada, although the capital invested in Stock and Loans amounts to £150,000, the Company have kept down the interest from time to time on both; so that the outlay by the Province in payment of interest, is about £15,000. The duties from the United States, and the one fourth from Lower Canada, on the increased consumption created or caused by the Canal since 1824, we assume from the best information we can obtain on the subject, at £2000 per annum, for eight years,—which amounts to £16000. The present increased and flourishing state of the revenue of Upper Canada, compared to 1828 or 1829, will fully corroborate the above assertion.

The Province of Lower Canada has three fourths of the revenue collected at the Port of Quebec, the increase of which has been very great for the last few years.

In 1829, the value of imports, on which two and a half per cent was paid amounted to	£ 874,082
In 1830	1,190,836
Shewing an increase in one year of	£ 316,754

Without entering into a detailed calculation on the subject, it is evident that the increase created by the Welland Canal is abundant to overpay the interest on the capital expended by the Legislature of that Province in its construction, besides the advantages from the transit, commission, profit on foreign commerce, shipping interest, and all those indirect though positive advantages which every Port acquires by drawing an excess of produce to it.

The population of the two Canadas is about 750,000. We assume one tenth for the increase of that portion influenced by the Welland Canal, which cannot be deemed overated, as the district of London alone contains 42,396.

If those advantages are already felt, what will they be ten years hence?—It is evident a much greater extent of country lies to the south and west of the Welland Canal than to the north; and if so, a greater quantity of produce must be brought through it for the Montreal market than reaches that market at the present time from that part of the country now situated below the canal.

During the past season the Board were apprehensive they would not be able to pay all demands against them on the completion of the work, and made a timely representation to His Majesty's Government to relinquish the mortgage they held on a part of the property belonging to the Welland Canal Company, consisting of the hydraulic works and

a large tract of land lying on the margin of the canal. The subject was left to the decision of His Excellency Sir John Colborne, Lieutenant Governor, who promptly acceded to the application.

This property, which is considered by competent judges to be of far greater value than the sum required, they offered as security to the Legislature, in order to obtain a sufficient sum to enable them to pay off all demands against the Company, and finish the canal.

The subject was fully discussed, and the same favorable disposition was manifested by a majority of the House towards the undertaking which influenced their decisions on former occasions; at the same time they deemed it most judicious to appoint a commission consisting of three gentlemen from different parts of the province, with power to appoint an Engineer to examine the works, and make a general report to lay before the next Legislature; and in the mean time to put and keep the canal in repair for the present season, for which purpose £7,500 was placed at their disposal, leaving the security proferred at the disposal of the Board to liquidate the debts already incurred. Those commissioners have already examined and reported on the efficiency of the canal, which in their opinion, notwithstanding the late period when the work was commenced, will be open by the first of May next.

The Directors also presented a memorial to the Legislature of Lower Canada, early in the season, praying for a loan of £12,500 to enable them to finish the harbors at each termination of the canal, on sufficient scale to admit steam boats of the largest dimensions now navigating, or which may hereafter navigate those lakes, as shewn in the former part of this report.

They have seen a document published by a committee of the legislature of that province, signed by Austin Cuvillier, Esq., Chairman, stating in the first place that they had received no information whatever on the subject of the canal; but after examining the various Acts of the Legislature of this province, shewing the several sums borrowed, they are of opinion that *it would be imprudent to grant the loan.*

On this subject the Board would merely remark that Reports have been published each year on the progress of the work, and forwarded to each individual stockholder, besides being inserted in different papers; in addition to which they prevailed on William Berczy, Esq., M. P. P., a gentleman living in the Western District, who possesses the most extensive information respecting the country above it, as well as the situation of the Company's affairs, to go to Quebec two successive years, 1830 and 1831, for the express purpose of affording the Legislature every information on the subject of the canal.

The different acts of Parliament, amount of expenditure, and the Reports of Commissioners appointed by the Legislature of this province, are public records to which every member of the Legislature of Lower Canada has access. The Board therefore feel it due to themselves not to pass over in silence an imputation or censure for withholding information which they have spared no pains or expense to communicate.

It would further appear by that report the committee did not fail to avail themselves of the information alluded to, as they recapitulate, with much precision, *the amount of debts* for which the Company are liable.

We have shewn in the preceding pages that the province of Lower Canada has benefitted by the construction of the canal in a pecuniary point of view. At the same time the Directors never could have entertained a doubt that the Legislature would be actuated by those considerations; neither do they think so now, had the question been brought fairly before them. The Directors conceived it necessary only to submit the following *facts* for their consideration.

The Welland Canal commences near the same point with the Erie Canal; the one intended to draw the produce and commerce of the southern and wester world to the *New York market*, the other to *Montreal.*

The general government of the United States have laid out annually large sums of money, and are continuing to do so, in the construction of harbors at every feasible point on the south side of Lake Erie. Not less than $200,000 have been expended on the harbors of Buffalo and Black Rock alone, by which facilities the commerce of their country is increased, and they obtain a return in duty at the port of New York in proportion to this increase. Whereas, while we possess the most decided natural advantages, they are lost for want of public spirit to improve them; for we maintain that if Lower Canada would contribute a portion of her means to effect those objects, she would be immediately repaid by the increased revenue which those improvements would create; and while that province is receiving three fourths of the revenue procured by our exertion, where could we or should we apply with more confidence for assistance?

The public advantages arising from the canal are at this period so generally understood that a further allusion to them may appear unnecessary. As a proof however, we would merely notice that at Dunnville, Grand River dam, (a place which before the construction of the canal was a waste, or not inhabited,) there are three lumber mills, one flour, fulling, and carding mill, three merchant's shops, three store houses, and some thirty or forty dwelling houses: and the lands in the neighborhood, formerly valueless, are now selling at from $4 to $8 per acre.—A small village, with a grist and saw mill, is springing up at Marshville, another is laid out, and will form a prominent point at the junction.

Port Colborne has been retarded in consequence of the Company not getting a title to the land adjoining the harbor. As soon as this difficulty is disposed of, a number of individuals are ready to erect buildings; and from its favorable position, a large town will suddenly supply the place of a sunken morass wholly unfit for cultivation; but which has, by the operation of the canal been effectually drained and rendered valuable. About 30,000 acres of land has been likewise reclaimed in the townships of Humberstone, Wainfleet, and Moulton.

Port Robinson at the South, and Allanville at the north end of the deep cut have not increased as rapidly as the situations warrant, in consequence of a general belief that the deep cut will be lowered to the level of the Welland. A small village is com-

menced at the former; and a grist and lumber mill building, and one in operation at the latter.

Thorold is rapidly increasing. The largest grist mill in the province; four lumbering mills, and a large village, are erected, where it was quite a wilderness when the canal was commenced.

The value of lands in the neighborhood of the canal increase in proportion, so that it would be difficult to estimate the extent of wealth created by its construction.

Further, the price of conveying a barrel of flour from Fort Erie to Queenston, 28 miles, around the falls of Niagara, was formerly 2s. 3d. It is now conveyed from Cleveland to Prescott, through Lake Erie, the Welland Canal, Lake Ontario, and 70 miles down the River St. Lawrence, in all 500 miles, for 2s. 2d. This proves beyond question that no mode of conveyance can successfully compete with the double voyage, made without transhipment; as well as the great gain the province derives by lessening the price of transportation generally.

From the most authentic information, we have reason to believe the continuation of the Rideau Canal (now finished to the Ottawa River) to the Lachine Canal, will be completed during the present season. The report of the Ohio Canal Commissioners is now before us, and announces the completion of that work from Lake Erie to the Ohio River, 308 miles in length, besides the tributary feeders; which will give an uninterrupted water communication from the *Mississippi* to the Gulf of St. Lawrence.

These facilities for transportation, of themselves, warrant the belief of a great increase of transit. It is hoped the British Government will place such a discriminating duty on cotton and tobacco, when received in the ports of Great Britain, as will insure a fair proportion of the transit of those articles through our Canals from the southern and western parts of the United States.

The increase of transit from the American side during the past season, under all the difficulties and delays attending the round about and tedious navigation of the Niagara River, was 100,000 bushels of wheat.

The increase of upward freight was principally in salt, which amounted to 35,000 barrels, about as much as reached Lake Erie by the Erie Canal three years ago.

Information from various quarters on the American side sanction the belief that a great increase may be expected the approaching season; but very little from the Canada side, as the continued emigration consumes the greater part of the surplus produce now raised.

RECAPITULATION.

From the preceding Report it will appear that the aspersions so frequently cast on the Directors of this Canal, are neither just nor reasonable. There has been no want of exertion or skill in conducting, nor economy in executing, this arduous undertaking. The increased expense and tedious delays proceeded from causes not within their power to control, nor were they accountable for the consequences.

The changes made in the line of Canal, its increased dimensions, alteration of the original plan, and the removal of the dam after the works had been in considerable progress, involved the Company in great additional expense and loss, for which *no allowance has been made in public opinion.*

The Stockholders *alone*, who have paid closer attention to the subject, view the undertaking in its true light, and are entitled to the consideration of the country for the sacrifices they have made, and for the spirited manner in which they have sustained the work. *They* have laid out of their capital for many years, and have *sustained a positive loss*; while the British Government, and the provinces of Upper and Lower Canada are *positive gainers.*

The losses, delays, disappointments, and embarrassments, against which the Company have struggled since the extension of the Charter for ship navigation, and the failure in procuring the stock in England, can only be known to those Stockholders who have examined the subject, and the former Directors, who are entitled to all praise for their patriotism and perseverance. We would name them individually, but it is unnecessary; the public knows who are and who have been the undeviating supporters of the undertaking, and by whose exertions the present Directors have the satisfaction to announce to both hemispheres (for both are deeply interested), that vessels fit to navigate the Atlantic, of 120 to 150 tons, can pass freely from Lake Huron, Michigan, St. Clair, and Erie, to Prescott, embracing an extent exceeding 1000 miles; and on the completion of the ship Canal, which is now commenced on the St Lawrence, may continue their voyage to Great Britain, or any part of the world.

Alex. McDonell, *Vice President*,

William Chisholm,
William Elliott,
George Keefer,
Ogden Creighton,
Thomas Butler,
} *Directors.*

WELLAND CANAL OFFICE,
St. Catharines, 1st March, 1833.

APPENDIX.

[A.]

For Report of Robert Randal, Esq., Commissioner, see Appendix to remarks of 1830—[marked No. 5.]

No. 2.

MINUTES OF THE BOARD FOR 1832.

THURSDAY, *2nd, Feb.*, 1832.

At a meeting of the Board of Directors, held at St. Catharines.

PRESENT:

Alexander McDonell, *Vice President*.
Robert Randal, and
Thomas Butler, Esquires.

The minutes of the last meeting were read and confirmed.

Resolved, That all claims be paid up to this date, including salaries, &c., but no further payment be made out of the appropriation of £50,000, except for labor on Gravelly Bay route (and the necessary repairs on the Canal) until that work is completed, and that the officers of the Company be notified accordingly.

Mr. Washburn having written for payment of £29 5s., allowed by the committee in full of Trotter's claim submitted to them.

Resolved, That the Secretary inform Mr. Washburn that Mr. Trotter has no legal claim upon the Company, but that the Company have agreed to pay him that amount (which is over and above his estimate) as recommended by the Engineer, when they have funds.

Resolved, That the President execute a bond and debentures for the amount of £10,000 for Bank of United States, Buffalo.

March 1st, 1832.

At a meeting of the Board of Directors, held this day at St. Catharines,

PRESENT:

Alexander McDonell, Esq., *Vice President*,
R. Randal, and
T. Butler, Esquires.

The mintes were read and confirmed.

The estimates and contingencies, amounting to £1957 18s. 2½d., approved and a draft signed by the Vice-President for the amount.

Mr. Orson Phelps' account as Collector at Dunnville, from 1st. to 11th. October, 1831,—ordered to be paid from the toll account.

A letter from the President enclosing one from Mr. Dickson, respecting claims of Indians, was read.

Resolved, That Mr. Dickson be written to and referred to the Act appointing arbitrators to examine such claims and award accordingly.

Also respecting J. Trotter's claim for which he has sued the Company.

Resolved, That Mr. Washburn be written to by Mr. McDonell on the subject.

Mr. Hotchkiss' letters respecting Hathaway's suit were submitted.

Resolved, That the Secretary prepare a copy of the act of incorporation, and also the last act of the Legislature respecting the Company as required, and proceed to York to obtain the Secretary of the Provinces' seal and certificate thereto, and also the Governor's certificate that such Secretary is duly authorised to annex the seal, &c.

Mr. William Mylne's letter respecting a bridge over the canal—read.

Resolved, That Mr. Mylne be informed that the consideration thereof is deferred until a full meeting of the Board.

April 5th, 1832.

At a meeting of the Board held this day,

PRESENT.

Alex. M'Donell, *Vice-President*.
And Thomas Butler, Esq.

In consequence of no other members being present, the meeting was adjourned to Monday next, the 9th instant.

Ordered, That Mr. Warren and Mr. Randal be written to accordingly.

9th April, 1832.

At an adjourned meeting of the Board of Directors, held this day—

PRESENT:

Alexander M'D'Donell, Esq., *Vice-President*.
Thomas Butler, and
Robert Randal, Esquires.

No estimate being made for March, the Engineer's recommend an advance to Contractors of $3940 = £985.

Resolved, That in addition to the printed regulations of last year, it is ordered that no saw mill will be permitted to run on the line of the Canal until proper racks or floors are constructed to prevent the saw dust from getting into the canal, and that 500 copies of the regulations be printed.

Expunged 2nd Sept. 1835. *Resolved*, That a suitable person be appointed at Chippawa to attend the toll bridge and keep a record of all vessels, boats, and craft passing in and out, with their loading, and that he be paid the sum of six pounds ten shillings per month for his services, and that the agent have the power of appointing him.

Resolved, That a Collector be appointed at Dunnville, whose duty it shall be to collect toll, make an entry of every vessel, and their loading from Lake Erie—all lumber passing up and down the Grand River or Feeder, and all articles cleared to Port Dalhousie.

Expunged 2nd Sept. 1835. *Resolved*, That a Collector be appointed at Port Robinson, whose duty it shall be to enter every vessel, boat, raft, or craft of any description, with their loading, passing either up or down the canal; also to examine the cargoes of all craft from Grand River.

That a Collector be likewise appointed at Port Dalhousie, whose duty it shall be to receive all tolls on upward freight.

Expunged 2nd September, 1835. That Returns from each Collector shall be made to the Welland Canal Office on or befor the 6th day of each month for the preceding month, and on neglect or refusal to do so, the Secretary shall report the same to the Board, and his situation be considered vacant.

Expunged 2nd September, 1835. That each Collector shall be personally liable for the amount of toll collected, as no account will be kept by the Company.

That the undermentioned persons be appointed Collectors:—

For Grand River, Orson Phelps.

For Port Robinson, Robert Randal, Esquire.

For Port Dalhousie, George Smith.

Expunged 2nd September, 1835. } *Resolved*, That the compensation to Collectors shall be as follows:—

25 ₱ cent. till it exceeds £ 100 ₱ ann.	Say till it amounts to 10s ₱ diem at Dalhousie and Robinson, and at Grand River to 5s. ₱ diem.
15 ₱ cent. till it exceeds £ 500 ₱ ann.	
10 ₱ cent. till it exceeds £1000 ₱ ann.	
7½ ₱ cent. till it exceeds £1500 ₱ ann.	
5 ₱ cent. till it exceeds £3000 ₱ ann.	

Resolved, That the above be communicated to all parties by letter.

Resolved, That the packet-boats be sold on the 15th to the highest bidder.

Resolved, That the payment of £300 to the Bank on account of Lewis, Garrison & Little be advanced, and to other contractors on the new route at the discretion of the Engineer, to be deducted from next estimate.

THURSDAY, *May* 10, 1832.

At a meeting of the Board of Directors, held this day

PRESENT:

Alexander M'Donell, Esq., *Vice-President.*
Robert Randal, and Thomas Butler, } *Esquires.*

The minutes of the 5th and 9th April were read and confirmed.

Resolved, That the Vice-President's draft for the balance in the United States Bank, Buffalo, which was given on the 4th instant, for £2514 6s. 5d., be approved.

Resolved, That the remaining £10,000 debentures be prepared by the President and Secretary, ready to issue when required.

Resolved, That the following clause be added to the first Canal regulations, viz.:—All vessels, boats, or other craft, shall be subject to pay whatever damage they may cause by injuring the lock-gates, bridges, or any other erections, by carelessness or inattention, before leaving the Canal.

Joseph Burger's letter respecting the balance due him, as awarded for damages, &c., removing his house, amounting to £241 11s. 3d., besides interest, and offering to take £200 in full of all demands.

Resolved, That Joseph Burger's offer be accepted, and that the amount be drawn for on the Bank of Upper Canada accordingly.

The undermentioned petitions, deferred last Board, were again deferred to a fuller meeting, viz.:—

William Mylne, for a bridge across the feeder.

Calbraith & Saxe, to make good loss on contract.

David Trotter, for work on feeder.

Mr. Boulton, respecting Oliver Phelps.

Wm. C. Johnson, for compensation.

Raymond Baby's application for $6 rejected.

Lewis & Little's application for £300 approved of.

Resolved, That the contingent account for April, amounting to the sum of £26 6s., and Secretary's salary to 1st May—£50—be approved and paid.

Messrs. Bush & Shepherd, of Ogdensburgh, applied for a reduction of toll upwards similar to the merchants of the Oswego line, to which the latter object, as it would be placing the former on a better footing than themselves, to whom it was granted, with a view of drawing a portion of merchandize from New York Market on the Canal.

Resolved, That the Ogdensburgh merchants be placed on the same footing as the Oswego, provided they come into their line, otherwise no reduction to be allowed.

No bidders having offered for the packet-boats on the day appointed for the sale thereof,

Resolved, That they be repaired and sold.

Resolved, That the Collectors be authorized to receive drafts for toll at 30 days date until the 1st of August.

Resolved, That the toll be remitted on the packet-boat to Dunnville, on condition of carrying officers belonging to the Company gratis, until next meeting of the Board.

Mr. Clark having been required, by minutes of the 4th November, 1831, to give security to the amount of £1000, on taking upon himself the office of Book-Keeper to the Company, submitted the following:—

Job Northrup and Charles Ingersoll, Esquires, as his securities.

Resolved, That the same be accepted of, and that he enter upon this office accordingly.

MAY 31, 1832.

At a Meeting of the Directors, held this day at St. Catharines,

PRESENT:

The Hon. John H. Dunn, *President.*
Alexander McDonell, Esq., *Vice-President,*
Robert Randal, and
Thomas Butler, Esquires.

Mr. Phelps' business was submitted to the Board, which was considered of too much consequence to receive any decision of the present meeting, and it is therefore referred to a future and full Board of Directors.—In the mean time the Engineer is desired to state most fully the whole of the particulars in relation to those Locks done under the Contract of Mr. Phelps of which there appeared to be a variety of opinions as to the mode of construction and deviation from the model laid down for adoption according to contract.

William Calbraith's application to have made good the loss on enlarging Canal from Port Robinson—

Referred to Engineers, who have reported thereon—it was approved and ordered to be paid.

Submitted to the Board—

Mr. Nathan Pawling offers to remove the Lock at Harbor and make a Steamboat Harbour for $10,000 payable as follows—$2500 this season, and the remainder when the Harbor is finished.

Deferred to a full Board.

By experience it appears the Locks can be repaired with stone cheaper than with wood.—It is probable that three Locks may require renewing this season or the beginning of the next—Quere,—Shall the stones be prepared and a Contract entered into for it?—It can be quarried on the new route and delivered at a moderate price if taken in time.

Plan submitted herewith.

The cost of Lock tending is at present per month:

For Harbour.....	$15
Davenport.....	80
Vanderburgh.....	192
Campbell.....	20
Bell.....	20
	——$327, or £81 15.

whereas, if the water could be left on lower lifts it would be done for £50 per month, besides their durability.

Postponed to a full Board.

Monson & Camp refuse to pay toll at Grand River, in consequeece of which all other vessels follow their example—this should be decided.

Referred to the Attorney General.

June 6th, 1832.

At a Meeting of the Stockholders, held this day at St. Catharines, pursuant to Act of Parliament.

PRESENT:

J. B. Yates, Esquire,
A. M'Donell, Esquire,
W. H. Merritt, Esquire, and
Captain Creighton.

The ballot being taken and closed, the undermentioned were declared duly elected, viz:

The Hon. John Henry Dunn,
Alexander Yates McDonell, Esquire,
Thomas Butler, Esquire,
Captain Ogden Creighton,
George Keefer, Esquire.

The Directors present then proceeded to the choice of President and Vice President, when the Hon. John Henry Dunn was chosen *President*, and Alexander Yates McDonell Esq., *Vice President.*

June 2nd, 1832.

At a Meeting of the Board of Directors, held at this place,

PRESENT:

Alexander Y. McDonell, Esq. *Vice President.*
Thomas Butler, Esquire,
Captain Creighton,
John Warren, Esquire, and
Robert Randal, Esquire.

The minutes were read and confirmed.

Mr. Phelps' application was further deferred.

Nathan Pawlings' application to remove the Lock at Port Dalhousie was rejected.

James Sloan's letter of the 28th ultimo was read.

Mr. Merritt is requested to answer the same.

The alteration of tolls was considered, and A. Bronson's letter read.

Resolved, That the toll on merchandize up be reduced to one dollar per ton on merchandise, and 3 cents per barrel on salt. (Amended 2nd Sept. 1835.)

The Board having ordered an advance of the 5th of April of £1037 10, and also £317 18 3 on the 31st May—*Resolved*, That the same be estimated with the additio of £200, making a total of £1554 18 3, and that the Vice President draw on the United States Bank for the amount.

Marr having offered to sell his Farm through which the Canal passes for £450—£250 to be paid on execution of the Deed, and £200 in one year thereafter.

Resolved, That the same be complied with.

Resolved, That from henceforth the Board of Directors hold their meetings on the first Wednesday in each month at ten o'clock A. M.

Whereas it is requisite for the convenience of the Company that the Solicitor should reside near the place of ordinary meetings of the Board, therefore

Resolved, That Alexander Y. McDonell, Esquire, be appointed Solicitor for the Company.

Resolved, That upon the application of Mr. Phelps the mortgage on his property held by the Company be given up to him.

The line of the canal having been covered with water in consequence of the mill dam of Calvin Cook, of Humberstone, the following letters were addressed to him on the subject:

St. Catharines, 13th Oct., 1832.

Mr. Cook,

Mr. Rob says that you ask $300 per year rent for your mills—rather than have any further trouble I will recommend the Board to accept of it, and if they do not, I will pay you $5 per diem for the time they remain idle.

(Signed) W. H. MERRITT.

November 25th, 1832.

Sir,

I am directed by Mr. Merritt to give you notice that you can raise your dam as soon as you please, as he is of opinion that the keeping it down will be of no further service.

ALFRED BARRETT,
Engineer.

It appears that Mr. Merritt called on Mr. Cook with Mr. Barrett after this for the purpose of raising the water, with a view of making use of it for the Company's benefit, in case the raising should injure the work—Mr. Cook refused to give up the mills, and has since refused to heighten the dam, although materially injuring the work, and now doing damage at the rate of five dollars per day—when it was—

Resolved, That Mr. Merritt's agreement of the 13th Oct., to pay Mr. Cook £75 per annum, or $300, for the rent of his mill be confirmed, and that Mr. Merritt be requested to get possession of said mill and arrange with Mr. Cook for the rent and income of the same according to his agreement.

Mr. Cook having agreed to take at the rate of $300 per annum for the above,

Resolved, That Mr. Cook be paid from 15th October to 6th December, 1831, the sum of $42.

Resolved, That from thenceforth no estimate be made on the Gravelly Bay route until that work is completed, and that a committee be appointed to ascertain in the mean time the amounts necessary to be advanced to the contractors, to examine into the state and progress of the work from time to time, and to receive and accept proposals with the view of completing the work by the 1st of August—the committee to consist of the following gentlemen:

Alex. Y. McDonell, Esq., *Vice-President.*
Robert Randal, Esquire, and
Captain Creigton.

June 12th, 1832.

The Committee appointed by the Board, viz: Alexander Y. McDonell, Esq., and Captain Creighton, met at Gravelly Bay on Monday the 11th, examined the line of the canal as far as Ramie's bridge, accompanied by the Agent and various contractors, who were requested to examine the work and give in their proposals to complete it by the 1st of August.

The first object was the lock at Gravelly Bay, the foundation of which was not yet laid out, and but few hands employed; much difficulty appearing to exist in obtaining proposals, it was agreed between the Committee and Mr. Little, by an instrument in writing, that Marshall Lewis, the superintendent, shall have the whole management in building the said lock, both as to furnishing surplus materials, payment of men, and every direction respecting it; that the estimate on said lock be paid into the hands of Mr. Slate, the Clerk in Mr. Little's store—subject to the order of said M. Lewis, on this particular work only, until the lock is finished, when the surplus estimate, if any, shall be paid to Mr. Little, the Contractor.

The next work which appears most backward, and as such requires a greater number of men in a given time, is the rock excavation under contract to Lewis, Little & Co.

The only proposal which could be obtained for this work was from John Pascol, 4s. 4½d. per yard, and to have the water kept off from the present face this side of horse pump three chains this way.

Mr. Little having offered to give up the half of the rock excavation, and pay Mr. Pascol 4s. 4½d., and find him the use of a horse and pump, the Committee recommend paying him 3½d. per yard more out of the funds of the Company in order to complet the work by the time specified, viz:—1st. Aug., next.

The third object was Section 14, abandoned by Hixson & Calbreath.

John Donaldson proposed to finish the work by 1st September, at 13 cents per yard, and the one fourth to be paid him which was retained from the former contractor.

John Boyle, 1 station at 14 cents, to be finished by the 1st of August.

Jacob Upper, half the section at 14 cents, to be finished by the 1st of August.

S. Hannah, —— station at 12 cents, and the water pumped.

John Donaldson was again called in and requested to propose for finishing by the 1st of August, he accordingly offered to complete the section at 15 cents.

The Committee finally agreed with him at 14 cents, and he to have the use of the horse pump now erected by Calbreath.

THURSDAY, *August* 2, 1832.

At a meeting of the Board of Directors, held this day.

PRESENT:

Alex. Y. McDonell, Esq, *Vice President*,
George Keefer, and
Robert Randal, } Esquires.

The minutes of the former meeting were read and confirmed.

Resolved, That the alterations and arrangements made by the Committee at Gravelly Bay be approved of.

Whereas it appears by the devastation made by the cholera at the Rock job, the work is now abandoned, and unless the disease shortly disappears the work cannot be finished this year in time for the fall navigation; and whereas great difficulty and risque attends the present prosecution of the work on the said job as arranged by the Committee.

Resolved, That Messrs. Garrison and Little's proposal to relinquish that part of the work be accepted inasmuch as that it be notified that proposals will be received at the Canal Office on the first day of Sept. next, for the rock excavation at or near Gravelly Bay—the material now on the work to be taken at a valuation, a schedule of which will be furnished by Messrs. Garrison and Little; but that Messrs. Garrison & Little continue in possession of the work until it is so relet, and no responsibility to be incurred by the Company respecting it. The Board will, however, allow Messrs. Garrison & Little one dollar a yard for all taken out since the last estimate by Mr. Keefer.

Absalom Shade Esq. having applied to the Board on the 10th May for damages or remission of toll on

passing his property through the Welland Canal, which was rejected but not communicated to him, and whereas A. Shade Esq. wrote officially to the Board on the 4th June last presenting a detailed account of his damages, which was not laid before the Board in consequence of there not being a regular meeting at the time appointed from the indisposition of the President—and as it appears a writ has been issued for the recovery of the toll due without his being regularly notified from this Board.

Resolved, That the Solicitor be requested to inform Mr. Shade that in consequence of a reply not having been communicated to him before an action was commenced, the Board will defray all costs incurred on their part, and withdraw the suit in case Mr. Shade will pay the amount of tolls.

It appears from the return of the Forwarding Agent for 1831 that the sum of £582 0s. 0½d. accounts in favor of the Welland Canal Company remain unpaid.

Resolved, That the said accounts be put in the hands of the Solicitor with directions to write each a circular requesting payment within three months, and if not paid to institute an action against those from whom, in the opinion of the Forwarding Agent the demand can be recovered.

On a petition from sundry ship owners it was—

Resolved, That the Collectors of Port Robinson and Port Dalhousie be requested to furnish the captains and owners of vessels with a certificate specifying such vessels as were in the canal on the failure of the water in July, and the amount of toll each vessel so claimed paid, for which amount each vessel is to receive credit on her future tolls.

David Trotter's application was submitted and deferred for Mr. Barrett's report thereon.

Captain Sloan's application was submitted.

Resolved, That Mr. Sloan be informed that owing to there not being a full Board his application could not be decided upon at this time.

Upon Messrs. J. Strowbridge & Co's application—

Resolved, That they be informed that the tolls will be remitted on the vessel's present cargo, as per the resolution of this day—but no expenses to be paid.

Resolved, That Mr. Clark be authorised to accept orders from the contractors for amount of work done which is to be finished by the Engineer, and to give a due bill in behalf of the company for the same payable the ensuing estimate.

The failure of the water in the canal at this time materially calls the attention of the Board to that subject.

It is therefore—

Ordered, That a committee be appointed to examine the dam and to obtain written information from practical men, and those persons situated at or near the feeder from thence down to the ship canal, the Deep Cut, and all other parts of the canal as may require examination and alteration.

Resolved, That Messrs. Alexander McDonell, George Keefer, Robert Randall, William H. Merritt, John Warren, and Marshall Lewis, do compose said committee, and that they examine and report on the same, and if they deem it expedient, make an agreement with Mr. McDonell to finish the repairs on the dam and excavation of the feeder forthwith.

The Board then adjourned to meet at Port Robinson on the 8th August 1832.

At a meeting of the Board of Directors of the Welland Canal Company, held at the Canal Office, on the 1st. September called by the Agent for the purpose of determining on the proposals for re-letting the Rock job.

PRESENT:

Alexander McDonell, Esq. *Vice President*.

Robert Randal, and Thomas Butler, } Esquires.

Whereas, It appears by the minutes of August the 2nd. a re-letting of the Rock job taken by Messrs. Garrison and Lewis was determined on, and notices were circulated for receiving proposals this day the following were opened in presence of the Board, viz:

Price and Kennedy on their job...11s. 6d. Y.C.y
John Donaldson for the whole...$1. 31
John A. Benjamin, Section 3.....9s. 6d. Y.C.y
Robert White.....9s. 6d.
William Hobbs.....10s.
John Pascol.....10s.
Jared Darrow—whole.....$1 44

After examining the proposals, and taking the subject into consideration, the Board unanimously agree that the best proposal is from John Donaldson—it being the least of any responsible man offering.

It appears by the minutes in August that from the devastation committed by the Cholera the Board were then of opinion the work could not be finished the present season, but from what has been since done, and from the report of the Agent and Engineer of the quantity of rock remaining the Board think it judicious to renew their exertions and make arrangements to finish the Canal to admit the passage of one vessel at least, if possible the present season.

The Contracts are to be drawn so as to have the whole completed by the first of November next.

Mr. Upper appeared before the Board and stated that in consequence of the unforeseen quantity of water arising on his job,

This will add £50 to the expense of the work in case it should appear satisfactory to the Board that it has cost that sum in addition to the original Contract.

The Board met at Niagara on Wednesday the 5th Septr., in consequence of some of the Members being on the Grand Jury for the Assizes.

PRESENT:

Alexander McDonell, Esq. *Vice President*.
George Keefer,
Thomas Butler, and
Ogden Creighton, Esquires.

Minutes of former Board were read and approved of.

The Report of the Committee appointed to examine the line of the Canal was read and approved of.

Resolved,

1st, That on the close of the navigation, which is supposed will be on or about the 1st of December, the Agent be authorised to employ some competent person to open the flume at Hall Davis' and secure it. The embankment at Thomas Merritt's mill and have a substantial flume erected therein, and to take such other steps as may be deemed advisable to lower and widen the slips at the Deep Cut—and to keep the water running through the same at least one month—and that public notice be given of their intention.

2nd. That notice be immediately given for receiving proposals for deepening the feeder from the Ship Canal to Broad Creek on or before the 1st of January next—that the Engineer make out an estimate of the same and leave a diagram and specification in the Canal Office, the work to be commenced by the 1st of February, and finished by the 1st of April next.

3rd. The Agent is requested to give notice, advertise for, and procure the delivery of stone at the Locks to make the necessary repairs next winter.

4th. The subject of the Lock and Harbor at Gravelly Bay having been taken into consideration, *Resolved*, That as there is no prospect of Messrs. Garrison and Little finishing the Lock and Harbour, in time, and as the Engineer reports that there is not a sufficient force on to complete it.

Ordered, That the same be relet on the 14th inst., and that Captain Creighton, Messrs. Keefer, Randal and Butler, meet at the Canal Office to receive proposals for the same, notices to be put up immediately.

5th. The Harbour at Grand River.—The Board feel the importance of extending the piers and deepening the channel, but will suspend any further operation until after the meeting of the Legislature.

6th. Captain McMillan, Schooner Mary Anne, toll on cargo upwards when detained in Canal amounted to £4 2 6 or about—the toll downwards being much more, the Captain requires further compensation—which was rejected.

7th. *Ordered*, That a draft be made out for the balance now in the United States Bank.

8th. *Ordered*, That all accounts be adjusted and settled during the present month.

9th. *Ordered*, That the tolls now in the hand of Mr. Clark, amounting to £——— be appropriated for the use of the work on the written order of the Engineer and Agent during the present month—when most required.

10th. *Ordered*, That a statement of all balances due the Contractors be submitted to the Board on the——inst., and a statement from the Engineer, shewing amounts that will be due after the new route is completed—when a Board will assemble at the Canal Office to investigate the same.

Captain Dockstader's letter was submitted, and was referred to the Agent.

Ordered, That a contract be made out, and the work proceeded in immediately.

18th November, 1832.

At a meeting of the Board held at the Parliament Buildings, in the town of York—

PRESENT:

The Hon. John H. Dunn, *President*,
Robert Randal,
George Keefer, and
Thomas Butler, Esquires.

The first subject which occupied the attention of the Board was obtaining money to discharge the laborers now about completing the work, and that an application be made to the Bank of U. C. for a loan.

The Board solicits the particular attention of the President to this subject, and if the Bank Directors are not satisfied with the security of the Company and repayment out of the tolls—that the President be authorised to propose them further collateral security on landed estate, as the necessities of the Company at this time are urgent.

2nd. *Resolved*, That the petition to the Legislature of Lower Canada for a loan be adopted.

3rd. That the draft of a letter No. 3, to sundry communications—a copy of which is to be filed in the office—be adopted.

4th. That the application from Mr. Decow being considered, the following reply be approved of:

YORK, 14*th November*, 1832.

SIR,

Your communication respecting claims for damages has been laid before the Board of Directors, and I am requested by them to say that the award already made shall be paid out of the first money coming in.

That with respect to obtaining land in compensation for further damages the Board can give no assurance at the present time; they are extremely desirous to satisfy you, and will do every thing in their power to accomplish that object; an application has already been made at the Crown Office, from whence reference has been made to the Government Office, and an answer may be expected during the present week on the subject.

By order,

(Signed,) WM. H. MERRITT,
Secretary, W. C. C.

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5. Mr. Little's application for an increased price on their contract, was submitted and ordered to lay over.

6. Wm. Orderley's application was deferred.

7. Letter from the Cashier of U. S. Bank, Buffalo, deferred.

8. Account of contingencies No. 9, was approved and ordered to be paid.

9. Letter from Mr. Shade was read—claiming damages for detenion—which was deferred till next Board.

10 The consideration of Grand River claims to lay over.

11. The widow McAndrus' claim was considered, shewing a balance of £19 1 3, due to her on account of Garrison & Little—which the President is authorised to sign.

The Board then adjourned to meet on the morrow.

19*th. November*, 1832.

The Board met in the Committee Room of the Legislative Council.

PRESENT:

The Hon. John H. Dunn, *President*,
George Keefer,
Robert Randal, and
Thomas Butler, Esquires.

Resolved, That Mr. Merritt will assume his situation as Agent, and Mr. Clark be appointed Secretary.

Resolved, That the mortgage and bond from the Hydraulic Company to the Welland Canal Company be assigned over to the Hon. John H. Dunn as a collateral security for £3000, the sum for which he has become responsible to the Bank of Upper Canada.

The application from Mr. Little for an increased price on their contract being considered, was approved of by Messrs. Butler and Randal, and ordered accordingly, which application is to be entered on the minutes.

Whereas at the meeting of the 2nd August last the Board authorised Mr. Clark to appropriate the sum of £573 2 4½ out of the toll funds in advances to contractors, and for other purposes, and whereas at the meeting of the 5th September Mr. Clark was authorised to appropriate the amount of tolls then in his hands, also in advance to contractors.

Ordered, That the amount paid Alexander McDonell, Esq., in June last on account of Mr. Yates, per centage for transporting loan..... £300 0 0

The amount of loss on the steamer Peacock, per Smith & Macey's account approved of last February,... 447 17 10

The amount of expense constructing the St. Catharines feeder,..... 246 0 8

Amounting altogether to the sum of £993 18 6 be transferred to the debit of toll.

Ordered, That the balance sheet and account of the appropriation of the loan of £50,000 now submitted by the secretary be approved of, and that the same be entered on the minutes.

Ordered, That the statement of toll on vessels, &c., with property passed the canal to the 31st October, be approved of.

The Board then adjourned.

No. 3.

REPORT

OF

SELECT COMMITTEE OF THE HOUSE OF ASSEMBLY

ON THE

WELLAND CANAL PETITION.

The Committee to whom was referred the Petition of the President and Directors of the Welland Canal Company, praying for certain alterations in the laws relative to said Company; and also praying for such other aid, by way of loan, as, on examination, may be deemed sufficient to enable the said Company to complete the Canal to that point on Lake Erie most advantageously situated for the formation of a harbour—*respectfully Report*:—

That your Committee have examined and considered the various matters referred to them, and they feel great satisfaction in being enabled to state that this work, so important to the commercial interests of the Province, has been so far completed that a communication for vessels from Lake Ontario to Lake Erie is now opened by way of the Niagara River. Although this fund cannot be so advantageous to the Province, or to the Company, as the one contemplated by an extension of the Canal to a port on Lake Erie, yet it has already drawn so much attention and proved the utility of the connexion between the lakes so fully, that the necessity of a thorough completion of the work is, in the opinion of your Committee, a matter no longer to be doubted. In order, however, to effect this object, a considerable expenditure remains to be incurred, and it appears, from the Report of the Board of Directors, that the available funds of the Company have been absorbed by the engagements of the last season. Your Committee, fully aware that it is decidedly opposed to the interest of the Province to confine the Company to the one channel by the way of Niagara River, now completed, have had under their serious and deliberate consideration the manner in which the Company should be aided.

The estimates of the expenditure for the different routes differ materially, and there are various opinions in relation to the advantages of each. The amount of expenditure, within any reasonable bounds, is not so important as that the most advantageous harbour should be selected. The interest of the Province and the stockholders being the same, no better prospect of a judicious decision can be obtained, than by leaving it to the determination of the Directors themselves; the larger sum, therefore, that may be required, for this purpose, should be provided.

There are, however, considerations of an important nature which have induced your Committee to propose an entire variation in the manner of making the loan to the Company.

From the present debt due from the Company to the Province, there is no other security than such as shall remain after the debt to the British Government shall have been paid. The Company have already discovered that the prior lien upon the Canal and its tolls has prevented their negociating a loan on their own responsibility, without providing for

the payment of that debt. It has been presented for the consideration of the Committee, that the Province, instead of affording specific aid for the particular object merely by borrowing on its own credit, and loaning the precise sum required, should adopt a measure that would prevent a pledge of its income, and enable the Company to restore to the Province the security which it ought to hold, either for the money loaned, or responsibility assumed. In doing this, the Committee have also considered what sums might possibly be required by the Company, in order to produce an advantageous and profitable use of the Canal. As the Province will, in the event of the recommendation being adopted, be the sole creditor of the Company, and hold a lien upon the Canal, which shall prevent the Company ever looking to any other quarter, it is necessary that, in the arrangement, a sum should be provided for within the bounds of perfect safety to the Province, and sufficient for all the exigencies of the Company.

Your Committee, therefore, propose that authority shall be given for the issue of the debentures of the Province for £200,000, in sums not less than £200 each, to the President and Directors of the Welland Canal Company, bearing an interest at the of rate 5 per cent. per annum, payable half yearly in London, the principal to be paid in 25 years in the same place; and that the said debentures be not issued to the said Company until security shall have been duly given for the punctual payment of the interest and principal of these debentures, as your Committee have particularly provided for in the bill which they have prepared. The Committee have been governed, in naming this sum, more by the conviction that the security which will be given is abundantly sufficient for the Province, than by any opinion that this whole amount will necessarily be used by the Company.

The result of the examination they have given this branch of the subject, enables them to state the following as as the probable situation of the Company, subsequent to this arrangement.

The debt to the Imperial government,	£50,555	10	0
The debt to the Province,	50,000	0	0
Expenses of extending the Canal to Lake Erie, including harbor and contingent expenses, say	50,000	0	0
Provision to be made for one year's interest on the £200,000 in advance,	10,000	0	0
Interest due upon Imperial and Provincial loans.			

The amount of balance thus left will not be more than may be required to enable the Company to give the requisite aid to forwarding, by being prepared to pass vessels and boats with the necessary despatch.

This statement is exhibited to shew what may be required from the Company, and that the sum of £200,000 currency, is not too large to put under their command. Should the Imperial government do what may reasonably be expected, the Company will then be enabled to retire the amount they shall allow under their former contract to pay a part of the debt incurred by this engagement.

The Committee have had presented to them correspondence and other information that give assurance of immediate business on the Canal, at least sufficient to pay the interest on the whole debt. They feel therefore confident that the province, by making this arrangement, will be in a better situation than it now is, and the operations of the Company be unfettered by pecuniary difficulties which must embarrass their proceedings, subject them to exactions, otherwise to be avoided, and render a desirable result doubtful which may thus be made certain. The Committee have bestowed upon this branch of the application much attention, and have treated it more fully, owing to its great importance. The other objects embraced in the petition of the Directors they have also examined, and are of opinthat the prayer of the petition in relation to them, ought to be granted.

The difficulty which has occured, in some few instances, with regard to compensation to owners of property, ought to be provided for so far as Legislative enactment will conduce to that object. A clause has therefore been added with a view to remedy the inconvenience complained of.

The Company will also, if the aid recommended by the Committee shall be afforded by the Legislature, be released from pecuniary embarrassment, and enabled promptly to pay to individuals the amount of damages assessed, which heretofore they could not do for want of means.

The Committee have prepared a bill to meet these various objects; which they beg leave to present with this report.

All of which is respectfully submitted,

H. J. BOULTON,
Chairman.

COMMITTEE ROOM,
COMMONS' HOUSE OF ASSEMBLY,
11*th Feb.* 1831.

No. 4.

A PROJECTOR.

A concise view of the inland navigation of the Canadian Provinces; the improvements already effected, and the inferences to be drawn from their full and practical accomplishment and practical value. 1832.

The present moment is an important crisis to these provinces; and to Upper Canada it is more especially so. The prosperity and progress, the rank and relative importance, of this great division of North America, depend upon the intelligence and decision with which the capabilities of UPPER CANADA are appreciated and pursued. Not only our immediate interests and our relief from an immense commercial burthen, will be insured by a due regard to these; but our future claims as a well informed community, honorably ambitious of the wealth and influence exclusively held forth to us, are pending upon our exertions. Our interests are now brought so clearly within the most accurate estimate, that it only requires a general, and I should add obligatory, attention, in order to rouse provincial enterprise and to inspire the people of Upper Canada with the highest confidence in their own energies and resources.

To avail ourselves of the advantages placed within our power, the province is now called by every

motive which should influence an intelligent and enterprising country, capable of estimating the indirect burthens which weigh so heavily on it, and the means of removing them, when so bountifully pressed upon our acceptance by the natural position of the province. It was said by a German traveller in America some years ago, that the settlers often paid more commercial taxes *through* their storekeepers than the subjects of the most despotic governments did to their rulers.

Many persons, from contracted and erroneous conceptions, may perhaps imagine that we have already attained the whole, or a sufficient measure of the objects of improved inland navigation.

I am far from wishing to underrate those highly beneficial works which have been accomplished; they are valuable and important in themselves and honorable to a young and rising country like ours; and those effected by the British government are eminent proofs of its liberality and favor. But I estimate them from more extended considerations.

The human mind is ever in advance of the means of realising its views, of attaining the consequences of its discoveries, or accomplishing its projects, however conclusive the force and accuracy of its arguments. Hence it is that the first proposers and promoters of great and beneficial undertakings are almost universally compelled by prudence from offering to the world their original and conclusive persuasions. These they are obliged to relinquish partially, lest proposing and promising too much, their projects might be rejected as chimerical and wild. They are thus led to compromise their own decisions and judgment to promulgate what they believe will be accredited, and to ask what they trust will not be refused. They bring their speculations to the level of the existing ideas, and the probable enterprise of the country.

As this seems something of a final law in our nature, it is needless to linger on its provisions, either to reason or regret.—So far it fulfils, and we cannot doubt but in the most beneficial manner, the end in view. It has effected the commencement of good. The works already finished or in progress have engaged us in the grand emulative strife of internal improvement; they have made us feel our strength; they have brought victory and unlimited success within our grasp. When the level of public opinion is raised, we may then speak in the language of fact and demonstration, without being suspected of visionary or perhaps designing extravagancies.

Nor will the candid and liberal mind construe these aggrandizing and extending schemes of public benefit and interest, into a changeable and erroneous incompetence, when the causes of this seeming inconsistency are rendered so obvious and undeniable, and brought home to the understanding of every man. Let the public at large then, and those whose habits of inquiry have led them to anticipate general opinion, alike forget this no doubt wise law of our progressive faculty.—Let us rejoice we have passed through the first stage of improvement, and that we are prepared to take our highest degrees in the school of experience.

From the imperfect and irregular information which has been from time to time communicated to the public of Upper Canada, a very incorrect and insufficient estimate is generally entertained on the extent of those indirect burthens which we sustain from not possessing an uniform, adequate, speedy, and consequently cheap internal communication with the seaboard; by which the rate of transport would be diminished on our exported produce and imported wants. These facts, as I shall make appear, admit of such incontestible proofs, and their amount is so formidable, that these alone, were the incitements to advance our prosperity laid aside, should be enough to unite the province in zealous co-operation towards its attainment. Every man who knows the loss of time, the injury, accidents and expense he suffers by the length and badness of his market-town road may by comparison infer the accumulated increase of expense which now oppresses our commerce and produce. The enlargement and completion of the line of communication, in progress or projected on a scale suitable to the wants, prospects, and resources of the provinces, and placed under an uniform system of well calculated regulations, becomes the universal and paramount interest of every settler in the province.

As it is my purpose to offer merely a brief and plain view of the improvements now more or less effected; their present practical value and influence, together with the extended and unclouded prospect of what remains to be done; of what is, indeed, forced upon our perception, and commands our attention, I shall not allow myself to be led aside by attractive and distant speculations, however naturally they may intrude on the minds of those who have given any commensurate application to these subjects in their more remote consequences. Most of those who have addressed the public have perhaps erred in this. It cannot indeed excite surprise; yet I think the realities within our immediate reach and reckoning, if we will bestow on them due consideration, are quite adequate to employ both our practical and speculative faculties. Every one knows the immense, and in common parlance, unlimited regions, of which our lakes are the centre and market way. The scale of everything here is indeed great—great in extent and magnificent in its proportions. The progress of these territories has been no less remarkable, and the prospective rate of their advance, is in accordance with the grandeur of their lineaments.

We possess in Canada, an undoubted and pre-eminent superiority in controlling and directing the productive industry and growing wealth of the western territories. This we may claim without any invidious encroachment on the joint pretensions of our neighbors. The variety of the projects, and the combination of efforts, which they are now making, while it does infinite credit to their untiring enterprise, plainly proves that the *master key* of the Lake regions is not theirs, that while they are seeking by schemes at an exhorbitant expense, to untie the Gordian knot, the triumph is reserved for us; and that we have only to fulfil the conditions of the prediction by one decisive and *shear cut*. So long ago as the time of Washington, our superior natural claims had been scrutinized; and in one of the letters of that distinguished individual, (written in 1788) I remark, that in speaking of the projects which even then began to engage speculative men on internal navigation, he uses the expression, "*if we mean to aim at*

the trade of the Lakes;" and adds, "*I think we should open all the rivers, and lay them open and free to all.*"

Such indeed are the extraordinary prospects of the country in question in extent and value, that the Americans, with the knowledge of the odds against them, have been, and now are, vigorously acting and calculating on the share they can carry off in the partition of these advantages. Perhaps too they reckon something on our comparative supineness. In the first we wish them good luck; but in the last we most assuredly will only look the more vigilantly to our baskets and our own stores, to our obligations to our posterity and to our country. To this we are led with increased confidence and alacrity by the assurance that we hold the vantage ground; that in opposition to their desultory and difficult projects we have to oppose the unalterable superiority inherently belonging to the Provinces by the possession of the St. Lawrence. We may with confidence make claim not only to our full lot and share in this amicable contention, but to that surplusage which will become the reward of natural superiority, united with active measures. Our assurances are crowned by our forming a favored portion of the empire, advancing under the auspices of England, and aided by her wealth and connexion; by holding a free and direct intercourse with the unequalled productions of her skill and industry, and her yearly augmenting demand for all our produce. With this plenitude of circumstances in our favor, all that remains is to open the channel in which they are to flow. We require but our own decision to commence this noble scene of mutual benefits, and to draw into our inland seas and the deep and fertile bosom of teeming and luxuriant regions,

> ——"All the tide of wealth,
> That swells upon the high shore of the world."

The division of the Canadas into two Provinces has created a false and unnatural idea that there may exist in these disunited portions some separate or opposing interests. Politics do not form the channel in which my speculations run; but I may remark that power and the feelings it may create have some unfavourable effects on the best minds. Legislative bodies begin to enjoy it as the miser does his gold—as a reality and blessing in itself, not for its uses to human good. I shall but summarily observe on this point that this division was made at a time of extreme political embarrassment and agitation when the benefits and blessings of peace appeared suspended for an indeterminate period. Government legislated for the feelings of a loyal and respectable section of the empire, and I am not disposed to any inquisitive scrutiny into those favorable circumstances which were or may be supposed attendant on the arrangement. By this division however, and the line of demarkation fixed upon, Upper Canada was cut off from the co-equal claim she possessed to remain a maritime Province. The Legislative and provisional agreement adopted to remedy this political error has been partially and temporarily satisfactory: but the period has more than arrived when Upper Canada is entitled to reclaim her birth right—*a free and unshackled egress and ingress with the Atlantic.* By what final Act of the Provincial or Imperial Governments the injurious oversight is to be radically removed I shall not stay to suppose, or whether a commercial union, as regards this common interest, may be formed. But the time is past when doubt and uncertainty can be longer indulged. We know that it is from the Western territories of Canada that riches are to descend, like the rains of Upper Egypt, to cover the interjacent Province with vigor, beauty, and opulence. Lower Canada must know this, nor can we suspect her of being too proud to receive the benefits of neighbourhood, and the overflowing bounties of a favored land.—Still less will we imagine that she would litigiously seek to dwell on the letter of the law, or "clothed with a little brief authority" to retain a vexatious power "which not enriches her," and which, could she by any miracle accomplish it, would "make us poor indeed." It is the desire and guiding principle of that great country of which we form no unrespected portion, to *maritimize*, if I may use the expression, her whole empire. Commerce and improvement are the basis of her dominion, and must ever continue the principles of its preservation.

As the views and estimates which I am about to lay before the people will, I believe, contain evidence that the system and scale of improvements to which they refer, will in their progress be relieving the burthens of our commerce, and at the same time almost from the negotiation of the requisite Loan, commence to meet the interest, and with accelerating advance enter on the redeeming the principal, I shall but passingly allude to the somewhat strange *scrupulosity* in regard to what must be a temporary and self liquidating *debt!* As if we, in accomplishing a great work, fundamental and indispensable to our prosperity, were not in fact leaving to posterity a magnificient *legacy*, for the neglecting of which we should most certainly obtain a very *liberal* share of their animadversions and disrespect.

I have thus attempted, in a general manner, to recall the chief interests and impediments with which our prospects are likely to interfere; the efforts of the United States; our connexion with the lower Province; and our endeavours, as liable to a distrust in our own internal ways and means, and some partial and inconsiderable opposition. The accomplishment of what remains to be done must appear to every candid and intelligent mind *the true and all engrossing interest of Upper Canada.* It has nothing of a local or dubious character, which talents and perseverance may sometimes render specious and attractive. It concerns one great, obvious and practicable common interest—*a system of inland communication affecting the whole Provinces, on which all future combined or individual enterprises must depend, and without which all other exertions, works, or speculations are but the scattered and lifeless members of a great system, deprived of their vital principle,—without power and without use.*

[Note.—Although no claim is made to originality, in the leading principle on which these views are based—viz., *a Ship navigation from the Ocean to the Lakes*, it may be proper to recall that same systematic regard towards this object which was suggested by R. Nichol Esq. some years ago, to the Legislature; and it was on this suggestion that the dimensions of the Welland Canal were determined on, by reference to the usual depth of the Harbors and Rivers on and above Lake Erie.]

SECTION 1.

The present state of our inland improved navigation is as follows:

1. In—— the British Government commenced the improvement of the St. Lawrence by erecting Locks at the Cascades and Cedars in Lower Canada.—They were constructed to admit Batteaux and Durham Boats from 12 to 13 feet wide.

2. In —— the *Lachine Canal* (from Montreal to Lachine,) was completed by the Legislature of Lower Canada. The Locks were of increased dimensions, being 100 feet by 20, with 5 feet depth of water.

3. In 1825 the *Welland Canal*, connecting Lakes Erie and Ontario was commenced by a private Company on a still increasing scale; the Locks 100 feet by 22 with 8 feet depth of water.

4. In——the *Rideau Canal* connecting Lake Ontario from Kingston with the tide waters of the St. Lawrence, was begun by the British Government; the scale of its Lockage presents a still farther enlargement; the dimensions being 120 feet by 33, with 5 feet depth of water.*

Thus, it will be seen, we have three canals (leaving aside the *Rideau* for the present) of irregular construction and dimensions, and under *three* separate systems of regulation. The St. Lawrence, under the control of the British Government; the second, under the control of the Legislature of Lower Canada; and the third, under the management of a private Company, in a canal line of 28 miles. These three are now in operation, and are, in addition to their local uses, intended to compete with the Erie Canal, connecting Lake Erie with the Ocean by Hudson River; which canal is wholly under the control of the Legislature of the State of New York.

By a comparative statement of the tariff of tolls on these rival works, we may draw our conclusions on the present system of our inland navigation.

On *Lachine Canal* (9 miles.) Flour, ℔ brl. 3d. c'y. (5 cts.) Boat, 12s. 6d.	On *Erie Canal* (9 miles.) Flour, ℔ brl., 1½ cents—1d. (nearly.) Boat, 27 cents.

Making the amount three times greater on the *Lachine* than for an equal distance on the *Erie Canal*.

On Canal at *Cascades* (1 mile.) Merchandize, ℔ ton, $1. Durham Boat (over 9 tons) $14 Barge, $10.	On *Erie Canal* (1 mile.) Merchandize, ℔ ton, 3 cents.
On *Welland Canal* (28 miles.) Flour, ℔ barrel, 7 cents. Merchandize, ℔ ton, 5s. c'y.	On *Erie Canal* (28 miles.) Flour, ℔ barrel, 4½ cents. Merchandize, ℔ ton, 84 cents.

This tabular view at once makes manifest our inability to compete successfully with our neighbour's enterprise so long as the scale and irregular dimensions of our improvements, and the divided system of control to which our inland navigation is subjected, exists. And it equally and manifestly suggests the remedy, viz.:—a systematic line of communication, placed under the sole direction of the Legislature of Upper Canada, and under regulations framed to advance the internal interests of the people. This alone can render us successful competitors with the United States.

Fully to comprehend the means of accomplishing the above, and the magnitude of its objects and assured effects, requires some degree of inquiry and attention, but certainly very trivial, when we reflect on the singular importance of the subject, and the interest of every individual, more or less, must or should have in its completion and results.

SECTION 2.

A glance at the Map of North America will shew that the St. Lawrence and the Mississippi are the two grand natural outlets for the products and commerce of the immense territories surrounding the lakes; both possess relative advantages, which it is unnecessary at present fully to discuss.

From various causes connected with the natural circumstances of the United States, and the commercial preponderance of those States bordering on the Atlantic, a variety of communications are in contemplation or in progress, with a view to direct a portion of the products of the valley of the Ohio to the eastern sea-board, viz.:—

The Pennsylvania Canal and Railroad from Pittsburgh to Philadelphia, in Delaware Bay; the Chesapeake and Ohio Canal, intended to connect the Ohio with the Bay of Chesapeake; and the Baltimore and Ohio Railroad.

These stupendous works, constructed at an expense of many millions of pounds, reflect every credit on the enterprise and patriotism of the States, Companies, and individuals, who have undertaken them. But when we reflect on the prodigious obstacles they have to surmount—the crossing the Alleghany Mountains, (extending from the St. Lawrence to the Confines of Georgia,) which are over 2000 feet above the tide waters of the ocean—together with the trans-shipment and shifting required in this arduous and forced system of transit, we can feel no apprehension of rivalry from that quarter.

The Mississippi, however, has undoubtedly some great natural advantages, particularly in the winter season. It has also unfavourable circumstsnces in rapidity of its current, the dangers of its obstructions, and the annual overflowing of its banks, rendering the immediate adjacent country of little avail in facilitating and contributing to the benefits of navigation. Still, by the extraordinary and numerous efforts of the Americans, and the natural advantages alluded to, it becomes indispensable on our part to employ our whole energies, and to place our improvements on a scale insuring our superiority and success.

SECTION 3.

The St. Lawrence is no less distinguished by its magnitude than the natural advantages which peculiarly adapt it for a safe and permanent navigation. While it presents us a port in the summer season, in a direct line with European commerce, our immense lakes, acting as so many reservoirs, prevent those

* This communication is now open from Kingston to Bytown on the Ottawa River, a distance of 130 miles; and according to report will be finished to Lachine the ensuing season.

sudden risings of water to which most great rivers are liable.

From the ocean, vessels can at present ascend the St. Lawrence to Montreal.

From Montreal to Prescott, a distance of 120 or 130 miles, the river is obstructed by rapids.

From Prescott any depth of water may be found to the Welland Canal, a distance of 270 miles.

The Welland Canal, with the dimensions stated, and affording 8 feet of water, a distance of 28 miles.

By the Welland Canal we reach the level of Lakes Erie, St. Clair, Huron, and Michigan, and communicate with their extended shores and tributary streams.

It will be observed that the only obstruction of moment from Montreal to Lake Erie, in a distance of 418 miles, is in the St. Lawrence; and from the best information to be obtained it is found that the distance necessary to construct a canal does not exceed 37½ miles.

With these facts before us, principally drawn from the surveys of Messrs. Clowes & Rykert, and of Mr. Alfred Barrett, can we without extreme surprise, reflect that such extraordinary and obvious advantages should have been allowed to remain dormant; or can we be astonished that other countries should look on our supineness with still less commendatory feeling? It is true, attempts have been made during the last two years to obtain legislative aid for improving the river for the passage of boats, and no doubt a very great reduction in the expense of transit would be effected; but as this plan subjects property to trans-shipment, it is liable to very serious objections.

On the completion of the Rideau Canal it is probable likewise that barges will be constructed with sails, drawing 4 feet water, 90 feet in length, and 19 feet 6 inches beam. These may leave Quebec by steam for Montreal; thence through the Lachine Canal, towed by horses or by animal power; from its termination to Kingston by steam; proceed by steam or sails to Welland Canal; passing which, by horses to Lake Erie, they will thence reach Cleveland by sails or steam; making the entire transit without trans-shipment.

The chief objections to this mode which have been urged are—the increase of distance—the late opening in the spring—the small size of the craft to be employed, not being adapted for lake navigation, and the great amount of capital required to form and keep up such an extensive and numerous line of steam tow-boat establishments.

SECTION 4.

The most sure and exclusive method of inquiry to determine on the best system of communication, is to compare the relative rate of tolls and transportation on the different routes and canals now in use; a careful and strict consideration of which will also dispel the visionary ideas of those who imagine railways could ever compete with our lakes in transportation.

From Great Britain to Montreal, a distance of 3,200 miles, we pay from 7s. 6d. to 15s. currency per ton.

From thence to Prescott, 120 or 130 miles, from £3 15s. to £4 10s. per ton.

From Prescott through Lake Ontario, 270 miles, 12s. 6d. per ton.

These facts confirm the commonly admitted truth, the wider and deeper the water communication, the cheaper the transportation.

The transit on flour down, and merchandise up, from Cleveland to Montreal, and *vice versa*, at present are as follows:—

On the St. Lawrence.

	dist.	pr bbl.	per ton.
Cleveland (Ohio) to entrance Welland Canal,	150	7½	12 6
Through the Welland Canal,	28	9	10 0
Lake Ontario to Prescott,	270	10	12 6
St. Lawrence to Montreal,	120	2 6	3 15 0
Miles,	568	4 8½	5 10 0

When the Rideau is completed, supposing the same toll to be exacted on the Erie Canal, that is, 3 cents per ton per mile up, and 1½ cents per ton per mile down, transit 1½ cents either way, we may anticipate the following prices by the Rideau route:—

On the Rideau.

	dist.	Flour	merch.
Cleveland to Welland Canal,	150	7½	12 6
To Ontario, through Welland Canal,	28	5½	6 3
Lake Ontario to Kingston,	180	7½	12 6
Rideau, Grenville, and Lachine Canals to Montreal,	260	3 11	2 18 6
Miles,	618	5 7½	4 9 9

As the Rideau will not bear the same toll, *pro rata*, as the Erie, and from the extent of the river navigation we may suppose it can be reduced 3s. 4d.; leaving 6d. per barrel on flour, and 9s. 9d. per ton on merchandise; this reduction will be:

	Flour.	Merch.
On the Rideau route,	5 7½	4 9 9
Reduction,	1 6	1 9 3
Leaving, per barrel and ton,	4 1½	3 0 6
If tolls were wholly taken off,	3 7½	2 10 9

SECTION 5.

We will now shew the results if a ship Canal were constructed from Prescott to Montreal, with a depth of at least eight feet water.

DISTANCES—LAKE AND RIVER.	Miles	Canal	TOLLS.	Flour. £ s. d.	Merchandise. £ s. d.
From Cleveland to Welland	150		510 miles navigation at 12s. 6d. for 270 miles up, 15d. for 400 miles down	0 1 10½	1 0 5
Welland Canal	....	28			
Lake Ontario to Prescott	270				
Prescott to Long Sault	50		68 miles Canal at 4½ cents per ton up, and 3 cents per ton down	0 1 0½	0 18 3½
Lakes St. Francis and St Louis	40				
Canal through points and over land (say)	....	40			
	510	68	= 578 miles	0 2 10¾	1 18 8½

The effect of opening a ship channel, connecting large bodies of water, so that a vessel can pass from the one to the other without trans-shipment, is to lessen the price of transportation throughout.

But, on these improvements as a means of diminishing the rate of tolls, we can only form a supposititive opinion so long as these Canals as above stated are subject to the control of separate authorities, and consequently may be varied and increased according to the views or caprice of their Directors under the Imperial Government—the Legislature of Lower Canada, or the Welland Canal Company. Thus introducing uncertainty into all the etimates of commercial men, subjecting our commerce to embarrassments, and leaving it in the power of one or the other of these authorities, by raising the toll within their control, to destroy the intercourse and trade through the whole transit.

SECTION 6.

Let us now recall the great general object in view—the connecting Lake Erie with the ocean by the best and cheapest communication for the public benefit; and let us ask "*who are the most interested in this communication?*" Those who are suffering a continual and oppressive tax from the present inadequate navigation—*the people of Upper Canada.* If so it is most natural that they should first turn their attention to it; and feeling at once the immediate injury which every man sustains in his property and means, and the convincing evidence of the checks existing upon the advancing prosperity of the province, that they should come forward, resolved to rest satisfied with nothing short of the full attainment of their wishes and their rights.

Nor, as it may have already appeared, can there be any hesitation or contrariety of opinion on the best system to attain our objects; it suggests itself as naturally as the waters flowing from Lake Erie to the ocean aid and point out the only elegible and unerring route to be adopted, insuring us a thorough relief from the burthensome commercial taxation we labor under, and enabling us not merely to compete with the American undertakings, but, as far as can be predicted, to obtain a decisive and permanent superiority.

If our interests, therefore, prompt us to make our inland communications on a scale adequate to these *inseparable objects*, (as whatever accomplishes one necessarily includes the other) our only secure and sound policy also is to have it placed under the direction of the Legislature of the Province. By this provincial control of the entire communication from the ocean, the tolls would be reguluted with respect to the great objects in view.

SECTION 7.

Our burthens can be removed and our prosperity insured *only by constructing a ship canal of not less than eight to ten feet depth of water; and thus rendering Lake Erie's territories, and the shores of the upper lakes on the same level, a* SEA COAST.

The different tributary streams which disembogue themselves into this immense line of communication may be then brought into navigable purposes by private companies or individuals on the plan now in progress on the Grand River; or as in other sections of the province, by rail roads, where similar advantages from natural water courses do not present themselves; and thus in a very short period, if a proper spirit prevails, every part of the province will largely participate in secondary benefits, while they are sharing the general relief and prosperity.

SECTION 8.

It cannot be denied there are seeming difficulties in the way—local prejudices to be removed, and unanimity required throughout the province to effect this grand design.

It has been suggested that as Lower Canada has an equal interest in the undertaking, deriving almost exclusively the benefit of all the foreign commerce it will create, she should bear her share in the expenditure. True; but Lower Canada not feeling the inclination, we have no power to compel her into the measure. And it has been added that as Lower Canada possesses about 30 miles of the line of communication, it is in her power to prevent our making it. This objection must be held merely as a supposable and temporary difficulty; for if the Legislature of this province address that of the Lower Province asking permission to construct a canal from the boundary line to the tide waters, it is not reasonable to imagine it could be refused. If the Legislature of Lower Canada should act so inconsistently with her interest, and justice to us, there can be no apprehension but that by her refusal the absolute necessity of Upper Canada possessing a port by extending her boundary line, would be made manifest, and that an address to the Imperial Parliament to that effect would ensure its attainment.

SECTION 9.

It may now be asked, "*Does Upper Canada possess the means to effect so gigantic an undertaking?*" This is the only serious question for consideration, and shall be now pretty fully met.

We have the authority of Messrs. Clowes, Rykert, and Bennett, who have estimated the cost of a steam boat canal from Prescott to Cornwall to state the expense of that portion of the line at £200,000. This forms more than one half of the entire distance, and the sum given is considerably over the strict estimate.

The Welland Canal embraces a length of nearly 50 miles, with three harbors, and almost two miles of the deepest cutting in America (with one exception) and with 340 feet lockage. The entire cost, when finished, will not equal £400,000.

There is no deep cutting on the whole line of the St. Lawrence. You can gain a summit at pleasure, and choose your depth of cutting; or by continuing in the river reduce the length of cutting within *forty miles*, with 200 feet lockage. There is therefore no reason to suppose, comparing it with similar works, it will cost over £500,000.

But let us grant that it may cost £1,000,000; this province is as well able to construct it as the British Empire; and so far from creating a tax on the people, it would relieve them from a most oppressive one on the produce and imports of the province, which they are now paying.

By subjecting the question to calculation, it will stand thus: The dimensions being determined on, a loan is negotiated for the whole amount, to be redeemed in 20 years, at 4 per cent., and to be paid in as the work proceeds.

1st. year—£100,000 paid in. Interest thereon, £4,000, to be paid from the principal.

2nd. year—£200,000 paid in. Interest, £8,000, to be provided for in like manner.

At the close of this season the Long Sault, and the distance from the cote to the Ottawa, will be completed, and boats be enabled to pass through the entire route.

3d. year, £400,000 expen.	Interest.....	£16,000
300,000 expen.	1st & 2d. yrs. do.	12,000
£700,000		£28,000

The income this year may be safely stated as follows:—

Tolls on 50,000 tons descending, at 5s.,..	£12,500
do. 20,000 do. ascending, at 18s..	14,400
(Rates of the Erie Canal, N. Y.)....	£26,900

This revenue will nearly meet the interest of the current year, and effect the following saving to the country:—

On 500,000 barrels of flour, at 1s.,.....	£25,000
On 20,000 tons of merchandise, at 50s.,..	50,000
	£75,000
4th yr. £300,000 expended. Interest,....	£12,000
700,000 do. 1st, 2d, & 3d yrs. do.	28,000
£1,000,000 Interest,....	£40,000

The increase this year in tolls may be supposed *one-fourth* on the income of the preceding.

3rd year,.....	£26,900
Increase, 4th year,.....	6,725
	£33,625

Interest due the 4th year,.....	£40,000
Income for the 4th year,.....	33,625
Deficit,....	£ 6,375
For the 3rd year, do.	1,100
	£ 7,475

At the close of the 4th year we suppose an uninterrupted ship navigation effected from the ocean to the Sault St. Marie, at the outlet of Lake Superior, and a debt incurred of £40,000 interest.

SECTION 10.

From the manner in which the public returns in Lower Canada are made, it is impossible to get at either the quantity in tons or value in pounds, shillings and pence of our imports. Without such specific returns we cannot designate what articles would bear an additional duty and not increase the price, or the amount which such a duty would produce. One or two articles may be remarked on.

Present Freight and Transportation.		By the proposed Canal.	
Iron—Liverpool, ₱ ton,	£6 0 0	Iron, &c.	£6 0 0
Freight to Montreal.....	0 10 0	Do.	0 10 0
Freight to Lake Erie, from £5 @	6 0 0	To Lake Erie by new Canal.....	2 0 0
£11 @ £12	10 0		£8 10 0

On the article Iron, it will here be seen, the transportation is from £5 @ £6 ₱ ton; consequently a duty of £1 or £2 ₱ ton might be imposed, and still effect a saving. In like manner, Salt would show a diminished expense of transportation and price.

Present Freight and Transportation.		On the proposed Canal.	
Salt, Liverpool, ₱ ton,	£0 12 0	Salt, &c.	£0 12 0
Shipping Charges, Commission, &c.	0 0 6	Do.	0 0 6
Freight to Montreal.....	0 10 0	Do.	0 10 0
To L. E. £5 @	6 0 0	To Lake Erie	2 0 0
£6 @ £7	2 6		£3 2 6

One ton of salt is equal to 40 bushels, which would bring the article, on Lake Erie, to 7s. 9d. ₱ barrel, whereas the lowest price it can be afforded at now, by the Erie Canal, is 8s. 9d., without duty.

I have adduced the above, merely to show that the most necessary articles in use can be imported cheaper than from a foreign country, and will even bear a duty here, if necessary. If so, what will be the extent of the general trade created? Our exports, consisting of heavy, bulky, and cheap articles, and our imports, principally light and valuable, the return or upward freights will always be proportionably cheap, as we now witness by the return freights across the Atlantic.

In addition, we will merely observe, that the imports for the Canadas alone nearly doubled from 1820 to 1830.

SECTION 11.

On the subject of Canal Revenue, we may suggest, that it would be unnecessary and impolitic to impose one farthing of duty on any article for the repayment of interest or capital of loan; as the immediate increase of transit, created on opening the ship canal, will be amply sufficient to meet the expenditure; and that, too, principally on foreign articles, which will be drawn through this channel. While at the same time, as we have shown conclusively above, we can raise a revenue out of the articles imported, and still reduce our present burthens.

The State of New York imposed a duty of 12½ cents on each bushel of salt manufactured in the State, to meet the interest on their Canal debt; notwithstanding the reduced transportation, after the completion of the Canal, brought the article much cheaper than it was sold before; and although we contribute to that duty on every bushel we consume, we are, in common with them, gainers.

The trade already created by the opening of the Welland Canal has greatly increased; and from a quarter from whence we never obtained a single article before. From the experience and progressive results of the Erie Canal, during the following years, we may have a sure ground for the most calculable expectations; but great as they are, it is not too sanguine to say, that we are not bound to take them as the measure of ours.

The increase on the Erie Canal was as follows:—

In 1821	$ 2,220
In 1822	44,486
In 1823	89,988
In 1824	319,320
In 1825	521,345
In 1826	750,759
In 1827	847,759
In 1828	897,265
In 1829	771,685
In 1830	1,056,922
In 1831	1,193,435

What the amount of the trade will be, that must be brought into existence and drawn by superior advantages, on the opening of a ship canal, is beyond our calculation. Before five years from the completion of the work, the income cannot be less than £250,000, should the Legislature think fit to continue the toll!

The primary object of the Canal, undoubtedly, is to benefit the inhabitants of this Province. Lower Canada and the Mother Country will participate. But we should be actuated by far more noble and philanthropic views of its consequences. At least 2,000,000 of people will partake of the benefits flowing from this great work; great, when brought into comparison with our youthful country, but almost insignificant when we look to its far spreading blessings—its progressive and incalculable effects, and its duration!

SECTION 12.

By the supineness and want of public spirit in the Lower Canada merchants, very little, if any, advantage has as yet been derived from the Canada Trade Act. The apprehensions entertained by a portion of the Canadian agriculturits, that the effects of this Act would be to depreciate the value of our produce, have been completely dispelled by the state of our markets. These apprehensions were in some measure occasioned by the novelty of the considerations required to see its true bearings; but still more from the erroneous ideas industriously circulated at the time the Act came into operation.

Experience proves that the markets in all seaport towns improve in price by the quantity of the article kept constantly on hand, and are not subject to those great fluctuations which we have so frequently felt in Quebec and Montreal; that is, if the market depends on *foreign consumption*. The reason is obvious. The owners of ships, and those engaged in foreign commerce, direct their vessels to that port where they know a supply can be relied on, either for purchase or freight.

If our flour and wheat were wholly consumed in Quebec, then an additional supply would of course lessen the price; but as we are wholly dependent on foreign ports for our demand, it is there where the article is consumed that we must look for competition. I shall quote the illustration of this subject by a celebrated statesman, the familiarity and clearness of which every farmer must comprehend.

"Suppose a barrel of flour raised in Ohio, and another in the London District. The former finds its way either to Liverpool or Jamaica, by way of the Erie Canal; the latter by the way of the St. Lawrence. Or suppose the Ohio barrel should accompany the other, side by side, to the same place, where they are consumed. Could it make any difference to the Canadian farmer who sold his flour in Upper Canada? We cannot lose by drawing American produce by this route to the ocean, but stand every chance to increase the price, by keeping at Quebec a constant supply, and arresting the attention of foreign commerce; besides the indirect advantages gained by every class, in the transit, commission, shipping," &c.

As many may doubt the very great increase we anticipate, on the other hand, there may be some who will predict evils to arise, from the great quantity of produce, &c. which will be drawn from the western and southern States. For instance, "that we may manufacture their wheat and send it to Great Britain as Canadian, and that this may create alarm in the agricultural interest in England, and produce some law injurious to us, directed against this evil."

To meet every possible objection, I will observe, that very little has been done in the trade as yet; that the prices in New York keep nearly up to the

Montreal market; and, farther, that all we can possibly draw from that quarter, will never be noticed in the English markets.

The competition we have to fear, is from the Baltic, and those grain countries so much nearer the great mart of England.

But it is obviously the policy of Great Britain to admit our grain free from duty, as well as to give a competent discriminating duty on all articles passing through our waters from Ohio, over the same articles imported direct from any port in the United States. By this means she would not only obtain employment for her shipping, canals, &c. in the transit, but create a demand for her manufactures. The shores of Lake Erie, on the Ohio, are destined ere long, to become a great receptacle of manufactures for the southern markets. They can be imported direct to Cleveland, *via.* Montreal, on completion of this work, far cheaper than by New York; and will be bartered for cotton and tobacco, the former of which already enjoys a discriminating duty of 5s. 6d. per cwt.

☞ The above views, founded on facts and necessary deductions, I submit to my fellow-countrymen—the people of Upper Canada; confident that it only requires their attention and consideration to awaken one and all to a full sense of the leading and all-embracing object to which they tend. That being obtained, we have only to adopt means of concentrating the wishes of the Province, and to hasten, as far as possible, the period of their fulfilment.

For this purpose there is but one way; let our Representatives pass an Act in the approaching Session, "TO RENDER OUR INLAND COMMUNICATIONS A THOROUGH AND EFFICIENT SHIP NAVIGATION FROM THE OCEAN TO THE LAKES, BY THE COMPLETION AND CONSTRUCTION OF THE WORKS REQUIRED."

The time is short, but it is sufficient. All that is required is zeal and unanimity, to ensure success; and by rendering *the frontier of Upper Canada* A SEA BOARD, we will reap, within a very limited period, all the advantages and prosperity which it must command.

A PROJECTOR.

St. Catharines, November 1832.

IN THE YEAR 1833.

An Act was passed on the 13th February of this year authorising the Province to subscribe for the Stock unsold, and £7500 was placed in the hands of Commissioners. These Commissioners were appointed for expending the same, and for the purpose of examining the Canal and reporting thereon—and to this end Judge Wright, an Engineer of eminence from the State of New York was employed by them. His Report to the Commissioners enters very fully into every subject connected with the Canal, and reference is made thereto.

In page 6 of his Report this gentleman makes the following remark:

"It appears by the last Report of the President "and Directors of the Welland Canal to the Stock-"holders, that the expenditure upon all their works "on main Canal—feeder, dam, Harbor, branch by "Welland River to Niagara River, damages for in-"jury done &c., up to March 1833, was £356,955, "and viewing the work at all these various places, "it appears to me that there must have been good "economy to accomplish so much as has been done "for the sum above stated."

Who is the best judge of the expenditure—Judge Wright, or the Directors of 1835?

The minutes of this year give a detail of the proceedings of the Directors.

Documents referred to in the foregoing Remarks.

Act of Parliament 3d Will. 4., c. 55, Marked No. 1.
Report of Commissioners, with Judge Wright's Report..... " No. 2.
Remarks on the Western trade—by an old Merchant..... " No. 3.
Minutes of 1833..... " No. 4.

This year the Government appointed the following Directors—viz.:

William Elliot,
Charles Duncombe, and } Esquires.
William Chisholm.

And the private Stockholders.

Wm. H. Merritt,
Alex. Y. McDonell,
George Keefer, } Esquires.
Thomas Butler, and
Ogden Creighton,

No. 1.

ACT OF PARLIAMENT,

3RD WILL. IV., CHAP. 55.

An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned.

[Passed *February* 13th, 1833.]

Whereas it is expedient to grant the sum of seven thousand five hundred pounds in aid of the Welland Canal Company, for the purpose of deepening the feeder from the Grand River, and keeping the Canal in repair during the current year:—*Be it therefore enacted* by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Gover-

nor, or person administering the Government of this Province, to authorize His Majesty's Receiver General of this Province to raise by Loan from any person or persons, bodies politic or corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorized to be issued under the authority of this Act, a sum not exceeding seven thousand five hundred pounds, at a rate of interest not exceeding five per cent, and that as soon as the said sum, or any part thereof, shall be so raised, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to issue his warrant upon the said Receiver General for the same in favor of the Commissioners hereinafter named, whose duty it shall be to superintend the expenditure thereof.

II. *And be it further enacted by the authority aforesaid,* That the said sum of seven thousand five hundred pounds shall be paid, applied and expended in and towards the deepening and enlarging the feeder from the Grand River; in repairing and in keeping the Locks and Canal in repair during the current year, and in making the Surveys and Reports hereinafter mentioned.

III. *And be it further enacted by the authority aforesaid,* That Absalom Shade, William B. Robinson and John Macaulay, Esquires, shall be Commissioners under the provisions of this Act, whose duty it shall be to superintend the expenditure of the said sum of money according to the directions of this Act; and to cause a complete survey of the said Canal and all the works connected therewith to be made by a competent Engineer, and to make a detailed Report of the state of the said Canal, of the improvements necessary to be made for completing the same, with the estimate of the probable expense of finishing the same, and to suggest any alteration which it may be thought advisable to make in any part of the route of the Canal, or in any of the works constructed thereon.

IV. *And be it further enacted by the authority aforesaid,* That immediately after the passing of this Act it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to direct His Majesty's Receiver General to subscribe Stock in the Welland Canal Company to the amount of the said sum of seven thousand five hundred pounds, which Stock shall from thenceforth be held as, and deemed to be public Stock, and that the Government of this Province shall as the holders of such Stock be subject to the same conditions and have the same powers, advantages and privileges, as other Stockholders in the said Company.

V. *And be it further enacted by the authority aforesaid,* That the three Commissioners above named, together with Samuel Street, and David Thorburn, Esquires, shall be appointed to arbitrate and determine the amount of damages due by the Company to the different individuals on the line of the said Canal, under and according to the provisions of an Act passed in the first year of His present Majesty's Reign entitled, "An Act to afford further aid to the Welland Canal Company, and to repeal part of and amend the Laws now in force relating to the said Company"—and that the award of a majority of the said Arbitrators shall be final.

No. 2.

REPORT

OF

THE COMMISSIONERS

OF

THE WELLAND CANAL COMPANY.

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

The Commissioners appointed by an Act of the last Session of the Provincial Parliament, entitled, "An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned"—

Respectfully Report:

That they met at York on the passing of the Act in the month of February last, and found that the principal duty assigned them was to apply a sum of money, not exceeding seven thousand five hundred pounds, "in and towards deepening and "enlarging the feeder from the Grand River; in "repairing, and in keeping the Locks and Canal in "repair during the current year; and making surveys and reports of the state of the said Canal; of "the improvements necessary to be made for completing the same; and to suggest any alteration "which it might be thought advisable to make in "any part of the route of the Canal, or in any of the "works constructed thereon."

In the discharge of the duty thus prescribed, the first object of the Commissioners was to ascertain from Mr. Merritt, the Agent of the Welland Canal Company, (who was then in York) and from such other sources of information as were available, the actual state of the Canal, and the nature and extent of such repairs as were most urgently demanded, and were within the compass of their means.

Mr. Merritt having, when questioned, given it as his decided opinion, that the immediate attention of the Commissioners to the repair and improvement of the Canal was necessary, it was resolved that two of their number (viz: Mr. Shade and Mr. Robinson) should proceed without loss of time to inspect the whole line of Canal, and make such arrangements as circumstances should be found to require. They accordingly repaired to Saint Catharines, where they arrived on the twenty-second day of February, and on the following day, accompanied by Mr. Merritt and Mr. Elliott, one of the Government Directors, commenced the inspection of the Canal at Port Dalhousie, and from thence proceeded along the whole course of the Canal to Gravelly Bay and the Grand River, stopping at every point where any work was required to be done, and obtaining all the information from the Lock Keepers and others that could be collected. On their return to Saint Catharines, they entered into contracts with different persons, who were recommended to them, for re-building two of the Locks, and for deepening such parts of the Canal and Feeder as appeared to require it. They then engaged Mr. John Donaldson, a person recommended by the Welland Canal Company, to procure the ne-

cessary number of men to begin the work as early as the season would permit, and complete it with all possible expedition. They also visited the quarry, and saw that measures were taken to draw the stone required for the Locks while the sleighing lasted.

Having made these arrangements, the Commissioners thought they would, by an occasional visit during the season, discharge their duty according to the intentions of the Act; but before they left St. Catharines, a letter was received by them from the Directors of the Welland Canal Company, stating the necessity that one of their number should give his personal attendance on the Canal until it was rendered navigable, in order that every exertion might be used in making the various repairs and improvements, and in preventing delay. It was accordingly determined that Mr. Robinson should return and personally superintend the work at all points on the line of the Canal, as soon as the weather would allow it to be commenced.

In conformity to this arrangement, Mr. Robinson arrived at St. Catharines on the fifth day of March, and remained until the repairs were so far completed as to enable vessels to pass through the Canal, which occurred on the twentieth day of May. He then went home, but soon returned, and with two other short intermissions, continued his personal superintendance of the Canal until the twenty-ninth day of October. This sacrifice of time and convenience on the part of one of the Commissioners was called for by the situation of the Canal, and was sensibly felt by Mr. Robinson, by whom it was incurred. In consequence of his having assumed this charge, he made individually all the necessary contracts, and managed the disbursements. He also took particular care to visit the whole line of the Canal, (including the Feeder, which the Commissioners were required by the Statute to enlarge and deepen) once a week, and saw that nothing requisite for the welfare of the Canal was omitted on the part of the Board, or the persons acting under them. Among those persons, the Commissioners feel it proper to mention, was Mr. S. H. Farnsworth, who was engaged in the month of March to assist in superintending the repairs required at the two Locks near St. Catharines. He was strongly recommended by the Vice-President of the Company, and was besides personally known by Mr. Robinson. With his services at the Locks, and in the execution of all other duties imposed on him from the time when he was taken into their employment until his severe illness (brought on by too great exertion and exposure while repairing breaches in the Canal) in October, the Commissioners have every reason to be satisfied; and they can confidently recommend him as a most efficient person to be employed, if occasion should require, in any future work of a similar kind.

In consequence of a request made to them by the Board of Directors, the Commissioners concurred in a Circular Letter being addressed to the private Stockholders, inquiring into their inclination to dispose of their interest in the Canal, and the terms to which they would agree; the answers to which letter were received by the Secretary of the Company.

It was a subject of great regret that the Canal could not be opened at an earlier period in the spring than the time already stated, particularly, as several vessels from Oswego, bound to Cleveland, were detained from eight to twelve days at Port Dalhousie; but when the amount of work exhibited in the annexed statement, as having been performed, is considered, the Commissioners feel assured that the delay will be satisfactorily accounted for, and they would observe that it was the general impression of those who witnessed the state of the Canal in March, that it could not be got ready for use before June or July. Indeed reports to this effect were widely circulated.

When the operations of the Commissioners were commenced, and the new route from the Junction to Gravelly Bay, which had not yet been navigated) was examined, much more was found necessary to be done than was anticipated, and in fact the greater part of the sum expended has been applied in *finishing* the Canal rather than in repairing it. The whole section from Port Robinson to Gravelly Bay, (12 miles in length) required deepening, much of it being actually a foot above the proper bottom level. A large expenditure at Gravelly Bay was also incurred in dredging out the sand from the space between the Piers and in the Lock, where there was not found a greater depth of water than three feet, for a distance exceeding one hundred yards, in consequence of an accumulation of sand and gravel, formed by the wash from the lake during the winter.

Having at length succeeded in rendering the Canal navigable, the next object of the Commissioners, in pursuance of the Statute, was to get the whole line, and all the works connected with it, examined by a competent Engineer. It was important that a person should be selected for this service whose talents and judgment had been well ascertained in a country similarly circumstanced, in many respects, and on whose experience full reliance might be placed. Accordingly, after careful and extensive enquiry, the Commissioners determined to employ Benjamin Wright, Esquire, of New York, a gentleman of great experience, who was principal Engineer on the Erie, Delaware, and Chesapeake Canals, and who is admitted to be at the head of his profession in his own country. In the months of July and August, when his attendance could be most conveniently given, Mr. Wright, accompanied by all the Commissioners, carefully inspected every part of the Canal from Lake Ontario to Lake Erie, and passing through the Feeder, ascended the Grand River about twenty-five miles, in order to form a correct estimate of the supply of water which it may be expected permanently to afford. His attention was directed by the Commissioners to the following points, as stated in a memorandum communicated at that time, and to which he was requested to advert when he should frame his report and estimates.

The Commissioners required him—first, to examine the Welland Canal, and the works connected therewith, and report upon the present state of the same as fully as possible.

Secondly, To state what work and expense would be necessary to render the present route of the Canal permanent and complete.

Thirdly, To state what alterations he would recommend in the present route of the Canal, taking into view the proposed cut to the Niagara River, and furnishing an estimate of the expense attending the same.

The Memorandum continued in these words:—

"These are the general heads of enquiry, stated conformably to the third section of the Act, of which a copy is supplied Mr. Wright."

"The following queries have occurred to the Commissioners during their own inspection, and in the course of their superintendance of the Canal, and are submitted for Mr. Wright's consideration."

"*First.* His opinion of the state of the works at Port Dalhousie, and of its advantages or disadvantages as a harbor; its capability of being made a permanent and commodious steam boat harbor; and the necessary expenses attending such alterations and improvements as he might, with that view, recommend.

"*Secondly.* His opinion as to the propriety and expense of moving the lock at Port Dalhousie further from the pier, and altering the position of the waste wier, in such manner that the surplus water may be discharged through the harbor.

"*Thirdly.* The expense of re-building each lock permanently of stone, (there being forty locks on the line of the Canal,) and also, the best method of reconstructing them, which, under all the circumstances, he would recommend.

"*Fourth.* His opinion of the practicability of rebuilding the locks in the Winter; and the difference in expense between building in summer and in winter.

"*Fifth.* As to the difference between the expense of removing the materials of an old lock and building a new lock on the foundation of the old one, and the expense of constructing a new lock of the same kind in another situation.

"*Sixth.* His opinion of the harbour of Port Dalhousie compared with the harbour by Niagara river.

"*Seventh.* His opinion of the proposed side cut to Niagara; and also of the difference of expense between making that part of the present route which lies between the foot of the mountain and Port Dalhousie a permanent work, and opening the cut to Niagara for ship navigation, on the same scale as the Welland Canal.

"*Eighth.* How can the Deep Cut be so improved as to prevent slides? Can it be done by giving the banks a greater slope, or by any other means? Can the bottom be deepened, as it has been suggested, by carrying a rush of water through it; or what other method would you suggest, as likely to be more effectual? Will not considerable expense be incurred in keeping this part of the Canal of sufficient depth, if measures are not taken to prevent the wash of the spoil banks from running into it? This part of the subject submitted to Mr. Wright's consideration requires careful examination, and the Commissioners are anxious for full details.

"*Ninth.* His opinion of Gravelly Bay, or Port Colborne, as a harbour; and also of the expense necessary to make that harbour a permanent and commodious steam boat harbour, equal to the harbour at the mouth of the Ouse, or Grand River; and the difference of expense between the two harbours.

"*Tenth.* Whether it is necessary to deepen and enlarge the feeder, in order to ensure a full supply of water, independent of the advantage of making it fit for schooner navigation.

"*Eleventh.* As to the best method of making wooden culverts, when there is a pressure upwards of six or seven feet of water.

"*Twelfth.* If the Marshville and Allanburg, (McDonell's) Mills are not placed in situations injurious to the Canal.

"*Thirteenth.* As to the propriety of obliging owners of mills to have an embankment and stop gate between the Canal and their flumes.

"*Fourteenth.* If it would not be advisable to make a Cut from Broad Creek to the mounth of the Grand River, with the lock placed near the latter place, thereby enabling vessels to enter the Canal by that harbour, also his opinion of that harbour.

"*Fifteenth.* Is it not necessary to have more stop gates on the Canal—say one as near the lock at Gravelly Bay as circumstances will permit, and another near the aqueduct."

"These queries will range themselves under the three general heads originally stated, when Mr. Wright prepares his report.

"Be pleased also to state your opinion as to the length of the time the present locks will last, and when you think that preparations should be commenced for replacing them with new ones."

Having completed his inspection of the Canal, Mr. Wright returned to New York, from whence he transmitted the Board a full and explicit report, which is herewith submitted, and which will doubtless be found as satisfactory to the Legislature, as in the opinion of the Commissioners, it is honorable to the established reputation of its author, for whom they entertain very high respect.

The Commissioners, with all who feel anxious for the success of the Welland Canal, exceedingly regret the frequent delays and obstructions that have occurred in its navigation during the summer, occasioned by accidents which could not be foreseen or prevented. All that the Commissioners could do, they can confidently say, was not omitted to be done. Men were, in all such emergencies, kept at work, both night and day, without intermission, in order that not a single hour's needless delay might be complained of by the masters of such vessels as then happened to be in the Canal.

The first delay, of any moment, that took place was caused by the failure of a set of lock gates, through the manifest carelessness of the keeper, who omitted closing them properly before the admission of the water.

The next was occasioned by a most extensive breach at a stone culvert, on Marlatt's level, one end of which gave way without any apparent cause, the level of the water being only at its usual height; about forty feet of the stone arch was carried away by the force of the water, many yards from the Canal, and the breach made in the bank was very wide and deep: to repair this damage occupied about twelve days, though every possible exertion was made on the occasion.

The last serious accident was the breaking down, at the same moment, of the upper and lower gates of one of the large locks near Saint Catharines. They had just received a thorough repair, and only failed in consequence of improper force and means em-

ployed in opening them. The lock keeper was not at his post, and the crew of the vessel about to pass, put the horses used for towing to the balance beam of one set of gates, which circumstance, aided by the neglect of proper precaution, caused all the injury. The delinquent lock keeper was, of course, instantly dismissed by the Agent of the Canal Company, for his want of attention to his duty. A delay of two weeks was the result of this mismanagement, and occurring, as it did, just after a great number of schooners had passed the other two points of detention, it was certainly most unfortunate; for some of the vessels were detained in the Canal nearly six weeks.

It may here be proper to remark, that the Commissioners had no control over the lock keepers, they, nevertheless, felt it their duty to acquaint the Directors with the want of attention exhibited by those persons at various times, and recommended some alterations in the system with respect to them, in order to guard against a repetition of similar accidents to locks placed under their care. In consequence of these representations it was arranged, that Mr. Vanderburgh a very efficient person, should be appointed to take charge of all the locks, and be made responsible for their being well attended.

These were all the casualities, occasioning a decided obstacle to the use of the Canal, but there were, besides these, several vexatious instances of interruption in the navigation during the summer, caused by the mills which derive from it their supplies of water —and the Commissioners are induced to urge that the owners of those mills should be required to construct an embankment and stop-gate between them and the Canal, so that in the event of any breach at the flumes, the water might at once be stopped, without incurring the necessity of drawing off, as at present, a whole level, in order to effect repairs.

The mills at Marshville are considered by the Commissioners, from their own observation, and the information of many persons of good judgment, to be highly injurious to the navigation of the Canal, placed as they are about mid-way on the long level of the Feeder, between the dam at Dunnville and Port Robinson, and without any reservoir. Besides this, the great quantity of water which they use is entirely lost to the Company, as it escapes into the Chippawa or Welland River. The Commissioners would therefore advise that these mills should be removed, or at least that some effectual method should be provided, (if any other than absolute removal can be devised) to prevent a recurrence of the annoyance they have occasioned. It is indeed, in their opinion, just cause for regret, that the hydraulic privileges created by the Canal should ever have been alienated by the Company, as it has established a separate interest, which already has produced, and will continue to produce great trouble and inconvenience; and they cannot avoid remarking, on the manifest inexpediency of suffering a great public work, upon which so much money has been expended, to be in the slightest degree injured or incommoded, for the sake of any minor advantages.

Having thus stated the proceedings of the Commissioners, and added such observations as occurred to them in their examination of the Canal, they have yet to advert to one section of the act under which they have been appointed, assigning a duty not yet performed, viz:—the fifth section, which directs them to sit as Arbitrators, "in conjunction with two others formerly appointed, for settling certain claims for damages due, as it is said, by the Welland Canal Company to different individuals on the line of the Canal." A day in the month of September had been fixed on for a meeting of the members of this Board of Arbitrators, but a variety of circumstances concurred to prevent the attendance of some of the members at that time, and it has not since been practicable to proceed with the business of the arbitration.

The importance of the Welland Canal to the best interests of Canada, must be too well understood at the present time, to demand from the Commissioners any formal demonstration. They will merely refer to the Report of Mr. Wright, exhibiting the view taken of the subject by that intelligent and liberal minded gentleman. The great question now before the Provincial Parliament concerns the course which should be pursued in order to render the Welland Canal a desirable work, and suitable to the immense trade of which it must soon, to a certainty, become the favorite channel.

Mr. Wright explains in a lucid manner, the amount of the expense that must ere long be inevitably incurred in making it really useful; and his statements are strengthened by the experience afforded this year of the injurious effects to trade caused by the breaches in the existing imperfect works, and the uncertainty thereby created among men of business, in forming their arrangements for the transportation of produce and merchandize. The cost of such solid and substantial repairs, alterations and improvements, as Mr. Wright has suggested, are assumed to be quite beyond the resources of a private Company; which fact, in addition to other considerations, leads to the conclusion, that the Canal ought to become entirely public property. The great navigable communications of the country, like its highways, should belong only to the Province, and be entirely and solely subject to the control of the Legislature. Under this impression, the Commissioners would respectfully suggest, that the interest of the private Stockholders should be purchased by the Province, and that the Canal should thus be rendered in name, as it always has been in fact, and must be in effect, a *national concern*. Whatever course may be adopted, it is clear that the just claims of the private Stockholders who have so materially, by their money and exertions, contributed to the completion of this stupendous work, should be liberally regarded. It is perhaps proper on the part of the Commissioners, here to suggest, that the Welland Canal Company owe a large floating debt to many individuals in the country, for contracts performed by them—the non-payment of which has caused great distress; and they submit for consideration the propriety of making immediate provision, for further payment of the debts of the Company, in which the credit of the Povince, as well as Canal Company, may perhaps be thought to be in some measure involved. The Commissioners feel the less hesitation in pressing the claim of these individuals on the notice of the public, after the opinion so strongly expressed by Mr. Wright, that the work exhibits no proof of want of economy in the expenditure of the Company. If any difficulty should be felt or experienced in the settlement of these points, the Commissioners would then respectfully suggest, that as much money should

be granted as would effect the necessary and indispensable objects stated in the Engineer's report.

Unless the Commissioners are greatly mistaken in their views, the Welland Canal cannot fail speedily to become a remunerating work, and even if it should not be found to yield a revenue as soon as they venture to expect, they yet think that the public should dismiss every consideration of what it has already cost, and look solely to the great results that must follow an expenditure on its improvement, such as is urged by Mr. Wright, by which it will be established as a certain, substantial and unfailing means of uniting the navigation of Lake Erie with that of Lake Ontario, and finally, on the completion of the projected Canals, below Prescott, with the Gulph of Saint Lawrence and the Ocean.

In the mean time, however, and while this important and interesting enquiry engages the consideration of the Legislature, the Commissioners beg leave to represent the necessity which they conceive to exist, of a grant of money for immediate purposes on the Canal.

In the supplement to his report, Mr. Wright estimates the amount absolutely required for keeping open the navigation during next season, at $33,551 0/0, or nearly £8,500 c'y. Of this sum it is highly desirable that about one-half should without loss of time, be expended in repairing some of the most defective locks, and completing the piers at Port Colborne. The remainder might be applied before the ensuing spring in the repairs and other operations described by Mr. Wright in the document already alluded to. The Canal would thus be ready to be opened as soon as the weather would admit next season, and be probably kept so without serious breaches; the importance of which should engage earnest attention, because it is only by that means that the result of a full season's use of the Canal can be duly ascertained.

A detailed account of the expenditure of the money appropriated by the Act, particularizing its application, will be submitted. The Commissioners deem it here necessary to state, that upon applying to the Receiver General for money, they were informed that the debentures for the loan authorised by the Legislature had not been taken up, and that he consequently had no funds. The difficulty which thus threatened the Commissioners in the execution of their duty, was only surmounted by Mr. Dunn's becoming personally responsible at the Bank of Upper Canada for the whole of the sum authorised by the Act, as it was required. The Commissioners having thus drawn the attention of Parliament to this circumstance, leave it to the Legislature to exonerate the Receiver General, by providing for the payment of interest on the debentures, at the rate of 6 per cent. per annum, at which rate only the money can be raised.

W. B. ROBINSON,
JOHN MACAULAY.

York, 7th December, 1833.

NOTE.—The undersigned Commissioner regrets that the absence of Mr. Shade, the first named Commissioner in the Statute, has prevented the insertion in the foregoing report of any expression of the estimation in which they both hold the services rendered by Mr. Robinson, in devoting a large portion of his time with so much judgment, assiduity and ability, in superintending the operations of the Board. In order to compensate him in some measure for those services, and for his sacrifice of personal interest and convenience, the two other Commissioners have agreed that he should be paid at the rate of five dollars per diem for the time he spent in attendance at the Canal.

JOHN MACAULAY.

ENGINEER'S REPORT TO COMMISSIONERS.

To Absalom Shade, William B. Robinson, and John Macaulay, Esquires, Commissioners appointed by an Act of the Provincial Parliament of Upper Canada, passed February 13th, 1833, to superintend the expenditure of money on the Welland Canal, and to appoint an Engineer to survey and examine the Canal, and estimate the expense of finishing the same, and to report "upon any alterations "which in his opinion may be thought advisable in "any part of the route of the Canal, or in any "works constructed thereon."

GENTLEMEN:

Having been honored in the appointment by you, under the third section of the Act above referred to, I have examined the whole line of the Welland Canal—its feeding waters from the Ouse or Grand River—the harbor at the mouth of Grand River—the harbor at Port Dalhousie—and the harbor at Port Colborne or Gravelly Bay; together with all the appendages connected with, or in any way appertaining to the construction or use of the Canal, and now I beg leave to present to you my Report.

REPORT:

The Welland Canal, as now constructed between Lake Erie and Lake Ontario, is about 28 miles long in its main trunk, and in this distance it has thirty-eight lift locks, viz:—

21	locks of about	10	feet lift each.
4	do.	9	do.
7	do.	8	do.
4	do.	7	do.
1	do.	6	do.
1	do.	5	do.

Total, 38 locks on the main line.

There are likewise two locks on the branch which descends into the Welland River—one of eight feet and one of seven feet lift. These comprise all the lift locks. Besides these, however, there are guard gates, or locks to secure the Canal from receiving more water into it from floods in Grand River than shall be safe, both as regards the feeder or Canal.

The feeder is 20¾ miles in length, from Dunnville, on Grand River, to its junction with the main stem, about 6¾ miles north of Port Colborne.

The original plan of the Canal was to have been 26 feet on the bottom, 58 feet on the top, and 8 feet depth of water, with slopes or angles of the banks, of 2 feet base to 1 foot perpendicular.

The locks are 110 feet by 22 feet in the chambers between the gates, with the exception of three locks below Saint Catharines, which are 130 feet long and 32 feet wide in the chambers.

In the course of this examination, I was furnished by the President of the Company, and their Engineer, with every information which I solicited and in their power to give.

It appears by the last report of the President and Directors of the Welland Canal Company to the Stockholders, that the expenditure upon all their works, on main Canal, feeder, dams, harbors, branch by Welland River to Niagara River, damages for injury done, &c. up to March, 1833, was £356,955; and viewing the work at all those various places, there appears to me that there must have been good economy to accomplish so much as has been done for the sum above stated.

Taking the whole work as it now exists, the greatest error I have seen is the plan of constructing the locks:—I do not object to wooden locks, in a case like the Welland Canal, but I think the plan of block work for the sides of the locks is very objectionable, and more particularly the plan of securing the ties by dovetails not passing through the front or face timbers; and for this reason, a little bad workmanship, or decay in the timber, makes a weak place in the work; and this with a clay puddle behind it, a substance that with the common operation of severe frost, will certainly cause these ties to lose their hold upon the front timbers, being only let in.

I have had locks built under my charge by block work of face timbers, ties and anchors, but much care was taken to have the ties run through the face timber and secured to it as strongly as possible, but without any grove and tongue in the timber, because no reliance was placed upon making these timbers water tight, but the whole inside was well planked, and made tight by the planking only. Experience has proved to me that both these plans are very objectionable, for the very good reason, that they are extremely difficult to repair when decayed, besides their expensiveness by reason of requiring so much timber.

Having said thus much in regard to the Canal and its locks, I will now enter upon a description of the present situation of the work, and also point out what I think would be improvements in its great plan.

Mr. George Keefer, Junr. the Engineer of the Company, has given me the quantities of earth and rock to be excavated, to bring the Canal to its intended original width of 26 feet bottom, and 58 feet top, water line. These quantities I shall notice hereafter.

In conversation with the President of the Company, W. H. Merritt, Esquire, he expressed the opinion (and it appears to have the sanction of the Commissioners by their re-building in conformity therewith, this season, one of the locks which had failed) that the locks ought to be 24 feet wide and 110 feet between the gates, and in the conviction that this is a size better adapted to vessels designed for the Lake trade than the present locks—I fully concur and recommend, that whenever locks are rebuilt, they should be of these dimensions.

Admitting this to be correct, (and I see no cause to doubt it,) if we enlarge the locks we ought to enlarge the size of the Canal, to conform to this increased size of locks.

I have drawn a cross section to show how much space two vessels of the largest class will occupy.

No. 1.

Scale, 10 feet to an inch.

This diagram or cross section exhibits only a view of the size of the Canal, such as appears to me requisite to correspond to locks of 24 feet width. I will now give a diagram or cross section of the Canal, according to its original plan of 26 feet bottom and 58 feet top, water line.

No. 2.

From these views of the space occupied by vessels passing each other, it is certain that if we enlarge the Locks we ought to enlarge the Canal also, to correspond thereto. I have not the exact data upon which to estimate the quantities of excavation which such enlargement will require, but from the calculation I have made I can give a tolerable approximation to these quantities; and as the additional expense of enlargement will not cost a sum that is any way alarming, it would prove good policy to excavate this extra quantity at the same time that the removal of that quantity designed to make the Canal what it was originally intended, is progressing.

From the information given me by Mr. Keefer, there is to be removed between Port Colborne and the junction of the Feeder, (distance 6¾ miles) to make the Canal 26 feet bottom and 58 feet top—45,932 cubic yards of earth, and 8020 cubic yards of rock; and I estimate that the triangles marked *a a*, in diagram No. 2, will contain about 56½ cubic yards in each side to every sixty-six feet in length of Canal—equal to 113 yards. On the supposition that the whole distance of 6¾ miles will require this angle on each side to be removed, we then have—

61,020 cubic yards in the whole.
11,000 cubic yards of this we will assume as rock.

50,020 yards remain of earth; we then have

45,932 as above,
50,020 additional width,

	cts.	
95,952 cubic yards of earth at 20 cts.,		$19,186 40
8,020 ⋈ 11,000=19,020 cubic yard of rock, at $1,		19,020 00
		$38,206 40

Which sum would make the Canal an excellent work so far; and while the excavation now absolutely necessary is going on, it is undoubtedly best to execute the other.

Between the junction and Port Robinson the distance is 5¼ miles. Mr. Keefer estimates that in this distance there is to be removed, to make the Canal 26 feet bottom, (its original intended width)—

52,195 cubic yards of earth; and as we find a considerable part of this line of the Canal in a natural ravine, and sufficient width, I estimate only—

36,000 cubic yards to be removed to make the bottom 36 feet, and the top 60 feet water line.

88,195.. Total to make this line, *a* 16 cts. $14,111 20

This excavation is necessary in many places to give greater stability and permanency to the banks where they give evidence of weakness.

The next point of moment is the *Deep Cut*, which comprises the distance from Port Robinson to Allanburgh—2 miles and 55 chains. In this distance, Mr. Keefer has estimated that 11,700 cubic yards must be removed to give 26 feet bottom. It is a matter of assumption to give the quantity in addition to the above, required to make 36 feet bottom. It is well understood that the Canal through the Deep Cut was intended to be 15 feet below its present bottom, and that much of the excavation was carried to that depth, but by reason of quick-sands, very heavy slips occurred, and the original plan was abandoned, and two lift locks at each end added, to raise 15 feet.

I have assumed that, in addition to what Mr. Keefer has given, if 12,500 cubic yards more were removed, making 24,200 cubic yards, it would give the Deep Cut the desired width and depth.—24,200 yards at 40 cts. average, is=$9,860. In removing this quantity, I should advise that experiments be made with Dirt Boats, by excavating in pits, leaving a stank around to keep out water. In such a clayey substance as the Deep Cut, a pit of 10 feet wide and 15 or 20 feet long, might be excavated 2, 3, or perhaps 6 feet below the surface of the water. These small pits should be carried down as low as possible, and then water let into the one that is to be abandoned;—this water counteracts slips, in proportion to its comparative weight with earth. These pits, being small, the ends operate with buttresses while digging and the water being let in after continues to preserve the counteracting force. In my opinion, one third, or perhaps one half of the excavation necessary, might be effected at less expense than any other. A test, by way of experiment, costs nothing extra; and requires only good judgment to be fairly tried.—This earth should be taken to raise the tow-path bank near Port Robinson, where it is too low and narrow. After all has been removed which can be by this method, I should advise the use of a dredging machine, worked by horse power. I have had them under my charge worked by steam and by horse power, and when the machine is well managed, earth can be removed and put into boats for 20 cents per yard—to which add from 10 to 14 cents for transporting it 1½ mile to the large natural bssin near Port Robinson, where there is a place to receive it, and Dirt Boats with trap door bottoms can discharge it at once. Large contracts are made and executed to my knowledge in the Harbor of New York for removing earth in 15 feet water, at one cent per cubic foot, or 27 cents per cubic yard. Such a machine will be wanted for the Canal and Harbours connected with it; and if none can be obtained on hire, one ought to be prepared.

The securing the spoil banks along the Deep Cut from washing in and filling the Canal, is an item requiring speedy attention, and before the excavation of the Deep Cut is completed. This can be done by first seeking out places where a cut can be made through the spoil bank from front to back. Sometimes this cut will be of considerable depth—say perhaps 10 or 15 feet; and in such a case, a trunk made of two inch plank, one foot or more square, should be placed therein, and the whole well covered in. Next, forming a Tow path along the brink of the spoil bank, with gentle undulations, so as to carry as little earth as possible. At the lowest places, the water collected in the bank finding its way into the drain formed on the back of the Tow-path, and entering these outlets, passes off behind the spoil bank. About six to twelve of these drains or trunks, (as the case may be) cut so as to cast the water from the face to the back on each side of the Canal, would be sufficient. By doing this with care and faithfulness, a good tow path would be formed, which is now much wanted.—(See plan.)

As observed above, the tow path C. to be formed so as to have ascents and descents, sloping a little to the back side, that the water may be thrown off into the discharging drains. It only requires good judgment to select the best places for these drains, and connect the drain in the back side of the tow path with them. The tow path can be made 20 or more feet above the water, as the case requires. The expense of this work, if well done, I should think would not exceed $1,200. If there should be a case where the excavation would be too great, a substitute of a temporary character might be made by a trunk of plank buried in the earth, and so laid as to carry the water into the Canal without much earth with it.

It has been suggested, that a part of the Deep Cut might be washed out by the force of the current of water through the Canal, made by cutting the bank at a ravine or embankment near Allanburgh. A cut made there would create a descent of 16 or 18 feet from the present surface of water in the Canal.

If the substance to be washed out is that soft semi-fluid, slushy matter that has been washed into the Canal from the sides, or should be quick-sand, I think the operation of such a current might sweep away great quantities of it. This is an experiment which should be well considered and digested before determined upon, and all its bearings well understood, viz:—

First. To see what disposition can be made of the water when let off in such great quantities; whether it can be disposed of by passing into the bed of some stream, and do no injury to individuals.

Second. Whether there is a good place to deposit the earthy matter which shall be removed, and that without injury to private property.

The guard gate at the bridge will enable us to control the body of water, and regulate it as shall be found most advisable. If there is no danger to be apprehended on the points mentioned, I should incline to try the experiment. There is, however, one other very important view of this scheme (i. e.)—it is well known that the slips are much more likely to take place when the Canal is empty than when filled. If the water should be drawn off, will there not be increased danger of slips?

The formation, as I have understood it, of the soil in this Deep Cut is a very stiff clay for forty feet or more in depth, and underlaid with quick sand. All the force of current we can bring to bear upon this stiff clay, in its natural bed, will not remove it; there is too much solidity and firmness to be operated upon by water, except by a much greater fall than we have at command. This tenacity of the clay is seen in the bottoms of the little gullies formed in the spoil banks. Thus the operation of the water in such a case may be the means of producing a greater evil instead of rendering a benefit, by causing the slips to become worse.

The question is asked, whether the slopes of the banks must not be greater before they will remain permanent.

It is certain that slips are among the most difficult things an Engineer has to contend with, and from the experience I have had on the Chesapeake and Delaware Canals, (where I had many of them, and one of 40,000 yards,) I found no preventive but taking away the earth, and sloping the banks so that they would remain immoveable.

In such stiff clay as the Deep Cut of the Welland Canal—Benches might be cut thus:—

I have tried the driving of piles 10 to 14 inches in diameter, and 20 to 25 feet in length—where they enter 10 to 15 feet of solid immoveable earth, they may do much good—but if I understand the formation of this Deep Cut, the bottom of the piles would be in quick sand; in this case they would be of but little use in keeping the bank from slipping. If any attempt should be made, the piles should be driven so much within the bank as to leave permanently 10 to 12 feet of earth between them and the edge of the water. On the whole I should not have much confidence in the benefit to be derived from them.

Much of the earth in forming the bank by offsets, could be removed by carts, or by temporary railways; these latter, passing on a level, to discharge the North or South ends of the Cut into some of the natural basins or low grounds. If the plan of lightening the banks was pursued in the way I have pointed out it would make a permanent work, and each bench would be a catch drain to prevent the face of the bank from washing; when the banks are once put into regular shape, great pains should be taken to get vegetation of any strong rooted kind on them, to aid in checking the washing by rains. The expense of putting the slopes in good order, I should estimate at $20,000.

The next item of great importance is the Locks. These are faulty in the plan and execution. The question presented then is, how to remedy the defects in the most economical way, considering the durability of the timber is already more than half gone. The ties are successively losing their hold upon the face timbers every winter—an effect which the severe frost, by operating on the clay puddle in the rear of these face timbers, cannot but very much accelerate. In all future plans for repairing Locks, I should advise never to place clay puddle in a position that frost can operate to force the walls out of place.

In the plans herewith presented, I have in plan No. 1, exhibited the foundation of the Locks, as I have been informed they are made. In Nos. 1 and 2 of the drawings, the mud sills or bed timbers laid across the Lock are represented in green lines, in the positions they are placed. That part represented by red lines, shews the position of the streak sills, and also that portion of the work which may be found perhaps substantial enough on one side to raise up posts and tie them back into the present crib work, although I have doubts whether much can be gained by any attempts to save any thing but the foundation. This plan is drawn on the supposition, that whenever any Lock gives way on the sides, it is to be rebuilt 22½ feet wide in the chambers. The plan No. 1, A. shews that when we renew the Locks, to make them 22½ feet wide, we must introduce new timbers between the streak sills—these are represented by black lines. In order to retain all the depth of water in the Lock, we must cut down the streak sills 4 inches, and have only 7 or 8 inch timber between the old streak sills—(NOTE.—The plan for these timbers is drawn 4 inches too thick)—when these are laid and the whole covered with two thicknesses of two inch plank, the flooring will be of the same level as it now is for the lower gate. As to the upper gate, I should advise to raise the whole gate about one foot higher than the lower gate, and to place the mitre sill so as to leave a space of one foot between the bottom of the gate and the floor. In plan No. 2, the part called *breast*, above the recesses of the upper gates, is to be raised up to within one foot of the water line of the lower level, and by this means the head of the gates and Lock can be better secured.—The greatest possible care must be taken to have the sheet pile plank 3 inches think, grooved and tongued, and well put down around the head of the Lock, by digging at least 6 feet below the bottom of the Lock and puddling, and also a second row in like manner under the upper gates. These two rows of sheet or plank piling, together with a row placed under the lower gates to prevent the water from getting underneath, unless it is already done in the old foundation, which is most probable, are ample security and nothing further will be required. The size I have adopted for posts, where the erection is upon the old foundation, is 18 by 12 inches, and placed as is represented on the plan; I have done this because the floor sills or foundation timbers are 5 feet from centre to centre, and I wish to reduce the space between the posts to strengthen the planking as much as possible.

The hollow posts for the heel of the gate, I would connect with the four other posts marked 7-8-9-9—(which should be jointed) by strong iron bolts passing through them, and secured by a screw and nut to keep them firmly together. These should be framed into good sills. The three posts at the head of the recess should also be strongly bolted together, and their foot entered into bottom timbers. All the posts should have dove-tail tenons let into the bottom or mud sills, and securely keyed in by wedges. As an additional security, I would, in the angle marked 16, place a triangular or arras piece, (i. e.) half of a timber 14 inches square, sawed diagonally through—this piece bolted through the post and into the floor by long ragged bolt spikes, 1½ feet or more long.

The dry wall behind the Lock, I recommend to be built of flat stone from the mountain, which are the only stone I saw near the line of Canal.

These stones can be procured and laid up, I suppose, for $1 50 cts per cubic yard, and perhaps something less.

For the sides of the Lock, I should use 3 inch white pine plank, well jointed and put up, and if any difficulty was found in leaks, I should caulk and pay over the seams every spring, just as the weather indicated an immediate opening of the Canal.

The dry wall should be laid on a line with the back side of the posts, and should be built so firmly as to rest on its own foundation and support itself,—also a bank of earth behind it. The posts should sustain themselves, except when the Lock was filled they might find support in two ties that run into the wall and are anchored there, and also in the wall itself: thus, though supporting themselves alone, they would find aid in resisting lateral pressure.

This kind of lock can be built in winter as well as summer.—The great care in this case is to have the sheet pile planking well done and in all the work faithfully executed.

If this Canal were now to be undertaken, I should certainly recommend cut stone locks of the best kind; but should it be attempted at this stage, it would probably destroy the use of the Canal for two or three seasons, as cut stone locks can only be built in the season when there is no frost, or between 1st May and 1st November.

If the question is asked how long the present locks can be kept up fit for use? I should say that they will fail one by one continually from this time forward, and that in all probability there will be none of them fit for use in five years more; a commencement ought therefore to be made to rebuild them as soon as possible, and continue rebuilding a number each year. There are many places where a lock entirely new can be built by the side of or near the present locks; in such case, this might be building anew in summer, and while the old lock was in use, and such lock could be built with cut stone if desired: which in a work of so great and increasing importance, I cannot but recommend.

I will now give the items of expense of a lock, if rebuilt entirely, with the exception of such parts of the old foundation as may answer.

Removing old work,		$ 200 00
2,000 cubic yards dry wall, *a* $1 50 cts.		3,000 00
	FEET.	
100 posts, 12 x 18, 22 feet long,	3,300	
100 ties, 12 x 12, 12 do.	1,200	
100 do. do. 9 do.	900	
800 feet anchor timbes, 10 x 10	650	
400 do. plates, 12 x 12,	400	
32 ps. floor timber, 8 x 12, *a* 36 ft.	768	
Timber for various uses, say,	1,000	
Cubic feet, 8,248 *a* 5 cts.		412 40
3,500 feet 2 inch plank, *a* $16 per M.		56 00
8,500 do. 3 do. *a* $24		214 00
Carpenter work,		800 00
Add gates, mitre sills, &c.		1,500 00
		6,182 40
10 per cent. for contingencies,		618 24
		$6,800 64

See Plan No. 1 & 2.

It is believed that this sum would build anew the sides of a lock 22½ feet by 110 in chambers, and put in new gates complete. These locks, when thus rebuilt, would last with no more than ordinary or small repairs, about 8 or 10 years, and whenever the upper part of the post decayed down to near the water line on the lower level, (which is as low as they will decay,) they may be renewed in toto, or they might be spliced by taking off the decayed part and putting on a sound piece instead and replanking the new part, which would restore their usefulness for years, excepting however the gates, which must be replaced once in 10 years, if constructed in the common way. I should advise, in making new gates, that the timber be cut in February and seasoned under cover; that great care be taken to make the joints well and put them together with tar, oil and paint, and well coated over every year. I believe this course will make gates endure nearly twice the length of time they will without this precaution. It will be seen that repairing such a lock, with new posts in part and some new planking, will cost but a trifle. The greatest item of expense in repairs is the new gates, which is however, common to all, and will require to be done whether the locks are of wood or of cut stone. I cannot close this branch of the subject without repeating the caution to have the sheet pile planking most thoroughly done about the head of lock and upper gates, to prevent any chance of water finding its way under or around in rear of the walls and undermining the foundation.

The present gates are very faulty in the bars, not being near enough to each other, and also in the size and form of the timber of which the bars are made; 14 by 18 inches is a suitable size for the heel post; the toe post may be 12 inches thick; and the bars, allowing for planking, should be 14 inches at the heel post; 16 inches in the middle, and 12 at the toe post—varying in the vertical dimension according to the depth below the surface or the superincumbent pressure: I have drawn a plan which will be readily understood, such as I would recommend them to be built, remarking that the tenons and mortices should be made in the best possible manner to secure strength without relying too much upon iron.

The three locks below Saint Catharines which are 120 by 32 in the chamber, were originally intended for steam-boats, it is not probable they can ever be used for that purpose; when renewed, they ought to be reduced to the size contemplated for the other locks. In the reduction, they afford a facility for rebuilding which does not appertain to the others. The face timber and such part of the old work as shall be necessary to make room for the dry wall can be removed. The size and extent of the floor timbers will afford every needful advantage for placing upright posts and securing them well. The present gates of these wide locks are very weak, as well as too unwieldy to be opened by a balance beam—I apprehend that they will give too much trouble, so much so, that I can almost advise to make these locks the same width as the others whenever the gates require to be renewed.

I have in Plans No. 2 and No. 4, given the ground plan and elevation of a lock, in accordance with the plan I recommend whenever the locks are to be rebuilt. The cost of such a lock on an entire new site

would be thus, for ten feet lift:—

Say 4,700 cubic yards excavation in lock pit, @ 15 cts.,.....		$ 705 00
Say 2,500 cubic yards dry wall, of mountain, stone @ $1 50 cts., ...		3,750 00
	QUANTITY	
32 cross sleepers, 12 in. by 12, and 50 feet in length,.....	1,600	
42 cross sleepers, 12 by 12, 56 feet in length,.....	2,100	
Backing streak sills,.....	350	
116 posts, 12 by 12 in. 22 feet in length,.....	2,532	
4 posts 18 by 12 in. 22 ft. in length,	132	
8 attached posts 18 by 16 in. 22 feet in length,.....	350	
4 hollow posts 24 by 18 in. 22 feet in length,.....	264	
Coping timber, 14 by 12 in.,....	390	
84 wall ties, 8 by 14 in. 12 ft. len.	1,008	
80 do. " " 9 "	756	
20 do. " " 13 "	260	
20 do. " " 10 "	200	
Anchors 8 by 12,.....	1,200	
Contingent Timber,.....	1,000	
	12,162	
12,162 ft. timber, at 5cts. pr. hundred,		608 10
Iron bolts, spikes, &c.,.....		250 00
4,800 ft. 4 inch plank, hemlock, at $20		96 00
4,800 " 2 " good quality pine, at $16,.....		76 00
8,000 " 2½ " do. at $20,		160 00
1,000 " 3 " good sheet pile plank,		20 00
Gates, mitre sills, and iron work,....		1,600 00
Workmanship,.....		1,000 00
		$8,285 10
Contingencies; sheet piling, puddling, &c.; banking in lock,.....		500 00
Add 10 per cent.,.....		878 51
		$9,663 61

(See plans 3 and 4.)

This sum would, I believe, build a good lock, and one easily kept in order 20 years, or until timber becomes very expensive; and it has the advantage over cut stone locks, in the fact that all repairs can be made in the season whilst there is no navigation on the Canal—which is the strong argument for building this kind of lock on this Canal at present.

Here follows a calculation for cut stone locks of the same size:

4700 yds. excavation of lock pit, @ 15cts,		$ 705 00
	FEET.	
42 Floor Timbers, 12 by 12, 56 ft. long,.....	2,100	
32 Floor Timbers, " " 50 "	1,600	
Extra,.....	1,000	
	4,700	
4,700 feet timber, at $5,.....		235 00
7,900 " 4 inch plank, (hemlock) $20,		158 00
4,800 " 2 " " (pine) $16,...		77 00
1,000 " 3 " " " $24,...		24 00
Spikes, bolts, &c.,.....		100 00
Laying floor and sheet piling,.....		300 00
2,300 cubic yards of cut stone masonry, @ $6,.....		13,800 00
Gates, mitre sills, &c., complete,.....		1,600 00
Puddling, and banking lock,.....		500 00
		$17,499 00
10 per cent for contingencies,...		1,749 90
		$19,248 90

This sum is sufficient to build good stone locks,—although I am not well informed as to the situation of stone of first quality for cutting. I have seen some near Lake Erie, and presume they are to be found within ten miles. In my estimate I have considered that one barrel of water lime, or five bushels, should be used to each cubic yard of masonry.

Having given the above items, as far as my knowledge of localities and circumstances will enable me to do so, I leave the correction to be made as advantages may be available, to cause a reduction in the cost.

I come now to the examination of the Feeder, commencing at Dunnville on Grand River—(four miles and three quarters from the mouth of the River)—being twenty miles and seventy-five chains, or nearly twenty-one miles in length. A dam to raise the water seven feet is thrown across the river at Dunnville, which, by raising the whole water of the river, occasions it to set back about twenty miles, overflowing the banks of the river in many parts of this distance.

This feeder has a fall in the distance, of two feet—the descent is by regular off-sets of six inches each, in four different places,—though it appears that a part near Dunnville is only four feet; it has, however, generally five feet depth of water. I am informed that at stated seasons of drought it yields to the Canal but a scanty supply of water. In a Canal of this magnitude and importance, where vessels of 140 tons are to pass, I have before observed, that an inch of water is very material, and to ensure the greatest usefulness to the navigation, a certain supply must be relied on.

The Dam at Grand River requires to be made more perfect and safe by gravelling to prevent leaks, and securing the Western or South Western side. It is a most important inquiry, how we can obtain a greater supply of water for the main Canal?

Two plans have been proposed—one to raise the Dam at Dunnville one foot higher—the other to deepen and widen the feeder.—The original plan of the feeder was twenty feet on the bottom; forty feet top; and five feet water. From the information derived from Mr. Keefer, the Engineer, it appears that 51,485 cubic yards are yet to be removed, to give it the original width and depth, between the junction and the bend near Broad Creek, being 16 miles and 30 chains, and from thence to Dunnville, 4 miles and 45 chains, it is still more obstructed, by being both shallow and narrow in many places.

Considering the low situation of the ground at Dunnville; the great extent of land flooded above the Dam, and the low situation of the country below Dunnville along the feeder; and that the latter, by its overflowing, destroys much of the country for

a great part of the distance of seven or eight miles below Dunnville on the upper side of the feeder, I am decidedly of opinion that the feeder ought to be made 46 feet wide on the water line; 28 feet bottom and 6 feet deep, with slopes 1½ to 1, as the least capacity that will ensure a constant and uniform supply at all times.

If the feeder was finished according to the original plan, it would give 150 feet in a cross section, and if made according to the plan I now suggest, a cross section will be 222 feet.

If we take into consideration the reduced proportion of friction of the sides, and the increased velocity by reason of depth, the feeder when made 28 feet bottom, 46 feet top, and 6 feet water, will deliver water as much greater in quantity, than the original plan of 20: 40: and 5, as in the proportion of 7 to 4. The unfinished state of the feeder, and the water grass, operating greatly to check the velocity of the current, are causes which now impede the supply from passing down to the Canal. By deeping and widening the feeder we shall gain several important considerations:—

First. We shall obtain earth to form a berm bank, sufficient to prevent the water from overflowing the country on the side opposite the tow path.

Second. We shall ensure the safety of the dam at Dunnville, which is now as high as it ever ought to be for its own security, or for the welfare of the inhabitants adjacent to the River. If the height of the Dam could be somewhat reduced, it would be a great point gained. According to my calculations, if the feeder is made of the size I now propose, you can obtain a most abundant supply of water at the most severe drought, and the Dam may at the same time be reduced six inches.

The proper data are not within my reach upon which to give an exact calculation as to the quantities of excavation which will be required to make the whole feeder of the dimensions I recommend: but I can approximate to accuracy sufficient for our purposes. Mr. Keefer has given me the quantity which will be required to make the feeder its original intended size, from its junction with the main Canal to Broad Creek, 16 miles and 30 chains, viz.

51,475 cubic yards of excavation.

I have assumed, from the best calculation I can make, that it will require, in addion to the above, to make the feeder 46: 28: and 6: about—

350,000 cubic yards of excavation.

401,475 cubic yards at 12 cents,.....$48,177 00

This excavation should be commenced at Dunnville and extended down, or what would be better in working it, commence at the bend near Broad Creek, in order to give greater facilities in draining the work while excavating. Instead of making the descent in the bottom by off-setts of six inches at a time, the bottom should be carried with a pretty regular descent, or at least it should be excavated deep enough to admit a full cross section of 222 feet.

By excavating the feeder the full depth, the growth of the water grass will be partially checked, whicy now occasions so much obstruction to the free passage of water.

It is impolitic in order to obtain a free admission of water into the feeder, to have the shoal part of it (and that most contracted) at its head; this part, if there is any difference, should be rather larger than the remainder, in order to receive a body of water into it freely; and care should be taken that the guard gates or guard lock should likewise not obstruct its free passage. To effect this, it may be necessary to have gates by the side of the lock, to be used when the water is low. I observed that, at Dunnville, the mouth or entrance of the feeder was entirely filled with saw logs; every thing of this kind should be prevented.

It has been stated by Mr. Keefer, that there is an appearance of quick-sand on some part of the feeder above Marshville. Should this prove very bad, it may be difficult to excavate the six feet depth, and in that case a greater width must be given to pass the 222 feet of water.

I have reflected upon the question, whether this feeder should not be made an 8 feet canal at once? There are some strong reasons for it; and many also against now entering upon the execution of such a project. Upon due reflection, to the latter I give the preponderance. I believe the excavation above proposed will afford earth sufficient to make a substantial and permanent bank on the upper or berm side, and at the same time prevent the present inundation of the adjacent country. If this should not be the result, the excavation should be carried to a greater depth, which aid the project of the enlargement of the entire feeder at a future period.

I think if the work here suggested was executed, the present, or even the reduced height of the dam, would be amply sufficient for feeding the Canal, and probably for the supply of all the present hydraulic establishments nearly the whole year.

Doubts have arisen in the minds of some respecting a sufficiency of water in the Grand River to feed the Canal. In order to be satisfied on that point, I examined the River 25 miles above Dunnville, where it is rapid and the quantity of water seen and determined to advantage. The River not being in its lowest state, however, I was obliged to obtain information from intelligent men who had known the River from 10 to 25 years. The result of my own observation, and of information from others, decided the question in my own mind, that Grand River will always furnish three times the quantity of water which can ever be wanted for the Canal.

The harbour at the mouth of Grand River was examined at the time of visiting the River. I found a pier or mole constructed by the Welland Canal Company, which appeared to stand pretty well. I observed a little repair necessary. To make a good harbour, and one that shall remain permanent, the present pier ought to be extended 150 to 200 feet further, and another should be constructed on the eastern side of the River, of 200 feet, to prevent easterly or southerly winds from forming a bar. These works can be built for 2,500 or 3,000 dollars, and when done, this will be one of the best harbours on Lake Erie; easy of entrance, and retaining 11 or 12 feet of water in its shoalest part. This being the naval depot of the Government on Lake Erie, it is on that account highly deserving of their patronage.

The Canal, agreeable to the original plan, was to have entered Grand River at Broad Creek (see Map) The harbour at this place, Port Maitland, might be made of great importance to the Canal by pursuing the following course, (i. e.) to enlarge the present feeder to 8 feet depth and 58 feet breadth at surface, and connect it by a short cut to Broad Creek, entering Grand River by a lock. The cost of this would be something like the following:—

From junction to bend near Broad Creek, 760,226 yards, *a* 15 cts...	$114,033 90
From bend near Broad Creek to Grand River, near mouth, 94,245 yards *a* 15 cts.....	14,236 65
Grubbing this last part, say,.....	3,000 00
Lock,.....	9,000 00
	$141,170 55

This sum would probably make this part of the work correspond to the original plan, and besides furnishing a more abundant supply of water for the Canal, one very great advantage would result from this expenditure, in the fact that by thus making it a main channel, it would allow vessels to pass through the Canal by one or two weeks earlier in the spring than the ice will permit them at Port Colborne.

Another plan has been spoken of, which is to enter Grand River by a lock at Dunnville. In pursuance of this plan, should the feeder be deepened 8 feet from Dunnville to Broad Creek, the expense would be much the same as that for the previous plan, and but one advantage attends it, that by an enlargement of the entire extent of the feeder, a great body of water would be admitted into the Canal, whilst on the other hand, it would render the route for the passage of vessels more circuitous by 6 or 8 miles.

The harbour at Port Colborne or Gravelly Bay, I thoroughly examined, and furnished with the soundings and positions of the shoals, &c. Nature has done much for this place, as a harbour, in giving good bold water—locked in by a reef running on each side, annd a shoal formed so as to render an advantage in the protection it can be made to give. I have given a sketch of the harbour:—

Pier *A* is now being constructed, and is intended to be 1,200 feet long, built of timber 18 feet wide and filled with stone. The estimate for the work is about $10,000, which appears the fair cost as now building.

In addition to this, to make it a Harbour where safety can be found and security against every wind, I would advise to build another pier 250 or 300 feet long against the shoal at *B*, and on the northern front of it, but so as to leave good water within it. Such a pier would cost about 4 to 5000 dollars. It should be formed with a good ice breaker at the end, which is done by facing it with strong timbers laid on at an angle of about 45 degrees, to permit the ice to slide upon the timbers whenever moved by the wind; at some future day, when the extent of trade will justify it, and that time will soon arrive, there is no doubt that a pier commencing at *C*, and running to a point 100 feet from the easterly end of pier *B*, will be made; but if the piers *A* and *B* are now made, a Steam Boat or vessel can always lie safe in any wind.

I consider the plans pursued to make a Harbour at Port Colborne to be judicious, and when accomplished, it will be every thing which can be expected as a good Harbour; safe and sufficiently spacious for a long time to come, and easy of entrance in the worst of storms.

The Harbour at Port Dalhousie, I have also examined and feel much at a loss how to remedy the faults which I think have been made in the relative position of the piers. There are two piers running not quite parallel, but nearly so; they are about 60 feet apart at the foot of the Lock, and 100 feet at their outer end; and after being carried out about 300 feet, terminate in about 9 or 10 feet water, at the lowest stage of the Lake.

The great error has been committed in the proximity of the two piers, they ought to have been 250 or 300 feet apart, and I see no way to correct the error. The Lock ought to have been placed at Pawling's Point, which is 60 rods higher up than its present location, and this, if now done, will correct some of the inconveniencies of the present plan, and enable vessels entering this Port in a storm to come to without injury.

It is said Mr. Pawling will remove the Lock, and re-build it at the place pointed out above, for ten thousand dollars. If he can do it for this sum, it will be money well expended to have it done; and also at the same time to provide a copious waste below the Lock, that all the flood waters may pass into the channel and sweep out every thing between the piers. Such a plan of waste will do much in removing obstructions and keeping the channel open.

If the lock is removed, and the piers extended about 200 or 250 feet further, it is said you will then have 14 feet water;—this is a depth which can never be much disturbed by the waves of the lake. I I should advise to have the piers gradually recede from each other, so as to be 175 or 200 feet apart at their outer end. The expense of this extension, if made 18 to 20 feet wide, of timber and stone, in the same way as the other part will be from 7 to $9,000. These two alterations would make the harbour a tolerable one; and I should think a steam-boat or vessel might enter in a storm very safely.

It has been suggested that I should advise as to a a plan of wooden culverts, intended to drain the swampy grounds along the canal, and where the head or pressure of water would be very considerable whenever the water is drawn out of the Canal. In all cases where the culvert is to be immersed in water, wooden culverts are durable and much cheaper than stone, and are indeed better, if rightly constructed; because stone culverts, in a case of the kind I have stated, would burst with the head of water forcing it. The manner of constructing such culverts is, to have clamps of scantling well framed together, and keyed up strongly on the outside. Any mill-wright who has ever made what is called a pent stock, to convey water to a mill, will understand it perfectly. The whole consists in planking the inside of a strong square frame of such size as shall be thought advisable to suit the case. I have had them made of 8 or 10 feet square, and conveyed water of the level of that in the Canal, but shut out from it, under the Canal, making it rise again and pass off to a large manufactory. The plan is simple, and only

requires one precaution; that is, to have collars of sheet pile plank run under the bottom, around the sides, and over the top, 2 feet wide all around, directly under the centre of each culvert. The plank may be driven as ordinarily, and the sides secured to a cross piece at top and bottom. The object and design in this is to prevent the water in the Canal from finding its way to the culvert and following the planking, thereby cause a breach in the bank.

To guard the use of the water power which the Company have conveyed to individuals, I think, wherever used for hydraulic purposes, there ought to be a regulating waste to rise within two or three inches of the water line intended to be preserved.—By having this regulating waste of sufficient length, a quantity of water, abundant for mill purposes, will pass over without detriment to navigation. If the mill owners are not thus controlled in the too frequent use of water, the Canal will suffer. It is well known to Captains of vessels, that want of an inch of water may cause considerable detention; and mill owners should not impair the usefulness of the Canal.

In regard to stop gates to secure against breaches, or for facility in draining the Canal when necessary, I should certainly advise to have a stop-gate put as near to Port Colborne as a good bottom can be found. If rock bottom can be found within half a mile, or about that distance, I should place a stop or safety gate at that place, at the time the Canal excavation is going on. Another ought to be made, just beyond the aqueduct, to secure against any breach about that work.

I will now recapitulate the several items of expense which I consider first of all necessary:

Making Port Colborne a good Harbour—say.....	$16,000 00
Excavation of Canal from Port Colborne to the junction, 36 feet bottom	38,206 40
Excavation between junction and Port Robinson.....	14,111 20
Excavation of Deep Cut.....	9,680 00
Securing the Canal from wash of spoil bank.....	1,200 00
Deepening and widening feeder to a depth of at least six feet.....	48,177 00
	$127,374 60

If thought unadvisable to give the Canal the 36 feet bottom and 60 feet top then from this we deduct

50,020 yards excavation, @ 20 cts..	$10,004 00
11,000 yards rock, @ $1.....	11,000 00
36,000 yards excavation, @ 16 cts..	5,670 00
12,500 yards excavation, @ 40 cts..	5,000 00
$127,374 60—less—	$31,764 00

Which leaves the sum of.....$95,610 60 to make this part of the Canal according to its original plan. I, however advise to have it excavated the full width of 36 feet bottom; and I have never found any great danger of banks sloping 1½ to 1, or 33 degress from the horison, giving way so as to do any injury—more particularly in a Ship Canal, where the wash of the banks from rapid motion does not occur; which, if it should happen, would still be no serious disadvantage.

If to the first sum we add what will secure the banks at Deep Cut, $20,000,—say for $150,000 all this can be accomplished.

Next to these are the repairs or renewal of Locks. There are 38 Locks on the main line of Canal, and to repair them according to one estimate, saving the old foundations, will cost each, $6,800. As the Lock at Port Colborne is new, and is built different from the others, being backed up with stone, I do not include that Lock, and will say 37 Locks, @ $6,800 each, = $251,600.

The calculation being made for a Lock of 10 feet lift, I believe the estimate as above will also cover the removal of the Lock at Port Dalhousie up to Pawling's Point, if it can be done, for the sum which has been previously named, and a saving may be made in each Lock by using the old timber in bottom, under the walls of stone, where it will be immersed in water.

The expense of extending the piers at Port Dalhousie, which I have estimated at $7,000, I do not include, as that item will depend on the question whether the branch is to be made to Niagara River.

I have examined Mr. Barrett's report of the expense of a branch from the present Canal to the mouth of Niagara River.

It appears from this Report that two plans are proposed and estimated for by Mr. Barrett.—One commencing at the head of Lock 31, and descending to Niagara River; the other commencing at the head of Lock 18: at 2 miles and 62 chains it joins the other route. (See Messrs. Barrett and Keefer's Report.)

Messrs. B. and K. have not given the items of expense which form the cost of each of these routes, a circumstance much regretted by me. It appears that the ground is generally very favourable, and they have estimated the total cost of the

Southern Route at.....	$401,483 06
Northern Route at.....	308,949 88

It was unfortunate that the details of these estimates were not to be obtained before I left the Welland Canal. Learning from gentlemen that Mr. Barrett had made such surveys and estimates, and having known Mr. Barrett for many years, I was induced to hope they might be found, and save all the expense of making another survey. I am, however, much disappointed in not finding the items of expense of excavation, the expense of Locks, &c., which, after seeing the general formation of the country, would have given me the means of making up an opinion as to the accuracy of their estimate.

I have previously given an estimate of what I should consider the expense of a cut stone Lock; but if I understand Mr. Barrett's Report, he did not intend to have any thing better than rubble work, except at Niagara; and I see that he only intended 100 feet between the gates, whereas I have 110 feet.

Upon my plan of cut stone locks, built in the best manner, I make them cost each,.. $19,248 00

18 locks, at $19,248,.....	$346,464 00
12 miles of canal excavation, embankments, culverts, bridges, &c. at $10,000,.....	120,000 00
	$466,464 00

On the Southern route,

31 locks at $19,248,.....	$596.68S 00
12¾ miles excavation, bridges, culverts &c., at $10,000,.....	127,500 00
	$724,18S 00

If the other plan of building locks should be adapted for this case, (which I do not recommend) the calculation would stand thus:

1S locks, at $9,663, is.....	$173,924 00
12 miles canal excavation, bridges, culverts, &c.	120,000 00
	$293,934 00

It may be said, that with locks of this kind, 300,000 dollars would make the branch on the northeren route—(See map of the Country.)

The one advantage would accrue from proceeding immediately to construct this branch, viz: that it might be finished in two years after contracts were made and a good navigation secured, before many of the other locks below the junciton of this Canal would give way, so as to require an entire renewal.

Taking into view the situation of the Welland Canal, the comparative security of the harbor at the mouth of Niagara, and the advantages to the town of Niagara, as a commercial place—these, and many other considerations of much weight, induce me to recommend very strongly this branch to be made.

If the question is asked—why not adopt for this Canal a corresponding size with the intended Canal and locks in the proposed improvement along the Saint Lawrence to Prescott?—to this I reply, that the great amount of lockage, and the great expense of such large steam-boat locks—the doubts whether steam will ever take the place of sails on these lakes—on the contrary, a present belief that the latter will always transport nearly all the products of the country on these inland seas—all determine my mind that the locks ought not to be at this time any larger than the plan for the Welland Canal, viz: 24 by 110 feet.

In concluding my report upon the Welland Canal, my duty leads me to a few remarks upon the present importance of the whole work, and more especially its thousand-fold prospective usefulness; at this latter point, you will perceive I have particulary arrived in the formation of my plans and estimates.

North of the 37th degree of latitude, and east of the Rocky Mountains, is a vast expanse of country, capable of sustaining a population of 50 millions; and which in 25 years hence will have a population of more than 10 millions. With this rapid and mighty increase of population adjacent to the shores of the Upper Lakes and their tributaries, to what direction shall we look for an outlet for their surplus products?

The three general outlets are: 1st. To New Orleans by the way of the Mississippi. 2d. To New York by the way of Canada, and the Hudson, and such railroads as may be made auxiliary thereto. 3d. To Montreal and Quebec. To the first, the insalubrity of the climate is an insuperable obstacle to a regular trade. It is one of those natural impediments which there exists no way of fully counteracting, although the introduction of steam vessels on that River and its tributaries will do much to alleviate this disadvantage, still the trade inclines to seek its connexion with some other quarter. We see this in the fact, that the Erie Canal, in the short period of its use, is even now thronged with boats, a small part of which are as yet the transports of the products west of Buffalo, and complaints are made of the insufficiency of this channel. Of the several cities on the atlantic border, I have mentioned New York only: her vast superiority in local position and other natural advantages, will ever give her a commanding influence over the trade of the interior, compared with her sister cities. Pennsylvania, it is true, is doing much for her commercial emporium, but the elevated region she is compelled to intersect is a great obstacle to her efforts. Thus between N. York, Montreal and Quebec, more of an equal competition will ensue for the trade of the upper country. Had it been possible to attain any thing like as easy a communication as the Welland Canal between Lakes Erie and Ontario on this side of Niagara River, the natural jealousy of a commercial rival would have interfered. So that, fortunately for your Government, Gentlemen, you are in the possession of the power to prevent an entire monopoly of the trade alluded to.

The cheapness of transportation, via Lake Ontario to Montreal, is a decided advantage, and not easy, if at all, countervailable. It only remains to be seen how far the policy of your Government, with respect to this work, will correspond with the object to be attained. We may set down as certain, to Montreal the trade of the country adjacent to Lake Erie, lying within the precincts of your government; and to this may we not add one half the trade of Ohio, Indiana, Illinois and Michigan. Is it not then correct to say, with the Welland Canal in good order, the commercial importance of Quebec and Montreal will be doubled? The jealousy and apprehension above adverted to, of a diversion of trade from New York down the St. Lawrence, has long existed; in proof of which, I need only introduce a paragraph or two from a report made to the Legislature of the State of New York, by the Canal Commissioners, March 2d, 1811. Two routes had been suggested to obtain the trade of the West—one, the direct communication to Lake Erie now adopted—the other, a cut round Niagara Falls, and from Albany by Rome to Oswego, terminating the Canal there. Notwithstanding the limited pecuniary resources were at that time a great impediment, still, on a comparison of the cost and obstacles of the former with the latter, they put the interrogation.—"Whether, it being less difficult and expensive, it would not be advisable to descend into Lake Ontario, rather than encounter the difficulty and expense of the other course?"—to which they reply:—

"The Commissioners believe it would not: and, "without relying, as they might, for support of their "opinion on the comparative expense of transporta-"tion, it is sufficient to say, that articles for expor-"tation when once afloat on Lake Ontario, will, ge-"nerally speaking, go to Montreal, unless our Bri-"tish neighbours are blind to their own interests; a "charge which ought not lightly to be made against "a commercial nation."

"Freight from Niagara to Oswego, will, from the "difficult and dangerous access to that harbour, be "as high as to the head of the rapids in the River "St. Lawrence. The descent from thence to Mon- "treal is less than the ascent from Oswego to Rome. "It is true that Lake Ontario is estimated at 196 "feet above tide water; and the Rome level only "184 feet above the lake; but there is a considera- "ble descent in the River St. Lawrence, in a distance "of about 70 miles to the lower end of the present "sloop navigation, through which the current is "sometimes very strong. There is also a consider- "able descent from Montreal in a distance of about "30 miles, to tide water in the Lake St. Peters. "Perhaps it will be found that an average allowance "of 3 inches per mile (in the whole, upwards of "twenty feet) is not too much, and that the river at "Montreal is not one hundred and seventy feet be- "low the upper surface of the Gallop Rapids. In "the distance of one hundred miles between these "places, there are forty of still water, viz: about "thirty in Lake St. Francis, between the foot of "Longue Salt and the head of the Coteau du Lac "rapid, and upwards of ten in the lake of two "mountains, between the foot of the cascades at the "Cedars and the Lachine rapid. Thus there will remain "but 60 miles of canal, with an average fall of 34 inches "per mile. The land descends proportionately to "the water, so that there can be but little deep cut- "ting. The soil is easy to dig; there are no streams "or ravines of any consequence to cross, and there "is an inexhaustible supply of pure water, which "never varies much in its height, for any Canal "whatever.

"Under circumstances so propitious, it is proba- "ble that a good sloop navigation from above the "gallops to Montreal, would cost less than a good "boat navigation from Oswego to Rome. The ex- "tent of this last, deducting Oneida Lake, is 56 "miles. The fall is on an average, near 40 inches "per mile. The supply of water is doubtful; and "in 12 miles of the distance, obstacles almost insur- "mountable present themselves.

"These are facts to which it would be vain "for the citizens of the United States to shut their "eyes. The eyes of a rich, enterprising, com- "mercial rival are open; and when it is considered "that (if the means of easy export be supplied to the "inhabitants who may settle near the lakes) that "country will in no distant period, furnish a more "abundant stock of commodities for foreign trade, "than is now sent from all the atlantic ports of the "Union; it would be absurd to doubt, whether, in "the competition for that commerce, our neighbors "will employ the means in their power. Nor must "it be forgotten, that the revenue which, under pre- "sent circumstances, is raised from commerce, and "which no probable change will reduce below an "ad valorem duty of 10 per cent., cannot but oper- "ate in favor of our rivals. True it is, that, so far "as regards the pecuniary benefits of those who may "settle along the lakes, the routes by which their "products are sent abroad, and their supplies of for- "eign articles introduced, must be to them a matter "of little consequence; but the political connexion "which would probably result from a commercial "connexion, certainly deserves the consideration of "intelligent men."

Although there are some errors in the statement here made, in regard to descent of water, and some want of knowledge of the lake of two mountains, as now understood; I have inserted it to shew the views of those gentlemen at that early day, as to rivalship of Montreal and Quebec.

I have the honor to be,
Gentlemen,
Very Respectfully,
Your Obed't Servant,
BENJAMIN WRIGHT.

New York, October 3, 1833.

Having written the foregoing, and time not allowing me to make any alterations previous to a necessary departure from hence, I have received in the mean time Mr. Barrett's report of items of expense on the branch to Niagara.

If Mr. Barrett is correct in his amount of excavation, embankment, &c.—I am in error as to the expense of that branch to Niagara.

I see Mr. B. averages all the items of excavation, embankment, bridges, waste wiers, acqueducts, culverts, grubbing, &c. at about 12 or 13 thousand dollars per mile, but his locks only $6,600 each.—These are exclusive of the 10 per cent. for contingencies. The prices at which he puts excavation and embankment must be very ample, and a little more than I should think it would cost under good management.

I make these remarks in explanation, and to guard against any disappointments in my estimates, as I wish that the public should not feel that any thing is attempted to be concealed,—or not fairly estimated at its real cost.

I will now give another view of the expenditure which I think ought to be provided for, so as to make the annual repairs and improvements come within the least proper and reasonable means.

1st. The expenditures which are absolutely necessary the present winter and spring, are,

Widening from the junction to Port Robinson, 52,195 yards, *a* 16 cents,	$ 8,351 20
Finishing piers at Port Colborne.....	16,000 00
Gravelling dam at Dunnville, say,.....	1,000 00
Repairing ends of locks, say 12, *a* $250 each.....	3,000 00
NOTE.—This is only to make them last as long as possible, and to be prepared by contract to procure suitable materials at a future day.	
Spoil Bank,.....	1,200 00
Contingencies for lock-gates, &c. say..	4,000 00
	$33,551 20

This being done the navigation will be kept open through the season of 1834.

For the fall and winter of 1834-35, there should be provision made for widening feeder in all parts where the dimensions are not 40 x 20 x 5, say,..	$8,000 00

Widening main trunk from junction to Port Colborne, thus:—

45,032 yards, *a* 26 cents,.....	9,186 40
8,020 do. (rock,).....	8,020 00
Deep Cut, expend say.....	$ 9,680 00
Repairing another set of 12 Locks as before.....	3,000 00
Contingencies for new gates, &c.....	4,000 00
This year, I think at least four new locks should be built at $6,800.....	27,200 00
Extending piers at Port Dalhousie, say.	10,000 00
	$79,086 40

NOTE.—I have said $8,000 for widening the feeder, because I believed it would be better to deepen some part to the depth of 6 feet, and the width I have recommended to shew the effect in part upon the current; if there is half a mile upon one continuous piece, it will be a good opportunity to test the velocity of water in the 6, 46 and 28 feet feeder, and from such an experiment much information may be gained as to the correctness of my views in regard to the height of the dam at Dunnville.

The above being completed, there would remain to be provided for:—

The widening and deepening of the feeder.....	$ 42,000 00
Ditto of main Canal.....	31,764 00
Sloping banks at Deep Cut.....	20,000 00
Canal from Broad Creek to mouth of Grand River.....	26,236 65
Deepening feeder to 8 feet.....	66,756 90
33 new locks at $6,800.....	224,400 00
	$411,157 55

These would be attended to from year to year, as the appearance of sustaining the navigation should seem to require, and probably all the locks would have to be renewed, except that at Port Colborne, within four years. The time for the excavation of the feeder to an equal depth with the main Canal, might be extended to 3 or 4 years, if it was thought advisable, or even longer; but I think when once undertaken, it should be prosecuted and completed, beginning at one end and pursuing regularly so as to require no removal of water from the part finished.

I cannot close without adverting to the use of water at Marshville for hydraulic purposes. There is but a small portion of the year when these mills can be permitted to move without injury to the Canal. It is certainly proper to discourage any further erections of hydraulic works at that place, as the time will soon arrive when the use of the Canal will be so great as to require all the water at a low season: and the drawing off any portion at that place, by interrupting the flow or velocity of the current at that point, is an evil beyond the quantity of water taken, as it reduces the head of water and checks the flow of the remainder very greatly. The injury may not be so great when there is a flood in the Grand River; but there ought to be a diminution instead of any increase of hydraulic works both at Dunnville and Marshville.

No. 3.

THE WESTERN TRADE.

TO THE MERCHANTS OF NEW-YORK,—

The struggle for the commerce of the great west, now evidently existing between the States of New York, Pennsylvania, Maryland, and the Canadas, emboldens an old merchant, who once was a member of your community, to address you a few brief remarks, which, during some years of observation and experience in the North Western parts of this State, have impressed themselves on his mind as incontrovertible truths. Receive them as such I pray you; and believe him when he assures you that it is his sincere conviction that the plan he proposes to you is the only one by which you can effectually and permanently secure the Western Trade to your city. *Read, examine, and judge for yourselves.*

The time is not far distant when your own, and the eyes of the people in general will be open to their true interests on the subject of inland navigation. The doctrine *"that rivers and lakes are only made to be feeders for Canals"* is fast losing ground. An expected rise of lands, and the money spent in the districts through which canals are made, are generally the great inducements to keep truth from the public. I do not mean to say that the Canals already made and contemplated to be made are not beneficial; but I do assert that the money spent on them, and particularly that spent on the Erie Canal, could have been laid out to much greater advantage by making a steam boat navigation via Oswego river, &c., to Albany and New York—by connecting Lakes Erie and Ontario—by improving the navigation of the Genesee and Seneca rivers, &c. If this had been done, the State of New York would have gained *doubly* the advantages the Erie Canal has afforded.

I prophecy that New York will yet have to make such a navigation in self defence. The Canadas have become wide awake to their true interests. They have begun to move, and that great and fertile country (hitherto misunderstood by all the world, and particularly so by the English Government) has within the last five years, made more rapid progress in wealth, population, and improvement than it has done for 50 years previously. Some gigantic works have been begun and completed; but the same short sighted policy that created a canal of 200 miles running parallel with one of the greatest lakes in the world (Lake Ontario) within an average distance of only fifteen miles, has also produced their Rideau Canal at a cost of above six millions of dollars—running parallel with the St. Lawrence, the outlet of our inland seas, at a distance of only a few miles. It proves not to answer the expectations entertained for the purposes of commerce, although it is said that in a military point of view it promises all that was anticipated from its construction.

The Welland Canal, connecting Lakes Ontario and Erie, *built* by private enterprise for the navigation of schooners drawing about 8 feet water however has destroyed the delusion of the Canadas. They now look to the St. Lawrence as the means of realising their golden dreams of drawing the commerce of the great West to Montreal and Quebec; and they will not be disappointed in their most sanguine expectations unless you prevent them. Less than three

millions of dollars will open a steam boat navigation from Lake Superior and all intervening waters to Montreal and Quebec. Can you suppose that the ditches and railroads connecting Lake Erie and the Hudson, the Monongahela and the Susquehannah, the Ohio and the Chesapeake—can and will prevent the trade of the west from following this grand natural highway? No, never. Expend your tens, your hundreds of millions, it is in vain! *Take off all the tolls on your canals, and it is still in vain!* If you merchants of New York wish to keep the trade of the west—make a steam boat canal around the Falls of Niagara; make the Oswego, the Oneida Lake, and the Mohawk navigable for steam boats, and you will secure it to your city.—All this I assert can be done for a less sum than the Erie Canal has cost

Cupidity, littleness of mind, and mean political considerations—I know it—are strongly against this plan, but when the mischief is done, then you must, you will adopt it—perhaps too late.

A great deal has been said about the dangers of the lake navigation. False reports have been and are continually raised, and small accidents aggravated into disasters. The same story is renewed a half a dozen times, and as often displayed under new colors, so that at last you have been made to believe that there is nothing but storms, ice, and disasters on the lake! and hence you are told that ditches must be made!—The great Ohio must be connected with the Hudson by a Ditch!—Can it be, when such mighty waters have been furnished by nature, and as it were within sight of magnificent rivers, holding forth their hands to be united with them, that a ditch is to be the channel of communication between the great Hudson and the mighty Mississippi?

Cunning speculators and selfish politicians tell you that the Lakes are navigable only during part of the year. True they are so, say from the beginning of April to the beginning of December, (I speak here only of Ontario and Erie) and that therefore they wont do. But I ask will Canals do better? No, not a jot. The same causes operate still more to the prejudice of the Canals than to the Lakes. But should this argument be worth any thing, why not make a Canal through the valley of the Mississippi? During how many months of the year are its streams unfit for navigation, when on account of the lowness of the water all trade is suspended? You will find that the difference in the feasibility of these two great routes, the one on account of winter, and the other on account of summer, is not very great—nay scarcely worth mentioning.

As to the risks of Lake navigation for Steamboats, it is, to say the least, not greater than that of the Mississippi, the Ohio, &c., where snags and other sunken impediments have destroyed more Steam Boats than any where in the world. Why not construct a ditch in lieu of making use of these dangerous Rivers? Besides, these ditches through the valley of the Mississippi would probably have the advantage over the northern ditches, that they would never freeze, and of course could always be used.

The risk of Lake Ontario during the months of navigation, I am persuaded is not greater than that of Long Island Sound. The best proof is that since Steam Boats have been introduced on the Lake (and there are now between thirty and forty, large and small, on Lake Ontario,) there have been but two Boats lost, viz: the Martha Ogden in the summer of 1832—a miserable old Boat of about 30 horse power belonging to the port of Oswego—and the John By, belonging to Upper Canada, during this summer.—The John By was a botched concern from the beginning, and neither she nor the Martha Ogden would in fact have been looked upon as seaworthy or as insurable vessels at the time they were lost.

What regards Lake Erie—although it is more dangerous than Ontario on account of its shallowness and great exposure to the winds—yet I should consider that the insurance risk during the months of May, June, July, August, September and October does not exceed the average risk of navigation during the year between New York and Boston.

To shew you the natural consequence of the St. Lawrence being made navigable for Steam Boats, I will here state to you at what rates the articles of wheat, flour, pork, and ashes, the staples of the great West, have this year been delivered at Montreal, at Oswego, and via Oswego at Albany and New York from Cleveland, at the mouth of the Ohio Canal.—They are thus:

At Montreal through the Welland Canal, by Lake Ontario and the St. Lawrence, a distance of about 650 miles:—

A bushel of Wheat, at 18 cents.
A barrel of Flour, at 60 cents.
A barrel of Pork, at 90 cents.
A ton of Ashes, at $7.

At Oswego through the Welland Canal, a distance of about 350 miles:

A bushel of Wheat, at 10 to 12½ cents.
A barrel of Flour, at 2s. 9d. to 3s.
A barrel of Pork, at 56 cents.
A ton of Ashes, at $3 50.

At Albany, by way of Oswego, a distance of about 560 miles:—

A bushel of Wheat, at 26 to 28½ cents.
A barrel of Flour, at 86 to 93 cents.
A barrel of Pork, at 130 to 135 cents.
A ton of Ashes, at $8 50.

At New York, by way of Oswego and Albany, a distance of about 700 miles:—

A bushel of Wheat, at 29 to 31½ cts.
A barrel of Flour, at 98 to 105 cts.
A barrel of Pork, at 150 to 155 cts.
A ton of Ashes, at $9½ to $10.

Making the vast difference in favor of Montreal, against New York, of 11 to 13½ cents per bushel of Wheat; of 38 to 45 cents per barrel of Flour; of 60 to 65 cents per barrel of Pork; of $2 75 to $3 per ton of Ashes.

Permit me to draw your attention particularly to the great difference in price between Canal and River, and Lake navigation; for instance—a bushel of Wheat from Albany to New York in Sloops, Schooners and Tow Boats, a distance of 150 miles, is carried for 3 cents, the same bushel of Wheat, on the Canal, from Oswego to Albany, a distance of 209 miles, is carried for 16 to 18 cents; and the very same bushel of Wheat is brought in Schooners through the Welland Canal (where it pays 1½d or 2 cents toll) to Oswego, a distance of near 400 miles, for 10 to 12½ cents.

Do not deceive yourselves with the idea that the "great Emporium" offering such ease and facilities to the man of business in selling and buying can long withstand the vast difference in favor of Montreal, when once vessels loaded at Chicago, Green Bay, Detroit, Sandusky, Cleveland, &c. can carry at a still less rate than aforementioned, a Cargo direct to Montreal, without breaking bulk,—Mind that—*without breaking bulk*. Besides, let us look at the difference of time it will take to transmit produce to Montreal and New York.—Let the obstructions in the St. Lawrence be removed, and it will not take one third the time to Montreal that it will to New York.

Take off all your Canal tolls, and still there will be a vast difference in favor of Montreal. All your efforts are in vain,—you must give up the ditch policy and adopt one more in unison with the grandeur and magnificence of the great waters with which nature has blessed the State of New York! You must make the steamboat communication between the Hudson and the Oswego in self defence: for if you do not do it the produce of the great west must and will inevitably go down the St. Lawrence. You must make a steamboat channel around the Falls of Niagara; for if you do not the Canadians will. Already are schooners carrying from 3500 to 4000 bushels of wheat sailing with ease through the Welland Canal (although not yet perfected) and this very day while I am writing, (November 19) a schooner laden with wheat arrived here (at Oswego) from Sandusky in less than four days!

Our countryman, Judge Wright, has been employed by the Canadian Government in making surveys of the St. Lawrence, and is now preparing his reports for the next session of Parliament at York; seventy thousand pounds have last year been voted towards the improvements on the St. Lawrence.

The Welland Canal will most probably pass from the hands of individuals into those of the Government: negotiations between the parties having, it is believed, already taken place.

AN OLD MERCHANT.

No. 4.

MINUTES OF THE BOARD,

13th Feb., 1833.

At a meeting of the Board of Directors, held at the Parliament Buildings, York.

PRESENT:

Alex. McDonell, *Vice President*,
Wm. Chisholm, and
Wm. Elliott, Esquires.

The minutes of the last meeting were read and approved of.

Wm. Elliott & Wm. Chisholm Esquires having been appointed by the House of Assembly Directors for the present year, took their seats accordingly.

The first subject that came under consideration of the Board was the raising of money to pay the debts due contractors and others.

The petition to the Legislature praying for aid was favorably reported on by a committee appointed to investigate the affairs of the Company, a copy of which is attached to those minutes, and the Board can only express their regret that the House of Assembly did not afford them the necessary aid to pay off the debts the Company have incurred to finish the work.

However as the Legislature have made an appropriation of £7500 to purchase stock, and have appointed Messrs Macaulay, Robinson, and Shade to expend the same,

The Board requested that the Agent and every other person belonging to the Company, will afford every necessary aid and information to carry the same into effect.

In the mean time the minutes of Council respecting the relinquishment of the Government Mortgage on the Hydraulic situations were read, and in compliance with the term of the conditions therein expressed, it was—

Resolved, That a bond be made out by the Company pledging them to lay out the money which may be obtained on the security of the Hydraulic works in payment of the debts incurred and the remainder applied on the line of the canal.

That a memorial be presented to His Excellency the Lieut. Governor, praying that His Excellency will authorize the Attorney General to make out the necessary instrument to relinquish the Mortgage held by His Majesty's Government on the Hydraulic works on procuring a bond from the Welland Canal Company that the money raised on the Hydraulic security shall be applied in payment of the debts due by the Company and the residue in placing the works on the Canal in a state of perfect repair, the following is a copy of the memorial to be presented to His Excellency the Lieut. Governor.

To His Excellency Sir John Colborne, K. C. B. &c. &c. &c.

The memorial of the Welland Canal Company most respectfully represents—

That the minute of Council has been made authorising the relinquishment of the Hydraulic situations on condition the Company will give a pledge to expend the sum on the Canal and Feeder—but does not express the payment of debts already incurred amounting to about £11,000.

Your memorialists therefore pray Your Excellency will be pleased to direct His Majesty's Attorney General to draw out the release on the security held by His Majesty's Government on those works, on receiving a pledge from the Welland Canal Company that the money shall be applied in payment of debts now due by the Company and the residue in completing the Canal, and as in duty bound will ever pray.

Mr. Merritt having notified the Board that his services will be no longer required by the Company after settling up the accounts,

Resolved, That due notice be given that all demands against the Company be presented on or before the first day of May next, and in the mean time that Messrs. McDonnell, Creighton, and George Keefer Esquires compose a committee to examine

and report on the same for the decision of the Board and will meet at the Canal Office in St. Catharines on the first Wednesday in June next, and there to remain until the affairs of the Company are finally settled and disposed of.

Resolved, That the Agent be authorised to negotiate with and see every individual having claims for damages, and if the Committee approve thereof settle the same before coming to an arbitration.

Opening the Canal by the 1st. of April being a subject of the greatest possible importance to the interests of the Company,

Resolved, That the Commissioners appointed by the Legislature communicate their views and intentions on that subject that a mutual understanding and cordial co-operation should exist for its accomplishment.

Resolved, That a meeting of the Board at the Canal Office take place on the first Thursday of next month at the usual hour.

A letter from Absalom Shade having been read respecting his claim for damages by detention on the Canal last year.

Resolved, That Mr. Shade be paid in future tolls, such sum as the Committee may think fair, after examining the claim which is not now before the Board.

The draft of a Report for 1832, was submitted by the Agent.

Resolved, That the same be approved of, and is ordered to be printed.

February 27th, 1833.

At a Meeting of the Board of Directors, held at the Canal Office, St. Catharines.

PRESENT:

Alexander M'Donell, Esq., *Vice-President.*
William Elliott,
William Chisholm, and
Thomas Butler, Esquires.

The minutes were read and confirmed.

The application to the Bank of Upper Canada being read, and the answer thereto, it was *Resolved*, to summon a general meeting of the Board on the morrow to adopt some measure to provide means for paying off the demands.

That Captain Creighton and George Keefer, Esquire, be summoned forthwith, and a messenger be expressly sent to deliver the same.

The Board then adjourned to meet to-morrow.

February, 18*th*, 1833.

Pursuant to adjournment the Board met at the Canal ffice.

PRESENT:

Alexander Y. McDonell, Esq. *Vice President.*
George Keefer,
Captain Ogden Creighton,
Thomas Butler,
William Elliott, and
William Chisholm, Esquires.

The last minutes being read were approved and confirmed.

1st. *Resolved*, That the correspondence with the Bank of Upper Canada be recorded on the minutes to shew that every exertion has been made by the Directors to obtain money to meet their engagements and prevent the expenses of litigation which must inevitably follow if money is not provided.

The Board cannot help expressing their surprise that the Directors of the Bank should refuse accommodating the Compaey with so trifling an amount after having made so large a sum out of the operations of the Company.

In order to obtain the amount necessary to pay off the debts due by the Company,

Resolved, That the mortgage held by the Company, the relinquishment of the mortgages held by His Majesty's Government and all necessary papers be made out by Mr. McDonell, and procured accordingly.

The estimate to the 1st of November was examined and approved.

Resolved, That an application be immediately made to His Excellency Sir John Colborne, to declare the Port at Gravelly Bay now open, the work being so far finished as to warrant the application and to be called Port Colborne if it meets His Excellency's approbation.

A letter from the Hon. John H. Dunn, being read, tendering the resignation of his situation as President of the Company,

It was unanimously *Resolved*, That a communication be made in reply to Mr. Dunn, complimentary as to his services as President—and that the Board cannot at this time admit of the acceptance of his resignation.

1st. *Resolved*, That a communication be made to the Commissioners appointed by the Legislature advising them of the necessity that one of them should give his personal attendance on the work to ensure an early navigation.

Ordered, That the Report for 1832, be signed with our names after the approval of the Vice President, Messrs. Keefer, Creighton, and Butler.

Resolved, That the first toll collected on the Canal shall be plaeed in the Bank to redeem a note of hand given by Messrs. McDonell, Chisholm, Elliott, Keefer, Creighton, and Merritt, for the sum of £500 payable in one year.

The Board then adjourned.

May 1*st*, 1833.

At a meeting of the Board of Directors, at the Canal Office, St. Catharines,

PRESENT.

Alexander McDonell, Esq., *Vice President*,
George Keefer,
Thomas Butler, and
Ogden Creighton, Esquires.

Ordered, That the general statement of the Company's affairs now submitted and the list of debts due

by and to the Company be approved of, and that the same be entered on the minutes.

Resolved, That an alphabetical list be made out of the names of those persons to whom the Company are indebted, with the respective amounts opposite thereto, which is to include the balance due on every transaction with the Company, and that notes be made out for the respective amounts payable on demand, for £2 10s., and under—In six months over £2 10s., and under £10—In one year for sums over £10—signed by the Vice President and countersigned by the Secretary.

Resolved, That the several amounts due the Company be put in course of collection forthwith and brought to a close. The Secretary to select such as are uncertain of being collected and settle them himself, and if not able to do so, to place them to account of profit and loss.

Whereas, it appears by the minutes of the 12th of June, that the sum of £2,300 was advanced to Contractors, at the discretion of the Agent and Engineer, which sums were then entered by the Secretary, to the debit of said Contractors—and whereas, it appears the money was paid out on the work to other Contractors and in different sums.

Ordered, That the appropriation which was apportioned and paid be approved of and confirmed.

Whereas it appears by the minutes of the Board, of the 19th November last, that the Mortgage and Bond from the Hydraulic Company to the Welland Canal Company was ordered to be assigned over to the Hon. J. H. Dunn for the sum of £3000, and as the order for the appropriation of this sum does not appear, although the intention of the Board was made known at the time by reference to the following letter from the Agent to Mr. George Keefer, the Engineer, viz.—

"You will receive the discount of £2,500 which is intended for the special purpose of paying off our laborers who are going away, and advancing a part to those who remain,—then to pay Donaldson a sufficient sum to discharge his laborers, say from 2 to $3,000. Thos. Merritt enough to pay his, say $1000. Thompson, 1 to $2,000. Old line Vanderburgh and others, a portion daily—a portion to Camp, and a portion to those at the Dam,—but on no account to pay a single order to any Merchant or other person who may hold due bills until you inform me how the money holds out.

The amount received from the Hon. John H. Dunn was paid to Alexr. McDonell, Esq. *Vice President*.....	£ 250 0 0
Received from the Bank of U. C. 1st November.....	£2,500 0 0
Which was expended.....	£2,750 0 0

Resolved, That the same be approved of.

It appears by the Act of 1833 that the Commissioners appointed by the House of Assembly are to decide on all claims that may remain unsettled by the Welland Canal Company.

Resolved, That the Secretary write to the Commissioners to name a day when and where they will attend for the above purpose, that the applicants may be notified accordingly.

In case any difficulty or disagreement should arise in making a final settlement of the Company's accounts by the Agent and Committee,

Resolved, That when the day is named by the Commissioners the Secretary do notify Messrs. Thompson and all those having claims that the same will be settled by the Arbitrators on ——— according to law, and request their attendance accordingly.

Various suits having been instituted by Contractors, in consequence of their not having received the money due them from the Company—and a number of widows and indigent persons being detained for payment of their wages,

Resolved, That an application be made to the Commissioners for a Loan of £1000 to pay those demands and that the same be retained out of the tolls collected this year at Port Dalhousie and Grand River, which are to be appropriated to this purpose—and the Secretary is directed to pay the amounts collected monthly at said Ports to the Commissioners, and that the tolls collected at Gravelly Bay be appropriated in payment of Harbour until it is sufficiently secured.

Ordered, That all demands due by the Company, or Notes, be taken in payment of tolls, or for any debts due to the Company.

Shews a list of the Accounts due to the Company on their Books, and as it is more than likely that a small part of the same will be collected,

Ordered, That those Accounts be closed and an Account opened to be entitled "Bad Debts," and that the balances be tranferred to the debit of the same, crediting said Account with any amounts which may hereafter be received, and also with whatever old balances appear in the Company's Book's to the credit of any individual.

Resolved, That Mr. Smith be notified by the Secretary that he will be suspended from his situation on the 6th May next, unless he makes good the sum due by him on or before that date.

Experience has already shewn that it is expedient and necessary, that every officer in the employment of the Company, who has charge of money, should give security.

Resolved, Therefore, that the Collectors of Tolls at Port Colborne and Port Dalhouse be required to give two responsible sureties in the sum of £250 each, besides their own Bond for £500—and the Collector at Dunnville £250 and two sureties of £125,—conditioned for the punctual payment of all moneys which may come into their hands, according to the discretion or requisition of the Canal Company.

Whereas applications are made to the Company from time to time, to make repairs on the Canal, in situations on which Mills are erected or water taken out of the main Canal, for Hydraulic purposes, it is necessary the same should be defined for the guidance of the Superintendent.

Resolved, That in all situations the main body of the Canal is to be kept in repair at the expense of the Welland Canal Company, all locks and waste weirs are included in the above.—But in all situations when water is taken out of the Canal for Hydraulic purposes the repairs are to be at the expense of the owners or proprietors of the same—and that all persons in possession of machinery on the line be duly notified of this resolution.

Applications having been made for tending bridges on various parts of the line—Ordered, that the same be let out by Mr. Merritt and Mr. Robinson on the best terms for the interest of the Company.

Resolved, That Mr. Merritt be authorised to negotiate for the loan of money to pay the demands on the Company, and that he proceed to York next week with a statement of the Company's accounts to lay before His Excellency the Lieutenant Governor, and make any application there or elsewhere he may deem necessary.

Resolved, That J. B. Yates be allowed one per cent for negotiating the sum of £50,000, amounting to £500.

Resolved,, That the account submitted by the Agent of the Hydraulic Company be approved of, and that the same be deducted from the interest due on the 1st of January last.

1st June, 1833.

At a meeting of the Board of Directors, held at the Canal Office, St. Catharines,

PRESENT:

Alex. Y. McDonell, Esq., *Vice President*,
George Keefer, and
Thomas Butler, Esquires.

The Minutes of the former Board were read and confirmed.

The first and only subject taken into consideration was to indemnify and secure John B. Yates, Esq., for advancing the interest due on the last loan of £50,000 and thereby securing the Canal, as will be more fully explained by reference to the letters of the Honorable the Receiver General of 18th and 19th April last, and by the following resolution.

WHEREAS in consequence of the unexpected embarrassments of the Company the interest due the Bank of the United States for the 6 months ending the 16th March last remained unpaid, and whereas the same was advanced and paid by John B. Yates, Esq., of New York, one of the principal Stockholders.

Resolved, That the amount so advanced by him being $50075 with the interest thereon after the 16th instant, together with the rate of exchange on New York 1½ per cent be repaid to the said John B. Yates, out of the first monies which shall be received by the Company, and it is further *Resolved*, That immediate provision be made for the more punctual payment of the interest hereafter, and that the President and Secretary adopt such measures as may be required fer that purpose, and if payment of the loan of £50,000 shall be exacted pursuant to the notice received from the Branch Bank at Buffalo that the said officers of this Company be required to make some other negotiation for said loan, and that the President or Vice-President and Secretary execute such instrument as may be necessary for that purpose.

Adjourned until one o'clock on Monday next.

3rd June, 1833.

Pursuant to adjournment the Board met in the Canal Office, St. Catharines,

PRESENT:

Alexander McDonell, Esq., *Vice President*.
George Keefer, and
Thomas Butler, Esquires.

In pursuance of the resolution of the meeting of the 1st May last, Mr. Merritt proceeded to York, with the necessary documents and made application for the relinquishment of the security by Government on the Hydraulic situation as by reference to the correspondence on that subject from 8th to 10th May, will more fully appear the result of which was the receipt of a letter from His Excellency the Lieutenant Governor, dated 9th May last, addressed to the Agent, which letter contains an assurance that a release shall be granted to the Welland Canal Company ceding the right which Government may have on those privileges as soon as a sufficient sum of money can be raised to pay off the debts contracted for work performed on the Canal, the document proving satisfactory.

Resolved, That John B. Yates, Esq., be authorised to adopt such measures as he may deem expedient to borrow a sufficient sum for that purpose.

Resolved,, That the arrangement made respecting lock tending by Mr. Merritt, (see his letter) they be approved of, and that Mr. Vanderburgh be paid 7s. 6d. per day, or $30 per month.

Resolved, That J. B. Yates, Esq., be authorised to borrow a sufficient sum for completing the harbor at Port Colborne, on security of the hydraulic property, with the responsibility of the Company.

The Board adjourned.

5th June, 1833.

Pursuant to adjournment a general meeting of the Board was held at St. Catharines—

PRESENT:

Alexander McDonell, Esq., *Vice President*,
William Elliott,
George Keefer,
Thomas Butler, and
Ogden Creighton, Esquires.

The minutes of the last meeting were read and approved of.

George Keefer, Esq.'s claim for timber, £22 7s. 6d., this claim was referred to Mr. Phelps, agreeable to Mr. Barrett's Report.

5th June, 1833.

At a Meeting of the Stockholders, held at St. Catharines, pursuant to Act of Parliament—

PRESENT :

J. B. Yates, Esquire,
A. M'Donell, Esquire,
W. H. Merritt, Esquire,
Ogden Creighton,
George Keefer, Esquire, and
Thomas Butler, Esquire,

The ballot being regularly taken and closed, the under-mentioned gentlemen were declared duly elected Directors for the ensuing year, viz :—

Wm. Hamilton Merritt, Esquire,
Alexander Yates McDonell, Esquire,
George Keefer, Esquire,
Thomas Butler, Esquire,
Ogden Creighton, Esquire.

The Directors then present proceeded to the choice of President and Vice-President, when the following gentlemen were unanimously named :—

William H. Merritt, Esq., *President.*

Alexander M'Donell, Esq., *Vice-President.*

6th June, 1833.

The Board met at the Canal Office—

PRESENT :

William H. Merritt, Esq., *President,*

Alexander McDonell, Esq. *Vice President.*

George Keefer,
Thomas Butler, and
Ogden Creighton, Esquires.

Ordered, That Ogden Creighton, Esq., be appointed Treasurer for the Company without a salary for the present year, on furnishing securities in the sum of £2,500.

Rescinded 2nd April, 1834. } *Ordered*, That the Collectors of Tolls are not to make any deductions from the amount of their returns for wages or other contingent expenses till first submitted for the approval of the Board.

The toll having been appropriated by an order of the Board of Directors, dated ——— instant, for the purpose of paying the interest on the loan of £50,000 due the Bank of the United States, excepting the monthly payments of lock-tenders—sinking a pier and erecting a light house at Gravelly Bay, Port Colborne, and £50 for sinking a pier—on west side of entrance.—The contingencies for this office for lights at Harbor, &c., it appears has been omitted.

Resolved, That the same be paid by order of the Board at the close of each month.

Ordered, That the President be authorised to prepare a memorial, transmit it to the Stockholders and forward it to the Home Government through His Excellency the Lieutenant Governor.

In no case is the Secretary to allow any paper to be taken out of the Canal Office unless for the purpose of registering or by a particular order of the Board any Director may take copies of any documents he pleases, but the originals must remain in the Office, and the Secretary be responsible for the same.

25th July, 1833.

At a meeting of the Board of Directors, held at St. Catharines,

PRESENT :

Wm. Hamilton Merritt, Esq. *President.*
Alexander McDonell, Esq. *Vice President.*
Thomas Butler, and
George Keefer, Esquires.

The minutes of the last meeting were read, and confirmed.

Resolved, That Mr. Robinson be immediately applied to for the payment of the £375, and that a vigorous prosecution of the work be recommended.

The Board adjourned.

27th July, 1833.

The Board met pursuant to adjournment.

PRESENT.

Wm. Hamilton Merritt, Esq. *President.*
George Keefer, and
Thomas Butler, Esquires.

The minutes of the last meeting were approved of.

Upon the representation of Mr. Farnsworth, the Commissioner's Superintendent, it was *Ordered*,

Expunged 2nd September, 1835. } That the Secretary do immediately write to the proprietors of the Marshville Mills notifying them that at no time their Mills must be put in operation unless the water runs over the aqueduct from end to end, and the Superintendent is requested to report any breach of this order, when the regulations will be immediately enforced.

Ordered, That the Secretary write to Mr. Robinson, requesting him to furnish the amount expended by the Commissioners on the Canal, up to this date.

Ordered, That the resolution passed the 5th June relating to Notes not to be given for claims for damages or awards, be rescinded, and that Notes be given for claims on account of awards admitted by the Board.

It is *Ordered*, that no Collector of Tolls is to receive more than 25 per cent on the amount collected by him during any one month.

7th August, 1833.

At a meeting of the Board of Directors, held at the Canal Office, St. Catharines,

PRESENT:

Wm. Hamilton Merritt, Esq *President.*
Ogden Creighton,
Thomas Butler, and
George Keefer, Esquires.

Ordered, That the Board are not satisfied with the account presented by Mr. L. Clarke, as the dates do not correspond with the dates of the original account presented. The Secretary will procure a copy of the notices and Mr. Merritt's letter authorising payment of sundry persons on account of the Welland Canal Company.

Ordered, That the Secretary write them immediatoly on that subject and for them to explain the overcharge for their wages for May.

The Collector for Dunnville not having yet furnished his return for July to this Office, the Secretary is directed to write Mr. Phelps on the subject, as also to notify him that if he thinks the situation of Collector at Dunnville not worth his attention, on communicating the same to the Board another person will be immediately appointed in his stead.

Amended 2nd September, 1833. *Ordered*, That the Secretary make out and shew a statement of the tolls collected for each month, and to shew in detail the expenditure of the same, and in no instance are the tolls to merge in with the old accounts.

Mr. Clark's letter requesting to be allowed an advance out of tolls on account of his salary, was read.

Ordered, That Mr. Clark be paid out of Tolls £25, the same to be charged against his salary.

Adjourned.

21st. October, 1833.

At a meeting of the Board held at the Canal Office—

PRESENT:

Wm. Hamilton Merritt Esq., *President.*

George Keefer, and
Ogden Creighton, Esquires.

The minutes of the preceding Boards were read and confirmed.

A letter from Mr. Randal, Collector, was read explaining why he charged his wages previous to the opening of the Canal at Port Colborne.

Resolved, That there being an order of the Board that no Collector shall receive more than 10s. per day from the commencement of the navigation till its close, Mr. Randal must be charged with the amount paid him for services previous to the commencement of the navigation for the month of May last.

It being made appear from Mr. Randal's letter submitted that Alonzo Sprague, Master of the schooner Hiram, was, in the canal at the time of detention in July 1832, and have not received a certificate to that effect, it is therefore—

Resolved, That the owners of the schooner Hiram receive credit on their future Tolls to the amount of £11 4 0½, being the amount of Tolls on her cargo when detained in 1832.

With a view to close up all the Toll returns with the close of the navigation this year—

Ordered, That the several Collectors be advised to leave no balances unsettled by them up to the 31st. October inclusive, and that the Secretary will make out and shew a balance sheet of all old accounts to the 1st. November for the information of the Board.

Captain Creighton's report respecting his mission to Montreal was read, the Board are satisfied every exertion has been made on his part to obtain the object of his mission, and have no doubt the Creditors of the Company will feel satisfied every exertion has been resorted to by them to liquidate their just demands.

It having been made appear to the Board that the owners of the schooner Erie and Ontario had not received any compensation for detention in the Canal in July 1832.

Ordered, That the owners of the Erie and Ontario receive credit on this Year's Tolls for the amount of £12 1 4, being amount of Tolls on her cargo in July 1832, and also that the owners receive credit for £1 4 0 for bags furnished to lighten schooners on the Canal.

Bradly Sherwood set forth a claim of £5 for lighting schooner Henry in 1832.

Ordered, That Mr. Randal must submit his opinion on this claim.

Robert Kirkpatrick Esq., claims by account 6s. 8d. for use of a Pickaxe.

Ordered, That this claim be deferred for further consideration.

Messrs. Bowery and Butler's claim by their account £2 12 2½ for lumber &c.

The claimants are required to furnish vouchers for their charges.

The Secretrry having paid Captain Baird £1 10 for detention at Messrs. Bowery and Butler's mills—

Ordered, That Messrs. Bowery and Butler be charged with the same.

The Board adjourned.

26th November, 1833.

At a meeting of the Board of Directors, held in the Committee Room of the House of Assembly, York,

PRESENT:

W. H. Merritt, Esq. *President.*
Wm. Elliott, and
Wm. Chisholm, Esquires.

The minutes of the last meeting were read and confirmed, and in compliance hereto the Secretary presented for the consideration of the Board the following documents, viz.:

1st. A general statement of the affairs of the Company to this date, from which it appears that the receipts and expenditure from the commencement of the undertaking, have been.....£362,478 1 0½

2nd. The Company's balance sheet for the current year, which shews an expenditure of £5018 8 3¾, and which is embraced in No. 1.

3rd. List of Notes or Due Bills issued and due by the Company, amounting to..... 6,729 15 10

List of debts due by the Company, so far as the same have been ascertained..... 11,364 14 9½

Amount due to the Hon. John H. Dunn, for advance made by him last winter.....	2,750	0	0
Making the cost of the Canal...	£383,322	11	7¾

All of which was approved of, and ordered to be engrossed.

Ordered, That the Secretary be directed to close the several accounts in the Company's Books, according to the documents now presented.

The Secretary also laid on the table a general statement of toll on vessels and property passed through the Canal, on the 31st of October, shewing the amount of toll received to that period to be £3335 4 9¾.

Ordered, That the Secretary be requested to present to the Legislature the several documents above described, and name a Committee of the House of Assembly to examine and report on the same.—

There was likewise presented to the meeting by the Secretary,—

A list of debts due to the Company..	£ 627	13	5
A list of debts due for Toll and Forwarding, season of 1830 and '31..	473	14	8¾
A list of debts due for Toll, 1832....	84	14	6½
	£1186	2	8¼

The meeting, however, upon a careful examination of those lists, think that no more than £ —— can be recovered, and they direct the Secretary to use every exertion for the collection of such debts as are considered good.

Ordered, That for the more secure keeping of the Books, during the absence of the President and Secretary, attending their duties in Parliament, they be sent to the House of Wm. H. Merrit, Esqr. after the accounts are closed and balanced. The following sketch shews the ability of the Company to meet the payment of the debts due by them:—

Hydraulic Company's Bond.....	£25,000	0	0
1 year's interest.....	1,500	0	0
	£26,500	0	0
Amount of debts due by the Company, to the 1st November, (exclusive of claims not yet decided by the Arbitrators.).....	20,844	10	7½
	£ 5,655	9	4½

IN THE YEAR 1834.

An Act was passed on the sixth of March, this year (*hereto appended, marked No. 1,*) increasing the Capital of the Company, and an aid of £50,000 was granted, by the Province, subscribing Stock to that amount. The Company were thus enabled to pay their debts and to continue to finish the Canal.

In the Session of Parliament of 1833, '34, the question whether the Canal should be made a Provincial work, was argued for several days—and great anxiety was expressed during the discussion that the Company should repossess the lands and hydraulic privileges formerly sold by them to Mr. Yates—and was made a principal objection to the Province taking the Canal off the hands of the private Stockholders, [see Report of Committee of House of Assembly, and Letter of J. B. Yates, Esq. hereto appended, marked No. 2.] The Board of Directors took the matter into consideration, and appointed a Committee of their number, consisting of Doctor Duncombe, William Chisholm and Colonel Elliott, the three Directors appointed by the House of Assembly this year, to investigate the matter and report upon the propriety of making a re-purchase, [see the Report of those gentlemen, appended hereto, marked No. 3,] [see also the agreement entered into, hereto appended, between the Welland Canal Company and Messrs. McDonell, Yates & Creighton, marked No. 4.]—The Annual Report of the Directors and the minutes of the Board this year, will furnish a detail of proceedings, [see Report of Directors for 1834, marked No. 5, and minutes of the Board for same year appended, marked No. 6.]—See also Report of Directors for the year 1835, marked No. 7.]

Documents *referred to in the foregoing remarks.*

Act of Parliament 4th Will: 4th, Chap. 39.....	Marked	No.	1.
Report of Committee of H. of A. with letter of J. B. Yates, Esq...	"	"	2.
Report of Government Directors, on the Hydraulics,.....	"	"	3.
Agreement, between the Welland Canal Company and A. McDonell, J. B. Yates, and Ogden Creighton, Esquires,.....	"	"	4.
Report of Directors for the year 1834.....	"	"	5.
Minutes of Board for the year 1834	"	"	6.
Report of Directors for the year 1835,.....	"	"	7.

This year the following Government Directors, were appointed, viz:—

William Elliott,
Charles Duncombe, &
William Chisholm. } Esquires.

The Stockholders appointed the following, viz:—

William Hamilton Merritt, Esquire,
Ogden Creighton, Esquire,
Alexander Y. McDonell, Esquire, &
Thomas Butler, Esquire.

No. 1.

ACT OF PARLIAMENT,

4th Will. 4th, Chap. 39.

AN ACT to alter and amend the Charter and increase the Stock of the Welland Canal Company, and to authorise His Majesty's Receiver General to subscribe Stock in the said Company on behalf of this Province.

[Passed 6th March, 1834.]

WHEREAS it is expedient to amend the Charter and increase the Capital Stock of the Welland Canal Company, and to authorise the taking additional Stock on behalf of this Province in the said Company, for the purpose of enabling the said Company to pay the debts now due on account of the said Welland Canal, and to carry into effect certain improvements recommended by the Commissioners appointed during the last Session of the Legislature of this Province to inspect and report thereon, and to make further provision for the direction of the affairs of the said Company: *Be it therefore enacted, &c.*, That the first clause of an Act passed in the sixth year of His late Majesty's reign, entitled, "An Act to repeal part of and extend the provisions of an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company.'" be, and the same is hereby repealed.

II. *And be it further enacted, &c.*, That from and after the passing of this Act, the number of Shares constituting the Capital Stock of the Welland Canal Company shall not exceed Twenty Thousand, at Twelve Pounds Ten Shillings each.

III. *And be it further enacted, &c.*, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to direct His Majesty's Receiver General to subscribe further Stock in the Welland Canal Company to the amount of Fifty Thousand Pounds, which Stock shall from thenceforth be held as and deemed to be public Stock, and to be in addition to and form part of the Capital Stock of said Company; and that the Government of this Province shall, as the holders of such Stock, be subject to the same conditions, and have powers, advantages and privileges as other Stockholders in the said Company.

IV. *And be it further enacted, &c.*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province to raise by loan, on Debenture, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum not exceeding Fifty Thousand Pounds Provincial Currency, in sums not less than One Hundred Pounds each, which Debentures shall be payable at the expiration of not less than twenty nor more than forty years from the date of such Debentures, bearing an interest not exceeding six per cent per annum, payable half yearly in this Province, or at an interest not exceeding five per cent, payable half yearly in London, on the transfer of the debt of this Province, by His Majesty's Receiver General.

V. *And be it further enacted, &c.*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to issue his Warrant on the Receiver General of this Province for the time being, for the said sum of Fifty Thousand Pounds, so to be raised by Debenture as aforesaid, or such part thereof as may be from time to time required by the Directors of the said Company.

VI. *And be it further enacted, &c.*, That all such Debentures as are hereby authorised to be issued, and the interest thereon, shall be and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the Receiver General, to and for the public uses of this Province, and at the disposal of the Legislature thereof.

VII. *And be it further enacted, &c.*, That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the seventh year of His late Majesty's reign, entitled "An Act to authorise the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company," respecting the Debentures authorised by the said Act, passing current with certain public Accountants; the payment of interest upon the same by such Accountants, and the suspension of interest in certain cases; the submitting to the Legislature accounts of such Debentures, the interest paid thereon, and the expenses attending the same; the payment of interest to holders of such Debentures; the remuneration to the Receiver General for the services required by the said Act; paying off and cancelling the said Debentures; and also, the provisions made in the seventh section of the said Act, for punishing the forging of any Debenture thereby authorised to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged Debenture or other matter as aforesaid, shall apply and be in force in respect to the Debentures which shall be issued according to this Act, save and except that the punishment upon conviction of forging or uttering any Debenture issued under authority of this Act, shall be the same as in cases of Felony which are not punishable with death.

VIII. *And be it further enacted, &c.*, That the number of Directors to be appointed annually for the management of the affairs of the said Company, shall not exceed seven; three of whom shall be annually appointed by a resolution of the House of Assembly of Upper Canada.

No. 2.

REPORT

OF

COMMITTEE OF HOUSE OF ASSEMBLY,

AND

LETTER OF J. B. YATES, ESQUIRE.

To the Honorable
The Commons House of Assembly.

The Committee to whom was referred the Petition of the Welland Canal Company, beg leave to

REPORT:

From the indefinite terms of the petition, the Committee called before them, among others, Mr. Yates, one of the principal Stockholders in the Canal, and requested he would give the Committee any information within his reach on the subject of the prayer of the petitioners, and on the present situation of the Company generally.

From the long acquaintance which Mr. Yates has had with the subject, it was supposed a clearer and more general view of the present state and wishes of the Company could be obtained from him in the form of a letter to the Chairman, than in any other way.

In compliance with this wish, Mr. Yates has addressed to the Committee a letter, which is appended to this Report.

Without entering fully into the opinions expressed in Mr. Yates' letter, the Committee are bound to call the attention of the House to the propositions suggested towards the close of it. The first question is, shall the Government advance a sum sufficient, not only to place the Canal in such a state of repair as may insure its success during the ensuing season, but also to restore the credit of the Company, by enabling them to discharge the debts due to different individuals.

To the Province, in a commercial and general view, the value of the Canal is denied by none. And it is admitted that the means of the Stockholders are insufficient to place the Canal in a state of repair for the ensuing season.

We are then required to consider whether the Province by withholding support, shall allow the Welland Canal to go into comparative disuse, even for one year, and thereby possibly turn from Upper Canada the principal advantages to be ultimately derived from this communication between Lakes Erie and Ontario.

The amount of debts outstanding against the Company is nearly £25,000, and the sum estimated to be expended during the ensuing season, according to the estimate of Mr. Wright, is £8500.

The Committee would call the attention of the House to the suggestions contained in the Report of Commissioners appointed by an Act of the Legislature, during its last session, as to any future provision for the Canal. Upon this part of their Report, Mr. Yates has entered very fully, and his views seem in many respects, to correspond with the views of the Commissioners.

The means of the Company are exhausted—they are in debt—the Canal requires repair—without repair it must be at least for one season comparatively useless. Our enterprising neighbors are upon the alert to sieze any opportunity which may divert the trade and transport of the west from the waters of Canada.

Should any hesitation on our part to complete the Welland Canal, induce them to establish a route, affording even minor advantages, Upper Canada must for a length of time, perhaps forever, be deprived of the great benefits offered by the St. Lawrence, one of the great, if not the principal outlet of North America.

The Legislature have heretofore offered assistance to the Canal, but generally in such sums, and on such conditions as not to enable the Company to proceed with so much energy and certainty as to insure the completion and success of the work. The resources of the Company have been in many instances expended, and their energies almost paralysed in consequence of a series of accidents which none of those most interested in the prosperity of the work could foresee or prevent. And yet Mr. Wright gives it as his opinion that the expenditure on the Canal must, under all circumstances, have been conducted with great economy. This opinion of Mr. Wright's is entitled to much consideration, and ought to remove all doubts, if still entertained, that the funds of the Company, and loans given by this Province, at various times, have been improvidently expended.

The Committee deem it unnecessary for them to recommend to your Honorable House, either of the propositions submitted by Mr. Yates, and can only hope that something may be done, during the present Session, to place the Welland Canal in such a situation as may be most beneficial to the public interest.

J. H. SAMSON,
Chairman.

COMMITTEE ROOM,
9th January, 1834.

LETTER

OF

J. B. YATES, ESQUIRE,

To JAMES H. SAMSON, Esquire, *Chairman of the Committee of the House of Assembly on the Welland Canal Petition.*

YORK, 21*st Dec.* 1833.

SIR,

Unapprised as I have been until this day, of what the wish of the Committee would be, I had not prepared any written statement for submission to them, but on the suggestion of others had supposed a different course would have been preferred.

I will however in compliance with your request in as condensed a form as I can, present a history of

the Canal, in a few particulars a little variant from that given by the Directors in their report of last year, after which I propose making some suggestions relative to the present state of the work and what is required to be done.

My health is not good, and the time now left in which I must do this is short.

In 1824 the first act of incorporation was passed for a small Canal, part of the stock was subscribed, a call made, and the work commenced on the 30th of November in that year.

The subscribers to the stock were however desirous that permission should be obtained to enlarge the Canal, and increase the Capital.

The routes and points of termination were then open for investigation, and decision, and as the stockholders supposed under their control. In 1825 the law was passed increasing the dimensions of the Canal, and the extent of capital, *but fixing the point* of termination on Lake Ontario and altering the ratio of voting on shares, so that a thousand shares gave no more votes to a stockholder, than one hundred.

These were very exceptionable alterations, but assurances were given that the work would with these alterations, receive a decided and efficient Legislative patronage. Although permission was granted to those who had paid any money under the first Act to *withdraw and reclaim their money* already paid, yet as no fund for such repayment was provided if the project was abandoned; and a resolution for the appropriation of £25,000 in aid of the work having been passed at the same session as an earnest of the intention of Government to sustain it, those who had subscribed determined that they would not abandon the work for this cause but continue their support.

It appeared also from the very enactment itself, by fixing the point of *termination imperatively* that Parliament had been governed by considerations *with which Stockholders* have nothing to do, and the choice was confined to submission to the mandate or abandonment.

The books for subscription to the stock were opened in several places. The Receiver General of the Province who was President of the Company appeared in New-York and offered £75,000 for New York subscription, reserving the remainder except a small sum subscribed in Canada, for the English market.

In the intermediate time, before the stock was ever offered in London, the Directors determined on the strength of the New York and Canada subscription only, to proceed with the work.

The attempt to procure subscriptions to the Stock in England was procrastinated until the memorable year of bubble projects, which it is well known, was followed by a general prostration of credit, and an undistinguishing suspicion of all undertakings of this sort, destroyed every hope that the remainder of the Stock would be taken by individuals any where.

In this state of things, the attacks on the Canal, in consequence of its point of termination on Lake Ontario, were renewed. The whole commercial interest of the country was arrayed against it as a hopeless and profitless project, both for public and private uses, the New York Stockholders were assailed by every argument that could be addressed to their interests or their fears, and the pecuniary safety of some of them was threatened for a time. Yet the Directors persisted in their calls on the Stock thus partially subscribed with a full knowledge that there was not enough to finish any part of the work for use.

Many of the Canadian Stockholders forfeited their Shares, some offered theirs for sale, thus increasing the load upon those who fulfilled their engagements, while the Shareholders in New York, with a confidence that the work would be supported by the Government, paid up.

In the year 1826, pursuant to the resolution of the preceding year, £25,000 was appropriated by way of Loan.

The depression of the Stock and its low estimation among monied men, still continued, and in the winter of 1827, when the £25,000 from Government and about 70 per cent of the subscribed Stock had also been called in and expended, the Directors made application for Government assistance, but to so limited an extent that one of the Stockholders made a personal representation and exhibited the inefficiency of so small an aid.

In consequence of this by a very small majority after much opposition, the Province subscribed £50,00 of Stock and made a further Loan of £25,000, and also provided for a participation in the government of the Company by the appointment of two Directors.

The same session the Province of Lower Canada also subscribed £25,000 of stock. During the winter a Dispatch was received from Lord Bathurst, Colonial Secretary, promising on the part of the Imperial Government a grant of money equal to one-ninth of the estimated cost of the Canal, on certain conditions, which were complied with.

Fresh confidence was thus infused, and the Stockholders became more fully assured that the work would not be abandoned by Government. Yet in all this the commercial interest of the country was not conciliated to its termination on Lake Ontario, and it was generally believed that so placed it could not be profitable. The stock therefore continued unsaleable in the market. The Company of course had no credit on its own strength, while the means and credit of some of its most prominent private supporters had been exhausted, by continued and heavy payments to a work so generally disparaged.

The funds thus appropriated were again exhausted and the actual cost of the Canal exceeded the estimate so far that it was thought expedient to send Mr. Merritt to England. He succeeded in procuring a loan of £50,000 from the Imperial Government *on condition of surrendering the claim to the performance of the former promise of one-ninth of the cost.*

A private subscription to the stock was also obtained by Mr. Merritt from some persons high in office and a few others of such standing and wealth that the smallness of the sum rather impaired than aided to the estimation of the stock; although it exhibited their good-will to a work *hopeless of profit*, but for the accomplishment of which they were willing to *throw away a certain sum.*

Again, however, hope was revived—the progress of the work was pursued, but during the absence of Mr. Merritt, the contracts for some of the locks had been badly performed; and shortly after the sliding of earth at the deep cutting occurred when the whole excavation was nearly completed. The whole project was now confidently pronounced a failure by those opposed to it, and many of its friends were dispirited.

There was a determination however on the part of the large Stockholders to persist in the undertaking—relying on the deep interest Government had taken in it, and the evident advantage the Province must certainly derive from it.

The alternative was now presented, for the consideration of the Directors, either to persist in the precarious attempt to make a thorough cut to the Welland River, or take a feeder from the Grand River.

It is not within the limits of my present plan, to examine the merits of these projects; although I am prepared to shew that the one adopted by the Directors was the only one which afforded a hope of success.

Further excavation at the deep cutting was abandoned and a route for a feeder from the Grand River surveyed. The excavation was commenced and a contract for the construction of a dam across the Grand River entered into; after some preparation had been made and the site for the dam fixed under that contract, with a due regard to the safety of the Inhabitants and economy, objections were unexpectedly made to the place, as too near the mouth of the River for naval purposes; and the Board was compelled to select a station five miles higher up the River, by which a great additional expense was incurred.

At this time, also, obstacles were thrown in the way of an attempt to facilitate the entrance of vessels into the mouth of the Welland River, which were however *unfortunately for the Company*, overcome.

To this difficulty, its removal and effect, I may again have occasion to refer; for instead of being beneficial to the Company, it gave prosperity to a place almost inaccessible before and afforded animation and vigor to the most heartless and unrelenting opposition, if not persecution, the Canal and its supporters have ever experienced from any quarter.

A considerable sum was ultimately expended on the Welland River for a towing path and the cut across the point at Chippawa—after some further progress in the work in 1829, it was ascertained that the funds must again be exhausted, and the work stop or more money be procured.

The Company decided on sending again to England, and one of the stockholders in New-York consented to go. He was directed to procure if possible a remission of the debt to the Imperial Government to the extent of the sum originally promised by Government and to procure a loan or dispose of stock to the amount of 20 or £25,000, which it was supposed would make the Canal navigable by way of the Niagara and Welland Rivers into Lake Erie.

On the strength of this mission, in the hope of its success, the friends of the person sent, in New-York, accepted to the amount of £10,000, to prevent the work from stopping altogether.

The application to Government for the remission of the debt did not at that time succeed, but a subscription for stock to some amount was obtained. With this sum it was h[illegible]ed the navigation by the above circuitous route would be opened and the practicability of the work being thus proved, confidence would be restored and a sufficient degree of credit secured to complete the remainder. The Company was however again doomed to disappointment. The contract for the dam across the Grand River was not well performed; and the whole having settled more than two feet the Canal was left dry, and instead of a good effect being produced by the use of the Canal, during the summer and autumn of 1830, additional discouragement was experienced and the noise from the whole body of assailants so completely misled the community that explanation and justification could not be heard except by a few who had independence of character and strength of judgment to look beyond this barrier of obstreperous censoriousness. Notwithstanding these efforts against them, fostered by a gratuitous malignity and successfully maintained by exaggerated statements of the casualties that had occurred, relying on the few who were willing to investigate for themselves; the Directors compelled by the necessities of the Company again in 1831, presented their memorial for further aid from the Province. This was however done with so hesitating a fearfulness, that they did not make a full representation of the actual wants of the Company, to obviate the defect, one of the stockholders again, as in 1827, made a representation and freely exhibited what in his opinion must be the wants of the Company, and attempted to prove the good policy and beneficial effect of adequate and full, instead of partial relief. The Committee after a thorough examination of the affairs of the Company approved of the more efficient course recommended and reported in favour of creating a Government stock to the amount of £200,000 taking the Canal and its works in pledge therefor, for the purpose of completing the Canal as it should be, paying off the former debts of the Company to the Government and consolidating the whole. The useful effect of this measure on the prospect of the Company, the funds of the Province, and indeed the whole character of the undertaking was so evident to every person who had bestowed any thought on financial operations, that its failure after being recommended by the Committee, confirmed by the Commons' House of Assembly, and supported by a resolution of supply, was matter of astonishment and regret to many disinterested friends of the work both in and out of the House. It is not my design to examine the cause of the abandonment of so good a measure. It will be sufficient to say, that all the features of this promising measure were altered and a loan of the credit of the Government was voted for £50,000, a sum merely adequate to make the communication to Lake Erie direct, leaving the supply for repairs and the restoration of an impaired credit by payment of debts, and also the payment of the semi-annual interest on the £50,000, dependant on the contingent tolls to be derived from an imperfect, and, indeed, an unfinished work. Unequal as this sum was, to the full accomplishment of the object, the aid was necessary, and although accompanied with most singular and per-

sonally burthensome conditions, yet those conditions were complied with, and it was thankfully received. The work was again started with vigor, a temporary loan having been procured, on the hypothecation of these Government securities, for £50,000, and there was every reasonable prospect that the whole would be finished in a short time, when all labor was arrested by that desolating scourge with which, in 1832, the whole country was afflicted. Thus time after time, and year after year, have the prospects of this company been blasted by occurrences not within their control, and by a public calamity in which the whole Province was involved; yet in this last instance, if what I heard was a true representation of the language used, the Company has been charged with fault, *for not having* had power to contend with this afflictive dispensation of Providence.

At the end of the year 1832, the Directors again found their funds exhausted, the Company deeply in debt and without any means or credit to prepare the Canal for the business of the Spring. On this representation, I am told, the most unbounded vituperation was used. Some of the oldest and warmest friends faltered, and nothing more was done than the purchase, on the part of the Government, of £7,500 of the remaining Capital Stock of the Company, on the express condition that this money should be expended under the direction of three Commissioners appointed by the Province; with such limitation and restrictions as to imply a Legislative censure on the Board of Directors, or agent for misapplication of money: And an Engineer was employed to examine report upon the work. In all this no provision was made for the payment of the Debts of the Company, and its Creditors were in some instances ruined by procrastination.

The use of the Canal, in this first year of its completion, to Lake Erie direct, did not commence until the best business of the season was past; and it is well known that, in the transportation of the produce of the country, mercantile engagements must be made during the winter. Notwithstanding this great disadvantage, the evidence of its prospective usefulness, afforded by the short time in which the Canal has been in operation this season, is conclusive.

The season of business was broken, commencing in June instead of the first of April. There were no funds to keep the Canal in order, in the hands of the Company; and no such assurance of safety could be given as to justify prudent men who had another channel to recommend its use. The transportation was, however, fifty per cent more than the preceding year in the three months of uninterrupted navigation, which is perhaps the full extent of time that it has been in use this season, free from casualties,—the bad effect of which would have been, in part at least, obviated, if there had been means to prepare for contingencies. There is good reason to believe, that, if the Canal could have been ready for use in April last, and full assurance given that it would be kept in common order, the income from it would have exceeded £12,000; and this sum will more than pay the interest on the whole debt of the Company.

The Canal was open, and in use, altogether unimpeded by ice in this month, even during the cold weather which we have had; while, on the Erie Canal they had been obliged to break and cut ice in several places. The Company now requires, in order to secure the earliest opening of the Canal promptly, to be aided to an extent that will enable the Directors to widen the feeder, so as to admit a greater flow of water; to dredge the Canal; to repair and secure their Locks; to complete their Harbours; and to pay their debts. The remaining £100,000, contemplated to be Loaned in 1831, would be sufficient for the purpose, and, with the income of the Canal, gradually renew the Locks, and make them of greater dimensions as they require renewal. I have thus given as succinct an account as possible of the progress and present state of this great work. In looking at and examining some of the most prominent circumstances, which is all that at the present time can be done by me in its progress, I cannot avoid a remark, founded on what has appeared to me one of the most singular circumstances ever known in such a work. An exhibition throughout of *disinterested* anxiety on the part of many with regard to the expenditure, and sometimes a gratuitous suspicion of misapplication of money, (evidently without much examination,) while the private Stockholders (a very few of whom hold an amount equal to the Stock interest of the whole Province therein,) have closely examined the accounts, and, although disappointed in the whole cost of the work, are satisfied with the expenditure, and retain their confidence in the prospect of the Canal, and in a full and certain return upon their entire outlay, if they shall be sustained.

In complete confirmation that this confidence in the economy of expenditure has been well founded, ew ery Committee for the purpose of investigating the accounts has reported the same thing; and now an Engineer, appointed by Commissioners selected by the Legislature to expend a sum on the Canal, for which an equivalent in Stock is held by Government, has candidly (although necessarily, in truth,) reiterated the fact—*That much economy in expenditure must have been used to have produced such results as even the present state of the Canal exhibits.*

I now propose drawing the attention of the Committee to some particulars in the Report of Mr. Wright—and first I notice the Locks on the Canal. These unfortunate Locks have been a fruitful source of declamation and misrepresentation. Some few of them were badly constructed in the first place, owing to fraud on the part of the Contractors. With the exception of these, all the Locks have answered the expectation of the Company; and it is demonstrable that, under the peculiar circumstances, any attempt to construct more expensive ones would have produced a failure in the work, and ruined some individuals who solely sustained it in its commencement. Other plans for Locks have been recommended. A short comparison of their promised durability may be useful. Mr. Wright estimates the cost of repairing the present Locks, without enlarging them, at £1700 each, which may be done gradually as they shall require repairing, stating a probable duration of four years, within which time it may become necessary to attend to all of them in this way; and then he supposes the repaired Lock will last 10 years. The present Locks have cost on an average not to exceed £750 each; and the first four of these Locks were completed in 1826, and have not required any repair. They are yet good after seven years' duration, and much greater exposure, than to have been in contin-

ual use. Where the Locks have been regularly supplied with water, the foundation will not sustain injury in fifty years, and the top or upper part of them can be renewed every ten years for less than two hundred and fifty pounds each.

These Locks, therefore, which have cost each £750 only, with every disadvantage of an empty Canal and the worst species of exposure both winter and summer, are yet in use. Their width is 10 feet more than the other Locks, being 32 by 125 feet chamber, the danger of sustaining injury was greater in proportion to the pressure of water and size of Lock Gates. The conclusive evidence from this part of the experiment is, that, when well made, this species of cheap Lock is as durable as any other Wood Lock. The cost, as suggested by Mr. Wright, for repairing is £1700. Deduct from this the actual cost, £750, of a new Lock on the present plan, the balance is £950. Put the duration of the present Lock at 10 years, seven of which have already expired, and the interest on the difference only, annually compounded at the rate of six per cent., amounts to near £746; so that, in the worst possible form, if the whole required to be taken up from top to foundation, the difference of interest alone on the relative cost would construct a new one every ten years, instead of repairing the old one.

No man acquainted with the duration of wood under water will hesitate to say, that wood immersed in water is probably imperishable by time only. All, then, below the water is as good as stone; and it is an abundant allowance to say one-third of the original cost will replace all above water, exclusive of the Gates, which are equally perishable in all Locks. £250, therefore, the sum above named, will repair them amply; and this may be done in the winter when the Canal is not in use. This calculation is on the supposition of repair only. The Engineer's next proposition is a Lock of £2416. The difference between this and the cost of the present Lock is £1,666; the interest as above on this difference, for ten years, is £1,310, (I throw off fractions,) nearly double the cost of our present Locks; and yet this is still only a superior sort of Wood-lock, with rubble or dry stone wall, sheathed with wood, conveniently repaired, as it is said, but still requiring repair in the same time and manner with the other.

The unerring certainty of mathematical calculation settles this question, and the Company have adopted a course the most conducive to public and private interest in the prosecution of their work. The next species of Lock presented for consideration is that of Stone. Mr, Wright's estimated cost of a Stone Lock, is £4,812: the difference between our Locks and one of these is £4,060. Three years' interest thereon, compounded annually, is a fraction more than £775. Of course a New Lock, like ours, may be made for the interest on the difference in cost, every three years. But Good Locks on our plan have lasted seven years, and will last several years more,—that is, the exposed part: the rest will, undeniably, last as long as we know any thing of time. Assuming, as we have done, Mr. Wright's limit of ten years,—at the end of this period the difference in the interest will be somewhat more than £3,196 each, and £250 will substantially repair any of our Wooden Locks: the difference, therefore, on the interest only, at the end of ten years, is £2,946; —multiply this by 40, the number of Locks in the Canal, and the saving amounts to the enormous sum of £117,840, or 471,360 dollars.

When Mr. Wright made his Report, he presented his propositions to men competent to examine his statements, and they were submitted for consideration. It certainly never occurred to him that the information and the enlarged view on which his calculations were founded would be so perverted as to afford an argument against supporting the work. These Estimates were presented for consideration, and to be adopted when a conviction shall become prevalent that the business of the Canal will warrant it—of which he does not appear to entertain a doubt as an event that must soon occur; and, unless the ordinary laws which govern the commercial intercourse of society are different here from any other known region, in less than ten years the business on the Canal will support any expense that may not only be necessary, but, under any circumstances, desirable. Assured, as I feel, of the liberal feelings of the Members, and willingness as well as competency to examine this part of his Report, I beg leave to draw your attention particularly to it. Attempts have already been made to pervert its meaning; and impressions, evidently never designed, have been excited in relation to the requisite expenditure upon the Canal, to sustain it in useful operation. This can have been occasioned only by too superficial an examination of the Report and its Statements.

This feature in the Report of Mr. Wright, I shall again have occasion to notice, and will therefore leave it for the present.

The misrepresentations with regard to the Locks have been the most untrue of any that have been uttered in relation to the Canal. It is painful to be placed in a situation that requires the exposure of deliberate and premeditated falsehood; but, disagreeable as the task is when it becomes my duty, and is within the limit of my right, I shall not omit it. It has become almost an axiom among a certain class of Engineers, that Locks for Canals, made of Wood, are useless; and so many of the merely imitative part of the community have blindly adopted it as such, that any attempt, reasonably to disprove it, is in danger of being laughed into silence. It is, therefore, with some gratification, that the testimony of of Mr. Wright, in his Report, may be referred to as not objecting to Wood Locks. He merely prefers varying plans of his own. I have endeavored to show, that, even there, we lose nothing, by comparison, in durability, and gain much in cost.

I owe an apology, perhaps, for the terms I have used with regard to those who, without any reason, have condemned the use of Locks made of Wood.—I have so often been met by expressed incredulity, after positive and unimpeached evidence, that I cannot give credit to their sincerity except on the supposition of too easy an acquiescence in a received opinion, and culpable heedlessness of proof, while there is a pretention to full information.

When no injury can result from submission to, and retirement from, such a course, it is well. But, when the protection of an important work, and the prosperity of the whole community, are dependant upon our firmness, we must not permit ourselves to remain silent for the sake of quiet. There are many who are called to act on this subject, and have had

no opportunity for investigation. It is injustice to them to permit bold assertions, if untrue, to remain disproved.

I have asserted that the Locks were such as, in our situation, were most conducive to public good and private interest. To prove this, I have shown that the very interest on the difference in the cost of the cheapest Lock suggested is more than double the sum requicite to keep the Locks, on their present construction, in repair for ever; and in a Stone Lock the interest of one year on the difference in the cost is more than double the amount necessary for the same purpose. *I now assert, that, in no one instance, has the delay in navigation on the Welland Canal been owing to the Locks having been made of Wood; but the same causes would have produced the same accidents with Locks of any other construction.* It will be recollected, that, in the various attacks on this work, the form and mode have also varied to so great a degree, that what was, at one time, considered an argument in favor of the Canal, has, to suit the convenience of the assailants, been perverted into a charge against it.

Thus, its friends have asserted, that, when finished, its advantage would be greater and its income increased, because it would be used by the Americans in approach to their own sea-ports; and, in this way, even those who had a distinct commercial interest, would aid in support of a work by which the facility for conducting your commerce has been promoted. This anticipation was considered improbable, when first named, as a foundation for hope of income; but no sooner does experience prove it true, than this very use of the Canal becomes an evil. Thus has it been with the Locks. The first flood would sweep off the rubbish. The floods came again and again—the Locks remained uninjured. Years passed—accident prevented their use, and left them exposed, without water in them, to the heat of Summer and the frost of Winter; yet two or three only have required attention: but that was enough to renew the charge; and I must confess I have been much surprised to hear assertions made by men whose opportunity for information has been better than mine, which, with even the personal attention I have been able to give the work, I know to be unfounded.

Of the assertions I have made with regard to this part of the work, those which relate to relative expense rest on calculation; and, if this be correct, must be undeniable. Such as are founded on duration and safety, are proved by experience and observation. We have nothing to ask but an examination of proof.

I have said, if Stone Locks had been attempted, the ruinous result must have been inevitable. £4,812, the cost of one of the Stone Locks of Mr. Wright, multiplied by 40—the number of Locks on the Canal—would be £192,480.

In what state should we have been placed if an attempt like this had been made?

The sum required for this object only, would, after the expenditure of our money and the first £25,000 of the Province have prevented any further advances.

If, with a Canal almost completed, sufficiently prepared to give conclusive evidence of its immediate and immensely prospective advantages, there is still strength of opposition sufficient to render it doubtful whether this important commercial channel will continue to receive public support;—how evident must it appear, that any attempt to make the Locks of more durable materials would have caused an entire and disastrous failure!

Much has been said of the large amount yet required by the examination and estimate of Mr. Wright to complete the Canal. I have before alluded to his view of the subject, and his object in thus presenting it. I will now examine other parts of his Report, and shew that a greater part of those expenditures are to be incurred on the Canal, in the event only of certain contingent extension and improvements, not necessary for its immediate and beneficial use.

In the Supplement to the Report a more detailed estimate is given, in which we find what is more suited to our situation.

The entire amount absolutely necessary is about £10,000 for the ensuing year; of which sum three-fourths are required for the Harbour and permanent Work. In another year, if thought expedient, he has pointed out some further useful permanent improvements; and the entire sum of £7,550 is named for repairing Locks, and *building four new ones at his own estimation.* It will readily be seen, with all the professional and proper anxiety of Mr. Wright that this Canal should ultimately become such, in its construction, as its situation and great prospects demand—he cannot for a moment entertain the thought that any suggestion of future expenditure, upon expediency only, would occasion hesitation in its support. He, therefore, in all his statements, includes the necessary expenditure for enlargement, if increased business shall require it.

No part of this should be taken into the account when the propriety of present aid is alone considered: When the Canal shall require such outlay, there will be no difficulty in supplying it. In connexion with this part of the subject, I would refer to the Report of the Commissioners: They say, that "the greater part of the sum expended by them has been applied in finishing the Canal rather than repairing it."

In conversation I have heard it urged, by way of argument against hope for future aid, that the expenditure of £7,500, last season, is a criterion by which the annual outlay for repairs may be estimated.—How does this agree with the declaration of the Commissioners "that the greater part of this money was expended in finishing, rather than repairing, the Canal?" It was also then said, that the income of the Canal received during the season should be compared with such annual outlay, to test its usefulness. It requires a mere exhibition of such declarations, where they can be seen in connexion with the statement of facts as they are, to shew their fallacy. I beg leave to refer to the account of Tolls, and the manner and time of their receipt, to shew that the business of the season was broken; and they were but a fraction of what would have been received if the navigation had commenced early and could have continued uninterrupted. From this it will be seen, that, in the month of July, more than £1000 was received in Tolls. This is always a month in which there is the least transportation; yet, even this year, in which no expectation could be entertained that much would be done, with every engagement for the year against the Canal—if each month had been

equal to the one that is commonly of the least consequence, the income would have exceeded £8000; but, if the full season had been enjoyed, more than £12,000 would have been received, even at the present low rates of toll,—which are, for the whole of this large Canal, as low as those on the Burlington Bay Canal. It was thought advisable to put down the Tolls, for the purpose of inviting transportation, as low as possible. In some instances they have been placed unnecessarily low. This is not unfavorable to the ultimate hopes of the proprietors, but, in the present state of things, gives some plausibility to the statement of our opponents.

While we are thus struggling with difficulties—when even the smallest circumstances are seized with avidity to embarrass our operation,—the Legislature is called on to encourage and give additional strength to opposition by the incorporation of a monopolising Joint Stock Land Transportation Company, without affording equal facilities to the Canal Company or its friends. From such competition there cannot ultimately be anything to fear if the Canal should be supported so far that the assurance of one year's business may be given. The effect, however, will be injurious to the estimation of the value of the property until time shall prove that such competition against the Canal cannot be sustained. There is also another view in which it may prove prejudicial to the interest of the Canal Company, and one which I fear more than any other. There are some who are willing to support the Canal with any required aid if they can be assured of a direct return from Tolls; and are too timid to rely on the other advantages arising from Commerce, Population, &c.—which are, however, equally certain, and evident to those who reflect on them. But, without such reflection, or examination of the capabilities of the country to be improved, and an independent exercise of the understanding, such friends are often driven, by their fears, from sustaining the best measures, although they may pass to the ranks of opposition with great reluctance. All this support is lost through apprehension—when a confident declaration is made that another channel may be used to equal or better advantage. I have said before, and I repeat, I fear no rail nor any other road. I am not opposed to them; but, when used to our disadvantage, in estranging our friends, I cannot avoid feeling the injury. I do not recollect what amount has been expended in improving the Chippawa, and the cut across the Point, by which the place has been literally renewed. From this place, so renewed, most of the opposition and misrepresentations in relation to the Canal have emanated: The modicum of Toll charged for the use of our work has been resisted; and, for the whole of this portion of our expenditure, we have received nothing but injury from those benefited by it. But I will say no more on this subject, and proceed to the examination of other Questions connected with the Petition of the Directors.

Mr. Wright has said—"The money has been economically expended." We who are deeply interested are fully satisfied. It is true that there is no other work, proportioned to this in magnitude which has not cost more money.

Under unexpected difficulties, and the necessity for expenditure beyond original estimates and anticipated costs, (and even without such embarrassments,) the instances in which Government aid has been liberally given to works of this sort are frequent.

On the Continent of Europe they have been principally Government Works,—while, in England, they have been made by Joint Stock Companies, sometimes aided by the Government. In America they have been made by both the State Government and Joint Stock Companies;—the latter, in large projects when necessary, aided by the Local or State Government. The Union Canal in Pennsylvania, the earliest attempt in the State, was very liberally supported by public munificence; a guarantee of five per cent. dividend was made by the State to the Stockholders; and State Grants were made, by which the Company have realized more than 500,000 dollars. That State has, within 14 or 16 years, expended about 20 millions of dollars on works of this description. The Chesapeake and Ohio Canal Company has had a large Subscription from Washington City; and Capitalists in Holland have loaned to that City one million of dollars. The Chesapeake and Delaware Canal, with four Locks only, of the same size of those on the Welland Canal, has cost about £700,000: the distance is 16 miles. The estimates for this Work were as much below the actual costs as ours. The public aided in its completion; and, when unexpected difficulties were encountered, this assurance of ultimate safety enabled the Company to procure, on loan, what was necessary.

The Hudson and Delaware Canal was also the work of a private company—a boat Canal of small dimensions, depending for its support upon a mineral region only. In constructing that Canal, the cost also far exceeded the estimates; and the value of the Stock had become very much depreciated in market, when, on application to the Legislature of the State of New York, a loan of the credit of the State to the amount of 500,000 or 800,000 dollars was given to the Company in 1827:—and, this first loan being found insufficient, on a second application, in 1829, another loan of the same description, for 300,000 dollars more, was made to them. By this judicious and timely aid, the Canal was completed, and the price of the Stock increased to a premium above the par value, instead of being, as it was before, at a great discount.

In Great Britain also, the Forth and Clyde Canal was undertaken by a private Company; the work was abandoned for a time for want of funds; but the Government revived it, and aided in its completion by a grant, sufficient for that purpose, of £50,000.

We have indeed been aided by the Province in our undertaking; but I would, with the utmost deference, ask,—has the work been fostered in a way in which it could be sustained to the best advantage? Look at the manner in which its supporters have been assailed here. It has often been said, that Government has been deceived in the amount required to complete it. This is true; and so have the private Shareholders.

In the last representation in 1831, there was no such error. The wants of the Company were then freely exhibited; and, even with the disadvantage of the loss of an entire year in the use of the Canal by a public calamity, that exhibition embraced all that was quired. We have spoken of the immense resources of the country, and the great importance of this con-

meeting link of communication, until it is heard like the repetition of an old tale. Mr. Wright & the Commissioners have again drawn your attention to it. I shall not trouble you with my observations on this branch. I will now take the liberty, with your permission, to examine an objection I have often heard made—that these loans are a load on the province, and impair the power of making other important improvements. This is one of those financial objections which may be easily refuted: but even plain demonstration is often insufficient to convince of error. Unpromising, however, as this task is, the resources are so certain that I must not pass it without some examination. There is an evident distinction between debts incurred by the Government for improvements in the country, and such as are lost in the ordinary and extraordinary expenses thereof, where no such objection has been obtained. This *truism* has been thus named, because, in the reasons I have heard opposed to incurring a provincial debt for objects of improvement, the two have not been properly distinguished. They may both be equally important to the country; but one is a load upon its resources, and the other increases them. Objects of improvement, for which public expenditure is required, are also of many different kinds.

Those from which immediate income is derived, and which at the same time promote the general prosperity, are most desirable, and bear their own recommendation by every consideration of duty and sound policy. Yet local interests and preferences, personal animosities and attachments, combined with many others of the great variety of human motives, more frequently interfere with and embarrass such measures, than any other. Their very prospects, and certain beneficial effect, if completed, insure stronger combinations and more unremitted efforts to defeat them. One of the most diabolical and insidious passions by which our erring nature is cursed, (envy,) is not unfrequently the foundation and mainspring of the most violent and persevering efforts, thus made for destruction merely. Those who are sincerely desirous to promote useful public objects, without regard to their origin or supporters, must be closely watchful lest species sophistry, professed honesty, and affected fearfulness of public injury, so far mislead as to induce them innocently to do or permit an irreparable injury. These are the weapons by which men of strict integrity, unsuspicious of the motives of others, are too often successfully assailed. When all the advantages of a project or measure are fully known to those who are called to act on it, nothing need be apprehended; but, on very important questions, many who are required to act must necessarily be governed by the representations and arguments of others. Those should therefore look to the very source of opposition and support of a measure, in the absense of stronger evidence to test the accuracy of the alleged facts and arguments by which it is sustained. An object of improvement is proposed—its beneficial effect is first examined: in this all agree. Then, what are the means to accomplish it? Will it furnish its own income by making a return upon the outlay, by duty or toll imposed on its use?—or is the whole advantage from it an increase of the individual prosperity and wealth of the country? Under the last class of improvements must be placed public highways, bridges, harbours, &c. *(The Welland Canal Harbours have not indeed been so made,*—but in most cases they are and should be, sustained by the public funds.) The wants of the community, and the direct means to make such works, have been viewed by many cautious politicians as the only landmarks by which action upon them should be governed. In opening a road by public appropriation, no one in this country ever proposed making the person using it pay for that use by imposing a toll upon it. The cause of such forbearance is evident;—the very object in making it would be defeated: No settler could afford to use it; and the country must remain a wilderness. Canals have, however, been usually properly placed under the other class of improvements from which a direct return, or a part at least, of the outlay for their construction and support, should be expected,—because their convenience is demanded by the increased population and wealth of the Country after the first stages of settlement shall have been passed. The prospect of repayment from them by tolls becomes an object for preliminary examination. For the accomplishment of such objects, it has frequently occurred that Government has called in aid, and united with their measures individual attention, enterprise, and interest. The motives for this combination have been very various in different countries, and different instances in the same country. I only say such has often been the policy. I shall, before I close this communication, have occasion to refer to the relations and duties of the parties thus mutually interested. The question, whether a Canal will pay, once settled, its practicability proved, the work commenced and in progress, if undertaken by the public, a pledge that it shall be completed is thus given, which nothing but the positive want of ability should be permitted to violate. What is this ability? In what does it consist, and how may it be applied? I aver, with a consciousness that I am sustained by sufficient proof, that there is no territory or Government whose finances are better situated, whose resources are more certain or commandable, and whose country is better placed for profitable improvement, with the expectation of immediate return, than the Province of Upper Canada. I have been furnished with abstracts from reports, from which it appears that the revenue of the province for the last few years has been rapidly increasing; and although the expenditures have also increased, yet the proportion, except for such objects as must make a full return upon the outlay, has been no way equal to such increase of revenue. In the present year, including only a regular dividend on the Bank Stock, and the probable direct income from the various investments made for public improvement which produce a return, the amount of revenue will exceed £80,000, estimating the permanent expense at £30,000 exclusive of the interest on loans, and a more favourable state of things can scarcely be desired. I make this statement of expenditure more to draw attention, than with any pretension to a knowledge of its accuracy. Whatever the balance at present, or reasonably anticipated may be, that with the expected return from the outlay, forms the legitimate basis for the credit of a Government, and may advantageously be used for the extension and improvement of the sources of revenue. Thus it would appear that the Province now possess an income, the greater part of which is derived from a very moderate impost, of about £50,000 above all the necessary calls upon it, for disbursements of Government. The legal Pro-

vincial interest is 6 per cent. You have then a foundation for a fund for internal improvements which will bear hard on nothing, create not a penny more of taxation to the amount of £800,000. The result of such improvement, when made, is as certain, and founded on as fixed a law of society, as a flow of water is on a law of nature. If the improvement shall pay no interest on the outlay, except to sustain itself in repairs, the increase of the revenue will be in proportion to the population and wealth introduced and fostered by it. Thus the actual resources of the government and the state of the country are substantially improved. Is this result doubtful? Does not the policy and experience of every country in the world prove it?

In the United States, by the Federal constitution, all revenue from foreign commerce, has been transferred to the Federal government. The commercial intercourse between the States, by an inhibition in the same instrument, cannot be taxed. The subject of internal improvements has hitherto almost wholly been attended to by each state, within its own territorial limits only. Thus cut off from any reliance on an income which you possess, and many of them having no other advantage equal to yours, it may not be deemed irrevelant briefly to shew, how some of these States have viewed and appled their remaining resources. New York has constructed Canals throughout the state, incurred for them a debt of many millions, and in five years more, (fifteen years from the time of their completion) the whole debt so incurred with the interest, will be paid by the income from the interest itself. Many of the other States are also constructing similar works at their own expenses, to which I have before alluded, and they do not think themselves poorer in consequence of the debt created for them.

Pennsylvania and Ohio are expending largely, and New York is also extending her Canals. The comparison between your resources and any of these States, the most prominent and prosperous of the whole confederation, is much in your favor. The revenue from imposts and tonnage benefitted and increased by these very improvements, is not at all under their control. Yet they understand well the beneficial effects of such operations, and have no apprehension from any debt incurred for their construction; the works afford the means for paying the debt. The improvements you have now in contemplation, and those already made, present more favorable prospects for return than any other. There is no light in which they can be viewed, from which a stronger hope of return may not be entertained, than from any of those named. Instead of being a load, they may be made a source of additional revenue. The Welland and the Saint. Lawrence Canals, although distinct undertakings, are projects intimately connected in interest. Which should have been first made, is not now a question for discussion more than the particular termination of the Welland Canal at either extremity. It may be a subject of gratification to some, and regret to others; but it is done. I discuss the present and the future only. The past I have used merely in reference to the justice of the country, and as others may regard it in a different light, or see it through another medium, even that is done with the utmost deference to the opinions of disinterested men. The Burlington Bay Canal has been completed, and although its actual cost has been quadruple the anticipated sum, yet there is no doubt of its making an ample return of interest upon the outlay. It is comparatively a small work. Refer to your receipts of custom as exhibited in the official accounts; look at the increased population and wealth in its vicinity; add to these the tolls received for its use; and I would ask, has not the country gained by its construction? Are you loaded with debt for it? or rather may it not with propriety be asked,—Is there any one so regardless of his reputation for intellect or ingenuousness, as not to acknowledge, that it has increased your revenue and aided in filling your Treasury? This is a government work and the 30,000 for its cost is acknowledged to be well expended. So in effect, although not in general acknowledgment, it is with the Welland Canal. Its partial use and anticipated completion have already reduced the rate of transportation for the benefit of your agricultural community more than two thirds. With regard to the value of property above the Canal, it cannot surely be necessary for me to use argument to shew that a man, the product of whose farm is worth more at his own door in consequence of the diminished price of transportation, is thus far an actual guiner by the improvement, and his farm itself more valuable in proportion to the amount thus saved in transportation and the product thereof. This is still the incipient and imperfect stage. I have before spoken of its tolls. It is impossible to limit the amount of transportation upon it except by its capacity to pass vessels. This is an opinion formed by every person acquainted with the extent and resources of the country. An examination of the map of the Province with a knowledge of the climate, soil, rivers intersecting it every where, and lakes by which it is almost insulated, is enough for any one open to conviction. The contemplated improvements on the St. Lawrence in point of advantage to the country, are second to no other projects; they are intimately connected in mutual interest with the Welland Canal and are decidedly links of the same chain. A very small portion of the productions of the country and merchandise would pay an interest in the outlay for the whole line of communication. I must here bestow a few words on a most singular argument on the use of the Welland Canal by American vessels. This is nothing less than that such use impairs the interest of the Canadian Farmer. I have before said that formerly one of the arguments used against its prospective productiveness was, that the Americans would never use it—but they do use it, and the ground is now changed. An important aid to the income of the Canal is derived from American industry and enterprise and in an approach to their own seaport. Nothing that they carry comes in competition with any article on your side, so far as the Canal is concerned. How then, I would ask, can such an assertion be entitled to any weight or even momentary attention? A vessel is cleared from the port of Oswego for Cleveland in Ohio, having on board merchandise and salt, and she brings back a return cargo of wheat, which is ground at the Oswego Mills, or sent to New York in the grain. In what way in the name of reason does this use of the Canal affect the interest of the Canadian, except that he and his country are benefitted by the tribute thus paid by the Americans for the use of a communication more convenient than their own, thus contributing to a return on the outlay and consequent advantage of the Province? If the produce shall be des-

tined for the Canada Market, or for the purpose of sending abroad, the Canal has nothing to do with it in any way, but it is a subject of commercial regulation entirely, and its effect may be commercially examined by others, more beneficially than by me at this time.

I have thus passed over in perhaps too hasty and desultory a manner, subjects of importance, but the shortness of the time allotted prevents my putting it in better order. I will now proceed to a brief examination of three propositions which have been presented for legislative consideration, in relation to the Welland Canal Company and its support.

The situation of the Company has been represented. It is now requisite that immediate measures should be adopted to prepare the Canal for early spring navigation. Engagements for transportation will soon be made, and longer delay may lose a great part of what will otherwise be sent through the canal.

The first Question is—shall aid for this work be given by the Government to the full extent of the sum required to put the Canal in a respectable situation, and restore the credit of the Company.

It is said the Government have already aided to an extent far beyond any sum anticipated, and the merits of the undertaking do not warrant any further advance.

Another ground taken in opposition, is, that the amount of repairs recommended by Mr. Wright is so large that the Government cannot do it, and that its means are not adequate.

The whole amount required to pay off the debts of the Company, and put the Canal in a complete state for use the next season, will be somewhat less than £50,000.

The Government and individuals are Stockholders in a joint concern. The Government has had its Stock represented in the management of the concerns of the Company by Directors of its own appointment. Every measure adopted by the Board of Directors has had the approbation of the Government Directors. Indeed, there is great satisfaction in being able to make the assertion, that no Board of Directors in any Company have appeared to me to act with greater attention to the interests entrusted to them, and with more unanimity, than the Directors of the Welland Canal Company, amidst all their discouragements and troubles.

The Government has always been satisfied with the course pursued by its Directors. When the accounts of the Company have been exhibited and examined by Committees of the Commons House of Assembly, their Reports have always expressed satisfaction with them, and been received. The Province has advanced large sums on Loan to promote the work, and holds the Canal for such Loans.

The private Stockholders can never expect to receive any interest on their Stock, until these Loans are fully provided for. If they had means to aid by Loans, they could not do it except on the foundation of a subsequent lien, which might be endangered by the prior claims of the Government.

The greatest portion of private Stock is held by a few persons whose means have been exhausted by investing their property in the stock, and they are of course unable to aid any further.

The interest of the Government is great in the work,—I have shown that it has abundant means—and from all these considerations it appears to me almost necessarily to follow, that either in its Government character, to sustain a work of such importance, or as joint proprietor of Stock and partner with a prior lien on the property that effects shuts out the hope of aid from any other quarter, it would not be proper with a due regard to public faith to suffer the Company to die, and then claim the forfeited property.—Our case is however stronger than is above represented. That would be a parallel case of common partners with equal proportional participation in the profits; and yet the partner who had means and refused to aid in such an emergency, with the expectation of advantage from the embarrassment, could scarcely hope to retain a character for integrity.—Here however the Government has all the profit, and until the nett dividend shall exceed the interest of the debt and be sufficient to provide for the payment of the principal, the shareholders sustain all the loss. The improvement is in the land—An immense population and millions of wealth will be added, and the revenues of the Province greatly increased; yet the shareholders must wait, and perhaps loose all while the public is reaping its full harvest. This is not an imaginary representation—it is strictly true, and if it shall be deemed proper to act upon this proposition only, I cannot avoid feeling a perfect confidence that the requisite aid will be granted.

There is, however, an opinion very prevalent that it would be better that the Government should own this great channel for commercial intercourse. I entertain no apprehensions of the intrinsic value of the Stock, if we can once be placed on a footing to provide against any contingencies, and be enabled to give assurance that the Canal shall be kept in good order for a single season.

None of the accidents which have occurred have lessened my ideas of the intrinsic value of the property. I know the country by which it will be supported; and the result is inevitable. During the last season the Commissioners addressed letters to the different shareholders, with a request to answer on what terms they would sell their Stock?—All with whom I am acquainted preferred that an offer should be made, if it was the wish of Government to possess the Canal. They have never considered it worth less than what it cost, including interest. I have also seen two letters from Shareholders in England,—one from the Rev. Mr. Blacow of Liverpool, who appears well acquainted with the Canal and its reasonable prospects, and evidently possesses a degree of accurate topographical intelligence, which, for the proper estimation of its value to the proprietors and the country, it would be very desirable to see more generally diffused even here.

The other is from Messrs. Bosanquet, Pitt, and Company. Both letters hold the property in greater estimation than some of our Shareholders, but not higher than I do. I hope Mr. Merritt, to whom these letters have been addressed, may feel himself at liberty to submit such portions of them as are applicable. On this subject I have nothing further to say: It is a measure resting with Parliament. If no sufficient aid be furnished on such terms as the Company can take, it appears to me reasonable that arrangements should be made to purchase out a sufficient amount

of Stock,—to vest in the Government a control of the work.

If, however, a state of feeling shall exist, which cannot consider the resources of the country, and the abundant means it possesses to aid or purchase, in the light I have endeavoured to present it,—I would then submit, for the purpose of enabling the Directors to offer security on an unincumbered Canal, that the Government relinquish its interest therein on condition that the Stockholders put the Canal in good order, and keep it so. I would not name this proposition, if some gentlemen had not informed me that many members thought this measure preferable to any other.

I am,
With the greatest respect,
Sir,
Your obedient servant,
J. B. YATES.

No. 3.

REPORT
OF
GOVERNMENT DIRECTORS
ON THE
HYDRAULICS.

That by the Charter of the Welland Canal Company, the power to use the surplus water of the Canal, or dispose thereof for its benefit, is vested in said Company.

That certain tracts of land belonging to Government, lying along, and in the vicinity of said Canal, were, previous to the construction of the same, so wet and marshy as to be entirely useless and worthless; that in consideration of the probability that these lands would be reclaimed by the Canal passing through the tract, and the facility with which they might be thoroughly drained, a grant thereof was made by the Government to the said Company. The two tracts thus granted, amounting to 16,000 acres. In the latter part of the year 1830, on examining the situation of the property of the Company, not necessary for the navigation of the Canal and its use as a public work, the Directors thought it advisable to offer the whole for sale, including such parcels of land as had been necessarily purchased from individuals except what were required for the use of the Canal. The Board appear to the Committee to have acted in the prosecution of this plan with proper caution, and to have done every act requisite to give publicity to the sale, and procure proposals. The Committee have examined the Minutes of the Board, and find the following proceedings:—

"*October 26th*, 1830.

"At a Meeting of the Board of Directors, held this day at St. Catharines—

PRESENT:

A McDonell,
Robert Randal,
Henry J. Boulton,
W. H. Merritt,

"It is the opinion of this Board, that if an immediate sale of lands of the Company, together with the Hydraulic privileges, could be effected, it would promote the interest of the Company by the increased toll which must be brought on the Canal for the supply of the various machinery which will be erected, besides the indirect trade which must arise from the business thus created. The Board feel every disposition to promote this object; but as the amount of capital necessary to invest in machinery, &c., must exceed £25,000, to obtain an increase of 15 per cent premium, a sum beyond what the Company may command.

"*Resolved*, That J. B. Yates be empowered to effect a sale of all the lands and Hydraulic privileges now on or to be on the entire line of the Canal, including the route hereafter to be made to Lake Erie, reserving the entire management and regulation of the waters to the said Company, to preserve the levels throughout, and make, from time to time, such alterations as they may deem necessary for preserving or improving the navigation of or on the Canal—for the sum of £25,000, payable in ten years, with interest, payable yearly, from the 1st day of January next.

"And that the said John B. Yates may have the refusal thereof, for one year; the title to be given on payment of the principal, or any part thereof; and that a contract be entered into with him to that effect, provided the Directors unanimously approve of the measure."

November 3, 1830.

"At a meeting of the Board of Directors, held at the house of the Hon. J. H. Dunn, York.

PRESENT.

John Henry Dunn,
Henry J. Boulton,
William Allan,
W. H. Merritt.

"All the Resolutions made at the last meeting were confirmed, except the proposition of J. B. Yates, Esquire, which, having been taken into consideration, the Directors conceived they would assume too great a responsibility to close with the proposal, without having more information respecting the value of the property to be disposed of; and conceiving they would be rendering the Stockholders all the advantages the sale would possibly afford, by giving it the most extensive publicity—

"*Resolved*, That the agent be directed to advertise the sale thereof, stating all its advantages, in the newspapers of New York, Boston, and elsewhere in the States; and Montreal, &c., in the Canadas, for which proposals will be received on or before the first day of May ensuing."

In pursuance of the above Resolution, the following advertisement was published, for the full time, in newspapers in New York, Boston, Montreal, and other places in the Province, put up in handbills, and distributed throughout the country.

EXTENSIVE SALE OF THE WELLAND CANAL.

"Sealed proposals will be received, for the purchase of the land and Hydraulic situations on the entire line of the Canal, to be delivered at the Welland Canal office, on or before the *1st day of March next*, at 12 o'clock.—The offers will specify the highest sum the purchasers are disposed to give, the principal payable in ten years, with an annual interest of 6 per cent from the first day of January, 1831; or the principal to be paid down.

"The LANDED PROPERTY consists—

"*First*—Of 4 acres of land at Dunnville, (Grand River dam,) on which a Grist Mill, Carding Machine, and three Saw Mills, are now erected on lease. This place is situated five miles from Lake Erie. It commands an extent of country of many miles; no stream leads into the Lake for 25 or 30 miles on either side of it; the river is level for 16 miles, and navigable for rafts, &c. 100 miles above in the spring and fall; and the banks abound with valuable timber and gypsum, of the best description.

"*Second*—15,000 acres adjoining the Canal, in Wainfleet and Humberstone. This land is situated on either side of the Canal, and is the richest soil in this part of the country.—A Village is already laid out in the centre of this tract, named Marshville, (now called Millton,) where there is a Mill privilege with 14 feet fall of water.

"*Third*—5 acres at and below the Aqueduct over the Welland River.

"*Fourth*—75 acres at Port Robinson, on which a Town Plot is laid out, and some lots sold.—It is a commanding situation, at the junction of the Canal with the Welland; having that river navigable for 30 miles above and 9½ below, where it intersects the Niagara.—It is pleasantly situated, and will have a daily line of Packets the ensuing season passing to and from Buffalo and the Grand River dam.

"*Fifth*—70 acres at Allanburgh, (foot of the deep cut) on which a Saw Mill is now erected.—This will also be a commanding situation from the Hydraulic power it possesses; being the first fall where the water can be used for the purpose of machinery, and afterwards brought into a lower level of the Canal. A village is already laid out at this place; and from its being surrounded by a rich and populous country, there is every reason to anticipate a rapid growth.

"*Sixth*—100 acres at the Reservoir near the village of Thorold. There is a Grist Mill containing 4 run of stones, erected in this place, (the only mill privilege on the line of the Canal actually disposed of,) and two Saw Mills are building.

There are likewise in operation a Saw Mill, with two Saws, near Centreville; a Grist and Saw Mill, Pail Factory, Turning Lathe, and Furnace, at and near St. Catharines; and a Saw Mill at Port Dalhousie. A Dry Dock for repairing Vessels, is also erecting at the 2nd Lock from the Harbor.

As this is unquestionably the most important and extensive sale ever offered of a similar description in the Western part of America, no individual or Company will propose to purchase without a personal examination: it is, therefore, only necessary to give a brief outline of the advantages which it possesses:

HYDRAULIC SITUATIONS.

The Niagara peninsula, which separates Lakes Erie and Ontario is composed of two table lands; the first extending from Lake Erie to the mountain ridge, running in a line from Niagara Falls as far up as Paterson's Creek, (Long Point) a distance of 90 miles, including the Townships of Bertie, Willoughby, Crowland, Humberstone, Wainfleet, Moulton, Canborough, Walpole, Rainham, and part of Woodhouse; and on the opposite side of the Welland River, Stamford, Thorold, Pelham, Caistor, Gainsboro', and Binbrooke. The second table land below the mountain ridge, continues from Niagara to Dundas Creek at the head of Burlington Bay, a distance of about 60 miles, comprising the townships of Niagara, Grantham, Louth, Clinton, Grimsby, Saltfleet, and part of Barton.

The River Welland being almost a dead level, and running parallel with Lake Erie, through nearly the centre of this peninsula, there is not a single stream affording a continual or steady supply of water for an extensive flouring establishment, within the territory above described, except the Grand River. It is bounded by the Niagara River on the one side, and by Patterson's Creek, (which empties into Lake Erie,) and Dundas Creek, (a tributary of Burlington Bay,) on the other, both of which are durable streams of considerable power.

"The Western country above this, to a great distance, and the American side opposite, are likewise destitute of water privileges, to any extent; and this is the nearest and most convenient point to which their Merchants and Traders can resort for manufacturing purposes, on a scale commensurate with their wants. It is not necessary however, to take so extended a view of the advantages and importance of the hydraulic power on the line of this Canal. A similar instance in the State of New York, will suffice for example. The small stream leading from Crooked to Seneca Lake in the County of Yates, only six miles in length, has already Flouring Mills erected upon its banks within sight of each other the whole distance; and no one contains less than three run of stones. Here, the country generally *is* in a good state of cultivation, and the soil and climate peculiarly adapted to the growing of wheat; consequently, an immediate and increasing demand exists for the erection of Mills and machinery of every description.

"The extent of water power is unlimited. The principal situations on the first level are at the Grand River dam, (the point where the Ship Canal will hereafter enter Lake Erie;) at Marshville, at Robinson, and at Allanburgh, where the first descent takes place.) The next are at Thorold, (where the water is brought round four Locks.) From thence it passes half way down the mountain in rear of the Locks, it then crosses the Canal, and is taken to St. Catharines on the other side, in a distinct raceway or ditch.—Thus, in the whole descent of 346 feet, the water may be used for machinery, on each level successively, wholy independent of the Canal, so that the works will not be liable to interruption even should the water be drawn off the main levels for the purpose of making repairs.

"To make this purchase profitable, it will be necessary to expend a large amount of capital, immedi-

ately; therefore, no application will be received unless the parties shew, to the satisfaction of the Board that they can command the means to effect the designed objects.

By order of the Board of Directors.

"(Signed)
"WM. MAMILTON MERRITT,
Agent."

"WELLAND CANAL OFFICE,
St. Catharines, 8th Decr. 1830."

After the expiration of this time, and giving a full opportunity for proposals by waiting some time longer, on the 11th May 1831.

At a meeting of the Board of Directors held this day at St. Catharines,—

PRESENT:

The Hon. John H. Dunn, *President.*
Alex. McDonell, *Vice President,*
Hon. William Allan,
H. J. Boulton,
Robert Randal,
John Warren,
W. H. Merritt,
} *Directors.*

Whereas public notice having been given, that proposals would be received for the purchase of all the real Estate and Hydraulic privileges belonging to the Welland Canal Company, and no proposal having been received so advantageous as the one by Mr. Yates, it is therefore—

"*Resolved,* That the proposition of Mr. Yates, be accepted, and that a contract be executed pursuant to the terms thereof, the interest on which is to commence on the 1st day of January, 1832, with the principal payable in ten years."

2nd June, 1831.

At a meeting of the Directors, held at the Welland Canal Office,—

PRESENT:

The Hon. John H. Dunn, *President,*
Willliam Allan,
A. Macdonell,
Robert Randal,
Thomas Butler,
John Warren,
} *Directors.*

"*Resolved,* That a Surveyor be employed to designate and establish the boundary of the Canal throughout, under the direction of Mr. Macdonell, who will submit the plan of the same for the sanction of the Board, as soon as completed.

"*Resolved,* That a deed of the above lands be made out to Alexander Macdonell, Esq., at the request of J. B. Yates, Esq., he not being authorised to hold real estate in the Province; and that a Bond and Mortgage be made out and executed by Mr. Macdonell, for payment of the consideration and interest and that Mr. Yates execute the Bond with him."

On the 20th June, a Resolution was passed appointing Mr. George Keefer, Junr., to make the survey pursuant to the resolution of 2nd June.

The whole transaction appears thus to have been conducted, with due deliberation and the most proper exertions to procure as large an offer as could be obtained.

From the Resolution passed on the 2nd May, 1831, the Committee inferred that the Board of Directors did not consider the former offer of Mr. Yates, to purchase properly, under their consideration. On inquiry it has been represented to the Committee, that it was so far beyond any offer that had been received, that the Board desired a renewal of it if he was still willing to purchase.—It appeared also, that the sum named at the first meeting was considered more as an expression of his own confidence in the actual value of the property, than a desire to become a purchaser, being a sum far beyond the then estimation of any other person except Mr. Merritt, by whom the committee has been informed that he had not the least doubt, with the expenditure of a capital upon it, in the hands of active and enterprising men, the property would be very valuable. He was desirous to sell, because he thought the country and company would derive more benefit from it, than if it remained in the hands of the Company. In order to enable Mr. Yates to induce other men of capital to unite with him, he gave his opinion of the prospective value of the property.

Owing to various causes which have at different times been stated in public documents, the navigation of the Canal and the improvements on it have been procrastinated; and although a large sum of money has been expended by the purchasers yet the discouragements have hitherto prevented the advantages that otherwise would have been received from the outlay.

The Canal now being completed, the actual value of the purchase is fully perceptible, and the prospect is good, that the Hydraulic Company, (as the purchasers with Mr. Yates have called themselves) will be amply paid for their outlay, enterprise and attention.

During the last year, an unexpected inconvenience has been experienced from the use of the water in many places; and inasmuch as some sacrifice on the part of the Hydraulic Company, of a portion of the water power, where they have expended large sums in improvements, must necessarily be made, to sustain an advantageous head of water in the Canal; and serious differences of opinion may exist in relation to the manner of regulating the use of the water at such places, it has been deemed expedient by the Committee to open a negotiation for the repurchase thereof by the Welland Canal Company.

Much of the expenditure of the Hydraulic Company, has been in an endeavour to drain and improve the value of the large tract of land in Wainfleet and Humberstone, in which they have been so far successful as to make it evident that the whole tract must become very valuable. The Hydraulic Company have offered to reconvey all the property, with their expenditure upon the whole improvements, in consideration of a discharge of the Bond and Mortgage, and that the Welland Canal Company give their bonds for £25,000, payable in 1874, with 6 per cent. interest, one half semi-annually.

Although the Committee are of opinion that the whole property is now worth rather more than this sum, yet considering the relative situations of the parties, they thought the Hydraulic Company should not look for a full compensation for the actual value of the property; but be contented with a liberal compensation for their attention and hazard, and an ample return for their outlay and profit upon it.

In this view, the committee did inform them, that they would recommend, on the reconveyance aforesaid, the issue of the obligations of the Welland Canal Company on the terms named, for £17,500—in answer to which the committee was informed that this offer would be taken, with the exception of the small portion of the property at Allanburgh, and the water at the Locks there; and the lot lately granted at Port Colborne for which the Hydraulic Company agreed to pay the Welland Canal Company semi-annually, a sum which together with the annual rents and the interest on sales of the aforesaid property to be by them re-conveyed, shall be equal to the interest on the aforesaid sum of £17,500, due on the bonds given for the repurchase of the same.

In this view which the committee have taken of the actual value of the whole of this property, and with the conviction they have that the Welland Canal Company should re-possess it, and at the same time do ample justice to those gentlemen who have made the utmost efforts in their power to improve it.

Your Committee recommend to the Board of Directors the acceptance of the latter offer.

All which is most respectfully submitted.

(Signed) CHARLES DUNCOMBE,
WM. ELLIOTT,
WM. CHISHOLM.

Welland Canal Office, 7th June, 1834.

No. 4.

AGREEMENT

MADE WITH J. B. YATES, ESQ.

Articles of agreement made this ninth day of June, in the year one thousand eight hundred and thirty four, between the President and Directors of the Welland Canal Company, and Alexander McDonell, John B. Yates, and Ogden Creighton of the second part.

Whereas the Welland Canal Company have heretofore sold to John B. Yates the real estate and Hydraulic power belonging to said Company for the consideration of twenty five thousand pounds, as the same is more particularly described in a Deed from the Welland Canal Company to Alexander McDonell, who holds the same for the party of the second part. And whereas the said Alexander McDonell executed a mortgage for the said consideration money, and accompanied by a bond as collateral for the same amount, payable in ten years from the first day of January eighteen hundred and thirty two, with the interest thereon, payable yearly on the first day of January. And whereas, further, it has been thought advisable on the part of said Company to repossess the greater part of said property so as to enable the Company more fully to control the operations on said Canal. It is therefore agreed by and between the parties aforesaid, in consideration of the sum of seventeen thousand five hundred pounds, the said Alexander McDonell shall re-convey to the said Welland Canal Company all the aforesaid hydraulic power and real estate, except the part lying on the mountain near the east end of the summit level, at a place called Allanburgh, and the lot and property at Gravelly Bay, and also that the said Alexander McDonell execute to the said Company a conveyance of such property as may have been purchased by him near the village of St. Catharines from Oliver Phelps, together with an assignment of all obligations yet due and unpaid, and all leases for property or water power sold or leased, or all other portions of said property except that reserved at Allanburgh as aforesaid. The said conveyances to be executed when required by said Company after the following conditions shall be complied with. The said Company on its part, agrees to execute in due form of law, a discharge of the Bond and Mortgage aforesaid and issue also when required the Notes or obligations of the Company, for seventeen thousand five hundred pounds, in sums of two hundred and fifty pounds each, payable in the year eighteen hundred and seventy four, on the first day of January, bearing an interest of six per cent per annum, payable half yearly on the first days of July and January, at the Office of the Welland Canal Company, to commence running on the first day of January last. The said obligations shall be drawn payable to the order of Alexander McDonell and indorsed by him, the Seal of said Company being first impressed thereon and signed by the President of the said Company, and countersigned by the Secretary, and that the same be then transferable by the holder thereof as shares of the capital Stock in said Company are now transferable, except that an endorsment by the holder thereof shall be a sufficient evidence of transfer instead of a regular power of Attorney—That a separate book shall be provided for the entry of such transfer.

It is further agreed that if in consequence of any legislative alteration of opinion heretofore expressed in relation to such an arrangement the legislature shall at their next session, by resolution, express an opinion that such repurchase is not necessary, the said Welland Canal Company shall be desirous to rescind this agreement now made and shall within three months thereafter give due notice thereof to the party the said party of the second part stipulate in case the property shall be placed in the state in which it now is they will consent to such a measure and will return to the Welland Canal Company all the bonds or obligations which shall have been issued and received as aforesaid.

And whereas the income from the property thus reconveyed and sold to the Welland Canal Company may not equal for a short time the semi-annual interest on the obligations, the said party of the second part agree that if the amount of reserved rent money received or sales and proceeds of sales of timber or any product of the land shall not equal the semi-annual interest on the obligations aforesaid they will pay an amount sufficient to pay such deficiency to the Treasurer of the Company by way of rent for the property and water at Allanburgh and the lot at Gravelly Bay.—In Witness whereof the said Welland Canal Company have caused the seal of the said Company to be affixed to this agreement and signed

by the President—and the said party of the second part have set their hands and seals at the Canal office in St. Catharines on the day and year aforesaid.

Signed, sealed, and delivered in presence of

WM. H. MERRITT, [L. S.]
President, W. C. C.
A. MACDONELL, [L. S.]
J. B. YATES, [L. S.]
OGDEN CREIGHTON, [L. S.]

Interlined before execution—2 Page—between 5 & 6 lines from top—The words "and the lot and "property at Gravelly Bay."

3rd Page, 18th and 19th lines from top—"The "Legislature shall at their next session by resolu- "tion express an opinion that such repurchase is not "necessary."

And between lines 20 and 21 from top—3d page —the words—"And shall within three months there- "after give notice thereof to the party."

JOHN CLARK.

No. 5.

REPORT

OF THE

BOARD OF DIRECTORS, FOR 1834.

To the last official Report made by the Board of Directors, on the 1st of March 1833, they beg leave to refer the Stockholders and those interested in the state of the Welland Canal.

During the same year (Oct. 3,) a Report was made by Benjamin Wright Esq., a celebrated American Engineer, employed by order of the Legislature, who examined the entire Canal and recommended various improvements on a scale commensurate with the extent of country connected therewith. On the 7th December a general Report was published by Commissioners appointed by the Legislature, W. B. Robinson, J. Macaulay, and Absalom Shade Esquires; and on 30th June the Report of a Committee of the Commons House of Assembly of this Province, accompanied by a Letter from J. B. Yates Esqr., one of the most extensive Stockholders, containing a great variety of information on the subject of the Canal, and the different opinions then entertained respecting it, were also published—which Reports were forwarded to our different Agents for the information of the Stockholders generally—in consequence of which the Directors deemed it unnecessary for them to publish any further Report for that year.

The Directors regret being unable to announce to the Stockholders the final adjustment of all claims for lands, damages, &c., in consequence of the Arbitrators appointed by the Legislature not having found it convenient to meet for that purpose. It is hoped provision will be made the ensuing Session to avoid further delay. They have endeavored during the past season to carry into effect the measures recommended in their Report of 1833; although from the late period when aid was afforded by the Legislature little progress could be made before the navigation commenced. Every part of the work (which could be prosecuted without interrupting the navigation) has been completed; Grand River dam thoroughly gravelled, and a plentiful supply of water thereby secured. The piers at Grand River Harbor have been extended and filled, which renders that Harbor as extensive and commodious as any on Lake Erie.

The piers and Harbor at Port Colborne, the commencement of the Ship Canal on Lake Erie, are nearly finished, together with the Light House, and placed in a state of security.

Contracts are entered into for extending the Lock at Port Colborne to 125 feet in length—widening the Canal from thence to the rock, six feet—and cutting a Basin for vessels to pass or turn on the North side of the Lock at the Harbor—for deepening the rock excavation at the curve on the new route twelve inches—widening the Canal from the Junction to Port Robinson—making a guard gate at Port Colborne, and one at the Junction—a Culvert at Hall Davis' level—and deepening the Canal from one foot to eighteen inches from Campbell's Lock to Davis' basin, and the cut from Marlatt's level to Lock No. 35 in Thorold—and for extending the West pier at Port Dalhousie in a line with the East.

Also, for deepening and widening the feeder from the junction to the curve, and cutting basins every half mile for the passing of Steam Boats—making a culvert at Broad Creek, and extending the berm bank from thence to Cranberry Creek,—all of which are now in a rapid state of progress.

To effect these objects great sacrifices were indispensable. The Canal had to be closed as early as the 15th November, of which due notice was given, and consequently the loss of the greater part of the Fall business has been unavoidable.

It was gratifying to the Directors to witness the readiness with which those interested in the trade entered into their view, and relinquished the remaining business of the present year to ensure an early transit the ensuing season.

The public are generally aware that one of the most prominent features in this Canal is the opening of the navigation before the lower part of Lake Erie is clear of ice; an advantage which, up to the present moment, for want of means, has never been realised, though the nature of the work decidedly admits of it.

The Directors have named the first day of April of the ensuing season for opening the Canal—and they are resolved that the improvements now in operation shall not interfere with that determination. To encourage emulation for an early transit, the Board have offered a premium of one hundred dollars to the Captain of the first vessel over fifty tons burden, which may arrive at Port Dalhousie laden with merchandize from New York, destined for any port on the upper Lakes—and one hundred dollars to the Captain of the first vessel over fifty tons burden, which may arrive at Dunnville on Grand River with produce from Cleveland, or any port above it, destined for New York market; and as they believe an interchange of commodities may take place between New York and ports on the upper Lakes by this channel in ordinary seasons, one month earlier

than by way of Buffalo. They will also give the same premiums to the first vessel over fifty tons burden which may arrive at Port Dalhousie from either Prescott, Brockville, or Kingston, laden with merchandize from Montreal market destined for the British ports on Lake Erie; or at Dunnville from Port Stanley or above it.

The uninterrupted navigation of the Canal throughout several months of the past season has afforded the utmost confidence to all those interested in it; and owners and masters of vessels are now fully satisfied that both a profitable and certain business may be transacted through it. In proof of this, the Directors are advised of twenty new vessels of the largest class being in course of building on the American side, purposely for this trade.

There is also a degree of activity prevailing in the ports on our own side not heretofore witnessed.—Vessels are building suited to the double voyage, which cannot fail to give an impulse to the Western parts of this Province, where it has hitherto been much required.

An opening has also been made into the interior of one of the finest portions of the country through the exertions of the Grand River Navigation Company. This improvement will in effect extend the Welland Canal to Brantford on the Grand River, and afford the means of a cheap and ready conveyance for all the produce and merchandise within the influence of that noble stream, and the country west of it.

The period has at length arrived when the inhabitants of the Province begin to realise the advantages of this undertaking; and a general desire prevails to make it a Provincial work. This measure was strongly recommended by the late Commissioners, and the principal obstacle to its accomplishment during the last session of the Legislature, appeared to be the sale of the Hydraulic works. The first proceeding of the Directors appointed by the Legislature was to enter into a negotiation with the proprietors for a repurchase of this property, which has been effected.

The Directors deem it unnecessary to enter into either a general or detailed statement of the advantages derived from the Welland Canal, or the impetus it has been the means of giving to other improvements. The public opinion regarding it has been fully expressed in the various addresses and resolutions of the House of Assembly to the Home Government and the Legislature of Lower Canada; and its importance is now very generally felt and acknowledged.

The last session of the Provincial Legislature increased the Capital Stock of this Company to £250,000, and authorised the subscription on the part of the Government of £50,000, for the purpose of paying off the debts of the Company and putting the Canal in a state of repair, which has been, and still is, in progress.

The total expenditure on the Canal up to Nov. 1833, was.....	£362,478	1	0½
By the Commissioners during that year, on account of Stock taken by the Provincial Government.	7,500	0	0
By do. out of the funds of the Company.....	253	11	5
During the present year, 1834, including payments of old debts.	40,847	14	6½
	£411,079	6	11½

There has passed through the Canal the present season, 570 Schooners, 334 Boats and Scows, and 66 Rafts—the amount of tonnage of which is 37,927—and the following quantities of produce, merchandize, &c. &c.

1,297,892 feet of Lumber.
307,963 Pipe Staves.
84,092 West India Staves.
94,380 cubic feet of square Timber.
5,939 Saw Logs.
264,919 bushels of Wheat.
27,702½ barrels of Flour.
23,422½ barrels of Pork and Beef.
59,641 barrels of Salt.
3,216 bushels of Potatoes.
223 bushels of Oats.
200 bushels of Corn.
382 barrels of Whiskey.
530½ barrels of Lard.
1,694 kegs of Lard.
46 kegs of Butter.
96 barrels of Ashes.
44 hogsheads Tobacco.
127 kegs Tobacco.
145 boxes Glass.
105 barrels dry Fruit.
59 barrels Nuts.
201 barrels Apples.
6½ barrels Fish.
20 empty barrels.
93½ barrels Bacon and Hams.
2½ tons Bacon and Hams.
399¼ tons Coal.*
77 tons Gypsum and Plaster.
117 barrels Ground do.
94 tons Pig Iron.
338 tons Castings.
30¾ tons Grind Stones.
2 tons Mill Stones.
4½ tons Furniture.
9 tons damaged Rope.
2 tons Bran.
2 tons Hay.
4 tons Hides.
5 tons Bagging.
2½ tons Horns.
8 cwt. Sheep Skins.
60,500 Shingles.
65 barrels Onions.
16 barrels Beer.
47 barrels Cider.
4 barrels Crackers.
22 barrels Oysters.
3 barrels Vinegar.
1 barrel Pitch.
30 Ploughs.
25 casks Cheese.

* This article is found in abundance adjoining the Ohio Canal; it is the first attempt to introduce it on the shores of Lake Ontario. The increase of this trade can be readily realised by those acquainted with our climate.

28 barrels Grease.
6 bags Feathers.
1,000 Rails.
29 small Packages.
1,880¼ tons Merchandize.

The amount of Toll in 1832 was...	£,2432	7	8¾*
" " in 1833.....	3,618	1	7¾*
And in 1834.....	4,300	8	5¾

Although the income of the Canal during the present season does not present the same ratio of increase with the former, the difference is chiefly to be ascribed to the early close of the navigation and decrease of business in the months of June and July, owing to the total interruption in the navigation of the Ohio Canal. Notwithstanding which our staple articles have been greatly increased, viz. :—

	1832	1833	1834
Barrels of pork.....	5422..	9611 ..	23422½
Bushels of wheat.....	155170..	229675 ..	264919
Number of staves.....	146136..	161792 ..	392055
Feet of square timber..	75992..	30942 ..	94380
Barrels of salt.....	34546..	46552 ..	59694
Tons of merchandise..	1032..	1323¼..	1880¼
No. of Schooners passed	240..	433 ..	570
No. of boats & scows..	175..	287 ..	334

The unexampled increase of commerce on the Western waters has for some time arrested the attention of the different State Legislatures adjacent thereto.

It appears that in 1814 there was but one Steam Boat on the Mississippi river—in 1833 they numbered 315. The increase on Lake Erie, including vessels, is nearly in the same ratio. The Legislature of the State of New York gave the first impulse to the commerce on Lake Erie, by the construction of the Erie Canal; and as a just and natural consequence are now reaping the earliest reward, by conveying the greater part of its products to the Hudson.

The Legislature of the State of Pennsylvania are making the most gigantic efforts to divert a portion of this commerce to the Delaware; they have already constructed a Canal of much larger dimensions than the Erie—(with the addition of a Rail road over the summit of the Allegany Mountains)—to the Ohio river, from whence they intersect Lake Erie at the Town of Erie, Pennsylvania. No obstacle appals them—the highest mountains, the deepest valleys, the most precipitous descents, the most ungovernable rivers, are surmounted; and although an expenditure has already been incurred by the State of nearly $30,000,000 for various improvements, experience proves, from the returns made by those portions already finished that they are warranted to proceed.

By a report of Mr. Mercer, Chairman of the Committee on Canals and Rail Roads, published 24th June last, the construction of a ship Canal between lake Michigan and the Mississippi, by the Illinois River, is strongly recommended to the consideration of Congress. As this is a project in which the inhabitants of the whole Continent of America must feel a mutual interest, we copy the report of C. Gratiot Esq. Chief Engineer. (See Appendix to this Report, A.)

It may not be generally known that it requires a Canal of only 27 miles to connect the Ocean with Lake Ontario—28 miles to connect Lake Ontario to Lake Erie, and 92 miles to connect Lake Michigan with Illinois river, (the summit of which is but 27 miles,) requiring only artificial ship or steam navigation of 147 miles to connect the Gulphs of Mexico and St. Lawrence through the interior of this continent. We also insert an extract from the Report of B. Wright Esq. on the St. Lawrence (See Report Appendix marked B.) which cannot fail to impress on the minds of those concerned the decided advantages which must arise to the public by constructing a canal at this point on the enlarged dimensions.

Although the inhabitants of these Provinces have witnessed the entire loss of the Western Trade, with a degree of supineness not to be satisfactorily accounted for, it is cheering to know that the Legislature of this Province have commenced the improvement of the St. Lawrence on a scale commensurate to the objects. The Locks are 200×55 feet, with nine feet depth of water. It is to be hoped measures will be adopted the ensuing session to continue this scale through the Lower Province; which will in effect make those interior waters a sea coast, and extend the commerce of the St. Lawrence beyond the most sanguine expectations of those who may now be considered enthusiasts.

The difficulties and expense of navigating the St. Lawrence are far greater than is generally supposed. The amount of trade or commerce through that channel is a mere bagatelle compared with what is directed to the New York market. It appears that 264,919 bushels of wheat were conveyed through the Welland Canal last season; of which only 18,464 bushels came from our ports on Lake Erie, and 22,170 from American ports destined for Montreal Market; and the remaining 224,285 were conveyed to Oswego; whereas if the St. Lawrence were made navigable it would be difficult prescribing bounds to the quantity which would be diverted by this channel to foreign markets, or the quantity of merchandize in return for the supply of the Western Country. It is supposed that merchandise from London would be conveyed to Cleveland for £2 10 per ton, which now costs £3 to £4 from Montreal to Prescott, a distance of 130 miles.

Although the expense of the Welland Canal has far exceeded the amount contemplated, the Directors have still every confidence in the belief that it will ultimately prove a profitable investment. From the information received from those interested in this line of communication, and the state in which the Canal will be placed at the opening of the navigation, they have every reason to estimate the tolls for the ensuing season at £12,500; and from the rapid increase of population in the extensive regions connected, its favorable location, and consequent cheap-

* The amounts here stated are greater than those to be found in the Journals of the House of Assembly, because the Returns were made before the navigation closed.

ness of transit, they may fairly look forward to a progressive increase for many years.

Wm. Hamilton Merritt, *President.*
Alexander McDonell, *Vice President.*

Ogden Creighton,
Thomas Butler,
Wm. Chisholm,
Wm. Elliott,
Charles Duncombe. } Directors.

WELLAND CANAL OFFICE,
St. Catharines, Jan. 7, 1835.

APPENDIX TO FOREGOING REPORT.

[A.]

REPORT

OF

C. GRATOIT, ESQ., CHIEF ENGINEER.

To the Chairman of the Committee on Canals and Rail Roads in the Congress of the United States.

ENGINEER DEPARTMENT,
WASHINGTON, *June 6th*, 1834.

SIR,

I have had the honor to receive your note of the 16th ultimo, respecting the contemplated canal to connect the Illinois river with Lake Michigan; and regret that almost perpetual engagements have not allowed me to reply to it before. There is nothing on the files of this department relating to this work. A survey of the route was made some time since, and I believe an estimate, but they are lodged in the Topographical Bureau, to the chief of which I beg leave respectfully to refer you. You have been pleased to ask my view of making this a steam boat canal and I take great pleasure in giving them, altho' want of sufficient data will not permit me to enter into any thing like detail, or to aim at argument in the ideas which I shall offer.—This subject has long since attracted my attention: as it has indeed, that of every person who had reflected upon the rapid developement of the resources of the country thro' which it is proposed to carry this canal.

By an inspection of the map of the United States, it will be perceived that a connection between the two great valleys of the U. States must be created at various points to enable the people who inhabit them to carry on with each other, and with those of the Atlantic States, the extensive intercourse that must subsist between them at no distant day. New York and Ohio have, by their canals, contributed largely to this Union, the canals and rail roads of Pennsylvania, the Chesapeake and Ohio canal, and Baltimore and Ohio rail road, though as yet in their incipiency, have the same object. But of all the projects having this great design that which contemplates the union of Lake Michigan with the Mississippi by the Illinois River, is, without doubt, both on account of the ease with which it may be accomplished, and the vast extent of navigable waters it will connect, the most important. Its effect will be to unite the St. Lawrence with the Gulf of Mexico; to create a dependance founded upon mutual interests between the vast territory watered by the Mississippi, with its extensive tributaries, and that bordering on the Lakes and the St. Lawrence.

There would seem to be, in a position such as this, and to accomplish objects so vast, no question as to which of the usual means, rail road or canal should be resorted to. The exclusive character of the first; the repeated handling of the commodities transported over it, always attended with expense; the complication of machinery, and the consequent liability to accident and detention as well as the principle of rapid decay, inseparable from the materials used in its construction, seem to offer to my mind objections not to be overcome. A Canal, on the contrary, would afford facilities commensurate with the great thoroughfares it would connect, and the vast amount of product afloat upon them during a greater portion of the year, or in waiting upon their shores. It would be alike open to the merchant with his accumulated products of every region from the Yellow Stone to the Sabine, from Lake Superior to Quebec, and to the humble farmer upon its very margin with the less valuable, though to him equally important returns from his little farm. Besides nature herself seems to have contemplated this mode of connexion. The great basin of the Lakes, except at its edge, is higher than any point over which the Canal will have to pass, and presents the appearance of a great reservoir, specially designed to furnish in superfluous abundance, the great desideratum of works of this kind. A writer well acquainted with the features of that region of country, observes, in the North American review, vol. 26, page 361: "There is not perhaps on the Globe a place where such a mighty Physical revolution could be produced with so little human labor as by opening a communication between Lake Michigan and some of the upper tributaries of the Illinois. The Des Plaines which is a considerable stream, rises in the country between the Mississippi and Lake Michigan, and pursuing a southerly course approaches within twelve miles of the Lake. The intermediate Land is a level Prairie, stretching in every direction as far as the eye can reach. Its extreme elevation above the lake is 17 feet, and that feeble barrier is all that is interposed between this mighty mass of water and the rich valley of the Mississippi, which it overhangs like an avalanche on the summit of the Alps." Such is the country over which this improvement would have to be made.

Commencing at the junction of the Rigolet with the Chicago River, it would pass by an easy single cut through this barrier for a distance of 27 miles, with an average depth of about 20 feet, where it would reach a point in the natural surface of the ground 10 feet below the usual level of the Lake; from this point, it would make the right bank of the Illinois, and enter the stream at the mouth of the Fox or Vermillion River, passing, in that distance of 62 or 65 miles over an almost uniform gentle, and unbroken slope of 2½ feet to a mile. The fine valley of the Illinois is skirted by steep and prominent bluffs: those of the right bank being so uniform and running in a direction so well suited to the purpose, as to give reasonable hopes that the Canal may be made to wash their base, and to rest upon the natural surface, thus affording the great advantage, with such a supply of water as may be drawn from the Lakes, of increasing its width to any desired extent, at

no additional but rather diminished extent. The question here presents itself, what should be the dimensions of the Canal?—Should they be limited to the present wants of that region of country?—Or should they be determined by the admonitions furnished by experience on the New York Canal, where the unfortunate mistake in its dimensions is so frequently and severely felt as to have given rise to the project of a ship canal to subserve the same purposes, and the data to be drawn from the heretofore great and rapid increase of population along the shores of the Lakes and those of the upper Mississippi?—I think the latter; and when we look to our experience on the Lakes and see how great has been the spirit of enterprise created by the facilities of intercourse afforded by the comparatively trifling improvements on their southern shores it really seems that the trade must soon justify almost any dimensions that can well be given. I should therefore recommend most emphatically, that, from the Lake to the termination of the single cut the width should be 200 feet, and the depth 10 feet; and from this latter point to the debouche into the Illinois, the minimum which should be 100, and the depth at least 6 feet; this would enable the steam and other crafts navigating the Lakes and the Western Waters, to approach a common point, and afford accommodation during the operation of transferring or exchanging cargoes. You are aware that the surface of the Lakes is subject to periodical fluctuations; this reach of 26 miles, 200 feet wide and 10 feet deep, would effectually provide against any inconvenience that might otherwise arise from this cause.—It would, besides, readily afford all the water required for Lockage in the lower section of the Canal, without creating a sensible current on the summit. By this arrangement, the supply of water would be constant and most abundant, however great the draught might be; and would be divested of sediment so common to small streams, particularly in times freshets, and which makes them so objectionable for the purpose of feeders.—The Des Plaines should, therefore be diverted from its present course, and made to discharge itself into the Chicago River; this would moreover be attended with the precious advantage of keeping open the entrance to the harbour at the mouth of the latter stream by increasing the volume and velocity of the water which passes through it at certain seasons.—I regret that I have not the means of submitting an estimate of the cost of this great and important work; but I feel justified by the history of that country, and my own observations as I passed through a portion of it last summer, in saying that, cost what it may, the wants of the people of that region, and those inhabiting the great valleys referred to, will, ere long, require its construction, and to the magnitude here proposed. The map which will be handed to you by the bearer is one prepared for my private use; I have sent it, believing that it may afford you some assistance; and allow me to request that you will be pleased to return it to me soon as you shall have no further use for it.

With great respect,
Sir,
I am,
Your most obedient servant,
C. GRATIOT,
Chief Engineer.

To the Honorable
CHARLES F. MERCER,
Chairman, &c.

B.

EXTRACT OF A LETTER

FROM

BENJAMIN WRIGHT, ESQ.

TO THE

COMMISSIONERS FOR THE IMPROVEMENT OF THE ST. LAWRENCE.

As all the Rapids, between Lake St. Francis and Lake St. Lewis, are of this character, and will require descending, as well as ascending Boats to pass through them, Mr. Mills has adapted his plans and calculations to such size Canal: and upon full reflection and examination, I am perfectly convinced, that this sized work is the best and cheapest which can be made for the St. Lawrence to transport cheap, and also expeditiously.

That it is cheaper in its construction than a good Boat Canal adapted to Horse power, for Boats of 50 or 60 tons is, I think, easily demonstrated if we apply the plan to the Upper and Lower Provinces.

This opinion may appear bold to those who have not well considered the whole ground in detail as an Engineer. To such I will make a statement to shew the truth of my assertion.

There are three methods of moving power for transportation.

1st. By wind and sails on Lakes and gentle water.

2nd. By Horse power and men's labor on Canals, and wind and sails on Lakes.

3rd. By steam power on Lakes, Rivers and Canals.

If we were to adopt a Canal of 5 feet water and Locks of 20 feet in width, we should apply horse power on the Canals and steam towing power on the Lakes. *But on that part of the River where we now intend to use steam power without any improvement we should be under the necessity of making an independent Canal, inland, a distance between Prescott and Lachine of 35 to 40 miles,* or we should be under the necessity of making a good towing path along the shore of the river, the distance above mentioned, and the great shallow bays and irregularity in the formation of the shores of the St. Lawrence, would make such tow path very expensive if well and permanently done, as it would necessarily be carried in many places some distance from the shore in order to get five feet water, and such tow path would probably be very much injured by the ice every year, unless strongly protected by stone.

In either case this tow path on the Canal inland would cost more than the extra width and depth of the Steam Boat Canal for the short distance we are compelled to make it. There would be much less expedition in transportation, and much more risk in every shape.

These considerations have decided in my mind the propriety and advantages of the Steam Boat Canal, of good size, in preference to any other improvement, for cheapness of construction, cheapness and expedition in transportation over any other plan, when adapted to the peculiar localities of the St. Lawrence between Prescott and Montreal.

The sum of two hundred and thirty five thousand seven hundred and eighty two pounds three shillings and three pence, to effect such a work will appear to some small, but I fully believe the whole improvement between these two Lakes for Steam Boats carrying 250 to 300 tons of goods, can be accomplished for this sum.

No. 6.

MINUTES

OF THE BOARD OF DIRECTORS,

FOR 1834.

5th February 1834.

At a Meeting of the Board of Directors at the Parliament Buildings, York,

PRESENT:

Wm. Hamilton Merritt, Esq. *President.*
Alex. Y. McDonell, Esq. *Vice-President.*
Ogden Creighton,
William Elliott, and
William Chisholm, Esquires.

The first matter submitted for consideration was the appointment of an Agent to the Company.

Ordered, That the Board being fully satisfied with the zeal, industry and ability of Wm. B. Robinson, Esq. the past season, as a Commissioner on the Welland Canal, they have determined on offering him the situation of Agent to the Company, at a salary of £400 per annum, to include contingent expenses for the coming year, if he thinks proper to accept the same.

At a Meeting of the Board held at Perry's House, City of Toronto,

PRESENT:

Wm. Hamilton Merritt, Esq. *President.*
William Chisholm,
William Elliott, and
Charles Duncombe, Esquires.

Resolved, That no intemperate person will be in future employed on the Locks.

St. Catharines, 2d April, 1834.

PRESENT.

William Hamilton Merritt, Esq., *President.*
Alexander Y. McDonell, Esq. *Vice President.*
George Keefer,
Ogden Creighton,
Thomas Butler,
William Chisholm, and
Charles Duncombe, Esquires.

The Solicitor of the Company having submitted his opinion in writing relative to the exacting of tolls on vessels and property passing the Cut at Chippawa,

Ordered, That some discreet person be placed in charge of Chippawa cut and bridge, and that in future, tolls will be exacted on all property and vessels passing the said cut, agreeable to the regulations—and the Solicitor be instructed to proceed against such person or persons as neglect to refuse or comply with the same.

Ordered, That the toll collectors be notified that no staves or lumber will be allowed to pass the Canal in future but under the printed regulation.

Board met 3d April, 1834.

Resolved, That after the first day of May next, no liquor will be allowed to persons employed on the Canal—and persons keeping an inn or grocery will not be employed by the Company. (Amended 22nd September, 1834.)

Ordered, That the Secretary write to Mr. M'Aulay that it is indispensably necessary that he should attend, the law being imperative that all the Arbitrators should be present—and name the 10th of June for a meeting of the same.

A letter from Oliver Phelps, requesting aid to build a bridge across the the Canal, &c., to connect his land, was read.

Ordered, That the Board cannot now comply with Mr. Phelps' request.

May 7, 1834,

At a meeting of the Board at St. Catharines,

PRESENT:

W. H. Merritt, Esq. *President.*
Alex. Y. M'Donell, Esq., *Vice-President.*
George Keefer,
Ogden Creighton, and
Charles Duncombe, Esquires.

The President having, in the presence of witnesses, demanded payment of the tolls due on 3000 bushels of wheat delivered 29th April, 1834, the cargo of the Schooner *Sterling,* passing the cut at Chippawa, and payment of the same having been refused,

Ordered, That the Solicitor be instructed to proceed against the owners in the Court of King's Bench after notifying them of the same.

Ordered, That the President be authorised to let out the Berm Bank near the stop-gate at feeder, by private contract, the same not to exceed 20 cents per yard.

A letter from John Macaulay, Esquire, was read, excusing himself from attending the arbitration on claims.

It being considered highly important that Mr. M'Aulay should give his attendance, the Board direct that if it does not suit his convenience to attend on

the 10th June next, that he be requested to appoint another day for the meeting of the Arbitrators.

Ordered, That James Black, Esq. be appointed to the Collectorship of Port Colborne on entering into the necessary securities.

At a meeting of the Stockholders of the Welland Canal Company held at the Welland Canal Office in St. Catharines, on Wednesday the 4th day of June, pursuant to public notice, for the election of Directors for the ensuing year—

On counting the votes received by ballot as the law directs, a majority appeared for the following gentlemen, viz.:

William Hamilton Merritt, Esquire,
Ogden Creighton, Esquire,
Alexander McDonell, Esquire, and
Thomas Butler, Esquire.

At a meeting of the Directors, on the same day,

PRESENT:

Wm. H. Merritt,
Alexr. McDonell,
Thomas Butler, and
Wm. Elliott, Esquires.

On proceeding to ballot, a majority of votes appeared in favor of Wm. H. Merritt, Esq. for *President*, and Alexander Y. McDonell, Esq. for *Vice President*.

5th June, 1834.

The Board met.

PRESENT:

William Hamilton Merritt, Esquire, *President*.
Ogden Creighton,
Charles Duncombe,
William Elliott, and
Wm. Chisholm, Esquires.

Ordered, That the salary of the late Agent be continued from the 6th June to the 13th July of the past year, his time being occupied in settling claims, attending Arbitration, and the affairs of the Company generally, for a much longer period.

Ordered, That the toll for the present year will be remitted on all Boats which may establish a regular line for conveying passengers—they transporting those in the employment of the Company, when on the Company's business, free from charge.

7th June, 1834.

At a meeting of the Board, at St. Catharines,

PRESENT:

Wm. Hamilton Merritt, Esquire, *President*.
Alexander Macdonell, Esqr. *Vice President*.
Ogden Creighton,
William Etliott,
Thos. Butler,
Charles Duncombe, and
William Chisholm, Esquires.

From the strong feeling which appeared to prevail in the last Session of the Legislature, to have the Welland Canal Company repossess the hydraulic power and property, which they consider to be increasing in value by the outlay of the public money—to remove all doubts respecting the sum to be paid to the Hydraulic Company for the water which may hereafter be required for the Branch Canal to the Niagara River, and to remove every impediment to the purchase of the private Stockholders that the entire Canal may be placed under the control of the public. The Directors deemed it advisable to take the subject into consideration at the first meeting of the Board, and appointed a committee consisting of the Directors appointed by the Government, to negotiate with the proprietors in the Hydraulic Company for the purchase of the same. The subject was discussed at the several meetings—and a Report was submitted by them and read.

Resolved, That all Leases for Hydraulic property be for 10 years only.

Ordered, That the Secretary be requested to appoint an Assistant, and submit his name for the approval of the Board, and that £100 per annum be allowed for this purpose.

That the wood upon the tract of land belonging to the Company be strictly preserved, and that the public be cautioned against cutting any part of it, and that all persons in the employ of the Company be required to report any depredations they may discover to have been committed.

Ordered, That Saw Logs be charged at the same rate of toll as in former years.

The copy of a despatch from E. G. Stanley, Esq., Colonial Secretary, addressed to His Excellency Sir John Colborne, Lieutenant Governor, &c. &c., in reply to a memorial of the Stockholders of the 22nd September last, praying for a relinquishment of the debt due by the Welland Company to the Home Government in consideration of the public advantages derived from the construction of the Canal having been transmitted by His Excellency the Lieutenant Governor, by which it appears His Majesty's Colonial Secretary declines recommending the application. The Board regret the view which Mr. Stanley has taken of the matter, but feel convinced on receiving the strong application made by the Legislature by address the last session, that a more correct view of the subject will be entertained.

4th July, 1834.

At a Meeting of the Board of Directors,—

PRESENT:

Wm. Hamilton Merritt, Esq. *President*.
Thomas Butler, and
Ogden Creighton, Esquires.

It appears from the report of the President that during the past month the Canal has been in excellent order, no detention in the navigation or casualty of any description until the afternoon of the 30th, when two lower lock gates gave way on lock No. 26 when filled, apparently from decay, and took out the lower mitre sills with them, and the upper gates al-

so; on a strict investigation on the spot, there appears no blame or censure can be imputed to the lock tender.

On the same day the upper gates at lock No. 10, were forced open by the Schooner Mississagua Chief, and the two lower ones cast away in consequence. No blame whatever can in this instance attach itself to the locktender, as no precaution on his part would have prevented it, the break having been caused by the vessel not having her line ready to stop her way.

Ordered, That the owners of the Mississagua Chief, be notified that the Company hold them responsible for the damages incurred,—in the mean time the vessel is permitted to pass, and a bill of expenses to be furnished them.

The President has from time to time called the attention of the Board of Directors to the subject of security. By the 34th clause of 4th Geo. IV, c. 17, the Legislature contemplate security should be given by every Treasurer, meaning of course all who should have money passing through their hands. At present no security of the kind exists, which at least forms a dangerous precedent—therefore it is

Ordered, That the Secretary, who is receiving and paying out money, be requested to furnish security to the amount of £500, by two securities, and double the amount in his own name—and that all those who have similar responsibilities be required to present them in this office within the present month, or consider their situations vacant.

With regard to the situation of Mr. Cochrane, at Port Colborne, he reports to the President that assistance is required to make the light. The Company have been paying $30 per month, heretofore for that duty, and the Company not being in a situation to augment these expenditures—

Ordered, That Mr. Cochrane be so informed, and if he prefers taking a situation as lock tender below, he can be changed at the opening—and providing he thinks he can fulfil the duties, and in case he leaves, to give the situation to Ostrum, as recommended in Mr. Black's letter of 30th June.

There appears by the statement presented by the Secretary that the expenditure on the work this season, including arrearages of the last, amounts to ..... £ 8449 6 3
That the debts are..... 25,000 0 0

£33,449 6 3
Amount received from the Receiver General, on 8th March last,..... 30,000 0 0

£ 3,449, 6 3

Amounts required to apply as follows:—

Port Colborne Harbor,..	£6,000 0 0	
Extending piers at Port Dalhousie,.....	2,000 0 0	
Port Maitland,.....	2,000 0 0	
Grand River Dam,.....	500 0 0	
Repairs on line of canal, including new lock gates,.....	2,500 0 0	
		13,000 0 0
		£16,449 6 3

Ordered, That the Secretary call on Mr. M'Donell, the Agent for the Hydraulic Company, to furnish the Canal Office, with the least possible delay, with all maps, plans, leases, bonds, blank forms, with the prices and terms of sale of lands or leasing of water, or any other matter that may be required to give information relating to the hydraulics and lands lately repurchased by the Welland Canal Company from the Hydraulic Company.

Resolved, That every application for water power or land be made in writing, and to have priority according to dates, and that the plans and surveys of the property be made, and the business to commence forthwith—the present occupants of course to be continued in their property.

In compliance with an order of the Board of the 7th June last, relating to the appointment of an assistant in the Canal office, the Secretary first offered the situation to Mr. P. J. Beaton, (in the Hydraulic Company's service) at £100. Mr. Beaton declining to accept the same unless having his duties defined, and be allowed to bring other works into the office; the Secretary on those conditions could not accept the services of Mr. Beaton unless approved of by the Board, and in the meantime appointed Mr. Raincock to the situation subject to the approval of the Board.

Ordered, That Mr. Raincock be employed on trial till the next meeting of the Board, and if found competent to the duties required, will be appointed to the situation.

A letter from John B. Yates, Esq., of the 10th June having been submitted, requesting a loan of £2,500 to repay certain sums advanced in this country, for which he will pay interest, and return the principal when required.

Ordered, That the same be advanced, and the Directors feel pleasure in having it in their power to return him a favor so frequently received in the various stages of the Canal, and that the same be advanced from the tolls collected.

August 6, 1834.

At a meeting of the Board of Directors.

PRESENT:

William H. Merritt, Esq., *President.*
Ogden Creighton and
Thomas Butler, Esquires.

Mr. Clark having represented to the Board that, during the present month, he thinks he can, with the aid of his present assistant, post up the books, produce a regular balance sheet of receipts and expenditures, have the hydraulic books open for sale of lands, hydraulic situations, &c. &c. &c., the estimate in due time for the examination of the President, and the business of the office regularly brought up,

Resolved, That the decision of the Board respecting Mr. Raincock be suspended.

Sept. 13, 1834.

At a meeting of the Board of Directors.

PRESENT:

Wm. Hamilton Merritt, Esq. *President.*

Alexander McDonell, Esq. *Vice President.* and

Thomas Butler, Esquire.

The President reported the Canal in good order, in which situation it has continued since last meeting of the Board.

The Bonds from the several persons required to produce the same were submitted as follows—Ogden Creighton, *Treasurer*, himself in £1000, John B. Yates, and James Lockhart in £500 each; John Clark, *Secretary*, himself in £1000, his sureties George Adams and H. Mittleberger in £500 each.—James Black, *Collector*, Port Colborne, himself in £500, his sureties Geo. Keefer and Jos. Wenham, £250 each; George Smith, *Collector*, Port Dalhousie, in £500, sureties Wm. C. Chase and H. Mittleberger, in £250 each; A. S. St. John, *Collector*, Dunnville, in £250—sureties Andrew Thompson and Solomon Miner, in £125 each; John Callaghan, *Collector*, Port Robinson, in £50, two sureties £25 each, which were severally approved of.

6th November 1834.

At a meeting of the Board of Directors,

PRESENT:

Wm. H. Merritt, Esq. *President.*

Charles Duncombe,

Thomas Butler, and

Wm. Chisholm, Esquires.

The President reports the Canal having continued in good order.

A communication from John McAulay Esq. having been read, which leads the Board to believe that the Commissioners will not meet the present season, and as many claimants as well as the Company, are desirous of having their respective demands brought to a close.

Ordered, That the undermentioned gentlemen be proposed, viz:—

Samuel Street, or
David Thorburn Esquires.
George Keefer, Senior,
John Willson, and } Esquires.
Dr. Duncombe,

To settle all claims that the individuals may agree to.

A Letter from D. Thompson, Esq. claiming a settlement of accounts by the end of the month, was read.

Ordered, That the Secretary inform Mr. Thompson that they have to regret that the Commissioners appointed by the Legislature to decide on all unsettled claims have not found time to meet—that the Board have attempted to name other Arbitrators, but find they cannot meet the views of individuals, and they are thus compelled to await the interference of the Legislature to appoint new Arbitrators to close all matters connected with the Company which remain unsettled.

No. 7.

REPORT

OF THE

BOARD OF DIRECTORS,

OF THE

WELLAND CANAL COMPANY,

FOR THE YEAR 1835.

It was the intention of the Board of Directors to have published monthly statements of the operations of the Canal, during the past season; and with this view they made their first Report on the 21st of May.

The Canal was not opened until the 28th of April, a few days after the arrival of the Winnebago, Capt. D. Howe, the first vessel from Oswego, to whom the Company's premium of £25 currency, was awarded.

On the 1st July their 2nd Report was printed, briefly alluding to the very great diminution in produce for exportation, and that no expectation of an increase would be anticipated through the Canal.—The cause is ascribed to the severe frost and snow storm on the 14th May, 1834, which destroyed a great proportion of the crops in the western country.

Their third and last Report was published 1st Sept. It states that, notwithstanding the expected diminution in Tolls, as held out in last Report, an increase had taken place; and that the advantages of the communication began to be duly appreciated.

Since the last Report the operations of the Canal have continued without interruption with an increase both in quantity and amount.

In presenting this statement, although there is every reason to be well satisfied with the result under existing circumstances, it may not be amiss to recapitulate some of the prominent causes which have led to reduce the amount of toll the present season.

The navigation of the Grand River was expected to be opened as early as the 1st May, and would have been in successful operation throughout the season; instead of which from the difficulty experienced by contending against the water in sinking the lower Lock pit, the navigation has been literally closed up. The dams were erected; but for want of Locks no commodities could pass—so that the usual supply of produce and lumber heretofore transported by that channel, was wholly stopped with the exception of 600 barrels of Flour, which were, at much trouble and expense, transported over those dams. Second, the increase in wheat, although exceeding the quantity in 1834, falls far short of the progressive increase which in ordinary seasons might be expected. To shew the difference in amount of toll, had the increase of produce equalled the increase of lumber, the following comparison is adduced:—

Average amount of Toll on a downward cargo of Wheat, through the Canal...	£18	0	0
Average amount of Toll on a cargo of Staves.....	6	0	0
Difference.....	£12	0	0

The reverse of this diminution would shew the progressive increase we had a right to expect.

This communication from the commencement has had to contend against the most powerful opposition. The trade of the western country has been for a length of time concentrated in Buffalo; the Mill owners on the entire line of the Erie Canal, west of Syracuse; the Forwarders of all the different lines of freight Boats, and the Ship owners resident in Buffalo and Black Rock—all of whom can command any amount of Capital—have a direct interest in diverting the trade through the Erie Canal, and have not been sparing of means, personal exertions and influence, to accomplish that object.

They have taken a sufficient interest in the different Steam Boats and vessels on Lake Erie, to confine their trips to the port of Buffalo; they have extended their different lines through the entire route of the Ohio Canal, to Portsmouth, on the Ohio River, to meet those vessels at Cleveland, on Lake Erie, and their Millers and Forwarding Companies send Agents to make sufficient advances to the different purchasers of wheat to insure its being confined to their particular conveyances or channel. The same influence is extended to the Merchants in New York, who, to retain their business, readily enter into their views, (although in fact, they can have no direct or positive interest in either route,) thus completely controlling the greater part of the transit by means of the facilities they possess in obtaining money, although at a positive loss to the grower and consumer.

It is the want of that capital only which prevents a regular line of vessels from Kingston to Amherstburgh.

One Steam Towing Boat between Kingston and Port Dalhousie, on Lake Ontario, and one between Port Colborne and Amherstburgh, with a few Schooners, would effect the object. The day is not far distant when similar lines will be established between Oswego and Port Dalhousie, and Port Colborne and Cleveland, for the New York trade.

We have reason to be satisfied with the prospects offered by our neighbours, from New York, as well as every port or place west of Buffalo in the western States. But one feeling appears to prevail, and that is,—the complete success of this work. The inhabitants all feel that their interests have been promoted by the opening of this communication, and its practical effects begin to be developed; the lowest price for the transportation of a ton of Goods—

From New York to Cleveland, via Buffalo, per hundred, is.....	$1	07
From New York to Cleveland, via Oswego, per hundred is.....	0	85
Thus making a saving per hundred of..	$0	22

Or $4 40 cents per ton of 2,000 lbs.

The increase of merchandise, for the past season, was nearly three to one, over the preceding year; although a most unjustifiable proceeding was resorted to in New York to divert the trade, at a period which did not admit of contradiction in time to remove the effect. On the 21st of October the following notice appeared in the New York papers, just at the time the fall shipments were making, which unquestionably caused large quantities to be diverted from Oswego, through the Erie Canal.

"The Commissioners of the Welland Canal contemplate closing the Canal on the 1st November, in order to commence the improving the Canal, and having it in perfect order by the time the Erie Canal opens in the spring.—Goods will not be shipped from Oswego, destined for Lake Erie after the 25th of October."

The experience of the few past years, it is hoped, affords sufficient evidence, that the same motive for similar deception will not exist; as there must be ample business for both channels.

Last spring, goods were delivered in Ohio some days before the lake was clear of ice above Buffalo harbor.—Schooners have performed the trip from Cleveland to Oswego; returned and unloaded, within 10 days; and from Port Dover, on Lake Erie, to Toronto, in three days.

A number of new vessels have been added to this trade, during the last season, all of the largest size, and first class, exceeding 100 tons.

The increase of Toll in 1834, over the previous year, was about 19 per cent.; and in 1835, over 1834, about 35 per cent. The prospects for the trade of the ensuing season give reasonable hope of a much greater increase.

The *Tables* in the Appendix to this Report, numbered 1 to 8, have been made out with great care and attention, with a view of placing the actual situation of the trade of the western part of the country fairly before the public.

Nos. 1 & 2 shew the transit from one American port to another, both up and down.—No documents can more clearly shew the importance of this trade; and we trust it may be the means of convincing our Montreal Merchants. It is worthy of their attention.

Nos. 3 & 4, the transit from one British Port to another.—Although small in quantity they shew a great increase during the past year. A communication has been commenced, and will be established, with every port between Port Colborne on Lake Erie and Goderich on Lake Huron; which gives a fair promise of a progressive increase in all time to come.

Nos. 5 & 6, the transit from a British to an American port. This consists principally of lumber, with a very small proportion of wheat and flour.—The trade between the two countries is at present greatly to our disadvantage; but we have every reason to expect a more liberal and enlightened policy will be adopted.

Nos. 7 & 8, from an American to a British port, show a greater proportion of wheat than flour, as compared with the shipments from one British port to another.

Those tables will prove more useful hereafter, as a record of the trade between the two countries, and shewing the actual increase of different articles from year to year. It is desirable that future Boards should continue to publish them.

The Table No. 9 gives an abstract of quantity

and amount, and presents an increase over the past year, highly satisfactory to those who have a correct knowledge of the last years crops.

The Welland Canal has cost as follows:

Stock paid in, including the Stock paid in by both Provinces,	£193,340	0	0
Loans from the Provincial Government,	100,000	0	0
Loan from Imperial Government,	55,555	11	0
Exchange on do. do.	7,156	15	5
Tolls of 1830 and 1831,	1,956	18	7¼
Do. 1832	2,432	7	8¾
Do. 1833	3,618	1	7¼
Expended by Commissioners in 1833,	7,500	0	0
New creation of Stock, in 1834, and taken up by Provincial Government,	50,000	0	0
Tolls of 1834,	3,719	1	7½
Do. 1835,	5,807	5	11¼
	£431,086	2	1

The length of the Ship Canal, from Lake Erie to Lake Ontario, is	28 miles.
Mouth of Welland 16 chains, or 1,056 feet	
Towing path from thence to Port Robinson	9¼ "
Feeder or boat canal, from Junction to Dunnville,	20¾ "
Towing path from thence to mouth of Grand River,	5 "
	63 "

[63 miles 16 chains.]

The dimensions of the ship canal are:	
Depth of water,	8 feet.
Width of bottom,	26 "
Do. surface,	58 "
With 40 Locks; and with a summit elevated above Lake Ontario, of	336 feet.
From thence the descent to Welland River is	16 "
From thence the descent to Lake Erie,	6½ "
	358½

The dimensions of the Boat Canal are	
Minimum depth,	4 feet.
Surface,	36 "

Besides the erection of three Harbors—Port Dalhousie, Maitland and Colborne—An aqueduct for vessels over the River Welland, 365 feet in length, and 24 feet in width—A dam and embankment over the Grand River, of nearly one mile in length, with 5 extra Waste Weirs, capable of discharging in all a width of 1,500 feet of water—four stone culverts, only one of which remains—six wooden culverts—three guard or stop gates, with some 40 or 50 Waste Weirs, and 1¾ of a mile of the deepest cutting in America, with the exception of the Delaware averaging, from 30 to 56 feet.

The following Report from the Engineer, will shew the work now in progress:—

To the President and Board of Directors of the Welland Canal.

GENTLEMEN,

I beg leave to present the following brief statement of work to be prosecuted during the close of the navigation, upon the Welland Canal.

1. Raising the Berm Bank from Broad to Cranberry Creek on the feeder.

2. Widening and deepening the lower end of the Feeder; removing rock in the cut to Gravelly Bay and widening the Canal below Junction.

3. Widening and deepening the Canal from head of Gravelly Bay to first Guard Gate.

4. Raising towing path from Dunnville to Broad Creek.

5. Rebuilding part of Locks No. 7, 16 and 20; and repair of Locks 18, 25 and 27.

6. Rebuilding Waste Weirs at Marlatt's, and at Lock No. 6.

7. Making 4 new Lock Gates at Port Robinson, 2 at Thorold, 2 at Allanburgh, and 4 more upon other parts of the line.

8. New Guard Gates near Gravelly Bay.

9. Two new road Bridges—one at Berger's and another at Quakers.

10. Repair of road Bridge near aqueduct, and planking road way of aqueduct.

All these works are placed under contract, except Nos. 3 and 4, and will be finished by the first of April; as the necessary materials for these repairs and works are now nearly upon the ground. With an ordinary season we may expect to open the navigation by the 4th day of April, at farthest. The estimated expense of the repairs above specified, is $25,382 16; and of the 3rd and 4th, not yet under contract $1,800.

Upon a recent examination of the Canal line, the earth work, paths, slopes and embankments, are generally in a good state of repair, and no immediate expenditure under those heads, is to be apprehended.

The late storm in November, has severely tested the works at Port Colborne; but has not injured the solidity of any of the main Piers. The Grand River Pier has suffered to the extent of £62 currency.—The extent of damage sustained at both harbors, I have estimated at £212 10s. Port Colborne has been repaired at less expense than my estimate.

The Harbor at Port Dalhousie, although the Piers are undecked, appears to have given general satisfaction, to all the ship masters with whom I have conversed; the present depth of water is sufficient for all schooners that now navigate the Canal.

During the past season the Welland Canal has been navigated by 103 schooners, mostly of a large class, rating between 60 and 120 tons burthen: they will carry freight to the aggregate extent of 7,290 tons.

In closing my remarks for the season, I may sum up the whole by stating that it is only necessary to place the Canal in a perfect and permanent state of repair, to ensure a trade corresponding with the capacity of the Locks for transit.

I have the honor to be,
Gentlemen,
Your very obedient servant,
FRANCIS HALL.

ST. CATHARINES, *26th Dec.* 1835.

In the Appendix to this Report will be found a a new table of toll, which will go into operation on the opening of the navigation next season.—In the compilation of this table, all parties interested in the trade have been consulted and information obtained from the best sources.

The Company have in hand the sum of		£294 18	2¾
And they owe as follows:			
Estimate passed 6th January, 1836, ..	£1,000 19 9		
Contingencies do. .	207 7 5½		
		1,208 7	2½
Leaving them in arrears at close of season, ...		£ 913 8	11¾
To which may be added the amount of awards for Land, Damages, &c.		2,573 17	11
Making a balance due from the Company at the close of the present season, ...		3,487 6	10¾
In addition to which may be added the estimated amount of work as specified in Engineer's Report $25,382 16 cents, ...		6,345 10	10
Leaving to be provided for, ...		£9,832 17	8¾

HYDRAULICK PURCHASE.

It is necessary that the proceedings of the Company, relating to this transaction, should be correctly understood; and it is due to the Board, the Stockholders and the Public, to give a detailed narrative of their proceedings in relation to it.—With that view they submit a copy of the statement presented last session, to a committee of the House of Assembly, as follows:

It contains, *First*—Orders of the Board to notify particularly the Government Directors, that the subject of the Hydraulics will be taken into consideration; and the appointment of a committee to consist of the Government Directors alone, to examine and report on the subject.

Second—The report of that Committee containing the following proceedings, viz: 1. Minutes of meeting, 26th October, 1830, expressing the opinion of the Board respecting the sale of the Hydraulic power and land. 2. Ditto of Nov. 3d, 1830, when the Resolution of the preceding meeting was not confirmed, but the property ordered to be advertised. 3. Copy of the advertisement, 8th december, 1830. 4. Proceedings of meetings of 11th May and 2d June, 1831, confirming sale, and appointing Mr. George Keefer, Jun., to make a survey, and ordering a deed to be made out to Alex. M'Donell, Esq.

Third—Opinion of the Committee on the subject.

Fourth—Concurrence of the Board.

Fifth—Copy of the instrument alluded to.

Extract from the Minutes of the Board of Directors of the Welland Canal Company.

May 7, 1834.

PRESENT.

William H. Merritt, *President.*
Alexander M'Donell, *Vice-President.*
George Keefer, Ogden Greighton, Charles Duncombe, } *Directors.*

Ordered, That a meeting of the Board will be held on the 1st Monday in June next, when the subject of the Hydraulics will be taken into consideration; and that the Government Directors be particularly requested to attend on that day.

EXTRACT

FROM

THE MINUTES OF THE BOARD OF DIRECTORS

OF THE

WELLAND CANAL COMPANY.

June 7, 1834.

PRESENT:

Wm. Hamilton Merritt, *President.*
Alexander McDonell, *Vice President.*
Ogden Creighton, William Elliott, Thomas Butler, Charles Duncombe, William Chisholm. } *Directors.*

From the strong feeling which appeared to prevail in the last session of the legislature, to have the Welland Canal Company repossess the hydraulic power and property, which they consider to be increasing in value, by the outlay of the public money—to remove all doubts respecting the sum to be paid to the Hydraulic Company, for the water which may hereafter be required for the branch Canal to the Niagara river; and to remove every impediment to the purchase of the private Stockholders, that the entire Canal may be placed under the control of the public, the Directors deemed it advisable to take the subject under consideration at the first meeting of the Board, and appointed a Committee, consisting of the Directors appointed by the government, to negotiate with the proprietors in the Hydraulic Company, for the purchase of the same—the subject was discussed at the several meetings, and the following Report submitted:—

[For Report of Committee see Appendix to Remarks, marked No. 3, of this year.]

The Board fully concur in the sentiments of the above Report. However, as the greatest inducement on the part of Mr. Yates, who is the principal proprietor, to dispose of this property is, to meet the views of the public so frequent expressed in the House of Assembly, he suggests the propriety of recording a reservation, to enable the Legislature to replace the property in its present position, if they deem it advisable, at the next Session; and he has executed an instrument, to return the obligations of the Welland Canal Company, placing the property in its present position, and reconvey it to him.

[For Agreement made between the Welland Canal Company and Messrs. Yates, McDonell & Creighton, see Document appended to this year, marked No. 4.]

In accordance with this arrangement, the Board took a re-conveyance of the property from Mr. Yates and gave the Bonds of the Company for £17,500;

and thus the matter stands. The motive for first disposing of this property was to concentrate a large amount of capital on the line of the Canal which would increase its revenue in the shape of toll. A very serious difficulty appeared to exist on account of the title; to remove which, an application was made to the Legislature to incorporate the Company and also to allow one of the principal proprietors to hold and convey real estate, neither of which was granted. A very great anxiety appeared to be manifested by the House of Assembly to re-possess this property; and it was supposed to be the only existing obstacle to making the Canal wholly a public work. It was this reason, together with the desire to possess the entire control of this water, in case it should be required for any other purpose, which induced the Directors appointed by the House of Assembly to re-possess it.

SUPPLEMENTARY REPORT.

The House of Assembly have the power to appoint three Directors to represent the interest the Provincial Government hold in this undertaking. During the last year Dr. Duncombe of Oxford, David Thorburn, Esqr. of Queenston, and Wm. Lyon Mackenzie, Esq. were selected for that trust. On the 15th of May, those gentlemen took their seats and proceeded with the ordinary affairs of the corporation, as usual; the Board offering every facility, as on all occasions to every Director, to examine the minutes of former proceedings, the Books, papers and all other documents relating to the affairs of the Company. Mr. Mackenzie having examined the entire line of the Canal was highly gratified with all he saw, and expressed the most earnest desire to promote the best interests of the undertaking, offered to be the bearer of a Memorial to Lower Canada, and to use his best exertions to obtain aid, of the success of which he said, he did not entertain the least doubt. He professed that the investigation in which he was engaged, was with a view of preparing himself to make such a Report as would enable him to effect that object.

On the 21st of October Mr. Mackenzie notified the President that he had discovered defalcations of the funds of the Company to a large amount. He insisted upon a special meeting of the Board being called which was acceded to; and from the representations then made by him, the Board assented to close up the Office, seal up the Books and papers and leave every thing in abeyance until the period named by him, 19th November; he at the same time promising every exertion on his part to promote the object of the mission he had offered to undertake; and, until the moment of his departure, expressing his entire confidence of success. With what fidelity he has discharged the trust reposed in him by this Company, in the execution of that mission, will be seen from his own statement. The first intimation we had of the change in that gentleman's sentiments, was in the appearance of a paper bearing the title of the "Welland Canal," published by him at Toronto, on the 16th December last, in which we find a series of accusations against the Directors—for, however desirous he may appear to be to cast the odium on the President, the fact cannot be concealed that the responsibility of the management of this corporation rests wholly with the Board of Directors. How far Mr. Mackenzie would be justified in publishing the proceedings of a corporation who had confided to him the management of so important a trust, before representing the reasons on which he grounded his opinions, to the body who sent him, or by calling a meeting of the Stockholders generally, (the only parties directly interested, admitting all his assertions were true,) is for the *public* to determine. But if those charges prove to be false, who will be the sufferers? It is a matter of little consequence to Mr. Mackenzie, who does not own a farthing of Stock—it is also of little consequence to the Directors individually, who hold a very small amount of Stock—and it may be of little consequence to any *individual* within this Province, as the whole amount of Stock held in it does not exceed £3,712 10; but there are individuals, both in Europe and the United States, particularly the latter, who are deeply interested—men who have advanced large sums, having lain out of their money for many years, and to whom this Province is under deep and lasting obligations, for the benefit they are daily deriving from this communication, *who may be seriously injured.*

Although the Directors protest, in the strongest manner, against the abuse of the trust reposed in that individual, they do not feel themselves called upon in justice to their own character, to notice any other matter contained in the publication alluded to, except what relates to a

DEFALCATION OF THE FUNDS OF THIS CORPORATION.

The moment this charge was made the most prompt and efficient measures were adopted to obtain a full investigation.—On the 19th November, the day named, the following order was passed, nem. con.

"Whereas, it has been stated by Mr. Mackenzie, a member of the Board, that the financial affairs of this corporation are in a state of great derangement, and that the books have been improperly tampered with; and whereas the Board are desirous to have the charges made by Mr. Mackenzie thoroughly and impartially investigated by some competent and disinterested person or persons.

"It was proposed by THOMAS BUTLER, Esq., and seconded by OGDEN CREIGHTON, Esq.,

"*Resolved*, That Mr. J. T. BOWREY be authorised to examine and compare the said charges with the said Books on behalf of this Company, together with all receipts and expenditures of all money which may have come into the possession of this corporation, from time to time, up to the 31st of Oct. inclusive; and that the Secretary, Mr. Clark, be requested to appoint another person to act in conjunction with Mr. Bowrey—and that those two gentlemen do report the result of their examinations to this Board—and that they shall have full power to examine all persons, books, and papers, in any way connected with the affairs of this corporation.

The result of the investigation is contained in their Report.

APPENDIX.

No. 1.

TABLE shewing the principal Articles of Property passed up through the Welland Canal, from one American Port to another, in the Season of 1835.

FROM	TO	BARRELS OF				Bushels	Tons	MERCHANDISE			Tons of Plaster and Cement.	Tons
		Whiskey	Salt	Beer & Cider	Apples.	Potatoes.	Coals	Tons	Cwt.	Qrs.		Castings.
Oswego	Cleveland		53599	153		3557	157½	2022	9	2½	30½	
Oswego	Sandusky		3548					270	7	2		
Oswego	Chicago	106	2129	79	181	1435	25½	267	9	3		
Oswego	Detroit		10184	112		775	47	519	6	1	27½	20
Oswego	Richmond		1953					149	0	2		
Oswego	Huron		5526				51½	370	10	2		
Oswego	St. Joseph's		275					9	12			
Oswego	Monroe		853					2	2			
Oswego	Fairport		605					117	14	2		
Oswego	Black River		656									
Oswego	Maumee		224					18				
Oswego	Erie		1077					41	6			
Sackett's	Chicago							59	6			
		106	85629	335	181	5767	281½	3847	12	2½	57½	20

WM. HAMILTON MERRITT,
President W. C. Co.

WELLAND CANAL OFFICE,
St. Catharines, December 31, 1835.

JOHN CLARK,
Secretary W. C. Co.

No. 2.

TABLE shewing the principal Articles of Property passed down through the Welland Canal, from one American Port to another, in the Season of 1835.

FROM	TO	Bushels	BARRELS OF						TONS OF				W. India Staves.	Pipe Staves.	Kegs	Hhds.
		Wheat.	Flour	Pork.	Ashes	Lard.	Ham.	Oil.	Coal.	Castings.	Iron.	Md'se.			Lard.	Tobacco.
Cleveland	Oswego	250803½	316	1026	183	9	10		69	89	9	8 3/20	470031	80461	28	26
Cleveland	Sackett's	5939	52											11972		
Portland	Oswego	6050														
Sandusky	Oswego	4200														
Huron	Oswego	3463	227										74019			
Richmond	Oswego	2397		69	96			7					24370		16	
Cleveland	Ogdensburg		346	6209½		87	13	5	18					11978	290	
Cleveland	Cape Vincent			500									76796	103488		
Fairport	Oswego				58								39300			
Rocky River	Cape Vincent												11218	9720		
Detroit	Oswego												124162			
Chicago	Sackett's												23657			
Huron	French Creek													5600		
Buffalo	Oswego									9½						
		272852½	935	7804½	337	96	23	12	87	98½	9	8 3/20	843553	228219	334	26

WM. HAMILTON MERRITT,
President W. C. Co.

WELLAND CANAL OFFICE,
St. Catharines, December 31, 1835.

JOHN CLARK,
Secretary W. C. Co.

No. 3.

TABLE shewing the principal Articles of Property passed up through the Welland Canal, from one British Port to another, in the Season of 1835.

FROM	TO	M. Shingles.	MERCHANDISE			BARRELS OF						BUSHELS		TONS OF		W. India Staves.	Feet of Boards.
			Tons.	Cwt.	Qrs.	Beer & Cider.	Flour	Salt.	Whiskey.	Apples.	Pork.	Barley.	Potatoes.	Castings.	Plaister.		
Toronto.....	St. Catharines	....	7	0	0	1	....	....	.....	....	....	1573	....	....	....	.....	.....
St. Catharines	Dunnville....	....	1	0	0	131	....	308	.....	....	....	....	....	....	....	.....	.....
St. Catharines	Port Colborne	....	4	10	0	26	....	....	.....	....	....	....	....	....	....	.....	.....
St. Catharines	Chippawa....	....	8	0	0	.....	....	15	.....	....	....	....	....	26	....	.....	.....
St. Catharines	Thorold.....	....	1	0	0	.....	....	54	.....	....	....	....	....	....	....	.....	.....
St. Catharines	Port Robinson	....	1	11	0	.....	....	31	.....	....	....	....	....	....	....	.....	.....
Prescott.....	St. Catharines	....	120	3	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Sandwich....	....	95	9	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	St. Thomas..	....	77	9	3	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Goderich....	....	5	3	3	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Gosfield.....	....	26	18	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Vittoria.....	....	22	0	3	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Amherstburgh	....	41	2	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Port Stanley.	....	133	7	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Thorold.....	....	3	2	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Dunnville....	....	11	18	3	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Port Robinson	....	6	10	0	.....	....	....	.....	....	....	....	....	....	....	.....	20465
Prescott.....	Port Colborne	....	1	16	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Prescott.....	Long Point..	....	57	1	3	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Toronto.....	Amherstburgh	....	9	0	2	.....	200	....	.....	....	....	....	....	....	....	.....	.....
Toronto.....	Colchester...	40	....	....	....	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Toronto.....	Sandwich....	....	41	7	2	.....	....	50	.....	....	....	....	....	....	....	.....	.....
Toronto.....	Goderich....	....	16	9	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Toronto.....	Gosfield.....	....	7	0	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Toronto.....	Port Stanley.	....	4	0	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Port Robinson	Dunnville....	....	27	10	0	41	10	....	40	20	110	....	145	7½	....	.....	.....
Port Robinson	Colborne....	....	9	0	0	.....	....	....	.....	....	....	....	....	6½	3	.....	.....
Hamilton....	St. Catharines	....	....	....	....	.....	....	....	45	....	....	....	....	....	....	.....	.....
Hamilton....	Long Point..	....	1	10	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Niagara.....	St. Catharines	....	3	0	0	.....	....	....	7	....	....	....	245	....	....	.....	.....
Niagara.....	Port Stanley.	....	15	1	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Dalhousie....	St. Catharines	....	....	....	....	.....	....	....	.....	....	....	....	....	....	....	5800	.....
Kingston	Port Colborne	....	9	5	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Kingston	St. Catharines	....	56	2	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Kingston	Allanburgh...	....	6	7	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Kingston	Port Stanley.	....	4	16	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Brockville...	Port Robinson	....	36	17	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Brockville...	St. Catharines	....	5	5	0	.....	....	....	.....	....	....	....	....	....	....	.....	.....
Brockville...	Port Colborne	....	7	10	2	.....	....	....	.....	....	....	....	....	....	....	.....	.....
		40	894	15	3	199	210	458	92	20	110	1573	399	40	3	5800	20465

WM. HAMILTON MERRITT,
President W. C. Co.

WELLAND CANAL OFFICE,
St. Catharines, December 31, 1835.

JOHN CLARK,
Secretary W. C. Co.

No. 4.

***TABLE** shewing the principal Articles of Property passed down through the Welland Canal, from one British Port to another, in the Season of* 1835.

FROM	TO	BARRELS OF						Feet of Boards.	Cubic feet of square timber	Pipe Staves.	Saw Logs	M. Shingles.	TONS OF			BUSHELS OF		Hhds. Tobacco.	W. I. Staves	Tons	Kegs.
		Ashes.	Flour.	Pork.	Whiskey.	Salt.	Hams.						Iron.	Castings.	Plaster.	Wheat.	Barley			Mid'g	Lard
Peterburgh...	Thorold.....															434	175				
Roundeaux ..	Toronto.....							6000													
Roundeaux ..	Prescott.....			4						2163						549		7¼			
Dover.....	Prescott.....		1340																		6
Port Stanley..	Prescott.....		2214	213									49½	41¼							
Long Point..	Toronto.....				154																
Long Point..	Chippawa....		96																		
Long Point..	Brockville....		612																		
Long Point..	Hamilton.....													20							
Long Point..	Prescott.....		447							4500											
Long Point..	Dunnville.....				147													133			
Amherstburg.	Prescott.....																	179			
Colchester...	Prescott.....			25																	
Port Colborne	Dalhousie....							15000		7000											
Gosfield.....	Toronto.....							20000					77	25				21			
Gosfield.....	Kingston.....																	16			
Chatham.....	Toronto.....							26000													
Cataraqua...	Toronto.....							13000													
Port Antrim..	Prescott.....									3139								4			
Port Colborne	Port Robinson										1137										
Port Burwell.	Brockville....									9533											
Dalhousie....	St. Catharines										104										
Allanburg....	St. Catharines							25000													
St. Catharines	Prescott.....	11	3387													1736					
St. Catharines	Kingston.....		749																		
Dunnville.....	Prescott.....	3	1412	287			5														
Dunnville.....	Milton.....										312										
Dunnville.....	Colborne.....							193615													
Dunnville.....	Dalhousie....							14159		3600						612					
Dunnville.....	Port Robinson			8	53	17		599075	18300		3443	155			381	566				9	
Dunnville.....	Thorold.....										314										
Dunnville.....	St. Catharines							113406			238										
Dunnville.....	French Creek																	37000			
Peterburgh...	St. Catharines															600					
Thorold.....	Prescott.....		33																		
Port Robinson	Thorold.....								3982		5149	11				517					
Port Robinson	PortDalhousie									4000	80				38						
Port Robinson	Toronto.....														7						
Port Robinson	St. Catharines							57000													
Port Robinson	Allanburgh...							3750	1662		3156										
Port Robinson	Kingston.....														41½						
Port Robinson	Prescott.....	14	17	50				23000													
		28	10307	587	354	17	5	1109005	26312	33935	13933	166	126½	86¼	467½	5064	175	360½	37000	9	6

WELLAND CANAL OFFICE, ST. CATHARINES, 31*st December*, 1835.
JOHN CLARK, *Secretary Welland Canal Company.*

WILLIAM HAMILTON MERRITT,
President Welland Canal Company.

No. 5.

TABLE shewing the principal articles of property passed up through the Welland Canal from a British to an American Port, in the season of 1835.

FROM	TO	Feet of Boards.	M. Shingles.	Barrels of Flour
Oakville	Buffalo	33000		
Thorold	Buffalo			100
Hamilton	Buffalo			65
Toronto	Buffalo	28860		
Dunnville	Buffalo	150000		37
Dunnville	Buffalo		25000	
		211860	25000	202

WILLIAM HAMILTON MERRITT,
President Welland Canal Company.

WELLAND CANAL OFFICE,
ST. CATHARINES, 31*st Dec.* 1835. } JOHN CLARK, *Secretary W. C. C.*

No. 6.

TABLE shewing the principal Articles of Property passed down through the Welland Canal, from a British to an American Port, in the season of 1835.

FROM	TO	W. I. Staves	Pipe Staves.	Barrels Flour.	Bushels Wheat.	Cubic Feet Square Timber.	Saw Logs.
Port Maitland	French Creek		14454				
Port Stanley	Oswego			200	2538		
Port Dover	Oswego			1095	1264		
Roundeaux	Cape Vincent		7494				
Howard	Cape Vincent		7621				
Dunnville	French Creek		59754			17047	
Port Robinson	French Creek		95164				
Peterburgh	French Creek	14009					
Dunnville	Grand Isle					59601	4114
		14009	184487	1295	4802	76648	4114

WILLIAM HAMILTON MERRITT, *President W. C. C.*

WELLAND CANAL OFFICE,
St. Catharines, 31*st Dec.* 1835. } JOHN CLARK, *Secretary W. C. C.*

No. 7.

TABLE shewing the principal Articles of Property passed up through the Welland Canal, from an American to a British Port, in the season of 1835.

FROM	TO	MERCHANDISE. Tons	Cwt.	Qrs.	Brls. Salt.	Tons Coals
Oswego	Amherstburgh		6		100	
Oswego	St. Catharines	5	6	2	270	2
Oswego	Long Point				90	
Oswego	Port Stanley				633	
Oswego	Allanburgh	5				
		10	12	2	1093	2

WILLIAM HAMILTON MERRITT,
President W. C. C.

WELLAND CANAL OFFICE,
St. Catharines, 31*st Dec.* 1835. } JOHN CLARK, *Secretary W. C. C.*

No. 8.

TABLE shewing the principal Articles of Property passed down through the Welland Canal, from an American to a British Port, in the Season of 1835.

FROM	TO	Bushels of Wheat.	Pipe Staves.	BARRELS Pork.	BARRELS Flour	TONS OF Medze.	TONS OF Coal.	TONS OF castings	West India Staves.
Cleveland	Brockville	18919	4785	1119	....	.....	.....	.....	1060
Buffalo	Thorold	.....	.....	....	....	7 2 0	.....	.....	.....
do	Port Colborne	.....	.....	....	....	.....	.....	4	.....
do	Toronto	.....	.....	....	....	.....	.....	7	.....
Cleveland	Prescott	.....	.....	4087	....	.....	13	.....	.....
do	Hamilton	.....	.....	200	....	.....	.....	.....	.....
do	Toronto	.....	.....	....	....	.....	226¾	.....	.....
Clear Creek	Brockville	.....	1275	....	....	.....	.....	.....	.....
Cleveland	Prescott	.....	2000	....	100	.....	.....	.....	.....
		18917	8060	5406	100	7 2 0	239¾	11	1060

WM. HAMILTON MERRITT,
President W. C. Co.

WELLAND CANAL OFFICE,
St. Catharines, December 31, 1835.

JOHN CLARK,
Secretary W. C. Co.

RATES of Toll on the Welland Canal—as amended.

DESCRIPTION OF PROPERTY.	Through the whole route.	From mouth of Grand River to Dunnville, and *vice versa*.	FROM Dunnville to Port Robinson, and *vice versa*.	FROM Port Robinson to Thorold, and *vice versa*.	FROM Thorold to St. Catharines and *vice versa*.	FROM St. Catharines to Port Dalhousie, and *vice versa*.	FROM Port Robinson to Port Colborne, and *vice versa*.	CHIPPAWA ROUTE. Vessels not intending to pass through the Canal.	CHIPPAWA ROUTE. Vessels intending to pass through.
	26 miles.	48 ms. 60 chs.	26 1-4 miles.	6 1-4 miles.	4 m. 50 chains	5 m. 18 chains	12 miles.	15 chains.	15 chains.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
Flour, per barrel	0 5	0 2	0 2½	0 1	0 1	0 1½	0 1½	0 1	Same as if entering the Canal at Port Colborne or Port Dalhousie.
Pork, per barrel	0 7½	0 3	0 3½	0 2	0 2	0 1½	0 2½	0 1½	
Ashes, per barrel	1 6	0 4	0 6	0 3	0 2½	0 1½	0 4	0 2	
Whiskey, per barrel	1 0	0 4	0 6	0 3	0 2½	0 1½	0 4	0 1½	
Lard and Butter, per barrel	0 7½	0 3	0 3½	0 2	0 2	0 1½	0 2½	0 3	
Salt, per barrel	0 2	0 0½	0 1	0 0½	0 0½	0 0½	0 0½	0 0½	
Beer and Cider, per barrel	0 9	0 3	0 4	0 2	0 2	0 2	0 3	0 3	
Dried Fruit and Nuts, per barrel	1 0	0 3	0 6	0 3	0 2½	0 1½	0 4	0 3	
Pitch, per barrel	0 6	0 2	0 3	0 1½	0 1½	0 1	0 2	0 2	
Hams and Bacon, per cwt.	0 4	0 1½	0 2	0 1	0 1	0 1	0 1½	0 1½	
Oil, per barrel	0 7½	0 2	0 3½	0 2	0 2	0 1½	0 2½	0 2	
Bees' Wax, per barrel	0 6	0 1½	0 3	0 1½	0 1½	0 1	0 2	0 1½	
Fish, per barrel	0 9	0 3	0 4	0 2	0 2	0 2	0 3	0 3	
Dried Fish, per cwt.	0 4	0 1½	0 2	0 1	0 1	0 1	0 1½	0 1½	
Crackers, per barrel	0 7½	0 2	0 3½	0 2	0 2	0 2	0 2½	0 2	
Wheat per bushel	0 1½	0 0½	0 1	0 0½	0 0½	0 0½	0 0½	0 0½	
Oats, per bushel	0 1	0 0½	0 0½	0 0½	0 0½	0 0½	0 0½	0 0½	
Corn, Barley and Rye, per bushel	0 1½	0 0½	0 1	0 0½	0 0½	0 0½	0 0½	0 0½	
Potatoes, per bushel	0 1	0 0½	0 0½	0 0½	0 0½	0 0½	0 0½	0 0½	
Coals, per ton	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Castings, *up*, per ton	5 0	1 3	2 6	1 8	1 8	1 8	2 0	1 0	
Castings, *down*, per ton	3 9	1 0	1 10½	1 0	1 0	1 0	1 3	1 0	
Pig Iron, per ton	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Grindstones, per ton	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Plaster, per ton	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Plaster, ground, per ton	3 9	1 3	1 10½	1 0	1 0	1 0	1 3	1 0	
Furniture and Baggage, per ton	5 0	1 3	2 6	1 8	1 8	1 8	2 0	1 3	
Lard and Butter, per keg	0 4	0 1	0 2	0 1	0 1	0 1	0 1½	0 1	
Tobacco Leaf, per cwt.	0 4	0 1	0 2	0 1	0 1	0 1	0 1½	0 1	
Tobacco, manufactured, per cwt.	0 6	0 2	0 3	0 1½	0 1½	0 1½	0 2	0 2	
Pipe Staves, per M.	20 0	3 9	10 0	5 0	5 0	5 0	7 6	3 9	
W. I. Staves, per M.	7 6	1 3	3 9	1 10½	1 10½	1 10½	2 6	1 3	
Saw Logs, each	0 4	0 1	0 2	0 2	0 2	0 2	0 3	0 1	
Square Timber, 12 inches in diameter, and upwards, per 1000 cubic feet	25 0	5 0	12 6	7 6	7 6	7 6	8 9	5 0	

DESCRIPTION OF PROPERTY.	Through the whole route.	From mouth of Grand River to Dunnville and vice versa.	FROM Dunnville to Port Robinson, and vice versa.	Port Robinson to Thorold and vice versa.	Thorold to St. Catharines and vice versa	St. Catharines to Port Dalhousie, and vice versa.	Port Robinson to Port Colborne, and vice versa.	CHIPPAWA ROUTE. Vessels not intending to pass through the Canal.	Vessels intending to pass through.
	26 miles.	4 ms. 60 chs.	26 1-4 miles.	6 1-4 miles.	4 ms. 50 chs.	4 ms. 18 chs.	12 miles.	16 chains.	16 chains.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
Flatted Timber, per 1000 cubic feet	20 0	3 9	10 0	5 0	5 0	5 0	7 6	3 9	Same as if entering the Canal at Port Colborne, or Port Dalhousie
Small round Building Timber, ditto	12 6	2 6	6 3	3 9	3 9	3 9	5 0	2 6	
Shingles, per M.	0 6	0 2	0 3	0 1½	0 1½	0 1½	0 2	0 2	
Barrels, each	0 2	0 0¼	0 1	0 0¼	0 0¼	0 0¼	0 0¼	0 0¼	
Boards, 44 inch, per 1000 feet	3 9	1 0	1 10½	1 0	1 0	1 0	1 3	1 0	
Merchandise, *up* and *down*, per ton	5 0	1 3	2 6	1 3	1 3	1 3	3 9	1 3	
Firkins, small casks, packages, &c. each	0 2	0 0¼	0 1	0 1	0 1	0 1	0 1½	0 0¼	
Passengers	0 6	0 2	0 3½	0 2	0 2	0 2	0 2½	0 2	
Onions, per bushel	0 2	0 0¼	0 1	0 1	0 1	0 1	0 1½	0 0¼	
Oysters, per barrel	1 0	0 4	0 6	0 3	0 3	0 3	0 4	0 4	
Vinegar, per barrel	1 0	0 4	0 6	0 3	0 3	0 3	0 4	0 4	
Cheese, per cwt	0 3	0 1	0 1½	0 1	0 1	0 1	0 1½	0 1	
Ploughs, each	0 6	0 2	0 3	0 2	0 2	0 2	0 2½	0 2	
Hides, per cwt	0 3	0 1	0 1½	0 1	0 1	0 1	0 1½	0 1	
Skins, sheep, deer, &c. per cwt	0 3	0 1	0 1½	0 1	0 1	0 1	0 1½	0 1	
Horns, per cwt	0 3	0 1	0 1½	0 1	0 1	0 1	0 1½	0 1	
Hay, per ton	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Bran, per ton	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Bricks, per ton	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Firewood, per cord	0 7½	0 2	0 3½	0 2	0 2	0 2	0 2½	0 2	
Cedar Posts, per cord	2 6	1 0	1 3	0 10	0 10	0 10	1 0	1 0	
Tan Bark, per cord	1 6	0 6	0 9	0 6	0 6	0 6	0 7½	0 6	
Stone, per cord	1 3	0 5	0 7½	0 4	0 4	0 4	0 6	0 5	
Wool, per ton	5 0	1 3	2 6	1 3	1 3	1 3	3 9	1 3	
Stone Ware, per ton	5 0	1 3	2 6	1 3	1 3	1 3	3 9	1 3	
Flax Seed, per barrel	0 6	0 2	0 3	0 2	0 2	0 2	0 2½	0 2	
Vessels, under 40 tons burden	5 0	5 0	.....	.....	.....	.....	.....	5 0	
Vessels, 40 to 50 tons burden	10 0	10 0	.....	.....	.....	.....	.....	10 0	
Vessels, 50 tons and upwards	15 0	15 0	.....	.....	.....	.....	.....	15 0	
Boats for passengers, 3½d per mile, or	5 0	5 0	.....	.....	.....	.....	.....	5 0	
Boats for freight	2 6	2 6	1 3	1 3	1 3	1 3	1 3	1 3	

In concluding these my remarks on the general management of the Welland Canal from the period of its commencement, I beg to remind the Committee, that at the commencement of this investigation I offered promptly to admit all such allegations as were true, and leave the Committee to judge of their importance or character:—To this Mr. Mackenzie objected, claiming the right to conduct the proceedings in his own way, to which the committee assented. He has occupied the time of the Committee from the 27th January to the 26th of this month, making up, reading over, and explaining his voluminous statements, and examining witnesses.

After closing his case, as he terms it, on Saturday the 26th inst., I again offered the Committee to rest the defence of the Company entirely on their judgment by a brief verbal explanation of the statements he presented, providing only the evidence adduced was to be printed with the report;—this after a consultation was rejected, and I was recommended to give in a written statement in reply, in such manner or form as I thought proper.

In consequence of which, under the impression the whole was to be laid before the public, I drew up a hasty and brief reply to each accusation; and in order that a plain simple statement should be presented to the public, I have given a brief statement of each year's transaction as it actually occurred, together with the official documents and monthly minutes of the proceedings of the Board, in order that those who may take an interest in the transaction may not prejudge the proceedings of the Directors by misrepresentations and extracts selected to give a semblance of truth to a particular proceeding, and the very document or extract from the minutes to shew its absurdity suppressed.

My reply to all the voluminous matter presented by the Director of 1835, has only occupied the time of your honorable committee, including the examination of my evidence, 2 hours on Monday the 28th, and 2 hours on Thursday the 31st inst.

As I understand Mr. Mackenzie intends to address your Committee with a view of impressing the importance and utility of his proceedings, to which I am not entitled to reply, I will briefly recapitulate the substance of his accusation.

The first 6 questions relate to the Secretaries, and the manner in which the books have been kept.

When the objection was first made, every director manifested their anxiety to institute an immediate investigation—the only difference of opinion was the motive—he alleging intentional fraud and the abstraction of large sums, the Directors admitting errors, but from the characters of the Secretaries and ample security given did not believe either fraud or defalcation to any amount existed; they adopted the only remedy in their power in guarding the interest of the Company by taking security.

No. 1. Imputing fraud has not been made out by any evidence whatever.

No. 2. That erasures have been made to the disadvantage of the company—the only one referred to by any evidence is the £94 in the lock account of Mr. Oliver Phelps in the year 1830, which is to be

charged to Mr. Black until a satisfactory explanation is given by that gentleman, who does not at present recollect the circumstance. The one in old leger folio 402 of £50—heretofore alluded to being paid Thomas Merritt from toll account in 1833 is satisfactorily explained by the affidavit of Mr. Calaghan who made the entry.

No. 3. That false and erroneous entries have been made—That erroneous entries have been made was never disputed but promptly admitted from the first, but from no improper motive.

No. 4. That there is a great defalcation on the part of the officers of the Company. This is denied, and the investigation already made, and any which may hereafter be made by competent and unprejudiced persons will bear them out.

No. 5. That false accounts have been sworn to and laid before the Legislature. This refers to the balance sheet of 1832, where an item is charged as paid to George Keefer to be expended on Grand River claims, it was correct as taken from the books at the time, but a part of the same money was expended for other purposes, and not for this particular purpose, viz:—Grand River claims as then extended.

No. 6. That important transactions of large amount have been improperly withheld from the Company's Books. This alludes to the toll of 1830, 1831, and 1832, the receipts of which were regularly laid before the Legislature in each year, consequently no attempt was made to conceal the amount received; accounts of expenditure were kept in books expressly opened for the purpose in the office—It is true they were not entered on the leger at the time they should have been—the delay occurred as explained by Mr. Clark in consequence of not having settled all the forwarding accounts, some of which remain open to this day, but from no other motive.

No. 7. That the charges by the officers are improper. The charges referred to were examined by a Committee of the House in 1830, and since that period each succeeding year; and not only approved by the Board of Directors, but by the different Committees appointed for that purpose, and incurred as early as 1825, when the Province had no pecuniary interest in the undertaking.

No. 8. That the officers of late years have taken their own salaries out of the funds without authority of the Board. By reference to the books of account it will be seen that the Company had not means to pay the officers, who were generally in arrear—that when a general order to pay a given sum per year is made it is carried to their credit as a matter of course, and no particular order for that purpose is necessary; it could have happened only in a few instances at most, and is of no consequence whatever; the same result would take place by paying them by one order, stating the amount of salary they were to be paid, or swelling up the minute book by entering an order every month.

No. 9. That persons have had access to the books and altered them at their pleasure, and made entries contrary to the standing orders of the Board—This charge is not supported. No person has had access to the books without the permission of the Secretary, and no entries have been made contrary to the standing order of the Board.

No. 10. That loans have been made to Directors, Officers, and others, without the consent of the Board—This is true on two or three cases as stated by Mr. Clark, but every farthing was returned, and the interest gained by the Company for the period.

No. 11, That one set of books of account are kept by the officers, and another for the inspection of the Board—This is true, but the inference drawn from it incorrect.—The one set of books kept with contractors is to enter the different items or payments made at different periods, advances, assumption for debts, and cross entries, necessary to keep on the work when without means; the other is the principal books of account, shewing amounts paid on the estimates.

No. 12. Alludes to myself and Mr. Clark, having been appointed Secretary and not making entries, although it was our prescribed duty—The order appointing myself Secretary in 1832, shews clearly it was merely altering the name from Agent, the duty of which I performed, and Mr. Clark that of Accountant, who gave security for the money at the time—this charge relating to myself disproved by my own evidence as well as the minutes, which clearly relates the transaction.

No. 13. That a system of favoritism has prevailed—The current testimony he has produced disproves this charge.

No. 14. The evidence he has adduced on this charge is expunged by order of your Committee.

No. 15. This charge has been so often before the public and different committees since 1825, that it is hardly necessary to revert to it again at this remote period, eleven years after the occurrence took place—it only shews the want of any real offence to bear him out in his accusation against me personally.

No. 16. That valuable mill sites have been given away—This is true in one solitary instance,—to Mr. Keefer in 1825—a matter of public notoriety since that period, and which was before the public became interested in the Canal.

No. 17. That the President, Agent, and some of the Directors, have been improperly employed in forwarding goods and leasing water power. If taking a share in two or three vessels constitutes a forwarder of goods, this charge is true, but not otherwise. From the extreme want of capital some of the Directors took shares to promote building of vessels by concentrating the small means individuals possessed on the line of the Canal.

No. 18. That a bargain has been made, injurious to the interests of the Company and Province. This relates to the sale of water power to the Hydraulic Company in 1831, and the repurchase in 1834. This transaction is clearly detailed in the Company's last Report. The purchasers would be very happy to be reinstated in possession of this property, consequently neither the Directors, nor any person concerned, can be subject to improper motives in relation to the transaction.

No. 19. That George Keefer, Esq., was improperly connected in the contract for the locks. If the furnishing timber to a contractor at a given price for building a lock when that contractor is paid a given price for each lock, is more improper than selling him a quantity of iron, plank, or other mate-

rials, which compose the same be improper, Mr. Keefer is subject to the imputation, but not otherwise.

No. 20. That important original estimates, contracts, &c., are missing at the canal office—This is true in part, as relates to two estimates, but no injury arises from it, as the copy and Books will shew. The circumstance is explained by Mr. Keefer. It is not extraordinary that papers may be missing during a period of thirteen years, particularly when the officers had good reason to suppose everything, up to 1830 at least, was fully settled.

No. 21. With respect to this charge, as Mr. Robinson has been prevented from satisfactorily settling those accounts by Mr. Mackenzie refusing or neglecting to furnish the Report in time, as promised, an opportunity will doubtless be afforded him by the committee to do so.

No. 22. That the Board has frequently entered into contracts it was without the means of paying, and agreed to issue money it could not possibly redeem. With respect to the first charge, it is quite true they have at different times entered into contracts of large amount without the means of payment in hand—at the close of every Fall almost since the work commenced, the Company were without funds. Their only alternative was to let out the work, to get it finished, and open the navigation on credit, and depend on their future exertion to obtain means—or stop its progress. Such was the confidence reposed in the Directors at that period that they had no difficulty in letting out the work. The contractors trusted in their zeal and sincerity to use the best exertion to obtain means, which they believed would be successful. Instance the large contract with Donaldson and Davis, in the Fall of 1829, from Marshville to Broad Creek, and in 1832, at Gravelly Bay—and it is questionable had not the Directors adopted that plan, if a Canal would have been in existence at the present day. It is also true that the same motive led the Directors last Fall for the same object, repairing the Locks, unanimously to agree to issue their Bonds or Notes payable in one year. If this proceeding was incorrect they are answerable, *not otherwise.*

No. 23. That the Canal Directors and officers have mixed up politics and tampered with the public press. This is equally absurd and unfounded—its proof is a private letter written by Mr. Dalton and two or three other individuals to Mr. Merritt, which the Director of 1835 obtained extracts from in a manner which he considers creditable, but in no instance has any interference on their part been shewn—on the contrary it is a subject never entered or acted upon on any occasion without my knowledge. On the contrary the feeling entertained by the Directors and myself was always with those who were in favor of the work, within reference to party; many instances could be adduced to prove it—all the frontier, Tory or Reformer, was against it, almost to a man, and those in the interior, the reverse.

No. 24. That the majority of the Shareholders appointed the Directors, is also true—and that in one instance the President, the Hon. J. H. Dunn, was appointed President on motion, instead of ballot, when the Directors were unanimously in his favor.

No. 25. That the Canal has been taken to particular places to serve interested individuals. This charge has not been supported by a single proof, but on the contrary even the opposition of Mr. Gordon at the time was withdrawn, as shewn by his testimony—before a Committee of the House of Assembly, of the Session of 1825 and 1326. [See evidence to Report of Committee of House of Assembly appended to my remarks on Canal of 1825, marked No. 4.]

No. 26. That the payment for a Steam Dredge was made under suspicious circumstances. This is also a surmise, unsupported by proof. Mr. Yates received the money from us, and paid Lynds, the maker of the Engine, in place of the individual himself.

No. 27. That $10,000 was loaned Mr. Yates while many creditors remained unpaid. This is incorrect, as will be seen by reference to Books. The Company had money on hand when the Loan was made. It is repaid with interest, the amount of which was gained by the Company.

No. 28. That $30,000 of debt due by Oliver Phelps was improperly placed to profit and loss, and in releasing him the Company forgot the interests of the Canal and the country. This arose from charging Oliver Phelps the entire amount of money he received on his Deep Cut contract, and crediting him for the number of yards excavated at 27 cents per yard. After the work was done, and a computation made by their Engineer, it appeared from his opinion that Mr. Phelps was not paid in the same proportion of other contractors who had commenced the work. The subject was delayed for some time, but his security was relinquished with the unanimous consent of every Director. If the sum of 34 cents per yard is too high for the work he finished, then they have paid too much, but not otherwise.

No. 29. That proper precautions were not taken. This has not been proved, but on the contrary the general evidence, particularly that of Mr. Trotter, shews there was a well dug at north end some feet below the level—but such is the gentlemans zeal for making accusations, that every casualty is turned into a subject of reproach.

No. 30. With respect to this charge—That the books and papers were taken out of my hands—is intended to imply that they were in my possession, which is not the case—they were in possession of the Secretary, and him only. The order of the Board will shew that every caution was pursued, and an investigation made, the result of which is corroborate by the one which has taken place under the direction of the committee, and no good or sound reason ever existed for suspicion of the integrity of the officers.

I have not attempted to impress on the consideration of the Committee the arduous and complicated duty the officers of this Company have had to perform; or out of the many thousand people with whom their transactions have necessarily extended, although frequently cramped for means, how few have ever complained. Much might be said on this head respecting management, but they forbear any further remarks;—they ask no favor, they only require *Justice.*

If however the Committee consider the Directors or myself—who in truth is the only person designed to be implicated, and the only one deserving censure

for bad management—all the favor I ask at their hands is that the shareholders who had no participation in the management may not be ruined by further procrastination, and as all parties agree in the opinion that the work cannot be well conducted on the present system, that they will adopt some prompt and decided measure, either to purchase out the shareholders or place the entire responsibility of the work on them.

I have the honor to be,
Gentlemen,
Your obedient servant,
WILLIAM HAMILTON MERRITT,
President of the Welland Canal Company.

COMMITTEE ROOM, H. of A.,
Toronto, 31st March, 1836.

Mr. Merritt closed his vindication of the character of the officers and managers of the Welland Canal Company, against the charges brought against them by Mr. Mackenzie, and retired.

The Committee then adjourned.

FRIDAY, 8th APRIL, 1836.

Committee met.

PRESENT—James E. Small, Esq., *Chairman.*
Messrs.—Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver, and
Thorburn—8.

ALEXANDER Y. MCDONELL, Esq., *Vice President of the Welland Canal Company, called in & examined.*

(By Committee.)

822. In what relative situation do you stand with regard to the Welland Canal Company or any of its officers?—I am a Director of the work and a partner of Ogden Creighton another Director, in other business, and interested one sixth with Mr. Merritt in a mill at Gravelly Bay.

823. Are you the agent of John B. Yates, Esq., and if so did you give him any undertaking in writing that you would hold the water privileges and lands of the Welland Canal Company conveyed to you by deed bearing date the ——— day of ——— 18—, in trust for him to his use and subject to his order?—I hold the property of the Hydraulic Company, I have executed a trust shewing the nature of our arrangements as partners: the partnership consists of Messrs. J. B. Yates, Ogden Creighton, and myself. I will also add that I have made a bill providing for the continuance of the trust. The original instrument is in the hands of Mr. Yates.

824. What portion of the £25,000 to be paid by you for the Hydraulics and lands of the Company mentioned in the above described deed has been paid to the Company; and what amount of interest upon the said sum of £25,000 has been paid since the execution of the deed?—No part of the £25-000 named as purchase money to be paid by the Hydraulic Company to the Welland Canal Company was ever made, and was not from the terms of the sale contemplated—the interest was paid regularly except that allowed by commuting for the loss of water which was extended generally through the line to leaseholders, the amount can be seen by reference to the company's books. To make this purchase available a large outlay had to be made; no confidence existed on the part of strangers in the work, and few could be induced to risk capital on what they supposed such a precarious issue; the lands were chiefly waste, and to reduce them to cultivation large and extensive drains had to be made; this, together with roads, raceways, and Mills at Marshville, formed a large proportion of the expense on those lands. Mr. Yates held always the control, and never would suffer long leases to be given of water, remarking that it should not be his fault if any impediment was offered to a compromise with the Legislature and the private stockholders. These circumstances are barely mentioned to shew the relative understanding on these matters.

The Hydraulic Company was formed in 1831, after the purchase of all the lands and surplus water of the Welland Canal Company.

The sale arose from an objection on the part of Mr. Yates to make the water power an object of no other moment than that of an increase revenue by the operation of machinery. Mr. Yates stated that they were worth a large sum of money, and if they were parted with they should be sold after being advertised for one year in all the newspapers of note on this continent. Accordingly when the day of sale arrived, the highest offer made was thirty thousand dollars, when seventy thousand more was offered in addition by Mr. Yates;—the property sold to him agreeably to the terms advertised. The prevalent opinion then was that the purchase money to be paid was far beyond its value;—no comment was made until the lateral canal to Niagara was brought before the House of Assembly, when from the debates an apprehension that an interference with these rights so transferred was contemplated by the then member from the town of Niagara. The object of the mover was frustrated, and confidence restored. Some time afterwards an opinion was expressed by many gentlemen that they thought the sale objectionable in point of expediency, when the offer of an immediate transfer was made. On the repayment of the outlay this was not taken advantage of. The year following similar remarks were made on which it was referred to the Government Directors; when the situation of affairs was placed in their present situation this contract as intimated was never screened from public view,—so far to the contrary the purchasers applied to the Legislature for an act of incorporation, and every means that could be adopted were resorted to to give publicity to their purchase, and no pains spared to bring it into notice. A speedy return might have confidently been expected had not Mr. Yates, who held the controling power, obliged the leases and contracts to be made in such a manner so as not to impede any negotiation then spoken of between the Government and the stockholders.

825. When did the resale to the Company of a portion of the property so conveyed to you take

place? What were the terms of the bargain?—Was it made with the knowledge and consent of Mr. Yates?—What amount of interest has been paid you upon the contract?—and what portion of the canal and water privileges are retained by you?—Describe the same particularly, and the present value thereof.—By reference to the Report of the Government Directors those facts will be ascertained—the property retained is 50 acres at Allanburgh, with the water power of that place, and 140 acres at Port Colborne. The water power at Allanburgh should be worth £100 a year. I last year purchased 50 acres in the heart of the place for £10 per acre. The extensive machinery erected here has made land valuable; I have generally sold at £25 quarter acres the first choice.—On Gravelly Bay purchase 18 months' interest has been paid.

826. Can you give any information upon the subject of the mortgage of Oliver Phelps being given up to him, the value of the land taken by the Company from him—and why upon this arrangement his accounts with the Company were not balanced?—Mr. Phelps' mortgage was surrendered to him on his giving a deed of 50 acres of land in Centreville, which place it was then supposed would be the point of intersection for the Niagara side cut and then thought valuable;—the present valuation I should think £10 per acre.

827. Where is the minute of the Board agreeing to give up to Oliver Phelps the debt he owed on the Company's Books in consideration of fifty acres of land?—I cannot say, the minutes not being in my possession.

[Witness withdrew.]

DAVID THOMPSON, ESQ., (of Wainfleet,) *called in and examined.*

BY MR. MACKENZIE.

828. Did you ever ascertain how it was that Mr. Phelps contrived to get his partners in the locks contract out of his way, so that he got the deep cut job to himself, with the money of the province to complete it?—I know nothing as to that, only by report.

829. Did Mr. Oliver Phelps complete his deep cut contracts? Did he bottom the sections he had to excavate?—He did not fully bottom the job, a considerable quantity of earth remained on the sides, which he had prepared scows to take away, but the slips took place and prevented it.

830. Had the Engineer on the Deep Cut the power as well as the disposition to check and prevent Mr. Phelps from obtaining estimates and payment for work he never performed? Or what was the usage?—I presume the Engineer was instructed to give true estimates, but notwithstanding from the irregular state of the work and taking monthly estimates, they were often incorrect. It is extremely difficult to estimate work correctly unless it is kept in regular order. I know that the previous estimate of 1828, so far as respects 10 chains taken by myself is incorrect—I refer to a statement I gave the Company. I consider Mr. Phelps at the onset of the work, by getting large advances, placed the Company completely in his *power*, and continued them so. If the statement produced by Mr. Phelps, to this committee in answer to question 271 is meant to shew an account of property sold during the progress of the work, it is incorrect. I paid him much higher prices than it exhibits, for oxen and carts—I consider also his statement shewing that the work at the deep cut done by him cost less than that by other contractors, also incorrect. He was made large allowances for roads, wintering of cattle, building of machines, purchasing of shanties, &c., which was not allowed to me as a contractor, nor do I think to others. In shewing the statement of the average cost per yard I understand him as taking into consideration the large portion taken out the previous year on the whole length of the deep cut and near the surface. If I am correct in my understanding of the statement, he received much more according to the depth of cutting than other contractors. I am not aware of any hard pan being in this work, yet there was stone. He injured other contractors by increasing the wages and the allowance of spirituous liquor, and often giving brandy, and others had to follow this example or they could not keep their men—and all this it appears was done with the Company's money. I do not consider that he managed the work economically. I believe he sold the remainder of his cattle in the fall of 1828, after the slips took place.

In the fore part of 1828, I was led into a job of 10 chains, to be paid the same as Mr. Phelps got; as yet I have not been allowed any of the extras given to him—not yet for many yards taken out for the first two or three months. I carried on this job as all others with my own means. The Company owed me in January 1829, over £3,000, the greater part of which remains unpaid. The Company's proceedings were so very partial in settling for the Deep Cut work I subsequently brought a suit against them for the balance due thereon and Notes of hand; they came into Court with the late Attorney General, Mr. Boulton, and then took advantage of some informality on the part of my attorney, and nonsuited me. Since that time there have been several agreements to refer to arbitration; the same account yet remains unsettled. From a statement in a note from the Secretary Black that no advances were made to Contractors on the Deep Cut—I was induced to make large loans to the late Mr. Hartwell in money to be paid out of his estimates to enable him to carry on the work, presuming from that statement that he could not be indebted to the Company, a large part of which is still owing to me, amounting to about £400—that at his death the Surrogate placed the estate in my care until it could be administered on, and I was induced by the Company to carry the job on in trust for some time, and then to purchase a large number of oxen, carts, &c., under a verbal agreement, to be paid for its completion that retained by the Company, which was represented to be a large amount. That not long after this arrangement I learned that they had taken a considerable sum from the reserve to liquidate a debt due by the late Mr. Hartwell to the Company, and which until then had been kept from me. The consequence was that the job could not be completed for the balance. I then tendered all the property and the job to the W. C. Co., who declined accepting it, and induced me to persevere, which I did until the work was abandoned, charging them with the cost thereof; the consequence is, a considerable balance remains unpaid

and forms a part of the item of debt due me already alluded to.

831. The Engineer, Mr. George Keefer, tells that you got $31\frac{34}{100}$ cents per cubic yard, for your Deep Cut Contract. Is this the fact, and what measurement did you get? I have no means here to ascertain whether I was allowed $31\frac{34}{100}$ cents per cubic yard or not; it may be perfectly correct so far as it goes, but I do here distinctly declare that I took out in the first 2 or three months, many yards that were never estimated, exclusive of roads;—I beg to refer to the statement furnished the Company already alluded to.

832. It appears that when Phelps was a contractor on the Deep Cut he was paid £1200 as an allowance for roads. Did the Directors allow you and the other Contractors a proportionate sum for making roads? The Directors did not allow me any compensation for shanties, machines, roads, nor yet a drawback of duties. I do not know that they allowed other Contractors.

833. Did the piles of earth Phelps placed on the margin of the Deep Cut banks accelerate the slides? This question I consider as a matter of opinion, and mine is that it would have slipped had that not been the case, being founded on quicksand, but probably not quite as soon.

834. What is your opinion of the workmanship of Mr. Oliver Phelps' 34 Locks?—I do not profess to give a correct opinion, but from some giving way much sooner than the others, I presume it was owing to the workmanship.

835. Do you know that Mr. Phelps is a poor man from whom a debt of £7,500 could not be collected? I consider Mr. Phelps a wealthy man worth much more money—yet I beg to add that the most economical man in the Province could not have done the Deep Cut at his original contract price: this I give from actual experience, and under the most favorable circumstances as to means. I well understand labour.

836. Two large contracts—one for the berm bank to Thomas Merritt's Jr., and the other to John Donaldson, were contracted for two winters ago. Was there a fair attempt to induce competition, or did you perceive a disposition to favouritism and letting without advertising?—I was not aware of the letting of this work until after it was given to them.

837. What was Mr. Black's practice with regard to receipts? Did he take 1st one receipt or voucher and then another for the same sum of money, or only one?—Mr. Black so far as I recollect, did take receipts on payment of money, he has in some instances taken receipts for payments on granting due bills, and again on payment of said due bills, but in the accounts current rendered to me, so far as payment of money goes, all appeared correct or was made so on reference.

838. £1340 7s. was paid by the Canal Company for upwards of 200,000 square feet of timber for a Tunnel, no part of which appears to have been used for that purpose. No part of the receipts from the sale of that timber is entered on the Company's Books, and those of the officers who have been examined declare their inability to account for any part of it. Are you aware what has become of it? Some part of this timber was worked into the towing paths on River Welland; a good portion used up by Mr. Phelps: 5,000 feet of the small timber was put into the Allanburgh Locks.

(By Committee.)

839. How was it that Oliver Phelps succeeded in getting such good measurements in excavating the Deep Cut?—I refer to a former answer on this subject.

840. Have you been a contractor for making Berm Banks on the Welland Canal; and if so what was the rate of the contract price per yard?—I was a contractor and the rates per yard of any contract price was 13 cents.

841. Would you have taken any more contracts of this kind at the same rate per yard had any such been offered to let?—I would.

842. Do you know the nature of the soil and size of the Berm Bank now under contract by Mr. T. Merritt between Broad Creek and Dunnville, and if so will you state to this committee if you would have taken that work at the same rate as the jobs you were a contractor for?—I know the nature of the soil is of a looming nature, easily dug—It would be a better job at the same rate.

843. How many yards did you excavate or remove from your work?—I have no means here to enable me to answer that question.

[*Witness withdrew.*]

The Chairman was requested to prepare the draft of a report to the House founded upon the evidence taken before this Committee.

The Committee adjourned till 10 o'clock A. M. on to-morrow.

SATURDAY, 9th APRIL, 1836.

Committee met pursuant to adjournment.

PRESENT:

James Edward Small, Esquire, Chairman.
Messrs.—Chisholm,
Gibson,
McDonell,
Parke,
Roblin,
Shaver,
Sol. General,
Thorburn—9.

The Chairman presented the draft of a report, which he had prepared agreeably to the order of yesterday—which report was adopted, signed by the Chairman and several members of the Committee, and ordered to be presented to the House forthwith.

The Committee then adjourned.

JAMES E. SMALL, *Chairman.*

ALFRED PATRICK, *Clerk.*

APPENDIX

TO

JOURNAL,

HOUSE OF ASSEMBLY.

1836.

APPENDIX

TO THE

JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF

UPPER CANADA,

OF THE

SECOND SESSION OF THE TWELFTH PROVINCIAL PARLIAMENT.

VI. WILLIAM IV.

MARSHALL SPRING BIDWELL, ESQ. SPEAKER.

SESSION 1836.

Vol. III.

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

TORONTO:

PRINTED BY M. REYNOLDS.

1836.

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WHEREAS divers persons have united in partnership within this Province, under different names and styles, to carry on the business of Banking; and whereas it is desirable to afford to the said persons so united in partnership as aforesaid, or who may hereafter unite in partnership for the purpose aforesaid, every facility and advantage to carry on the said business, by enabling every such copartnership to recover and sue for any debts, demands, or claims due to the said copartnership, without being compelled to use the names of all the Partners:

Be it, &c. That it shall be incumbent upon any such persons now united in partnership to carry on the business of Banking within this Province, or any person who may, after the passing of this Act, unite in partnership for the purposes aforesaid, and they are hereby required to make out an account and return according to the form in the Schedule marked A, to this Act annexed, wherein shall be set forth the true names of such intended or existing copartnership, and also the names and places of abode of all the parties concerned or engaged in such copartnership as the same shall respectively appear in the books of such copartnership, and also the names and places of abode of two or more persons being members of such copartnership, and being resident in this Province, who shall have been appointed public officers of such copartnership, together with the title of office or other description of every such public officer respectively, in the name of any one of whom such copartnership shall sue and be sued as hereinafter provided, and also the amount of the capital stock of the said copartnership; and every such account or return shall be delivered to the Secretary and Registrar of the Province, who shall cause the same to be filed and kept in his office, and any entry and registry thereof to be made in a book or books to be there kept for that purpose, and which book or books any person or persons shall from time to time have liberty to search and inspect on payment of the sum of for every search.

And be it, &c. That such account or return shall be made out by the manager or cashier of every said copartnership, and shall be verified by the oath of every such cashier or manager, taken before any Justice of the Peace, and which oath any Justice of the Peace is hereby authorised aad empowered to administer, and that such account or return shall, between the first day of and the day of in every year after the passing of this Act, or after such copartnership shall be formed, be in like manner delivered by such manager or cashier to the said secretary and registrar of the Province, to be filed and kept in the manner and for the purpose herein-before mentioned.

And be it, &c. That a copy of every such account or return so filed or kept and registered in the office of the said secretary and registrar of the Province as is by this act directed, and which copy shall be certified to be a true copy under the hand of the secretary and registrar of the Province for the time being, upon proof made that such certificate has been signed with the hand writing of the person making the same, and whom it shall not be necessary to prove to be the secretary and registrar of the Province, shall in all proceedings, civil or criminal, and in all cases whatever, be received in evidence as proof of the appointment and authority of the public officers named in such account or return, and also of the fact that all persons named therein as members of such co-partnership were members thereof at the date of such account or return.

And be it, &c. That the secretary and registrar of the Province for the time being shall, and he is hereby required, upon application made to him by any person or persons requiring a copy, certified according to this act, of any such account or return as aforesaid, in order that the same may be produced in evidence or for any other purpose, to deliver to the person or persons so applying for the same such certified copy, he, she, or they, paying for the same the sum of and no more.

Provided also, and be it, &c. That the manager or cashier of every such co-partnership shall, and he is hereby required, from time to time, as often as occasion shall render it necessary, to make out upon oath in manner hereinbefore

directed, and cause to be delivered to the secretary and registrar of the Province for the time being a further account or return, according to the form in the schedule marked B, to this act annexed, of the name or names of any person or persons who shall have been nominated or appointed a new or additional public officer or public officers of such co-partnership, and also of the name or names of any person or persons who shall have ceased to be members of such co-partnership, and also of the name or names of any person or persons who shall have become a member or members of such copartnership, either in addition to or in the place or stead of any former member or members thereof, also stating whether the said capital stock has been reduced or increased, and the amount thereof; and such further accounts or returns shall from time to time be filed and kept and entered and registered in the office of the secretary and registrar of the Province for the time being, in like manner as is hereinbefore required with respect to the original or annual account or return hereinbefore directed to be made.

And be it, &c. That if any such copartnership shall neglect or omit to cause such account or return to be made and renewed yearly and every year, between the days and times hereinbefore appointed for that purpose, such copartnership so offending shall for such and every week they shall so neglect to make such account and returns forfeit the sum of £500; and if any manager, cashier, or other officer of such copartnership shall make out or sign a false account or return or any account or return which shall not truly set forth all the several particulars by this Act required to be contained or inserted in such account or return, the copartnership to which such manager, cashier, or other officer offending shall belong, shall, for every such offence, forfeit the sum of five hundred pounds, and the said manager, cashier, or other officer so offending, shall also, for every such offence, forfeit the sum of one hundred pounds; and if any such manager, cashier, or other officer making out or signing any such account or return as aforesaid, shall, knowingly and wilfully, make a false oath of or concerning any of the matters to be therein specified and set forth, every such manager, cashier, or other officer so offending, and being thereof lawfully convicted, shall be subject and liable to such pains and penalties as, by any law now in force, persons convicted of wilful and corrupt perjury are subject and liable to.

And be it, &c. That all actions and suits against any person or persons who may be at any time indebted to any such copartnership carrying on business under the provisions of this Act, and all the proceedings at law or in equity to be commenced or instituted for or on behalf of any such corpartnership against any persons or persons, bodies politic or corporate, or others, whether members of such copartnership or otherwise, for recovering any debts or enforcing any claims and demands due to such copartnership or for any other matter relating to the concerns of such copartnership,—shall and lawfully may, from and after the passing of this Act, be commenced or instituted and prosecuted in the name of any one of the public officers nominated as aforesaid for the time being of such copartnership, as the nominal plaintiff for and on behalf of such copartnership; and that all actions or suits, and proceedings at law or in equity, to be commenced or instituted by any person or persons, bodies politic or corporate, or others, whether members of such copartnership or otherwise, against such copartnership,—shall and lawfully may be commenced, instituted and prosecuted against any one or more of the public officers nominated as aforesaid for the time being of such copartnership as the nominal defendant for and on behalf of such copartnership; and that all indictments, informations, and prosecutions, by or on behalf of such copartnership, for any stealing or embezzlement of any money, goods, effects, bills, notes, securities, or other property of or belonging to such copartnership, or for any fraud, forgery, crime or offence committed against or with intent to injure or defraud such copartnership,—shall and lawfully may be had, preferred, and carried on in the name of one of the public officers nominated as aforesaid for the time being of such copartnership; and that,—in all indictments and informations to be had or preferred by or on behalf of such copartnership against any person or persons whomsoever, notwithstanding such person or persons may happen to be a member or members of such copartnership,—it shall be lawful and sufficient to state the money, goods, effects, bills, notes, securities, or other property of such copartnership to be the money, goods, effects, bills, notes, se-

curities, or other property of any one of the public officers nominated as aforesaid for the time being of such copartnership; and that any forgery, fraud, crime, or other offence committed against or with intent to injure or defraud any such copartnership, shall and lawfully may, in such indictment or indictments, notwithstanding as aforesaid, be laid or stated to have been committed against or with intent to injure or defraud any one of the public officers nominated as aforesaid for the time being of such copartnership, and any offender or offenders may thereupon be lawfully convicted for any such forgery, fraud, crime, or offence, and that in all other allegations, indictments, informations, or other proceedings of any kind whatsoever, in which it otherwise might or would have been necessary to state the names of the persons composing such copartnership, it shall and may be lawful and sufficient to state the name of any one of the public officers nominated as aforesaid for the time being by such copartnership; and the death, resignation, removal, or any act of such public officer shall not abate or prejudice any such action, suit, indictment, prosecution, information, or other proceedings commenced against or by or on behalf of such copartnership, but the same may be continued, prosecuted, and carried on in the name of any other of the public officers of such copartnership for the time being.

And be it, &c. That no person or persons, or body or bodies politic or corporate, having, or claiming to have, any demand upon or against any such copartnership, shall bring more than one action or suit in case the merits shall have been tried in such action or suit in respect of such demand, and the proceedings in any action or suit by or against any one of the public officers nominated as aforesaid for the time being of any such copartnership may be pleaded in bar of any other action or actions, suit or suits, for the same demand, by or against any other of the public officers of such copartnership.

And be it, &c. That all and every judgment and judgments, decree or decrees, which shall at any time after the passing of this Act be had or recovered or entered up as aforesaid in any action, suit, or proceedings in law or equity against any public officer of such copartnership, shall have the like effect and operation upon and against the property of such copartnership, and upon and against the property of every such member thereof as aforesaid, as if such judgment or judgments had been recovered or obtained against such copartnership; and that the bankruptcy, insolvency, or stopping payment of any such public officer for the time being of such copartnership in his individual character or capacity, shall not be, nor be construed to be, the bankruptcy, insolvency, or stopping payment of such copartnership; and that such copartnership and every member thereof, and the capital stock and effects of such copartnership and the effects of every member of such copartnership, shall in all cases, notwithstanding the bankruptcy, insolvency, or stopping payment of any such public officer, be attached and attachable, and be in all respects liable to the lawful claims and demands of the creditor and creditors of such copartnership, of any member or members thereof, as if no such bankruptcy, insolvency, or stopping payment of such public officer of such copartnership had happened or taken place.

And be it, &c. That execution upon any judgment in any action obtained against any public officer for the time being of any such copartnership carrying on the business of banking under the provisions of this Act, whether as plaintiff or defendant, may be issued against any member or members for the time being of such copartnership.

Provided always, and be it, &c. That every such public officer in whose name any such suit or action shall have been commenced, prosecuted or defended, and every person or persons against whom execution upon any judgment obtained or entered up as aforesaid in any such action shall be issued as aforesaid, shall always be reimbursed and fully indemnified for all loss, damages, costs and charges without deduction which any such officer or person may have incurred by reason of such execution, out of the funds of such copartnership, or in failure thereof by contribution from the then members of such copartnership who were members thereof at the time the said loss, damages, costs and charges accrued.

And be it, &c. That it shall not be lawful after the passing of this Act for any such copartnership, or for any copartner, or for any person or persons whatever carrying on the business of banking in this Province, to issue any note or

bill under the value of five shillings of lawful money of the Province of Upper Canada, or to issue any note or bill (except drafts and bills of exchange) payable otherwise than on demand within this Province; and in case any such copartnership, or any copartner, or any person or persons carrying on the business of banking within this Province as aforesaid, shall issue any bill or note under the value of five shillings of lawful money aforesaid, or shall issue any bill or note (except drafts and bills of exchange,) payable otherwise than on demand within this Province, every such copartnership or copartner, or any such person or persons carrying on the business of banking as aforesaid so offending shall for every such offence forfeit the sum of twenty-five pounds.

And be it, &c. That all pecuniary penalties and forfeitures imposed by this Act shall and may be sued for and recovered in any Court of Record having jurisdiction in this Province, and that no suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of the secretary and registrar of the Province for the time being, or of His Majesty's Attorney General of the Province for the time being.

Schedules Referred to by this Act.

SCHEDULE A.

Return or Account to be entered in the Office of the Secretary and Registrar of this Province for the time being, in pursuance of an Act passed in the year of the Reign of King William the Fourth, entitled, &c.

Firm or name of the Banking Copartnership—

Viz.

Names and places of abode of all the partners concerned or engaged in such copartnership.

Viz.

Names and description of the public officers of the said Banking Copartnership.

Viz.

Amount of the capital stock of the said Banking Copartnership.

A. B. of , manager—[*or other officer, describing the office*]—of the above Copartnership, maketh oath and saith, That the above doth contain the name, style, and firm of the above Copartnership, and the names and places of abode of the several members thereof, and the names, titles, and description of the public officers of the said Copartnership, and the amount of the capital stock of the said Copartnership, as the same respectively appear in the books of the said Copartnership, and to the best of the information, knowledge, and belief of this deponent.

Sworn before me, the day of at in the District,

C. D.,
Justice of the Peace in and for the said District.

SCHEDULE B.

Return or Account to be entered in the Office of the Secretary and Registrar of the Province for the time being, on behalf of—[name the Copartnership,]—*in pursuance of an Act passed in the Year of the Reign of William the Fourth, entitled,* &c.

Names of any and every new or additional public officers of the said Copartnership—

Viz.

A. B., in room of C. D. deceased or removed, as the case may be—[*set forth every name.*]

Names of any and every person who may have ceased to be a member of such Copartnership—[*set forth every name.*]

Names of any and every person who may have become a new member of such Copartnership—[*set forth every name.*]

A. B. of , manager—[*or other officer*]—of the above-named Copartnership, maketh oath and saith, That the above doth contain the name and place of abode of any or every person who hath become or been appointed a public officer of the above Copartnership, and also the name and place of abode of any and every person who hath ceased to be a member of the said Copartnership, and of any and every person who hath become a member of the said Copartnership since the registry of the said Copartnership on the day of last, as the same respectively appear on the books of the said Copartnership, and to the best of the information, knowledge, and belief of this deponent.

Sworn before me, the day of at in the District,

C. D.,
Justice of the Peace in and for the said District.

Guardian Office—J. H. Lawrence, Printer.

MARCH, 1836.

BY ORDER OF THE HOUSE OF ASSEMBLY.

A BILL

TO

FACILITATE THE OPERATIONS

OF

BANKING INSTITUTIONS,

AND TO PROTECT THE

INTERESTS OF THE PUBLIC.

BILL

To establish a Post Office in this Province, and to provide for the future management of the same.

WHEREAS it is expedient and necessary to establish a Post Office in this Province and to provide for the future management of the same, and for the payment of the Postage of Letters, Newspapers, Pamphlets and Packets by Post, in this Province:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an "Act passed in the fourteenth year of His Majesty's reign, intituled, "*An Act for making more effectual provision for the Government of the Pro-*"*vince of Quebec, in North America*," and to make further provision for "the Government of the said Province;" And it is hereby enacted by the authority of the same, that from and after the first day of May, one thousand eight hundred and thirty-six, this Act shall be in full force and effect, with regard to the establishment and management of the post-office, and to the postage of letters, newspapers, pamphlets, and packets by post.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, there shall be a general post-office in the city of Quebec, which shall be under the direction of a Post-master General, (to be appointed as hereinafter provided;) to and from which shall be sent, received and forwarded letters and packets to, or from places within or without the limits of this Province.

III. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, or person administering the government of this Province, by an instrument under his hand and seal of office, to appoint as Post-master General a person who shall to him appear fit and proper to fill the said office, and also at any time to remove him, and to appoint another in his place, in case of his death, resignation or removal, or of any vacancy in the said office from any cause whatsoever.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Post-master General, in order more efficiently and properly to perform the duties of his office, to nominate and appoint the following clerks, assistants and servants, and no other in and for the General Post-office, and to pay the same at the annual rates hereafter provided, to wit:—One clerk, whose salary shall be £170 currency, per annum; one book keeper, whose salary shall be £250 currency, per annum; one assistant book keeper, whose salary shall be £150 currency, per annum; and one messenger, with an allowance of £52 currency, per annum; to procure and cause to be kept a seal for the said office, which shall be affixed to commissions of post-masters, and used to authenticate all transcripts and copies which may be required from the department; and the said Post-master General shall and may establish post-offices,

and appoint post-masters, at all such places and villages situated on the post roads that are, or may be established by law; give his assistants, the post-masters, and all other persons whom he shall employ, or who may be employed in any of the departments of the General Post-office, instructions relative to their duty; provide for the carriage of the mail on all post-roads that are or may be established by law, as often as he, having regard to the productiveness thereof and other circumstances, shall think proper; Provided always, that the mails between Quebec and Montreal, and the other places to which mails are now sent five times or more a week, shall hereafter be sent seven times a week at the regular hours, and the post-masters at such places shall attend at their respective offices during three hours on Sundays to deliver and receive letters: provided those hours do not interfere with divine service; and it shall and may be lawful for the said Post-master General also to direct the route or road, where there are more than one, between places designated by law for a post-road, which route shall be considered the post-road; obtain, from the post-masters, their accounts and vouchers for their receipts and expenditures once in three months and oftener, with the balances thereon arising in favor of the general post-office; pay all expenses which may arise in conducting the post office, and in the conveyance of the mail, and all other necessary expenses arising on the collection of the revenue, and management of the General post-office; prosecute offences against the post office establishment; close and balance his accounts once in three months, that is to say; on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October in each and every year, and render to the Inspector General of public accounts a quarterly account of all receipts and expenditures of the Post-office Department in this Province, to be audited and settled as other public accounts, and pay over to the Receiver General such balances as may be in his hands on the days above mentioned, for the public use of the Province, and to remain at the future disposition of the Legislature thereof; and the said Post-master General shall superintend the business of the said department, in all the duties that are or may be assigned to it: Provided always, that in case of the death, resignation or removal from office of the Post-master General, all his duties shall be performed by his clerk in the said office, until a successor shall be appointed and arrive at the General Post office to perform the business: Provided also, and it is hereby declared, that all roads in this Province on which mails are at present or may hereafter be transported, are, and shall be considered post roads in the intent and meaning of this Act.

V. And be it further enacted by the authority aforesaid, that the Post-master General and each of the Post-masters shall, before entering into office, under the anthority of this Act, give bond to His Majesty, his heirs and successors for the due and faithful discharge of the duties of his office; and such bond shall, in the case of the Post-master General, be for the sum of four thousand pounds currency; and that of each of the Post-masters at Quebec and Montreal, for the sum of two thousand pounds currency; and such bonds shall be given jointly with two or more good and sufficient sureties (who are hereby required to justify by oath or affirmation, as the case may be,) at the discretion of the person administering the government fo this Province; and the conditions of such bond shall be; that the Post master General (or the post-masters as the case may be) giving such bond, shall well and faithfully discharge and perform each and

every of the duties of his office, and shall render a regular and true account of all monies which shall come into his hands under the authority of this Act; and the King or any individual who may be injured by any breach of the conditions aforesaid, or of any of them may enforce the said bond either against the principal or the sureties who shall be bound jointly and severally with him.

VI. And be it further enacted by the authority aforesaid, that each bond given and entered into under the authority of this Act shall be made double, and shall be taken and received by the Secretary of the Province, or such other officer as the person administering the government shall appoint for that purpose; and one copy shall be deposited in the office of the Prothonotary or clerk of the court of King's Bench, or Provincial court of the district or inferior district in which the person giving such bond is to act, and the other copy shall be deposited in the general post-office of the Province among the records thereof; and any person may have a copy of such bond at either of the said places of deposit on paying two shillings and six-pence currency, for each copy thereof.

VII. And be it further enacted by the authority aforesaid, that whenever any person who shall have become surety as aforesaid, shall die or become insolvent, (public notoriety being sufficient to establish the last named fact,) or shall leave the Province without intending to return to it, the principal party to the bond shall in such case be bound within one calender month after being notified to that effect by the Post-master General, to furnish new sureties under the same conditions, and with the same formalities as herein before mentioned.

VIII. And be it further enacted by the authority aforesaid, that every person who shall take upon himself to execute or perform any duty appertaining to the office of Post-master General, or of post-master, without having previously given security as aforesaid, or who shall neglect or refuse to renew such security when legally required so to do, shall be forever incapacitated from holding any of the said offices, and shall be removed from the office to which he shall have been appointed.

IX. Provided always, and be it further enacted by the authority aforesaid, that whenever any Post-master General or any post-master, shall die, be removed or resign, and that at the expiration of eighteen months from his decease, removal or resignation, it shall not have appeared that such officer has committed any offence, or has neglected his duty, the bond by him given in conformity to this Act, shall cease to be binding on the sureties who shall have entered into it their heirs or legal representatives respectively.

X. And be it further enacted by the authority aforesaid, that no person or persons hereafter to be appointed, shall be capable of having, using or exercising within this Province, any employment relating to the post office, or be in any wise concerned in receiving, stamping, sorting, charging, carrying, conveying or delivering of letters or packets, unless such person shall have first taken the following oath, before some justice of the peace or magistrate acting as such for the county, city, or place where such person resides, which said oath such justice of the peace or magistrate is hereby authorised and required to administer:—

" I, A. B. do swear that I will not wittingly, willingly or knowingly open, detain " or delay, or cause, procure, permit, or suffer to be opened, detained or delayed any " letter or letters, packet or packets, which shall come into my hands, power or custody " by reason of my employment in or relating to the post office, except by the consent of " the person or persons to whom the same is or shall be directed, or except in such cases " where the party or parties to whom such letter or letters, packet or packets shall be " directed, or who is or are hereby chargeable with the payment of the posts or postage " thereof, shall refuse or neglect to pay the same, and except such letters or packets as " shall be returned for want of true directions, or when the party or parties to whom the " same is or shall be directed cannot be found; that I will not in any way embezzle any " letter or letters, packet or packets which shall come into my hands, power or custody " by reason of my employment in or relating to the post office: that I will faithfully per- " form all the duties required of me by my said employment: that I will obey and exe- " cute all such orders and instructions as I may from time to time receive from my supe- " rior officers, and will abstain from every thing forbidden by the laws in relation to the " post office."

XI. And be it further enacted, that for the purposes of this Act, every person of the persuasion of the people called Quakers, and every Moravian shall be permitted to make his or her solemn affirmation or declaration, instead of taking an oath as by this Act required or directed to be taken, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration, shall be lawfully convicted, wilfully, falsely and corruptly to have affirmed or declared any matter or thing which if the same had been in the usual form would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of this Province are enacted against persons convicted of wilful and corrupt perjury, any law, statute or custom to the contrary notwithstanding: Provided always, that every such affirmation or declaration shall be in the words following, that is to say :—

" I, A. B. being one of the people called Quakers, (or) one of the persuasion of " the people called Quakers, (or) of the united Brethren called Moravians (as the case " may be) do solemnly, sincerely and truly declare and affirm."

XII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Post-master General to retain, out of the monies coming into his hands and arising from the post office revenue, a sum not exceeding seven hundred and fifty pounds currency a year, as the full, complete and sole remuneration of his services; and each post-master in this Province is hereby authorised to retain as his full remuneration a per centage on the postage by him collected in each quarter according to the following rates, viz: on a sum not exceeding twenty-five pounds currency, thirty per cent; on any sum over and above the first twenty-five pounds currency, and no exceeding one hundred pounds currency, twenty-five per cent; on any sum over and above the first one hundred pounds currency, and not exceeding six hundred and forty pounds currency, twenty per cent; on any sum over and above the first six hundred and forty pounds, eight per cent; except such post-master or post-masters at, or from whose offices the mail is regularly to arrive or depart between the hours of nine o'clock at night and five o'clock in the morning, whose commission shall be fifty per cent on the first twenty-five pounds collected by them in one quarter: Provided always, that whenever the per centage on the receipts in any post office after deducting therefrom such necessary incidental expenses of the said office as may be approved of by the Post-master General, shall amount to four hundred and fifty pounds currency in any one year, then and in that case, the post-

master at each and every such post office shall be allowed a fixed annual salary of four hundred and fifty pounds currency, for such year in lieu of all per centage or compensation whatever.

XIII. And be it further enacted by the authority aforesaid, that the Post-master General and Post-masters at Quebec, Montreal and Three Rivers, shall abstain from voting or taking any part in the election of any member of the Legislature of this Province on pain of being dismissed from their office, on proof of such offence before one or more justices of the peace, on the oath of one or more credible witnesses.

XIV. And be it further enacted by the authority aforesaid, that the said Post-master General, his post-masters and his servants and agents, and no other person or persons whosoever, shall have the receiving, taking up, ordering, despatching, send post, or with speed carrying and delivering of all letters and packets of letters whatsoever which shall from time to time, and at all times be sent to and from all and every parts and places within this Province, and to and from any place or places within this Province, from or to any place or places out of the same, where posts or post communication are now or may hereafter be settled, established or opened; except such letters as shall solely and exclusively concern goods or merchandize sent by common known carriers of goods or merchandize and delivered with the goods or merchandize such letters do concern, without hire or reward, or other profit or advantage for receiving and delivering such letters; and except such letters as shall be sent by any steamboat or other ship or vessel, and delivered by the master, commander or manager at any post office, pursuant to the directions hereinafter contained; and also except any letter or letters sent by any private friend in his or her way of journey or travel, so as such letter or letters shall be delivered by such friend to the party to whom such letter or letters shall be directed, and also except any letter or letters to be sent by any messenger on purpose for or concerning the private affairs of any person: Provided always, nevertheless, that nothing in the said exception contained shall extend or be construed to extend to give any license or authority to any common known carrier of goods or merchandize, their servants or agents, to receive, collect, carry or deliver with or without hire, any letter or letters, packet or packets of letters whatsoever, that do not solely and exclusively concern goods or merchandize in their cars, carts or waggons, nor to any owners, drivers, engineers, guides, servants or guards of stages, coaches, machines or other carriages, although such carriers, owners, drivers, engineers, guides, servants and guards of stage coaches, machines, and carriages do not receive any hire or reward or any advantage for the same, but all such carriers, owners, drivers and guards of stage coaches, machines or other carriages collecting, carrying or delivering letters as aforesaid, though without hire or reward, shall be deemed and taken, and are hereby declared to be persons offending against this Act, and shall forfeit and pay for every letter by them collected, carried or delivered contrary to the enactment of this present clause, the sum of twenty shillings currency.

XV. And to the end that the persons employed in or about the business of the post-office may not be hindered or impeded in their

respective duties and employments in or relating to the same. Be it enacted, that no post-master or officer or other person employed under the post-office, within this Province, shall be compelled or compellable to serve upon any jury or inquest, or to appear to serve at any assize or session, or to bear any public office, either ecclesiastical, parochial, municipal, civil or military, or to serve in the militia, but the said post-masters and officers, and other persons aforesaid, shall be wholly and absolutely exempted therefrom.

XVI. And be it further enacted by the authority aforesaid, that from and after the said first day of May, 1836, it shall and may be lawful to and for the said Post-master General for the time being, and his post-masters, servants and agents, to and for the use of His Majesty, his heirs and soccessors, for the exclusive use, profit and advantage of this Province, to demand, have, receive and take for the postage and conveyance of all letters and packets, which he or they shall convey, carry or send by post within this Province according to the several rates and sums of money hereinafter specified, that is to say:

For the postage of each single letter or piece of paper, from the office where it may be posted to a distance of not more than thirty miles, three pence, currency; more than thirty and not exceeding ninety miles, five pence, currency.

More than ninety miles and not more than one hundred and eighty miles, seven pence half penny, currency.

More than one hundred and eighty miles and not more than three hundred miles, nine pence, currency; more than three hundred and not exceeding four hundred miles, one shilling, currency; more than four hundred miles, one shilling and three pence, currency.

And for the postage of each double letter, or letters composed of two pieces of paper, double the sums aforesaid, according to the distances respectively.

And for each triple letter, or letters composed of three pieces of paper, treble the sums aforesaid, according to the distances respectively.

And for each ounce avoirdupoise weight, quadruple the above rates.

Provided always, that there shall not be received at any post-office for the purpose of being carried by post, any packet or article weighing more than three pounds avoirdupoise weight.

XVII. And be it further enacted by the authority aforesaid, that the newspapers printed and published in this Province or in any part of His Majesty's dominions in North America, shall and may be conveyed by the general post in this Province, at the following rates of postage which shall be paid quarterly in advance, that is to say:—

For each copy of any newspaper published once a week and sent by post, one shilling currency a year.

More than once and not more than twice a week, two shillings a year.

More than twice and not more than three times a week, three shillings a year.

Whenever such newspapers shall be posted and sent, and such postage shall be paid by the proprietor or printer of each such news-

paper, who is hereby bound to mark on the wrapper envelloping every package of newspapers which he may deposit or cause to be deposited in the post-office, the number of newspapers contained in such package for subscribers, and the number therein contained for printers; and if such number be not truly stated, or if such package shall contain or conceal a letter, or other thing, or any memorandum in writing, in order that the same may be carried by post, free of postage, the printer or proprietor of such newspaper shall, for each such offence, be fined the sum of twenty shillings, and the letter, newspaper, package, memorandum or other thing shall not be delivered to the person to whom it is directed until the amount of a single letter package is paid for each article of which the package is composed: Provided always, that copies of newspapers sent and received in exchange for other newspapers published either within or without the limits of this Province, shall be exempt from the postage herein above mentioned, and shall be conveyed free of postage: Provided also, that for each copy of any newspaper sent by post by any person other than the printer or proprietor of such paper, there shall be paid one half penny currency, either by the person who shall post such paper, or by the person to whom it shall be addressed: provided also, that each such nowspaper shall be sent without envelope, or with an envelope open at one end, and that there shall not be on such newspaper or on the envelope any writing, crosses, marks or signs of any kind except only the words of the address, and that there shall not be contained or concealed therein or attached or annexed thereto any paper or other thing whatsoever, and that there shall be no printed word or communication on the inside of such envelope.

XVIII. And be it further enacted by the authority aforesaid, that newspapers printed and published without the limits of His Majesty's Dominions in North America, or in Great Britain or Ireland, and thence sent to this Province, and newspapers printed and published in this province and posted therein to be sent to Great Britain, Ireland, or elsewhere, shall and may be conveyed by the General Post in this Province, at the rate of one half-penny currency for each sheet; Provided always, that there shall not be on any such newspaper, or on its envelope, any writing, cross-mark or sign whatsoever, other than the words of the address, and that there shall not be contained or concealed therein, or attached or annexed thereto, any paper or other thing whatsoever, and that there shall be no printed word or communication on the inside of such envelope.

XIX. And be it further enacted by the authority aforesaid, that pamphlets, magazines, reviews, almanacs and other periodical publications unbound, and the printed proceedings of the Legislature of any country, state, province or colony, shall, and may be conveyed by the general post in this province, at the rate of one half-penny currency per sheet, under the conditions and restrictions set forth in the foregoing section; and every four folio pages, or eight quarto pages or sixteen, octavo, or twenty-four, duodecimo pages, or pages of less size of a pamphlet, magazine or other printed periodical, whatever be the size of the paper of which it is formed, shall be considered a sheet; and every printed pamphlet or magazine which contains more than twenty-four pages on a royal sheet, or any sheet of less dimen-

sions, shall be charged by the sheet, and small pamphlets printed on a half or quarter sheet of royal, or less size, shall be charged with the amount of postage charged on a full sheet; and there shall be printed or written on one of the outer pages or cover of all pamphlets, magazines or printed proceedings to be sent by mail, the number of sheets they contain; and if such number shall not be truly stated, double postage shall be charged.

XX. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Post-master General for the time being, to settle and establish a penny post office in any city or town, or the suburbs thereof, or places adjacent within this Province, where the Post-master General shall deem the same necessary and expedient, and to continue as long as he may deem expedient, all the posts of a like description which are now established, and to demand, receive and take for the postage and conveyance of all letters and packets conveyed or carried by such posts, according to the rates and sums hereinafter mentioned, that is to say:

For every letter or packet originally sent by the general post, and afterwards delivered by the penny post, or originally sent by the penny post, and afterwards passing through the general post, the sum of one penny over and above all other rates chargeable for the conveyance of such letter or packet.

And for every letter or packet originally sent by the penny post, and not first passing, or afterwards to pass through the general post, the sum of one penny currency.

XXI. And be it further enacted by the authority aforesaid, that no letter or packet shall be forwarded by any penny post which shall exceed the weight of four ounces, other than such as have first passed, or be afterwards to pass by the general post.

XXII. And be it further enacted by the authority aforesaid, that the better to provide for the expenses of the post office within this Province, it shall and may be lawful for His Majesty's Post-master General for the time being, and his Post-masters to demand and receive in any city, town or place where no penny post shall be established, and in which the post-master General shall employ letter-carriers for delivering letters and packets at the houses of the inhabitants (over and above, and in addition to the several rates hereby granted,) the rates hereinafter mentioned, that is to say:

On every letter or packet not being a newspaper, delivered by any such letter-carrier within any distance, not exceeding a mile and a half from the post office, the sum of one penny currency, and on every letter or packet (not being a newspaper) delivered beyond that distance, the sum of one penny half-penny, currency.

And on every newspaper delivered by any such letter-carrier within the aforesaid distance of a mile and a half, the sum of one half-penny, currency, and on every newspaper delivered beyond that distance, the sum of one penny currency: Provided always, that no letter, newspaper, or packet shall be sent out for delivery by a letter-carrier, for any person or persons who shall have lodged and deposited at the post office a request in writing, that his, her, or their letters and correspondence may be retained and kept at the post office, till called for.

XXIII. And be it further enacted by the authority aforesaid, that it shall be lawful for His Majesty's Post-master General in this Province, and his post-master and post-masters, to demand and receive in respect to every letter or packet left or deposited at any post office, not to be sent or conveyed by the post, but to be delivered at the post office where the same shall be so deposited, the sum of one penny, either of the person by whom such letter or packet shall be left or deposited, or of the person to whom the same shall be delivered.

XXIV. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Post-master General to contract for the conveyance of mails of letters by any steam-boat or other vessel, in such manner as he shall judge most advantageous to the public revenue, to or from any port or place within this Province, at the rate provided in the next following clause of this Act, and to forward the same accordingly, and to demand and take for such conveyance the same rates and duties of postage according to the distance, as if such letters and packets were conveyed by land.

XXV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Post-master General, to allow the proprietors of steam-boats, or the masters of other vessels, the sum of one penny a letter upon all such letters (except newspapers and such letters as are hereinafter excepted) as they respectively on their arrival, shall duly deliver, or cause to be delivered, into the post office of the places at which such steam-boats may touch or be bound; and the person in charge of such steam-boat or vessel shall, and is hereby bound to deliver or cause to be delivered, within half an hour after his arrival at Quebec or Montreal, (if between five o'clock in the morning and eight o'clock at night) and if at any other time within one hour after the next sun-rise, to the post-master of each of such cities (who is hereby obliged to receive, when so presented) any letters, or mails, or packets of letters which may be on board his steam-boat or vessel, and any master, commander, consignee, agent or proprietor of any steam-boat or vessel, or any other person who shall abstract or take any letter or letters out of or from any letter bag or box or other envelope, or from on board any steam-boat or vessel, previous to such being transmitted to the post office, or who shall otherwise offend against the provision of this Act, shall, for every such offence, forfeit and pay the sum of twenty pounds currency: Provided always, and it is hereby declared that nothing in this clause contained shall be construed to extend to bills of lading relating to the cargo or a part of the cargo on board of such steam-boats or vessels, or any letter or letters written and directed to or by the agents of the steam-boats on the business of such steam-boats, or to the consignees of vessels coming from sea, which letters coming by steam-boats or vessels are hereby declared exempt from postage; and in order that no person hereby affected shall plead ignorance of this clause, it is hereby further enacted that a copy of this clause shall be furnished by the Trinity House to each steam-boat and vessel arriving or about to arrive in the port of Quebec.

XXVI. And be it further enacted by the authority aforesaid, that if any person to whom any letters may be entrusted for the purpose

of bringing the same on shore from any steamboat or vessel, shall break the seal of the bag, box, or other envelope, or in any manner open the same, or shall not duly deliver the same without delay, every person so offending shall be guilty of a misdemeanor, and shall be confined in the house of correction, penitentiary or common gaol of the District, and put to hard labor for a term not exceeding twelve months.

XXVII. And be it further enacted by the authority aforesaid, that it shall be lawful for His Majesty's Post-master General and his post-master or post-masters or any of the officers employed under him or them respectively, to examine and search any printed paper or packet, which under the provisions of this Act shall be sent by the post without a cover or in a cover open at the sides as aforesaid, in order to discover whether any other paper or thing whatsoever be enclosed or concealed in or with such printed paper or packet; and in case any such other paper or thing whatsoever shall be found to be enclosed or concealed in or with such printed paper or packet as aforesaid, or in case there shall be any writing, or any printed words or communication upon the said paper or packet, or on the cover thereof other than the address, the whole of such packet shall be charged with treble the duty of letter postage.

XXVIII. And be it further enacted by the authority aforesaid, that in all cases in which any dispute, controversy or question shall arise, whether any printed paper sent, or attempted or offered to be sent by the post within this province, is to be considered and deemed a newspaper, printed vote, act, or proceedings of any Legislature or House of Assembly, or printed magazine, review, almanack or pamphlet, within the intent and meaning of this Act, the question shall be referred to the judgement and determination of the Post-master General for the time being, whose decision shall be final and conclusive on all persons whomsoever.

XXIX. And be it further enacted by the authority aforesaid, that nothing herein contained shall be construed to oblige any person or persons to send any printed votes or legislative proceedings as aforesaid or printed newspapers, through His Majesty's post-office, but that it shall and may be lawful for all persons to send such printed votes, proceedings and printed newspapers, in any manner they may find practicable or convenient.

XXX. And be it further enacted by the authority aforesaid, that in case any person to whom any letter or packet sent by the post, shall be directed, shall have removed from the place to which such letter or packet shall be addressed, prior to arrival thereof at such place, then, and in every such case it shall be lawful for the said Post-master General his post-masters and agents to demand, have and receive from the person to whom such letter shall be directed, over and beyond the rate of postage that would be payable for the same if delivered at the port, town or place to which such letters were originally directed, a distinct further rate of postage after the rates authorised by the provisions of this present Act, for the distance from such port, town or place, to the place or places to which the same, may ultimately be forwarded.

XXXI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to, and for the said Post-master General, and he is hereby required, to make such arrangements as he shall deem expedient to cause the rates or sums payable under this Act, for the postage of all letters, packets and printed papers which shall be sent out of this Province to any of His Majesty's Provinces in North America, or to Great Britain or Ireland, or to the United States of America, to be collected at the post-office at which the same may be delivered.

XXXII. And be it further enacted by the authority aforesaid, that post-masters shall respectively publish at the expiration of every three months, or oftener, when the Post-master General shall so direct, in one of the newspapers published in the French and in one published in the English language, having the most circulation in the vicinity of his office, for three successive weeks, a list of all letters remaining in their offices, provided such advertisement be inserted for and during the said three weeks, three times at the rate of one penny for each letter mentioned in the said list, and if no newspaper be published in the immediate vicinity, or if the list aforesaid cannot be published at the rate above prescribed, then the post-master shall be bound to make out a sufficient number of such lists, and cause them to be posted, one in the post-office where the letters are lying, and the remainder at such public places in the vicinity, as shall apper best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the said letters as shall then remain on hand marked "refused" or "unclaimed," as the case may be, as dead letters to the general post-office of this Province, where the same shall be opened and inspected; and it shall be the duty of the Post-master General to return all such letters to the writers thereof, upon payment of the postage, and in case the writer thereof cannot be found, or when found, refuse to take back the said letter, then it shall and may be lawful for the Post-master General, by the hands of a clerk sworn to keep secret the contents of such letters, to be by him named for that purpose, to burn and destroy all such refused or unclaimed letters which shall have remained three months in the dead letter office: Provided also, that if any valuable papers or matters of consequence shall be found therein, the Post-master General shall be bound to return such letter to the writer thereof, or cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within this Province; and such letter and the contents thereof shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage, and the expense of publication:—and if such letter contain money, the Post-master General may appropriate it to the use of the department, keeping an account thereof, and the amount shall be paid by the department to the rightful claimant, as soon as he shall be found.

XXXIII. And be it further enacted by the authority aforesaid, that the post-masters and other agents of the Post-master General, shall duly account and answer to him for all way letters which shall come to their hands; and for this purpose all post riders and other carriers of the mail, receiving any way letter or letters, (and it shall

be their duty to receive them, if presented more than one mile from a post office,) shall deliver the same, together with the postage, if paid, at the first post office to which they shall afterwards arrive; where the post-master shall duly enter the same, and specify the number and rate or rates in the post bill, adding to the rate of each way letter one-half penny, which shall be paid by the post-master to the mail carrier from whom such way letters shall be received.

XXXIV. And be it further enacted by the authority aforesaid, that the postage marked on any letter or packet, and charged in the letter bill which may accompany the same, shall be presumptive evidence in favor of the Postmaster by whom the same shall be delivered of the lawful postage thereon, unless such letter or packet shall be opened in presence of the Postmaster or his clerk.

XXXV. And be it further enacted by the authority aforesaid, that in case any action, suit or other proceeding at law, shall at any time hereafter be instituted or commenced against any Postmaster, agent, officer, or letter carrier, and his, her or their sureties, or any of them, for the recovery of any sum or sums of money for or on account of the postage of letters, whether the claim shall arise on any bond or obligation or otherwise, all such actions, suits or other proceedings shall be instituted and carried on in the name of his Majesty, his heirs and successors; and an account made out and signed by the Postmaster General, shall in all courts of law and equity, and before any Justice of the Peace, be allowed, admitted and received as sufficient evidence of the facts stated in such account, and of the money thereby appearing, or therein stated to be charged and chargeable on any such Postmaster, agent, officer or letter carrier, for or on account of the port and postage of letters and packets being duly charged and chargeable on and legally due and owing from him, her or them, for or on account of the port or postage of letters or packets, without further proof thereof, unless by other evidence the contrary shall be made to appear.

XXXVI. And be it further enacted by the authority aforesaid, that it shall be lawful to and for the Post-master General to require all post-masters, receivers, letter carriers and other officers employed in the service of the post office within his Province to verify the several accounts by a written declaration before some magistrate or justice of the peace, (who is hereby empowered and required to witness and take the said declaration, and that any post-master, receiver, letter carrier or officer who shall knowingly declare falsely to any such account, shall be guilty of a misdemeanor, and being convicted thereof shall forfeit and pay the sum of fifty pounds currency, and be imprisoned in any gaol, house of correction or penitentiary for the space of one year.

XXXVII. And be it further enacted by the authority aforesaid, that no fee, perquisite or gratuity shall be received in any case whatever by any person employed in the post office department, on account of the duties to be performed by virtue of his office, other than such as are specially mentioned in this Act; and no post-master or assistant post-master shall act as agent for lottery offices, whether British

colonial or foreign, or under any colour of purchase or otherwise vend lottery tickets, nor shall any post-master receive, free of postage, or frank lottery schemes, circulars or tickets; and any post-master violating this provision of this Act, shall, upon conviction before any one or more Justices of the Peace, be fined in the sum of ten pounds currency.

XXXVIII. And be it further enacted by the authority aforesaid, that the Post-master General shall be bound once in every year to transmit to, and lay before the Legislative Council, and the House of Assembly of this Province, within the first fifteen days after the opening of the Parliament thereof, a detailed report, under his hand, of the transactions, proceedings, and actual state of the post-office department for the year ending on the fifth day of October, which report shall be accompanied by a regular debit and credit account, showing the amount of revenue derived by the departmet in this province within the said year from each of the several sources of "letter postage," "newspaper and pamphlet postage," "fines," and the amount of expenditure incurred and paid by the department, under each of the following heads, to wit—"compensation to post-masters," "transportation of mails," "Paid on ship, steam-boat, and way letters," "wrapping paper," office furniture," "advertising," "mail bags, and repairs thereof," "blanks," "mail locks, keys, and stamps," "mail depredations," "special agents," "clerks, &c. for offices," and "miscellaneous," and finally, the balance if any there be; and the said report shall be also accompanied by a return, showing the number of applications made during the preceding year for new post-offices in this Province, the places for which the same were demanded, and the actual number of new post-offices put into operation during the same period, and the names of the place or places where the same were established, and likewise by a return of the defaulters to the post-office department within the said year.

XXXIX. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall and may be lawful to and for each and every member of the Legislative Council and Assembly of this Province, during their actual attendance on any Session of the Legislature, and thirty days before and thirty days after such Session, to send by the general post to any place or places within this Province, and to receive, free from the duty of postage, any number of letters or packets, so as none of such letters or packets, (documents printed by order of either branch of the Legislature excepted,) shall exceed the weight of two ounces.

XL. Provided always, and be it further enacted by the authority aforesaid, that no letter or packet whatsoever directed by any member of the Legislative Council or Assembly of this Province, shall be exempted from the payment of postage, unless the whole superscription upon every such letter or packet so sent, shall be of the hand-writing of the member directing the same, and shall have endorsed thereon the name of such member, together with the name of the post-town from which the same is intended to be sent, and the day, month and year, when the same shall be put into the post-office, the day of the month to be in words at length, and the whole to be in the hand-writing of the member, and also unless every such letter or

packet shall be put into the General Post Office or other post office or into any receiving house or place appointed by His Majesty's Post, master General, for the receipt of letters and packets to be forwarded by the post on the day of the date put on such letter or packet, and unless the member whose name shall be endorsed thereon shall actually be in the post town, into the post office of which every such letter or packet shall be put, or within twenty miles of such post town, on the day or on the day before the day on which such letter or packet shall be put into the post office.

XLI. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall be lawful for each and every member of the Legislative Council or Assembly of this Province, to receive, free from the duty of postage by the general post, all school returns addressed to him, and all petitions addressed to either House of Parliament: Provided the same be sent without a cover, or in a cover open at one side.

XLII. And whereas frauds may be practised in sending covers, letters and packets by the post, directed to the members of the Legislative Council and Assembly, at places where such members do not actually reside, and are not then resident, and at different houses and places in the same post town, and directing covers of letters and packets to members at their usual places of residence, containing letters and packets intended for others, and not intended for such members, to whom the covers, letters, and packets are so directed, on which covers, letters, and packets so directed and enclosed, private marks may be put, whereby the persons for whom such letters are really intended may receive such covers, letters and packets free from the duty of postage, to the injury of the revenue: For remedy whereof, be it enacted, that it shall and may be lawful to and for the said Post-master General, and all persons acting under this Act, to charge the whole of such covers, letters and packets with the full duty of letter postage, according to the rates established by this Act, and any thing herein contained to the contrary in any wise notwithstanding: Provided always, that if it shall appear by the certificate of such member, that such cover, letter or packet so charged, was actually intended for such member, and not covering a correspondence to any other person, that then and in every such case, the postage so charged and paid for every such letter, cover or packet shall be returned to such member.

XLIII. And be it further enacted by the authority of the same, that it shall be lawful for the Governor, Lieutenant Governor or person administering the government of this Province, and the Post-master General, to send and receive letters and packets by the general post from or to any place within this Province free from the duty of postage; and all letters which shall be addressed to, or transmitted by, the Secretary of the Province, the Civil Secretary of the Governor in Chief or person administering the government, the senior Clerk of the Executive Council, the Receiver General, the Attorney General, the Inspector General of public accounts, the Adjutant General of Militia, relating solely and exclusively to the business of the said respective offices and departments, shall pass by the general post to and from places within this Province, free from postage: Provided

such Secretary of the Province, the Civil Secretary of the Governor, the Senior Clerk of the Executive Council, the Attorney General, the Receiver General, the Inspector General of Public Accounts, the Adjutant General of Militia, shall make oath before any Justice of Peace (who is hereby empowered to administer the same) that they will make use of the privilege hereby granted, solely and exclusively for the transaction of the public business of their several Departments; and all printed copies of the Laws or Provincial Statutes, the distribution whereof, is or may be directed by any Act of the Provincial Parliament, may be conveyed by post, free of postage, any thing in this Act to the contraray notwithstanding, by the officer appointed to superintend such distribution, who is hereby bound to accompany the copies of such Laws deposited in the Post office for distribution, by a written certificate, signed by him, verifying the number of copies so transmitted.

XLIV. And be it further enacted by the authority aforesaid, that if any letter, paper or thing shall be sent under cover to any of the said last mentioned officers, the same not being actually and *bona fide* on His Majesty's service, and relating exclusively to the business of their respective departments, the officers to whom the same shall be sent are hereby strictly required and enjoined to transmit the same forthwith to the Post Office, with the covers under which the same were sent, in order that the contents thereof may be charged with the full rates of postage.

XLV. And be it further enacted by the authority aforesaid, that the Post-masters in the several parts of this Province may send and receive, free of postage, by the Provincial post, any paper, letter or packet, not exceeding an ounce in weight: Provided always, that when the same shall be sent by any Post-master, his name written with his own hand, shall accompany the mark shewing it to be free, which he shall put upon it; such post-master being further subject to such rules and regulations not contrary to this Act, as the Post-master General may make and establish in this behalf, for the benefit of the public service, and which he shall set forth in his annual report, to be made as hereinbefore provided.

XLVI. And be it further enacted by the authority aforesaid, That every person within this Province, who under and by virtue of the provisions of this Act, shall be entitled to send letters by the post free of postage, shall, previous to exercising such priviledge for the first time in any town or place where he may happen to be, deliver at the post-office of every such town or place, an autograph of his name in the manner in which he usually signs and writes the same, and in default thereof, his letters posted at any such town or place shall be liable to be charged with the full rates of postage.

XLVII. And be it further enacted by the authority aforesaid, that all letters arriving in this Province by the post, from the Lord High Chancellor of Great Britain, the Speaker of the House of Commons, the Lord High Treasurer or First Lord Commissioner of His Majesty's Treasury in Great Brtain, the Commissioners of the Treasury, His Majesty's Principal Secretaries of State, the Chancellor of His Majesty's Exchequer of Great Britain, His Majesty's Post-master

General, the President of the committee of Council appointed for the consideration of matters relating to trade and foreign plantations, the clerks of His Majesty's most honorable Privy Council, the Judge Advocate General, the agent of this Province or of the house of Assembly of this Province, in London, the Secretary and assistant Secretaries of His Majesty's Post-master General in London, the Commander in Chief of His Majesty's Forces, the military Secretary to the Commander in Chief of His Majesty's Forces, the Master General of the Board of Ordinance, the Inspector General of Fortifications, the quarter master general of His Majesty's Forces, the Adjutant General of His Majesty's Forces, the Comptroller of Army Accounts, the Secretary at War, the Deputy Secretary at War, the Pay Master General of the forces, and from the Lord high Admiral or first Lord Commissioner of the Admiralty, and the secretaries of the Admiralty respectively, shall be conveyed by the general post within this Province free from the duty of postage: Provided always, that all and every such letters be directed, dated and franked in conformity with the franking Acts from time to time in force in Great Britain and Ireland, but not otherwise, and all letters and packets put into any post-office within this Province addressed to any of the said last mentioned public officers shall be forwarded free of the duty of postage.

XLVIII. And be it further enacted by the authority aforesaid, that all letters and packets sent from the Treasury, the Admiralty Office, the Offices of his majesty's Principal Secretaries of State, the War Office, the Commander in Chief's Office, the Board of Ordnance, the Adjutant General's Office, the Quarter Master General's Office, or the Commissioner's Office for the issue of Exchequer Bills, all at London, and which shall apppear by endorsement made thereupon by some person properly authorized to make the same, to be upon his majesty's service, and shall be sealed with the seal of the Principal Officer in the Office or Department from which they are sent, shall be also exempt within this Province from the duty of postage.

XLIX. And be it further enacted by the authority aforesaid, that the carriage of the mails on the several post routes shall be given to the lowest bidder, under one or more contracts, after the Post Master General shall have given notice during two months in one Newspaper published in the English and in one published in the French language, in the cities of Quebec and Montreal, and in the District where the service is to be performed, provided a Newspaper be published in the said district, that he is prepared to receive tenders for the carriage of the said mails; and such notice shall specify the conditions of the contract, and shall state that any person may obtain detailed information by applying personally or by letter to the general post office at Quebec, and shall also expressly state that such tenders must be accompanied by the names of two sufficient sureties to the satisfaction of the Post-master General; Provided always, that no contract shall be given for any route for more than three years; and provided further that all agreements and contracts in the said behalf remaining in force at the time this Act shall take effect, shall be executed according to their tenor: Provided nevertheless, that if during the continuance of any contract the direction of the post line or route shall be changed, the contract passed with regard to the same shall become

null and void, and new tenders shall be advertised for in the manner hereinbefore prescribed; and in case any person or persons who shall hereafter make any proposal in writing to carry or transport the mail upon any route or routes which may be advertised to be let, and such person or persons shall be determined by the Post-master General to be entitled to the contract by virtue of such proposition, and if such person or persons shall fail or refuse to enter into an obligation with good and sufficient security to perform such contract within the time required by the Post-master General in such advertisement, such person or persons shall forfeit and pay so much money as shall be the difference between the amount contained in such proposal and the amount the Post-master General shall have to pay for the same transportation of the mail on such route or routes; which sum may be recovered by the Post-master General in a simple action in any of His Majesty's courts of civil jurisdiction within this Province.

L. Provided always, and be it further enacted by the authority aforesaid, that no person in any way connected with the Post Office Department in this Province, or who shall have become surety for an officer of the said Department, shall have any share or interest in any contract for the carriage of any mail or become surety for the due performance of such contract, under a penalty of one hundred pounds currency, recoverable with costs by action in any Court of King's Bench.

LI. And be it further enacted by the authority aforesaid, that it shall be the duty of the Post Master General to cause to be filed with all convenient despatch in the office of the Provincial Secretary, copies of all tenders and contracts made and entered into for the service of the Post Office Department; and the copies of such tenders and contracts so filed as aforesaid shall be accompanied by a statement of all extraordinary allowances connected with the carriage of the said Mails.

LII. And be it further enacted by the authority aforesaid, that if any person whatever shall steal any bag or mail of letters or packets, or shall steal any letter or packet sent by the post, from or out of any bag or mail of letters or packets, or from or out of any carriage, vessel, or boat for the conveyance of letters or packets sent by the post, or from or out of any Post Office, or from the possession of any person employed by or under the Post Office, every such offender shall be guilty of felony without benefit of clergy, and being convicted thereof, shall be transported beyond the seas to any of His Majesty's penal colonies, for any term not exceeding fourteen years; and if any person whatever shall rob any person employed by or under the Post Office of any bag or mail of letters or packets, or of any letter or packet sent by the post, every such offender shall be deemed guilty of felony without benefit of Clergy, and on being convicted thereof, shall be subjected to the last mentioned penalty.

LIII. And it is hereby declared and enacted by the authority aforesaid, that every letter and packet shall be deemed and considered to be sent by the post for all the purposes of this Act, when and as soon as the same shall have been deposited or delivered at or in any Post Office, or to or with any person to whom the same is di-

rected or addressed: And it is hereby declared and enacted, that every house, office or place for the receipt or delivery of letters or packets sent by the post shall be deemed and considered a post-office for all the purposes of this Act.

LIV. And be it further enacted by the authority aforesaid, that if any person employed by or under the post-office, or not, shall for any purpose whatever embezzle, secrete or destroy any bag or mail of letters or packets, or any letter or packet sent by the post, or shall steal from or out of any letter or packet as aforesaid, or embezzle, secrete or destroy any chattel, property or money whatsoever, or the whole or any part of any tally, order or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of this Province or of any other Kingdom, country or Province, or in any fund of any body corporate, company or society, or to any deposit in any savings' Bank, or any debenture, deed, bond, bill, note, warrant, order or other security whatsoever for money, or payment of money, whether of this Province or of any other Kingdom country or Province, or warrant or order for the delivery or tranfers of any goods or valuable thing transmitted by post, or deposited in the post office for transmission or delivery, every such offender shall be guilty of felony without benefit of clergy, and shall on conviction thereof be transported beyond the seas, to any of His Majesty's penal colonies, for a term not less than two years, but which may be extended to transportation for life; and it is hereby declared that each of the several documents hereinbefore enumerated, shall, throughout this Act be deemed for any purpose to be included under and denoted by the words "valuable security."

LV. And for preventing difficulties in the prosecution of the last mentioned offenders; be it enacted that it shall be lawful to charge in the indictment and proceed against any such offender for any number of distinct acts of embezzlement not exceeding three, which may have been committed by him within the space of six calendar months from the first to the last of such acts, and in every such indictment, except where the offence shall relate to any chattel property, it shall be sufficient to allege the embezzlement to be of money without specifying any particular coin or valuable security, and such allegation so far as regards the description of the property shall be sustained if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if it shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and although such part shall have been returned accordingly, and it shall be lawful in every such indictment to lay the property of any such chattel, money or valuable security so embezzled or secreted as aforesaid in the King's Majesty.

LVI. And be it further enacted by the authority aforesaid, that if any person employed by or under the post office shall give, render or deliver any false account, statement or return of any monies re-

ceived or paid, or to be received or paid, by or to him by virtue or in respect of his employment, or shall make any claim, charge or demand of money upon or from any person by virtue or under color of his office, with a view or intent in either of such cases to defraud any person, every such person shall be guilty of misdemeanor, and on being convicted thereof, shall be liable at the discretion of the court, to be imprisoned with hard labour for a period not exceeding six years.

LVII. And be it further enacted by the authority aforesaid, that if any person employed by or under the Post Office shall unlawfully open or shall procure or suffer to be unlawfully opened, any bag or mail of letters letters or packets or any letter or packet whatever sent by the post, or shall wilfully detain or delay or procure or suffer to be detained or delayed any bag or mail of letters or packets, or any letter or packet whatever sent by the posts in course of conveyance or delivery thereof by the post, every such person on being convicted thereof, shall be imprisoned with hard labour, for a term not exceeding six years.

LVIII. Provided always, and be it further enacted by the authority aforesaid, that nothing in the foregoing clause contained shall extend or be construed to extend to cases opening or detaining or delaying letters or packets sent by the post which shall or may have been returned to the dead letter office, for want of true directions, or of letters or packets sent by the post, and returned by reason that the person to whom the same are directed cannot be found, or have refused or neglected to pay the postage thereof.

LIX. And be it further enacted by the authority aforesaid, that if any person whatever, whether employed by or under the post office or not, shall by any means whatever fraudulently obtain or cause to be obtained from any post office, or from any person employed by or under the post office, any bag or mail of letters or packets, or any letter or packet whatever sent by the post, or shall fraudulently retain after the delivery thereof to or for him any letter or packet whatsoever or any thing contained therein, sent by the post for or belonging to, or which ought to have been delivered to or for any other person, every such offender shall be guilty of felony without benefit of clergy, and being thereof convicted, shall be subjected to the penalties hereinbefore enacted in the fifty-second clause of this Act.

LX. And with regard to receivers of stolen property sent by the post; be it enacted by the authority aforesaid, that if any person whatever shall receive any bag or mail of letters, or packets or any letter or packet whatever sent by the post or any chattel or money, or the whole or any part of valuable security, the stealing taking, embezzling or secreting whereof shall amount to a felony without benefit of clergy, under this Act such person knowing the same to have been feloniously stolen, taken, embezzled or secreted, or in the case of any chattel or money, or the whole or any part of any valuable security knowing the same to have been contained in any letter or packet sent by post, every such receiver shall be guilty of felony without benefit of clergy, and may be indicted and convicted as accessary after the fact or for a substantive felony, without benefit of clergy, and in the latter case whether the principal offender shall or shall not have been pre-

viously convicted, or shall not be amenable to justice, and every such receiver howsoever convicted, shall be liable to the same penalties as the principal offender would be subject to were he convicted.

LXI. And whereas it sometimes happens that bags and mails of letters and packets sent by the post are lost in the course of conveyance, and are detained by persons finding the same, in the expectation of gain or reward: Be it enacted by the authority aforesaid, that if any person whatever shall wilfully secrete, keep or detain, or being required to deliver up by any person employed by or under the post office, shall refuse or neglect to deliver up any bag or mail of letters or packets sent by the post, or made up in order to be sent by the post, or any letter or packet sent by the post which shall have been lost, whether the same shall have been found or picked up by the person secreting, or refusing to deliver up the same, or by any other person, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to such punishment by fine, not exceeding fifty pounds, or imprisonment for any period not exceeding two years, as to the court shall seem meet.

LXII. And be it further enacted by the authority aforesaid, that if any person whatever shall assault any person employed by or under the post office, or any coachman, post-boy, rider, driver, runner, boatman, or other person engaged in the conveying of any bag or mail of letters or packets, or of any letter or packet sent by the post, in the execution of his duty, or shall by any means whatever wilfully impede, obstruct or prevent the passage of any carriage, horse, vessel, or boat used or employed in the conveyance, or any bag or mail of letters or packets, or of any letter or packet sent by the post, shall impede, obstruct or prevent the service of the post office in any manner howsoever, every such offender shall be guilty of misdemeanor, and on being convicted thereof, shall be liable to such punishment by fine, not exceeding fifty pounds currency, or imprisonment for any period not exceeding two years, as to the court shall seem meet.

LXIII. And whereas it frequently happens that bags and mails of letters, and packets and letters, and packets sent by the post are lost or delayed in the conveyance thereof by the carelessness, negligence or other misconduct of guards, coachmen, post-boys, riders, drivers, runners, boatmen, or others engaged or employed in carrying, conveying or delivering the same: Be it therefore enacted, that if any letter carrier, guard, coachman, post-boy, rider, driver, runner, boatman, waterman, or other person engaged or employed in carrying, conveying or delivering any bag or mail of letters or packets, or any letter or packet sent by the post shall, whilst so engaged or employed or whilst the same shall be in his custody, care or possession, quit, leave or desert any bag or mail of letters or packets or any letter or packet sent by the post, or shall suffer to permit any person employed for that purpose, to ride in the place appointed for the guard in or upon any carriage used for the conveyance of any bag or mail of letters or packets, or any letter or packet sent by the post, or to ride in or upon any carriage so used, or upon any horse used for the conveyance on horseback of any bag or mail of letters or packets, or any letter or packet sent by the post, or if any such person shall be guilty of any act of drunkenness, or of carelessness, negligence

or other misconduct, whereby the safety of any bag or mail of letters or packets, or any letter or packet sent by the post, shall or may be endangered, or if any such person shall collect, receive, convey or deliver any letter or packet otherwise than in the ordinary course of the post, or if any such person shall give any false information, statement or account of any assault or attempt at robbery upon him, or if any such person shall loiter on the road or passage, or wilfully misspend his time, so as to retard or delay the progress or arrival of any bag or mail of letters or packets, or any letter or packet sent by the post, or shall not use due and proper care and diligence, safely to convey such mail of letters or packets, or any letter or packet sent by the post, at the rate appointed by and according to the regulations of the post office for the time being, every such offender being thereof convicted before one or more Justices of the Peace shall, at the discretion of such Justice or Justices, forfeit and pay a sum of not less than twenty shillings currency, and not exceeding ten pounds currency, or be imprisoned for any period not exceeding three calendar months, as to the said Justice or Justices shall seem meet.

LXIV. And in order to prevent the imitation or forgery of lawful franks; be it enacted, that if any person whatever shall forge and counterfeit the hand-writing of any other person on or to the superscription of any letter or packet sent or to be sent by the post, or shall alter or change, upon any letter or packet sent or to be sent by the post, the superscription thereof or any part thereof, or shall write or send by the post, or cause to be written or sent by the post, any letter or packet, the superscription whereof or any part of the superscription whereof shall be forged, or counterfeited, or altered, knowing the same to be forged, counterfeited or altered, with intent in either of those cases to avoid the payment of the duty of postage, every such offender shall be guilty of a misdemeanor, and being convicted thereof in due form of law, shall be fined in a sum not exceeding ten pounds currency, or imprisoned for a term not exceeding two years.

LXV. And be it further enacted by the authority aforesaid, that if any person whatever shall forge or counterfeit, upon any letter or packet, any stamp, mark or impression used or made by the post office, upon any letters or packets sent by the post, or shall alter any such stamp, mark or impression upon any letter or packet, knowing the same to be forged or counterfeited, or if any person shall knowingly obtain or demand any money from any person for or in respect of any letter or packet, or of any letter or packet not sent by the post as and for the postage thereof, every such offender shall be guilty of misdemeanor, and on conviction, shall be subject to the pains or penalties mentioned in the last mentioned clause of this Act.

LXVI. And it is hereby declared and enacted by the authority aforesaid, that every person employed in transacting any business relating to the post office, whether such person shall have been employed, engaged by any Post-master General, or by any Post-master or agent of any Post-master General, or whether any such person shall be employed constantly or occasionally, and whether any such person shall receive any hire, pay, or reward for his or her services or not, shall be deemed and considered to be employed under the post office for all the purposes of this Act.

LXVII. And be it further enacted by the authority aforesaid, that no action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, unless within six calendar months after the right of action shall have accrued, and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence, and that the same was done in pursuance of, and by the authority of this Act, and if it shall appear so to be done or the action or suit shall be commenced after the time before limited for bringing the same, then the jury shall find for the defendant or defendants, and upon a verdict for the defendant or defendants, or if the plaintiff or plaintiffs shall be non-suited or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover full costs, and have the like remedy for the same as any defendant or defendants hath or have in any other cases by law.

LXVIII. And be it further enacted by the authority aforesaid, that all fines incurred by any person or persons for offences contrary to the provisions of this Act, shall be sued for within the space of one year, next after any such fine shall be incurred.

LXIX. And be it further enacted by the authority aforesaid that all fines and forfeitures which may be incurred under this Act exceeding twenty shillings, shall and may be prosecuted, sued for and recovered, with full costs of suit, in any Court of Record within this Province having jurisdiction where the cause of prosecution may arise.

LXX. And be it further enacted by the authority aforesaid, that all fines and forfeitures incurred under this Act, shall be sued for in His Majesty's name, and shall be, one half for the use of the person or persons informing and prosecuting for the same, and the other half to His Majesty for the use of this Province, and shall be paid over to the Post-master General, and accounted for by him as other monies of the Department.

LXXI. And in order to avoid the frequent use of divers terms and expressions in this Act, and to prevent any misconstruction of the terms and expressions used therein; be it enacted by the authority aforesaid, that whenever this Act with reference to any person, matter or thing, any word or words, is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood to include several persons as well as one person, females as well as males, bodies politic or corporate, as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

NO. 72.

To the Honorable the Commissioners for obtaining certain information during the Recess.—Doctors Morrison and Bruce.

GENTLEMEN:—

I beg leave respectfully to submit for your consideration the following remarks upon the "Currency," which have been collected from such authority of known practical skill and experience as would be most likely to be correct, and whose very names if published would be a passport to unbounded confidence. It has long been an acknowledged hinderance, to the settlement and prosperity of this Province, that the capital of the country bore no proportion to the wants of the people, as expressed in the numerous petitions or as compared with the amount of capital and circulating medium in the neighbouring country. My first business therefore while in that country, was to ascertain the latter fact, upon examination I found that the circulating medium in many of the States of the Union was from three to ten times greater than in this Province, in proportion to their population or the rateable valuation of their property. I next inquired into the amount of their imports and exports of the United States, as compared with this Province, with a view of ascertaining whether, and in what manner, the requisite amount of circulating medium or rate of exchange was thereby affected; and what influence our comparatively small amount of domestic currency had upon our commerce, in order to ascertain the benefits or dangers of increasing the circulating medium of this Province; also to protect the metallic currency of the same.

In the United States, the various monied institutions of that country as well as incorporated companies, have recently attracted much public attention, and at this moment when the Bank of the United States is not likely to be rechartered, other monied institutions are springing into existence, as if by magic and the amount of circulating medium has been increased instead of being diminished by the refusal to recharter the United States Bank, so that public opinion is still in favor of increasing the circulating medium and capital of the country, notwithstanding this apparently opposite expression of public opinion. To render their currency sound, at the same time that it is increased; they have passed various laws calculated to promote the circulation of a metalic currency, among the laboring, mechanical and small dealing classes of the community, by prohibiting the circulation of small bills; but they could not do that, while the rate of exchange was high against them without a law for the protection of their metalic currency. This act which was passed in 1834, has since been carried into complete and successful operation for the protection of the metalic currency of that country, as appears by the President's Message at the opening of the present Session of their Congress, and the reports of the monied institutions of the different States of the Union, and which, as will appear by a reference to the Appendix, has made it profitable for Brokers & Bankers to import into the United States gold & silver as well as articles of commerce from this Province, which, while it has enriched the people of the Union has drained the specie from this Province, and has contributed more perhaps than any other cause to check the circulation of bank paper, and produce thereby the comparatively lower price of our exports by preventing competition among exporting merchants. And this must continue so long as the value of gold and silver is by law higher in the United States than in this Province, for foreign dealers find it more to their interest to export gold and silver to New York, than any of the products of the markets of this Province. Gold is not by law a lawful tender in this Province, and when large drafts are made upon our monied men or banks here, they will only take gold at their own price which is always such as to allow them a profit, on the articles or they demand Spanish or American dollars or British silver which continues to pass in this Province at the same value in gold, that it did when its value was compared with the value of American gold in the United States previous to the American currency law of 1834; the effect of which has been to induce the exportation of all the gold that was formerly laid by in the vaults of our Banks and the coffers of the wealthy. So that as I am authorized to say by the officers, of the two large Banks in this Province, there is not £5,000 of gold in their vaults at this moment—as gold not being a lawful tender, they might have any quantity of it on hand, and yet if they had not silver enough to pay all demands for specie payments that are brought against them, they must stop payment with their vaults filled with gold. And I may further add, that since last Monday one of those institutions has been compelled to furnish in four days £18,000 in silver alone, for the Montreal and American markets, and that the drafts for specie upon the other Banks has not been less—while those very foreign Banks are inundating the country with their small notes, principally ones, which are not redeemable in specie in this Province and which they will not receive in exchange for their own paper here, but require the holders of a worn or uncurrent bill to sustain the loss of discount, or send it to the principal bank in Lower Canada, or a foreign country for redemption. Thus our laborers are heavily taxed to support foreign monied institutions, which are constantly draining this Province of its metalic currency.

I am of opinion that the "currency" of the country requires the protection of the legislature, from the encouragement given for its exportation by neighboring countries. In Lower Canada they have their own depreciated silver coins passing at from one to ten per cent above their value in this Province, & in the United States they have the recent currency law in their favor—the rate of exchange which is against us—& worn light Spanish silver, in which they can pay our demands or drafts upon them, while we of Upper Canada have no correspondent advantages or means of protecting the metalic currency of the country.

I would therefore suggest the propriety of placing the value of the metalic currency of this country upon the same standard as that of the United States and of making gold a lawful tender by weight within this Province, and also to adopt some means of preventing the circulation of Bank bills not redeemable in specie in this Province of a less denomination than one pound, and if redeemable in specie within this Province, of one dollar bills or of any of a smaller denomination.

All which is respectfully submitted.

CHARLES DUNCOMBE,
Acting Commissioner for obtaining certain information.

APPENDIX.

The following statement has been very obligingly furnished by Thos. G. Ridout Esq., Casher of the Bank of Upper Canada, showing the actual weight and current value of the several pieces of Gold and Silver noted below with the pieces, themselves for the inspection of the Honourable the House of Assembly.

3 Sovereigns, weighing 15 dwts. 10 grain.

United States.		*Canada.*	
15 dwts.	$14 22cts.	15 dwts	£3 6 9
10 grs.	39 3/10	10 grs.	0 1 10½
½	14 61 3/10	½	£3 8 7½
Casto.....	$4 87 3/10	Ps.	£1 2 10½
			$4 57 ½

1 Sovereign, weighing 5 dwts. 3 grs.

5 dwts.	$4 74	5 dwts	£1 3 3
3 grs.	11 3/10	3 grs.	0 6½ 7/10
	$4 85 5/10		£1 2 9½ 7/10
	£1 4 3 3/10		

New American Half Eagle, at the Value of English Gold in the United States :—

		British.	
1 piece 5 dwts 9 grs.			
5 dwts	$4 74	5 dwts	£1 2 3
9 grs	35 1/10	9 grs.	1 8 1/10
	$5 09 1/10	Ps.	£1 3 11 1/10
Ps.	£1 5 5½		

Old Half Eagle, 5 dwts 14 grs.

5 dwts.	$4 74
14 grs.	55
	$5 29

SILVER COINS.

Pillar Dollar 17 dwts. 16 grs., 1816, 5s.

1 Mexcian do 1833, 17 dwts. 16 grs. } dwt grs.
2nd " " 16 " 17 } hf. 17 4½ 5s.
34 9

	dwts.	grs.	s.	d
2 American half dollars 1833,	17	8	5s.	
2 " " "	17	8	5	
1 quarter dollar, 1831	4	8	1	3
1 " " "	4	8	1	3
1 Spanish quarter dollar, 1820	4	6	1	3
1 American do 1808,	4	7	1	3
1 British shilling, 1824,	3	15	1	2
1 do 1834,	3	15	1	2
1 do	3	15	1	2
1 do	3	15	1	2
1 do sixpence	1	19½		7
1 do do	1	19½		7
1 do do	1	19½		7
1 do half crown	9	2	2 5/8	2 9½
1 do do	9	2	do	
1 do do	9	2	do	
1 do do	9	2	do	
1 five frank piece	18	30		
16 dwts2 grs.	Spanish.....		4	7 7/8
	American.....		4	7½ 7/10

A Sovereign is 20s. sterling, respecting 20s. in Silver, this coin in the United States is 485 cents; and the proportions are as follows :

			Mint.
A British Crown 5s st'g. is worth	122½ cts.,	6s	1½ 6s 3
Half Crown 2s 6d	61 6/10	3s. 0 3d	3 1½
Shilling	24½	1 2½	1 3
Sixpence	12 3/10	7½	7

* 416 grains value 4s. 4d averaging sterling, or 4s. 6d. British Silver, 392 7/11 grains—To this add 8s. 0d. for par of exchange between American and British silver 2 5/11—making 3s. currency,—218 grs. value 2s. 6d. sterling, or 436 grs. value 5s. sterling.

Province of Lower Canada. } AYLMER

William the Fourth by the Grace of God, of the United Kingdom of Great Britain and Ireland, King defender of the Faith; To all whom these presents shall come, or whom the same may concern *Greeting.*

A PROCLAMATION

WHEREAS at an Executive Council held at our Castle of St. Lewis, in our City of Quebec, on the 28th day of May, in the year of our Lord 1834; It was by our Governor in Chief of our said Province of Lower Canada, by and with the consent and advice of our Executive Council of our said Province, judged expedient that whereas the Lords Commissioners of our Treasure had directed an examination to be made at our mint of the weight and fineness of the several Coins of the South American States, with the view of enabling our said Lords Commissioners to form an accurate judgment as to the propriety of employing them in common with the old Spanish monies of similar denomination, for the support of the Military Chests abroad, and for taking such other steps as may appear to be necessary for facilitating their free circulation in each of the British Colonies and foreign Military stations in which they may be issued with advantage to the community and the convenience of the public service. And that whereas it appears by the result of the said examination that the new South American dollars are in every respect as valuable or rather better in weight and fineness than the dollars coined in Mexico before the seperation of that country from Spain and commonly known under the name of *pillared dollars* and that our said Lords Commissioners had been pleased in consequence to direct that in future the negociation of Bills and otherwise in the Commissariat Department, and in all payments to the Army and Navy issue those coins being genuine and in good condition, shall be received indiscriminately with other Foreign

Coin; at the same rate as has been fixed on the old Spanish dollars. We should therefore declare, that the several kinds of South American dollars and their divisional parts described in the reports of our Assaymaster of the eleventh and the fourteenth days of February, 1834, should in future be received and issued by all officers concerned in the collecting, receiving and paying of the public revenue at the same rate, as the old pillared Spanish Dollars, and the divisional parts thereof. We have therefore thought fit, and by and with the advice of our Executive Council, to issue this Proclamation declaring that the said several kinds of South American dollars, and their divisional parts described in the aforesaid Reports of our said Assaymaster shall in future be received and issued by all officers concerned in the collecting, receiving and paying of the public revenues of our said Province, at the same rate as the old pillared Spanish dollars and the divisional parts thereof. The following table shows the comparison with the old Spanish dollar resulting from the above mentioned examination.

No. 1.

Silver.	No.	Weight. Dwts.	Weight. Grs.	Fineness.	Average Fineness.
Mexican dollars, 1831.	1	17	21	W. 7 dwts.	W. 6 16 dwt.
	2	17	12	7½	
	3	17	8	6½	
	4	17	9	5½	
	5	17	12½	6	
	6	17	8½	7	
	7	17	9	6½	
	8	17	9½	8	
	9	17	4	6½	
	10	17	11½	6½	
Mexican dollars, 1832.	1	16	18½	7½	W. 7 dwt.
	2	18	7	6	
	3	17	9	7	
	4	17	11	9	
	5	15	19	8	
	6	17	7	8½	
	7	17	10	5	
	8	17	6½	8	
	9	16	14	8	
	10	17	20	8	
Mexican dollars, 1833.	1	17	2	6½	W. 6 16 dwt.
	2	17	20	7½	
	3	17	12	7½	
	4	17	13	7	
	5	18	6	6	
	6	17	6½	6½	
	7	17	4½	6½	
	8	16	19	7	
	9	17	8	4½	
	10	17	18½	7	
Quarter Mexican dollars.	1	8	19½	6½	W. 6 16 dwt.
	2	4	12½	7	
	3	4	7½	5½	
	4	4	7½	6	
	5	4	7½	6	
	6	4	9½	6½	
	7	4	9½	6	
	8	4	7	6	
	9	4	5½	6	
	10	4	7½	6½	
Quarter Central American dollars.	1	4	3½	W 4½ dwts.	W. 3 17 dwt.
	2	3	19½	5	
	3	3	20	4	
	4	4	8½	1½	
	5	3	11	6½	
	6	4	1½	3½	
	7	3	23½	2½	
	8	3	2	3½	
	9	4	11	5	
	10	4	9	4	
Eight Central American dollars.	1	2	4½	4½	W. 7 16 dwt.
	2	1	23½	4½	
	3	2	2½	7½	
	4	2	2½	6	
	5	1	22½	1 oz. 4 dwt.	
	6	1	21½	5 dwt.	
	7	1	20	4	
	8	1	16½	5	
	9	2	3½	7	
	10	2	10	4	
Quarter Bolivian dollars, 1830.	1	4	8½	3 oz. 1 dwt.	W. 3 oz.
	2	4	9	2 19	
Half Bolivania dollars.	1	8	17½	3 oz. 1 dwt.	W. 3 oz. 1 dwt.
	2	8	17	3 1½	
	3	8	15	3 0½	
	4	8	14½	3	
	5	8	17	2 19	
	6	8	18	3	
	7	8	17	3 1	
	8	8	16½	3 1	
	9	8	17	3	
	10	8	18½	3 1½	
Bolivian dollars, 1829.	1	17	13	W. 5½ dwts.	W. 5 16 dwt.
	2	17	3½	6½	
	3	17	7	5	
	4	17	9	5½	
	5	17	8	5½	
	6	17	5½	6	
	7	17	9½	6	
	8	17	9½	5	
	9	17	9	5½	
	10	17	9	5	
Bolivian Dollars, 1832.	1	17	8	5½	W. 5½ dwt.
	2	17	8½	5½	
	3	17	6	6	
	4	17	6	5½	
	5	17	9	5½	
	6	17	8	5½	
	7	17	9½	5½	
	8	17	7	5	
	9	17	8½	5½	
	10	17	9	5½	
Peru Dollars, 1832.	1	17	9⅜	5	W. 5 16 dwt.
	2	16	21	6½	
	3	17	3	6	
	4	17	2	5½	
	5	16	22	6	
	6	17	14	5	
	7	18	1	5½	
	8	16	13	6	
	9	16	20	7	
	10	17	6	5½	

Silver.	No.	Weight Dwts.	Grs.	Fineness.	Average Fineness.
Peru Dollars, 1833.	1	17	5	W. 5 dwts.	W. 5 dwt.
	2	17	7	5	
	3	17	13	5	
	4	17	2	5	
	5	17	18	5	
	6	17	15¾	5	
	7	17	4	5½	
	8	17	9	4	
	9	17	11	5	
	10	16	14½	5½	
Chili Dollars, 1833	1	17	5½	5½	W. 3 4/10 dwt.
	2	17	15	6	
	3	17	22	6	
	4	17	12	5½	
	5	17	21	5½	
	6	17	10	5½	
	7	17	5	6	
	8	17	12	5½	
	9	17	21	5	
	10	17	15	5½	
Rio Plate Dollars.	1	17	2	4½	W. 6⅗ dwt.
	2	17	1½	9½	
	3	17	2	6	
Eighth Colonia Quarter Columbia Cundinamarca Granada Cundinamarca 1821.	1	4	8	w 2 oz. 19 dwt.	
Eighth Colonia Quarter Columbia Cundinamarca Granada Cundinamarca 1821.	1	1	16½	W. 4 oz 6 dwt.	
Fifth Col Quarter Columbia Cundinamarca Granada Cundinamarca 1821.	1	2	7½	W. 3 oz 2 dwt.	

ROBERT BINGLEY.
HENRY BINGLEY.

Kings Essay Office, }
Feb'y. 11th, 1834 }

No. 2.

A STATEMENT *of the average Weight and Contents in pure Metal of the several Dollars according to their dates, issued by the States of South America.*

Species of Dollars.	average WEIGHT. DWTS	GRS	average CONTENTS. IN PURE METAL. DWTS	GRS
Mexician Dollars, 1831..	17	10 4/10	15	15 4/10
" " 1832..	17	4 2/10	15	9
" " 1833..	17	10 8/10	15	16

Species of Dollars.	average *Weight* dwts.	grs.	average *Contents* IN PURE METAL. dwts.	grs.
Quarter " ".....				
" Central American Dollars.....	4	6 4/10	3	20 4/10
Eighth " "	3	23	3	14 4/10
‡ Boliviana dollars, 1830.	2	0 5/10	1	19 5/10
Half " "	4	8 7/10	2	22 7/10
Boliviana Dollars, 1829..	8	16 8/10	5	20 8/10
" " 1832...	17	8 3/10	15	15 3/10
Peru Dollars, 1832,.....	17	7 3/10	15	15 3/10
" " 1833.....	17	4	15	11 1/10
Chili "	17	7 3/10	15	15 3/10
Rio Plata "	17	13 8/10	15	12 8/10
Quarter Columbia Cundinamarca. 1721	17	1 8/10	15	15 7/10
Eighth " " 1821	4	8	2	22 8/10
Eighth New Granada 1831	2	7 5/10	1	13
	1	16 8/10	0	22 8/10

No. 3.

Comparison with the old Spanish Dollar.

Species of Dollar.	Assay REPORT. W. dwts.	Grosss WEIGHT. dwts	grs.	Pure METAL. dwt	grs.
The old Spanish dollar	8	17	8	15	10 8/8
Mexican dollar, 1831	6 7/10	17	10 4/10	15	15 4/10
do do 1832	7½	17	4 2/10	15	9
do do 1833	6 8/10	17	10 8/10	15	16
Boliviana do 1829	5 8/10	17	8 3/10	15	15 3/10
do do 1832	5½	17	7 9/10	15	15 2/10
Peru do 1832	5 8/10	17	4	15	11 1/10
do do 1833	5	17	7 3/10	15	15 3/10
Chili do 1833	5 4/10	17	13 4/10	15	20 4/10
Rio Plata do.....	6⅔	17	1 4/10	15	7 7/10
The old Spanish ½dol'r	8	8	16	7	17 4/10
Boliviana ½ do	3 oz ⅘	8	16 8/10	5	20 8/10
The old Spanish ¼ do	8	4	8	3	20 1/10
Mexican ¼ do	6 3/10	4	6 5/10	3	20 4/10
Central American ¼ dollar.....	3 7/10	3	23	3	14 4/10
Boliviana ¼ dollar...	3 oz.	4	8 7/10	2	22 7/10
Columbia Cundinamarca ¼ dollar 1821.	2 oz.	4	8	2	22 3/10
The old Spanish ⅛dol'r	8	2	4	1	22 4/10
Central American ⅛ dollar.....	7 1/10	2	0 5/10	1	19 7/10
Columbia Cundinamarca dol'r 1821	3 oz 2	2	7 3/10	1	13
Columbia, New Granadia, Cundinamarca, ⅛ dollar 1821	4 6	1	16 8/10		22 3/10

MINT OFFICE, 14th February, 1834.

Now therefore we do require and command all officers concerned in the collecting receiving and paying of the public revenue of our said Province, and all our loving subjects, and all persons whomsoever the same may concern, to take notice of the premises and govern themselves accordingly.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said Province of L. Canada to be hereunto affixed.

Witness our Trusty, &c. &c. &.

11th June, 1834.

D. DALY,
Secretary of the Province.

Value of Gold Coins in the United States by the Act of 1834.

The Eagle coined before July 31st, 1834 (weighing 270 grains and containing 247½ grains of pure gold) must be taken at 94 cents 8 mills per penny-weight, and the halves and quarters in the same proportion.

The Eagle coined 31st July, 1834, weighing 258 grains and containing 232 grains of pure gold, must be taken at $10, and the halves and quarters in the same proportion.

The following foreign gold coins are also a legal tender by weight after the 31st July, 1834.

Those of Great Britain, Portugal, and Brazil—containing 11 parts pure gold and one alloy at 94 cents and 8 mills for each penny-weight. Those of France containing 9 parts of pure gold and one part of alloy at 93 cents and one mill for each penny-weight.—Those of Spain, Mexico and Columbia, containing 20 parts and 4-5ths of a part of pure gold and 3 parts and 1-5th of a part of alloy at 89 cents and 9 mills for each penny-weight. The following table exhibits the weight and value of each coin after the 31st of July, 1834.

	NAMES OF COINS.	Weight. Dwts.	Grs.	Value. $	c.	m.
England.	Guinea	5	9½	5	11	1
	Half Guinea	2	17	2	55	5
	Sovereign	5	3½	4	87	5
	Seven shilling piece	1	19	1	70	6
	Dobraon	34	12	32	71	4
	Dobra	18	6	17	30	5
	Johannes	18	0	17	6	8
Portugal.	Moidore	6	22	6	56	0
	Half Moidore	6	11	3	28	0
	Piece of 1600 Rees	2	6	2	12	5
	Old Crusado of 400 Rees.	0	15	0	58	5
	New do. of 480 do.	0	16¼	0	63	7
	Millree of 1755	0	19¾	0	78	9
Brazil.	Dobraon	34	12	32	71	4
	Dobra	18	6	17	30	5
	Johannes	18	0	17	6	8
	Half do.	9	0	8	53	4
	Moidore	6	22	6	55	9
	Half Moidore	3	11	3	27	9
	Crusado	0	16¼	0	63	7
France.	Double Louis before 1786	10	11	9	69	4
	Louis	5	5½	4	84	7
	Double Louis after 1786.	9	20	9	16	3
	Louis	4	22	4	58	1
	Double Napolean	8	7	7	71	3
	Napolean	4	3½	3	86	3
Spain.	Four Pistole piece of 1772	17	8½	16	03	4
	Two do. of do.	8	16¼	8	01	7
	Pistole	4	8⅛	4	00	8
Mexico.	Doubloon of 1801	17	9	15	53	2
	Pistole of 1801	4	8¼	3	88	3
	Coronilla	1	3	0	98	2
	Doubloon	17	8½	15	03	2
	Half do.	8	16¼	7	76	6
	Quarter do.	4	8⅛	3	88	3
Columbia.	Doubloon	17	8½	15	53	2
United States.	Old Eagle	11	6	10	66	5
	Half do.	5	15	5	33	2
	Quarter do.	2	19¼	2	66	6
	New Eagle	10	18	10	00	0
	Half do.	5	9	5	00	0
	Quarter do	2	16¼	2	50	0

To reduce the light coins to their true value observe, of English, Portuguese and Brazilian gold, one grain is worth 8 cents 9⅓ mills—French gold, one grain is worth 3 cents 8⅝ mills—Spanish, Mexican and Columbian gold, one grain is worth 3 cents 7½ mills.

HIRAM NORTON, Esq. M. P. *politely furnished the following observations on the Currency of the Upper Province.*

The value of all kinds of property, contracts for purchase and sale, for lending and refunding loans of monies and uses or rents of real estate, all are affected by any alteration of the standard coins; and one party to every contract must necessarily be benefitted at the expense of the other. This position applies to every country and government when a coinage exists of sufficient extent to form a basis for the contracts of its inhabitants—but in a colony without its own coinage and established mint, wholly dependant upon the coins of foreign countries for its fulfilment of contracts, it is of the highest importance that such coins be so regulated in value by provincial law as to secure at all times within themselves a sufficient sum for the conveniences of circulation and a basis subject to as little fluctuation as possible for all contracts. Banks offer to the public in their notes for circulation a convenience for remittances from one part of the Province to another and for transfer of the consideration of contracts from one individual to another, both residing in

the same place which is so generally understood that we require no argument or explanation to prove that it is more useful for all the objects of currency than a circulation entirely metallic. But to preserve to the country the fullest benefits of this convenience, such laws should be enacted as to preserve the circulation of bank paper upon a scale subject to as little fluctuation as possible, as if from any defect in the law regulating the value of coins, a considerable portion of the precious metals should at any time be withdrawn from the Province, the banks must for a while curtail their issues, and the circulating medium became so diminished as materially to affect all kinds of property, and place parties to all existing contracts in an unequal position towards each other, and a general derangement of business, must under such circumstances ensue, greatly retarding the prosperity of the country at large.

It would be very desirable that on this subject a uniform law should exist among all the British Provinces, on this continent, enjoying as they do nominally the same currency, and the passing of such a law seems at this time more imperative from the fact that the United States Government has recently elevated the Gold coins of foreign countries to their just commercial value; and have altered the standard of their own gold coinage so as to place it on an equal footing with that of other countries. British and Portuguese gold coins of 22 carats fineness are now legal tenders in the United States at 94 8-10 cents per dwt.; the Spanish and American silver coins being even parts of our *pound* must ever be the most convenient for use at the value at which they are already established by law. The American gold coin should be established at its relative value of £2 13s. 4d. for the Eagle, and the parts in proportion.

The new omission at the value put on it by the United States £2 10s for the Eagle and the parts in proportion. These coins possessing uniformvalue in the Province and in the United States would be in danger of leaving the country whenever the balance of trade was against us which indeed is the case generally; therefore the main dependence must be upon coins which are made a legal tender at a rate above that which are established in the United States.

The sovereign if new and not reduced by use, will weigh 5 dwts. 3½ grs. and at 94. 8 cents is a tender in the United States at 84 87 cents; it ought therefore to be valued here 24s 4d. Our chief dependence, however, must be upon British coin or a provincial coinage: if of the former, in order to command a full and steady supply of it, the current rate must be fixed too high for the United States markets, silver being already above its relative value in England, it would at first seem as it ought not to be placed in a still higher position in this province in comparison with gold than it enjoys in the mother country; but it appears to be more necessary for the convenience of circulation as change and to liquidate small contracts than gold.

I would therefore propose establishing the value of the British Crown at 6s 2d Halifax currency, being equivalent to 10 per cent. premium, and the lower denominations in proportion, as near as may be without entering into fractional parts. Or if a provincial currency is decided on, the crown and its parts could be reduced in weight so as to assimilate it to an Halifax currency thereby making it a real instance of an imaginary currency: for instance, the 5s to weigh 360 grains of standard silver,

2s 6d.....	180
1 0.....	72
0 6.....	36

These weights are in proportion to the present British coinage, calculating at 9 per cent. premium. The present rate of exchange on London in this and the neighboring province is 12 to 12½ per cent., and New York only 10 per cent. The rate in this province will always keep high when there is a deficiency in our exports to Great Britain. The value, therefore, of silver ought to be such as to prevent its export to Britain. Nine and ten per cent. I think should be about the rate. Either of these silver coinage would be convenient and command all the advantages the currency of the province so loudly calls for and not be subject to be exported either to the United States or to Great Britain. To place the gold and silver coins of Great Britain at a higher value, the province would be in danger of suffering under a depreciated currency, and its redundency would cause it to be exported at a considerable loss, and cause fluctuations. Silver, from being more bulky and of more difficult transport would find its way into the country, but gradually and when once there would remain permanently, and the remittances from the Province would be made in Bills of Exchange based upon the balances of its trade and thereby exempt from the great trouble, freight, insurance and other expences attendant upon making specie remittances. It is well understood that a state of things calling for an export of specie, is very injurious to its prosperity as every sum of specie which leaves the country withdraws a larger sum of credit issues which had been based upon that specie. Ever since the United States increased the value of gold in that country, the drain of specie from this Province has encreased not only for the United States but for the Lower Province also; thereby causing the Banks to import at a great expense and to curtail their issues to the injury of the Province. From August 1824 to December 1835, the exportation of gold from England was estimated at 6 millions sterling, and the general distress that followed is so well known that I need not dwell upon the disastrous effects of a drain of the precious metals,

Previous to 1816 a pound of Standard Silver in England produced at the mint 62s.; but in that year it was altered to 66s. This change produced to the Government, a gain 6½ per cent. The issuing however is retained by the Government in their own hands and British silver is not a legal tender in G. Britain on sums over 4s 0d. I would recommend a similar restriction here otherwise the Province may be inundated with silver.

The Government of Great Britain having a profit of 6 per cent. on their own coinage, I think they would willingly give this Province a silver coinage on the same terms, but I would recommend that it should be understood that such coinage be redeemed by the British Government when its weight is reduced by long use and the impression obliterated.

EXTRACTS
FROM
THE REPORT OF
THE HON. J. MONSON
Of Oswego,
IN THE STATE OF NEW YORK.

That the important bearing of the proposed enactment upon the industry of our State—the elaborate discus[illegible]ns had thereon—the anxiety manifested in relat[illegible] to the measure—and the diversified views of

legislators—commend it to the careful consideration of the committee, and demand their best efforts to elucidate a subject somewhat perplexed by subtleties and speculations.

They propose,

1st. To explain the distinction between capital and currency: 2nd, Describe the appropriate office of each and the laws which govern them, and allude to our Banks: 3rd, inquire into the necessity or propriety of regulating by law the hire or interest to be paid for capital. And, 1st, Capital comprises all the commodities of a country which have value, including the soil, mines, manufactories, and their products, as well as merchandize and the artificial channels, the vehicles, craft, ships, &c. which circulate it. The amount of capital thus defined, owned or possessed by the citizens of this state or invested in it, we estimate at a sum not less than 800 millions of dollars.

The valuation by the town and county assessments, including the stock of Chartered Banks, would amount to about half that sum, allowing for other corporate property not returned by them for undervaluation for personal property which escapes the assessor and it is believed the above estimate is below the truth. The currency of our state amounts to above 14 millions of which say 12 millions are Bank paper and 2 millions are metal.

Our currency therefore bears the proportion to our capital of 1¾ per cent., that is, per every 100 dollars of capital, we possess 1 & ¾th dollars in currency.

OFFICE OF CURRENCY AND THE LAWS WHICH GOVERN IT.

The office of currency is to measure capital when it changes owners or passes from producer to consumer, saving to parties the trouble of seeking out each other and exchanging their products. Thus a person possessing a commodity, and wishing to exchange it for another, first converts it to currency and with that seeks out the article which he desires to possess. The currency is not an object of desire to either party except so far as it facilitates the exchange of the commodities they would part with for those they would possess, and it is always dismissed so soon as it has performed this office of measuring the value of the article exchanged and is again required to minister to the convenience of others in the same manner.

It has been estimated by the writers of authority that one dollar of currency would exchange 5 dollars worth of commodities each year. Thus our 14 millions would exchange 70 millions annually. Although currency bears so small a proportion to capital, yet it is of the first importance that it should be well regulated, measuring capital with precision and steady uniformity, for it is this small amount of currency (one and three fourth dollars to the hundred) which stamps on capital its *apparent* value; we say apparent, for it does not effect its real or intrinsic value. A well regulated currency or in other words a uniform measure of capital, performs not only our domestic exchanges faithfully, but the foreign also; it regulates our exports and imports with all the precision of which such exchanges are susceptible; but a deranged currency, not only exchanges our domestic products imperfectly, but perplexes foreign trade, deranging exports and imports, and baffling the skill of the merchant in his efforts to equalize the markets of the commercial world. Thus a superabundant currency operates upon the capital; it measures like a short yard stick, a light weight in a small measure, while a contracted currency operates like the long stick, or the heavy weight, or the large measure. Each extreme is alike mischievous. Abundant or degraded currency *apparently* swells the value of commodities, and we say houses, lands, and merchandize are dear, whereas in truth money is cheap or currency is degraded. Thus a man purchasing a farm, or merchandize at a time when currency was degraded, being too abundant and too cheap by 25 per cent, and being obliged when his payment falls due to convert the same farm or merchandize into a currency restored to its true standard value, would find to his cost that the capital which had been measured to him at $4000 and for which he had obliged himself to pay in currency, would by the corrected and true standard be measured back at $3000, and that he had lost by this derangement of currency 25 per cent of his estate, while the estate itself, the farm or merchandize, had neither gained or lost in its intrinsic value, but his loss had been produced by the use of a fluctuating measure or standard, a loss as fatal to him as if the estate had actually withered to two-thirds of its dimensions under his possession. The currency of a country will always be best regulated when left free to obey the impulse of commerce, unshackled and unembarrassed by legislation—such impulse will expand, contract its volume, expel it from a country when it was become abundant, and restore it again when it has become scarce—Commerce tends with all its force to equalize currency as well as all exchangeable commodities among trading communities at home and abroad; and although, like the tide it is perpetually ebbing and flowing, and never finds an exact and quiet level, yet commerce will not tolerate great inequalities in the currency of the trading world, unless thwarted by political events, or legislative enactments. It is this approach to equality of distribution which constitutes both the utility and perfection of currency.

The process of regulation is as follows—a superabandant currency at a given place becomes a degraded currency, compared with that of the rest of the world. It gives to exchangeable commodities a false value, raising the price of exportable articles until they will not pay cost and freight; then the dollar, the guinea, and the doubloon drop their character of currency or measure of value, assume that of merchandize, and take the place of the bushel of wheat, the barrel of flour, and the bale of cotton, which the Merchant rejects, and go abroad in lieu thereof to pay a debt, or in search of foreign commodities with which to gorge a market rendered voracious by this excess of currency. An equilibrium is soon restored by the four-fold operation of refusing to export the domestic products which accumulate at home, where they are useless, by superadding foreign commodities to a market already overstocked with them, and by transferring specie from a country where it is abundant and cheap, to one where it is scarce and dear. Thus money rises, commodities fall, exportation increases, importation diminishes, and the vibration thus produced is not arrested until the redundant currency has become a contracted one; commodities in *their* turn, become too *cheap*, & money too *dear*, and the former are sent in search of the latter to restore *again* the equilibrium.

Such are the laws by which commerce and currency mutually govern and control each other, and when the currency consists of metal alone, its ebb and flow is so gradual as never to produce agitation, unless impe-

ded or impelled in its progress by political convulsions, or unwise and fickle legislation; an abundance or scarcity is hardly felt before it is corrected.

Not so, when 12 parts of the 14 of our currency is paper, which cannot like metal assume the character of merchandize for exportation. Commerce is then compelled to make all her drafts on this small stock of metal which the banks have collected to her hands, and hold ready for banishment at the shortest notice, and at the moment commerce begins to exhaust the metal, the banks, under the influence of a panic, and in obedience to the law of self-preservation, withdraw the largest possible amount of their paper currency in the shortest period of time, until by the combined efforts of all the merchants and all the banks, a pinching and cruel dearth of currency is suddenly produced, measuring out the debtors capital to his more fortunate creditor with unrelenting extortion. It is true this severe process soon restores order and health to the commercial community, but like the tornado which replaces a pestilent by a salubrious atmosphere, leaves abundant traces of its devastating march.

BANKING.

This important subject, which the Bank Commissioners have discussed with ability, demands from us a brief notice, from its connection with the subject under consideration.

If our banks could be restrained to their legitimate office, of furnishing our currency, and affording a safe deposit for the idle capital of our citizens, and possessed the power of withdrawing at pleasure a portion of this currency, as it became redundant, without producing revulsions in commerce, they would fulfil the office for which they were created, and prove abundantly useful to the public.

The Bank capital of our State amounts to about twenty-five millions	$25,000,000
The Currency	14,000,000
Deposits of idle capital, say	10,000,000
Together	$49,000,000

Being the amount of the debt due the banks, excluding the United States branches.

If we assume that fourteen millions of currency are required to perform the exchange of our State, then banking capital to an equal amount, say, fourteen millions, it is believed, would be adequate to our wants, and sufficient for all useful purposes.

Of these fourteen millions of capital, ten might be invested in public stocks, or permanently loaned on bond and mortgage, while the remaining four millions were held in specie; with the capital thus disposed, these banks might safely exchange their credit in bank paper for good commercial bills or notes, payable at two, three and four months, and thus would the banks furnish the fourteen millions of bank currency required, and would hold, in addition to their capital thus secured, fourteen millions of commercial paper, representing the exchangeable commodities of the country, always convertible to currency, and always to be converted and applied to their payment as the discounted bills reached maturity; every cancelling or payment to be followed by the discount of a new bill, and a new issue of bank paper; and thus would a sum equal to such capital be loaned and redeemed four times each year, amounting in the aggregate to fifty-six millions. If each 90 day loan of bank paper performed two exchanges of property before it returned in payment of the bills discounted, one hundred and twelve millions of commodities would be exchanged annually with this bank currency, a larger sum we doubt not than would require the agency of currency.

With such a reservation of specie, say four millions, and with good bills, equal in amount to the currency in circulation, and payable at the rate of more than one per cent, or one hundred and fifty-five thousand dollars per day, being about one million per week, the banks could never be embarrassed, or alarmed by any commercial revulsions, and might witness the exportations of their specie with calm indifference, knowing that a few days' receipts would be equal to any redundancy of currency they might have issued in exchange for business paper; for it will be recollected that this redundancy cannot be very excessive, when confined to such operations, and it should also be borne in mind, that the banker has to provide, in case of emergency, to redeem an amount equal to the difference between the minium and maximum of the circulation. If ten millions shall be the minium and fourteen millions the maximum, then four millions will be the most that can be thrown back upon the banks, leaving at the least ten millions suspended in circulation.

We have thus endeavoured briefly to describe strict, rigid and useful banking, a system by which the banker could contract or enlarge his business gradually, and would never under the influence of panic, diminish the currency so much and so suddenly as greatly to distress a whole community, and would possess the means in his specie and business paper, to meet all exigencies without resort to his bond and mortgage debt, or to his public securities, both of which would stand apart as a safety fund for his bill holder.

If it were necessary to wind up the whole system, and abolish the banks, a single year would suffice to accomplish it, and replace their paper by specie, to the amount of fourteen millions; a year of scarcity of money and low prices to be sure, but not of severe distress.

If it be true, as we believe, that fourteen millions of capital, and more than two-thirds of that permanently invested, can be made to sustain a currency adequate to all the wants of our populous and commercial State, a currency convertible to specie at pleasure, and exempt from frequent and excessive fluctuations; the inquiry may well be made, whether there are not defects, dangers and delusions connected with a system which pretends to have absorbed already near twice that amount of capital, and clamorously demands much more, no portion of which is *permanently* invested, but all held, or pretended to be held, in a condition to redeem bank paper, if occasion should put it in requisition.

Not only this bank capital of twenty-five millions, but also the deposit of ten millions idle funds and the fourteen millions of bills receivable, for which bank paper has been exchanged, amounting together to forty-nine millions, pretend to stand ready to redeem at short notice, any portion of these fourteen millions, or rather that portion which can require redemption, being the difference between the minimum and maximum circulation, say four millions. With resources apparently so ample, the call of commerce for a single million of metal produces a serious bank panic, and a sudden contraction of bank currency.

This debt of forty-nine millions, which ought, if made upon banking principles, to produce spontaneously for the redemption of paper half a million per day, requires a severe and protracted pressure upon it to produce two or three millions for an emergency; and if forced to yield 4 or 5 millions, a sum equal to 8 or ten per cent of the debt, such pressure is attended with wide spread ruin and general consternation.

To reconcile such apparent power with such impotent and feeble results, we are forced to the conclusion that many of the rules which ought to govern good banking are disregarded. That much of the stock, though apparently paid for, is withdrawn, and the holder's paper substituted therefor, in the same or some other bank. That much of the capital is loaned for long winded operations, as farming, ship building, long voyages, the erection of manufactories, mills, &c.—That much of the discounted paper professing to be commercial, and representing commodities which can be converted to currency for the payment of the bill, is not strictly such, and that such paper, although paid at maturity, is indebted to some of the many expedients familar to commercial operations for such payment--expedients, however, which demand new loans, equal in amount to those cancelled, & thus the merchant continues to be a debtor to the bank, not for a small & temporary loan in anticipation of his bills receivable, but for a large proportion of his capital; which, though borrowed temporarily, is retained, permanently, and cannot be surrendered in times of pressure without great sacrifice, if not ruin.

The committee cannot command the time or space necessary to explain intelligibly the evils resulting from the combination of so much capital with our currency, compelling them to share the fate of each other, and vainly attempting to subject them to the same laws, by which means both perform their office imperfectly;—the capital but half subserves the interest of the borrower, as he holds it by a tenure so precarious as the wants and necessities of the banker—wants and necessities which are sure to press both banker and borrower at the same time, while currency is contracting and expanding by an artificial impulse, which greatly impairs its utility.

While we entertain no doubt of the solvency of our banks and their ultimate ability to redeem their currency, pay their depositors and restore their capitals to the stockholders, except in the event of a commercial convulsion, yet all this is deemed secondary in importance to their duty of furnishing a uniform and stable currency.

It is a law applicable to currency, that it increases in value as it decreases in volume, and decreases in value, as it increases in volume. Thus ten millions of currency would exchange a given amount of commodities as effectually as 14 millions, with this difference; the contracted standard of 10 millions would give to them a value of about 72 millions, while the 14 millions would expand the same commodities to 100 millions; and if this was the annual amount of our exchanges, a variation of 4 millions in our currency, the difference between the extremes of a contracted or an expanded circulation would raise or depress their value by 28 millions in one year, a sum equal to twice the amount of our currency; and when we estimate the mischiefs produced by applying a fluctuating and unstable currency to such an amount of exchanges; its gambling influence, unsettling prices, enriching some, impoverishing others, and embarrassing all, by baffling and mocking their calculations, the consideration that our safety fund of a few hundred thousand dollars will protect us against an occasional loss in the currency of a broken bank, loses all its importance. Such failure and loss would be abundantly compensated, if they would teach caution to the public, and skill and prudence to the banker.

Notwithstanding bank charters have absorbed so much of our active capital, to the prejudice of long winded and permanent operations, stimulating trade and commerce almost to intoxication; notwithstanding the many villages of the interior are laid under contriqution for their last dollar to gorge with capital and stimulate to excess the favored few having bank charters, still the mania for charters threatens to swallow all our floating capital, leaving no other resource than banks for borrowers.

It is believed that restraining banks in their discount to 6 per cent would tend to improve the character of their debt by inducing them to reject long loans and collect more rigidly. And that restraining them in their issues to the amount of their capitals, (instead of twice the amount,) would check the efforts of a part of the small country banks to extend their circulation; banks, which with limited means for redemption, and emboldened by their high credit derived from the safety fund, push their operations beyond the limit of prudence and fill up by, their circulation the vacuum, if any, left by their more cautious competitors. Such restraint might reduce the circulation of the country banks from eight millions, its present amount, to seven millions, or from about the amount of their aggregate capitals to seven-eighths of that amount, counteracting the general tendency to overload currency.

Both restraints would tend in some small degree, to check the flow of capital into the bank channel.

OF CAPITAL.

In discussing the subject of capital, the laws which govern it, and the interest or price paid for its use, the committee will study to avoid all allusion to currency, and when they speak of interest they are to be understood as meaning the *hire of capital*; by which means they hope to relieve these subjects from the perplexing obscurity which has envelloped them when capital and currency were confounded.

Capital does not expand and contract with the same elasticity, or ebb and flow with the same rapidity, as the currency by which it is measured; nor does it obey the same laws. It is the fruit of industry, skill and economy. Under a good government, and in a community well regulated, its accumulation is constant and rapid, and the largest accumulations are found in the oldest countries thus governed and thus regulated.—Its constant tendency is to flow off from these abundant and swollen fountains, and in the direction which promises the best return with the greatest security, whether that return be yielded in the shape of interest for loans, dividends on investments, commercial and manufacturing enterprises, or land speculations.

The same law which diffuses capital from fountain to rill, from an old to a new country, also requires at all points its perpetual and ceaseless change of investment, as one subject allures with more force than another; and thus do the various branches of industry approach and maintain their level.

It is believed that of the eight hundred millions of

capital belonging to, and in the possession of the citizens of our state, at least four hundred millions of dollars are lent and borrowed at from four to fourteen per cent interest per annum.

When it is considered that the bond and mortgage debt of the city of New-York exceeds forty millions; that the debt on personal security must be still larger; that our bank loans of capital, excluding currency, are between thirty and forty millions; add to these large items the debts due to foreign land-holders, as the Holland Company, the Pultney, the Parish, the Charmont and the Hornby estates, with many others of less magnitude; the three millions loaned by the Life Insurance and Trust Company, and an equal amount by the Saving's Banks; the Connecticut school fund debt, and the vast amount of foreign and domestic debt due to and from individuals; this estimate will not be deemed an exaggeration.

With a debt so vast, being equal in amount to twenty eight times our currency, and with such a propensity in our citizens to borrow and lend, it may be well to enquire whether its influence is salutary or pernicious, whether it should be tolerated or prohibited, encouraged or restrained; and to the committee it is consoling to believe, that this debt, vast as it is, produces public benefits proportioned to its magnitude.

The committee will assume that capital cannot be too abundant in any country, or too widely diffused, provided that diffusion is gradual. To deny this proposition would be to assert that we had cultivated and stocked too many farms, had built too many houses, mills, manufactories and ships, or had accumulated too much merchandize.

HIRE OR INTEREST OF CAPITAL.

Capital cannot be made to yield capital again, without combining with it skill and labour, nor can skill and labor be made to yield capital, (beyond the hireling or servant's pay,) without combining capital with them. Now it so happens in the wise ordering of nature, that the ability of the possessor to apply this labor and skill to the management of his capital, diminishes the ratio of the increase of such capital, and that from two causes; first from the increased labor of managing such accumulated capital, and second from the decay of physical and mental powers by the approach of age; hence the man who has acquired wealth, finds *his* interest in lending it, or in investing it to be loaned or managed by corporations. While every man in our community, where the field of enterprize is broad and ample, whose education, talents, occupation and skill fit him for a station above the servant or day labourer, being destitute of means, finds *his* interest also in borrowing, to the end that he may turn his talents and acquirements to profitable account. Even the mechanic, without a patrimony, could not avail himself of years of indented service, unless he could borrow a shop and tools; nor the student of Law and Medicine of their mental acquirements without their borrowed libraries, or the indigent farmer or merchant of their skill, without the borrowed farm or merchandize. Both parties, therefore, find a mutual interest impelling them to lend and borrow; nor does the interest of the parties conflict with that of the public, as these loans diffuse and augment capital, affording aliment for labor, and yielding to humble industry an ample reward.

Commerce has at all times exerted a powerful and controlling influence upon the rate of interest, or price of money; and that too in spite of Legislation. Indeed, where legislation has been applied to this subject, it has followed close upon the footsteps of commercial regulation. Finding the value which trade and commerce had awarded to money, the legislator has come in with his statute, to fix and restrain it at the limits thus indicated.

But owing to the fluctuations of trade, and the ever varying wants of commerce, the price of money is never stationary. Impelled by such causes, it is always vibrating between certain limits of high and low interest. When legislation fixes the standard below the maximum to which commerce raises the price, a conflict ensues between the market and legal value; and such conflict will be mild or severe, in proportion as the legal standard is below such maximum, and in proportion to the severity of the pains and penalties by which that standard is guarded.

Although, as before remarked, legislation has followed the laws of commerce in this regulation of money, and has in this manner degraded the legal standard during a period of 600 years, from 50 to 5 per cent; still, restraint has been the prominent object of legislation throughout this period, and care has always been had therefore, to keep the legal below the maximum market rate; and hence a perpetual conflict has existed between the legal and market price of money.

I do not propose to discuss elaborately the policy of the usury laws. If I could command the time required for such discussion, I would still deem it better to submit the opinions and experience of practical men, and the evidence of commercial communities.

Still, I will remark, that the policy of the usury laws originated in benevolent motives and probably at a period when commerce and manufactures were in their infancy, absorbing very little capital, and when money was hoarded by thrift to minister to prodigality, when avarice and luxury were the distinguished vices of the age. Hence the very natural prejudice against the avaricious lender, and sympathy for the careless borrower; and hence the desire to punish the one & protect the other.

The benevolent object of protecting the borrower against the extortion of the lender, however laudable, is totally unattainable by legislation; and all attempts to effect it must result in disappointment.

When the market price of money rises above the legal price, those many lenders who are unwilling to incur the hazard of penalties for usury, who are deterred by respect for the law, or the odium attaching to the violation of it, retire from the money market to participate in the profit of other investments, more honorable if not equally inviting.

Again, others who would have been induced to change their pursuits and lend money, when the price became alluring, are deterred by the same dread of encountering the usury laws; hence both these classes are driven or restrained from the competition, and the money market is left with a few competitors, and the borrower at the mercy of the most avaricious and the least conscientious of the money lenders; hence the price of money after reaching the legal rate, advances rapidly much beyond it, and remains much longer at this high rate, than it would have done with free competition, and thus the law defeats its own benevolent intentions.

Whatever may have been the policy in which the

legal restraints upon money had their origin, and whatever may have been the prejudices by which those restraints were enforced and perpetuated, that policy has ceased, and that prejudice has been dispelled.

The various branches of industry are now pushed to their utmost limit, absorbing all the capital within their reach; nor is there any motive left for withholding this capital, the proprietors of which feel all the security which good laws can afford for their investments and their loans, nor does there longer exist in civilized communities, any proscribed sect or race who feel the necessity of hoarding and concealing their gains to elude the rapacity of government.

All capital therefore is seeking the best and most profitable investment; and for this purpose, is continually changing its employment and location as a new employment and a new location promise better returns than the old. In this manner will capital adjust itself to the wants of the community, and spread in due proportions throughout every branch of industry, until all shall find their level, and prove equally productive, or as nearly so as it is practicable from the nature of things; provided government does not interpose its authority to disturb such natural adjustment.

A vast proportion of the capital of a country is owned by one class of the community, and used or managed by another; compensation for the use of which is made in the various modes of interest, rent, dividends, &c.,—the lending or renting class are those who have inherited estates, or those who have acquired them by business pursuits, and who have become inactive from age, or whose accumulations are too large to be conveniently managed in the occupation which produced them. The borrowers are usually young, active and enterprising. A single large capital divided among this latter class, affords employment to a large number; enabling each to pay a reasonable rent or interest therefor; turn their personal services to good account, and to accumulate capital, and become lenders in their turn.

The wages of labor and the wages of capital, or the proportions of the joint product which ought to insure to the capitalist who lends and the producer who borrows, will always be best and most equitably adjusted, without the intervention of the authority of government. The borrower is stimulated to pay a high price for interest of money, rent of land, or the charter of a ship, by the prospect of gain, and by the competition of all others who wish to borrow, rent or charter; the person who lends, rents, or charters, is restrained in his demands by the competition of all others who wish to lend, rent, or charter.

Yet strange to tell, with a portion of the lenders, (and it is hoped for the credit of morality, a large portion,) the advance in price of money beyond the legal rate, is a signal to retire from the field of competition, withdraw their capital to seek new investments, at the moment it is most wanted, and leave the needy borrower to the mercy of the unprincipled lender, and that too, in obedience to the dictates of law, conscience and good morals. A scheme more fatal to the industry of the country, or more oppressive to the borrower, could not be devised by Legislative ingenuity.

If therefore, the government would refrain from intermeddling in the price of money, interpose no penalties which should induce a portion of the lenders to retire from the competition at the moment the price should rise, and the influence of their competition is most wanted, there could be no such class of men in the community as extortionate money lenders; nor could money ever bring more than its actual value.

I am not aware of any single advantage resulting from restricting the price or interest of money; nor can I imagine but one reason for fixing (not restraining) by law the rate of interest at all, which is the saving to parties the trouble of such frequent negociation and bargain.

Many of the United States have endeavored to conform their standards of interest to those of the older States from which their settlers emigrated, and to guard these low standards by severe penalties; but they have, in most if not all such cases, discovered the folly of the attempt, and have abandoned it by raising the legal standard in some cases, giving up all restraint in others, and mitigating penalties in all; and experience has justified the change. Most of the old States have abolished or greatly mitigated the penalties which guard their usury laws.

INTEREST IN ENGLAND.

A. D.	1255, Edward	I.	50	per cent.
"	1307, Edward	II.	45	do.
"	1546, Henry	VIII.	10	do.
"	1604, James	1.	£9 16	do.
"	1610, James	I.	8	do.
"	1660, Charles	II.	6	do.
"	1714, Anne		5	do.

The legal rate still 5 per cent.

A laboured investigation in England, applied to a period of the last forty years, has established the fact, that the average actual or market rate of interest for that period, was 4½ per cent on securities of the highest credit in the Kingdom.

In many of the continental States of Europe, the actual rate of interest on the best security, is said to be lower than in England. The legal rate throughout the Continent, varies from 4 to 6 per cent, there are few penalties to guard the legal rate, and where they do exist they are not generally respected.

Professor McNicar remarks that those penalties are generally nugatory, but if not, they "are applied only to mortgage securities, while mercantile operations, which comprehend 99-100 of the whole, are left unshackled to the mutual benefit of the parties."

In New-England as well as in Pennsylvania, and Maryland, the market rate of interest varies from 5 to 6 per cent., the latter being the legal rate.

In the City of New York it is more fluctuating, and a shade higher. The loans in that City on bond and mortgage from March 1830, to February 1831, both inclusive, amount to $6,616,641, at an average interest of about 6½ per cent. The rate of interest at which loans are made on personal security are much more fluctuating; they are often made at 4 and 5 per cent, whereas at this time 9 to 10 per cent is readily obtained on the best personal security.

In the New States of the Union, South and West, the actual or market rate of interest, is generally from 8 to 10 per cent; and the amount to be obtained at these rates, not equal to their wants.

EXTRACT FROM Mr. MAYNARD'S OPINION.

As to the behests of conscience, the moralist might, with equal propriety and justness, condemn all sales of property for less than actual value. It is also equally immoral, except so far as the law furnishes an excuse or justification, to take advantage of the scruples of conscientious men, who feel bound to obey the statute, and borrow money at the legal rate when its actual value is known to be greater. The morality of every transaction depends upon its own peculiar circumstances. If imposition be practised, or advantage taken of ignorance, necessity, or confiding credulity, the transaction will be immoral, although adjusted with precise exactness to legal requirements. The practice of morality will be more extensively and powerfully encouraged by the deep and universal inculcation of its principles, than by the application of abstract, arbitrary, salutary provisions, affecting matters of business, to the infinitely diversified circumstances of human action and conditions.

Courts and individuals sometimes speak of usury laws with a sort of idolatrous veneration, as though they were of divine original or essence, the main protection of property, and the chief safeguards of civil society. One Judge has declared that they "have prevailed in all civilized countries, and in all time." Language of such bold and imposing import is apt to influence the mind without perception, and hurry it to conclusions without conviction.

Opinions acquire from long transmission, the attributes of wisdom, and continue to command assent without investigation, because they have been embraced with unanimity. The mind fails to grasp and estimate the changes wrought in the condition of mankind and clings to old maxims and rules long after the reason for them has ceased to exist.

England has had usury laws for two hundred and fifty years; but England claims to have enjoyed the blessings of civilization for a much longer period. In that country, usury forfeits all securities contaminated with it; and her courts exercise an acute perception and ceaseless vigilance to discover it and an unsurpassed inflexibility of purpose to enforce her statutes and punish all infractions. Yet the Legislature has been compelled to interpose to protect the community from the evils apprehended from judicial construction, and more recently, has instituted an enquiry as to the practical operation and effect of those laws with a view to their modification or repeal.

In France, interest is limited to five per cent on such securities as mortgages, and six on commercial transactions, but by a bonus paid before hand, and not forbidden, money is raised to its market value, and the law rendered nugatory.

In Holland, if there be any statute against usury, it is absolete, and the price of money varies with the market.

In Hamburgh,—the common law of the German empire is six per cent; but it is not applied to commercial transactions. The bill market is free. The rate of interest on accounts between merchants, is generally five per cent; but discount varies greatly.

Frankfort,—Five per cent on real security; but on bills, no limit.

Bremen,—no limit.

Russia,—Legal rate six per cent; but the law constantly evaded. The Imperial Bank at Petersburgh discounts at a rate fixed, every fortnight.

Austria.—Legal rate six per cent on real estate, but on bills unlimited.

Prussia.—Five per cent on real property, but unlimited on personal security.

Trieste.—Six per cent, but on bills either legally or practically, free.

Leghorn.—Six per cent between merchants on accounts, but no law regulating interest on commercial transactions.

Genoa.—Legal rate four per cent, but left free to individual agreement.

Spain.—Six per cent between merchants, but money is free.

Portugal,—The ancient and close ally of England, has usury laws, but they are evaded by means of a bonus or premium.

This review, comprising the most of commercial Europe, shews by the test of actual experience, the judgment of mankind upon the policy or utility of statutes against usury. On the continent generally they are a dead letter. In some states there are none, in others they are absolete and wholly neglected, and where they do exist, the facility of evasion by means of a bonus or premium actually paid, and not forbidden, renders them inoperative. Generally they are confined to mortgage securities, while mercantile operations are left unshackled to the agreement of the parties. England is the only country in Europe, where usury laws, with severe penalties exist, or are enforced with rigor. And there, it is said, the actual price of money is greater than on the continent. In the United States there is also much diversity of opinion. Several of the States have usury laws forfeiting the security, and subjecting the usurer to penalties, copied substantially from the English statute. Such was the law in Masachusetts, but it has been repealed, after an existence of more than forty years, and its place supplied by an Act forfeiting only treble the amount of interest exacted.

In New Hampshire and Pennsylvania, the securities are not made void, and securities for the payment of money may be purchased at any discount without incurring the penalties of usury.

In Rhode Island only the interest is forfeited, the principal is recoverable; and the statute is seldom if ever enforced.

In Missouri the legal rate of interest is six per cent, but the parties, may contract for ten, and if more be exacted the interest is forfeited.

In Illinois there is no statute regulating the price of money.

Kentucky adopted the English statute with all its penal provisions; but has abolished it (in 1819) and substituted one fixing the rate of interest without penalties. The principal and legal interest can now be recovered under any circumstance.

Ohio tried a usury statute with rigorous penalties, for twenty years, (from 1804 to 1824) then repealed it, and enacted another, merely fixing a rate of interest but imposing no forfeiture.

Alabama, after thirteen years trial of a statute against usury, fixing a rate of interest lower than her neighbours, Louisiana and Mississippi, changed it for one without restrictions.

This enquiry might be extended further with a similar result. It has been indulged to an extent sufficient to illustrate the fact, that the opinion and the action of the whole civilized world, are in favor of re-

laxation in the legal provisions affecting the price and the use of money.

Whatever may have been the necessity for statutes against usury at the time of their first enactment, or their immediate use, they were made for other times and a far different condition of the world. They came into existence before commerce had produced revolutions in business and property, and in the social condition. They were not enacted to regulate transfers of negotiable paper, but existed long before promissory notes were made negotiable by statute; before distant communities learnt to increase their comforts by an interchange of commodities; when manufactures, as a great and distinct occupation were unknown; the avocations of men, few and simple, and a vast proportion of the aggregate amount of property consisting of real estate; before paper had become the representative of money, extending its capacities and performing its uses. At that period, dealers in money were few, and those chiefly belonging to a proscribed race. Religious intolerance stimulated and sustained the policy of restriction.

Indeed, the statutes against usury were a relaxation of the absurd severity of the canon law, by which all interest was forbidden. It was a relaxation extorted from bigotry by the necessities of mankind.

Usury laws owed much of the veneration they inspired and long retained, to the influence of prejudice and intolerance. The spirit of the times condemned the usurer, as it did all heretics in matters of faith. The sentiment was universal, it pervaded all classes. The usurer was the object of vulgar prejudice, the "proud man's contumely," and "the bigot's scorn." They called him "misbeliever, cut-throat, dog, and spit upon his Jewish Gaberdine." Acting upon the universal prejudice, and ministering to its morbid cravings, the imperial powers of the monarch of the drama were exerted to confer upon him a deathless infamy.

That prejudice has had a long transmitted dominion over the human mind. But commerce and illumination have limited its sway, and weakened its power. It is now proclaimed from the highest tribunal in the land that "usury has long since lost the deep moral stain that was formerly attached to it, and is now regarded as immoral or illegal, only because it is forbidden."

If it be innocent in the judgment of mankind, a question arises for the decision of casuists, whether the immorality consists in the practice or the prohibition?

Great changes have been wrought in opinion, and greater still in the condition of the world.

If considerations of expediency could be tolerated, and if the question be doubtful they may be—the inquiry might well be indulged, whether it be the part of wisdom to draw tighter the cords of restriction against the general inclination now when the spirit of enterprise is abroad, alert and vigorous, searching every recess in creation for hidden treasure, and when every part of the globe is overshadowed by the restless wings of commercial adventure; when credit is indispensible in every department of business and the transfers of negotiable paper essential to its aliment and support.

EXTRACTS

FROM THE

REPORT OF THE BANK COMMISSIONERS

OF THE

STATE OF NEW YORK

TO THE

LEGISLATURE.

JANUARY, 23rd, 1836.

Annexed is a statement shewing the condition of each of the Banks subject to our supervision on the 1st instant. Their number is seventy seven, and the following statement exhibits their aggregate liabilities to the public, and their resources to meet them.

RESOURCES.

Loans and Discounts	$50,663,924
Real Estate	1,329,411
Stocks	427,442
Specie	4,974,856
Bank Notes of other Banks	8,186,573
Cash Items	1,055,077
Due from Banks	13,893,369
	$80,530,652

LIABILITIES.

Circulation	$18,955,818
Dividends unpaid	405,875
Due Canal Fund	3,038,347
Loans	463,500
Deposites	20,160,391
Due to Banks	16,430,717
	$59,504,649

Compared with their condition last year, it will be seen that the circulation and deposites have increased very much, and that they have therefore, been enabled to extend their accomodations to the community, and have increased the discounts near seven millions of dollars.

The apparent circulation is now		$18,955,000
Deduct Bank notes on hand		8,186,000
Leaves the actual circulation		10,769,000
Last year the apparent circulation was	$14,460,000	
Deduct Bank notes on hand	5,745,000	
Actual circulation		8,719,000
Increase of circulation this year		$2,050,000
The deposits now amount to	$20,160,000	
Last year they were	14,384,000	
Increase this year		5,776,000
The capital and profits on hand have increased about		1,150,000
		$8,976,000
The Canal Fund and other loans have decreased	$1,061,000	
The balance of Bank credits has decreased	1,159,000	2,220,000
Leaving an increase of means this year of		$6,756,000

The character both of circulation and deposites is too fluctuating to authorise discounts upon them to their full amount, and probably the extension of discounts is about as great as would be prudent and the amount is about as large as the Banks could make it and keep within the limits of the law.

More than half the increase of deposits is occasioned by the accumulation of government deposites in the City of New York, which are less fluctuating, and therefore more available than ordinary individual balances.

Although the business of the Banks during the last year has been large beyond example in this State, yet their means have been extensive, busines has been active and prosperous, and we believe them all to be in a sound, healthy and safe condition.

The demand for money occasioned by the late calamitous destruction of property in the City of New York, the encreasing probability that the commercial interests of the country may be subjected to embarrassments growing out of our foreign relations; the strong probability that in any event a large portion of the government deposites may be drawn from New York to be expended elsewhere in the country; and the uncertainty, as yet, attending the manner in which the branch Bank in New York is to be wound up, are all considerations, we think, which should inspire caution on the part of the Banks, and induce them to prepare for a different state of the money market from that

with which they have been favored the last few years, and especially the last.

Considering it desirable to be enabled to present a complete statement of the condition of *all* the Banks of the State, on the first instant, we previously addressed a circular to these Institutions not subject to our supervision, requesting a statement of their condition on that day.

All of them have very cheerfully complied with the request, and furnished their statements, except the Bank of Rochester. Annexed will be found a table shewing their condition individually, and aggregate statements of all the Banks of the State, distinguishing between the safety Fund Banks and others, and between those located in the City of New York and elsewhere.

For the purpose of instituting a comparison between our Banks and others in respect to their means immediately available, (without resort to their discounted debt) and those liabilities which they are subject to be called upon to discharge on demand, we have compiled the following table from a recent report of the Secretary of the Treasury, from our own reports, and from the last report of the Banks in Massachusetts.

LIABILITIES AND MEANS OF BANKS.

	Deposite Banks Dec. 1st, 1838.	Massachusetts Banks, May, 1838.	Bank of the U. S. Nov. 2d, 1838.	N. Y. City Safety Fund Banks, Jan. 1st, 1839.	Country N. Y. Banks in the State of N. Y. Jan. 1st, 1839.	All the Banks of the State of N. Y. Jan. 1st, 1839.
IMMEDIATE LIABILITIES.						
Circulation	$ 21760000	$ 9480000	$ 23081000	$ 6229000	$ 12606000	$ 21127000
Individual Deposites	12501000	11921000	5406000	10649000	3461000	19116000
Government Deposites	2472400	.....	588000	6049000	.....	9291000
Due to Banks	8726000	3490000	2828000	11258000	5171000	19783000
	$ 67737000	$ 24841000	$ 31853000	$ 34335000	$ 21238000	$ 69317000
IMMEDIATE MEANS.						
Specie	$ 9597000	1136000	$ 10224000	$ 3623000	$ 1351000	$ 6221000
Bank Notes of other Banks	8359000	2097000	264960	6211000	1974000	10237000
Due from Banks	11202000	3797000	3514000	8012000	5881000	15991000
	$29158000	$ 7030000	$ 16087000	$ 17846000	$ 9206000	$ 32452000

A comparison with all the deposite Banks in the Union is supposed to be a very fair one, as they have been selected probably from among the best and soundest institutions in the country.

Their means and those of our country Banks it will be seen amount to about 43 per cent of their liabilities. Those of the United States Bank, and the New York city banks, to a fraction more than 50 per cent. Those of all the Banks of this State to over 40 per cent; and those of the Banks in Massachusetts to about 28 per cent.

The Bank fund now amounts to upwards of $530,000. A surplus of revenue arising from it up to the 1st of January, inclusive, amounting as we estimate it to about 2 and ½ per cent upon the amount previously paid in, is now in the treasury and we understand will be divided in a short time among the Banks entitled to it.

The measures adopted at the last session of the Legislature for the suppression of the small Bank notes, have so far as they have yet gone into operation, occasioned as little inconvenience as was to have been expected. The effects of the change were not sensibly felt until about the 1st of September and since that time a large amount of specie has been put into circulation, which will be very much increased after the issues of the three dollar notes shall have ceased. As yet the Banks in the interior have found no serious difficulty in obtaining the requisite supply of specie from the cities, and most, if not all of them, have been obliged to resort there for it.

It is believed that in general the law has been very fairly carried into operation, and with much less difficulty in consequence of the co-operation of some of the adjoining States, which have adopted the same policy. Our Canadian neighbours, however, circulate a very large amount of small bank notes, which are taken as freely on the adjoining frontier of this State, as our own notes or specie. In a considerable portion of St. Laurence county, where the intercourse of the inhabitants is chiefly with Canada, the law is entirely disregarded. It is more or less so in the counties bordering upon Vermont, in the extreme Western counties and in the city of New York. It will be found impossible we apprehend, to enforce the law effectually, so long as the small notes are issued by the Banks of the adjoining States.

There are but few ones and twos now circulating in the interior of the state, and the amount circulating in the other districts alluded to bears but a small proportion to the amount withdrawn by our banks.

Notwithstanding the discussion which this measure received in the last Legislature, and in the public prints, a large portion of the community seem not to have apprehended all the reasons for its adoption, and to have regarded it rather as a precautionary measure to protect bill holders against losses, than as one intended to effect more general purposes by enlarging the metallic basis, and thereby adding strength and stability to the entire currency of the country. Feeling no danger themselves, but possessing entire confidence in the ability of the banks, and finding some more inconvenience in the use of silver than small notes, when the effects of the law were first felt, they to a considerable extent regarded it with disfavour. Now, since the small silver coins have got into circulation and the trading community have become accustomed to the change, the law it is believed meets

the public approbation much more generally, and to the banks, so far as we know is quite satisfactory.

The one and two dollar notes are already mostly out of circulation. The amount of Bank notes in circulation, instead of being diminished by their suppression, it has been seen has increased more than two millions. This is undoubtedly owing to the abundance of money, the activity of business, and other causes unconnected with the measure alluded to.

One of the anticipated effects of the measure, was the enlargement of the stock of specie in the country banks, and this begins already to be apparent. The increase since the first of January last is $148,000, and a considerable addition to the stock now possessed will be required to meet the demand to be occasioned by the withdrawel of the three dollar notes after the first of March.

It is hoped that a much larger supply of the small gold coins may be furnished by the mint in season to meet that demand. A very considerable amount of Quarter Eagles has been put into circulation within the last two years, of which but very few are now to be seen either in circulation or in the banks. They must be kept in small amounts by individuals into whose hands they have fallen, and until the coinage becomes large enough to make them plenty, probably cannot be expected to circulate freely.

The propriety of increasing the Banking Capital of the State, always a subject of great delicacy and importance, is rendered unusually so at this time, by the unprecedented demand upon the Legislature from all parts of the State, indicating as it would seem a strong current of popular opinion in its favor.

The causes which have operated to produce the conviction that a very large increase of legitimate banking business, calls for this enormous addition to our Bank Capital, are truly and forcibly set forth in the Governor's Message, and they are such as are well calculated to escape the notice of those whose opportunities of observation are at all limited. An unusual press upon the Banks for discount by persons engaged in trade, while money at the same time is plenty, is naturally attributed to a corresponding increase of their business, without suggesting the inquiry whether other causes may not have contributed to withdraw from trade some of the capital which it had usually employed.

The business operations of the last year have been of the most extraordinary character both in amount and variety. Foreign exchange being in our favor, a large amount of specie has come in, the United States bank has extended its loans many millions, the government deposites have accumulated rapidly, so that money has been plenty and the banks have been enabled without embarrassment to sustain a line of discounts exceeding that of any former year. Notwithstanding the abundance of money produced by these circumstances, the demand for it has scarcely ever been greater.

Immense investments have been made in stocks, in Western lands, in City and Village lots in almost every part of the State, and in real estate of every description.

These investments being esteemed more productive than capital at interest, have absorbed very large sums which heretofore have been, or otherwise would have been, in various ways, brought into use in aid of the Mercantile interest, or the different branches of productive industry. Agricultural productions which, for several years, have borne liberal prices, have advanced still further during the last season, and to an extent difficult to be accounted for by any known increase of demand or deficiency of crops.

A diminished production, in consequence of emigration; an increased demand for consumption upon works of internal improvement and in the manufacturing establishments, may have had some influence upon their prices, and it would be gratifying to feel assured, beyond all question, that they have not been influenced by a redundant currency. It is natural that the price of lands should advance as the productions of agriculture appreciate in value, and quite as natural that when on the advance *excitement* should operate to speed its velocity towards the point of reaction. Looking at the immense operations to which we have alluded, altogether unprecedented both in variety and amount, it is difficult to resist the impression that much has been the result of excitement. Excitement upon such subjects is difficult to be avoided, even by the more prudent and calculating part of the community. He who stands by and witnesses the profits realized by a single operation, equalling perhaps the accumulations of his whole life of industry and perseverance, and witnesses such operations not occasionally only, but as familiar every day occurrences, must possess an unusual indifference to gain, or an exceedingly well balanced mind, not to be affected by the mania for speculation.

Operations of this kind, particularly in City and Village lots to be occupied, perhaps, by the next generation, and the value of which of course is entirely imaginary, have been so common of late, as to have engaged much of the public attention, and become matters of notoriety.

The existence of an adventurous spirit of speculation is injurious to the community at large, as unsettling the relative value of property, inducing improvident investments of capital which might be otherwise usefully employed in the pursuits of industry, but more especially injurious in its influence upon the industrious habits of business men.

The minds of the young particularly, who are just entering upon business, are perverted by this sudden though hazardous means of obtaining wealth from the more sure and steady pursuits of industry and economy, which administer so largely to the comfort, quiet and order of society. Rapidity in the accumulation of wealth, (however desired by all,) almost invariably leads to extravagance in its expenditure, with the attendant and contagious evil of its example.

The banks, it is believed, have not been the voluntary instruments of encouraging the excitement for speculation; but yet it cannot be doubted that much actual capital has been withdrawn from ordinary business, to carry on these speculations, and its place supplied by credits at the banks, of an actual or supposed business character.

It surely cannot be a cause of complaint that individuals possessing capital should invest it in Government lands at the West, or in lands or lots within the State, or elsewhere, for the purpose of realizing the best profits they can; indeed we may safely calculate upon speedy and rich returns from the capital invested in the productive regions of the West. But if an excited spirit of speculation is abroad, and requires to be fed with an extravagant increase of banks, all will agree that if it were desirable to sustain or encourage its enterprises, this is not the appropriate means of effecting the object. By connecting the currency with the success of such enterprises, we should not only

give fresh impulse to the excitement, but expose the whole community to the disastrous consequences of a revulsion.

On the other hand, to whatever extent capital formerly invested upon interest, and directly or indirectly employed in trade, may have been withdrawn in consequence of the prospect of a more productive investment elsewhere, (and in reference to the enquiry under consideration it is quite immaterial whether such investment may be judicious or not,) a new credit would seem to be required, in order to sustain the interests of trade, and to that extent a recourse to the banks appears natural and proper.

For although the creation of banks creates no new capital, yet banks do furnish to the community, beyond the amount of their capital, a credit which answers the purposes of capital to men in business.

They also distribute capital in their neighborhoods drawn by means of their stock from other places and other investments, and *locally*, therefore, produce an actual increase of capital.

In so far, therefore, as the mercantile or manufacturing interests may demand an enlargement of the banking capital to supply the place of capital recently withdrawn from their use, and permanently invested elsewhere, we do not perceive why the application is not a fair one, unless it be conceded that we had too much before.

So also in regard to the increase required to meet the constantly growing demands of business.

Such considerations, however, from their nature, approximate but little towards any definite rule of action upon the subject. In this country every thing in the way of business progresses with such astonishing rapidity, in consequence of its new and immense resources, which are daily developing, that no human mind can undertake to measure the amount of currency which may be sufficient for our wants, and yet not sufficient to derange the value of property. Banking with us is an experiment, in a great measure unknown to the rest of the world, and we should therefore proceed with caution as the lights of experience may guide us.

The question is, how far is it safe to extend this system of credit?

Upon any rational calculation which we are capable of making, we cannot believe that the amount of additional bank capital actually required, and which might be safely granted, bears any respectable proportion to the amount petitioned for. But yet we do believe that some additional bank capital is required and may safely be granted.

In our estimates upon this subject it should be borne in mind, that besides the direct increase of banking capital which has been made within the last few years, there has also been an indirect increase by the accumulation of canal fund money's in the hands of the banks, by the government deposits, &c.

The possession of these funds has enlarged the ability of the banks to discount as upon nearly so much additional capital, and it is only by the use of them now, that the banks are enabled to sustain the large amount of their discounts.

The following table will show the progressive increase of capital, other means and business of the safety fund banks, for the last four years, by which it appears that their loans to the community during that period have almost doubled.

PROGRESSIVE INCREASE OF CAPITAL IN THE SAFETY FUND BANKS.

	1832 1st January	1833 1st January	1834 1st January	1835 1st January	1836 1st January
Capital	$ 18755000	$ 20175000	$ 22730000	$ 26231000	$ 26531000
Canal Fund	2122000	2745000	2572000	3057000	3088060
Government deposites	.....	.....	2409000	2094000	6049000
Individual deposites	5783000	7909000	8402000	12200000	14110000
Circulation	12005000	12215000	15402000	14461000	18955000
	$ 38665000	$ 43044000	$ 51515000	$ 58736000	$ 68733000
Loans and discounts	32824000	35568000	46496000	52853000	59663000

We have heretofore expressed the opinion that in the distribution of Bank Capital, the public interest would be better promoted in most instances, by encreasing the capitals of existing Banks, than by the creation of new ones.

The reasons for that opinion are given in our Report of 1834, and we think they apply with peculiar force at this time. It is *Capital* that is now wanted, not *Currency*. The circulation of the Banks is now much larger than usual, which shews that money is plenty, although capital may be wanted, and certainly is in demand.

It can be furnished to the community with a less increase of circulation by enlarging the present than by establishing more Banks.

In the city of New-York, where we think more capital is required, we should esteem it desirable to enlarge the capitals of the smallest class of Banks, as well as to raise some of the others up to the highest class.

In the country there are some few instances in which new Banks would better accommodate the public, (without being particularly objectionable in other respects,) than an increase of existing capitals, although generally we should think otherwise.

The $100,000 capitals we have always considered too small, and within a suitable time, should deem it desirable to have them encreased, as well for the purpose of affording more security for the liabilities, as more accommodation to the public.

If any new bank capital should be authorised, it will be important to have it taken by individuals who possess actual capital to invest, without raising it upon the credit of the stock itself, as we have found has sometimes been done.

The law now requires the capital to be actually paid in and there can be no hardship in requiring the money to be raised without pledging the stock upon which it is paid.

This may be accomplished by a provision prohibiting the hypothecation of the stock for any purpose whatever, say for one year after the original issue of the certificate; and in our opinion it would be a wise and salutary provision.

We also suggested in our report of last year, the propriety of prohibiting all the banks from receiving hypothecations of the stocks of other banks, and subsequent observation and reflection have confirmed the impression then entertained, that such a provision would be salutary in its influence, without being justly considered as oppressive either upon the banks or upon the holders of such stocks.

Respectfully submitted,

C. STEBBINS.
GEO. R. DAVIS,
LEWIS EATON.

Albany, Jan. 23d, 1836. *Bank Commissioners.*

Documents accompanying the Report of the Bank Commissioners.—Bank Statements.

RESOURCES.

	Bank of America.	Mechanics Bank.	Phenix Bank.	Merchants Bank.	Bank of New York.	Union Bank.	National Bank.
Loans and Discounts.....$	4949190	$5013416	$3304597	$2880154	$2486391	$2161381	$1500565
Real estate.....	77348	70569	62384	43556	90000	32106	29284
Stocks.....	55425	447					
Over—drafts.....	4619	66490	.....	1192	2855	6924	2297
Personal estate.....	.....	.....	.....	.....	.....	.....	617
Expenses.....	.....	24506	.....	3086	.....	3884	6427
Bank Fund.....	34565	34356	11123	22379	22500	19347	13656
Specie.....	1114840	910213	207568	203955	191320	163621	92094
Notes of other solvent Banks.....	558235	1330237	682903	879338	419165	1328303	101122
Checks and other Cash items.....	.....	1000	.....	19215	40020	.....	134200
Funds on deposite in N. Y. & Albany..							
Due from other Banks and Corporations	1504005	1587206	756355	1304547	431578	640402	382228
	8298317	9038500	$5025235	$5447422	$3683820	$4336033	$2262589

LIABILITIES.

Capital.....	2001200	$2000000	$1500000	$1400000	$1000000	$1000000	$750000
Circulation.....	561264	839450	307188	570253	745205	902177	309335
Profits.....	324244	548360	144277	219171	205080	138151	100802
Deposites on Debts.....	.....	52587	.....	.....	.....		
Dividends unpaid.....	90976	13374	62667	14781	7703	9349	4238
Due, Canal Fund.....	.....	.....	112500	50000	.....	100000	162500
Loans on time.....	56000	.....	.....	.....	300000		
Deposites.....	4071274	4413321	1255906	1388838	1107936	978962	517127
Due other Corporations.....	1193359	1171408	1642607	1764379	317905	1227305	416087
$	8298317	$9038500	$5025235	$5447422	3683820	4336033	2262589

Dividends the last year.....$	150197	$160000	$120000	$104802	$80000	$ 80000	$ 52500
Directors liabilities as principals.....	71272	87223	65004	51022	74740	167832	45069
Do do " sureties.....	381549	115269	200000	96291	67996	101891	106051
Stock owned by Directors.....	126000	59175	134500	59900	22000	134550	80500
Loans 1st July—1835.....	4703403	4830026	3903801	3381603	2561809	2442025	1679259
Circulation. do	505369	442578	269915	385092	461199	593791	304874
Specie.....	964429	707804	431927	329343	394831	271247	128100

RESOURCES *Continued.*

	Merchants Exchange Bank.	City Bank	Leather Manufacturers' Bank.	Butchers' and Drovers Bank	Commercial Bank of New York.	La Fayette Bank.	Tradesmens' Bank.
Loans and discounts.....	$1761148	1797019	1258736	1097030	1151120	840578	978174
Real Estate,.....	20376	42047	20000	52524	23330	8700	24000
Stocks.....	.....	.....	.....	.....	.....		42428
Over—drafts.....	.....	.....	359	994	2954	653	2102
Personal Estate.....							
Expenses.....	.....	7538	5139	3746			
Bank Fund.....	12441	12600	9508	7328	609	416	7000
Specie.....	147364	105723	82094	59682	50183	58922	50171
Notes of other solvent Banks.....	223803	151429	142236	49375	96893	40640	67021
Checks and other cash items.....	.....	241806	5242	300			10000
Funds on deposite in New York, Albany							
Due from other Banks and Corporations	212202	213677	188129	58376	175049	83127	135924
	2377394	2571819	2712443	1332265	1550143	1032436	1316720

LIABILITIES—*Continued*

Capital.....	$750000	720000	600000	500000	500000	500000	400000
Circulation.....	226824	345659	243118	296256	188356	141005	155771
Profits.....	93968	160805	67065	88054	15591	6071	82513
Deposites on debts.....							
Dividends unpaid.....	2141	6642	3202	739	20868	20206	17062
Due Canal Fund.....			100000		100000	100000	
Loans on time.....							
Deposites.....	462276	498709	315443	359284	224341	126922	383184
Due other Corporations.....	842183	839939	383314	88034	450187	138232	278190
	2377394	2571844	1712443	1331265	1550143	1032436	1316720

Dividends the last year.....	$60000	50100	42000	40000	37500	37500	32000
Directors liabilities as principals.....	69197	161209	35237	64963	100550	135031	23709
do do sureties.....	115837	78135	133360	50225	57999		104508
Stock owned by Director.....	61350	104030	159950	17775	74600	158200	61320
Loans 1st July 1835.....	1697665	1798055	1251714	1180841	931652	978926	978793
Circulation do.....	167689	355219	138819	235186	140992	118698	154665
Specie do.....	114369	256596	77462	56075	49397	31416	68240

RESOURCES CONTINUED.

	Mechanics and Traders Bank	Seventh Ward Bank.	Greenwich Bank.	Brooklyn Bank.	Westchester County Bank.	Bank of Newburgh.	Highland Bank.
Loans and discounts	$ 467267	$1096033	$ 466461	$ 411780	$ 416161	$ 330817	$ 400693
Real estate	12313	6105	15419	10565	9400	13013	
Stocks	19198	... .	.....	.....	.....	20000	
Over-drafts	3267	14505	8855	.....	738	2000	
Personal Estate	.....	.....	1207				
Expenses	.....	.....	4951	2831	.....	251	461
Bank fund	4736	3095	4972	3175	1339	3416	291
Specie	31523	85311	66264	12350	20130	17672	20405
Notes of other solvent banks	21226	71373	42174	64199	2281	21552	8024
Checks and other cash items	2657	5444	22835	11507	2985	25563	47743
Funds on deposite in N. Y. & Albany	.....	....	... ...	43202	110245	55856	66265
Due from other banks and corporations	70569	119108	59236	....	1579	22514	1821
$	632756	1401064	692464	559709	504858	513554	551706

LIABILITIES, *Continued.*

Capital	$ 200000	$ 500000	$ 200000	200000	200000	140000	200000
Circulation	150191	224724	141345	169511	300635	214207	282730
Profits	32339	36672	22043	24498	15232	36103	9400
Deposites on debts	.....	.....	46				
Dividends unpaid	8612	21260	709	725	1358	1490	4852
Due canal fund	.....	.....	37500				
Loans on time							
Deposites	167380	296409	182778	158874	47633	87416	39880
Due other corporations	73734	321999	107748	6191	.....	32383	14886
$	632756	1401064	692464	559709	504858	513554	551706
Dividends the last year	$ 16000	40000	14000	16000	18000	16000	14000
Directors' liabilities as principals	2658	68328	33446	29584	10488	11339	31883
do do. as sureties	47240	86446	29245	26138	8081	30080	17579
Stock owned by Directors	51825	185500	11200	126589	30250	42192	50650
Loans 1st July, 1835	467620	1276974	489756	470891	415790	334060	261962
Circulation do.	176151	178160	151098	209311	292890	194402	200688
Specie do.	40458	66378	54628	13286	23875	19576	13169

RESOURCES, *Continued.*

	Orange County Bank.	Bank of Poughkeepsie	Farmers and Manufacturers' Bank.	Ulster County Bank.	Catskill Bank.	Farmers' Bank.	Hudson River Bank.
Loans and discounts	255438	226322	554795	229252	353901	219310	360162
Real Estate	25682	9262	17827	6475	18639	5500	4000
Stocks							
Over-drafts	3802	4006	271	1590	1221	.....	596
Personal estate							
Expenses...	158	.....	... .	870			
Bank fund	1497	2570	1325	1600	4386	2166	3512
Specie...	15039	16685	20213	11936	14270	9734	31369
Notes of other solvent banks	6853	4437	7077	7319	15405	21369	12116
Checks and other cash items	6541	3924	34158	.....	2103	2657	3682
Funds on deposite in N. Y. & Albany	54117	57399	75667	42878	83227	83347	174567
Due from other banks and corporations	.. ..	3741	23113	2140	25221	1530	
$	369127	328346	734446	304060	518633	345613	590004

LIABILITIES, *Continued.*

Capital...	105661	100000	300000	100000	150000	100000	150000
Circulation.....	201033	169780	325220	127720	256045	191624	276048
Profits.....	15224	20957	19403	12163	20182	14049	13285
Deposites on debts.....	3613	303	75	.....	4214	1903	
Dividends unpaid	280	... .	.....	1422	189	1052	6355
Due canal fund..... ...							
Loans on time.....							
Deposites.....	40325	31523	77528	55658	76529	29248	105803
Due other corporations.....	2991	5783	12211	7097	11474	7737	37613
$	369127	328346	734446	304060	518633	345613	590004
Dividends the last year.....	7396	9000	.....	9000	13500	9000	27000
Directors liabilities as principals.....	15456	14425	26287	8826	23204	11312	20915
do. do. as sureties.....	16190	8125	55506	10217	18567	19675	27875
Stock owned by Directors..... ...	9230	25500	71000	27950	42041	42150	55450
Loans 1st July, 1835.....	213122	229627	505609	215073	366135	204994	367177
Circulation do	157578	173286	236933	134232	208700	143767	267904
Specie do	12194	15889	12111	11300	8761	7485	14524

RESOURCES, *Continued.*

	Bank of Albany.	Mechanics and Farmers' Bank.	New York State Bank.	Canal Bank.	Albany City Bank.	Bank of Troy.	Farmers Bank.
Loans and discounts,	$ 599069	$1104275	$ 864880	730848	$1198933	$1070288	$ 678508
Real estate.	7413	30000	47253	....	...	12000	19461
Stocks	....	100000	43500	...	....	46144	
Over-drafts.	1025	35479	11102	139	4574	107	5400
Personal estate	....	..	....	765			
Expenses.	1371	....	3058	....	3103	1172	
Bank fund.	7200	10978	8718	8833	3125	10743	6950
Specie	24226	132622	60431	28387	125116	44632	18405
Notes of other solvent banks.	27163	151635	210632	20903	329512	14763	33145
Checks and other cash items.	368	170047	4826	7020	19807	74312	1839
Funds on deposite in N. Y. and Albany	....	100000	129688	29839	615984		
Due from other banks and corporations	1907	359328	48127	84996	103040	2403	18812
	$ 669742	2194363	1427218	911725	2103214	1276864	782520

LIABILITIES, *Continued.*

Capital	240000	442000	369600	300000	500000	440000	278000
Circulation	133618	270916	142849	133120	212807	212591	130089
Profits	38208	182945	89325	33742	49444	87581	26568
Deposites on debts.		100					
Dividends unpaid	3261	1915	1961	528	863	432	4470
Due canal fund	78500	109083	92886	105000	108000	159047	50000
Loans on time							
Deposites	148670	194564	131031	103770	90659	84704	66375
Due other corporations	27425	991941	599561	235205	1441436	292509	227018
	$ 669742	2194361	1427218	911725	2103214	1276361	782520
Dividends the last year.	19200	35360	29568	24000	20000	39600	50040
Directors liabilities as principals	57310	51409	49044	24754	45387	42142	33996
do do as sureties	16141	52813	42390	77130	69650	48460	43562
Stock owned by directors	27150	109939	58184	50880	92350	73020	56800
Loans 1st July, 1835	573547	824254	916803	684136	945411	984136	649140
Circulation do	116180	187631	111057	89026	129088	219142	143439
Specie do	20609	53926	35624	24094	45064	17377	16079

RESOURCES, *Continued.*

	Merchants & Mechanics Bank.	Troy City Bank.	Lansingburgh Bank.	Bank of Whitehall.	Essex County Bank.	Saratoga County Bank.	Mohawk Bank.
Loans and discounts	666292	646729	297618	247898	212998	248875	290980
Real estate	13368	16000	7000	3939	9860	4918	52130
Stocks							
Over-drafts	249				425	27	3811
Personal estate				436			
Expenses	1324		909	269	497	279	666
Bank fund	7313	1960	2100	2142	1058	2041	4950
Specie	14741	17146	8095	9243	6370	10054	15736
Notes of other solvent banks.	41368	15695	13611	15321	9154	19838	6198
Checks and other cash items		9604		15	6648	4252	548
Funds on deposite in N. Y. & Albany	119025	58000	1019	46949	21913	36764	65749
Due from other banks and corporations	39034			5094			
	902714	766084	330262	331206	268923	327048	440777

LIABILITIES, *Continued.*

Capital	300000	300000	120000	100000	100000	100000	165000
Circulation.	107913	182586	159615	143002	129373	160032	107631
Profits	38125	34710	9014	14570	4062	17916	18823
Deposites on debts.		500				1234	
Dividends unpaid	424	50	347	663	231	618	750
Due canal fund	164478	100000		45830	20000	25963	38806
Loans on time	100000						6000
Deposites	49123	51684	35158	22998	14357	10956	103255
Due other corporations	142651	96504	6128	4143		10329	512
	902714	766084	330262	331206	268923	327048	440777
Dividends the last year	24000	24000	4800	10000	9000	10000	9900
Directors liabilities as principals	38892	58595	5891	6837	12621	11600	1200
do do as sureties	55019	29025	24396	11930	6994	19235	24050
Stock owned by directors	40650	58650	20260	27500	5300	43125	30500
Loans 1st July, 1835	741940	739484	274414	242000	229235	248448	270453
Circulation do	101654	190707	179636	142853	129084	131848	73951
Specie do	8658	7806	8501	6737	3297	7941	12138

RESOURCES—*Continued.*

	Schenectady Bank.	Montgomery County Bank.	Central Bank	Otsego County Bank.	Herkimer County Bank.	Broome County Bank.	Bank of Chenango.
Loans and discounts	$ 365780	239566	281112	243845	415576	223684	2584493
Real Estate	.....	1909	7527	3310	6352	8500	8287
Stocks							
Over—Drafts	565	.....	.....	108	.....	.....	319
Personal Estate	695						
Expenses	2363	151	374	.....	1622		78
Bank Funds	2250	2125	2897	2572	2342	1583	3000
Specie	20047	7379	12728	11574	113609	27540	18639
Notes of other Solvent banks	21874	2953	25006	23207	20304	11904	4841
Checks and other cash items	1214	664	2199	3131	.....	165	1500
Funds on deposite in N York and Albany	67173	45721	47262	45018	175669	32208	62812
Due from other Banks and Corporations	.....	.....	644	2388	1874	2943	
	481961	300468	379749	335153	637348	308527	357969

LIABILITIES—*Continued.*

Capital	$ 1500	100000	120000	100000	200000	100000	120000
Circulation	224619	165256	202314	176375	367719	164469	204983
Profits	14817	8624	17788	25563	17973	12508	8555
Deposites on debts	4356	.....	.....	3174	.....	.....	4793
Dividends unpaid	906	.....	112	120	10	15	16
Due Canal Fund	20000	.....	25000	.....	23257	10000	
Loans on Time	1500	.....					
Deposites	59618	24198	12093	27887	23070	20437	15463
Due other corporations	6145	2390	2442	2084	5319	1098	4160
	$ 481961	300468	379749	335153	637348	308527	357969
Dividends the last year	$ 1200	10000	4800	8000	16000	10000	10800
Directors liabilities as principals	17926	13531	13514	10760	22482	23115	12827
do do sureties.	28324	15799	26460	19725	41901	7486	15351
Stock owned by Directors	43400	42850	72180	54350	55575	53875	52320
Loans 1st July 1835	369278	219528	271187	236919	369080	229033	289189
Circulation do	194710	133892	153794	189891	216103	161047	226361
Specie do	19041	7792	13089	9247	10527	15854	14324

RESOURCES *Continued.*

	Madison C'y. Bank	Bank of Utica and Branch	Bank of Rome	Lewis County Bank	Jefferson C'y. Bank	Sackets Harbor Bank.	Ogdensburgh Bank
Loans and discounts	$ 239480	1265551	247375	245315	189682	331954	234638
Real Estate	589	42798	22030	2096	4660	2886	6422
Stocks		100000					
Over—drafts	189	100	563	214	99	1867	59
Personal Estate							
Expenses	511	2879	2751	419		1593	224
Bank Fund	2166	14500	1035	557	2400	151	2437
Specie	13552	42885	6710	4305	10362	14550	30222
Notes of other solvent Banks	7778	72290	2497	27440	2057	11540	11838
Checks and other cash items	1379	8242	8195	10764	5816	1239	5631
Funds on deposite in New York Albany	68366	94000	37776	58213	60257	47297	49769
Due from other Banks and corporations	2628	106571	1439	280	5751	9945	3815
	341948	1749816	330371	349607	282014	423022	345055

LIABILITIES —*Continued*

Capital	$ 100000	600000	100000	100000	80000	200060	100000
Circulation	177568	751885	262835	192656	134495	175269	129111
Profits	8346	71561	16533	13486	24153	13059	12871
Deposites on Debts	532	33298	3916	107	1296	2364	4333
Dividends unpaid		1735	5	69		45	4550
Due Canal Fund	27000	66968	19775				30000
Loans on Time							
Deposites	23912	141027	23382	35959	36516	23442	55194
Due other Corporations	4290	83312	3925	7337	5554	8843	8996
	341948	1749816	330371	349607	282014	423022	345055
Dividends the last year	$ 15000	54000	10000	10000	8000	10000	10000
Directors liabilities as principals	18042	52560	18135	8058	2500	23857	11557
do do sureties	13845	139617	10407	21963	20891	22882	18518
Stock owned by Directors	46100	91620	19900	32250	20656	45700	42500
Loans 1st July 1835	243963	1224081	227639	219264	193623	223811	207466
Circulation do	153161	551128	143793	170015	102761	161544	96247
Specie do	12100	45369	11507	7218	11756	21085	9193

RESOURCES.—*continued.*

	Bank of Oswego.	Bank of Salina.	Onondaga County Bank.	Bank of Auburn.	Cayuga County Bank.	Seneca County Bank	Bank of Geneva.
Loans and discounts	$ 375230	$ 352163	$ 381827	493448	487758	396592	743606
Real Estate		6493	3218	1712	18613	4913	8787
Stocks							
Over-drafts		193	20200	947	4	313	351
Personal Estate			2000			580	585
Expenses	2409	952	7159		1351		
Bank Fund	3211	1594	3037	5000	1705	2416	10000
Specie	9415	18442	23093	16004	23375	10457	41166
Notes of other solvent Banks	8030	4832	9620	21120	31020	23797	79431
Checks and other cash items		10796		3997	3511	220	
Funds on deposite in N. Y. & Albany	20967	35667	133329	106307	108991	79452	214673
Due from other Banks & Corporations	4154	8534	24052	8774	5527	29730	13825
	$ 423416	$ 439606	$ 609335	673624	681855	548470	1112424

LIABILITIES.—*continued.*

Capital	$ 150000	150000	150000	200000	250000	200000	400000
Circulation	145910	163128	246066	317086	268159	196449	401111
Profits	25177	14870	20619	111247	25989	16113	98005
Deposites on debts	906		251	145		3319	8757
Dividends unpaid		365		8118	390	10	15280
Due Canal Fund	48491	4869	108905		77814	46817	50547
Loans on Time							
Deposites	45459	44434	66356	20451	38225	45727	5181
Due other Corporations	7473	18114	17108	16577	21278	40035	86863
	$ 423416	439606	609335	67362	681855	548470	1112434
Dividends the last year	$ 15000	15000	16500	16000	20000	20000	40000
Directors liabilities as principals	3332	9361	32000	9200	19075	13006	34950
do. do. sureties	41775	25332	6251	27218	13608	39106	39200
Stock owned by Directors	16150	35200	42000	112825	52750	87400	76302
Loans 1st July, 1835	355609	363868	334375	475892	477071	496162	933486
Circulation, do.	151867	138269	160707	346731	256068	289955	507034
Specie	11305	13386	26024	18454	19994	1248	35421

RESOURCES *continued.*

	Bank of Ithaca.	Yates County Bank.	Chemung Canal Bank.	Steuben County Bank.	Wayne County Bank.	Ontario Bank & branch.	Livingstone County Bank
Loans and discounts	$ 445622	25550	371196	310965	238309	1042077	349939
Real Estate	14139	336	9313	9059	17131	47196	2009
Stocks							
Over drafts	5566	89	567	14		3267	29
Personal Estate			921				
Expenses	846	624				1070	111
Bank Fund	4791	645	2191	2163	2850	13750	2666
Specie	14661	8218	17597	20272	13776	21649	17015
Notes of other solvent Banks	19069	26086	9532	34821	23368	39043	3367
Checks and other Cash items	3764	6961	4065	200		8960	
Funds on deposite in N. Y. and Albany	70526	15956	26963	49881	25629	115109	103768
Due from other Banks and Corporations	2269	546	1784	218	5683	35346	
	$ 581252	319801	444129	429557	326746	1327467	378895

LIABILITIES *continued.*

Capital	$ 200000	100000	200000	150000	100000	500000	100000
Circulation	272610	127067	113917	202765	149824	420467	161609
Profits	38280	4578	9691	14980	14619	114133	33162
Deposites on debts		4003	5268	4152	4272	881	
Dividends unpaid	175	421	10250	200	3731	145	252
Due Canal Fund	25000	28032	18219	28247	30315	85612	25000
Loans on Time							
Deposites	40133	18967	38684	22215	18305	130409	43466
Due other Corporations	5054	37434	46110	6998	5680	75821	15406
	581252	319801	444129	429557	326746	1327467	378895
Dividends the last year	$ 200000	12000	21000	15000	10000	15000	15000
Directors liabilities as principals	8400	26010	27288	11332	10273	22374	11920
no do sureties	43462	6000	21554	11974	18554	10575	7040
Stock owned by Directors	76940	17200	33850	35250	40050	88050	20600
Loans 1st July, 1835	454270	241670	411825	334442	249298	611019	249778
circulation do	281077	145120	199264	222855	182552	312256	194615
Specie do	11119	7948	9318	8978	11755	21377	10875

RESOURCES, *Continued.*

	Bank of Munroe.	Bank of Orleans.	Lockport bank	Bank of Buffalo.	Commercial bank of Buffalo.	Bank of Genesee.	Chatauque County Bank.
Loans and discounts	695209	416827	233788	427467	652866	241594	242711
Real estate	253	2944	8000	28511	12000	7487	6313
Stocks							
Over-drafts	600	325	20	334	1954	1526	11
Personal estate	.....	.....	.....	73	800		
Expenses	.....	1321	3588	1609	3484	333	340
Bank fund	8393	1291	2448	3333	466	2895	1482
Specie	19881	19216	19128	29575	47087	13317	7436
Notes of other solvent banks	22900	8785	29216	97295	97808	42611	17163
Checks and other cash items	1000	24271	9781	264	4000	.....	151
Funds on deposite in N. Y. & Albany	123065	62956	55581	66909	138217	115451	27795
Due from other banks & corporations	60955	.....	3649	33397	18834	12207	70652
$	923786	537936	365189	688857	977514	437421	374254

LIABILITIES, *Continued.*

Capital	300000	200000	100000	200000	400000	100000	100000
Circulation	274203	225504	126085	226326	273003	155566	168078
Profits	70119	11116	21442	37033	15406	21449	12505
Deposites on debts	415	968	500	3058			
Dividends unpaid	15000	.....	.....	120	5026	49	
Due canal fund	135122	30844	53894	66800	50000	27000	20000
Loans on time							
Deposites	81301	82580	28070	65656	113704	121987	13960
Due other corporations	56626	36924	35198	89864	120375	11370	59711
$	923786	537936	365189	688857	977514	427421	374254
Dividends the last year	30000	20000	12000	16000	32000	10000	15000
Directors liabilities as principals	41267	19359	18066	27075	36068	25880	18303
do. do. as sureties	41997	32099	10092	23841	33305	9961	14677
Stock owned by directors	11225	47450	24475	62200	81000	41480	14250
Loans 1st July, 1835	784837	356705	248443	451499	746901	247120	237911
Circulation do.	368403	253776	111497	109459	188797	109320	160651
Specie do.	14641	8890	21242	15848	27069	12286	7496

BANKS NOT SUBJECT TO THE BANK FUND LAW.

RESOURCES.

	Manhattan Company.	Fulton Bank.	North River Bank	Chemical Manufacturing Company.	Dry Dock Company.
Loans and discounts	5667584	1474880	1027957	1019574	845743
Real Estate	371736	12863	30000	1600	
Stocks	53581	.....	.....	.....	256200
Suspense account					
Expenses and personal estate	.....	2034	.....	4822	3648
Specie	836078	97281	93333	43541	37575
Notes of other solvent banks	1276104	292974	72643	114657	81012
Checks and other cash items	.....	.....	39388	7048	176373
Due from other banks and corporations	855309	253606	177109	97436	200129
$	9060892	2133638	1440430	1288678	1600680

LIABILITIES.

Capital	2050000	600000	500000	400000	200000
Circulation	167588	231237	232793	298021	290105
Profits	14943	102768	48415	58852	
Dividends unpaid	17308	3621	10384	1257	15880
Due canal fund	2114	.....	.....	.....	100000
Deposites	5548714	369565	403011	390263	729266
Due other corporations	1259720	826447	245827	140285	265429
$	9060892	2133638	1440430	1288678	1600680

RESOURCES, *Continued.*

	Long Island Bank.	Dutchess County Bank.	Commercial Bank.	*Bank of Rochester.
Loans and discounts	841250	471297	691621	765452
Real estate	10000	6500	39003	10812
Stocks	.....	.....	65986	
Suspense account	.....	.....	126167	
Expenses and personal estate	3993	3028	3440	
Specie	45900	30022	47877	18183
Notes of other solvent banks	34380	16391	140485	22377
Checks and other cash items				
Due from other banks and corporations	62246	59349	307194	84421
$	998747	586587	1421723	901245

LIABILITIES, *Continued.*

Capital	300000	150000	300000	250000
Circulation	224335	268363	98785	360582
Profits	111032	30944	95772	38072
Dividends unpaid	2710	.....	559	
Due Canal Fund	.....	.....	102500	152792
Deposites	241158	97278	404981	63082
Due other corporations	119212	40002	419126	36717
$	998747	586587	1421723	901245

* This Bank is required by its charter to report to the Comptroller annually in September. The above statement is taken from its report of September, 1834, being the last one filed in the Comptroller's office.

The Delaware and Hudson Canal Company is authorised to employ $500,000 of its capital in Banking, but the Company is not doing Banking business at present, and is therefore not included in the table.

SAFETY FUND BANKS.

Aggregate statement of seventy-seven Banks as reported to the Bank Commissioners, January 1st, 1836.

RESOURCES.

	New York City Bank.	Country Banks	Total.
Loans and discounts	33204260	26459664	59663924
Real estate	636061	693350	1329411
Stocks	117498	309944	427442
Over-drafts	112066	118596	230662
Personal estate	1914	6855	8769
Expenses	59277	55692	114969
Bank Fund	220631	222065	442696
Specie	3023258	1351598	4374856
Notes of other solvent banks	6211608	1974970	8186578
Checks and other cash items	482818	572259	1055077
Funds on deposite in New York and Albany	.....	4661523	4661523
Due from other banks and corporations	8012068	1219778	9331846
$	52681454	37646294	90327748

LIABILITIES.

Capital paid in and possessed	14611200	11920261	26531461
Bank notes in circulation	6849421	12006397	18955818
Profits	2286907	1845093	4132000
Deposites to apply on debts	52633	107005	159638
Dividends unpaid	304528	101348	405876
Due Canal Fund	762500	2325847	3088347
Loans on time	356000	107500	463500
Deposites, United States	6049699	.....	6049699
Deposites, Individual	10649573	3461119	14110692
Due other banks and corporations	11258993	5171724	16430717
$	52681454	37646294	90327748

Aggregate Statement of all the Banks of the State of New York on the 1st of Jan. 1836.

RESOURCES.

	Seventy seven Safety Fund Banks.	Nine Banks not subject to the Bank Fund law.	Total.
Loans and discounts	$ 59663934	$ 12805358	$ 72469292
Real estate	1329411	482514	1811925
Stocks	427442	375717	803159
Over-drafts	230662		230662
Suspense account		126167	126167
Expenses and Personal Estate	123798	20905	144703
Bank fund	442696		442696
Specie	4974856	1249790	6224646
Notes of other solvent banks	8186573	2051001	10237574
Checks and other Cash items	1055077	222809	1277886
Due from other banks and corporations	13893369	2097799	15991168
			$ 109759868

LIABILITIES.

Capital paid in and possessed	$ 26531461	4750000	31281461
Bank notes in Circulation	18955818	2172109	21127927
Profits	4132000	500803	4632803
Deposites to apply on debts	159633		159633
Dividends unpaid	405876	51719	457595
Due canal fund	3088347	357406	3445753
Loans on time	463500		463500
Deposites, United States	6049699	3241840	9291539
Deposites, Individuals	14110692	5005478	19116170
Due other Banks and corporations	16130717	3352765	19783482
			$ 109759868

Aggregate Statement of all the Banks of the State of New York, on the 1st of January 1836, distinguishing between those located in the City of New York and elsewhere.

RESOURCES.

	Twenty-two City Banks.	Sixty-four Country Banks.	Total.
Loans and discounts	$ 43239908	29229384	72469292
Real Estate	1052260	759665	1811925
Stocks	427279	375880	803159
Over-drafts	112056	118606	230662
Suspense account		126167	126167
Expenses and Personal estate	71695	73008	144703
Bank fund	220631	222065	442696
Specie	4731056	1493590	6224646
Notes of other solvent banks	8048993	2188581	10237574
Checks and other cash items	705627	572259	1277886
Due from other banks and corporations	9595657	6395511	15991168
			$ 109759868

LIABILITIES.

Capital	$ 18361200	12920261	31281461
Circulation	7569165	13558762	21127927
Profits	2511890	2120913	4632803
Deposites on debts	52633	107005	159638
Dividends unpaid	352978	104617	457595
Due canal fund	864614	2581139	3445753
Loans on time	356000	107500	463500
Deposites, United States	9291539		9291539
Deposites, Individual	14848552	4267618	19116170
Due other Banks &c.	13996701	5786781	19783482
			$ 109759868

No. 73.

REPORT

OF THE

SELECT COMMITTEE ON FINANCE,

ON THE SUBJECT OF THE

POST OFFICE DEPARTMENT.

To the Honorable the House of Assembly.

The Committee on Finance respectfully submit to the House the annexed copy of a report from the Special Committee of the House of Assembly of Lower Canada, on the state of the Post Office Department in Upper and Lower Canada, together with copies of certain accounts.

These documents contain much useful information on the important subject to which they have reference.

All which is respectfully submitted.

CHARLES DUNCOMBE,
Chairman.

Committee Room, House of Assembly,
29th March, 1836.

RETURN of unpaid letters received from England for the years 1828, 1829, 1830, 1831, 1832, 1833 *and* 1834, *and charged in British Sterling.*

YEARS.	HALIFAX.			QUEBEC.*			NEW BRUNSWICK.		
	£	s.	d.	£	s.	d.	£	s.	d.
1828.....	918	17	9	764	14	10	397	4	2½
1829.....	1065	13	3	828	2	0½	389	19	2½
1830.....	1075	1	11½	954	9	8½	399	19	7½
1831.....	1103	5	11	1127	4	7½	507	15	9½
1832.....	1183	10	2	1457	19	11	499	18	5
1833.....	1001	19	0	1512	3	7	457	18	7½
1834.....	1084	16	6½	1558	1	0	536	6	5

Note.—The November mails of 1828 and December mails of 1833 were lost.

(Signed) J. HOWE, Jr.
D. P. M. General.

General Post Office Halifax, N. Scotia,
23rd Dec. 1835.

Certified copy,

T. A. STAYNER,
D. P. M. General.

* This signifies "Canada."

UPPER CANADA 1832.

A DEBIT and credit account in detail of receipts and expenditures of the Post Office Department in Upper Canada for the year 1832*—shewing the balance remaining—distinguishing in the receipts the amount received for Letter Postage, and Newspaper and Pamphlet Postage, and shewing the amount expended under the several heads of ——Paid Deputy Post Master General proportion of his salary and allowances and newspaper privilege in Upper Canada.—Paid Post Masters, Contractors, & a proportion of the amount disbursed for contingencies—stating also how the balance has been disposed of.*

Amount of Letter Postage received,		14008	10	5	Paid Deputy Post Master General proportion of salary and allowances,		409	11	1½
Amount of Newspaper and Pamphlet Postage received in Upper Canada,		1335	19	11	" Deputy Post General amount of newspaper privilege in Upper Canada,		1124	16	1
					" Post Masters in Upper Canada		3719	12	7
					" Contractors in Upper Canada,		4209	9	7½
					" proportion of contingencies in Upper Canada,		475	2	10
					Balance,		5405	18	1
£		15344	10	4	£		15344	10	4

Note.—Whatever balances accrue are disposed of by remittance to the General Post Office London, or, (as regards the Newspaper and Pamphlet Money) to the emolument of the Deputy Post Master General.

(Signed) T. A. STAYNER,
D. P. M. General.

General Post Office, Quebec.

UPPER CANADA 1833.

A DEBIT and credit account in detail of receipts and expenditures of the Post Office Department in Upper Canada for the year 1833*—shewing the balance remaining—distinguishing in the receipts the amount received for Letter Postage and Newspaper and Pamphlet Postage, and shewing the amount expended under the several heads of ——. Paid Deputy Post Master General proportion of his salary and allowances and newspaper privilege in Upper Canada.—Paid Post Masters, Contractors, and a proportion of the amount disbursed for contingencies—stating also how the balance has been disposed of.*

Amount of Letter Postage received,		16509	13	6	Paid Deputy Post Master General proportion of salary and allowances,		464	11	2
Amount of newspaper and pamphlet postage received in Upper Canada,		1433	9	7	" Deputy Post Master General amount of newspaper privilege Upper Canada		1206	13	6
					" Post Masters in Upper Canada.		4428	10	9
					" Contractors in Upper Canada..		5137	10	7
					" proportion of contingencies in Upper Canada		489	3	0
					Balance,		6216	14	1
£		17943	3	1	£		17943	3	1

Note.—Whatever balances accrue are disposed of by remittance to the General Post Office London, or (as regards the newspaper and pamphlet money) to the emolument of the Deputy Post Master General.

(Signed) T. A. STAYNER,
D. P. M. General.

General Post Office Quebec.

UPPER CANADA, 1834.

A DEBIT and Credit Account in detail of Receipts and Expenditures of the Post Office Department in Upper Canada, for the year 1834*—shewing the balance remaining—distinguishing in the Receipts the amount received for Letter Postage, and Newspaper and Pamphlet Postage, and shewing the amount expended under the several heads of—Paid Deputy Post Master General proportion of his salary and allowances and Newspaper privilege in Upper Canada—Paid Post Masters, Contractors, and a proportion of the amount disbursed for Contingencies—stating also how the balance has been disposed of.*

Amount of letter postage received	17679	14	11	Paid Deputy Post Master General proportion of salary and allowances	460	4	3½
Amount of Newspaper and Pamphlet postage received in Upper Canada	1230	11	7	Paid Deputy Post Master General amount of Newspaper privilege in Upper Canada	1043	4	10
				Paid Post Masters in Upper Canada	4732	8	4
				Paid Contractors in Upper Canada	6033	17	11
				Paid proportion of Contingencies in Upper Canada	1068	11	2½
				Balance	5571	19	11
£	18910	6	6	£	18910	6	6

NOTE.—Whatever balances accrue are disposed of by remittance to the General Post Office, London, or (as regards the Newspaperand Pamphlet money) to the emolument of the Deputy Post Master General.

GENERAL POST OFFICE, Quebec. (Signed) T. A. STAYNER, *Deputy Post Master General.*

LOWER CANADA, 1832.

A DEBIT and Credit Account in detail of the Receipts and Expenditures of the Post Office Department in Lower Canada, for the year 1834*—shewing the balance remaining—distinguishing in the Receipts the amount received for Letter Postage, and Newspaper and Pamphlet Postage, and shewing the amount expended under the several heads of—Paid Deputy Post Master General proportion of his salary and allowances and Newspaper privilege in Lower Canada—Paid Post Masters, Contractors, and a proportion of the amount disbursed for Contingencies—stating also how the balance has been disposed of.*

Amount of letter postage received	13735	15	3	Paid Deputy Post Master General proportion of salary and allowances	401	11	1
Amount of newspaper and pamphlet postage received in Lower Canada	737	19	11	Paid Deputy Post Master General amount of newspaper privilege in Lower Canada	716	13	9
				Paid Post Masters in Lower Canada	2048	8	8
				Paid Contractors in Lower Canada	4434	4	5
				Paid proportion of Contingencies in Lower Canada	465	16	0
				Balance	6407	1	3
£	14473	15	2	£	14473	15	2

NOTE.—Whatever balances accrue are disposed of by remittance to General Post Office, London, or (as regards the Newspaper and Pamphlet money) to the emolument of the Deputy Post Master General.

GENERAL POST OFFICE, Quebec. (Signed) T. A. STAYNER, *Deputy Post Master General.*

LOWER CANADA, 1833.

A DEBIT and Credit Account in detail of the Receipts and Expenditures of the Post Office Department in Lower Canada, for the year 1833*—shewing the balance remaining—distinguishing in the Receipts the amount received for Letter Postage, and Newspaper and Pamphlet Postage, and shewing the amount expended under the several heads of—Paid Deputy Post Master General proportion of his salary and allowances and Newspaper privilege in Lower Canada—Paid Post Masters, Contractors, and a proportion of the amount disbursed for Contingencies—stating also how the balance has been disposed of.*

Amount of letter postage received..	13427	13	2	Paid Deputy Post Master General proportion of salary and allowances	377	15	0
Amount of newspaper and pamphlet postage received in Lower Canada	833	6	2	Paid Deputy Post Master General amount of newspaper privilege in Lower Canada.....	799	4	1
				Paid Post Masters in Lower Canada	2162	2	0
				Paid Contractors in Lower Canada	4162	2	0
				Paid proportion of Contingencies in Lower Canada.....	397	17	0
				Balance.....	5765	15	11½
£	14260	19	4	£	14260	19	4

NOTE.—Whatever balances accrue are disposed of by remittance to the General Post Office, London, or (as regards the Newspaper and Pamphlet money) to the emolument of the Deputy Post Master General.

(Signed) T. A. STAYNER,
Deputy Post Master General.

GENERAL POST OFFICE, *Quebec.*

LOWER CANADA, 1834.

A DEBIT and Credit Account in detail of the Receipts and Expenditures of the Post Office Department in Lower Canada, for the year 1834*—shewing the balance remaining—distinguishing in the Receipts the amount received for Letter Postage, and Newspaper and Pamphlet Postage, and shewing the amount expended under the several heads of—Paid Deputy Post Master General proportion of his salary and allowances and Newspaper privilege in Lower Canada—Paid Post Masters, Contractors, and a proportion of the amount disbursed for Contingencies—stating also how the balance has been disposed of.*

Amount of letter postage received..	13333	3	5	Paid Deputy Post Master General proportion of salary and allowances	324	8	0
Amount of newspaper and pamphlet postage received in Lower Canada	852	16	6	Paid Deputy Post Master General amount of newspaper privilege in Lower Canada.....	819	16	3
				Paid Post Masters in Lower Canada	2526	12	10½
				Paid Contractors in Lower Canada	5169	8	1
				Paid proportion of Contingencies in Lower Canada.....	805	16	0
				Balance.....	4539	18	8½
£	14185	19	11	£	14185	19	11

NOTE.—Whatever balances accrue are disposed of by remittance to the General Post Office, London, or (as regards the Newspaper and Pamphlet money) to the emolument of the Deputy Post Master General.

GENERAL POST OFFICE, *Quebec.*

(Signed) T. A. STAYNER,
Deputy Post Master General.

Second Report of the Special Committee appointed to inquire into the present condition of the Post Office Department, with a view to the application of an efficient remedy to the defects in its organization and management.

Your Committee directed their attention at an early period of the session to the Financial affairs of the department, its receipts and expenditure, and the manner in which the surplus revenue was disposed of.

Your Committee have examined at great length the Deputy Post Master General, and called for various statements, returns, documents, and correspondence which. with the evidence taken by your Committee, will be found appended to this report.

The great number, and still incomplete state of these accounts have, as yet, prevented your Committee coming to a satisfactory conclusion on the voluminous papers connected with the finances of the department, which have been laid before them.

Sufficient data have, however, been obtained to convince them that the Post Office Department in the Canadas has been made a source of revenue to Great Britain, large sums having been annually remitted by the Deputy Post Master General to the General Post Office, London. For the thirteen years ending 1834, inclusive, the enormous sum of £91,685 8 8 sterling, has been transmitted to England by the Post Office of this Province. The average remittance of the last four years being £10,041 13 4 sterling per annum.

Your Committee would be wanting in their duty to your Honorable House and to the people of this Province, did they not take the first opportunity loudly to protest against this illegal violation of the plainest principles of constitutional law, and the fundamental rights of the good people of this colony. However the circumstances of the case may have originally necessitated the levying of this tax—previous to the establishment of a representative form of Government in this Province, from the moment such form of government was established therein, the surplus derived from this source of revenue ought to have been immediately placed at the disposal, and under the control of, the people's Representatives, in conformity with one of the important and indisputable birth-rights of British subjects, which were more peculiarly acknowledged and confirmed to colonies having local Legislatures by the faith and honour of the British Parliament, pledged by the declaratory act of one thousand seven hundred and seventy-eight, the violation of which principle has already cost Great Britain so dear in the dismemberment of the Empire, and the loss of the former British colonies, now the flourishing and happy United States of America.

By the act passed in the fourth year of His present Majesty's reign, chap. 17, His Majesty's Government virtually admit the making of such remittances to be unconstitutional, and a violation of the rights of the subject. Your Committee were, therefore, induced to hope that such practice would at least have been discontinued by the Deputy Post Master General, after he had become cognizant of the views of His Majesty's Government, as he evinced in that act. So far, however, from respecting the rights of your Honorable House, and of the people of this Province, your Committee perceive that that officicer still continues to make these remittances.

At an early date, when your Committee learned that the Deputy Post Master General had already made a large remittance on account of the last year, 1835, they gave that officer to understand that very probably your Honorable House would hold him personally responsible for any further remittances he might make to the General Post Office in England, out of the Post Office revenues collected in this Province. so far from respecting that warning, that officer immediately after, as your Committee learn by statements furnished within the last few days, paid into the Commissariat office at Quebec, to be forwarded to England, twenty thousand dollars. The sums thus remitted by that officer to England, for the three quarters ending 5th October, 1835, from the Post Office revenue collected by him in both Canadas,

*Remittances	
17th August, 1835,	$13,000
8th December,	12,000
20th Feb'y 1836,	8,000
For 3 quarters	$33,000

amount, as per minute in the margin,* to the large sum of thirty-three thousand dollars, equal to £8,250 currency.

The people of both the Canadas have, even by the admission of the Deputy Post Master General, been "clamorous" in their demands for new Post Offices and increased Post Office accommodation.—That officer, although informed of these demands, has hitherto on various pretexts neglected to comply with them. On the contrary he appears to consider one of the principal duties of his office to be to render the department, in these provinces, as profitable a source of revenue as possible to the parent state, & to consider the accommodation of their inhabitants a matter of secondary consideration. Under all the circumstances of the case, then, your Committee respectfully suggest to your Honorable House the necessity of taking immediate steps to put a stop to this unconstitutional and illegal practice, and recommend the Deputy Post Master General be held personally responsible for any further remittances which he might make to England from the Post Office revenue of this Province.

By the Statements laid before your Committee, the Gross Receipts of the Department in the Canadas, appear to have been for the three last years as follows:—

In Upper Canada,	1832,	1833,	1834,
Postage on Letters,.....	£14,008 10 5	16,509 13 6	17,679 14 11
On Newspapers and Pamphlets,.....	1,335 19 11	1,433 9 7	1,230 11 5
Currency,	15,344 10 4	17,943 3 1	18,910 6 4

In Lower Canada,	1832,	1833,	1834,
Postage on Letters,.....	£13,735 15 3	13,427 13 2	13,332 3 5
On Newspapers and Pamphlets,.....	739 19 11	833 6 2	852 16 6
	14,462 15 2	14,260 19 4	14,185 19 11
Total Gross Receipts for both the Canadas, C'y	30,807 5 4	32,214 2 5	33,096 6 3

The following is stated as the Amount of Postage paid by Provincial Newspaper Printers for transmitting their Papers through the Post Office :—

	1832,	1833,	1834,
In Upper Canada,.....	£952 7 4	1,121 4 7	554 18 9
In Lower Canada,.....	488 1 8	592 2 10	622 5 1
Total, £	1,440 9 0	1,713 7 5	1,197 3 10

Your Committee cannot say whether these sums are included in the items above mentioned, under the head "Newspapers and Pamphlets." The whole of the Expenditure in both Provinces for Salaries, Contingencies, Transport of Mails, for the above years, appears to be as follows :—

	1832,	1833,	1834,
Deputy Post Master General's Income,.....	£3,122 18 0	3,311 4 3	3,121 13 3
Salaries to Post Masters, U. C.....	3,719 12 7	4,428 10 9	4,732 8 4
do. in Lower Canada,.....	2,048 8 8	2,162 2 0	2,526 12 10½
Transport of Mails,.....	8,642 14 0½	9,895 15 11	11,203 6 0
Contingencies	940 18 10½	887 0 0½	1,874 7 2½
£	18,474 12 2	20,684 12 11½	23,458 7 8

From the above Statement it would appear that the Receipts of the Post Office Department in the Canadas exceed the expenditure by the following amount :—

	1832,	1833,	1834,
Excess Currency, £	11,322 13 4	11,529 9 6½	9,537 18 7

Since procuring the Returns, upon which the above Statements are founded, your Committee have called for and procured copies of the Annual Returns of the state of the Post Office Department in the Canadas, made by the Deputy Post Master General to the General Post Office, England, for the above years, from which they have compiled the following comparative Statement of Receipts and Expenditures for the same years, (Currency).

	1832,	1833,	1834,
Gross Revenue to 5th April,.....	£25,571 14 6	30,594 15 3	30,632 3 0
Expenditure, Salaries,.....	3,717 11 9	4,834 1 10½	5,467 15 9
Courier's Wages,.....	7,746 5 5	9,010 17 0½	10,371 0 4½
Contingencies,.....	1,928 18 5	1,313 0 8½	1,004 13 3½
Dead Letters,.....	1,173 10 5	1,356 11 9½	1,528 13 5
	14,566 6 4	16,514 11 5	18,372 2 10
Balance,	11,005 8 2	14,080 3 10	11,260 0 2
Balance remitted to England, £	19,000 0 0	12,000 0 0	11,250 0 0

Although the Items and Balances in the above Returns do not agree, it is evident that large sums notwithstanding, remain, after the expenses of the Department are paid. Taking for granted that these shewn by the Deputy Post Master's Annual Returns are correct, the following will be found to be the nett proceeds of the Department for the above three years, after deducting the British Packet Postage due on Letters received from England by the Falmouth Mails :—

	1832,	1833,	1834.
Balance of Revenue,.....£	11,005 8 2	14,080 3 10	11,260 0 2
Due to England for British Packet Postage,..	1,619 19 10	1,680 4 0	1,731 3 4
Nett proceeds of the Post Office Department in the Canadas,.....	9,385 8 4	12,399 19 10	9,528 16 10

Your Committee have been extremly desirous to separate the Accounts of Upper and Lower Canada from each other, in order to determine what is the Nett Amount of Post Office Revenue belonging to each Province, after their separate expenses are paid. To get at this information, your Committee called on the Deputy Post Master General to compile and furnish them with an Annual Debit and Credit Account in detail, of the Receipts and Expenditure of the Post Office Department in Lower Canada, for the years 1832, 1833, 1834. Which Statements shew a yearly Surplus Revenue from that Department in each Province as follows :—

	1832,	1833,	1834,
Upper Canada,.....	£5,405 18 1	6,216 14 1	5,591 19 11
Lower Canada,.....	£6,407 1 3	5,765 15 11½	4,539 18 8½

Whatever balances accrue are disposed of by remittance to the General Post Office, London.

These balances would be still larger had stricter economy been observed in the Department, and had the Officer at its head in these Provinces not illegally and improperly applied to his own private use and advantage large sums of the Public Revenue, to which he had no right. From the Returns furnished by that Officer of his various emoluments, it appears that he has received and appropriated to his own use in the course of little more than six years, ending 1834, no less a sum than £9,550 5s. 2d. currency, which sum was paid for the transmission of Newspapers, Pamphlets, and other printed papers, through the Post Office. The appropriation of these proceeds to his own private emolument, the Deputy Post Master General states, has been made under a privilege recognized by the Post Master General since the earliest introduction of the Post Office system in the British Provinces, "but," as it already has been well observed by a Committee of your Honorable House, appointed in the Session of 1831-2, to inquire into the management of the Post Office Department in this Province, "this assertion is at total variance with a Return dated so late as 5th July, 1827, laid before the House of Commons by the Secretary of the General Post Office Department, London, in which it is stated the fees, if any, being unknown in this Office, are not taken into the above Account." From this it is evident that the appropriation by the Deputy Post Master General to his own profit of the proceeds derived from the forwarding Newspapers by Mail, was a circumstance unknown to the Post Master General in England, at the date of the above Return. In the absence of any law, your Committee cannot consider any sanction of the Secretary of the General Post Office sufficient to authorise the Deputy Post Master General to appropriate such proceeds to his own use. The only other authority produced by the Officer in question to support this appropriation, is the following Section of the Imperial Act 4th Geo. III, Chap. 24, Section 6, Anno 1763.

"And for as much as it hath been usual for the "Clerks in the Offices of His Majesty's Principal "Secretaries of State, and also for certain Officers of "His Majesty's Post Master General, to frank printed "ed votes and proceedings in Parliament, and print- "newspapers, to be sent by the Post.; be it there- "fore enacted by the authority aforesaid, that it shall "& may be lawful for such Clerks and Officers afore- "said, being thereunto licensed by His Majesty's "Principal Secretary of State or His Majesty's Post "Master General respectively to continue to frank "such printed votes and proceedings in Parliament, "and printed newspapers, in such manner as they "have heretofore been accustomed to frank the same; "Provided that such printed votes, proceedings, and "newspapers shall be sent without covers, or in- "covers open at the sides."

The act from which the above section is taken, it is worthy of remark, was passed to prevent frauds and abuses in relation to the sending and receiving of letters and packets free from the duty of postage. It provides, among other things, that "all letters and packets directed (among other Officers) to the Deputy of the Post Master General for His Majesty's dominions in America, shall be exempt from postage." This is all in the above Act which has reference to the Post Office in His Majesty's dominions in America. In no part of the act is there the least shadow of authority to empower the Deputy Post Master General to fix a rate of postage on newspapers in those dominions, or to appropriate the same to his own use. Granting for a moment that a postage ought to be paid by Printers for the transmission of their papers, your Committee consider it a monstrous absurdity that the head of the Department should, in the absence of all law, & to the great injury of the Revenue, presume to fix that rate, and to appropriate to his own private profit, emolument, and advantage, the proceeds. The Deputy Post Master General contributes no part of the expense incurred for the transmission of those papers. The Province pays the whole. Yet in the face of these facts, the Officer in question not only continues, but has given your Committee to understand that he will continue to exact the above postage, and to appropriate it to his own private use as heretofore.

The section of the act of 1763 cited by the Deputy Post Master General in support of this gross fraud and abuse; in the opinion of your Committee, is not of the slightest authority in the case, as the Deputy Post Master General in this Province does not come under either of these descriptions of Officers, not being a Clerk in the Office of the Secretary of State, nor a Clerk in the Office of the Post Master General, and the Imperial Parliament would certainly never have meant to act so absurdly as to give to certain Clerks in the Office of the Post Master General so lucrative a monopoly as the whole proceeds of newspaper postage collected in the United Kingdom, were the newspaper printers obliged, as they are in this Province, to pay a certain annual sum for having their papers transmitted by mail.

The Deputy Post Master General would pretend that the large sums of the public Revenue which he thus disposes to his own personal advantage are a *quantum meruit* which he receives for certain services which he renders them. But your Committee would respectfully submit that this reasoning is perfectly fallacious, since it is not the Deputy Post Master General, but the Province which defrays the expenses of transporting and conveying the said newspapers, and of receiving and delivering them at the Post Offices. The money paid to Contractors for carrying the mails, and the salaries and remuneration of the respective Post Masters and their Assistants & Clerks, are paid from the gross receipts from Letter Postage. The Deputy Post Master General contributes none of the expences for the transport of the mails, nor of the salaries to the Post Masters or their Assistants. The public revenue is therefore taxed for his private advantage, a fact which is established beyond a doubt by the evidence of the Contractor who forwards the mail between Quebec and Montreal, who admits that the Province is charged an extra sum of £200 a year for the transportat of newspapers on this route alone.

The amount which the Deputy Post Master General acknowledges to have received from this source for the last three years was as follows :—

1832	1833	1834
£1841 9 10	£2005 17 0	£1863 1 1

being on an average £1906 16 2 Currency per annum, a sum which falls short only £400 of what is now paid for the transport of the mail from Quebec to Kingston in Upper Canada five and six times a week, a distance of 379 miles.

Under all these circumstances your Committee consider that the Deputy Post Master General had no right to appropriate to his own private advantage the sums received for the transmission of newspapers and other printed papers by mail in these Provinces, and respectfully suggest that legal means be taken to oblige that officer to reimburse the said sum of £9950 5 2 Currency, which he exacted and appropriated to his own use. The said sum when recovered, to be divided in a proper proportion between Upper and Lower Canada; that he be obliged for the future to abstain from such practices, and to pay into the general fund the nett sum received from newspaper printers, and for the transmission of newspapers per post, after deducting the Post Masters' per centage; which general fund ought to be expended, after the necessary expenses are paid in extending Post Office accommodation in these Provinces, instead of being remitted to England, as is the case.

Your Committee having already by bill for the regulation of the Post office in this Province given their opinion as to the sum which ought to be allowed as the salary and sole remuneration of the person at the head of the Department, recommend that proper means be taken, in the event of that bill not becoming Law, to limit the salary and annual compensation of that officer within the bounds which your Honorable House determined in sanctioning that bill. The amount which he derives at present from his office is beyond all just proportion to the services performed. He has received on an average of the three years ending 1834 £3185 5s. 2d. per annum, a sum nearly equal to that allowed to His Excellency the Governor in Chief—three times more than the salary of any of the Puisne Judges in the province—almost equal to the whole amount paid to all the Post Masters in Upper Canada put together, and a third more than the allowances received by all the Post Masters in this province. The disproportion of the Deputy Post Master General's emoluments will be more evident, when it is considered that he has moreover in the General Post Office, to assist him in the performance of the duties of his office, one Clerk at £150 sterling per annum—an accountant at £300 sterling per annum—two Clerks to ditto (one of whom £150 sterling per annum and the other £100 sterling) and a Messenger.

This Establishment, in the opinion of your committee, is more than necessary for the wants of the Department, and ought to be reduced to the scale provided in the bill passed by your Honorable House. It was formed originally by the Post Master General, under the impression that the Post Office bill; for the British North American provinces, which was prepared in England and submitted to the respective Legislatures by Mr. Secretary Rice, would have met the approbation of these Legislatures.—By that bill the Post Office of all these Colonies was to be under one head at Quebec, and, to prepare for the great increase of business consequent upon such a change, the establishment of the General Post Office at Quebec was increased. As it is now certain that all the colonies will never concur in the proposed consolidation measure, the Quebec establishment ought to be reduced to the scale above proposed.—The Accountant branch is moreover, in the opinion of your committee, altogether inadequate to the purposes for which its establishment was intended, the Accountant being dependent in a great degree on the good will of the Deputy Post Master General for his continuance in office. Under these circumstances no proper cheque can be expected. Your committee have in the course of their enquiry learnt that the Post Master at Quebec is at the same time Gentleman Usher of the Black Rod to the Legislative Council. These two situations are, in the opinion of your committee, perfectly incompatible. They therefore recommend that the Post Master at Quebec be called on to choose between these two situations, the public service requiring that the Post Master be in constant attendance at his office to superintend the responsible and important duties thereof.

Your committee have next to call the attention of your Honorable House to the gross discrepancies between the Return made to your committee and that made to the Provincial Government, as stated in the Blue Book by the Deputy Postmaster General, of his salary and emolument of office. Your Honorable House will be better able to judge of the extent to which that officer has deceived the King's Government by an examination of the following comparative statement from Returns laid before your committee and those furnished by Mr. Stayner for the Blue Book for the years 1831, 1832, 1833, and 1834.

Annual Salary and Emoluments of the Deputy Post Master General.

Years.	From Statements furnished to the Committee-	From Blue Book.	Remarks.
1831	£2,610 12 2½ Currency,	£500 0 0 Sterling,	No return of Fees, supposed to be considerable.
1832	3,122 18 0½ "	500 0 0 "	ditto.
1833	3,311 4 3½ "	500 0 0 "	ditto.
1834	3,121 17 8 "	500 0 0 "	No Fees.

In the Blue Books for the years 1831, 1832, and 1833, to the question whether "he enjoy any and what other profit or advantage not required to be stated in the preceding columns," the word "none" is opposite Mr. Stayner's name. The following note, however, is at the foot of the page:—"£200 per "annum is allowed to the Deputy Post Master "General for an Assistant in his office; his Fees are "derived from Printers, who pay him for their "papers sent through the Post Office and distributed "by his Deputies." The amount of these Fees, your Committee would however remark, is not furnished, neither is there any mention of the commission on U. States Postage, which he receives, and which amounts on an average of the last three years to £478 5s. 2d per annum. In the Return sent in for the Blue Book for the year 1834, (a copy of which will be found in the Appendix of this Report), Mr. Stayner states that he receives "no Fees," and in answer to the query whether he enjoys any or what other advantage or profit, he states that "I possess the privilege of "sending certain description of Newspapers through "the Posts in the British American Provinces.— "The profit derived from this source I have not at "present the means of computing for the year 1834. "I have received at the rate of £200 a year for "Assistants, up to the 5th October, 1834."

It is evident from these several extracts from the returns furnished by the Deputy Post Master General for the information of His Majesty's Government that this officer, by withholding the full and correct information required, has deceived the King's Government as to the extent and amount of his emoluments of office.

In thoroughly investigating the affairs of this Department, the labours of your Committee have been much impeded by the carelessness of which some of the officers of the Department have been guilty, in regard to the regular keeping of books. Mr. Sutherland, the predecessor of the present Deputy Post Master General, your committee is informed "kept "no books of account whatevever" and certain statements which have been furnished to your Committee are imperfect, owing to the circumstance that "the books of mails received, kept by the late Post "Master at Quebec (Bignell) for certain periods, "cannot be found." Similar carelessness on the part of the Post Master at Montreal, prior to July 1828, seems to have prevailed.

Your Committee would suggest that the books of the several offices should be for the future considered the property of the Department, and not of the person in charge, and that the books be, on a change of officers handed over to the head of the Department, and a proper receipt taken for the same.

Your Committee directed much of their attention to the present state of the Post Office accommodation in this Province, and the further extension thereof, as required by the wants and numbers of the population. The number of Post Offices in both the Canadas, in the years

	1831	1832	1833	1834
Were as follows:	151	227	251	254
Of these there were in L. C.	109	118		117

In order to ascertain the number of the new Post Offices required in this Province, your Committee addressed circulars to the several members of your Honourable House, from whose answers they have compiled several tables. The immediate establishment of a large number of new Post Offices is immediately required in this province for the public accommodation in the following places:

In Ancienne Lorette, in the county of Quebec.

In St. Augustin, Pointe Aux Trembles Sté. Catharine de Forsambault, Les Ecurouils, Deschambault, and Grondines, in the County of Portneuf.

In Batiscan & Champlain in the county of Champlain.

In Pointe du L, County of St. Maurice.

In Maskinongé, Lanovaye, Ste Maclanie, and Lavattrie, in the County of Berthier.

In Lachenaye and Hépentigny, (Bout de l'Isle) County of Lachenaye.

In Point aux Trembles, St. Laurett, Pault aux Recollets, and Ste. Geneviéve County of Montreal.

In St. Martin. St. Vincent de Paule and Ste Therése, in the County of Terrebonne.

In Ste Scholastique, in the County of two Mountains.

In Cedars, Pointe Fortune, Pointe a Cavagnol (at Schneider's) St. Polycarpe and Ile Parrot, in the county of Vaudreuil.

In Contrecœur, county of Verchéres.

In Grande Grićeve, Gaspé Basin, Point St. Peter, Percé, Grand River, New-Port, Restigouche, Maria, River Capland, Paspebiac, Hopetown, Port Daniel, in the counties of Gaspé and Bonaventure.

In Mitis, St. Simon, Le Bic, and Matane in the county of Rimouski.

In Cap St. Ignace, in the county of l'Islet.

In St. Joseph and St. Francis, in the county of Beauce.

In St. Henry, in the county of Dorchester.

In St. Jean Baptiste Deschaillons and St. Sylvestre, in the county of Lotbiniére.

In Pointe aux Sables, in the county of Nicolet.

In Longueuil and St. Luc, in the county of Chambly.

In St. Athanase and St. Jean Baptiste, in the county of Rouville.

In St. Pie and St. Hughes, in the county St. Hyacinthe.

In St. Paschal, in the county of Kamouraska.

In St. Michel and St. Gervais, in the county of Bellechase.

In East Stanbridge and Sutton, in the county of Missiskau.

In Durham, in the county of Drummond.

In Kemp's Bridge (Inverness) county of Megantic.

In St. Jude, in the County of Richelieu.

The greater number of these offices may readily be established without incurring any additional expense, the places for which they are required being, with the exception of those in Gaspé and Bonaventure, or in the neighborhood of post roads already established. The degree of neglect in the Deputy Post Master General to extend Post Office accommodation may be at once perceived from the fact that only eight Post Offices have been established along the Grand Mail route between Quebec and Montreal, although there are a great many old and flourishing Villages between these two Cities through which the mail passes at present ten times a week. Your Honorable House ought to insist that Post Offices be established forthwith in each of the Villages above mentioned, and also that mails be transmitted along the South shore of the River St. Lawrence above and below Quebec more than once a week. The Island of Montreal and the settlements on the banks of the Ottawa, and to the North of that River require additional mails, and in many places new Post Offices.

Your Committee consider it particularly their duty to call the attention of Your Honorable House to the condition of the District of Gaspé, which is and has always been in a manner altogether destitute of Post Office accommodation. From the answers of the Members of that District, it appears that there are but two Post Offices in the whole of the County of Gaspé and but very few in the County of Bonaventure. The Deputy Post Master General ascribes the cause to the impassible state of the road between Mitis and the Ristigouche River (Baie des Chaleurs) in consequence of which letters addressed for Gaspé are now sent through New Brunswick. No mails are made up regularly at Quebec for Gaspé at present. The correspondence between that, as well as the greater part of the adjoining County with the other parts of the Province is thus very much impeded.

Your Committee perceiving that the Permanent Committee on roads have, in their second Report now under the consideration of your Honorable House, recommended the grant of a sum of money to improve and complete the road from Mitis to the Ristigouche, and an additional sum for the maintenance of certain posts for the relief of travellers on the same line, will abstain from making any remarks on this subject.

By reference to the statement hereunto annexed, a list will be found of various applications which have been made to the Deputy Post Master General since his return from England, for the establishment of new Post Offices in this Province. Several of these applications, your Committee regret, have not as yet been attended to by that Officer, and much complaint had in consequence been created. In a letter addressed by that Officer to the Secretary of the General Post Office, England, dated 15th March 1835, he gives it as his opinion that the Provinces of Upper and Lower Canada would require at this time not less than 500 new Post Offices, and that in ten years hence they will need a thousand at least. "He complains, however, that being situated from 500 to 1000 miles from the source of application, he cannot do justice to the consideration of the questions arising from the numerous applications for increased Post Office accommodation with which his desk is covered." This acknowledgement on the part of the head of the Post Office Department in these Provinces, together with the knowldge of the fact that Upper Canada would insist on a separate Post Office establishment independent of the other Provinces, under the idrection & control of a local Provincial Post Master General, and other weighty reasons which it is unnecessary now to detail, induced your Committee to recommend a distinct Post Office establishment under the control and management of a local Provincial Post Master General also for this Province, which arrangement was provided for in the Bill which your Committee had the honor to submit for the consideration of, and which was approved by your Honorable House. It only remains, therefore, for your Committee to hope that the said Bill will meet with the approbation of the other branches of the Legislature.

Your Committee have likewise turned their attention to the loss experienced by the revenue by their present practice of sending letters by the Steam Boats during the season of the navigation between Quebec and Montreal. That loss is calculated to amount to at lenst £2,500 per annum. Your Honorable House having in the Post Office Bill lately passed, provided remedy, as far as it was in your power, to this great loss to the revenue, the responsibility of such loss, if that Bill do not become law, must fall upon that branch of the Legislature which refuses to sanction the remedy proposed.

UNITED STATES' POSTAGE.

The following statement drawn up by your Committee shews the amount of United States' Postage collected in the Canadas for the three years ending 1834, *and the compensation derived from collecting the same, and the Deputy Post Master General's proportion of the latter.*

	1832,		1833,		1834,	
	Amount collected.	Compensation paid for collection.	Amount collected.	Compensation paid for collection.	Amount collected.	Compensation paid for collection.
In Lower Canada,.....	$11223 13	$2386 03	$12271 92	$2476 84½	$12737 81	$2516 38
In Upper Canada,.....	9771 30	2442 82	13121 09	3280 27	16751 94	4187 98
Total, $	20,994 43	4,828 85	25,393 01	6,757 11½	29,489 75	7,704 36
Deputy Post Master General's share,.....		1,881 20		1,976 90		2,013 10

The sums of money irrecoverably lost in transmission through the Post in the Canadas from January 1833 to October 1835, amount to nearly £700. Your Committee having made a special report already on this head, abstain from making any further remark than to recommend that the Deputy Post Master General may make the proper arrangements to prevent the recurrence of similar losses to the public

It was the intention of your Committee to have laid before your Honorable House a series of statistical information as to the number of sheets of United States papers received therein. With this view they caused circulars to be addressed to the several newspaper printers and Post Masters in both Provinces, who were requested to reply to the Queries addressed to them by order of your Committee.

The interesting object your Committee had in view has, they regret to say, been entirely frustrated by the unwillingness and refusal of many of those to whom the circulars were addressed, to give the full information which your Committee desired to obtain. It is to be hoped, however, that when this subject is again taken up, the inquiry will meet with a more favorable result.

In the course of their inquiry your Committee referred, as in duty bound, to the Reports of, and the Evidence taken by preceding Committees of your Honorable House, relative to the Post Office Department, and have been much struck with the pertinacity with which the Deputy Post Master General refused to give those Committees any information relative to the finances of the Department and the amount of his emoluments. They must remark that much of their labor and trouble would have been spared had that Officer given the information which was required from him frankly and honestly, as he ought to have done, instead of having recourse to mystery and concealment, which could only excite suspicions to his disparagement. From certain parts of the correspondence between that Officer and the Secretary of the Department in London, which has come under the observation of your Committee, it appears that previous to being called before the Committee of your Honorable House in 1831, Mr. Stayner pre-determined to withhold every information of any value relative to his Department, which he expected might be demanded of him by the Committee. In order to be supported in this improper determination he waited on the late Governor in Chief, as appears by a letter dated 15th June, 1831, which he addressed to the Secretary of the Post Office, "to solicit His Lordship's advice." His Lordship, he states, concurred with him in the view which he had taken beforehand, and the requisite information was withheld. He then goes on to the end—"I therefore chose rather to incur the risk "of displeasing the Provincial Parliament than to be "an instrument of giving trouble to those authorities "to whom I consider my first duties are engaged." A rather strange contradiction, with the proffessions of the Deputy Post Master General a few months before, when he stated that "his ambition was to put the "Department on such a footing as would ensure to "him the public approbation here." The acts of the Deputy Post Master General are the best commentary on these proffessions. On the 29th December, 1835, he told your Committee that he conceived it his duty to afford to all parts of the Province Post accommodation, to the extent of the funds at his disposal. How did he dipose of those funds? On the 20th of February following, he remitted eight thousand dollars to England. In the letter above mentioned to the head of the Department in England, the Deputy Post Master General permits himself to make some unjust reflections on the Committee of 1831, and to accuse them of suppressing "some very "important parts of his evidence." Your Committee have takee the pains to examine the records of 1831, in order to see if this grave charge, brought by Mr. Stayner against the Committee of that day be founded or not. The parts of his evidence which he states were suppressed, consist of a letter dated 18th March, 1831. The important information which it contains consists in stating that "Newspaper Editors in this Province receive their exchange papers free of postage," a fact which was already in the know-

ledge of every person in the community, and "that "there was a Deputy Post Master General in Ca- "nada in 1775." This information is wrapt up in a mass of unnecessary verbiage which, however "important" in the writer's estimation was properly of no moment in that of the committee. The communication referred to will be found in the Appendix to this Report marked ( ).

Your Committee would respectfully submit that public officers should be obliged, when performing their public duties, to abstain for the future, from remarks which cannot answer any good purpose, and which must at last be both ill-timed and ill-placed. The duty of the Deputy Post Master General here is merely to accommodate the public as far as his means permit, and to give all the information in his power when called so to do, and his time can always be better employed in the performance of the duties of his office than writing despatches reflecting on superior authority, or in endeavouring to protect himself and his department from that wholesome scrutiny which they stand so much in need of.

Your Committee would not have alluded to this matter were it not that they perceive in a letter from that officer to Mr. Freeling, dated 29th March, 1835, a latent desire to act by the House of Assembly of Upper Canada in the same manner that he for two sessions acted towards Committees of your Honorable House. It is to be hoped, however, that firmness on the part of your Honourable House, and a determination on the part of His Majesty's Government to discountenance a repetition of such improper conduct in public offices, will put an end for ever to that concealment which has until now so constantly enveloped the affairs of the Post Office Department,

Much remains yet to be done in order to arrive at a proper opinion of the state of that department, and especially of its financial concerns.

This, however, must be the work of time, patience, and close investigation. Wherefore your Committee respectfully recommend to your Honorable House to continue, next session, the inquiry into the condition of the Post Office Department, with a view to the application of an efficient remedy to the defects in its organization and management.

All which is nevertheless humbly submitted.

(Signed) E. B. O'CALLAGHAN.

Chairman.

8*th March*, 1836.

No. 76.

FIRST REPORT

FROM THE

SELECT COMMITTEE

TO WHICH WAS REFERRED THE

PETITION OF WILLIAM L. MACKENZIE, ESQUIRE,

ACTING EXECUTOR TO THE ESTATE

OF THE

LATE ROBERT RANDAL, OF CHIPPAWA, IN THE COUNTY OF LINCOLN, ESQUIRE;

OR SO MUCH OF THE

SAID PETITION AS RELATES TO THE NEPEAN AND CHAUDIERE, ESTATE

COUNTY OF CARLETON.

Members of Committee:

DAVID THORBURN, Esquire, *Chairman.*

Mr. MACMICKING,
Mr. SMALL,
Mr. JAMES WILSON, and
Mr. GIBSON.

To the Honorable the House of Assembly, &c. &c. &c.

The select Committee to which was referred the petition of W. L. Mackenzie, Esquire, acting Executor of the Estate of the late Robert Randal in his life time of Chippawa, in the County of Lincoln, Esquire, have enquired into the matters referred to them, so far as concerns the Estate at the Napean and Chaudiere, and beg leave to submit the following as a first Report:—

In the year 1809 Mr. Randal obtained a grant from the Crown of one thousand acres of land, and a deed for 950 acres in the county of Carleton, part of which included water privileges of extraordinary value. His Agents in obtaining this property were the late Honorable Mr. Justice Boulton, and his son Mr. H. J. Boulton, late Attorney General of this Province, who thus possessed the means of acquiring a knowledge of the worth of the grants,

The remarkable circumstances under which Mr. Randal's lands were sacrificed—the unusual hardships of his case, and the renewed efforts he made to obtain justice, are well known to the Country.

In 1828 he applied by petition to the House of Assembly for such redress as it was in the power of the House to afford, and a special Committee was appointed, consisting of the Honorable M. S. Bidwell now the Speaker of this House, the Hon-

orable John Beverly Robinson, Chief Justice of Upper Canada, the Honorable John Rolph, B. C. Beardsley, Esquire, now of New Brunswick, and the late Capt. John Matthews.

An attested Copy of this Petition, with the interesting report of that Committee, and the evidence on which it was founded, are hereto annexed, also a Copy of the Bill which its Chairman reported, appointing a Court of Equitable Jurisdiction to do justice in the case, the Honorable Justice Willis to be the Judge. The House of Assembly passed the Bill but the Legislative Council, being opposed it is presumed to its principle, declined to amend it—they threw it out. Mr. Randal had previously applied to the Court of King's Bench, but from that institution he obtained no redress.

On the 14th of March 1829 the House of Assembly addressed His Majesty on the state of the administration of Justice. We quote two paragraphs :—

"By the Provincial Act erecting that Court (the King's Bench) it is wisely pro-
"vided "that a Chief Justice, together with two puisne Judges shall preside therein."
"No explanation can add to the clearness of that provision; so obviously conducive
"to the safety and liberty of the subject, and it has become our urgent duty, humbly
"to declare to Your Majesty, that our duty forbids us to yield to the attempts of the
"local administration to entail upon us the dangerous encroachments made in years
"of past misrule by establishing such a construction of that Law as would place the
"rights and liberties, the property and lives of the people of this Province, at the
"disposal of *one* while a liberal salary is provided for *three* Judges."

"In Michaelmas Term last, Mr. Justice Hagerman, alone constituted our Court
"of King's Bench, wherein he confirmed his own questioned Judgment, at the pre-
"ceding Assizes, in a Trial in which Mr. Justice Sherwood was interested; the re-
"sult of which trial involved a property of very great value, acquired through those
"extraordinary judicial proceedings in the case of Mr. Randal, whose injustice has
"long been unavailingly an object of Legislative relief and public sympathy. It is
"from such proceedings, such Courts, and such Judges, that the people desire to be
"relieved."

In 1832 the House of Commons of the United Kingdom addressed His Majesty, requesting that a copy of the above mentioned address from Upper Canada might be laid before it. His Majesty sent it down, and the House ordered it to be printed and placed among its records but Mr. Randal obtained no relief.

In 1830 he again petitioned the House of Assembly for redress, and a bill was introduced, ordered to a third reading by a vote of 33 to 2, and passed by a vote of thirty one to two, appointing the Honorable Louis Joseph Papineau, Speaker of the House of Assembly of Lower Canada, a Judge in Equity, to try the case and do justice, but the Legislative Council, being as before it is presumed opposed to the principle of the Bill, it was found on an examination of their Journals, on the motion of Mr. Perry that they had ordered its further consideration to be deferred three months.

In 1830 Mr. Randal applied by Petition to His Excellency Sir John Colborne, stating his case and exhibiting the proceedings had by Mr. Boulton but his application was productive of no beneficial results, his petition and reply are hereto appended.

In 1823 he applied to the Governor in Chief on the subject, we annex hereto the correspondence.

In 1834, Mr. Randal died, having spent nearly seven years of his life in a Prison, and the last thirteen years of it in a series of vain and fruitless efforts to obtain in Upper Canada that tardy justice which the defective organization of our Judicial Institutions, the personally interested situation of some of our Judges, and the character and composition of the Legislative Council denied him, His Executors under the Will, the late Colonel Thomas Horner and the present Petitioner took it is presumed such steps as they believed to be the best, on behalf of his estate, when the cholera carried off the former, and nothing further was done in the matter of the Chaudiere property until last session, when Mr. Mackenzie applied for the interposition of the House, which appointed a Committee, and a bill was a third time reported in a third Parliament for the abjudication of the claim according to Equity. But as it had been omitted to give a notice in the Gazette in the matter which affected private rights, further proceedings were deferred till the present session.

After some difficulties as to the style and tenor of the notice, an advertisement was placed in the Upper Canada Gazette, and the matter is now brought for the fourth time before the Legislature by Petition.

The correspondence between the late Mr. Justice Boulton, Mr. H. J. Boulton and Mr. Randal, at the time the former acted as Agents in obtaining the property from the Crown, a letter to Lieutenant Governor Gore from Mr. McGillivray of the North West Company; and a letter from Captain Le Breton and others who wished to buy the Chaudiere property or parts of it, are reported herewith. Mr. Waters a Member of the House for the District of Ottawa was desired last summer to make enquiry as to the worth of the Chaudiere property and in whose possession it was; and your Committee have examined that gentleman who is of opinion that it is worth about £20,000, and will greatly increase in value.

In the concluding paragraph to the report of 1828 we find the following passage:—

"Your Committee have to remark that Mr. Boulton was conducting a cause for "himself against his own client, and when they consider the nature of the debt, the "great and multiplied irregularities by which the judgment and execution were ob- "tained—the great value of the property sacrificed; and the expensive and fruitless "endeavors of the Petitioner to obtain a reversal of the proceedings, they do not "hesitate to recommend relief. Independent of the interest of one of the Judges, it "appears that the Court of King's Bench, if they set the proceedings aside, could "not afford adequate relief, and therefore your Committee have reported a bill ena- "bling the Honorable Mr. Justice Willis to enquire into the matter alledged in the "petition, and to do justice between all the persons interested."

Eight years have elapsed since the bill mentioned in the above extract was reported—the veto of another branch of the Legislature continued to withhold redress from the complainant until the grave closed on his importunities.

For the relief of his heirs this Committee do now report a similar bill to those passed in 1828 and 1830, and its Members unite in the expression of a wish that a Judicial enquiry will no longer be deferred, but that justice will be speedily done between all the persons concerned.

DAVID THORBURN, *Chairman.*

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
30*th March*, 1836.

THURSDAY, 31*st March* 1836.

The Committee met.

CHARLES WATERS, ESQUIRE. M. P., OTTAWA DISTRICT, *called in and examined.*

Question 1. What do you consider the fair value of the property in Nepean claimed by Mr. Randal's Heirs, and for which he has a Grant and Deed from the Crown dated in 1809 ?

Answer 1. The value of the property on the Ottawa River, embracing as it does, water privileges of the first magnitude, and an extensive quarry of the first rate stone for building, and lying in the immediate vicinity of Bytown and over which Bytown would shortly extend if Plots were exposed to sale, is immense at the present moment, and from the commanding position of Bytown the increase in the value of this property must be very rapid and very great; and which together with the valuable property at the confluence of the River *Jacques* with the River Rideau, embracing as it does a most valuable Mill scite and other important advantages. I should consider the whole, were I the owner, worth about £20,000.

Question 2. Have you personally inspected and examined this property ?

Answer 2. I have.

Question 3. The statements by you and now shewn you [No. 4 ,] are they not the results of a personal enquiry by yourself on the property ?

Answer 3. They are the results of personal enquiry made by myself on the property.

APPEPDIX No. 1.

GOVERNMENT HOUSE,
Toronto, 25th August, 1835.

SIR,

I am directed by the Lieutenant Governor to transmit to you with reference to your application of the 19th inst. the accompanying copy of a statement from Mr. Stanton—and the form of notice which he has been authorized to adopt, in communicating your intention of petitioning the Legislature as an executor of the late Mr. Randal.

I am Sir,
Your obedient Serv't.
W. ROWAN.

W. L. MACKENZIE, Esq.
St. Catharines.

APPENDIX No. 2.

Copy.

TORONTO, *25th August,* 1826.

SIR,

On the subject of the notice desired to be given by Mr. Mackenzie referred to in your letter of yesterday's date, I beg that His Excellency may be informed that in conversation with Mr. Mackenzie after my note No. 1, I did endeavor to point out to him as plainly as I could, what I thought would convey in ordinary and usual terms the information he was desirous of notifying to the public and which would have been much to the following purport:

To all whom it may concern:

Public notice is hereby given that application will be made to the Legislature at its next ensuing Session by Petition from the Executor to the estate of the late Robert Randal, Esq. for the enactment of a law establishing a special tribunal for the revision of certain proceedings in the Court of King's Bench by which Lots (enumerating the lands as described) granted by the Crown to the said late Robert Randal in 1809, were adjudged to be sold, or were sold by the sheriff and conveyed to others ; and until the issue of such application shall be determined all persons are warned against purchasing or leasing any part of the said property.

If Mr. Mackenzie had felt at all disposed to meet such a suggestion, or had chosen to adopt any other form of words of his own, conveying in substance such a notification to the public, the insertion in the Gazette would not have been made matter of question.

If the notice, which is above suggested, should appear to be sufficient for the proposed object, and is approved of, His Excellency's desire for the insertion in the next Gazette shall not fail to be duly attended to.

I have, &c.
ROB'T. STANTON.

No. 3.

CASTLE OF ST. LEWIS, QUEBEC,
21st February, 1823.

SIR,

His Excellency, the Governor in Chief commands me to acquaint you, in answer to your Letter of 20th instant, that he has had under his most serious consideration your Memorial of last summer, setting forth various grievances and acts of injustice to you in your civil rights, on the part of different persons connected with the administration of the Law in the Upper Province, and His Excellency directs me to add that as he does not possess the authority either to investigate or redress your alleged grievances, he can only refer you to the Governor of that Province who will, no doubt, pay all proper attention to your representation.

I have the honor to be,
Sir,
Your most obedient Servant.
A. W. COCHRAN,
Secretary.

R. RANDAL, ESQ.
York, Upper Canada.

No. 4.

(Copy.)

SIR,

I have the honor of transmitting to you for the information of His Excellency the Lieutenant Governor, a copy of the Report made by the House of Assembly upon my petition of grievous loss of property from the undue administration of public justice.

That others may have suffered from the same cause I cannot doubt, but I humbly hope that the patient suffering of injustice by many will not be prejudicial to my seeking relief against the magnitude of my loss.

The enclosed report was the result of an investigation by a committee composed of the present Speaker of the House of Assembly, the present Chief Justice, Captain Matthews, Mr. John Rolph and Mr. Beardsley.

On the report of that Committee a bill was passed by the last Parliament to enable Mr. Justice Willis to try the case over again, and thus supply the want of a Court of Equitable Jurisdiction, a means of redress which exists in England in ordinary cases.

The bill was lost in the Legislative Council.

A bill for the same purpose passed the representative branch of the Legislature during its present session, to enable the Speaker of the House of Assembly of Lower Canada to try the cause. It was agreed to with only two opposing voices, and that too after the case had had the fullest consideration both in and out of Parliament. But the bill was lost in the Legislative Council and I am still without redress.

That it is His Excellency's anxious and earnest wish that speedy and impartial justice should be administered to all His Majesty's subjects, without distinction, I firmly believe. And whether the obstruction in my case arises out of the composition of the Legislative Council, or from any other cause to me unknown, I trust that His Excellency will exert his powerful influence to remove that bar, so that I may be enabled to have my case fairly tried and determined in a Court of Law.

I have the honor to be

With profound respect,

Your most ob't & humble serv't

(Signed) ROBERT RANDAL.

Z. Mudge, Esquire,
Civil Secretary.

No. 5.

Government House,
York, 25th March, 1830.

Sir,

With reference to your statement transmitted to the Lieutenant Governor on the 4th of March with the copy of the report made by the committee of House of Assembly I am directed to acquaint you that these documents have been sent to Mr. Boulton for his observations and reply; but as it appears that before Mr. Boulton can be called on to enter fully into an investigation of any of the charges that you may now think proper to allege against him, and which it is understood you have on several occasions brought forward, His Excellency requests that you will transmit to me for his information a statement of your case as may exhibit distinctly whether the grounds of your complaint are against Mr. Boulton as conductor of your suit, or against the judges for an illegal decision, or against the sheriff, or the purchaser of your property.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

Z. MUDGE.

Robert Randal, Esq.
M. P. P.

To the Honorable the Commons House of Assembly of U. Canada, in Provincial Parliament Assembled.

The Petition of Robert Randal, of Stamford in the County of Lincoln, Esquire.

Humbly Sheweth:

That in the Year of our Lord one thousand eight hundred and sixteen or thereabouts, your petitioner employed the present Mr. Justice Boulton, then Attorney General, as his legal adviser, in all his affairs relative to the disputed property between the petitioner and Messrs. Clark and Street. That Mr. Justice Boulton continued such his legal adviser and attorney until his elevation to the bench, when he handed over, the petitioner's business and papers to his son the present Solicitor General. That upon Mr. Justice Boulton's so giving up the business of the petitioner to Henry John Boulton Esquire, the latter required of the petitioner a collateral security for the sum of fifty pounds, then due to his father, for his professional services, as also for fifty pounds, which were to accrue to himself. That your petitioner accordingly on the seventeenth day of March in the year of Our Lord, one thousand eight hundred and seventeen, executed and delivered to the said Henry John Boulton, a mortgage on Lot No. eleven in the first concession on the Rideau, in the township of Nepean, in the district of Johnstown; containing two hundred acres, for one hundred pounds, payable with interest on the first day of January, in the year of our Lord, one thousand eight hundred and nineteen, and on the seventh day of July, in the year of our Lord, one thousand eight hundred and eighteen, your petitioner executed and delivered to the said Henry John Boulton, a bond in a penalty of two hundred pounds, with a condition reciting the said mortgage, and to pay to the said Henry John Boulton the sum of one hundred pounds as mentioned in the said mortgage. That the above described lot is a most valuable one, your petitioner having many years ago been offered two pounds an acre for it, and another lot in the said townships having been subsequently sold at Sheriff's sale, at Mr. Boulton's suit, for ready money, for four hundred and fifty pounds, or thereabouts, as your petitioner has been informed and believes.

That subsequently, and after the execution and delivery of the bond and mortgage, the said Henry John Boulton proceeded in the business of your petitioner, and obtained against one Elijah Phelps a verdict for a large sum—which having been set aside, and a new trial granted, the cause again came on for trial, at the Niagara Assizes, for the year one thousand eight hundred and eighteen, where Mr. Justice Boulton presided, and where your petitioner

attended, with a great number of witnesses to go to trial. That the said Henry John Boulton also attended as counsel for your petitioner, but who refused in the first instance going on with the trial, until the petitioner had given him his note for twenty-five pounds, payable on the first day of May A. D. 1819; but which note was not given without a strong remonstrance from your petitioner, as he considered he had already given him ample funds of security.—That after giving the said note, Henry John Boulton promised to go on with the cause immediately; when your petitioner went in search of his witnesses; but on his return was not a little astonished to find, that the cause had been ordered to lie over to the next assizes, in consequence of the judge declining from motives of delicacy to try it. That your petitioner strongly remonstrated against such a decision, both with his counsel and his father the judge, who admitted to the petitioner that before he excepted the circuit in which Niagara is, he knew this trial would come on, and had determined not to try it, as he had formerly been concerned in it. That the said Henry John Boulton must have been aware that this cause would not be tried; but had allowed your petitioner to go to a considerable expense in gathering his witnesses; had obtained his note for twenty-five pounds, and then abandoned him, and has never since done any business for him.

That afterwards and immediately after the said note became due, your petitioner was sued thereon, and upon the aforesaid bond by the said Henry John Boulton—he having got out his writ directed to the sheriff of Niagara, on the twenty-first day of May, A. D. 1819—and the note being only due on the first day of that month. That on the twenty-fourth day of June 1819, your petitioner was served at his residence at Stamford in the Niagara District, with the declaration and summons, at the suit of the said Henry John Boulton, returnable on the first of Trinity Term then next, and from that day, until about eighteen months afterwards, and never until he was accidentally informed whilst attending his duty in Parliament in the winter of 1821, of the sale of his lands at the suit of Henry John Boulton, did he hear verbally or by letter of its progress. That immediately after he was so served with the declaration and summons, your petitioner wrote to the said Henry John Boulton upon the subject, requesting to be informed of the progress of the said suit, but receiving no answer, he imagined the same was dropped.

That on looking into the proceedings in the said suit, he finds the following to be the statement.

The summons issued the thirty first day of May, and was returnable on the first day of Trinity Term 1819. That on the thirteenth day of July following on the affidavit of service of the same, on this deponent, the declaration and summons were filed in the Crown Office, and on the same day an appearance entered in the same office by the said Henry John Boulton for your petitioner. That on the same day an affidavit was filed in the said office made by a clerk of the said Henry John Boulton, that the place of residence of your petitioner "in the Home District" was unknown to the person who made the affidavit. That on the same day a demand of plea was put up or filed in the said office, and accompanied the said affidavit. That on the nineteenth day of June, four days afterwards *interlocutory* and *final* judgment was signed against your petitioner, and execution issued against the personal effects of your petitioner to the sheriff of the Home District for the amount of the Bond, Notes and Costs. That in his declaration against your petitioner, the said Henry John Boulton declared in debt on the Bond and Note together, signed judgment on the same together, and issued execution against your petitioner for the same.

That the execution against your petitioner's chattels (directed to the sheriff of a district in which it was notorious to the plaintiff, as well as to every other person who knew him, that he did not reside,) was returnable on the first of Michaelmas Term in the same year, and was filed on the return day with the sheriffs return of "no goods" and on the same day, execution was issued against the lands of your petitioner, directed to the sheriff of the Johnstown District and returnable last of Michaelmas Term A. D. 1820, upon which your petitioner is informed a most valuable lot situated in the Township of Nepean, in the District of Bathurst, on the River Ottawa, and enjoying most important water privileges, *and not the one mortgaged*, has been sold to satisfy the said execution.

That by the tenth section of the Act of the 34th of George the Third, regulating the practice of the Court of King's Bench, and under which Act the process in the said cause was issued, it is *expressly enacted* "That in all actions or suits where the defendant or defendants reside without the limits of "the Home District, or District where the Court "shall be holden, eight days shall be allowed after "such demand of plea, as the ordinary time within "which they shall be required to file their plea, &c." But that, notwithstanding the said Act, the said Henry John Boulton, who perfectly knew the residence of your petitioner to be within the District of Niagara and not in the Home District, not only from having served him with the writ there, but also, from the letter which your petitioner wrote to him after the action was commenced, proceeded to sign not only interlocutory but *final* judgment within four days after demand of plea and that put up, or filed in a district where he well knew your petitioner did not reside.

That your petitioner is informed by professional gentlemen, that in no instance upon judgment by default, on a promissory note, can execution be issued, until the note has either been to a jury to assess the damages, or been sent by a rule of Court to the proper officer, to compute the principal and interest; but that notwithstanding this rule of law, execution after judgment by default was at once issued on the promissory note so given by your petitioner to the said Henry John Boulton.

That by a general rule of the Court of King's Bench in the 40th year of the late King, it is expressly ordered, that in future, the note or bond is to be produced for the inspection of the judges, "when a motion is made to refer them to the master," but that the said Henry John Boulton, not only did not produce either the note or bond to the judges, but did not even move the Court to have them referred to the master.

That by another general rule of the said Court, made in the same year, it is expressly "ordered that

from & after the end of this (Michaelmas) Term, the clerk give no writ of execution on default, without an order of the Court in term time, or fiat of a judge in vacation." That notwithstanding this rule, then in full force, the said Henry John Boulton proceeded to sue out execution against your petitioner on a judgment by default without either an order from the Court or fiat from the Judge.

That by another Rule of the said Court made in Hilary term in the 47th year of the same King it is also expressly "ordered, that in *all* cases of Judg- "ment by default, on Bonds conditioned for the "payment of money, a rule Nisi, to refer the Bond "to the master for Taxation, shall not be necessary, "but a notice of motion for the peremptory rule "shall be given in writing to the defendant, or his "Attorney, at least thirty days before Hilary and "Easter terms, and twenty one days before Trinity "and Michaelmas terms respectively," which rule shall accordingly be made absolute in the first instance on affidavit of such notice. That notwithstanding this rule was in full force at the time of signing the judgment against the Petitioner, he never received, nor did the said Henry John Boulton ever give the above required notice to your Petitioner, or to any Attorney for him.

Your petitioner further represents, that as the said condition of the said Bond recited the said Mortgage and professing therefore to be only collateral security, your petitioner was entitled to the benefit of an Act of the Legislature of the mother country and in force in this Province, requiring in behalf of such defendants, that the plaintiff shall set forth on record, the condition of such Bond, assign breaches thereof, and assess damages before a jury, and your petitioner is informed that according to law no execution can in such case issue till such assessment has taken place. But in the suit against your petitioner, the condition of the Bond is wholly suppressed and does not appear on the record.

Your petitioner found in the course of the applications made by him to the Court of King's Bench for relief, that the following rule was insisted upon as a vindication of the judgment secretly obtained as aforesaid.

Michaelmas Term, Scott, C. J. }
Thorp, J. }

It is ordered, that from and after the first day of Hilary Term next, in all cases where the defendant has not appeared either in person or by his Attorney, judgment for default shall not be signed, without an affidavit first made and filed of a demand of Plea having been served upon the defendant personally or by being left at his usual place of abode, if the same be in the district where the action is brought, and if the defendant's place of abode be not in such district, that then the demand of Plea shall be entered in the office, accompanied by an affidavit stating that the defendant's place of abode within such district is not known to the Deponent, and that Judgment by default in such case shall not be signed till 4 days after such service or entry respectively;—By the Court.

(Signed)

JOHN SMALL,

Clerk of the Crown.

Under this rule, persons are required to take an oath that must do violence to the conscience of the deponent, inasmuch as it implies a belief that the defendant's place of residence is in such District, but not known to the deponent.

Your Petitioner also felt deeply aggrieved at the operation of the said Rule, not only because it arbitrarily deprived your petitioner of a service of the notice at his place of abode, and warranted a judgment in 4 instead of 8 days, in defiance of the laws of this province, but also because it violated the common principles of justice, by requiring notice to be served upon the residents of the Home District, while it favored the Attornies of this Town, by exempting them from the trouble of giving such notices to those defendants, who from their remoter residence from the Crown Office in the outer districts, particularly needed a rule of the said Court to enforce, rather than to supersede, the just enactment of the Provincial Legislature, for their protection.

That on being informed as before mentioned, of the sale of your petitioner's lands, at the suit of the said Henry John Boulton, (and which was the first intimation he ever had of the progress of the said suit), your petitioner immediately caused the proceedings to be looked into, and finding the above gross irregularities in the proceedings, he caused an application as soon as Counsel could be heard, to be made to the Court of King's Bench for relief, in setting aside the judgment and execution which had been so manifestly obtained against every rule and order of the said Court; but after argument, the Court decided it came too late.

That your petitioner subsequently caused another application to be made on the same and other grounds to set aside this judgment, conceiving that it had not been fully argued, but it was again decided against him, on the grounds of the former division, altho' the Court expressed a strong wish to interfere, if it could consistently with its rules.

Your petitioner also humbly states, that on the second application made for relief against this judgment, the Judges of the said Court upheld the same on the ground that the matter had been before heard and determined by them, and that according to an ancient rule of Court in the reign, as your petitioner believes, of one of the James's, no matter heard by Counsel on both sides and on which the opinion of the Court had been given could be re-opened, and that the Counsel attempting it was liable to be silenced for one year; and should the Court be again troubled a second time in like manner, they would desire to see the penalty inflicted, and your petitioner cannot but feel and express the oppression which he suffers from the unjust adherence to one rule of court for the purpose of upholding against your petitioner a judgment which had been obtained by the violation of three other rules of court equally solemn and binding, and even in violation of several legislative enactments in this Province and in England, the due and honorable observance of which by the said Henry John Boulton would have been an ample protection for your petitioner against the ruin and injustice brought upon him.

That in the year 1824, immediately after the last decision, as a last resort to get rid of this extraordinary judgment, your petitioner was advised to bring

a writ of error *corum nobis* to reverse this said judgment, that being, in the opinion of his counsel, his only chance; but the difficulty lay in procuring the writ, as it is an original one which issues out of Chancery, and there being no court of that description in this Province. This difficulty was however at last surmounted, the writ obtained under the great seal of the Province, error assigned and pleaded to, and the matters argued in the vacation of Trinity term, A. D. 1825, before two of the Judges, Mr. Justice Boulton being absent in England, and judgment was to be given in the following Term.

That on applying for judgment, so far as your petitioner could judge, the Judges seemed divided in their opinions, and that therefore your petitioner would have received nothing by a division of opinion—but without giving judgment, the decision was, that the matter must stand over till the Bench was full.

That this was to your petitioner tantamount to a decision against him, inasmuch as Mr. Justice Boulton had on a former occasion, as before stated, refused to try a cause in which he had been interested for your petitioner, and could not now of course be expected to give an opinion either way, as the greater part of the money recovered by this very judgment had been received by him.

That strange as it may seem, the Sheriff of the Johnstown District instead of selling the Lot, so mortgaged by your petitioner to the said Henry John Boulton, and thus as it were foreclosing the same, sold another and still more valuable lot belonging to your petitioner, and the same was purchased, as your petitioner has been informed, by Levius P. Sherwood, Esquire, who has since been elevated to the Bench.

That your petitioner under these circumstances, would not feel it proper, and has been advised not to apply to the Court for their judgment, which your petitioner thinks under the very peculiar circumstances of the case could not be had, for the same reason that the Honorable Mr. Justice Boulton once refused to try a case for him.

Your petitioner humbly represents, that after submitting to many losses and afflictions which would break the heart of almost any man, he found that the most valuable remnant of his property had been most cruelly sacrificed, under this irregular and nefarious judgment, and unless relieved by the interposition of your Honourable House, he shall have to number himself among those who have fallen victims to injustice and oppression in this Province.

That there being no higher court in this Province, to which your petitioner can now resort, he has thus petitioned your Honorable House to interfere and grant him such relief as to your honorable body may appear just.

And as in duty bound will ever pray.

ROBERT RANDAL.

York, January 19th, 1828.

Certified to be a true copy,

JAMES FITZGIBBON,
Clerk of Assembly.

No. 7.

REPORT

ON THE

PETITION OF ROBERT RANDAL, Esq.

The Committee to whom was referred the petition of Robert Randal, Esquire, with power to send for persons and papers and report thereon, have enquired into the same, and respectfully submit the following report:—

It is admitted that the demand of Mr. Boulton against Mr. Randal was for professional services rendered by himself and the Honorable D'Arcy Boulton, late a Judge of the King's Bench. The principal charges are £50 for business alleged to have been done by the Honorable D'Arcy Boulton before his elevation to the Bench—and £50 to Henry J. Boulton, being principally a charge of 5 guineas a day for eight days in attending an arbitration at Niagara, in the Niagara District, for the petitioner in a suit Robert Randal *vs.* Elijah Phelps, in the Court of King's Bench, in which 5 guineas had been previously paid as a retaining fee, and not included in the account for which the bond was given.—In security for the payment of the said sum of one hundred pounds, the petitioner *gave a mortgage to Mr. Boulton* of Lot No. 11, in the first concession on the Rideau, in the *township of Nepean*, and which mortgage is recited in the condition of the bond upon which the action was brought. The cause of R. Randal *vs.* Elijah Phelps, came on for trial at the Niagara Assizes in the year 1818, where Mr. Justice Boulton presided, and Mr. Henry J. Boulton attended as Counsel for the petitioner, the plaintiff, in the cause.—On the day upon which the trial was to take place, and a short time before it was called on, the petitioner at the request of Mr. Boulton gave him his note for twenty-five pounds, payable the first of May following, as a counsel fee for the expected trial. The petitioner proceeded to collect his witnesses, and Mr. Boulton called on the cause—when the Judge refused to try it, on the ground of his having formerly acted as attorney in it for the plaintiff.—The cause was therefore not tried.—*Upon this note* as well as *upon the bond*, Mr. Boulton recovered the *judgment*, against which the petitioner complains.

At the subsequent trial, Mr. Boulton did not attend; and it appears that taking offence at the want of confidence which he inferred from a letter written by the petitioner, he did not feel himself bound, without a further request and a further fee, to continue his professional aid in the suit. This will be seen from the copies of Mr. Boulton's letters annexed—one dated 24th May, 1819, and the other 8th July, 1819. The petitioner complains in the first place, that Mr. Boulton, at the time he took the note for twenty-five pounds, knew the cause would not be tried.—This is denied before your committee by Mr. Boulton. The Attorney General states in his evidence, that he expected the refusal of the Judge to try the cause though unapprised of it.—He also states that he has an indistinct recollection that the Judge, about the time of arranging the circuits, expressed his reluctance to try the cause. The House can judge how far it would have been judicially correct for Mr. Justice Boulton to try the cause in which he had been attorney and counsel—and therefore how far there was a reasonable presumption

for Mr. Boulton that the cause would not be tried, under such circumstances; and how far the note for twenty-five pounds should have been retained after the immediate failure of the consideration for which it was given.

Mr. Boulton prosecuted Mr. Randal for the recovery of the one hundred and twenty-five pounds upon the bond and note, and the following is an abstract of the proceedings in the suit:

IN THE KING'S BENCH.

Henry J. Boulton, Plaintiff vs. *Robert Randal, Defendant.* } This action was commenced by a writ of summons in a plea of debt, issued from the Crown Office at York in the Home District, on the 31st day of May, 1819, returnable the 1st day of Trinity Term 1819, being the fifth day of July of that year. This summons, with the declaration annexed, was filed in the said Crown Office on the 13th July, 1819, with an affidavit made by Samuel P. Jarvis before Thomas Dickson on the 24th day of June, 1819, stating that the same was served on the defendant by the deponent on the 22nd day of June of the same year. On the said 13th day of July 1819, an appearance for said defendant in said cause was entered in the said office by said plaintiff, and on the same day an affidavit made on the 13th day of July, 1819, before John Small, Clerk of the Crown, by the present Hon. James B. Macaulay, then a student at law with the said Henry John Boulton, stating that the place of residence of the defendant in the Home District was unknown to the deponent, and also a demand of plea were filed in the Crown Office. On the 13th day of July 1819 interlocutory judgment was signed, and final judgment entered, for £225 debt, and £5 3 8 damages and costs, amounting altogether to the sum of two hundred and thirty pounds. On the 5th of October, 1819, a writ of fieri facias against the goods and chattels of the defendant was issued upon a præcipe filed by the plaintiff, directed to the sheriff of the Home District, returnable on the 1st day of Michaelmas term following, being the 1st day of November, 1819.

This execution with a return of nulla bona by the Sheriff of the Home District, was filed in the said Crown Office on the return day, and on the same day a writ of fieri facias against the defendant's lands and tenements was issued (upon a præcipe filed by the plaintiff) directed to the sheriff of the Johnstown District, and returnable the last day of Michaelmas Term 1820, which writ was filed in the said office on the seventeenth day of March, 1825, with the following return by the sheriff of the Johnstown District.

By virtue of this writ to me directed, I have caused to be made by the public sale of the lands and tenements of the within named Robert Randal, (that is to say), Lot No. 40, in the first concession of Nepean, in the Johnstown District, together with its broken front in front thereof on the Ottawa or Grand River, the debt and damages within mentioned, which I have ready before our Lord the King, to be rendered to the said Henry John Boulton for his debt and damages aforesaid, as within I am commanded.

(Signed) JOHN STEWART,
Sheriff of District of Johnstown.

That on the 7th day of November, 1821, a motion was made to the Court to set aside the judgment and execution upon an affidavit of the defendant, upon which a rule was granted to shew cause; and upon cause shewn, the rule was discharged by the Court.

And that on the 23rd day of January, 1824, a similar application was made to the Court upon an affidavit of the defendant; and upon cause shewn, and an affidavit filed by the Plaintiff on the 30th April, 1824, the rule was discharged.

On the twenty fourth day of June 1824, a writ of error, *coram nobis*, under the great seal of the Province was granted, error was assigned by the defendant in this case on the 13th day of December 1824, and the plaintiff in this case pleaded thereto on the 25th day of January 1825.

The foregoing is a correct schedule of the proceedings in this cause; no other proceedings in the case have been filed or entered in the Crown Office. There does not appear to have been any assessment of damages by the Court or a Jury or any order of the Court of flat of a Judge thereof for judgment or for any execution.—In obtaining this judgment, your Committee notice the following violations of the then existing law.—By the 10th Section of the Act 34, Geo. III, regulating the practice of the Court of King's Bench, and under which act the process in the said cause was issued, it is expressly enacted, "that in all actions or suits where the defendant or defendants reside without the limits of the Home District, or District where the Court shall be holden, eight days shall be allowed after such demand of plea, as the ordinary time within which they shall be required to file their plea, &c."—But notwithstanding the said act, the said Henry John Boulton who perfectly knew the residence of the petitioner to be within the District of Niagara, and not in the Home District, proceeded to sign not only interlocutory but final judgment, within four days after demand of plea, and that put up or filed in a district where he well knew the petitioner did not reside.

This prejudicial violation of the rules prescribed by the Statutes of the Province, made for the protection of defendants, is attempted to be justified by a prevailing practice under the following rule of Court.

Scott, C. J. / *Powell, J.* / *Campbell, J.* / *Michaelmas 54th Geo. 3d.* } It is ordered that from and after the first day of Hilary term next, in all cases where the defendant has not appeared either in person or by his attorney, judgment by default shall not be signed, without an affidavit being first made and filed of a demand of plea having been served upon the defendant or by being left at his usual place of abode, if the same be in the District where the action is brought, and if the defendant's place of abode be not in such District, that then the demand of plea shall be entered in the office, accompanied with an affidavit stating that the defendant's place of abode within such District is not known to the deponent and that judgment by default in such cases shall not be signed till four days after such service or entry respectively.

This rule, if so construed as to warrant the practice contended for, carries injustice on the face of it. If a defendant lives in the town of York, or within the precincts of the Home District, the demand of plea must be served upon him or left at his usual place of abode; but if he lives in remoter settlements in the very Eastern and Western extremities of the Province, the eight days given by the Statute are arbitrarily reduced to four, and the notice instead of being left at his abode, is filed in an office, to which from his remoteness he cannot have access, and of the proceedings in which from the inevitable diffi-

culties of communication, he cannot be reasonably apprised.

The affidavit required by this rule of court, to consummate its object, is also of a most extraordinary nature. "If the defendant's place of abode be not in such District, then the demand of plea shall be entered in the office, accompanied with an affidavit stating that the defendant's place of abode within such District is not known to the deponent."

In the cause now the subject of complaint, the summons was served upon the petitioner in the Niagara District, where he had resided for a number of years, and Mr. Boulton admits that the place of abode was known to him and to the Clerk, under whose oath he was enabled to sign his judgment. It is implied, that the deponent believes the place of abode to be in the Home District; but not known to him.

It would require strong language to give a suitable reprobation of a rule of court which is equally subversive of the rules of good conscience and statutary law.

The committee desire to remark, that from the evidence it appears that Mr. Boulton acted upon this rule in many other cases in which he had no personal interest, and the profession generally did the same.

The judgment appears to have been in several other respects obtained contrary to the practice followed by the Court, which practice, had it been followed or enforced, would have afforded some protection against undue advantages and surprise.—The following rule was not observed :—

Elmsley, C. J., *Powell, J.*, *Alcock, J.*, *Michaelmas*, 48*th Geo.* 3*rd.* } Rule 8—"It is ordered that in future the note or bond is to be produced for the inspection of the Judges, when a motion is made to refer them to the master."

The Court require the note and bond to be produced for the inspection of the Judges; a rule which it is presumed, was intended to prevent fraud and maintain unsullied the character of public justice; and when your committee consider the irregularities disclosed in these proceedings, and an attempt to justify them by their frequency, they cannot but feel that the rule was as necessary as it was well intended.

The following rule of Court was also obviously intended to prevent undue advantages and surprise, by the violation of which rule Mr. Boulton had an execution against the petitioner's lands and tenements, before he could by a legal and regular course have obtained a rule absolute to sanction his proceedings.

Hilary 47 *Geo.* 3*d.* } *Scott, C. J.*, *Thorp, J.* } Rule 21st—"It is ordered that in future, in all cases by judgment by default on bonds conditioned for the payment of money, a rule nisi to refer the bond to the master for taxation, shall not be necessary—but in lieu thereof a notice of motion for the peremptory rule shall be given in writing to the defendant or his attorney at least thirty-one days before Hilary and Easter terms, and twenty-one days before Trinity and Michaelmas terms, respectively; which rule shall accordingly be made absolute in the first instance, on an affidavit having been made of the service of such notice."

The execution was also obtained with the same irregularity and in defiance of the known rules of court, as appears from the following rule :

Elmsley, C. J., *Powell, J.*, *Alcock, J.*, *Easter*, 40*th Geo.* 3. } Rule 10.—"It is ordered that from and after the end of this term, the Clerk give no writ of execution on a Judgment by default, on any bond, without an order of Court in term time, on the fiat of a Judge in vacation."

Mr. Boulton, however, dispensed with any order of court in term time, or fiat of Judge in vacation.

The bond upon which the action was in part founded, was a mortgage bond, a copy of which is annexed.—It appears on the face to be collateral security; and how far therefore Mr. Boulton was bound to suggest breaches according to the statute, your committee have not inquired.

It appears that several applications have been made to the Court of King's Bench for relief without avail.—The refusal of the court to interfere, was not on the ground that the application had no merits, but on the principle that the objection came too late. Your Committee, however, think it right to observe, that from the course pursued by Mr. Boulton, the petitioner was deprived of those notices to which he was entitled by the written law of the land and the rules of the court.

Irregularities may be waived after notice of them by delay, or by taking a step in the defence; but it would be productive of incalculable injustice if all notices could be suppressed and a suit been clandestinely carried through all its stages, at the sacrifice of all law, and the ruined defendant should be precluded from relief, while the plaintiff sheltered himself under his own wrong.—If this can be law your committee would recommend a legislative provision against it—for no defendant should be deemed guilty of irremedial neglect, when the plaintiff keeps him in the dark by his own wrong.

Mr. Boulton has received his principal and interest upon the bond and note. The fee of the land mortguged is also in him, and there is no Court of Chancery to interfere. The land sold at Sheriff's sale under this judgment is undoubtedly most valuable, and it appears to have been sold before the petitioner knew there was a judgment against him. Part of the land sold under the judgment is owned by the present Honorable Mr. Justice Sherwood, brother-in-law to Mr. Boulton. There is however no evidence to shew that Mr. Boulton was concerned in the sale or the purchases.

Your Committee have to remark that Mr. Boulton was conducting a cause for himself against his own client; and when they consider the nature of the debt, the great and multiplied irregularities by which the judgment and execution were obtained—the great value of the property sacrificed—and the expensive and fruitless endeavors of the petitioner to obtain a reversal of the proceedings, they do not hesitate to recommend relief. Independent of the interest of one of the Judges, it appears that the Court of King's Bench if they set the proceedings aside, could not afford adequate relief—and therefore your committee have reported a bill enabling the Honorable Mr. Justice Willis to enquire into the matters alleged in the petition and to do justice be-

tween all the persons interested. The Chief Justice is not included in the Bill as it is publicly reported that he is about to visit England; and under such circumstances the object of the measure might be defeated and the ends of public justice not be answered, if he were included. Mr. Boulton complains of Mr. Randal, for having misrepresented the value and quantity of the land mortgaged to him, and the Committee have annexed the evidence and documents adduced in support of the charge.

All of which is respectfully submitted,

B. C. BEARDSLEY,

Chairman.

APPENDIX TO REPORT.

The Committee on the petition of ROBERT RANDAL, Esq., met in the Joint Committee Room, February 13th, 1828.

PRESENT:

Messrs ATTORNEY GENERAL,
MATTHEWS,
ROLPH, and
BIDWELL.

Dr. LEFFERTY, attended and was examined.

He states that he was present at the Assizes for Niagara in 1818, where a cause of Randal *vs.* Phelps was stated to have been entered for trial—Mr. Justice Boulton presided—saw Mr. Randal there—does not know on what day of the sitting of the Court it was. He was going from the Court House to town for his witnesses,—understanding that Mr. Boulton (the Solicitor General,) was going to call the cause on. While he was absent Mr. Boulton did call the cause on, and the Judge declined trying it, on the ground that he had been Attorney for the plaintiff, and had instituted the action.—Dr. Lefferty then left the Court-house and went to town, and meeting Mr. Randal on the way, told him that his cause would not be tried; at which he appeared much dissatisfied, and said he had that morning given Mr. Boulton his note for 100 dollars for coming over to conduct his trial—Mr. Randal went into Court, and in his presence urged the trial of the cause, but the Judge positively declined. The Judge being pressed by Mr. Randal said he had objected to taking that circuit, because he was unwilling to try that cause—knows that Mr. Randal paid something more than 40 dollars to an Innkeeper at Niagara for the expenses of some of his witnesses.

Mr. Randal produces a letter from Mr. Boulton, said to have been received 1st May, 1819, (marked F.)—also a letter from Mr. Boulton, dated May, 1819, (marked G.)—also a letter from Mr. Boulton of 8th July, (marked H.)—also a copy of a letter from himself to Mr. Boulton, dated June 29th, 1819, (marked I.)—this letter he states he sent by one Jacob Dawn, to York; also a paper marked K, certified by the deputy clerk of the Crown, as being a correct schedule of the original papers in the cause of Mr. Boulton *vs.* Randal—was served with process on 22nd June, 1819,—and on the 29th June, wrote that letter marked I.—He saw Mr. Randal at the Assizes, in August, 1819, but did not speak to him respecting the suit.

February 21st.

The COMMITTEE met again.

The Petitioner attended.

Dr. LEFFERTY again called in and examined.

Says he remembers in 1816, Mr. Justice Boulton, then Attorney General, conducted the trial of the same cause of Randal *vs.* Phelps.—A nominal verdict was given and the cause was referred to arbitration—no award was made and it was tried at the next Assizes for Niagara.

Mr. Randal states to the Committee that a different lot from that mortgaged to Mr. Boulton was sold in execution to satisfy his debt, which Mr. Boulton says he has no doubt might have been, for he gave no particular directions to the Sheriff on the subject.

WILLIAM MORRIS, Esq., called in and examined by Mr. Randal.

Says—he has no acquaintance with Mr. Le Breton—knows lot No. 40 in Nepean—called Point Nepean—heard it was sold either to Capt. Le Breton, or Mr. Sherwood now Judge Sherwood—Mr. Morris's brother attended the sale—it took place at the Court House in Brockville, Nepean being then part of the District of Johnstown—does not remember how long he had heard of the sale before it took place.

He authorised his brother, being at Brockville, (Alexander Morris) to bid as much as £300 for it; he afterwards found that his brother had gone as far as £449 for it, but not liking to go further, it was bid off to Capt. Le Breton or Mr. Sherwood for £450.

Being asked by W. Randal whether he did not tell him Mr. Randal during the last Parliament, that he had only heard of the sale the night before it took place, answers that it was impossible, as he had himself walked to Point Nepean (50 miles) to see the lot before the sale, and had in consequence sent the directions to his brother. A Sheriff's notice of the sale was put at his Mr. Morris' shop door in Perth which is as public a place as any Merchant's shop in Perth; it was put up as notices always are on the inside of the door; knew nothing of the intended sale till he saw that notice—he went down, in consequence of a conversation with Dr. Thom, who had received information from some person on the Ottawa that Point Nepean was a valuable situation, and they consequently both went on foot to see it; after his return he wrote to his brother, by post, the instructions spoken of, and he thinks that the sale took place a few days after, but he does not distinctly recollect the time.

Had he been present at the sale he thinks he would have given as high as 7 or 800 pounds for it. If the property had been his, he thinks he would have been reluctant to have taken £2000, for it.

Captain Le Breton, was at the sale; and his impression has always been, that Mr. Sherwood either participated in the purchase or assisted Capt. Le Breton in making it; but he knows not how the fact really was.

The Sheriff was John Stuart Esq., who is still Sheriff of the District of Johnstown; he is brother in law to Mr. Sherwood, and to the Solicitor General.

Thinks Mr. Sherwood knew nothing of the value of the Lot until he was applied to by Capt. Le Breton to join or assist him in the purchase.

Neither saw nor heard of any other notice of the sale, in Perth or the neighborhood or in the neighbourhood of the lot—has never conversed with any of the Messrs. Wrights of Hull, about the Lot—thinks they had no knowledge of the intended sale—found at Morris's run, about 5 miles from the Point, that they were ignorant of it. The notice of the sale was not likely to have attracted the attention of people in general, as the country was then so little known.

He considered the place of great value from its situation with respect to navigation and water privileges, but not from any idea or knowledge he had of any great expenditure being likely to be made there by the government, further than building a store or two for the reception of emigrants.

He meant, if he had bought it, to have given two or three acres to the Government for such a purpose. Thinks the lot not worth so much now as it was then, from an establishment which has been made on a neighboring lot by the Government since; which has occurred, it is understood, from the refusal of Capt. Le Breton to part, on reasonable terms, with the lot or a part of it *for the purposes of the Government.*

The COMMITTEE met again on

FRIDAY, *February 22nd.*

WILLIAM MORRIS, called again and examined.

Asked, for what sum he would have taken for allowing any person to select an acre from the lot at Nepean Point; had it been his?—says he would not have taken less than £500, and perhaps not that sum—because the best mill seat would probably be selected; there are several mill seats on the lot.

Seven years ago, a village was laid out upon the lot in question, by the present proprietors—does not know what number of houses are built there, but thinks not more than three or four.

The ATTORNEY GENERAL was retained in 1817 to defend Elijah Phelps against Robert Randal, in which a verdict had been rendered in favor of Randal at the preceding assizes for £10,000—that verdict was set aside and a new trial granted in October, 1818. He was present as Counsel for defendant at Niagara—he rode part of the way with Mr. Justice Boulton on his way to the Assizes—it was in October, 1818—cannot say where he stayed at Niagara.

He knew no more than any stranger in court that the Judge intended not to try the cause mentioned above—that he went as Counsel prepared for the defence when the Judge refused to try it. The Solicitor General seemed annoyed at it and so expressed himself to him (the Attorney General) and thought it an unnecessary scruple on the part of the Judge, that he had been the Plaintiff's Attorney in the suit: but the Attorney General thought otherwise and expected such refusal though as unapprised of it as any stranger. In the course of conversation the Judge might have expressed his reluctance to try the cause; and he has an indistinct recollection of its being the case about the time of arranging the circuits; but he had no reason to think the Judge had positively made up his mind when he left York.

The Solicitor General said that Randal had come with the intention to have it tried—that he had himself come with that expectation, and only for that cause, and that it would be a vexation to Randal.

He was never retained by Mr. Boulton as his counsel upon any of the applications made by Mr. Randal to set aside the proceedings in Boulton *vs.* Randal. That either on the application of Mr. Stuart or Mr. Rolph, or both, he did at the request of the Solicitor General, the grounds of objection which he stated to be against the motion, and perhaps engaged in answering the rule *nisi*. That the Solicitor General applied to the Attorney General to oppose the writ of error, and he would have done so had he been present; he suggested to the Solicitor General not to object to the legality of the writ in error; but to allow the irregularities to come into discussion in that shape before the court, if the court did not themselves object to it.

To this the Solicitor General assented.

But as the Attorney General then went to England, is not acquainted with the further progress of the matter.

The cause of Randal *vs.* Phelps was tried at Niagara in 1819, before Powell C. J. and a special jury. Randal in person pleaded his own cause, and not by the Solicitor General, who was not present. He heard Randal in pleading his own cause, say that he was abandoned by his counsel the Solicitor General, and has no doubt Mr. Randal appealed to the indulgence of the Court upon matters of law, under the circumstances in which he was placed.—The cause was called on at the request of Mr. Ran himself; that he thinks it likely the judge told him, Randal, that every legal advantage should be afforded him. The cause went off upon no legal objection; but it went to the Jury on the evidence; the Chief Justice charging strongly in favor of the defendant.

SATURDAY, 23*rd.*

The COMMITTEE met.

Mr. RANDAL attended.

Mr. MORRIS again examined—

There were but four or five inhabitants in the Township of Nepean at the time of the sale, and these he thinks were what are called squatters. The river Goodwood empties into the Rideau ten or twelve miles from the mouth of the Talter; thinks there was not an inhabitant on the river Goodwood nine or ten years ago.—Had he never seen any particular lot on the Rideau below the river Goodwood, which might have been advertised for sale, he would not have given much for it—it is good land however, and thinks it would now be valuable. At the time

spoken of, in 1819, thinks land so situated would have been worth about seven and six pence per acre, tho' now it is worth five or six dollars—would not have thought eighty acres in that situation a good security for £100; there is no mill seat on the Rideau; on the place spoken of, it is dead water.

Mr. Boulton attended and produced to the committee a mortgage from Mr. Randal to him dated March 17, 1817, which is the same referred to in the bond on which judgment was entered. The mortgage is upon lot No. 11 in the first concession of Nepean on the Rideau for £100; to be paid 1st January, 1818. The lot is said in the mortgage to contain 200 acres. Mr. Boulton produced a certificate from the Surveyor General, that the lot thus mortgaged contains only 78 acres; and that the patent to Mr. Randal described lots Nos. 10 and 11 in the 1st concession as containing together only 100 acres and Mr. Boulton calls the attention of the committee to the circumstance that in the mortgage, lot No. 11 only was stated to contain 200 acres.

Mr. Boulton also produces an affidavit of Mr. Randal, sworn the 6th July 1824, for the purpose of his qualification to be returned as a member, in which he describes the lot in question, No. 11, as a broken lot whereas in his petition to the house, he states that he gave Mr. Boulton a mortgage on 200 acres of land. He also produces a certificate given by the deputy clerk of the Crown setting forth various causes conducted to judgment by other attornies, viz: Fothergill *vs.* Brice; Somers *vs.* Pettit; Heron *vs.* Dewitt; McNider & Forsyth *vs.* Clarke; in which the proceedings were precisely such against the defendants residing out of the Home district as in the case against Mr. Randal.

And he remarks that in the case of Mr. Somers *vs.* Pettit, in which Mr. Baldwin was Plaintiff's Attorney, and judgment by default was obtained in the same manner, he (the Solicitor General) was Counsel for the defendant, and did all he could to obtain relief against the judgment, but in vain; and the judgment was confirmed.

Mr. Beardsley, a member of the committee and also a Barrister and Attorney, states that it is perfectly notorious that the practice was so under the rule of court, and that he heard many cases where the judgments were so obtained.

Mr. Boulton also produces his dockets, shewing that his proceedings for clients in similar cases were precisely such as took place in his action against Mr. Randal.

In particular he shews a cause in which he was plaintiff's attorney for James Samson Esqr. against the Hon. William Dickson a member of the Legislative Council, whose residence in the town of Niagara was known to every person, in which cause the proceedings were just such as those of which Mr. Randal complains.

Mr. Boulton also produced a writ certified by the Clerk of the Crown of judgments against Mr. Randal in other causes which were depending against him at the time he pressed the payment of his bond; among these is a case of Thomas Clark *vs.* Robert Randal, in which judgment was obtained for £415-13 0¼. In this case the Att'y General was concerned for the plaintiff, & as he states that Mr. Boulton had obtained judgment against Mr. Randal a short time before Mr. Clark's could be entered up—& that he looked into the proceedings with a desire to set them aside if he could to prevent his obtaining precedence of Mr. Clark, but finding them in accordance with the ordinary practice of the court as it appeared to him, he concluded there was no ground.

Mr. McDonald M. P. P., called in and examined.

Mr. Boulton related to him that Mr. Randal had informed the committee, that he (Mr. McDonald) had stated to Mr. Randal, that the advertisement of the Sheriff's sale of Mr. Randal's lot, was put up with the face to the wall, and on the back written, "a watch to be raffled for" and Mr. Boulton asks Mr. McDonald if the fact was so, or if he ever stated such a thing to Mr. Randal.

Mr. McDonald states that he never saw, never heard of or saw any thing of the kind and never did state any such thing to Mr. Randal; at least that he would swear that to the best of his recollection he never made any statement of the sort.

Mr. Hornor, M. P. P., called in by Mr. Randal.

Says that he heard Mr. Randal say four years ago that Mr. McDonald had made the statement respecting the advertisement mentioned above; but he never heard Mr. McDonald say so.

Committee met again—

Tuesday *Feb.* 26 1828.

PRESENT:

Messrs. Beardsley, *Chairman*,
Rolph, and
Attorney General.

Mr. Justice Sherwood attended at the request of the Committee, and being examined in presence of the Petitioner, states he has been at the Falls on the Ottawa river; knows No. 10 in Nepean; it was sold at sheriff's sale at the suit of Mr. H. Boulton, Capt. Le Breton was purchaser at sheriff's sale: soon afterwards, thinks within one or two days after, he, Mr. Sherwood became purchaser from him of part: thinks the sale was in December. 1820. On the evening of the sale as he thinks, Captain Le Breton came to him at Brockville, and stated, that a valuable lot was to be sold at Sheriff's sale, situate on the Ottawa where he Le Breton resided, that he wished to become the purchaser, but was not sure he had sufficient money, as other persons he understood had come in, intending to buy, & he proposed to Mr. Sherwood to join him in the purchase, or to lend him money to enable him to buy. He stated to Capt. Le Breton that he was not inclined to buy land at that time, but that he would enquire about the lot in question; that at any rate he would take part of the lot from him if he bought it, or would advance him the purchase money if he would give him security.

Mr. Sherwood was present at the sale, but did not bid. Captain Le Breton bought it; there were other bids, and thinks lands of other persons were sold on the same day by the Sheriff in presence of the same bidders. Thinks between twenty and thirty persons attended, had seen the Sheriff's advertisement of the sale under Mr. Boulton's execution be-

fore Captain Le Breton came to him, but knew nothing of the particular lot, and a day or two after the sale, he took from Le Breton a conveyance of half his interest in the lot, (an undivided moiety) and became responsible to the Sheriff for the purchase money, of which Captain Le Breton subsequently paid his half to Mr. Sherwood; the amount bid for the lot was £449, to the best of his recollection.

He does not know that any person united with Captain Le Breton in the purchase at Sheriff's sale, but thinks there was not; a partition was made some months after he took the deed from Captain Le Breton as Tenant in common.

Captain Le Breton has sold part of his moiety, as he thinks to one Bellows. He (Mr. S.) has not yet sold any part of his portion, except that he made an exchange with Capt. Le Breton of a small part after partition was made.

He has laid out the front of his proportion of the lot into small lots and Capt. Le Breton he has been told, has done the same, has never understood what price Capt. Le Breton has put upon his share of the land. An application was made to him from the Quarter Master General's office, at the desire as he understood, of the Commander in Chief, for a purchase of a part of the lot, this was some time after the sale to him, has understood that a proposal was also made to Capt. Le Breton at Quebec by the Commander in Chief, which however did not end in any thing satisfactory.

Does not know what price was offered to Capt. Le Breton, no specific offer was made to himself.

Considers the lot valuable from its situation affording a good landing place at the head of the navigation, and there is a good mill site and perhaps several on the lot; the land is in general rough. There is a town he understands laid out near it called By-town, and it is probable that that circumstance renders the lot of less value than it has been supposed to be, when he was last at the lot there were two government storehouses built of logs on the lot, and a small dwelling house near that, kept there as an Inn. Has heard since, that a good house has been built by one Bellows a Merchant, where he believes an Inn is now kept, and there is also another house in which one Rollister lived, who likewise kept an Inn, and has heard that another house has also been built there, one Frith is living with Barry in the house first spoken of.

To questions put by Mr. Boulton, states that he never understood the sale was intended to be kept secret by the Sheriff, has heard the Sheriff say that he sent advertisements to Nepean and Perth and to several parts of the District, has no idea that the Sheriff was at all aware of the value of the lot No. 40; he (Mr. S.) knew nothing of it till informed of it by Le Breton.

In 1821, Mr. Randal came to him (Mr. Sherwood) at York, and spoke to him respecting the sale, saying that he understood the land had been sold, and that he was aware that he, Mr. Sherwood, owned part of it. Mr. Randal appeared to be dissatisfied with the judgment which had been obtained against him, saying that Mr. Boulton had not treated him well; he said that he had no knowledge of the sale till he was told of it, during the sitting of the Legislature then in session, by Mr. Morris or some other person.

At a subsequent Sheriff's sale of Mr. Randal's lands at the suit of Mr. Clark, he Mr. Sherwood bought No. 11 in Nepean on the Rideau, does not recollect the price; it was he thinks under £20, nearer ten than twenty; the quantity of land was somewhere about 60 or 70 acres; had this lot been offered to him in 1816 or 1817, he would not have given a dollar an acre for it, but it might have been worth much more.

When he understood a question had been made about the land (No. 40) being properly advertised, by the Sheriff, he took pains to enquire; and so far as he can depend on the statement of the Sheriff, his belief is, that the land was as well advertised as Sheriff's sales usually were then, which was before the passing of the statute on that head in 1822, and more regularly than they sometimes were in other cases, no fact has come to his knowledge to lead him to think otherwise, but the reverse.

Robert Baldwin, Esq., a Barrister Attorney attended. Recollects the rule of court under which it is stated the interlocutory judgment in Boulton *vs.* Randal was signed; was a Clerk in his father's office at the time the rule spoken of was caused to be in force, the practice was then agreeable to the rule, whether such practice was consistent with the statute or not he could not then judge. Remembers the cause of Sommers *vs.* Pettit, in which his father (W. W. Baldwin, Esq.) was attorney for the plaintiff, and Mr. Boulton for the defendant: upon reference to his father's docket, he finds that interlocutory judgment was signed under the same rule of court as in Boulton *vs.* Randal; knows Mr. Boulton exerted himself as much as possible for the defendant, but the judgment was finally entered on the assessment. That cause was an important one as to value; the judgment was for about £500. The interlocutory judgment in Sommers and Pettit was signed 29th July, 1820: demand of plea was put up in the Crown office on 26th July, and affidavit filed that defendants place of residence in the Home District was not known to the deponent. Upon questions put to Mr. Boulton by Mr. Randal, Mr Boulton states, that he was retained by Mr. Randal in Randal *vs.* Phelps and received five guineas, and that Mr Justice Boulton claimed £50 for his services rendered to Mr. Randal when he was at the Bar which formed part of the sum for which the bond was given.

Mr. Randal being asked by Mr. Boulton, whether an account of which a copy appears published in the Colonial Advocate of June 26, 1825, was not furnished by him to the Printer; and whether he Mr. Randal did not receive such an account from Mr. Boulton; he says he has no doubt it is so. Being asked as to the services specified in that account, he does not deny that they were rendered, and does not remember whether he ever objected or not to any of the charges made.

Mr. Boulton to Mr. Randal.

York, *8th July*, 1819.

Sir:—From what has occurred I suppose you do not wish me to advocate your two causes at the next assizes, if that is the case, I should wish to know it immediately, as it will save me some trouble. Indeed

I am not very anxious to be the advocate of a person who is so very illiberal in his sentiments, because I should expect (from the specimen in your former letter) that should all my efforts prove of no avail, you would accuse me of not sufficiently exerting myself, and allowing the other side, from improper motives, to obtain undue advantages.

At all events, in order that I may not subject myself in future to the like treatment & similar observations, I shall expect the fee with my brief to be advanced, which will preclude all misunderstandings.

If possible to be procured you should have the original note upon which the judgment in Mr. Clark's suit was obtained. You had better write to some of your friends in Montreal, to apply to the officer of the court for it, who perhaps will give it up.

Your obedient servant,
H. J. BOULTON.

To Robert Randal,
Chippawa.

York, *May 24th*, 1819.

Sir:—I received your most extraordinary letter of the 17th inst., by Mr. Smith, which if there is any meaning at all to be given to it, is a very impertinent one, and such an one as I will not permit you or any other client to write to me with impunity. I would have you to understand, that I am not rendering you any professional assistance from what you may fancy popular reasons, & therefore any further than my duty to my client prompts me, I do not care a farthing about you. You gave me what I expected at the time to be a security for £100; half for my own benefit and the other for my father's. This security I find not worth half a dollar per acre, as there are no inhabitants in the township. In addition to which, I have your note for £25 due on the first of this month, both which sums, with interest, amount to nearly 140*l* & the security I have, independent of your personal responsibility, is not sufficient to guarantee the payment of one half that sum: & as I am not looking to the result of your business, as you call it, for my payment, I insist upon having the money, long due to me for services already performed, paid or secured in a sufficient manner. Were you unable to do either, I should not perhaps expect or wish it, but in proportion as you oppose giving me what I have a right to so in proportion shall I insist on it, as you can have no honorable or just reason for withholding it. If you will pay me down £50, so as to lessen the burthen upon the land, I will accept it, and let the remainder stand as it does. I return the cognovit for your signature, and patiently wait the return of the post. Mr. Jarvis, I fancy will hand you this, who will give you a receipt for any money you may pay him. You may be certain I shall not retract one farthing.

Your obedient servant,
H. J. BOULTON.

Mr. Randal,
Chippawa,

Charles Fothergill *vs.* Peter Bice of the District of Newcastle.

13th July, 1819.—Appearance entered, per statute 60 Geo. 3d.

13th July, do.—Affidavit of non residence of debt filed with a demand of plea.

17th, July, 1819.—Interlocutory Judgment filed.

GEORGE S. BOULTON,
for Plaintiff.

Absalom Sommers *vs.* Thomas Pettit.

19th July, 1820.—appearance, per Statute, entered, by Plaintiff, for debt.

26th July, 1820.—Affidavit of non residence sworn and demand of plea put up in the office.

29th July, do.—Interlocutory judgment signed, for want of a plea.

Michaelmas Term.—Motion for new trial on payment of costs refused.

Verdict £490.

W. W. BALDWIN,
for Plaintiff.

Heron *vs.* Dewitt.

10th January, 1820.—Appearance per Statute.

25th January, do.—Demand of plea put up in the office.

Affidavit of non residence allowed in bill of costs.

31st January, do.—Interlocutory judgment signed.

Notice of assessment of damages put up in the office.

W. W. BALDWIN,
for said Plaintiff.

Adam L. McNider and John Forsyth vs. John Clark do. debt on bond £150.

JOHN B. ROBINSON,
for Plaintiff.

16th January, 1821.—Appearance per Statute.

22d January, do.—Interlocutory Judgment upon an affidavit of non residence, and demand of plea, as appears by the bill of costs.

24th March, 1821.—Final judgment signed without any rule to refer Bond to the master or assessment of damages.

I certify the above proceedings to be correct, as appears by the papers now in the Crown Office.

JAMES E. SMALL,
Deputy Clerk of the Crown.

I certify that the broken lots, Nos. 10 and 11, in the 1st concession on the River Rideau in the Township of Nepean, were given in the grant to Robert Randal Esquire, containing 100 acres. By the plan they appear to contain somewhat more, that is to say, the broken lot, No. 10 about 50, and the broken lot, No. 11, about 78 acres.

THOMAS RIDOUT,
Surveyor General.

Surveyor General's Office York,
14th February, 1828.

To whom it may concern.

I Robert Randal, of the Township of Stamford, do swear that I truly and bona fide have such a freehold estate situated in the following places :— the place known by the Bridgewater Works in the waters of the Niagara River, between the mouth of the River Welland and the Great Falls in the Township of Stamford, District of Niagara; four frame dwelling houses, under two stories, with not more than two fire places; twelve hundred acres of land, being the North part of the Lots No. 15, 16, 17, 18, 19, and 20 on the South side of the River Welland in the township of Wainfleet, District of Niagara; compensation allowance for the destruction of the Bridgewater Works in the late war with the United States of America. detained in the hands of this government by my order, (four thousand pounds); seven hundred and twenty-six acres of land, lots Nos. 38, 39, and 40 in the first concession from the Grand or Ottawa River, and the broken fronts of said lots, in the township of Nepean in the County of Carleton, District of Bathurst; 450 acres of land, broken lots No. 10 and 11 in the 1st concession lot No. 11, and the Eastermost or front three fourths of Lot No. 10 in the 2nd concession, upon the River Rideau, Township of Nepean, County of Carleton, District of Bathurst; 400 acres of land, lots No. 11 and 12 in the 8th concession of the Township of Matilda in the County of Dundas Eastern District, 400 acres of Land, Lots Nos. 10 and 11 in the 6th concession of the Township of Young, County of Leeds, District of Johnstown, over and above all incumbrances that may effect the same ; and am otherwise qualified according to the provisions of the Law to be elected and returned a member of the Commons House of Assembly, according to the tenor and true meaning of the Act of Parliament in that behalf; and that I have not obtained the same fraudulently for the purpose of enabling me to be returned member to the Commons House of Assembly.

So help me God.

(Signed) ROBERT RANDAL.

Sworn before me at Stamford, in the county of Lincoln in the District of Niagara, this 26th day of July, 1824.

(Signed) RICHARD LEONARD.
Returning Officer,
District of Niagara.

I Richard Leonard, Esq Returning Officer for the County of Lincoln, in the District aforesaid, do certify, that on the 26th day of July inst. Robert Randal of the Township of Stamford, did duly make and subscribe before me, Returning Officer as aforesaid, the within written oath of eligibility.

Given under my hand at Stamford this 31st day of July 1824.

(Signed) RICHARD LEONARD.
Returning Officer.

I certify that the foregoing are two copies of the oath of eligibility of Robert Randal Esq., and of the certificate of Richard Leonard, Esq., the Returning Officer now filed of record in the Crown Office.

In testimony whereof I have hereto set my hand and affixed my seal of office this 8th day of February, in the year of our Lord, 1828.

JAMES E. SMALL,
Deputy Clerk of the Crown.

Know all men, by these presents, that I Robert Randal, of the township of Stamford, in the District of Niagara, gentleman, am held and firmly bound to Henry John Boulton, of the town of York, in the Home District, Esq., in two hundred pounds of lawful money of Upper Canada, to be paid to the said Henry John Boulton, or his certain attornies, executors, administrators or assigns, for which payment, to be well and truly made, I bind myself, my heirs, executors and administrators, firmly by these presents, sealed with my seal, and dated the seventh day of July, in the year of our Lord one thousand eight hundred and eighteen.

Whereas, by an indenture bearing date the 17th March, 1817, the said Robert Randal, mortgaged unto the said Henry John Boulton, all that parcel or tract of land, situated, lying and being in the township of Nepean, in the District of Johnstown, containing, by admeasurement, 200 acres, more or less, being Lot number 11, in the first concession, (on the Rideau) of the said township of Nepean, which is more particularly described in the original grant from the crown, of the said parcel or tract of land, to the said Robert Randal, and which said indenture of mortgage is meant as a security for the due payment of the sum of £100 of lawful money of Upper Canada, by the said Robert Randal, to the said Henry John Boulton, with lawful interest from the date hereof, and, whereas in the said indenture of mortgage, there is not contained any covenant for the due payment of the said sum of £100, as aforesaid, according to the true intent and meaning of the said parties, now the condition of this obligation is such, that if the above bounden Robert Randal, his heirs, executors, or administrators, do and shall, well and truly, pay or cause to be paid unto the above named Henry John Boulton, his heirs, executors, or administrators, the full sum of £100, of lawful money aforesaid, with lawful interest for the same, from the 17th March, 1817, on the first day of January, next ensuing the date of the above written obligation, then this obligation shall be void, otherwise the same shall remain in full force.

R. RANDAL.

Sealed and delivered in the presence of
JAMES BOULTON.
G. S. BOULTON.

(Copy of the promissory note.)

For value received I promise to pay Henry John Poulton, Esq. or order, the sum of twenty-five pounds seventeenth October, 1818—payable 1st May next.

R. RANDAL,

I certify that the preceding paper writing contains true copies of a bond and a promissory note, filed.

of record in the Crown office, in the cause of Henry J. Boulton, Esquire, against Robert Randal.

In testimony whereof, I have hereto set my Hand and affixed my Seal of Office, this seventh day of February, 1828.

JAMES E. SMALL,
Deputy Clerk of the Crown.

No. 8.

A list of property on which Robert Randal declares his eligibility as a Candidate to be returned to the Commons House of Assembly as a Representative.

The place known by Bridge-Water Works, on the waters of the Niagara River, between the mouth of the river Welland and the great Falls, in the Township of Stamford, district of Niagara.

4 Frame dwelling houses under two stories, with not more than two fire-places, each £35....£ 140

1,200 Acres of land, being the north part of the Lots, Numbers 15, 16, 17, 18, 19 and 20, on the south side of the river Welland, in the Township of Wainfleet District of Niagara..... 240

Compensation allowed for the destruction of the Bridge Water Works in the late War with the United States of America, detained in the hands of this Government by my order £4,000.

776 Acres of land, Lots No. 38, 39 and 40, in the first concession from the Grand or Ottawa River, and the broken fronts of said lots in the Township of Nepean, County of Carleton, District of Bathurst..... 155

450 Acres of land, broken Lots, No. 10 and 11, first concession Lot No. 11, and the Easternmost or front three-fourths of Lot No. 10, in the second concession upon the River Rideau, Township of Nepean, County of Carleton, District of Bathurst..... 90

400 Acres of land, Lots No. 11 and 12, in the eighth concession of the Township of Matilda, County of Dundas, Eastern District..... 80

400 Acres of land, Lots No. 10 and 11, sixth concession of the Township of Young, County of Leeds, District of Johnstown... 80

Total, 3226 Acres assessable property—amount of rates,..... £ 786

R. RANDAL.

Chippawa, July 26th, 1824.

I certify that the paper writing marked No. 1, hereto annexed, is a correct statement of the proceedings int he cause wherein Henry John Boulton, Esquire, is plaintiff, and Robert Randal, Esquire, is defendant; and also that the paper writing marked No. 2, also hereto annexed, contains true copies of the appearance paper—affidavit of non-residence and demand of plea—and the interlocutory judgment paper, with their several indorsements filed of record in the Crown Office in the abovesaid cause.

In testimony whereof, I have hereto set my Hand and affixed my Seal of Office this first day of August, in the Year of Our Lord One Thousand Eight Hundred and Twenty-eight..

JAMES E. SMALL. [G. R.]
Deputy Clerk of the Crown.

No. 1.

IN THE KING'S BENCH.

Henry John Boulton, *Plaintiff*, } This action was
vs. } commenced by a
Robert Randal, *Defendant* } Writ of Summons

in a plea of debt, issued from the Crown Office at York, in the Home District, on the thirty-first day of May, 1819, returnable the first day of Trinity Term, 1819, being the fifth day of July of that year. This summons, with the declaration annexed, was filed in the said Crown Office on the 13th day of July, 1819, with an affidavit made by Samuel P. Jarvis, before Thomas Dickson, on the 24th day of June, 1819, stating that the same was served on the defendant by the deponent, on the 22nd day of June of the same year. On the said 13th day of July, 1819, an appearance for said defendant in said cause was entered in said office by said plaintiff, and on the same day an affidavit made, on the 13th day of July, 1819, before John Small, Clerk of the Crown, by the present Honourable James B. Macaulay, then a student at law with the said Henry John Boulton, stating that the place of residence of the defendant, in the Home District, was unknown to the deponent, and also a demand of plea were filed in the Crown Office. On the 17th day of July, 1819, interlocutory judgment was signed, and final judgment entered for two hundred and twenty-five pounds debt, and five pounds three shillings and eight pence damages and costs, amounting altogether to the sum of two hundred and thirty pounds. On the fifth of October, 1819, a writ of fieri facias, against the goods and chattels of the defendant was issued upon a prœcipe filed by the plaintiff, directed to the Sheriff of the Home District, returnable on the first day of Michaelmas Term following, being the first day of November, 1819. This execution, with a return of nulla bona, by the Sheriff of the Home District, was filed in the said Crown Office on the return day, and on the same day a writ of fieri facias against the defendant's lands and tenements was issued (upon a prœcipe filed by the plaintiff) directed to the Sheriff of the Johnstown District, and returnable the last day of Michaelmas term, 1820, which writ was filed in the said office on the 17th day of March, 1825, with the following return by the Sheriff of the Johnstown District.

By virtue of the writ to me directed, I have caused to be made by the public sale of the lands and tenements of the within named defendant, Robert Randal (that is to say) lot number forty, in the first concession of Nepean, in the Johnstown District, together with its broken front, in front thereof, on the Ottawa or Grand River, the debt

and damages therein mentioned, which I have ready before the Lord the King, to be rendered to the said Henry John Boulton, for his debt and damages aforesaid, as within I am commanded.

(Signed) JOHN STUART,
Sheriff District of Johnstown.

(No. 2.)

In the King's Bench,

Trinity 59 Geo. 3d.

Henry J. Boulton one &c. *vs.* Robert Randal. } The Plaintiff appears for the defendant in this case according to the statute.

H. J. BOULTON,
In person.

Indorsed on the above

In B. R.

Boulton, *vs.* Randal. } Appeared

Filed 13th July, 1819.

J. SMALL,
C. C.
H. J. BOULTON.

In the King's Bench.

Trinity Term 59. Geo. 3d.

H. J. Boulton, one, &c. *vs.* Robert Randal. } The Plaintiff demands a plea in the cause from the Defendant by

Yours, &c.

H. J. BOULTON,
Plaintiff in person.

To Robert Randal, *the above Defendant.*

James B. Macaulay, of the Town of York, Gentleman, maketh oath and saith, that the above named defendant, Robert Randal's place of residence, in the Home District, is not known to this deponent.

J. B. MACAULAY.

Sworn before me this 13th day of July, 1819, J. Small, Cl'k Crown. } Entered 13th July, 1819.
J. SMALL.

Indorsement on the above.

H. J. Boulton,

Robert Randal.

Affidavit non-residence and demand of plea filed 13th July, 1819.

J. SMALL, *C. C.*
H. J. BOULTON.

In the King's Bench.

Trinity Term, 59 Geo. 3d.

Henry John Boulton, *vs.* Robert Randal. } The Plaintiff signs judgment in this cause by default for want of a plea.

H. J. BOULTON,
Plaintiff.

17*th July*, 1819.

Indorsed on above.

In B. R.

Trinity Term, 59. Geo. 3d.

H. J. Boulton,
vs.
Robert Randal.

Interlocutory Judgment filed 17th July, 1819.

J. SMALL, *C. C.*

H. J. Boulton,
Plaintiff in person.

No. 10.

Upper Canada, Home District, To wit. } George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To the Sheriff of the Home District, greeting :

(L. S.) We command you that you cause to be levied of the goods and chattels in your district of Robert Randal as well a certain debt of two hundred and twenty-five pounds which Henry John Boulton lately in our court before us at York recovered against him, as also five pounds three shillings and eight pence, which in our same court before us were awarded to the said Henry John Boulton for his damages which he had sustained, as well by occasion of the detaining the said debt, as for his costs and charges by him laid out about his suit on that behalf, whereof the said Robert Randal convicted as appears to us of record, and have you that money before us at York, on the first day of Michaelmas Term next, to render to the said Henry John Boulton for his debt and damages aforesaid, and have there then this writ.—Witness the Honourable William Dummer Powell, C. J., the seventeenth day of July in the fifty-ninth year of our Reign.

JOHN SMALL,
Clerk of the Crown.

H. J. Boulton,
In person.

Indorsements on the above.

H. J. Boulton, *vs.* Robert Randal, Fi. Fa.

Nulla Bona.
The answer of SAMUEL RIDOUT, *Sheriff.*

Returned and filed 1st Nov. 1819.

J. SMALL, *C. C.*

Upper Canada, Home District, &c. } George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

(L. S.) To the Sheriff of the Johnstown District,

GREETING:—

Whereas we lately commanded our sheriff of the Home District that of the goods and chattels of Robert Randal in his district he should cause to be made as well a certain debt of two hundred and twenty five pounds which Henry John Boulton lately in our court before us at York recovered against him as also five pounds three shillings and eight pence which in our said court before us were awarded to the said Henry John Boulton for his damages which he had sustained as well by occasion of the detaining the said debt as for his costs and charges by him laid out about his suit in that behalf whereof the said Robert Randal was convicted as appeared to us of record and that he should have that money before us at York on the first day of Michaelmas term then next to render to the said Henry John Boulton for his debt and damages aforesaid. And that he should have then there that writ: And our said sheriff of the Home District at that day returned to us that the said Robert Randal had not any goods or chattels in his district whereof he could cause to be made the debt and damages aforesaid, or any part thereof whereupon on the behalf of the said Henry John Boulton, it is sufficiently testified in our said court before us that the said Robert Randal hath sufficient lands and tenements in your district whereof you may cause to be made the debt and damages aforesaid and every part thereof, therefore we command you that of the lands and tenements of the said Robert Randal in your district you cause to be made the said debt of two hundred and twenty five pounds and the said five pounds three shillings and eight pence the damages aforesaid and that you have that money before us at York on the last return day of Michaelmas term next to render to the said Henry John Boulton for his debt and damages aforesaid and have then there this writ.

Witness the Honorable William Dummer Powell Chief Justice at York this first day of November in the Sixtieth Year of our Reign.

JOHN SMALL,
Clerk of the Crown.

H. J. BOULTON,
In person.

Indorsements on the above.

By virtue of this writ to me directed I have caused to be made by the public sale of the lands and tenements of the within named defendant Robert Randal that is to say lot number forty in the first concession of Nepean in the Johnstown District together with its broken front thereof on the Ottawa or Grand River the debt and damages within mentioned which I have ready before the Lord the King to be rendered to the said Henry John Boulton for his debt and damages aforesaid as within I am commanded.

JOHN STUART, *Sheriff,*
District Johnstown.

Levy one hundred and fifty-five pounds six shillings and four pence, together with execution, sheriffs poundage and all other expenses.

H. J. BOULTON,
Plaintiff.

	£155	6	4
fi. fa.	0	18	6
	£156	4	10

Received the amount of the within fi. fa. and my fees in full.

JOHN STUART, *Sheriff,*
District Johnstown.

BOULTON *vs.* RANDAL—fi. fa:
Lands & Tenements,
Filed and returned 17th March, 1825.
J. SMALL, *C. C.*

Received the 13th Nov. 1819.

JOHN STUART, *Sheriff,*
Johnstown District.

2 Deeds	£2	6	8
Poundage	3	4	0
Returning Writ	0	3	8
	£5	13	4

I certify that the foregoing are true copies of the fieri facias against the goods and chattels of Robert Randal, Esq., and also of the fieri facias against the lands and tenements of the said Robert Randal, Esq. with the several indorsements thereon, at the suit of Henry John Boulton now filed of record in the Crown Office.

In testimony whereof I have hereunto set my hand and affixed my seal of office the ninth day of August one thousand eight hundred and twenty eight, and in the ninth year of His Majesty's reign.

CHARLES C. SMALL, G. R.

No. 11.

Sheriff's return on a writ of fi. fa. against the lands of Robert Randal, Esq. at the suit of Thomas Clark.

Issued 15th February 1821—returned and filed in the Crown Office—17th March, 1825.

By virtue of the within writ I seized and took into my hands and possession on the first day of April, 1821, the lands and tenements of the within named Robert Randal in Nepean and Yonge in the District of Johnstown, and have exposed a part of that to public sale, and have sold a part thereof at such sale to the value of £32 10, and the residue

of said lands and tenements still remain in my hands for want of buyers.

JOHN STUART, *Sheriff*,
District Johnstown.

Levy indorsed on writ £484 4 10, besides sheriff's fees, &c.

Sheriff's return on a writ of fi. fa. against the lands of Robert Randal, Esq. at the suit of Thomas Clark, Esq. issued 17th January, 1830, and filed in the Crown Office, 7th Sept. 1825.

By virtue of the writ hereunto annexed I have caused to be made of the lands and tenements of the within named Robert Randal the sum of thirty three pounds eleven shillings & four pence, which money I have ready before the Lord the King at the day and place within contained to render to the within named Thomas Clark in part of his damage within mentioned, and I further certify that the said Robert Randal has not any other or more lands and tenements in my District whereof I can cause to be made the residue of the damages aforesaid.

The answer of

RICHARD LEONARD,
Sheriff.
PETER T. PAWLING,
Deputy Sheriff.

No. 12

Whereas Robert Randal has by petition complained that he has suffered great loss and injustice under a judgment obtained against him in the Court of King's Bench in this Province by Henry John Boulton, Esquire, His Majesty's Solicitor General, which judgment the petitioner alleges was obtained against the rules of law and equity; and whereas adequate relief cannot be afforded by the said Court of King's Bench, and it is therefore expedient that an enquiry should be made into the wrongs alleged and right be caused to be done, if upon due enquiry under oath it shall be made to appear that such great injustice has been done. Be it therefore enacted by the King's Most Excellent Majesty &c. that it shall and may be lawful for the Hon. John Walpole Willis one of His Majesty's Justices of the Court of King's Bench in and for the Province of Upper Canada under and by virtue of this Act at York in the Home District to enquire into the truth of the statements in the said petition set forth, and for the purpose of that enquiry it shall and may be lawful for the said Hon. John Walpole Willis in the presence of the parties or their Attornies or such of them as shall after due notice appear, to summon and examine upon oath all witnesses deemed necessary for the attainment of justice between the parties and to enable the said Hon. John Walpole Willis to inform his judgment in making his decree or decrees as hereinafter mentioned and any person convicted of wilful false swearing before the said Hon. John Walpole Willis under this Act shall be liable to the same punishment as is now inflicted by the laws of this Province upon persons guilty of perjury.

And be it &c. That the aforesaid matter shall be heard and determined and the witnesses examined in an open Court whereinto all His Majesty's subjects shall have free access. Provided always that it shall and may be lawful for the said Hon. John Walpole Willis to commit any person for a contempt of the Court for a period not exceeding one month and to fine such person a sum not exceeding fifty pounds.

And be it &c. That it shall and may be lawful for the said Hon. John Walpole Willis having heard the said petitioner and the said Henry John Boulton and such other persons as he the said Hon. John Walpole Willis shall summon, or such of them as shall appear after due notice to make such decree or decrees for either the confirmation or the reversal of the said judgment and of the proceedings had thereupon and of any sales of land heretofore made under and by virtue of the said judgment as he the said Hon. John Walpole Willis shall deem necessary for the doing of justice between all parties interested in the matter.

And be it &c. That any decree made by the said Hon. John Walpole Willis under and by virtue of this Act shall be obligatory and binding upon the person against whom or in whose favor the same shall be made, and if any person against whom or in whose favor any decree shall be made shall neglect or refuse to comply therewith, it shall and may be lawful for any person interested in such decree to have the same registered, which decree so registered shall have the same virtue and effect as if the said decree had been literally obeyed.

And be it further enacted &c. That every decree made by the said Hon. John Walpole Willis, shall be under his hand and seal, attested by two witnesses and made on or before the first day of January 1829.

And be it further enacted &c. That upon the production of any decree aforesaid and a copy thereof to the register of any county or riding in this Province in whose county or riding the land in the said degree mentioned shall lie, and upon an affidavit made before such register or his deputy or any commissioner of the King's Bench for taking affidavits, of the due execution of the said decree or decrees before such register it shall and may be lawful for him to register the said decree in his office and to file a copy thereof and for such registry and filing to demand and receive the sum of one pound.

And be it further enacted &c. That it shall and may be lawful for the said Hon. John Walpole Willis to award against either of the parties such costs and charges as he shall deem right and just and for the recovery of which costs and charges so awarded, it shall and may be lawful for the party interested to proceed by action of debt in any Court of Record in this Province.

YEAS—Beardsley, Beasley, Clark, Fothergill, Hamilton, Hornor, McBride, McCall, Perry, Thompson of York, Thompson of Frontenac, Walsh, Wilkinson, and Wilson, 14.

NAYS—Messrs Attorney General, Burnham, Cameron, Coleman, D. Jones, J. Jones, McDonnell of Prescott & Russel, McDonell of Glengary, McLean, Morris, Scollick and Vankoughnet, 12.

York, 19*th July*, 1828.

Sir;

An action of Ejectment is brought by Mr. Sherwood against one Firth, who is in possession of part of the lot at Point Nepean, on the Ottawa River, which you complain has been illegally sold under an execution against you. I am defending the action and have instructed Mr. Radenhurst of Perth, to manage the defence at the trial. If the sale was illegal for any cause stated by you, and more particularly for want of being fairly advertised, you have now an opportunity to take the opinion of the Court upon it, by enabling Firth to urge that objection against the Plaintiff's title.

The Assizes for Perth commence on the 18th August. Any evidence you can furnish on the subject, or any professional assistance which you may desire to engage, Mr. Radenhurst will willingly avail himself of.

I am,
Sir,
Your obd't serv't.
JOHN B. ROBINSON.

Robert Randal, Esq.

No. 14.

Perth, 23d August, 1828.

Robert Randal, Esq.

Dear Sir;

I received your several letters with the documents enclosed, respecting the suit of Doe ex dieu Sherwod *vs.* Frith and Berrie, for part of the land formerly your property at Napean Point. Many of the papers you sent were entirely useless, as the Judge would not permit evidence to show how the judgment in Boulton's suit was obtained. Nor could I, in addressing the jury (as you wished) allude to that circumstance, but was entirely confined to what was put in evidence by the plaintiff, viz: the judgment executions and sale, and even in this I was once or twice interrupted by the opposite counsel, and censured by the Court, for what they considered exceeding my bounds.

I objected, as you requested I should, to the trial proceeding at all, which the Judge paid no attention to, as he considered it was casting a censure on the conduct of the Court of King's Bench, which he could not listen to. The plaintiff did not produce any notice of the sale whatever, nor show that any such was given previous to the sale taken place.—Upon this and some other points, I moved for a non suit, and the Judge reserved the point. We were also anxious to show that Colonel By required the property for the Government use, for the purpose of the Rideau Canal; this evidence the Judge refused receiving. In fact, he seemed unwilling that any point that could operate in yours or the tenant's favour should go to the jury; and as the jury at that assize were persons little acquainted with their duty or with courts of law, they implicitly followed the directions of the court, which in this case was for the plaintiff, and gave a verdict accordingly.

I remain
Your ob't serv't,
THOS. RADENHURST.

F

No. 15.

TOWN OF SHERWOOD.

In consequence of the decision of the Court of King's Bench held at Perth on the 20th instant, proving the subscriber's indisputable title to that valuable tract of land, in the Township of Nepean, formerly known by the name of the Richmond Landing (at present the town of Sherwood) and adjoining to Bytown. Reports, prejudicial to the title of said land, having been maliciously circulated by a personage of high rank and resonsibility, have heretofore prevented the subscriber from disposing of said land. The situation is most beautiful and salubrious, being on the south side of the Chaudiere Falls, with the Grand Union Bridge abutting on the centre of the front and leading through the main street. It is replete with mill sites, and for commerce no situation on the River Ottawa can equal it. The subscriber is determined as much as possible to confine his sales to persons of respectability.

JOHN Le'BRETON.

Britannia, Ottawa River,
26*th August*, 1828.

UNION HOTEL.

Chaudiere, Upper Bytown.

Firth and Berrie beg to make their most grateful acknowledgments for the very liberal patronage and support they have received from their friends and the public, for the long period of nine years, of which it will be their earnest study to merit a continuation, by contributing to the utmost of their means and power, to the comfort and accommodation of those who favour them with their countenance and support.

The romantic and highly picturesque situation of the Union Hotel, which commands a most interesting view of the mountains and scenery in the vicinity of Hull. The islands and banks of the noble Ottawa—the magnificent Falls of the Chaudiere, over which bridges are now about completed; and the works and improvements in Upper Bytown will render this place a delightful retreat either to the delicate invalid or scientific tourist.

The accommodations will be of a superior kind: the table will be furnished with the choicest viands that the season and the situation of the country will afford; and the wines and liquors will be of the best quality that can be procured, either at Bytown or from the most respectable dealers in Montreal.

Bytown, 1*st September*, 1828.

No. 16.

Lot No. 40, in the first concession of the Township of Nepean, with its broken front was sold by Sheriff's sale, on the eleventh day of December, 1820, at the suit of Henry John Boulton, Esq. and purchased by John Le Briton, Esq. for the sum of £449 currency.

A. M'MILLAN.
Deputy Registrar.

No. 17.

The Lots No. 38 and 40 on the Ottawa, and No. 10 on the River Rideau, were all sold by the Sheriff's order in the Court House, Brockville, and purchased by L. P. Sherwood, Esq.

R. SHERWOOD.

PLAN.

Please call on Captain Collins, near the mouth of the *Jock* on the Rideau and he will shew Major Randal the front of lot No. 10 and 11 drawn by him.

R. S.

Major Patton,
Register Office, Prescott.

No. 18.

Register Office for the Counties of Leeds, Grenville & Carleton.

ELIZABETHTOWN *5th February*, 1811.

I hereby certify that no memorial of any deed, conveyance, or other incumbrance from Robert Randal, to any person whatever, appears registered in the Books of this office affecting the following parcels of land, that is to say, lots No. 10 & eleven in the sixth concession of Yonge, broken lots, No. 10 and 11, in the first concession of Nepean, lot No. 11 in the second, and the easternmost, or front, three-fourths of lot No. 10 in the second concession of Nepean.

LEVIUS P. SHERWOOD.

Register.

Copy,

No. 19.

CORNWALL, *October 8th*, 1807.

Dear Sir;

I enclose you two petitions, one for two hundred acres of land, agreeable to the regulation of the Province, providing for settlers; also one for a lease of lot No. 39, in the first concession (or) front of the Ottawa River, opposite to the Falls, known by the name of the Chaudiere, in the Township of Nepean, a short distance above the mouth of the River Rideau. The petition for two hundred acres, as a settler, I have left a blank for you to fill up, agreeable to the instructions hereby given. If No. 39 is a reserved lot, as I presume it is; and if there be a broken front, which I also think there is, and likewise a broken front to lot No. 38, lying adjoining No. 39, on the upper side, and should there also be a broken front on No. forty, adjoining No. 39, on the lower side—provided those fronts will be sufficient to fill my claim for two hundred acres, you will please to lay my petition upon the said broken fronts, comprehending all water privileges as far as the channel of the Ottawa or Grand River, including all lands between the channel of said River and the banks of the main, from the west line of lot No. 39, running ten chains below the East line of lot No. 40.

This, Sir, requires an explanation. There are four small islands at or near the Chaudiere falls, which lays so situated as to make them actually necessary to be procured for the purpose I have in view, which is to extend a dam, from the main bank to the upper island, laying at the falls, and taking the water between the main and said islands, for the purpose of a grist and saw mill. The Ottawa River is very narrow at the Chaudiere falls, therefore you will find the distance to be but short, from the main to the channel of the river, and the quantity of acres which those islands contain cannot exceed 20, but government not having it in their power to grant islands, makes it necessary to apply in this way as government can make a grant in this way that will be as effectual as if the islands were expressed in the deeds, but should the broken fronts of lots No. 38, 39 &40 not be sufficient to fill my claim, you will please to lay the claim upon the broken fronts, let there be what quantity there may and let my petition lay open for the deficiency to be laid in some other place. Provided that lot No. 39 should not be reserved for the clergy and that lots No. 38 & 40 should not be granted please to lay my claim upon as much of the fronts as the same will cover comprehending the privileges of the waters of the river and bound by the channel of said river as already described, provided there should not be broken fronts to the aforesaid lots and that 38 & 40 have already been granted, and should No. 39 be reserved for the benefit of the Crown endeavor to prevail on government to allow my claim to cover it; with the privilege of said waters and islands as described.—But should government not allow my claim to cover No. 39, and should the said Nos. 38 and 40 be already granted; as likewise there may not be any broken fronts; in that case take out a lease for me for No. 39 and endeavor to get a grant from the bank of the west line of No. 39 running to the channel of the river, ten chains below the East line of Lot No. 40 to the main bank including all lands, which is those small islands. I have enclosed my bond together with my bondsmen, for the annual payment of the lease; you will also call upon Captain Farquharson for my letter directed to Thomas B. Gauf, Esq. who Mr. Chewett says was at New York and had not returned when he left home—You will get Captain Farquharson to open my letter favored by Mr. Burns to Mr. Gauf in order that you may get my certificate as having taken the oaths required by government.—Should Capt. Farquharson not be in possession of my letter to Mr. Gauf please to call on Mr. Burns, (I think his christian name is William) I had the pleasure to see him at Cornwall on his way from Quebec to York on the 8th July last. I enclose you a guinea, and, as I am informed that most of the landed business sent to your care is conducted through the different offices by your son, and further reasonable charge he may make shall be cheerfully paid by a draft at sight or otherwise in favor of any person in Cornwall. As government is knowing to my arduous undertaking at the Bridgewater Works, near the Falls of Niagara, and my perseverance in this kind of business I flatter myself the Governor in Council will be disposed to encourage me all in their power in commencing business at the Chaudiere Falls on the Ottawa River; it will be the means of settling the wild lands on that River, that is at this

present a perfect wilderness, not one settler inhabiting the country; it will be the means of settling the lands upon that line of the Province which I conceive to be much required. The fees required in getting out my patent if in your power to procure one I shall pay to your order in Cornwall on demand. You will greatly oblige me to hasten the business as much as in your power, and forward the deed and lease by the first safe opportunity that may offer, as I am very anxious to get out my timber and build my dam before the freezing of the waters.

I fully expected my letter would have found my friend Mr. Gauf in York on Mr. Burnes' arrival, and expected at all events to have heard from my business by you when last down at Cornwall Court at my return from Quebec. The acquaintance which I have had the honor to have with you, makes me trust you will use your interest for me. You can observe to the Governor that the Parish of Cornwall must also feel itself under a small compliment, for having built the church.

Relying upon your usual goodness,
I subscribe myself,
Your most obed't,
and humble Servant,
(Signed) ROBERT RANDAL.

A true copy.
ROBERT RANDAL.

D'Arcy Boulton, Esq.

No. 20.

Dear Sir;

I enclose you a draft drawn by Mr. Chewett on the Rceiver General at York, for £2 9 6, Halifax Currency, which you will please to apply towards the payment of the fees, should a grant for 200 acres of land be made to me by Government; but should Mr. Gauf have returned from New York, and has laid my memorial before the governor in Council, you will please to give the enclosed draft to him for the aforesaid purpose. Mr. Chewett leaves this place much later than I expected. Should my business be done through you or Mr. Gauf, you will be very obliging by writing me immediately what Government is likely to do; but should you obtain the lease and grant, I will acknowledge it a great favour to have them sent to me quick as possible, as I am very desirous to build a house at the place before the winter sets in, in order that I may be preparing timber, and making necessary arrangements for my works.

I am
Sir,
With great respect,
Your humble serv't,
(Signed) ROBERT RANDAL.

A true Copy, ROBERT RANDAL.

D'Arcy Boulton, Esq.

P. S. Should 38 and 40 be granted, please for to write me in whose name they are granted.

No. 21.

York, *July 22nd*, 1808.

Dear Sir;

I am sorry to inform you that lot No. 38 and 40, first concession, on the Ottawa, were both taken up. No. 40, by Epr. Jones, Esq., and 38 by Mrs. Jessnp, four or five years ago. No. 39 is a reserve, and you are the first applicant. I this day endeavoured to get it through the Council; but when it was referred to the Surveyor General to report what sort of timber was on it, they would not say, so you will be so good as to get some respectable man to look at the land and make oath before a Magistrate what the timber is or get a Magistrate to certify it.

We wrote you before, but we supposed the letter miscaried, and now we resume our old one.

I have the honour to be,
Sir,
Your most ob't serv't,
H. J. BOULTON.

I suppose you do not wish now to have your Petition presented, as cannot get the lots you wished. My father is of opinion you may run your dam across to the island without any apprehension of being disturbed.

H. J. B.

No. 22.

Cornwall, June 23d, 1808.

Sir,

I received a letter from your son, H. Boulton, dated July 2d, informing me that lots No 38 and forty, first concesssion, on the Ottawa River, in Township of Nepean, are granted, and that some requisites are required before a lease can be taken for No. 39. But his saying nothing respecting the broken fronts adjoining to those numbers, which was the land I wished you to apply for, and to cover them by my claim should they not be granted, makes me suppose you have not understood the tenor of my letter; I have therefore empowered my friend Mr. Rudsdell to act for me, in the business; any assistance you can give him, will greatly oblige me.—You will please to furnish him with my writings committed to your care.

I am,
Your humble Servant,
ROBERT RANDAL.

D'Arcy Boulton, Esq.

N. 23.

Mr. Randall's instructions to Mr. Rudsdell, in behalf of the business committed to his care at York.

Mr. Rudsdell will please call at the Executive Council Office as soon as he may arrive at York and enquire of the Clerks whether a petition has been laid before the Council in behalf of Robert Randal, for 200 acres of land agreeable to the regulations providing for settlers, and if so, whether the same has been acted upon and what the decision was.—Should Mr. Rudsdell find there has not been an application made to the Executive Council in behalf of Mr. R. in that case, he will hand in the petition

which he holds, to the clerk of the Council and beg of the clerk to immediately lay the petition before the Council, and when the Council shall have granted the prayer of the petition, Mr. Rudsdell will please to take the order from the Council Chamber to the Surveyor General's Office, then request the Surveyor General to lay the diagram of the township of Nepean before him, and examine the broken fronts adjoining Lots No. 38, 39, & 40 bounded by the waters of the Grand River at or near the Chaudiere Falls, and mark the letter R on the said three broken fronts, then lay the order of Council on the said three broken fronts, producing his power of Attorney to the Executive Council as well as to the Surveyor General, as being legally authorised to act for and in behalf of Mr. R.—Should the Surveyor General object to his laying the order on the said Broken Fronts, Mr. Rudsdell will enquire how long it has been since they were granted and in whose name,—should he be answered in the name of Ephraim Jones, the Clergy of Upper Canada and Mrs. Jessup, Mr. Rudsdell in that case will please to call at the office of the Secretary of the Province, and there examine the lines of the Grants made of Lots No. 38 and 40, and see whether the Government has granted the said broken fronts with the lots No. 38 and 40, but should the said broken fronts be applied for by any other person, Mr. Rudsdell will please to know the date of the application, and if the application has been since the date of Mr. Randall's letter to Mr. Boulton, Mr. Rudsdell will then ascertain why Mr. Boulton has let my petition lay over to be superseded by an other claim, and should he discover that Mr. Boulton may have acted with interested views, he will then remonstrate to the Governor and show my instructions and petitions committed to the care of Mr. Boulton.—Mr. Rudsdell will explain to the Governor the suspense I have been kept in and my object for wishing my claim to cover the said broken front and that my views are to erect Water Works, such as Grist and Saw Mills and a Forge for making Iron; that I have purchased from the Government of Lower Canada, lands opposite to the said broken fronts the distance off our miles containing an extensive body of the best and richest Iron Ore; and as the said broken fronts are bounded by the waters at or near the Chaudiere Falls, which admits of a situation for erecting such works and that the lands lying between said Grand River to the River St. Lawrence admits of settlement, which is not the case a distance of five miles in rear said River on the North side Province of Lower Canada, for which reason Mr. R., is desirous of erecting his works on the Upper Canada side, at the Chaudiere Falls, which will be convenient in his getting his Ore to his works. Should those fronts not be granted and the Surveyor General admits of my claim, covering the broken fronts adjoining lots No. 38 and 40, but objects to the claim covering the broken front adjoining lot No. 39 as being reserved for the benefit of the Clergy, Mr. Rudsdell will please to apply to the Governor and solicit the Governor to permit Mr. R.'s claim to cover the said broken front adjoining lot No. 39, together with the grant of the small rocky clumps or islands laying in front of said lots with a line beginning from the North West corner line of lot No. 39, and running to the channel of said River and from thence down the River with the said Channel 10 chains below the N. E. corner line of lot No. 40, including said bank, and water, together with the said rocky clumps or islands lying within the said line; the timber growing on said broken fronts is mostly small cedar and spruce pine commonly called a cedar thicket and the soil scarcely to be cultivated, being extremely rocky:—the distance from the main to the rocky clumps or islands is about 60 feet and except in the time of high water the passage is almost dry, the islands having the same growth of timber as the broken fronts and the soil the same and that the said rocky clumps or islands cannot contain more than twenty acres. —By extending a dam from the main to one of the nearest rocky clumps and throwing a wing out into the main river will command a sufficiency of water for water works and except for building works of the aforesaid description a grant of said broken fronts and islands would not be worth possessing but by erecting such works it will bring on the settlement of the lands in that part of the province which is totally uninhabited which no doubt government will be disposed to encourage and as government has granted to Messrs Shuter & Mears an island large enough to admit of a snug farm and the soil of the best quality laying at five times the distance from the main and having a considerable depth of water between the main and the island the dryest season of the year, Mr. R. therefore flatters himself government will be equally disposed to give him as much accommodation; and as the broken front of lot No. 39 lays so near the place where Mr. R. wishes to build, he prays that government may encourage him by taking off the reserve so that he may have the fee simple of the land. When Mr. Rudsdell marks the letter R. upon the said broken fronts he will likewise mark the same letter on the rocky clumps or islands and claim the same as broken fronts as the passage between the main and said islands is dry a considerable part of the year, but should Mr. Rudsdell find it out of his power to procure the broken fronts adjoining lots No. 38 & 40 he will in that case endeavor to get a grant of the broken front of lot No. 39 including the said islands and water courses within a line beginning at the N. W. corner of lot No. 39 running with the channel of the river 10 chains below the N. E. corner of lot No. 40, but should government not allow my claim to cover the broken front adjoining lot No. 39 endeavor to get a grant of the islands and water courses as described and take out a lease for the reserve lot No. 39 and lay the remainder of my claim on the broken fronts of lots No. 20 & 21, laying on the river about 4 miles above the Chaudiere falls in the said township of Nepean.— And should Mr. Rudsdell succeed in getting a grant of the said islands and broken fronts of No. 38, 39 & 40, and should there not be a sufficiency of land to fiill up my claim of 200 Acres he will please to lay it upon as much of the broken fronts of lots No. 20 &21, bounded by the waters of the river as the deficiency may cover, covering also a small island opposite the N. W. corner line of lot No. 21, should government persist in not giving a grant of those four rocky clumps or islands in that case Mr. Rudsdell will take out a lease for the same, for as long a time as he can.

Cornwall, July 23rd. 1808.

No. 24.

To His Excellency Francis Gore, Esq., Lieutenant Governor of Upper Canada, &c. &c. &c. in Council.

Having been applied to by Jonathan Rudsdell, late attorney for Robert Randal, for our opinion whether the erecting a mill dam on the south side of the Grand or Ottawa river, Province of Upper Canada, in the Township of Nepean, and near the Falls of the Chaudiere, will, in any wise interfere or obstruct the passage of canoes or boats navigating the said river; the said dam to run from the main shore to an island in the river, a distance of about sixty feet.

We do hereby declare, for the information of His Excellency the Governor and Council of Upper Canada, that the said Mill Dam will not, in any manner, interfere with, or obstruct the navigation of canoes or boats in the said Grand or Ottawa River, the usual route for boats and canoes being on the north side.

Given under our hands, in the city of Montreal, this fifth day of October, in the year one thou sand eight hundred and eight.

W. McGILLIVRAY.
Agent, N. W. Co.

No. 25.

York, 30th January, 1809.

Dear Sir:

I acknowledge the receipt of your several letters, and am much mortified that you should think yourself neglected. Your affair has been repeatedly before the Council, so anxious have I been on your account, that I have personally attended the Governor, also the Chief Justice, out of Council, and exerted my personal interest in your favour. Though you are ordered personally to attend, I still hope to get through without; I am promised another hearing next Council. As to *writing*, I have once or twice written to you myself; and John Robinson, whom you know to be with me, has also written to the care of Mr. Cozens—this will go under that address by a gentleman I can depend upon. You may rely on my exertions, and I think you will ultimately succeed. The certificates, &c., are very satisfactory. I was at the Council office yesterday. My son Henry also wrote to you on the reserve. The Council wanted an affidavit of the species of timber on the lot—the reason of which is evident—" that where, on the banks of our waters, we have either oak or pine, they reserve them for the navy, &c.

Yours most faithfully,

D'ARCY BOULTON.

Robert Randal, Esq.,
Ottawa River.

I shall have to advance the forty dollars before location, shall consequently draw on you the moment I have certainty of success.

No. 26.

(Copy.)

Chippawa, *May 17th*, 1819.

Henry J. Boulton, Esquire,

Sir,

Time, Mr. Boulton, will disclose all things. If your knowledge of the Cabinet secrets of my business is such, as to cause you to have recourse to the measure you wish me to adopt in your letter that has been just now handed to me, by young Mr. Smith—I cannot perceive that your security need be better,—or that mine will be made much worse; by not adopting the measure.

Probably Mr. Boulton, I might be more alarmed at the situation of my business, had I the secret knowledge of its true situation that you may have. But if my want of that knowledge, leaves me not alarmed, my ignorance must be my comforter, until time unveils to me, the result of my business. You will greatly oblige me, by sending to me, as early as you can, a copy of the Note which Clark sues on, as well a copy of the writings that you got from Montreal, relating to the business.

I am,
Sir,
With respect,
Your humble servant,
R. RANDAL.

Henry John Boulton, Esq.,
Attorney-at-Law,
York, Upper Canada.

No. 27.

(Copy.)

Chippawa, *June 29th*, 1819.

Sir,

My motive in writing this letter to you, is not intended to palliate the high tone of your son Henry's procedure against me, for fees, including the sum of Fifty pounds allowed for your management in the early state of my cause with Phelps, to amount of £125 currency, and the interest which he adds making the sum of £141 16s. 3d., currency—but purely for the respect I feel for you.

Your son Henry, is not satisfied with the Bond and Mortgage given him, dated 17th March, 1817, (for your and his fees in my suit against Phelps) for £100 currency, on a lot of land in the township of Nepean, District of Johnstown.—He is not satisfied with my Note of hand given him for Twenty five pounds currency, at Niagara, on the 7th October, 1818, for his fee, which he insisted I should do, previous to his calling my cause against Phelps for trial at the then Assize, which cause, you as presiding Judge would not hear, from motives of delicacy, and ordered the cause to lay over as a Remanet of the Court for a future trial;—but he writes to me, a letter which I received on the 17th May last, wherein he says, "I have sent to my Clerk Mr. William Smith, a Cognovit for the amount of £141 16s. 3d., currency, to be enabled if so inclined to take out an execution against you" I refusing so to do.

He again writes to me, handed by Mr. Jarvis, 23rd instant, wherein he says, I am very impertinent, (I suppose for not having signed the Cognovit;) he also says the security I gave him is not worth half-a-dollar per acre, as there are no inhabitants in the Township.—And Mr. Jarvis handed me a summons from Mr. Henry John Boulton, to appear on

the first day of Trinity Term next, at York. Whether the land is worth half-a-dollar per acre or twenty dollars, it is not my motive at this present to make any comments. If the extreme scarcity of money does not preclude the interposition of my friends; I hope the land will not fall into his hands. It was through your instance that Mr. Henry Boulton became employed by me to manage my suit against Phelps. At the time he accepted the management of the cause, he was knowing that I was moneyless, and promised to wait for his fees until the termination of the cause: however, a few months after he made up an account of £50 currency against me, and required security for the same, upwards of six months too previous to his arguing the cause. I offered him security on land in Matilda, a township thickly settled, his choice was Nepean; he knew the land in both townships to be good. When you advised me to employ your son, I expected his assistance in recovering my property from the hands of a set of scoundrels; little did I expect that he would require of me a judgment bond for fees previous to the decision of the cause, or that I was to be ruined by the man employed to assist me. The steps of your son are so novel in the law practice of this Province, I consider it my duty, from the friendly understanding that has subsisted between you and me, to lay the business before you—not, sir, that I wish you to palliate the high tone and tenor of your son's speculative intentions. I may or shall endeavour to meet his wrath at every point, and neither of us may be the winner.

I am,
Sir,
With respect,
Your humble servant,
R. RANDAL.

Hon. Justice Boulton,
York, Upper Canada.

No. 28.

Sir,

I have been put in peaceable possession of the place at the foot of the Chaudiere Falls, which belongs to you, Sir, by John Torry, late agent for you at this place; and he having absconded from this place to the United States, and I having some property in my care which belongs to you, as I am informed, I desire that you would inform me by letter or otherwise how I am to dispose of it for your benefit. Providing I remain on your place, I will take the best possible care of such things belonging to you which are intrusted to my care; but if I should see cause to leave your place, I wish to know of you how I am to dispose of things in my hands, delivered to me as your property. I will likewise inform you that the greater part of your property here was deposited by Mr. Torry, in the care of Samuel Benedict, senior. Now if you desire me to take charge of those things, I desire you to inform me and give me such credentials as will enable me to secure the same for you,

I am,
Sir,
Your most obedient and
Very humble ser't,
ROGER MOOR.

Nepean, 12th March, 1813.

No. 39.

To His Excellency Francis Gore, Esq., Lieutenant Governor of Upper Canada, &c. &c. &c.

The Petition of Robert Randal,

Humbly Sheweth:

That in the month of February, eighteen hundred and nine, Your Excellency in Council issued your warrant for one thousand acres of land in favour of your Petitioner, the patent and survey fees being duly paid to the acting Receiver General, on the 23d day of February, 1809. That your Petitioner only received a patent for 950 acres, reserving 50 acres of the warrant for a future location, which your Petitioner intended might cover some rocky chasms, which properly belong to the broken front of lot No. 40, in the first concession, on the Grand River, in the Township of Nepean, District of Johnstown, which said lot bears a portion of your Petitioner's location, out of the nine hundred and fifty acres. That your Petitioner was directed to obtain a certificate from some sworn Surveyor, or neighbours near the Chaudiere Falls, that he and they could walk, in the dry season, from lot No. 40 to the rocky chasms and not wet their feet; in which case the said rocky chasms would be considered part of the broken front of said lot, and the fifty acres unlocated were to cover the rocky chasms and the intermediate space therein contained. But at the return of your Petitioner from this place in March, 1809, to Montreal, he fell a victim to the sharpest persecution, and was unrighteously imprisoned for debt, and in close confinement till the 13th of last month, which not only prevented your Petitioner from obtaining a certificate relative to the rocky chasms, which he could have done with much ease but also from prosecuting his establishment at the Chaudiere Falls, in the Grand River, which as well as the property which your Petitioner had sent on to the amount of five hundred pounds, as a commencement in his business, entirely perished as soon as the late War was declared by the American Government against Great Britain.

Your Petitioner would have proceeded to his place at the Chaudiere Falls for the purpose to obtain the relative certificate after obtaining his enlargement, but his debilitated state, and the fast approach of winter, made it requisite for your Petitioner to proceed to this place, from thence to Niagara, in order to look after his property in that part of the Province; and your Petitioner now conceives that he has the tacit approbation of those who were his adversaries, to proceed in making his establishment at the Chaudiere Falls, on the Grand River, by their granting him his enlargement, and offering him their friendly assistance. He also flatters himself that his long and sharp sufferings are considered by those whom he viewed as enemies, to be an ample atonement for their unenvied and friendly return of feelings. And as Your Excellency may be well informed of the great utility your Petitioner's establishment of the Bridge Water Works, near the Falls of Niagara, were to the prosperity and growth of that part of the Province, he hesitates not to say his establishment at the Chaudiere Falls, on the Grand River, will be of equal, if not of superior importance to

that section of the Province. Your Petitioner can with truth say, that his Bridge Water establishment at Niagara, gave a spring to the agricultural and mercantile interest, not only throughout the District of Niagara but the Province at large ; for your Petitioner was the first person who manufactured Flour for exportation in the Province of Upper Canada. Previous to your Petitioner's establishment at Niagara, both farmers and merchants were so circumscribed, as to be of little service to each other.—His mercantile establishment at Cornwall, in the Eastern District of this Province, is also known to have been a growing benefit to that place ; and had envy not overtaken your Petitioner, he would have turned the trade and produce of the whole Eastern District to Cornwall, whereas it formerly, entirely went to Montreal. The chasms which Your Petitioner considers to be part of the broken front of lot number forty; are not nor cannot be of the least importance either to government or individuals except to accommodate your petitioner in establishing himself in business at the Chaudiere Falls. A young gentleman who is at this place unexpectedly, at this moment, says,—he has himself stepped from lot number forty, to the chasms in the dry season of the year, and did not wet his feet, that he thinks the chasms should be considered as part of the broken front of lot number forty, and is willing to declare the same before Your Excellency; he is a young man of veracity and his declaration is to be relied on, which your petitioner trust will be proof sufficient to satisfy Your Excellency of the propriety of his present request, and if it should be proof sufficient, your petitioner most humbly solicits Your Excellency to order a deed to be issued in the name of your petitioner as follows :

Beginning at a cedar tree or boundary mark near the edge of the bank at the side of the Grand River in the line between lots thirty-nine and forty, and to run to the upper extremity of the fourth chasm, according to the annexed draft of it, from thence to the extreme point or upper end of chasm number three at the Grand Fall, running with the margin of said chasm at the waters edge to the North side; thence down the stream to the lower end or extreme point of said chasm, thence to the extreme point or lower end of chasm number two, from thence in a straight line to a small oak tree or boundary mark, in the North end of the East side line of lot number forty, at the waters edge of the Grand River, thence with the waters edge following the several turnings and windings thereof to the place of beginning, with all the intermediate space therein contained, containing fifty acres more or less.

And in duty bound, your petitioner will ever pray,

R. RANDAL.

York, Upper Canada,
Nov. 2nd, 1815.

No. 30.

Dear Sir :

The date of the order in Council to Locate 50 Acres, to complete your grant of 1000, is 5th September 1818.

Yours

Wm. H. LEE.

R. Randal, Esquire.

No. 31.

Perth, *14th December,* 1816.

Sir :

Yours of the 25th November came to hand yesterday,—I shall with pleasure attend to Mr. Randal's concern in the month of January, at which time I shall visit the *lot* in *question* and ascertain the exact situation and enclose you a sketch and certificate and charge the same in account against you.

I have the honor, to be
Sir,
Your most ob't serv't
R. SHERWOOD,
Deputy Surveyor.

G. S. Boulton,
York.

No. 32.

Long-ash Estate, Nepean,
April 27th, 1818.

Sir :

Having lately arrived from England and settled on the Grand River in the township of Nepean, and being informed that the lot adjoining to mine which is No. 40 belongs to you I have taken the liberty of troubling you to know if you are disposed to part with it and on what terms, waiting an answer.

I remain
Sir,
Your very ob't serv't.,
J. BARROWS.

Major Randal,
Little York or elsewhere,
Canada.

No. 33.

UPPER CANADA.

Township of Longuille,
7th February, 1819.

Mr. Randal,
Sir :

I did myself the pleasure of writing to you last fall about your situation on the Grand Chaudiere Falls to which I have not had the the pleasure of an answer, when I had the pleasure of seeing you, you spoke as if you intended to make speedy preparations to form a settlement & commence business & expected you would have commenced previous to this, hope your lawsuit you had depending has terminated in your favor, should be glad to learn if you have been successful—as I apprehend your attendance to that has prevented the visit you intended to make last fall—I would be under obligation to you to inform me as quick as possible if you would dispose of any part of your land above mentioned. If you are inclined I would beg leave to offer to purchase a small proportion, say an acre or two, immediately on the Point, leaving you the exclusive privilege of water. If you feel disposed would thank you to inform me with your conditions, hoping we may come to an understanding, I am in business now where I have directed my letter from but the situation does not suit me so well for business as one above.

I have taken a large concern at the foot of the Long Sault Rapids in the Grand river which will be a place of considerable trade, & should like a situation on the Chaudiere in order to establish a communication with the Upper Country, if it is your intention to comply please write me speedily that I may not lose any time to erect a Store for the purpose of carrying on business next season, and would be glad you would give me the privilege so to do, if you have any commands relative to that place, you would wish to have executed, shall be happy to forward your designs by empowering me to act for you, should feel much obliged by your speedy information pro. or con.— As I wrote before on the subject am fearful my letter miscarried as I expected an answer.

I am, Sir,

Your very humble serv't.

SAMUEL DOWNES.

No. 34.

NEPEAN, 8th May, 1819.

SIR,

I had the honor of addressing you last Autumn, but not knowing your address correctly I am doubtful of your having received it. The purport of that letter, as well as the present, was to know if you would dispose of a part of your lot of land on the Falls of the Chaudiere, as I should be glad to have one or two acres either by sale or lease. I have not the honor of being known to you personally; but having served in the late war in various parts of Canada, and particularly in the part of the country where you at present reside; and although my military occupation prevented my having much communication with the gentlemen of your neighborhood, I believe you will obtain information of me from Mr. Samuel Street, though but little acquainted with that gentleman. I was at that time Deputy Assistant Quarter-master General, and at present have retired on Captain's half-pay, of the 60th Regiment, and having drawn some lands in this country—have taken up my residence at the rapids des Chenes, five miles from your lot; and as the whole of that distance is land carriage, I find a great inconvenience for want of a place to store my goods at the landing, and am now obliged to build a small store of round logs on your property, which, if not agreeable to you, I will immediately remove, but if you will either sell or lease one or two acres at the lower point, next to the Island, in the Bay, I shall be glad to know your terms by the earliest opportunity.

There is a person here by the name of *Burrows*, who pretends to be agent for that property, *alias Honey*, but as I could not believe that he was entrusted with *any* property I have not applied to him If you have no agent here, and that I can be in any way serviceable in that line, though not with the view of pecuniary motives, but merely for the advancement and settling of the country, I beg you will command me, I shall at all times feel happy to communicate with you on the subject. Should your business at any time lead you to York, please mention my name to Judge Campbell, with whom I have had the honour of being acquainted for some years past.

I have the honor to be

Sir,

Your most obedient,

Humble servant,

JNO. LE BRETON.

ROBERT RANDAL, Esq.

Chippawa.

No. 35.

POINT NEPEAN, *8th January*, 1820.

Honored Sir:

Having wrote you on the 27th of October last, and not receiving an answer I again take the liberty of troubling you on the same head.

Having been here ever since July last, and had every opportunity of seeing the necessity of a house of accommodation, I took the liberty of erecting one (as a tavern) near the old house built by Mr. Torry.

It being the opinion of every one here, that nothing can be done on the Point in regard of cultivation, I mean with your full approbation to make a trial by laying out a garden, having been gardiner seven years in this country during my service here, in the Royal Artillery, being employed chiefly by Generals Brock and Glasgow.

From what I have heard from several persons who have the honor of being acquainted with your character, I have every reason to hope for a favorable answer, or should not have gone thus far without hearing from you. I hope therefore, Sir, you will not think it too much trouble to send me an answer the first opportunity.

As to my character, I can no doubt fully satisfy you on that point, in compliance with the above you will much oblige,

Sir,

Your humble Servant,

ANDREW BERRIE.

No. 36.

In the King's Bench, District of Niagara, to wit.
HENRY JOHN BOULTON,
vs.
ROBERT RANDAL.

TRINITY TERM 2nd, GEO. IV.

Robert Randal, of the Township of Stamford, in the District of Niagara, Esquire, the above named Defendant, maketh oath and saith that during the Session of the Legislature in February last past, this deponent in a conversation with Mr. Morris of the County of Carleton, was informed that his land in the township of Nepean, in the Johnstown District, was sold by the Sheriff of the said District, under and by virtue of a Writ of fieri facias in the above suit and this deponent further saith that not until then did he know that the said Henry John Boulton had obtained a Judgment

against him and this deponent further saith that pecuniary embarrassments prevented this deponent from applying before to set aside the said proceedings, which the deponent could never expect to have been carried to such lengths from promises held out by the said plaintiff, namely, that the bond was only taken, upon which part of this action is brought, as a security for his, the said Henry John Boulton's, fees and his Father, now the Honorable Justice Boulton.

Sworn before me this 10th day of July, 1821.

(Signed,)
J. MUIRHEAD,
Commissioner for taking affidavits in K. B., in and for the District of Niagara,

(Signed,)
ROBERT RANDAL.

No. 37.

YORK, *December 31st*, 1823.

(Copy,)

SIR:

An application has been made to me, by Mr. Jonas Jones Barrister at law, to furnish him with instructions to defend an action of ejectment brought by Mr. L. Sherwood and Captain Le Breton for the purpose of getting possession of lands and tenements which belong to me, and which are at present in the actual possession of Messrs Berrie and Firth, &c.

As Colonel Burke the Gentleman who employs Mr. Jones could not have been fully aware of the whole of the circumstances at the time he employed him. I beg leave to state to you, sir, for His Excellency the Commander of the Forces, information, that Mr. Jones is not only brother-in-law to Mr. Sherwood, but also brother-in-law to Mr. Boulton the person who upon an ex-parte proceeding obtained judgment against me, issued execution, and sold this property for the sum of one hundred and twenty five Pounds, for fees accruing to him in his prosecuting a suit for me in the sum of ten thousand pounds currency wherein I had obtained two verdicts for the aforesaid sum, which Mr. Boulton abandoned, and my suit thrown out of court. His Excellency the Commander in Chief is in the possession of the case in detail.

I also beg leave to communicate for the information of His Excellency, that I have employed Mr. John Rolph Barrister at law to commence a process against Mr. Boulton in order to set aside the judgment obtained against me and for which this property has been sold at Sheriff's sale, and as he is in possession of the whole proceedings and documents on the case, and being of the first respectability and not long since from the Temple in London, and no way connected with the above gentleman, I humbly beg leave to suggest the propriety of associating Mr. Rolph with Mr. Jones in defending Messrs Berrie and Firth against the suits of ejectments, not that I have any reason to suppose that Mr. Jones would in any wise be influenced by his connection with Messrs Sherwood & Boulton, only that human nature is generally more or less influenced by family connexion, which induces me to beg leave to recommend to his Excellency that Mr. Rolph be associated with Mr. Jones in the defence of the said suits of ejectments, & if His Excellency should think proper so to do, that he will please to order that Mr. Rolph have the earliest notice thereof, directed to him at Dundas in the District of Gore, Upper Canada.

I have the honor to be,
Sir,
Your most ob't and
very humble serv't,
ROBERT RANDAL.

Lieutenant Colonel DICKSON,
Deputy Qr. Master General,
Quebec.

No. 38.

DEP'Y Q'R M'R GENL'S OFFICE,
Quebec, 24th January, 1824.

SIR,

I have the honor to acknowledge the receipt of your letter of the 31st ultimo, which having submitted to the Commander of the Forces, I have received his Lordship's commands to thank you for the suggestion therein contained, but at the same time to acquaint you, that his Lordship does not deem it necessary to employ farther counsel in the matter in question.

I have the honor to be
Sir,
Your very obedient
Humble servant,
WILL. R. DICKSON.
Capt. & Dep'y Q'r M'r Gen.

R. RANDAL, ESQ.
M. P. P. York.

No. 39.

YORK, *23rd June*, 1834.

DEAR SIR:

I hasten to inform you that yesterday morning, as soon as decency would permit, I addressed a note to Major Hillier on the subject of the Writ of Error, stating Mr. Cameron's refusal to seal it. In the evening, I had the honor of receiving a note from the Major, a copy of which I enclose for your perusal. You will see, therefore, that thus far we go swimmingly, however we may succeed hereaftar. I have been favoured with a letter from Mr. Rolph stating, that it will be impossible for him to attend here sooner than the latter end of the Term. I am sorry for it as I wanted his assistance much; but however, as I am fairly in for it, I must of course pursue it. What ever lies within the compass of my small abilities, (and very small they are I know) you may rest assured shall be done for you. But as there is no one thing under heaven, more *uncertain* than the certainty of the law, I would not have you too sanguine. You know *whom* you have to contend with. Term begins on Monday, 5th July.

Faithfully yours,
S. WASHBURN.

ROBERT RANDAL, ESQ.
Stamford.

Copy.

"Major Hillier has the honour to acquaint "Mr. Washburn that the necessary instructions "have been given to the Provincial Secretary to "affix the Great Seal to the Writ of Error required "by him."

"GOVERNMENT HOUSE,
York, 22*d June*, 1824."

No. 40.

BROCKVILLE, 6*th April*, 1827.

SIR,

At the desire of Mr. Charles Lemoine I have enclosed you the within, should you incline to sell, please write me your terms.

I am,
Sir,
Your obedient servant,
ADIEL SHERWOOD.

ROBERT RANDAL, Esq.

For Mr. CHARLES LEMOINE, *of Augusta, Blacksmith.*

To write to Robert Randal, Esquire, M. P. P. Chippawa, above Niagara, stating that he *Lemoine* wants to purchase Lot No. 11 on the Rideau, 1st Concession of Nepean—also state that R. Sherwood bid the same off at auction some years since, but the sheriff refuses to give a title, and therefore this Lot must be considered as Mr. Randal's property as yet.

R. SHERWOOD.

24*th March*, 1827.

A. Sherwood as agent may send this if he choses

R. S.

No. 41.

The Bill of the Session of 1830, was similar in its provisions to that of 1828, only that it appointed the Speaker of the House of Assembly of Lower Canada the Chancellor to try the case, instead of Mr. Justice Willis who had gone to England.

On the question for passing it in the House, the Yeas and Nays were taken as follows:

YEAS—Messrs. Baby, Doctor Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Fraser, Hamilton, Henderson, Hopkins, Horner, Ketchum, Lefferty, Longly, Lyons, McCall, Mackenzie, Malcolm, Morris, Perry, Radenhurst John Rolph, Shaver, Smith, Terry, Thompson, Wilkinson, James Wilson and Woodruff—31.

NAYS—Messrs. Bethune and John Wilson—2.

So the Bill was signed and sent up to the Legislative Council, who refused to concur in and declined to amend its provisions.

No. 42.

BYTOWN, 21st July, 1835.

SIR,

I have been here about three days looking after the Chaudiere property, and examining maps, &c. I find Captain Le Breton owns lot No. 40, covering the Falls. It is, or rather will be, Bytown itself, and is very valuable. A gentleman tells me that he will give £1000 for the sole privilege of making a slide down the falls to run timber over, and the lot will be a town plot.

No. 38. belonged to Judge Sherwood and he sold it to one Peter Aylwin for £350 cash and it is worth double that.

No. 39 Clergy Reserve Government holds as I am told, it meets the Union Bridge at the Ottawa, there are good buildings on it, occupied as I believe by one Firth.

Yours &c.,
C. WATERS.

LONGUEIL, *July 28th*, 1835.

I have been at Richmond in the County of Carleton and at Perth in the County of Lanark and have examined the office of Registry at Richmond in going and returning; at Perth I examined the Treasurer's office and also the Registry of that county I find that from the Sheriff's deeds of sale of Major Randals lands in Nepean, John Le Breton purchased lot No. 40. first concession on the Ottawa and the broken front of said lot &c. that Levius P. Sherwood a Judge in the K. B. purchased broken lots No. 10 & 11, 1st concession, and lot No. 10, 2nd concession on the River Rideau, snd that afterwards to John Le Breton by deed and release made L. P. Sherwood Esqr. a joint proprietor of the lot No. 40, 1st concession and broken front of said lot on the Ottawa, that is to say, one undivided half of said lot and broken front thereof, and that L. P. Sherwood, Esqr. by deed, conveyed to John Le Breton the one undivided half of lots Nos. 10 & 11, 1st concession, No. 10 2nd concession on the River Rideau, and that exchange deed or deeds of separation and division were passed and exchanged between them, and thereby L. P. Sherwood owns east half of lot No. 40, in the first concession and broken front of said lot on the Otawa together with an equal privilege of four islands in front thereof, and that John Le Breton owns the west half of said lot and broken front thereof, islands &c. these conveyances appear to be of the nature of lease and release from one to the other, firstly, to make them co-partners and then a division of lot No. 40, in first concession and broken front of said lot &c. on the Ottawa, which plainly shews what I had always understood, that they purchased those lands in partnership, at Sheriff's sale; the lot No. 40, &c. on the Otawa is in reality, and there might easily be made of it in my opinion £10,000. It covers water privileges worth half that sum. The Union Bridge across the Ottawa abutting on the lot. For sales out of the broken front of said lot you will notice the annexed memorandum, there are two parcels or privileges, one of which (an acre) was conveyed by L. P. Sherwood Esq. and Charlotte his wife, to His Majesty King George 4th on which stands a block of build-

ings at the end of the Bridge built by government but now unocupied. These are the buildings I formerly mentioned that were supposed to be on the other lot, this lot and privileges are certainly the most valuable property in all this part of U. Canada.

Lot No. 10 in 2nd concession River Rideau comprises a valuable Mill site on the River Jacques emptying into the Rideau broken lots 10 & 11 cover the mouth of that River, and front on the Rideau River. These lots, together with No. 11 in 2nd concession are in my opinion worth 40s. to 50s. per acre; the lands are good and privileges great, lot No. 40, 1st concession &c. on the Ottawa might and in fact, will and must be a continuation of Bytown which will in a few years be the most important town in Upper Canada.

There is no one on the lands on the Rideau. There are squatters on No. 40, on the Ottawa but I cannot find out that there are any on No. 39 or 38, (Ottawa.)

N. B. The 2nd parcel of land sold out of the broken front of lot No. 40, on the Ottawa is as follows—Firstly from John Le Breton out of the east half a water and land privilege &c. to Samuel Stacey & George Lyman Bellows, both Foreigners. Samuel Stacey then sold out his right to the said George L. Bellows, then George L. Bellows sold to Henry Stacy, then Henry Stacy sold out to Henry Church, Henry Church then sold out to Mathew Cormel of Bytown, since dead, this is as far as I can trace any sales or titles in the Bathurst district, it has been a most extraordinary as well as an intricate transaction. The conveyances appear to be quit claims, which shews a doubt of the title. L. P. Sherwood & wife sold the acre to the King in 1829, February 24th.

Mr. Henry Sherwood professed to sell lot No. 30, 1st Concession, Ottawa and received a sum of monney and gave a receipt but gave no deed. Afterwards the Honorable L. P. Sherwood sold the same lot as I am informed to Peter Aylwin for $1,400 but I can find no record or deed. In this sale there is a mystery; this lot will soon be worth £10,000 if not now.

Yours &c.

C. WATERS.

No. 91.

REPORT

OF

SELECT COMMITTEE

ON

EXPENDITURE OF ROAD MONEYS—1834.

No. 91.

STATEMENT of Road Accounts received since the last Session of Parliament of the Expenditure of Moneys granted by the Acts of 1833 *and* 34, *for the improvement of Roads and Bridges.*

Voucher	Amount of Grant.	On what roads, and for what purposes.	Sums now accounted for	Sums before accounted for	Sums appearing to be still due.	Names of Commissioners.	REMARKS.
	£ s. d	EASTERN DISTRICT.	£ s. d.	£ s. d.	£ s. d.		
1	95 0 0	Road from Cornwall to rear of Roxborough.	95 0 0	.....	.....	Alex. M'Lean, Esquire, Duncan M'Donell, Esq. John M'Donald.	1833.
2	40 0 0	Road between lots 6 and 7 in the 2d, 3d and 4th concessions of Cornwall.	40 0 0	.....	.....	John Cameron, John M'Donell, and Alex. M'Dougall.	1833.
3	40 0 0	Road between lots 6 and 7 in the 4th, and 9 and 10 in the 5th concession of Cornwall.	40 0 0	.....	.....	Alexander M'Donell, (Garnish) John M'Donell, and John Cameron.	1834.
4	75 0 0	Road from St. Andrew's Church to rear of Roxborough.	75 0 0	.....	.....	Duncan M'Donell (Jackson) John M'Donald & A. M'Phail.	1834.
5	164 3 4	1833. Road (9 mile) through the centre of Matilda and Mountain	.....	.....	.....	Peter Boulton, Peter Smith, and Peter Shaver.	Mr. Shaver states that the balance is under contract, but that owing to the wetness of the land the work cannot be completed till next summer.
	166 13 4	1834. Road (9 mile) through the centre of Matilda and Mountain	194 13 1½		136 3 6½	Same Commissioners.	
	330 16 8		444 13 1½		136 3 6½		
	580 16 8						
		OTTAWA DISTRICT.					
	200 0 0	Road from the Petite Nation River to the River Rideau near Bytown.	200 0 0	.....	.....	Bradish Billings, Thos. M'Kay, and John Buchanan.	1833, no oath.
	200 0 0	Road from the River Rideau to the Petite Nation River.	125 8 0	.....	74 12 0	Thomas M'Kay, Chas. Waters, and Bradish Billings.	1834, no oath.
	400 0 0		325 8 0		74 12 0		

* Note.—Work was contracted for to this amount, (£74 12s) and the work has been performed; but the Commissioners have not been able to procure payment of the same from the late Treasurer, consequently the same remains still due to the persons who performed the work.

Voucher	Amount of grant.	On what road, and for what purposes.	Sums now accounted for	Sums before accounted for	Sums appearing to be still due.	Names of Commissioners.	REMARKS.
	£ s. d		£ s. d	£ s. d	£ s. d		
		BATHURST DISTRICT.					
1	40 0 0	To open the road commencing at lot 14,4th Con. Goulbourn, and continuing towards the 9th Con.	40 0 0	.....	.....	George Ritchie, Thomas Brownlee, and William Burwell.	1833, oath.
2	50 0 0	To complete the road from the town line of Huntley to Fitzroy Harbor,	50 0 0	.....	.....	Heman Landon, Francis Hodgins, & John Donnington.	1833, oath.
3	30 0 0	From the town line of Beckwith to the River Fork,	30 0 0	.....	.....	John Anderson, John Dwyer, and ——— Tighe.	1833, oath.
4	25 0 0	On the 6th line,	25 0 0	.....	.....	Wm. Mooney, Rich'd Marn, & Wm. Carter	1834, oath.
5	20 0 0	On the road from the 4th line to the Mississippi,	20 0 0	.....	.....	Thomas Shillington, William Morton, & Thomas Garland.	1834, oath.
	165 0 0		165 0 0				
		MIDLAND DISTRICT.					
1	100 0 0	In the township of Richmond,	100 0 0	.....	.....	Allan McPherson, A. Caton, Ja's Long, W. Prindle, & J. Baldwin	1833, oath.
2	125 0 0	In the township of Richmond,	125 0 0	.....	.....	Allan McPherson, A. Caton, Ja's Long, W. Prindle, & J. Baldwin	1834, oath.
	225 0 0		225 0 0				
		HOME DISTRICT.					Over expended by the Commissioners £4 12.
1	50 0 0	On main road through the township of Albion, leading to York,	50 0 0	.....	.....	Capt. Wm. Campbell, John Coates, & Ja's Boulton, Senr.	1833, no oath.
2	50 0 0	To improve the road on the 6th line of Toronto, Gore of Toronto and Albion,	50 0 0	.....	.....	Wm. Campbell, Esq. James Boulton, Senr. & John Coates.	1834, no oath.
3	20 0 0	To improve the road round the head of Kempenfeldt Bay,	20 0 0	.....	.....	A. Walker & R. Oliver.	1834
4	50 0 0	Bridge over the Rouge, in the 8th Concession of Markham, and do. over branch of same in the 10th Concession,	.....	50 0 0	.....	Thomas Whaley, Joshua Tomlinson, and John DeHart.	1833, oath.
5	92 10 0	Stage road from the township of York to the further limit of Whitby,	.....	60 10 0	32 0 0	Francis Leys, Esq., Jabez Hall, and William Weller.	*Grant of* 1833. Mr. Leys states that as the work is not yet completed, the balance still remains in his hands.—Vide Let.
6	500 0 0	To improve the hill at the River Rouge,	.....	350 0 0	150 0 0	Francis Leys, Cha's Fothergill and Wm. Weller.	*Grant of* 1834. Mr. Leys states that he has paid all the money to the contractor, but that should the Legislature decline any further assistance, or the contractor fail in completing the work the amount can be recovered.—Vide letter.
7	100 0 0	For opening the centre road through Chinguacousy and Caledon,	.....	75 0 0	25 0 0	John Lindsay, William Clark, Caledon, Wm. Johnson, Chinguacousy.	*Grant of* 1834. The account now rendered is for £75, which was accounted for last year—leaving £25 still due.—Oath to £75.
	862 10 0		120 0 0	535 10 0	307 0 0		
		GORE DISTRICT.					
1	37 10 0	Road from Binkley's up the Mountain, called Tiffany's road,	37 10 0	.....	.....	John Binkley, Geo. Tiffany, and Peter Filman,	1834, oath.
2	50 0 0	Road from top of the Mountain near Hamilton to the village of Ancaster,	50 0 0	.....	.....	Thomas Hamilton, Patrick Hammill, & Jacob Rymal.	1833, oath.
	87 10 0		87 0 0				

Voucher	Amount of grant. £ s. d	On what roads, and for what purposes,	Sums not accounted for £ s. d	Sums before accounted for £ s. d	Sums appearing to still due. £ s. d	Names of Commissioners	REMARKS.
							The sum of £37 2 5 is claimed by Mr. Chalmers, as an over expenditure; vide his memorial & accounts for 1833 & 4.
		LONDON DISTRICT.					
2	20 0 0	Road from the Baptist Meeting House to Oakland,.....	20 0 0	.....	.....	Aaron Barber, John Harris, and Uriah Corlis.	1834
1	20 0 0	Road from Baptist Meeting House to Walpole,.....	20 0 0	.....	.....		
3	50 0 0	From Peter Hagle's to the Furnace in Dereham,.....	50 0	.....	.....	Peter Hagle and William Cook.	1834
4	25 0 0	.....	25 0 0	.....	.....	David Doty & Frederick Hess.	1834; oath.
	100 0 0	From Whitehead's in Burford to Dodge's in Oxford,.....	.....	100 0 0	.....	John Weir, John Kern, & Calvin Martin.	1833
	20 0 0	Road from Ingersoll's to Dundas Street, opposite the 2nd Concession of Zorra,.....	.....	.....	.....	Hugh McDermid, James Ingersol, and John Gallaway.	1833, oath.
	20 0 0	From Choat's mills to Dundas Street, ...	.....	.....	.....		
5	40 0 0	From Peter Hagles to the furnace, ...	40 0 0	.....	.....	.....	Over paid 1s. 3d.
6	20 0 0	Township line between Zorra and Nissouri,.....	40 0 0	.....	.....	Account says, by wild Land Assessment.	Over paid £2 13 3 In full,... 2 13 3
	100 0 0	(1833.)	80 0 0	.....	.....	James Ingersoll, Joshua Putman, G. Meyrick,	Oath, on account for 1833-4.
7	100 0 0	Main road in the township of Dorchester, ...	200 0 0	.....	.....	James Ingersol, P. Carrol, Albert S. Odell.	Oath.
	100 0 0	Through the Dorchester Woods, between Heron's farm and Reynold's mills,					
8	100 0 0	Main stage road from Whitehead's in Burford to Dodge's in Oxford, ...	31 0 0	.....	.....	George W. Whitehead, John Weir, & Calvin Martin.	Grant of 1834, oath.
9			50 0 0	.....	.....		
10	10 0 0	New road from Governor's road, &c.	10 0 0	.....	.....	Edward Buller, A. Drew, and Philip Graham, Esquires.	1833, no oath.
	10 0 0	Road between lots 7 & 8 in Blandford,.....	10 0 0	.....	.....		1834
11	25 0 0	Uncertain,.....	25 0 0	.....	.....	Uncertain.	This must be a part of £50 returned by Charles Wilson—no such person in bill.
12	15 0 0	From D. Cross's to White' Mills in Zora,.....	15 0 0	.....	.....	Robert M. Still, Welcome Yale.	1834, oath.
13	25 0 0	For improving the Furnival road from Talbot road to the Thames, between lots 6 & 7, in Aldboro'	35 0 0	.....	.....	Ewan McKinlay, G. Munro, and Donald Currie.	1834, oath.
	10 0 0	Do. at P. McKellar's,					
14	50 0 0	From Davis Cross to the North side of the township of Zorra.	50 0 0	.....	.....	Israel Read, Darius Cross and Hendrick C. Hull.	1834, oath.
	760 0 0		621 0 0	100 0 0	39 0 0		

According to the account there was paid to sundry persons for work and labor, ... £122 2 6
To Joshua Putman and G. Meyrick..... 50 0 0
To Albert S. Odell, ... 29 17 4
39 12 1
Account of provisions furnished (by J. Ingersol), ... £241 11 11

Balance due J. Ingersol,..... £ 41 11 11

		WESTERN DISTRICT.					
	20 0 0	On Talbot Road in 5 Mile Woods, Romney,.....	.....	.....	20 0 0	James W. Little, T. Smith, and Thomas Renwick. "	1833.
	50 0 0	Road between J. Klinarsmith's and John Smith's in Raleigh, &c.	50 0 0	.....	.....	.....	Oath as to this sum.
	30 0 0	Talbot road through the township of Romney, ...	.....	.....	30 0 0	J. W. Little. T. Renwick and J. H. Price.	1834.
	100 0 0		50 0 0	.....	50 0 0		

ABSTRACT of precedimg Account.

Eastern District,	£444 13 1½
Ottawa "	325 8 0
Bathurst, "	165 0 0
Midland, "	125 0 0
Home, "	120 0 0
Gore, "	87 10 0
London, "	621 0 0
Western, "	50 0 0
	2038 11 1½

GENERAL ABSTRACT.

	Sums expended.	Sums unexpended.	Unaccounted for.	Extra charges.	Grants.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Year 1833,	7,970 1 8½	86 17 9	11,933 8 8	9 1 10½	20,000 0 0	10s. short, Eastern District.
" 1834,	10,162 10 2½	247 1 7	14,582 11 10	7 16 4½	25,000 0 0	
	18,132 11 11	333 19 4	26,516 0 6	16 18 3	45,000 0 0	
	2,038 11 1½		2,038 11 1½			
	20,171 3 0½		24,477 9 4½	Remains to be accounted for.		

Accounts received since the above statement was made out.

Newcastle District,	£ 25 0 0	
Midland "	465 0 0	
London "	207 3 8	
Johnstown "	90 0 0	
	£ 787 3 8	
	£23,690 5 8½	Remains unaccounted for to this date, 6th April, 1836.

No. 92.

STATEMENT OF GRAND JURY,

HOME DISTRICT, WITH CHARGE OF JUDGE.

F. B. Head.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the request of the Grand Jury of the Home District at the present Assizes, the accompanying statement of that body, with a copy of the charge of the presiding Judge at the opening of the Court.

Government House,

12*th April*, 1836.

Grand Jury Room.

Toronto, 5th April, 1836.

Copy.

The Grand Jury having visited the District Gaol beg to report,—That the cells, not being built of stone, and the gaol, not being enclosed within a sufficient wall, thirty-one prisoners have effected their escape from the 1st July, 1832, to the 1st April, 1836. That the want of room prevents the proper classification of the prisoners—that for the same reason no attempts are made to employ them—that there is no secure place of exercise for the inmates of the prison—that the gaol is unprovided with a well of fresh water, or with privies, and that the allowance of bedding is insufficient during the winter months.

The Grand Jury feel convinced that the insecurity of the prison, the want of classification and employment of the prisoners, the deficiencies of arrangement requisite for insuring a proper cleanliness in the prison, and of wholesome exercise for its inmates, are evils which call for the immediate interference of the Legislature, in order that the proper remedies for their removal may be applied; and they beg therefore that this report, together with so much of your Lordships charge as relates to prison discipline, may be laid before His Excellency the Lieutenant Governor with a recommendation that this subject may be submitted to the consideration of both branches of the Legislature with the least possible delay.

(Signed) J. S. Macaulay, Foreman.

Wm. Crookshank,	A. Barker,
Andw. Mercer,	Thos. D. Harris,
A. Burnside,	R. C. Gapper,
John Ellah,	Francis Boyd,
Thoms Cooper,	George Gurnett,
R. Moodie,	John Barwick,
Wm. Campbell,	G. T. Dennison.

Gentlemen of the Grand Jury:

I had an opportunity last year of addressing a Grand Jury of this District, and I then took the liberty of calling their attention to the consideration of the state of the district gaol, and of suggesting the propriety of applying to the Provincial Parliament on the important subject of enquiring into the general state of all the gaols in the Province. I think it my duty to recur to the same topic at this time, as the Legislature is now in session, and as the representation of a respectable Grand Jury would probably have as much weight as any other public body whatever. It is also a subject to which frequent allusion must be made before a spirit of enquiry and reform can be thoroughly excited in those who have the power of effecting the improvements which the good of society demands. Every member of the community is, more or less, interested in this matter, but few are willing to incur the trouble of examination. Many think their time better occupied with other business—many are not sensible of the existing necessity of Legislative interference, and some few perhaps possess so small a share of human kindness, as to think that both the accused and convicted prisoner cease to be objects of attention. Men of the last description should recollect, however, that public policy is on the side of reform in this case, for nothing is more pernicious to the general cause of morality than the practice of discharging the inmates of public prisons worse members of the community than when they entered their walls, and such a result is particularly to be deprecated in the case of prisoners who are acquitted by a verdict of their country.—The amelioration of public prisons and of prison discipline, is a subject worthy of enquiry in every enlightened community. The British Parliament has frequently considered it with grave attention, and I trust our own Legislature will shortly follow the noble example. If a competent number of commissioners were appointed under an act to be made for that purpose, to inspect all the gaols of the Province during the recess of Parliament, to report their actual state, and to suggest such additions and improvements in the buildings, as well as in their internal economy, as the public weal requires, it would afford the Legislature all the information requisite to enable them to proceed in the necessary work of reform. In the erection of gaols I think two objects should be kept steadily in view, viz: security and proper discipline.

Prisoners cannot be safely kept unless the prison is in all respects secure; and they cannot be well governed unless it be both spacious and convenient. Much attention has of late years been paid in England to the internal arrangement and economy of prisons in consequence of the unremitting exertion of that benevolent institution, "*The Society for the improvement of Prison Discipline*," and which, from the zeal, intelligence and perseverance of its members, will eventually prove beneficial to the whole civilized world. The work was begun by the celebrated Howard, but investigation into the state of public prisons much more extensive than his has been carried on in England with great success since his time, and is still continued with unabated assiduity by many benevolent and distinguished christian moralists. The statutes 4 and 5 Geo. 4, chap. 64 and 12, originated in their exertions. These Acts

contain general provisions for the government of gaols throughout England, but before their enactment the Magistrates in general Quarter Sessions assembled for the different counties, made rules and regulations to be observed in county prisons, but they differed in substance and spirit, according to the local feelings and opinions of the makers. In some counties no sustenanance whatever was allowed to accused prisonrrs before trial; in some a miserable pittance was conceded, while in other counties an adequate allowance was bestowed. The statutes 4 and 5, Geo. 4, direct that all prisoners committed for trial, shall be allowed such food as may be sufficient for the support of health, without being compelled to perform any kind of work, as the condition of the allowance. This is clearly a reasonable regulation, and altogether in accordance with the mild spirit of our criminal code. What a bad system must that be which consigns an innocent man not only to imprisonment, but painful hunger! To prevent the possibility of such injustice and cruelty, the law charitably presumes the innocence of the accused till his guilt be established by legal testimony. In the interim he is entitled to a reasonable and moderate sustenance, unless his behaviour be disorderly and riotous, and then indeed, from the necessity of the case, the allowance should be withheld till he give assurance of good behaviour; for every prisoner committed for trial is bound to submit to the established discipline of the prison, and not to interfere in the least degree with the peace and good order of the place. There must exist, from the very nature of the establishment, and without any specific law on the subject, an indisputable right of preserving order and decency in every gaol, and for this purpose to enforce the known rules and regulations on every individual within the prison, and to punish the breach of them. A right must also exist to restrain the intercourse of the prisoners with each other, for the same purpose. The necessity of such powers seam to be self-evident, but their extent, and the manner in which they are exercised, should be regulated by some general enactment applicable to all prisons in the Province. I have reason to believe that prisoners in some of our gaols do not receive the allowance which, in my opinion, they should have. Another abuse of the rights of prisoners was abolished in England by the same acts to which I have alluded. It had been the practice in most public prisons for the keepers at their discretion to load prisoners with fetters for improper behaviour, and especially for attempting or effecting their escape, and to continue the use of them for an unreasonable length of time, in consequence of which this power was sometimes greatly abused. These statutes declared that no prisoner shall be put in irons by his keeper, except in cases of urgent and absolute necessity, and then not longer than four days without an order in writing from a visiting Justice, specifying the cause. The frequent use of irons in every gaol, amounts in my opinion to a presumption of mismanagement in the Gaoler, or insecurity in the gaol; and I have not the least doubt that the salutary restrictions in the British Statutes make greater care and more skillful management absolutely requisite on the part of keepers of gaols, and at the same time have the desired effect of causing more secure prisons to be constructed. These are important public advantages arising from one uniform system of proper discipline in public prisons.

Upon examination of the common law, it will be found that it has recognized, from the earliest time, three distinct classes of prisoners,—the debtor, the accused person, and, the convict; and it is evident the imprisonment of each class proceeds upon entirely different principles. The man suspected of crime is imprisoned solely to secure his appearance for trial, which is always a matter of necessity, for the law has recourse to it only in cases where no adequate substitute by way of security can be given owing to the atrocity of the suspected crime, and the presumption of guilt, or to the inability of the accused to procure bail. The convicted man is imprisoned for punishment, as an example to others, and to effect, if possible, his own reformation. The debtor in execution is imprisoned, partly in punishment of the fraud which he is presumed to have committed on his creditor, but principally to compel him to produce, or to render available for the discharge of his debts any property placed by him in such a situation as prevents its being reached by the ordinary process of execution, and which he withholds from his creditor, against natural justice. The objects which the law has in view as regards these three classes of prisoners are evidently various, and the consequent duties of gaolers arising upon them have proportionate varieties, yet in their prominent features there will be found an exact resemblance, for there are certain things proper and necessary in all public prisons. In the first place the prison should be well constructed and secure, for an insecure gaol is rather a public nuisance than a public advantage. In the second place, the gaol should be clean and healthy. Air, exercise, food, and clothing, such as are clearly necessary to sustain health, together with proper medicine and medical attendance for the sick, stand upon the same immutable principle, except in that short and awful interval which usually precedes execution, there can be no time or circumstances in which a prisoner accused or convicted of crime has not a right to all things indispensably requisite for the preservation of health and life. In the third place prisoners of every description have a right to be protected, as far as possible, from bad examples and bad society, to receive religious instruction, and to have proper opportunities of performing religious duties without interruption. Every large gaol almost constantly exhibits an extensive field for the steady exertion of zeal and talent in the Christian Ministry, and the Legislature in my opinion ought to provide for the stated attendance, at proper intervals, of some Minister of the Gospel at the Gaol of every District in the Province. The expense requisite to insure the regular performance of this important duty, must appear trifling indeed when compared with the social advantages which would most probably result from the measure.

The employment of prisoners by voluntary or compulsory labor, according to the class to which they belong, for the useful purpose of diverting their minds from evil to good habits, is also an interesting subject, because such occupation must always form a part of every eligible system to be established by a general law. This is a topic, however, which requires a more extended treatise than the ordinary bounds of a charge at the Assize could embrace, and I shall therefore not attempt at this time either to examine its principles or to enumerate its salutary effects.

No. 93.

RETURN

OF

MILITIA FINES.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, in compliance with its address of the 28th ultimo, the accompanying statement of the Adjutant General of Militia, on the subject of Militia Fines.

Government House, 12th April, 1836.

MILITIA ADJUTANT GENERAL'S OFFICE,
Toronto, 12th April, 1836.

SIR,

The usual periodical returns required by this office, not affording the minute information required by the address of the House of Assembly dated the 28th ultimo on the subject of Militia fines, in as much as they do not comprehend either the names of the parties fined or the costs of suit attendant upon law process, I consequently applied to the several commandants of Militia Rgiments of the County of York, as stated in the margin, with the view of obtaining the desired information, and have the honor to acquaint you that from all, with the exception of Col. William Thompson, commanding the 3rd West York Regiment, I have learned in reply, that no fines or penalties have been exacted in their several Regiments during the period specified in the address.

Col. FitzGibbon 1st East York,
" G. Ridout, 2nd do
" Givins, 1st West,
" Washburn 2d do
" Thompson 3d
" The Hon. J. H. Dunn, 1st N.
" S. P. Jarvis, 2nd

Since I had the honor of receiving His Excellency the Lieutenant Governor's commands, communicated in your letter of the 30th ultimo—I have repeatedly applied to Col. Thompson for his report without success; it is possible the failure of an answer to my several letters may have been occasioned by his absence from home. I am however not altogether without information as to the fines of the Regiment under his command for the respective period.

As the general return (herewith sent) received from that officer furnishes but very imperfect information on the subject of fines, and the half yearly return (the appropriate return on that subject) had not been received from him, he was applied to on the 23rd Nov. last for the deficient half yearly return; and altho' he did not comply with the instructions by sending the proper return, he transmitted to me with his reply (herewith sent) a list of persons stated to have been *fined for non attendance at the parade on the last 4th June.—This will so far satisfy the object of the address, but I regret that for the reasons I have stated I cannot furnish the whole of the information therein required.

2nd Dec. 1835.

I have the honor to be,
Sir,
Your most ob't humble Serv't.
N. COFFIN,
Adj't. Gen. of Militia,
UPPER CANADA.

HARWOOD, TOWNSHIP, TORONTO,
2d December, 1835.

SIR,

I have the honor to acknowledge the receipt of your letter of the 25th Nov'r. enclosing Blane's petition, and also your letter of the 23d with a copy of the general order, 16th of May, 1829, requesting to know what number of the 109 returned absent from the parade, on the 4th of June last, have been proceeded against.

With respect to Blane's petition, I stated to him personally that I would remit his fine, although I thought with the Magistrates, that the excuse offered by him & his party was not sufficient to warrant their discharge from the fine and costs, as they had ample time and opportunity to have stated to me or their Captain, the cause of their absence, which they neglected to do, although they were perfectly aware, that if after the parade they had stated the cause of their absence, and that it was unavoidable, the excuse would have been admitted; but they thought proper to treat the notice of the Sergeant with indifference, if not with contempt, as may be discovered

* The amount of fine as fixed by law for a private is ten shillings.

by the words in their petition—"that they would attend if they got back in time"—which they must have expected to do, having left home (as they state) ten days before the training. Still, from Mr. Blain's general good conduct, and in the consideration of the heavy costs he has paid, I wish to remit his fine, and with His Excellency's approbation, the fine of several others similarly circumstanced, whose names are noticed in the list herewith inclosed.

With regard to the fines received, I believe I have always noticed them in my regimental return, and in my last stated that none had been received since the preceding one; in fact they have been hitherto little more than sufficient to defray the incidental expenses of the regiment. I shall, of course, give a statement of them in my half yearly return, which if made by the 24th of December, inst., will be in accordance with the 7th clause of the general order referred to by you. I could not make out a correct return until the fines were received from the Magistrate, a part of which was only paid to me on the 24th November; the remainder has not yet come into my hands: see the list which, in compliance to your request, and to avoid censure I send, although I beg to observe, that I do not feel it any part of my duty to do so.

I have the honor to be,
Your obedient servant,
W. THOMPSON,
Col. Commanding 2d R. W. Y. M.

COL. N. COFFIN,
Adj't Gen. Militia,
&c. &c. &c.

LIST of Private Militiamen belonging to the 3d Regiment W. Y. Militia, who were fined for non-attendance at the Parade on the 4th day of June last, viz.

PAID.	PAID.
William Harrington.	Alexander Watson.
John Blane, to be remitted.	William F. Merton.
George Glassford.	John Youngson, remitted, not paid to me.
John Godkins.	William Johnston.
Robert Cotton, for contempt.	John Rogers.
William Robertson, remitted, not paid to me.	
John Lee, remitted, not paid to me.	NOT PAID.
David Porter.	William Smith.
James Reid.	Patrick Sherridan.
Oliver Hammond.	Martin Switzer.
William Jones.	Robert Colville.
George Jackson.	William Currigan.
Charles Palmer, remitted, not paid.	William Malley.
John Stenett.	Anthony Dougherty.
Walter Burns.	Bartholemew Dougherty.
Andrew Nielands.	Donald Chisholm.
Thomas Newlove.	Henry M'Gee.
Mark Mortimer.	Some of those last will not be recovered at all.

FIELD RETURN of the 3d Regiment West York Militia, assembled on Parade at Spring field, in the Township of Toronto, in the County of York, on the 4th day of June, 1835.

DISTRIBUTIONS.	Colonel.	Lieut. Colonel.	Major.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Quarter-Master.	Surgeon.	Sergeants.	Corporals.	Trumpeters or Drummers.	Privates.
Present on parade	1	1	1	5	4	3	.....	.....	1	18	.....	.....	444
Sick absent	.....	.....	.....	1	.....	1	.....	.....	.....	2	.....	.....	24
Absent with leave	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	18
Absent without leave	.....	.....	.....	.....	1	.....	1	.....	.....	.....	.....	.....	109
Total	1	1	1	7	5	4	1	.....	1	20	.....	.....	595

RETURN OF COMPANIES.

COMPANIES.	Captains.	Lieutenants.	Ensigns.	Sergeants.	Corporals.	Trumpeters or Drummers.	Privates.	Township.
Troop of Cavalry	1	1	.....	1	.....	.....	34	.....
1st Flank Company	1	1	1	2	.....	.....	78	Toronto.
2d Flank Company	1	1	1	1	.....	.....	45	Toronto.
1st Battalion	1	1	.....	3	.....	.....	88	.....
2d Battalion	1	.....	.....	1	.....	.....	53	.....
3d Battalion	1	1	.....	4	.....	.....	66	.....
4th Battalion	1	.....	.....	3	.....	.....	61	.....
5th Battalion	1	.....	1	3	.....	.....	80	.....
6th Battalion	.....	1	1	2	.....	.....	95	.....
	8	6	4	20	.....	.....	595	

WILLIAM THOMPSON,

Col. Com. 3d Regiment W. Y. Militia.

RETURN of Arms and Accoutrements.

STATE OF THE ARMS.		Carbines.	Sabres.	Sets of accoutrements for Cavalry.	English muskets	English bayonets	E. accoutrements	Amer. muskets.	Amer. bayonets.	A. accoutrements	Rifles.
Issued by Government	serviceable	.....	50	.....	108	112	112	.....	.....	.....	.....
	unserviceable	.....	.....	.....	4	.....	.....	.....	.....	.....	.....
	repairable	.....	.....	.....	4	.....	.....	.....	.....	.....	.....
		.....	50	.....	116	112	112	.....	.....	.....	.....

RETURN of the number of Quakers, Menonists, Tunkers, and other persons exempted from Militia duty within the limits of the Regiment.

QUAKERS.	MENONISTS.	TUNKERS.	OTHER PERSONS.

LIST of Officers of the Regiment, with the dates of their Commission and place of Residence.

RANK.	NAMES.	Town or Township.	Date of Commission.	
Colonel.....	W. Thompson.....	Toronto.....	May 17—1830	Names of officers absent without leave —Lieutenant J. M'Donell.
Lieut. Colonel	T. S. Jarvis.....	Ditto.....		
Major.....	W. Birdsall.....	Ditto.....		
Captain.....	E. W. Thomson.....	Ditto.....	April 3—1827	Names of officers who have left the district since last return—J. B. Spragge, Adjutant.
Captain.....	T. Merrigold.....	Ditto.....	April 6—1827	
Captain.....	S. Price, Senior.....	Ditto.....	May 17—1830	
Captain.....	S. Price, Junior.....	Ditto.....	May 18—1830	
Captain.....	C. Magrath.....	Ditto.....		Vacant Commissions—1 Captain; 3 Lieutenants; 4 Ensigns.
Captain.....	J. Patterson.....	Ditto.....		
Captain.....	J. Ransom.....	Ditto.....		
Lieutenant...	E. Austin.....	Ditto.....	April 11—1827	Names of officers who have died since last return—Ensign Hiram Street.
Lieutenant...	J. Horning.....	Ditto.....	April 12—1837	
Lieutenant...	J. M'Donell.....	Toronto City.....	May 16—1830	
Lieutenant...	W. H. Patterson.....	Toronto Township.....		
Lieutenant...	D. Merrigold.....	Ditto.....		
Ensign.....	T. Robinett.....	Ditto.....		
Ensign.....	J. Embleton.....	Ditto.....	August 11—1828	
Ensign.....	W. H. Erin.....	Ditto.....		
Ensign.....	W. A. Thompson.....	Ditto.....		
Adjutant....	J. B. Spragge.....	Ditto.....		
Qr MasterGen	J. Adamson.....	Ditto.....		

Fines collected since last Return..... £2 0s. 0d.

RETURN of Fines in the 3d Regiment West York Militia, in the Year 1835.

FINES DUE AND COLLECTED.			FINES EXPENDED ACCORDING TO LAW.				Fines remitted in consequence of the Absentees being prevented from attending from sickness and other causes as specified opposite their names.		
			Names of Persons to whom paid.	No. Voucher	Particulars of Expenditure.	Amount.	RANK.	NAMES.	Cause of absence
		£ s. d				£ s. d			
23	Privates.....	11 10 0	To Adj't Spragge.	1	Sending orderly		Private....	J. Youngson....	On business, excused.
	In hand since last return	2 0 0	To J. Higgins....	2	to warn men.	0. 10. 0			
					4 drums.....	4. 10. 0		W. Robinson...	Ditto.
	Total collected and due	13 10 0			Postage of letter	0. 5. 3		W. Blane.....	Not regularly warned.
					Fines remitted from causes assigned in adjoining column	2 0 0			On business.
					Balance in hand	6 4 9			Sick.
						13 10 0			

Have not taken receipt for the drums, nor can I procure them for this return.

WILLIAM THOMPSON,
Col. Com. 3d Regiment W. Y. R. Militia.

TORONTO, *February* 18, 1835.

Received of Colonel Thompson, commanding 3d Regiment W. Y. Militia, ten shillings, currency, being the amount of expense incurred by me in sending an Orderly with Regimental orders, in Nov. last, agreeably to his order so to do.

G. B. SPRAGGE,
Adjutant 3d W. Y. Regiment Militia.

(No. 96.)

MESSAGE

FROM

His Excellency the Lieut.-Governor,

WITH ACCOUNTS OF

RECEIPTS AND PAYMENTS

OF SALES OF

CLERGY RESERVES AND GRANTS

TO

RELIGIOUS BODIES.

F. B. HEAD.

The Lieutenant-Governor transmits to the House of Assembly, with reference to the 3d, 4th, and 8th paragraph of its Address of the 17th ultimo, and to his Message to the House of the 28th, the accompanying documents relative to the receipts and payments of all monies arising from the sale or leasing of the Clergy Reserves—to grants for the building of Churches and Chapels, and for the maintenance of Clergymen and Religious Teachers of various denominations of Christians—and to Lands set apart for the endowment of Churches.

GOVERNMENT-HOUSE,
April 12, 1836.

GENERAL STATEMENT of Receipt and Expenditure of the Clergy Fund E, for the Year 1835.

RECEIPTS.	*Currency.* £	s.	d.	PAYMENTS.	*Currency.* £	s.	d.
From the Secretary of the Clergy Corporation on account of rents of Clergy Reserves.....	4,224	8	4½	To the Hon. John Henry Dunn, being, together with £2,529 11s. 3d. sterling from the Crown Funds to enable him to pay the salaries and pensions to Missionaries of the Church of England, and four widows for the year ending 31st December, 1835,.....	4,933	6	7½
From the Hon. Peter Robinson, Commissioner of Crown Lands, on account of interest on sales of Clergy Reserves.....	2,107	10	1½	Salary to the Archdeacon of Kingston for the year ending 30th June, 1835.....	333	6	8
Proceeds of two Bills of Exchange on London on account of the Clergy Funds.....	1,210	17	1½	Salary to the Archdeacon of York for the year ending 30th June, 1835.....	333	6	8
Refunded, being so much remaining in the hands of the Hon. John Henry Dunn of the monies withdrawn from this fund, and deposit with him for the purpose of paying the salaries of the Missionaries of the Church of England, and uncalled for.....	111	2	2½	Salary to the Rev. George O'Kill Stuart, as one of the Established Clergy of the Church of England in this Province, for the like period.....	111	2	2
	7,653	17	9½	Salary to Thomas Baines, Esq., Secretary to the Clergy Corporation, for the like period.	300	0	0
				Paid Thos. Baines, Esq, Secretary to the Clergy Corporation, the amount of his account for the ordinary and incidental expenses of his office for the same period.....	73	5	4½
Carried forward.....	7,653	17	9½	Carried forward.....	6,084	7	6½

RECEIPTS.	Currency. £ s. d.	PAYMENTS.	Currency. £ s. d.
Brought forward.....	7,653 17 9¾	Brought forward.....	6,084 7 6¾
		Paid the Rev. D. E. Blake, being the amount of expenses incurred in building the Glebe-House in Carradoc, and in repairing the Glebe-House in Adelaide, pursuant to order in Council, 8th January, 1835.....	77 5 3
		Paid Rev. Richard Flood, being on account of the expenditure made by him in building and improving on the Glebe Lot, north of Long Wood Road in Carradoc, per order in Council of 5th February, 1835.....	54 17 1½
		Paid the Honourable and Right Reverend Charles J. Stewart, Lord Bishop of Quebec, to return so much overpaid by him in refunding to the Receiver-General the sum of £1,500 sterling in 1834.....	16 0 6
		Payments during the year 1835.....	6,232 10 5¾
		Advance of 31st December 1834.....	6,052 13 11½
	7,653 17 9¾	Total.....	12,285 4 4¾

RECAPITULATION.

	£ s. d.
Total payments from the Clergy Fund E, during the year 1835, including the advance on 31st December, 1834,	12,285 4 4¾
Receipts during the year 1835,.....	7,653 17 9¾
In advance on 31st December, 1835,.....£	4,631 6 7

Receiver General's Office,
Toronto, March 29th, 1836.

JOHN H. DUNN,
H. M. R. G.

LETTER from T. Baines, to Mr. Secretary Joseph.

Clergy Corporation Office,
Toronto, March 22, 1836.

Sir:—In compliance with the orders of His Excellency, the Lieut.-Governor, I have the honor herewith to transmit a statement shewing the amount received on leased Clergy Reserves, during the year 1835.

I have the honor to be, Sir,
Your most obedient, humble servant,
THOMAS BAINES.

J. Joseph, Esq., *Civil Secretary.*

UPPER CANADA.

STATEMENT of the receipts of all monies received from the Lessees of Clergy Reserves, in the several Districts, from the 1st *of January, to the* 31st *of December,* 1835, *inclusive.*

	Currency.
1835—From 1st January, to 30th June, inclusive,.....	1,652 3 7½
From 1st July, to 31st December, inclusive,.....	2,400 0 6½
Amount paid to the Receiver General,.....£	4,052 4 2

Clergy Corporation Office,
Toronto, March 22nd 1836.

THOMAS BAINES.

Commissioner of Crown Lands' Office,
Toronto, March 26, 1836.

Sir:—I have the honour herewith to transmit to you copies of my accounts, current for the year ending 31st Dec., 1835, shewing the Receipts and Payments on account of Clergy Reserves sold, as required by the Address of the Commons House of Assembly.

I have the honour to be, Sir,
Your most obedient humble servant,
PETER ROBINSON.

John Joseph, Esq., *Civil Secretary.*

UPPER CANADA.

GOVERNMENT in account current with Peter Robinson, Commissioner for the sale and management of Crown Lands, for expenses incurred in the sale of Clergy Reserves from 1st January to 30th June, 1835, inclusive.

No. of Voucher.	PAYMENTS.	Prov. Currency. £ s. d.
	1835. Dr.	
1	To Stephen Randal, for advertising....	3 11 3
2	To George H. Hackstaff, do	5 0 7½
3	To Stephen Randal, do	6 17 6
4	To W. L. Mackenzie, do	9 8 9
5	To James Johnston, do	13 10 0
6	To W. B. Gowan, do	35 14 1
7	To George H. Hackstaff, do	1 17 6
8	To Robert Stanton, for advertising and stationery.....	25 9 0
9	To John Kent, do	13 4 10½
10	Paid into the hands of the Receiver General of the Province, pursuant to the Lieut. Governor's instructions of the 14th July, 1832.....	266 3 10
11	To Thomas Bowers, for inspecting....	1 10 0
12	Paid into the hands of Deputy Commissary General Coffin, in charge of the Military Chest at this post, as directed by Lord Goderich's Despatch of the 2d April, 1831.....	4000 0 0
13	To Egerton Ryerson, for advertising...	8 17 8
14	Paid into the hands of Deputy Commissary General Coffin, in charge of the Military Chest at this post, as directed by Lord Goderich's Despatch of the 2d April, 1831.....	4000 0 0
15	To James M'Farlane & Co., for advertising.....	0 13 5
16	To Thomas Dalton, for printing.....	1 17 6
17	To Thomas Hodgkinson, for advertising	5 18 9
18	Paid into the hands of the Receiver-General of the Province, pursuant to the Lieutenant-Governor's instructions of 14th July, 1832.....	606 0 6½
19	To Thomas Hodgkinson, for advertising	12 5 0
20	To A. H. Armour & Co.. do	15 12 0
21	To Stephen Randal, do	0 9 4½
22	To George P. Bull, do	27 18 7
23	Paid into the hands of Deputy Commissary General Coffin, in charge of the Military Chest at this post, as directed by Lord Goderich's Despatch of the 2d April, 1831.....	5000 0 0
24	To Thomas Dalton, for advertising....	3 17 10
25	To William J. O'Grady, do	12 7 9
26	To George H. Hackstaff, do	19 19 4
27	To D. M. Keeler, do	25 15 10
28	To James M'Farlane & Co. do	20 18 3
29	To Edward J. Barker, do	17 12 4
30	To Joseph Talbot, do	17 19 11
31	To Brega & Henderson do	19 17 3
32	To Robert Stanton, for advertising and stationery.....	14 17 0
33	To George Gurnett, for advertising....	49 2 2
34	To George Gurnett, do	15 3 1
35	To Henry Rowsell, for stationery.....	13 13 3
36	To Edward C. Campbell, for advertising	29 16 0
37	To Samuel Heron, do	1 1 6
38	To Elisabeth Thomson, do	3 5 5
39	To R. H. Thornhill, as clerk.....	100 0 0
40	To James Henderson, as clerk.....	100 0 0
41	To Henry Lozars, as draftsman.....	91 15 0
42	To J. S. Howard, for postage.....	11 17 3½
	To my salary for the above period as Commissioner for the sale of Clergy Reserves, as authorised by the Lieut. Governor in Council, agreeably to instructions.....	250 0 0
	Balance in the hands of the Commissioner for Crown Lands, this date...	4,879 19 3
	Total.....	19,760 19 1½

No. of Account.	RECEIPTS.	Prov. Currency. £ s. d.
	1835. Cr.	
	By balance in the hands of the Commissioner for Crown Lands, as per account current C, the 31st Dec. 1834.	3,862 9 6
1	Cash received in payment for Clergy Reserves, sold, up to the 30th June, 1835, inclusive, as per account No. 1.	9,805 18 3½
1	Cash received for interest due on the instalments of Clergy Reserves, up to the 30th June, 1835, inclusive, as per account, No. 1.....	1,152 11 4
	Total.....	19,760 19 1½

Amounting to the sum of nineteen thousand seven hundred and sixty pounds, nineteen shillings and one penny halfpenny—Provincial currency—dollars at 5s. each.

Errors excepted.

PETER ROBINSON.

UPPER CANADA.

GOVERNMENT in Account Current with Peter Robinson, Esq., Commissioner for the Sale and Management of Crown Lands for expenses incurred in the Sale of Clergy Reserves, from 1st July to 31st December, 1835, inclusive.

No. of Voucher.	PAYMENTS.	Prov. Cur. £	s.	d.
	1835. Dr.			
1	To paid into the hands of Assistant-Commissary General Foote, in charge of the Military Chest at this Post, as directed by Lord Goderich's Despatch of the 2d April, 1831.....	8,000	0	0
2	To paid into the hands of Assistant-Commissary General Foote, in charge of the Military Chest at this Post, as directed by Lord Goderich's Despatch of the 2d April, 1831.....	2,000	0	0
3	To paid into the hands of the Receiver-General of the Province, pursuant to the Lieutenant-Governor's Instructions of the 14th July, 1832.....	546	10	9½
4	To paid into the hands of the Receiver-General of the Province, pursuant to the Lieutenant-Governor's Instructions of the 14th July, 1832.....	362	19	2½
5	To paid into the hands of the Receiver-General of the Province, pursuant to the Lieutenant-Governor's Instructions of the 14th July, 1832.....	325	15	9
6	To paid E. Evans, for advertising.....	26	14	9
7	To paid John Kent, for ditto.....	16	3	5
8	To paid Daniel M'Leod, for ditto.....	1	2	6
9	To paid H. Leavenworth, for ditto.....	18	6	3
10	To paid Andrew Heron, for ditto.....	19	9	5½
11	To paid George Gurnett, for ditto.....	3	2	6
12	To paid G. W. Busteed, for ditto.....	34	14	0
13	To paid Wm. J. O'Grady, for ditto.....	8	19	8
14	To paid John Cowan, for ditto.....	42	0	2
15	To paid J. P. Bull, for ditto.....	3	10	6
16	To paid Talbot & Henderson, for ditto	2	5	0
17	To paid Wyman & Carter, for ditto...	18	6	11
18	To paid Wm. Barth, for ditto.....	18	7	6
19	To paid J. G. Ward, for ditto.....	17	9	6
20	To paid George Gurnett, for ditto.....	15	5	7
21	To paid Geo. H. Hackstaff, for ditto..	3	18	10
22	To paid William Buell, for ditto.....	19	5	3
23	To paid Samuel Heron, for ditto.....	21	4	9
24	To paid John Kent, for ditto.....	1	19	4½
25	To paid Edward J. Barker, for ditto..	4	2	3
26	To paid Edward Grattan, for ditto....	21	12	0
27	To paid Solomon Bregu, for ditto.....	2	6	0
28	To paid G. Benjamin, for ditto.....	21	0	0
29	To paid Thos Dalton, for ditto.....	29	16	0
30	To paid H. W. Peterson, for ditto....	3	15	0
31	To paid R. Stanton, for do & stationery	33	1	10½
32	To paid Henry Rowsell, for stationery.	6	17	4½
33	To paid Chas. Daley, for ditto.....	0	10	0
34	To paid W. J. Coates, for printing....	2	10	0
35	To paid J. S. Howard, for postage....	19	13	2
36	To paid R. H. Thornhill, as clerk.....	100	0	0
37	To paid Andrew Tod, as ditto.....	100	0	0
38	To paid Henry Lizars, as draftsman...	46	0	0
39	To paid David Campbell, as agent....	50	0	0
40	To paid Henry J. Jones, as ditto.....	106	19	9
41	To paid John B. Askin, as ditto.....	73	17	5
42	To paid Henry J. Jones, as ditto	112	11	11½
43	To paid John Huston, for inspecting...	23	2	0
	My salary for the above period as Commissioner for the sale of Clergy Reserves, as authorized by the Lieutenant-Governor in Council, agreeably to instructions.....	250	0	0
	Balance in the hands of the Commissioner of Crown Lands this date....	227	12	11
	Total.....	12,762	19	4½

No. of Account.	RECEIPTS.	Prov. Cur. £	s.	d.
	1835. Cr.			
	By balance in the hands of the Commissioner for Crown Lands, as per Account Current C., the 30th June, 1835.....	4,879	19	3
1	Cash received in payment for Clergy Reserves sold, up to the 31st December, 1835, inclusive, as per Account No. I.....	7,194	5	2
1	Cash received for interest due on the instalments of Clergy Reserves, up to the 31st December, 1835, inclusive, as per Account No. I.....	688	14	11½
	Total.....	12,762	19	4½

Amounting to the sum of twelve thousand, seven hundred, and sixty-two pounds, nineteen shillings, and four pence half-penny Provincial Currency.—Dollars at 5s. each.

Errors excepted,

PETER ROBINSON.

Memorandum.—The total amount of money paid into the Military Chest at this post, up to the 31st December, 1835, inclusive, is £61,500 currency on account of Clergy Reserves sold—and besides this sum, £4,676 4s. 5½d. currency, being the sum received for interest on the instalments up to the same period, has been paid into the hands of His Majesty's Receiver-General.

UPPER CANADA.

SCHEDULE of Lots recommended to be set apart for the endowment of Episcopal Churches in the Townships undermentioned.

NAME OF MISSIONARY.	DESCRIPTION OF LOTS.	No. of Acres.
The Honorable and Venerable Archdeacon Strachan, Toronto.....	Lots No. 6, 9, 22, in the 2d Concession, and lot No. 17, in 3rd Concession, from the Bay in the Township of York.....	800
Reverend R. F. Grout, Grimsby.....	Lots Nos. 11, 12, 13 and 14, in the 6th Concession in the Township of Grimsby.....	400
Reverend John Miller, Ancaster.....	Lots Nos. 39 and 40, in the 5th Concession in the Township of Ancaster.....	400
Reverend Geo. Mortimer, Thornhill..	The north half of Lot No. 27, 1st Concession, in the Township of Vaughan.....	105
Reverend John Gamble Geddes, Hamilton, Gore District.	Lot No. 6, in 13th concession, and lot No. 2, in 14th concession, in the township of East Flamboro'.....	400
Reverend Francis Evans, Woodhouse.	S. W. ¼ lot No. 1, 3d con S. ½ of N. ½ of 1, " S. W. ¼ of No. 2, " N. part of No. 6, 1 con. Part of lot No 10, 4 con. } township of Woodhouse	402
Reverend John Grier, Amelinsburgh	Lots No. 96 and 102, in the 2d concession of Amelinsburgh...	400
Reverend F. Mack, Wellington Square	Lot No. 6, 2d con. } East " 10, 4th con. } Flamboro',	400
Reverend R. Blakey, Augusta.....	Lots No. 18 and 19, in the 4th concession of Augusta and the commons between.....	450
Reverend Samuel Armour, Cavan.....	Lot No 17, 4 con. } township of " 10, 10 " } Cavan....	400
Reverend Benjamin Cronyn, London..	Lot No. 13, in concession C, and part of lot No. 15, in 3d concession, in the township of London.....	375
Reverend Wm. Macaulay, Hallowell..	Part of block D, in Sophiasburgh.	400
Rev. Michael Harris, Perth.....	Lot No. 17, in 7 con. of Bathurst " 4, in 1 con. Drummond	400
Reverend W. H Gunning, Elizabethtown	Lots Nos. 19 and 20 in 5th concession in the township of Elizabethtown	400
Reverend H. Patton, Oxford, J. D.....	E. ½ lot No. 15, in 1 con } township of " 16, " } Oxford " 16, in 6 con }	450
Reverend John Anderson, Bertie....	Lots No. 6 and 7, 5 con } township of " " 6 con } Bertie.	400
Reverend R. H. D'Olier, Peterborough	Lots No. 17, in 2nd concession, No. 40, in 13th concession, in the township of Smith. Park lots Nos. 15 and 16, in 3d concession of Monaghan. Town lots Nos. 1 to 4, on Hunter, Water, and Brock Streets, in Peterborough.....	
Reverend Wm. Bettridge, Woodstock.	Lot No. 2, in 1 con. Oxford West " 16, in 6 " " East.	400
Reverend Chas. Matthews, St. John's Church, Yonge St.	Lot No. 14, 2d concession east of Yonge Street, in the township of York.....	200
Reverend Alexander N. Bethune, Cobourg.....	Part of 15, Broken front B West ½ 15, " A Lot No. 27, in 6th con. Part of No. 2, in 7th con. } township of Hamilton	about 400
Reverend Geo. Archbold, Cornwall....	Lot No. 19, and the westerly 150 acres of lot 38, in 8 con. in the township of Cornwall, 350 acres—also, a stripe of land situate between the rear boundary of the town of Cornwall and the front of the second con. of the township of Cornwall, as reckoned by the Eastern boundary, 64 acres.....	410
Reverend J. G. Beek, Lindsay, Williamsburgh.....	Part of the centre commons in the 1st and 2d concession in Williamsburgh, 37½ acres. The centre common between lots Nos. 18 and 19 in the 1st, 3d, and 4th concession in the township of Matilda, 163 acres. Lot No. 19 in 6th concession of Matilda.....	100½
Reverend Dominick E. Blake, Adelaide	Lot No. 12, 1st concession north of Egremont Road; lot No. 25, in 1st concession south of Egremont Road, in the township of Adelaide; and lots No. 8 and 9 in Front Street, in the town of Adelaide.....	400
Reverend Thos. Phillips, D D. Etobicoke	Lots Nos. 3 and 4, in the first range. West part of 3 in 2d range. Lot No. 4, in the 2d, 3d, and 4th ranges, containing together 205 acres, in the township of Etobicoke.....	205
Reverend Edward J. Boswell, Carleton Place.....	Lot No. 26, in 2d concession, and lot No. 2, in 7th concession, in the township of Ramsay	400
Reverend Mark Burnham, St. Thomas.	Lot No. 9, in 1st concession, and lot No. 17, in 4th concession, in the township of Southwold.	400
Reverend John Radcliffe, Warwick...	Lots Nos. 15 and 25, in 1st concession, in the township of Warwick.....	400
Reverend V. T. Maycrhoffer, Markham	Lot No. 9, in 5th concession, in township of Markham, and lot No. 19, in 9th concession, in township of Vaughan.....	400
Reverend A. H. Burwell, Bytown-....	Lots Nos. 17 and 18, in 1st concession, on the Ottawa, in township of Gloucester.....	400
Reverend James McGrath, Toronto:..	Lot No. 23, in 2d concession, and lot No. 29, in 4th concession, east of Hurontario-Street, in township of Chinguacousy..	400
Reverend John Cochrane, Belleville...	Lots Nos. 16 and 17, in 3d concession, in township of Thurlow, containing 200 acres, and the rear part of lot No. 4, in 1st concession of the township of Thurlow, containing 18 acres	418
Parish Church in Bath	The front 50 acres of lot No. 12; lot No. 13; and the west 3-4ths of lot No. 14, in 4th concession, in township of Ernestown	418
Reverend Saltern Givens, Napanee....	Lots Nos. 15 and 16, in 4th con. in township of Richmond.....	400
Parish Church in Williamsburgh.....	Lots Nos. 18 and 19, in the 4th concession of the township of Williamsburgh	400
Reverend James Padfield, March.....	Lots Nos. 2 and 32, in 4th concession, on the Rideau, in township of Nepean.....	400
Parish Church, in town of Richmond, District of Bathurst	Lot No. 24, in 5th concession, in Goulburn, and lot No. 17, in 9th con., in township of Fitzroy.....	400
Reverend Robt. Lugar, Brantford....	Lot No. 3, in 2d concession, and lot No. 9, in 3d concession, in township of Burford.....	400
Reverend Benjamin Cronyn, 2d Church in the township of London, on the N. E. corner of lot No. 17, 6th concession, containing 4 acres.	Lot No. 12, in concession C, and lot No. 15, in 7th concession, in township of London, and the north-east corner of lot No. 16, in the 3d concession, township of London, being 4½ acres deeded by the Rev. Benjamin Cronyn to the Crown.....	400

NAME OF MISSIONARY.	DESCRIPTION OF LOTS.	No. of Acres.
Rev. Romain Ralph, Amherstburgh....	Lots Nos. 30 and 31, in 7th concession, in township of Malden	400
Rev. James Clarke, St. Catharines....	Lot No. 3, in 5th concession, and lot No. 3, in 6th concession, in the township of Grantham....	400
Rev. James Clarke, Thorold.....	Lots Nos. 98, 99, 100, and 121, in the township of Thorold...	400
Rev. James Clarke, Louth.....	Lots Nos. 11 and 12, in 4th concession, and lot No. 12, in 5th concession, in township of Louth.....	300
Rev. William Leeming, Chippawa..	Lots Nos. 72, 89, 89, and 106, in the township of Stamford..	400
Rev. Richard Flood, Delaware.....	Lot No. 22, 1st range north of the Long Wood Road, and lot No. 16, in the 1st concession, in township of Carradoc.....	435
Rev. Job Deacon, Fredericksburgh..	Lots Nos. 9, 10, and 11, in 2d concession, in township of Fredericksburgh.....	250
Rev. Job Deacon, Adolphustown....	Lot 24, in 1st concession, (under lease to Willet Casey and Moses Carnahan); lot No. 25, in 1st concession of township of Adolphustown, and lots Nos. 6, 7, and 8, north side of 3d Street, and 6, 7, and 8, south side of 4th Street, in the town of Adolphustown.....	164
Rev. William Johnson, Sandwich....	Lot No. 3, east of the River aux Puce. The front or north half of lot No. 1, between River aux Puce and River aux Peche, in the township of Maidstone. Lot No. 8, in Broken front, in Tilbury West.....	400
Parish Church, Saint George, in Clarke.	Lots Nos. 20 and 27, in 2d concession, in township of Clarke —and 15 acres north of the road, on lot No. 34, in 2d concession, in township of Clarke (given by S. S. Wilmot, Esq.).....	400
Parish Church, Saint John, in Darlington	Lots Nos. 25 and 31, in 1st concession, in township of Darlington.....	400
Rev. Jonathan Short.	N. E. ¼ 21, in 2 con. W. ½ 26, in 2d con. and lot 17, in 1 con. } In the township of Beckwith.	400
Parish Church, in Chatham.....	Lots Nos 3 and 15, in 1st concession, in township of Tilbury West, and lot No. 2, between Belle River and River Ruscom, in township of Rochester	about 400
Rev. Thomas Creen, Niagara.....	Lots 126, 127, 128, and 130, in township of Niagara.....	400
Rev. Arthur Palmer.	Lot C, division A. The reserve lot between C. and the River Speed. Lots Nos. 14 and 15, Division A. Containing 86 acres, in the township of Guelph, exchanged by the Rev. A. Palmer for wild land. Also, the centre part of Saint George's Square, in the town of Guelph, containing 54½ perches; the rear halves of lots Nos. 3 and 4, in the 10th concession, in the township of Puslinch.....	326
The Archdeacon of Kingston.....	Block C, adjoining the town of Kingston, containing 18 acres; east 3-4ths of lot No. 12; lot No. 13; and the west 3-4ths of lot No. 14, in 4th concession, in township of Kingston.	506
	Lot No. 32, in 3d concession, in township of Ernestown.....	200
Parish Church, in town of Barrie....	Lot No. 28, in 13th concession; lot No. 10 in 14th concession; lot No. 17, in 8th concession; in township of Innisfil.....	about 420
	Lots 131, 132, 133, north of Mark's Street; lots 114 and 115, north of Worsley Street; lot 116, south of M'Donald Street, in the town of Barrie..	

SURVEYOR-GENERAL'S OFFICE,
March 25, 1836.

J. RADENHURST.

DESPATCHES relating to Grants, &c. to Religious Denominations.

(COPY)

No. 79. DOWNING STREET LONDON,
15*th September*, 1830.

SIR:—

I have the honor to acknowledge the receipt of your despatch No. 28, of the 10th May last, enclosing a petition from the parishioners of Saint James' York, Upper Canada, in which they solicit the assistance of His Majesty's Government, to enable them to erect a new Church, in consideration of the accommodation which it is proposed to provide for the Military.

As I do not consider it expedient to adopt your suggestion that a Chapel should be built exclusively for the Military, I have recommended to the Lords Commissioners of His Majesty's Treasury that a donation of one thousand pounds should be made from any funds at His Majesty's disposal in the Province towards the expense of building the new Church at York on condition the accommodation should be permanently provided for His Majesty's troops; and I enclose herewith a copy of a letter which has been received from Mr. Stewart, stating that their Lordships concur in my recommendation; and you are therefore at liberty to carry the same into effect whenever there shall be sufficient provincial funds at your disposal for that purpose.

I have, &c.

(Signed)

G. MURRAY.

MAJOR GENERAL
SIR J. COLBORNE, K. C. B.
&c. &c. &c.

A true copy,

J. JOSEPH.

(COPY)

No. 82. DOWNING STREET,
29*th October*, 1830.

SIR:—

I have the honour to acknowledge the receipt of your letter of the 9th June last, requesting

permission to charge in the public accounts £180 per annum for providing the Bishop of Quebec with a suitable residence in Upper Canada, instead of £150; in reply I have to convey to you my sanction to the charge of £180 per annum as proposed in your letter.

I have &c.

G. MURRAY.

MAJOR GENERAL,
SIR JOHN COLBORNE, K. C B.
&c. &c. &c.

A true copy,
J. JOSEPH.

Extract of a Despatch addressed by Viscount Goderich to His Excellency Sir John Colborne, dated 24th December, 1830.

"The objects to which I propose to apply this "fund are detailed in the following list; by which "you will perceive that His Majesty's Government "has decided to make a very liberal appropriation "for the important object of providing religious in- "struction, and in maintaining suitable establish- "ments for the education of the youth of the prov- "ince, &c."

Protestant Clergy in lieu of Parliamentary Grant,	£3,000.
Presbyterian Clergy,	1,000.
Roman Catholic Bishop,	500.
Roman Catholic Clergy,	1,000.

A true extract,
J. JOSEPH.

(No. 97.)

(COPY)

DOWNING STREET,
25th October, 1832.

SIR:—

I have the honor to acknowledge the receipt of your despatch of the 2nd July last, inclosing an address to His Majesty from the United Presbyterian Synod of Upper Canada, praying to be put on an equal footing with the Ministers of the Church of Scotland, and that they may be allowed to participate in the provision which has been made for that Church, from the funds at the disposal of the Crown in Upper Canada; and I am to desire that you will acquaint the petitioners that His Majesty has been pleased to receive the petition very graciously, and to refer it to my favorable consideration.

It is to be regretted that the Ministers in communion with the Church of Scotland, do not feel themselves authorised at present to sanction a union with the Upper Canada Synod; but if an arrangement satisfactory to both churches cannot be made, I am of opinion that it will be proper to afford some assistance to the petitioners.

With this view I am to request that you will transmit to me at the beginning of each year a statement of the mode in which you would propose that the money which it is intended to apply to religious purposes should be distributed, and in preparing such a scheme, you will of course bear in mind the principles on which you already have been directed to act, namely that you will endeavour to give assistance to the different religious denominations as much as possible, by building for them, in situations where they can command congregations, chapels and parsonage houses, as I am of opinion that money may be much more advantageously applied to these objects than in paying salaries.

I have &c.

(Signed) GODERICH.

MAJOR GENERAL,
SIR JOHN COLBORNE, K. C. B.
&c. &c. &c.

A true copy,
J. JOSEPH.

No. 103.

DOWNING STREET,
12th November, 1832.

SIR:—

I have the honor to acknowledge the receipt of your despatch of the 5th September last, proposing an arrangement for the payment of the Church of England missionaries, in the Province of Upper Canada, and for affording aid to the Presbyterian, Wesleyan Methodists, and Roman Catholics to build churches and chapels, the salary of the clergy to be defrayed from the funds arising from the rents of the lease reserves and the interest on instalments of the purchase money for clergy reserves remitted to England by the commissioner of crown lands, the pecuniary aid proposed to be given to the Presbyterians, Wesleyans, and Roman Catholics, amounting to three hundred pounds to be charged on the territorial revenue.

I have to acquaint you in reply that the Lords Commissioners of the Treasury have sanctioned at my recommendation the several grants which you propose; and as I considered the memorial of the Presbyterian Ministers not in communion with the Church of Scotland entitled to favorable consideration. I have also recommended that an allowance of seven hundred pounds should be made to them, on your approving of the manner in which the grant is to be applied, and you are therefore authorised to appropriate in the whole the sum of four thousand pounds instead of three thousand three hundred pounds, as proposed in your despatch.

I am not prepared at present to decide on the increase of the Missionaries from thirty to forty-five as suggested by you, and this addition to the Ecclesiastical Establishment of Upper Canada must therefore remain for further consideration.

I have, &c.

(Signed) GODERICH.

MAJOR GENERAL,
SIR JOHN COLBORNE, K. C. B.

A true copy,
J. JOSEPH.

Extract of a Despatch addressed by Lord Goderich to His Excellency Sir J. Colborne, dated 1st January, 1833.

"Besides the relief afforded by the removal of the charge on account of the Clergy of the Church of England,—I have been induced with a view to the important object which I shall mention presently to limit to £2000 the grant for the chapels of Roman Catholics and of Protestant Dissenters. I may observe, however, that I have made this limitation with reluctance, and as soon as it may be possible to raise once more the amount of the grant, I think it will be advisable on many weighty considerations to afford the same contributions as before to the erection and repair of the chapels."

A true Extract,

J. JOSEPH.

Extract of a Despatch addressed by Mr. Secretary Stanley to His Excellency Sir John Colborne, dated 27th January, 1834.

"And considering the heavy charges to which the casual revenue will for some years be subject, I am compelled to desire that the grant in aid of the erection of dissenting places of worship shall continue to be £2000 instead of £4200.

"I have in a separate despatch authorised you to pay an allowance of £100 per annum to Dr. Macdonell from the casual revenue.

"With respect to the remainder of the surplus of £7,036, after deducting the amount of £3,900 for land payments and the last mentioned sum of £100, I shall not now lay down any positive instructions. I shall merely state that the society for the propagation of the gospel, owing to the withdrawal in the parliamentary grant, has announced its intention to discontinue the payments which it has been accustomed to make to its Missionaries in Upper Canada, and that I should be disposed, if possible to supply a portion of the deficiency from the funds at the disposal of the Crown.

"From the reports I have received from you, and from the society, it appears that there are now in Upper Canada 43 Missionaries, and that the clergy funds are sufficient to afford to each Missionary a salary of £100. The additional payments of the society probably amount to an average of £80 to each Missionary, or £3440 to the whole number of 43. I conclude therefore that the available portion of the surplus of the casual revenue, would be adequate to replace nearly the whole payments of the society, should such a measure be thought expedient; but I abstain from instructing you positively on the subject till I can receive any suggestions which may appear to you proper to be considered before a final decision be adopted, you will therefore have the goodness to favor me with a report on the steps which may seem to you advisable in consequence of the withdrawal of the payments heretofore made to their Missionaries by the society for the propagation of the Gospel, and in the mean while you will suffer to accumulate such surplus as shall remain out of the Casual and Territorial Revenue, after defraying the several charges sanctioned by the preceding part of this despatch."

A true Extract,

J. JOSEPH.

(Copy.)

No. 21. Downing Street,
5th August, 1834.

Sir:—

I have the honor to transmit to you the enclosed copies of a correspondence between this department, the Treasury, and the society for the propagation of the Gospel, by which you will perceive that from the first of April last, the whole charge of the Missionaries now doing duty in Upper Canada is to be borne by the local government. You must not however, consider yourself authorised to draw the entire amount of £6506 from the Casual and Territorial Revenue, which fund would be quite inadequate to such a charge; but after appropriating the clergy funds as at present, to so much of the Missionaries emoluments, as they will defray, you will only supply, from the Casual and Territorial Revenue, whatever additional sum may be be requisite to constitute a payment of 85 per cent on the former salaries of the Missionaries. In this manner the Casual and Territorial Revenue may be expected to meet, according to the calculation contained in the concluding part of Mr. Stanley's despatch, No. 54, of 27th January last, the object now in view.

Having afforded this explanation I have only to add my desire that you will take the necessary measures for making the present arrangement known among the parties interested, and that you will report without delay all casualties which may occur among the individuals whose names appear in the list of the society as at present employed in Upper Canada.

I have, &c.

(Signed) T. SPRING RICE.

Major General,
Sir John Colborne, K. C. B.

A true copy,

J. JOSEPH.

(Copy.) Downing Street,
23rd April, 1834.

Sir:—

In reference to two letters from the under-Secretary of State for this department, dated respectively the 21st November, 1831, and 18th January, 1832, proposing to relieve the parliamentary estimates from very extensive charges for the support of the Church, and the promotion of Education in the North American Colonies, I am directed by Mr. Secretary Stanley to acquaint you, for the information of the Lords Commissioners of the Treasury, that he fears it will be unavoidable to apply to Parliament for the continuance of a vote to the amount of £4000, which at the date of the above mentioned communication, it was hoped might cease without inconvenience after the present year.

In conveying to you this opinion, I am desired by Mr. Stanley to recapitulate the circumstances on which it is founded; merely observing in the outset, that the object in view is not to increase the Clergy estimate from the amount to which, by gradual diminution, it has already been reduced, but only to render the further reduction of £4000, which, under the present arrangement, is to take place next year, contingent upon the termination of existing interests.

Until the year 1832, payments had been made to the Clergy out of the Army extraordinaries, and out of the grants on various Colonial estimates to the amount of £9500, but in the year 1832, all these payments were collected into one distinct estimate styled the North American Clergy Estimate, and it was intimated that on the death of the individuals holding the benefices or offices for which application was then made to Parliament, no grant would be asked for their successors. In the reduction effected by this measure, provision was made, it will be observed, for the persons actually in employment in the colonies, at the same time it was proposed that Whereas previously, a grant of £16000 had been voted annually to the society for the propagation of the Gospel, the grant in the year 1832, should be limited to £12,000, and that in every following year it should be reduced by a diminution of £4,000 until it should cease.

In the abolition of this latter grant, no provision was made as in the other case, for the parties actually in employment in the colonies.

In consequence of the withdrawal of the aid heretofore received from Parliament, the Society for the propagation of the Gospel appears to have found it impossible to maintain its former establishments; and it announced last year, that in Upper Canada where Government had been able to provide an annual payment of £100 to each Missionary at present employed, the present average being £200, the allowance of the society to its Missionaries would be discontinued after the year 1834; and that in all the other North American Colonies they would be reduced one half after the year 1835. The communication of the society to the Bishops of Quebec and Nova Scotia, embodying these determinations, accompanies this letter.

The intelligence of the measures above described appears to have excited much alarm and disappointment in the Colonies both among the Missionaries and among the congregations committed to their care. On behalf of the Missionaries, Mr. Stanley has been called upon by various and earnest appeals to him to consider the hardship of depriving these ministers of the salaries which were offered to their acceptance when they were induced to quit their homes for their present distant employments. On behalf of the congregations, many of them the inhabitants of remote and thinly peopled settlements, his attention has been directed to their poverty; and to the extreme difficulty which they must experience in finding a suitable maintenance for a minister, after providing, as they are at any rate required to do, for the erection and repairs of a church and for the building of a parsonage house.

One parish in the province of New Brunswick is at this moment severely pressed by a debt which it has been obliged to contract in execution of the latter purposes. On a review of all the representations which have reached Mr. Stanley, he cannot but regard it as much to be lamented, that the Missionaries should not receive the emoluments of which the expectation was held out to them when they proceeded to the colonies. The principle of protecting persons actually in employment from loss was sanctioned by Parliament in the case of the rest of the North American Clergy;—and although there are unfortunately not the means of carrying this rule fully into effect in the case of the Missionaries, Mr. Stanley feels the justice of acting upon it so far as circumstances will permit.

Such being the conclusion at which he has arrived, it remains to describe the manner in which he would endeavour to carry it into execution. In order more clearly to explain his views a comparative statement has been prepared, which is hereto annexed, shewing the funds which were appropriated to the payment of the Missionaries in 1832 (the latest year for which complete accounts could be rendered) and the funds which it is proposed to apply to the same use hereafter.

The payments made by the Society for the propagation of the Gospel in 1832, amounted to £22,294; but as £12,000 was granted to the Society by Parliament in that year, the sum actually drawn from its own resources was £10,294.

The Society has declared that it is willing to continue to bear an expenditure to that amount. Now it will be seen from the statement to which I have alluded, that, if the Society were relieved from all charge on account of the Missionaries of Upper Canada and Nova Scotia, and if it were not called upon for a larger payment than £3,800 in New Brunswick, the entire demand upon it for maintaining the present establishments in North America would fall within the prescribed limit of £10,294. The question for consideration is whether the government can undertake to afford the required relief in the colonies above mentioned.

Mr. Stanley is constrained to acknowledge that considering the limited means at its disposal, the government can neither with propriety engage to provide the full amount of the salaries of Missionaries in Upper Canada and Nova Scotia, nor yet to supply the difference between £3,800 and the full amount of the salaries in New Brunswick. Much as he laments the fact he perceives it to be undeniable, and he sees for it no remedy. But he would not on that account abstain from making such an effort on behalf of the clergy as is practicable, and commensurate with the means which Government can command. The Lords Commissioners of the Treasury are aware that in Upper Canada, where the crown revenues already contribute a sum of £3,630 in aid of the payment of Missionaries, such a further sum could, though not without difficulty, be derived from the same source, as would constitute a payment of eighty-five per cent. on the entire amount of their salaries; and in New Brunswick, even if the Territorial Revenue be made over to the Assembly, on the moderate terms on which it has been offered to that body, the commuted revenue would still afford the small sum which would be requisite in addition (in addition to the amount of £3,800) for a payment of eighty-five per cent, on the present salaries of the Missionaries.

In Nova Scotia there are no local resources available for the object in view; but if Parliament should convert into a vote for the clergy of this colony, the grant of £4000 intended to be made to the Society for the propagation of the Gospel this year, and should continue the vote during the lives of the present Missionaries, the amount would suffice to make on this station a larger payment than was contemplated by the society in the communication to the Bishops in North America, to which I have already adverted.

Such are the arrangements under which Mr. Stanley thinks that, from the 1st April, 1834, His Majesty's Government might undertake to relieve the Society for the propagation of the Gospel from all charge on account of the Missionaries at present in Upper Canada and Nova Scotia; and from all charge above £3,800 on account of the Missionaries in New Brunswick; the society being engaged to make the remaining provision requisite for the support of its clergy employed in North America. It has been ascertained by Mr. Stanley that the society would cheerfully acquiesce in such a plan. I am therefore to request that you will acquaint me whether it meets the concurrence of the Lords Commissioners of the Treasury, and whether their Lordships would be prepared to sanction the proposed employment of a part of the Crown Revenues of Upper Canada and New Brunswick, as well as the application which, if these recommendations be adopted, must be made to Parliament for the appropriation and continuance, in favor of Missionaries in Nova Scotia, of the grant to be made this year to the Society for the propagation of the Gospel.

I am, &c.

(Signed) R. W. HAY.

The Hon'ble J. K. STEWART,
TREASURY.

(COPY.)

TREASURY CHAMBERS,
15*th May*, 1834.

SIR:

I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you, for the information of Mr. Secretary Stanley, that my Lords having had under their consideration the circumstances urged in your letter of the 23rd ultimo, with respect to the Missionaries in the North American Colonies by the Society for the propagation of the Gospel, cannot but admit, that the interests of the parties who have been induced to engage in the Missions by the stipends which the aid of parliament enabled the Society to offer should be protected, so far as may be consistent with the imperative demands for economy in every branch of the public expenditure.

My Lords are therefore willing with the view of alleviating the distress to which the Missionaries would be exposed by the very large reduction of their stipends, which is provided for by the society's letter to the Bishops of Quebec and Nova Scotia of the 1st July last, to accede to Mr. Stanley's recommendation for the adoption of such an arrangement as may ensure to the present missionaries the continuance of salaries somewhat below the rates they have hitherto received, but exceeding the rates to which the society, if deprived of all aid, would be constrained to reduce them.

My Lords will accordingly sanction the appropriation out of the Territorial Revenue of Upper Canada, of a sum not exceeding £6,506 per annum, for payment of such stipends to the missionaries now doing duty in that province, as shall be equal to £85 per cent of the stipends they received from the society and from Government for the year ending the 1st July 1833, with the understanding that as the present missionaries drop off, this appropriation is to diminish and eventually to cease.

My Lords will likewise sanction the appropriation out of the territorial revenue of New Brunswick, of a sum not exceeding £552 per annum, in aid of the provision of £3000 per annum, to be made by the society as long as such aid shall be requisite for continuing to the missionaries already settled in that province, stipends, equal to £85 per cent of the stipends they received for the year ended 1st July 1833; but which aid is to be reduced and wholly discontinued as any diminution takes place in the number of the missionaries already engaged.

In further pursuance of this arrangement, and on adverting to the proceedings that have already taken place for obtaining from parliament the grant of £4000 in aid of the funds of the society for the propagation of the Gospel, my Lords conceive that it may be sufficient, that the Society should for the present year undertake to apply the whole of this grant to the support of the missionaries in Nova Scotia, assigning them such proportionate rates of stipend, with reference to what they received for the year ended 1st July last as that grant may afford the means of paying—and my Lords will be prepared to sanction future applications to parliament for such proportion of the grant of £4000 as may be necessary to continue the payment of the rates of stipend to be assigned for the present year to such of those individuals now employed as missionaries in Nova Scotia as may remain in the discharge of their spiritual duties in that province. As these arrangements will take effect from the first ultimo, and as the society will have received the grant of £8000 for the year ending at that day, my Lords presume the society will be able and will consent to make good to the missionaries up to that period the rates of the stipend to which they will be entitled under this arrangement, instead of enforcing the whole of the reductions provided for by the letter of the Bishops in North America of 1st July 1833: my Lords also consider their sanction to have been given to this arrangement upon the distinct understanding that the society will be prepared to support the present remaining missionaries upon the scale adopted in the statement which accompanied your letter and especially that the allowances will be continued from its funds to the five Rectors in Lower Canada, and that no further claims on this account will in any event be made on the public revenue of this country or of the Colonies.

As the sole object of this arrangement is to secure some competent provision for those individuals who have heretofore been engaged as missionaries—and as it is not intended to apply to any future missions or to any other system of Ecclesiastical establishment in these Colonies, my Lords would further reques

to be favored with a statement, specifying the names of the society's missionaries now employed in Upper and Lower Canada, in New Brunswick and in Nova Scotia, the periods at which they were sent out by the society, the places at which they are stationed, the amount of the stipends they received prior to the 1st July 1833, either from the society or from the Colonial funds or other sources, and the amount of the stipends to which they will now be entitled; and my Lords conceive it will be proper, that copies of these statements should be transmitted to the Governors of each of the respective Colonies, with directions to report all casualties that may occur amongst the individuals, whose names appear in them, in order to the gradual reduction and eventual discontinuance both of the applications to parliament and of the appropriations of Colonial funds as the parties may die off, or otherwise remove from or resign their missions.

I am &c.

(Signed) J. STEWART.

R. W. Hay, Esq.
&c. &c. &c.

[*See Statement, page* 12.]

Copy of a Letter from R. W. Hay, Esq. to the Reverend A. Campbell, dated,

Downing Street,
5th July, 1834.

Sir:—

In my letter of the 30th May last, I acquainted you that the Secretary of State was in communication with the Lords Commissioners of the Treasury, respecting the reduction in the income of missionaries employed in the North American Colonies, which the Society for the propagation of the Gospel had been compelled to make, in consequence of the discontinuance of the parliamentary aid formerly granted to that society.

Mr. Hay 23d April,
do 13th May,
Mr. Stewart 15th May,
do 27th May,
do 27th June,

I am now directed by Mr. Secretary Spring Rice, to transmit to you the enclosed copies of the correspondence which has passed between this department and the treasury on the subject; and I am to request that you will inform me whether the Society for the propagation of the Gospel are prepared to acquiesce in the arrangement proposed in my letter to the Secretary of the Treasury, dated the 23d April last as modified by the communications received from that department dated 15th May and 27th June last.—More especially I am directed to inquire whether the Society will consent to make that provision for the pensions of Missionaries and their widows which is demanded by the Lords Commissioners of the Treasury; and whether as assumed by their Lordships, the Society will be willing to make good to the missionaries, up to the first of May last, the stipends to which they will be entitled under this arrangement, instead of enforcing the reduction provided for, by the letter to the Bishops of Quebec and Nova Scotia, of the 1st July 1833.

I am &c.

(Signed) R. W. HAY.

Copy of a Letter from the Rev. A. M. Campbell, dated,

Great Queen Street,
July 28th, 1834.

Sir:—

I am directed by the Society for the propagation of the Gospel in foreign parts to transmit to you, for the information of Mr. Secretary Spring Rice, the enclosed extracts from the minutes of the Society—and also to acquaint you that during the year ending on the 1st of May last, the missionaries in British North America, received sums amounting to 85 per cent, on their former salaries.

I am &c.

A. M. CAMPBELL,
Secretary.

R. W. Hay, Esq.
&c. &c. &c.

Extract from the minutes of the Society for the propagation of the Gospel in foreign parts—dated,

Lincoln's Inn Fields,
July 18th, 1834.

At a general meeting "read a letter from R. W. Hay Esq. dated Downing street, July 5th 1834, forwarding copies of a correspondence between the Colonial Office and the Treasury—and inquiring whether the society are willing to acquiesce in the arrangement agreed upon by those two departments, and to pay the pensions mentioned by the Treasury, and to make good to the missionaries, up to the 1st of May last, the stipends to which they will be entitled under the new arrangement."

"Resolved, that in consideration of His Majesty's Government having undertaken to pay about 85 per cent on the salaries of the existing missionaries in Upper Canada, Nova Scotia, and a part of New Brunswick, (provided such missionaries were actually employed at midsummer 1833,) and also to make provision for the pensions of those missionaries and of their widows, according to the terms agreed upon by His Majesty's Government in the year 1813."

"The society consent to appropriate annually, from their funds, a sum not exceeding £10,285 for the payment of the salaries of the like existing missionaries in Lower Canada, the remaining portion of New Brunswick, Newfoundland, Prince Edwards Island and Cape Breton, and of the pensions to which those missionaries and their widows shall be entitled under the terms agreed upon in the year 1813

(Signed)

A. M. CAMPBELL,
Secretary

LIST of Protestant Clergy in Upper Canada.

NAMES.	STATION.	Date of Appointment.	Salary.	NAMES.	STATION.	Date of Appointment.	Salary.
George Archbold	Cornwall	1823	200	Richard Harte	Beckwith	1829	100
John Anderson	Fort Erie	1828	200	William Johnson	Sandwich	1829	100
Samuel Armour	Cavan	1826	100	Ralph Leeming	Hamilton	1816	200
Alexander N. Bethune	Cobourg	1823	200	J. G. B. Lindsay	Williamsburgh	1831	100
Mark Burnham	St. Thomas	1829	100	William Leeming	Chippawa	1820	200
Edward J. Boswell	.....	1827	150	John Miller	Ancaster	1830	200
D. E. Blake	Adelaide	....	...	Thomas Morley	Chatham	1823	200
Robert Blakey	Prescott	1821	200	William Macaulay	Hallowell	1818	200
Thomas Campbell	Belleville	1821	200	James M'Grath	Toronto	1827	150
Benjamin Cronyn	London	1833	...	Vincent P. Mayerhoffer	Markham	1829	100
Thomas Creen	Niagara	1826	200	George Mortimer	Thornhill	....	...
James Clark	St. Catharines	1829	200	Frederick Mack	Osnabruck	1830	100
James Coghlan	Port Hope	1830	200	Abraham Nelles	Grand River	1829	200
Edward Denroche	Corkville	1833	...	Arthur Palmer	Guelph	1833	...
Richard H. D'Olier	Peterborough	1833	...	J. Padfield	March & Huntley	1833	...
Job Deacon	Adolphustown	1822	200	Henry Patton	Oxford	1829	150
Francis Evans	Woodhouse	1828	200	Romaine Rolph	Amherstburgh	1819	200
Rossington Elms	Bastard &c.	1826	200	George Okill Stuart	Kingston	1804	100
Richard Flood	Beckwith	....	...	John Strachan	York	1803	275
John Grier	Carrying-place	1824	...	John Stoughton	Bath	1819	200
George R. F. Grout	Grimsby	1827	200	Robert Short	Richmond	1825	200
William H. Gunning	Yonge	1830	200	Joseph Thompson	Cavan	1819	200
Saltern Givens	Mohawks	1831	100	John Gunter Weagant	Williamsburgh	1811	200
Michael Harris	Perth	1819	200	.....	.....	.....	...

(Copy.)

No. 21. Downing Street,
22nd February, 1835.

Sir:—

I have the honor to acknowledge the receipt of your despatch dated 18th April last, accompanied by a memorial from the Synod of the Presbyterian Church, requesting assistance from His Majesty's Government. It appears that the number of Presbyterian Ministers in Upper Canada is 25, of whom 19 receive salaries out of the grant of £1000 from the Casual and Territorial Revenue, and the remainder depend solely upon their congregations for support. I have much satisfaction in acceding to your recommendation, that in order to afford salaries of £57 each to these latter ministers, an addition of £350 should be made to the annual grant to the Scotch Church from the Casual and Territorial Revenue.

But it is evident that this new charge, together with another which I sanction by my despatch, No. 21, of this day's date, would be liable to render the burthens on the crown revenue greater than the receipts unless relief be afforded in some other direction. On this ground I have been induced to reconsider the instructions conveyed to you by my predecessor on the 22nd July last, for applying the interest on instalments of the purchase money of Clergy Reserves to the improvement of land; and I have the honor to authorise you to appropriate that fund, as formerly, to the payment of salaries of Church of England Missionaries—an arrangement which will of course materially diminish the pressure on the crown revenue for the maintenance of the salaries pledged to the existing Missionaries in Upper Canada.

In sanctioning the present augmentation of the Scotch Church in Upper Canada, I would remind you that the whole grant proceeds from the bounty of the Crown, and although it would not on any light grounds be curtailed or withdrawn, yet it may be well to intimate to the Presybtery, that His Majesty's Government reserves its right of revising the grant at any future time, should the circumstances of the colony render such a proceeding advisable.

I have, &c.,

(Signed) ABERDEEN.

Major General,
Sir John Colborne, K. C. B.,
&c. &c. &c.

A true copy,

J. JOSEPH.

(No. 98.)

Inspector Genl's Office,
Toronto, 22nd March, 1836.

Sir:—

I beg to state for the information of His Excellency the Lt. Governor, that the Casual and Territorial Revenue accounts for the last year were sent by the Receiver General, who usually furnishes them, to the Government Office, at the early part of last week.

The detailed accounts of the whole provincial revenue were long since taken down to the Assembly by Mr. Cameron.

I have the honor to be,
Sir,
Your most obedient Servant,
GEORGE H. MARKLAND,
Inspector General.

J. Joseph, Esq.,
&c, &c. &c.

RECEIVER GENL'S OFFICE
Toronto, 22nd March, 36.

SIR:—

In conformity with your letter of yesterday's date, I have the honor to transmit herewith a general statement of Account (A) 14th Geo. 3rd, for the year ending 31st Dec., 1835, as required by the address of the House of the House of Assembly.

I have the honor to be, Sir,
Your most obedient Servant,
JOHN H. DUNN, *R. G.*

JOHN JOSEPH, ESQ.,
Civil Secretary.

(No. 98.)

GENERAL Statement of Crown Fund, A. 14th Geo. 3d, for the Year from 1st Jan. to 31st December, 1835.

RECEIPTS.	*Sterling.* £	s.	d.	PAYMENTS.	*Sterling.* £	s.	d.
Balance remaining in the Receiver General's hands on 31st December, 1834	2,576	19	0 1/10	Paid the Honourable Peter Robinson, Commissioner, being in full of the appropriation for the erection of buildings for the public offices authorised by Lord Goderich's Despatch of 25th January, 1832	1,378	2	0½
Transferred from the Provincial fund to this fund under Sir J. Colborne's warrant V. 55, being in part repayment of the sum of £764 18s. 6d. currency, advanced from this fund to defray an excess of expense in printing the Provincial Statutes over the appropriation of Parliament for the year 1834, per Statute, 5th Wm. 4th, cap. 33	333	19	4¼	Paid William B. Jarvis, Esq. Sheriff of the Home District, amount of his disbursements for the accommodation of the Court of King's Bench, in the year 1834, per order in Council	107	14	4½
				Paid Mr. Robert Ford in full of the contract entered into by him for fitting up a room for the accommodation of the Court of King's Bench, Pursuant to order in Council	231	6	0
				Paid Capt. R. H. Bonnycastle, R. E. being the amount of damages in a suit decided against him respecting the Reserve at the Falls of Niagara, pursuant to order in Council	187	15	8½
Total	2,910	18	4 1/10	Total	1,904	18	1¼

RECAPITULATION.

	£	s.	d.
Total Receipts during 1835, including the balance on hand the 31st December, 1834	2,910	18	4 1/10
Total Payments during the year 1835	1,904	18	1¼
Balance on hand the 31st December, 1835	1,006	0	3 1/10

J. H. DUNN,
R. G.

RECEIVER GENERAL'S OFFICE,
Toronto, 22d March, 1826.

(No. 99.)

GENERAL RETURN of Receipts and Expenditure of the Casual and Territorial Revenue, including the Canada Company's Instalment, denominated Funds D., or Canada Company, and Fund K., King's Rights, from the 1st January to the 31st December, 1835, inclusive.

RECEIPTS.	*Sterling.* $ *at 4s. 6d. each* £	s.	d.		PAYMENTS—FUND D.	*Sterling.* $ *at 4s. 6d. each* £	s.	d.
From the Canada Company, being the remaining moiety of the instalment due to His Majesty's Government for the year ending 1st July, 1835	10,000	0	0	1	Salary to the Roman Catholic Bishop for the year ending 30th June, 1835	500	0	0
				2	Salary to the Provincial Secretary and Registrar for the like period	300	0	0
Carried forward	10,000	0	0		Carried forward	800	0	0

RECEIPTS.	Sterling. $ at 4s. 6d. each £	s.	d.
Brought forward	10,000	0	0
From ditto ditto, being first moiety of the instalment due for the year commencing 1st July, 1835	10,000	0	0
Rents of Crown Reserves	133	4	10 2/10
Proceeds of Sales of Crown Lands	4,320	0	0
Proceeds of Sales of Crown Timber	4,692	16	10½
Crown's proportion of Seizures, received from Collectors of Ports	1,387	4	0
Full and Half Fees on Leases and Grants of Land from the Crown	2,039	10	10
Rents of Mills and Ferries	248	17	0
Fines under Imperial and Provincial Statutes	202	10	0
From Hon. Colonel Talbot, on account of proceeds of Sales of Crown Lands	8	9	7 5/10
From Hon. John H. Dunn, being so much remaining in his hands of the monies withdrawn from Fund K., at different periods, under the Lieutenant-Governor's warrants, and deposited with him for the purpose of paying the salaries of the Missionaries of the Church of England, and now refunded, having been uncalled for	185	0	0
Receipts during the year 1835 in Funds D. and K.	33,217	13	2 7/10
Balance in the two Funds on 31st December, 1834	22,570	7	10½
Total	55,788	1	1 4/10

	PAYMENTS—FUND D.	Sterling. $ at 4s. 6d. each £	s.	d.
	Brought forward	800	0	0
3	Commutation in lieu of Fees to Provincial Secretary, as Registrar, for the year ending 30th June, 1835	636	11	4
4	Commutation in lieu of Fees to Thomas Merritt, Esq., Deputy-Surveyor of Woods, for the same period	47	0	0
5	Compensation to Samuel Ridout, Esq., Agent to the Land Granting Officers, for the same period	200	0	0
6	Allowance to the Rev. George Romaines, as a Minister of the Established Church of Scotland for the six months ending 30th June, 1834	28	0	0
7	Allowance to the Rev. John Fairbairn, as a Minister of the Established Church of Scotland, for the six months ending 30th June, 1834	28	0	0
8	Allowance to the Ministers of the Presbyterian Synod of Canada, in connexion with the Established Church of Scotland, from the 1st January to the 31st December, 1835	1,453	0	0
9	Pension to Col. Talbot for the same period	400	0	0
10	Pension to Wm. Chewett, for the same period	360	0	0
11	Pension to Sir David Wm. Smith, Bart.	200	0	0
12	Pension to the family of the late Major-General Shaw	100	0	0
13	Paid the Hon. Wm. Allan, one of the Commissioners of the Canada Company, being a sum due to the said Company for surveying 231,176 acres of land, in compliance with an agreement between the Government and said Company, relating to compensation for surveys, and pursuant to recommendation of the Hon. Executive Council, dated 1st October, 1835	1,518	7	0
14	Agency for the receipt and payment of the monies arising from the sale of Crown Lands to the Canada Company for the year ending 30th June, 1835	200	0	0
15	Allowance to the Roman Catholic Priesthood for the same period	1,000	0	0
	Total payments from Fund D. during the year 1835	6,975	18	4
	PAYMENTS—FUND K.			
1	His Excellency the Lieutenant-Governor's allowance in lieu of Fees for the year 1835	1,000	0	0
2	Salary in addition to His Excellency Sir John Colborne for the twelve months ending 30th June, 1835	500	0	9
3	Salary to the Hon. Peter Robinson, as Surveyor-General of Woods, for the same period	1,000	0	0
4	Salary to ditto, as Commissioner of Crown Lands, for the same period	1,000	0	0
5	Salary to the Receiver-General for the same period	200	0	0
6	Salary to the Surveyor-General, for the same period	600	0	0
7	Salary to the Rev. William Bell, Presbyterian Minister, at the Rideau Settlement, for the same period	100	0	0
8	Salary to the Inspector-General, for eighteen months, ending the 30th June, 1835, for duties performed by him in connexion with the Accounts of the Crown Revenue of this Province	225	0	0
9	Salary to the Master of Peterborough School, for the twelve months ending 30th June, 1835	67	10	0
10	Pay and allowances to the Master of the Central School, for the like period	230	0	0
11	Amount paid John Beikie, Esq., Clerk of the Executive Council, being, together with the sum provided by Provincial Statute 1st Wm. IV., chap. 14, to make up his salary, at the rate of £400 sterling per annum, for the 18 months ending the 30th June, 1835.	300	0	0
	Carried forward	5,222	10	0

RECEIPTS.	*Sterling.* $ *at 4s. 6d. each* £ s. d.		PAYMENTS—FUND K.	*Sterling.* $ *at 4s. 6d. each* £ s. d.
			Brought forward.....	5,222 10 0
		12	Amount paid the Hon J. B. Robinson, being, together with the sum provided by Provincial Statute 4th Wm. IV., chap. 51, to make up his salary, at the rate of £360 ₱ annum, as Speaker of the Legislative Council, from the 1st July, 1834, to the 30th June, 183	270 0 0
		13	Amount of commutation in lieu of Fees to D'Arcy Boulton, Esq., Auditor of Land Patents, for the eighteen months ending 30th June, 1835, pursuant to Earl Aberdeen's Despatch 27th February, 1835.....	332 10 0
		14	Pension to Captain Wm. Jarvie, late Incorporated Militia, for the year ending the 30th June, 1835.....	103 16 11
		15	Pension to Lieutenant Daniel M'Dougall, late ditto, for like period.....	72 13 10
			Pension to the Right Rev. Alexr. M'Donell, Roman Catholic Bishop of Regiopolis, for the same period.....	100 0 0
		17	Pension to the Hon. John M'Gill, from 1st July, 1834, to the period of his decease...	223 15 4½
		18	Pension to Onieda Joseph, an Indian Chief, for the year ending 30th June, 1835, and the six months previous.....	22 10 0
		19	House rent to the Lord Bishop of Quebec, for the year ending 30th June, 1835.....	180 0 0
		20	Appropriation to Upper Canada College for same period.....	1,000 0 0
		21	Insurance of the Government House for the year commencing 15th January, 1835.....	35 8 9
		22	Allowance to ministers of the United Presbyterian Synod of Upper Canada, for the year ending 31st December, 1835.....	699 19 9½
		23	Portion of the Salaries of 45 Missionaries of the Church of England, and pensions to certain Missionaries and Widows, for the year ending ditto.....	1,529 11 8
		24	Paid towards sundry Roman Catholic Churches, being a portion of the sum authorised by His M.'s Government to be expended on the same	739 0 0
		25	Paid Samuel P. Hurd, Esq. Surveyor-General for special surveys, &c. together.....	1,957 4 3½
		26	Ordinary and incidental expenses of the Surveyor-General's department, for the 6 months ending 31st December, 1834, inclusive.....	121 11 7
		27	Paid to the Honorable Peter Robinson, Commissioner of Crown Lands for opening roads	962 7 3½
		28	Paid to ditto on account of the Emigration Expenditure, for the years 1833, 1834, and 1835.....	3,068 6 4
		29	Paid the Clerk of the Executive Council's account against the Government for fees on Petitions of U. E. Loyalists, Military claimants and other privileged persons for the half year ending 31st December, 1834..	78 16 7
		30	Paid the Government Printer's account for the year ending 30th June, 1835.....	42 14 8½
		31	Paid Francis R. Foot, Esq. Assistant Commissary-General, being amount of certain purchases made by him, preparatory to the departure of the exploring party, authorised by Lord Aberdeen's Despatch of 22d February 1835, together with cost of a cask of Indian presents, issued by the Commissariat to the said exploring party.....	298 18 6
		32	Paid Francis R. Foot, Esq. Assistant Commissariat-General, being amount of payments made by Commissariat on account of Lands ceded to the Crown by the Indian tribes of Upper Canada, authorised by Mr. Secretary Stanley's Despatch of 27th January, 1834..	5,514 19 3½
		33	Paid Charles Rankin, Deputy Surveyor, to reimburse his expenses in examining and reporting on the state of the Lanark settlement, per instructions of Mr. Secretary S. Rice, 26th June, 1834.....	112 19 0
		34	Paid Robert S. Jameson, Esq., H. M. Attorney General, to remunerate him for disburse-	
			Carried forward.....	22,689 13 10½

RECEIPTS.	Sterling. $ at 4s. 6d. each £ s. d.		PAYMENTS—FUND K.	Sterling. $ at 4s. 6d. each £ s. d.
			Brought forward	22,689 13 10½
			ments in defending suit brought by Messrs. Clark and Street, against Captain Bonnycastle, Commanding Engineer, Western District	47 2 11½
		35	Paid John Carthew, Esq., on account of the exploring party, authorised by the Earl of Aberdeen's Despatch of 22d February, 1835	72 0 0
		36	Paid Mr. John Harper, being for work performed in the Central School-House at Toronto	87 14 10½
		37	Paid Thomas Kirkpatrick, Esq., being in restitution of the Crown moiety of a fine imposed on him by a sentence of the Court of King's Bench, pursuant to a Despatch from His Majesty's Secretary of State for the Colonies of 26th November, 1834	110 14 0
		38	Paid Mr. William Fitzpatrick, to remunerate him for expenses incurred in a suit brought against him by Hiram Spafford, for entering the house of said Spafford, in the execution of his duty in calling the militia together by order of his commanding officer, during the late war with the United States of America, pursuant to order in Council, 8th December, 1835	63 0 0
Total	55,781 1 4 4/10		Total payments from Fund K, during the year 1835	23,070 5 8½

RECAPITULATION.

		Sterling. $ at 4s. 6d. each.
Total Receipts into Funds D. and K. during the year 1835, including the balance on hand, 31st December, 1834		£55,788 1 1
Payments from Fund D. during the year 1834	£ 6,975 18 4	
Ditto do K. do do	23,070 5 8½	30,046 4 0½
Balance remaining in the two Funds D. and K. on 31st December, 1835		£25,741 17 0

Expended from these Funds since the 1st January to this day, for the service of the previous half year	£9,886 0 0
Receipts	£ 408 0 0

JOHN H. DUNN,
Receiver-General,

RECEIVER-GENERAL'S OFFICE,
10th March, 1835.

SCHEDULE of Authorities for the Payments stated in the annexed Account of Receipts and Expenditure of Casual and Territorial Revenue, and Canada Company Instalments, for the Year 1835.

Item.	Fund	AUTHORITIES.	Date.	Item.	Fund	AUTHORITIES.	Date.
1	D.	Lords Commissioners of His Majesty's Treasury	Aug. 31, 1827	10	D.	Secretary of State's Despatch	June 11, 1830
2	D.	Mr. Secretary Spring Rice's Despatch	Aug. 20, 1834	11	D.	Lords of the Treasury	Aug. 31, 1827
3	D.	Lords of the Treasury	Aug. 31, 1827	12	D.	Lords of the Treasury	Aug. 31, 1827
4	D.	Mr. Secretary Spring Rice's Despatch	Sept. 5, 1834	13	D.	Canada Company's Charter	
5	D.	Mr. Secretary Spring Rice's Despatch	Sept. 5, 1834	14	D.	Lords of the Treasury	Aug. 31, 1827
6	D.	Lord Goderich's Despatch	May 23, 1831	15	D.	Lords of the Treasury	Aug. 31, 1827
7	D.	Lord Goderich's Despatch		1	K.	His Majesty's Warrant	Sept. 29, 1812
8	D.	Lord Goderich's Despatch		2	K.	Vicount Goderich's Despatch	April 2, 1832
9	D.	Earl Bathurst's Despatch	June 12, 1826	3	K.	His Majesty's Warrant	July 17, 1827
				4	K.	His Majesty's Warrant	July 17, 1827

Item.	Fund	AUTHORITIES.	Date.
5	K.	Lords of the Treasury.....	Aug. 31, 1827
6	K.	Mr. Secretary Rice's Despatch.....	Sept. 5, 1834
7	K.	Earl Bathurst's Despatch.....	April 12, 1817
8	K.	Mr. Secretary Rice's Despatch.....	Sept. 30, 1834
9	K.	Sir George Murray's Despatch.....	June 11, 1830
10	K.	Lieutenant-Governor and Council....	Jan. 8, 1823
11	K.	Mr. Secretary Rice's Despatch.....	Sept. 5, 1834
12	K.	Mr. Secretary Rice's Despatch.....	June 20, 1834
13	K.	Earl Aberdeen's Despatch.....	Feb. 27, 1835
14	K.	Earl Bathurst's Despatch.....	April 12, 1817
15	K.	Earl Bathurst's Despatch.....	April 12, 1817
16	K.	Mr. Secretary Stanley.....	Dec. 22, 1833
17	K.	Lords of the Treasury.....	Jan. 16, 1818
18	K.	His Majesty's Secretary of State for the Colonies.....	
19	K.	Sir George Murray's Despatch.....	Jan. 25, 1830
20	K.	Lord Goderich's Despatch.....	Dec. 20, 1830
21	K.	Lieutenant-Governor Sir P. Maitland and continued.....	
22	K.	His Majesty's Secretary of State for the Colonies.....	
23	K.	Mr. Secretary Spring Rice's Despatch	Aug. 5, 1834
24	K.	Mr. Secretary Stanley's Despatch....	
25	K.	Lieutenant-Governor and Council....	
26	K.	Lieutenant-Governor and Council....	
27	K.	Lieutenant-Governor and Council....	
28	K.	Lord Goderich's Despatch.....	Feb. 7, 1831
29	K.	Lieutenant-Governor in Council.....	
30	K.	Lieutenant-Governor in Council.....	
31	K.	Lord Aberdeen's Despatch.....	Feb. 22, 1835
32	K.	Mr. Secretary Stanley's Despatch....	Jan. 27, 1834
33	K.	Mr. Secretary Spring Rice's Despatch	June 26, 1834
34	K.	Lieutenant Governor and Council....	
35	K.	Earl Aberdeen's Despatch.....	Feb. 22, 1835
36	K.	Lieutenant-Governor and Council....	
37	K.	His Majesty's Secretary of State for the Colonies.....	Nov. 26, 1834
38	K.	Lieutenant-Governor and Council....	

(No. 100.)

MESSAGE

FROM

His Excellency the Lieut.-Governor,

WITH

DOCUMENTS

RELATING TO

PARSONAGE AT COBOURG.

F. B. HEAD.

The Lieut. Governor transmits to the House of Assembly with reference to its address of the 18th ultimo, and to his Message to the House of the 28th, the accompanying communication and documents from the Reverend William Macaulay, relative to the Parsonage House erected at Cobourg, during his incumbency.

Government House, 12*th April*, 1836.

INSPECTOR'S GENL'S OFFICE, TORONTO,
29*th March*, 1836.

SIR:—

I have the honor to state for the information of His Excellency the Lieut. Governor, with reference to your communication of the 25th instan that "the correspondence and vouchers" alluded to by the Assembly appear to have reference to the authority by despatch for the payments and the correspondence leading to those despatches.

As relates to the sums issued for the purposes therein mentioned, they have been contained in the Blue books furnished the Assembly for the last three years.

I have the honor to be,
Sir,
Your most obedient servant,
GEORGE H. MARKLAND,
Inspector General.

J. JOSEPH, Esq. &c. &c. &c.

Letter from the Rev. Wm. Macaulay in relation to the Parsonage House at Cobourg.

TORONTO, *March 29th* 1836.

SIR :—

In answer to your letter of the 22d instant, enclosing a copy of an address of the House of Assembly, to His Excellency the Lt. Governor, wherein they require returns and vouchers for a sum of £300, paid in 1824, to the Reverend William Macaulay, and others, in aid of a Parsonage House in the township of Hamilton, I beg to hand herewith several documents belonging to the Officers of that Parish, and which they request when the purpose is served may be returned to them.

No. 1 Is the agreement entered into by Robert Henry and Walter Boswell Esquires, with Levi Cole, for the Parsonage House in Cobourg, in the township of Hamilton—date 1824, Jan. 31st.

No. 2 Contains the specifications, annexed to the above agreement.

No. 3 Is the Contractors bond for a due performance of the agreement.

No. 4 Is a receipt by the Agent at Cobourg for the Bank of Upper Canada, for the £300 in question paid in to him by one of the Church Wardens.

The details of the application are to be given, not by the Minister, but by the Church Warden—who, I am confident, can in every particular account for them.

The House itself stands at present, and is occupied by the new incumbent, Rev. A. N. Bethune, as Mr. George S. Boulton, M. P. P. for that county, and Hon. Z. Burnham, or any others who may be acquainted with that village can testify.

Mr. Mackenzie himself, the mover of the address, in a narrative of a tour through that part of the country, published by him, shortly after the erection of the Parsonage House in question, complimented it, and, I think, justly, as one of the ornaments of Cobourg.

Since that time I laid out, myself, nearly one hundred pounds in completing it, and my successor has been at a generous cost in embellishing it.

When I left Cobourg to officiate in Hallowell, it was on the understanding that I was to enjoy in the latter parish the same advantages which I enjoyed in the former—and as the question has been agitated without my asking it, I beg now, formally, and respectfully, to submit to His Excellency the Lieutenant Governor, the justice of the claim of my present parish to the sum of £300, out of the same fund for a similar purpose—and of myself to an allowance for rent during the eight years that I have been kept out of it.

And have the honor to be, Sir,

With respect,

Your obedient humble servant,

WILLIAM MACAULAY.

J. JOSEPH, ESQ.
Sec'y. to His Excy. the Lt. Gov. &c. &c.
Govt. Office, Toronto.

Articles of Agreement had, made, concluded and agreed upon this Thirty-first day of January, in the year of our Lord, one thousand eight hundred and twenty-four, BETWEEN ROBERT HENRY and WALTER BOSWELL, Esquires, Churchwardens of the Township of Hamilton, in the District of Newcastle of the one part, and LEVI COLE of the said Township, Carpenter, of the other part—**Witnesseth** that for the considerations hereinafter mentioned he the said Levi Cole doth hereby for himself, his Executors and Administrators, covenant, promise, and agree to and with the said Robert Henry and Walter Boswell and their successors in manner and form following:—that is to say, That he the said Levi Cole, his Executors, Administrators or Assigns, shall and will build, make and erect in and on a certain piece or parcel of land adjoining the church-yard in Cobourg, in the said Township, on such part or parts of the said ground as the said Robert Henry and Walter Boswell or their successors shall or may direct, a dwelling house with a cellar under the same, a kitchen, stable and privy and dig a good and sufficient well and enclose the whole of the ground on every side except that next to the church-yard. That the said works shall be made and erected according to the plan and elevation hereunto annexed, as far as the same are designated by such plan and elevation and in other respects according to the specification hereunto annexed. That the whole of such erections and works shall in every respect be done in the best style of workmanship and the timber and other materials used therein shall be of the best kind and sort, and the doors, flooring, partitions, clapboards, lathing, and every other material requiring it shall be well and sufficiently seasoned. That the whole of the said work shall be finished on or before the first day of October next ensuing the day of the date hereof, and that in case the said work shall not be fully and completely finished on or before the said first day of October next, he the said Levi Cole, his Heirs, Executors or Administrators shall and will well and truly pay or cause to be paid unto the said Robert Henry and Walter Boswell or their successors daily and every day the sum of ten shillings of lawful money of Upper Canada as damages now here assessed and settled for the non-performance of this agreement by the time aforesaid, and not in the nature of a penalty. In consideration whereof the said Robert Henry and Walter Boswell for themselves and their successors do hereby covenant, promise and agree to and with the said Levi Cole, his Executors and Administrators, that they the said Robert Henry and Walter Boswell or their successors shall and will well and truly pay or cause to be paid unto the said Levi Cole, his Executors, Administrators or Assigns, the sum of three hundred pounds of lawful money of Upper Canada, in manner following:—that is to say, the sum of fifty pounds part thereof in three months from the signing of these presents; the further sum of fifty pounds when the whole of the buildings shall be roofed and clapboarded, and the residue of the said sum except as hereinafter mentioned, when the said work shall be completely done and performed, and shall and will assign to the said Levi Cole, his Executors, Administrators or Assigns, pews in the church of Cobourg aforesaid, which remain undisposed of to the amount of sixty pounds according to their present valuation, of which pews the said churchwardens or their suc-

cessors are to have the first choice and the said Levi Cole the second and so on alternately until the said Levi Cole, his Executors, Administrators, or Assigns shall have chosen pews to the amount of the said sum of sixty pounds.

Provided always, and it is hereby agreed by and between the said parties hereto, and it is the true intent and meaning of them and each of them, that the said Buildings and Works consisting of a dwelling house according to the plan hereunto annexed, a cellar under the whole of the said dwelling house, a kitchen of a story and a half high, the said kitchen being in the clear from the floor to the ceiling, of ten feet in heighth, a stable and loft over the same, and the other matters mentioned in the specification annexed, shall be well and completely built and finished in the best style of workmanship suitable in all respects for, and consistent with the plan and elevation hereunto annexed, notwithstanding any defect or omission in the said specification, so that by reason of such defect or omission the said Levi Cole, his Executors, Administrators, or Assigns shall not be required to add any other ornamental work or other thing more than is necessary to complete the said House and Buildings in a good and sufficient manner, according to the intentand meaning of these presents; provided also, and it is hereby further agreed and understood by and between the said parties hereto, that the said Robert Henry and Walter Boswell, or their successors, shall provide for and on account of him the said Levi Cole, his Executors, administrators or assigns, all the nails, paint, glass, locks, latches, pullies, hinges and finger places necessary for the said buildings, when and as they may be respectively wanted for the same, the costs and charges of which are to be allowed by the said Levi Cole, his executors, administrators or assigns, out of the last cash payment to be made by them the said Robert Henry and Walter Boswell or their successors to the said Levi Cole, his executors, administrators or assigns, in witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

ROBERT HENRY, (L. S.)
WALTER BOSWELL, (L. S.)
LEVI COLE. (L. S.)

Sealed and delivered in the presence of
JOHN BOSWELL,
EDWARD BOSWELL.

The plan, elevation and specification herein mentioned as being annexed hereto have been signed by the several parties hereto, and are to be taken and considered as part of these presents, although notannexed as herein mentioned.

ROBERT HENRY,
WALTER BOSWELL,
LEVI COLE.

Witness
JOHN BOSWELL,
EDWARD BOSWELL,

SPECIFICATION REFERRED TO IN THE ANNEXED AGREEMENT.

Cellar.—To be under the whole of the dwelling house. To be six feet in the clear from the bottom to the sleepers of the ground floor. The walls to be of stone. The stones above the ground to be flat stones, and well faced on the outside and pointed. A partition to be made across in either direction that may be chosen by the church wardens, with a door and good lock, a receiver for the ashes of sufficient dimensions of brick or stones, with a sheet iron door and hinges.

Ground Floor.—The front entrance door of two inch styles. The four lower pannels bead and flush. The two upper raised and moulded. The inside doors to be six pannelled, raised and moulded, with styles of one inch and a half, mortice locks, finger plates and rising hinges. The glass of the windows to be of such dimensions as the church wardens may direct. The door windows to have proper hinges and fastenings,and the others to be hung with weights and pullies, the floor to be of good, clear, well seasoned stuff, one inch and three-fourths in thickness, not to exceed six inches in breadth, to be tongued and groved. The whole to be lathed and plastered. The ceilings to have three coats, skirting boards and dadoes with mouldings.

First Floor.—Neat pannel doors moulded with brass locks and finger plates, all lathed and plastered, with skirting boards, the sashes to be hung with weights and pullies.

Staircase.—The bannister to be of birch.

Kitchen.—Foundation to be of stone, secure against the frost, and the outside above the ground to be faced and pointed. A brick chimney and oven, a good iron crane in the chimney. This building to be a story and a half high, and to have two good rooms in the upper part, the whole lathed and plastered. The arches of the fire-places to be supported with iron bars. The boarding of the roofs under the shingles to be closely halved. The outside walls of the dwelling-house to be filled in with brick. The whole building to be completely painted, with three coats inside and out of white lead ground in oil, except the roofs which are to be slate color.

Stable.—Twenty-five feet by twenty. Twelve feet posts, with three doors, stalls, racks and mangers. The floors of two inch plank.

A good Well, to be boxed and stoned.

Privy.—A vault of seven feet deep, eight feet by four, stoned up, and a neat building sufficient for the purpose to cover the same.

A Fence all round the ground the same as round the Church-yard, but to be put up in a more substantial manner, so that it may not be affected by the frost.

ROBERT HENRY,
WALTER BOSWELL,
LEVI COLE.

Witness,
JOHN BOSWELL,
EDWARD BOSWELL.

Know all Men by these Presents, that We, Levi Cole, of Cobourg, in the township of

Hamilton, in the district of Newcastle, Carpenter, Benjamin Throop, of the same place, Merchant, and Jeremiah Lapp, of the same place, Tanner, are jointly and severally held, and firmly bound to Robert Henry and Walter Boswell, Esquires, Church-wardens of the said township, and their successors, in the penal sum of seven hundred pounds of lawful money of Upper Canada; for which payment to be well and faithfully made, we bind ourselves, and each and every of us and our and each and every of our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated this thirty first day of January, in the year of our Lord, one thousand, eight hundred and twenty four.

Now, the condition of the above written obligation is such, that if the above bounden Levi Cole, his executors, administrators, or assigns, shall, and do in all things, well and truly perform the covenants, conditions, stipulations and provisoes mentioned, expressed, and contained in certain articles of agreement, bearing even date with these presents and made between the said Robert Henry and Walter Boswell, of the one part, and the said Levi Cole, of the other part, in which a certain plan, elevation and specification are referred to, and which are to be taken and considered as a part of the said articles of agreement, then the before written obligation to be void and of none effect, but otherwise to be and remain in full force, virtue and effect.

LEVI COLE, (L. S.)
BEMJAMIN THROOP, (L. S.)
JEREMIAH LAPP, (L, S.)

Sealed and delivered in the presence of
JOHN BOSWELL,
EDWARD BOSWELL.

Cobourg, 10*th. February*, 1834.

These are to certify that Robert Murray, Esq., has deposited in my hands the sum of three hundred pounds currency, which is payable to his demand.

JAMES G. BETHUNE,
Agent, Bank Canada.

£300 currency.

No. 102.

CONTENTS OF BLUE BOOK.

UPPER CANADA.

1835.

Taxes, Duties, &c.	No.	1
Fees,	"	2
Revenue and Expenditure,	"	3
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Local Revenues,	"	5
Military Expenditure,	"	6
Public Works,	"	7
Legislation,	"	8
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Pensions,	"	10
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Coins, Exchange, &c.	"	15
Imports and Exports,	"	16
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Mines, Manufactures, &c.	"	18
Grants of Land,	"	19
Gaols and Prisoners,	"	20

No. 1.

SCHEDULE of Taxes, Duties, Fees, and all other Sources of Revenue.

There are no *public* Taxes.

Proportion of duties from Quebec—amounting to one-third of the whole amount, was settled by arbitration, under the authority of the Imperial Act 3. Geo. 4. Chap. 119.

Duties on Importations from the United States.—Collected under the authority of Imperial Act 6 Geo. 4, Chap. 114.—(Vide page 15 of Printed Accounts.)

Duties on licenses to Hawkers and Pedlars.—Collected under the authority of Provincial Act, 3 Wm. 4, Chap. 45.—(Vide page 31 of Printed Accounts.)

Duties on Licenses to Auctioneers and on sales at auction.—Collected under the authority of Provincial Act 4 Wm. 4, Chap. 41.—(Vide page 32 of Printed Accounts.)

Duties on Licenses to Distillers.—Collected under the authority of Provincial Act 4 Wm. 4, Chap 49.—(Vide pages 16 & 29 Printed Accounts.)

Duties on Licenses to Billiard Table Keepers.—Collected under the authority of Provincial Act 50 Geo 3, Chap. 6.—(Vide pages 16 & 30 of Printed Accounts.)

Duties on Licenses to Innkeepers to retail Spirituous Liquors. Collected under the authority of Provincial Act 3 Wm. 4, Chap. 14.—(Vide pages 16 & 20 of Printed Accounts.)—Amount decided by the Magistrates in Quarter Sessions.

Duties on Licenses to Shopkeepers to retail Spirituous Liquors. Collected under the authority of Provincial Act 2 Wm. 4, Chap. 20.—(Vide pages 16 & 17 of the Printed Accounts.)

Duties on Licenses to sell Spirituous Liquors on board steam vessels.—Collected under the authority of Provincial Act 2 Wm. 4, Chap. 20.—(Vide pages 16 & 30 of Printed Accounts.)

Duties on Ale and Beer Licenses.—Collected under the authority of Provincial Act 2 Wm. 4, Chap. 21.

Tolls collected at Kettle Creek Harbor—under the authority of 8 Geo. 4, Chap 18—at Burlington Canal 11 Geo. 4, Chap. 12—York Turnpike Roads, 3 Wm. 4, Chap. 38—Brantford Bridge—3 Wm. 4, Chap. 31.

Dividend on Bank Stock, 8 per cent on £22,500 sterling and bonus of 4 per cent.

Interest on Loan to Cobourg Harbor Company.—Authority 5 Wm. 4, Chap. 43.

Payments by the Treasurer of the Law Society.—Authority 4 Geo. 4, Chap. 3.

Proceeds of Bills of Exchange drawn on London on account of Debentures negotiated there—Authorities 4 Wm. 4, Chap. 53, and 5 Wm. 4, Chap. 31.

Rents of Leased Clergy Reserves.—Authority, Imperial Act 31 Geo. 3, Chap. 31.

Interest on sales of Clergy Reserves.—Authorities, Imperial Acts 31 Geo. 3, Chap. 31—and 7 & 8 Geo. 4, Chap. 62.

Dividends on funds in England—being the proceeds of sales of Clergy Reserves.—Authority, Imperial Act 7 & 8 Geo. 4, Chap. 62.

Payments by the Canada Company.—Authority, Charter granted to the said Company by His Majesty's Letters Patent, dated 19th August, in the 7th year of the reign of the late King George the 4th.

Crown and Lieutenant Governor's proportion of seizures.—Authority, 6 Geo. 4, Chap. 114, clause 63.

Patent and Survey Fees on Grants of Land.—(See below

Sales of School Lands—Sales of Crown Lands and Crown Timber—Rents of Crown Reserves—and rents of Mills, Ferries, &c.—Under the authority of different orders of the Lieut. Governor in Council.

Fines in criminal cases and under Provincial Statutes.

SCHEDULE of Land Granting Fees.

Regulations prior to July 1796.—£2 18s 8d sterling on each grant.

Regulations of 9th July, 1796.	Patent fee	£2	18s	8d	st'g	Grant.
	Survey	1	4s	9d	"	
"	of 22nd Dec. 1797.—6d sterling per acre, and Survey fee £1 4s 9d sterling,					
"	6th July, 1804.—£5	14s	1d	sterling on 100	acres.	
		8	4	1	sterling on 200	"
"	31st Jan'y 1824.—5	14	1	sterling on 100	"	
		16	17	6	sterling on 200	"
But if 5 children,		8	4	1	sterling on do.	"
Fee on Public Instruments,		3	3	0	sterling each.	

No. 2.

SCHEDULE of the Fees received by the several Officers in their respective Departments, specifying the authority under which they were originally established, and by which the present rates were fixed, and at what period.

FEES &c.

By Instructions from the Secretary of State for the Colonies, the commutation (£636 11 4) formerly granted to the Secretary of the Province, has been continued to him on account of his disbursements for stationary for the various patents made out in the course of the year, and furnished by him.—In addition the Provincial Secretary is authorised by an order of the Lieutenant Governor in Council to charge a fee of 1s. 3d. currency for every search in his office by individuals for private information, but this fee is never demanded.

The Surveyor General is allowed by the same authority 1s 3d for every search, and 2s 6d upon all Location Tickets issued to persons not privileged.

The Clerk to the Executive Council receives a Fee of 5s 6d upon all petitions for land by persons not privileged.

The Crown Officers receive no fees, the Legislature having voted them a fixed salary in lieu thereof.

No. 3.

ABSTRACT of the Net Revenue and Expenditure of Upper Canada, for the Year 1835.

REVENUE.

PROVINCIAL REVENUE.

	£ s. d.	*Sterling.* £ s. d.
The Province's proportion of import duties collected at the port of Quebec	41555 17 7	
Less ½ per cent to the Receiver-General of Upper Canada for collection	207 15 7	
		41348 2 0
Bank Stock dividends		2700 0 0
Proceeds of bills of exchange on London, drawn on account of debentures negotiated there		70725 0 0
Duties on importations from the United States of America		12506 7 8
Duties on licences issued to hawkers and pedlars		364 5 6
Duties on licences issued to auctioneers, and on sales at auction		477 3 4
Duties on licences for retailing, spirituous liquors to distillers and billiard-table keepers		6449 15 6
Tolls collected at Kettle Creek Harbour	245 7 6	
Tolls collected at Burlington Harbour	1560 1 7	
Tolls collected on the York turnpike roads	410 8 0	
Tolls collected at Brantford bridge	123 3 4	
		2339 0 5
Interest on the loan to the Cobourg Harbour Company		79 6 3
Surplus road money, refunded by the Treasurer of the Midland District		2 9 6
Duties on ale and beer licences		15 15 0
Sales of school lands		3617 2 0
Paid by the Treasurer of the Law Society		138 18 0
Total Provincial Revenue		140763 5 2

CLERGY FUND— LETTER E.

Rents of leased Clergy Reserves	3802 0 8	
Interest on sales of Clergy Reserves	1896 15 1	
Dividends on funds in England, being the proceeds of sales of ditto	1089 15 5	
Total Clergy Revenue,	£	6788 10 11

EXPENDITURE.

FROM THE PROVINCIAL FUND—LETTER B.

	Ordinary and fixed Expenses of the Departments of Government. £ s. d.	Contingent Expenses. £ s. d.	TOTAL. £ s. d.	*Sterling.* £ s. d.
Lieutenant-Governor	2000 0 0		2000 0 0	
Government Office	1052 17 0	719 17 4	1772 14 4	
Executive Council	978 0 0	112 9 2	1090 9 2	
Judges' Salaries	3300 0 0		3300 0 0	
Receiver-General	1150 0 0	258 18 6	1408 18 6	
Secretary and Registrar		81 18 9	81 18 9	
Inspector-General	743 0 0	72 2 6	815 2 6	
Surveyor-General's Office	979 17 6	60 2 11	1040 0 5	
Attorney-General	675 0 0		675 0 0	
Clerk of Crown in Chancery	67 10 0	67 16 9	135 6 9	
Public Offices		462 12 7	462 12 7	
Administration of Justice		148 16 9	148 16 9	
				12930 19 9
Common School Appropriations				7380 0 0
Contingencies of the Legislature				8575 3 0
Surveys by Civil Engineer				225 0 0
Improvement of the River St. Lawrence				94500 0 0
Completion of the River Trent Bridge				1327 10 0
Militia and other Pensions				945 0 0
Repairs of the Government House				360 0 0
Agricultural Societies				225 0 0
Kingston Penitentiary				2700 0 0
Cholera expenses of 1834				1934 18 4
Erection of Light-houses				1620 0 0
Maintenance of Light-houses				1631 5 0
Steam Dredging Machine				1350 0 0
Printing the Statutes				566 0 8
Mechanics' Institute of Kingston				90 0 0
Mechanics' Institute of Toronto				180 0 0
Redemption of Debentures				18600 0 0
Interest on the public debt,				21307 10 4
Adjutant-General of Militia and Assistant				585 0 0
Officers of the Legislature				756 0 0
Portion of New Loan to the Cobourg Harbour Company				450 0 0
Salaries of District Schoolmasters				977 13 1
Salary of the King's Bench Reporter				90 0 0
Total Provincial Expenditure				179306 0 2

CLERGY EXPENDITURE.

	£ s. d.	*Sterling.* £ s. d.
Repairs and improvement of Glebes	118 18 2	
Amount refunded to the Bishop of Quebec, so much overpaid by him to the Receiver General	14 8 5	
Support of the Ministers of the Church of England	4440 0 0	
Salaries of two Archdeacons	600 0 0	
Salary of Secretary, Clergy, Corporation and Contingencies	311 11 9	5484 18 4

CASUAL AND TERRITORIAL REVENUE.—LETTER K.

	£ s. d.	£ s. d.
Payments by the Canada Company,	£20,000 0 0	
Rents of mills, ferries, &c.	248 18 0	
Fines on criminal cases,	136 2 6	
Fines under Provincial Statutes,	66 7 6	
The Crown and Lt. Governor's proportion of seizures,	1387 3 11	
Sales of Crown Lands,	4328 9 7	
Sales of Crown Timber,	4692 16 10	
Rents of Crown Reserves,	133 4 10	
Patent and Survey Fees on Grants of Land,	2039 10 10	
Total Crown Revenue,		33,032 14 0

* This Officer, exclusive of the above, receives £450 sterling for selling the Clergy Reserves, which is charged in his account with the Government. The contingencies of his office as Commissioner of Crown Lands and Surveyor General of Woods, are also charged in his accounts with Government, therefore no part of these expenses appear in this account.

Total expenditure sterling, 180504 0 0

CROWN EXPENDITURE.

Ordinary and Fixed Expenses of the Departments of Government.	£ s. d	Contingent expenses. £ s. d.	TOTAL £ s. d	£ s. d	£ s. d
Lieut. Governor,	1500 0 0	.....	1500 0 0		
Government Office,	.....	35 8 9	35 8 9		
Executive Council Office,	200 0 0	78 16 9	278 16 9		
Receiver General's Salary,	200 0 0	.....	200 0 7		
Secretary ond Registrar's do	936 11 4	.....	936 11 4		
Inspector General's do	250 0 0	.....	250 0 0		
Surveyor General's do	600 0 0	2751 1 1	3351 1 2		
Government Printer,	.....	53 6 7	53 6 7		
Commissioner Crown Lands and Surveyor General of Woods,	1000 0 0	.....	1000 0 0		
Deputy Surveyor General of Woods,	47 0 0	.....	47 0 0		
Agent for collection of fees,	200 0 0	.....	200 0 0		
Auditor of Land Patents,	375 18 5	.....	375 18 5		
Administration of Justice,	.....	679 8 0	679 8 0		
				8907 11 0	
Erection and fitting up of public offices,				1629 15 0	
To aid in building Roman Catholic Chapels,				171 0 0	
Do. Church of Scotland "				550 0 0	
Do. Wesleyan Methodist "			(1834)	550 0 0	
Ministers of the Church of Scotland,				1586 0 0	
" United Presbyterian Synod of U. Canada,				699 19 9	
Missionaries of the Church of England,				2344 11 8	
Location of Emigrants,				3912 15 2	
Pension to Oneida Joseph, Indian Chief,				30 0 0	
Speaker of the Legislative Council,				360 0 0	
House rent of Bishop of Quebec,				180 0 0	
Allowance to Upper Canada College,				1000 0 0	
Central School at Toronto,				317 14 0	
School at Peterborough,				67 10 0	
Pensions to Officers of Militia,				176 10 9	
Purchase of lands from Indian Tribes,				5514 19 3	
Expenses of an exploring pary,				1135 3 6	
Location of commuted pensioners,				508 6 10	
Lieutenant Governor's proportion of seizure,				1213 7 8	
Repayment of fine to Thomas Kirkpatrick,				110 14 0	
Completion of pier at Toronto Harbor,				382 5 4	
Salary of the Bishop of Regiopolis,				500 0 0	
Pension of " "				100 0 0	
Allowance to Roman Catholic Priests,				1000 0 0	
Pension to Sir David William Smith,				200 0 0	
" to Hon. Thomas Talbot,				400 0 0	
" to Wm Chewett, Esq.				360 0 0	
" to the family of late Major General Shaw,				100 0 0	
Surveys by the Canada Company,				1518 7 0	
Patent fee refunded,				9 18 0	
Instalment on purchase of Indian Lands refunded				42 16 1	
Roads and Bridges,				1467 19 6	37047 4 6
Total expenditure sterling,					221838 3 0

RECAPITULATION OF THE FOREGOING ACCOUNT.

	£	s.	d.		£	s.	d.
Provincial Revenue	140,769	5	2	Provincial Expenditure	179,306	0	2
Clergy Revenue	6,788	10	11	Clergy Expenditure	5,484	18	4
Crown Revenue	33,032	14	0.	Crown Expenditure	37,047	4	6
	180,584	10	1		221,838	3	0

Excess of Expenditure during the year.....£41,253 12s. 11d.

No. 4.

COMPARATIVE Statement of the Expenditure.

	Expenditure 1834.			Expenditure 1835			Increase			Decrease			
PROVINCIAL FUND, B.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
Support of the Civil Government	15152	11	2	12930	19	9				2221	11	5	No appropriation in 1835 by the Legislature for the Contingent expenses of the Secy's Office; for the Government Printer; the salary of the Attorney-General reduced to £675; and the salary of the Solicitor not having been paid.
Miscellaneous	234653	5	1	166375	0	5				68279	4	8	Redemption of Debentures in 1834.
CLERGY FUND, E.													
Support for the Clergy of the Church of England, &c.	6161	3	10	5484	18	4				676	5	6	The expenses of the office of the Clergy Corporation were less in 1835, there appears also a less amount paid to the Ministers of the Church of England.
CROWN FUNDS, A, K, & F.													
Support of the Civil Government	8334	17	7	8907	11	0	572	13	5				Surveys of new Townships.
Pensions	2847	10	6	1366	10	9				1480	19	9	Decease of retired Judges and late Receiver General.
Clergy of different denominations	7594	15	1	7581	11	5							
College and Schools	1297	10	0	1385	4	0	87	14	0				Repairs to Central School House.
Miscellaneous	6573	18	7	17806	7	4	11232	8	9				The expenditure for 1335, under this, being principally for objects dissimilar to those of 1834, can only be accounted for by a reference to the account of expenditure in detail.

COMPARATIVE yearly statement of the revenue, exclusive of loans and incidental expenses.

	Revenue of 1834	Revenue of 1835	Increase	Decrease	
	£ s. d	£ s. d	£ s. d	£ s. d	
Proportion of Import Duties at Quebec	58011 8 7	41348 2 0	.....	16663 6 7	Diminished Importation of Dutiable articles for the quarters ended 5th July, and 10th Oct., 1834, and 5th Jan., 5th April, and up to 1st May, 1835, which composes the revenue under this head for Upper Canada for 1835.
Licenses for retailing spirituous liquors, distilling, &c.	* 6474 17 0	6405 1 7	.....	69 15 5	This apparent decrease is caused by the deficiency of the Return of the Inspector of the Niagara District for a portion of the year 1835.
Duties on imports from the U. States,	* 9601 11 8	10773 0 0	1171 8 4	.....	Increased importation.
Hawkers and Pedlars licenses,.....	* 337 14 6	418 19 0	81 4 6	.....	Increased number of licenses.
Auctioneers licenses and duties on sales at auctions,	* 497 9 9	641 19 7	144 9 10	.....	Increased amount of sales by auction.
Ale and Beer licenses, ...	6 6 0	15 15 0	9 9 0	.....	Increased number of licenses.
Bank Stock Dividends, ...	1800 0 0	2700 0 0	900 0 0	.....	Bonus of 4 per cent in 1835.
Tolls at the Burlington Canal, ...	* 1119 6 8	1475 15 0	356 8 4	.....	Increased importation.
Tolls on the York Turnpikes,.....	159 6 0	410 8 0	251 2 0	.....	Additional toll gates.
Tolls at Kettle Creek Harbor, ...	* 410 6 11	389 12 11	.....	20 14 0	
Interest on Loans to Companies,....	279 0 0	79 6 3	.....	199 13 9	Interest on loan to Port Hope Harbor Company, and the Oakville Harbor loan in 1835.
Treasurer of the Law Society,.....	117 16 2	138 18 0	21 1 10	.....	
Receipts—Clergy Fund, ...	6642 15 11	6788 10 0	145 15 0	.....	The increase is much greater than appears in this statement in consequence of the repayment of the salary of the Bishop of Quebec, which formed part of the receipts of 1834.
Casual and Territorial Revenue, ...	29944 1 6	33032 14 0	3088 12 6	.....	This increase is principally receipts for sales of Crown Lands and Crown Timber.

Those items marked thus (*) are the actual revenues under their respective heads,—as the sums differ from those in the account of Revenue, it is necessary to state that the latter are the amounts paid to the Receiver General on account thereof.

STATEMENT shewing the Balance in the Receiver-General's hands.

PROVINCIAL FUND, B*	£ s. d.	CASUAL & TERRITORIAL REVENUE, K.	£ s. d.
In hand after completing the service of 1834....	22748 1 10	In hand after completing the service of 1834....	21828 17 2
Revenue in 1835..	140763 5 2	Revenue of 1835.....	33032 14 0
	163511 7 0		54861 11 2
Expenditure of 1835.....	179306 0 2	Expenditure of 1835.....	37047 4 6
Balance in advance.....	15794 13 2		17814 6 8
		Overcharged amount paid Clergy of Church of England in 1833§.....£1500 0 0	
CLERGY FUND, E.		Warrants charged in 1834, in the Blue Book, afterwards cancelled£ 282 12 0	1782 12 0
Received in 1835.....	6788 10 11	Balance in hand	19596 18 8
Expenditure of 1835.....	5484 18 4		
	1303 12 7		
Balance in advance after completing the service of 1834.....	5979 16 9		
Balance in advance after completing the service of 1835.....	4676 4 2		

* The interest on Loans in England is charged in this account, but does not appear in the accounts of the Receiver-General, the same being charged in England in Loan Account, therefore the actual Balance in advance by the Receiver-General is £2068 6s. 6d. Sterling.

§ Salary of the Bishop of Quebec.

No. 5.

LOCAL REVENUES.

RETURN of all Local Revenues raised and appropriated under the authority of any Municipal or other body, not accounted for in the general Revenue of the Colony.

REVENUE	Am't collected £ s. d.	EXPENDITURE.	Am't expended £ s. d.
An Act of the Provincial Parliament, passed during the Session of 1834, erecting the Town of York into a city, and incorporating it under the name of the City of Toronto. By the said Act the Mayor and Common Council are authorised to levy a tax on property in the city and liberties, not exceeding in any one year 4d. in the pound in the city, or 2d. in the liberties. The Magistrates of some towns are also allowed by Acts of the Province to levy rates for the improvement of the streets, &c., not exceeding £90 sterling per annum. The taxes applicable to local purposes levied and collected under the denomination of Rates and Assessments by Provincial Statute 59 Geo. 3, chap. 7, amounted to the following sums during the present year in the twelve Districts, sterling, respectively:—		The expenditure is entirely devoted to local purposes, under the control of the magistrates. The accounts of the Treasurer of each District are published, but are of *very great* length, and it would be impossible to insert them in the Blue Book, the space required being so *much larger* than is here afforded.	
Ottawa	443 10 0		
Eastern	1699 10 4		
Johnstown	1490 13 2		
Bathurst	810 14 0		
Prince Edward	1320 15 6		
Midland	1792 19 6		
Newcastle	1559 17 4		
Home	2465 12 10		
Niagara	2210 16 0		
Gore	2407 6 3		
London	3033 17 0		
Western	922 0 2		
	20207 12 1		

N. B.—The above form no part of the Revenues subject to the general purposes of the Province.

No. 6.

MILITARY EXPENDITURE.

DETAILS of the Expenditure incurred by the Province of Upper Canada on account of its Military Defence.

The information under this head can only be furnished by the Commander of the Forces in the Canadas, under whose controul the military expenditure is. The Province pays *no part* of its military expense. The military posts and works are in charge of the Ordnance Department.

RETURN OF MILITIA.

Officers	1,697
Non-commissioned Officers	1,526
Rank and File	37,887
Total	41,100

The Militia Force of Upper Canada comprises 71 Regiments of Infantry, 18 Troops of Cavalry, and 5 Companies of Artillery.

ACCOUNT of Expenditure incurred by Great Britain for the Military Protection and in aid of the Civil Establishment.

COMMISSARIAT. Pay of the Troops, Provisions, &c.		ORDNANCE Military Works, Stores, Barracks, &c.		TOTAL Expenditure incurred in Great Britain
Specify each head of expenditure	AMOUNT	Specify each head of Expenditure	AMOUNT	
No part of the *Civil* Expenditure is now incurred by Great Britain; the annual payments by the Canada Company being applied in lieu of the former annual grant by the Imperial Parliament. The whole of the Military Expenditure is incurred by Great Britain.		The Province has no control over the Commissariat and Ordnance Departments.		

(The above was inserted in the Blue Book for 1834, and if the word "*Military*," as mentioned in the Secretary of State's Despatch, was written instead of "*Civil*," it was by error, as the latter word appears in the copy kept by the Secretary in his office.)

No. 7.

PUBLIC WORKS.

RETURN of all Public Works, Civil Roads, Canals, Bridges, Buildings, &c. not of a military nature, which have been undertaken during the year.

Describe the work, and where situated	Whether constructing or under repair	Estim'd expense	Authority under which executed	Fund from which expen. is defrayed	When commenced	whether finished or unfinished	If finished, actual am't of expenditure	If finished amount of expenditure to present date.	
		£ St'g						£ St'g	
Improvement of the River St. Lawrence.	Construct'g	315000	Provincial statute.	Prov'l fund	1834	unfin'd	.....	126000	
Light House Hartley's Point, on Lake Erie.	"	720	"	"	1835	"	.....	750	The whole appropriation has been paid over to the Commissioners.
Light House Gull Island or Green Point Lake Ontario.	"	£ 900	"	"	"	"	.....	900	Do. do.
Penitentiary at Kingston.	"	uncert.	"	"	"	"	.....	13950	The Legislature appropriated £2,700 sterling last session towards its completion.
The Cayuga, Glass Co. Erie and Ontario Rail Road Comp'y, Grimsby Harbor Company, Port Dover Rail Road Comp'y, Stoney Creek Harbor Comp'y, Saltfleet Salt Company.	"	"	"	"	"	"	.....	.....	These joint stock companies were all incorporated during the year by acts of the Legislature, & are in course of operation, but no return can be procured for the information required herein.

No. 8.

LEGISLATION.

LAWS, PROCLAMATION, &c., DURING THE YEAR 1835.

THE DATE of the Law is that at which the Lieutenant-Governor gave the Royal Assent to the same.

Date of Law, &c.	SUBSTANCE OF THE LAW, &c.	Transmitted to England.
1835		
April 16	An Act to prevent the unnecessary multiplication of law suits and increase of costs in actions on notes, bonds, &c.	Copies transmitted.
Feb'y 24	An Act to allow the issuing of writs of error from the Court of King's Bench.	
April 16	An Act to mitigate the law in respect to imprisonment for debt.	
"	An Act to enable suitors in the District Courts to procure the attendance of witnesses from any District, and to authorise certain persons to take affidavits in the District Courts.	
"	An Act to continue and amend the law for attaching the property of absconding Debtors.	
Feb'y 24	An Act to pay the wages of Members representing towns.	
April 16	An Act to establish a standard weight for grain &c.	
"	An Act to reduce to one Act the laws respecting Township Officers, &c.	
"	An Act to prevent the sale of spirituous liquors to Indians.	
"	An Act to promote the public health, and to guard against infectious diseases.	
"	An Act to continue an Act for the establishment of Agricultural Societies.	
"	An Act to provide for light-houses at present unprovided for.	
"	An Act to continue the Road Acts of 1833 and 1834.	
"	An Act for constructing the Harbor at Stoney Creek, Lake Ontario,	
"	An Act for manufacturing salt at Salt Fleet, Gore District.	
"	An Act incorporating the Grimsby Break-water Pier and Harbor Company.	
"	An Act incorporating the Hamilton and Port Dover Railroad Company.	
"	An Act to incorporate the Cayuga Glass Company.	
"	An Act to incorporate the Erie and Ontario Railroad Company.	
"	An Act to authorise a new survey in the Township of King.	
"	An Act to establish the boundary lines of the Township of Wolford.	
"	An Act to alter the time of holding the Quarter Sessions District of Niagara.	
"	An Act to continue the Act incorporating the Port Dover Harbor Company.	
"	An Act to explain the Act incorporating the Welland Canal Company, and for appointing Arbitrators for certain purposes.	
"	An Act levying an increased tax on the inhabitants of Prince Edward for three years.	
"	An act appointing Commissioners to settle disputes respecting certain roads in Norwich, London District, & to establish said lines and roads.	
"	An Act to continue an Act for protecting the Mississagua Tribes at the Credit, in their exclusive right of fishing and hunting.	
"	An Act to make good money advanced for the Contingencies of the House of Assembly for the last Session.	

Date, of Law, &c.	SUBSTANCE OF THE LAW, &c.	Transmitted to Eng.
1835		
April 16	An Act to provide additional aid for the common Schools.	Transmitted to Eng. for the signification of His pleasure
"	An Act granting money for a Steam D. Machine	
"	An Act authorising a Loan to be raised.	
"	An Act granting money to pay His Excellency for advances to defray the expenses incurred by Cholera in 1834.	
"	An Act to provide for the payment of the Civil List.	
"	An Act authorising a Loan to the Desjardin's Canal Company.	
"	An Act to remunerate Dean S. Howard, &c.	
"	An Act to amend and continue Militia Pensions.	
"	An Act to increase the salary of the Keeper of the False Ducks' Light-house.	
"	An Act to enable the Mechanics' Institute, City of Toronto, to procure certain apparatus.	
"	An Act to erect a Light-house on Hartley's Point, Lake Erie.	
"	An Act granting money to the Kingston Mechanics' Institute.	
"	An Act to erect a Light-house on Gull Island, &c.	
"	An Act granting money for the completion of the Kingston Penitentiary.	
"	An Act granting money to the Cobourg Harbor Company.	
Feb'y 24	An Act to extend the time for holding next election, County of Leeds.	
April 16	An Act incorporating the Gore Bank.	
"	An Act incorporating the U. C. Assurance of Trust Company.	
"	An Act altering and amending the Charter of the Commercial Bank of the Midland District, &c.	
"	An Act for the relief of the Heirs of the late Peter Desjardins.	
"	An Act to confirm British subjects in their title to Real Estate derived through aliens.	
1835	PROCLAMATIONS.	
Jan'y 6	Offering reward for discovery of the body of a murdered man.	
May 5	Announcing the Royal Assent to a Bill reserved for H. M. pleasure.	
May 24	Proroguing Parliament to 30th June.	
June 13	For the suppression of riots on the Ottawa River.	
June 26	Proroguing Parliament to 8th August.	
August 5	Proroguing Parliament to 15th September.	
Sept. 10	Proroguing Parliament to 24th October.	
Sept. 29	Announcing the Royal Assent to a Bill reserved for H. M. pleasure.	
Oct. 20	Proroguing Parliament to 1st December.	
Oct. 27	Announcing the Royal Assent to a Bill reserved for H. M. pleasure.	
Oct. 27	Ditto ditto ditto	
Oct. 27	Ditto ditto ditto	
Oct. 27	Ditto ditto ditto	
Nov. 12	Establishing Tolls on the Rideau Canal.	
Nov. 19	Declaring Chatham a port of entry and clearance.	
Nov. 25	Proroguing Parliament to 9th Jan. 1836.	
Nov. 28	Announcing the Royal Assent to a Bill reserved for H. M. pleasure.	
Dec. 7	Convening the Parliament for despatch of business the 14th Jan. 1836.	

No.

ESTABLISHMENT OF UPPER CANADA FOR 1835.

(All Offices of the Establishment marked thus (*) hold their Commissions under the Great Seal. The remainder under the Privy Seal of the Lieutenant-Governor.)

OFFICE.	NAME.	Date of Appointment.	By whom appointed, and under what instrument.	Annual Salary in Sterling. £ s. d.	Amount of Fees during 1835, in Sterling.	Whether the principal be allowed a house, or what allowance, if any, for house rent.	Whether the office be held by principal in conjunction with any, and what other Civil, Military, or Naval Office, or appointment or place of profit in any Colony or on the establishment of the United Kingdom. If held by a Military or Naval Officer, upon full or half-pay, the total amount of pay, &c., of every kind received in addition to the profits of his office.	Period of absence during the year 1835	Whether the principal enjoy any, and what other advantage or profit, not required to be stated in the preceding columns.
	CIVIL ESTBLISHMENT.								
	Government Office.								
Lieutenant-Governor..	His E. Sir J. Colborne, K.C.B	1828	His Majesty's warrant under the Royal Signet.	Fund B 2000 0 0 K 1500 0 0	No Fees.	Is provided by the province with a house	Full pay as Lieutenant-Colonel £310 5s. per annum, Major General Commanding in Upper Canada, allowed £500 per annum, in lieu of staff, pay, and allowances as a Major-General on the staff.	Not absent...	Pension for wounds £300 0s. Proportion of seizures under 6 Geo. 4, chap. 114.
Private Secretary.....	Wm. Rowan, Esquire.....	1832	Sir John Colborne.....	B 187 4 0	£540	None.	On the half-pay list as Lieutenant Colonel, but does not receive any while holding this appointment.	"	No other.
Chief Clerk.....	Edward M'Mahon.....	October, 1812	Lieut.-Governor Gore....	B 270 0 0	No Fees.	"	No other.....	"	"
Second Clerk.....	Arthur Gifford.....	July 1823	Sir P. Maitland.....	B 180 0 0	"	"	Purser, H. P. Royal Navy 4s. per day	"	"
Third Clerk.....	James M'Donell.....	Nov. 1831	Sir John Colborne.....	B 157 10 0	"	"	No other.....	"	"
	Receiver-General's Office.								
† Receiver-General....	John H. Dunn.....	April 12, 1820	Letters Patent under the Great Seal of England.	B & K 1102 14 0	No Fees.	None.	No other.....	Three months	"
First Clerk.....	B. Turquand.....	Oct. 22, 1828	Sir P. Maitland.....	B 270 0 0	"	"	No other.....	Not absent...	"
Second Clerk.....	W. Rose.....	Oct. 25, 1828	"	B 180 0 0	"	"	No other.....	"	"
† Fund B, £700 Fund K, £200	and remainder ½ per cent on am't of duties from Quebec.								
	Surveyor General's Office.								
Surveyor-General.....	§ S. P. Hurd.....	May 16, 1832	Sir. J.C. & order from Eng	K 600 0 0	£81	None.	No other.....	Not absent...	None.
Draftsman.....	J. G. Chewett.....	February 1829	"	B 270 0 0	No Fees.	"	No other.....	"	"
First Clerk.....	J. Radenhurst.....	"	"	B 270 0 0	"	"	No other.....	"	"
Extra Clerk.....	William Spragge.....	Jan. 7, 1829	"	B 153 3 0	"	"	No other.....	"	"
Assistant Clerk.....	J. M. Caldwell.....	April 30, 1829	"	B 153 0 0	"	"	No other.....	"	"
Assistant Draftsman...	Henry Lizars.....	June 23, 1834	" ½ B & ½ K §	164 5 0	"	"	No other.....	"	"
Clerk.....	Philip Durnford.....	Nov. 10, 1835	"	.....	"	"	No other.....	"	"
	Carried forward....	.....	.....	.....					

K. Crown Fund. § Half of this Salary paid by the Commissioner of Crown Lands—Mr. Durnford's Salary has not been fixed by the Lieutenant Governor.
B. Provincial Fund. The Receiver-General finds security amounting to £30,000.

C

OFFICE.	NAME.	Date of Appointment.	By whom appointed and under what instrument.	Annual Salary in Sterling.	Amount of fees during 1835 in sterling	Whether the principal be allowed a house, or what allowance, if any, for house rent.	Whether the office be held by Principal in conjunction with any, and what other civil, military or naval office or appointment, or place of profit in any colony, or on the establishment of the United Kingdom. If held by a military or naval officer, upon full or half pay, the total amount of pay, &c. of every kind received in addition to the profits of his office.	Period of absence during the year 1835.	Whether the Principal enjoy any, and what advantage or profit, not required to be stated in the preceding column.
				£ s. d.					
	Crown Land Office.		Brought forward....	Fund					
Commissioner of Crwn Lands and Surveyor Gen. of Woods,	P. Robinson.....	17 July, 1837	The King under the Sign Manual.	K 500 0 0 K 500 0 0	No fees.	None,	Commissioner for the sale of Clergy Reserves £150—Executive Councillor £100.	Not absent.	No other.
Clerk.....	R. Thornhill,.....	.....	.....	K 180 0 0	"	"	No other.	"	"
"	Edward Beeston.....	.....	.....	K 180 0 0	"	"	"	"	"
"	Arthur Beeston.....	.....	.....	K 180 0 0	"	"	"	"	"
"	Andrew Tod.....	.....	.....	K 180 0 0	"	"	"	"	"
	Inspector General's Office.								
Inspector General of Public Accounts.	Geo. H. Markland.....	5 March, 1833	Sir J. Colborne and order from England.	B & K 565 0 0	"	"	Executive Councillor £100.....	"	"
1st Clerk.....	James Nation.....	1 July, 1828.	Sir P. Maitland	B 225 0 0	"	"	"	"	"
2nd "	Raymond Baby.....	10 " 1829.	"	B 153 0 0	"	"	"	4 months,	"
Fund B £365 K £250									
	Sec'y & Registrar's Office.								
Secretary and Registrar	*Duncan Cameron.....	1817	H. M. Mandamus	K 300 0 0	§comm'n 636 11 4	"	No other.	Not absent,	"
Deputy "	*S. P. Jarvis.....	1827	Sir P. Maitland	B† 180 0 0	No fees	"	Clerk of the C. in Chancery, £67 10	"	"
Secretary to the Clergy Corporation.	Thomas Baines	May, 1833...	Sir John Colborne	E C fund 270 0 0	None,	"	None.	"	"
Printer to His Most Excellent Majesty.	Robert Stanton.....	January, 1826	Sir P. Maitland	*See Note below*	.....	"	"	"	"
	Executive Council.								
Member, ...	John Strachan, D. D.....	Oct. 1815 ...	H. M. Mandamus	B 100 0 0	No fees,	"	President of King's College,‖ Rector of Toronto £500. & Archdeacon of York £300 sterling.	"	"
"	G. H. Markland.....	1827	"	B 100 0 0	"	"	Vide page.....	"	"
"	P. Robinson.....	"	"	B 100 0 0	"	"	Vide page.....	"	"
"	Joseph Wells,.....	"	"	B 100 0 0	"	"	Regis'r & Bursar of King's Col. £270.	"	"

† This Salary was not voted by the House of Assembly at their last Session, and the Deputy Secretary has consequently received none for the present year.

* No appropriation has been made by the Legislature for the accounts of this office for public services since 1st July, 1834. The arrears due to 31st Dec. of the present year amount to £549 11s. 2d., sterling.

Dr. Strachan sent in his resignation as Executive Councillor, 26th of Oct., of the present year.

§ This commutation is continued to the Secretary on account of the disbursements for Stationery for the various Patents made out during the year, and furnished by him, by an order from the Secretary of State for the Colonies.

‖ A Salary of £250 sterling, has been assigned, but has not not yet been drawn by Dr. Strachan, though now due nearly nine years.

OFFICE.	NAME.	Date of Appointment.	By whom appointed and under what instrument.	Annual Salary in Sterling.	Amount of fees during 1835 in sterling	Whether the principal be allowed a house, or what allowance, if any, for house rent.	Whether the office be held by Principal in conjunction with any, and what other civil, military or naval office or appointment, or place of profit in any colony, or on the establishment of the United Kingdom. If held by a military or naval officer, upon full or half pay, the total amount of pay, &c. of every kind received in addition to the profits of his office.	Period of absence during the year 1835.	Whether the Principal enjoy any, and what advantage or profit, not required to be stated in the preceding column.
	Executive Council Office.								
Clerk to the Council..	*John Beikie.....	Feb. 5, 1832	Sir J. Colborne.....	B 200 0 0	£47 5 5½	None....	No other.....	Not Absent..	No other.
1st Clerk, ...	W. H. Lee.....	.....	.....	B 225 0 0	No Fees.	.....	No other.....	.....	No other.
2nd "	James Stanton.....	.....	.....	B 153 0 0	"	.....	No other.....	.....	No other.
Doorkeeper, ...	Hugh Carfrae.....	.....	.....	B 30 0 6	"	.....	Doorkeeper Legislative Council, £18	.....	No other.
	Officers of the Legislative Council.								
Speaker, ...	*John B. Robinson.....	1830	Sir J. Colborne.....	K 360 0 0	No Fees.	None....	Chief Justice, £1500 per annum....	Not Absent..	No other.
Clerk, ...	*Grant Powell.....	May, 1827	Sir P. Maitland.....	B 180 0 0	"	.....	Official Principal Court of Probate.....£65 2 Judge Home Dist. Court 392 13	.....	Allowed for E.S.£180
Gent. U. of the Black Rod	Stephen Jarvis.....	1833	Sir J. Colborne.....	B 45 0 0	"	.....	Half-pay Cornet of Dragoons.....	.....	No other.
Master in Chancery....	D'Arcy Boulton.....	1820	Sir P. Maitland.....	B 45 0 0	"	.....	No other.....	.....	No other.
Chaplain, ...	Rev. T. Phillips, D. D.....	Nov. 1834	Sir J. Colborne.....	B 45 0 0	"	.....	No other.....	.....	No other.
Doorkeeper.....	Hugh Carfrae.....	1811	Lieut. Governor Gore....	B 18 0 0	"	.....	No other.....	.....	No other.
	Officers of the House of Assembly.								
Speaker.....	M. S. Bidwell.....	1834	Elected.....	B 180 0 0	No Fees.	None....	No other.....	Not Absent..	No other.
Clerk.....	*James Fitzgibbon.....	May 4, 1827	Sir P. Maitland.....	B 180 0 0	"	.....	Registrar Court of Probate...£68 18	.....	Al'd for E.S.£180, stg
Clerk Crown in Chancery	*S. P. Jarvis.....	1817	"	B 67 10 0	"	.....	Deputy Secretary and Registrar £180	.....	No other.
Sergeant at Arms.....	*D. A. M'Nabb.....	1828	"	B 45 0 0	"	.....	Rregistrar C. of Wentworth. £129 12	.....	Al'd for E. S. £90, stg
Doorkeeper.....	H. M'Lennan.....	.....	Sir J. Colborne.....	B 18 0 0	"	.....	None.....	.....	No other.
Messenger.....	Eneas Bell.....	.....	"	B 18 0 0	"	.....	None.....	.....	No other.
Districts.	† *Sheriffs.*								
Ottawa.....	*C. P. Treadwell.....	May 26, 1835	Sir J. Colborne.....	.....	£36 0 0	None....	None.....	Not absent...	No other.
Eastern.....	*Donald M'Donell.....	Aug. 13, 1819	Sir P. Maitland.....	.....	247 10 0	.....	None.....	.....	No other.
Johnstown.....	*Adiel Sherwood.....	July 20, 1829	Sir P. Maitland.....	.....	180 0 0	.....	None.....	.....	Treasurer of the Dist.
Bathurst.....	*J. A. H. Powell.....	May 2, 1834	Sir J. Colborne.....	.....	247 0 0	.....	None.....	.....	No other.
Prince Edward.....	*Richard Bullock.....	Feb. 12, 1834	Sir J. Colborne.....	.....	171 0 0	.....	None.....	.....	No other.
Midland.....	*John M'Lean.....	Jan 6, 1817	Lieut.-Governor Gore....	.....	225 0 0	.....	None.....	.....	No other.
Newcastle.....	*Henry Ruttan.....	Oct. 24, 1827	Sir P. Maitland.....	..... ⊙	1056 16 10	.....	Lt. H. Pay Incor. Militia, 4s. per day	.....	No other.
Home.....	W. B. Jarvis.....	May 1, 1827	Sir P. Maitland.....	..... §	1725 6 0	.....	None.....	.....	Postmaster, Quenston
Niagara.....	Alex. Hamilton.....	Nov. 5, 1833	Sir J. Colborne.....	.....	765 0 0	.....	None	.....	Pension for wound £70
Gore.....	*W. M. Jarvis.....	May 7, 1824	Sir P. Maitland.....	.....	315 0 0	.....	Lieut. on half-pay, 4s. 6d. per day...	.....	
London.....	*A. A. Rappelje.....	Sept. 2, 1818	Sir P. Maitland.....	.....	No return	....	Captain on half-pay, 7s. day, late incorporated Militia.....	.....	No other.
Western.....	*Ebenezer Reynolds.....	Sept. 10, 1833	Sir J. Colborne.....	.....	81 13 6	.....	None.....	.....	No other.
			Carried forward..						

† Sheriffs enter into a bond with the King, of £1000 Currency, personally, and two sureties of £500 each, to pay over all moneys collected. They also enter into a covenant with two or four more persons for the due performance of their duty in private suits.

The Sheriff of the Home District formerly received a salary of £100 sterling, which was paid from the Canada Company's Fund. It has not been voted by the Legislature since 31st. Dec. 1831. He also received £27 sterling as Executive Officer to the Court of King's Bench, which is in arrear from the same period and from the same cause. The liabilities of his office are great, and the losses during the year amount to a considerable sum.

⊙ After paying the Deputies, &c.. the nett of fees was £393 8s. 5d., sterling. The losses during the year were very great, amounting in fact to more than Mr. Ruttan's net emoluments.

§ The Deputies, Bailiff's, &c., are paid from this sum, the nett amount of fees is £675 sterling.

N. B. Charles Shiriff, Esq., receives £270 sterling per annum as Collector of Dues on Crown Timber at Bytown; and an allowance of £81 sterling for a Clerk. The expense is defrayed jointly by the Governments of Upper and Lower Canada in proportion to the Timber cut in either Province.

OFFICE.	NAME.	Date of Appointment.	By whom appointed, and under what authority.	Annual Salary in Sterling.	Amount of fees during 1835 in sterl'g	Whether the Principal be allowed a house, or what allowance, if any, for house rent.	Whether the office be held by Principal, in conjunction with any and what other civil, military, or naval office, or appointment, or place of profit in any colony or in the establishment of the United Kingdom.—If held by a military or naval officer, upon full or half pay, the total amount of pay, &c of every kind received in addition to the profits of his office.	Period of abs ce during the year 1835.	Whether the Principal enjoy any, and what other advantage or profit, not required to be stated in the preceding column.
					£ s. d				
	Inspectors of Licenses.								
Ottawa	Donald McDonald	18 Mar. 1834.	Sir J. Colborne		11 5 0	None	None	Not abs't	No other
Eastern	P. Vankoughnet	October 1832.	"		22 14 8	"	"	"	"
Johnstown	John Weatherhead	30 Oct. 1828.	Sir P. Maitland		65 11 6	"	"	"	"
Bathurst	Anthony Lesslie	31 Dec. 1832.	"		76 0 9	"	Lieutenant on half pay	"	"
Prince Edward	Adam Hubbs	10 June 1834.	Sir J. Colborne		29 0 6	"	None	"	"
Midland	James Sampson	18 Mar. 1829.	Sir P. Maitland		116 16 7½	"	"	"	"
Newcastle	Elias Jones	8 Dec. 1816.	Lieut. Gov. Gore		94 14 3	"	Clerk of the District Court £399 0 2	"	"
Home	Alex. McDonell	Novem. 1828.	Sir P. Maitland		138 16 9	"	Lt. on H. Pay, Butler's Rangers—retired assis't Sec'y Indian Dep't 4s8d army st.p. d.	"	"
Niagara	John Jordan	15 May 1835.	Sir J. Colborne		17 12 1½	"	None	"	"
Gore	John Willson	1816.	Lieut. Gov. Gore		96 4 0	"	"	"	"
London	James Mitchell	6 May 1821.	Sir P. Maitland		62 2 0	"	Coll. Customs, Turkey P't £12 1 9—Sur. Judge L. Dis. £27—& S. D. Jud. do £22 10	"	"
Western	Wm. Hands	13 Sept. 1806.	Lieut. Gov. Gore		46 8 1½	"	Collector of Customs, Sandwich £55 0 5—Sur. Judge Western District £15 9 0	"	Treasurer Western District £50 10 5.
	Inspectors of Licenses find security of £500, and 2 sureties of £250.								
	Collectors of Customs.								
River Raisins	John Cameron	17 Sept. 1829.	Sir P. Maitland		20 15 2½	"	None	"	No other
Cornwall	W. J. Crysler	13 Aug. 1834.	Sir J. Colborne		175 8 10½	"	"	"	"
Prescott	Alpheus Jones	14 April 1832.	Sir P. Maitland		200 17 4½	"	"	"	Share of a seizure £97 12 4—Deputy Postmaster.
Maitland	Alexander McQueon	20 Nov. 1833.	Sir J. Colborne		34 19 8	"	"	"	No other
Brockville	R. D. Fraser	Febr. 1831.	"		132 15 0	"	"	"	"
Johnstown	John Webster	22 June 1833.	"		25 4 0	"	"	"	"
Gananoque	Ephraim Webster	31 May 1832.	"		21 4 7	"	"	"	"
Hallowell	Andrew Deacon	9 Jan. 1821.	Sir P. Maitland		91 8 9½	"	"	"	Share of seizure £69 15 3.
Kingston	Thomas Kirkpatrick	June 1828.	"		203 1 4	"	"	"	Com. Court of requests £27
Belleville	Henry Baldwin	25 " 1833.	Sir J. Colborne		90 0 0	"	"	"	

Collectors of Customs find security of £1000 Currency, and 2 sureties of £500 each—and as Collectors of Dusties on Hawkers and Pedlars Licenses further security of £100 and two sureties of £50 each.

Bath	C. McKenzie	27 April 1829	Sir P. Maitland		94 18 10½	None.	None	Not abs't	No other.
Port Hope	William Kingsmill	7 April 1834	Sir J. Colborne		98 17 9		None	"	"
Newcastle	B. McMahon	7 May 1834	"		72 6 10		None	"	"
Cobourg	Robert Brown	11 July 1835	"		102 10 0		None	"	"
Toronto	Thomas Carfrae	21 Sep. 1835	"		28 13 10½		None	"	
Penetanguishene	T. G. Anderson	1830	"		36 7 2½		Superin't Indian Dep't £216 14 4	"	P. M. Coldwater £2 14
Windsor	Henry Boys	10 Aug. 1833	"		54 7 0		Coroner Home District 2 11 9 Com'r Court Requests 3 3 0	"	No other.
Burlington	John Chisholm	1 April 1817	Lieu. Governor Gore		101 14 0		None	"	"
Burlington Canal	John Chisholm	27 Mar. 1828	Sir P. Maitland		84 6 7		None	"	"
Oakville	William Chisholm	19 Aug. 1834	Sir J. Colborne		52 17 0		None	"	Post Master, Oakville.
Chippawa	James Secord	23 July 1835	"		109 8 1½		Pension as disabled Captain, 1st Reg't Lincoln Militia, £18 st'g.	"	Share of Seiz. £19 2 3
Queenston	Robert Grant	27 April 1825	Sir P. Maitland		135 13 10		None	"	One third of all seizures and penalties.
Fort Erie	James Kerby	12 Sep. 1834	Sir J. Colborne		135 0 0		None	"	No other.
Dalhousie	John Clark	1835	"		77 16 3		None	"	"
Niagara	T. McCormick	11 Sep. 1820	Sir P. Maitland		109 4 9		None	"	One third of all seizures and penalties.
Dover	G. J. Ryerse	28 July 1821	"		94 10 0		None	"	No other.
Colborne	W. B. Shehan	13 June 1834	Sir J. Colborne		94 19 0		None	"	"
Stanley	John Bostwick	23 April 1834	"		108 0 0		None	"	"
Burwell	John Burwell	13 Aug. 1834	"		53 8 2		None	"	Proportion of seizure £125 7 6., ster'g.
Talbot	Mahlon Burwell	10 Jan. 1820	Sir P. Maitland		9 11 8		Register County Middlesex £169 13s	"	Postm'r £4 5 4
Turkey Point	James Mitchell	17 Feb. 1821	"		12 1 9		Vide page	"	No other.
Goderich	John Galt	11 Nov. 1834	Sir J. Colborne		23 0 1½		None	"	"
Sandwich	William Hands	6 Mar. 1809	Lieut. Governor Gore		55 0 5		Vide page	"	"
Amherstburgh	F. Caldwell	15 April 1831	Sir J. Colborne		87 16 6		None		
	Registrars of Counties.								
Prescott and Russell	R. P. Hotham	Nov. 1821	Sir P. Maitland		54 5 5	None.	Clk D. Court, Otta. Dis. £0 0 0 Surrog'e Registrar do. 0 0 0 Clerk of Peace do. 128 16 0	"	"
Glengarry	Walter Cameron	18 May 1833	Sir J. Colborne		45 0 0		None	"	"
Stormont and Dundas	Archibald McLean	10 Feb. 1817	Lieut. Governor Gore		73 19 7		Clk Peace, East'n Dis. £176 5 7 Surrog'e Regist'r do. 14 0 9 H. pay Captain late Incorporated militia 127 15 0	"	"
Lanark	G. T. Burke	1824	Sir P. Maitland		57 7 6		None	"	"
Carleton	Alex. McMillan	9 Dec. 1825	"		57 15 4½		Capt. on half pay £127 15 0 sterl'g	"	"
Grenville	John Patton	17 May 1830	Sir J. Colborne		103 15 5		None	"	Notary Public.
Leeds	Daniel Jones	10 Dec. 1825	Sir P. Maitland		182 11 3		None	"	"
Prince Edward	Allan McLean	4 June 1796	Lieut. Governor Simcoe		73 3 5		None	"	No other.
Frontenac	Allan McLean	4 June 1796	Lieut. Governor Simcoe		87 15 0				
Hastings					No return.				
Lennox & Addington					74 14 0				
Northumberland	G. S. Boulton	July 1828	Sir P. Maitland		180 0 0		None	"	"
Durham	Thomas Ward	15 Nov. 1808	Lieut. Governor Gore		171 0 0		Clk Peace, Newc'tle Dis. £162 st'g Surro. Judge do. 9	"	"
			Carried forward						

The duty of a Registrar of a County consists in registering all private conveyances, Mortgages, &c., of land in his county—Vide Provincial Act, 35 Geo. III, ch. 5.

DISTRICTS.	NAME.	Date of Appointment.	By whom appointed, and under what instrument.	Annual Salary in Sterling.	Amount of Fees during 1835, in Sterling.	Whether the principal be allowed a house, or what allowance, if any, for house rent.	Whether the office be held by principal in conjunction with any, and what other Civil, Military, or Naval Office, or appointment or place of profit in any Colony or on the establishment of the United Kingdom. If held by a Military or Naval Officer, upon full or half-pay, the total amount of pay, &c., of every kind rec'd in addition to the profits of his office	Period of absence during the year 1835	Whether the principal enjoy any, and what other advantage or profit, not required to be stated in the preceding columns.
				£ s. d.	£ s d.				
	Registrar of Counties.		Brought forward....	Fund					
York	Samuel Ridout	May 4, 1827	Sir P. Maitland		450 0 0	None	None	Not Absent	Agent for the officers of the Land granting Dep. £200
Simcoe	George Lount	Aug. 20, 1827			138 15 2		None		No other.
Halton	Thomas Racey	May 1, 1833	Sir John Colborne		157 9 9		None		No other.
Wentlworth	D. A. M'Nabb	April 12 1833			129 12 0		Vide page		No other.
Lincoln and Haldimand	John Lyons	May 12, 1827	Sir P. Maitland		297 0 0		None		No other.
Middlesex	Mahlon Burwell	Dec. 20, 1809	Lieut. Governor Gore		169 13 0		Vide page		No other.
Oxford	James Ingersoll	Nov. 12, 1834	Sir John Colborne		206 13 10		None		No other.
Norfolk	F. L. Walsh	April 4, 1810	Lieut.-Governor Gore		59 9 5		Registrar Surrogate, C. L. D. £6 7 8		No other.
Huron	R. G. Dunlop	May 30, 1835	Sir J. Colborne		45 0 0		Capt. H. P., R. N., 3s. 6d., stg ℔ day		No other.
Essex	James Askin	April 13, 1831			55 8 0		Surrogate Registar W. Dist. £10 12 9		No other.
Kent	William Jones	Dec. 15, 1829	Sir J. Colborne		93 10 4		Assistant Superintendent Indian Department...£111 8 6 stg. Capt. 1st Regiment Kent Militia		Justice of the Peace.
	Clerks of the Peace.								
Ottawa	R. P. Hotham	May, 1821	Sir P. Maitland		128 16 0	None	Vide page		No other.
Eastern	Archibald M'Lean	January, 1817	Lieut.-Governor Gore		176 5 7		Vide page		No other.
Johnstown	James Jessup	Sept. 15, 1830	Sir J. Colborne		181 7 0		None		No other.
Bathurst	G. H. Reade	Jan. 22, 1822	Sir P. Maitland		112 2 0		H. P. Apoth'y to the forces 5s ℔ diem		Coroner for the D. £2 2
Prince Edward	D. L. Fairfield	Feb. 21, 1834	Sir J. Colborne		No return		None		No other.
Midland	J. Nickalls	May 15, 1830			160 17 4		None		No other.
Newcastle	Thomas Ward	Mar. 15, 1808	Lieut.-Governor Gore		162 0 0		Vide page		No other.
Home	S. Washburn	1828	Sir P. Maitland		288 6 5½		None		No other.
Niagara	C. Richardson	Feb. 21, 1828			285 3 5		None		Commissioner for taking Affidavits, & Notary Public.
									No other.
Gore	Robert Berrie	May 18, 1829			225 0 0		None		Com. for taking Affid.
London	John B. Askin	Aug. 20, 1820			243 9 1		Clerk London District Court £67 16 9		Allowed for Office rent and stationery ℔ ann. £12 7 6 stg.
Western	Charles Askin	July, 1823			141 1 3		Clerk Western District Court £32 3 1		No other.
	Schoolmasters.								
Ottawa	Colin Gregory	June 1, 1833	Sir J. Colborne	B 90 0 0	29 14 0	None	None	Not absent	Presbyt'n M. Cornwall
Eastern	H. Urquhart	Jan. 3, 1827	Sir P. Maitland	B 90 0 0	67 10 0		None		No other.
Johnstown	John Smith, A. M	April 7, 1834	Sir J. Colborne	B 90 0 0	135 0 0		None		No other.
Bathurst	William Kay	July 1, 1835		B 90 0 0	54 0 0		None		No other.
Prince Edward	Moses Marcus	June 20, 1834		B 90 0 0	No return		None		No other.
Midland	George Baxter	January, 1836	Sir P. Maitland	B 90 0 0	114 10 6		None		No other.
Newcastle	W. Crofton	July 1, 1835		B 90 0 0	.....		None		No other.
Home	Rev. D. Macaulay	Mar. 16, 1835		B 90 0 0	161 11 7		None		No other.
Niagara	John Whitelaw, M. D	July 1, 1833		B 90 0 0	90 0 0		None		No other.
Gore	John Rae, A. M	Dec. 1834		B 90 0 0	97 4 0		None		No other.
London	Eli Chadwick	Jan. 1, 1827	Sir P. Maitland	B 90 0 0	49 10 0		None		No other.
Western	Rev. W. Johnson	Jan. 1, 1828		B 90 0 0	33 14 0		Missionary, Sandwich, £100		No other.
			Total Civil Establishment	£14,159 10 0					

	JUDICIAL ESTABLISHMENT.								
	Court of King's Bench.			Fund					
Chief Justice	*John B. Robinson	July, 1829	H. M. Mandamus & Great Seal Commis.,	B 1500 0 0	No fees,	None	Vide page	Not absent.	No other
Judge	*L. P. Sherwood	Oct., 1825		B 900 0 0			None.		No other.
"	J. B. Macaulay	July, 1829		B 900 0 0			Reduced Lieutenant, Glengarry Regiment, but does not receive the half pay.		No other.
Keeper of the Court	J. Bridgeland	July, 1819	Sir P. Maitland	B 18 0 0			None.		No other.
Usher	Thomas Phipps		Sir J. Colborne	B 18 0 0			"		No other.
Reporter	W. H. Draper			B 90 0 0			"		No other.
	Crown Officers.								
Attorney General	*R. S. Jameson	21 June, 1833	H. M. Mandamus & Great Seal Commis.	B 675 0 0			No other.	Not absent.	No other
Solicitor General	*C. A. Hagerman	July, 1829		B 337 10 0			"		No other.
	Crown Office.								
Clerk of the Crown and Pleas	*C. C. Small	10 Aug. 1825	Sir P. Maitland, G't Seal Commission,	† 100 0 0	1264 13 11		None.	Not absent.	No other
	⊙ *Court of Probate.*								
Official Principal	*Grant Powell	April, 1813	Sir R. Sheaffe,		65 2 0		Vide page	Not absent.	No other
Registrar	James Fitzgibbon	8 Sept. 1828	Sir P. Maitland		68 18 0		"		No other.
Districts.	*Judges of District Courts.*								
Ottawa	*George S. Jarvis	21 Dec., 1825	Sir P. Maitland		4 10 0		Reduced Lieutenant 104th Regiment, 4s. 6d per day.	Not absent.	No other
Eastern	David Jones	23 Dec. 1826			No return		None.		No other.
Johnstown	*Jonas Jones	Nov. 1826			177 6 0		Judge Bath't Dis. Court £86 19 3 " Midland " 212 4 9 Sur. Judge. Johnst'n D't 13 10 0		No other.
Bathurst	*Jonas Jones	6 Dec. 1822			86 19 3		As above,		No other.
Prince Edward	*D. Bethune	15 Mar. 1834	Sir J. Colborne		81 17 6½		None.		No other.
Midland	*Jonas Jones	31 Dec. 1825	Sir P. Maitland		212 4 9		As above.		No other.
Newcastle	*W. Fulknor	1828			386 5 2		None.		No other.
Home	*Grant Powell	Nov. 1818			322 13 0		Vide page		No other.
Niagara	*Geo. Ridout	May, 1828			No return		None.		No other.
Gore	Thomas Taylor	4 Nov., 1819			135 0 0		Surrog. Judge, Gore District £36 half pay Lieutenant, 41 Regim't		No other.
London	*Wm. Young	17 June, 1835	Sir J. Colborne		33 16 0		None.		Com. of Cus. £116
Western	*Charles Eliot	9 Mar., 1833			9 10 0		Lieutenant half pay 43rd Regiment £72.		& Just. of Peace.

† This has been withheld by the Legislature since 1831.

⊙ The Court of Probate was established by authority of the Provincial Act 33. Geo. 3. Chap. 8.—For the duties of the Officers of the Court, vide the said act.

* The Clerk Crown and Pleas is obliged by law to provide an Office and Deputy in every District, and to defray the expenses from his own fees.

DISTRICTS.	NAME.	Date of Appointment.	By whom appointed, and under what authority.	Annual Salary in Sterling.	Amount of fees during 1835, in sterling.	Whether the Principal be allowed a house, or what allowance, if any, for house rent.	Whether the office be held by Principal in conjunction with any, and what other civil, military or naval office or appointment, or place of profit in any colony, or on the establishment of the United Kingdom. If held by a military or naval officer, upon full or half pay, the total amount of pay, &c. of every kind received in addition to the profits of his office.	Period of absence during the year 1835.	Whether the Principal enjoy any, and what other advantage or profit, not required to be stated in the preceding column.
	Clerks of District Courts.			£ s d Fund.	£ s d				
Ottawa	R. P. Hotham	1835	Sir J. Colborne			None	Vide page.	Not absent.	No other.
Eastern	George Anderson	Nov. 17, 1809	Lieut. Gov. Gore		135 9 0		None.	"	No other.
Johnstown	T. D. Campbell	May 13, 1816	"		123 14 0		None.	"	Justice of the Peace.
Bathurst	C. H. Sache	Jan. 3, 1823	Sir P. Maitland		102 10 0		Lieut. on half pay, 76th Reg't., 4s. 6d., per day.	"	No other.
Prince Edward	Thomas Nash	Mar. 22, 1834	Sir J. Colborne		65 15 6		None.	"	No other.
Midland	Alexander Pringle	Sep. 10, 1815	Lieut. Gov. Gore		282 15 7		None.	"	Com'r of Customs.
Newcastle	Elias Jones	Mar. 15, 1809	"		399 0 2		Vide page.	"	No other.
Home	H. C. Heward	Nov. 22, 1832	Sir J. Colborne		340 3 1		None.	"	No other.
Niagara	Johnson Clench	Nov. 28, 1828	Sir P. Maitland		92 14 0		None.	"	No other.
Gore	John Law	Oct. 4, 1823	"		171 0 0		None.	"	No other.
London	John B. Askin	Aug, 3, 1820	"		67 16 9		Vide page.	"	No other.
Western	Charles Askin	July, 1823	"		32 3 1		Vide page.	"	No other.
Districts.	*Judges of Surrogate Courts*								
Ottawa,	*David Pattie	Mar. 28, 1816	Lieut. Gov. Gore				None.	"	No other.
Eastern	*John McDonald	May 31, 1833	Sir J. Colborne		13 15 10		None.	"	No other.
Johnstown	*Jonas Jones	Dec. 31, 1825	Sir P. Maitland		13 10 0		Vide page.	"	No other.
Bathurst	*E. J. Hubbell	Dec. 5, 1835	Sir J. Colborne				None.	"	No other.
Prince Edward	*S. Washburn	Mar. 15, 1834	"		12 0 0		None.	"	No other.
Midland	*Thomas Markland	June 10, 1830	"		14 3 10		None.	"	No other.
Newcastle	*Thomas Ward	Aug. 6, 1824	Sir P. Maitland		9 0 0		Vide page.	"	No other.
Home	*W. W. Baldwin	Dec. 26, 1816	Lieut. Gov. Gore		No return.		None.	"	No other.
Niagara	*Warren Claus	July 25, 1835	Sir J. Colborne		No return.		None.	"	No other.
Gore	*Thomas Taylor	1821	Sir P. Maitland		36 0 0		Vide page.	"	No other.
London	*James Mitchell	May 1, 1814	Lieut. Gov. Gore		27 0 0		Vide page.	"	No other.
Western	*William Hands	Dec. 20, 1824	Sir P. Maitland		15 9 0		Vide page.	"	No other.
Districts.	*Registrars of Surrogate Courts.*								
Ottawa	R. P. Hotham	May, 1821	Sir P. Maitland				Vide page.	"	No other.
Eastern	Archibald McLean	April 3, 1817	Lieut. Gov. Gore		14 0 9		Vide page.	"	No other.
Johnstown	George Malloch	Aug. 17, 1820	Sir P. Maitland		7 8 0		None.	"	No other.
Bathurst	Joseph Taylor	June 24, 1830	Sir J. Colborne		5 15 6		None.	"	No other.
Prince Edward	P. F. McCuaig	May 21, 1834	"		18 6 0		None.	"	No other.
Midland	Isaac Fraser	Sep. 8, 1828	Sir. P. Maitland		27 0 0		None.	"	No other.
Newcastle	M. F. Whitehead	Aug. 25, 1824	"		18 0 0		None.	"	No other.

The duty of the Surrogate Judge is to grant Probates of Wills and Letters of administration to intestate effects in the respective Districts alone. The Court of Probate bears jurisdiction throughout the Province.—Vide Provincial Act, 33 Geo. III, ch. 8.

Home	William Chewitt	Jan. 1, 1800	Lieut.-Governor Hunter		53 12 10	None	Pension for fifty-eight years service in the Surveyor-General's Office, £360, sterling	Not Absent	No other.
Niagara	C. B. Secord	Sept. 24, 1833	Sir John Colborne		63 17 2		None		Notary Public
Gore	George Rolph	1816	Lieut.-Governor Gore		31 10 0		None		No other.
London	F. L. Walsh	May 29, 1810			6 7 8		Vide page		No other.
Western	James Askin	Feb. 14, 1825	Sir P. Maitland		10 12 9		Vide page		No other.
				4538 10 0					
	INDIAN DEPARTMENT								
Chief Superintendent	James Givens	April 13, 1830	Sir J. Colborne	371 10 8	No fees	None	None	Not absent	No other.
Superintendent	J. B. Clench			216 14 4			None		No other.
Superintendent	T. G. Anderson			216 14 4			Vide page		No other.
Superintendent	George Ironside			216 14 4			None		No other.
Superintendent	James Winniett			216 14 4			None		No other.
Assistant Superintend't	William Jones			111 8 6			Vide page		No other.
	This Department paid out of the Military Chest.			1349 16 6					
	MILITIA.								
Adjutant-General	Nathaniel Coffin	Mar. 25, 1815	Lieut.-Governor Gore	Fund B 328 10 0	No fees	None	Ensign Half-pay, 15th foot, £33 9 10	Not absent	No other.
Assistant ditto	Walter O'Hara	June 14, 1827	Sir P. Maitland	B 180 0 0			None		No other.
	This office included in the miscellaneous expenditure of the Province.		Total	508 10 0					

ECCLESIASTICAL ESTABLISHMENT.

	Fund	£	s.	d.
Salary of the Archdeacon of York	E	300	0	0
Salary of the Archdeacon of Kingston	E	300	0	0
Salary of the Roman Catholic Bishop	K	500	0	0
† The Ministers of the Church of England	E & K	6724	11	8
† The Ministers of the Church of Scotland	K	1586	0	0
† The Ministers of the Roman Catholic Church	K	1000	0	0
† The Ministers of the Presbyterian Synod of Upper Canada	K	699	19	9

Contingent Expenses.

	Fund	£	s.	d.			
Repairs and improvement of Glebes	E	118	18	2			
Amount refunded to the Bishop of Quebec, so much over-paid by him to the Receiver-General	E	14	8	5			
Contingencies of the Clergy Corporation	E	41	11	9			
To aid in Building Roman Catholic Chapels	K	171	0	0			
To aid in Building Presbyterian Churches	K	550	0	0			
House Rent of the Bishop of Quebec	K	180	0	0			
					1,075	18	4
Total					12,246	9	9

For further details of the items marked thus (†) vide Ecclesiastical Return, No. 13.
Those Clergymen of the Church of England who received £170 each, were paid £100 from Clergy Fund E, and £70 from K. Those who received £100 were paid entirely from E. The whole am't from E, was £4440, and from K, £2,344 11s. 8d. The Presbyterian Ministers of the Church of Scotland received £57 each, and those of the United Synod of Upper Canada, £63 10s, each.
N. B. The Return of the Secretary to the Clergy Corporation is entered in the Civil Establishment, Page

LIST OF OFFICERS.

NAMES.	OFFICE.	PAGE.
	A	
Anderson, Thomas G..	Collector of Customs, Penetanguishene, &c.	13
Askin, James.....	Registrar, County of Essex.	14
Askin, John B.....	Clerk of the Peace, London Dis. &c.	1b
Askin, Charles.....	do. do. Western Dis. &c.	1b
Anderson George.....	Clerk, Eastern District Court.	16
	B	
Beeston, Edward.....	Clerk, Crown Land Office.	10
Beeston, Arthur.....	do do.	1b
Baby, Raymond.....	2nd Clerk, Inspector General's Office.	1b
Baines, Thomas.....	Secretary to the Clergy Corporation.	1b
Beikie, John.....	Clerk to the Executive Council.	11
Boulton, D'Arcy.....	Master in Chancery, Leg. Council.	1b
Bidwell, Marshall S...	Speaker, House of Assembly	1b
Bell, Eneas.....	Messenger, do. do.	1b
Bullock Richard.....	Sheriff, Prince Edward District.	1b
Baldwin, Henry.....	Collector of Customs, Belleville.	12
Brown, Robert.....	" " Cobourg.	13
Boys, Henry.....	" " Windsor.	1b
Bostwick, John.....	" " Stanley.	1b
Burwell, John.....	" " Burwell.	1b
Burwell, Mahlon.....	" " Talbot.	1b
Burke, Geo. T.....	Registrar, County of Larark.	1b
Boulton, Geo. S.....	" " Northumberland.	1b
Berrie, R.....	Clerk of the Peace, Gore District.	14
Baxter, George.....	Schoolmaster, Midland District.	1b
Bridgeland, J.....	Keeper Court of King's Bench.	15
Bethune, Donald.....	Judge, Prince Edward Dis. Court.	1b
Baldwin, W. W.....	Surrogate Judg, Home District.	16
	C	
Colborne, Sir John....	Lieutenant Governor, &c.	9
Chewett, J. G.....	Chief Draftsman, Sur. Gen's Office.	1b
Caldwell, J. M.....	Assistant Clerk.	1b
Cameron, Duncan.....	Secretary & Registrar.	10
Carfrae, Hugh.....	Doorkeeper, Executive Council, &c.	11
Cameron, John.....	Collector of Customs, River Raisins.	12
Crysler, W. J.....	" " Cornwall.	1b
Carfrae, Thomas.....	" " Toronto.	13
Chisholm, John.....	" " Burlington &c	1b
Chisholm, William ...	" " Onkville.	1b
Clark, John.....	" " Dalhousie.	1b
Caldwell, Francis.....	" " Amherstburgh	1b
Cameron, Walter.....	Registrar, County of Glengarry.	1b
Cotton, W.....	Schoolmaster, Newcastle District.	14
Chadwick, Eli.....	" London District.	1b
Campbell, T. D.....	Clerk, Johnstown District Court.	16
Clench, Johnson.....	" Niagara "	1b
Claus, Warren.....	Surrogate Judge, Niagara District.	15
Chewett, William.....	Surrogate Registrar, Home District.	16
Clench, J. B.....	Superintendant, Indian Department.	17
Coffin, Nathaniel	Adjutant General of Militia.	1b
	D	
Dunn, John Henry....	Receiver General.	
Durnford, Philip.....	Clerk. Surveyor General's Office.	9
Deacon, Andrew	Collector of Customs, Hallowell.	1b
Dunlop, R. G	Registrar, County of Huron.	12
Draper, Wm. H.....	Recorder, Court of King's Bench.	14
	E	
Eliot, Charles.....	Jugde, Western District Court.	15
Ecclesiastical Estab'mt		20
	F	
Fitzgibbon, James	Clerk, House of Assembly, &c.	11
Fraser, Richard D....	Collector of Customs, Brockville.	12
Fairfield, David L....	C'k of the Peace, Prince Edward Dis.	14
Falknor, William.....	Judge, Newcastle District Court.	15
Fraser, Isaac.....	Surrogate Registrar, Midland Dis.	16

NAMES.	OFFICE.	PAGE.
	G	
Gifford, Arthur.....	2nd Clerk, Lieut. Governor's Office.	9
Grant, Robert.....	Collector of Customs, Queenston.	12
Gault, John.....	" " Goderich.	13
Gregor, Colin	Schoolmaster, Ottawa District.	14
Givens, James	Superintendent, Indian Department.	17
	H	
Hurd, S. P.	Surveyor General.	9
Hamilton, Alexander..	Sheriff, Niagara District.	11
Hubbs, Adam	Insp'r of Licenses, Prince Edward Dis.	12
Hands, William.....	" " Western "	12
Hotham, Richard P...	Registrar, Co. of Prescott & Russell &c.	13
Hagerman, Chris. A...	Solicitor General.	15
Heward, Henry C.....	Clerk Home District Court.	16
Hubbell, E. J.	Surrogate Judge, Bathurst District.	1b
	J.	
Jarvis, Samuel P.....	Deputy Secretary and Registrar, &c.	10
Jarvis, Stephen.....	Gent. Usher of Black Rod Leg. Coun.	11
Jarvis, Wm. B.	Sheriff, Home District.	1b
Jarvis, Wm. M.....	do. Gore District.	1b
Jones, Elias.....	Insp'r of Licenses, Newcastle Dis. &c.	12
Jordan, John.....	" " Niagara District.	1b
Jones, Alpheus.....	Collector of Customs, Prescott.	1b
Jones, Daniel	Registrar, County of Leeds.	13
Ingersoll, James.....	" " Oxford.	14
Jessup, James.....	" " Kent, &c.	1b
Johnson, Rev. W.....	Clerk of the Peace, Johnstown District.	1b
Jameson, Robert S....	Schoolmaster, Western District.	1b
Jarvis, George S.....	Attorney General.	15
Jones, David.....	Judge, Ottawa District Court.	1b
Jones, Jonas.....	" Eastern "	1b
Ironside, George.....	" Johnstown " &c.	1b
	Superintendent, Indian Department.	17
	K	
Kirkpatrick, Thomas..	Collector of Customs, Kingston.	12
Kingsmill, William....	" " Port Hope.	13
Kerby, James.....	" " Fort Erie.	1b
Kay, William.....	Schoolmaster, Bathurst District.	15
	L	
Lizars, Henry.....	Assistant Draftsman, Sur'r Gen's Office.	9
Lee, Wm. Henry.....	1st Clerk, Executive Council.	11
Lesslie, Anthony.....	Inspector of Licenses, Bathurst District.	12
Lount, George	Registrar, County of Simcoe.	13
Lyons, John	" " Lincoln & Haldimand.	14
Law, John.....	Clerk Gore District Court.	16
	M	
McMahon, Edward ...	Chief Clerk, Lieut. Governor's Office.	9
McDonell, James.....	3rd " " "	1b
Markland, George	Inspector General of Public Accounts.	10
McNabb, David A....	Sergeant at Arms, House of Assembly.	11
McLennan, H.....	Doorkeeper " "	1b
McDonald, Donald....	Sheriff, Eastern District.	1b
McLean, John	" Midland.	1b
McDonald, D.	Inspector of Licenses, Ottawa District.	12
McDonell, Alexander..	" " Home.	1b
Mitchell, James	" " London Dis. &c.	1b
McQueen, Alexander..	Collector of Customs, Maitland.	12
McKenzie, Colin.....	" " Bath.	12
McMahon, Bernard...	" " Newcastle.	1b
McCormick, Thomas..	" " Niagara.	1b
McLean, Archibald ...	Registrar, Co's of Stor,t & Dundas, &c.	13
McMillan, A.	" County of Carleton.	1b
McLean, Allan.....	" " of Prince Edward, &c.	1b
Marcus, Moses.....	Schoolmaster, Prince Edward District.	14
Macaulay, Rev. D.....	" Home District.	1b
Macaulay, James B. ..	Judge, Court of King's Bench.	15
McDonald, John.....	Surrogate Judge, Eastern District.	16

NAMES.	OFFICE.	PAGE.
Markland, Thomas ...	Surrogate Judge, Midland District.	16
Mulloch, George.....	Surrogate Registrar, Johnstown Dis't	Ib
McCuaig, P. F.	" Prince Edw. District.	Ib
	N	
Nation, James.....	1st Clerk Inspector General's Office.	10
Nickells, James	Clerk of the Pence, Midland District.	14
Nash, Thomas	Clerk of the Peace, Prince Ed. Dis.	14
	O	
O'Harn, Walter	Assistant Adj't General of Militia.	17
	P	
Powell, Grant.....	Clerk Legislative Council, &c.	11
Phillips, Rev. T.	Chaplain Legislative Council.	Ib
Powell, John A. H....	Sheriff Bathurst District.	Ib
Patton, John.....	Registrar, County of Grenville.	13
Phipps, Thomas.....	Usher, Court of King's Bench.	15
Pringle, Alexander....	Clerk, Midland District Court.	16
Pattie, David	Surrogate Judge, Ottawa District.	Ib
Pensions.....		
	Q	
	R	
Rowan, William.....	Private Secretary to the Lt. Gov.	9
Rose, Walter	2nd Clerk, Receiver Genl's Office.	Ib
Rudenhurst, John.....	1st Clerk, Surveyor do.	Ib
Robinson, Peter	Commissioner of Crown Lands, &c.	10
Robinson, John B.....	Speaker Legislative Council, &c.	11
Ruttan, Henry	Sheriff, Newcastle District.	Ib
Rapelje, A. A.	Sheriff, London District.	Ib
Reynolds, Ebenezer ...	Sheriff, Western District.	Ib
Ryerse, George J.....	Collector of Customs, Dover.	13
Ridout, Samuel	Registrar, County of York.	14
Racey, Thomas	Registrar, County of Halton.	Ib
Reade, G. H.....	Clerk of the Peace, Bathurst Dis.	Ib
Richardson, Charles ..	Clerk of the Peace, Niagara District.	Ib
Rae, John.....	Schoolmaster Gore District.	Ib
Ridout, George.....	Judge Niagara District Court.	15
Rolph, George	Surrogate Registrar, Gore District.	17
Recapitulation of the establishment.....		
	S	
Sprague, William.....	Extra Clerk, Surveyor Genl's Office.	9
Shirreff, Charles.....	Col'r dues on Crown Timber, Bytown.	
Stanton, Robert	Printer to His Majesty.	10
Strachan, John.....	Executive Councillor.	Ib
Stanton, James.....	2nd Clerk, Executive Council.	Ib
Sherwood, Adiel.....	Sheriff, Johnstown District.	11
Sampson, James.....	Inspector of Licenses, Midland District.	12
Secord, James	Collector of Customs, Chippawa.	13
Sheehan, William B...	Collector of Customs, Colborne.	Ib
Smith, John	Schoolmaster, Johnstown District.	14
Sherwood, Levius P...	Judge, King's Bench.	15
Small, Charles C.....	Clerk of the Crown and Pleas.	Ib
Sache, C. H.	Clerk, Bathurst District Court.	16
Secord, C. B.....	Surrogate Registrar, Niagara District.	Ib
	T	
Turquand, Bernard ...	1st Clerk, Receiver General's Office.	9
Thornhill, Richard....	Clerk, Crown Land Office.	10
Tod, Andrew	Clerk, Crown Land Office.	Ib
Treadwell, C. P.....	Sheriff, Ottawa District.	14
Taylor, Thomas	Judge, Gore District Court &c.	15
Taylor, Joseph	Surrogate Registrar, Bathurst District.	16
	U.	
Urquhart, H.....	Schoolmaster, Eastern District.	14
	V	
Vankoughnet, Philip ..	Inspector of Licenses, Eastern District.	12
	W	
Wells, Joseph.....	Executive Councillor.	10
Weatherhead, John ...	Inspector of Licenses, Johnstown Dist.	12
Willson, John.....	Inspector of Licenses, Gore District.	Ib
Webster, John	Collector of Customs, Johnstown.	Ib
Webster, Ephraim....	Collector of Customs, Gananoqui.	Ib
Ward, Thomas.....	Registrar, County of Durham, &c.	12
Walsh, F. L.	Registrar, County of Norfolk.	14
Washburn, Simon.....	Clerk of the Peace, Home District.	Ib
Washburn, Simeon....	Schoolmaster, Niagara District.	Ib
Whitelaw, J.....	Surrogate Judge, Prince Edward Dist.	16
Whitehead, M. F.	Surrogate Registrar, Newcastle District.	Ib
Winniett, James.....	Superintendent, Indian Department.	17
	X	
	Y	
Young, William	Judge, London District Court.	15

No. 10.

PENSIONS payable out of the Revenue of the Colony.

NAMES OF THE PARTY.	Amount.				Authority under which granted.	Service for which granted.
	Fund	£	s.	d.		
Right Rev. Alex. M'Donell, (Bishop of Regiopolis).....	K	100	0	0	Lords of the Treasury, 1834....	Formerly paid in England.
Captain William Jarvis.....	K	103	16	11	L. Bathurst's Despatch, June 8, '13	Of the late incorporated Militia—disabled in action with the enemy.
Lieutenant Daniel M'Dougall.....	K	72	13	10	Ditto ditto ditto	
Sir David William Smith.....	K	200	0	0	His Majesty.....	Late Surveyor-General.
Hon. Thomas Talbot.....	K	400	0	0	His Majesty.....	For his services and expenses in forming certain settlements in this province.
William Chewitt, Esq.....	K	360	0	0	S. of State's Despatch, June 11, '30	Late acting Surveyor General.
Family of the late Major Gen. Shaw.	K	100	0	0	His Majesty.....	
Oneida Joseph, Indian Chief.....	K	15	0	0		
36 Militia Pensioners and 14 Widows of Militia as per Schedule on the following page, at £18, st'g., each	B	900	0	0	Provincial Statute.....	Disabled in the late war and widows of those killed.
Total.....		2251	10	9		

SCHEDULE OF MILITIA PENSIONS.

Ebenezer Avery Andrew Borland Stephen Bullard John Connell George Campbell Joshua Y. Cozens Nathan S. Coho Richard D. Drake Lawrence Furry George Hutchinson Richard Hull Robert Kirkpatrick Andrew Kennedy William Laughton John M'Donell Elijah Mudge William Maltimore Charles M'Kinnon Farquhar McBain William M'Mullin John Mitchell Philip Petrie Michael Reaume Thomas Ross Isaac Roll Thomas Smith Thomas Silverthorne Thomas Serves Donald M'Dermid John Seelye Joseph Shepard Jacob Snyder James Secord Samuel Weir Joseph Wheaton Zachariah Warner 36.	£18 sterling, each, ℔ annum	WIDOWS. Mary Adams Margaret Booth Elizabeth Coughill Jerusha Detlor Mary Grass Margaret Green Jane Jones Susannah McDonell, Mary M'Lean Marie Angelique Rabbio Cecil Reaume Sarah Roberts Ann Turney Elizabeth Saunders 14.	£18 sterling, each, ℔ annum.

No. 11.

RECAPITULATION OF THE ESTABLISHMENT.

	£	s.	d.
Civil Establishment	14159	10	0
Contingent Expenditure,	4754	11	9
Judicial Estalbishment,	4538	10	0
Contingent Expenditure,	792	4.	9
Ecclesiastical Establishment,	11170	11	5
Contingent Expenditure	1075	18	4
Miscellaneous Expenditure,	*183415	11	9.
Pensions,	2251	10	9.
Total, £	222158	8	9.

* The Adjutant General's of Militia's Office is included in this sum.

No. 12.

POPULATION.

RETURN of the Population, and of the Marriages, Births, and Deaths.

DISTRICTS.	Area in square miles	TOTAL.	Free Blacks.		Slaves.		TOTAL.		Aliens and resident strangers.	Population to the square mile.	Persons employed in			Births.	marriages	Deaths.
			Males.	Females.	Males.	Females.	Males.	Females.			Agriculture.	manufacturs	Commerce.			
Ottawa		7044	The Black population is not distinguished from the White in this Return.		The Laws of the Province do not tolerate Slavery.				There are no police regulations, or other means of ascertaining the number of these.	Cannot be ascertained.	Cannot be ascertained.	Cannot be ascertained.	Cannot be ascertained.	There are no parochial or other registers in the Province by which this can be ascertained.		
Eastern,		29119														
Johnstown,		28504														
Bathurst,		22693														
Prince Edward,		12320														
Midland,		34365														
Newcastle,		30245														
Home,		47543														
Niagara,		22735														
Gore,		40156														
London,		41241														
Western,		14496														
	Total ...	336461														

N. B. The above Return is extracted from one annually sent in for the information of the Legislature, and which is the only source from whence the information can be procured.

No. 13.

ECCLESIASTICAL RETURN.

Blank forms of Return are sent annually to each of the Clergymen, of which in many cases no notice is taken, and the information given by some is so vague and unsatisfactory, that it cannot be inserted with any propriety in the Blue Book.

RETURN of the number of Churches, Livings, &c.

	Name of Mission.	Population.	Name of Missionary, and value of the Living.	£s'g	Parsonage Houses.	Glebes.	Church where situated, and number of persons it will contain.		Number generally attending.	Chapel where situated and number of persons it will contain.		No. generally attending.	Protestant or Roman Catholic	Parsonage Houses.	Dissenting Places of Worship.	Remarks.
Eastern.	Cornwall	5000	G. Archbold	170	1	.....	Town Cornwall.	400	250	Cornwall	250	.....	Protes't.			The Area of the several Townships is nearly the same about 12 miles by 10, and include for the most part several stations where Divine service is performed either in School Houses or private ones.—The first column contains the Missionary's principal station, where service is regularly performed. With respect to the other places, the weather determines the Missionary, the distance to be travelled being in some instances great. The Glebes are for the most part wild; a few are beginning to yield some profit. *There are 95 Wesleyan Methodist Preachers,—five Primitive methodist preachers and from 55 to 60 Baptist Ministers,—besides Menonist, Tunkers, Quakers, and other sects. the number of whom cannot be ascertained.
	Williamsburgh	4744	J. G. B. Lindsay	127 10	1	4	Williamsburgh	300	100	Matilda / Edwardsburgh	500 / 300	130 / 50	"	....	4	
Johnstown.	Oxford	2800	H. Patton	170	.....	several	Kemptville	250	150	Marlboro' / Merrickville	225 / 300	70 / 80	"	....	3	
	Augusta	5000	R. Blakey	170	.....	2	Prescott	250	200	Maitland	350	55	"	....	2	
	Elizabethtown	....	W. H. Gunning	170	.....	.....	Elizabethtown	120	90	.....	....	.....	"	....	several	
	Brockville	1735	E. Denroche	100	1	2	Brockville	400	200	.....	....	.....	"	....	1	
Bathurst.	Beckwith	....	Jonathan Short	100												
	Lanark	Uncertain	E. J. Boswell	170	.....	.....	Carleton Place,	400	300	.....	....	.....	"	....	2	
	March	Uncertain	J. Padfield	100	.....	.....	Horaceville	.....	50	School Houses in Huntley and Goulburn	190	.....	"			
	Perth	6270	M. Harris	170	.....	.....	Perth	400	300	Drummond	175	70	"			
Midland and Prince Edward.	Tyendinaga	Uncertain	S. Givins	170	1	several	Tyendinaga	200	135	Napanee	200	80	"			
	Hallowell	4000	W. Macaulay	170	.....	.....	Picton	500	150	.....	....	.....	"	....	4	
	Murray	2000	John Grier	170	.....	.....	Murray	200	70	River Trent	100	70	"			
	Belleville	....	Thomas Campbell	170	dead											
	Adolphustown	5400	Job Deacon	170	.....	3	St. Paul's, Adolp'town	200	32	Fredericksb'h / Marysburgh	240 / 200	28 / 100	"	....	4	
	Bath	....	John Stoughton	170	dead											
	Kingston	5000	G.O.Stuart,D.D. the Archdeacon.	470	.....	1	St. George's Kingston.	900	400	.....	....	.....	"	....	3	
Newcastle.	Peterboro'	5000	R. H. D'Olier	100	.....	2	Peterboro'	500	150	.....	....	.....	"	....	5	
	Cavan	1500	S. Armour	170	.....	2	Cavan	300ea	200ea	School Houses	....	100	"	....	5	
	Port Hope	3400	James Coghlan	170	1	several	Port Hope	250	100	School Houses	.....	75	"	....	3	
	Cobourg	6000	A. N. Bethune	170	1	1	Cobourg	400	300	School Houses	.....	60	"	....	1	
Home.	Toronto City	10,000	J. Strachan, D.D. Archdeacon.	500	.....	4	City of Toronto	3000	1500	8 Miles distant	350	220	"	....	several	
	Toronto Township	7000	James McGrath	127 10	.....	1	Springfield	350	195	Toronto(t'nship)	250	250	"	....	5	
	Etobicoke	....	T. Phillips, D. D.	140	Includ'g 15's rent of parsonage of O. C., 4th June, 1835.		Mimico.									
	Markham	4582	V. P. Mayhoffer	100	1	1	Markham	200	125	Vaughan	150	75	"	....	several	
	Vaughan	Uncertain	George Mortimer	100	.....	1	Thornhill	.....	135	.....	....	.....	"	....	3	
Gore.	Hamilton	....	J. G. Geddes	100	No return	No return	Church Building						"			
	Ancaster	Uncertain	J Miller	170	1	6	Ancaster	250	56	Dundass / Flamboro' W.	150 / 80	60 / 45	"	....	several	
	Glandford	....	James Ussher	100	No return	No return										
	Guelph	2600	A. Palmer	100	1	1	Guelph	400	200	Eramosa	1	100	"			
	Brantford	Uncertain	R. Lugger	.....	1	.....	Mohawk Village	250	250	....	....	....	"			
	Nelson	....	F. Mack	100	No return	No return	Welling'n square									
Niagara.	Niagara	3600	Thomas Creen	170	.....	2	Niagara	500	350	Queenston	250	200	"	....	3	
	Grimsby	1844	G. A. Grout	170	.....	5	Grimsby	225	130	sch'l houses at Clinton & Saltfleet.	....	50	"	....	2	
	Chippawa	Uncertain	W. Leeming	170	.....	1	Chippawa	225	125	Stamford	200	125	"	....	5	
	Waterloo	....	J. Anderson	170	No return	No return	Waterloo.									
	St. Catharines	3500	J. Clarke	170	.....	1	St. Catharines	300	150	Several sch'l houses	....	80	"	....	2	
London.	St. Thomas	....	M. Burnham	170	.....	.....	St. Thomas	200	120	Dunwich	120	80	"			
	Delaware	1560	R. Flood	100	1	1	Delaware	200	60	Carradoc	....	60	"	....	several	
	Woodhouse	Uncertain	F. Evans	170	1	3	Woodhouse	250	150	School Houses	....	....	"	....	several	
	London	5000	B. Cronyn	100	.....	several	London	480	200	London township	350	250	"	....	2	
	Adelaide	1001	D. E. Blake	100	1	1	Adelaide	200	100	Katesville	200	100	"	....	several	
	Blandford	Uncertain	W. Betteridge	100	1	3	Woodstock	400	300	.....	....	....	"	....	1	
Western.	Amherstburgh	2700	R. Rolph	200	.....	.....	Amherstburgh	300	100	Colchester	200	30	"	....	4	
	Sandwich	2643	W. Johnson	100	.....	.....	Sandwich	350	150							
	Chatham	....	T. Morley	dead												
	Warwick	....	J. Radcliff	100	No return	No return							"			

PRESBYTERIAN CLERGY.

Name of Mission.	Populat'n	Name of Minister.	Value of Mission £ Sterl'g	Church where situated.	No. it will contain	No. generally att'g.	REMARKS.
Aldborough	2872	Alex. Ross	150	Aldborough	600	250	
Niagara	.....	R. McGill					
Amherstburgh	2038	George Cheyne	60	Amherstburgh	200	60	
Guelph	.....	James Smith					
Galt	.....	William Stewart					
Vaughan	600	P. McNaughton	120	Vaughan	250	175	
Dundas	.....	M. Y. Starke	54	Ancaster & Dundas	400	180	
Hamilton	3000	Alex. Gale	147	Hamilton	300	200	
Williamstown	.....	J. McKenzie					
Martintown	.....	Archibald' Connell					
Cornwall	.....	H. Urquhart					
Lancaster	.....	A. McNaughton					
Kingston	860	John Machar	257 9	Kingston	700	500	In connexion with the Church of Scotland.—They each received £57 sterling from Government.
Belleville	.....	James Ketchun					
Peterboro'	.....	J. M. Roger					
Bytown	uncertain	J. Cruickshank	147	Bytown	282	200	
Perth	.....	T. C. Wilson					
Lanark	.....	W. McAllister					
Beckwith	1794	John Smith	102	Beckwith	500	300	
Emsley	uncertain	G. Romanes	106 10	Smith's Falls	500	500	
Newmarket	.....	Henry Gordon					
Esquesing	840	P. Ferguson	60	Esquesing	400	250	
Toronto	uncertain	W. Rintoul	120	Streetsville	300	200	
Ramsay	2000	J. Fairbairn	93	Ramsay, (unfin'd)	400	.....	
Brockville	.....	W. Smart					
Fredericksburgh	2594	R. McDowall	.....	Fredericksburgh	200	150	
Prescott	.....	Robert Boyd					
Beckwith	.....	G. Buchanan					
Lanark	.....	J. Gemmill					Not in connexion with the Church of Scotland. They each received £63 10s. sterling from Government.
Nelson	.....	Wm. King					
Osnabruck	.....	Robert Lyle					
Toronto	.....	Andrew Bell					
Mount Pleasant, Gore District.	550	J. Bryning	80	Mount Pleasant	250	150	
Clinton	2105	G. McClatchy	67 10	Clinton	600	250	
Hallowell	.....	J. Rogers					

ROMAN CATHOLIC CLERGY.

	Name and situation of Mission	Populat'n	Name of Minister.	Value of missions £ Ster'g	Church where situated.	No. of persons generally att'g.	REMARKS.
District							
Eastern.	St. Raphael	5450	Rt. Rv. Remigius Gaulin, Rev. J. McDonell.	100	Charlottenburgh	1500	
					Lochiel	300	
	St. Andrews	2600	Wm. Fraser	150	Township, Cornwall,	700	
	St. Columbus	2400	James Bennett	100	Town, Cornwall	300	
Ottawa	St. Luke	800	John McDonough	14	Plantagenet	200	
	St. John Baptist	810	Do	20	L'Orginal	200	
Bathurst.	St. Bridget	360	John McDonald	80	Perth	400	
	St. Philip	1010	John Cameron	20	Richmond	150	
	St. Jude	560	Do.		Nepean	150	
	St. George	630	Do.		Huntley	150	
	St. James	2150	V'y Rv. W. P. McDonell.	80	Bytown	600	
Johnstown.	St. Francis Xavier	580	James Campion	250	Brockville	300	
	St. Mark	1220	Do.		Prescott	300	
	St. Bartholomew	250	Do.		Kemptville	150	

District.	Name and situation of Mission.	Population.	Name of Minister.	Value of Mission. Stg.	Church—where situated.	No. of persons generally attending.	Remarks.
Midland and Prince Edward.	St. Joseph	3040	Daniel Downie	60	Kingston	400	The Roman Catholic Bishop remarks that some thousands of Catholics have removed into the newly surveyed Townships, whose numbers and places of residence could not be ascertained, and consequently could not be included in this Return. Churches are required in numerous places besides those mentioned.
	St. Patrick's	220			Loughboro'	150	
	St. Luke	250			Camden	130	
	St. Sylvester	150			Kingston Mills	70	
	St. Matilda	330	Michael Brennan	60	Marmora	200	
	St. Dennis	520			River Trent	200	
	St. Michael	640			Belleville	250	
	St. Kieran	300			Hallowell	180	
N'castle.	St. Peter	3560	John Butler	60	Peterboro'	1500	
	St. Matthias	500			Port Hope	150	
Home	St. Dunstan	500	Patrick M'Donough	150	Toronto (Township)	200	
	St. Paul	3500			City of Toronto	1500	
	St. Patrick	700	Murth Lalor	70	Toronto Gore	200	
	St. Margaret	1680			Adjala	250	
			Visited by the Minister of the city of Toronto	....	Trafalgar	150	
Gore	St. Matthew	400	John Cassidy	72	Town Hamilton	200	
	St. Mary	1200			Town Dundas	300	
	St. Augustine	1000			Town Guelph	200	
	St. Bartholemew	800					
Niagara	St. Vincent	1300	Edward Gordon	40	Town Niagara	300	
	St. Catharine	1100	Patrick Polin	20	Town St. Catharines	200	
London.	St. Lawrence	2300	John Keegan	50	St. Thomas	200	
	St. Lawrence				Town London	250	
			S. S. Worriath	30	Service in private houses in Goderich, the Huron tract Waterloo & Wilmot	200 to 300	
		400					
Western.	St. Peter	1200	Rev. Mr. Morin	40	Tilbury, East	500	
	L'Assumption	2700	Angus M'Donell	100	Sandwich	1300	
	St. John Baptist	1500	George Hay	30	Amherstburgh	400	

No. 12.

EDUCATION.

RETURN of the number of Scholars, &c.

DISTRICT.	Where situated.	Schoolmaster and Salary.	No of Scholars. Male.	female	Total.	Mode of Instruction.	If supported by voluntary subscription or Gov.& am't of each: Govern't.	Vol'y sub.	Expenses of each School.	No. of private schools	REMARKS.
Ottawa	Hawkesbury	Colin Gregor,	No	Return		Taught Mathematics, Geography, English Reading, and Grammar, in the usual form.	Each District Schoolmaster receives £90 sterling per annum from the Provincial Revenue.	There are school fees which may average for each scholar 4 or £5 sterling per annum.	Each District furnishes a school house, and keeps it in repair.	Unknown.	This Return is confined to the District Schools.—The Common Schools are not regularly returned, but they amount to several hundreds, and instruct at least 20,000 children, male and female. In addition to £90 sterling provided by the Legislature for the salary of a Classical Master (which ensures in each District a school in which the common branches of an academical education are taught) £225 sterling per annum is allowed for the maintenance of common schools in each District.—This last sum having been found totally inadequate £5035 sterling was granted last session, in addition, to be apportioned among the several Districts according to their population and extent.
Eastern	Cornwall	H. Urquhart,	45	.....	45						
Johnstown	Brockville	John Smith, A. M.	No	Return							
Bathurst	Perth	Wm. Kay,	No	Return							
Prince Edward	Hallowell	Moses Marcus,	No	Return							
Midland	Kingston	George Baxter,	34	.....	34						
Newcastle	Cobourg	W. Crofton,	No	Return							
Home	Toronto	Rev. D. Macaulay	No	Return							
Niagara	Niagara	John Whitelaw, M. D.	No	Return							
Gore	Hamilton	John Rae, A. M.	No	Return							
London	London	Eli Chadwick,	No	Return							
Western	Sandwich	Rev. W. Johnson,	No	Return							
		(£90 Sterling per annum.)									
Home	Upp. Canada College & Royal Gram. School City of Toronto	Rev. J. H. Harris, D. D.	Principal								
		" C. Matthews, M. A.	1st Classical Master								
		" Mr. Maynard,	2nd " "								
		W. F. Barrow, Esq.	3rd " "								
		Rev. C. Dade, B. A.	Mathematical Master,								
		Mr. J. P. De la Haye,	French Master								
		" G. A. Barber, " J. Duffy,	Writing, English Grammar and Arithmetic.								
		" J. Kent	Master Prepar'y School								
		" J. G. Howard	Perspective and Geometrical Drawing Master.								
		" T. Young	Landscape do.								

No. 15.

EXCHANGE, MONEYS, WEIGHTS, AND MEASURES.

COURSE OF EXCHANGE.

The average of Exchange on London has been 8 per cent

COINS.

British Gold and Silver,—Spanish and American Gold and Silver Coins,—Gold Coins of France and Portugal, and French Silver Coins.—British Copper Coinage has been introduced, but there are a great quantity of copper tokens in circulation of an inferior value to the British halfpenny, which they represent.—They are brought to this Province by speculators and persons in trade.

	DWT	GRS.	£	s	D
British Guinea	5	6	1	3	4
Half Guinea	2	15	0	11	8
United States Eagle	11	6	2	10	0
Half U. S. Eagle	5	15	1	5	0
Johannes of Portugal	18	....	4	0	0
Half Johannes of Portugal	9	....	2	0	0

	DWT	GRS.	£	s	D
Moidore of Portugal	6	18	1	10	0
Milled Spanish Doubloon	17	....	3	14	6
Half Milled Spanish Doubloon	8	12	1	17	3
Quarter Milled Spanish Doubloon	4	6	0	18	7½
French Louis D'Or	5	4	1	2	8
French Pistole	4	4	0	18	3

The British Crown 5s. 9d., currency—Shilling 1s. 2d.—French Crown 5s. 6d.—Spanish and American Dollars 5s. Half and quarters at the same rate.

British, Portuguese, and American Gold is received and paid at £4 9s., currency, per oz., Troy,—French and Spanish Gold at £4 8s. 7½d.

AMOUNT OF COIN IN CIRCULATION.

Cannot be ascertained.

AMOUNT OF PAPER CURRENCY IN CIRCULATION.

There are three Banks in the Province Chartered by Act of the Legislature,—"The Upper Canada Bank, Capital £200.000," —"The Commercial Bank of the Midland District, Capital £200,000"—and "The Gore District Bank, Capital £100,000.— Besides these there are three private Banks, having notes in circulation,—"The Agricultural Bank"—"The Farmers' Bank," and "The Bank of the People." There are also many of the notes of the Banks of Lower Canada, and of the United States in circulation.

The amount of Government Debentures outstanding in this Province, bearing different rates of Interest, at the close of the year, was £159,165 sterling, and the amount of Debentures outstanding in England at the same period, at a reduced rate of Interest for the gradual liquidation of the debt in this Province, and for Internal Improvement, amounted to £241,600 sterling, which sum has been drawn on account of Debentures left for sale there.

ACCOUNTS KEPT IN

Canada or Halifax currency, of Pounds, Shillings, Pence, and Farthings.—The £ currency is equal to 18s. sterling. The relative value is 10 to 9.

To reduce Sterling to Currency—add one-ninth.

To reduce Currency to Sterling—deduct one-tenth.

WEIGHTS—AVOIRDUPOIS.

½ cwt.=56lbs.—¼ cwt.=28lbs.—14, 7, 4, 2, 1, ½, and ¼ lbs. 2 and 1 oz:—2 and 1 drachms, &c.,—according to the Standard of H. M. Exchequer, established in Upper Canada by Provincial Statute, 32 Geo. III, ch. 3.

MEASURES.

The Winchester Bushel and its several divisions.

The Standard Yard of the Exchequer.

The Exchequer Gallon, ½ Gallon, Quart, Pint, ½ Pint, Gill, and ½ Gill, used for measuring Wines, Spirits, and other Liquors—

According to the Standard of H. M. Exchequer established in Upper Canada by Provincial Statute, 32 Geo. III, ch. 3

No. 16.

Imports and Exports for the year 1835.

There being no Sea-port in the Province, there are no means of ascertaining the positive value of its Imports and Exports.—The Province receives one third of the duties collected at the Port of Quebec, which for the present year amounted to £41,348 2 0. Numerous steam vessels and schooners are constantly running during the navigable season between the different Ports belonging to the Province and the United States, on Lakes Ontario, Erie, and Huron.

The Imports consist of Woollens, Cottons, Linens, Hardware, Castings, Coals, Leather, Earthenware, and almost every description of British Manufactures.

The Exports consist principally of Wheat, Flour, Lumber, Pot and Pearl Ashes, and Pork.

For amount of sums received at the different Ports by the Collectors of Customs, being duties on Imports from the United States, vide page 15 of the printed accounts.

No. 17.

AGRICULTURE.

RETURN of the Produce, Stock, &c.

DISTRICT.	CROPS.		STOCK.				PRODUCE.	PRICE OF PRODUCE.				
	Total No. of acres in crop.	Total No. of acres uncult'd	Horses	Horn'd Cattle.	Sheep.	Goats.		Wheat per bushel.	Oats	barley	Hay.	potato's
Ottawa.....	16354½	110289½	748	3525	No means of ascertaining the number of these.	No means of ascertaining the number of these.	Tobacco is produced in the Western District of an excellent quality, and for several years has been cultivated for export.	The price of this varied in the several districts from 3s. 9d to 5s c'y during the year—depending principally on the facility of transportation to market.	Have averaged during the year about 1s. 2d. sterling per bushel.	Have averaged during the year about 2s. 3d. sterling per bushel.	Have averaged during the year about 36s. to 45s. per Ton.	Have averaged during the year about 1s. 6d. to 2s. per bushel.
Eastern	7064⅝	355071½	5148	13119								
Johnstown.....	82813	331134	3924	16339								
Bathurst	57197	353362	1541	12459								
Prince Edward...	68900	128360	2922	8590								
Midland.....	118438	227854	5628	15945								
Newcastle	94419	434526	3339	15367								
Home.....	179518	690753	6049	28732								
Niagara	209763	249212	5721	18499								
Gore.....	226428	511712	5287	24506								
London	144270	718606	4963	26400								
Western.....	39561	281290	2459	8525								
Total.....	1308307	4392169	47729	192005								

The above Return is procured from the Assessment Rolls. There are no means of ascertaining the nature and extent of the different crops.—The price of wheat is inserted, because that article is regularly brought to market, and in quantities.—The price and extent of the other produce cannot be accurately ascertained, as the greater portion is used for home consumption.

No. 18.

RETURN OF MANUFACTURIES, MINES AND FISHERIES.

MANUFACTURES.	SHIPS BUILT		MINES AND QUARRIES.			FISHERIES.				REMARKS.
Number, name, situation, and description of manufactories, mills, works, &c.	No.	Tons.	Number, name, situation, & description of mines, &c	Name of the mineral substance.	Quantity and value.	No. of Ships.	Boats.	Description and quantity of fish.	Value.	
It appears from the Assessment Rolls that there are in the Province 551 Grist Mills, and 843 Saw Mills. The domestic manufacture of works is very common. Whiskey Distilleries, Breweries, Tanneries, and Pot and Pearl Ash manufacturies are very numerous. **JOHNSTOWN DISTRICT.** 1 steam engine foundry, 1 brass foundry, and 1 soap and candle factory. **NEWCASTLE DISTRICT.** 16 Fulling machines, 1 foundry for castings. **NIAGARA DISTRICT.** 9 Fulling mills, 14 carding machines, 5 spinning mills, and 1 salt manufactory. **MIDLAND DISTRICT.** 2 air furnaces for small castings. 1 large furnace with powerful lathes attached for finishing steam and mill machinery. A sash manufactory worked by steam. Machinery for making hat bodies. 7 machines for carding and fulling, and 1 for making and finishing woollen cloths.	Ship building is confined to steam vessels and schooners for the Lakes and Rivers —several of both have been launched during the year.	The steam vessels average from 50 to 500 tons—the schooners from 20 to 200 tons.	1 iron mine in Landsdown, Johnstown District.—Marble quarries in every part of the District. *Midland District.* Iron works at Mermora, now suspended. Iron works at Madoc.	No other metal than iron has yet been discovered. The one is of good quality and abundant in many places. On the Banks of the Grand River are extensive beds of Gypsum. Stone is found in the Midland District well adapted for Lithographic purposes. Marble is procured in some of the Districts.	No return can be procured.			There are no fisheries		

No. 19.

RETURN OF LANDS GRANTED DURING THE YEAR 1835.

DISTRICT.	No. of Grants of 100 acres & under.		No. above 100, exceeding 500 acres.		Exceeding 500 acres.		Total No. of Grants 1835	Total No. of acres 1835	Whether by Grant or purchase.	Amount of Quit Rent.	State the total number of acres granted in the Colony.	Total number of acres remaing ungranted.
					Name of Grantee.	Extent of Grants.						
*In the 12 Districts of the Province.....	850	65,606	827	176773	Richard Bullock.....	800	⊙1719	279,636	1509 Grants passed the Great Seal during the year for 257,128 acres. 123 Crown sales " 6,740 acres. 81 Clergy Reserve sales " 13,059 acres. 6 School sales " 2,709 acres. 1719 Deeds.....for 279,636 acres.	No Grants subject to Quit Rent have been made in the Province.	The Total number of Grants which have passed the Great Seal, commencing from 1792, amount to 8,420,981¼ acres, exclusive of 781,288 acres to the Canada Company.	The total quantity of surveyed lands remaining ungranted is 1,624,313 acres, exclusive of 302,420 acres given over to Colonel Talbot for settlement.—(See Return of which has been made to the Surveyor General. The greatest portion however may be considered as actually settled. (See statement next page.)
					Stephen Bridgey.....	600						
					James Buchanan.....	1200						
					Mahlon Burwell.....	1400						
					George Baker.....	800						
					Rev. J Coghlan.....	850						
					Thomas Clark.....	925						
					Mary Margeret Clark...	885						
					John Clark.....	800						
					Rev. B. Cronyn.....	1000						
					John S. Cartwright.....	1200						
					William Carroll.....	800						
					Philip Empey.....	800						
					James Gardiner.....	619						
					Griffith and Stewart.....	600						
					Anne Agnes Gillespie....	949						
					Elnathan Hubbell.....	200						
					Wm. J. Kerr.....	966						
					Adam Krien.....	1000						
					William Kersopp.....	600						
					B. C. Lefferty & Brothers	700						
					Rev. G Mortimer.....	800						
					Theresa Nichol.....	1000						
					Robert Oliver.....	700						
					Robert O'Brien.....	1100						
					Alexander Pringle.....	800						
					John Roche.....	600						
					Samuel Robinson.....	800						
					Robert Rist.....	800						
					Truman Raymond.....	800						
					Abraham K. Smith.....	1029						
					Jemima Stewart.....	1400						
					John Sawers.....	1200						
					Samuel Street.....	816						
					Absalom Shade.....	664						
					David Secord.....	650						
					Alex T. E. Vidal.....	700						
					Henry Vanittart.....	2200						
					S. Washburn.....	800						
					William E. Wright.....	544						
					William Wilson.....	800						
					Rev. T. Phillips, &c.....	700						
					42 Patents.	37,257acres						

*All Deeds that have passed the Great Seal, whether by Grant or purchase, are included in this return.

N. B.—74 Clergy Reserve Leases for 13,231 acres, and 2 Crown Leases for 500 acres have passed the Great Seal during the year.

⊙ Exclusive of these 4 Grants to the Canada Company for 45,459¼ acres, and 1 to King's College for 42,182 acres passed the Great Seal.—Also a lease of Goderich Harbor to the Canada Company.

STATEMENT shewing the quanity of surveyed Lands remaining vacant and grantable 31st December, 1835.

Quantity remaining unlocated 31st December, 1834	1,527,164 acres	
Do located in 1835,	121,346 "	
	1,405,818 "	
Townships returned as surveyed in 1835.		
Ross	42,627 acres	
Pembroke	5,663 "	
Westmeath	48,925 "	
Somerville	20,270 "	118,485 acres
Total quantity vacant and grantable		1,624,303 acres

No. 20,.

GAOLS AND PRISONERS.

THE No. OF PRISONERS IN THE FOLLOWING RETURN IS FOR THE ENTIRE YEAR.
THE No. THE GAOLS ARE CAPABLE OF HOLDING IS AT ONE PERIOD.

RETURN of the Gaols and the number of Prisoners confined therein during the year.

Name of Prison and where situated.	No. of prisoners the prison is capable of holding in separate sleeping cells.	No. when more than one in a cell	Total number of prisoners.		Debtors.		Misdemeanors.		Felons.		Tried Prisoners.		Untried.		Employed.		Prisoners not employed.	Punishment.	Cases of sickness and Death.		
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Hard Labor	Employ't not h.lab'r			Cases.	greatest No sick at one time.	deaths
Ottawa District, Gaol—Longueil,	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Solitary confinem't &irons	s'e 1	Ins'e 1	
Eastern District, Gaol—Cornwall,	25	50	2	.....	.....	.....	.....	.....	2	.....	1	.....	1	.....	.....	.....	2	"	2	2	2
Johnstown District, Gaol—Brockville	60	60	12	.....	4	.....	1	.....	7	.....	5	.....	3	.....	.....	.....	All	"	4	1	
Bathurst District Gaol—Perth	No separate cells.	30	34	.....	16	.....	10	.....	5	.....	15	.....	3	.....	.....	.....	All	"	.....		
Prince Edward Dis. Gaol—Picton,	24	42	5	1	.....	.....	.....	.....	5	1	5	1	.....	.....	.....	.....	6	"	5	3	
Midland District, Gaol—Kingston,	14	90	126	14	32	1	93	14	31	.....	46	1	80	13	.....	.....	140	"	44	3	2
Newcastle District Gaol—Amherst	18	49	15	1	4	.....	7	.....	4	1	3	.....	8	1	.....	.....	All	"	.....		
Home District, Gaol—Toronto,	27	98	430	39	172	2	166	30	86	13	250	33	6	6	13	.....	456	"	1	1	
Niagara District, Gaol—Niagara,	8	52	13	3	8	.....	1	.....	7	3	2	1	11	2	.....	.....	All	"	32	2	1
Gore District, Gaol—Hamilton	10	36	258	15	102	1	83	6	73	8	89	12	67	2	.....	.....	All	"	60	6	1
London District Gaol—London,	6	15 to 20	14	.....	6	.....	.....	.....	8	.....	1	.....	7	.....	.....	.....	All	"	2	1	1
Western District Gaol—Sandwich	5	12	2	.....	1	.....	.....	.....	1	.....	1	.....	.....	.....	.....	.....	1	"	.....		

QUESTIONS.	*ANSWERS.*
Whether Common Jail or House of Correction?	Both.
Under whose jurisdiction, &c. ?	The Sheriff.
No. of Officers, and how appointed ?	Gaoler and Turnkey—by the Sheriff.
No. of Classes, Wards of Divisions, Work Rooms, Day Rooms, and Airing Yards, &c.	3 Classes—Debtors, Felons, and misdemeanours—Felons and Debtors rooms—some ground for exercise generally attached.
Dietary or Weekly Allowance, and Weekly Cost per head ?	Averages about 4s. per week each prisoner.
Employment and hard labor ?	Males breaking stones if sentenced, females washing blankets and scrubbing the Gaol.
Bedding and Clothing, and cost per head ?	No clothing—mattrasses and 2 blankets, about 17s. 6d. per head.
Hours of Labor, &c. ?	No particular hours.
Amount of earnings, how applied, &c. ?	For the benefit of the Prisoners.
Whether a classification has been observed, if not, for what reason, &c. ?	Debtors and criminals always kept asunder—in some cases convicts and untried prisoners are kept apart, but from the smallness of the gaols a proper classification cannot always be observed
What duties are performed by the Chaplain—what provision made for instruction, and whether prisoners are supplied with Bibles and Prayer Books ?	No regular Chaplains, but the different Clergymen attend—The District generally supply the Gaol with Bibles and Prayer Books.
Attendance of a Surgeon, and whether separate apartments for the sick ?	A Surgeon regularly attends—and separate apartments for the sick, if necessary, are provided.
Reasons for non-employment of the prisoners with reference to the proper column.	No prisoner can be compelled to work, unless sentenced, and in some cases the danger of entrusting them with tools is the reason.
Reasons for punishment by solitary confinement, whipping or irons, &c. ?	Solitary confinement for abuse of officers—whipping never resorted to—irons if very abusive, or for attempt to escape.
Any insane prisoner—name, age, and for what offence committed—how long in confinement—how long insane ?	*Johnstown District Gaol.* Charles Bevins, 45 years old, confined since 10th Sept. 1834—guilty of no crime. *Home District Gaol.* Margaret Finch, 40 years of age, destitute and deserted by her husband, committed in 1821—John Long, a negro, 29 years of age—dangerous to go at large—committed in 1832—Geo. Adamson 36 years of age, religiously insane, committed in 1832, and John Morrison, 47 years of age, frequently outrageous, committed in 1834. *Gore District Gaol.* James Johnstone, aged 30 years, confined for 5 days. *Niagara District Gaol.* Patrick Donaley, aged 44, committed for his wife's murder, 6th September, 1832. *Newcastle District Gaol.* Thomas Jones, aged 35, confined to prevent his doing harm, 10½ months, period of insanity not known. *Ottawa District Gaol.* Sarah Beadley, aged 30, no offence, destitute and starving, confined since 12th January, 1835.

(Signed)

D. CAMERON, *Secretary.*

SECRETARY'S OFFICE,
Upper Canada, March 28, 1836.

No. 102.

REPORT

ON

PETITION

OF

LEONARD WILCOX.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY.

The Select Committee to whom was referred the Petition of Leonard Wilcox, beg leave to submit the following Report;—

It appears by the Journals of the 10th Parliament, a Petition of the same nature as the present was referred to a Select Committee, who recommended the Petitioner to apply to the Executive Government, (see Appendix page 40). On the following session of the same Parliament the renewed Petition of L. Wilcox was referred to a Select Committee, from whose report it appears Leonard Wilcox complied with the recommendation of the preceding Committee, and made an unavailing appeal to His Excellency Sir John Colborne, who referred it to the Executive Council, (a copy of his petition No. 2, and an extract marked also No. 2, being a Minute of a Report on that Petition by the Executive Council, are appended to this Report). The Report of the above Committee will be seen in the Journals of that Session, in the Appendix page 136, and the evidence taken by the same attached to this (marked from 1 to 13).

At the last Session of this Parliament the Petitioner preferred another Petition, which was referred to a Select Committee to report thereon. That Committee met, examined several persons on the subject of the complaints in the Petition whose evidence is also annexed, viz., that William Warren Baldwin, Esq., who had been Attorney for the Petitioner in the trial of the seizure, C. C. Small, Esq., Clerk of the Crown and Common Pleas, on the nature of the Records in his Office in the case of the King *vs.* Wilcox and Edward Thomson, Esq., of the Township of Toronto, in this District, relative to the complaint about the Carding Machine.

The Committee also thought it advisable to request the Honorable William Allan, as no reference had been made to him since the 2nd Session of the 10th Parliament on the subject of Wilcox's Petition, to offer any further observations he thought necessary, or give any additional information that might be in his possession relative to the case;—That Committee did not report on the petition of Wilcox, the evidence obtained, or the other document laid before them by Mr Allan,—it appeared they were not procured sufficiently early to do so, and as was conceived they placed the case in a different view from what it had hitherto appeared. In the appendix to this Report will be found certain papers marked 1A to 8A, being the other vouchers explanatory of the proceedings of the Collector in the seizure, and mentioned above as furnished by the Honorable William Allan. No. 1A P's Mr. Allan's Report to Lieutenant Governor Gore, of the seizure, and the Lieutenant Governor's authority to the Attorney General to proceed in legal process to condemnation, dated in Oct. 1815. No. 2A P's a Writ of appraisement to the Hon. William Allan, late Collector of the Port of York, dated 11th April, 1816. No. 3A P's the indenture of appraisement under the above Writ, dated 13th June, 1816, amounting to £259 1s. 9d.

No. 4A P's A—Bond between Mr. Allan, the late Collector of the Port of York, and Hial Wilcox, Stillwell Willson, and John Montgomery, dated 4th May, 1816, for a boat named the *Lark*, (supposed to mean the boat seized) with certain tackle, to be returned by the parties bound to the Collector of the Port of York, in the want of the said boats being adjudged forfeited, together with the tackle and furniture of the same, and Stillwell Willson's receipt for the boat and certain tackle therein enumerated, in good order, dated 8th May, 1816.

No. 5A P's A—Bond and agreement appended thereto, between Mr. Allan and Wilcox, and others for certain perishable articles delivered up to Wilcox by the Collector Allan, to be returned if condemned by legal proceedings, by the parties bound to the Collector, dated 13th June, 1816. No. 6A—A letter from the late Attorney General, Boulton, transmitting a bond to Mr. Allan, late Collector of the Port of York and authorising to deliver up the *Boat Lark*, dated 7th May, 1816.

No. 7A—Account of Sundries seized from L. Wilcox and sold at auction by the late Thomas Hamilton, 26th February, 1817. By the above Vouchers it will appear that a certain boat and goods, the property of Leonard Wilcox, were seized and condemned by legal proceedings, the report of which seizure and the authority of the Government to take legal proceedings therein dated in October, 1815, and that the whole of the proceedings relating to the same were not wholly completed till 26th February, in the year 1817.

The Petitioner came to this Province in 1815, intending to become a settler, and has resided in the Province ever since; he also brought with him a boat and cargo, his own property. On his arrival in the Port of York, he reported the boat and cargo to the then Collector William Allan, Esquire, through his Deputy, the late Mr. Thomas Hamilton, who seized them.

The boat and part of the goods were condemned by legal proceedings, and afterwards sold, the remainder of the goods restored to the Petitioner, very much damaged; the rigging and tacking were not sold with the boat, or ever accounted for by the Collector to the public or the petitioner, nor is any of the other proceeds of the seizure accounted for.

It appears the Petitioner imported a Carding Machine, and paid the duties thereon, which have not been credited to the public.

That the appeal already made to the Executive Government should fail, is an event that might have been anticipated, for, according to the system under which our public affairs have been allowed to be carried on for nearly half a century, the appeal was made to a Council wholly irresponsible, and composed chiefly of the same exclusive persons and influenced by the same political prejudices as have ever characterised that Body. It will be seen that the Executive Council excuse themselves from recommending the Petition for lands under present regulations, although whole tracts of country have been within these few years granted at almost a nominal value to a Company in London, who make a transcendant profit on the sale and withdraw the money from the country, while the annual instalments paid by the Company are spent by this irresponsible Executive Council, independent of the Legislature of the country; and many affluent persons, such as Dr. Strachan and others, have found no obstacles in these regulations from receiving large grants. It may be true, as the Report of the Executive Council alledges, that only the ordinary legal proceedings have been directed against this unfortunate and much injured man; but the Committee would forget the duty imposed upon them did they neglect to notice the fact in numerous instances, an ignorant violation of merely a prohibiting law has been met by a just relaxation of its provisions. It has, however, appeared in the administration of our public affairs that rigid justice and a merited relaxation have been applied by a rule depending upon party and political views.

The Executive Council, in their Report, forbear to notice (what they must have known if they really enquired into the case) that the amount realized in the seizure, under these circumstances of oppression, was never paid into the Public Treasury, or in any way carried to the credit of the public; and it does seem exceedingly disgraceful, that part of the cargo bought at a very reduced price at Auction by the Deputy Collector, was for sale at his private store.

The Committee are satisfied that abuses and oppression will continue while the Collector and the Government allow such practices to prevail, while the full and rigid exercise of a legal power for the protection of the trade and revenue of the country is put forward as a justification of the absolute ruin it brings upon an inoffensive man and his family, whose ignorance of the merely prohibitory law is allowed to afford him no relief. We have every reason as rigidly to expect the public interests to be zealously remembered by the payment of the collected revenue into the public chest. But, besides the fraud which appears to have been practised upon the public, it is revolting to all correct feeling that an affected appearance of legal proceedings should be considered a justification of oppressive measures—and the interests of the people made an excuse for the deeds, while their interests are forgotten when the money ought to be paid over. To what amount in past years this peculation has been carried on without correction, it is impossible to tell. When the Petitioner found himself and family in the country little better than plundered of his property, and left destitute in the world, it was equally his right and duty to pursue some means of getting a livelihood. For this laudable purpose he undertook to keep a Tavern, and, as a preliminary required by law—sought with great humility and assiduity to take the oath of allegiance. while in the case of seizure he was oppressed under the false pretence which was never paid over, in this case they refused, though it would have added to the Treasury. And when this persecuted individual undertook to open an Inn, in the meantime, till he could make as he might in any humane or civilized country expect to do, a successful appeal for the administration of the oath, he is both pertinaciously refused in all his applications to qualify himself, and cruelly persecuted for the fine for acting without the qualification. It ought to be matter of surprise that the same Honorable Colonel Allan, who was Collector in the above proceedings, was the same Colonel Allan who pursued this victim for the fine and costs in the latter case. If no relief was afforded by a grant of land, your Committee suggest the passing of an act compelling the Honorable Colonel Allan to indemnify him, inasmuch as the public have never received the proceeds of the property, to which neither the Collector nor his Deputy can have, to say the least of it a better claim than the Petitioner.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
15th April, 1835.

All which is respectfully submitted,
T. D. MORRISON, *Chairman.*

Toronto, *7th April*, 1835.

Sir:

I have the honor to acknowledge the receipt of your letter of yesterday, as Chairman of a select committee of the House of Assembly, sitting on a petition from Mr. Leonard Willcox, relative to the seizure of a boat in 1815, wherein you refer me to certain evidence given by myself and others, copies of which you transmitted, and upon which you require me to send any observations I may be pleased to make. In answer to which I beg to say almost all those evidences, is matter quite new to me; I have never been questioned or called upon to give any evidence or information (as far as I could) to any committee except in 1829 or 1830, I attended on Dr. Baldwin and Mr. Jesse Ketchum, who was a committee to whom Mr. Wilcox's petition had been referred (this was in his presence) I could give little or no information to those gentlemen then; for till that moment I did not know, nor was I aware their was any such act I had any thing to do with, questioned in any way, and more particularly after a lapse of 15 years to be made a matter of enquiry before the Legislature. I could give them no information, being called upon without any *previous notice*, as I scarcely recollected any thing of the matter; and I did not know that a single document was comtable by me in relation to it. The following sessions I was given to understand this petition was brought forward again, although I was not called upon, but I then applied to Mr. Geo. Boulton to know if there was not some documents to be found either among his fathers papers or at the Crown Office; he said he could find none in the former place, and in the latter he said he had enquired and Mr. Cawdell told him there had been several there, but they had been examined often at different times by Mr. George Ridout (I think) and that now none are there except some account of costs taxed as paid to his father (Mr. Attorney General Boulton). If you think proper to call on me *now* I am ready to go before you at any moment, with what few papers it has been in my power to collect, and to answer any questions the committee may choose to put to me; and when I have done that I have nothing more to say.

I have the honor to be,
Sir,
Your obedient servant,
W. ALLAN.

Thomas D. Morrison, Esq.,
Chairman of a Select Committee.

Question put to William Warren Baldwin, Esquire.

Were you attorney in the case of the King against Leonard Wilcox, or Hial Wilcox, in January, 1816?—I was attorney for the defendant in the case of King against Leonard Wilcox on an information for smuggling in 1816.

Can you inform the committee what was done in the case, as Mr. Small, the Clerk of the Crown, has stated that certain proceedings were had, but it does not appear that the case ever came to trial?—By my docket it appears the cause was ready for trial at the March Assizes in York 1816, but could not be tried for want of time—it stood over, and was tried at the October Assizes, 1816, and verdict was given for the Crown as to part of the goods—the docket does not detail the articles, and no doubt supposing the Collector and the defendant would take care to select the fee from the condemned goods, as attorney, I had nothing more to do in the matter.

Can you give the committee any other information in relation to the petition of Leonard Wilcox?—I can only refer the committee to a report made by a select Committee of a former Assembly on the petition of the same Leonard Wilcox. I however think I may safely say, from my recollection, that there were many circumstances to shew that the goods were imported rather ignorantly than knowingly, against the law certainly, as far as I could know the matter from the statement at the time, there was no concealment of the goods.

W. W. BALDWIN.

Committee Room,
House of Assembly,
January 22, 1830.

Committee appointed to enquire into the matter of the Petition of Leonard Wilcox.

Jesse Ketchum, Esquire, *Chairman.*
John Cawthra, Esquire.
W. W. Baldwin, Esquire.

Leonard Wilcox, *the Petitioner, called and examined.*

Where do you live?—At Davenport, in this Township.

Did you not petition Parliament last Session?—Yes.

What answer?—On referring to the Journals of last Session (appendix page 40) it appears the Select Committee thus recommended Petitioner to make application to the Executive Government in the first instance.

Did you make application to the Government?—Yes.

What was the nature of your application?—This is a copy of my petition to the Governor (No. 1.)

What was the answer?—Mr. Mudge told me it was referred to the Executive Council.

What answer did you get there?—This was the answer. (No 2 extract.)

Where did you get this paper?—It was given me by Mr. Lee, the Clerk at the Council Office.

Did you get any further answer or explanation at the Council Office from Mr. Lee, or other person?—Yes.

Who was Attorney General at this time?—Mr. Boulton late Judge Boulton.

Did you ever speak with Mr. Boulton on the subject?—Yes, about two years ago; he said he could not recollect anything about it so long ago.

Why have you made all this delay in your affair?—I saw no prospect of succeeding—I have been making application these two or three years back.

Who was Collector of the port at the time?—Col. Allan—and Mr. Hamilton was Deputy at the time of the seizure of my boat.

What judicial proceedings were had against the boat and goods?—Mr. Hamilton, the Deputy Collector, came and seized the boat and goods as he said by Mr. Allan's orders—as well as I recollect there were proceedings in the Court of King's Bench as to the boat, glassware, crockery and coffee. I pleaded to the prosecution, and the judgment of the Court was, that the goods (therein-mentioned) were condemned.

Why did you bring in goods against the law?—I did not know the goods were prohibited; I entered the boat and goods, and gave a true invoice of all the lading to the Deputy Collector—It was after the entry or making the report to the Deputy Collector that the boat and goods were seized.

Were the articles adjudged as condemned sold?—There were some of them sold—I cannot say whether all were sold.

What became of the proceeds?—I know not—I never could hear what became of the proceeds.

Where did you apply?—To Mr. Hamilton, who told me he could not tell what became of the proceeds, but supposed it was turned in to the Attorney General. I also applied to Mr. Geo. Ridout, as my Attorney, to make inquiry—he informed me that agreeably to my directions, he made enquiry at the Inspector-General's Office, and, that, as he was informed, no return had been made into that office as to the proceeds of the sale; and in the following spring Mr. Ridout again made the like enquiry as to the duty I paid on a carding machine which I brought in the spring of 1816. I paid £7. as duty and fees, &c., into Mr. Allan's hands by Benjamin Hochel, for me—and there is no return made of this duty as I can find.

Are you prepared to say that all the allegations in your petition to the Legislature, as well as to the Lieut-Governor, are true?—They are, I am willing to prove all.

As to the fine imposed on you, and which you are informed, by the ticket of Mr. Lee, that it had been disposed of by the Executive Government, do you know how it was disposed of?—No, I do not.

What proof have you of having been fined for selling spirituous liquor in the House already licensed, so to do—(gave in Document No. 3, certificate of Clerk of the Peace.)

Did you come in as a settler with the boat and goods?—Yes, and brought my family in with the first sleighing that following winter.

How do you shew that you were refused the oath of allegiance?—(Gave in a copy of a petition to Hon. Samuel Smith, the administrator of the government. Document No. 4.)

What are the several sums of money that you have paid, as to be accounted for in the public accounts?

First duty on Carding Machine $75.....	£17	10	0
License for Tavern.....	8	15	0
And fined for selling (besides costs £1 5 0	20	0	0
	£46	5	0

Besides costs, and the proceeds of the sale, which I cannot state.

MR. THOMAS HAMILTON, *called as Witness.*

At his desire the Committee put the following questions to Leonard Wilcox:

Were you not in the Province before the time you mentioned, with that same boat which was seized?—I came into the province in it, but it did not belong to me—and the time was about two months before the time the boat was seized.

Had you any hand in selling that cargo?—None, otherwise than assisting my brother to whom it belonged.

Did you ever pay any duties of entry for this boat, either first or last time?—No.

Did you know that the boat was seized for not paying the duties on the first cargo?—It was detained on some pretence of such duties due, but not seized; the goods of first cargo were given up, as I understood.

MR. HAMILTON—*examined.*

Were you Deputy Collector at the time of the seizure of Wilcox's boat?—I was, in the absence of Mr. Allan in Lower Canada.

Was Mr. Allan absent at the time you seized the boat?—To be sure—sure he was.

For what cause did you seize the boat?—For having goods on board which could not be entered.

Did not Wilcox give an invoice?—He gave the number of packages, but not their contents.

Did not Wilcox expect the packages to be examined?—I suppose not.

Did he expect a permit?—He did, but I would not grant it till I had examined them; I did examine them, and the first article I discovered was a box of dry goods.

Did you question him as to the contents of the packages?—I did, he answered in some evasive way; I cannot say, it is now so long ago.

When you seized the boat and goods, what proceedings did you institute?—I put the goods into Mr. Allan's store, the Custom House; locked them up, and delivered them so to Mr. Allan on his return; the boat I hauled up a little on the beach, of which Mr. Allan also got the custody on his return, and this is all I did to be called as a witness in Court upon the trial.

WILCOX requested the following questions to be put to Mr. HAMILTON:—

What were the contents of the box of which you spoke as containing the dry goods?—Pieces of shawls, pieces of muslin, and an adjustment of merchandize.

What do you suppose the value of those goods?—I cannot say, at this distance of time; it required three men to lift the case.

Can you say, even at a conjecture, what the value might have been?—I cannot; some articles are of doubtful description, and I could not say whether they are forfeitable or not; those were returned to Wilcox, that is, they were sent back to Mr. Allan's store—this was after trial.

Was there not a valuation had of them upon the seizure?—There was, as I suppose, but I was not present; Mr. Allan knows, I suppose.

Do you know any thing about the proceeds of the sale of the boat and goods?—I do not, otherwise than understanding from Mr. Allan that the Attorney General's bill was about £20, and that he paid him.

Had you any of the crockery taken in the boat in your store for sale?—If I had, I bought them at the auction and paid for them.

Were you Deputy Collector at the time of the sale?—I had nothing to do with the office at the time.

JONAS DUNCAN *called.*

What have you to say relative to arrival, entry, seizure, and condemnation of Leonard Wilcox's boat and cargo, in the spring of 1816, in the harbor of York?—I know nothing.

What of the carding machine, its entry and duty in spring of 1816?—I did come with this machine at the time mentioned, and I saw it entered in the Custom House, with Major Allan, who was there himself at the time. I brought the machine in for Leonard Wilcox—I received it from his brother, Charles Wilcox, who is a machine maker, for Leonard, being six months in his employment.

FEBRUARY 2nd, 1830.

MR. MONIS LAWRENCE *called,*

Do you know any thing of Wilcox's entry of his goods at the Custom House?—I went with Wilcox, in the month of August, 1815, to the office of Mr. Hamilton, the then Deputy Collector, and saw him deliver an invoice or bill of lading of his goods on board his boat, then in the bay.

Do you know that this bill of lading agreed with the cargo?—I cannot tell—about an hour after this the boat was seized.

Did you understand why the boat was so seized?—Mr. Hamilton told me it was on account of having contraband goods on board.

Did you understand that these goods, so considered as contraband, were said to have been on board the boat at the time of this seizure, or they were alleged to have been on board at an earlier period?—I understood it was for the goods then on board at the time of seizure. I was with Wilcox's brother when he entered the boat in the spring at the Custom House, the goods were landed, and boat returned on her voyage, there was no difficulty about the first entry, the goods were mostly brought to my house.

Did Mr. Hamilton act as Deputy Collector in Mr. Allan's presence as well as in his absence?—*He did. I understood he was a regular Deputy;* I did not see his authority, but I understood he was his Deputy; I kept a public house, and had frequent applications from persons to let them know the Collector and his place, and I usually directed to *Mr. Hamilton*, and do not recollect any doubt of it.

THOMAS BRIGHT *called.*

What do know relative to the matter of Wilcox's complaint?—I know his boat was seized and sold as condemned goods.

Did Mr. Hamilton sell the boat himself?—He did, by auction.

What did you give for her?—I bought her very low, I did not want the boat, but she went so low I bought her, it was £20 or upwards, not much, it might be one or two pounds over, but I will not say more.

Did you buy her tacking, rigging, &c.?—I did suppose I bought all at the auction, but demanding the sails and rigging, I could not get them, they were not to be found, I never got them, I was told they were stolen; I still kept the boat, because she was worth much more, indeed she is worth more now at this day.

Where is she now?—By the shore side, owned by one of the Wallers, as I think.

What is she worth?—Indeed I know not—I am not a judge—yet I think she could not be built under $300—she is yet able to work, was no doubt a well built boat, better than usual on this side; she was from 50 to 53 or 4 feet keel, and 10 or 11 beam.

What might her sails be worth?—In estimating her value a $300, I meant to include sails.

To whom did you pay the value of the boat?—To Mr. Hamilton or Mr. Allan—I certainly paid the money, but to which I do not recollect, but I think to Mr. Allan.

Mr. James Nation *called.*

Are you a clerk in the Inspector Generals office?—Yes.

Is there any entry in the books of the Inspector General's office of a seizure condemnation, sale or return of a boat and cargo belonging to Leonard Wilcox in the year 1815 in the harbor of York?—From June downward there does not appear any such entry as far as I can trace.

Is there any entry of a Carding Machine, as entered by Leonard Wilcox or Benjamin Hoshel in the year 1816 at York? There are entries of two Carding Machines; one of Edward Thomson, the other does not state the name of the importer, as far as I can find: It appears that the duty of 30 per cent was paid on both of those machines, it is my impression both machines were imported by Edward Thomson.

Hon. William Allan *called.*

Were you in Lower Canada at the time of seizure of boat?—I was absent during the whole of the summer of 1815, returning in the fall, I can positively say I was not in York at the time of seizure. I may have been here at the time of first coming of the boat in the spring, though I am not certain.

Was Hamilton your deputy?—Yes he was.

How long was boat kept before trial?—I cannot say.

Do you recollect the amount the boat and goods sold for?—Not the smallest recollection.

Do you know if any report was made to the Inspector General?—I do not—it is always usual to make return of seizure to the Inspector; and copy each to the Attorney or Solicitor General at same time. I presume it was done in this case also, but cannot say.

Was Hamilton your deputy at the time?—He was, and must presume he did so.

Did you receive the proceeds of the sale or any part?—I do not think I did receive any—there is some possibility of it—but I do not think I got any of it.

Did Mr. Hamilton as your deputy, make return of money to the Inspector General or Receiver General?—None.

Do you know what became of the tackle of the boat?—I do not.

February 24th, 1830.

Leonard Wilcox *again called.*

What was the value of your boat and cargo as she arrived in York, at the most reasonable estimate?—Boat and goods at first cost, cost me £427 12 6, Provincial Currency, besides the cooking utensils on board the boat.

Can you estimate what was the value of that part of the goods returned to you, at their first cost and not in their injured state?—About £130, of these I sold a part but did not get their value.

Can you state the value of the articles condemned at their first cost?—The difference between the whole amount and that of the goods returned.

Can you say how much was sold by the collector or deputy collector?—I cannot—I rather think there was not much sold; I saw my goods, at about £100 worth in Mr. Hamilton's store or shop; he was then a Merchant or Grocer and had goods for sale—not a large store, but he had one in the house where Mr. Willard now has his store.

What was the description of the goods belonging to you and which you saw in Hamilton's store?—Some large soup dishes, plates, knives and forks, quart decanters, pint decanters, and other glass ware fit for an inn; the crate of crockery cost me $200, and crate of glass about $160, besides knives and forks.

Mr. Edward Thomson *called.*

Did you import into this Province a carding machine or machines from the United States, and when?—In 1816 I imported one.

Did you pay the duty required by law thereon?—Yes, at the time I imported it.

Did you purchase another Carding Machine from Mr. L. Wilcox, in 1817?—Yes, and I was satisfied the duties were paid thereon, as he produced to me a certificate of having done so from the Collectors of the Customs, before I got possession.

Evidence of C. C. Small, Esq.

Do you know of any proceedings had or recorded on a seizure said to have been made of the goods and boat of Leonard Wilcox, in the month of August, 1815?—As far as I have been able to ascertain from the records of my office, it appears that on the 13th of November, 1815, an information was filed by the Attorney General for the condemnation of a certain boat, with her tackle and furniture, of the goods of one Hial Wilcox, for that one Leonard Wilcox did on the 12th day of August, 1815, import and bring into the Province of Upper Canada, to wit at York, from the United States of America, several parcels of goods and merchandise of the growth, produce or manufacture of said United States of America—To wit:—20 barrels of salt, 2 boxes of glass, 3 tierces and 3 barrels of whiskey, 6 barrels of oil, 1 crate of crockery, 1 crate of glassware, 4 pails and 7 chairs, 2 kegs of tobacco, and one keg of ginger, 1 demijohn spirits of turpentine, 1 box of hats, 1 box of saddlery, 1 trunk of dry goods, 1 box of clanvers salts, 1 bag of coffee, 1 trunk of sundries, 24 pieces of hollow ware, 1 cross cut saw, 3 kegs of nails, and 2 bags of shot.

On the 10th January, 1816, an appearance and plea was filed by W. W. Baldwin, Esq., as Attorney for the said Leonard Wilcox; on the 25th March, a record was made up and passed, and on the 20th December following, a bill of costs taxed, and further no proceedings appear to have been had.

CHARLES C. SMALL,
Clerk of the Crown Pleas.

Mr. Savage, *called.*

Are you Collector of Customs of this Port?—Yes.

Will you inform the Committee the mode pursued by you, in making seizures of goods and vessels containing articles prohibited by law to be imported into this Province?—In the first instance I obtain a Peace Officer—and if I can fully ascertain that there are such goods on board of any such vessel, I make the seizure of them; if I also ascertain that it is known to the master of the vessel with intention of fraud, I also seize the vessel and then report the case to the Inspector General.

What is the mode required of you to make an official record of such transactions, and how and to what officers do you, and are you required by law to make a return of such proceedings?—By an official letter to the Inspector General and then proceedings are had thereon as directed under the 4th Geo. IV.

Within what period by law are you required to make such returns?—Within 48 hours if the amount of Goods seized is under £40 agreeably to the before mentioned statute, in some instances where the case may be doubtful, time is taken by detention of goods to enquire into the circumstances before a report is made.

Copy.

To His Excellency Sir John Colborne, K. C. B., Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &c. &c. &c.

In Council.

The humble Petition of Leonard Wilcox, *of York, Carpenter,*

Sheweth—

That your Petitioner came into this Province from the State of New York in the year 1815, with the intention of becoming a permanent settler, with property to the value of £750 currency. That your petitioner purchased for his private use in the States, a number of articles that he was aware could

he obtained more reasonably there, than in this Province, among other things he imported a small crate of crockery, a crate of glassware, and a few pounds (25) of coffee, in a new boat that cost him £75.

On reaching York Harbor he reported himself to Mr. Thomas Hamilton, the then Deputy Collector of Customs, who finding said crates and coffee on board seized the whole as forfeited.

That at the expiration of 8 months certain parts of his property (the Boat, Crates, and Coffee excepted) were restored to your petitioner upon his giving security to pay their value if considered contraband; but in such a ruinous state, from exposure to the weather, &c., during said eight months, that they were of little or no value.

That notwithstanding these losses your petitioner persevered in his original intention, (which was to keep a Public House), purchased a piece of Land on Yonge Street, about 13 miles from York, built thereon a commodious House and there expended considerable part of his means. He then applied for a license, but as he had not taken the Oath of Allegiance, it was refused. That your petitioner unsuccessfully applied to the then administrator of the Government for leave to have the oath administered; although he was at that time Town Clerk for Vaughan, and during the 3 several years was a Constable for the Home District and frequently served on Juries. Having embarked so large a part of his capital as above related and not being aware that the step he was about to take was contrary to law; your petitioner procured a friend to take out a license in his own name, for your petitioner's house, (and for which license your petitioner paid £8 15s.), and under him your petitioner conducted the business of an Innkeeper for 6 months, in the year 1817, when he was summoned before the Magistrates, and upon the above facts being brought against him, was fined and paid £20 with £1 5s., costs, and obliged to shut up his house. That your petitioner the preceding year seeing the want of carding machines in this part of the Province and under the impression that the duty was only 10 per cent, imported one, but for it he was obliged to pay 30 per cent duty.

Misfortune pursued him and this machine was wrested from him in a manner too tedious to relate, and others are now benefiting by his enterprise.

Your petitioner is more minute than he probably ought to be, but he is desirous to shew that he came to the country with a good property for one of his condition, that his prospects and intentions were good and legitimate, that he possessed enterprise, and with ordinary success, might have been of advantage to the country. From the circumstances above detailed, and by which £1000 have been wasted, from sickness and from the charges of a large family, consisting of a wife and 7 helpless children, your petitioner finds himself, after striving with adversity during the best years of his life, reduced to poverty and distress.

And he is induced now to pray your Excellency in Council to be pleased to allow him a grant of land and on such terms, and such other relief as to your Excellency may seem fit, and as such, will ever pray.

(Signed,) LEONARD WILCOX.

York, *6th March*, 1829.

Government House,
1st April, 1829.

Referred to the consideration of the Honorable the Executive Council.

By command,

(Signed) Z. MUDGE.

In Council, 2nd April, 1829.

The Council cannot under the present regulations recommend the petitioner for lands. An application respecting the fine imposed for selling Liquor without License, appears to have been disposed of by the Executive Government in 1826, and as to the goods seized so long ago as 1815, nothing appears to shew that any but the ordinary judicial proceedings were enforced against him.

(Signed) J. B..
P. C.

A true copy,
J. BEIKIE,
Clerk Ex. Council.

Signed J. C.

(Copy.)
(Duplicate.)

Custom House,
York, *3rd Oct.*, 1815.

Sir,

In consequence of several seizures of Goods, Wares, and Merchandize, of different descriptions, which have been imported into this Province contrary to law, and the circular instructions of 20th May last, received from the Provisional Lieutenant Governor's office, most of which are now in my possession and bonds given for the remainder.

I beg leave to trouble you to lay this before His Excellency the Lieutenant Governor, with a request that he will be pleased to order the necessary instructions to the Attorney General to do what is needful in proceeding against the said property for condemnation.

I have the honor to be,
Sir,
Your obedient servant,
W. ALLAN,
Collector of Customs.
Home District.

Wm. Halton, Esq.,
&c. &c. &c.

Lieut.-Governor's Office,
York, *October* 21, 1815.

Sir,

I have the honor to transmit to you herewith, by command of the Lieut.-Governor, a letter from Mr. Allan, Collector of Customs at this port, addressed to me on the subject of merchandize imported from the United States of America, contrary to law, and siezed by him; and I have his Excellency's directions to desire you will take measures for proceeding against the same to condemation conformably to law.

I have the honor to be,
Sir,
Your most obedient humble servant,
WM. HALTON,
Secretary.

D'Arcy Boulton, Esq.
Attorney-General.

Copy.

Upper Canada, Home District, York. To Wit: } George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith:

To Wm. Allan, Esq.,
Collector of Customs at York.

Greeting:

Whereas, we have been given to understand, by the information of D'Arcy Boulton, Esq., our Attorney-General for the Province of Upper Canada, exhibiting in our Court of King's Bench at York, in the said Province, in Michaelmas Term last past, that you had therefore seized to our use and the use of ourselves as forfeited, a certain boat with her tackle and furniture of the goods of one Hial Wilcox: for that several parcels of goods and merchandize, to wit: 20 barrels of salt, 2 boxes of glass, 3 tierces and 3 barrels of whiskey, 6 barrels of oil, 1 crate of crockery, 1 crate of glassware, 4 pails and 7 chairs, 2 kegs of tobacco, 1 keg of ginger, 1 demijohn of spirits of turpentine, 1 box of hats, one box of saddles, 1 trunk of dry goods, 1 box of glauber salts, 1 bag of coffee, 1 trunk of sundries, 24 pieces of hollow ware, 1 cross-cut saw, 3 kegs of nails and 2 bags of shot, not being goods and commodities of the growth, produce or manufacture of the Territories of the United States of America, were within the time, in the said information mentioned, imported and brought in the said boat by one Leonard Willcox into the Province aforesaid from the said United States, contrary to the form of the Statute in that case made and provided: *Whereupon* our said Attorney-General prayed the consideration of our said court in the premises, and that the said boat with her tackle and furniture, and the said goods and merchandizes so as aforesaid seized and arrested, might for the reasons aforesaid, remain forfeited: *Whereupon* Proclamation being made, as the custom is, that if any one could inform the said court why the said boat, &c., and the said goods and merchandizes should not, for the reasons aforesaid, remain forfeited, he might come and should be heard,

nd the said Leonard Wilcox having done this, and the said Attorney General thereupon having prayed our writ of appraisement of the said boat, &c., and the said goods and merchandize: *Therefore we command you*, that by the oaths of good and lawful men of the said district, you cause the said boat and her tackle, and furniture, and the said goods and merchandizes, to be justly and fairly valued and appraised, and to cause an Indenture thereof to be made under the hands and seals of the said Appraisers and a counterpart thereof to be returned into the said court at York, together with this Writ on the 13th day of April instant: *Witness* the Hon. Thomas Scott, Chief Justice at York, the eleventh day of April, one thousand eight hundred and sixteen, and in the fifty-sixth year of our reign.

JOHN SMALL, *Clerk of the Crown.*

Copy.

This Indenture, made the thirteenth day of June, in the year of our Lord one thousand eight hundred and sixteen, and in the fifty-sixth year of the reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kindom of Great Britain and Ireland, King, Defender of the Faith. Witnesseth that I, William Allan, His Majesty's Collector of His Customs at the Port of York, in the Home District of the Province of Upper Canada, by virtue of a writ of His Majesty's Court of King's Bench, to me directed and hereunto annexed have, upon the corporal oaths of Ezekiel Benson, Thos. Stoyles, William Smith, Junior, and Silas Crane, good and lawful men of the said Home District, viewed, numbered, valued, and apprized the boat, with her tackle and furniture, and the goods seized by Thomas Hamilton, Deputy Collector of the said Port of York, imported in the said boat from the United States of America by one Leonard Willcox, the same goods not being of the growth, manufacture, or produce of the said United States of America, to be sold by order of the Court of King's Bench, in pursuance of an Act of the Parliament of this Province, passed in the forty-first year of the reign of our said Sovereign Lord King George the Third..

			The said Boat with her tackle and furniture, all.....	
£15	0	0	Twenty barrels of Salt, all.....	Fifteen pounds,
4	0	0	Two boxes of Glass, all.....	Four pounds,
38	12	6	Three tierces and three barrels of Whiskey, all.....	Thirty-eight pounds twelve shillings and six-pence,
67	10	0	Six barrels of Oil, all.....	Sixty-seven pounds ten shillings
			One crate of Crockery, all conterbrand, not valued,.....	
6	5	0	One crate of Glassware, all.....	Six pounds five shillings,
3	0	0	Four Pails and seven Chairs, all.....	Three pounds,
15	7	6	Two kegs of Tobacco, all.....	Fifteen pounds seven shillings and six-pence,
			One keg of Ginger, all conterbrand, not valued.....	
2	10	0	One demijohn Spirits of Turpentine, all.....	Two pounds ten shillings,
11	10	0	One box of Hats, all.....	Eleven pounds ten shillings,
27	10	0	One box of Saddlery, all.....	Twenty-seven pounds ten shillings,
30	10	0	One trunk of Dry Goods, all.....	Thirty pounds ten shillings,
1	5	0	One box of Glauber Salts, all.....	One pound five shillings,
			One bag of Coffee, all conterbrand, not valued,.....	
30	17	6	One trunk of Sundries, all English East India Goods, contreband, not valued,.....	
8	2	8	Twenty-four pieces Hollowware, all.....	Eight pounds two shillings and eight-pence,
1	0	0	One cross-cut Saw,.....	One pound,
26	18	1	Three kegs of Nails, all.....	Twenty-six pounds eighteen shillings and a penny,
			And two bags of Shot, all, contrebrand, not valued,.....	
£343	18	3	Total amount of the said boat, with her tackle and furniture,....	
84	17	6	And goods appraised and to be publicly sold as above, is.....	
£259	0	9		

In witness whereof we have hereunto interchangeably set our hands and seals the day and year first above written.

EZEKIEL BENSON,

THOS. STOYELL,

WM. SMITH,

SILAS CRANE.

Copy.

Know all Men by these Presents, that We, Stillwill Wilson, and John Montgomery, of the Township of York, Yeoman, and Hial Wilcox, of the Township of Vaughan, Yeoman, are held and firmly bound unto our Sovereign Lord the King, his heirs and successors, in the sum of £169 15s. of lawful money of Upper Canada, to be paid to our Sovereign Lord the King, his heirs and successors, for which payment, well and truly to be made, we bind ourselves and each by himself, our and each of our heirs, executors, and administrators firmly by these presents, sealed with our seals, and dated at York, this fourth day of May, in the year of our Lord one thousand eight hundred and sixteen.

The condition of this obligation is such, that if the above bound Hial Wilcox, Stillwill Wilson, and John Montgomery, or either of them, shall well and truly return the boat of the said Hial Wilcox, called the Lark, in as good a state of repair as she is at present, to the Collector of His Majesty's Customs at the Port of York, in the event of the said boat being adjudged forfeited, together with the tackle and furniture belonging to the same, or shall well and truly pay, or cause to be paid to the Collector of the port aforesaid, the sum of £84 17s. 6d. of lawful money of the said Province, being the appraised value of the said boat and the tackle and furniture thereof, then the above written obligation to be void and of no effect, otherwise to be and continue in full force and virtue.

Signed sealed and delivered in the presence of } HIAL. WILLCOX.

The word "Yeoman" having been first written over the word "Physician" which is obliterated, and the words "in as good a state of repair as she is at present"—"being first interlined in red ink." } STILL. WILLSON. JOHN MONTGOMERY.

W. W. BALDWIN,
G. S. BOULTON.

York, *May* 8, 1816.

Received from Wm. Allan, Collector of the port of York, as being one of the parties suing on the within-named bond the boat named *Lark*—in his possession under seizure; together with four oars, three iron sparred poles, 1 Russia sheeting sail, and some rigging apparently in good order.

STILL. WILLSON.

Witness,
Silas Crane.

Copy.

Know all men by these presents that we Leonard Wilcox, now of the town of York, Yeoman, Stillwell Willson, of the township of York, Mariner, and John Willson, of the same place, Yeoman, are held and firmly bound unto Wm. Allan, of the town of York, Esq., in the sum of £518 1 6, lawful money of the Province of Upper Canada, for which payment well and truly to be made, we bind ourselves, respectively, our, and each of our heirs, executors, and administrators for ever, for and in the whole firmly by these presents sealed with our seals and dated this nineteenth day of June, A. D. 1816.

The condition of this obligation is such that if the above bounded Leonard Wilcox shall perform and faithfully fulfil all the matters and things contained in a certain agreement hereunto annexed, and made between Wm. Allan, Collector of Duties at the port of York, and the said Leonard Wilcox, then this obligation to be void otherwise to continue in force.

Witness hereunto.
The words "& eighteen" enterlined.
GEORGE S. BOULTON,
JOHN W. GAMBLE.

LEONARD WILCOX,
STILL. WILLSON,
JOHN WILLSON.

Copy.

MEMORANDUM.—It is agreed this thirteenth day of June, in the year of our Lord one thousand eight hundred and sixteen, between William Allan, of the town of York, in the Home District of the Province of Upper Canada, Esquire, Collector of His Majesty's Duties at the Port of York of the one part, and Leonard Wilcox, of the township of Vaughan, in the said district, Yeoman, of the other part.—Whereas the said William Allan, as Collector aforesaid, did some time since seize several goods and merchandizes, together with a boat called the Lark, with her tackle and furniture, for that the same were unlawfully imported from the United States in the said boat by one Leonard Wilcox.—And forasmuch as part of the said goods & merchandizes are of a perishable nature, & part thereof may not be judged liable to forfeiture, although liable to duties. It hath been agreed that the following articles, to wit, twenty barrels of salt, two boxes of glass, three tierces and three barrels of whiskey, six barrels of oil, one crate of glassware, three pails and seven chairs, two kegs of tobacco, one demijohn of turpentine, a box of hats, a box of saddlery, a trunk of dry goods, a box of salts, twenty four pieces of hollow ware, a saw, and three kegs of nails,—part of the said goods shall be delivered up to the said Leonard Wilcox by the said William Allan, to be at the disposal of the said Leonard Wilcox after the payment of the legal duties for the same, and finding security to the satisfaction of the said William Allan to pay the sum of two hundred and fifty nine pounds, the appraised value of the said goods so delivered up to the said Leonard Wilcox, as before mentioned, (if the judgments of His Majesty's Court of King's Bench shall condemn the said goods, together with other goods not delivered up). And the said Leonard Wilcox, who declares himself the true proprietor of the said goods, covenants and agrees that neither he or his brother Hial Wilcox, who is the reputed owner of the same goods, shall either of them commence any suit against the said William Allan for or by reason of the seizure of the said goods, or any part thereof, or the present surrender thereof to the said Leonard Wilcox by the said William Allan, and in order that the said William Allan may be fully indemnified in his compliance with the wishes of the said Leonard Wilcox, He, the said Leonard Wilcox, further covenants and agrees with the said William Allan, that Stillwell Willson, now commanding a schooner on Lake Ontario, and John Willson of the township of York shall enter into security with the said Leonard Wilcox for the performance of this agreement on the part of the said Hial Wilcox and Leonard Wilcox.

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

LEONARD WILLCOX.

Witness hereto the word "Hial" being expunged and "Leonard" substituted therefor before execution.
W. ALLAN.
H. HEWARD.

ATTORNEY-GENERAL'S OFFICE,
May 7, 1816.

Copy.

SIR,

Upon receipt of the accompanying Bond I think you will be justified in delivering up the boat called the *Lark*, now in your custody, by virtue of a seizure made by you as Collector of the Customs at the port of York.

I have the honor to be,
Sir,
Your most obedient servant,
D'ARCY BOULTON,
Attorney-General.

To WM. ALLAN, Esq.,
Collector, &c. &c. &c.

Copy.

An Inventory of a Crate of Crockery.

21 blue edged Soup Plates.
36 blue flat Soup Plates.
72 blue flat Breakfast Plates.
60 cream colored Soup Plates.
59 cream colored Dinner Plates.
36 cream colored Breakfast Plates.
12 Oval Dishes, cream color.
10 cream colored Washhand Bowls.
24 do do pint bowls.
5 cream colored Quart Mugs.
19 cream colored Pint Mugs.
2½ doz. purple Cups and Saucers.
3½ doz. blue and white Cups and Saucers.
3 Claret Bottles and 6 small Tumblers.

THOMAS HAMILTON.

York, Feb. 26, 1817.

An account of sundry articles that were seized from L. WILLCOX, *and condemned as being illegally imported, sent to* Mrs. HAMILTON, *for sale at Auction, Feb.*, 26, 1817.

1 bag Coffee.
2 bags Shot.
2 boxes Cigars.
1 doz. Pins.
1 keg of Ginger.
* A crate of Crockery.
2 pieces of Dark Calico, 28 yards each.
11 dark Silk and Cotton Shawls.
5 white Shawls.
7 large Cotton Shawls.
11 colored Cotton Handkerchiefs.
1 piece of Cotton Shirting, 25 yards.
1 piece ditto, finer, 25½ yards.
2 Remnants ditto, 16 yards.
66 cakes of Windsor Soap.

* *Contents of the Crate of Crockery.*

21	blue edged	Soup Plates.
36	blue edged	flat Plates.
72	blue edged	Breakfast Plates.
60	cream colored	Soup Plates.
59	ditto	Dinner Plates.
36	ditto	Breakfast Plates.
12	ditto	Oval Dishes.
10	ditto	Washhand Basons.
24	ditto	Pint Bowls.
5	ditto	Quart Mugs.
19	ditto	Pint Mugs.

2½ doz. purple Cups and Saucers.
3½ doz. blue and white ditto.
3 Claret Bottles and 6 small Tumblers.

Copy.

MY DEAR SIR,

I examined the Crown Office and ascertained that the costs taxed in Wilcox's seizure were £19 11s., and that does not include the expenses of the sale of the goods, and which I am afraid cannot now be easily found out.

Yours sincerely,
G. S. BOULTON.

Tuesday.

No. 104.

REPORT

OF

COMMISSIONERS OF THE KINGSTON HOSPITAL,

FOR THE YEAR 1835,

WITH

VOUCHERS AND PLAN.

(Copy.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

The undersigned Commissioners appointed by an Act passed in the second year of His Majesty's reign, "To superintend and "manage the erection of an Hospital in or near the town of "Kingston, and to purchase, or otherwise obtain, choose, and "determine the site thereof."

Most Humbly Report:—

That the annual Report of the said Commissioners' dated the 31st day of December, 1834, to His Excellency Sir John Colborne, late Lieutenant-Governor of Upper Canada, to which your Excellency is respectfully referred, exhibiting a statement of the progress then made in the undertaking of which they were entrusted with the management, and was accompanied by Vouchers for all the Disbursements which they have made up to that period.

The several Contracts entered into, and all the work undertaken have been completed; with the exception of painting the interior of the building, which for want of funds has not yet been commenced, and of finishing the painting of the doors, frames and sashes exteriorly; which have received a priming coat. The building itself may be pronounced fit for occupation; although to render it complete in all its contemplated arrangements and thoroughly convenient for the treatment and accommodation of Patients, the apparatus of baths and water closets, for which most suitable compartments have been prepared, will eventually be required.

A large mound of earth dug from the foundation, which now impedes the approach to, and obstructs the aspects of the building, will require removal; and for the kitchen which is in the basement story, and consequently eight feet below the surface of the ground, an area of forty feet square, formed by an excavation of the soil flagged and faced with stone, according to the original plan, will be necessary to form a sufficiently commodious yard.

When the erection of the Kingston Hospital was first contemplated it was hoped that a suitable Grant of Public Land might be obtained for its Site;—but as it was found impracticable to procure this, and that moreover the reservations originally made by the Council in the Town Plot for such object, had been recently declared necessary for the purpose of military defence. The Commissioners were obliged to incur the unforeseen expense of five hundred and forty pounds in the purchase of a block of ground for their purpose. This site they are happy to state is most eligibly placed at a convenient distance from the town, on an elevated and salubrious position, overlooking the bay and freely open to the water, and containing about seven acres.—The building is capable of containing with ease one hundred and twenty beds, and in cases of emergency, one hundred and fifty patients might be accommodated in it. The wards are lofty, roomy, and well ventilated, and the house establishment is convenient; and the commissioners have the satisfaction to learn, that all who have visited and examined it have pronounced most favorably of its situation, plan and structure.

The inhabitants of the town of Kingston in petitioning the Legislature in 1831 for aid to build an Hospital, stated, that almost £1000 had been subscribed by them for that object, and it will be seen by referring to the accompanying copy of the original list, that they were justified by truth in making this statement. The list exhibits the sum of £1032 15s 0d, altho' £860 5s 4d only have been paid in, leaving an unpaid balance of £172 9s 8d, of which, owing to the numerous casualities by deaths which have since occurred, and other untoward circumstances, but a small portion is to be expected—accordingly, however, as any part of it may come into their hands, the commissioners will apply it with the same regard to economy which has hither guided them.

A general statement of all the monies received and expended by the commissioners accompanies this report, together with vouchers for all disbursements made since their former one.

By that marked No. 6. it will be seen that a balance of £18 16s 11d remains due by them to the superintendant of work, which is the only charge unliquidated.

In concluding this report, the commissioners feeling a deep interest in the success of an undertaking which the Legislature has entrusted to their superintendance, an undertaking originating in the suggestions of private benevolence, but subsequently most liberally aided by public munificence, are induced to express their humble hope, that considering the advanced stage at which it has now arrived Your Excellency may see fit to recommend it to the Legislature, for the further extension of their bounty; in order that so important a public charity may not fail soon to be put in a situation to fulfil the intentions of its contributors, and realize the hopes of the community, that it should become an asylum for the numerous applicants, which its central position, the great annual influx to this port of passing emigration, and other local causes are likely to produce.

While adverting to this subject, the commissioners feel induced to represent to your Excellency, that the Government Building, for many years occupied as the hospital of the Kingston Female Benevolent Society, with all its expensive apartments, has lately been consumed by fire, and all its unfortunate inmates scattered abroad.—That in consequence of this calamity a stop is necessarily put to the maintenance of an institution which for 16 years has proved of incalculable benefit to the afflicted and distressed from all countries, the number of whom for the three years preceding 1835, as by a return then made to Sir John Colborne appeared to amount to no less than 305, who had been treated as indoor patients.

This circumstance cannot fail to awaken the anxiety of the commissioners in common with the rest of the public for the completion and speedy operation of the new Kingston Hospital, and they are therefore emboldened to express their humble hope that Your Excellency, graciously considering the importance of the object of their solicitude, may see fit to recommend to the Provincial Legislature a further grant of five hundred pounds to carry it into effect.

All which the undersigned commissioners most respectfully submit.

JOHN MACAULAY,
JAMES SAMPSON,
E. W. ARMSTRONG.

KINGSTON, UPPER CANADA,
13th *February*, 1836.

(COPY.)

No. 1.

The Commissioners appointed by statute to build the Kingston Hospital—

TO JOHN & THOMAS MILNER DR.

	£	s.	d.
To Mason Work and Plastering done as per contract,	1525	0	0
To extra work as per statement,	75	6	1
£	1600	6	1

Received payment in full, having signed in duplicate, Kingston, 31st July, 1835.

(Signed) THOMAS MILNER,
JOHN MILNER.

Witness,
ROBERT DEACON.

(COPY.)

No. 2.

The Commissioners appointed by Statute to build the Kingston Hospital—

TO JOHN FISHER & WILLIAM LYALL DR.

	£	s.	d.
To Carpenter and Joiner Work, as per contract,	1424	0	0
To Extra Work as per statement,	50	4	3½
£	1474	4	8½

Received payment in full, having signed in duplicate.
Kingston, 21st July, 1835,

(Signed) JOHN FISHER,
WILLIAM LYALL.

Witness,
ROBERT DEACON.

(COPY.)

No. 3.

The Commissioners for building the Kington Hospital—

TO JOHN WALKER DR.

	£	s.	0
To Painting and Sanding the Porticoes and Verandahs on both fronts of the Hospital. Painting Sash Frames and outer Doors as per estimate and agreement,	19	0	0

Received payment in full, having signed in duplicate.

(Signed) JOHN WALKER.

Witness,
ROBERT DEACON.

(COPY)

No. 4.

The Commissioners for building the Kingston Hospital—

TO JAMES KERR, DR.

	£	s.	d.
To Painting (1st Cont) Columns and entablature of both Porticoes,	3	0	0

Received payment in full, having signed in duplicate, Kingston, 26th December, 1835.

(Signed) JAMES KERR.

(COPY.)

The Commissioners for building the Kingston Hospital.

To JOHN WATKINS & Co. DR.

1833	£	s.	d
Sept. 3.—To 20 lbs nails	0	7	6
Sept. 7.—To 20 lbs nails	0	7	6
Sept. 16.—To 14 lbs cut nails	0	5	3
Sept. 16.—To 2 lbs wrought nails	0	0	10
Sept. 22.—To 40 lbs nails	0	15	0
Oct. 3.—To 21 lbs nails	0	7	10½
Oct. 4.—To 2 lbs nails ½ pair hinges	0	4	6
Oct. 12.—To 6 lbs nails	0	2	6
	2	10	11½

Received payment in full, having signed in duplicate.
Kingston, 25th March, 1835.

(Signed)
JOHN WATKINS & Co.

(COPY.)

The Commissioners for building the Kingston Hospital.

To THOMAS ROGERS. DR.

	£	s.	d
1833—To plans and specifications for the said building	4	10	0
To superintending work, and furnishing working plans as required at 2 per cent on the cost	64	1	2
To cash paid George Oliver for straps, belts, kegs, washers and nails for gates, 20 lbs. at 7½d	0	12	6
To cash paid William Stone for 3¼ days' labour performed in levelling the ground about the foundation of the building, at 3s	0	10	6
To cash paid Mary Bosally for cleaning out and washing floors of Hospital	0	5	0
	69	19	2

KINGSTON, 28th December, 1835.

Received on account of the above demand in part payment thereof, fifty-one pounds two shillings and three pence, currency, from the commissioners. Having signed in Duplicate.
Kingston, 8th February, 1836.

THOMAS ROGERS.

Witness,
CHARLES NOEL.

(Copy.)

GENERAL STATEMENT of Receipts and Disbursements by the Commissioners for erecting the Kingston Hospital.

No of Voucher.	Dr.	AMOUNT. £ s. d.		Cr.	AMOUNT. £ s. d
	Disbursements as per Vouchers marked No. 1 to 21, which accompanied the General Abstract, dated 31st Dec. 1834	3309 14 9½		The Public Grant	3000 0 0
1	J. & T. Milner, masons...£1600 6 1			Interest obtained on a small loan	4 9 0
	Less paid as per former Voucher, No. 19..... 1430 10 5	169 15 8		Private subscriptions as per statement marked Z	860 5 4
2	J. Fisher & W. Lyall, carpenters.....£1474 4 8½				
	Less paid as per former Voucher, No. 18..... 1166 8 10	307 15 10½			
3	John Walker, painting	19 0 0			
4	James Kerr, painting	3 0 0			
5	John Watkins nails, &c	2 10 11			
6	Thomas Rogers, employed as superintendent, paid in part.....£69 19 2	51 2 3			
	Balance	1 14 10			
		3864 14 4			3864 14 4

(Signed) JOHN MACAULAY.

Kingston, *February* 10, 1836.

Z.

(Copy.)

SUBSCRIPTIONS to the Kingston Hospital.

NAMES OF SUBSCRIBERS.	Amount of Subscriptions. £ s. d.	SUMS PAID. £ s. d.	Sums still due. £ s. d.
John Kirby,	50 0 0	50 0 0	0 0 0
C. A. Hagerman,	40 0 0	40 0 0	0 0 0
Robert D. Cartwright,	50 0 0	50 0 0	0 0 0
John S. Cartwright,	50 0 0	50 0 0	0 0 0
John Macaulay,	40 0 0	40 0 0	0 0 0
William P. Macdonald,	10 0 0	10 0 0	0 0 0
James Sampson,	30 0 0	30 0 0	0 0 0
John Counter,	25 0 0	25 0 0	0 0 0
Thomas Kirkpatrick,	25 0 0	25 0 0	0 0 0
John R. Glover,	10 0 0	10 0 0	0 0 0
George Mackenzie,	10 0 0	4 0 0	6 0 0
H. C. Thomson,	10 0 0	3 0 4	6 19 8
John Watkins,	12 10 0	12 10 0	0 0 0
John MacLean,	12 10 0	0 0 0	12 10 0
David John Smith,	12 10 0	12 10 0	0 0 0
Thomas Dalton,	10 0 0	0 0 0	10 0 0
Alexander Pringle,	10 0 0	10 0 0	0 0 0
Mrs. Dobbs,	10 0 0	10 0 0	0 0 0
John Marks,	17 10 0	17 10 0	0 0 0
F. A. Harper,	10 0 0	10 0 0	0 0 0
James Macfarlane,	10 0 0	2 0 0	8 0 0
John Mowatt,	10 0 0	10 0 0	0 0 0
W. Binley,	10 0 0	5 0 0	5 0 0
James P. Bennett,	10 0 0	10 0 0	0 0 0
Archibald McDonell,	10 0 0	2 0 0	8 0 0
Mrs. Forsyth,	10 0 0	10 0 0	0 0 0
John R. Forsyth,	10 0 0	10 0 0	0 0 0
William Mackenzie,	10 0 0	2 0 0	8 0 0
Thomas Askew,	10 0 0	10 0 0	0 0 0
Carried forward	535 0 0	470 10 4	64 9 8

NAMES OF SUBSCRIBERS.	Amount of Subscriptions. £ s. d	SUMS PAID. £ s. d	Sums still due. £ s. d
Brought forward	535 0 0	470 10 4	64 9 8
D. Rankin	10 0 0	0 0 0	10 0 0
Thomas Wilson	10 0 0	2 0 0	8 0 0
James Meagher	10 0 0	2 0 0	8 0 0
Thomas Smith	10 0 0	2 0 0	8 0 0
William Driscc	5 0 0	0 0 0	5 0 0
W. P. Cook	2 10 0	2 10 0	0 0 0
Thomas Witley	2 10 0	2 10 0	0 0 0
Samuel Cooper	5 0 0	0 0 0	5 0 0
Richard Scobell	5 0 0	5 0 0	0 0 0
Walter McCuniffe	10 0 0	10 0 0	0 0 0
James Lynch	2 10 0	0 0 0	2 10 0
Jane McLeod	10 0 0	10 0 0	0 0 0
Alexander McDonell—Ep. R.	30 0 0	30 0 0	0 0 0
Michael Moran	12 10 0	0 0 0	12 10 0
Robert Drummond	25 0 0	0 0 0	25 0 0
J. Machar	10 0 0	10 0 0	0 0 0
J. W. Armstrong, & Co.	10 0 0	10 0 0	0 0 0
G. O. Stuart	40 0 0	40 0 0	0 0 0
D. Bethune	12 10 0	0 0 0	12 10 0
W. Lesslie	5 0 0	5 0 0	0 0 0
John G. Parker	7 10 0	7 10 0	0 0 0
Rev. Wm. Boulton, of Toronto	10 0 0	2 10 0	7 10 0
Colonel Nicoll, 66th Regiment	5 0 0	5 0 0	0 0 0
The Montreal Bank	25 0 0	25 0 0	0 0 0
J. B. Forsyth	12 10 0	12 10 0	0 0 0
C. & J. Macdonald, & Co.	25 0 0	25 0 0	0 0 0
J. V. Kent	2 10 0	2 10 0	0 0 0
G. W. Yarker	10 0 0	10 0 0	0 0 0
Thomas Rogers	2 10 0	2 10 0	0 0 0
E. H. Hardy	0 10 0	0 10 0	0 0 0
William Wilson	10 0 0	10 0 0	0 0 0
Robert Tolbert	5 0 0	5 0 0	0 0 0
Robert Richardson	2 10 0	0 0 0	2 10 0
George Webster	5 0 0	5 0 0	0 0 0
A. J. Ferns	5 0 0	5 0 0	0 0 0
Charles Tolkien	2 0 0	2 0 0	0 0 0
Theodore Brockett	1 10 0	0 0 0	1 10 0
Stafford Kirkpatrick	5 0 0	5 0 0	0 0 0
E. W. Armstrong	12 10 0	12 10 0	0 0 0
James R. Benson	2 10 0	2 10 0	0 0 0
John Butterworth	2 0 0	2 0 0	0 0 0
Matthew Rourke	2 0 0	2 0 0	0 0 0
William Wilkinson	1 0 0	1 0 0	0 0 0
J. B. Bower	10 0 0	10 0 0	0 0 0
James Fraser	1 5 0	1 5 0	0 0 0
William Forsyth (Montreal)	12 10 0	12 10 0	0 0 0
Mr. Burnett, of Quebec	12 10 0	12 10 0	0 0 0
Mr. Phillips, of Montreal	10 0 0	10 0 0	0 0 0
Charles W. Grant	25 0 0	25 0 0	0 0 0
George Baker	10 0 0	10 0 0	0 0 0
John Strange	12 10 0	12 10 0	0 0 0
Commercial Bank	25 0 0	25 0 0	0 0 0
£	1032 15 0	860 5 4	172 9 8

(Copy.)

SUBSCRIPTIONS for the Kingston Hospital, collected and paid into the Bank of Upper Canada by Messrs. J. Kirkpatrick and J. Forsyth.

	£ s. d.
John Kirby	50 0 0
R. D. Cartwright	50 0 0
J. S. Cartwright	50 0 0
J. Macaulay	40 0 0
W. P. M'Donald	10 0 0
J. Sampson	26 0 0
John Counter	25 0 0
J. Kirkpatrick	25 0 0
George Mackenzie	4 0 0
Carried forward	280 0 0

	£ s. d
Brought forward	280 0 0
H. C. Thompson	2 0 0
John Watkins	12 10 0
D. J. Smith	2 10 0
Mrs. Dobbs	10 0 0
John Marks	12 10 0
F. A. Harper	10 0 0
James Macfarlane	2 0 0
John Mowat	10 0 0
Carried forward	341 10 0

	£	s.	d
Amount brought forward,	341	10	0
W. Binley,	0	0	0
A. McDonell,	2	0	0
Mrs. Forsyth,	10	0	0
John R. Forsyth,	10	0	0
Wm. Mackenzie,	2	0	0
Thomas Askew,	10	0	0
Thomas Wilson,	2	0	0
James Meagher,	2	0	0
Thomas Smith,	2	0	0
W. P. Cook,	2	10	0
Richard Scobell,	1	0	0
W. McCunniffe,	5	0	0
Jane McLeod,	10	0	0
Bishop Macdonell,	30	0	0
J. Machar,	10	0	0
J. W. Armstrong, & Co.	10	0	0
W. Lesslie,	5	0	0
J. G. Barker,	7	10	0
Rev. W. Boulton,	2	10	0
Col. Nicholl,	5	0	0
Carried forward,	470	0	0

	£	s.	d
Brought forward,	470	0	0
Montreal Bank,	25	0	0
J. B. Forsyth,	12	10	0
C. & J. McDonald, & Co.	25	0	0
J. O. Kent,	2	10	0
G. W. Yarker,	10	0	0
E. H. Hardy,	0	10	0
W. Wilson	10	0	0
Robert Talbert,	5	0	0
George Webster,	2	10	0
A. J. Ferns,	5	0	0
C. Tolkien,	2	0	0
S. Kirkpatrick,	5	0	0
James R. Benson,	2	10	0
J. Butterworth,	2	0	0
M. Rourke,	2	0	0
W. Wilkinson,	1	0	0
James Fraser,	1	5	0
William Forsyth,	12	10	0
Mr. Burnett,	12	10	0
£	608	15	0

SUBSCRIPTIONS for the Kingston Hospital collected by J. Macaulay, according to Mr. Forsyth's unpaid list.

	£	s.	d.
E. W. Armstrong, £7 10s and £5	12	10	0
Thomas Whitely	2	10	0
Estate of H. C. Thomson	1	0	4
A. Pringle	10	0	0
J. R. Glover	10	0	0
Thomas Rogers	2	10	0
C. A. Hagerman, £25 and £15	40	0	0
W. Binley, 10s in the pound from the widow	5	0	0
W. M'Cuniffe	5	0	0
John Strange	12	10	0
James Sampson	4	0	0
Commercial Bank	25	0	0
J. P. Bower	10	0	0
Carried forward	140	0	4

	£	s.	d
Brought forward	140	0	4
C. W. Grant	25	0	0
J. P. Bennett	10	0	0
D. J. Smith	10	0	0
George Baker	10	0	0
George Webster	2	10	0
Richard Scobell	4	0	0
	201	10	4
G. O. Stuart	40	0	0
	241	10	4
T. Phillips	10	0	0
	251	10	4

PROMISSORY NOTES IN HAND.

	£	s.	d
James Meagher's, dated 5th February, 1836	8	0	0
James Macfarlane's " 5th February, 1836	8	0	0
Thomas Smith's " 8th February, 1836	8	0	0
£	24	0	0

MEMORANDUM.

			£ s. d.
Amount apparently collected by Messrs. Stafford Kirkpatrick, and John Forsyth			608 15 0
AMOUNT DEPOSITED IN BANK.			
1833		£ s. d.	
May 27.	Cash,	133 10 0	
April 3.	Cash,	150 0 0	
June 9.	Cash,	100 0 0	
" 17.	Cash,	25 0 0	
Sept. 16.	Cash,	136 10 0	
June 5.	Cash,	62 5 0	607 5 0
			£ 1 10 0
Collections by Kirkpatrick and Forsyth,			608 15 0
" by J. Macaulay, &c.			251 10 4
Amount collected,			860 5 4
Total amount collected			860 5 4
Subscriptions not collected,			172 9 8
Total amount of subscriptions,			1032 15 0
Balance of account current—Receipts,			3864 14 4
Payments per Vouchers,			3862 19 6
Deficiency,			1 14 10
Of this deficiency due by Fitzpatrick and Forsyth,		£1 10 10	
do. do. by J. Macaulay,		0 4 0	
		1 14 10	

REPORT

OF THE

SELECT COMMITTEE

TO WHICH WAS REFERED

THE ANSWER

OF

HIS EXCELLENCY THE LIEUT. GOVERNOR

TO AN

ADDRESS

OF

THE HOUSE OF ASSEMBLY

RELATIVE TO A RESPONSIBLE

EXECUTIVE COUNCIL.

To the Honourable the Commons' House of Assembly.

The committee to whom was referred the correspondence between His Excellency the Lieutenent Governor and the late members of the Executive Council of this province, having examined the various documents referred to them, and having carefully considered the subject discussed in the correspondence, submit the following

REPORT:

The committee are deeply convinced of the truth of Lord Glenelg's opinion, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions," and not less are they convinced that the difficulty has been increased instead of being diminished, since the date of Lord Glenelg's despatch. It is at such a crisis that we are called to the discussion of a question of vital importance to the people of this Province: a question which in the opinion of the committee, is no less than this: whether we have, as we have been taught to believe, a Constitution, "the image and transcript of that of Great Britain," or have only a mutilated and degraded *Constitution.*

The increasing dissatisfaction which has been produced, by the mal-administration of our provincial affairs, under Lieutenant Governors Gore, Maitland and Colborne, has been so well known, and so general, that even the Colonial office seems to have been awakened to a sense of the necessity of ameliorating our condition, by holding out the encouraging prospects of relief and reform. To our complaints, too long neglected and unredressed, attention was at length to be paid.—Sir John Colborne, (with whose measures, maxims and advisers His Majesty's subjects had long been dissatisfied) was removed, and a Lieutenant Governor was sent out, to administer the affairs of the Province, in such a way that the people should have reason to be attached to the parent State, from sentiments of affection and gratitude, as well as from principles of duty. As he was a stranger to the Province, to its affairs and history, to the wants, sentiments and habits of its inhabitants; and as the measures complained of under Sir John Colborne's administration had been attributed, in a great degree, if not altogether, to evil advisers, much anxiety was felt that the new Lieutenant Governor should call to the Executive Council, persons in whose sound constitutional principles, integrity and prudence, the country could put confidence. The appointment of Messrs. Dunn, Baldwin and Rolph, therefore, afforded general and lively satisfaction, not unmixed, however, with serious apprehensions that the influence and presence of the old councillors, who were supposed to have advised Sir John Colborne, would embarrass His Excellency and the new Councillors, in the pursuit of a more impartial, conciliatory and constitutional system of Government. The House and the country were not then aware that this Executive Council had been used as a mere screen for the acts of the Lieutenant Governor; on the contrary it was generally understood, that they were consulted on the affairs of the Province.

That the principles of the British Constitution were not put in practice as it regarded this Council, in one respect, was well known, & had been the subject of earnest complaint on the part of your Honorable House: we allude to the fact that persons had been appointed, or continued as Councillors, whose political opinions

and principles were in opposition to those of the people and their Representatives, and in many cases to the expressed wishes and intentions of his Majesty's Government;—as for instance, the contemptuous treatment given to Lord Goderich's despatch, as well as to its noble author. But the country were ignorant how much the affairs of the Province had been conducted by the arbitrary will of the Lieutenant Governor himself, with no other counsel than the secret suggestions and recommendation of unsworn, irresponsible and unknown advisers.

Much and justly as the people of the Province had been dissatisfied with the condition of our public affairs, they were nevertheless not aware of the extent to which the unconstitutional proceedings of the Lieutenant Governors of this Province had been carried.

Every day however, discovers new cause of complaint on the one hand, and the contemptuous indifference with which all complaints are regarded on the other.

From the documents referred to the Committee, it pretty plainly appears that the Lieutenant Governor had not consulted the Council at all after the new Councillors were sworn in—(See the representations of the Council, hereunto appended, marked A)—although, during the interval between that event and their resignation, 3 weeks of anxious expectation on the part of the people and their representatives, had elapsed, and during that time His Excellency had made various appointments, which he could not make advantageously or properly, without information and advice from some one.

His Excellency also refused to give the Royal Assent to a bill, demanded by justice and humanity, and passed for more than ten years, almost unanimously, by repeated and different Houses of Assembly; although, during the present winter, Lord Gosford had informed the Legislature of Lower Canada, that the Royal Assent would be given by the King in Council, to a similar bill which had been passed by the Parliament of that Province, and reserved for the signification of His Majesty's pleasure. Upon this refusal to assent to a bill which had thus received the sanction and approbation of both Houses of Parliament in Lower Canada and both houses of Parliament in Upper Canada, and been approved of by His Majesty's Government, after deliberate consideration, it is plain that the Executive Council had never been consulted; and, indeed, all the measures subsequently adopted, so disappointed expectation, as plainly to indicate either that the Council were not consulted, or that the old members, with the umpirage of the Lieutenant Governor, predominated.

Your Committee are forced to believe that the appointment of the new Councillors, was a deceitful manœvre to gain credit with the country for liberal feelings and intentions, where none really existed; for it was notorious, that His Excellency had really given his confidence to, and was acting under the influence of secret and unsworn advisers. Under these circumstances, the Council seem to have been led, (in conformity indeed with a suggestion of His Excellency himself,) to examine the nature and extent of their duties, under the Constitutional Act, and having discussed the subject with His Excellency, personally, at the Council Board, they united, ten days afterwards, in an unanimous and respectful representation, in writing, to His Excellency, in which, after adverting to the critical state of public affairs, and the general discontent with the past administration, which no one can doubt, they state their views of the Constitutional Act, (31 Geo. 3, chap. 31.) as it respects the Executive Council; and draw from it the following conclusion:

"*Firstly*—That there is, according to that statute an Executive Council.

"*Secondly*—That they are appointed by the King.

"*Thirdly*—That they are appointed to advise the King, and his Representative, upon '*the affairs of the Province*;'—no particular affairs are specified; no limitation to any particular time or subject.

They represent, that according to our Constitution, the Lieutenant Governor should consult the Executive Council upon the affairs of the Province generally, and not merely occasionally, although (except in certain cases where their concurrence is by statute expressly required,) His Excellency would still be at liberty to reject the advice when given; and they recommend, that, with the exception of those

matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, the affairs of the Province should be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively.

We have been careful to state the exact propositions of the late Council, as contained in their representation, because it is important to know what are the real points in controversy; and because His Excellency in various public documents, has given (to use the mildest terms) a very erroneous account of these propositions. He describes them as attempting to divest him of his responsibility, and of his power and patronage, although nothing was proposed by the Council, except that which we have above stated.

Your Honorable House will observe that the late Executive Council in their representation to His Excellency, have placed their duties upon the most moderate scale. It is merely proposed that the affairs of the province should be submitted for their advice, before the Lieutenant Governor exercises his own discretionary power upon them; and if the general business were as recommended, distributed into departments, it would obviously facilitate the reference of any matter by His Excellency for information or advice. Yet this simple proposition, in the opinion of your committee, so reasonable to a candid, and so acceptable to any *well constituted mind*, is repelled by His Excellency with seeming indignation; and the Councillors, in a most arbitrary manner, coerced from their office, and, after their resignation, literally traduced:—Upon such official conduct (whatever the station from which it comes) your committee cannot forbear freely to animadvert; for the country will in vain look for talented and honorable men to fill the public stations, and aid the conduct of public affairs, if subjected to ignominy and reproach, without vindication by the representative of the people, whose highest interests in the King's Councils they have undertaken to serve.

It is therefore with pain your committee notice in the conclusion of His Excellency's reply to the late Council—(hereto appended, marked B)—the discreditable alternative offered them. It appears from Mr. R. Baldwin's letter, that when he and his colleagues accepted the invitation to join the Executive Council, their political principles were made known and very fully explained to Sir Francis Head; and when jointly waiting upon him more formally to receive a united invitation, it appears he accepted their services with the avowed retention of the opinions they had hitherto publicly entertained and acted on, even declaring with great apparent frankness and magnanimity, that their seats in the council would afford them a better opportunity of confidentially presenting and urging their views. With such a latitude professedly given them, it became their duty, in the opinion of your committee upon assuming their office, to advise His Excellency upon the affairs of the province, and, in their opinion, as to the constitutional manner in which it might be best administered, in the terms of their oath "for the good of the King and this Province, and for the peace, rest and tranquillity of the same:" such is the substance of Mr. Baldwin's manly and honorable letter.

Animated with these loyal and patriotic feelings, and conversant with the condition and expectation of the country, it appears they joined in the representation dated the 4th of March, 1836,—(hereto appended, marked A.)—embodying their united views in a manner unreserved, candid and respectful.

To this representation Sir F. Head sent a reply, also hereto appended (marked B.) concluding with the following words:

"The Lieutenant Governor assures the council, "that his estimation of their talents and integrity, as "well as his personal regard for them remain unshaken, and that he is not insensible of the difficulties "to which he will be exposed should they deem it "necessary to leave him. At the same time should "they be of opinion that the oath they have taken "requires them to retire from his confidence, rather "than from the *principles* they have avowed, he begs "that on his account, they will not for a moment hesitate to do so."

It appears to your committee that however sensible the Council might be, to the honor of being confidential advisers of the King and his Representative in this Province, and however anxious to avert the embarrassments his Excellency justly apprehended, yet having entered his Majesty's service with known principles, and as

a duty communicated them officially, they could not honorably retire from these principles, to which, as their representation testified, they properly attached so much importance and truth. Hence upon this delicate subject Mr. Baldwin nobly observes, (see his letter in the Appendix, marked C.)

"Having in the representation alluded to but reiterated in a more formal manner in conjunction with my colleagues under the sanction of the oath, (which I had in the meantime taken) the same principles & opinions which his Excellency knew me to entertain previous to his honoring me with a seat in his council; however desirous I might be of giving my best support to His Excellency's Government, or of not hastily abandoning the important duties of my situation which had been most unwillingly assumed, I could not for a moment hesitate when the alternative presented to me was the abandonment either of my principles or my place."

Your Committee cannot hesitate to remark that this proposition of Sir Francis Head, in the secret council chamber, to retain them in his service, if they would retire from their principles, was highly objectionable, derogatory to the honor of the King, and demoralizing to the community.

Among the criminating views urged by His Excellency against the late Council, since the date of the correspondence, will be found a complaint against their concluding prayer as follows, that "should such a "course not be deemed wise or admissible "by the Lieutenant Governor, the Coun"cil most respectfully pray that they may "be allowed to disabuse the public from "a misapprehension of the nature and ex"tent of the duties confided to them."

This request might in the opinion of your committee, have been answered by a frank avowal of the alleged intention "after a few moments more afforded for reflection" to consult them to such an extent as to render their prayer "practically useless." But being in the strange misapprehension of His Excellency "sworn to be *dumb*," and thereby kept by him religiously mute from giving him any advice; the late Council appear to your committee to have had before them only two courses, viz: either to obtain a more cordial and constitutional intercourse with His Excellency, or discreditably to keep up the prevailing public deception, respecting their duties. If the Council would have recanted and kept the *great secret*, viz: that there were *no secrets*, they might, as the reply shews, have dishonorably retained His Excellency's confidence.

But for what honest purpose could it be desired not to undeceive the public, who had so long, under a misapprehension of the nature and duties of the Council, directed their reproach against them as the presumed concurrent advisers of misgovernment? If it is *wrong* that the Council should advise upon the "affairs of the Province," is it *right* falsely to make the people ascribe to them such duties?

Was it criminal, as is pretended, for them to ask leave to communicate to the public, not any particular matter, or their advice upon it, but merely to correct a public misapprehension of the nature and extent of the duties confided to them?—Was it generous or just for His Excellency, under pretence of the oath they had taken, to compel the new Councillors to subject themselves unjustly to the same reproach, as had been heaped upon the old ones, for supposed acts they had never done, and for supposed advice which had never been asked or given? Was it magnanimous or honorable for a Lieutenant Governor, who professed to take upon himself all responsibility for all mismanagement of our affairs, to screen himself from censure by allowing it to be unjustly imputed to a "*dumb*" "*defenceless*" Council? Would it not have been more manly to have said, "*I am the only responsible person; you shall not be blamed for my acts; therefore disabuse the public that they may never charge against you what is wholly chargeable against me*"? But on the contrary His Excellency condems them, almost as violators of their oath for desiring to undeceive the country, and for betraying so much sensitiveness about mere character and reputation, as to undervalue the honor of innocently braving all the odium of His Excellency's unadvised misdoings in his government. This is a species of political gallantry from which the Council seem humbly to have wished to be relieved; a wish, however, which His Excellency indignantly resents.

Your committee are unable to discover in the conduct of the late Council, any grounds for the reiterated assertion of His Excellency, that they wished to deprive him of his responsibility and patronage.

The responsibility of the Governor, should, in the opinion of your Committee, consist, in a great measure, of selecting good Councillors, and acting with their good and rejecting their bad advice. The advice of the Executive Council, given in the terms lately proposed by them, would inform the judgement, but not impair the responsibility of His Excellency. A Jury are not the less responsible for their verdict, because they hear evidence, the Counsel and the Judge. And to your Committee it seems puerile to urge, that should an Executive Council give advice to a Lieutenant Governor, he could have no responsibility in acting on it. The same may be said about the patronage. This patronage chiefly consists of appointments to all public offices throughout the country; and as His Excellency professes himself to your Honorable House, to be a stranger lately arrived among us, unacquainted even with the political differences of the Mother Country, and, necessarily, (as all his successors from England must be) wholly ignorant of this Province, it seems rational and prudent, that before making any such appointments to office, he should receive the advice of the Council in conjunction with whom he could make better enquiries and arrive at safer conclusions, than by his own unaided judgment.

When, therefore, His Excellency contends that he will not take advice upon the affairs of the Province, because it takes away his responsibility, and that he will not consult the Council about appointments to office, because it will take away his patronage, it practically amounts to a declaration, that he will carry on an arbitrary Government, not because it is the best calculated to advance the peace and prosperity of the country, but for the selfish purpose of displaying the extent of his power—for it is not pretended, that the Constitution prevents him from consulting with the Council on all matters, if he was only desirous of doing so.

But the Lieutenant Governor deliberately declares himself to be responsible for his Council as well as for himself to His Majesty's government in England.—This kind of responsibility (undeniably existing) we have witnessed in the examples of all preceding Governors, and experience, dearly bought, has proved that liability to a patron in Downing Street, four thousand miles off, is unavailing for any practical purpose. And even assuming this responsibility to continue, it does not lessen the manifest expediency and wisdom of guarding against even unintentional errors in the conduct of our affairs by the intervention of sworn advice from Councillors selected by the Lieutenant Governor himself, for their talents and integrity. The counsel given would produce here safe and happy government, and instead of destroying responsibility in England, would only lessen the necessity of a frequent appeal to the Throne and the British Parliament, for the redress of grievances, even of the most subordinate kind.

Your committee cannot forbear to notice the Lieutenant Governor's charge against four of the late Executive Councillors, whom he accuses with "having changed their opinions." Sir Francis Head is the last person who should have promulgated such a reflection against any of the late servants, particularly against those to whom he had introduced gentlemen avowing the opinions, which, it is insinuated, they imbibed. How could they suppose that His Excellency was angrily opposed to the principles he had infused into the council? But it seems he formed the Council of persons who, he thought, entertained opposite and discordant sentiments, and because, instead of quarrelling and wrangling among themselves, they discovered in their proceeding, a happy and useful concord in public business, he dismisses them for their unanimity, and then ungraciously charges one part with holding unconstitutional views, and the other part with being converts to them. And all these attacks are made upon them by His Excellency, who at the same time declares them to be *defenceless* "because being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves." Nevertheless to your Honorable House, and in answer to popular addresses, he is continually urging constructions and statements against the Council, which ought in fairness (and on every principle of honor) to be allowed to be answered or never to have been made.

Your Committee feel surprised at the public answer of His Excellency to the address of the city corporation—your committee have procured a certified copy of this address and answer, from His Excellency's private secretary, which they hereunto annex, marked D.—in which he expresses "*astonishment*," that those principles "*suddenly* appeared from *a quarter* from which *he certainly least expected it*, from the Executive Council itself." It is but just to the late Council to remark, that the announcement of such principles from a Council into which His Excellency had himself knowingly introduced them with Mr. Baldwin and his coadjutors, could not, in *candour*, be a matter of "*astonishment*;" nor can your committee consider it done "*suddenly*" after an amicable verbal discussion with him in Council ten days before, or that it could be "certainly least expected" from sworn advisers known to him to entertain these principles, and bound by His Excellency's invitation to the frank interchange of opinions, as well as by every obligation of honor and duty, to express them to him. It is, therefore, plain that the principles are regarded with "astonishment," by His Excellency, when there was no reason to feel it; are denounced as obtruded by the late Council "suddenly," after they had been debated for WEEKS; are condemned as emanating from a "*quarter*" into which he had *himself* knowingly introduced them; and are said to have been "*least expected*" from men whom he had *himself* in Council sworn *fearlessly* to advise him according to their honest convictions.

The late Council are charged by His Excellency in the last mentioned document with resting their claims in the appended representation, very nearly on the following grounds:

"1st—That the responsibility they assume being "a popular one, daily increasing, is consequently "the law of the land;" and "2ndly—That though "the powers they require are no where expressed in "the Constitutional Act, they were evidently intend-"ed to have been inserted."

Your Committee have compared the above professed epitome of the grounds taken by the late Council, with the representation itself, from which it is avowedly deduced; and the grounds, thus charged by His Excellency against the Council as assumed by them, are so utterly & so obviously at variance with *candour* as to defy any courteous commentary without injustice to the *Constitutional* question at issue.

In the answer of His Excellency, accompanying the documents between himself and the Council he states, that

"With every desire to consult my Council, I was "preparing for their consideration important remedial "measures, which I conceived it would be advisable "to adopt, and had they but afforded me those few "moments for reflection, which from my sudden arri-"val among you, I fancied I might fairly claim as my "due, the question which so *unnecessarily* they have "agitated, would have proved practically, to be use-"less."

It is singular that this latent intention of His Excellency is not even hinted in his reply to the Council, but is reserved for disclosure as a means of criminating them, after their resignation was effected by the alternative of "abandoning their principles or their place." Considering the relation which ought to subsist between a Governor and the Executive Council of the Province, it was not, in the opinion of your committee, dealing ingenuously with them, to take most important steps without their advice or even knowledge;—and it must have been a humiliating position for gentlemen, distinguished as His Excellency admits, for "their talents and integrity," to imagine that His Excellency was "preparing important remedial measures," not in dignified and constitutional co-operation with his highly gifted Council, but by the aid of unsworn and irresponsible persons unentitled to confidence. Such conduct did not redeem the pledge of the late Council, upon accepting office, of his "implicit confidence;" and when, after three weeks merely nominal Councillorship, they resign, it is alleged "had they afforded him a *few moments* for reflection, the question which so unnecessarily they have agitated would have proved practically useless. If such is the truth, if it was intended (after a *few* moments for reflection,) to consult the late Council to such an extent as to render their representation "practically useless," why did His Excellency require them to "abandon their principles or their place?" Why did he in his own language "drag the question into day-light, in order that it might be openly, fairly and constitutionally discussed," when it was his avowed intention, shortly to render the agitation of it "practically useless?" Under

such a prospect it was inexcusable MISRULE to fill the country with consternation and dismay, upon a matter respecting which, he had the *power* and *professes* to have had the *intention*, to satisfy public expectation; —and after importuning the Honorable J. H. Dunn and R. Baldwin, Esq., under an overwhelming pressure of recent domestic affliction, and Doctor Rolph amidst professional avocations, in voluntary retirement from public life, to join the Council, in order to aid the King's Government, it was most *ungenerous* to almost expel them his Council, merely for offering a suggestion which, after a few moments more reflection, he intended so far to follow as to render their representation "practically useless."

It should be particularly observed, that the representation of the late Council was signed by all the Councillors; was the deliberate, unanimous conscientious opinion of gentlemen of different political parties, —of those who had long been in office and of those who had just been appointed —not as to a mere theoretical question, but as to a question practically affecting their own duties, under the constitution of the country; was not a movement to serve any political party, but was calculated to meet the views and wishes of all parties; and that being in writing, His Excellency could take his own time to consider it. Finally, as this was a matter of no ordinary importance and as the Councillors had delivered their views in writing signed by all, (a proper and constitutional proceeding on such great questions in the judgment of the committee, and certainly the most respectful to His Excellency,) it would have been no great stretch of courtesy to the unanimous and confidential advice of his Councillors, if, in case he differed from them, he had referred it, with his observations, to His Majesty's government, instead of indulging his arbitrary spirit and requiring them to resign for the mere expression to him in confidence of their sentiments. It may be observed that without being obliged to concede the principle maintained by him, or to compromise his character or his dignity, he might frankly have consulted them, in the mean time. of his own accord, on all important matters, and have obtained thereby advice and information, which would have been highly useful to him and which, in fact, he necessarily must seek somewhere. By this means, he would have prevented the present excitement, and the discussion which has been forced upon the country of forms of Government and fundamental principles of the Constitution; a discussion which common prudence will admonish all settled governments to avoid. That he might have consulted them upon all the affairs of the Province even if he was not obliged to do it, there can be no doubt. Such a course if not enjoined is evidently not forbidden by the Constitution, or by the Royal Instructions, or by any law or authority whatever. It is not borrowed from a republican government or republican institutions, but is a British usage and according to British principles. It seems however from his own declaration that he was waiting for an opportunity to force this discussion upon the country; or in his own language "to drag this new theory into day-light," in order that it might be discussed. The Committee and the House are therefore "dragged" into the discussion of it, not by the Executive Council, not by any factious or party proceeding, but by His Excellency himself, who, it appears, notwithstanding his short arrival in the country, rather courted the discussion of it than otherwise, for it will be observed that he stated in answer to the corporation as follows:

"Finding that this new theory was rapidly gaining "ground, I resolved to offer it no secret *opposition*, "nor in any way to *exert* my *influence* to *oppose* it, "but I DETERMINED the *very* first time it should "come well within my *reach* that I would DRAG it "into day-*light*." &c.

The committee cannot but remark that hitherto the Executive Council have sustained the public censures for the misconduct of our affairs upon which it has always been supposed they have given a concurrent advice.—and upon that account past Lieutenant Governors as well as the British Government have sustained their office in dignity and been treated personally with respect. It is therefore, with great concern we learn from various public documents emanating from His Excellency upon this subject, that he desires to relieve the council from all participation of popular displeasure, inevitable in a country with liberal institutions, and to assume it himself. The representation of

the late council fully expresses the odium which its members had silently endured, and it appears to your committee repugnant to the British constitution and inconsistent with the necessary preservation of respect for the Kingly office to bring his representative into personal collision with the people in every period of excitement, and render him the ostensible person for accusation and complaint. Should such a doctrine prevail, the royal station in the colony will be seriously impaired in its dignity and be almost unavoidably introduced in parliamentary debate, and become the point upon which will be concentrated every manifestation of popular indignation. If all the odium which has been poured upon the old Executive Council, had been charged, as His Excellency proposes, upon the Lieutenant Governors, their residence would not be tolerable, and their very authority would become weakened or destroyed.

In the conclusions of the late Executive Councillors, the committee fully concur, and cannot but express their surprise, that His Excellency should not be convinced by the clear and unanswerable argument contained in their representation to him. His Excellency, however, in one of his appeals to popular feeling, broadly declares that the Act of 31 Geo. 3, chap. 31, creates no Executive Council, and says, "if any one tells you that it does, read the act for yourselves."

In humble imitation of this great authority, we affirm confidently, that *according to that statute* there MUST BE *an Executive Council appointed by the King, for the affairs of this Province*; and to any one who is led by the strong assertions of His Excellency to doubt it, we say "read the act for ourselves," especially such passages as this [section 34 "together with such Executive council as shall be appointed by His Majesty *for the affairs of such Province*" and such passages as this [section 39]—"with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs or successors, within such Province for the affairs thereof;" & such passages as this, [section 7.] "before such Executive Council as shall have been appointed by his Majesty, his heirs or successors within such province *for the affairs thereof*;" and such passages as this, "as such Governor, Lieutenant Governor or person administering the Government, shall with the advice of the said Executive council judge to be expedient under the then existing circumstances;" all of which passages are found in the act. On this subject the committee refer to the conclusive argument of the Executive Councillors in the communication which seems to have disturbed his Excellency so much, amidst his alleged preparation of "important remedial measures," and conclude, that according to the constitutional Act, there must be an Executive Council; that they are appointed by the King, and that they are appointed to advise upon the affairs of this Province, generally, and not merely upon particular affairs or upon particular occasions, are propositions which are demonstrable from the express terms, as well as from the spirit and evident intention of that act, (as has been shewn by the late Executive Councillors) and may moreover, be inferred from the absence of every thing of a contrary import in the statute.

In other statutes besides that just referred to both Imperial Statutes & Provincial Statutes, the Executive Council is noticed, and their duties are alluded to in terms equally comprehensive.—[See the Provincial Statute 31 Geo. 3, chap. 2, sec. 33—and the British Statutes 6 Geo. 4, chap. 114, sec. 30—and 7th and 8th Geo. 4, chap 62, sec. 1.] From these statutes it will be seen that the Executive Council is "the Council of the Province," "appointed for the affairs thereof," and not His Excellency's council, or appointed for particular affairs or any particular purpose. They are not, as he says they are, appointed to serve HIM; they are the Council *of the Province* "appointed for the *affairs of the Province*." The distinction of His Excellency between the council serving him and not the people, is calculated to awaken much concern, and seriously impair that identity of interest and purpose which (under the presumption of our enjoying the British Constitution) we always supposed to exist between the King and the People. Indeed it has been a universal belief, founded as your committee believes in unerring principles, that both the Privy Council at Home, and the Executive council in this Province, are the servants of, or instru-

ments for the dispensing of good government; any attempt to put up any conflicting interests between the King and the People, by creating a belief that in serving the crown they do not serve the country, is erroneous in theory and mischievous in practice.

His Excellency repeatedly asserts that no Executive Council was created by the British Act 31st Geo. 3d. chap. 31, and says, "as regards even its existence the most liberal construction which can possibly be put upon the said Act only amounts to this—That as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed.

In opposition to this sweeping and positive declaration, the committee must remark, that there was no such thing as "an old council" of this Province, and though there had been a council created for the affairs of the old Province of Quebec, by the British Act 14th Geo. 3, chap. 83, this council was called a *Legislative Council*, and not an *Executive Council*; and your committee also deem it worthy of remark, that this council is spoken of at the same time in the said 14th Geo. 3, as in the Executive council of this Province in the 31st of the King, viz: "a council for the affairs of the Province of Quebec;" and moreover, the very first clause of the 31st Geo. 3, chap. 31, repealed so much of the previous act *as in any manner* related to the appointment of that Legislative Council; or to the power given to them. Not "a remnant" of that old Council therefore existed. Every vestige of it was annihilated, and your committee are quite perplexed to understand how the Legislative Council of Quebec after its absolute & unconditional repeal could survive in even a remnant (as His Excellency says) 'till its successor was appointed:—if this is good reasoning on the part of His Excellency, the Legislative council of Quebec (had no successor been appointed] would be now in operation, and by similar logic, by rescinding the instructions, His Excellency might undertake to revive it. But the last clause of the 31st Geo. 3, chap 31, affords a conclusive answer to all His Excellency's assertions that an Executive Council was not created by that Act; for it provides that during the interval, between the commencement of that statute in the Province, and the first meeting of the Provincial Legislature, the Lieutenant Governor, "with the consent of the major part of such Executive Council as *shall be* appointed for the *affairs of the Province*," may make laws for the government thereof in the same manner as the old Legislative Council for the affairs of the Province of Quebec, could have made ordinances and laws for that Province. The Council thus authorised to assist in making laws, were an Executive Council not then appointed, but which were to be appointed, and were to be appointed *before the first meeting of the Provincial Parliament*; and were to be appointed, not for that particular purpose only, but "*for the affairs of the Province*" generally. And yet, according to His Excellency's opinion, this statute did not establish an Executive Council at all!—While in his reply to the late Council, he says, "To enable the Lieutenant Governor to perform the arduous duties of his office, the Constitution has wisely provided him with an Executive Council competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice."

The committee, without hesitation, affirm, that this Act as much creates or requires the appointment of an Executive Council, for the affairs of the Province, as it creates or requires the appointment of a Governor, Lieutenant Governor, or person to administer the government of this Province. His Excellency, when he is promulgating and defending the novel doctrine, that he is the sole Minister as well as Representative of the King in this Province, would do well to consider upon what law his own authority rests, before he makes these rash assertions. The official character and authority of a Lieutenant Governor, are no more necessary under the Constitutional Act, or created by it, than is an Executive Council for the affairs of the Province; and if the Representative of the King can thus attempt by such bold assertions, upon such slight grounds, to explain away an important part of that law, which is the "great charter of our liberties," (from which His Excellency himself, in one of his appeals to the people, tells them they "should never allow a single letter to be substracted") "your commit-

tee append the address and answer, which they have received, duly certified by his Private Secretary, marked E); your committee can only hope that his example will have as little weight as his arguments.

It was in a very different spirit and with very different views from Sir Francis Bond Head, that Lieutenant Governor Simcoe regarded this great charter of our liberties. That great and good man, whose memory is embalmed in the affections and gratitude of the people of this Province, was a member of the British Parliament when our Constitutional Act was passed, and having served with distinguished honor in the Colonies, during the war which had not long before terminated, and having been acquainted with those brave and loyal people, who were about to seek in this Province an asylum under British Laws and British Institutions, he was no doubt, freely consulted about the form of Government to be given to them.

The following extract from Lord Rawdon's observations in the House of Lords in the discussion on the passage of the 31st of the King, will give an idea of the estimation in which Governor Simcoe was held.

"His Lordship said, that the gentleman, whom he had heard was to be honored with the appointment of Governor, was one, of all others, the fittest and most to be wished for by the country. His intelligent mind his generous and liberal manners, his active spirit, and peculiar abilities for that situation, rendered him, in an eminent degree, the properest person that Ministers could have selected for that appointment; and certain he was, that the choice would redound to their honor and credit."

"If Canada was to be governed under the present bill, it would be well for this country and well for Canada, that Colonel Simcoe was the Governor."

When the British Nation conceded to the United States, the right of forming a free government for themselves, after their own choice, it is scarcely credible, that they intended to confer a Constitution, less acceptable, upon the Loyalists, who had fought, bled, and sacrificed their property and homes in defence of the Unity of the Empire. And it does seem humiliating to your committee, after the lapse of half a century, to find a new Lieutenant Governor drawing so unfavorable a contrast between our local institutions and those from which they were borrowed, as to subject us to his arbitrary Government by superseding the functions of that important branch of the Constitution, called the Executive Council.

The government of this Province was in fact the subject of one of the most interesting and memorable debates ever witnessed in the British Parliament; and while Mr. Fox urged the extension of the elective principle in the new constitution further than it existed in the British constitution, no one proposed that the form of government should be less popular or less free. Governor Simcoe heard the debates on this subject, and in fact, took part in them. He was the bearer of the Act to this country—was the first Lieutenant Governor of the Province, and was well qualified, and appears to have been authorised by His Majesty's government, to explain to the people the new constitution which was established for their benefit. This enlightened British Statesman and Legislator, who certainly knew what the principles of the British constitution were, on the very opening of the first Session of the first Provincial Parliament, addressed the Legislature from the Throne, and in the King's name, in the following terms:

"I have summoned you together under the authority of an Act of the Parliament of Great Britain, "passed last year, *which has established the British "Constitution, and all the forms which secure and "maintain it in this distant country.*"

"The wisdom and beneficence of our most Gracious "Sovereign and the British Parliament, have been "eminently proved, not only in imparting to us the "*same Form of government* but also in securing the "benefit, by the many provisions that guard this "memorable Act; so that the blessings of our invaluable Constitution, thus protected and amplified, we "may hope, will be extended to the remotest posterity."

"The great and momentous trusts and duties, which "have been committed to the Representatives of this "Province, in a degree infinitely beyond whatever till "this period have distinguished any other Colony, have "originated from the British Nation upon a just consideration of the energy and hazard with which its inhabitants have so conspicuously, supported and defended *the British Constitution.*"

Still more striking was the following language used by him, as the King's Representative, from the Throne, in the speech with which the closed that Session:—

"At this juncture I particularly recommend to you to explain, *that this Province is singularly blest, not with a mutilated Constitution, but with a Constitution which has stood the test of experience, and is the very image and transcript of that of Great Britain.*"

Such were the emphatic words of this great and good man. Were they after all, a mere delusion? An empty sounding, unmeaning mockery? So they are now regarded by His Excellency who, in answer to an address from the inhabitants of the city of Toronto, declares that, it would be *unreasonable* to expect that the people of this Province should be *ruined* in vainly attempting to be the "exact image and transcript of the British Constitution," and that "the Constitution which His Britannic Majesty George the Third granted to this Province, ordained no such *absurdities*." That this is strong language the committee admit; but it is language which they have read with pain. The "absurdities" in which His Excellency's doctrines have involved him, must be apparent to every one, from this "vain attempt" to depreciate the authority and tarnish the memory of Simcoe, the first and ablest of our Governors, by holding him out, either as being unable from want of knowledge or discernment to judge whether our Constitution was "an exact image and transcript of that of Great Britain," or as being an artful and unprincipled deceiver, attempting in the name of the King to palm off, on a *confiding* and *deserving* people, a "*mutilated Constitution*," by a mere high-sounding flourish of words. In despite, however, of His Excellency's sneers, this testimony of Governor Simcoe stands recorded on the Journals of your House, a solemn assurance in the name of the King, that his subjects in this Province shall have all the blessings of the *British Constitution*, secured and "*amplified*" to them and their children, a pledge that we trust will yet be made good to them, to the disappointment of any Lieutenant Governor who may *deride* their expectations and oppose their wishes and constitutional rights.

Sentiments similar to those of Governor Simcoe have been expressed by succeeding Lieutenant Governors; and by persons of all classes and creeds who have ever treated on the subject. altho' some have demurred that while we were entitled by the 31st of the King to all the blessings of the British constitution, that while it was held out to us in theory and by profession it was denied (in some respects) in practice, yet all have agreed that it was guaranteed to us by the constitution,—and those who have heretofore complained of the want of it in practice, have been charged with disaffection, and denounced as demagogues, grievance mongers and disturbers of the public peace, by Lieutenant Governors and their adherents. The records and public documents of the Province are filled with expressions (sometimes explicitly and at other times incidentally mentioned) calculated to impress the belief that we were entitled to the full enjoyment of all the blessings flowing from the constitution of Great Britain, and what is peculiarly striking is, that amidst all this multitude of witnesses in favor of our right to the British constitution with all its blessings and benefits, that not even a hint to the contrary was ever heard from any of them; and it has been reserved for Sir Francis Bond Head in 1836 to discover that our constitution is different from the British constitution, and that it would be *foolish* and *ruinous* for us to introduce the British constitution if we could, and that any attempts to do it, would be *vain*. What ever evils we suffer under our present nondescript constitution, which even Sir Francis admits are so great and oppressive as to require "*important remedial measures*" *without* "*delay*," which "our Sovereign has *ordained*" and "which he is here to execute," we should console ourselves, according to his opinion, with one animating and delightful reflection, namely: we are not, and cannot be *cursed* with the *British Constitution*. According to his doctrine the constitutional Act ordained no such absurdities, and the Royal Instructions were equally *gracious* and careful to protect us from that terrible evil and calamity, the British constitution.

It has been observed by His Excellency in one of his public expositions, that Simcoe "could not alter the charter committed to his charge," or render it, what His Excellency asserts it is not, the very "image and transcript of the British constitution."

Your committee in imitation will say, neither can Sir Francis Head by his detractive assertions impose upon us a "mutilated constitution," nor has he the right to impose upon Upper Canada the arbitrary government of Russia or Constantinople, in the place of the genuine transcript of

which Simcoe was the bearer. But altho' Simcoe could not alter the law, and was too great and good a man to do it, yet he never had a successor who had equal pretensions to expound the meaning, elucidate the provisions, and explain the scope of the new constitution. He who fought with the U. E. Loyalists in the American war and knew the worth and claims of the men for whom the constitution was generously designed; he who sat and spoke in the senate in which the law was passed, who was moreover entrusted with the duty of putting it into operation, and who from the Throne solemnly declared the magnanimous gift of the British Constitution, to those who had been driven by their loyalty to seek an asylum under it, was surely better and more competent authority respecting that law & constitution, than a gentleman, nearly half a century afterwards, who cannot see that the law creates an Executive Council, but can see the vestige of a Legislative Council surviving its absolute repeal, until a successor was appointed; and that "in government, IMPARTIALITY is better than KNOWLEDGE." The Instructions indeed, are in his eyes an *important document*; for according to His Excellency's views, the Executive Council was regularly constituted and declared in the "*King's Instructions*" and of course could not have existed before it was so constituted. A quotation is made by His Excellency from these Instructions from which he argues, that the Council are only to be consulted occasionally. A copy of these Instructions having been furnished to Your Honorable House by the Lieutenant Governor, your Committee found with surprise not only that His Excellency had given a GARBLED extract in his quotation, but also that these Instructions "*in which an Executive Council was regularly constituted and declared*," according to His Excellency's opinion, were actually dated in 1818! The Executive Council of this Province was therefore in His Excellency's opinion regularly constituted and declared in 1818!

Upon reference to the whole of these Instructions however, it will be found they are not less liberal and compreliensive than the constitutional act, had they been *honorably* interpreted and acted upon.—Your Committee deem it important that the instructions which have been so long kept in secret, should be made public, especially as they seem to be viewed by His Excellency, to be of as much if not of more importance than the Constitutional Act, and therefore beg to append them to this Report, marked F.

By section 8, as quoted by His Excellency, it was declared "that *to the end* that our said Executive Council may be assisting to you in ALL AFFAIRS relating to our service, you are to communicate to them such and so many of our instructions, wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

Upon an examination of the instructions themselves, it appears that this is a *garbled* extract; for in the instructions, the words are, "you are to communicate such and so many of THESE our instructions," &c. and your committee cannot but notice that the omission was calculated to favour the inference which His Excellency was wishing to draw. From this extract it appears that the Executive Council was to be *assisting* to the Lieutenant Governor "in ALL AFFAIRS relating to the King's service," an expression which His Excellency in doctrine and practice has construed to mean "a *few affairs* relating to the King's service."

As the Council were to be assisting "*in all affairs*," the communication to them of the instructions or any part of them, could not be intended to limit a duty, already so largely and expressly prescribed, especially as the communication was to be made "TO THE END, *that they may be assisting* in ALL AFFAIRS" but was merely to give the Council such and so many of the King's Instructions as were necessary to enable them effectually to advise upon those affairs, respecting which the King had in his Instructions imparted his precise pleasure; for without such a communication of the instructions, the Council might from ignorance of them, adopt a course unintentionally opposite to them. It appears therefore to Your Committee, that even according to the instructions so *illiberally* and *unfairly* construed by His Excellency against our just rights, the Executive Council were generously intended by His Majesty's Government to advise upon "ALL AF-

FAIRS" and that the instructions were communicated merely to enable them to do it.

The oath taken by the Executive councillors, of which a copy hereunto annexed duly certified in the appendix (marked G.) is equally comprehensive. It is the same as the Privy Councillors' oath. Your committee would ask, does not the Privy Councillors' oath prescribe his duties? Are there any important duties incumbent on him which he is not sworn to fulfil? The oath being the same, the Executive councillors are therefore bound by their oath to perform the same duties that the Privy councillors (including His Majesty's cabinet councillors) are bound by their oath to discharge. His Excellency nevertheless in one of the communications which he has made to the people of Toronto, and which was plainly intended for *popular effect*, says that it is in his *judgment* "an oath of *non-responsibility to the people*;" so that according to His Excellency's views, *His Majesty's Cabinet Councillors are sworn not to be responsible to the people!* It may be worth while to notice for a moment, the resemblance between the Executive council and His Majesty's Privy council. Both are appointed by the King, and both are removable at pleasure. The members of both are indefinite; the King may increase or diminish them at his pleasure.—Privy councillors are appointed without any commission, merely by nomination and taking the oath of office; so are Executive councillors. In some cases the King is required by express enactment to do certain acts "with the advice of the Privy council," in like manner the Lieutenant Governor is expressly required in some cases to act only "with the advice and consent of the Executive council." The Privy council is appointed for the affairs of the Kingdom; the Executive council is appointed for the affairs of the Province. The oath of office of the Executive councillors is copied from that of the Privy councillors; so that the former are sworn to perform the same duties as the latter.

Finally, the King is no more bound by any express law to consult the Privy Council on all affairs of his government, than the Lieutenant governor is bound by express law to consult the Executive Council on all affairs of his government:—neither is the King any more forbidden to act without advice or upon the suggestions of secret and irresponsible advisers in the government of his kingdom, than the Lieutenant Governor is forbidden to govern the Province upon like advice. And his constitutional advisers, the members of the Privy Council, are no more responsible for the advice they give to him, than the members of the Executive Council are responsible for the advice given by them to the Lieutenant Governor.

Where then is the difference between the Privy Council in the United Kingdom and the Executive Council here? Is not the advice of such a council as necessary for the Lieutenant Governor as it would be for the King, if he were here? Is the *Representative* of Sovereignty so much WISER and *better* than the Sovereign *himself*; so much more acquainted with the affairs of the country in which he is a stranger to its history, and to the habits and opinions interests and sentiments of the people than the King is acquainted with the people among whom he was born and educated: has the Lieutenant Governor who expects after a few years to leave us, and whose future prospects and hopes as well as past associations give him a personal interest in a distant land, so much more all stake in the welfare of this country, than His Majesty has in the prosperity and happiness and affection of his people, and in the honor and dignity of his crown;—in short, do history and experience teach us that a Lieutenant Governor, at a distance of more than four thousand miles from his superiors, is so much more immaculate and infallible than his royal master, that he does not require the same councils which the constitution considers, and which an experiment of ages proves to be necessary of the King himself?

Even His Excellency admits that His Majesty should according to the constitution, be surrounded by advisers responsible to the country, and that the King must consult them in ALL the affairs of the kingdom. There is not an argument in support of the necessity of such a system that is not equally, if not more applicable to this Colony, where the relative weight and influence of the popular branch upon the Government is so small compared with those of the similar body in the parent country.

That the affairs of the Kingdom should

be conducted by the King, with the advice of known and responsible Councillors, is not a rule or proposition laid down in any statute, but is a principle that is an essential part of our constitution, and if that part is destroyed, the constitution is materially changed, it is no longer the British Constitution. This principle therefore has been established by the necessity of the case; and the same necessity, upon which it rests in the mother country exists here.

Your committee will admit that this principle (in practice) has been hitherto disregarded in the government of this Province, and what sort of government have we had? In what condition has it put us? Let the records of Your Honorable House; the statements of Executive Councillors of different political opinions; the King's Instructions to Sir Francis Bond Head; and his own admissions, answer. It has brought us, (according to the instructions) to "an era" of "great difficulty and importance," and we find even Sir Francis Bond Head addressing the people in the following terms: "The *grievances* of this Province MUST be *corrected*—impartial *justice* MUST be *administered*—the PEOPLE have asked for it—their SOVEREIGN has *ordained it*—I am here to execute his *gracious commands*—delay will only increase *impatience*. Those, however, who have long lived upon agitation, already too clearly see their danger; and with surprising alacrity, they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches."

Without remarking upon his Excellency's style, the committee would observe that in the estimation of the Lieutenant Governor himself, the abuses of the government have become so extensive and deeply rooted, that agitators can actually live upon the exposure of them; although how he would have been prevented from rooting up this tree of abuse, by receiving the advice and assistance of the Council, the committee are at a loss to perceive.

It is to perpetuate and defend the system that has produced such effects that His Excellency exerts all the energies of his mind, and all the power and influence of his high office and exalted station. It is to this system that His Excellency has avowed such an ardent and unalterable attachment. That a Lieutenant Governor should secretly countenance & cherish a system, which leaves him entirely unchecked in the exercise of almost unlimited power, for which he is virtually irresponsible is not surprising; and more than one Lieutenant Governor, no doubt, while professing to maintain amongst us the principles of the British Constitution, has secretly adopted this unconstitutional system, because it extended his power and enabled him to indulge his arbitrary will; but that His Excellency, at the very moment he admits and expatiates upon the abuses and grievances which it has produced, should announce his determination to continue it, and should gravely declare that the people of this Province would be *ruined* if they attempted to secure to themselves "*the very image and transcript of the British Constitution*," and that such a Constitution "would be productive of the most vicious effects," is indeed astonishing.

The views of Your Honorable House on the right and necessity of a responsible Government, and of our Provincial administration being conducted on the principles of the British Constitution, have been more than once clearly and fully expressed, sometimes to His Majesty, and sometimes to the Lieutenant Governor; sometimes directly, and at others, indirectly, as reference to your Journals will amply shew; but in the address to His Majesty, during the last Session, which address is hereto appended, (marked H) this principle was again urged—and further, a distinct, but respectful intimation was also made, that the House would enforce their rights by the Constitutional method of withholding the supplies for the support of the Government.

The following extracts from the evidence of James Stuart, Esquire, late Attorney General of Lower Canada, before a committee of the House of Commons, 21st June, 1834, afford the opinion of an able lawyer, thoroughly conversant with Colonial Government:—

1152 question—The Executive Council of late have practically had very little to do with the government of the Colony?—It ought to have a great deal more to do with it. The insignificancy to which it has been reduced I conceive to have been the cause of much mischief in the Colony."

1153 question—You consider it of utility to have a permanent administration?—I consider it should be placed on the footing of the Privy Council in this country, and consulted by the Governor on all important occasions.

To the following question put by the same Committee in England, to Sir James Kempt, he gave the following answer:—

134 question—If there was no Executive Council and the Governor were left to govern without any such Council, would it, in your opinion, remove very much of the state of irritable feeling existing between this part of the Legislature and the King's Government in the Colony?—I have not given my attention sufficiently to this question to be able to answer it; but my impression is, that an Executive Council is necessary for the good government of a colony.

The Right Hon. E. G. Stanley, a member of the Imperial Parliament, and lately His Majesty's Principal Secretary of State for the Colonies, who also spent some time in this Province, thus expresses himself respecting the Executive Council, in a letter, addressed to Dr. W. W. Baldwin. (The autograph letter is among the records of your Hon. House.)

"I do, however, think that something might be done "with great advantage, to give a *really responsible* "*character to the Executive Council*, which at pres- "ent is a perfectly anomalous body, hardly recogniz- "ed by the Constitution, and effective chiefly as a "source of patronage."

Mr. Stanley also says—

"The remedy is not one of *enactment* but of *prac-* "*tice* and the constitutional mode is open to the people "of addressing for the removal of the advisers of the "Governor and refusing supplies, if necessary, to en- "force their wishes."

It will be observed that Mr. Stanley says "the *remedy* is not one of enactment but of practice," that is, the coustitutional act is sufficient in enactments for every thing required; all that is necessary is that the provisions of the constitution should be honestly put in practice.

While His Excellency declares that the Executive Council have no responsibilities and are not recognized by the 31st Geo. 3 chap. 31, Sir John Calborne in a message to your Honorable House, on the 20th Feb'y, 1835, in terms almost directly contradicting the puerile views of his successor, states, "the *responsibilities* under which the Executive Council discharge their important and confidential duty, depend upon the *principles* of *our Constitution* and upon *the law of the land.*

The public documents and records of the Province abound with expressions proceeding from Lieutenant Governor Sir Peregrine Maitland, recognizing in the fullest manner the possession, by the people in this province, of the *British Constitution.*

Your committee beg to give the following as a specimen: in his answer to John Hurston and others, in the Newcastle district, published in the official Gazette of March 2nd, 1826:—

"That I may rely on your steady and cordial sup- "port in maintaining that *unrivalled constitution* of "which the excellence has been proved by the *exper-* "*ience of ages*, and which those who can appreciate "it, as you do, will ever be found ready to vindicate "and defend."

Again in another reply of the same date:—

"You set, gentlemen, a just value on your *possess-* "*ion* of a *constitution the most perfect in the world*, "and it is no small satisfaction to me to reflect, that, "with the vivid recollection which you retain *of its* "*blessings* in the happy country you have left, your "firm and loyal support will never be wanting." &c.

Your Committee would affirm, that the *principles* of our Constitution, as well as the law of the land, alike require their advice to be given "upon the affairs of the province."

Your committee have appended to their report, (see appendix marked I.) the address passed in the last session of the late parliament (with the yeas and nays) to His Majesty, against the interminable interference from Downing Street, in the management of our local affairs, which should be conducted by the Lieutenant Governor and the Executive Council in harmony with the Provincial Legislature; although the late parliament differed from the present in its views and policy, yet it was unanimous in the adoption of the above remonstrance. These views are corroborated by J. Stephen, Esquire, late counsel to the Colonial department, and now, it is said, Under Secretary of State for the same. In his examination by the Canada Committee of 1828, he was asked:—

"Is it your opinion that upon all those questions, "complicated as they are with regard to the tenure "and transmission of property, the colonial legislature "with the advantage of their local knowledge, are "much more competent to decide than the British "Legislature?"

To which he answered:—

"I cannot suppose any man at all conversant with "the subject, hesitating respecting the answer to that "question—except there be a well founded distrust of

"the disposition of the colonial legislature to do right, "no plausible reason can, I think, be suggested for "taking this work out of their hands. They are incomparably better qualified for it than you can be. "What should we think of the Canadian Assembly "passing acts for the improvement of the law of real "property and conveyancing in this country! Yet I "suppose they understand our system of tenures at "least as well as we do theirs."

Now it must be presumed that Mr. Stephen, whose views against the unconstitutional interference of the British Parliament with the appropriate duties of our local Legislature, are so liberal and enlightened, would be equally opposed to any usurpation of the duties of the Executive Council, for assuredly resident gentlemen selected by His Excellency at pleasure for their talents, integrity, and public estimation, are "incomparably better qualified for it," than distant strangers with even the best intentions. It is enough for them in Downing street to attend to the matters reserved in the 31st Geo. 3d. respecting navigation and commerce.

These views of the sufficiency of our own institutions, and the expediency of making them subservient, as they were intended, to the purposes of our local concerns, (with the exception of those special matters expressly reserved by the 31st Geo. 3d, for the paramount authority of the parent state,) are confirmed by the evidence of the Right Honorable Edward Ellice, a member of the British House of Commons. In giving evidence before the committee of 1828, he was asked, "you have said that your application was referred to the consideration of the Executive Council; of whom does the Executive Council consist?" To which question he answered, "the Council consists of the Chief Justice and other persons, *whose duty it is, to advise the Governor with respect to the administration of the country.*" The same distinguished person alluding to some difficulties he had experienced, in obtaining some change of tenure in property he holds in Canada, says, "it arose probably from a very general cause of difficulty in that country; a dread on the part of the local authorities to act upon their own responsibility—complaining of defective instructions from home; and this aggravated by perpetual reference backwards and forwards from the government to the Colonial Secretary, in the hope that they might at least agree upon the means of executing the provisions of the law."

This transatlantic system, popularly called *Downing Street law*, to distinguish it from the free and constitutional operation of our local government, is further condemned by the same statesman in the following illustrations collected from his evidence before the same committee.

Alluding to the imposition in Canada by the British Government of customs duties, he says:

"I am aware that the greatest possible objections exist in principle to their doing so, but I am also aware that in point of fact they have got over those objections, and by the Canada Trade Act, have imposed duties to an extent quite equal to the extent of the civil government of both Provinces, without consulting either of the Provincial Legislatures. The Canada Trade act for this purpose, had been passed three years before the arrangement with the Canada company."

Again.

"Certainly the Canadians complain, with apparent reason, of some part of the conduct of the government; an English Receiver is appointed, insufficient securities being taken in England, the Assembly suggest the regulation of his office, and subsequently, I understand, bills were sent up in the terms of a bill passed in other Colonies for this purpose; they are told this is an encroachment on the prerogative of the Crown, and their bills are rejected. The Receiver had previously failed in debt to the public about £100,000, and when they say "as you made the appointment yourselves, took your securities in England, and rejected our advice, it is fair you should pay the defalcation," Government insisted upon their laying fresh taxes on their constituents for it.—In the same manner they allege they have sent up bills for the regulation of the office of Sheriff, that these also were rejected, and two following Sheriff's have failed; the one a defaulter of Suitors' money to the extent of £27,000; and another for a less amount. These are not theoretical, they are practical evils, and form just grounds of complaint."

Again.

"The Governor was instructed to supply the want of an appropriation bill by his own warrants on the Receivers, to whom the Taxes are paid under the provisions of the "Canada Trade Act" but it would be difficult to find out by what law such instructions are sanctioned. This has been the course of proceeding from 1822 to 1828, and it is much to be deplored that government should have persevered so long in measures, which however much they may plead the excuse of pressing emergency in the first instance, were illegal, and offensive to the rights and feelings of the people. If no remedy was obtainable in Canada, an appeal should have been sooner made to Parliament, and that sore should not have been allowed to fester 'till the English and French population have been almost brought into collision, and a wider separation between them in opinion on all matters of internal government and legislation had been rather encouraged than checked, Assembly after Assembly have been called together, in which the local authorities have

unwisely persevered in attempts to carry their measures by a minority at no time exceeding ten, and seldom half that number, in a body of fifty representatives. And the committee must always recollect the continuance of these dissentions has inflamed trivial differences on immaterial points at first into serious additional causes of difference and misunderstanding, which it is not easy now to foresee the means of allaying or removing.

"I wish to add that in any thing that may have fallen from me in the course of these examinations, I have not had the least intention of imputing blame to any persons connected with the Executive Government in either Province. I believe they have acted under instructions from this country, and that the difficulties they have had to contend with, and the discussions in which they have been involved with the Colonial Legislatures, were the inevitable consequences of a determination to persevere in the system of government I have described to the committee, and which could scarcely have been avoided while that system remained unreformed and unimproved." And to the following question, "Do you conceive it would be possible to form a representation upon the principle of admitting some of the great towns as independent bodies into a confederation, such as exists in the north of Germany?" To which he answered, "I am afraid it is too late to attempt the introduction of new principles of that kind in America. You must either improve the *system* that exists on the model of our *institutions* at home, or copy from the simpler forms in practice in the United States. No other method will be congenial to the habits of the English or American *inhabitants of Canada.*"

The political condition of Lower Canada, as above depicted by the Right Honorable Edward Ellice, is too applicable to our own country:

"It is with grief," as a resolution of your Honorable House has expressed it, "the country has seen the improvident contract under which the Huron Tract of a million of acres of choice lands has been assumed to be given, at an almost nominal value, to a Company in London, while the annual instalments paid by them are expended by the Provincial Executive, without the consent of Parliament, and the large amount realized by the Company from sales at a very advanced price, are withdrawn from the Colony and transmitted to England. This improvident transaction, unsanctioned by any domestic enactment, ought to be held invalid, particularly as it was a transaction based in no degree upon the good of the Colony, whose lands are thus wastefully assigned. The Charter and all the Statutes connected with it are a violation of the 18th Geo. 3rd, and our Constitutional Act."

The law passed by the British Government for the sale of our Clergy Reserves is a further illustration of the system of Government over us by a Lieutenant Governor in *unchecked* connexion with Downing Street. Under this law, enacted by the British Parliament without our knowledge or consent, more than £60,000 have been raised by the sale of the Clergy Reserves, abstracted from the country, and paid into the military chest, instead of being applied to the purposes of education and internal improvement. In a subsequent part of the Report this subject will be again adverted to, but at present your committee simply mention the fact, and also, that within a short period, 57 Rectories have been erected and endowed. The British Act, it is presumed, inserted the condition "by and with the advice and consent of the Executive Council," as a security to the country against any abuse of the power it gave; but such a precaution is of no practical avail with an insufficient Executive Council, and it is plain, that the above mentioned outrage upon the whole community could not have occurred, had we enjoyed what is sought for and denied, (a well constituted Executive Council possessing the confidence of the country.)

Now it has been simply proposed, adopting Mr. Ellice's views, to improve our systems here, on the model of the institutions in England, by proposing that the Executive Council shall advise the Lieut. Governor on our affairs as freely as His Majesty's Council advises the King; but the industrious classes are told by His Excellency that "the wish, if gratified, would be *ruinous*," and that the 31st Geo. 3rd, "has ordained no such ABSURDITIES."

In giving an aggregate account of the opinion entertained upon the Constitutional duties of the Executive Council, by the most thinking men of all political parties; your committee, although desirous of abridging their report as much as possible, will not omit to notice a document from Lower Canada, which is headed a "Declaration of the causes which led to "the formation of the Constitutional Asso"ciation of Quebec, and of the objects "for which it has been formed,"—in which we meet with the following pertinent remarks:

"In every well regulated government it is essential that the Executive authority should be aided by the advice of able and well informed individuals, acting together and in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures. Among Colonial governments, which are generally administered by persons laboring under the disadvantages of a deficiency of local information, assistance of this nature is *indispensable* for the attainment of the ends of GOOD GOVERNMENT. *This body of advisers ought to be found in the Executive Council of the Province*, but its members are too few in number, and its composition too defective to answer the purposes of its institution."

Under the foregoing view it will be observed that the Association contemplate by constitutional means "to obtain such a "composition of the Executive Council, "as may impart to it the efficiency and "weight which it ought to possess."

The above Quebec "Association" is not composed of the Reformers in Lower Canada, with whom Mr. Speaker Papineau's name is usually connected; (altho' the Reformers there entertain the same views,) but of gentlemen of wealth and influence, known by the name of constitutionalists or conservators, directly opposed to that party. It is therefore the testimony of persons avowedly determined to sustain the constitution against any of the modifications held by the other party to be necessary and expedient. Your committee would here subjoin the following all important and liberal views of policy, expressed by the Canada Committee of the House of Commons in the year 1828, arising from a thorough understanding of the state and wants of these colonies, set forth in the voluminous and unquestionable testimony of persons best conversant with the subjects of the committee's inquiry:

"Your committee lament that the late period of the session in which they were appointed has rendered a minute investigation into all parts of the subject submitted to their inquiry impossible. They believe too, that if the Legislative Assemblies, and the *Executive Government* of Canada, be put on a *right footing*,, that means will be found within the Province of remedying all minor grievances. They are disposed nevertheless to recommend that the prayer of the Lower Canadians for permission to appoint an agent in the same manner as agents are appointed by other Colonies which possess local Legislatures, should be granted, and that a similar privilege should be extended to Upper Canada, if that colony should desire it."

"At an early period of their investigation, your committee perceived that their attention must be directed to two distinct branches of inquiry: 1st. To what degree the embarrassments and discontents which have long prevailed in the Canadas, have arisen from defects in the *system of laws and the Constitutions established in these Colonies.*—2dly. How far those evils were to be attributed to the *manner* in which the *existing system* has been *administered.*"

"Your committee have clearly expressed their opinion that serious defects were to be found in that *system*, and have ventured to suggest several alterations that have appeared to them to be necessary or convenient. They also fully admit that from these, as well as from other circumstances, the task of government in these Colonies, (and especially in the Lower Province) has not been an easy one; but they feel it a duty to express their opinion that it is to the *second* of the *causes* alluded to these *embarrassments* and *discontents* are in a *great* measure to be traced. They are most *anxious* to record their *complete conviction that neither the suggestions they have presumed to make, nor any other in the laws and Constitutions* of the Canadas will be attended with the desired effect, unless an *impartial, conciliatory, and constitutional system of Government be observed in these loyal and important colonies.*"

The remedy here proposed as an antidote to the evils existing in the government of the Canadas, emanates from a spirit breathing forth the purest patriotism, the result of a thorough understanding of all the bearings of the subject matter of inquiry, and is, at once, an appeal to the best feelings of our nature. Had there existed any defects in the system of our laws & constitution, the committee would at once have recommended an amendment or revision of them; but aware that nothing was wanting but an open, ingenuous and equitable administration of those statutes, they are brought to the only plain and obvious conclusion that could be attained.

All Colonial ministers since the date of that report have professed an intention to be guided by its recommendations; the famous despatch of Lord Goderich of 8th Nov. 1832, is professedly based upon it, and *His present Excellency has it pointed out to him as one of his text books.*

It is to your committee passing strange, that notwithstanding the above Report is held forth to us, sanctioned by such authority, a temerity of conduct, bordering on recklessness of consequences, should be allowed by its noble possessor, to give cause for suspicion and distrust towards the intentions of His Majesty's Government. Had his Excellency, instead of the course he has been pleased to pursue, been implicitly guided by the recommendations contained in the above extract, he had then established confidence and an assurance of equitable administration; but when, instead of which, he has taunted the Province upon its infant condition, and appears in the illustrations he has given to have had in his mind's eye, the fable of the young frog and the ox—what assurance have we, that governed in the "manner" we are, we shall ever arise from our present degraded condition.

And your committee are led to the conclusion from a careful observation of things, that the policy apparently intended

to be pursued by the present head of our Government and that of Rehoboam, as recorded in the 12th chapter of the first book of Kings, to be very similar.

The Executive Council, therefore, are established by law under constitutional responsibilities to advise "upon the affairs of the province," and to be assisting to the Lieutenant Governor "in all affairs relating to the King's service;" and in favor of this proposition we have in whole or in part the concurrent testimony, against His Excellency, of the above overwhelming authorities, viz:

1st. The Constitutional Act.
2nd. Various British and Provincial Statutes, referring to and recognizing the Executive Council of the Province "appointed for the affairs of the Province."
3rd. Governor Simcoe and succeeding Governors.
4th. The Royal Instructions.
5th. The Privy Councillors' Oath.
6th. The general resemblance between his Majesty's Privy Council and the Executive Council of this Province.
7th. The nature and genius of our Government and the general principles of the Constitution.
8th. The House of Assembly.
9th. James Stuart, Esquire.
10th. Sir James Kempt.
11th. The Right Hon. Lord Stanley.
12th. His Excellency Sir P. Maitland.
13th. His Excellency Sir J. Colborne.
14th. The late Executive Councillors.
15th. The Report of the Canada Committee of 1828.
16th. The Right Honorable Edward Ellice.
17th. T. Stephen, Esq: late Counsel to the Colonial Office.
18th. The Quebec Association.
19th. The absence of any express provision of law or authority forbidding it.
20th. The universal admission of all classes, parties, creeds and orders from 1792, until the arrival amongst us of Sir F. B. Head.
21st. Lieutenant Governor Hunter.
22nd. The debates in the British Parliament on the passage of the 31st of the King.

In reference to the objection of His Excellency that "it must be evident to every *well constituted mind*, that in an infant state of society, it would be impossible *practically* to secure a sufficient number of impartial persons to effect a change of Ministry as often as it might be necessary for the interests of the people to do so," (by the above it will be observed that His Excellency, as in many other instances, has abandoned the constitutional object, and is endeavouring to sustain his positions on the principle of expediency.) Your committee would state that on general principles the interests of the people could only require the removal of a Council when there were other and better persons ready to fill their places, and until such other and better persons could be found, it is evident neither the people nor their interests would require or look for a change.

The moral and intellectual resources of this country are suited to its wants, and, notwithstanding His Excellency's sneers, would loose nothing by a comparison with any other country, and in the opinion of your committee it would be even easier to form Councils from among the inhabitants of this Province adequate to its exigencies, than in England itself for the affairs of the empire. A really great man in this country would soon find the means to organize our institutions for the practical purpose of good government and peace of society.

Your committee deny the pretended all-sufficiency of the Governor's liability to impeachment for mismanagement of our affairs, for the following reasons:

1st. Because although such impeachment might be a punishment for mal-administration after it was done, yet it affords no daily check or ground against it by means of advice or caution, and it seems to your committee that the impeachment should at most be only resorted to after a Governor had acted wrong with every local means afforded him to do what was right.

2nd. Because the impeachment or complaint must be made by the injured person at a great distance, requiring a delay, expense and watchfulness; out of the reach of the power or means of the sufferer, who (if belonging to the industrious classes) might make out in writing a very informal or insufficient case, however clear his merits, or be unable to retain Counsel and Agents here and in England to conduct his suit. Limitation to such a remedy would practically be a denial of justice.

3rd. Because the complaint would be made to a Minister in Downing Street, who is the patron of the Governor accused, and besides the Governor has numerous friends on the spot to exercise every influence and interest in his behalf. The weight of this reason is increased by

the difficulty of proving any act to have been done from corrupt motives. Even if a presumptive case could be made out against a Governor, it would be contended that a clear and positive one must be established before the consequences of impeachment could be visited on the accused and how very many Acts of misgovernment their are, in their nature vexatious and injurious, against which it would be difficult to fix the charge of corrupt motive, while it was palliated, evaded or explained away as an error of Judgment, the deceptive assurances of others, a misapprehension of circumstances, a mistaken policy or the like. For instance, it would be in vain to proceed against the Executive authorities for the erection (as hereinafter mentioned, of 57 rectories, and certain corrupt exchanges of lands, although opposed to the well known sentiments and interest of a vast majority of the Religious community. It would be equally vain to attempt to institute such proceedings for many appointments to office, as Surveyor General, Colonels of Militia, the Commissioners of the Courts of Requests, and other offices. It would therefore obviously place the country in a desperate condition if the *only means of* PREVENTING *wrong being done* was founded on an institution of an impeachment for it after it was done, before a patron of wrong doer, 4000 miles off, defended by a person intrenched in power here and sustained at home by family connections, and the preservation of what is called the colonial *system*. The House of Assembly of Lower Canada instituted a complaint of this nature against Lord Aylmer, in a most solemn manner and with great unanimity, for most arbitrary and unconstitutional misgovernment, but it only ended in his promotion to a higher post of honor,—altho' therefore an impeachment might be resorted to in extreme cases, yet it by no means supercedes the necessity of all local and constitutional checks, calculated to prevent cause for so difficult, painful and undesirable a course. This precaution against the occurrence of evil instead of merely contriving how it can be punished by impeachment 4000 miles off, is the more needed from the fact that this impeachment would yield no redress to the persons injured, even if it punished the person injuring them. If all our local Governors were impeached, and all their estates confiscated, it would not repair the injuries of the most notorious nature, besides thousands of just complaints murmered only in secret, and either endured with patience, because the remedy proposed would be worse than the injury, or because, what is notoriously true, to prefer a complaint, however just, against a Governor insures a black mark against his name, as a troublesome, a factious, or undeserving man, whose future hopes are blasted, and his oppressions multiplied at every favourable opportunity, in various ways, that elude all proof and conviction. What could be done to redeem the injustice against Gourlay, Willis, the late Robert Randal, Francis Collins, and others? And if an unsufficient, blustering pretender to learning should be made a Judge, and an innocent person be thereby convicted and executed, he could not by impeachment be restored to life.

Your committee therefore desire again to reiterate their conviction that this alleged liability to impeachment for misgovernment, was never intended, and ought not to supply the place of an efficient state of these institutions, wisely provided by law, not to punish, but to prevent wrong; a course as desirable for the Parent State as for the Colony; and although His Excellency has been pleased to state to the citizens in answer to their address, his unwillingness to be deprived of "the only "consolation which supports any honest "man in an arduous duty, viz:—the re- "flection that he is ready to atone for "every error he commits, and that he is "subject to arraignment if he offends;" yet this consideration either as a motive or a remedy, is so false in morals and so puerile in political affairs, as not to need further commentary. No better guard against both corrupt and unintentional misgovernment can be devised with our present Constitution than an efficient Executive Council, composed of persons of established character, to advise the Lieutenant Governor in public affairs.

4th. Because there are such change of Colonial Ministers, that there might be half a dozen in succession before a suit could be conducted to a conclusion—and the justice done by one Minister is often

undone by another. For instance, in Lower Canada, Mr. Gale, who gave such evidence before the Canada Committee of 1828, as to oblige the Right Honorable Mr. Spring Rice, to pronounce him unfit for any office of trust, was appointed a Judge by Governor General Aylmer, whose active partizan he had been.

When the news of this appointment reached England in the Autumn of 1831, Mr. Rice had become Colonial Secretary, who addressed a despatch to Lord Aylmer saying he could not confirm Mr. Gale's appointment. Mr. Rice was soon succeeded by Lord Aberdeen, and therefore Lord Aylmer disregarded the commands of Ex-Minister Rice, and the known sentiments of the people and their representatives, procured from the successor of Mr. Rice, a confirmation of Mr. Gale's appointment, who is still on the Lower Canada Bench, although Mr. Spring Rice on the 9th March, 1834, being again in power, in a speech in the House of Commons reiterated the denunciation of Mr. Gale as an improper person to occupy that station.

Your Committee find the same doing by one Minister and undoing by another in the affairs of our own Province, which is unhappily migoverned by the same policy, under the same Constitutional Act—For instance, the late Attorney and Solicitor Generals were dismissed from office according to Lord Goderich's Despatch because they opposed the avowed policy of His Majesty's Government, in making certain concessions to the wants and wishes of the people,, nor did His Lordship seem at all to notice the personal indignity they had audaciously offered to himself even as a Minister of the Crown—but no sooner was Lord Goderich succeeded by Lord Stanley, than the decision of the former, in favor of the rights and liberties of the people, was by the latter cancelled, and the Solicitor General put back again into office, to the great dissatisfaction of the country, and the Attorney General sent as Chief Justice to Newfoundland to create new scenes of trouble and dissension there.

5th. Because, when in the year 1831, His Majesty suggested a further provision for the Civil List, which the Colonial Minister required to be made, *for seven years, or for the life of the King*, the terms of the proposition were not candidly submitted to the House of Assembly, but were suppressed, for the purpose of securing a *keen bargain* and for his boasted adroitness in managing it, His late Excellency was officially commended. This undue and impolitic concealment so unworthy a great and magnanimous Government, was practised with the aid of the executive influence to carry a measure injurious to the constitutional liberties of the people; but the uselessness of any complaint against a Government for such unworthy policy is apparent, when we see, as in this case, that such liberal instructions are violated, and the mischief accomplished with impunity, although it merits disgrace.

Your committee cannot therefore regard as satisfactory our mere nominal right to appeals to Downing Street, where the justest decisions in favor of our rights by one Minister, are with seeming indifference and impunity reversed by another.

6th. Because the pretended responsibility to Downing Street has been in full operation for nearly half a century, and we have therefore against its sufficiency the uniform testimony afforded by our misgovernment during nearly the whole of that period. By this system we have been stript of the public lands and resources, and reduced to our present condition—and having thus suffered in the past we cannot look for better in the future, if we submit to a continuance of the same system as has brought such a visitation upon us.

7th. Because altho' his Excellency professes to be responsible to Downing Street for the Executive Council as well as for himself, yet it is, according to His Excellency, "unreasonable that one man should "have to bear another person's blame"

The professed responsibility of His Excellency for the acts of the Council, in case of default on their part is novel indeed. Your committee can understand well enough how the adviser becomes responsible for the acts of the advised, but how the actor can become responsible for the advice on which the Act was founded is beyond their comprehension.

A comparison of our Constitution with that of the Parent State, justifies the language used by Simcoe respecting it. In

England they have a King.—In Canada they have his representative.—In England they have a House of Lords, created by the King.—In Canada we have as a substitute a Legislative Council created by the King.—In England they have a House of Commons elected by the people, in Canada we have a House of Assembly elected by the people.—In England the King has a Privy Council to advise him upon the affairs of the empire. In Canada he has an Executive Council to advise him and his representative upon the affairs of the Province.

This is emphatically the "very image and transcript of the British Constitution." But it becomes a mutilated constitution, and a sorry one indeed, when Sir Francis Head obliterates the Executive Council, or makes it in his own language "mute," "defenceless," "irresponsible," sworn to be "dumb."—That the King, Lords, and Commons, and the Cabinet Council perform certain acts in England, that are not authorised to be done by the Lieutenant Governor, Legislative Council and House of Assembly, and the Executive Council of the Province, your committee do not deny—for instance, the Parliament of Great Britain legislate for the empire and for the regulation of trade and commerce, &c. with other nations, and the Cabinet Council advise the King relating to the negociations going on abroad as well as for the welfare of the local affairs of the kingdom, and the appointment of certain high and important offices, while in Canada the legislative duties of the parliament are more of a local nature, and so with the matters to be advised, and consulted by the Executive Council, it must be clear, that it no more follows, because the Executive Council are not to be advised on precisely the same matters that pass under the revision of the Cabinet Council, that they are not to advise at all, than it follows, that the legislature here are not to legislate on any matter because they are not allowed to legislate on all, or precisely the same matters that are considered in the British Parliament.

It will be observed that His Excellency allows, that "if the Lieutenant Governor stood in the place of the Sovereign," an Executive Council or some such body would be "evidently necessary and should be appointed," with whom he should advise;—he further states that, "this is not the case," but that "the Lieutenant Governor is, therefore, the responsible ministsr of the colony, "it must be evident to every well constituted mind" (on the principle of a responsible ministry in England) that he ought, ere, this, to have retired from his office, for nothing is more clear, than that he does not possess the confidence of the people's representatives.

The responsible minister in England, would be disgraced by attempting to continue in office, for one single day, after losing the confidence of the House of Commons, so if he be merely a minister, he does not do as other ministers do; but it is beyond contradiction that he is something more than a minister. Who ever heard of a minister in England doing and performing the acts that the Lieutenant Governor is authorised to do and perform here? Both by the 31st of the King and the Royal Instructions. By reference to the instructions it will be observed that the government of the province is spoken of as the government under the Lieutenant Governor no less that five times: in section 9, the words "*in your* Government," are used; in sec. 45 the words "*throughout your government*" are used; in section 92, speaking of both provinces, the words "*their respective governments*," are used; section 63 is as follows: "and you are up-"on all occasions to send to us by one of "our principal Secretaries of state, a par-"ticular account of all your proceedings "and of the condition of affairs *within your* "*government*."

The above most surely supposes discretionary power in the administration of the affairs of the Province, for if nothing was to be done but what was contained in instructions sent out from home, there would be no use of transmitting a particular account of proceedings, as they would know for months before they could be performed; but the 59th section is quite conclusive on the point, and goes clearly to shew that the Lieutenant Governor is something more than a mere minister, and which clause ought in common fairness to have been quoted by His Excellency with those he did quote in answer to the Council; by it then His Excellency, *with the advice of the Executive Council*, may take, order, do & perform all such matters and things as are for the peace, welfare and prosperity of

the country; in short, may even DECLARE and commence WAR, it is as follows: "if any thing shall happen which may be of advantage or security to *our* Province UNDER YOUR GOVERNMENT, which is not here contained (or by your commission provided for,) We do hereby allow unto you, with the ADVICE and CONSENT of our said *Executive Council*, to take order for the present therein."

It will be observed that no Minister is even authorised to do what His Excellency can do. He calls together the Parliament and opens and closes it, with a most gracious speech from the throne;—he prorogues or dissolves Parliament;—he gives the royal assent to bills, by which they become laws;—he appoints to and dismisses from various offices—no petition or remonstrance is received and acted upon by the King, (not even from the House of Assembly) except transmitted through him; he may even declare and commence *War*.

Your committee will not believe that any one possessing "a well constituted mind" will deny that he stands in need of the best advice possible to be obtained, to enable him "impartially" to perform all those duties, & which the constitution has wisely provided.

It was recommended, as a remedy for prevailing and increasing grievances, that the Executive Council should be allowed to advise the Lieutenant Governor upon public affairs before he acted on them; and this might be hoped to be a remedy, because if good advice were given, it would (it must be presumed) be adopted; and if bad advice were given, it would be rejected or corrected. This doctrine is pronounced by his Excellency to be so unconstitutional, vicious, and theoretical, as to prevent his retaining the late Council in his confidence, unless they retired from such principles. Your committee in giving a frank and free report upon this important question are obliged to express their belief, that his Excellency was not so much shocked at the doctrine as he was averse to its practical bearing against his own arbitrary pleasure, and they have come to that conclusion for the following reasons:—

1. Because His Excellency compares his late Council to "a sterling fund upon which he can constitutionally draw whenever embarrassment requires it."

The objection, therefore, is not made so much against having councillors, as against taking their counsel till *driven by embarrassment to do so*; of which embarrassment he claims to be the sole judge, although it does seem to your Committee inexpedient and unreasonable, that His Excellency should pursue his own unadvised pleasure in every thing in government that is gracious, acceptable and popular, and only bring his Executive Council into the field whenever the pursuit of such unadvised pleasure has produced embarrassment, odium or difficulty.

2nd. Because the Lieutenant Governor admits that "to enable him to perform the "arduous duties of his office the constitu- "tion has wisely provided him with an Ex- "ecutive Council, competent to supply "him with that local knowledge in which "he may be deficient, and to whom he "may apply for council or advice." Thus he admits the wisdom of the institution, and the purposes for which it was provided; but he avowedly wishes to make an experiment (at the expense of the country) of the extent to which he can carry on his government, without their aid.

3rd. Because he admits "the advantage "of such a Council to a Lieutenant Gov- "ernor is so self-evident, that he must be "weak, and self-sufficient, indeed, who "does not continually have recourse to it."

Thus the advantage is fully admitted, but his obvious repugnance is against availing himself of that advantage oftener than he may please, and with his late Council for the three weeks they were in office he did not please to do it at all. He admits the advantage of such help, but he repels the proposition to receive it before "embarrassment requires it," when it might be too late to remedy the evil.

4th. Because he admits that the Executive Council strengthens his judgment.—But he betrays repugnance against the proposition to strengthen his judgment when he happens to think it strong enough without it or to confer dignity on his proceedings when he thinks them dignified enough without it. But he wishes the strength or dignity to be reserved until "embarrassment requires it."

5th. Because he states that the Executive Council should constitutionally "serve

him (the Lieutenant Governor) not them (the people.)

But the repugnance betrayed is against being served by them in the public affairs until he thinks "embarrassment requires it."

6th. Because he had promised his late Council "to treat them with implicit confidence."

But his repugnance is against it being so *implicit* as to be received upon public affairs, before "embarrassment requires it."

7th. Because His Excellency mentions the willing approval by the late Council of the very first suggestion he made to them, namely: "that no important business "should be commenced in Council until "they, as well as the Lieutenant Governor, "had become mutually acquainted with "their respective duties." Thus important business, it is admitted, was to be commenced, but the complaint is that it was commenced too soon, viz: before "embarrassment requires it."

8th. Because in his answer to the citizens he says respecting the Executive Council, "I shall consult them as unreservedly as I had promised to consult those who have just resigned."

Thus it appears he had promised to consult them *unreservedly;* but he claims the *reservation* to consult them only at his pleasure, viz: when "embarrassment requires it."

9th. Because His Excellency asks the citizens, "why then should my Council, "whose valuable advice (if it were not "forced upon me) I should be most anxi-"ous to receive, be required to demand "of me my responsibility?" Thus it appears that the objection is not against a Council, but against their advice, being "forced upon him" when he thinks he needs it not, viz:—before "embarrassment requires it."

From all which your Committee are obliged to report their belief that His Excellency was not so much shocked at the doctrine of the late Council as he was averse to its practical bearing against his own unadvised arbitrary pleasure to draw upon their sterling fund only when "embarrassment requires it."

His Excellency in his reply objects to the views of the late Council, because "it "would be evidently unjust towards him "that he should be liable to impeachment "for any acts but his own." But in the representation of the late Council, furnished your Honorable House by His Excellency, there is nothing which places things on such a foundation. They merely proposed to give advice on public affairs preparatory to His Excellency's discretionary action upon those affairs. The acts of His Excellency would not be the less his own, because he received good advice before acting; nor would he under such advice, be less liable to impeachment, while he certainly would be less likely to deserve or incur it.

Your committee regret to notice in His Excellency's answer to the City Corporation, that he charges them with begging leave to name for him other individuals for the station, (the Executive Council) because when so exalted a public functionary as the Representative of His Most Gracious Majesty is betrayed into mis-quotations or mis-representations, manifestly not justified by the document from which they are professed to be taken with candor and truth, it is calculated to impair the weight and dignity of the high station and induce by its pernicious example a laxity, on such subject, in the public morals.

For it is plain the City Council in their address (in the appendix marked D) name no individuals, but leave his Excellency in the free exercise of the Royal Prerogative to select any suitable Councillors from the Province at large.

In the same public document His Excellency further remarks—

"The members of the late Council rest their claims very "nearly on the following grounds: that the responsibility "they assume being a popular opinion daily increasing, is "consequently the law of the land; and secondly, that "though the powers they require are no where expressed "in the Constitutional Act, they were evidently intended "to have been inserted."

Your committee are obliged to report—that the above extract given as the grounds assumed by the late Council in their representation is neither candid nor warranted by facts.

The late Council plainly deduce their duties from the 31st Geo. 3d, even without reference to the less desirable but not less forcible principles of constitutional right and civil liberty. How then can they be truly said to make the law of the

land the consequence of popular opinion? or that their powers were only intended to be inserted in the statute, when they quote the statute in which the powers are actually inserted.

In the answer to the citizens of Toronto, his Excellency says—"with respect to my late Council, I regret, quite as "much as you can do, their resignation; but, before they "took the oath of secrecy (which appears to my judgment "to be an oath of non-responsibility to the people) I ad- "dressed to them a note which clearly forewarned them, "as follows:—*I shall rely on your giving me your unbiased "opinion on all subjects respecting which I may feel it advise- "able to require it.*"

Your Committee here notice,—1st, an alleged regret—2nd, an alledged arrangement.

It seems impossible to reconcile this alleged regret on the part of His Excellency at their resignation, with his own act obliging them to resign.

The late Council were called upon "to retire from his confidence" if they did not "retire from their principles"—but they *could not retire from their principles* and were therefore obliged *to retire from his confidence.*

To present to the late Council a dishonorable condition upon which to remain in the King's service, and then allege regret, at their declining that condition by tendering their resignation, obliges your committee to report their belief either that His Excellency really felt no such regret as is alleged, or that he did not feel the repugnance honorably expressed by Mr. Baldwin, to the abandonment of principles for the sake of place.

2nd. There is an alleged arrangement—Now Your Committee cannot but notice a want of candor in this matter. The terms "on all subjects respecting which I may feel it advisable to require it" (advice) are obviously indefinite, and could not, your Committee think have been anticipated by any to mean "*no advice at all.*"

If His Excellency intended the above as a mental reservation enabling him to convert his Council into cyphers or mutes, he should not have coupled with it expressions implying the reverse; for in the letter from which this alleged arrangement is deduced, His Excellency assures them of His "implicit confidence."

But it appears to Your Committee that the circumstance of adding three new Councillors with the assurance to them of his "implicit confidence," amounted to an arrangement, a declaration of an intention to advise with them freely, "implicit confidence" cannot be manifested by placing none; and when His Excellency's letter to Mr. Baldwin was publicly read by a member in both houses of Parliament, no one construed it to mean an arrangement not to consult the Council at all; instead therefore of admitting that the late Council, as alleged by His Excellency, "altogether in a body disputed the arrangement;" Your Committee consider that they had rather cause to complain that the arrangement was broken by him: for the detention of them three weeks unconsulted in the Council in the most urgent season of business was a palpable violation of the promise to repose "implicit confidence."

In his reply to the same address he adds, "I shall consult them (the new Council) "as UNRESERVEDLY as I had promised "to consult those who have just resigned." This language shews that "he had promised unreservedly to consult his late Council," and such the public universally understood to be the case. But as His Excellency accepted the services of the late Council and "with pleasure" promised to give them his "implicit confidence" and to "consult them unreservedly." Your committee notice with pain the inconsistency of such declarations with the attempt to criminate the late Council by misrepresenting them as having first voluntarily entered into an opposite arrangement and then altogether in a body disputed it.

Your Committee addressed a letter on the subject to Mr. Robert Baldwin and Dr. Rolph, both of whom they have also examined. (See Appendix marked T.)

From the letter and evidence Your Committee collect, that no "such arrangement," as is alleged by His Excellency to have been "since disputed," ever was made ("to give advice only when required!") that no such "forewarning" was given them or professed to be given, or expressed or implied, but on the contrary, that the Councillors were told that His Excellency's doors were open for them to give advice on any subject at any time; that the letter now construed by His Excellency into such a limitation, was not the same in words or substance as the one arranged and promised to be given; that *although it is dated the day before the Councillors were sworn in*

it was not delivered till afterwards, when the changed features of the letter appear to have struck with surprise the persons to whom it was addressed, and which letter from motives of delicacy explained in the evidence, was not returned as its disingenuous application was not anticipated.

That the proposition out of which the letter grew *was not made till the negociation was over*, and the three new Councillors attended by previous desire of His Excellency to receive a formal united invitation, and that *it then originated not with His Excellency but with Mr. Baldwin.*

The statement therefore of His Excellency, appears in the same discreditable light as the discrepancy between His denial to Your Honorable House of any agreement between any members of the present Council respecting the contingent administration of the government in case of the Lieutenant Governor's death or absence from the Province, and the admission of the facts so denied by two of His present Councillors, Robert Baldwin Sullivan, Esq., and the Honorable Captain Baldwin.

Indeed, it is, if possible, worse, because the mistake is intended to criminate the late Council after their dismissal.

Your Committee feel bound to notice one other of His Excellency's *reasons* by which he attempts to shew that we would be ruined if we had the image and transcript of the British Constitution imparted to us. His Excellency, when replying to the citizens of Toronto, asks with apparent triumph, "supposing it were to be "argued that four-fifths of the members "of Your House of Assembly ought im-"mediately to be dismissed because in "proportion to the population of Great "Britain and Ireland there exists five "times as many members here as in the "English House of Commons, would you "not think it very irrational that *this noble* "*but thinly peopled* colony should be made "the exact image and transcript of the "British Constitution, merely because "Colonel Simcoe happened to use these "words, &c.

Without remarking on the strange idea of His Excellency making the people of a colony into a Constitution, Your Committee beg merely to give an extract from the remarks of Lord Grenville in the House of Lords in the discussion on the passage of the Act 31st Geo. 3. as a reply to the remarks of His Excellency, and the application.

"They did not mean to give Canada exactly the "same Constitution, as, for instance, five hundred "and fifty-eight representatives. That was impossi-"ble in the nature of things; but their great object "had been to adhere as nearly as possible to the pu-"rity and principles of the English Constitution in "every part of the bill; ****** His Lordship (also) "said, it was undoubtedly a mistake to suppose that "any government was free only as it approached to "democratic principles. Absolute monarchy, absolute "aristocracy, absolute democracy, had, in the histo-"ry of mankind, been tried in the scale of expe-"rience, and had been found wanting. Our own "Constitution, which was compounded of these "three, was the first in the world, and the envy of "every surrounding nation. It was for that reason "that they were now about to communicate the "blessings of the English Constitution to the subjects "of Canada because they were fully convinced that "it was the best in the world. The Legislature of "Canada consisted of three parts, representing that "of this country."

It is said in the reply that "in government, impar-"tiality is better than knowledge, and it must be evi-"dent to every well constituted mind that in an infant "state of society it would be impossible practically "to secure a sufficient number of impartial persons "to effect a change of ministry, as often as it might "be necessary for the interests of the people to do "so."

Upon the truth of this maxim "in Government impartiality is better than knowledge." Your committee forbear to offer any extended comment, but they cannot conceal their disgust at the offensive manner in which it is applied against the moral character of the people of this Province. He appears to your committee to have assumed the government with most unhappy prejudices against the country; for he alleges certainly with very limited means of personal observation, that there is a lack of "*impartial persons*" to form a new Council on any occasional change; and your committee lament to hear that His Excellency is surrounded by, and gives his credulous ear to irresponsible and unworthy advisers, who poison his mind against the moral and intellectual merits of the people he is appointed to govern.

In his reply to the address of the citizens he expresses his estimate of the knowledge and taste of the public by con-

descending to "plainer and more homely language," (and both plain and homely enough it is); but besides thus reflecting upon Canadian understandings, His Excellency further impeaches their good morals by declaring there are not "*impartial persons*" enough in the country to enable him to seek adequate changes in the Council. It thus goes to England with the highest official authority that this is little better than a country of *rogues and fools*:—In Canada His Excellency with the temerity of a stranger and the assurance of an old inhabitant, presumes to testify that there is not a sufficient number with heads and hearts yielding knowledge of impartiality to aid the good management of our own local and internal affairs.—Should the history of this Colony be ever collected from the secret despatches in Downing Street (of which we have had frequent specimens) posterity will form a very erroneous and unjust estimate of the talent and virtues in the country—low, indeed are we placed in the scale of human nature.

While engaged in preparing this report the attention of the Committee has been suddenly called to the documents referred to them on the 4th of April respecting the erection and endowment of parsonages throughout the Province and the exchanges of different portions of the Clergy Reserves for other property (which are hereto appended marked P.)

From these documents it appears that within the past year fifty-seven rectories or parsonages "according to the establishment of the Church of England" have been constituted in this Province by the government under the great seal of the Province, and have been endowed out of the Clergy Reserves, in each case varying in general from 400 to 800 acres of highly valuable land chiefly in old townships and in some cases within towns.

To these rectories or parsonages ministers have been or are to be presented, as are their successors in future by the government, and they are, according to the thirty-ninth clause of the Constitutional Act "to hold and enjoy the same, and all "rights, profits and emoluments thereun-"to belonging or granted as fully and am-"ply, and in the same manner, and on the "same terms and conditions, and liable to "the performance of the same duties as "the incumbent of a parsonage or recto-"ry in England," and the next clause of the act provides for the exercise of "spi-"ritual and ecclesiastical jurisdiction and "authority" "according to the laws and canons of the Church of England;" under which clause, of course, ecclesiastical Courts will be established, as no others can fully exercise such "spiritual and ecclesiastical jurisdiction."

Upon an examination of the instruments by which these rectories or parsonages are constituted, it appears that power is reserved to the government of "hereafter erecting and constituting one or more parsonages or rectories" within the respective townships in which they are now by these instruments constituted.

According to the act, the government may endow these parsonages "from time to time." So that, if the bold experiment succeeds, which is now attempted, we may expect that the present parsonages will receive further endowments, and that the number of these parsonage will be multiplied amongst us, beyond all present calculation.

It further appears that different clergymen of the Church of England have received from the government in exchange for their own private property, large quantities of the Clergy Reserves; for instance the Rev. James Coglan surrenders 36 acres of land in the township of Hope with a messuage or dwelling house, and receives in exchange 1020 acres, 400 of which are in the township of Hope, 300 in Cavan, 100 in Emily, and 220 in Seymour.

The Rev. Benjamin Cronyn surrenders 4 acres of land with a dwelling house, outhouses, offices, and buildings, and receives in exchange 1892 acres, of which 1396 are situate in the township of London, and the remainder in Nissouri.

The Rev. Francis Evans surrenders 50 acres of a Clergy Reserve and 50 acres in Woodhouse, without any house or building, and he receives 800 acres in Walpole.

The Rev. Philip Mayerhoffer surrenders the rear part of Lot No. 17 in the fifth Concession of Markham, containing 70 acres, without any house or building, and he receives Lot No. 19 in same concession of the same township containing 200 acres.

All comment upon such transactions is superfluous. But most astonishing of all Rear Admiral VanSittart has been permitted to share in these good things for the benefit of the church, and has received in exchange for a house, two acres and two lots of land in Blandford and 26 acres, in Oxford East 3690 acres of valuable land!

The land thus conveyed to them in exchange becomes their own property and will not belong to their successors.

And all these endowments and all these grants in exchange for messuages and lots of land are in addition to the large regular allowance that is annually paid to them by the Government, out of public monies of the Province without the knowledge or consent of the people and their representatives.

Thus in one year, in contempt of all our humble remonstrances and earnest protestations against Church Establishments and Government patronage of Religious bodies fifty-seven *government parsons* have been established in this Province and endowed out of the Clergy Reserves; established and endowed under the Great Seal to give it peculur solemnity, and, if possible, to make it irrevocable.

In this way has the Government opened a new source of political influence and power, and not only established a State Church amongst us, with "spiritual and ecclesiastical jurisdiction and authority," but a State Church, of which the Government is the universal and sole patron, having the exclusive right of making the presentations or appointments of the ministers of these different parsonages.

It is with difficulty that the committee suppress the strong feelings of disgust indignation and astonishment which these practices and proceedings of the Government are calculated to excite.

Year after year have the people of this Province and their Representatives been straining every nerve to procure the appropriation of the Clergy Reserves to some useful public purposes, in which all His Majesty's subjects might impartially and equally participate; year after year, have they solemnly and indignantly protested against the establishment of any State Church in this Province. The people from one end of the Province to the other again and again have petitioned the Provincial Parliament, the King and the Imperial Parliament, on the subject.

These petitions proceeded not only from the people indiscriminately and repeatedly, but also from different public bodies. The explicit and distinct representation on this subject of the Methodist Conference in 1831, in their address to His Majesty cannot be forgotten; inasmuch as it produced a most offensive reply from Sir John Colborne, which caused much excitement & dissatisfaction at the time, and inasmuch as the observations contained in the address on the subjects of applying public funds to the support of Religious bodies or teachers, and of appropriating the Clergy Reserves to purposes of general interest were distinguished for wisdom and truth.

And so late as 1832 petitions were transmitted to England expressing similar sentiments on these subjects subscribed by more than 18,000 of His Majesty's subjects in this Province. In fact all parties and all denominations on this matter have been agreed, and have so remained with a unanimity and perseverance that is really surprising.

Equally decided and uniform have been the exertions of your Honorable House to effect the same object; and this has been the case, not only when one party prevailed, but also when its opponent had the ascendancy.—They have repeatedly addressed His Majesty;—they have also repeatedly exercised the powers given to them by the Constitutional Act to repeal those parts of it, which relate to the appropriation of the Clergy Reserves; although these bills like many others ardently desired by the country have been contemptuously rejected in the Legislative Council, so numerous and urgent have been these representations to His Majesty's Government that the appearance, at least of a favorable disposition on this subject, was at length obtained from the Cabinet Minister.

In 1832, the House of Assembly were informed by His Excellency Sir John Colborne, in a message dated 25th January, 1832, that he had His Majesty's commands to make to it the following communication:—

"The representations which have at

different times been made to His Majesty and his Royal Predecessors, of the prejudice sustained by His faithful subjects in this Province from the appropriation of the Clergy Reserves, have engaged His Majesty's most attentive consideration.

"His Majesty has with no less anxiety considered how far such an appropriation of Territory is conducive either to the temporal welfare of the Ministers of Religion in this Province or to their spiritual influence. Bound no less by his personal feelings than by the sacred obligations of that station to which Providence has called him to watch over the interests of all the Protestant Churches within his dominions; His Majesty could never consent to abandon those interests with a view to any objects of temporary and apparent expediency.

"It has, therefore, been with peculiar satisfaction, that in the result of his inquiries into this subject, His Majesty has found, that the changes sought for by so large a proportion of the inhabitants of this Province may be carried into effect without sacrificing the just claims of the established churches of England and Scotland.—The waste lands which have been set apart as a provision for the Clergy of those venerable bodies have hitherto yielded no disposable revenue.—The period at which they might reasonably be expected to become more productive, is still remote.

"His Majesty has solid grounds for entertaining the hope that before the arrival of that period, it may be found practicable to afford the Clergy of these churches such a reasonable and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

"His Majesty, therefore, *invites* the House of Assembly of Upper Canada to consider how the powers given to the Provincial Legislature, by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this Province."

Surely, this was a pledge of no ordinary solemnity on the part of the Government, not to proceed in opposition to representations which had, at different times, been made to His Majesty "by so large a "proportion of the inhabitants of this "Province."

To establish and endow these Rectories in opposition to these representations was as flagrant a violation of good faith as can well be imagined.

In Lord Glenelg's instructions to His Excellency, it is distinctly intimated, that the disposal and appropriation of the Clergy Reserves are to be left, for the present at least, to the Legislature of the Province. Under these circumstances, how can the proceedings of the Government in the formation and endowment of these rectories, and the exchange of lands (evidently a system of jobs) be reconciled with a decent regard to good faith and justice to the interests of the province or to the well-known and often declared wishes of the people? The reflections which such a question suggests are painful and mortifying.

Measures, most deeply affecting the peace and happiness of the people, their opinions and feelings, are adopted, not only without their consent, but in opposition to their known and unanimous wishes.—To continue our complaints seems equally wearisome and useless.

Lord Glenelg declares in his instructions to His Excellency, that "Parliamentary legislation on any subject of exclusively internal concern, in any British "colony, possessing a representative Assembly, is, as a general rule, unconstitutional and that to withdraw from the "Canadian to the Imperial Legislature, "the question respecting the Clergy Reserves, would be an infringement on that "cardinal principle of colonial government which forbids parliamentary interference, except in submission to an evident and well established necessity."

These are the professions of the Government, but what has been its conduct?

In 1827, an act was passed by the Imperial Parliament without even a pretended necessity, and without the consent or knowledge of the people of this Province or their representatives, authorising the sale of the clergy reserves in this Province (not exceeding one-fourth) and withdrawing from the Canadian to the Imperial Legislature the question respecting the application of these funds to other purposes

than their original object, such as the support of education, &c.

The same act also authorises the Government to accept in exchange for any part of the clergy reserves from any person any lands of equal value.

Under this act *more than sixty-one thousand pounds* abstracted from the small amount in circulation to repay the hard earnings of the people of this Province have been raised by the sale of land and *paid into the military chest* over and above all the expenses of selling the lands, &c. as appears from the official statement of the Hon. Peter Robinson, the commissioner appointed by the crown for these sales; an evil so great and palpable, that it was foreseen and pointed out by the Right Hon. Edward Ellice in 1828, who in his examination before the committee of the House of Commons on the affairs of Canada, after describing the general and deep feeling which exists in this Province about the appropriation of these reserves, says—"Surely the framers of that act, must have "overlooked the additional objection of "draining from the small capital of the "country any part of it for this invidious "purpose."

Notwithstanding this caution, and although the law was a plain infringement of the principles of our Constitution, recognized and admitted by them, the present *Ministry* are acting upon it not only in selling these Reserves, and "draining "from the small capital of the country for "this invidious purpose" annually a large sum, but also in making these exchanges.

What a practical commentary is this upon the professions of a Colonial Secretary! Did the writer of Lord Glenelg's Instructions suppose that the people of this Province were destitute of common sense and discernment?

The whole of the transactions to which we have adverted respecting the Clergy Reserves and the erection and endowment of parsonages, prove the necessity of having a responsible Government, and illustrate the importance of the great Constitutional principles for which the people and their representatives, for a long time and the late Executive Council more recently, have been contending.

Your committee have deemed it proper to notice this matter in the report as being a true commentary on the effect and working of the system heretofore acted upon, and now clung to by His Excellency as if his very existence depended upon it; and who unblushingly declares that without that system we are ruined; now your committee would ask, will any man pretend to say that the endowing these parsonages was in accordance with the feelings, wishes and interests of the people, or will they pretend to say, that an Executive Council possessing the confidence and having an identity of interest with the great body of the people, would have advised such a step—a few seasons more of as favorable picking, and the remaining clergy reserves, in the Province will not be worth the asking, let alone contending for.

Until the Representative of the King in this Province shall be surrounded by advisers sharing the views and possessing the confidence of the people and their representatives, and shall freely and candidly and cordially consult them upon the affairs of the Province, we must expect the same evils and the same grivances which have only increased from year to year, amidst the complaints of the people, and the promises and professions of the administration. The necessity of insisting upon a constitutional and responsible government must be apparent to every candid man.

Your Honorable House lately addressed His Excellency on the subject of a supposed understanding or arrangement between two or more of the members of the present Executive Council, as to the administration of the government in the event of His Excellency's death, (which address and answer are hereto appended, marked K.) in which answer His Excellency was pleased to intimate rather indignantly, that he knew of no such agreement, and in fact that no document of such a nature existed.

The Honorable Robert Baldwin Sullivan, the presiding member of the Executive Council, and the Honorable Captain Baldwin, however informed the committee, as will appear by the minutes of their evidence (marked L. hereto appended) that a paper had been signed whereby Mr. Sullivan had declared his intention in the event of His Excellency's death, not to administer the government; although by the Royal Instructions in such a case, the

administration would devolve upon him, as presiding Councillor, but to resign his office, in order to avoid the administration of the government, *and that this paper was not only in existence, but was drawn up by* His Excellency HIMSELF, in the Council Chamber, signed and delivered to Mr. Allan (the next senior member) in the presence of His Excellency and the whole Council.

The respect which your committee feel for His Excellency's high office, forbids their dwelling upon the mortifying subject of the contradiction between His Excellency's answer and those gentlemen's testimony, and they will only say, that it must of course destroy all confidence in future in His Excellency's assertions, especially as His Excellency retains Mr. Sullivan as his principal and confidential adviser, notwithstanding the evidence so given by him.

Neither do they think in necessary to dwell upon this arrangement, to bargain away, contrary to the royal instructions, the future government of this Province, for such it evidently was, notwithstanding, Mr. Sullivan's attempt and natural anxiety to explain it away. An arrangement as unconstitutional & delusive as could have been proposed; for in the event of Sir Francis B. Head's death, the government would necessarily devolve on the presiding Councillor, and he could not have resigned to any one but His Majesty. To resign to his inferior would have been "a new theory." Neither could he have released himself from the government by refusing to take the oath of office. The committee observe that such an oath is not required by the 31st of the King, or the King's Instructions, and at all events the power to administer the government in the event of His Excellency's death, does not depend on it; for if it did, we might be for a time without a government; and if one could decline taking the oath all might, and we might in such an alternative also be left without a government. An arrangement so inconsistent with the rights and honor of the Crown, and with the safety and protection of the people, was probably never before thought of in a British colony; and is a striking evidence of the strange notions entertained by His Excellency and the present Council about our Constitution.

In some of the old colonies the people chose their own Governors; but never was a successor to a Governor then living, chosen by the Council; that very Council who in His Excellency's estimation is such a mere cipher; such a mute and irresponsible body.

To obtain a fuller elucidation of this humiliating subject, your committee were desirous of obtaining the further evidence of the Honorable Messrs. Allan and Elmsley, and although the Legislative Council in compliance with the address of Your Honorable House granted permission to these honorable gentlemen to attend Your Committee, yet they have refused to do so, under excuse of some informality in addressing them; although in an Executive matter, so materially affecting their characters as Councillors, your Committee had hoped all minor considerations would have been discarded. But Mr. Sullivan's statement needs no confirmation, and the participation of the others in this singular and unconstitutional proceeding remains uncontradicted with an opportunity afforded them, if innocent, of exculpation.—This conduct justifies in point of fact the declaration by Your Honorable House of an entire want of confidence in the present Executive Council, communicated by address to His Excellency. It is to Your Committee a matter of profound regret, that when His Excellency was surrounded by the late Council, with every means of conducting his administration in a manner efficient and satisfactory, calculated to allay all existing discontent and preserve the peace, welfare, and good government of the Province, he should so hastily, rashly, and wantonly disappoint public expectation, and fill the Province with greater distress and apprehension than even prevailed from the alien question.

Your committee, while on this humiliating subject feel bound also to remark on the positive contradiction between the evidence of the Honorable Mr. Sullivan and the Honorable captain Baldwin, as reference thereto will prove, while Mr. Sullivan expressly affirms that the writing was drawn up solely at his own request, Captain Baldwin stated that it was at the suggestion of the Honorable Mr. Elmsley.

The committee beg leave also to remind your Honorable House again of your ad-

dress to His Majesty during the last session, (hereunto appended, marked H) respectfully but earnestly urging that the principles of the British Constitution respecting the advisers and confidential officers of the Government in this Province might be enforced, and intimating an intention on the part of the House, if these just and reasonable wishes were longer disregarded to withhold the supplies from a Government conducted in such a manner and by such officers: Your Honorable House has distinctly but respectfully declared to His Excellency its regret at the removal of the late Executive Council, and its entire want of confidence in the present members of it, and has humbly requested him to take immediate steps for their removal—nevertheless, they sre retained, and the wishes of the representatives of the people constitutionally expressed are disregarded. No alternative is left to the House, in the opinion of the com mittee, but to abandon their privileges and honor, and to betray their duties and the rights of the people, or to withhold the supplies: the constitutional right of which is clearly acknowledged in Lord Glenelg's despatch, and also in His Excellency's reply to the late Executive Council, and in the language of Lord Stanley on the very subject of procuring a removal of advisers in this Province, "it is the constitutional mode of enforcing our wishes." All that we have done will otherwise be deemed an idle bravado, contemptible in itself and disgraceful to the House; and although in consequence of the law granting a perpetual civil list, which was obtained by Sir John Colborne's withholding a despatch that he had been directed to communicate to the Legislature, shewing that the Government only wanted the grant for seven years or during the life of the King, and which act received the approbation of His Majesty's Government, the refusal of the supplies cannot have its just constitutional influence, yet it will testify the feeling and the determination of the House more forcibly to His Majesty's Government, and will avail more than any thing else. It becomes the more necessary when it is observed that Lord Glenelg assumes in his Instructions to His Excellency—that until the last session there generally "subsisted a spirit of amicable co-operation between the Executive Government and the Legislature;" although so far from any such harmony subsisting, the majority of the House of Assembly in both the ninth and tenth parliaments were denounced by the adherents of the Provincial administration in unmeasured terms of abuse, and were represented as being opposed with even indiscriminate hostility to the arrangements and institutions of the Government.

Your committee therefore distinctly recommend to your honorable house to withhold the annual supplies.

His Excellency, in answer to the address of your hon. house respecting the present Executive Council, observes—"I might say "that I had hoped the house would have "refrained from any such decided expres- "sion of its opinion on the subject, until "it had received the report of the com- "mittee to whom the subject was referred, "and for whom the Government Office is "now occupied in furnishing the docu- "mentary evidence they desire, but I am "unwilling to discuss the question."

Your committee hope there is not now and never will be hereafter, another such a direct and violent breach of the privileges of the Commons house of Assemby; indeed, the assumption of power to chide the whole house for not awaiting a report from a select committee, can meet with a parallel only in the very worst periods of English history; surely such conduct was never intended and will never be countenanced by the British Government—observing the marked forbearanee of your honorable house, your committee dismiss this painful and humilating subject, simply referring to the recent case of a similar nature in Jamaica, which is set forth in the following communication to his Excellency, the Governor of that Island, during its last session:—

"MAY IT PLEASE YOUR EXCELLENCY:"

"We are ordered by the House to wait on Your Excellency with the accompanying resolutions, which have been agreed unto by the House:

"*1st Resolved*—That the first message of His "Excellency, the Governor, of yesterday, is a di- "rect breach of the privileges of this House, inasmuch "as the subject matter of that message was then "pending between the other branches of the Legisla- "ture."

"2nd *Resolved*—That this House cannot consist-
"ently with its own dignity, or with due regard to its
"rights and privileges, which are the firmest bulwarks
"of the liberties, franchises and immunities of the
"people, proceed to do any other business until repa-
"ration shall be made for this breach of privilege."

This your Committee conceive is a just illustration of the resentment which such conduct deserves, and generally receives.

The attention of Your Committee has been recently drawn to a political address from the Grand Jury at the present assizes in this city, to His Excellency, and His Excellency's answer. (See certified copies in the appendix marked U.) This Grand Jury, selected by Mr. Sheriff Jarvis, holding office during the pleasure of Sir Francis Head, style themselves "Grand Jurors *representing the Home District!*" There is no known law or constitutional usage under which the above gentlemen can claim the representative character; and it has ever been a subject of grievance and regret that the Executive Government have given a countenance to the political pretensions & sycophantic offerings of Grand Juries in this country. While they mix up with their judicial duties, the party feelings of the day, and present to the Lieutenant Governor with evident acceptability their political oblations, there can be no prospect of that cool, dispassionate and impartial conduct towards all classes of the people, required by their oath and prescribed by the law. The mixture of such matters in the public ordinances of religion or in the public administration of criminal justice must be revolting to every "*well constituted mind,*" and is certain to contaminate what the dearest interests of society require to be pure and untainted.

The imposition of political duties upon the Chief Justice as Speaker of the Legislative Council, against the repeated remonstrances of the people and their representatives, is felt to be itself a practical evil; and has no doubt also contributed to destroy that decorum in other branches of the Judiciary which might otherwise keep them aloof from voluntarily blending party politics with the duties of the Grand Jury Room. With the Grand Jury originate indictments for alleged political offences, and the practice of tampering with their own consciences by inflaming themselves with such unseasonable discussions, is calculated to revive the scenes acted in the administration of Sir Peregrine Maitland.

It is a striking fact that the foreman of this grand jury selected by Mr. Sheriff Jarvis, is a military gentleman on full pay, on a temporary leave of absence, and who, although a son of the late Dr. Macaulay is personally known only to a few as an occasional visitor from military service. Your committee without meaning any personal reflection upon that gentleman, cannot but remark upon the conduct of Mr. Sheriff Jarvis in making such a selection, which appears to have been done to second the avowed intentions of the Lieutenant Governor to appoint him Surveyor General, with the further plan of introducing him into the Legislative and Executive Councils. The same gentleman it appears has recently presided at political meetings in this city, and as a military man he seems unconscious of the impropriety of re-acting the same scenes in the sphere of a Grand Juror.

His Excellency's answer welcomes the adulation of the Grand Jury, and outstepping the limits of the address, he descants against "the ignominious tyranny" of the Executive Council of the Province which he styles "a secret metropolitan cabinet," thus deriding and vilifying the institutions of the country, while in obvious allusion to those who differ from him upon this "great constitutional question," he boasts of having "*repelled enemies.*" Affairs assume a serious character when the representative of His Majesty arrays against himself as "*enemies,*" whom he has "*repelled*" the great body of the people, who have long sought for a better constituted and more efficient Executive Council for the practical ends of Government. These hostile and inimical feelings indulged by His Excellency against so numerous a class of the Community, blast all our hopes of that impartial and conciliatory policy and constitutional system which have been promised by the British Government.

The committee have been obliged unavoidably, though reluctantly, to extend their report to a great, perhaps, an inconvenient length.

They think the subject, one of vital interest; and the present era an all-important crisis in our affairs. The despotic,

unconstitutional principles announced and defended by Sir Francis Bond Head, and his avowed determination to adhere to them; the tyrannical and unjust conduct pursued by him towards the late Council; the bitterness of feeling which he is known to entertain towards all who think it their duty to oppose him; the intention which his public acts evince to perpetuate and aggravate the system and to cherish and favour the party so much complained of, yet so much fostered under his predecessor, destroy all hope that his administration of the Government can be just, satisfactory or useful to the country, or conducive to the honour and interests of the Crown; and make it, in the opinion of the committee, a necessary, though most painful duty on the part of your Honourable House, respectfully, but most earnestly to pray, that His Majesty's Government will seriously consider our situation, and afford us such relief as the exigency of the case requires. Respect for the Crown requires that this object should be sought in the ordinary way by an address to His Majesty only, but considering the usual manner in which our representations have been viewed and treated at the Colonial Office, we recommend that a memorial should be also addressed by Your Honourable House to the House of Commons; a body who understand and feel the value and importance of those principles for which we are contending. The committee have prepared an address to the King and a memorial to the House of Commons, in conformity with these views, which they beg leave respectfully to submit herewith, and recommend, that a copy of this Report, with the Appendix and memorial to the House of Commons, be presented to His Excellency with the Address, and a request, that he will be most graciously pleased to transmit the same to His most Gracious Majesty, the King.

They submit the whole with a deep and solemn sense of the great responsibility which now rests upon the House of Assembly. The state of our public affairs, apparently growing worse instead of being improved, the dissatisfaction and anxiety of the people, the determination of the Government to defend and enforce arbitrary principles, and to oppose the application and the operation, in this Province, of acknowledged and essential principles of the British Constitution, and the comparisons which are every day made between our condition on the one hand, and on the other hand, the prosperity of all classes, the activity of business, and the improvements of all kinds in the adjacent country, are considerations which cannot be disregarded.—Blessed with a find and healthy climate, a productive soil, unequalled natural facilities for internal communication and an industrious and enterprising population, we ought to see the country flourish and improve, at least, as much and the people as happy, prosperous and contented under the British Constitution (if we were permitted to enjoy it, in its full and beneficial operation) as could be realized under a different form of Government.

The committee are not willing to believe the contrary.

But that a system, which has long rendered unavailing the natural advantages of the country and paralized its youthful energies, should now of a sudden produce contrary effects, is not to be expected.

Great as is the Constitutional question for which the country contends, it is simple in its nature. We have under the 31st Geo. 3d. an Executive Council, constituted by the Royal Instructions; this Executive Council we desire to see discharging the duties belonging to such a Council;—as it is the duty of Parliament to legislate, so it is the duty of the Executive Council to advise.

It has been simply proposed that our public affairs should pass under their review preparatory to the final and discretionary action of the Governor upon them; and assuredly the people upon whose affairs and highest interests the advice is given, should be allowed to see the Representative of the King surrounded by men alike possessing his confidence and that of the country.

The great question now before your Honorable House and the country, is not whether we are to have the Constitution and form of government of the United States introduced and established among us, but it is simply whether we (His Majesty's subjects in Upper Canada) shall enjoy acknowledged principles of the British Constitution?

Whether we shall have the same rights and privileges that are enjoyed by our fellow subjects in the United Kingdom, and which has always heretofore been admitted in theory but denied in practice?

Whether the advisers of the Lieutenant Governor, the Executive Council, are to be gentlemen of sound principles, known and possessing the confidence and esteem of the people whom they are sworn to serve as well as His Majesty, or to be persons unknown and irresponsible, and consequently under no restraint or accountability for the advice they give or means (honourable or dishonourable) they use to accomplish their ends?

If we have at the head of our local affairs not a Representative of the King, but a mere Minister, culpable for all misdoings in our government, there is no reason why he should longer be held (as heretofore) above the law of the land. If on the one hand, we ask for the beneficial operation of the Executive Council, the answer is, I am only in the place of a Minister, answerable for my own acts and those of my Council into the bargain—and when on the other hand, you desire to proceed against him for any wrong, the character is shifted from a mere Minister into a Representative of the King, who can do no wrong, and is above all law—one day he is a Minister in order to assume power and act wrongfully; another day he is Representative of the King, to oust the Courts of Justice of their jurisdiction. He assumes one character for *license*, and another for *defence*.

Your Committee desire to remark that our other institutions have often in times past been subjected like the Executive Council, to similar attempts to cripple or abridge their constitutional rights and character. Your Honourable House was at one time denied the privilege which necessarily and constitutionally appertains to Parliament, viz: the right to enquire into public abuses, and they were not established on their present broad, firm, and acknowledged basis without appeals to England and litigation in our courts of law. During the ninth Parliament occurred the arbitrary outrage upon the rights and property of Mr. Forsyth by Governor Maitland with Military force under the legal advice of the Attorney General (since promoted to the Chief Justiceship of this Province) and supposed to have been under the advice of the then Executive Council. This flagrant wrong became the subject of enquiry before a committee of Your Hon. House and Messrs. Givins and Coffin were attempted to be sustained by Governor Maitland in their refusal to obey a summons to give evidence—in fact they read his express orders not to attend. Thus in the illustration of the alleged sufficiency of Downing Street responsibility by Governors, it appears that an outrage is perpetrated first, and then Executive authority, influence and power exerted to prevent investigation. Nor was this all; for Sir P. Maitland further tried to poison what justice might be expected from His Majesty by writing a calumniating despatch, giving a bad character to Mr. Forsyth, and traducing as factious the Assembly that interposed in his behalf. The ninth Parliament proceeded to the arrest and imprisonment of the refractory officials; and although Sir George Murray, then Principal Secretary of State for the Colonies, rebuked Sir P. Maitland for his long and artful despatch against our Parliamentiary privileges, yet he was never disgraced or punished, and even in the tenth Parliament the Attorney General, since Chief Justice of Newfoundland, reacted the same dispute of the privileges of the Provincial Parliament, and it was not until the present Speaker of Your Honorable House was prosecuted for his warrant and that an adjudication of the court of King's Bench, after elaborate argument had placed the question out of the reach of further denial that that right was acknowledged. When, therefore, it is considered with what trouble and vexation, and against what executive influence and calumny the privileges of Parliament have been asserted and maintained, it is less surprising that the constitutional duties and functions of the Executive should factiously be denied. The privileges of Parliament were not more

obvious and certain, or more important than the duties and functions of the Executive Council for the peace, welfare and good government of the country; and it only needs on the part of the people and their representatives the same firm and constitutional exertions to insure the same success in the present all important contest.

All which is respectfully submitted.

PETER PERRY, CHAIRMAN.
T. D. MORRISON,
JOHN P. ROBLIN,
HIRAM NORTON,
CHARLES DUNCOMBE.

Committee Room, House of Assembly,
April 14th, 1836.

APPENDIX.

(Copy.)

A.

EXECUTIVE COUNCIL CHAMBER, AT TORONTO,
Friday, 4th March, 1836.

To His Excellency, Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c,

MAY IT PLEASE YOUR EXCELLENCY,

The Executive Council, impressed with the oath they have taken to discharge the duties necessarily resulting from their appointment "to advise the King and his Representative in the government of this Province," in the terms of the constitutional act upon the affairs of the Province deem it incumbent upon them, most respectfully to submit the following representation:

The Executive Council recognize the truth of the opinion expressed by Lord Glenelg, that "the present is an era of more difficulty and importance, than any which has hitherto occurred in the history of this part of His Majesty's dominions." This unhappy condition they ascribe in a very great degree, to the hitherto unconstitutional abridgment of the duties of the Executive Council. It appears from the proceedings of the House of Assembly, and from the re-iteration of established opinion in the country, that neither will public expectation be satisfied, nor contentment be restored, until the system of local government is altered, and conducted according to the true spirit and meaning of the Constitutional Act. The delay of this just and indispensable course, has already excited in the great mass of the people, a lamentable jealousy and distrust, and has also induced the discussion of Constitutional changes, the desire for which, unless speedily arrested, by affording the unrestricted operation of the 31st Geo. 3d, chapter 31, will not only become more fixed, but rapidly increase to a greater and irretrievable extent.

The policy and measures which have led to the present condition, seldom passed under the review of the Executive Council, or were submitted for their advice. Nevertheless, its members have been undeservedly subjected to the heaviest reproach throughout the country, from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the constitution, as advisers upon the public affairs. But amidst the obloquy thus thrown upon them, they have studiously avoided any attempt at exculpation, by disavowing in their defence, any participation in the conduct of the affairs which they were erroneously supposed to have approved. The consequence of this silent endurance of political odium, has been the perpetuation of the misbelief, that the Executive Council are conversant with the affairs of the Province, upon which they are appointed to advise: and although an opposite practice has generally prevailed between former Lieutenant Governors and their Council, yet it has ever been notoriously contrary to the state of things presumed by the community to exist.

Public opinion respecting the Executive Council & their duties, has been founded upon the terms of the 31st Geo. 3d, chap. 31, to which statute the people used to express a firm attachment, an attachment which, the Council believe, never would have been impaired had the Constitution been administered either according to its letter or its spirit

In several clauses of the 31st Geo. 3d, chapter 31, the Executive Council is mentioned in general terms. In the 34th clause the terms are "together with such Executive Council as shall be appointed by His Majesty for the affairs of such Province," and not, as it would otherwise have been expressed "together with such Executive Council as shall be appointed by His Majesty *for that purpose.*" In the 38th clause the terms are, "with the advice of such Executive Council as shall have been appointed by His Majesty, His Heirs, or Successors, within such Province for the affairs thereof," and not, as it would otherwise have been expressed, "with the advice of such Executive Council as shall be appointed by His Majesty, His Heirs or Successors, within the Province *for that purpose.*"

The same may be said of similar terms used in the latter part of the seventh clause.

With respect to which clauses it may be further remarked, that had it been contemplated that the Executive Council were to act only in the matters therein specified, the words "on the affairs of such Province" might have been omitted, without in the least impairing the legal effect. In the construction, therefore, of this statute, the above expression cannot be treated a surplusage, but must be taken to impose the duty which it imports.

From the language of this statute, therefore, it appears:—

Firstly—That there is an Executive Council;—Secondly—That they are appointed by the King;—Thirdly—That they are appointed to advise the King and his Representative upon the "*affairs of the province*"—no particular affairs are specified; no limitation to any particular time or subject. As the Constitutional Act prescribes to the Council, the latitude of "the affairs of the Province," it requires an equal authority of law to narrow those limits, or relieve the council from a co-extensive duty.

Every Representative of the King, upon arriving from England to assume the government of this country, is necessarily a stranger to it; and the law has provided for a local Council as a source of advice, which when given, is followed or not, according to his discretion. In certain cases specified in the 38th clause of the 31st Geo. 3rd, chapter 31, the concurrence of the council is required to give effect to certain Executive Acts. But these exceptions prove the general rule, viz:—That while the advice is to be given upon the affairs of Province generally, it is only in the particular cases that it must harmonize with the pleasure of the Crown, to give that pleasure effect. Indeed, if the law could be construed to limit the advice to the particular cases, it would follow that the Council could not legally advise upon any others; a proposition which, besides its manifest repugnance to the terms of the Act, is contrary to received opinion and usage.

But while the Constitution has assigned to the Council this duty, it is only to a very subordinate and limited extent that they have heretofore had opportunity afforded them to perform it. It is submitted that the exigency of the statute can only be answered by allowing the affairs of the Province to pass under their review for such advice as their consciences may suggest, preparatory to the final and discretionary action of the King's Representative upon those affairs.

The Council meeting once a week upon land matters, while the affairs of the country are withheld from their consideration and advice, is as imperfect a fulfilment of the Constitutional Act, as if the Provincial Parliament were summoned once a year, to meet the letter of the law, and immediately prorogued upon answering the Speech from the Throne. In both cases the true meaning and spirit of the Constitutional Act require that the Parliament should have a general and practical opportunity to legislate, and the Executive Council to advise upon the affairs of the country. In the former case, the Representative of the King can withhold the Royal Assent from Bills, and in the latter, reject the advice offered; but their respective proceedings can not be constitutionally circumscribed or denied, because they need the expression of the Royal pleasure thereon for their consummation.

The extent and importance of the affairs of the country, have necessarily increased with its population, wealth, and commerce; and the Constitution has anticipated the difficulty by a division of labor and responsibility from the active attention of the Executive Council in their duties. With the exception of those matters of so weighty or general a character, as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, it is recommended that the affairs of the Province be distributed into departments, to the heads of which shall be referred, such matters as obviously appertain to them respectively. Upon this principle, [recognized by the existing constitution of this Province, and of the mother country,] the people have long, and anxiously sought for the administration of their government, under the Representative of the King; and the Council most respectfully, but at the same time earnestly, represent that public opinion upon the subject is so fixed, and becoming so impatient, as to preclude the possibility of denying or delaying the measure, without increasing public dissatisfaction, and leading to the final adoption of other views, as already too universally manifested, uncongenial to the genius of the constitution, and most dangerous to the connexion with the Parent State.

The remedy, it is feared, is now proposed too late for all the advantages desired; but the longer it is withheld, the more alienated and irreconcilable will the public mind become. The present comparative calm and thankfulness arise from a belief that the Council will second this exigency, in establishing a system of government, according to the principles recognized by the charter of the liberties of the country—an expectation which the Council are most anxious to realize.

Should such a course not be deemed wise or admissible by the Lieutenant Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them.

(Signed) PETER ROBINSON,
" GEORGE H. MARKLAND,
" JOSEPH WELLS,
" JOHN H. DUNN,
" ROBERT BALDWIN,
" JOHN ROLPH.

B

REPLY

Of His Excellency the Lieutenant Governor to the communication of the Executive Council.

F. B. HEAD,

The Lieutenant Governor transmits to the Executive Council the following observations in reply to the document, which in Council they yesterday addressed to him:

The constitution of a British colony resembles, but is not identical with the constitution of the mother country; for in England, besides the House of Commons, which represents the people, there exists a hereditary nobility, the honors and wealth of which, as well as the interests of the established church, are represented by a House of Lords, while the Sovereign (who by law can do no wrong,) is surrounded by a Ministry upon whom devolves the entire responsibility of the measures they suggest, and who are consequently removable at pleasure. But in the colonial portion of the British Empire, which however rising, is gener-

ally speaking thinly inhabited, the people are represented by their House of Assembly, which is gifted not only with the same command over the supplies, as in England, but which possesses within the colony most of the powers of the British House of Commons.—The Legislative Council is intended, as far as the circumstances of a young colony can permit, to resemble the British House of Lords; and if the Lieutenant Governor of a colony stood in the place of the Sovereign, and if like His Majesty, he could do no wrong, it would evidently be necessary that a Ministry, Executive Council, or some other body of men should be appointed, who might be responsible to the country for their conduct. This, however, is not the case;—His Majesty delegates His Sovereign protection of his colony to no one, but he appoints a Lieutenant Governor who is responsible to him for his behavior, who is subject to impeachment for neglecting the interests of the people, and who is liable, like the English Ministry to immediate removal; and the history of the British colonies clearly shews, that there is no class or individual of His Majesty's subjects, to whose representations, prayer or petition, the King is not most willing to attend.

The Lieutenant Governor is therefore the responsible minister of the colony, and as not only his character, but his continuance in office, depend on his attending to the real interests of the people, it would be evidently as unjust towards him that he should be liable to impeachment for any acts but his own, as it would be unjust towards the people, that a responsibility so highly important to their interests, should be intangible and divided. It is true, his knowledge of the country is not equal to that of many intelligent individuals within it; but in government, impartiality is better than knowledge, and it must be evident to every well constituted mind, that in an infant state of society, it would be impossible practically to secure a sufficient number of impartial persons to effect a change of ministry, as often as it might be necessary for the interests of the people to do so.

This difference between the constitution of the mother country and that of its colony, is highly advantageous to the latter, for as in all small communities, private interests and party feelings must unavoidably be conflicting, it is better as well as safer, that the people should be enabled to appeal in person, or by petition, to the Lieutenant Governor himself, whose duty it is to redress their complaints, and who is liable to dismissal if he neglects them, than that they should appeal to a series of Provincial Ministers, composed of various individuals.

To enable the Lieutenant Governor to perform the arduous duties of his office, the constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice.

Before he entrusts himself to these gentlemen, they are, by the order of His Majesty, required solemnly to swear, not only to give to the Lieutenant Governor their best counsel and advice, but they are also sworn to secrecy.

Their individual opinions can never be divulged, *even to the King*, and as a proof that His Majesty does not hold them responsible for the acts of the Lieutenant Governor, they can retain, and often do retain, their office of sworn advisers, although, Governor after Governor may have been dismissed.

The advantage of such a council to a Lieutenant Governor is so self-evident, that he must be weak and self-sufficient indeed, who does not continually have recourse to it; but although it strengthens his judgment and confers dignity on his proceedings, yet it in no way shields him from disgrace, should his acts be found contrary to the interests of the people. In such a case, it would be vain, as well as unconstitutional, for a Lieutenant Governor to attempt to shield himself from responsibility, by throwing it upon his council, for by his oath, he cannot even divulge which of his advisers may have misled him.

Supposing, for instance, that with the concurrent advice of his council, he was illegally to eject by military force an individual from his land, the Lieutenant Governor would be liable to arraignment, and whether he had acted by the opinion of the law officers of the crown, by the advice of his council, by information derived from books, or from his own erring judgment, it has been wisely decreed that the injured subject should look to him and him alone for retribution, and that he and he alone is answerable to His Sovereign for the act of injustice which has been committed.

Being, therefore, subject both to punishment and disgrace, it is absolutely necessary, as well as just, that the Lieutenant Governor of a colony should have full liberty to act, (though at his peril,) in every case, as he may think best for the interests of the people, according to the commands of His Majesty, and of His Majesty's Ministers.

To consult his council on the innumerable subjects upon which he has daily to decide, would be as utterly impossible, as for any one but himself to decide upon what points his mind required or needed not the advice of his council. Upon their sterling fund, he must therefore constitutionally draw, whenever embarrassment requires it, and on their part, if they faithfully honor his bills, however often he may present them, they conscientiously fulfil to their Sovereign, to him, to their country, and to their oath, the important duty which they have sworn in secrecy to perform.

Having concluded the above outline of the relative responsibility of the Lieutenant Governornor and his Executive council, as it regards His Majesty's colonies in general; it may be observed with respect to this Province in particular, that when His Majesty, by conquest, first obtained possession of the Canadas, the government thereof devolved upon its military commander, until, by an Act passed in the 14th year of George 3rd, a council was appointed, "for the affairs of the Province of Quebec, to consist of such persons resident therein (not exceeding 23, nor less than 17,) as His Majesty, his heirs and successors shall be pleased to appoint," "which council so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare, and good government of the said Province, *with the consent of His Majesty's Governor.*"

This power of the council was further restricted by certain important limitations, specified in clauses 13, 14, 15, 16, and 17, of the said act; however, in the year, 1791, a new act was passed, commonly called "the Constitutional Act," because it settled the constitution of the Canadas, which were then divided into the Upper and Lower Provinces.

By this act the military domination of the General and his council, was changed for a new and settled system, and as evidently both could not exist together, the very first clause of the act declared, that so much of the late "Act 14th George 3d as in any manner re-

lates to the appointment of a council for the affairs of the said Province of Quebec, or to the power given by the said act to the said council, or to the major part of them, to make ordinances for the peace, welfare, and good government of the said Province, with the consent of His Majesty's Governor, Lieutenant Governor, or Commander in Chief for the time being, shall be, and *the same is* REPEALED."

The act then proceeds to state, that there shall be within each of the said Provinces respectively, a Legislative Council, and an Assembly, the duties and privileges of which are minutely declared in 33 consecutive clauses, but in no part of the said act was an Executive Council directly or indirectly created. Nevertheless, a vestage of the ancient one, was for the purpose of a Court of Appeal, (vide clause 34) recognized, with an expression which seemed to intimate, that an effecient Executive Council would very shortly be created.

For instance, in section 38, the Governor is, by authority of His Majesty's Government, and with the advice of the Executive Council, "empowered to erect parsonages and rectories," but in section 39 no mention whatever is made of the Executive Council, but on the contrary it is declared, that the Governor or Lieutenant Governor, or person administering the government should present the incumbent "to every such parsonage or rectory."

In the 50 clauses of the act in question the Executive Council which in section 34 is merely described as "such Executive Council as *shall be* appointed by His Majesty," is scarcely mentioned, and as regards even its existence the most liberal construction which can possibly be put upon the said act, only amounts to this:—That as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct, until its successor was appointed.

However, this latent intention of His Majesty to create a council for each of the Provinces of His Canadian dominions, was soon clearly divulged in a most important document, commonly called "*The King's Instructions*," in which an Executive Council was regularly constituted, and declared as follows:—"Whereas we have thought fit that there should be an Executive Council for assisting you or the Lieutenant Governor, or person administering the government of the said Province of Upper Canada, for the time being, we do by these presents appoint the undermentioned persons, &c, &c."

In subsequent clauses it was equally precisely defined, upon what affairs of the province the Lieutenant Governor was to act, "*with the advice of the Executive Council*," but with the view distinctly to prevent the new council being what the old one had been (which indeed under the new constitution was utterly impossible) in short to set that question at rest for ever, it was declared in section 8th, "that to the end that our said Executive Council may be assisting to you in all affairs relating to our service, you are to communicate to them *such* and *so many* of our instructions *wherein their advice is mentioned to be requisite*, and likewise all such others from time to time, as you SHALL FIND CONVENIENT for our service, *to be imparted to them*."

The Lieutenant Governor having now transmitted to the Executive Council his opinion of their duties, in contradiction to that contained in their communication to him of yesterday's date, will not express the feelings of regret, with which, under a heavy pressure of business, he unexpectedly received a document of so unusual a nature, from gentlemen upon whom he had only recently placed his implicit and unqualified reliance. But he feels it incumbent upon him frankly and explicitly to state, that to the opinions they have expressed he can never subscribe, on the contrary, that so long as he shall continue to be Lieutenant Governor of this Province, he will never allow his Executive Council officially to assume that heavy responsibility which he owes to his Sovereign, as well as to the people of this Province, to whom he has solemnly pledged himself "*to maintain the happy constitution of this country inviolate, but cautiously yet effectually to correct all real grievances.*"

The Lieutenant Governor maintains that the responsibility to the people of this province (who are already represented by their House of Assembly) which the council assume, is unconstitutional—that it is the duty of the council to serve *him*, not *them*; and that if upon so vital a principle, they persist in a contrary opinion, he foresees embarrassments of a most serious nature, for as power and responsibility must in common justice be inseparably connected with each other it is evident to the Lieutenant Governor, that if the council were once to be permitted to assume the *latter* they would immediately as their right, demand the *former*, in which case if the interest of the people should be neglected, to whom could they look for redress? for in the confusion between the governor and an oligarchy composed of a few dominant families, shielded by secrecy, would not all tangible responsibility have vanished?

The council cannot have forgotten that previous to their first meeting in the council chamber, which happened only a few weeks ago, the Lieutenant Governor had assured them in a note (which was even publickly read in the House of Assembly) that although he had no preliminary conditions to accede to or require, it was his intention to treat them with implicit confidence; and the council must also remember how willingly they approved of the very first suggestion he made to them, namely, that no important business should be commenced in council until they, as well as the Lieut. Governor himself, had become mutually acquainted with their respective duties.

The Lieutenant Governor assures the council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed should they deem it necessary to leave him, at the same time should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the principles they have avowed, he begs that on his account, they will not, for a moment, hesitate to do so.

Government House, Toronto, March 5th, 1836.

C

Front Street, 16th March, 1836.

DEAR SIR:

Myself and my colleagues having felt it our duty to tender our resignations, and the Lieutenant Governor having been pleased to accept them; I waited on his Excellency to request his permission to make public in the usual parliamentary way, the steps

which led to the formation of His Excellency's late Cabinet, and the circumstances which occasioned its dissolution, to which His Excellency in the handsomest manner frankly acceded, most graciously assuring me that his confidence in me personally was such, that he presented me with a charte blanche to state the whole from the commencement of the negotiations to the acceptance of our resignations.

None of the members of the late provincial administration having the honor of a seat in the Commons, I know of no way in which such information can be more respectfully communicated than in a letter addressed to you, for the purpose of being read in your place; or of the House being put in possession of its contents in whatever other way your more intimate acquaintance with parliamentary forms may suggest.

I therefore beg leave to state that His Excellency having done me the honor to send for me explained the position in which he found himself placed on assuming the Government of the Province, and declaring himself most anxious to do the best he could to insure to the Province good & cheap government—expressed himself most desirous that I would afford him my assistance by joining his Executive Council, assuring me that in the event of my acceding to his proposal, I should enjoy his full and entire confidence. I informed His Excellency of my extreme reluctance to again embark in public life, and proceeded to state that notwithstanding such reluctance, and reserving to myself the option of declining to accept the seat which His Excellency had tendered to me on private grounds merely, I yet felt that as His Excellency had done me the honor of sending for me, I would not be performing my duty to my Sovereign or the country, if I did not with His Excellency's permission, explain fully to His Excellency my views of the Constitution of the Province, and the change necessary in the practical administration of it, particularly as I considered the delay in adopting this change as the great and all absorbing grievance, before which all others, in my mind sunk into insignificance;—and, the remedy of which would most effectually lead, and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamor about imaginary ones; and that these desirable objects would thus be accomplished without in the least entrenching upon the just and necessary prerogatives of the crown, which I considered, when administered by the Lieutenant Governor through the medium of a Provincial Ministry, responsible to the Provincial Parliament, to be an essential part of the Constitution of the Province. That these opinions were not hastily formed—that they were on the contrary those which I had imbibed from my father, who tho' now for some years as well as myself unconnected with public life, had formerly held a much more distinguished position in the politics of the country than I could pretend to, and that they were opinions which the experience of every year had more and more strengthened and confirmed; that I felt convinced that the prompt adoption of those views was the only means of consolidating the connection with the Mother Country, to the preservation of which no one was more devotedly attached, or ready to make greater sacrifices than myself;—that they were nothing more than the principles of the British Constitution applied to that of this Province, and which I conceived necessarily to belong as much to the one as the other;—that the call for an Elective Legislative Council which had been formally made from Lower Canada, and had been taken up and appeared likely to be responded to in this Province, was as distasteful to me as it could be to any one, as all that appeared necessary or desirable was the Constitution, as it stood, fully and fairly acted upon; and that I was convinced, that had such a course been adopted some years ago, we should not now have had the public discussing the expediency of an alteration in the constitution by the introduction of a provision for an elective Legislative Council;—that I feared it might now be too late, but as I was not sufficiently aware of the exact state of the question to speak decidedly, I sincerely hoped that by the prompt adoption of a responsible Provincial Administration, under the King's Representative, the question might even yet be set at rest; and in reply to an objection of His Excellency, that the adoption of such a course would be placing the Lieutenant Governor in a position similar to that of the King, which was inconsistent with the fact of his responsibility, I explained,—that as far as regarded the internal affairs of the Province, the Lieutenant Governor was in a point of fact, as far as this Province and its Parliament were concerned, as completely irresponsible as the King himself; as there certainly neither existed, nor in my opinion ought to exist, any legal or constitutional means of calling him to account in this country, for any act of his government;—that his responsibility was to the King and Parliament of the empire; and was perfectly proper and necessary for the preservation of the paramount authority of the Mother Country, and the protection of her interests in matters properly and constitutionally belonging to the exercise of that authority; but that what the Constitution required was that there should be persons within this country itself, who could be made responsible to the Provincial Parliament here, for the administration of the internal affairs of the Province.

To another objection of His Excellency, that the adoption of my views would deprive the Lieutenant Governor of all power, and convert him into a cypher; I distinctly denied any such as a consequence of my principles, as I fully admitted the Lieutenant Governor to be constitutionally clothed, as the Royal Representative, with the same powers within the Province, with respect to its internal affairs, as those possessed by the King himself with respect to the affairs of the empire at large;—which appeared to me to be all that he could desire, and at all events all that the Constitution had given him;—that he had always the same constitutional right to accept or reject the advice of any of his Executive Councillors, and that as in England the only alternative for them was to resign, when they and the Lieutenant Governor differed on any point which they conceived of sufficient importance to call for such a step; in which event the Lieutenant Governor was perfectly free to call to his council whom he pleased. His Excellency very candidly declared his entire dissent from such views and opinions, he nevertheless, with the most gracious expression of satisfaction at the very full and candid manner in which I had opened them to him, renewed his solicitation for my acceptance of a seat in the Executive Council; suggesting as an inducement for such acceptance, the increased facilities which by my place in the Executive Council would be afforded towards the more efficiently representing and urging my views.—His Excellency declaring that his doors should at all times be open to me, and that he should be most happy to listen, and give his most serious consideration, to any subject which I might at any time think it important to lay before him;—His Excellency always

reserving the right to decide for himself,—His Excellency at the same time remarking that he had no objection to the Council each continuing to entertain & and urge his individual opinions, as the opinions of one would be neutralised by those of another.

I then informed His Excellency that upon the principles which I had opened to him, there were two grounds upon which I could not consistently comply with His Excellency's wishes; first, that no Provincial Administration would in my opinion be capable of affording His Excellency that assistance and support which his government would require, unless sufficiently possessed of the confidence of the Provincial Parliament to ensure majorities in it; and I did not feel that that confidence could be obtained without further assistance; and secondly, that although in private life I was on perfectly good terms with all the gentlemen who then composed His Excellency's Executive Council, and on most friendly terms with one of them; yet that as public men, I had in them no confidence whatever, and had formerly, when in public life, denounced them and those with whom they acted, as politically unworthy of the confidence of the country—and therefore that I felt that I could not take office with them.

At length after a consultation, held by His Excellency's permission, with Dr. Rolph and my father, I finally, on the two grounds above mentioned, declined to accept a seat in the Executive Council.

It is proper that I should here remark, that though these principles were fully open to His Excellency at my first interview, some parts of the conversation above adverted to (though I believe none that could be considered essential to the full exposition of the principles themselves) passed during the subsequent interviews which I had the honor of having with the Lieutenant Governor, in the course of the negotiation.

Having been subsequently again sent for by His Excellency, and requested to state more explicitly what the assistance was to which I had before alluded, I replied that I considered the assistance of Dr. Rolph, Mr. Bidwell, my Father, and Mr. Dunn in the Executive Council, most desirable; and that of Dr. Rolph as absolutely necessary to insure that public confidence in His Excellency's Government, without which I was convinced His Excellency with the best intentions in the world, would fail to accomplish those desirable objects which he had in view.

His Excellency after an interview which he informed me he had had with Mr. Bidwell, again opened the negotiation by a renewed tender of a seat in the Executive Council, giving me at the same time to understand, that if accepted, he was prepared to afford me the assistance of Dr. Rolph and Mr. Dunn, should these gentlemen have no objections to join me.

Upon this, with His Excellency's permission, I again consulted with Dr. Rolph, Mr. Bidwell and my Father, and I felt it due to the two latter to take this opportunity of stating, that I received the fullest assurance of their most cordial support to a cabinet composed of Dr. Rolph, Mr. Dunn, and myself—and the expression of their opinions that, in the present conjuncture of public affairs, their being taken into the cabinet ought not to be further urged,—which disinterested course on their part, so consistent with the position which they hold in the public confidence, the country I am persuaded cannot fail to appreciate. This renewal of the negotiation was, however, ultimately closed by my again finally declining to accept office, in consequence of His Excellency not feeling himself justified in consenting to the removal of those gentlemen who were already in the Council.

Upon this, His Excellency sent for my Father, to whom he made a similar tender of a seat in the Executive Council, and his fullest confidence in the event of his accepting it; and I am authorised to say that Dr. Baldwin on that occasion, informed His Excellency that his views and principles were similar to those which had been already fully laid before His Excellency by me; and that he felt it impossible to take office in conjunction with the three gentlemen who then formed His Excellency's Executive Council.

His Excellency then sent for Dr. Rolph to whom he made a similar tender of his confidence, Dr. Rolph having obtained His Excellency's permission to consult Mr. Bidwell, Mr. Dunn, my Father, and myself, it was in the course of that consultation pressed upon me, that as the principle of responsibility although long before the public had never yet been practically acted upon, and that taking it for granted (as it was but justice to His Excellency to do) that His Excellency, although mistaken in his views of the Constitution of the country, might yet be sincerely desirous of governing according to that Constitution, and that in that case all that would be found necessary was to convince him that the views and principles which I had opened to him were just and constitutional, to insure their adoption, or the procurement of His Excellency's influence to obtain their adoption, and that notwithstanding what His Excellency had said with respect to the opinions of one member of the Council being neutralised by those of another, which appeared to arise more from a want of sufficient practical acquaintance with the workings of the political machinery of Government, which time & experience would necessarily correct, than from any other cause; it would perhaps not be performing our duty to His Excellency or the country, were we, after having gone thus far to meet our views, peremptorily to refuse all concession on our part.

To this reasoning having given a most reluctant consent, I empowered Dr. Rolph, in accordance with the course deemed by him most respectful to His Excellency, to state to the Lieutenant Governor that I was willing with His Excellency's permission, to reconsider His Excellency's proposal, and to consider the negotiation re-opened, upon the footing on which it stood previous to its having been last closed with me,—to which His Excellency having at once acceded, and the negotiation having been thus re-opened, after some further consultation upon the subject with Mr. Dunn, His Excellency was finally informed that Mr. Dunn, Dr. Rolph and myself had, though reluctantly, consented in compliance with His Excellency's wishes, & as a mere experiment, and one which we feared would fail, to accept seats in His Excellency's Executive Council, without the retirement of the three gentlemen who were already members of it.

Afterwards, on our all waiting on His Excellency, previous to our being sworn, I pointed out and insisted upon the necessity, that lest compromise of principle might be imputed to us, in consequence of the course we had taken, which in the public eye must necessarily appear equivocal, some announcement should be made of the unfettered terms upon which His Excellency was pleased to receive us into his confidence; which at His Excellency's suggestion was finally arranged to be in the shape of a note to that effect, to be addressed to me (as the person first sent for) by His Excellency, and of which I was to be at liberty

to make any use that I might deem necessary or proper; which note was at my request, in accordance with the gracious permission which I had received, read publicly by a member of each House of Parliament in his place,—this being the only manner in which it appeared to me the information which it was necessary that the public should be in possession of could be communicated, consistently with the respect due to a communication, from the Representative of the King.

Copies of this note and of my acknowledgment of the receipt of it I subjoin. These negociations, partly retarded by my absence in the country, were in progress from the 8th until the 20th ultimo, on which day we were sworn into office.

Having thus explained the circumstances which led to our appointment, I have only to add with respect to our retirement from office, that the principles, the facts and the views which were afterwards embodied in the formal representation of the Executive Council were (at least ten days before being thus formally presented by His Excellency for consideration) at very considerable length, amicably discussed between the members of the Executive Council and His Excellency, and afterwards continued the subject of deliberate consideration among the members themselves for another week, when on the fourth of this month, the formal representation alluded to was unanimously adopted & presented to His Excellency, with respect to which I shall only add, that the course of local Government, and the reasons for it, set forth in the representation from the Council were thus officially suggested to the more formal consideration of His Excellency, from a solemn conviction that it was the only system which would operate "for the good of the King and of this Province, and for the peace, rest and tranquillity of the same."

To this representation the Executive Council on the following Thursday, being the next regular Council day, received His Excellency's reply. In this reply His Excellency having intimated his wish "that should the Executive Council be of opinion that the oath they had taken required them to retire from His Excellency's confidence, rather than from the principles they had avowed, they would not on his account for a moment hesitate to do so." The members of the Council on Saturday last waited on His Excellency, and tendered their resignations—which His Excellency was graciously pleased to accept; with respect to which I would here take the liberty of remarking, that having in the representation alluded to, but reiterating in a more formal manner in conjunction with my colleagues under the sanction of the oath which I had in the meantime taken, the same principles and opinions which His Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to His Excellency's Government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate, when the alternative presented to me was the abandonment either of my principles or my place.

I have the honor to be,
Dear Sir,
Your most ob't humble serv't,

(Signed) ROBERT BALDWIN.

PETER PERRY, Esq. M. P.

Copy. *Government House,* *February* 19th, 1836.

DEAR SIR:

I have great pleasure in learning that you, Dr. Rolph, and Mr. Dunn accept the invitation I have made to you, by joining the Executive Council.

The confidence I shall repose in you will be implicit, and as I have no preliminary conditions either to accede to or require from you, I shall rely on your giving me your unbiassed opinion on all subjects, respecting which I may feel it advisable to require it.

I remain dear Sir,
Your's faithfully,
(Signed) F. B. HEAD.

R. BALDWIN, Esq.

[Copy.]

Mr. Robert Baldwin has the honor to acknowledge the receipt of His Excellency the Lieutenant Governor's note of the 19th instant, and will transmit a copy to Mr. Dunn, and Doctor Rolph, without delay.

Front Street, 20th Feb. 1836.

D

ADDRESS OF THE COMMON COUNCIL OF THE CITY OF TORONTO.

To His Excellency, Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal subjects the Mayor, Alderman and Commonalty of the city of Toronto, most respectfully beg leave to state, that at the present most difficult and important era in the history of this Province, when this Council had fondly hoped that the appointment of Your Excellency to the government of this country, with the accession to the Executive Council, appointed for the affairs thereof, of gentlemen of integrity and talent, known to possess liberal constitutional principles, would have secured to its inhabitants that wise, just and liberal policy so imperiously demanded, to strengthen the bonds of union between the mother country and the colony; this Council have with extreme regret and surprise, witnessed their just anticipation destroyed by the dissolution of the late Executive Council and the appointment of another in their stead composed of gentlemen who, however worthy in their individual private capacity, are incapable from their well known political views of giving satisfaction to the people, & that this Council, as the representatives of the inhabitants of the capital of Upper Canada (from this as well as other causes not necessary to be here explained on account of their general notoriety,) have no confidence whatever in the present Provincial Administration, not deeming them competent to advise with the Representative of our Most Gracious Sovereign upon the peace, welfare and prosperity of the Province.

We therefore most humbly pray Your Excellency to be pleased to dismiss Your present advisers, and call to Your council, gentlemen possessing the public confidence, as the only measure, in the opinion of this Council, calculated to insure the tranquility of the Province at the present crisis.

HIS EXCELLENCY'S REPLY.

Mr. Mayor and Gentlemen:—The particular interest which I take in the welfare of this Capital, of which I am myself an inhabitant, induces me to reply at some length to the address I have just received from you, in which you state,

1st.—That you have no confidence in what you term "the present *Provincial Administration*," —and

2ndly.—That you beg leave to name for me other individuals for that station.

With respect to a "*Provincial administration*," although no such power exists in this or any other colony of the British Empire, I may remark, that very shortly after the late addition to the Executive Council, I observed that great efforts were making to delude and persuade the public mind that the new Council were entitled to claim the responsibility, power, and patronage of the Lieutenant Governor, and that such an arrangement would be highly advantageous to the people.

Finding that this new theory was rapidly gaining ground, I resolved to offer it no secret opposition, nor in any way to exert my influence to oppose it; but I determined the very first time it should come well within my reach, that I would drag it into day light, in order that it might be openly, fairly and constitutionally discussed.

From several places I subsequently received addresses on the subject, which I did not deem it advisable to notice; but to my astonishment there suddenly appeared from a quarter from which I certainly least expected it, namely, from the Executive Council itself, a document (a copy of which had been inscribed in the Minutes of the Council, signed by all the six Councillors,) openly declaring that what had secretly been promulgated respecting the powers of the Executive Council, was actually the law of the land!

The question being fairly before me, I deliberately opposed it—accepted the resignation of the Six Councillors, and at the request of the Assembly I laid before that House the communication I had received from the Council, with my reply.

The subject was thus formally brought before the public, and having performed this duty, I felt comparatively indifferent as to the result; for if the power and patronage of this Province which have hitherto been invested in the Lieutenant Governor, really belong to his Council, I consider that without reluctance they ought at once to be delivered up and secured to them.

The House of Assembly, however, cannot alter the Constitutional Act of this Province—neither can I; and as regards popular meetings, I need hardly observe, that if the inhabitants of the whole Province were simultaneously to petition me to alter a single letter of that solemn Act, I have neither power nor inclination to do so.

If it should prove that the practice which has hitherto been pursued is erroneous, I will not for a moment hesitate to acknowledge it; and in that case, I should feel it my duty at once to recall to my council the six members who have resigned; but I cannot be blind to the fact, that the Constitutional Act which is open to every body, does not create any Executive Council at all.

The members of the late Council rest their claims very nearly on the following grounds:

1st. That the responsibility they assume, being a popular opinion daily increasing, is consequently the law of the land; and

2nd. That though the powers they acquire are no where expressed in the Constitutional Act, they were evidently intended to have been inserted.

I conceive that these arguments do not even require to be refuted; and with respect to what General Simcoe or any other Governor may have asserted, I must also be permitted to assert, that the rights, liberties and property of the inhabitants of this Province, would be insecure indeed, if they rested on any such declarations.

The Constitution of this Province is the sacred charter of the land; and it is no less my duty, than the interests of its inhabitants than I should firmly maintain it, as I ever will, inviolate.

If that charter constitutes a "Provincial Ministry," it need only be shewn to me, to be secured; but I deliberately repeat that it contains the creation of no such a power, and in my opinion, were it to be now created, it would be productive of the most vicious effects; for if the power and patronage of the Crown were to be delivered over to a tribunal sworn to secrecy, they would very soon fall into the hands of a few metropolitan families who might possibly promote their own views, to the rejection of the interests of the distant Counties: whereas while these powers continue invested in the individual appointed by His Majesty to be the Lieutenant Governor of this Province, he [being a stranger] can have neither interest nor inducement to abuse them.

No one can be more anxious than I am, that this plain constitutional question should be gravely and calmly discussed, for it will be impossible for me to attempt to correct the grievances of the country, until I can prevail upon the Legislature to follow me cheerfully in the noble object we have in view; and I certainly do feel most deeply, that, for the sake of the people, those who are invested with power ought manfully to determine to lay aside all private feelings—to forgive and forget all political animosity, and to allow His Majesty's wishes, and my instructions, to be promptly executed.

With respect to the want of confidence you express in the council I have just selected, I will only observe that in my judgement, they appear to be sensible, steady men of business, of high moral worth; and I cannot but recollect, that one of these gentlemen was, only a few weeks ago, actually the Mayor of your own city, selected by yourselves as being peculiarly entitled to the public confidence which you now declare is denied to him.

With this moral before your minds, you surely cannot but admit, what a political tempest would continually exist—how the interests of the farmer would be blighted, were the power and patronage of this thinly peopled Province to be transferred from His Majesty's Lieutenant Governor into the hands of what you term a "Provincial Ministry" at Toronto.

E

ADDRESS FROM A PUBLIC MEETING HELD IN THE CITY HALL.

To His Excellency Sir Francis Bond Head, K. C. H. &c. &c. &c.

May it please Your Excellency:

We, His Majesty's dutiful and loyal subjects, the Inhabitants of the city of Toronto, assembled under the authority of the Mayor of the city, beg respectfully to submit to your Excellency, this our address, containing the expression of our sentiments and feelings in reference to the late changes in the Executive Council, and of the opinions which have been expressed by Your Excellency as to the nature of the Constitution of this Province:

That Colonel Simcoe, the first as well as the ablest and most enlightened Lieutenant Governor of this Province, who was a member of the Parliament of Great Britain when the Statute 31st Geo. 3, chap. 31, commonly called the Constitutional Act, was passed, was the bearer of that Act to this Colony, and was authorised undoubtedly by His Majesty's Government to declare to his faithful subjects in this Province, the nature of the Constitution, then about to be put into operation for their benefit, and who assured the people of this Province from the Throne, on the opening of the first session of the Provincial Parliament that the said Act had "established the *British Constitution*, and all the forms which secure and maintain it in this distant country," and "that the wisdom & beneficence of our Most Gracious Sovereign, and the British Parliament has been eminently proved, not only in imparting to us the same form of government, but also in securing the benefits of it by many provisions that guard that memorable Act, so that the blessings of an invaluable Constitution thus protected and amplified, they might hope would be extended to the remotest posterity;" and that the same Governor upon closing that session specially enjoined upon the members of the Legislature from the Throne to explain to the people of the country "that this Province was singularly blest, not with a mutilated Constitution, but a Constitution which has stood the test of experience, and was the very image & transcript of that of Great Britain."

That it is an essential an inalienable feature of the British Constitution thus assured to us, that the King shall be assisted in all the affairs of Government by the advice of known and responsible Councillors and Officers who possess the confidence of the people, and of the majority of their Representatives; and that our fellow subjects in the United Kingdom would indignantly resent any attempt to deprive them of this part of their Constitution, as an infringement upon their most sacred rights and liberties, and a step taken to degrade them to the condition of slaves.

That the recent appointment by Your Excellency of the Honorable John Rolph, Robert Baldwin, and John Henry Dunn as Executive Councillors gave universal gladness and satisfaction throughout the Province, those gentlemen having been long known, beloved and respected for the talents, acquirements and virtues which adorn their characters, the liberal and patriotic principles that they entertain, and the important services which they have respectively rendered to the people of this Province, and that the selection of them by Your Excellency as your advisers disposed His Majesty's subjects to hope that a new and happy era had at length arrived in the history of this Province.

That we have learned with surprise and sorrow that those gentlemen, together with the former members of Your Excellency's Council, have found themselves under the necessity of resigning their seats, and that Your Excellency appears to us, to have taken offence for no other reason than the respectful expression of an opinion in favor of the Government being conducted on the acknowledged principles of the British Constitution; an opinion supported by unanswerable arguments, and which they were bound by every obligation of honor and duty as faithful Councillors to express to Your Excellency.

That our most sincere respect and gratitude are due to those gentlemen and their late colleagues in Your Excellency's Council, for the noble efforts which they made in the honorable and upright discharge of their duties, to secure to the people of this Province the practical benefit and faithful application of constitutional principles of the highest importance to their liberty and prosperity; and that we are solemnly called upon at such a crisis to declare our firm and unalterable determination to resist every attempt to *mutilate* and deform our Constitution by the denial of those principles, or the refusal of the full benefit and practical operation of them, and that the people of this Province will never, in our humble opinion, be content with a system that is only a mockery of a free and responsible Government.

That we feel it our bounden duty to declare to your Excellency, that the gentlemen whom Your Excellency has called to your Council, since the resignation of your late council, do not in any degree possess the confidence of the people of Upper Canada.

We further humbly express our disappointment and regret at the remarks which Your Excellency has, by evil and unknown advisers, been induced to animadvert upon the circumstances under which Your Excellency caused your late Council to resign; and that respect which it is equally our duty and inclination to pay to the Representative of our Most Gracious Sovereign, forbids our declaring on this painful occasion any other feeling than that of an earnest hope that the persons, whoever they may be, who have been guilty of such an abuse of Your Excellency's confidence may be forever discarded by Your Excellency.

In conclusion, we beg leave to state to Your Excellency, that as subjects of the British Empire we claim all the rights and privileges of the British Constitution, and as subjects of a British colony possessing the powers of self-government given to it by the Parent State, we claim our right that the Representative of the Crown shall be advised in all our affairs by men known to, and possessing the confidence of the people; and as the true friends of His Majesty's Government, and to the permanency of our connexion with the Parent State we earnestly entreat Your Excellency to regard our opinions and remonstrances (firmly though we hope respectfully expressed) and to adopt measures to calm the present extraordinary state of public excitement, aggravated by the high hopes created in the public mind by the removal of Sir John Colborne, & the appoint of Your Excellency to the head of the administration.

By order of the Meeting.

(Signed) T. D. MORRISON, Mayor, *Chairman.*
JAMES LESSLIE, *Sec'y.*

Toronto, March 25th, 1836.

HIS EXCELLENCY'S REPLY.

GENTLEMEN:—Having reason to believe that the meeting from which you are a deputation, was composed principally of the industrious classes, and being persuaded that the liberal principle of the British Government, in whatever climate it may exist, is the welfare and happiness of the people, I shall make it my duty to reply to your address with as much attention as if it had proceeded from either of the branches of the Legislature, although I shall express myself in plainer and more homely language.

1st. I have no wish to deny "that Colonel Simcoe was the first as well as the ablest and most enlightened Governor of this Province—that he was a member of Parliament when the Statute 31st Geo. 3, chap. 31, commonly called the Constitutional Act was passed; and that he was the bearer of that Act to this colony;" but I ask you, can this possibly alter the solemn Act itself? for surely your own plain good sense will tell you, that Colonel Simcoe had no more power, either during his voyage or on his arrival here, to alter the charter committed to his charge, than I had power to alter the Instructions which I lately delivered from His Majesty to both Houses of your Legislature; and so, if Colonel Simcoe, instead of saying that the Constitution of this Province "was the very image and transcript of that of Great Britain," had thought proper to compare it to the arbitrary Governments of Russia or Constantinople, it would in no way have injured your liberties, or have altered one single letter of the written charter of your land.

2nd. I have no wish to deny "that in the British Constitution the King is assisted in all the affairs of Government, by the advice of known and responsible councillors and officers, who possess the confidence of the people," and who form His Majesty's Cabinet; but Colonel Simcoe, who you yourselves state "was authorised undoubtedly by His Majesty's Government to declare to his faithful subjects in this Province the nature of the Constitution," created no such cabinet, nor any cabinet at all, and from his day, down to the present hour, there has never existed any ministry in the colony, except the Governor, who is himself the responsible minister of the Crown.

Supposing it were to be argued that four-fifths of the members of your House of Assembly ought immediately to be dismissed, because, in proportion to the population of Great Britain and Ireland, there exist five times as many members here as in the English House of Commons, would you not think it very irrational that this noble but thinly peopled colony should be made 'the exact image and transcript of the British Constitution' merely because Colonel Simcoe happened to use these words? Would you not immediately appeal to your Constitutional Act on the subject?

Would you deem it just that a young rising Province like this, should be afflicted with the same expensive machinery requisite for the Government of the mother country, 4000 miles off?

Would you not very fairly argue, that as the whole population of this immense country exceeds only by one-third that of the single parish of St. Mary-le-bone in London—and as the whole of its revenues does not equal the private fortune of many an English commoner, it would be unreasonable to expect that the people of this Province should be ruined in vainly attempting to be the "exact image and transcript" of the British Constitution.

But the Constitution which His Britannic Majesty George the Third granted to this Province ordained no such absurdities; and you have only to read that Constitution, to see quite clearly the truth of this assertion.

The yeomen and industrious classes of Upper Canada should never allow a single letter to be abstracted from, or added to, this great charter of their liberties; for if once they permit it to be mutilated, or what may be termed improved, they and their children become instantly liable to find themselves suddenly deprived of their property, and, what is better than all property, of their freedom and independence.

By this Act, you are of course aware that a House of Assembly, a Legislative Council, and a Lieutenant Governor are appointed; but it creates no Executive Council: and if people tell you that it does, read the act, and you will see the contrary.

Now, as regards the House of Assembly, you must know, that being your Representatives, they are of course answerable to you for their conduct; and as regards the Lieutenant Governor, I publicly declare to you, that I am liable to dismissal in case I should neglect your interests.

But, contrary to the practice which has existed in this or any other British colony,—contrary to Colonel Simcoe's practice, or to the practice of any other Lieutenant Governor who has ever been stationed in this Province,—it has suddenly been demanded of me that the Executive Council are to be responsible for my acts; and, because I have refused at a moment's warning, to surrender that responsibility which I owe to the people,—whose real interests I will never abandon,—I find that every possible political effort is now making to blind the public mind, and to irritate its most violent passions.

But I calmly ask, what can be the secret reason of all this? Is it usual for one person to insist on bearing another person's blame? or for a body of men to insist on receiving the punishment incurred by an individual superior to them in station?—Why, therefore should my Council, whose valuable advice, if it were not to be forced upon me, I should be most anxious to receive, be required to demand from me my responsibility?—What reason can exist for attempting to deprive me of the only consolation which supports any honest man in an arduous duty, namely: the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends? Why should it be declared that responsibility would be more perfect with the Council than with me? Are they purer from party feelings, or less entangled with their family connections, than I am? How can gentlemen who have sworn to be dumb, be responsible to the yeomanry and people of this rising Province?—How could they possibly undertake to administer this Government, with mouths sealed by an oath which forbids them to disclose, to any one, the valuable advice they may conscientiously impart to me?

The answer to these questions is very short. The political party, which demand responsibility from my council, know perfectly well that the power and patronage of the crown are attached to it; and it is too evident, that if, they could but obtain this marrow, the empty bone of contention—namely: responsibility to the people,—they would soon be too happy to throw away; and from that fatal moment would all those who nobly appreciate liberty, who have property to lose, and who have children to think of, deeply lament,

that they had listened to sophistry, had been frightened by clamor, and had deserted the Representative of our Gracious Sovereign to seek British justice from his mute but confidential advisers. This supposition, however, I will not permit to be realized; for never will I surrender the serious responsibility I owe to the people of this Province; and I have that reliance in their honesty—I have lived so intimately with the yeomanry and industrious classes of our revered mother country, that I well know, the more I am assailed by faction, the stronger will be their loyal support,—and that if intimidation be continued, it will soon be made to recoil upon those who shall presume to have recourse to it.

The Grievances of this Province MUST be corrected—impartial justice MUST be administered: the people have asked for it—their Sovereign has ordained it—I am here to execute his gracious commands—delay will only increase impatience. Those, however, who have long lived upon agitation already, too clearly see their danger; and, with surprising alacrity, they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches. They asked, however, for the operation, and to amputation they must very shortly submit; for what's worth doing should always be done well."

I have come here for the avowed purpose of reform, but I am not an agitator; and, by command of our Gracious Sovereign, I will maintain the constitutional liberties of his subjects in this Province, and at the same time encourage, to the utmost of my power, internal wealth, agriculture, commerce, peace and tranquillity.

With respect to my late Council, I regret, quite as much as you can do, their resignation; but, before they took the oath of secrecy, (which appears in my judgment to be an oath of non-responsibility to the people,) I addressed to them a note which clearly forewarned them, as follows:—"*I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.*"

Three weeks after they had joined the Council, they altogether, in a body, disputed this arrangement; and accordingly we parted on a matter of dry law.

No one can deny that my view of the subject agrees with the practice of Colonel Simcoe, and of all the succeeding Governors of this Province down to the day of Sir John Colborne's departure; but that is no proof whatever that the practice has been right,—and if you would prefer to form your own opinion of the law, read the Constitutional Act.

With respect to my new council, whose high moral character I cannot but respect, I shall consult them as unreservedly as I had promised to consult those who have just resigned; and, if any competent tribunal shall pronounce that they are responsible for my conduct, no one will be a greater gainer than myself by the decision.

In the meanwhile I shall deal openly and mildly with all parties; and I trust that I can give you no better proof of my own intention to be governed by reason than the explanation I have just offered to yourselves, the citizens and industrious classes who attended the Toronto meeting.

True Copies.

J. JOSEPH.

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(COPY)

In the name and on the behalf of His Majesty.

GEORGE P. R.

Instructions to our Right Trusty and Right Entirely Beloved Cousin and Councillor Charles Duke of Richmond, Knight of the Most Noble Order of the Garter, General of our Forces, Our Captain General and Governor-in-Chief in and over our Province of Upper Canada in America, or in his absence to the Lieutenant Governor or Commander-in-Chief of our said Province for the time being. Given at Our Court at Carleton House the ninth day of May, in the fifty-eighth year of our Reign.

CHARLES DUKE OF RICHMOND, K. G.

INSTRUCTIONS.

1st. With these Our Instructions you will receive Our Commission under Our Great Seal of Our United Kingdom of Great Britain and Ireland, constituting You Our Captain General and Governor-in-Chief in and over Our Province of Upper Canada and Lower Canada, bounded as in Our said Commission is particularly expressed in the execution therefore of so much of the Office and Trust We have reposed in You as relates to Upper Canada You are to take upon You the administration of the Government of the said Province and to do and execute all things belonging to Your Command according to the several Powers and Authorities of Our said Commission under Our Great Seal of Our United Kingdom of Great Britain and Ireland and of the Act passed in the thirty-first year of Our Reign therein recited and of these Our Instructions to You and according to such further Powers and Instructions as You shall at any time hereafter receive under our Signet and Sign Manual, or by Our Order in our Privy Council.

2nd. And you are with all due solemnity before the members of our Executive council to cause Our said commission to be read and published, which being done, You shall then take and also administer to each of the Members of Our said Executive council the several oaths, and subscribe to the Declaration therein required.

3rd. You shall also administer, or cause to be administered, the Oaths mentioned in Our said commission to all persons except as hereafter mentioned that shall be appointed to hold or exercise any Office, Place or Trust, or Profit in our said Province previous to their entering on the duties of such office; and you shall also cause them to make and subscribe the aforesaid Declaration, but in cases where any such office, Place of Trust, or Profit in our said Province of Upper Canada shall be conferred on any of Our subjects who may possess the religion of the Church of Rome, you shall so often as any such Person shall or may be admitted into any such Office, Place of Trust or Profit, administer, or cause to be administered to him the Oath prescribed in and by an Act of Parliament passed in the fourteenth year of Our Reign intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," and also the usual Oath for the exe-

cution of such Office, Place of Trust or Profit in lieu of all other Tests and Oaths whatsoever.

4th. Whereas we have thought fit that there should be an Executive Council for assisting you or our Lieutenant Governor or Person administering the Government of our said Province of Upper Canada for the time being, we do by these presents nominate and appoint the undermentioned persons to be of the Executive Council of Our said Province of Upper Canada, viz: William Dummer Powell, Esquire, Our Chief Justice or the Chief Justice of our said Province for the time being, Jacob, Lord Bishop of Quebec, James Baby, Samuel Smith, the Rev. John Strachan, D. D., and William Claus, Esquire. And whereas by an order passed in the Province of Quebec the Governor and Council were constituted a Court of Civil Jurisdiction for hearing and determining appeals in certain cases therein specified, and whereas by an Act passed in the thirty-first year of Our Reign, it is declared that the Governor, Lieutenant Governor, or Person administering the Government of the said Province, together with such Executive Council shall be a Court of Civil Jurisdiction within Our said Province for hearing and determining appeals within the same in the like cases and in the like manner and subject to such appeals therefrom as such appeals might have been before the passing of the above recited Act heard and determined by the Governor and Council of Quebec. In order therefore to carry the said Act into execution, Our Will and Pleasure is, that you do in all civil cases, on application being made to you for that purpose, permit and allow appeals from any of the Courts of Common Law in Our said Province unto You and the Executive Council of the said Province of Upper Canada in the manner prescribed by the above mentioned Act, and You are for that purpose to issue a writ as nearly in the accustomed manner before the passing of the above mentioned Act in respect of such appeals as the case will admit, returnable before yourself and the Executive Council of the said Province, who are to proceed to hear and determine such Appeal wherein such of the Executive Council as shall be at that time Judges of the Court from whence such appeal shall be made to You and to Our said Executive Council as aforesaid, shall not be admitted to vote upon the said appeal, but they may nevertheless be present at the hearing thereof to give the reasons of the judgement given by them in the causes wherein such appeal shall be made provided nevertheless, that in all such appeals the sum or value appealed for do exceed the sum of three hundred pounds Sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence be affirmed and if either party shall not rest satisfied with the judgment of You and such Executive Council as aforesaid, Our Will and pleasure is, that they may then appeal unto us in Our Privy Council, provided the sum or value so appealed for unto Us do exceed five hundred pounds Sterling, and that such appeal be made within fourteen days after sentence, and good security be given by the appellant that he will effectually prosecute the same and answer the condemnation, as also pay such costs and damages as shall be awarded by Us, in case the sentence of You and the Executive Council be affirmed, Provided nevertheless where the matter in question relates to the taking or demanding any duty payable to Us, or to any Fee of Office or Annual Rents or other such like matters or things where the rights in future may be bound. In all such cases You and the said Executive Council are to admit an appeal to Us in our Privy Council though the immediate sum or value appealed for be of a less value. And it is our further Will and Pleasure, that in all cases whereby Your Instructions You are to admit appeals unto Us in Our Privy Council execution shall be suspended until the final determination of such appeal, unless good and sufficient security be given by the appellee to make ample restitution of all that the appellant shall have lost by means of such decree or judgment, in case upon the determination of such appeal, such decree of judgement should be reversed and restitution awarded to the appellant. You and Our Executive Council are also to admit appeals unto Us in Our Privy Council in all cases of Fines imposed for misdemeanours, provided that the Fines so imposed amount to, or exceed the sum of one hundred pounds Sterling, the appellant first giving good security that he will effectually prosecute the same and answer the condemnation if the sentence by which the fine was imposed in Your Government shall be confirmed.

5th. And that we may be always informed of the names and characters of persons fit to supply the vacancies which may happen in our Executive Council, You are in case of any vacany in Our said Council to transmit to us through one of our Principal Secretaries of State the name and characters of such three Persons inhabitants of Our said Province of Upper Canada whom you may esteem best qualified for fulfilling the Trust of such Executive Councillor.

6th. And in the choice and selection of such Persons proposed to fill such vacancy in Our said Executive Council as also the Chief Officer of Justice, You are always to take care that they be men of good life, well affected to Our Government and of ability suitable to their employment.

7th. And whereas we are sensible that effectual care ought to be taken to oblige the Members of Our Executive Council to a due attendance, it is Our Will and Pleasure in order to prevent the many inconveniences that may happen for want of a quorum of the Council to transact business as occasion may require, that if any of the Members of our said Executive Council residing in our said Province shall hereafter wilfully absent themselves from the Province and continue absent above the space of six months together, without leave from You first obtained under Your Hand and Seal, or shall remain absent for the space of one year without Our leave given them under Our Royal Signature their places in the said Executive Council shall immediately thereupon become void. And We do hereby will and require You that Our Royal Pleasure be signified to the several Members of our said Executive Council, and that it be entered into the Council Books as a standing Rule.

8th. And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our Service you are to communicate to them such and so many of these Our Instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our Service to be imparted to them.

9th. You are to permit the members of Our said Executive Council to have and enjoy freedom of debate and vote in all affairs of public concern which may be debated in the said Executive Council.

10th. And whereas by the aforesaid recited Act passed in the thirty-first year of Our Reign it is provided that the Seats of the Members of Our Legislative council shall become vacant in certain cases men-

tioned in the said Act. It is our will and pleasure that if any Member of our said Legislative council shall at any time leave Our said Province and reside out of the same, you shall report the same to us by the first opportunity, through one of Our Principal Secretaries of State, and you are also in like manner to report whether such Member of the said council is absent by your permission or by the permission of our Lieutenant Governor or Commander in Chief of the said Province for the time being, and you are also in like manner to report, if it shall come to your knowledge that any such member shall at any time take or have taken the Oath of Allegiance or Obedience to any Foreign Prince or Power, or shall be attainted for treason in any Court of Law within any of Our dominions, that We may take such measures thereupon as We shall think fit, and you are to take special care that the several Provisions of the said Act respecting the several cases in which persons may or may not be entitled to receive writs of summons to the said Legislative Council and to hold their places therein shall be duly executed.

11th. And for the execution of so much of the powers vested in you by Our said Commissioners and by virtue of the said Act as relates to the declaring that you assent in Our name to Bills passed by the Legislative Council and House of Assembly, or that you withhold our assent therefrom, or that you reserve such Bills for the signification of Our Royal Pleasure thereon. It is Our Will and Pleasure that you do carefully observe the following Rules, Directions, and Instructions, viz:

That the style of enacting all the said Laws, Statutes, and Ordinances be by Us, Our Heirs and Successors, by and with the advice of the Legislative Council and Assembly, of Our Province of Upper Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intitled, 'An Act for making more effectual Provisions for the Government of the Province of Quebec, in North America,' and to make further provisions for the Government of the said Province," and that no bill in any other form shall be assented to by you in Our name. That each different matter be provided for by a different Law, without including in one and the same Act such things as have no proper relation to each other.

That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports and that no perpetual clause be part of any temporary Law.

That no Law or Ordinance whatever be suspended altered, continued reviewed, or repealed in general words, but that the title and date of such Law or Ordinance shall be particularly mentioned in the enacting part.

That in case any Law or Ordinance respecting private property shall be passed without a saving of the right of Us, Our Heirs and Successors, and of all Persons or Bodies politic or corporate except such as are mentioned in the said Law or Ordinance, you shall declare that you withhold Our Assent from the same and if any such Law or Ordinance shall be passed without such saving you shall in every such case declare that you reserve the same for the signification of Our Royal Pleasure thereon.

That in all Laws or Ordinances for levying Money or imposing Fines, Forfeitures and Penalties, express mention be made that the same is granted or reserved for Us, Our Heirs and Successors, for the public uses of the said Province and the support of the Government thereof, as by the said Law shall be directed and that a clause be inserted declaring that the due application of such Money pursuant to the directions of such Law shall be accounted for unto Us, through Our Commissioner of Our Treasury for the time time being in such manner and form as we shall direct.

12. And whereas we have by our said Commission given you full Power and Authority subject as therein is specified and to these Our Instructions in that behalf to issue Writs of Summons and Election and to call together the Legislative Council and Assembly of our said Province of Upper Canada and for the purpose of electing the Members of the Assembly of Our said Province of Upper Canada, have also given you full Power and Authority to issue a Proclamation dividing Our said Province of Upper Canada into Districts, or Counties, or Circles and Towns, or Townships. Now Our Will and Pleasure is that you shall issue such Proclamation as soon as may be allowing nevertheless a reasonable time between the issuing thereof and the time of issuing the Writs of Summons and Election above mentioned.

13th. That all Laws assented to by you in Our name or reserved for the signification of Our Royal Pleasure thereon shall when transmitted by you be fairly abstracted in the Margins, and accompanied with very full and particular observations upon each of them that is to say whether the same is introductory to a new Law declaratory of a former Law, or does repeal a Law then before in being. And you are also to transmit in the fullest manner the reasons and occasion for proposing such Laws together with fair copies of the Journals and Minutes of the Proceedings of the said Legislative Council and Assembly, which you are to require from the Clerks or other proper Officers in that behalf, of the said Legislative Council and Assembly.

14th. And whereas, in the said Act it is provided, that in certain cases, Acts passed by the Legislative Council and Assembly of the Province, shall previous to any signification of Our Assent thereto, be laid before both Houses of Our Parliament of this Kingdom; and whereas, it is also provided in the said Act, that in certain cases, Provision may be made by the Acts of the Legislative Council and Assembly of the Province, assented to by Us, Our Heirs and Successors, (thereby reserving the Power of giving such assent to Us, Our Heirs and Successors only) you are to take especial care that in every such case you are to declare that you reserve such Bills for the signification of Our Pleasure thereon, and you will likewise reserve for such signification every other Bill which you shall consider to be of an extraordinary or unusual nature, or requiring Our especial consideration and Decision thereupon particularly such as may affect the Property Credit, or Dealings of Such of Our Subjects as are not usually resident within Our said Province, or whereby Duties shall be laid upon British or Irish Shipping, or upon the Produce or Manufactures of Great Britain or Ireland.

15th. And whereas Laws have been formerly enacted in several of Our Plantations in America for so short a time that Our Royal Assent or Refusal thereof could not be had before the time for which such Laws were enacted did expire. You shall not assent

in Our name to any Law that shall be enacted for a less time than two years, except in cases of imminent necessity or immediate temporary expediency. And you shall not declare Our assent to any Law containing Provisions which shall have been disallowed by Us without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, through one of Our Principal Secretaries of State of the reason and necessity of passing such Law.

16th. Whereas we have thought fit by our Orders in Our Privy Council to disallow certain Laws passed in some of our Colonies and Plantations in America for conferring the privileges of naturalization on Persons being Aliens, and for divorcing persons who have been legally joined together in Holy Marriage; and whereas Acts have been passed in others of our said Colonies to enable Persons who are Our liege Subjects by Birth or naturalization to hold and inherit Lands, Tenements and Real Estates, although such Lands, Tenements and Real Estates had been originally granted to or purchased by Aliens antecedent to naturalization. It is Our Will and Pleasure that you do not upon any pretence whatsoever give your Assent to any Bill or Bills that may hereafter be passed by the Legislative Council and Assembly of the said Province under Your Government for the naturalization of Aliens nor for the divorce of Persons joined in Holy marriage, nor for establishing a title in any Person to Lands, Tenements, or real Estates, in our said Province, originally granted to or purchased by Aliens antecedent to naturalization.

17th. You are to give Warrants under your hand for the issuing of Public Monies for all public services and we do particularly require you to take care that regular accounts of all receipts and payments of Public Monies be duly kept, that the same from time to time be duly audited by our Executive Council, and that copies thereof, attested by you be transmitted every half year, or oftener if there should be occasion, to Our Commissioner of Our Treasury, or to our High Treasurer for the time being, and Duplicates thereof by the next conveyance, in which accounts shall be specified every particular sum raised or disposed of to the end that we may take such measure as we may deem necessary for the examination of the said Accounts, and that we may be satisfied of the right and due application of the Revenues of our said Province of Upper Canada, and with the probability of the increase or diminution of it under every head and article thereof.

18. Whereas, by an Act of the Parliament of Great Britain, passed in the Fourth year of Our Reign, intitled, "An Act to prevent paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies and Plantations in America from being declared to be a legal tender in payment of money and to prevent the legal tender of such Bills as are now subsisting from being prolonged beyond the periods limited for calling in and sinking the same," it is enacted that no Paper Bill or Bills of Credit should be created or issued by an Act, Resolution or Vote of Assembly in any of our Colonies or Plantations in America to be a legal tender in payment, and that any such Act, Order, Resolution or Vote for creating or issuing such Paper Bills or Bills of Credit, or for prolonging the legal tender of any such then subsisting and current in any of the said Colonies and Plantations should be null and void. And whereas, by another Act of our said Parliament, passed in the thirteenth year of our Reign, intitled, "An Act to explain and amend the above recited Act passed in the Fourth year of our Reign as aforesaid, it is enacted that any Certificates, Notes, Bills, or Debentures which shall or may be voluntarily accepted by the creditors of the public within any of the Colonies of America, as security for the payment of what is due and owing to the said public creditors, may be made and enacted by the General Assemblies of the said Colonies respectively to be a Tender to the Public Treasurers in the said Colonies for the discharge of any duties, charges or debts whatsoever due to and payable at or in the said Public Treasuries of the said Colonies in virtue of Laws passed within the same, and in no other case whatsoever. It is our Will and Pleasure that you do in all things conform yourself to the Provisions of the said recited Acts, both with respect to the not assenting to any Bills which may be presented to you for the purpose of issuing or creating Paper Bills, or Bills of Credit to be a legal tender in payment, and the assenting to any Bills, by which such Certificates, Notes, or Debentures which may be voluntarily accepted in payment by the public creditors shall be made a legal tender to the Treasury for Taxes, Duties, and other payments to the Public Treasury.

19th. You shall not remit any Fines or Forfeitures whatsoever above the sum of Ten Pounds, nor dispose of any Forfeitures whatsoever until upon signifying unto the Commissioners of our Treasury or our High Treasurer for the time being, the nature of the offence and the occasion of such Fines and Forfeitures, with the particular sums or value thereof which you are to do with all speed, you shall have received our Directions thereon, but you may in the mean time suspend the payment of the said Fines and Forfeitures.

20th. And you are on every occasion to transmit to Us, through one of our Principal Secretaries of State (with all convenient speed) a particular account of all new establishments of Jurisdiction Courts, Offices and Officers, Powers, Authorities, Fees, and Privileges granted and settled within our said Province of Upper Canada, as likewise an account of all expenses (if any) attending the establishment of the said Courts and Offices.

21st. It is Our further Will and Pleasure that all Commissions to be granted by you to any Person or Persons to be Judge, Justice of the Peace, or other necessary Officer, be granted during pleasure only.

22nd. You are not to suspend any of the members of the said Executive Council, or to suspend or displace any of the Judges, Justices, Sheriffs, or other Officers or Ministers within our said Province of Upper Canada, without good and sufficient cause; and in case of such suspension or removal you are forthwith to transmit your reasons for the same to one of our Principal Secretaries of State.

23rd. And whereas frequent complaints has been made of great delays and undue proceedings in the Courts of Justice in several of our Plantations whereby many of our Good Subjects have very much suffered, and it being of the greatest importance to Our Service and to the welfare of our Plantations be every where speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented. We do particularly require you to take especial care that in all Courts where you are authorised to preside, Justice be impartially administered, and that in all other Courts established within our said Province all Judges

and other Persons therein concerned do likewise perform their several duties without delay or partiality.

24th. You are to take care that no Court of Judicature be adjourned but upon good grounds, and also that no orders of any Court of Judicature be entered or allowed which shall not be first read and approved of by the Justices in open court, which Rule you are in like manner to see observed with relation to all proceedings of our Executive council of Upper Canada, and that all orders there made be first read and approved in such council before they are entered upon the Council Books.

25th. You are to take care that all Writs within the said Province of Upper Canada be issued in Our Name.

26th. You shall take care with and by the advice & assistance of our Executive council that such Prisons as may at any time be necessary be erected, & that the same or any other already erected be kept in such a condition as may effectually secure the Prisoners which now are or may hereafter be confined in them.

27. You shall not suffer any Person to execute more Offices than one by Deputy.

28th. You shall not by colour of any Power or Authority hereby or otherwise granted or mentioned to be granted unto you, give, grant, or dispose of any Place or Office within our said Province, which now is or shall be granted under the Great Seal of this Kingdom, or to which any person is or shall be appointed by Warrant under Our Signet and Sign Manual, any further than that you may upon any vacancy of any such office or place, or upon the suspension of any such Officer by you as aforesaid put in any fit person to officiate in the interval till you shall have presented the matter unto us, through one of our principal Secretaries of State, which you are to do by the first opportunity, and till the said office or place is disposed of by Us, Our Heirs or Successors under the Great Seal of this Kingdom, or until some person shall be appointed thereunto under Our Signet and Sign Manual, or until Our further directions be given therein. And it is Our express Will and Pleasure that you do give reasonable support to the Patent Officers in the enjoyment of their legal and established Fees, Rights, Privileges and Emoluments, according to the true intent and meaning of their respective Patents.

29th. And whereas several complaints have been made by the Officers of Our Customs in our Plantations in America that they have frequently been obliged to serve on Juries and personally to appear in Arms whenever the Militia is drawn out, and thereby are much hindered in the execution of their employments, Our Will and Pleasure is that you take especial care and give the necessary directions that the several Officers of Our customs be excused and exempted from serving in any Juries, or personally appearing in Arms, in the Militia, unless in cases of absolute necessity, or serving any particular Offices which may hinder them in the Execution of their Duties.

30th. And whereas nothing can more effectually tend to the speedy settling of our said Province of Upper Canada the security of the Property of Our Subjects and the advancement of our Revenue than the disposal of such Lands as are our Property upon good and reasonable terms, and the establishing of a regular and proper method of proceeding with respect to the passing of Grants of such Lands. It is Our Will and Pleasure that all and every person or persons who shall apply for any Grant or Grants of Land shall previous to their obtaining the same, make it appear that they are in a condition to cultivate and improve the same, and in case you shall, upon a consideration of the circumstances of the person or persons applying for such Grants, think it advisable to pass the same, you are in such case to cause a Warrant to be drawn up directed to the Surveyor General, or other Officer empowering him or them to make a faithful and exact survey of the Lands so petitioned for, and to return the said Warrant within six months at farthest from the Date thereof, with a Plot or description of the Lands so surveyed thereunto annexed, and when the Warrant shall be returned by the said surveyor or other proper Officer the Grant shall be made out in due form, and the terms and conditions required by these Our Instructions be particularly and expressly mentioned therein, and it is Our Will and Pleasure that the said Grants shall be registered within six months from the date thereof in the Register's Office and a Docket thereof be also entered in Our Auditor's office, copies of all which Entries shall be regularly returned by the proper officer to our commissioner of our Treasury.

31st. And for the further encouragement of our subjects, it is our Will and pleasure that the Lands to be granted by you as aforesaid shall be laid out in Townships, and that each inland Township shall as nearly as circumstances will admit consist of Ten Miles square, and such as shall be situated upon a navigable River or Water, shall have a front of Nine Miles, and be Twelve Miles in depth, and subdivided in such manner as shall be found most advisable for the accommodation of the settlers and for the making the several reservations for the Public uses, and particularly for the support of the Protestant clergy, agreeably to the above recited Act, passed in the thirty first year of Our Reign.

32nd. And because great inconveniences have heretofore arisen in many of Our colonies in America from the granting excessive quantities of Land to particular persons, who have never cultivated or settled the same, and have thereby prevented others more industrious from improving such lands, in order therefore to prevent the like inconveniences in future, It is our Will and pleasure that you observe the following directions and regulations in all Grants to be made by you as aforesaid, that is to say:

That no Town lot shall be granted to any one person being Master or Mistress of a Family in any township so to be laid out, which shall contain more than one Acre.—That no Park Lot shall be granted to any one person being Master or Mistress of a Family in any Township so to be laid out which shall contain more than Twenty four Acres.—That no Farm Lot shall be granted to any one person being Master or Mistress of a Family in any Township so to be laid out which shall contain more than Two Hundred Acres.

It is our Will and pleasure, and you are hereby allowed and permitted to grant unto every such person and persons such further quantity of land as they may desire, not exceeding one Thousand Acres, over and above to what may heretofore have been granted to them, and in all grants of Land to be made by you as aforesaid you are to take care that due regard be had to the quality and comparative value of the different parts of Land comprised within any township, so

that each Grantee may have as nearly as may be a proportionate quantity of lands of such different quality and comparative value as likewise that the breadth of such Tract of Land to be hereafter granted be one-third of the length of such Tract, and that the length of such Tract do not extend along the banks of any River, but into the main land, that thereby the said Grantees may have each a convenient share of what accommodation the River may afford for Navigation or otherwise.

33rd. And as a further accommodation to our subjects who shall become settlers as aforesaid, it is our will and pleasure that the said townships and the respective allotments within the same, together with the lands to be reserved as aforesaid shall be soen and laid out by our Surveyor General of lands for the said Province, or some skilful person authorised by him for that purpose, which Surveys, together with the Warrants and Grants, and the respective allotments shall be made out for and delivered to the several Grantees free of any expense or fee whatever, other than such as may be payable to the different officers according to the table of fees established upon grants of land made in the said Province.

34th. And in order to prevent any persons disaffected to Us and our Government from becoming settlers in our said Province of Upper Canada, it is our will and pleasure that no Warrant for Surveying lands be granted by you or the Lieutenant Governor, or Person administering the Government for the time being, unless the person or persons so applying for the same do at the time of making such application, besides taking the usual oaths directed by law, also make and subscribe the following declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed for that purpose, that is to say :—

I, A. B. do promise and declare that I will maintain and defend to the utmost of my power the authority of the King and his Parliament, as the supreme legislature of this Province.

35th. Whereas the reserving such bodies of land within our Province of Upper Canada, where there are considerable growths of timber fit for the use of our Royal Navy is a matter of the utmost importance to our service, it is our will and pleasure that no grants whatever be made of lands in any District or tract of our said Province of Upper Canada until our Surveyor General or his Deputy lawfully appointed, shall have surveyed the same, and marked out as reservations to Us, our Heirs and Successors such parts thereof as shall be found to contain any considerable growth of masting or other timber fit for the use of our Royal Navy, and more especially upon the rivers. And you are hereby intrusted to direct our Surveyor General of lands in our said Province from time to time, with all due diligence to complete the surveys and mark out the reservations as aforesaid, in the most convenient parts of said Province, and you are from time to time to report the number, extent, and situation of such reservations, and you are farther to direct our Surveyor General not to certify any plots of ground ordered and surveyed for any person or persons in order that grants may be made out for the same until it shall appear to him by a certificate under the hand of our Surveyor General of Woods, or his Deputy, that the land so to be granted is not part of nor included in any District marked out as a reservation for Us, our Heirs and Successors as aforesaid, for the purpose hereinbefore mentioned, and in order to prevent any deceit or fraud being committed by the persons applying for lands in this respect, it is our will and pleasure that in all grants to be hereafter made for lands within our said Province of Upper Canada, the following proviso and exceptions be inserted, that is to say: "And pro- "vided also, that no part of the parcel or tract of land "hereby granted to the said ——— "and his heirs, be within any reservation heretofore "made and marked for Us, our Heirs and Successors "by our Surveyor General of Woods, or his lawful "Deputy, in which case this our grant for such part of "the land hereby given and granted to the said —— "———— and his heirs forever, as aforesaid, "and which shall upon a survey thereof being made "be found within any such reservation, shall be null "and void and of none effect, anything herein con- "tained to the contrary notwithstanding."

36th. And whereas it is necessary that all persons who may be desirous of settling in our said Province should be fully informed of the conditions and terms upon which lands will be granted within our said Province of Upper Canada, in the manner prescribed in and by the said Act, passed in the 31st year of our Reign, you are therefore as soon as possible to cause a publication to be made by Proclamation or otherwise, as you shall in your discretion think most advisable of the said terms and conditions respecting the granting of lands, in which Proclamation it may be expedient to add some short description of the natural advantages of the soil and climate and its peculiar convenience for trade and navigation.

37th. And it is our further will and pleasure that all the foregoing instructions to you, as well as any which you may hereafter receive, relative to the passing grants of land in conformity to the said Act, passed in the thirty-first year of our Reign, be entered upon record for the information and satisfaction of all parties whatever that may be concerned therein.

38th. And whereas it hath been represented to Us that many parts of the Province under your Government are particularly adapted to the growth and culture of hemp and flax, it is therefore our will and pleasure that in all surveys for settlements the Surveyor be directed to report whether there are any, or what quantity of lands contained within such surveys for the production of hemp and flax.

39th. And whereas it has been represented to Us that several parts of our said Province of Upper Canada have been found to abound with Coals. It is our will and pleasure that in all grants of land to be made by you a clause be inserted reserving to Us, our Heirs, and Successors all Coals, and also all mines of Gold, Silver, Copper, Tin, Iron, and Lead, which shall be discovered upon such lands.

40th. You shall cause a survey to be made of all considerable landing places or harbours in our said Province, in case the same shall not already have been done, and report to Us by one of our Principal Secretaries of State how far any Fortifications be necessary for the security and advantage of the said Province.

41st. Whereas the establishment of proper regulations on matters of Ecclesiastical concern, is an object of very great importance, it will be your indispensable duty to take care that no arrangements in regard thereto be made, but such as may give full satisfaction to our new subjects, in every point in which they have a right to any indulgence on that head, always remembering that it is a toleration of the free exercise of the religion of the Church of Rome only to which they are

entitled, but not to the powers and privileges of it as an Established Church, that being a preference which belongs only to the Protestant Church of England.

42nd. And upon the principles therefore and to the end that our just supremacy in all matters Ecclesiastical as well as Civil may have its due scope and influence.

It is our will and pleasure, First that all appeals to a correspondence with any foreign Ecclesiastical Jurisdiction of what nature or kind soever, be absolutely forbidden under very severe penalties.

Secondly, that no Episcopal or Vicarial power be exercised within our said Province by any person professing the religion of the Church of Rome, but such only as are indispensably and indisputably necessary to the free exercise of the Romish religion, and in those cases not without a license and permission from you under the Seal of our said Province for and during our will and pleasure, and under such limitations and restrictions as may correspond with the spirit and provisions of the Act of the 14th year of our reign "for "making more effectual provision for the government "of the Province of Quebec," and no person whatever is to have Holy Orders conferred upon him or have the care of souls without a license for that purpose first had and obtained from you.

Thirdly, that no person professing the religion of the Church of Rome be allowed to fill any Ecclesiastical benefice, or to have and enjoy any of the rights or profits belonging thereto who is not a Canadian by birth (such only excepted) as are now in possession of any such benefices, and who is not appointed thereto by us, or under our authority, and that all right or claim of right in any other person whatever to nominate, present, or appoint to any vacant benefice other than such as may lay claim to the patronage of benefices as a civil right be absolutely abolished, no person to hold more than one benefice, or at least not more than can reasonably be served by one and the same incumbent.

Fourthly, that no person whatever professing the religion of the church of Rome be appointed incumbent of any Parish in which the majority of the inhabitants shall solicit the appointment of a Protestant Minister, in such case the incumbent shall be a Protestant, and entitled to all tythes payable within such Parish, but nevertheless the Roman Catholics may have the use of the church for the free exercise of their religion at such time as may not interfere with the religious worship of the Protestants, and in like manner the Protestant inhabitants in every Parish where the majority of the Parishioners are Roman Catholics, shall, notwithstanding, have the free use of the church for the exercise of their religion at such time as may not interfere with the religious worship of the Roman Catholics.

Fifthly, that no incumbent professing the religion of the church of Rome, appointed to any Parish, shall be entitled to receive any tythes for lands, or possessions occupied by a Protestant, but such tythes shall be received by such persons as you shall appoint, and shall be reserved in the hands of our Receiver General as aforesaid, for the support of a Protestant Clergy in our said Province, to be actually resident within the same, and not otherwise, according to such directions as you shall receive from us in that behalf, and in like manner all growing rents and profits of a vacant benefice shall during such vacancy, be reserved for and applied to the like uses.

Sixthly, that all persons professing the religion of the church of Rome, who are already possessed of, or may hereafter be appointed to any Ecclesiastical benefice, or who may be licensed to exercise any power or authority in respect thereto, do take and subscribe before you in Council, or before such person as you shall appoint to administer the same, the oath required to be taken and subscribed by the aforesaid Act of Parliament passed in the fourteenth year of [redacted] Reign entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America."

Seventhly, that all incumbents of Parishes, professing the Romish religion, not being under the Ecclesiastical Jurisdiction of the Bishop of Quebec, shall hold their respective benefices during their good behaviour, subject however in case of any conviction for criminal offence, or upon due proof of seditious attempts to disturb the peace and tranquility of our government, to be deprived or suspended by you.

Eighthly, that such Ecclesiastics as may think fit to enter into the Holy State of Matrimony shall be released from all penalties to which they may have been subjected in such cases by any authority of the See of Rome.

Ninthly, that freedom of the Burial of the Dead in the Churches and the Church Yards be allowed indiscriminately to every christian persuasion.

Tenthly, that the Royal family be prayed for in all churches and places of Public Worship, in such manner and form as is used in this Kingdom, and that our Arms and Insignia be put up not only in all such churches and places of holy worship, but also in all courts of justice, and that the Arms of France be taken down in any such church or court where they may at present remain.

43rd. You are to permit the liberty of conscience and the free exercise of all such modes of religious worship as are not prohibited by law to all persons who may inhabit and frequent the Province of Upper Canada, provided they be contented with a quiet and peaceable enjoyment of the same without giving offence or scandal to the government.

44th. It is our will and pleasure to reserve to you the granting of Licences for Marriage, Letters of Administration, and Probates of Wills, as heretofore exercised by you and your Predecessors, and also to reserve to you and all others to whom it may lawfully belong, the patronage and right of presentation to benefices, but it is our will and pleasure that the person so presented shall be instituted by the Bishop or his Commissary, duly authorised by him.

45th. You are to take especial care that God Almighty be devoutly and duly served throughout your government—that the Lord's day be duly kept, and the Services and Prayers appointed by and according to the Book of Common Prayer be publicly and solemnly performed throughout the year.

46th. You are to take care that the churches which are or may be hereafter erected in our said Province of Upper Canada be well and orderly kept.

47th. You shall recommend to the Legislative Council and General Assembly of the Province of Upper Canada, to settle the limits of Parishes in such manner as may be deemed most convenient.

48th. You are to use your best endeavour that each Minister be constituted one of the Vestry in his respective Parish, and that no Vestry be held without him except in case of sickness, or that after notice given by the Vestry he omit to come.

49. It is our Will and Pleasure that you recommend to the Legislative Council and Assembly of our said Province of Upper Canada, to make due provision for the erecting and maintaining of Schools where Youth may be educated in competent learning, and in knowledge of the principles of the Christian Religion.

50th. And it is our further Will and Pleasure that no person shall be allowed to keep a School in the Province of Upper Canada without your license first had and obtained. In granting of which you are to pay the most particular attention to the Morals and qualifications of persons applying for the same, and in all cases where the School has been instituted or appointed for the education of Members of the Church of England, or where it is intended that the School-master should be a Member of the Church of England, you are not to grant such licenses except to persons who shall first have obtained from the Bishop of Quebec or one of his Commissioners a Certificate of their being properly qualified for that purpose.

51st. And it is our further Will and Pleasure, that in order to suppress every species of vice, profaneness and immorality, you do forthwith cause all laws made against Blasphemy, Profaneness, Adultery, Fornication, Polygamy, Incest, Profanation of the Lord's day, Swearing and Drunkenness, to be strictly put in execution in every part of the Province of Upper Canada, and that for this purpose you do direct that the constables and Church Wardens of the several Parishes do make presentment upon Oath of any of the vices before mentioned to the Justices of the Peace in their Session, or to any other of the temporal Courts, and you are earnestly to recommend to the Legislative Council and Assembly to provide effectual laws for the restraint and punishment of all such of the aforementioned vices, against which no laws are as yet provided, or in cases where the laws already made are found to be insufficient, and in order to discountenance vice and promote the practice of virtue to the utmost of your power, we do hereby strictly command and enjoin you to appoint no person to be a Justice of the Peace, or to any trust or employment whose notorious ill life or conversation may occasion scandal.

52nd. You are not to present any Protestant Minister to any Ecclesiastical Benefice within our said Province by virtue of the said Act, passed in the thirty-first Year of Our Reign, and of our commission to you without a proper certificate from the Bishop of Quebec or his Commissary of his being conformable to the doctrine and discipline of the Church of England.

53rd. And you are to take especial care that the Table of Marriages established by the Canons of the Church of England be hung up in all places of Public Worship, according to the Rites of the Church of England.

54th. It is our intention that the Peltry Trade, of the interior country should be free and open to our subjects, Inhabitants of any of our Colonies who shall pursuant to what was directed by our Royal Proclamation of 1763, obtain Trading Licenses from the Governor of any of our said Colonies under penalties to observe such regulations as shall be made by our Legislature of our Province of Upper Canada for that purpose.—These regulations therefore when established must be made public throughout all Our American Possessions, and they must have for their object the giving every possible facility to that Trade which the nature of it will admit, and which may be consistent with just and fair dealings towards the native Indians with whom it is carried on.—The fixing stated times and places for carrying on the Trade, and adjusting modes of settling Tariffs, of the price of Goods and Furs, and above all the restraining the Sale of spirituous liquors to the Indians will be the most profitable and effectual means of answering the ends proposed.

55th. And whereas it is expedient for our Service that we should from time to time be informed of the state of the Trade and Fisheries, as well as of the Population of the said Province of Upper Canada It is our Will and Pleasure, that you do transmit to us through one of our Principal Secretaries of State, and to our committee of our Privy Council for Trade and foreign Plantations, for their information yearly and every year a full and particular account of the state of the Fur and Peltry Trade, the nature and extent of the several Fisheries carried on by our subjects or others either on the Lakes or Rivers of the said Province—the state of the cultivation particularly specifying the quantity of Grain, Hemp and Flax produced, and of any other important branch of Trade which may in your opinion be undertaken and advantageously carried on by our subjects,—the number of Inhabitants, distinguishing them under the different heads, of Men, Women, and Children, inserting in such account the number of persons born, christened, and buried, and any extraordinary influx or emigration from our said Province, specifying at the same time the number of Slaves and the number of our subjects, capable of bearing Arms in the Militia. The number and Tonnage of Shipping and Craft employed upon the Lakes and Rivers in or contiguous to the Province of Upper Canada—together with any information on these or any other points of the like nature which may be proper to be communicated to us.

56. And whereas you will receive from our Commissioners for executing the office of High Admiral of our United Kingdom of Great Britain and Ireland and of the Plantations, a Commission constituting you Vice Admiral of our said Province of Upper Canada, you are required and directed carefully to put in execution the several powers thereby granted to you.

57th. Whereas it is absolutely necessary that we be exactly informed of the state of defence of all our Plantations in America as well in relation to the stores of war, that are in each Plantation as to the Forts and Fortifications there and what more may be necessary to be built for the defence and security of the same, you are from time to time to transmit an account thereof with relation to our said Province of Upper Canada, in the most particular manner and you are therein to express the present state of Arms, Ammunition and other stores of war belonging to the said Province either in any public Magazines, or in the hands of private persons together with a state of all places either already fortified or that you may judge necessary to be fortified for the security of our said Province, and you are to transmit the said accounts to us, by one of our principal Secretaries of State and also Duplicates to our Master General or principal Officers of our Ordinance, which accounts are to express the particulars of Ordnance, Carriages, balls and powder and all other sorts of arms and Amunition now in our public Stores, and so, from time to time, of what shall be sent to you or bought with the public

money and to specify the time of the disposal and the occasion thereof and other like accounts, half yearly in the same manner.

58th. And in case of distress in any other of our Plantations you shall upon application of the respective Governors to you assist them with what aid the condition and safety of our said Province under your Government can spare.

59. If any thing shall happen which may be of advantage or security to our Province under your government, which is not herein or by our Commission provided for we do hereby allow unto you with the advice and consent of our said Executive Council to take order for the present therein provided nevertheless that what shall be done be not repugnant to our Commission or Instructions and to the said Acts passed in the fourteenth and thirty first years of our reign, giving unto us by one of our principal Secretaries of State speedy notice thereof, that you may receive our ratification if we shall approve the same:—Provided always that you do not by colour of any power or authority hereby given you commence or declare war without our knowledge and particular command therein except it be for the purpose of preventing or repelling hostilities or unavoidable emergencies when the consent of our said Executive Council shall be had, and speedy notice given thereof to us by one of our principal Secretaries of State.

60th. And whereas great prejudice may happen to our service and to the security of our said Province by your absence or the, absence of the Lieutenant Governor for the time being, you shall not upon any pretence whatsoever come to Europe without having first obtained leave for so doing from us, under our signet and sign Manual or by our order in our Privy Council.

61st. And whereas we have thought fit by our Commission to direct, that in case of your death or absence from our said province, and in case there be at that time no person commissioned or appointed by us to be our Lieutenant Governor or appointed by us to administer the Government within the Province in the event of the death or absence of you and of our Lieutenant Governor of the said Province the Senior member of the Executive Council who shall be at the time of your death or absence residing within our said Province of Upper Canada (subject to such other nomination and appointment by you under the Great Seal of our said Province as in our said Commission is in that behalf mentioned) shall take upon him the administration of the Government, and execute our said Commission and Instructions and the several powers and authorities therein contained in the manner hereby directed. It is nevertheless our express will and pleasure that in such case the person so administering the Government shall forbear to assent to any Acts, but what are immediately necessary for the welfare of our said Province without our particular orders for that purpose, and that he shall not take upon him to dissolve the Assembly then in being nor to remove or suspend any of the Members of our said Executive Council, nor any Judges, Justices of the Peace or other Officers, Civil or Military, without the advice and consent of the majority of the said Executive council, and he is by the first opportuniry to transmit to us by one of our principal Secretaries of State the reasons of such alterations signed by him and the Council and our will and pleasure is that the above Instructions with respect to such senior Councillor shall also be equally observed by and binding upon such other Executive Councillor as may be nominated and appointed by you under the Great Seal of our said Province by virtue of our said Commission in that behalf.

62nd. And whereas by our different Commissions we have appointed you to be our Governor and Commander in Chief of our Provinces of Upper and Lower Canada, our Province of Nova Scotia our Islands of Prince Edward and Cape Breton as well as our Province of New Brunswick, and it is our intention that the Lieutenant Governors Commanding in our said Province of Upper Canada, New Brunswick, and Nova Scotia, and the Islands of Prince Edward, and Cape Breton should have and enjoy the full salaries, Perquisites and Emoluments granted to them and arising from their respective Governments in as full and ample a manner as if the said Governments were under distinct Governors in Chief. It is therefore our will and pleasuae that you shall not at any time or times when you shall be resident and Commanding in Chief in either of our said Provinces of Upper Canada Nova Scotia, or New Brunswick or the Islands of Prince Edward and Cape Breton, have or receive any part of the said Salaries, Perquisites, or Emoluments, but that the same shall continue to be paid and satisfied to the Lieutenant Governors of our said Provinces and Islands respectively, in the like manner as they usually are during your absence therefrom.

63rd. And you are upon all occasions to send to us by one of our principal Secretaries of State a particular account of all your proceedings and of the condition of affairs within your Government.

(A True Copy.)

J. JOSEPH.

G

Copy of the oath taken by every Member of the Executive Council.

"You do swear, that so far forth, as cunning and discretion sufficeth, you will justly, truly and evenly counsel and advise the King and his Representative in the government of this Province, in all matters to be communed, treated and demeaned in the Executive Council, or by you as the King's Councillor, without partiality or exception of persons, not leaving or eschewing so to do, for affection, love, need, doubt or dread of any person or persons.

"You shall keep secret the King's council, and all that shall be communed, by way of counsel, in the same, and shall not discover it by word or writing, or in any otherwise, to any person, out of the same council, or to any of the same council, if it touch him, or he be the party thereof. You shall not gift meed good, or promise of good, by any man, or by promise of any other person, accept, or take, for any promotion, favoring, letting, or hindering any matter, or thing to be treated, or done in the said Council.

"You shall with all your might and power, help and strengthen the King's said Council, for the good of the King and this Province, and for the peace, rest and tranquility of the same.

"You shall withstand any person, or persons, of whatever condition, estate, or degree, that should attempt, or intend the contrary, and generally, you shall observe, keep, and do

all that a good and true Councillor ought to do unto his Sovereign Lord, or his Representative in this Province."

JOHN BEIKIE,
Clerk Executive Council.

H

Address to His Majesty on the subject of the Legislative Council.

To the King's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent, that we have applied ourselves with the greatest deligence during the present session of the Provincial Parliament to various subjects of great interest to our constituents; and although our proceedings have been unavoidably interrupted, to a degree altogether unprecedented, by the trial of controverted elections, and although many of the members of this House have laboured under the disadvantage of having been without Parliamentary experience; yet the necessary measures on the subjects, to which we have alluded, have been brought to a satisfactory conclusion and completed as far as depended on this House, and have been sent to the Legislative Council. It is with no ordinary mortification and regret however, that we find our exertions during a most laborious session rendered unavailing in respect to most of these measures, by the rejection of them by the Legislative Council, among such as have shared this fate are, Bills, to protect the agricultural interests of this Province from a ruinous foreign competion—to provide for the just and equal distribution of the property of persons dying intestate—to secure an impartial trial by jury—and to take from the Sheriffs who hold their offices during pleasure, the power which they now possess of packing Juries—to relieve an excellent and meritorious class of your subjects from burdens and penalties which are imposed by the Militia laws of this Province, and which are oppressive on them, and which in time of peace are altogether unnecessary—to improve the system of our common and district schools, and to increase the public funds for their support—to amend the charter of King's College, in conformity with Your Majesty's gracious recommendations, and with the wishes which have at different times been strongly expressed to Your Majesty by your faithful subjects in this Province, so as to put that institution into operation on just and liberal principles—to provide for the sale of the Clergy Reserves and the application of the monies arising therefrom to objects of common benefit and great utility to Your Majesty's subjects in this Province, in accordance with Your Majesty's gracious invitations, and with the well known and often expressed wishes of Your Majesty's subjects—to promote the peace, freedom and independence of elections of members of Parliament, by adopting the mode of voting by ballot—to grant one hundred pounds per annum for five years to the Grantham and Bath Academies, institutions of education established by the voluntary contribution of the people, and on liberal principles. All these measures, and others which we will not trouble Your Majesty with enumerating, have been rejected by the Legislative Council without amendment, and the labours of this House, during a session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business, almost entirely baffled and rendered useless by the course pursued by the Legislative Council. If there were any reason to hope that these difficulties could be obviated or materially diminished in future we should not trouble Your Majesty; but the experience of years convinces us, that on many subjects of great and general interest, there is such a disagreement of opinion between the Legislative Council, as now constituted, and the representatives of the people, as to bring us to the conclusion, which indeed the Legislative Council itself has expressed in relation to one of the most deeply interesting of these subjects, namely:—That the Legislature of this Province cannot concur in any measure that will be satisfactory to Your Majesty's subjects in this Province. We are aware that Your Majesty has been officially informed by His Excellency Sir Jonn Colborne, that "composed as the Legislative Council is, at present, the Province has a right to complain of the great influence of the Executive Government in it,—that it consists of seventeen members exclusive of the Bishop of Quebec; that of these, from accidental causes, not more than fifteen ever attend to their Legislative duties, that thus out of the members generally present, six are of the Executive Council, and four hold offices under the government; and that His Excellency had therefore intimated his intention of recommending to Your Majesty to increase the Legislative Council," and it was no doubt with a desire to remedy this evil, equally felt by the people and His Excellency, that Your Majesty has since added to their number. But it is our duty to assure Your Majesty that this change has not abated the evil of which we have such serious causes to complain, while it has on the contrary produced that further division, of responsibility amongst its members which lessens the consciousness of individual accountability without establishing any community of feeling or sentiment of respect between them and the people. We do not wish to advert to this unpleasant and mortifying condition of our public affairs in language that shall be disrespectful or offensive to the Legislative Council; nor do we presume to prescribe to Your Majesty what expedient should be adopted to afford relief in the premises to Your Majesty's dutiful and loyal subjects in this Province, who, we are confident, desire that Your Majesty's attention should be called to it, and that we should humbly leave it to Your Majesty's wisdom to apply a suitable remedy.

In connexion with this subject we feel bound to represent to Your Majesty that it is the earnest desire of Your Majesty's faithful subjects, that Your Majesty's Government in this Province should be conducted by the advice of those who should be actually and practically responsible for their proceedings, and who would, as a consequence, be likely to recommend and favor such public measures as may be most desired by Your Majesty's subjects, and in their opinion most conducive to their interests. We behold Your Majesty in the administration of the affairs of the great Empire, which Providence has committed to Your Majesty's hands, graciously consulting the wishes of your faithful people, as expressed by their representatives, in the choice of responsible advisers to manage, under Your Majesty, the affairs of the government, and we have been accustomed to regard it as an essential and invaluable feature of the glorious constitution of our Mother Country. The same principles we wish to see applied in the practice of our Colonial Government; until that is done we cannot expect that the administration will give satisfaction to Your Majesty's subjects, or that there will be any real and permanent harmony between the government and the representatives of the people. It is true that we might withhold the annual grant for the support of the government as a mark of our dissatisfaction with this state of things, and as a means of our procuring redress, but being anxious to evince our forbearance, and desire to avoid, as long as possible, contention and difficulty, as well as to show our confidence in Your Majesty's paternal regard for your faithful people in this Province and gracious attention to their constitutional rights; and being reluctant to resort to a measure which we are aware must greatly embarrass the government, until all other constitutional means of seeking redress have been tried and proved unavailing, we have preferred thus to appeal to Your Majesty for Your Majesty's gracious and effectual interference in our behalf; and have, notwithstanding our just dissatisfaction with the existing state of things, and notwithstanding the pecuniary distress which prevails in the Province, granted, for the present year, the necessary supplies for the support of the government, in the confident hope that effectual steps will immediately be taken for the removal of these obstacles to the peace, welfare, and good government of the Province. When it is considered that the Ministers, who, sometimes in rapid succession, fill the Colonial Department under Your Majesty are strangers to our Province, and too distantly situated to acquire, through channels often contradictory and interested, a true and

correct knowledge of the wants, wishes, and genius of Your Majesty's Canadian people, the practical need of local responsibility becomes more apparent and imperious.

(Signed) MARSHAL S. BIDWELL,
Speaker.

Commons House of Assembly,
15th April 1835.

On passing the above address, the yeas and nays were as follows:

YEAS—MESSIEURS.

Alway,	Morrison,
Bruce,	Parke,
Chisholm,	Perry,
Duncombe, *Oxford*,	Robin,
Duncombe, *Norfolk*,	Rymal,
Durand,	Shaver,
Gibson,	Shibley,
Gilchrist,	Smith,
Lount,	Thorburn,
McIntosh,	Waters,
Mackenzie,	Wells,
McMicking,	Wilson,
Moore,	Yager,—26.

NAYS—MESSIEURS.

Brown,	Morris,
Caldwell,	Richardson,
McCrae,	Robinson,
McDonell, *Glengarry*,	Rykert,
McDonell, *Northumb.*	Sol. General,
McLean,	Walsh,
McNab,	Wilkinson—15.
Merritt,	

I

"*To the King's Most Excellent Majesty.*"

"MOST GRACIOUS SOVEREIGN:

"We, Your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, in full assurance of Your Majesty's earnest desire to promote the welfare of your people, beg leave, humbly to address ourselves to Your Majesty, upon a matter of the deepest interest to your faithful subjects in this Province."

"We learn with extreme apprehension & regret, that at the instance of the Lords Commissioners of Your Majesty's treasury Your Majesty has been advised to ordain the intention of disallowing two acts of the Legislature of this Colony, which were passed more than two years ago, the one for increasing the capital Stock of the Bank of Upper Canada, and the other for incorporating a second Banking Association in this Province, under the name of *The Commercial Bank of the Midland District*. We humbly represent, that although the disallowance of these acts may appear to be authorized by the letter of the Statute of the British Parliament, passed in the 31st year of the reign of Your Majesty's Royal Father, entitled "An act to repeal certain parts of an act passed in the fourteenth year of His Majesty's reign entitled "An Act for making more effectual provision for the government of the Province of Quebec, in North America," & to make further provision for the government of the said province" yet, it is contrary to its spirit and meaning, and of the principles of a free government. We believe that this provision was intended to remedy any evil which might be occasioned by the Royal Assent being given in the Colony, to a Provincial Act that should be found incompatible with the rights and interests of other portions of the Empire, but we cannot think it was intended to give the power of interference with our internal affairs; against such an interference we respectfully, but plainly and solemnly protest, as inconsistent with those sacred constitutional principles which are essential to a free government; since it is manifest, that if Your Majesty's Ministers, at a distance of more than four thousand miles, and not at all controllable by or accountable to Your Majesty's subjects here, and possessing necessarily a slight and imperfect knowledge of the circumstances of this country, the wants, and habits and feelings of the inhabitants, and the mode of transacting business among us can dictate a different course in relation to measures affecting ourselves only, from that which the people, by their representatives, and with the concurrence of the other branches of the Provincial Legislature have chosen, we are reduced to a state of mere dependence upon the will and pleasure of a Ministry that are irresponsible to us, and beyond the reach and operation of the public opinion of the province, and no one can rely upon our Provincial laws, although they may be constitutionally and deliberately formed but the most unhappy uncertainty and want of confidence will prevail and extend their disastrous influence over all our business transactions."

"We respectfully claim the same right in behalf of Your Majesty's subjects in this Province to be consulted in the making of laws for their peace, welfare, and good government, which our fellow subjects in Great Britain enjoy, in respect to the laws to which their obedience is required; and although from the necessity of the case, power must be granted to the head of the Empire of preventing Colonial laws being adopted and enforced, which are incompatible with treaties between Your Majesty's government and foreign states, or with the just rights of any other of Your Majesty's colonies, yet with these exceptions, we humbly submit, that no laws ought to be, or rightfully can be dictated to or imposed upon the people of this Province, to which they do not freely give their consent, through the constitutional medium of representatives chosen by, and accountable to themselves."

"The force of our humble and dutiful remonstrance against the principle of an interference of Your Majesty's Ministers with our internal affairs, we are not willing to diminish, by insisting upon the inconveniencies and evils likely to follow from the exercise of the power, which the letter of the British Statute before quoted, gives to Your Majesty to disallow the Provincial acts which we have mentioned, but we cannot refrain from declaring our painful and settled conviction, that the disallowance of these acts after they have been for a long time in operation, so that the most frequent and ordinary, as well as the most extensive and important transactions of business in the Province depend upon their continued existence, would be attended with confusion and distress beyond description, without any benefit to the Province and without any advantage whatever to any portion of Your Majesty's dominions. We therefore respectfully and humbly pray that Your Majesty, taking these matters into your favorable consideration will be graciously pleased not to disallow these provincial acts, and not to permit Your Majesty's Ministers to interfere with our internal affairs, but to leave the same entirely to the discretion and control of the Legislature of this Province."

"We beg to renew our assurances of entire devotion to Your Majesty's person and government.

"ARCHIBALD McLEAN,
Speaker."

Commons House of Assembly,
3d March, 1834.

YEAS—MESSIEURS.

Berczy,	Jarvis,
Bidwell,	Lewis,
Boulton,	McDonald, A.
Buell,	McDonald, D.
Burwell,	Macnab,
Campbell,	Merritt,
Chisholm,	Morris,
Clarke,	Perry,
Cook,	Randall,
Crooks,	Robinson,
Duncombe,	Samson,
Elliott,	Shaver,
Fraser, A.	Vankoughnett,
Fraser, D.	Willson, J.
Hornor,	Wilson, W.—31.
Howard,	

NAY—Ketchum.—1.

K

To His Excellency, Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c,

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, beg leave to request, that Your Excellency will cause to be laid before this House, with as little delay as possible, an entire copy of what is generally termed "the King's Instructions" to the Governors of Upper and Lower Canada; and also copies of any other instructions not heretofore laid before this House, touching the duties or responsibilities of the Executive Council of this Province; as also any instructions from His Majesty's government touching the administering the government of this Province by any Executive Councillor, in the event of the death or removal from the Province of the Governor, Lieutenant Governor or person administering the government, and also copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said Council, by which it is stipulated in what manner the government shall be administered, or who shall administer the government of this Province in case of the above named occurrence.

MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly,
23d March, 1836.

HIS EXCELLENCY'S REPLY.

GENTLEMEN:—

I herewith transmit as much of the information desired by the House as I possess.

I have entered into no bond or agreement of any sort with my present Executive Council, and I do not possess, nor does there exist in Council any document of such a nature between two or more of the said Council.

L

Committee Room,
House of Assembly,
Monday, 28th March, 1836.

PRESENT:

MESSRS. PERRY, Chairman.
DUNCOMBE,
MORRISON,
ROBLIN,
NORTON.

ROBERT BALDWIN SULLIVAN, Esq., *called in and interrogated.*

Q. 1.—Are you senior member and presiding Councillor of the Executive Council?

A. 1.—Yes.

Q. 2.—Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part in what way the government should be administered in the event of the death or removal from the Province of the Lieutenant Governor?

A. 2.—There is no agreement in existence by which it is stipulated how the Government of the Province shall be administered in the events mentioned in the question. At the time the Council were about to be sworn in, I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor; as it was not my desire, in any event, to fill the situation of Administrator of the Government.—At my request this intention was expressed in writing and I signed it.

Q. 3.—Is the instrument you mention, under seal, or witnessed?

A. 3.—It is neither under seal or witnessed.

Q. 4.—Into whose hands did you deliver the document?

A. 4.—Into the hands of the Honorable William Allan.

Q. 5.—Did any other person know of the existence of the document?

A. 5.—Yes. It was not intended that my intention should be secret; His Excellency the Lieut. Governor was present when it was read and delivered to Mr. Allan.

Q. 6.—Did His Excellency the Lieut. Governor write the document, or was it written by His Excellency's order?

A. 6.—I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself; upon which His Excellency being present, was kind enough to draw it up.

Q. 7.—Was the writing intended to be legally binding upon you?

A. 7.—Certainly not.

Q. 8.—What was the object or intention of the paper in question, if it was not intended to be legally binding?

A. 8.—It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of administrator of the government.

Q. 9.—Do you think you could constitutionally resign, in case of either of the above events, and give place to another who could administer the government?

A. 9.—I could transmit my resignation to His Majesty's government, and decline taking upon myself the office of administrator of the government. I think it is the constitutional right of any individual to decline taking office upon himself, and as to giving place to another, that is not the act of the person declining office, but of the law.

Q. 10.—Do you not think, that in either of the above events taking place, you would be the administrator of the government, without being appointed in any way?

A. 10.—The senior Executive Councillor would, upon taking the oaths of office, be invested with the administration of the government, without any further appointment.

Q. 11.—Do you think, that upon your resignation, as above stated, the administration of the govern-

ment could be assumed by any other member of the Council.

A. 11.—I think it could; either upon my resignation, or upon my refusal to take the oath of office.

Committee Room,
11th April, 1836.

HONORABLE AUGUSTUS BALDWIN, *called in and examined.*

Q. 1.—Are you one of the present Executive Council?

A. 1—Yes.

Q. 2.—Have you any knowledge of a paper signed by Mr. Sullivan, in relation to the administration of the government in the event of the death, or absence from the Province, of the Lieutenant Governor?—and were you present when such paper was executed?

A. 2.—I was present when a paper was signed by Mr. Sullivan, for the purpose of Mr. Allan's becoming senior Councillor in the event alluded to.

Q. 3.—At whose suggestion was the paper drawn up and signed?

A. 3.—At Mr. Elmsley's.

Q. 4.—Into whose hands was the paper after execution delivered?

A. 4.—I think it was into Mr. Allan's hands.

Q. 5.—Who drew it up?

A. 5.—Sir Francis Head drew it up.

Q. 6.—What was the understood purpose of the paper?

A. 6.—That the administration might not devolve upon Mr. Sullivan, in case of either of the above events.

Q. 7.—What objection was there to Mr. Sullivan's administering the government thus referred to?

A. 7.—I know of none other than that Mr. Allan had preferable claims from his age and long standing in society. Mr. Sullivan made no objections when the thing was suggested, but immediately said he would acquiesce.

Q. 8.—Are the committee to understand that the agreement or paper alluded to, was drawn up at the Government House?

A. 8.—No. It was drawn up in the Executive Council Chamber—We went there to meet the Governor before sworn into office.

M

To His Excellency, Sir Francis Bond Head, Knight, Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to inform Your Excellency, that this House, considering the appointment of a responsible Executive Council to advise your Excellency on the affairs of the Province, to be one of the most happy and wise features in the constitution, and essential to the form of our government, and one of the strongest securities for a just and equitable administration, and eminently calculated to ensure the full enjoyment of our civil and religious rights and privileges; has lately learned with no small degree of surprise and anxiety, that the Executive Council, so recently formed for the purpose above stated, (as we presume) consisting of six members, did, on Saturday the 12th instant, unanimously tender to your Excellency their resignations; and that your Excellency was pleased to accept the same; and humbly to request your Excellency to inform this House without delay whether such are the facts, and also to communicate to this House full information relative to the cause of disagreement between your Excellency and your said late Executive Council, as far as lies in your Excellency's power to make known, as also to furnish this House with copies of all communications between your Excellency and your said late Council, or any of them, on the subject of such disagreement, and subsequent tender of resignation.

MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly,
14th March, 1836.

HIS EXCELLENCY'S REPLY.

GENTLEMEN:—

Nothing can appear more reasonable to my mind than the surprise and anxiety which the House of Assembly express to me, at the intelligence they have received of the sudden resignation of the six members of the Executive Council, for with both these feelings I was myself deeply impressed, when firmly relying on the advice, assistance, and cordial co-operation of my Council, I unexpectedly received from them the embarrassing document which, with my reply thereto, I now, at the request of the House of Assembly, willingly present to you.

With every desire to consult my Council, I was preparing for their consideration, important remedial measures which I conceived it would be advisable to adopt, and had they but afforded me those few moments for reflection, which from my sudden arrival among you, I fancied I might fairly have claimed as my due, the question which so unnecessarily they have agitated, would have proved practically to be useless.

Had they chosen to have verbally submitted to me in Council, that the responsibility, and consequently the power and patronage of the Lieutenant Governor, ought henceforward to be transferred from him to them; had they even in the usual form of a written petition, recommended to my attention as a new theory, that the Council instead of the Governor, was to be responsible to the people, I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it, but, when they simultaneously declared, not that such *ought to be*, but that such actually WAS the law of the land, and concluded their statement, by praying that a Council sworn in secrecy to assist me, might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty, calmly, and with due courtesy to in-

form them, that they could not retain such principles, together my confidence, and to this opinion I continue steadfastly to adhere.

I feel confident that the House of Assembly will be sensible, that the power entrusted to me by our Gracious Sovereign, is a subject of painful anxiety, that from the patronage of this Province I can derive no advantage, and that I can have no object in retaining undivided responsibility, except that which proceeds from a just desire to be constitutionally answerable to His Majesty, in case I should neglect the interests of His subjects in this Province.

With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve *their* privileges inviolate, than by proving to them that I am equally determined to maintain the rights and prerogatives of *the crown*, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

For *their* acts I deliberately declare myself to be responsible but they are not responsible for mine, and cannot be, because being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to inform Your Excellency, that we have with deep regret learned that your Excellency has been induced to cause the late Executive Council to tender their resignations to seats in the Council, under circumstances which still enabled your Excellency to declare, that your estimation of their talents and integrity, as well as your personal regard for them, remain unchanged; and that under the present excited state of public feeling in this colony, occasioned by the recent proceedings between your Excellency and the late Executive Council, and the appointment of a new council (as appears by the Gazette Extraordinary of Monday the 14th March inst.) composed of Robert B. Sullivan, John Elmsley, Augustus Baldwin, and William Allan, Esquires, this House feel it to be a duty they owe, alike to His Most Gracious Majesty, and the people of this colony, whose representatives they are, to avail themselves of the first opportunity to declare at once to Your Excellency the entire want of confidence of this House in the last mentioned appointments, and deep regret, that Your Excellency consented to accept the tender of resignation of the late Council, and humbly request your Excellency to take immediate steps to remove the present Council from such their situation.

MARSHALL S. BIDWELL.
SPEAKER.

Commons House of Assembly,
24th March, 1836.

HIS EXCELLENY'S REPLY.

GENTLEMEN:—

In reply to your address, I assure you. I very sincerely regret that the House of Assemly should entertain a want of confidence in the Council I appointed on the 14th instant, as I faithfully declare, that under the circumstances in which I was placed, I made every exertion to select gentlemen that I thought would be most acceptable to the House and to the people.

I can assure the House, that no one lamented more than I did, the resignation of the late Council, three of the members of which, namely, Messrs. Dunn, Baldwin and Rolph, I had myself especially selected.

With respect to the request "that I should take immediate steps to remove the present Council from such their situation," I might say, that I had hoped the House would have refrained from any such decided expression of its opinion, on the subject, until it had received the report of the committee to whom the subject was referred, and for whom the Government Office is now occupied in furnishing the documentary evidence they desire, but I am unwilling to discuss that question.

With respect to the "present excited state of public feeling in this colony occasioned by the recent proceedings" I feel guiltless of being its cause, inasmuch as to the House of Assembly, as well as to the people of all classes who have addressed me, on the subject, I have done every thing in my power to assure them of my desire that the question should be calmly settled, according to the spirit of the Constitution, and consequently according to the interests of the people.

I can assure the House, that far from entertaining any determination to maintain my opinion, merely because I have uttered it, I should be, at this moment, happy to abandon it, if the duty I owed to my Sovereign, and the people, could permit me, my mind invites rather than repels conviction, and hoping that the House will, on a subject which must surely occupy the attention of the whole country, meet me with a desire to be governed by reason and truth, I will concisely once again, submit to it my view of the case.

From the time of General Simcoe to the departure of Sir John Colborne, the practice of every Lieutenant Governor of this Province has been, to consider their Executive Councillors as advisers, sworn not to respond, or in other words not to be responsible to the people.

On my arrival here, finding this had been the practice, I also pursued it, but on preparing to add three popular members to the Council, one of them, Mr. R. Baldwin, with the sincerity which forms his character, tells me he thinks my Council, in spite of their oath, *should* respond to the people.

To this project I refuse to accede, a long argument ensues—and at last I write to Mr. R. Baldwin a note of which the following is an exact copy:—

"I shall rely on your giving me your unbiassed "opinion on all subjects respecting which I may feel "it advisable to require it."

After receiving this distinct statement of my intention *not* to alter the old practice, Mr. R. Baldwin sends a copy of the same to Dr. Rolph and Mr. Dunn, and they knowing my sentiments all three join my council.

After sitting in the council three weeks Mr. Baldwin's conscientious opinion again appears, convinces the other members, old as well as new, and the subject in a most formal manner is officially brought before me, with a request that if I disapprove of the opinion, the council may be allowed to address the people. On referring to the Constitutional Act, I am unable to comprehend their reasoning, and we consequently part on the same good terms on which we met. I retaining my unaltered opinion, while at least four of the council have (since my arrival) changed theirs.

The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed. In the station I hold, I form one branch out of three, of the Legislature, and I claim for myself, freedom of thought, as firmly, as I wish that the other two branches should retain the same privilege.

If I should see myself in the wrong, I will at once acknowledge my error, but if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal competent to award its decision, and to that tribunal I am ever ready most respectfully to bow.

To appeal to the people is unconstitutional as well as unwise, to appeal to their passions is wrong—but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal.

P

UPPER CANADA.

SCHEDULE of PATENTS of LANDS, constituting Endowments of the Church of England in this Province, that have been completed.

No.	Name of the Minister.	Name of the Parsonage and Situation.	Land forming the Endowment. LOT.	CONCESSION		No. of Acres.
1	The Hon. and Ven. John Strachan, D. D.	City of Toronto	6, 9, 22	2	York, from the Bay	800
			17	3		
2	Rev. C. Mathews	York, E. Y. S.	14	2	York, East Yonge street	200
3	Rev. T. Phillips, D.D.	Mimico, in Etobicoke	S and W part S	1 Range 2, 3 & 4, R.	Etobicoke	205
4	Rev. A. N. Bethune	Cobourg	Part 15, 1-4, 15, 27, E 1-2, 1-2, 2	A. 6, 7	Hamilton	About 400
5	Rev. W. Harris	Perth	17	7	Bathurst	400
6	Rev. R. F. Grout	Grimsby	4	1	Drummond	
			11, 12, 13, 14	6	Grimsby	400
7	Rev. R. H. D. Olier	Peterborough	17	2	Smith,	About 420
			40	13	"	
			15, 16	3	Monaghan (park lots) Peterborough,	
			4 Town Lots,			
8	Rev. F. Evans	Woodhouse	¾, 1	3	Woodhouse	402
			¾, 2			
			Part 6	1		
			10	4		
9	Rev. John Anderson	Waterloo, (Bertie)	6 & 7	5 & 6	Bertie	400
10	Rev. William Betteridge	Woodstock (Blandford)	2	1	Oxford West	400
11	Rev. John Miller	Ancaster	16	5	Oxford East	
			39 40	5	Ancaster	400
12	Rev. H. Patton	Kemptville, Johnstown dis't	15 16	1	Oxford, Johnstown district,	450
			16	6		
13	Rev. S. Armour	Cavan	17	4	Cavan	400
			10	10		
14	Rev. G. Mortimer	Thornhill, Home district	N. ½ 27	1	Vaughan	105
15	Rev. W. Macaulay	Picton, Prince Edw'd dis't	N. E. part	Bl'k D.	Sophiasburgh	400

No.	Name of the Minister.	Name of Parsonage and Situation.	Land forming the Endowment.			No. of Acres.
			LOT.	CONCESSION.		
16	Rev. R. Blakey	Prescott,	18 & 19	4	Augusta	450
17	Rev. W. H. Gunning	Elizabeth Town	And Common between. 19 20	5	Elizabeth Town	400
18	Rev. T. Mack	Wellington Sq. Nelson,	6	2	Flamboro' East	400
			10	4		
19	Rev. J. Coghlan	Port Hope	Part 9	1	Hope	36
			27	4	Hope	400
			6	8		
20	Rev. B. Cronyn	London, (Township)	Part 15	3	London,	375
			15	7	"	4½
			Part 16	3	"	4 9/10
21	Rev. B. Cronyn	London, (Town)	Part of the Town Plot of London on which the Church of England now stands.			
			12 13	C.	London, Township	400
22	Rev. V. P. Meyerhoffer	Markham	9	5	Markham	400
			19	9	Vaughan,	
23	The Rev. G. O. Stuart, Archdeacon of Kingston	Kingston	Blk C adjoining Kingston (town)			18
			¾ 12 13	4	Kingston [Township]	700
			¾ 14			
			42	3	Ernest Town,	
24	Rev. Thomas Creen	Niagara	126 127		Niagara [Township]	400
			128 130			
25	Rev. John Cochrane	Bellevillo	16 17	3	Thurlow	418
			Part 4	1		
26	Rev. G. Archbold	Cornwall	19¾ 38	8	Cornwall [Township]	410
			Also a strip of land between the Town of Cornwall and the 2d Con. of the T'p of Cornwall.			
27	Rev. J. Radcliffe	Warwick	15 25	1	Warwick	400
28	Rev. S. Givins	Napanee	15 16	4	Richmond	400
			12	1	Adelaide, N.E. Gov't r'd	400
29	Rev. D. E. Blake	Adelaide	25	1	" S.E. "	
			8 & 9	Front St.	" Village,	
30	Rev. James Clark	St. Catharines	3	5 & 6	Grantham	400
31	Rev. J. Short	Beckwith	17	1	Beckwith	400
32	Rev. R. Rolph	Amherstsburgh	S. East 1-2 81 West 1-2 25	2		
			80 81	7	Malden	400
33	Rev. Job Deacon	Adolphustown	24 25	1	Adolphustown [T'p]	164
			6 7 8	N. of 3d st.	do [Town]	
			6 7 8	S. of 4th st.	do do	
34	Rev. W. Leeming	Chippawa	72 88		Stamford	400
			89 106			
35	Rev. A. Palmer	Guelph	C. Div. A. Reserve lot between C. & River Speed 14, 15 Div. A. Centre part of St. George's Square.		Guelph [Township]	86
					" [Town]	Perches for 1-2 Acres.
			Res'r ½ 8	4 10	Puslinch	326
			Broken 8	4 11		
36	No Minister yet appointed	Thorold	98 99		Thorold	400
			100 121			
37	..... Do.....	Louth	11 12	4	Louth	300
			12	5		
38	..... Do.....	Fredricksburgh	9 10 11	2	Fredricksburgh	250
39	..... Do.....	Bath, Midland district	¼ 12 13	4	Ernest Town	400
			¾ 14			
40	..... Do.....	Williamsburgh	18 19	4	Williamsburgh	400
41	..... Do.....	Richmond, Bathurst dis't	24	5	Goulborne,	400
			17	9	Fitzroy,	
42	..... Do.....	Clarke	20 27	2	Clarke	400
43	..... Do.....	Darlington	Part 34	2	Clarke, given by S. S. Wilmot, Esquire,	15
44	..... Do.....	Town of Barrie, Home dis't	25 31	1	Darlington	400
			Six Town Lots,		Barrie	
			10	8	Innisfil	420
			28	13		
			10	14		

Secretary and Register's Office,
Toronto, 5th Feb. 1836.

D. CAMERON,
Sec'y & Registrar.

The following Rectories have been Endowed since the receipt of the foregoing Statement.

No.	Name of the Minister.	Name of the Parsonage and Situation.	Land forming the Endowment. LOT.	CONCESSION.		No. of Acres.
45	Rev. John Gamble Geddes	Hamilton, Gore district,	6	13	East Flamborough	400
46	Rev. John Grier	Ameliasburgh	2	14		
			96 102		Ameliasburgh	400
47	Rev. J. G. Beck Lindsay	Williamsburgh	Part of the centre Common in 1st and 2nd Concession.		Williamsburgh	371½
			The centre Commons between 18 & 19 in 1st, 3rd & 4th Con.		Marilda	163
			Lot 19	6	do	400½
48	Rev. Edw'd J. Boswell	Carleton Place	26	2	Ramsay	400
			2	7		
49	Rev. Mark Burnham	St. Thomas	9	1	Southwold (Township)	400
			17	4		
50	Rev. A. H. Burwell	Bytown	17 18	1	Glouchester on the Ottawa	About 400
51	Rev. James McGrath	Toronto	23	2	Chinguacousy, East Hu-	
			29	4	rontario street	400
52	Rev. James Padfield	March	2 32	4	Nepean on the Rideau	400
53	Rev. Robert Lugger	Brantford	3	2	Burford	400
			9	3		
54	Rev. Richard Hood	Delaware	8 in 1st Range North of the Long Wood Road.		Carradoc	435
			18	1		
55	Rev. Wm. Johnston	Sandwich	3 East of Malden on Pare front half No. 1, between Riviere au Pare and River Petite.		Maidstone	About 400
			8 Broken Front,		Tilbury West	
56	Parish Church	Chatham	8 15		Tilbury West	About 400
			2 between Petite Riviere and River Ruscau.		Rochester [Township]	

RETURN of PROPERTY *surrendered by certain Clergymen of the Church of England, and others, shewing the value of said property, with the lands granted in lieu thereof, intended as endowments.*

Names.	Property surrendered.	Value. £ s. d.	Received in Lieu. LOT	CONCESSION	TOWNSHIP.	TOTAL No of Acres
Rev James Coghlan	Part of Lot No. 9, in the 1st Con. of Hope 200 acres with parsonage or dwelling house.	1060 0 0	27	2	Hope.....200 acres.	
			27	8	" .....200 acres.	
			2	9	Cavan.....200 acres.	
			S. ½ 9	9	" ....100 acres.	
			E. ½ 16	5	Emily....100 acres.	
			South 12 acres of SE 1/4 43	6	Seymour..150 acres.	
			Np'rt 2	5	" ..70 acres.	1020
Rev Geo. Mortimer	N. 1/4 27, W. side Yonge St. in the 1st Con. of the Twp of Vaughan 100 acres	750 0 0	14	3	Puslinch	
			N ½ 16	3	" } 336 acres.	
			30	1	" }	
			22	12	Innisfil,...200 acres.	
			27	6		
			18	7		
			12	8	Essa.....800 acres.	1336
			20	8		
Rev. Benj. Cronyn	Part of Lot No 16, in the 3rd Con. London, containing 4 acres and 34 poles, with parsonage or dwelling house, out houses, offices and buildings	1180 0 0	12	2		
			P'rt 15	3		
			31	3		
			15	11		
			20	12	London..1396 acres.	
			15	13		
			15	15		
			12	B.		
			2	7		
			20	2		
			36	2	Nissouri...496 acres.	1892
			31	3		
Rev. F. Evans	S W 1/4 of Clergy Reserve No 2, in the 3rd Con. 60 acres, and the S part of No 1, 3rd Con Woodhouse 50 acres	250 0 0	2			
			9	7		
			16		Walpole...800 acres.	800
			3	8		
Rev P. Mayerhoffer	Rear part of Lot No 17 in the 5th Concession of Markham, 70 acres	300 0 0	19	5	Markham..200 acres.	200
Roar Adm'l Vansittart	A House, 2 acres and 2 lots of land in Blandford, and 50 acres in Oxford East, for the Church at Woodstock	935 0 0	.....	.....	T'ship of Bexley, district Newcastle.	3690

R

GOVERNMENT HOUSE,
4th April, 1836.

SIR:

I have laid your letter of the 2nd instant before the Lieutenant Governor, and have the honor to forward to you by His Excellency's command, the documents therein applied for.

I think it right to add, for the information of the committee, that a Rejoinder to the Lieutenant Governor's answer to the Address of the Citizens of Toronto, was left at Government House in a sealed cover and returned unread to Mr. George Ridout, who had brought up and read to His Excellency the Address. That gentleman however disclaimed all participation in the Rejoinder, & forwarded it to Mr. Jesse Ketchup, one of the subscribers.

I have the honor to be,
Sir,
Your most obedient
Humble Servant,
J. JOSEPH.

Peter Perry, Esq., M. P. P.
Chairman, &c.

S

REJOINDER.

MAY IT PLEASE YOUR EXCELLENCY:

We thank your Excellency for replying to our address "principally from the industrious classes of the city," with as much attention as if it had proceeded from either branches of the Legislature, and we are deeply sensible, in receiving your Excellency's reply, of your Excellency's great condescension, in endeavouring to express yourself in plainer and more homely language, presumed by your Excellency to be thereby brought down to the lower level of our plainer and more homely understandings. But we beg leave, in justification of those classes, to assure your Excellency that any comparison which may have passed in your Excellency's mind between them, and the more unfortunate and less favored, in the parishes of the Parent State, is by no means founded in truth. The industrious classes of this city have, for many years, been seriously impressed with the duty and importance of acquiring knowledge, for the general diffusion of which, they have by their own efforts, and at their own expense, (with the aid of generous and patriotic friends) so far successfully labored, as to be able to appreciate good writing and fair reasoning.

We desire respectfully to inform your Excellency, in the plain and homely language of industrious men, that any supposed necessity for this great condescension of your Excellency, could not have existed, in any degree, had not past administrations sadly neglected our claims to the blessings of general education. Lest your Excellency should doubt our sufficient apprehension of the matter (though we have practically felt and suffered from the evil,) we, humbly, refer your Excellency to the language of our honest and honored representatives, at the opening of the present session of our Parliament:—"We have also been anxious, in past years, to make the means of education general and easily available, but it has only lately become known to the legislature, that a bountiful provision in lands was made by the crown about 40 years ago, though since deteriorated, by a recent secret unfavorable exchange for inferior lands. The University of King's College was grounded on Royal Charter, sought for and granted in 1826, upon principles, so exclusive and sectarian, as to render it, deservedly, unacceptable to the great body of the people, for whose benefit it was, professedly, intended; and although the most reasonable modifications were suggested by a series of resolutions in 1829, yet it is now, for the first time, that your Excellency has been enabled to announce, from his Majesty's government, any specific proposition respecting it. Nor ought we to fail to notice, that large appropriations have been made out of the University Fund, not to the district and township schools, undeservedly neglected, but to sustain Upper Canada College in this city, in which the sons of all the wealthiest families are educated, and which ought, therefore, to be supported, without so questionable an encroachment on public funds."

To this statement we can add, the untiring efforts of our representatives for the sale of the clergy reserves and the appropriation of their proceeds to the purposes of general education, have hitherto proved unavailing, and although a philosophical apparatus purchased out of the taxes gathered from the people, in the year 1800, has, ever since, been unused, mouldering and decaying in a garret of the Hospital, yet when the industrious classes, after cleaning and repairing it, humbly solicited His late Excellency, Sir John Colborne, for the use of it, in their institute, it was peremptorily refused.

We, therefore, humbly pray your Excellency, under these mortifying and humiliating circumstances to accept the above painful facts, and extracts from the records of our Parliament, as an apology for any alleged necessity for your Excellency's gracious condescension, in using plainer & more homely language, for the level of our understandings.

But it is because we have been thus mal-treated, neglected and despised in our education and interests under the system of government which has, heretofore, prevailed, that we are now driven to insist upon a change which cannot be for the worse. In the further language of our Commons' House of Assembly, we can aver that "*the uniform experience of nearly half a century has forced the conviction, confirmed by the history of nations, that no richness of soil, or salubrity of climate, no wealth in public lands, or industry and economy among a deserving people, can insure their peace, welfare and prosperity without the possession of those suitable institutions which will yield cheap, honest and responsible governments.*"

Now, your Excellency is pleased to answer us, on this occasion, by declaring, that the system of government which has prevailed from the time of Simcoe, is the best for us, although it has, by its vices, reduced us to so deplorable a condition of grievances, that even your Excellency recognizes it, this day, in the following just and sententious language to us:—

"*The grievances of this Province must be corrected—impartial justice must be administered—the people have asked for it—their Sovereign has ordained it—I am here to execute his gracious commands, delay will only increase impatience.*"—This is the exigency

of our affairs frankly admitted by your Excellency, in both the civil and judicial departments; and surely it is the province of wisdom, not merely to relieve the present exigency but to remove the causes which have produced it, in the past, and will, if suffered to continue, re-produce it in the future; for the like causes will ever produce the like effects. However much, therefore, we might commend the intention of your Excellency to see that "the grievances of this Province" are redressed, and "impartial justice administered," we are determined, by means of institutions better organized and directed, to prevent the recurrence of such wrongs; because it is wiser to prevent evil, than to hazard the correction of it, after it has arisen, or has perhaps, became inveterate.

Your Excellency is pleased to say,—"I am here to execute" &c. But your Excellency's predecessors throughout the history of this country have made similar professions yielding however, nothing but bitter disappointment. The issue of the administration of a Gore, a Maitland, and a Colborne has been equally disastrous; each, in its commencement, holding forth expectations as flattering as those from your Excellency; but each, finally, aggravating our need for "*grievances to be redressed, and impartial justice to be administered.*" But the very fact, that your Excellency has begun, like your predecessors, is a reason for apprehending the same result; for it would be offensive to your Excellency to assume that they were less wise, impartial and honorable than any who may ever succeed them. The hopes of amelioration from each successive Governor have been uniformly delusive; and candor obliges us to assure your Excellency, that, even in this early period of your government, our condition has become more deplorable than ever, and the very nature and stability of our institutions involved in alarming uncertainty.

While our condition has been thus growing worse, under a succession of new Governors from England, they having been responsible to the Minister in Downing-street. With our plain and homely understandings, we cannot comprehend how a responsibility to Downing-street, having failed of any good, with all your predecessors, should be all availing in your present government; for it is the same responsibility in nature and degree,—it is regulated by the same instructions,—it is reddered to the same distant government, 4,000 miles off, and guarded by such a system of secret despatches, like a system of espoinage, as to keep in utter darkness the very guilt, the disclosure of which could, alone, consummate real and practical responsibility.

Dalhousie and Aylmer, in Lower Canada, and Gore, Maitland, and Colborne in Upper Canada, have, severally, misgoverned their respective Provinces.—The two former have been impeached by the people, through their representatives, and their very crimes, instead of meeting punishment, have raised them to higher honors. And although the three latter have severally retired from our country, after misconducting our affairs, under a nominal responsibility to Downing-street, till they had engendered an imperious necessity "for the correction of our grievances and the impartial administration of justice," yet in every case, they have been promoted higher, in direct proportion to the complaints of the people, without any redress for their wrongs, or, even, censure of their oppressions. We do not mean, in our plain and homely statement, to be discourteous by declaring our unalterable conviction, that a nominal responsibility to Downing-street, which has failed of any good with the above gentlemen of high pretensions to honor, character and station, cannot have any magic operation in your Excellency's administration, which, should it end, as it has, unhappily, begun, might make us drink the cup of national misgovernment to the very dregs without (as experience proves) redress on our part, or retribution on yours. "Facts are stubborn things." It is a mockery to invite us to rest our future hopes on an ineffectual, merely nominal responsibility, that has proved a broken reed, which, it would be folly, ever again to rest upon.

Your Excellency has been pleased solemnly and publicly to declare, that being determined to hold an irresponsible, or more strictly speaking, an acceptable Executive Council, you hold yourself responsible for their acts, as well as your own; and considering the sort of Council you have about you, we cannot foresee the magnitude to which your Excellency's responsibility may extend. On your Excellency's account, therefore, as well as our own, we do humbly and heartily desire to see you surrounded by confidential servants, not likely to involve your Excellency or dissatisfy the country. We do not, however, understand, how the Council can be called "*non-responsible*," when your Excellency voluntarily places yourself as a substitute, answerable for their misdeeds to the Minister at Downing-street. But who can avail himself of this responsibility, in order to seek any redress? Can it be reasonably required, that one of a community "*whose whole revenue does not equal the private fortune of many an English commoner*," shall carry his complaint 4,000 miles off, transmit the evidence, rebut any unjust defence, fee lawyers and agents, in a long, tedious, protracted litigation in Downing-street, worse than a suit in Chancery, where, before the matter can be investigated, one Minister succeeds another so rapidly as to defy continuous inquiry.

This responsibility to Downing-street has never yet saved a single martyr to Executive displeasure. Robert Gourlay still lives in the public sympathy, ruined in his fortune, and overwhelmed in his mind, by official injustice and persecution; and the late Captain Matthews, a faithful servant of the public, broken down in spirit, narrowly escaped being another victim. The learned Mr. Justice Willis, struggled, in vain, to vindicate himself and the wounded justice of the country; and the ashes of Francis Collins and Robert Randal lie entombed in a country, in whose service, they suffered heart-rending persecution and accelerated death. And even, your Excellency has disclosed a secret despatch to the Minister, in Downing-street, (the very alleged tribunal for justice,) containing most libellous matter against Wm. Lyon Mackenzie, Esq. M. P. P., a gentleman known, chiefly, for his untiring services to his adopted and grateful country. We will not wait for the immolation of any others of our public men, sacrificed to a nominal responsibility, which we blush to have so long endured for the ruin of so many of his Majesty's dutiful and loyal subjects.

It is easy to say when wrong is done by the Executive Council of the Province, to any individual or individuals—the Governor is responsible for them to the Minister at *Downing-street*; but for all practical ends, it might as well be said—at our *antipodes*. Your Excellency asks us, with reference to your late Council,—"Is it usual for one person to insist on bearing "another person's blame!"—It seems, may it please your Excellency, to have been usual to do so, for you insist upon being answerable for the acts of your Coun-

cil, against their will. But, inasmuch, as it appears to your Excellency, as well as to our plain and simple minds, unreasonable for one man to insist on bearing "another person's blame," we the more earnestly insist that the Executive council should bear their own blame, and not saddle it upon your Excellency, however graciously disposed your Excellency may be to assume it.

Your Excellency is pleased to say, that,—"the political party which demands responsibility for my Council, know perfectly well, that the power and patronage of the Crown are attached to it, and it is too evident, that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw away." Respecting these strictures of Your Excellency on the purity of their motives) which we deem most patriotic and honorable) we forbear to offer any remarks. "*Charity thinketh no evil.*" But confining our views to what can be gathered from the representations of your late Council, we had rather that the power and patronage of the Crown were exercised by your Excellency, after receiving the constientious advice of your sworn advisers, known and acceptable to the people, than by your Excellency's unadvised and arbitrary pleasure; and we think the case rendered even worse, by the interference of a minister 4000 miles off, too distant from the scene of government, and too unacquainted with our complicated localities, to form a judgment, upon which he ought to decree, or with which the people interested ought to be satisfied. What your Excellency is pleased to call the "*marrow of the bone,*" is constitutionally intended to nourish, enrich, and benefit the "industrious classes," and the whole community; and your Excellency's candor, will, no doubt, pardon our reluctance wholly to confide (without the advice of your council) to your Excellency as "a stranger lately arrived among us, ignorant even of the political differences of the parent state and avowedly unacquainted with the wants and condition of this Province."

We beg leave to assure your Excellency, that the "*bone*" to which Your Excellency alludes, has been in the keeping of successive Governors responsible to the minister in Downing street; and at one time it abounded with "*marrow,*" and was, even, the nucleus for much solid and valuable nutriment, all intended to form a source of national wealth to be improved, husbanded and applied for our peace, welfare and good government. It is with profound, and we greatly fear with unavailing regret, we inform your Excellency, that while subject to the above custody and responsibility, the "bone" had been pecked so bare, as to leave little besides the "marrow" behind.

Under these circumstances we hope your Excellency will commend the "*industrious classes,*" and others for so far learning wisdom from woful experience, as no longer to confide their best, present and future interests, their civil and religious liberties, and all that endears a man to his country or to the world, to a succession of Governors, nominally responsible at Downing-street, to a succession of ever-changing Ministers. It is unreasonable to expect it,—we should betray our country to consent to it.

We cannot altogether agree with your Excellency that "the only consolation which should support an "honest man, in an arduous duty is the reflection that "he is ready to atone for every error he commits, and "that he is subject to arraignment if he offends."—The highway-man and the pirate might and often have plended the same; have, even, been ready to make atonement by restitution, and after "arraignment" expiated their crimes, according to law. But a Statesman, a Governor, or a King, is presumed to be influenced by higher motives and by more exalted principles. The discharge of, even, an arduous duty cannot, and ought not, to be satisfactory to us, if performed in an unconstitutional way. In some countries the end gained, however valuable, might be so tainted by the means, as to make it treason. We desire not only to be governed well, but to be governed constitutionally; at the very least, according to the present charter of our liberties. The fear of personal liability to "atonement" or "arraignment" is a very subordinate protection against the abuse of power, when the complaint is made against a person, entrenched in authority, and armed with patronage; whose very breath confers influence and office, or takes them away,—whose liability is to the very Minister, who is his patron, and is naturally disposed to view, even, his aberrations with a favorable and excusing eye. On that account, among others, we desire, in our government, some higher security than a disposition to atone, or a liability to an arraignment, in its nature and circumstances, almost, impracticable and, almost always, unsuccessful.

It is on this account, may it please your Excellency we desire to see every Governor surrounded by confidential advisers; who, from their local knowledge, can supply with sworn advice, as the surest means of preventing error or the humilating necessity of "atonement" or "arraignment" for it. According to Holy Writ "in a multitude of councillors there is safety;" it is, therefore, natural for us, rather to wish to see the management of our affairs, by your Excellency, with the aid of an acceptable council, than by your Excellency alone.—Your Excellency must take advice, upon assuming a new government, in a country, in which you are a stranger; and it has been, to us, a source of painful mortification and disappointment, to find, that your Excellency was consulting irresponsible individuals, neither possessing nor entitled to political confidence even to the humilating exclusion of your sworn advisers, provided by law and selected by yourself. Hence, it is, that there has, scarcely, been a single act of your administration, satisfactory to the community, your Excellency, perhaps, intended to serve.

It is against ourselves and our friends engaged in the common cause of constitutoinal government, that your Excellency seems to direct the charge of preventing your "rooting up the tree of abuse, because they have *built and feathered their* nests in its branches." In this "tree," many, indeed, have "built and feathered their nests"; but, heretofore, reformers have never been allowed, even, to perch upon its branches, repose in its shade, or partake of its fruit. The ultra-tories, who have, unhappily, held your Excellency's ear and confidence, have enjoyed a complete monopoly; and it is an historical fact, that our Governors, among the rest, have "built and feathered their nests," and, then, carried their accumulated wealth, with themselves, out of the country. We trust your Excellency, will feel on this subject, how unjust it is that a community (as your Excellency observes) whose public revenues do not exceed the income of many a commoner in England, should be called upon to pay for the administration of even, an irresponsible government, a sum almost equal to that received by the President of the United States, with a transcendant wealth and power that put our comparative condition to shame.

We are surprised at the information your Excellency gives us, that the Executive Council of the Province is "*sworn to be dumb;*" for we always thought they were sworn to advise the King and his representative, upon our affairs. Supposing Your Excellency were so far to unseal their mouths, as freely to receive their advice, we see no difficulty in its being given secretly, yet responsible. In England Ministers give their advice, under an oath of secrecy, and are still responsible. There can be therefore, no greater inconsistency in such a relation subsisting between Your Excellency and Your Council. Actions often indicate more strikingly than words; and although your Councillors cannot reveal what they *say*, the whole country can see what is *done*. We care not how dumb they are out of the council, if their mouths are not sealed in it, and the Province is allowed to feel and enjoy the manifest fruits of their counsel, without knowing what it was. The council should be responsible for giving good advice, while Your Excellency would retain enough of responsibility by deciding upon it. We should not the better esteem a Judge who refused to listen to an argument before he gave a judgment; or a jury who sealed their ears against the charge of a judge, in order to manifest their self-sufficiency in giving a verdict. The Judge condescends to hear the argument of a counsel, the jury listens to the judge's charge, and Your Excellency should, it seems to our "plain and homely" minds, listen on all subjects to the conscientious advice of sworn advisers, selected by yourself, for their "talents and integrity."

We have carefully read, as your Excellency recommended, the Constitutional Act, and, although your Excellency assures us, that by it "a House of Assembly and Legislative Council and a Lieutenant Governor are appointed, but that it creates no Executive Council," yet we read so clearly, in three several places, almost the very same comprehensive words, viz: "With the consent of such Executive Council as shall be appointed by his Majesty, his heirs and successors, within such Province, for the affairs thereof," that we must believe some evil and irresponsible advisers have put into your Excellency's hands a mutilated copy of our Constitution. We cannot reconcile your present declaration with your reply to your late Executive Council, in which your Excellency distinctly admits, that the most liberal construction which can possibly be put upon that act amounts to this:—"That as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct, until its successor was appointed. However this latent intention of his Majesty to create a Council for each of the Provinces of his Canadian dominions, was soon clearly divulged in a most important document, commonly called the '*King's Instructions*,' in which the Executive Council was regularly constituted and declared as follows: "Whereas we have thought fit that there should be an Executive Council for assisting you, or the Lieutenant Governor or person administering the government of the said Province of Upper Canada" * * "and to the END that our said Executive Council may be assisting you in ALL *affairs relating to our service* you are to communicate to them, so many of our instiuctions, *wherein their advise is mentioned to be requisite*, and likewise all such others, from time to time, as you shall find convenient for our service to be imparted to them."

It is therefore as plain as law can be written, that the Constitutional Act provided for the appointment, by His Majesty, of an Executive Council, & that the King has accordingly, created such a Council "to the end that they might be assisting to your Excellency in all affairs relating to His Majesty's service." This council so organized, is now as much a part of our constitution as the great council of Parliament. The law allows the people to elect the House of Assembly, and gives the King the power of summoning whom he pleases to the Legislative and Executive Councils; all are alike created or provided for by this Act, though it does not specify by name, the particular individuals to constitute either of them.

We welcome the concession of Your Excellency, to the merit of the able and enlightened SIMCOE, to whose memory we would cheerfully erect a monument. We never said that the justly revered representative of the King either did or could alter the law. But we still think, that an able and enlightened man, who assisted in passing the law, amidst all the debates upon it, and who was, first commissioned to put it into operation amongst us, was, of all men, best qualified to explain that law, and its intended scope and application. SIMCOE, with all his personal knowledge about the law and law givers, declared that it was intended to give us, not a mutilated Constitution, but one, "*the very image and transcript of that of Great Britain;*" Your Excellency, on the contrary, after the lapse of nearly half a century, asserts, that neither the law nor the law givers, (of whom Simcoe was one) ever gave or intended to give what SIMCOE, in the name of the King, solemnly announced from the Throne.

In England, our fellow subjects have a King, with his Executive Council (commonly called his Privy Council,) a House of Lords and a House of Commons: in this country we have corresponding institutions, viz: a representative of the King, with an Executive Council, a Legislative Council, and a House of Assembly. We only ask that these institutions should be put into operation in a manner corresponding to what is practised in England, and consequently that the Executive Council, under oath should as fully and freely advise Your Excellency on affairs here, as the Privy Council, under oath, advise his Most Gracious Majesty. This is what the Constitutional Act implies,—it is what Simcoe announced,—it is what our liberties require, and what nothing, without our own consent, can lawfully abridge or take away.

If your Excellency will not govern us upon these principles, you will exercise arbitrary sway,—you will violate our charter,—virtually abrogate our law, and justly forfeit our submission to your authority.

We have the honor to be, Sir,
Your Excellency's
Most Obedient,
Humble Servants,
JESSE KETCHUM,
JAMES H. PRICE,
JAMES LESSLIE,
ANDREW McGLASHAN,
JAMES SHANNON,
ROBERT McKAY,
M. McLEELAN,
TIMOTHY PARSONS,
WILLIAM LESSLIE,
JOHN MILLS,
E. T. HENDERSON,
JOHN DOEL,
JOHN E. TIMS,
WM. J. O'GRADY.

T

Front Street, 12th April, 1836.

Sir:—

In answer to your letter of this day, in which, after referring to a paragraph in the Lieutenant Governor's reply to the address from the citizens of Toronto, you add, "as you and your late colleague are charged with having first entered into an arrangement clearly forewarning you of the extent to which you would be councilled, and then altogether in a body disputing it, I write this communication that you may give any justification of your conduct you may desire." I beg leave to state, that the expressions to which you allude seem to be understood by the committee in a sense much more extensive than could have been intended by the Lieutenant Governor; for though, as stated in my letter to you of the 16th ultimo, his Excellency frankly avowed his dissent from my views of the constitution, so far from his giving me the least reason to suppose that I was never to offer my advice except when called upon for it, or that my view of the practical administration of the government under the constitution was not again to be recurred to, he himself "suggested as an inducement to me to accept of a seat in the council, the *increased facilities* which by my place in the Executive Council, *would be afforded towards the more efficiently representing and urging* my views, his Excellency declaring that his doors should, at all times, be open to me, and that he should be happy to listen and give his most serious consideration, to any subject which I might, at any time, think it important to lay before him; and, indeed, the whole tenor of my official intercourse with his Excellency was inconsistent with the presumption that my advice was never to be given except it was asked.

Another circumstance which would seem to shew that a sense has been put upon the Lieutenant Governor's words, which they could scarcely have been intended by him to bear, is, that his Excellency alleges "that we parted on a point of dry law," he could not, therefore, intend to impute to us the breach of any agreement, either express or implied.

Again, his Excellency more than once declared, that he should not have been at all surprised had the representation proceeded from me; whereas, had it been any breach of a supposed previous understanding I was as much a party to such understanding as either of my colleagues Mr. Dunn, or Dr. Rolph, and of course equally involved in the consequences.

But not to multiply reasons, I need only add as finally conclusive upon this subject, that his Excellency's words, understood in the sense alluded to, would be wholly inconsistent with the fact.—It never was understood, previous to our being sworn in, nor did any thing whatever transpire previous to that period, which could have given his Excellency, any ground for supposing it to be understood by us, either that we were not to offer an advice whenever we thought it proper to do so, or that the subject of the adoption of my views of the constitution was to be dropped. In fine, I can safely assert, that had his Excellency given me the slightest hint, that he expected I was never to offer my opinion except when required to do so, I should have unhesitatingly rejected the proposal to join the Executive Counnil on such terms; but the whole tenor of the conversations which I had the honor of holding with his Excellency previous to my being sworn in, to say nothing of the express assurances above alluded to, excluded such a supposition from once suggesting itself to my mind.

I therefore feel bound to state, that any other construction put upon the terms on which I accepted office, than such as is to be gathered from the statement contained in those paragraphs of my former letter above quoted, is wholly erroneous.

I have the honor to be, Sir,
Your obedient humble servant,
(Signed)
ROBERT BALDWIN.

P. Perry, Esq. Chairman of committee, &c.

Committee Room, 13th April, 1836.

ROBERT BALDWIN, Esq., *called in & examined.*

1. On what day were the Hon. John Henry Dunn, Dr. Rolph and yourself sworn into office as Executive Councillors?—On Saturday the 20th February last.

2. Was the Lieut. Governor's note to you, a copy of which you appended to your letter to Mr. Perry of the 16th of March last, received by you previous to your being sworn in?—It was not.

3. When was it received?—At ten o'clock in the evening of the day on which we were sworn in—but I was given to understand that an accidental circumstance had occasioned its not having been delivered at an earlier period on the same day.

4. Is it such a note as you had reason to expect from the conference, mentioned by you in your letter to Mr. Perry, in which it was settled to be written?—I conceive not. I cannot pretend to recollect the exact terms of the draft written by his Excellency on that occasion and then read to us; but I do not hesitate to say that it materially differed from the note I afterwards received. Dr. Rolph happened to be with me at the time I received the note, and I at once expressed my entire dissatisfaction with its contents, and proposed taking it back to the Lieutenant Governor and refusing to receive it. I was however persuaded by Dr. Rolph and Mr. Dunn, whom I called to see upon the subject, on the Monday after, that, as it could not be that His Excellency intended any thing disingenuous by us, and as the public would, no doubt, put a liberal construction upon the letter, it was better, more particularly as we had been actually sworn in, to let it pass without further difficulty. I must however add that when the draft was read over to us by His Excellency, as he did not seem quite satisfied with the wording, it was understood that he was at liberty to alter its phraseology; retaining, of course, its spirit and substance; and I certainly attributed the difference between the draft read to us and the note which I afterwards received, entirely to His Excellency's being unable from his want of practical acquaintance with political life, fully to comprehend the difficulties which I felt in yielding to his request to join his Council, and not to the slightest desire on his part to deviate from the spirit of the understanding. Such was certainly my impression at the time, but had I supposed it possible that such application of the unexpected terms in which His Excellency's note was couched, as is now attributed to His Excellency, could have been intended, I should certainly have returned the note, and insisted on such a one as I had reason to expect, or, if this had been refused, have resigned on that ground alone.

5. In what respect do you conceive the draft read to you and the note, afterwards sent, to differ?—The draft was more explicit as the unfettered terms upon which I took office, and although I could not say it

contained no declaration of the confidence His Excellency would place in our advice when "required," it was by no means the prominent feature in the draft; and I can safely say could only have been understood both by myself and my colleagues merely as a general expression of confidence, and not as a limitation of the duties expected of us; and I feel convinced that His Excellency could have used it for no other purpose, because he had no reason to suppose that we could have understood it in any other—and to imagine the contrary would be to attribute to His Excellency that he had made use of terms to us to which he applied one sense at a time that he knew us to receive them in another, without explaining the sense in which he intended them to be understood.

6. It appears from his Excellency's answer to the address of the House of Assembly of the 26th March, that the note which he wrote to you, of which the following is an extract: "I shall rely on your giving me "your unbiassed opinion on all subjects respecting "which I may feel it advisable to require it," was written during the negotiation between his Excellency and the Council previously to their taking office—and, in fact, was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note, is that the case, and is that the true inference according to your understanding?—For the facts I refer to my previous answers, and my letter to Mr. Perry of the 16th ultimo, and as to the inference it is of course a matter of opinion; but I cannot for my own part suggest any construction of the passage referred to, consistent with those facts.

7. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—The oath of office was administered to the under clerks in the Council Office, it having been ascertained on inquiry, that they had not previously been sworn to secrecy.

8. It has been alleged that his Excellency, in his reply to the City Corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated," is such a charge warranted by the fact?—As far as regards myself, I distinctly assert that it is not the fact, and I have no doubt that it is not the fact as respects any of my former colleagues.

DR. ROLPH *called in and examined.*

1. On what day were the late Executive Council, of which you were a member, sworn in?—On the 20th of February last.

2. Have you any knowledge of a letter addressed by his Excellency to Mr. Robert Baldwin, relative to the terms on which you and your colleagues took office, if so, state what you know?—I was present with Mr. Robert Baldwin, and the Hon. Mr. Dunn, on the 19th day of February last, at the Government House, when Mr. Robert Baldwin informed his Excellency that we were desirous, before joining the Executive Council, to receive a written assurance from his Excellency, of the unfettered terms upon which we entered into office, lest it should be supposed by the public that in doing so we had compromised the principles which we have heretofore avowed and acted on. To this suggestion his Excellency acceded and drafted a note to that effect, adding that as the phraseology might be improved, he would without delay prepare and transmit it to Mr. Baldwin, who would send copies to me and Mr. Dunn. We were sworn into office in the afternoon of the following day, and I heard nothing more of this letter (except the uneasiness of Mr. Baldwin at not having received it) until ten o'clock at night, when I was in company with Mr. Baldwin and the letter was received. Upon reading it Mr. Baldwin immediately noticed, as I did myself, the unexpected change, not only in the language but in the substance of the letter, and Mr. Baldwin would have returned it had I not expressed my reluctance to question the ingenuousness of the Lieutenant Governor, and enter upon a discussion which might seriously interfere with the harmony of the Council—Had I supposed that the word "require" would have been intended to abridge the great and unlimited latitude before given by His Excellency, I should certainly not have consented to be sworn into office had the letter been received on the 19th, and I should have resigned upon receiving a copy of it on the 22d from Mr. Baldwin. The sole object of the letter and it was intended to embrace, was the admission that we joined the Council without changing our principles.

3. It appears from His Excellency's answer to the address of the House of Assembly of March 26th, that the note which he wrote to Mr. Baldwin, of which the following is an extract: "I shall rely on your giving "me your unbiassed opinion on all subjects respecting "which I may feel it advisable to require it," was written during the negotiation between his Excellency and the Council, previously to their taking office—and, in fact, was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note, is that the case, and is that the true inference according to your understanding?—I confess I understand the passage given me to read, to mean that the letter sent to Mr. Baldwin was the conclusion of the negotiation on the part of his Excellency, and intended to convey to Mr. Baldwin for the information of himself and his colleagues, the terms upon which his Excellency would accept our services, and that after the receipt of that letter we went into office on those terms and then disputed them; but such, certainly, was not the case. The letter in question was wholly independent of the negotiation, and not even mentioned 'till it was so far concluded that we waited on his Excellency on the 19th merely to receive a more formal and united invitation into His Council. We did then receive such an invitation, and the object of the letter was then suggested by Mr. Baldwin, and promised by his Excellency, for the simple purpose of enabling Mr. Baldwin and his colleagues to repel any presumption of abandoning their principles on taking office.

4. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?——The junior Clerks were sworn to secrecy, as it had not before been done.

5. It has been alleged that his Excellency in his reply to the City Corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated," is such a charge warranted by the fact?—It is wholly unfounded as regards myself; and every thing which passed between me and other members of the Council satisfies me that it is equally unfounded as respects them.

U

COPY.

To His Excellency, Sir Francis Bond Head, Knight, Commander of the Royal Hanovereian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, the undersigned Grand Jurors, representing the Home District at the Spring Assizes now holding, respectfully beg to assure your Excellency that the liberal policy designed to be pursued and the paternal solicitude manifested by His Majesty's government towards this Province as communicated to the Legislature soon after your arrival here, have been hailed by us as the harbingers of our prosperity and happiness.

We greatly regret that a system of political excitement hath of late years been organized in this Province, engendering bitter animosities in the breasts of those whose welfare and happiness imperiously require that they should dwell together in unity; and producing party feuds, too frequently ending in breaches of the peace.

We are well aware, that the prevalence of this system has already produced results unfavorable to the developement of our internal resources, and to the introduction among us of the redundant wealth and population of Great Britain; but the recent expressions of confidence in your Excellency's administration, which we have heard and in which we cordially concur, lead us to hope that the people will not long remain blinded to their own interest; but will be convinced that the mode of serving themselves, consists in upholding the Constitution, and directing their attention to the improvement of the land we live in:—rather than to the consideration of abstract questions of government, and of theoretical changes in our constitution; changes, in which very many well-educated members of the community, discover no elements of good; but discern, on the contrary, the seeds of discord and confusion, producing in due season, the dismemberment of this colony from the parent state, and the establishment therein, of democratic institutions, uncongenial to the habits and sentiments of its British population.

We would have felt a difficulty, particularly as our especial duty is of a judicial character only, in thus expressing our opinions to your Excellency, were we not confident, that they are participated in by a numerous body of the freeholders in the district we represent.

J. S. MACAULAY,
Foreman.
E. MOODIE,
WILLIAM CROOKSHANK,
ANDREW MERCER,
G. W. THOMSON,
FRANCIS BOYD,
JOHN ELLAH,
SILAS BURNHAM,
THOMAS D. HARRIS,
ALEXANDER BURNSIDE,
THOMAS COOPER,
WILLIAM CAMPBELL,
W. LAUGHTON,
GEORGE GURNETT,
GEORGE B. WILLARD,
E. C. GAPPER.

A True Copy.

(Signed) J. JOSEPH.

HIS EXCELLENY'S REPLY.

GENTLEMEN:—

If the important object I have in view were to obtain applause nothing could be more gratifying to my feelings than the approbation of so well educated a body of gentlemen as the Grand Jury of the Home District; but without offence, I must declare that the strict performance of my duty requires that I would neither be stimulated by popularity, nor deterred by clamour.

In maintaing the liberties of the inhabitants of this Province, but little has been left by our Sovereign, either to my judgment or discretion; and if it be true, "that the recent expressions of confidence in my administration which you have heard, and in which you cordially concur, lead you to hope that the people will not long remain blinded to their own interest," this happy effect has proceeded from no exertions of mine, but simply from my having repelled our enemies by pointing to the Constitutional act of this Province. If that noble charter had not existed there can be no doubt but that the representative of His Majesty would have been overcome, and that the inhabitants of Upper Canada would now be under the ignominious tyranny of a secret metropolitan "cabinet"; but your constitution has proved to be impregnable, and, at this moment, no people bewail the fact more keenly than those who have lately been nearly crushed in their endeavours to undermine it.

A true copy,

(Signed) J. JOSEPH.

SCHEDULE

OF

Documents forming Appendix

TO

REPORT.

A—Representation of Executive Council to Lieutenant Governor, 4th March, 1836

B—Reply thereto. 5th do.

C—Robert Baldwin (Letter) to Peter Perry, and latter's receipt thereof, 23th February, 1836. 10th do. with copies annexed from Lt. Governor, to Robert Baldwin, 19th February, 1836,

D—Address from Common Council to Lieutenant Governor and His Excellency's reply thereto.

E—Address from Public Meeting, Toronto, 28th of March, 1836, and His Excellency's reply.

F—"The King's Instructions."

G—Oath taken by Executive Council.

H—Address from House of Assembly to the King on the subject of the Legislative Council and a responsible Government, 15th April, 1835.

I—Address from House of Assembly to the King against interference with our local affairs, 3rd March, 1834.

K—Address of H. of Assembly to Lt. Governor on subject of an agreement between new Councillors, as to seniority in certain events, and His Excellency's reply thereto.

L—Evidence given before Select Committee of H. of Assembly by R. B. Sullivan, Esq., 28th March, 1836, Hon. Augustus Baldwin, 11th April, 1836.

M—Address of House of Assembly to Lt. Governor on the subject of resignation of Executive Council, 14th March, 1836, and His Excellency's reply thereto.

O—Address of Assembly to Lieutenant Governor to remove the new Executive Council from office, and His Excellency's reply thereto, March, 1836.

P—Schedule of late endowments of Parsonages and Rectories in this Province, 5th February, 1836, and Appendix of surrenders of land by Clergymen, &c. and of lands given in lieu.

R—Letter from J. Joseph, Private Secretary, to Peter Perry, Esq., on subject of Rejoinder from citizens, 4th April, 1836.

S—Rejoinder from citizens of Toronto to the reply of Lieutenant Governor—(See E)—to their address of 28th March.

T—Letter from Robert Baldwin Esq. to Peter Perry Esq. relative to His Excellency's remarks to the City Corporation, 13th April, 1836, and evidence of Robert Baldwin, Esq. and Dr. Rolph.

U—Address from the Grand Jury to Lieutenant Governor, and His Excellency's reply.

No. 108.

REPORT

OF

SELECT COMMITTEE

ON

RELIGIOUS GRANTS.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY.

The Committee appointed by your Honorable House to inquire whether any money has been paid by the Government to any religious denominations in this Province, and if so, what the purposes are to which such grants (if any) have been applied; and that the said committee have authority to to summon witnesses and call for the production of papers and records, and to report from time to time by Address or otherwise—

Beg leave to Report as follows:

That in pursuance to the order of your Honorable House your committee proceeded to the consideration of the first subject of inquiry, namely, "whether any money has been paid by the Government to any Religious denominations in this Province."

Upon referring to official returns laid before your Honorable House, during the last Session of Parliament, it appears that certain sums of money have been paid from the revenue of the Province to the following denominations, viz:—

The Church of England,
The Roman Catholic Church,
The Established Church of Scotland,
The United Presbyterian Synod,
The British Wesleyan Conference, or the Wesleyan Methodist Society,
The Canadian Wesleyan Conference.

The fact that Grants have been made and received by the above denominations is sufficiently established by the correspondence between the Secretary of his Excellency the Lieut. Governor, and the parties concerned, together with the Receiver General's account of the expenditure of the casual and territorial revenue, all of which documents are amongst the records of your Honorable House.

Had there been nothing further required than a knowledge of the fact, that sums of money had been granted to certain religious bodies, our inquiry might have here rested, but your committee was desirous of ascertaining the full extent of the question, whether the grants so made were to such religious bodies "*in this Province.*"

There was no question in the mind of your committee as to the full application of this understanding to most of the religious denominations mentioned, and indeed it was but to one of them that doubts existed as to such application.

Some few years have now elapsed since these grants were first made, and a feeling commensurate with the anticipated effects has very generally pervaded the Province. That feeling must exist and indeed increase, as long as the cause which gives rise to it is continued; that such a feeling should not be exercised towards that body of christians to which we have last alluded, were devoutly to be wished. The remembrance of past years, when with a single eye their whole powers of mind and body were used for the welfare of their fellow subjects, in ameliorating their moral and civil condition; standing forth as the champions of civil and religious liberty; braving the persecutions of their enemies; enduring with patience, fatigue and privation; and living in the affections of their numerous friends, is not easily erased.

Your committee, however anxious to wipe away the stain from them, felt bound to pursue their course, straight-forward, and though the result of their inquiry might fix upon that body the broad mark of public disapprobation, they, nevertheless, as public servants, were bound to the performance of their duty.

Your committee submit to your Honorable House the evidence together with such other appended documents as they have been able to obtain, and to which reference will be made in the course of this Report.

The question now under consideration and to which the inquiry of your committee has been principally directed, is, whether the Wesleyan Methodist Conference in Canada has participated in grants of public money.

The first grant from the Government of £900 st'g. was made according to the communication from Lieut. Col. Rowan, to the "British Wesleyan Conference" and was paid by the Receiver General to "Thos. G. "Ridout, Esq. Cashier of the Bank of Upper Canada "to be placed to the credit of Messrs. Haslope and "Marsden," who were Treasurers of the Wesleyan Methodist Missionary Committee. This grant was not made therefore to the Methodist Conference at that time in existence in this Province.

That this grant of money was not *originally intended* for the "Canadian Conference," is evident from the testimony of Mr. Alder, given before the Committee of the House of Commons in 1828, to the question, "Do you conceive that the Colonial Go-"vernment in Upper Canada has manifested any de-"sire for the extension of the British Wesleyan Me-"thodists in that Province?"—he answered "I be-"lieve there are documents in the Colonial Office ad-"dressed to Earl Bathurst and to Mr. Huskisson from "Sir Peregrine Maitland which will shew that His "Excellency is very anxious that the number of British "Methodist Ministers should be increased as far as "possible in Upper Canada; and I understand that "he wrote home a short time ago recommending that "pecuniary aid might be allowed us for that purpose."

But in October 1833, subsequent to the making of the grant, a union was ratified between the two Conferences (a copy of the articles of which are appended to this report;) and the money was paid to Mr. Marsden while he was in this Province, he being one of the Treasurers of the Wesleyan Missionary Society in London and President of the Conference then sitting or which had sat in York, U. C.

From the terms of the union, together with the evidence and other documents appended hereto, together with such others as are already in the possession of your Hon. House, the relation between the two Conferences appears to be of such a nature that more than ordinary skill is required to show how imputation in the matter of the grant in question can attach itself to one as principal and not to the other as accessary, in the strictest sense.

In the preface to the articles of union, it is considered that the concurrence of the two bodies to "the doctrines of Methodism" as contained in the notes of "Mr. Wesley on the New Testament, and in his four "volumes of sermons," a principal reason for their connexion, (this is important when it is considered that the condition contained in the deed enrolled in Chancery, by which the Conference at home is legally recognized, is, that it shall as such Conference adhere to these doctrines.)

In the second article it is stated that the discipline, economy and form of church government in general, of the Wesleyan Methodists in England, be introduced into the societies in Upper Canada."

In the 3rd article, "the usages of the English Con- "ference, in reference to the probation, examination "and admission of candidates into the Itinerant Min- "istry" were to be adopted.

In the fifth article the English Conference reserves the "authority to send, from year to year, one of its "own body to preside over the Canadian Confer- "ence."

That though in the 6th article the missions of Upper Canada are to be regarded as Missions of the English Wesleyan Missionary Society, yet by the third section or regulation of the same article "the Missi- "onaries are to be stationed at the Canada Confer- "ence, in the same way as the other Preachers," the General Superintendent of Missions being connected with the stationing committee for such purpose.

The distributing of the sum determined by the Parent Society in London to be applied for the support and extension of the Missions is made according to the 1st section of the 6th article and the evidence, to be by the Canada Conference Committee.

It appears by evidence, that the union prevented the formation or continuance of Societies in this Province, by the Wesleyan Methodist Conference in England and attached those already formed to the Canada Conference.

In an extract from the report of the Wesleyan Methodist Missionary Society (London) it is said that the grant of £900 (Sterling) made by His Excellency the Lieut. Governor of this Province, was in aid of the expenditure of said Society for the support and extension of the missions among the Indian tribes, and in promoting Scriptural education among the *settlers of the new Townships* of this territory; and the ministers to this work, according to the 6th article of the union and evidence are appointed by the Canada Conference.

By evidence it appears that there is a union between the two bodies in doctrine, conditions of membership, or in the general rules—in church fellowship or communion, and one church receiving and recognizing the members of the other as members reciprocally.

That the missionaries appointed to the several missions and who are paid from the funds to which public grants have been applied and whose allowances are made under the authority of the Canada Conference, stand in the same relation to the Conference as other ministers in reference to their probation, examination and admission, with privileges and allowances as such members of Conference.

That the superintendent of missions in the Province who is appointed (and consequently removable) by the English Conference, and paid by the Parent Missionary Committee, is a member of the Canadian Conference, and accountable to it for his moral and religious conduct.

In addition to the above it may be remarked, that there is evidently a very different feeling existing between the two bodies now, than formerly existed, that is before the union.—Acording to documents appended to this Report it appears, that during the connexion of the Conference in Canada with the General Conference in the United States, an understanding existed between the English & American Conferences, that the former should wholly confine its labors to Lower Canada, with the exception of retaining its mission already established in Kingston; and that the principle that "the Wesleyan Methodists are one in every part of the world" maintained by the Board of Missions of the Canada Conference, in a series of resolutions condemnatory of the establishment of missions in this Province by the English Conference as being an infringement of the above understanding—was explained by the Missionary Committee in England in reply, as being "only applicable in the sense of fraternal affection," and which reply consisting of a series of resolutions, contained very severe censures on the manner in which the Christian Guardian was published, as engaging in the local politics of the Province, thereby creating prejudice against the acceptableness of the Canada Preachers with a part of the population of Canada.

This expression of opinion in connexion with evidence has certainly placed this publication in a very singular position; it was denounced as being a political engine, and the cause of prejudice against the acceptableness of the Canadian Preachers;—that in the event of a union it would be required to be *divested* of its political character;—in the session of Conference in which the union between the Canada and English Conferences was ratified, and at which Mr. Marsden, representative of the British Conference, presided, a vote was passed, approving of the manner in which the Guardian had been conducted the previous year, altho' its policy had been the same as before the above denunciation, and the editor had been warmly engaged during the time in a controversy with a Wesleyan Minister on the subject of the Government grants, condemning the same; that the same publication is at present following a course opposite to that it pursued when the above vote was taken, and that it is not *divested* of its political character as required, but its political character is *changed*, and that it exerts a political influence very different *since* the union to what it did *before*.

The extract from the instructions to the delegate who went to England shew the determination of the Conference itself to confine the Guardian wholly to subjects of a religious character, and whatever may be said in extenuation, sufficient proof is elicited to shew the effects of its publications.

Your committee conceive that what has been already said upon the relation existing between the two Conference, so far as relates to imputation between principal and accessary in respect to Government grants, the case is sufficiently clear; and they are of opinion with the evidence, that though one may receive directly and the other indirectly, still in their effects there is little or no difference.

The proofs are still stronger, if possible, which relate to some of the particulars of the second grant, in establishing the point, that it was made to be expended "in this Province."—The letter from the Lieutenant Governor's Secretary announcing this grant is addressed to the "Wesleyan Methodist Conference" the letter was enclosed to the Rev. James Richardson who had acted as Secretary at the last sitting of Conference. And it is said in evidence that the latter grant was evidently made for the purpose of being expended in the Province after the Canada Conference was connected with the English Conference.

Your committee are led to the conclusion from the nature of the evidence and other proof, that the Wesleyan Methodist Church or Conference in Upper Canada stands connected with public grants in a similar manner to the other denominations before mentioned.

And in conclusion to this part of their inquiry your committee would refer your Honorable House to the terms used in the letters announcing the grants, "Applications to His Majesty's Government from several religious denominations for assistance in the present state of the Province to enable them to build churches and chapels":—To the extract of a despatch from the Secretary of State to the Lieut. Governor,

Dated Downing Street,
27th Jan'y, 1834.

"And concerning the heavy charges to which the casual revenue will for some years be subject, I am compelled to desire, that the grant in aid of the erection of dissenting places of worship shall continue to be £2,000, instead of £4,200."

And to the following extract from Sir F. B. Head's instructions:

"It appears that the four religious communities whose funds are aided by grants from the hereditary and territorial revenue are, those of the Churches of England and Scotland and Rome, and of the Wesleyan Methodist Society; the last being in two divisions, which respectively take the distinct appellation of the 'Canadian and the British.'"

Your committee cannot but understand that the latter term used in the last extract, has reference to the denomination under consideration; and in evidence it is said, that the term is sometimes so used.

Your committee having so far considered the first part of their inquiry proceed to the next, viz: What the purposes are to which such grants are applied.

From the accounts of the casual and territorial revenue for the years 1833, 1834 and 1835 it appears that certain sums of money were granted and applied as salaries and pensions [The pensions are to certain Missionaries and widows of Missionaries of the Church of England]—to the ministers of various denominations, viz:—

The Church of England,
The Roman Catholic Church,
The Presbyterian Synod of Upper Canada in connexion with the Established Church of Scotland. And
The United Presbyterian Synod of Upper Canada.

Your committee are under no apprehension that the above grants of money will be diverted from their original application.

But other grants have been made to certain denominations to be applied "in aid of the erection of dissenting places of worship," or "to enable them to build churches and chapels."

Your committee are not warranted in substituting any other form of application to this species of grant than what the terms express; there is a specific tenure or condition in the giving and receiving the same, and a diversion from such mutual understanding is in the mind of your committee a violation of contract.

An exception may by possibility, and indeed has been taken from the latter part of the communication announcing the grant; the words are, "And I am to inform you, that on your stating the manner in which the grant is to be applied, His Excellency will order the amount to be placed at your disposal."

To suppose for a moment that this can mean any thing else than the application of the grant to the specific object mentioned, viz: to "enable them to build churches or chapels," were to charge the Government, yes the *Government of Great Britain* with duplicity, *a double entendre*, a charge repugnant to the feelings of every good and loyal subject.

A proper understanding of the application of the grant was had by the Roman Catholics, the Presbyterians, and the Canadian Wesleyan Methodists, as plainly appears by the returns made by those bodies to the Government Office, and sent down to this House.

The resolutions of the Canadian Wesleyan Conference are prospective, stating the manner in which the grant, if made, should be applied. By evidence it appears that the application of the grant was made in pursuance of those resolutions.

As no returns had been made of the application of the grant made to the other community of Methodists termed by Lord Glenelg "British."—Your committee have spared no pains to ascertain from the best sources of information what application was made by them of the sum granted.

The concurrent testimony, derived from the evidence and appended documents, goes to shew that the money has been applied to Missionary purposes, or paid into the fund from which is "defrayed the general expenses of the various missions."

There are several considerations which induce your committee to view such an application in a very reprehensible light.

1st. It is in fact a direct diversion of the grant from its original intent; there is an evident difference between applying the grant for the specific purpose of "building churches or chapels," and that of defraying the general expenses of the various mission stations,—and though the last term being so very general, may include an application of a portion of the grant to "chapels and school-houses," another portion must inevitably be applied to the payment of the Conference allowance to the Missionaries.

2nd. These Missionaries though being in the same relation to the Canada Conference as other Preachers, must, your committee think, be more or less under the influence of the Conference or Missionary Committee in England, through the superintendant of missions who acts in behalf of that body receiving the grant.

3rd. Admitting such an influence to exist, which is certainly within the range of strong probability, your committee submit whether the incorporation of such persons into a body whose influence is well known in the general affairs, civil as well as religious, of the Province, has not a tendency to infuse those views in relation to the policy of Government which may be entertained by the body exercising that influence.

4th. The general superintendent of missions, who is paid from the funds into which this grant is placed, being a member of the Canada Conference, and a very prominent one, cannot be supposed to be without influence.

It appears by a return given in evidence, that the exact amount of the Government grants is accounted for. Whether this account is in accordance with the yearly reports of the Treasurer of the Missionary Society, and that published in the Christian Guardian, which are hereto appended, your committee cannot determine—the accounts, for one year (1835) in the report not being in detail,—and as respecting the form or manner of making out this account, they are equally at a loss to understand;—that the charges or entries are or are not correct in themselves, is not the question,—but why this account should be so framed as to shew that no preachers but *natives* have received any portion of the grants from Government, your committee cannot comprehend. This manner of accounting for the expenditure of the grants is far from being satisfactory to the committee.

They would refer your honorable house to the accounts of the Treasurer appended hereto, together with evidence to shew that monies collected in this Province, from whatever source derived, including the amount received from the Parent Society, are put into one common stock or mission fund:—and that the "general expenses of the various mission stations" are paid from the same, and that the same accounts shew that others besides native teachers are paid from this general fund, for instance, the Rev. W. Case, Mr. Belton, Mr. McMullin, Mr. Adams, Mr. Messmore, Mr. Turner; Mr. Hurlburt and Mr. Johnson, whom your committee apprehend are not *native* Preachers or Teachers, and those persons or the greater part, your committee believe are members of the conference, and as well might the names of the persons above mentioned have been returned as receiving a portion of the grants, and the native Preachers, Exhorters and others left out; for all who are paid from the mission fund must inevitably receive a portion of the Government grant as well as of other monies constituting that fund.

But the effects these grants have had upon the public mind are but too well known to need their particular description to your honorable house.

The Canadian Wesleyan conference negatived a resolution brought before it on the subject of receiving grants, as they proved the cause of greatly diminishing their congregations, of curtailing very materially the liberality of their friends, and of creating disquietude and want of agreement among the members of the conference, in the application of the money.

It appears a motion in the form of a resolution was made in the Wesleyan Methodist conference in the years 1834 and 1835, for an expression of the opinion of the conference on the subject of government grants; but the motion was lost. Such a proceeding creates astonishment when it is notoriously known that both the conference and its organ the Christian Guardian have heretofore expressed opinions so decidedly upon the subject. There is one consideration in connexion with these grants that should, your committee think, have induced the conference to consider the subject, and of which they were not ignorant, that the revenue from which these grants were made was considered by one branch of the Legislature as belonging to the Province, and indeed an expectation had been held out for some time that they would be fully ceded by the British government.

Whatever coloring may be given to the whole transaction, one thing is clear, that the grants of money have been made, whether they were made directly to the Canadian conference or not, and that the conference or the connexion have become a participator therein; and further, that the application of the grants have not been in accordance with their tenure or condition. As so much has been said on the manner in which the Seventh Report of the select committee on Grievances has expressed itself in relation to this subject your committee considered it just both to themselves and your honorable house who have adopted that Report, to obtain some expression of opinion thereon.—To this end they put a few questions to one of the witnesses whom it was believed would not deviate from the strictest principles of right: the answers to the questions Nos. 331, 332 and 333 need no particular comment.

In answer to the question "Is it your opinion that "it is so erroneously false or injurious to your church as "to call for the animadversion and allegations which "have appeared in the Christian Guardian against the "committee on Grievances and House of Assembly?" The witness says "I think not, as I consider its state- "ments not so much at variance with the fact, of mo- "nies having been received from Government and "expended on the missions connected with the con- "ference to which I belong, as the means or channel "through which they have been received and applied "to said missions. I have been both grieved and "surprised at the many severe and indiscriminate cen- "sures which have appeared against the Committee "on Grievances because of what they have said in the "Report respecting the Methodists, as I am of opinion "that a few explanations and corrections made in the "spirit of candor and meekness, would have been suf- "ficient to remove any injurious impressions arising "from the errors in the report; and also thereby this "unpleasant and laborious inquiry might have been "uncalled for."

The above, together with the previous answer are, your committee think, a complete refutation to all the vituperation and slander that has been penned on the subject.

Your committee regret that it was considered by the Methodist body expedient to have in any manner countenanced grants of public money, even for the purpose of extending their missions among the Indians. There appears to have been a time within the history of the Province when, instead of being aided by Government, they were laboring under persecution and the character of their ministers vilified and tra-

duced by those whose connexion with the Executive were well known. But notwithstanding this, their labors were a blessing to the Province generally and to the Indians in particular. The following extract from the report of a select committee of your honorable house on the petition of christians of different denominations, in the year 1828, is an honorable testimony of their labours:—"The great and surprising change "which has occurred within a short period of time in "the character and condition of large bodies of the "Mississagua Indians, is well known, from a state "of vice and ignorance, wretchedness and degradation—almost brutal, they have been brought to habits "of industry, order and temperence, a thirst for in"struction & knowledge, a profession of the christian "religion, and apparently a cordial and humble be"lief of its truth and enjoyment of its blessings.

"In this change the Methodists have been chiefly "instrumental. They have manifested the most be"nevolent zeal in accomplishing it; they have sent "Missionaries and established Schools among them "which are supported by voluntary contributions, and "they are still laboring among them with the same "disinterested spirit and the same surprising encour"agement and success."

In confirmation of the above your Committee would refer to the following evidence given before the same Committee by a prominent Member of the Conference; in speaking of the labours of the first Missionaries to this Province, he says, "From this time the Church "began to spread in different settlements, which altho' "for the most part small and separated at a consider"able distance, yet were regularly visited by the "preachers, who in travelling from the one to the "other, were under the necessity of following the "Indian paths, or marked trees through the woods "for many miles without meeting with a white inhab"itant, and of fording or swimming rivers and "creeks, in some instances at the peril of their lives, "being sometimes thrown from their horses and com"pelled to save themselves by swimming, or if they "could not swim by getting on logs, or catching hold "of branches of trees, and thus drawing themselves "to land; in several instances passing the night in "the Indian Wigwam, or even in the open air, "with no other covering than the canopy of hea"ven.

"But notwithstanding all these difficulties and dis"couragements, these faithful Ministers of Christ, "and their successors with no other means of subsis"tance than the voluntary contributions of the peo"ple, who being at that time for the most part poor, "and newly settled on their farms, were able to do "but little for the support of their preachers, have "continued to persevere in their labors until the pre"sent time, at a considerable sacrifice of property, "and in several instances, of life; looking for no oth"er reward than the testimony of a good conscience, "the gratitude and affection of the people, the ap"probation of their God and the pleasure of seeing the "cause of God prosper and prevail. The result of "their labors and sufferings has been the eternal sal"vation of many, who have died in the triumphs of "the faith of the Gospel, the establishment of nu"merous societies in almost every part of the country, "* * * * * * and the conversion of several hun"dreds of Indians from the most wretched state of "intemperance and debauchery to a state of sobriety "of virtue and to God."

Your committee cannot but observe the almost universal testimony borne to the useful labors of the ministry and the loyalty of both Preachers and members of the Methodist church, in the evidence to the report referred to. This is mentioned with a view to repel the insinuation contained in the evidence of Mr. Alder before the committee of the House of Commons, whose Report is dated the same year as that of the committee of your honorable house.

The evidence of Mr. Alder, hereto appended (marked K) will shew the views taken by the conference in England in reference to the Clergy Reserves in Canada, the *necessity* of introducing Preachers from the British conference and the relation they hold to the church of England.

From the despatches relative to religious grants sent down by His Excellency and which have been referred to your committee, it appears that the Secretary of State, Lord Aberdeen, in his despatch of 22d Feb. 1835, has authorised salaries to six Presbyterian ministers of £57 each, independently of £1,000 already enjoyed by the Synod; and an additional sum of £350 to the annual grant of the Scotch church.

The late period at which these documents have been sent down, preclude the possibility of making that use of them as would be wished, but they cannot close their Report without noticing that their understanding of the intention of his Majesty's government in the application of the grants, is fully confirmed in the following extract from Viscount Goderich's despatch of date 25th Oct. 1832:

"With this view I am to request that you will trans"mit to me at the beginning of each year a statement "of the mode in which you would propose that the "money which it is intended to apply to religious "purposes should be distributed, and in preparing "such a scheme you will of course bear in mind the "principles on which you have already been directed "to act, namely, that you will endeavour to give as"sistance to the religious denominations as much as "possible, by building for them in situations where "they can command congregations, chapels and par"sonage houses, as I am of opinion that money may "be much more advantageously applied to these ob"jects than in paying salaries."

And that the Grants were made to the Wesleyan Methodists in this Province by the despatch of the 12th Nov. 1832.

"I have the honor to acknowledge the receipt of "your despatch of the 5th Sept. last proposing an ar"rangement for the payment of the Church of Eng"land Missionaries in the province of Upper Cana"da, and for affording aid to the Presbyterians, Wes"leyan Methodists and Roman Catholics to build "churches and chapels."

Your committe in closing their Report cannot too decidedly express their conviction that grants of public money made to religious bodies, however specious and plausible may be their application, are productive of much evil. The history of the church but too plainly testifies that her connexion with the state, however faint or feeble in the commencement, has produced in its growth a corresponding severance from other dependance much more legitimate and infinitely better calculated to maintain the position she was designed to hold in the world.—And this province within some few years past has been made to witness much dissatisfaction, heart-burnings and contention;—Confidence in the Ministers of those Churches

receiving grants has been weakened, and their personal disinterestedness questioned.

It was not practicable from the lateness of the session and the nature of the business, to which most of the committee had to attend in their places in your Hon. House, to enter more fully into the investigation of the subjects of their inquiry, but would recommend that it be renewed at the next session.

All which is most respectfully submitted.

THOMAS PARKE, CHAIRMAN.

P. SHAVER,	T. D. MORRISON,
JOHN COOK,	CALEB HOPKINS,
J. RYMAL,	W. L. MACKENZIE.
D. THORBURN,	

Committee Room, 10th April, 1836.

Minutes of Evidence.

MEMBERS.—MESSIEURS,

PARKE,	HOPKINS,
THORBURN,	SHAVER,
RYMAL,	COOK,
MORRISON,	MACKENZIE.
ROBLIN,	

Committee Room, Monday, 28th March, 1836.

Committee met.

Mr. Parke was appointed Chairman.

REV. EPHRAIM EVANS, *called in and Examined.*

1. Are you a member of the Methodist Conference in this Province, formerly known as the conference of the Methodist Episcopal Church in Canada?—I am.

2. By what title is said conference now distinguished?—The Conference of the Wesleyan Methodist Church in Canada.

3. How long has the church to which you belong had the title of the Wesleyan Methodist Church in Canada?—It was formerly called the Methodist Episcopal Church in Canada, in October, 1833 it was named the Wesleyan Methodist Church in British North America, and in 1834, it received its present title.

4. Is that since the Union with the British Conference? Yes.

5. Is there another body of Methodists in the Province called Wesleyan Methodists?—I believe there is a body called the "Canadian Wesleyan Methodists" they may be called Wesleyan Methodists in some places.

6. Are not the Preachers and members of your church sometimes called *British* Wesleyans, in distinction from the *Canadian* Wesleyans?—I cannot tell that they are, it may be the case; but they are not so known officially.

7. Do the church to which you belong, and the Wesleyan Methodists in England form but one body or are they two distinct churches?—The Methodist body in this country is perfectly distinct in some respects from the Methodist body in England, the two bodies are in friendly connexion with each other.

8. In what respects are they the same, and how are they distinct?—The same in doctrine and discipline—The Wesleyan Methodist conference in England exercise no pastoral or disciplinary control over our societies, nor our conference over theirs.

9. Did the conference in England acknowledge your conference as a branch of the Wesleyan Methodist connexion when you were called the Methodist Episcopal church, and treat with you accordingly?—I do not understand the purport of the question, and therefore cannot answer it; I do not understand what is meant by the conference in England *acknowledging* our conference as a branch of the Wesleyan Methodist connexion, or what is meant by their *treating with us accordingly*,—the Wesleyan Methodist conference in England admitted while treating with us, that we were the same in doctrine and therefore could treat with us accordingly, in that sense they consider us as springing from the same stock.

10. Did they not consult with your conference or your superintendent when you were called the Methodist Episcopal Church about establishing their missions or forming societies of their own in this Province?—Mr. Alder, from the Missionary board in London had a consultation with the Missionary board in this place, and afterwards with the conference on the subject—There was some previous communication between the Missionary board in London through the Secretary, Mr. Townley, and the missionary board in this country.

11. What mission stations had they in the Province at the time the Union was formed?—One in Kingston, one in Toronto, and one at St. Clair.

12. On whose part were proposals for Union first made, and what proceedings were had thereon 'till it was finally ratified?—The first proposal for Union was from us to the British Conference,—the Canada Conference appointed a delegate to proceed to England to treat with the British Conference, and on the receipt of the terms agreed to by the British Conference and our delegate, they were acceded to by us and the union was ratified.

13. Did Mr. Alder make any stipulations on the part of his conference as conditions of the proposed union?—He had no authority to do so and consequently did not,—in conversation in conference he stated what he thought that the British conference would accede to as the terms of the Union.

14. What were those stipulations? or what did Mr. Alder say the conference would accede to?—He stated that in his opinion it would be necessary that the Episcopal form of Church Government should be changed for that of an annual Presidency, the President to be appointed by the British Wesleyan Conference as often as they should think proper; that the usages of the British Conference should be adopted in the admission of candidates for the Ministry: that district meetings should be established as in England—that the mission work should be put under the direction of the Wesleyan Missionary committee in London;—that in order to the effectually uniting the two methodist societies in Kingston, the British Conference should for a time have the right of appointing a Preacher to that town; and that as far as practicable the discipline and usages of the British Wesleyan connexion should be introduced into our societies in this Province—he stated further, as nearly as I can recollect, that an unfavourable opinion was entertained in England, and in Lower Canada, in consequence of an impression that the *Christian Guardian*, the official organ of our Conference, was political in its character, that the Wesleyan conference and societies in England had ever considered it their duty to remain unidentified with any political party, and to avoid political discussion except in self-defence, that on this account it would be necessary that the Christian Guardian should become strictly religious in its character, and keep aloof from political interference, except when the privileges or character of the church should be invaded, as unless this were done, it would be impossible to obtain the assent of the Preachers either in England or Lower Canada to the union, and he therefore recommended "that our delegate should be instructed to assure "the committee that the Christian Guardian should assume "a decidedly religious character for the future."

Tuesday, 29th March, 1836.

Committe met.

REV. EPHRAIM EVANS, *again called in and examined.*

15. Were these the confidential communications made by Mr. Alder to your conference, or did he make others that were confidential?—If these had been confidential I should not have stated them; he made some confidential communications which are not stated—they have however no reference to Government grants or financial regulations whatever.

16. Are the confidential communications in their character purely religious or altogether political?—They were not at all political in their character, not in the most remote degree.

17. Did the communications in any way relate to the political character of the Methodist body—or to that of any of the conference, or to any publication under the authority of the Conference?—No they did not.

18. If they (the communications) were purely religious and not at all political, why are they confidential?—Mr.

Alder himself could answer that question better than I can; on my part they are confidential, because communicated as such.

19. Were they (the communications) made to you solely or before you in the Conference by Mr. Alder?—They were the subject of private communication between myself and Mr. Alder, and I dare say between him and other members of the Conference;—they were also stated in conference.

20. Are you aware that a member of your Conference has made these communications public, not considering them confidential?—I never heard that a member of conference had communicated them until I heard it yesterday from Dr. Morrison.

21. Was not a member of your conference either privately or publicly animadverted on for having made them public?—Never to my knowledge.

22. Have you never heard that these communications were known by other persons not members of your conference?—I have never until yesterday, as before stated.

23. Have you then always supposed, till Dr. Morrison divulged the contrary, that these communications were secret?—I have always entertained so high an esteem for my Ministerial brethren as to suppose they would not reveal those confidential communications.

24. Is it not possible that some members of your Conference differ with you as to those communications being confidential?—I should think it very improbable.

25. Was a vote of your Conference passed enjoining secrecy on its members as to these communications?—No;—we have too much confidence in each others probity to think such a vote necessary.

26. Would it be a breach of probity in your members to divulge any communications that they might think necessary to be publicly known?—I think from the nature of those communications no member of the Conference could think it necessary that they should be publicly known.

27. Do the members of your Conference enjoy freedom of judgement?—If they do, may they not be allowed to differ with you in opinion as to those communications being confidential with impunity?—The members of our Conference enjoy freedom of judgment, I think however that every honorable and christian principle would forbid their considering these communications as not strictly confidential, when they were made as such, especially as the divulging of them could in no wise promote the public weal, nor the refusing to do so be at all detrimental to it.

28. Does any christian principle forbid any member of your conference from making public that that may have been communicated to him in confidence when he gave no pledge to that effect, or no obligation of secrecy was enjoined on him, if he thought that it was necessary to the welfare of the church and of the world to make it public? Christian principle forbids any man doing evil that good may come.

29. Did you pledge yourself to secrecy to Mr. Alder or did any member of your Conference pledge himself to secrecy or was secrecy enjoined on the members of your Conference by a vote of the Conference when or after Mr. Alder made these communications?—I am not aware that any person ever gave a direct pledge to secrecy to Mr. Alder but as I stated before, as no good could result from their publication, I consider the confidential manner in which they were communicated sufficient to render them perfectly confidential.

30. Who was it made the confidential injunction, and what was its nature to render it an obligation of secrecy?—Mr. Alder was the person as stated before, who made the communications confidential. In my opinion the obligation of secrecy rests upon the implicit confidence reposed by that gentleman in the honorable and christian character and feelings of those to whom they were communicated.

31. Do you mean to say that any member of your Conference who may have divulged these communications has sacrificed his christian character?—I am not aware that any member of Conference has communicated them as I said before;—the question assumes a case of the existence of which I have no knowledge.

32. Have you not assumed that if a member of Conference, for instance yourself, had divulged these communications he would have been guilty of a want of probity. Is not this a case?—I perhaps do not fully understand the question. If it implies that such a case is assumed in my replies to former questions, those replies are before the committee to make what use of them they may think proper.

33. Have you not assumed that the communications made by Mr. Alder above alluded to were confidentially made to the Conference—therefore to be confidentially kept by them, and have you not assumed that *secrecy* in the members rested on their christian character and feeling, consequently if they divulge them (in your opinion) are they not guilty of a sacrifice of christian character and feeling?—I refer the committee to my former replies for an answer to this question, as it seems to be founded solely upon them. Should such a case ever come before the conference, which I think is very improbable, I shall then and there pass my judgment.

34. Does not your evidence on the principle of moral obligation on the part of the members of your conference to observe secrecy in relation to Mr. Alder's communications wholly rest on your own opinion?—and if any of your brethren differ with you in opinion, does it therefore make them guilty of a breach of "honor, christian character, feeling, and principle"?—My evidence is before the committee and they can judge upon what it rests.—As I have said before this question assumes the existence of a difference of opinion of which I have no knowledge, and the existence of which I think exceedingly improbable, I do not therefore feel disposed to pass my judgment on such supposed cases.

35. Did your Conference send Mr. Egerton Ryerson to England to negotiate with the British Conference relative to the Union?—They did.

36. Who was appointed Editor of the Guardian at the conference of 1832, or when the union was proposed?—The Rev. Mr. Richardson.

37. Was Mr. Richardson's appointment in consequence of Mr. Ryerson refusing to serve that year?—I think he was appointed because Mr. Ryerson had to go to England.

38. During the discussion of the union question, were expectations raised on the part of the members of your conference to share in the funds of the British connexion, should the union be effected?—I expected, as has been realized, that a part of the missionary funds of the Wesleyan Methodist connexion in England would be devoted to the benefit of the Indian tribes and destitute settlements; there are other funds belonging to the connexion in England in which we could not expect to share.

39. From what source have you derived your information that the missionary funds alone of the British Conference were expected to be shared by your conference?—From the discussion which took place I was never led to expect that any other than the missionary funds would be available by our conference.

40. Do you mean to be understood to say that the funds of the missionary society were to be applicable to the uses of the conference in this Province?—I understood that part of the funds of the missionary society in England would be devoted to the religious and moral instruction of the Indians and destitute settlers in this Province.

41. In your reply to question 39 you say "from the discussion that took place I was never led to expect that "any other than those of the missionary funds would be "available by our conference"; when and where did such discussion take place?—At the conference at Hallowell in 1832.

42. At that conference was there not a discussion about other funds than the missionary funds, and what was the general nature of that discussion?—A good deal of conversation took place in conference on the general financial system of the Wesleyan connexion in England, but nothing in that conversation ever led me to expect that we should have any claim on any other than the mission funds, nor do I believe that the conference was in any way influenced by expectations of pecuniary gain in consummating the union.

43. Was the conversation you allude to merely ordinary conversational proceeding, or did it take place in conference when in regular session, or was it any thing like debate?—It was strictly a conversation and took place in conference in regular session, it was not a debate.

44. Is that the general and regular mode of proceeding in your conference?—It is, on some points, some subjects require Resolutions to be proposed and discussed.

45. Do you suppose or do you know that all, many, or very few of the members of your conference entertained the same opinions as yourself on the subject of the funds of the British conference and the conversation that took place on the subject in the conference in question?—I cannot say what the views of others are. I have given my own in my former replies.

46. Did many, all, or very few of the members of the Conference, on the occasion of the circumstances to which allusion is made, express any or no opinions on the subject?—I cannot say how many spoke on the subject, as I believe t. ere are no documents in existence to which reference can be had. I beg to decline answering any more questions on the subject of that conversation.

47. Do you think that it is not possible for you, without documents to tell the Committee what appeared to be the general feeling and understanding of the Conference on that subject?—I cannot form an opinion of the feelings of others; but as nothing transpired while I was present in the Conference to raise such an expectation in my mind, I cannot conjecture why it should be supposed that other members of the Conference should come to a different conclusion.

48. Did you believe that the general character of the conversation in Conference in question was such in your opinion as to leave no doubt that they could not form any other opinion than the one you have come to on the subject of these funds?—I cannot reply directly to this question, as my judgement is not a guide for that of others.

49. Might it not be possible therefore that you may be mistaken as to the expectations of the Conference in regard to these funds?—I have no opinion respecting the expectations of Conference on the subject: I have only given my own views.

50. Is it your impression that from the nature of the conversation mentioned that the Conference had no right to expect a participation in these funds?—I refer to my former replies.

51. Were expectations raised in your Conference of a *claim* on the funds of the British Conference or of a *donation* from them?—No such expectations were raised in my mind.

52. Have you not acted in the capacity of assistant Secretary to the Conference; do you not think from filling that office, and your taking a general interest in its affairs, that you would be well acquainted with any understanding of the Conference whether on record or not, on this or any others ubject, if itwere the matter of conversation before the Conference?—I was not assisting Secretary of the Conference that year.

53. Was Mr. Ryerson instructed to make any arrangement relative to appropriations from the British Conference to yours?—Not to my knowledge, unless the appropriation for the mission work be referred to in the question. In corroboration of these views, I beg to refer to the following extract from the instructions drawn up for the guidance of our delegate and which extract contains all that the instructions direct on the subject. "He shall use his best exertions to obtain as large an amount of pecuniary aid as possible to *extend* the work of God, amongst the white people and the Indian tribes.

54. Have you any knowledge of certain grants from government to aid the Methodist Curch in this Province, if so, please state what you know concerning them?—I decline answering that question in the form in which it is put.

55. Was any intimation given to your Conference of the tender of any grant by government to the Methodists in this Province either before the union or since?—I cannot answer the question in that form, it does not refer to any particular church.

56. Do you not understand the question as far as it applies to your own Conference?—I do not understand the question.

57. Have you any knowledge at all or facts which you can submit to this committee of Government Grants to your Conference, or if they have received any or whether such Grants have been made and to what purpose have they been applied?—No Grants from the Government have been made to our Conference.

58. Was no report made to your Conference of the reception of such Grants by the superintendent of Missions?—I have no recollection of any report being made by the superintendent of Missions to conference on the subject of such Grants, I have understood that such a Grant has been received by the superintendent of Missions on behalf of the Wesleyan Missionary Committee in London.

59. Are you aware of the authority under which such Grants have been made, whether by the authority of His Majesty's Government or the Executive Government of this Province?—I cannot tell by whose authority the Grants were originally authorised, whether by His Majesty's Government or the Executive Government of this Province.

60. Have you not seen the published account of the receipt and expenditure of what is termed the casual and territorial revenue for the years 1833 and 1834, in which it is stated by the Government that the amounts paid to Messrs. Haslop and Marsden and Mr. Stinson was the amount authorised by His Majesty's Government to be expended in building Wesleyan Methodist Chapels in Upper Canada?—I have seen such a statement in the seventh Report of the Committee on Grievances; I cannot however rely on the correctness of that statement.

61. If you put no confidence in the seventh Report of the select committe on Grievances, would you do so in the published account of the Government in the Journals of the House of Assembly?—Yes I can put confidence in the latter document.

62. Do you admit that the amounts paid by the Government out of what is called the Crown fund, as published in the Journals of the House of Assembly to Messrs. Haslop and Marsden for missionary purposes was the sum authorised by His Majesty's Government to be expended in building Wesleyan Methodist Chapels in this Province?—I have understood from the Rev. Joseph Stinson that on being informed by a communication from Colonel Rowan that the sum of £550 was placed at the disposal of the British Wesleyan Conference and that it would be paid over on His Excellency being informed to what uses it would be appropriated, he (Mr. Stinson) as the representative of the British Wesleyan Conference and general Superintendent of Wesleyan Missions in this Province, informed His Excellency by letter that it would be expended in erecting and reparing chapels and schoolhouses in this Province and in defraying the general expenses of the Mission stations under his charge. These documents can perhaps be procured at the Government Office—I do not know out of what fund it was paid.—It might be the Crown fund.

63. Was the Conference of which you are a member, ever known by the name of the British Wesleyan Methodist Conference?—It never bore that name.

64. May not your conference have been called the *British* Wesleyan Conference in contradistinction to the *Canadian* Wesleyan Methodist Conference?—They have never acknowledged that name, although it has been given to them in the Seventh Report of the select committee on Grievances.

65. Was not the Conference of the Wesleyan Methodist Church in Canada once called the Wesleyan Methodist Conference in British North America?—Yes it was, it bore that name for about a year.

66. Was the union between the conference of the Methodist Episcopal Church of Canada strictly a union between that Church and the Wesleyan Methodist Society of Great Britain?—The union was more strictly between the Wesleyan Methodist Conference in England and the

Conference of the until then Methodist Episcopal Church in Canada, and it effected a union between the societies in so far as it prevented the formation or continuance of societies in this Province under the pastoral care of the Wesleyan Methodist Conference in England, and placed those already formed under the pastoral care of the conference of the Wesleyan Methodist Church in Canada.

67. Is not the Wesleyan Methodist Conference in England frequently called the British Wesleyan Conference to distinguish it from your conference in Canada?—I believe it is, I have often heard it so designated.

68. Was the British Wesleyan Methodist Conference formerly or ever the Episcopal Methodist Church?—It never was.

69. Was the Conference of which are a member formerly the Conference of the Methodist Episcopal Church?—It was until October, 1833.

70. Has any grant of money from the Government ever been made to or received by your Conference?—No, there has never been any such grant of money either offered to or received by our Conference.

71. Is the union between the Methodist Church in Canada and the Wesleyan Methodist Society in Great Britain such, that the members of the one are to be received by the members of the other, when removals take place from the one country to the other?—Yes, certainly.

72. In the seventh Report of the committee on Grievances, there are two items copied from the public accounts, bearing the signature of the Receiver General; in the first of which £1000 is said to be charged to Thomas Ridout, Esq., Cashier of the Bank of Upper Canada, to be paid to the credit of Messrs. Huslop and Marsden, for the missionary purposes of the Wesleyan Methodist Society, and in the other £611 2 2½ is said to have been paid to the Rev. Joseph Stinson, Representative of the Methodist missionary society in London, and Superintendent of Wesleyan missions in Upper Canada. Were those gentlemen authorised by the conference of the Wesleyan Methodist church in Canada or by the Missionary committee of that church to receive the said moneys, or did they receive them on account of the said church or committee in Canada?—Those gentlemen were never authorised either by the conference or the missionary committee of the Wesleyan Methodist church in Canada to receive those grants; nor were they received on account of that church. Messrs. Haslope and Marsden were joint treasurers of the Wesleyan Missionary Society in London, at the time when the first grant of £1,000 was made to that society, on whose account it was received and in whose annual report it is duly acknowledged: it was granted previously to the Union between the two conferences being proposed. The other sum was received by the Rev. Joseph Stinson as representative of the Methodist missionary society, London, as stated by the Receiver General in the accounts referred to in the question and it is accounted for in the next annual report of that society. The conference of the Wesleyan Methodist church in Canada had nothing to do directly or indirectly in procuring those Grants, nor does an individual of that conference derive the least benefit from them. The Indians and destitute settlements are alone benefited by this liberality of His Majesty's Government.

I beg leave here to subjoin the following extract from the Report of the Wesleyan Methodist Missionary Society (London) for the year ending April, 1834.

"In consequence of the numerous openings for useful "exertion in Upper Canada, six English Missiona- "ries are about to proceed thither—They will prosecute "their labors under the patronage of this society and un- "der the general direction of its committee, and of its "representative in Upper Canada; but in fraternal and "ecclesiastical union, also, with the Conference of "that Province of which they are to be considered as re- "gular members. In addition to such help as it may be "deemed expedient that they should afford to the sup- "port and extension of the Missions among the Indian "tribes, they will be specially employed in ministering "evangelical instruction, and in promoting scriptural "education among the *settlers in the new townships* of "that rapidly increasing territory.—His Excellency the "Lieutenant Governor of the Province, with an anxiety "for the moral and religious improvement of the people "placed under his care, highly honorable to a Christian "ruler, and with a kindness of spirit and manner which "claims the most grateful acknowledgements of the com- "mittee, has made the liberal grant of £9,00 *to this so- "ciety* in aid of its expenditure, during the present year, "for the purpose and objects above specified."

73. Is the union of the Wesleyan Methodist Church with the Wesleyan Methodist Society of Great Britain, a union in every respect constituting them one church?—They are not one Church in every respect—they are the same in the doctrines which they hold and inculcate—in the general rules of the societies under their care—and *generally* in the great features of their internal economy, and modes of operation; differing in the latter respects, however, according to the different circumstances of the two countries. Each however retains a distinct and proper independency,—neither conference having any right to exercise disciplinary control or ecclesiastical jurisdiction over the societies of the other, nor having any claim upon the funds or property of the other, excepting a portion of the Missionary funds as provided for in the articles of union.—The union has been effected on such principles as not at all to effect the identity of either body. The Wesleyan Conference in England is still regarded as the body enrolled in chancery by Mr. Wesley in his deed-poll; and the Conference of the Wesleyan Methodist Church in Canada is the same identical body formerly designated at successive periods, the Canada Conference of the Methodist Episcopal Church in America,—the Conference of the Methodist Episcopal Church in Canada,—and the the Conference of the Wesleyan Methodist Church in British North America.—The changes which have taken taken place from time to time in its name, form of government, and economy, have been effected in a manner authorised by its discipline."

74. To whom is the Rev. Joseph Stinson accountable for the monies which he receives for missionary purposes?—Only to the Missionary Committee in London, whom he represents in this Province.

75. Are they one church in their mutual privileges and liabilities?—I do not understand the question.

76. If the Wesleyan Methodist Society or connexion in Great Britain approves of Government Grants being made to their body either here or elsewhere—and the Wesleyan Methodist Church in Canada does not disapprove of the principle, they being in unison as a church with the Wesleyan Methodist Conference, are they (the former) accountable for it?—Neither society is accountable for the conduct of the other.

77. Have any of the Ministers of the Conference of which you are a member at any time derived any official pension from the public revenue raised within this Province, as stated in the Seventh Report of the Committee on Grievances?—I can say positively with reference to myself, that I have never received any such pension, nor do I believe that any of the ministers of the Conference to which I am connected have done so;—all assertions to the contrary, from whatever quarter, are without any foundation in truth.

78. You say that no individual member of your Conference derives the least support from the liberality of His Majesty's Gov'ment?—Are Messrs. Belton & Messmore not members of your conference, & if so have they not received monies out of the funds, you designate the liberality of His Majesty's Government?—I am not aware that either Mr. Bolton or Mr. Messmore ever received any grants from the Government.—Whilst laboring as missionaries they derive their support entirely from the funds of the Wesleyan Missionary Committee in London. I am further of opinion, that when those gentlemen were appointed to the mission work they had no knowledge of any grants having been made to the Missionary Committee in London.

79. Who appointed them to the mission work?—The Conference of the Wesleyan Methodist Church in Canada.

80. Does the Conference pay any Preacher?—No.

81. Have you or any of the Clergy of the Methodist Church of which you are a member received at any time any gifts salaries, pensions, and retired allowances from the Government?—I can say positively with reference to myself, that I have never received any gift, salary, pension, or retired allowance from the Government, nor do I believe that any of the Ministers with whom I stand connected have done so as Ministers.—The 7th Report of the Select Committee on Grievances contains on this subject a palpable untruth; the tendency of which, if any credit were attached to it by the pious and moral portion of community, would be to injure the reputation of the Methodist Ministry, and might have a most painful effect upon the temporal comfort of the retired or superannuated preachers who receive no retired allowance from the Government,—but are supported by the voluntary contributions of the people.

82. Does the Conference receive any Preachers from the British Conference in England, if in full connexion, into full connexion in your conference?—Any preacher who is in full connexion in the British conference on removing into this country to labor as a minister would be received into full connexion in our conference.

83. From what source do such of the ministers of your church as are employed on missions receive their salaries?—Entirely from the funds of the Wesleyan Missionary society in London.

84. Do any of them receive an income from their congregation in addition to the salary received from the missionary committee?—None of them receive any such thing.—All contributions raised by the people under their care are accounted for to the missionary society.

85. Do any of them receive any additional salary in consequence of the grants made by the Government to the missionary committee in London?—I have before stated that they are not at all benefitted by those grants, it is a fixed principle in the operations of the missionary committee, by whom they are paid, to pay the full disciplinary allowance to all their missionaries, and none of them can receive any additional salary.

86. Is there not a committee appointed at each Session of the Conference to which you belong for the purpose of apportioning the moneys, granted for Missionary purposes by the Missionary Committee in London?—There is in accordance with the regulation in the articles of Union between the English and Canada conferences as follows: "The parent committee in London shall determine the amount to be applied annually to the support and extension of the Missions, and this sum shall be distributed by a committee, consisting of the President, General Superintendent of the Missions, the Chairman of Districts, and seven other persons appointed by the Canada conference—A standing board or committee consisting of an equal number of Preachers and Laymen shall moreover be appointed as heretofore, at every conference, which, during the year, shall have authority, in concurrence with the General Superintendent of Missions, to apply any moneys granted by the parent committee, and not distributed by the conference in establishing new Missions among the heathen, and otherwise promoting the Missionary work.

87. Has the committee appointed by your conference or has the conference itself any authority to control the missionary committee in London in regard to the means by which they shall raise money for carrying on the missionary work?—They have no such authority; the parent committee adopt such measures as they think proper to raise funds nor is the conference here aware of the sources from which the funds committed to it are raised until the publication of the subsequent report of the parent society.

88. Are Missionaries not considered either Ministers or Preachers?—Yes, certainly.

89. Who directs the movements of the Wesleyan missions in Upper Canada?—The missionaries are stationed by the Canada conference in the same way as the other preachers; with this proviso however that the general superintendent of missions shall be associated with the President and chairmen of districts, in their appointment.—This arrangement is made because it is thought proper that the missionary committee in London who are represented by the superintendent of missions here, should have a voice in the appointment of the missionaries to their work; seeing that they receive from that committee the whole of their salary.

89. Did your conference institute an enquiry respecting government grants as to their design, application, &c. after it was known that they had been received by your President or Superintendent of missions?—There could be no necessity for instituting such an inquiry as the parent society alone is accountable for the receipts & disbursements of such money.

90. Was no motion made or proceedings had in conference relative to said grants?—I believe there was a motion made on the subject.

What were they and their results?—I do not recollect what the motion was, but it was discussed and lost.

92. Do you recollect the principle upon which the motion was lost?—I recollect that I opposed it upon the principle that the parent society was not accountable to us.

93. Are you not accountable for the principle of those grants although you are a branch or in union with the parent society?—I conceive that the parent society is alone accountable for its proceedings.

94. Do you not hold yourselves as a church at all accountable for any of the acts and principles of the parent society?—I know of no acts or principles of the parent society for which we are accountable.

95. Would you not be accountable or would you not feel yourselves accountable for any errors of doctrine, or any other erroneous principles of the parent society?—I do not consider that we should be accountable for any errors in doctrine or practice on the part of the parent society, as w. have no disciplinary control over its proceedings.

96 If the Parent Society were entirely to depart from the principles and practices of Wesleyan Methodism would you not, while you remain in union with them, be accountable for such departure, unless you, in some way, avowed your dissent to such a proceeding; and would you not be looked upon in common with the Parent Society as no longer Wesleyan Methodists? Were the Parent Society to departfrom any of the principles and practices of Wesleyan Methodism it would no longer exist as a Wesleyan Methodist Society, as the very existence of the Wesleyan Methodist connexion depends upon its adherence to the principles of the deep-poll enrolled in Chancery by Mr. Wesley; and as our connexion with the Wesleyan connexion in England depends upon our mutual adherence to the same principles, the connexion could no longer exist tn the case supposed and we might still remain Wesleyan Methodists, and not be at all accountable for the errors of the Parent Society.

97. How came those grants to be made to the Missionary Society, when Mr. Secretary Rowan advised the Canadian Wesleyan conference that the sums of £600 sterling in 1833, and the sum of 550*l.* in 1834 was at the service of that conference to be applied in erecting churches and chapels? The 600*l.* sterling referred to in the question was granted to the conference of the *Canadian Wesleyan Church*, sometimes known as "Ryanites," not to the conference of the Wesleyan Methodist Church in Canada, of which I am a member. The 550*l.* in 1834 was granted to the *British* Wesleyan Conference, and it is said, perhaps, to have been granted to the Wesleyan Missionary Society, because the committee of the society has the control and expenditure of all the funds contributed from any quarter for the support of Wesleyan Missions.

98. Do the articles of union between your conference and the Parent Society contain any provision that will render that union null, if any occurrence, such as is before mentioned (in question 96.) should take place? The articles of union contain no such provision. It would, indeed, be altogether useless, because, as I remarked before, by such an occurrence the Parent Society would cease to exist.

99, If the Missionaries are paid by the Parent Society, what is done with the monies collected by your Auxiliary Societies in the Province for Missionary purposes? In accordance with one of the articles of union, all the monies raised by the Methodist Missionary Society in Upper Ca-

nada are paid into the funds of the Parent Society, or accounted for to that Society.

WEDNESDAY, 30th MARCH, 1836.

Committee met.

The REV. MR. RICHARDSON called in and examined.

100. Are you a member of the Methodist Conference in this Province, formerly known as the Conference of the Methodist Episcopal Church in Canada?—I am.

101. By what title is said Conference now distinguished?—The Conference of the Wesleyan Methodist Church in Canada.

102. How long has the church to which you belong had the title of the Wesleyan Methodist Church in Canada?—Since 1834—It was one year previous, called the Wesleyan Methodist Church in British North America.

103. Is that since the union with the British Conference? Since the union.

104. Is there another body of Methodists in the Province called Wesleyan Methodists?—There is another body called Canadian Wesleyan Methodists.

105. If the Methodist Conference of Great Britain had Societies in this Province would they not be denominated, Wesleyan Methodist Society?—I suppose they would.

106. Are there any such societies in the Province?—No; not distinct from ours that I know of.

107. Would it be considered right by your Conference if the Wesleyan Methodist Conference in Great Britain were to establish such societies in this Province?—Certainly not.

108. Are not the preachers and members of your church sometimes called *British* Wesleyans in distinction from the Canadian Wesleyans?—I have heard them spoken of as such in private conversation, but they are not officially known as such.

109. Do the church to which you belong and the Wesleyan Methodist Conference in England form but one body, or are they two distinct churches?—They may be said to form one body in some respects, but in others they are distinct.

110. In what does that distinction consist?—It consists first, in respect to the powers of the Conferences, the rules or regulations made by one Conference are not binding on the other—and secondly, some difference in the internal economy of each; also in the title by which they are distinguished.

111. In what does the union between the two bodies consist?—A union in doctrine—in the conditions of membership, or general rules—in church fellowship or communion—one church receiving and recognizing the members of the other as brothers reciprocally.

112. Is a member of your Conference a member of the British Conference by virtue of his being a Member of the former?—No; when we speak of Members of Conference we speak of Preachers.

113. Is a Member of the British Conference in full connexion received by your Conference into full connexion, or is it considered a privilege on the part of your Conference to reject or receive such Members?—All Preachers presented for reception into our conference are admitted by vote, and if received, they are in the same standing as in the conference they came from.

114. Would you consider it a privilege of your conference if a member of the Wesleyan Methodist conference in Great Britain in good standing presented himself for admission into your conference to reject him?—As I have already said, they admit them by vote,—it is, of course, the privilege of conference to admit them or not.

115. If a member of the Wesleyan Methodist conference in Great Britain, on the superannuated relation of that conference, in good standing, should apply for admission into your conference, is it the privilege of your conference to reject such an one's application for admission into the same?—I think that it is; but they would have some particular reasons for it.

116. Would you be good enough to state those reasons? I cannot state reasons for others, there are no specific rules laid down—the reasons would arise out of the circumstances of the case.

117. Would it be any breach of the articles of union if a majority of your conference should vote against such an application?—I think not, but unless there were special weighty reasons for it such rejection might occasion a breach of good understanding.

118. Then is it understood that the rejection of a member of the Wesleyan conference in Great Britain, in good standing, applying for admission into your conference, depends merely on the vote of your conference?—As I have stated formerly, that his reception depended upon the vote of the conference, and if that vote was not given he would not be admitted—there may be reasons arising from circumstances of the case that would cause his rejection.

119. Will a member of the Wesleyan Methodist conference in Great Britain, in good standing, of consequence, lose his privilege as a member of your conference by its vote, notwithstanding the union between the two conferences?—I consider he is not a member of conference until admitted by vote, but his rejection by our conference would not, of itself, affect his standing in his own conference.

120. Did the conference in England acknowledge your conference as a branch of the Wesleyan Methodist connexion when you were called the Methodist Episcopal church, and treat with you accordingly?—I am not aware that they did, and certain circumstances would lead me to think they did not.

121. Will you be good enough to state for the information of this committee those circumstances?—The principal circumstance to which I allude is the establishing missions in Upper Canada, having no communication with us, and no interchange of communication between their conference and ours acknowledging a relation of that kind.

121. What mission stations had they in the province at the time the union was formed?—One at Kingston, one at York, and one at St. Clair.

123. Did the British conference at the same time acknowledge the Methodist Episcopal church in America as part of the Wesleyan body?—They acknowledged them (the Methodist Episcopal church in the United States) as a branch of Methodists organized by Mr. Wesley and fellowshipped them as such.

124. On whose part were proposals for union first made, and what proceedings were had thereon till it was finally ratified?—I have understood they were first made at a meeting of the Missionary Board in York when I was not present—at a subsequent meeting of the Board when I was present, the subject was discussed and recommended to the conference, and Mr. Alder was invited to remain and attend the conference for that purpose. At conference the question was submitted to a committee of nine, who presented a report founded on certain resolutions, which were adopted by the conference and published. Mr. E. Ryerson was sent to England as delegate of the Canadian conference to negotiate the union—the English conference accepted the proposals with some amendments which were presented to the Canadian conference in 1833, and the union finally ratified.

125. Did Mr. Alder make any stipulations on the part of his Conference as conditions of the proposed union?—He did not make any stipulations strictly speaking, as he said he was not authorised so to do, but he mentioned several particulars that he was of opinion his conference would probably require of ours.

126. What were those stipulations or particulars, or what did Mr. Alder say his Conference would require of yours?—One related to the Christian Guardian—I think he either said it should be divested of its political character, or its political character be changed—another related to district meetings, that they should be established here, and to camp meetings, and another to regulations relative to local Preachers.

127. Did your conference send Mr. Egerton Ryerson to England to negotiate with the British Conference relative to the Union?—Yes.

128. Who was appointed editor of the Guardian at the Conference of 1832, or when the Union was proposed?—I was.

129. Was your appointment in consequence of Mr. Ryerson's declining to serve that year?—Mr. Ryerson intima-

ted previous to the sitting of conference that he should decline serving as editor, or to that effect; but on the eve of the election of Editor he offered to serve as such for the ensuing year, provided they chose to elect him.

130. If Mr. Ryerson had been re-appointed Editor that year, how would his place have been supplied during his absence to England?—I cannot say how his place would have been supplied; but he proposed a substitute, during his absence, in case he was elected.

131. Who was the substitute?—He said there was a young gentleman that Mr. Alder proposed to him as substitute, but I do not know that he mentioned his name.

132. Did you understand from Mr. Alder that the Christian Guardian was to change its political character in the sense of advocating in future a contrary system of politics to that it had previously advocated, or was it intended that it should not interfere in politics at all?—I cannot say that there was any thing specific in relation to advocating another system of politics—and it was my impression it was to be divested of its political character.

133. Do you believe the Christian Guardian advocates the same system of politics now it did before the Union?—I think not.

134. Did Mr. Alder say that it was contrary to the spirit and practice of Wesleyan Methodism to take any part in the party politics of the day?—Such remark might have been made by him, but I am not prepared to say positively, that he did.

135. During the discussion of the union question were expectations raised on the part of the members of your conference to share in the funds of the British connexion should the union be effected?—I think expectations were raised in some to share in certain funds of the British connexion.

136. Was there a motion made and put from the chair that you should share in the funds of the British conference?—Such a motion could not be made—it was impracticable.

137. What were the grounds of these expectations?—The first mention made of the union was in the meeting of the missionary board in which Mr. J. Ryerson stated that he had an interview with Messrs. Alder and Hick in which they gave him to understand that should a union take place similar to that existing between the English and Irish conferences we would probably have a grant of their contingent fund, as they were in the practice of granting out of that fund to the Irish conference to supply the deficiencies of poor circuits, and again frequent mention was made by Mr. Alder during the discussion of the question in conference, of the prospect of such a grant:—he gave a statement of the different funds, and of the financial system of the British conference, and shewed that as the contingent fund was for supplying the deficiencies of poor circuits, we might expect something from it, or to that effect: several remarks were made by members of conference relative to such a grant.

138. Were those expectations realised?—Not that I know of.

139. Was Mr. Ryerson instructed to make any arrangement relative to appropriations of money from the British conference to yours?—He was.

140. What was the purport of his instructions on this point?—I am not prepared to say what the instructions precisely were, but I will state the substance of the proceedings relative to them:—it was proposed that he sho'd be instructed to assure the British conference that whatever monies they might appropriate to the work in Canada should be strictly and faithfully applied to the particular object specified for them.—It was moved in amendment to the effect, that he should be instructed to assure them that whatever monies they might think proper to appropriate to the Canadian conference would be faithfully applied to such objects as the Canadian conference might think proper; which amendment was carried—there were some alteration made afterwards relative to that part but I am not prepared to say what it was.

141. Have you any knowledge of the receipt of certain grants from government to aid the Methodist church in this province—if so please state what you know concerning them?—The first knowledge I obtained of any grant being made to aid the Methodist church in this province was from communications from Mr. Barry, Wesleyan Missionary, in the Courier: I heard no more of any such grant until after the close of the session of conference in 1833, I then understood that Mr. Marsden had received £900 sterling as Treasurer of the Wesleyan Missionary committee, London, and that the same was put into the Missionary fund for the purpose of aiding the mission work in this province;—in 1834 a note came into my hands addressed "The Wesleyan Methodist Conference" from the Lieut. Governor's office, enclosed to me, stating that "the Lieut. "Governor has been authorised to place at the disposal, "this year, of the British Wesleyan conference the sum of "£550, to be applied in erecting such churches or chap-"els as may be required, and to inform you that on your "stating the manner in which the grant is to be applied, "His Excellency will order the amount to be placed at "your disposal"—in the course of the day the Rev. Mr. Stinson called at my house and asked for such a note, and said it was intended to be sent to him;—I gave it to him, and know no more of the circumstances than what is before the public.

142. Was any intimation given to your Conference of the tender of any grant by Government to the Methodists in this Province either before the union or since? There was nothing communicated to our conference before the union, and nothing officially since—that I know of.

143. Was no report made to your conference of the reception of such grants by the superintendent of the missions? None that I know of.

144. Did your conference institute any inquiry respecting said grants as to their design, application, &c. after it was known they had been received? Not any.

145. Was no motion made, or proceedings had in conference relative to said grants? There was.

146. What were they and their results? There was a motion made in form of a resolution in conference in 1834, and also in 1835, to have the conference declare its opinion relative to the propriety of supporting religious institutions and ministers of religion by grants from the public funds, and to disavow any participation in any such grants except for the Missionary work, or to that effect, which was lost: There were proceedings also at the conference in 1835, in consequence of addresses from two quarterly meetings—the result of which is published in the minutes of Conference.

147. Who moved the resolution or motion for a declaration of opinion in your Conference on the subject? I did.

148. Have any of your societies addressed the Conference on the subject of the grants from Government? The only addresses the Conference received were from the two quarterly meetings already mentioned—one of which was from Yonge Street circuit and the other from Brockville.

149. Have not the members of your church expressed their opinion directly to the Conference without the intervention of a quarterly or other official meeting? They have not, and I believe it would be against a rule of Conference to do so.

150. Who compose your official meetings? There are several official meetings, as quarterly meetings, local preachers' meetings, and stewards and leaders' meetings—the quarterly meetings are composed of the travelling and local preachers, stewards, class-leaders, and exhorters with the chairman of the district—the local preachers' meeting is a meeting of the local preachers with the superintendent of the circuit—the leaders meeting is a meeting of the leaders and stewards with the superintendent.

151. Who presides at those meetings? The chairman of the district at the quarterly meeting, and the superintendent of the circuit or station at the other meetings.

152. Can no other than a preacher appointed by the conference preside at those official meetings? No other.

153. What if the chairman refuse to put a motion, cannot his place be supplied by the meeting appointing

another for that purpose, or has the meeting no means of redress in such case? His place cannot be supplied—as soon as he leaves the chair or is removed from it, the meeting is dissolved.

154. Had you such rules respecting those meetings before the union or have they been introduced since? They have been introduced since.

155. Mr. Alder stated, in reply to to the question proposed to him by the committee of the House of Commons in 1828 on the civil government of the Canadas whether there were any Methodists in the Legislative or Executive Council—"I do not know, I should wish to state that we consider ourselves as a branch of the church of England both at home and abroad"—from which it is to be inferred he considers the Wesleyan Methodists both here and at home members of the church of England—are therefore the members of your church, considered, since the union, members of the Church of England?—Whatever Mr. Alder's opinion may be it is not mine that the members of the Methodist church in this Province are members of the church of England.

156. Do you consider the conference to which you belong as an ecclesiastical establishment? In one sense, in common with all other churches, it is, but it cannot be said to be legally so. I consider a legal church establishment to be one organized by the law of the land, and provision made by the same for its support.

157. Was it not urged on your conference to abolish Episcopacy because that form of church government was not proper for Methodists in a British colony, as it interfered with the establishment of the church of England? There was some remaks made to that effect in the course of the discussion.

158. Who made these remarks and where were they made? They were made in the conference, when the question for abolishing Episcopacy was under discussion; they were made by Mr. Alder in reply to my remarks on observations made by Mr. E. Ryerson.

159. Was it not stated in connexion with those remarks, that those were Mr. Wesley's views?—When we were in discussion on the question of abolishing Episcopacy, Mr. Ryerson observed, that Mr. Wesley gave the Episcopal form of church government to the Methodists in the United States, because they were separated from the *political* institutions of the Mother Country—I remarked in reply that that was not his *only* reason, but that they were not only separated from the Mother Country politically, but from the hierarchy of the Church of England; and therefore he invaded no man's right in establishing Episcopacy in that country; and that the same reasons applied to this Province in favor of Methodist Episcopacy; unless it were admitted by the church, which I did not suppose it was, that the church of England was established in this Province.—Mr. Alder then remarked, that this being a British colony the British Constitution was established here and that the established church of England was a part of that Constitution; and he added such were Mr. Wesley's views, or to that effect.

160. Were there no objections made on the part of your preachers to the position that the church of England was established in the Province?—I made objections myself and I think others did.

161. Does your conference share in the mission funds of the English conference?—The missions in this Province connected with our conference are supported by the funds of the Wesleyan Methodist Missionary Society in England, whose missions they are.

162. Have you heard any of the members of your conference assert that the Church of England is the established Church of this Province?—I have not.

163. Do you think it is the general opinion in your conference that the Church of England is not established in this Province?—I think it is.

164. Has your church any other mission stations in the Province than those among the Indians?—They have a few.

165. Will you please to name what stations or circuits they are?—The past year the Isle of Tonti mission, Sidney mission, Cavan mission, Clarendon mission, Brock mission; the four last were missions in part because of destitute settlements in the vicinity of those places.—The present year, the Isle of Tonti and Guelph.

166. Were not the Sidney and Brock missions formerly included in regular circuits?—There were regular circuits called Sidney and Brock circuits, and there are now, but my former answer explains why they were reported as missions in part—owing to the new and destitute settlements in the vicinity.

167. Did you form missions elsewhere than among the Indians before the union?—Yes, occasionally.

168. Are you aware that £300 are charged in the Wesleyan Methodist Society's Report of Great Britain for aid to poor circuits out of the Missionary funds?—I am not aware of it, as I have not looked over the Report to inform myself.

169. Are not some of the regular circuits aided occasionally from the mission funds?—I am not aware that they are, except in the cases before-mentioned of part missions.

170. By whom are your mission stations formed and missionaries appointed thereto?—They are formed since the union by a committee of the conference, consisting of the President, General Superintendent of the mission, the Chairmen of the districts, and seven other persons appointed by the Canadian conference, together with a standing board or committee consisting of preachers and laymen to act in the interim of conference.

171. Are all these persons necessarily members of your conference, excepting such as compose the laymen of the Missionary Board?—It is understood, tho' not expressed in the regulations.

172. By what means are your preachers supported on the circuits?—On all the circuits that are not on the missionary plan, they are supported by the voluntary contributions of the society and friends of the church.

173. Is it in the power of the conference to put any of the circuits or stations on the missionary plan, and provide for the same accordingly?—I think that if the missionary committee at the conference, mentioned before, together with the stationing committee of conference, and the parent committee in England concur, any of the circuits or stations can be put on the missionary plan accordingly.

174. Are the missionaries of the mission stations, and such as are connected with your conference members of the same—do they sit and vote on all questions introduced and decided there?—All members of the conference in attendance have a right to sit and vote, missionaries not excepted.

175. Is the right of petitioning to your conference excluded from the members, except thro' the official bodies mentioned in answer to questions 148 and 149?—I refer to my answer to the questions mentioned.

176. What were the stipulations and particulars respecting Camp Meetings and Local Preachers mentioned by Mr. Alder at the conference of 1832, and alluded to in your answer to question 126?—In relation to Camp Meetings, that they should be laid aside; and in respect to Local Preachers, that they should be similar to those in England.

177. Was the political conduct of your preachers or members talked over in the conversation with Mr. Alder at the conference of 1832, while mentioning the conditions on which the British conference would be likely to accede to the union?—I do not recollect any thing to that effect.

178. Was there a committee appointed by the conference in Hallowell to take into consideration the subject of the union?—There was.

179. Were you a member of that committee?—I was.

180. Was Mr. Evans a member of that committee?—I think not.

181. Would you not have had an opportunity of knowing more of Mr. Alder's views on the subject of the union than he (M. Evans) would; he not being a member of that committee?—Being on the committee I probably had a better opportunity of knowing Mr. Alder's views than Mr. E. had; but I think I knew no more of them than he did, as I did not ascertain his views until they were disclosed in open conference.

182. Did Mr. Alder at any time come before the committee to give information on the subject?—I do not recollect; he might have done so.

183. Do you believe that the members of your church are satisfied with government grants being made for the support of missions and missionaries, or other religious purposes?—As far as I am acquainted I think they are not; as there has been a great deal of dissatisfaction expressed in my hearing, and much uneasiness on the subject.

184. Do you think they would be at all dissatisfied if the Commons' House of Assembly were to address his Majesty to withhold such grants?—I think generally they would be well pleased with such an address.

185. Is it your opinion that those grants are or have been conducive to the spiritual interests of your church?—I think quite the contrary.

186. Was the conference of which you are a member ever known by the name of the British Wesleyan Methodist Conference?—Not within my recollection.

187. Was the British Wesleyan Methodist conference formerly or ever the Episcopal Methodist church?—Not that I know of.

188. Was the conference of which you are a member formerly designated as the conference of the Methodist Episcopal church?—Yes.

[Mr. Morrison read in his place as a member of the committee the letter marked B. appended.]

189. Has any grant of money from the government ever been made to, or received by, your conference?—I know of no other grants but those I have mentioned contained in a former answer.

190. Were any of these grants you mentioned made to your conference?—As I understand, those grants were made to the Wesleyan conference in England for the purpose of aiding the work in this province, and for that purpose were put in the missionary fund and expended in support of the missions connected with our conference.

191. To whom is the Rev. Joseph Stinson accountable for the monies which he receives for missionary purposes? He accounts to the treasurer of the parent society in London.

192. Are the missionaries or any of them who are paid from these funds or grants members of your conference, and do they vote on all questions decided there?—Some of them are and they have the same right to vote on all questions as other members.

193. Are any of your missionaries members of the British conference exclusively, or any of the preachers employed as missionaries solely under the direction of the Wesleyan Methodist Conference or missionary society in England? None that I know of.

194. Can the missionary committee in London, or the Wesleyan Methodist Conference in England, appoint to or remove any missionary from his station, and can any such missionary be a member of your Conference and the British conference at one and the same time?—None except the general superintendent of the missions, can be directly appointed to or removed from his station by the missionary committee in London. The general superintendent of missions is a member of our conference and of the British conference likewise.

195. Can the missionary superintendent of himself appoint a missionary to his station. Is he not merely associated with a committee appointed by the conference and other persons nominated by your discipline to appoint missionaries to those stations?—He has the power of supplying vacancies that have not been supplied by the stationing committee of conference but no power to appoint others.

196. From what source do such of the ministers of your church as are employed on missions receive their salaries?—From the Wesleyan Methodist missionary funds.

197. Do any of them receive an income from their congregations in addition to the salary received from the missionary committee?—All they receive as missionaries is accounted for to the treasurers of the missionary society.—The preacher on the Guelph mission this year, is allowed to receive if he can raise it from the people, something in addition to the allowance from the missionary committee as he is a married man, the appropriation to the mission being only a single man's allowance. Also the preachers laboring on those missions in part, (before mentioned) receive from the congregations on other parts of their field of labor. But in no case can any one receive more on the whole than the allowance stated in the discipline of the church.

198. Is the salary of any one of them raised or increased in consequence of the grants made by the Government to the missionary committee in London?—Not in my opinion.

199. Is there not a committee appointed at each session of the conference to which you belong for the purpose of apportioning the monies granted for missionary purposes by the missionary committee in London?—There is.

200. Has the committee appointed by your conference, or has the conference itself any authority to control the missionary committee in London in regard to the means by which they shall raise money for the purpose of carrying on the missionary work?—I know of no means they have to control the missionary conference in London.

201. Is your conference and missionary society compelled to receive funds from the parent society out of any source, that the latter may chose to secure them, to expend on your missionary work?—They the missionary committee of our conference have no resources of their own, they must therefore either receive them from the parent society or have none for the support of the missionary work.

202. Are not the missions in Upper Canada by the articles of Union made the missions of the English Wesleyan Missionary Society?—They are. It is expressly said they shall be regarded as such under certain regulations specified in the act of agreement.

203. Do you conceive that you may receive funds from the parent society for the support of your mission work even from exceptionable sources, and not be held accountable for so doing?—From our close connexion with the parent society in England any thing justly exceptionable in their transactions must necessarily reflect upon us.

204. Do you entertain the opinion that government grants for missionary purposes are exceptionable in a religious point of view?—In many respects I think them exceptionable.

205. Is the money granted by the Wesleyan Missionary committee in London for the support of the mission work paid through the missionary committee in Canada, or does the latter committee only determine the amount of the annual allowance of the missionaries?—They only determine the amount. The money is paid through the General Superintendent of missions.

206. Whose agent is he the superintendant, and by whom paid?—He is agent to the Wesleyan Missionary Committee in London, appointed and paid by them.

207. Is the money paid for your mission work solely paid at the instance and under the authority of the superintendant of Missions?—As I said before the Missionary Committee of our Conference determines the amount to be paid according to the book of discipline, and the general superintendant pays the same accordingly.

208. Have you seen the Missionary report of the parent Society in London for the year 1834, an extract from which Mr. Evans has given in as evidence?—I have not read it, and I am not acquainted with the extract alluded to.

209. Are you aware it states the late Lieut. Governor put into the hands of the missionary society in London, £900 to be devoted to the missionary expenditure of the society in Upper Canada?—I am not aware of it because I have not read any document on the subject.

210. Are the missionary funds to which you allude in your answer to question 196 and from which the missionaries are paid, composed in part from the grants made from the public funds of this Province?—I understood it so, that is, from public funds raised in this Province.

211. You say that several of the Preachers who are paid from those funds or grants, are members of your conference and have a like privilege with other members of voting on all questions decided there, does the conference or a majority of its members approve of their being paid in this way or have they exercised the powers they possessed to prevent their being so paid?—I have said that the missionaries were paid from the missionary fund, that those of them who are members of our conference have a like privilege with other members of voting.

212. Do you think any of those ministers who are supported from the mission funds, of which these grants form a part, consider them in the light of a bribe from the Government?—I have no reason to think they do.

213. Are you aware that the treasurer of your missionary society in this Province did receive the £900 paid over to Mr. Marsden by the Government?—I am not aware of it.

214. Do you know that Mr. Marsden transmitted the money he so received to London into the treasury of the missionary society there?—No, he left it in the hands of Mr. Stinson to be expended here, and that saved transmitting it from England.

215. To whose credit was it placed by Mr. Stinson and to whom did he account for it?—I understood that he placed it to the credit of the parent society in London, or accounted to them for it.

216. Will you explain to the committee the difference between receiving Government grants direct or receiving them from that Society or body who received them from the Government?—The difference is obvious,—the one case receiving them directly, the other indirectly.

217. Is there any difference in the effects, consequences or propriety of such proceedings?—There is little or no difference in my opinion.

218. In such a case if there is any thing so morally wrong or injurious in a part of your Conference being paid in such a manner do you not consider the whole Conference implicated, by not exercising the powers with which they are vested to prevent it?—This question calls for an expression of opinion obvious to all—that if any thing be morally wrong on the part of any of the members of the conference, the whole body must be in some measure implicated, unless they exercise what powers they possess to prevent or correct it.

219. Do you think the mission work in this country has suffered in consequence of the Government Grants which have been made to the Wesleyan Missionary committee in London?—I think that the work in general has suffered in consequence thereof.

220. Do you think that it is equally improper for the missionaries to receive their support from the mission fund, under the present circumstances as it would be to receive it direct from the Government?—I think not; because it is not optional with them, they have not a choice from whom they receive it.

221. Do you think it is morally wrong for any of the members of the conference to receive their support from the missionary fund, supported as it is at present?—I see no immorality in it—every man's conscience in that respect must be his own guide.

222. Did you feel bound or in any wise influenced by any conversation, discussion or arrangements which took place at the conference in Hallowell in 1832 to change the political character of the Christian Guardian?—Not in any wise.

223. Did the conference at its next or any subsequent session censure or express their disapprobation of the political course pursued by the Guardian so far as it interfered with politics while under your direction?—No—they passed a vote fully approving the manner in which I conducted the paper.

224. While you edited the Guardian were you not engaged in a controversy with Mr. Barry relative to Government Grants for the support of the Church Ministry?—I was engaged in a controversy with him, which arose out of some remarks I made relative to some grants to certain denominations.

225. What in your opinion is the nature of the political principles advocated before and since the union by the Guardian, are they opposites or are they in unison?—It exerts a political influence very different since the union to what it did before.

226. Did you as a Minister of the Methodist Church in this Province, approve of the political course of the Guardian either before or since the union?—I think that it has meddled too much with politics both before the union and since.

227. What political principles does the Guardian now advocate which are opposite to those formerly advocated by it—can you point out any particularly?—I have not said it was *avowedly* changed in its principles, but I have said it exerts an influence different to that before the union, in the politics of the country. It seems now to be in favor of things as *they are*, rather than for *reform*, which it formerly so strongly advocated.

228. Did you during the controversy with Mr. Barry condemn the Wesleyan Missionary Committee for having accepted of the government grant which was offered to them?—The remarks I made on the government grants were made when I was in ignorance of any such being made to the Wesleyan Missionary Conference, and in the controversy which arose out of them, I was not called upon to express an opinion particularly relative to *them*, but had I been aware when I made the remarks alluded to, that *they* had received a grant similar to the others, I should have been equally as free in my remarks on it.

229. Did you approve of the Wesleyan Methodist Missionary committee in your controversy with Mr. Barry, for receiving government grants for missionary purposes?—No, I did not.

230. Had the Missionaries a choice of the manner in which they might be paid their salaries. Would you think it would be as equally improper for them to receive their support from the Mission fund under the present circumstances as it would be to receive it direct from the government?—Very little difference in that case, in my opinion.

231. Do you believe that if a preacher were to declare he could not conscientiously enter the Mission work under the present arrangement your conference would oblige him to do so?—I think there would be a deference paid to his conscientious scruples.

232. You have said that the Conference passed a vote of thanks in your favor for the way you had conducted the Christian Guardian; are you aware that the conference has approved of the manner the Guardian has been edited since you ceased to be its editor?—I am not aware that they have expressed their approbation directly.

233. Are you aware that they have expressed it indirectly?—At the conference of 1834, which was one year after I had ceased to be editor, they elected me to that office, but I declining to serve, they elected Mr. Ryerson.

234. What was the cause of your declining to serve as editor?—There were several causes, but the principal reason was that the feelings of parties relative to the Guardian were so strong, I was apprehensive I was not adequate to the task.

235. Since monies are paid to our local government to be expended on Missionary purposes under the direction of a Missionary committee connected with your conference is the political feeling of your conference the same as formerly?—I am not able to say respecting the political feeling of the *Conference*, but the minds of several of its members I think have greatly changed in respect to political matters, yet I would not attribute that to the effect of money paid for Missionary purposes.

236. Is it your belief that our Government would have paid any sums of money to the British Wesleyan Conference unless with the express understanding that such sums would be laid out in this Province in some way connected with the Conference of which you are a member?—I believe that the first grant was made to the Wesleyan Missionary Conference before the union for the purpose of expending it in this Province, under their immediate direction; but the latter grant was evidently made for the purpose of being expended in the Province after we were connected with the conference in England.

237. Are you aware of the Methodist Episcopal conference or any body or individual of that conference petitioning His Majesty's Government for monies to aid in the erection or keeping in repair Churches or Chapels or to give aid towards Missionary purposes under the control of that conference?—I am fully of opinion there was no such application from the Methodist Conference in this country or from any of its members.

238. Is the Canada Conference not bound by the articles of union to receive into their body from the English Conference every year a certain number of their Preachers?—It is not so understood by our Conference (see 4th article of union and note hereto appended.)

230. Are you aware that monies are paid by the Government of Upper Canada from the funds of the Casual and Territorial Revenueof the Province for the aid and support of religious purposes under the management of the Wesleyan Methodist Conference?—I am aware that monies have been paid by the government from the Casual and Territorial Revenue of the Province for those purposes.

240. Do you understand by the Wesleyan Methodists mentioned in the foregoing question the Conference to which you belong?—I understand the British Wesleyan Methodist Conference.

241. Are they not connected?—They are connected in the manner formerly explained.

242. Do you consider the Missions in Canada as wholly connected with the Parent Society or are they not as you have already observed the Missions of your Church, whose Missionary Society is auxiliary to the Parent Society?—They are Missions of our Church as well as of the Wesleyan Missionary Society in England.

Tuesday, 31*st March*, 1836.

Committee met.

The REV. WILLIAM CASE, *called in and examined.*

243. Are you a member of the Methodist Conference in this Province, formerly known as the Conference of the Methodist Episcopal Church in Canada?—Yes, I am.

244. By what title is said Conference now distinguished?—The conference of the "Wesleyan Methodist church in Canada."

245. How long has the church to which you belong had the title of the Wesleyan Methodist church in Canada?—Since October 1833.

246. Is that since the union with the British conference?—It is.

247. Is there another body of Methodists in the Province called Wesleyan Methodists?—There is another body of Methodists in this country sometimes called Ryanites, otherwise the "Canadian Wesleyan Methodist church."

248. Are not the preachers and members of your church sometimes called "British Wesleyans," in distinction from the Canadian Wesleyans?—"British Wesleyans" is not the name by which our church is known.—That name distinguishes the large body of Methodists in England, ours is the "Wesleyan Methodist church in Canada."

249. Do you not think it very likely since the union of your church with the British Wesleyan connexion in England the members of your church might be called British Wesleyan Methodists?—I know not why they should be so called.

250. Do the church to which you belong and the Wesleyan Methodists in England form but one body or are they two distinct churches?—They are distinct bodies; the British Conference in England form one distinct and independendent body, the Wesleyan Methodist church in Canada forms another distinct and independent body, these two distinct bodies have formed a union.

251. In what respect are they the same and how are they distinct?—They are the same in doctrine, or the general rules of the society; as also in the great outlines of their economy; such as itineracy, plans of benevolence, the support of their regular ministry by voluntary contributions, &c. but they are distinct in name, and independent of each other. The Wesleyan Methodist Conference in England are recognized in Mr. Wesley's deed of settlement enrolled in Chancery, by which their chapel and church property are held, and by which the acts of the conferance become legal. The conference of the "Wesleyan Methodist church in Canada" is the same as that formerly known as the "Methodist Episcopal church in Canada"; the alteration of *name* and the *Episcopal form*, having been in accordance with a rule in its constitution, authorising such alterations. These two conferences are distinct and independent.—They manage their own internal economy in their own way, free of the interference of each other, neither having any ecclesiastical jurisdiction or control over the members (preachers or people) of the other so distinct are they, that the ministers of the one conference have no right or claim to membership in the other conference without their consent, and a regular admittance. Neither has the one conference any control over the funds of the other. These two bodies have formed a "union" the articles of which see Discipline, page 151.

252. Did the conference in England acknowledge your conference as a branch of the Wesleyan Methodist connexion when you were called the Methodist Episcopal church, and treat with you accordingly?—In the articles of the union the Canadian conference was so acknowledged and treated with accordingly.

253. Did they not consult with your conference or your superintendent when you were called the Methodist Episcopal church, about establishing their missions or forming societies of their own in this Province?—Such a correspondence did take place between Mr. Townley of the Mission Board in London, and our Missionary Board in York, held at the residence of Dr. Morrison, one of its members.—At a sitting of this Board a union was recommended between the two conferences, with one dissentient only, which recommendation was laid before the conference at Hallowell in 1832.

254. What mission stations had they in the Province at the time the union was formed?—One at Kingston, one at York, and a third at St. Clair.

255. On whose part were proposals for the union first made, and what proceedings were had thereon till it was finally ratified?—The first *official* proposals were made on the part of the Canada conference, at which time they commissioned an agent to proceed to England to treat with the British Conference on the subject.

256. Did Mr. Alder make any stipulation on the part of his conference as conditions of the proposed union?—I think Mr. Alder made statements at the Hallowell conference in 1832 as to his opinions of what the British conference would expect if the union were formed.

257. What were those stipulations or statements?—My recollection is not clear on the subject. Mr. Evans' answer to the 14th question on this subject I believe to be correct.

258. Did your conference send Mr. Egerton Ryerson to England to negociate with the British conference relative to the union?—They did.

259. Who was appointed editor of the Guardian at the conference of 1832 or when the union was proposed?—Mr. Richardson.

260. Was Mr. Richardson's appointment in consequence of Mr. Ryerson's declining to serve that year?—I knew'out that he declined any proposal of the kind on the part of the conference.

261. If Mr. Ryerson had been appointed editor that year how would his place have been supplied during his absence to England?—I have no answer to that question.

262. During the discussion of the union question were expectations raised on the part of the members of your conference to share in the funds of the British connexion should the union be effected?—It was understood by the Canada conference that the missions were to be taken under the care of the English Wesleyan Missionary Society and that they were to supply the funds necessary for the mission work.

263. Was it not also expected by the members of your conference that they would share in other funds of the British Wesleyan conference besides those that they might impart for the missionary work?—Others might have expected—I expected none.

264. Did any discussion take place in your conference on the subject of any other funds of the British Wesleyan conference other than those for missionary purposes, while the union was under consideration?—There was a conversation upon the subject between Mr. Alder and the conference.

265. Might it not have been possible, notwithstanding, that expectations might have been raised in the minds of your members of their participation in those funds, or is it not very likely that the conversation alluded to might have raised those expectations?—Mr. Alder stated to the conference that he was not authorised by his conference to encourage such expectations,—that the Canada conference would have no *claim* on the funds of the British conference in consequence of the union, that his own opinion was that

assistance might be given by the British conference to aid in carrying on the regular work in the circuits.

266. Did your conference since the union realize those expectations?—In the first article of the union it is provided that the Canadian Preachers should have no claim on the funds of the British conference; the Canada preachers have never received any assistance from the British conference, otherwise than from the Missionary Society in support of missions in this country.

267. Was Mr. Ryerson instructed to make any arrangement relative to appropriations of money from the British conference to yours?—Instructions were given him on various matters connected with the objects of his mission.

268. What were the purport of his instructions on this point?—I am not in possession of proper information to answer that question. For the result of his mission I refer to the articles of the union, see Discipline, page 151.

269. Have you any knowledge of the receipt of certain grants from government to aid the Methodist Church in this Province, if so, please state what you know concerning them?—I know there has been considerable said on the subject and a great deal of excitement created thereon in some parts of the country, but I can say that the Canada conference have never received any sums of money from the British government for any purpose whatever.

270. Do you mean to be understood to say that your church has received no aid from Government grants?—They have received none to my knowledge.

271. Are you aware that Government Grants have been made to the Missionary Society of the Wesleyan Methodist connexion in London for the purpose of being expended on the missionary work of your church in Canada?—I am aware that the government did previously to the union of the two conferences grant to the Wesleyan Missionary Society in London the sum of £900 sterling to be expended on their missions in this country, and that subsequently the sum of £550 sterling was granted to the said Missionary Society in London to be applied towards the support of their missions in the same way.

272. Are not those excitements of which you have spoken, in your opinion, chiefly attributable to the grants of money made by the government towards the support of missionaries in this Province?—It is my opinion that the excitements are attributed rather to the *misrepresentations* which have been made relative to the Government Grants.

273. By whom have these misrepresentations been made?—I refer in the first place to the misrepresentations that have been made—as appeared in an Almanack entitled "the Canadian True Blues, by Patrick Swift, Esq. M. P. P. professor of Astrology, York," page 18, and headed "corruption unmasked."—Under this offensive summary, in the title, is said to be an estimate of money and money's value, raised in taxes, fees, monopolies, land-jobs, and otherwise from the people of Upper Canada, and of which the Methodist Episcopal Church is said to have received £1,900—this erroneous statement appeared in the 2nd edition of the same Almanack for the same year—widely spread as these messengers of slander have been, they have probably been read by many who have had no means of obtaining information to the contrary—and could have no suspicion of the design to mislead. By such misrepresentations I believe excitements have been created. Another erroneous statement appears in the 7th Report of the Committee on Grievances, page 4, viz: "The patronage of the Crown as was exercised in this Province, includes the payments of gifts, salaries, pensions, and retired allowances, to the Clergy of the Methodist, Presbyterian, Protestant Episcopal, and Roman Catholic orders" as far as this regards the Wesleyan Methodist Conference in Canada, it is incorrect, as they have received neither gifts, salaries, pensions, or retired allowances from the government.—In the same report, page 15, it is stated, that the British Wesleyan Methodist Conference, formerly the Methodist Episcopal Church received £1000 in 1833, and £611 in 1834,—these two errors I wish to mention here—the first is that the British Wesleyan Methodist conference was formerly "the Methodist Episcopal Church." The second is that the Wesleyan Methodist church in Canada which I suppose is here meant, ever received either the one or the other of these sums.—That this statement is meant to apply to the Wesleyan "Methodist Conference in Canada," will appear from the comment on the next page (p. 16) of the Report where the Government Grants are represented to have had the effect of a *bribe* on that body. Now the only evidence I believe referring to these grants in this case is on page 132 of the Appendix. Here the Receiver General states that the sum of £1000 was paid to Messrs. Haslope and Marsden for missionary purposes, and on page 140 the sum of £611 2 2 was paid to the Rev. Joseph Stinson, Representative of the "Methodist Missionary Society in London." These statements go to show that the Government Grants were paid, *not* to the "Wesleyan Methodist Conference in Canada," but to the Treasurers (Messrs. Haslope and Marsden) and Rev. J. Stinson, Representative of the *Wesleyan Missionary Society in London*. I have also to refer to another erroneous statement in the Grievance Report, on page 15, it is stated, that "the Ministers of these ecclesiastical establishments derive their official pensions entirely from the public revenue, raised within the Province, and receive besides an income from their congregations."—On the preceding page (p. 14) you will find in the same article headed ECCLESIASTICAL ESTABLISHMENTS, that a prominant reference is made to the "Methodists of two conferences not in connexion with each other," which must of course include the *Wesleyan Methodist Conference in Canada*. If then the community are made to believe that the "Methodist Episcopal Church receives from money raised in taxes, fees, monopolies, land-jobs, and otherwise, from the people of Upper Canada," £1,900, and that "besides" the Government Grants, the Wesleyan Methodist Conference "receives an income from their congregations," as is stated in the Grievance Report, pages 14 and 15, it is no longer matter of surprise that excitements should be created, and these are my reasons for believing that the excitements were occasioned, rather by misrepresentations relative to those grants, than by the grants themselves. It is much to be regretted that this circumstance, *the want of testimony in the case*, was not noticed by the Committee on Grievances when they drew up that part of the 7th Report.—It would have saved the feelings of no inconsiderable portion of the community, among whom are not a few of the best well-wishers to the cause of Reform. The last erroneous statement which I wish to refer to, is contained in the supplement to the Christian Guardian of February 20th, 1836: In the debates of the House of Assembly a member of that House is reported to have said that, "he believed that any circuit, which was in arrears in paying the preachers salary at conference, was called a mission, and the deficiency was made up out of the missionary fund, so that in fact the preachers were paid out of this money." I know not on what grounds such a belief was founded.—Other publications equally erroneous might be referred to, but these may suffice.

274. Have the Wesleyan Methodist connexion in England missions independently of your church in this province since the union of your church with that body?—In answer to a previous question I have stated that agreeably to the article of the Union the missions in Canada were taken under their patronage and were to be regarded as the missions of the English Wesleyan Missionary Society for the support of which missions the English Missionary Society were to furnish the funds.

275. Then are you to be understood to mean that no connexion at all exists between the missions under the charge of the superintendent of the Wesleyan Methodist missions in this Province and your church?—No such connexion as that which gives the Wesleyan Methodist church in Canada any controul over the funds of the British Wesleyan Missionary Society in London.

276. Do you think that the first paragraph quoted by you in the Grievance Report wholly relates to the Methodist clergy?—I have stated in the answer to a previous question that as far as regards the Wesleyan Methodist conference the statement is erroneous.

277. Does it relate (in the term pensions) at all to the Methodist clergy?—It must relate to either "gifts" "sa-

laries" "pensions" or "retired allowances" for no other terms are used, and, under none of these terms have the Methodists of our church received the "Government Patronage" for the meaning in the above paragraph I beg to refer to page 14 of the Grievance Report under the article "ECCLESIASTICAL ESTABLISHMENTS."

278. Do you not think it also relates to the Clergy of the other denominations mentioned?—With that I have nothing to do. It is the misrepresentations that Government grants have been made to the conference of which I am a member.

279. Are you not aware that pensions are allowed to the clergy of other denominations as by the Report shewn in pages 147 and 148?—To the Wesleyan Methodist conference in Canada the Government has made no grants for any purpose whatever, and their appears no evidence in the Appendix on which to found the assertion that the government did grant money to that body.

280. Were no gifts given by the government to Methodist churches in this Province?—None to the church to which I belong.

281. May not the money granted by the government to different religious bodies for religious purposes be looked upon in the light of a gift?—I have no answer to that question.

282. Was any intimation given to your conference of the tender of any grant by government to the Methodists in this Province either before the union or since?—I have no knowledge of any.

283. Was no report made to your Conference of the reception of such grants by the superintendent of the Missions?—The superintendent of the missions may have reported that moneys were received from the grant for the missions under the patronage of the English Wesleyan Conference, but he could never have reported that such grants were made to our conference.

284. Is the committee to understand that your conference in no way hold itself accountable to the public or your church for the transactions of the Wesleyan Missionaries in this Province?—I am not aware of saying any thing to make such a question necessary. The annual reports of the Wesleyan Missionary Society are every year published, in this country, where all moneys, from whatever source, are credited, and the application of them minutely detailed.—Of this any person may know by reference to them.

285. Did your conference institute any inquiry respecting government grants to the Wesleyan Missionary Society in this Province, as to their design, application &c. after it was known they had been received?—In a former answer it is expressed, that no grant was ever made to the Wesleyan Methodist Conference in this country, but to the Wesleyan Society in London, to the use of their missions in this Province.

286. Were no proceedings then had in your conference at all on the subject, whether those grants were made either here or in England to the missionary purposes of the Wesleyan Methodists Society in this Province?—The Canada Conference never instituted any proceedings on the subject. Conversations have sometimes taken place, but the conference I am persuaded never considered that any grants were ever made to them—they always understood that the grants were made to the English Wesleyan Missionary Society in London, over whose funds the conference had no control. Of course they could institute no proceedings in what way the society in London should provide funds for their missions in this country.

287. Were no motions or resolutions made in conference relative to said grants!—I believe there was a resolution once offered in the conference on the subject, the disposition of which I do not exactly remember, perhaps it was thrown out, I am apprehensive it was under the persuasion that they had no right to say in what manner, the society in London should obtain funds for their missions.

288. Who moved the resolution for a declaration of opinion in your conference on this subject?—It does not occur to me.

289. What are your opinions as to the propriety of public grants for religious purposes?—I know not that I am prepared to give an opinion on this subject in all its bearings. To raise one denomination above another by distinctive privileges, either civil or religious, I consider to be wrong and unjust; and that salaries from Government to ministers of any denomination would occasion much dissatisfaction.—But with respect to the Government grants for the improvement of the Indians in this country, I am of opinion, and have been for many years, that much good may be done in this way to that long neglected people.—I have long thought that there are obligations due to the American Indians which have not been fully discharged by any government on the continent, having been in one way or other for 20 years past connected with societies in the United States and Canada, for the instruction and improvement of the Indian tribes. I have thus formed my opinions: the Governments to which I have referred have done something for the improvement of the Indian tribes, but the grants of those Governments have by no means been equal to the wants and obligations to that unfortunate people.—I consider it one of the noblest acts of the British Government that they have employed their funds for the amelioration of the condition of the poor and the ignorant; and if it is one of the richest boasts of the nation that her government has paid the price of ransom for all her slaves, to me it appears equally glorious, proper and just, to employ funds derived from the lands once held by the Indians in ameliorating their condition.—The American Government has appropriated $10,000 annually for this purpose; that sum has been paid over to various benevolent societies for the civil and intellectual improvement of the Indians.—In my opinion the British Government have no occasion to hesitate in adopting a similar course—what they have done has already told nobly.—The conversion of more than 1000 Indians who were once so many drunkards, is an honor to the christian church and to the Government, who may have in several ways aided in her successful efforts.

290. Has the annual appropriation of $10,000 alluded to in your last answer been appropriated by the Legislature of the United States, or has it been given by the Executive Government without the consent of the Legislature?—I believe in the American Government no appropriation is ever made by the executive without the consent of the Legislature, but in the British Government it is understood to be otherwise.—I know not that I fully understand the right or prerogative of the Crown, but if I do, it is this, that the Crown claims the revenue from certain sources, among which is that arising from the sale of wild lands, a revenue which the Kings of England have always enjoyed, and which has never been conceded to the Provincial Legislature.—That question being, as I understand it, a political one, in controversy between the Legislature of this Province and the Crown, and which question remains unsettled, I do not feel it my duty to give an opinion as to the merits of the case.—If then the Crown claims the prerogative of appropriating the monies arising from such lands, and that it never has been determined by any Act of the Government that the King has no such right, and the King having applied those funds according to his discretion I am under the impression that no religious body need feel any scruple in receiving funds thus derived and thus given for the improvement of the Indian tribes, who once occupied those lands.

291. Do you think that that is the best way to make Methodist preachers the means of these neglected people getting their due from Government contrary to the wishes of the people out of whose funds the money is taken?—I have supposed that the funds alluded to were not raised by taxation on the community but from the revenue of the Crown arising from the sale of wild lands, which revenue had never been conceded by the King—if it were a settled point that the funds were under the control of the people, I have no hesitation in saying that it were wrong were they offered to receive funds from the Executive Government for any purpose whatever without the consent of the Legislature. I beg here to remark further, that the grants the Government have made to the Wesleyan Missionary Society in London can have no effect to increase in any way the

salary of the Missionaries; it however enables the society to *extend* its missionary operations for the benefit of the poor and destitute.—I wish also to observe that the society never consented that the Government should pay the salaries of their missionaries—I think I am authorised in saying that offers have been made by the Government to pay the salaries of missionaries, if appointed to the convicts in New Holland, or to the slaves in the West Indies, but the society declined the offer, saying, whatever funds are granted for this object, if paid into the funds of the Missionary Society, will be gratefully acknowledged.

292. It appears by your answer to a former question that the power of the Executive Government to appropriate the revenues alluded to is yet a matter of doubt by the Legislative branches of the country—would it not be therefore the duty of a christian ministry to forbear receiving grants from such a source as long as such reception was objectionable to the representative branch of the Government, or displeasing to the people who are contending for the right of having a voice in the disposing of them?—My own private feelings may concur in the suggestion contained in the question not to do any thing that would continue the agitation that is felt in the country on the subject—nevertheless I do not conceive that what has been done by the Government in making them, or the Wesleyan Missionary Society in London receiving them, there has been any impropriety in the case. In offering the above sentiments however I do not wish to be understood to give the sentiments of the conference either in England or in Canada.

293. Would you under all circumstances think it proper or improper that for the future these grants should be suspended till this agitated question is finally settled?—I have no opinion to express.

294. Do you believe that the motive in the Government was such as you express in your examination, purely benevolent, in making these grants?—I have no reason to believe that there were any exceptionable motives in the case; I can only judge from the facts themselves in this and other acts of the British Government, in favor of the oppressed and destitute, and think them to be noble and worthy of a christian Government. The time was when intellectual improvement was by every means prevented, the people were kept in ignorance, and died in slavery. It accords with every feeling of my heart that any Government should take a more enlightened and christian course, and for such I shall ever pray.

295. Do you not know that the grant of £900 made in 1832 was for the purpose of establishing missions for the Wesleyan society among the Indians and several societies, in places where the societies of the former Methodist Episcopal church existed, and did not your conference, your missionary Board and several of the societies under the late conference remonstrate against the same?—I am not aware that the "Grants" were made for creating a rivalry in Societies already established—I know the subject was felt and conversed on and fears were entertained that the establishment of missions by the Wesleyan missionary society in London in the midst of Societies already formed by us would prove a rivalry injurious to religion; and against this proceeding of the society in London we remonstrated—these fears, however are done away in the circumstance of the union.

296. Do not the public improvements which have been made out of the funds of this Province and at the disposal of its Legislature and the industry of the people made those public lands valuable, and if so, is it not a tax on the people?—I do not so understand the subject of "taxation." In that sense then the enhanced value of an unimproved lot in this city is a tax on adjoining premises, where valuable improvements have been made. However others may have understood this question, I know some persons have really supposed the "government grants" were paid out of funds raised by taxes on the people.

297. Do public grants made to the parent society effect, either directly or indirectly, the conference of which you are a member, or any of its members?—It benefits the missions but does not increase the salary of any missionary or member of the conference.

298. Did you not as a member of the Methodist Episcopal church in the years 1817, 1818, & 1819 warmly and zealously engage in using your own endeavours, and exciting both the preachers and members of that church in Canada to prevent methodist societies under the Wesleyan methodist conference in Great Britain being established in this Province, and have such broken up, as were formed, and did you succeed therein?—I feel very reluctant to refer to a subject which at that time was so painful, and which was afterwards amicably adjusted by the two connexions.

299. Did not the local government in Upper Canada apply to the government at home implicating the character of the preachers of the Methodist Episcopal church, and did not that government apply on the subject to the Wesleyan Missionary committee in London, and did not the committee apply to the methodist Bishops—and they to you on the subject?—I have so understood it, but it is long ago—the subject I believe is passed away and is forgotten and I do not wish to revive it.

300. Do you not think that the close connexion existing between the society in England and your conference is such that if a public grant of money were made for missionary purposes to the former it would benefit your ministers who are employed as such, as much as though it were paid directly to your conference?—I do not know that it would benefit in any other way than by enabling the society to extend the work; It would not increase the salaries of the preachers.—The allowances of the missionaries are fixed by rule of discipline which is always paid, and under no circumstances do they receive more. Were the funds of the society increased a thousand fold it would enable the committee to *extend* the blessings of the gospel, but the allowances to the missionaries would remain the same.

FRIDAY, 1st April, 1836.

Committee met.

Mr. THOMAS VAUX called in and examined.

301. Are you a member of the Wesleyan Methodist society in this Province?—I am.

302. Was you a member of the Methodist Episcopal church in this Province in the spring or summer of 1832?—I was.

303. Did there exist in this city at the above period a Board of Managers of the Missionary society of the conference of the Methodist Episcopal church?—Yes.

304. Were you Secretary and a member of that board at that period?—Yes.

305. Do you recollect a special meeting of that board being called which met at Dr. Morrison's about that period, and by whom was it called and for what purpose?—There was a special meeting called, I think in June 1832 by the Reverend John Ryerson President of the board of managers of the missionary society, for the purpose of meeting with Mr. Alder, representative of the Wesleyan Missionary society in London.

306. Can you tell who besides yourself, members of that board, and others by invitation attended that meeting?—The Rev. John and the Rev. Egerton Ryerson, Mr. Patrick, Dr. Morrison, Mr. Parke, and I think Mr. Armstrong and Mr. Howard, the Rev. Messrs. Turner, Hick, and Hetherington accompanied Mr. Alder.

307. Have you any recollection of a communication from the Wesleyan Missionary society in London, addressed to the Rev. Wm. Case, and referred to this board, by the conference in either the years 1829-30 or 31 and was it read or acted upon?—There was a communication, it was read and acted upon.

308. Can you produce that communication and the ultimate proceedings had thereon at that or any other board upon that subject?—I am in possession of the communication, and likewise the proceedings had thereon.

(Witness handed in the documents marked C.)

309. Who moved those resolutions and the letter accompanying them at the meeting of the board before alluded to?—I think the Rev. Egerton Ryerson.

310. Were the principles of that reply and resolutions to the communication in question opposed by any of the members of the board of the Methodist Episcopal church at the meeting at which they were adopted?—I do not recollect that they were opposed.

311. Was the reply of the board to the communication of the Wesleyan missionary committee in London answered by the latter body?—Yes.

312. Have you it, the answer in your possession?—I have.

(Witness handed in the document marked D.)

313. Who was the bearer of that latter communication to Canada?—Mr. Alder.

314. At a meeting of the missionary board before mentioned in the spring and summer of 1832; was that communication read and by whom animadverted on?—It was read by myself and it became the subject of discussion.

315. Did Mr. Egerton Ryerson defend himself and the Christian Guardian of which he was then and had been for some time Editor against the imputation contained in the said letter, at some length?—He did.

316. Did he not in his defence impute to the Wesleyan Methodist conference political intermeddling, especially in relation to the slave question then causing much excitement in the colonies, and mother country?—I think he made mention of the circumstance alluded to.

317. Did Mr. Alder reply to him, also, at some length, and do you not think he was exceedingly severe, both on the political character of the Guardian and Methodist body in Canada?—He defended the principles of the 7th Resolution of the Missionary committee in London of date February 1832 very warmly.

318. Was it at that meeting of the Board of mangers of the Missionary Society of the Methodist Episcopal Church the Union was first proposed and by whom?—It was at the meeting that I first heard of the proposal for Union, it was in the course of discussion, it was I think first proposed by the Rev. John Ryerson.

319. Was there a subsequent meeting of the said Board, at which certain Resolutions on the subject of the Union, were discussed and adopted, and by whom were they proposed?—There was a subsequent meeting at which certain Resolutions were proposed, I think by the Rev. E. Ryerson.

320. Was any address to the Conference of the Methodist Episcopal church proposed and adopted at that meeting to accompany the said Resolutions and by whom?—Not to my knowledge I have no recollection of it.

321. How were the Resolutions transmitted to the Conference and their attention called to the same, was any letter adopted by the Board or was the President or yourself as Secretary instructed to transmit them requesting their noticing them?—I do not know how the conference came in possession of the Resolutions there was no such letter to my knowledge.

322. Did you or the President on your own responsibility, transmit them to the conference, or was any resolutions or part of a resolution adopted at that board to give you such authority?—I have no recollection of any such resolution, neither did I officially transmit them to the conference.

323. Were they laid before the conference at its ensuing session and by whom did you or the President send them accompanyed by a letter from yourself or the President, or did either of you conceive that any thing indirectly in the resolutions themselves gave you such power?—I understood they were laid before the conference but I do not know by whom; there was no such letter to my knowledge, I copied the documents for a member of the conference.

324. Are you aware that any letter was written and sent to the conference accompanying those Resolutions and by whom and who was the member that laid them before conference?—I have answered this to previous questions.

325. Was any request made during the meeting of the board, that Mr. Alder would remain and attend the conference at Hallowell to confer on the proposed Union?—There was, and I think Mr. Alder was made acquainted with it, he was not present at the meeting of the board, at which the above resolutions were passed.

326. Was that request made in any resolution or in any address to Mr. Alder passed by the board?—The request is contained in the resolutions, I am not aware that he was addressed officially.

327. Can you furnish the committee with a copy of the resolutions or proceedings adopted by the board, proposing and recommending the Union?—I have a copy of the resolutions passed at the last meeting.

(Witness handed in a copy of the same marked E.)

328. From the conversation and proceedings at the meeting of the board, do you think it was the intention or wish of the board that the resolutions recommending or proposing the Union should be laid before the ensuing conference? and that Mr. Alder should be requested to remain in the Province and attend the conference?—Such an intention appears to be embodied in the resolutions themselves.

329. Was there any communication made from the board to the Wesleyan missionary committee in London either through Mr. Alder or otherwise, or was a copy of the resolutions of the board sent to Mr. Alder?—There was a communication accompanying the resolutions of the board, transmitted I think through Mr. Alder, signed by the President and Secretary.

330. Was that the order of the board and previously to their being laid before the Canada conference? Have you a copy of that letter and will you produce it for the information of the committee?—The communication in question was not laid before the board, nor was it, that I am aware, recognised by the board. It was written subsequently to the sitting at which the last resolutions were adopted and previous to the meeting of the conference. I signed the communication from an impression that it contained the sense of the board, though not my own individually and I so stated it to both the President and the Rev. E. Ryerson at the time, for I had from the first opposed the Union of the two conferences.

(The Witness handed in a copy of the letter marked F.)

Rev. JAMES RICHARDSON again called in and examined.

331. Have you read the Seventh Report of the Select Committee on Grievances?—I have read part of it, that which relates to the Methodists principally.

332. Have you found any thing in it relative to the church to which you belong objectionable as being erroneous or false; if so please to state the particulars?—I object first, the calling the Methodist Church an Ecclesiastical Establishment except in a spiritual sense common to all Churches organized under specific rules and forms.—I object to the phrase *official pensions* as applicable to Methodists of any description; but I do not mean to object to what I understand the meaning of the clause in which it occurs that those *official pensions* so called are derived from the public revenue raised within the Province. The British Wesleyan Methodist conference is the conference in England, which never was the Methodist Episcopal church, it therefore is incorrect to speak of it as such.

333. Is it your opinion that it is so erroneous, false or injurious to your church as to call for the animadversion and allegations which have appeared in the Christian Guardian against the committee on Grievances and House of Assembly?—I think not as I consider its statements not so much at variance with the fact of moneys having been received from government and expended on the missions connected with the conference to which I belong as the means or channel through which they have been received and applied to said missions—I have been both grieved and surprised at the many severe and indis-

erminate censures which have appeared against the committee on grievances, because of what they have said in the report, respecting the Methodists, as I am of opinion that a few explanations and corrections made in the spirit of candor and meekness, would have been sufficient to remove any injurious impressions arising from the errors in the report, and also thereby this unpleasant and laborious inquiry might have been uncalled for.

334. Have the Societies of the Church to which you belong been troubled or agitated about the Grants of money made by the Government to the Methodists?—They have I think to a considerable extent.

335. Did those agitations arise from the grants themselves or from misrepresentations respecting them?—No doubt misrepresentations respecting them have increased the agitation; nevertheless several of the societies within my knowledge have manifested considerable anxiety relative to those money grants, after they were correctly informed of every particular respecting them. When the report of those grants having been given appeared, I had occasion to explain at the quarterly meetings.—Those explanations relieved their minds, under an expectation that as the Canada Conference had not been made acquainted with the receipt of them, they would at their ensuing meeting disavow any participation in them and declare their adherence to their former principles relative to grants from the public funds for the support of the Christian ministry. This not being done in a satisfactory manner, this agitation to a great extent, although not so violent as at first, still continues.

336. Is it or is in not a fact that the £1,000 granted in the year 1832 or 1833 and £6,00 currency 1834, mentioned in the clause of the Grievance Report to which you object, have been received?—I believe it to be a fact that the sums mentioned in question were received, the former by the Treasurer of the Wesleyan Missionary committee of London; the latter by the general superintendant of missions in this Province, and applied to the support of the missions connected with the conference to which I belong.

337. Do the Preachers make to your conference annual reports of the Financial as well as Spiritual concerns of their circuit?—Yes they do.

338. Are the names of any missionaries that receive pay from the funds of the Missionary society, of which the Rev. Joseph Stinson is the General Superintendent, on the minutes of your conference?—Several of them. All those who are appointed by the conference are on the minutes; some stations are supplied by persons employed by the Superintendent, as occasion may arise from lack of preachers at the time of conference.

339. Does the General Superintendent report to your conference the state of the missions?—The state of the missions is presented at the conference with the state of other parts of the work.

340. Does he account to your Conference for the expenditure of monies granted by the Parent Society?—He accounts to the Wesleyan Missionary Committee in London.

341. To whom does he apply for Preachers to occupy the mission stations?—The preachers are appointed to their stations by what is called the Stationing Committee, which is composed of the chairmen of districts and the superintendent of missions acting with the President of the Conference; when vacancies to the stations occur at the conference he employs such persons as may appear to him suitable, that are authorised by the church to preach.

342. Are the Chairmen of Districts allowed to exercise the same power in supplying vacancies in the circuits under their oversight?—Yes.

343. Are the missions on which the monies appropriated by the Wesleyan Missionary Committee in London are expended, regarded, in the articles of union as the Missions of the English Wesleyan Missionary Society? and do the missionaries employed in them derive any personal benefit or additional salary from the grants made by the government to that Society?—They are so regarded, —None that I know of. The Preachers connected with our missionary work can receive no more than what is allowed them by the Missionary Committee of our church, according to the scale laid down in the discipline.

344. Do the missionaries derive their pay from the government grants made to the Parent Society, and are they members of your Conference, and can your conference, and do they from time to time through their stationing Committee appoint the preachers to these missions?—The government grants as I understand are put into the funds of the Parent Society in England and Missionaries receive their pay from those funds. The missionaries belong to our Conference. The Conference does appoint the preachers to those missions.

345. Can the superintendent employ any preachers as Missionaries but such as are approved by your Conference?—It sometimes happens that at the sitting of Conference there is not a sufficient number of preachers to supply the stations; in such cases they are supplied by the general superintendent from among such persons as he may find duly authorised to preach by the church.

346. Is the book of discipline now shewn to you, the authorised discipline and if so is there any other edition?—It is the authorised and last edition of discipline.

347. Have you read a section on page 14, of the 7th report of the Committee on Grievances headed "Ecclesiastical Establishments?—I have.

348. Does it not appear to you that the following clauses in that section—"This consists of four classes of the Methodists, two conferences not in connexion with each other," and "the Methodist conferences had grants extended to them for the first time in 1832, or 1833," the conference of which you are a member is meant to be included, and has it not in your opinion been generally so understood?—How it has been generally understood, I am not able to say, but it appears to me that the conference to which I belong is meant.

349. Does it not appear to you that on page 15, the clause "formerly the Methodist Episcopal Church" was inserted in order to make an impression that the monies said in the same paragraph to have been paid in 1833 and 1834 were paid to the conference of which you are a member?—and has it not the tendency to make that impression?—It appears to me that it has a tendency to that effect.

350. Have you read a paragraph on page 16 commencing with the words "this appropriation" and ending with the words "in the year 1828"?—and another immediately following it, commencing with the words "upon another occasion," and ending with the words "good understanding"?—I have read it slightly.

351.—Do you consider that by the Methodists alluded to in those paragraphs and said to be an Ecclesiastical Establishment, the Methodist conference with which you are connected is meant?—and has it not been generally so understood?—It could be understood in no other sense.

352. Do you think that the Committee on Grievances could have obtained information as to the expenditure of these monies granted by the Government if they had applied to the general Superintendent of Wesleyan Missions in Upper Canada for that information?—I have no doubt they would have obtained from him correct information had they inquired.

353. Do you mean to say that the inferences drawn in the Report on Grievances on the subject of Government grants, in relation to the Methodists and Methodist conference, are not true inferences from the public documents appended thereto?—I have not examined the report sufficiently to inform me, with respect to the correctness of the inferences drawn from the documents appended thereto.

354. Do you think that many people in this Province by reading and hearing the statements made in the Grievance Report have been led to believe that Government grants have had a corrupting influence upon the minds of the members of that conference, and have caused change in their political views?—As far as I am acquainted the statements in the Grievance Report have not in my opinion affected their minds towards the preachers of our conference.—Their views of these money grants I think were generally the same before the report was published as they now are.

355. Will you explain to the committee the reason why the Missionary Superintendent of the Wesleyan Methodist Missions in this Province, if he had a particular account to give with respect to the Government monies, did not do so, when called upon for the same by the Governor, or why he has not done so to this day?—I can give no information relative to the subject contained in the question.

356. Do you think that the statements made in the Grievance Report concerning your conference are not believed by the people generally, or as far as you have an opportunity of knowing their views?—Those parts of the statements that are erroneous that may be understood to imply that Government money was paid *directly* to our conference—are not, as far as I have knowledge.

Committee Room,
Monday, 4th April, 1836.

Committee met.

The Rev. DAVID CULP, *called in and examined.*

357. Are you a Minister of the Methodist Episcopal Church in Upper Canada, if so, how long have you been a minister, and have you resided constantly in the Province during the same time, and does your church still continue to be designated by that name?—I am a minister of the Methodist Episcopal Church and have been for 24 years—have during that time resided in the Province.—The church to which I belong continues to be designated by that name.—I have in my possession my credentials as a minister for 20 years, having received them after 4 years officiating and travelling as such.

358. Has your church at any time received any donation or grant of money from the public funds of the Province, or have the ministers or members thereof at any time petitioned or solicited the Government for such grants?—They have never to my knowledge received any such grants, neither have they petitioned or asked for any.

359. Would it in your opinion be conducive to either the spiritual or temporal welfare, peace, or prosperity of your church to receive such grants—or would the members of your conference, or the people of your church be opposed to receive such?—I conceive that it would not be conducive to the peace, welfare, or prosperity of the church to receive such grants—as far as I understand the views of the conference to which I belong they are decidedly opposed to them, and our people are, I think, generally opposed to such grants.

360. What in your opinion has been the effect of such grants on the different denominations who have received them?—Have they produced good or evil in a religious point of view?—I ground my opinion upon the effects such grants have had upon the different denominations receiving them by comparing their state at the present according to my observation with what it used to be previously to the grants.—Before those grants were received there appeared to be peace, good will, and prosperity among the different denominations, notwithstanding the difference of opinion of creeds—since that it is not so;—there is more disorder and unpleasant feeling in the different churches, I think, since those grants have been received, than ever I knew in Canada before, though I have been resident in it all my days.

361. Have such grants produced political excitement, and to what extent? and has such excitement so produced been injurious to religion?—That they have produced a political effect or excitement is very clear in my mind, but to what extent I can hardly say, those excitements produced have been injurious to the cause of religion.

362. Do the community generally, or in any considerable number, approve of such grants, or do they disapprove of them, and would they, in your opinion, desire that they should be discontinued?—As far as my knowledge extends of the community generally, they feel decidedly opposed to to any religious denominations receiving such grants—for many of the members whose ministers have received them have stated to me that they would not feel satisfied to have them continued.

363. Is the conference of which you are now a member the same to which you belonged 24 years ago?—I consider it to be the same.

364. In what way is episcopacy in your church established?—By the provision made in the discipline of the Methodist Episcopal Church, it is provided that in the case of death or vacancy in any way, or of there being no Bishop, three Elders can set apart a person to that office, which they have done.

365. Has there ever been any person known by the title of Bishop of the Methodist Episcopal Church in Canada?—The church has been designated and known as the Methodist Episcopal Church in Canada, but till recently there never having been any person fixed on, upon whom they could agree to fill that office, there had been a Bishop *pro-tempore.*

366. Have you a Bishop now who is appointed for life?—We have a Bishop now who is appointed during good behaviour, all the officers of our church are appointed on that condition.

367. When had you a Bishop *pro-tempore,* and at what time was your first Bishop appointed?—My memory does not serve me sufficiently at this time to say when a Bishop *pro-tempore,* was thus appointed—I can only say that after the amicable set off from the connexion with the United States, this person was appointed; our first Bishop was appointed at our last annual conference, held in Trafalgar in June last.

368. Is he the same person who was your Bishop *pro-tempore*?—He is not.

369. Are the ministers of your conference known as itinerant preachers, or are they both itinerant and local preachers?—We have both itinerant and local preachers—but I would add that our local preachers have no seat nor vote in our annual conference.

370. Is your Bishop a local or itinerant preacher?—He is now of course considered an itinerant preacher.

371. What constitutes him an itinerant preachers?—His belonging to an itinerant connexion at present.

372. What are the duties of your itinerant preachers?—To travel and to preach the gospel as far as health and circumstances will permit.

373. What do you mean by circumstonces in your answer to the last question?—I mean that there are many circumstances or casualties which might occur to prevent his travelling.

374. Are any of your itinerant preachers allowed to follow wordly calling, such as farming, merchandizing, &c.? Yes, as much as it was allowed to St. Paul to follow tent making, at certain times.

375. In your answer to question 360, do you mean to be understood to say that no splits or dissensions took place among the Methodists prior to those grants having been made?—By no means, I willingly grant there have been splits, but to a more serious extent since the grants have been received.

367. You say that much agitation exists among different religious denominations since Government grants have been made to religious bodies—is it your opinion that such grants affect the political feeling of the denominations that receive them?—I think they do to a pretty serious extent.

Mr. JAMES. R. ARMSTRONG *called in and examined*

377. Are you a member of the Methodist Society?—Yes.

378. Were you a member of the Methodist Episcopal Church previously to the union between the conference of that church and the Wesleyan Methodist conference in England?—I was.

379. Had the conference of the Methodist Episcopal church a missionary society termed the Missionary Society of the Canada conference of that church?—Yes.

380. Were you treasurer of that missionary society?—I was.

381. What is the Methodist church of which you are a member called since the union before mentioned?—The Wesleyan Methodist Church in Canada.

382. Has the conference of that church a missionary society, and what is it called?—The Missionary Society of the Wesleyan Methodist Church in Canada.

383. Has that society a constitution or rules by which it is regulated and managed, and can you furnish the com-

mittee with a copy of the same?—I have not been furnished with such rules since the union.

384. Do you know how the missionary society before alluded to is connected with the conference of the Wesleyan Methodist church in Canada, of which church you say you are a member?—This society is auxiliary to the parent society in London—there is a superintendent from the missionary committee in London who superintends the missions in this country; some of the missionaries I believe are members of the conference.

385. Are you treasurer of that auxiliary missionary society?—No, not this year.

386. Have you been treasurer of the missionary society within the two years past?—Yes, I was treasurer until the last conference.

387. Was the missionary society mentioned then auxiliary to the parent Wesleyan Methodist Missionary Society in London?—I considered it so.

388. How were the monies then received by you for the uses of that society, and how were they accounted for?—I beg to hand in to the committee the best answer I can give to the question, the reports of the missionary society for the years 1834 and 1835, in which will be found the receipts and expenditures of all monies connected with the society. (For receipts and expenditures see G. & H.)

389. The committee perceive by the two reports you have handed in, that in that of 1834 the monies paid are accounted for in detail, and in that of 1835 they are not?—Can you explain the reasons of the difference?—The last report was made up when I was not at home,—I expect by Mr. Stinson from my books—I have no doubt but a detailed account was laid before the conference.

390. The committee perceive an item in the receipts of "Cash from the Parent Society in London drawn at different times during the year 1834" £1893 1 0. Can you explain the nature of that transaction?—Mr. Stinson was in the habit of drawing on the missionary committee in London for money as it was required and handing the same over to me as treasurer to meet the demands of the missions.

391. Do you recollect how much of that sum was drawn for on London by Mr. Stinson. State if you please the amount as a whole, or in separate sums?—I consider he drew on the committee in London for the amount of £1893 1 0 mentioned in the report of 1834—I cannot say in what particular sums.

392. Did he state to you when he paid money over to you, as received through the Parent Society—it was money he had obtained by the sale of bills drawn on the treasurer of the Parent Society?—I do not recollect that he told me that particularly—I have heard him say that he had sold bills to different individuals, I never enquired particularly.

393. Do you believe the whole amount of £1893 1 0 was moneys drawn for on the Parent Society in London by Bill of Exchange?—I have said before it was drawn at different times; part of it I believe was received thro' Mr. Marsden and paid by him as treasurer of the Missionary Society in London when he was in this country.

394. In the Christian Guardian of 27th May 1835, a statement headed—"Canada Conference Missionary Society in account with James R. Armstrong, treasurer" is published—is that statement correct?—[The witness was shewn the Treasurer's Report in the Guardian No. 289] (for Report see I.)—I have no reason to doubt its correctness as far as relates to moneys that came into my hands.

395. In that statement appears, as having been received by you, £1000 currency from the Rev, George Marsden, Treasurer of the Missionary Society in London—is that item correct?—This refers to money paid to Mr. Stinson for which I cannot account.

396. Can you explain to the committee how it is that the two sums total of the published account in the Guardian of moneys received, and that in the missionary report, agree except in one item of money paid to Mr. Stinson?—In my report the amount is included in one sum, but in the paper it is divided into two items to make the matter more explicit.

397. Are you aware of any Government grants being made to the Parent Society of the Missionary Society of your church and under what authority were they made?—I know nothing except from report.

398. Do you approve of such grants being made and for such purposes?—As I considered this grant was made for the benefit of the Indians, I can find no fault with it, inasmuch as the moneys paid arose from the sales of the lands which once belonged to them, as I consider they did.

399. Do you believe that this is the general opinion of the ministers of your church and of the conference of your church?—It is impossible for me to say how far that opinion extends.

400. Would you approve of Government grants being given for missionary purposes to the Catholic church among the Indians?—If they should expend the grant in the education of the Indians in reading, &c., I have no objection.

401. Do you believe it is only right and proper for the Government to grant for missionary purposes to the Wesleyan Methodist Church?—I think my answer to the last question answers this.

402. Do you think that Government has not a right to bestow its bounty for missionary purposes on any religious sect and society it may choose to select for the purpose?—It is not for me to dictate to Government the manner it shall distribute grants for missionary purposes; and where moneys are judiciously laid out in civilizing the Indians, I do not object to any religious body being the agent for that purpose.

403. Are you of opinion a missionary society of any church can teach christianity, or do you believe christianity consists in any set of religious opinions?—I believe that many christian societies can teach christianity.

404. Was any part of the amount drawn through Mr. Marsden from moneys granted by the Government to the Parent Society?—I think I have said that Mr. Stinson drew on Mr. Marsden as treasurer for the Missionary Society in London for part of the moneys received from the Parent Society.

REV. Mr. EVANS *again called in and examined.*

405. Do you approve of grants by Government being made to the Parent Society of the Missionary Society of your church for missionary purposes?—I think it is perfectly right for the Government to make such disposition for missionary purposes of any moneys which are constitutionally at its disposal as may be in its opinion most conducive to the interests of those who are destitute of religious instruction when by so doing the salary of no preacher would be augmented or his personal interest promoted.

406. Do you think that this is a general opinion among the members, lay and ecclesiastical of your church?—I am not aware that any member of our church would be opposed to the government making such appropriations for missionary purposes as are in accordance with its constitutional powers, and the expenditure of which would promote the spiritual and eternal interests of mankind without augmenting the regular disciplinary allowance of any preacher; but I believe that the whole of them as well as myself would strongly disapprove of any Government grant being received under circumstances that would tend in any degree to the temporal aggrandizement of the preachers, by enabling them to receive any, even the smallest salary over and above the regular allowance made by the discipline, because, if received under such circumstances it might exert a corrupting influence upon the preachers, and induce men to enter the ministry from motives of pecuniary gain and without that due regard to the good of souls by which alone the christian ministry ought to be actuated.

407. Do you approve of Government grants of money made for missionary purposes being devoted to the payment of salaries to the members of your conference or such preachers not members of your conference employed by your church as missionaries?—I can see no impropriety in the committee of the Parent Society under whose direction

the Wesleyan Missions in this Province are placed receiving grants from the Government, if made as above stated from funds constitutionally at its disposal, or in their faithfully appropriating them with their other funds according to the best of their judgment to the promotion of the spiritual interests of those who are under their pastoral care and direction. I am however of opinion that more than the amount received from the Government has been appropriated to education and other purposes in the mission work without including the payment of preachers salaries.

Rev. JAMES RICHARDSON *again called in and examined.*

408. Having been much in attendance in this committee at its first sittings, have you seen any thing that can justify the animadversion in the Editorial of the Christian Guardian of last week, No. 333 and of this week relative to the proceedings of this committee?—I was not present on the first day of the sitting of the committee but was part of the second day and several times since, and from what has come within my knowledge, the inquiry of the committee, although multifarious, close and searching, have not been in any way secret, but open and candid; and as far as I am concerned they have been courteous.

409. What is your opinion relative to the tendency of those animadversions?—I think they tend to mislead the public mind relative to the proceeding and character of this committee as far as my knowledge extends.

410. Were you present when the committee concluded examining Mr. Case, did you hear him complain then or since of the treatment by the committee?—I have not heard him complain, but I heard him thank the committee for their courtesy towards him or to that effect.

411. What is your opinion of government grants made for missionary purposes to the parent society of the missionary society of your church?—I have been for some years of the opinion that the only proper mode, (consistent with the purity, peace and unity of religious societies,) of supplying pecuniary aid to religious institutions whether missionary or others, is the voluntary contributions of individuals from their private or personal resources.

412. Do you believe the whole of your conference would approve of the missionary members of your conference, or any preachers employed by your conference, not its members, as missionaries receiving salaries, or any degree of compensation for religious services from such a source?—I do not approve of it, and I believe several members of the conference to which I belong disapprove as well as myself.

413. What is the opinion of the lay-members of your church on the same subject so far as your knowledge extends?—To my certain knowledge, both the preachers and the members of the church to which I belong were, a few years since, almost unanimously opposed to receiving aid from the public funds, for any of their religious institutions. I recollect at the conference of 1829 a motion was made to apply to the Legislature of the province for a grant of £500 to aid our missions among the Indians which was decidedly opposed, being only supported, I believe, by the mover and seconder, and the members of our church have not, to my knowledge, given any indication of a change of opinion on the subject, except it be in very few cases.

414. Do you recollect your conference in one of its sessions, adopting and forwarding a memorial to the King, deprecating an established church in Upper Canada, and also recommending that all religious teachers, preachers, and ministers be left to the voluntary support of their own churches?—I do in the session of 1831.

415. Was that the memorial that called forth the well-known reply of Sir John Colborne, late Lieutenant-Governor, to the application of the committee of your conference to his Excellency to lay it at the foot of the throne?—It was.

Thursday, 7th April, 1836.

The committee met.

JOHN WILLSON, Esquire, of Sultfleet, *called in and Examined.*

416. Are you aware of any grants of money being made by government for religious purposes to different sects of christians in this province?—I am.

417. Do you know what these purposes are, and under what authority were the grants made?—I know that in 1833 I made application to the Lieutenant-Governor for a grant of money for the Canadian Wesleyan Methodists; the authority for the grant as far as I know was from the Lieutenant-Governor by order of the Home Government. The application of the money was to be for the benefit of the preachers, but in communications which I afterwards received from the government-office, it was stated it was for the building of churches & chapels. In the year 1834 application was again made by me in favor of the said society. A grant was made tho' smaller in amount than the preceding year. In the year 1833 a part of the money granted was paid by me towards the building of certain chapels and the remainder was paid over to a committee of the conference. In the year 1834 the sum was paid over towards the erection of chapels, and a sum of $300 or thereabouts was reserved towards building a chapel in Toronto which was afterwards abandoned.

418. Do you think it is the wish of the Canadian Wesleyan Methodists to have the grants continued?—As it was upon my application to the Government the grant was first made I desire to rehearse to the committee the purport of the statement made by to the conference at the time I informed them of money being at their disposal. I stated to them distinctly that the moneys given to the several religious denominations were taken out of the casual and territorial revenue a fund at the disposal of the crown by prerogative right, and while it so remained that they (the Canadian Wesleyan) might very fairly avail themselves of the royal benevolence in receiving it; but that it was my opinion it would be better this fund were transferred to the control of the Provincial Legislature which could only be done by negotiating for it; as was the case with the proceeds of the 14th Geo. 3rd, and should the question come before the Assembly in a proper shape and be disposed of in an amicable way during my time of service therein I would give it my most cordial support. The subject of religious grants being made a matter of discussion in the Canadian Wesleyan conference in its Session of 1835, a vote passed in the negative at my instance.

419. Can you inform the committee on what grounds the Conference of the Canadian Wesleyan Methodists declined applying for any further grants?—One reason was that the Preachers said the people in some places would not come to hear them in consequence of the Conference having received the grant. Another was that the people did not contribute with their usual generosity; and thirdly that there could not be a satisfactory distribution made of it.

420. Do you know of any grants of money being made by the Government for the missionary purposes of any religious body?—In the communications from the Government office to me it was stated that there was a certain sum to the British Wesleyn Conference, and a certain sum to the Canadian Wesleyan Conference, an exact copy of which I believe is in the Seventh Report on Grievances.

421. What effect had the sogrants on the peace & harmony of the Canadian Wesleyan church, and did they answer the purposes you anticipated when you first applied for them, or do you think they generally advanced the religious interests of that society?—I acknowledge they did not produce satisfaction, the reasons for which I have stated in a former answer.

422. In your answer to question No. 417, you say a part of the money received by you from Government was paid over to a committee appointed by the conference, do you know to what purpose the committee applied the money so paid over by you?—I cannot tell as vouchers for applications are not in my possession.

423. Were any directions given by you to said committee with respect to the application of said money?—No, not by me.

424. Was there any given to it by the conference?—I really do not know what directions the conference might have given.

425. In the seventh report of the committee on grievances there are certain resolutions purporting to be the resolutions of the Canadian Wesleyan Conference, are these

resolutions correct and if so were they complied with by your conference?—They have been complied with the money has been paid agreeably to the resolution, the sum set apart towards the building a chapel in Toronto was the next year together with the interest thereon, applied towards other chapels.

426. Has your society a chapel in Peterboro'?—I do not know, I know they have a lot there and aid was sent to build a chapel but I am not aware that one has been built, or is building.

427. You have said there were £17 expended on a young man who was sent as a preacher to Toronto, was that paid to him as his salary?—By no means, in lieu of or as a part of Mr. Flanagan's salary, as I believe that no methodist conference makes itself liable for the salary of any preacher on any circuit or station, on the general plan not being a mission, I did myself assume the responsibility as he was sent to this place and appeared to have no visible means, nor any place for public worship, and I procured for him through the politeness of the sheriff the use of the court-house which however he did not use, the money was paid by me at different times, and a small sum to get a contractor to relinquish his contract for building a chapel entered into by Mr. Flanagan, who, in conjunction with Mr. Bamford strove hard afterwards to get from me a further sum of £20 to 25 of said money; but, by that time, I suspected one or both of having fallen under the influence of the Rev. Egerton Ryerson, and which afterwards proved to be the case.

428. Did you inform the conference from what funds those grants were derived and by what authority they were made?—I stated that they were derived from the casual and territorial revenue and by the authority of His Majesty's Government.

429. Have you considered such grants to have been given for the special benefit of Indian Missionaries only?—Not such grants as I have been speaking of, such was never contemplated by the grants to the Canadian Wesleyans.

COMMITTEE ROOM.

SATURDAY, 9th APRIL, 1836.

Committee met.

REV. JOSEPH STINSON, *called in and examined.*

430. Are you superintendent of the missions of the British Wesleyan Conference in this Province?—I am.

431.—Will you be good enough to state to the committee how you are appointed to that station?—I am appointed by the Wesleyan Methodist Conference in England.

432. Is there a Missionary Society in this Province attached to the Wesleyan Methodist Church of the same, and it is auxiliary to the Parent Society in London?—There is a Missionary Society in connexion with the Methodist Conference in this Province, which Missionary Society is auxiliary to the Wesleyan Missionary Society in England.

433. Will you be good enough to state to the committee how the missionaries employed by that Society are appointed to their work?—They are appointed by the Canada Conference.

434. Are they in any manner under your superintendence, and will you be good enough to state the extent and authority of that superintendence?—I beg to refer the committee to the articles of union between the Canada and English conference, as an answer to the question.

435. Will you be good enough to inform the committee what authority the Parent Missionary Society in England exercises over the Canada Conference Missionary Society of the Wesleyan Methodist Church?—I know of no authority it exercises except that which is stated in the articles of union.

438. Are you aware of any Government grants being made for the support of Wesleyan Methodist Missionaries in Upper Canada?—I know that a grant of that description was made to the Wesleyan Methodist society in London for the support of Wesleyan Methodist Missions in Upper Canada.

437. Were those grants made unsolicited, or were they applied for by the Parent Missionary Society in this Province?—I believe they were made without any solicitation whatever.

431. What amount was recived, and how was it expended?—I beg to make the following statement as my answer,

Account of Receipts and Disbursements of moneys received from Government on account of the Wesleyan Methodist Missionary Society in London. For the Years 1833, 1834 *and* 1835.

Dr.

	£	s.	d.
Oct'r 9th 1833, By cash from the Rev. Geo. Marsden one of the General Treasurers of the Wesleyan Methodist Missionary Society, London,.	1000	0	0
July 1st 1834, By cash from the Hon. John Henry Dunn, Receiver General, on behalf of the Wesleyan Methodist Missionary Society, London,.....	611	2	2½
Currency £	1611	2	2½

Cr.

	£	s.	d.	£	s.	d.
CREDIT MISSION.						
To paid Mrs. Cook, school teacher, ...	35	0	0			
To paid Mr. Nankervill as do....	35	0	0			
To repairing mission house,....	41	4	2			
To stationary for schools,.....	2	11	7½			
To paid Rev. P. Jones salary for two years,.	100	0	0			
				213	15	9½
LAKE SIMCOE MISSION.						
To paid Miss Manwaring, school teacher, two years salary,.....	65	0	0			
To paid do. travelling expenses,	1	10	0			
To paid Mr. Maffit Ass't teacher,	17	0	0			
To paid John Simpson, native exhorter,.....	43	0	0			
To paid John Snake, interpreter, two years,.....	36	0	0			
To paid B. Crane, do.....	25	0	0			
To paid for stationary for school,	0	10	5			
				188	0	5
RICE LAKE MISSION.						
To paid Miss Penny, school teacher, two years,.....	56	5	0			
To paid for repairing school house,.....	2	0	6			
To paid building chapel and repairing mission house,.....	149	8	5			
To paid for furniture for mission house,.....	1	10	0			
To paid for books for school,...	2	7	9			
To paid for cloathing and boarding 4 Indian boys,.....	7	4	0			
To paid John Simpson, native exhorter, ...	42	10	0			
				261	5	8
MUNCY TOWN MISSION.						
To paid Thos. Hurlburt, school teacher,.....	43	0	0			
To paid Miss Adams part of two years.....	48	6	8			
To paid do. do. travelling expenses, ...	4	12	6			
To paid Geo. Henry, interpreter,	37	10	0			
To paid other interpreters, Cornego, &c.....	14	9	4			
To paid for building materials for school house,.....	10	0	0			
To paid for books for do.,.....	1	7	11			
				159	6	5
GRAPE ISLAND MISSION.						
To paid Tho's Hurlburt, school teacher two years,.....	125	0	0			
To paid John Sundy two years,	100	0	0			
				225	0	0

	£	s.	d.	£	s.	d.
GRAND RIVER MISSION.						
To paid John McEwin, school teacher,	35	0	0			
To paid Moses Walker, native exhorter two years,	75	0	0			
To paid John Doxtater, native exhorter two years,	26	5	0			
To paid Joseph Doxtater, interpreter two years,	26	5	0			
To paid for materials for new school house,	13	0	0			
To paid Miss Hurlburt, school teacher,	30	0	0			
To paid for furniture for mission house,	4	10	0			
To paid for printing rules in Indian,	1	5	0			
To paid for books for schools,	0	15	0			
				212	0	0
MOHAWK MISSION.						
To paid Mr. Johnson, teacher,	31	6	0			
To paid for glass, nails, &c. for dwelling house,	1	8	0			
To paid Mr. Maffit, school teacher,	10	0	0			
				42	14	0
ST. CLAIR MISSION.						
To paid for repairing of mission buildings,	9	14	6			
To paid T. McGee, interpreter,	37	10	0			
To paid do. family travelling expenses,	6	5	0			
To paid other interpreters and exhorters,	13	2	11			
				66	12	5
SAUGEENG MISSION.						
To paid D. Sawyer, interpreter.	40	0	0			
To paid do. do.	17	10	0			
To paid do. travelling expenses,	2	17	6			
To paid Mr. Hurlburt, teacher,	62	10	0			
To paid do. travelling expenses,	3	7	6			
To paid for freightage of sundry articles,	2	6	0			
To paid for building materials, glass, nails, &c.,	1	4	7			
				129	15	7
CONTINGENCIES.						
To paid for tuition of Henry Steenhour at Cazenovia two years,	57	0	0			
To paid for stoves for mission house,	11	5	0			
To paid for printing Indian discipline, &c.,	11	0	0			
To paid for furniture for mission houses,	17	4	3			
To paid expenses of native exhorters to L. Nipissing,	5	0	0			
To paid for stationary for schools.	11	2	8			
				112	11	11
				£1611	2	2½

439. Were any of the moneys granted by the Government paid to any of the members of the Canadian Conference, excepting native preachers?—No part of those grants was paid to any members of the Conference, but native preachers.

440. Were you ever required before this either by the Government of this Province or the Legislature thereof, to account for the expenditure of these moneys?—I was not required to give such account, the Parent Society makes the account to the Government, and I account to the Parent Society.

REV. J. FLANAGAN, *called in and examined.*

441. Were you formerly a member of the conference of the Canadian Wesleyan Methodist Church?—I was.

442. Were you Secretary of that conference at any time?—I was.

443. Have you any knowledge of certain grants of money having been made to that conference, and if so will you please to state the amount, and for what purposes they were granted?—There were certain grants made to that conference in the years 1833 and 1834, the sum granted in 1833 was £600 sterling, and in the year 1834 £350 sterling, they were granted for the purpose of buildings in the Province.

444. Can you inform the committee in what manner the first grant of £600 sterling was expended?—There were $3200 or £80 paid to the Rev. James Jackson for his claims on the conference, the resolution of the conference ordering the payment of this sum was as follows:

Resolved—That there be granted to Elder Jackson, of the funds of the conference, the sum of £[illegible] on account of all his claims to this date. (June 1833)

The sum of £25 was paid to the Rev. David Breakenridge, and the like sum to Elder Jackson, as part of their salaries in advance, making the whole sum paid to Mr. Jackson that year £80.

The sum of about £300 was paid to Dr. McKenzie, or the printing committee, for the printing establishment.

The rest, as far as my knowledge extends, was given for the purpose of chapels.

445. What were the claims of Elder Jackson, which you mentioned in your former answer which were named in the resolution, and from what source were the funds of the conference derived?—His claims were for salary as minister to the connexion, the money obtained from the Government was the only fund at the command of the conference except about $54 which I brought to the conference.

The following resolutions passed the conference:—

Moved and carried, that there be paid in advance to each of the missionaries or agents of the printing establishment the sum of £25.

Moved and carried that all the monies in the hands of brother John Willson, to and for the use of our people and at the disposal of the conference be paid by him to the order of the Printing Office.

446. In the seventh report of the committee on grievances there is a document bearing your signature as Secretary of the Canadian Wesleyan Methodist Conference, purporting to be the resolutions passed by that conference, directing the manner in which any grant that might be made by His Majesty's Government that year should be expended, is that document correct?—This is correct.

447. Was any money granted that year by the Government to that conference, and if so was it expended in the manner directed in those resolutions?—There was as before stated; and it was applied for the purposes mentioned except the sum of £20, which was paid to Mr. Jackson. The Trustees of the London, St. Thomas and Vienna chapels, signed receipts in full for the whole amount they were to receive, at the same time, giving between them to the Rev. James Jackson, the above sum of £20, the sum of either £15 or £17 was likewise given to me towards the establishing a mission in this city.

448. In your reply to question 445, it appears that part of the grant was paid to Elder Jackson as a missionary, what was the nature of that mission?—The nature of it was to collect debts due to the printing establishment, for the paper called the "Canadian Wesleyan," he acted as agent for the printing committee.

APPENDIX

TO THE

REPORT AND EVIDENCE

TAKEN BY THE

Select Committee

ON

GOVERNMENT GRANTS.

A

ARTICLES OF UNION.

The English Wesleyan Conference, concurring in the communication of the Canadian Conference and deprecate the evils which might arise from collision, and believing that the cause of religion generally, and the interests of Methodism in particular, would, under the blessing of God, be greatly promoted by the united exertions of the two connexions; considering also, that the two bodies concur in holding the doctrines of Methodism as contained in the Notes of Mr. Wesley on the New Testament, and in his four volumes of Sermons, do agree in the adoption of the following Resolutions:—

1st. That such a union between the English and Canadian connexions, as shall preserve inviolate the rights and privileges of the Canadian Preachers and societies on the one hand, and, on the other, shall secure the funds of the English conference against any claims on the part of the canadian Preachers, is highly important and desirable.

2nd. That [as proposed in the second and third resolutions of the Canadian conference] in order to effect this object, the Discipline, Economy, and form of church Goverment in general of the Wesleyan Methodists in England be introduced into the societies in Upper Canada, and that in particular an annual Presidency be adopted.

3rd. That the usages of the English conference, in reference to the probation, examination and admission of candidates into the Itineraut Ministry, be adopted.*

4th. That Preachers who have travelled the usual term of probation and are accepted, by the Canadian conference shall be ordained by the imposition of the hands of the President, and of three or more of the Senior Preachers, according to the form contained in Mr. Wesley's "Sunday morning service of the Methodists," by which the Wesleyan Missionaries in England are ordained, and which is the same as the form of ordaining Elders in the Discipline of the Canadian conference.

5th. That the English conference shall have authority to send from year to year, one of its own body to preside over the Canadian conference; but the same person shall not be appointed oftener than once in four years, unless at the request of the Canadian conference.—When the English conference does not send a President from England, the Canadian conference shall, on its assembling choose one of its own members.

The proposal of the Canadian conference is understood to include, as a matter of course, that the President of the conference shall exercise the same functions generally as the present general Superintendent now actually exercises; he shall not however have authority to appoint any Preacher to any circuit or station, contrary to the counsel and advice of a majority of the chairmen of District or Presiding Elders, associated with him as a stationing committee.

6th. That the Missions among the Indian tribes and destitute settlers which are now, or may be hereafter, established in Upper Canada, shall be regarded as Missions of the English Wesleyan Missionary Society under the following regulations:—

First.—The Parent Committee in London shall determine the amount to be applied annually to the support and extension of the Missions; and this sum shall be distributed by a committee consisting of the President, General Superintendent of the missions, the chairman of districts and seven other persons appointed by the Canadian conference. A standing Board or committee consisting of an equal number of Preachers and Lay-men, shall moreover be appointed as heretofore at every conference, which during the year, shall have authority in concurrence with the General Superintendent of missions, to apply any moneys granted by the Parent Committee and not distributed by the conference in establishing new missions among the heathen, and and otherwise promoting the Missionary work.

Second,—The Methodist Missionary Society in Upper Canada shall be auxiliary to the English Wesleyan Missionary Society and the moneys raised by it shall be paid into the funds of the parent society.

Third,—The Missionaries shall be stationed at the Canada conference in the same way as the other preachers; with this proviso, however, that the general superintendent of missions shall be associated with the president and chairmen of districts in their appointment.

Fourth,—All the preachers who may be sent from this country into the work in Upper Canada shall be members of the Canadian Conference and shall be placed under the same discipline, and be entitled to the same rights and privileges as the native preachers.*

Fifth,—Instead of having the annual stations of the missionaries sent home to the English Missionary Committee and conference for their "sanction," as is the case with our missions generally, and as the Canadian Conference have proposed, the English Conference shall appoint, and the parent committee shall meet the expense of supporting a general superintendent of missions, as the agent of the committee shall have the same superintendence of the mission stations, as the chairman of districts or presiding Elders exercise over the circuits in their respective districts, and shall pay the missionaries their allowance as determined by the Conference Missionary Committee on the same scale as the Canadian book of Discipline lays down for the preachers on the regular circuits:—but who, being at the same time recognized as a member of the Canadian conference shall be accountable to it in regard of his religious and moral conduct. This General Superintendent of missions representing the parent committee in the Canadian conference, and in the stationing and missionary committees, the appointments of the missionaries at the conference shall be final.

7th,—That the Canadian Conference in legislating for its own members, or the connexion at large, shall not at any time make any regulation which shall infringe these articles of agreement between the two conferences.

Signed by order and on behalf of the conference.

RICHARD TREFFRY, *President.*

EDMOND GRINDROD, *Secretary.*

Manchester, August 7th, 1833.

Resolved.—That the Canadian Conference cordially concurs in the resolutions of the British Conference, dated "Manchester, August 7th, 1833," as the basis of union between the two conferences.

EGERTON RYERSON, *Secretary.*

York, U. C. October 2nd, 1833.

*This is understood both by the Canadian Conference and the Representatives from the British Conference to refer to no other modifications in the economy of Methodism in Upper Canada, than those which have taken place at this Conference and that the Canadian Book of Discipline has heretofore provided for.

* The understanding of this article is that the Canadia Conference shall employ such young men in Upper Canada as they may judge are called of God, into the iteneran work; but should not a sufficient number be found in Upper Canada properly qualified, the British Conference will send out as many young men from England as may be requested by the Canadian Conference.

B

GOVERNMENT HOUSE,
Toronto, 30th June, 1835.

Sir,

I am directed by the Lieutenant Governor to acquaint you with reference to your letter of the 22nd instant, that the sums granted in aid of the different churches in Canada were all sanctioned, in consequence of petitions to His Majesty's Government—and at the time the appropriation alluded to in your communication was made, His Majesty's Government supposed the Wesleyan Methodists in this Province were under the control of the British conference.

For any further information you may require on the subject I am directed to refer you to the correspondence which was laid before the House of Assembly last session.

I am, &c.

A true Copy. ROWAN.

C

Extracts from Minutes of Committee held May 11th 1831.

Mr. Ryerson, from Upper Canada, accompanied by the Rev. Peter Jones, a converted Indian Chief, were introduced to the Committee, having statements to make, and arrangements to propose, respecting the prosecution of the Missions in that Province, and especially among the Indian Tribes. After hearing their statements, and considering what might be the probable effects of their plans on their own Missions and missionary subscriptions it was—

Resolved 1st.—That Mr. Turner be immediately written to, to enquire respecting the facilities which may exist as to the commencement of a Mission to the Indians in Upper Canada among such tribes as have not yet been visited by missionaries, such mission having been long contemplated.

2nd. That a grant of the sum of three hundred pounds be made to Messrs. Ryerson and Jones for the use of the Missions already commenced among the Indians by the Canadian Methodist body; as a proof of christian and brotherly affection to our Canadian brethren.

3rd. That in consequence of this grant, the brethren Ryerson and Jones have agreed and will be expected to give their best assistance to our friends at such meetings as they may have opportunity of attending while they remain in England without making private and personal applications for subscriptions to any of our own friends.

London, Wesleyan Mission House,
June 13th, 1831.

The Rev. WM. CASE,
&c. &c. &c.

DEAR BROTHER:

At the instance of the missionary committee, I now transmit to you a copy of the resolutions entered into by them, on the introduction of Messrs. Ryerson and Jones, and receiving their statements relative to your missions and the object of the visit of the deputation to England. They rejoiced to receive them as brethren, and sincerely congratulated them on the success with which your missionaries have been favored, by the blessing of God, among the native tribes of Indians. An impression, deep, affectionate and highly favorable to the Indian mission has been made by the addresses of Brother Jones at our own and several other public meetings of a benevolent character, as well as by the amiableness, intelligence and piety of his general intercourse with ourselves and our friends in different places. We exceedingly regret the severe indisposition by which he has for some weeks been prevented from more generally visiting our societies in other parts of the kingdom, but from which we are thankful to hear he is now recovering and are therefore hoping that he will soon be in a state of convalescence. During his sickness which occurred at Bristol, and which there is reason to believe originated in a violent cold taken by travelling on the outside of the coach from Liverpool to London immediately after his arrival, he has been at the house of a most kind and attentive friend, Mr. James Wood, jun. son of our venerable brother the Rev. James Wood, where he has received every medical and domestic attention. Mr. Ryerson, who resides at the mission house continues in good health.

From the annexed "Resolutions" you will observe that the committee have decided upon commencing their long contemplated mission to the Indians, convinced that where the field is so wide there need be no fear of any unpleasant or conflicting feelings among the missionaries who may be employed. The idea was suggested to your deputation whether it would be agreeable to you to place the whole of your Indian missions under our direction, as we might perhaps succeed in raising funds for a greater extent of missionary operation that could be at present raised by yourselves; but as they seemed to think the proposal would not be accepted, they resolved to shew their brotherly kindness and interest in the success of the mission to the aborigines of America, by a donation of £300 to which they were the more readily induced by a wish to accomplish a part of the object of your deputation, which they understood to be that of raising funds by soliciting subscriptions and donations, but which they were aware could not be done in addition to the applications of their own preachers and friends without some danger of painful collision. They were happy to find the proposal met the approbation of both Messrs. Ryerson and Jones, who consequently agreed not to make application to any of our own friends, reserving the liberty of applying to those of other denominations, who were not contributors to our own funds. They also agreed to assist at any public meetings we might wish them to attend during their stay in this country, all travelling expenses being borne by the missionary committee.

You will also perceive by the above "Resolutions," that whilst the committee desire to manifest the most cordial affection to their American Brethren and entertain a sincere wish for the prosperity of their missions, they feel themselves obliged to state their conviction that applications from other quarters to the Societies in England would be both injurious to their own funds and involve the connexion in unpleasant party disputes, and consequently, that in case of any future attempt to raise such contributions from our friends, they would regard it as an imperative duty to discountenance them.

Your official letter will, in course, agreeably to your desire be transmitted to the President, to be laid before the ensuing conference, from whom you will most probably receive a reciprocation of friendly and brotherly communication.

In the mean time—I am,
On the behalf of the Wesleyan Missionary Committee,
Your affectionate Brother in the Gospel,
JAMES TOWNLEY,
Secretary.

By order of the conference the resolutions of the London Methodist Missionary Committee held the 11th May, and the accompanying letter from the Rev. Dr. Townley, dated London, Wesleyan Mission House, June 13th, 1831, addressed to the Rev Wm. Case, were taken into consideration, after carefully considering the several subjects referred to in these documents, it was resolved—

1. It is a matter of thankfulness to Almighty God and to our Methodist brethren in England, that Messrs. Ryerson and Jones have been kindly received and entertained in their mission to Great Britain; and that the addresses and intercourse of Mr. Jones have produced upon the public mind in that country "an impression deep, affectionate and highly favourable" to the cause of missions.

2. That it affords us much pleasure to learn that our Methodist brethren in Great Britain feel a deep interest in the christianization and improvement of the aborigines of British North America.

3. That our sincere thanks be given to the Methodist missionary committee in London for the grant of three hundred pounds in aid of our Indian Missions.

4. That we learn with deepest regret that in a measure which so seriously concerns the interest of the Methodist

connexion in Upper Canada, our missionary operations in particular, and the honor of Methodism and cause of religion generally, our brethren of the London Methodist Missionary committee have, without consulting their Methodist brethren in Upper Canada, determined to establish a mission among us, separate from our connexion.

5. That the formation of a distinct Methodist society or societies in Upper Canada, by the London Methodist Missionary committee is contrary to the understanding which has heretofore been given by the English conference that their missionaries should not form societies separate from ours in Upper Canada; whilst at the same time our Missionaries were not to interfere with the arrangements or operations of their missions in Lower Canada.

6. That it would be a matter of very deep regret should the Methodist Missionary committee in London determine to establish a mission in Upper Canada among any of the Indian tribes situated north and east of Lake Huron, as all these parts of the Province are embraced within the actual labours of our conference; as our own missionaries have with greater or less success, visited all these tribes, and we have established missions or regular missionary appointments among them all;—as no missionary society beyond the Atlantic can possess the same facilities with ours of doing an equal amount of good with the same means;—as the formation of a Methodist society in Upper Canada, distinct from that already established is a disavowal of the already recognized principle that "the Wesleyan Methodists are one in every part the world"; it will in all probability produce serious misunderstandings and party disputes in our connexion—make unfavorable impressions upon the minds of the Indians, by attempts at forming *distinct* societio of professedly the same people among them—and do material injury to our missionary funds in this Province.

7. That if the Methodist Missionary Committee in London shall determine to establish a mission or missions among any of the numerous Indian tribes west or north of the Lake Huron, or in the vicinity of Hudson's Bay, we will do all in our power to assist them, by furnishing them with Indian translations of the Gospel, Hymns, &c. and native labourers as far as we can possibly spare them.

TO THE REV. DR. TOWNLEY, &c. &c. &c.

Rev. and dear Brother,

Your letter of the 13th of June last to the Rev. William Case and the annexed Resolutions of your missionary committee of the 11th May, were submitted to the conference at its late Session; and after the general sense of the conference was taken on the subjects embraced in your communication, the whole business was referred to the missionary Board to communicate with you. Agreeably to the direction of the Board we now transmit to you a copy of the Resolutions adopted by them on these subjects.

By the annexed resolutions you will perceive that due feelings of gratitude are entertained by the Board to our Brethren in Great Britain for their kind attentions to Messieurs Ryerson and Jones, and to your committee for their expression of good will towards our interesting and flourishing Indian missions in Upper Canada. The Board cherish the highest respect and warmest affection for their Brethren on the other side of the Atlantic, viewing the Methodists in England and in Upper Canada as two Branches of the same family and subjects of the same government.

But considering all the circumstances of Mr. Jones' mission, and the apprehensions entertained that applications to the British public from the Methodist Missionary Society in Upper Canada, would "involve your connexion in unpleasant party disputes," his deputation to England as far as it relates to any applications to your contributors, has been regretted by the Board. You may rest assured that these circumstances were altogether unforeseen by our General Superintendent of Missions when the deputation was determined upon. We should be sorry indeed to be even the innocent instruments of doing any thing that would in the least degree disturb the peace of your connexion, or affect your missionary funds, so deservedly wanted throughout the vastly extended fields of your numerous and valuable missions.

It may, however, be remarked by way of explanation, that Mr. Jones's mission to England was undertaken at the suggestion and recommendation of a number of intelligent and respectable *English* brethren, who stated their conviction that more guineas would be given in England in aid of our Indian missions than dollars in the United States, where a deputation from our society was once sent, and was assisted by the Methodist brethren in different cities and towns in that country to make collections to the amount of several hundred pounds. Our conference being an independent connexion in a British province. Our Indian missions established within the British territories, a preference was, of course, felt to making applications to the British public. And lest any method should be adopted by our deputation which might interfere with your interests and operations, they were instructed to call upon your committee for their advice. It is hoped, however, that, from the arrangements entered into between our deputation and your committee, Mr. Jones's mission may, upon the whole, have a favorable influence upon the funds of your own society.—And no future deputation to England is contemplated by the Board, unless the measures adopted by your committee should so far effect our missionary funds and operations in Canada, as to render further explanations and applications to the British public advisable and necessary.

The fourth, fifth and sixth of the accompanying resolutions were entered into by the Board in order to apprise your committee of the views and circumstances of our connexion relative to a part of the missionary field in Canada. The success of our Indian missions, considering the means expended, has, perhaps, not a parallel in the history of modern missions. This extraordinary and continued blessing of God upon the labors of our society, is considered a peculiar call of Providence to *continue* them in all our mission stations, and to all those tribes which our missionaries have visited. Indeed, the rapid progress of Methodism in Upper Canada generally appears to indicate most clearly, that our present ecclesiastical arrangements, whilst purely Wesleyan, are remarkably well adapted to the work of "spreading scriptural holiness throughout" the land, and that the abandonment of them would be stepping aside from the order of divine Providence.

By the *seventh* resolution annexed, you will perceive the readiness and anxiety of the Board to co-operate with your committee in their contemplated mission to Canada, as far as they can do so without "involving the connexion in unpleasant party disputes" and injuring our own missionary funds. There is little doubt but the funds of our own society can be increased to a sufficient sum to meet the wants of all the Indian Tribes within the present boundaries of our conference.

You will find an interesting account of the northern and western Indian Tribes referred to by the board, in the "two journals of the Rev. John West, A. M., late chaplain to The Hon. The Hudson's Bay Company." The most of these tribes speak the *Chippewa* tongue; and it is believed, were Evangelical Missionaries sent among them, they would readily embrace christianity. Two of our native Indian Missionaries have visited some of these tribes and were instrumental in the conversion of several of them. Our own society has had it in contemplation to commence missionary operations among them, but the prosecution of this work has been hitherto delayed for want of adequate means and an effectual door opening almost simultaneously to the several Indian Tribes in our own neighborhoods which has thus far employed all the funds we could command for missionary purposes.

It may, at the same time, be remarked, that did our society possess the necessary funds, they could establish missions among even these tribes at a far less expense and to far greater advantage than a society several thousand miles distant. Our society is located upon the ground, is well acquainted with the agricultural and all the local circumstances of the country, the situation, prejudice, and customs of the Indians, the most efficient and economical plans of introducing the gospel among them together with the arts and habits of civilization, and there are laborers in the employ of our society whose past unexampled success

proves them to be well qualified for the work. This however, is only suggested for the consideration of your committee.

It may be proper here to observe, that the progress of Wesleyan Methodism in Upper Canada has been far more rapid than in any other province of British North America, and that without being any burden upon our brethren in Great Britain or elsewhere. A spirit of intellectual improvement and increasing weight of talent, a fervency of spirit and evangelical simplicity are evidently keeping pace in our connexion with our increasing numbers and the improving state of society. Under the blessing of God our Societies are universally living in peace and most of them are in a state of encouraging prosperity, and our missions are every where prosperous,—under these circumstances, when your committee become acquainted with the state of our affairs we are persuaded they will see the unadvisedness of persisting in a measure, which, in its ultimate results, we cannot but view with fearful and melancholy apprehensions.

In pursuance of the instructions of your committee, the Rev. Mr. Turner has recently visited this place and preached for us once. Mr. T's. amiable deportment during his residence at Kingston has gained him a high place in the esteem and affections of our preachers generally and has promoted a desirable feeling of brotherly love towards your connexion. His communications to individual members of the Board on the present occasion, have not however been as definite and satisfactory as could have been wished.

We have understood that a station on the Grand River among the Delaware and Cayuga tribes, has been represented to Mr. Turner as unoccupied and as a suitable place for the establishment of your contemplated mission.—It may probably have been unknown to the individual or individuals who may have given Mr. Turner this information, that these tribes are in the vicinity of one of our oldest mission stations; that our Missionaries have preached to them regularly for a length of time; that within the last four months upwards of forty of them have been converted and have joined our society, including several of the principal Chiefs,

Upon the whole it may be submitted to your committee, whether under existing circumstances, your Missionary funds could not be more advantageously applied to the furtherance of the work of human salvation than in the establishment of a mission in this Province—other circumstances aside—at an expense far greater than would be necessary for the Methodist Missionary society here, to impart the same doctrines, the same feelings, the same blessings and effect the same improvements.

You are perhaps not apprised that there are many persons in this Province who would rejoice to witness party disputes among the Methodists and would recommend any measure and do all in their power to create and foment them—rightly judging that if they can but divide, they may eventually destroy them.—But we feel assured that your committee will not knowingly enter upon or sanction any measure that will "involve the connexion in those party disputes," which are alike destructive to the respectability, purity, and influence of Wesleyan Methodism and the interests of true religion.

We trust your society and ours have a common object in view and that the prayerful and persevering labours of both will be directed in those channels of usefulness and christian philanthropy, which will tend to cement both connexions in strongest bond of christian affection, bring most glory to God, and most happiness to mankind.

We are,

By order and on behalf of the Missionary Board,

Yours affectionate in the Gospel of Jesus Christ,

JOHN RYERSON,
President.

THOS. VAUX,
Secretary.

York, U. C. Oct. 4th, 1831.

D

London, 77 Hatton Garden,
March 13th, 1832.

Dear Brethren,

We embrace the opportunity of forwarding to you by the Rev. Robert Alder, the resolutions adopted by our committee after deliberation on your resolutions, transmitted to us under date York, October 4th, 1831.

We are dear Brethren,
In the bonds of the Gospel,
Yours,

JAMES TOWNLEY,
JOHN JAMES,
JOHN BEECHAM.
Secretaries to the Wesleyan Missionary Society.

To the Board of Managers of the Missionary Society of the Methodist Episcopal church in Upper Canada.

St. James' Chapel, Montreal, June 5, 1832.

My Dear. Sir,

As I shall not be able to visit York until after the close of our District meeting, and shall be able to remain there but a very short time, I think it right to forward to you per post, the inclosed resolutions, in order that you may have time to present them to the Board before I wait previously upon you.

I remain Yours truly,
R. ALDER,
Representative of the Wesleyan Missionary Society, and chairman of the Canadian District meeting.

To Rev. John Ryerson,
President of Board of Managers, &c. &c. &c.

Resolutions of a committee, held February 1832.

Certain Resolutions of the Board of Missions connected with the Upper Canada Conference objecting to the committe's employing missionaries in Upper Canada and among the Indians having been read at the last meeting of the commit ee, and the Treasurers and Secretaries having been requested to confer with Messrs. Ryerson and Jones upon this subject they report as follws :—

1. That with respect to the "understanding" alleged in the said resolutions to exist between the British and Canadian conferences, that the Missionaries of the former were to confine their labors to Lower Canada, and leave the Upper Province to the exclusive occupation of the Canadian conference, they informed Messrs. Ryerson and Jones that no such understanding could exis', inasmuch as the former compact between the United States general conference ceased upon an independent conference being established for Upper Canada, and that when it was proposed by Mr. Capers to the British conference of 1828 to make a similar agreement with the Canada conference, it was *declined.*

2. That ever since that time the committee have felt themselves fully at liberty to occupy any station in Upper Canada, to which they might have such a call, as would warrant them to embrace it, with just regard to those general principles of respect to the useful application of funds, and the relation of any body of British Emigrants, members of our societies, and attached to our discipline, to embrace it.

3. That the great change of circumstances as to Upper Canada since the agreement with the states general conference, especially in respect of the immense number of settlers which have gone out from Great Britain and Ireland, and are still flowing into that Province in large numbers every year, was a decisive objection to the committee's recommending it to the conference to confine its missions wholly to Lower Canada, or not to reinforce the mission they have had for some years in Kingston, or not to establish under such circumstances new missions in that Province.

4. That with respect to the principle urged upon the committee in the resolutions of the Canada Board of Missions, "that the Methodists are one in every part of the world," could only be applicable in the sense of mainte-

nance of fraternal affection, since a unity arising from the existence of but one form of Methodism in one Province, is now out of the question; several distinct bodies of Methodists now existing in Upper Canada, who refuse to place themselves under the pastoral charge of the Canada Conference; and affording sufficient proof, that were our missionaries to be withheld entirely from that Province, a considerable number of independent bodies of Methodists would grow up.

5. That with respect to the Indian missions the original agreement with the United States General Conference did not in any respect relate to them, so as to exclude the committee's endeavours to attempt their evangelization.—They were in fact never referred to in that agreement, but it has long been the committee's intention to aid in this important work, in pursuance of a principle held sacred by the committee to endeavour to connect with missions near European settlers, attempts to benefit the aboriginal heathens of those countries where they may locate themselves. This the committee attempted in Labrador, in connection with the Newfoundland mission in New Holland; and by the blessing of God very successfully in connection with the South African Colonies. The extent of the committee's exertions, and the demands upon their funds were the only reasons which caused them to delay their endeavours to evangelize the Indians in America.

6. That notwithstanding these views of the committee Messrs. Ryerson and Jones were informed that the committee intend nothing as to Upper Canada contrary to that brotherly kindness, which ought to exist between two kindred religious bodies; but that they shall not consider that principle at all contravened, should they fix missionaries in places of considerable population, altho' the Canada Conference may have societies in such places the population being such as to afford reasonable ground to conclude that there is a sufficient sphere of labour for each, much less that it would be any infringement of the said principle should a mission be planted among settlers not yet provided with any religious ordinances.

7. That in the agreement between the United States General Conference and the British Conference, it was explicitly stated, that, should Methodism deteriorate in its form and spirit, or should any just political offence be given by their missionaries to the British Government, the British Conference shou'd be at liberty again to employ its missionaries in Upper Canada. The deputation heard no explicit complaint in this respect against the United States Conference, nor did they charge the Canada Conference with either of such matters. This they were not called to enter into, inasmuch as no agreement to partition the two Canadas existed between the committee and the Canada Conference, and they were not therefore under any necessity of scrutinizing the fact; but that they must say with affection, but regret, that the publication of a paper expressly by the Canadian Conference entering warmly and in the spirit of partizanship into the local politics of the Province, was not in the spirit or according to the practice of British Methodism, and contrary to that abstinence from such disputes which they enjoined upon their missionaries; a circumstance which had created prejudice against the acceptableness of the Canada brethren, with a part of the population of Canada. On these points a conversation of some length was held, at the close of which Messrs. Ryerson and Jones were assured of the kind regards of the committee, but were thus frankly put in possession of its views on the subject brought before it in the Resolutions of the Canada Board of mission before mentioned.

E

Extract of the proceedings of the Board.

Certain resolutions of the committee of the Wesleyan Methodist Missionary Society in London, passed in February, 1832, and transmitted by the Rev. Robert Alder, the committee's representation having been laid before the board on the evening of the 22d inst., and the Rev. Robert Alder, the Rev. John Hicks, the Rev. Thomas Turner and the Rev. John P. Hetherington being present by previous invitation; the resolutions of the committee in London enclosed by the Rev. Dr. Townley, and his accompanying letter to the Rev. Wm. Case, dated June 13, 1831, the answer of the board to the same and the resolutions of the Wesleyan committee above referred to were read; after which a long, free, and friendly conversation took place between the members of the board and the missionary brethren, particularly Messrs. Alder and Hick on the subjects of the several documents named above; at the conclusion of which the board adjourned. At the ensuing adjourned meeting of the board, held the evening of the 29th inst., the following resolutions were adopted.

1. That with respect to the first resolution of the Wesleyan committee, concerning the "understanding," &c., the resolution of the board was founded on their understanding of the report made by the Rev. Mr. Capers, delegate from the American to the British conference in 1828, which concludes thus:—"I did, however, distinctly understand the committee as being of opinion that their missionaries ought not to go into Upper Canada, unless either after some definite arrangement should have been concluded to that effect with the church there; or in case of its notorious inability to supply the people, or its departure from the doctrines, discipline, or economy which distinguish methodism."

2. That as a large portion of the Canada conference consists of Europeans, as the members of the Methodist societies from Great Britain who have generally united with us, have uniformly expressed themselves satisfied with the economy of Methodism in Canada, and equally edified by our means of grace as in their native country, the influx of European emigration into this Province does not appear to the board to render the organization of Methodist societies distinct from those already established, expedient or advisable—and more especially as the board considers the economy of Methodism in Canada to be as truly Wesleyan as that in Great Britain.

3rd. That the board conceives the principle, "That the Methodists are one people in every part of the world," was understood by Mr. Wesley in a more extensive sense than merely "fraternal affection," as he cherished and taught "fraternal affection" between the Methodists, pious Baptists, Presbyterians, Moravians, &c. who were never representented by him as *one* with the Methodists in the sense that he declared "the Methodists are onepeople in all the world, and it is their full determination so to continue."

4. That with the exception of the societies under the care of the Wesleyan committee, the parties (few and small in number and influence) in this Province who call themselves Methodists, and who are not under the superintendence of the Canada conference, differ as widely in their government, economy, and usages, from the English as from the Canada connexion, nor is there any probability that the pastoral charge of the one would be more acceptable to them than that of the other. There is perhaps a greater variety of Methodists (so called) in Great Britain than in Canada.—Hence the introduction of missionaries distinct from those who are already labouring in connexion with the Canada conference, is not likely to produce any greater uniformity in Methodism than now exists, and may lead to serious misunderstandings and party disputes.

5. That with respect to the seventh resolution of the committee, the board beg to refer the committee to Mr. Alder, with whom considerable conversation was held on the subject. It is extremely difficult, if not altogether impracticable, for any person or body of men, however wise and experienced, who are not acquainted with all the local circumstances of the country, to decide with certainty what part should in all cases be taken in matters in which the interests of religion are immediately concerned, but which may more remotely involve questions of political consideration by a ministry or body of people who are not exotic, not missionary, or transient in their residence in the country, but who have grown up therein, and who have a common interest with its permanently settled inhabitants. Whatever may have been said or done respecting what the committee term "political disputes" the board is satisfied that the spirit and practice of Methodism have been preserved and maintained unimpaired, and believes it prevails with an efficiency and to an extent in the country,

in proportion to the population, not exceeded in the United States or Great Britain.

6. That the board most cordially reciprocates the expressions of brotherly kindness and good will conveyed in the resolutions of the committee; and they will do what they can to aid Mr. Turner with native laborers in his contemplated missions to the St. Clair Indians, and will readily co-operate with the committee in cultivating the missionary field among the Indian tribes, as far as is consistent with the interests of their own missions.

7. That the establishment of two distinct connexions of Methodists in this Province, would, in the opinion of the board, be productive of unpleasant feelings, litigation, and party disputes, to the discredit of Methodism and the great injury of religion; but that the energies of the English and Canada connexions, if combined, would under the blessing of God, close the door against all collision and party feeling, and contribute greatly to the extension of the work, both amongst the white population and the Indian tribes.

8. That in order to prevent misunderstandings—to preserve peace and harmony in the societies—to supply every part of the work throughout the Province—and to enlarge the field of missionary operations among the aboriginal inhabitants, the board respectfully suggests to our conference at its approaching session, the propriety and importance of proposing such a coalition with the English conference as will accomplish these objects.

9. That anticipating the adoption of such a measure by our conference as that recommended in the foregoing resolution; and appreciating the pure motives, friendly feelings, and sound judgment of the Rev. Robert Alder, representative of the Wesleyan Missionary society and believing that an interview between him and the conference will be gratifying and satisfactory on both sides, and highly instrumental by the divine blessing in promoting the cause of God and of Methodism, the board respectfully and earnestly invites Mr. Alder to attend the ensuing session of the conference, which will commence in Hallowell the 8th of August next.—The board, under the influence of the same feelings, makes a similar request to the Rev. John Hick, provided he can comply with it, without too great a sacrifice of pastoral duty.

Truly extracted.

F

Rev. and Dear Brethren,

We have the honor to transmit to your committee the enclosed resolutions of our board of missions in answer to those of your committee of February 1832, transmitted by the Rev. Mr. Alder, whose interesting talents, christian candour, and amiable manners, have won much upon the kindly feelings and good wishes of all among us who have enjoyed the pleasure of his society.

You will perceive that the board cannot view some points in the same light with your committee, but that nevertheless, they are most anxious to recommend and concur in any measures that may promote the harmony of Methodism and the interests of religion; and with this view they have solicited Mr. Alder to remain in the Province until our ensuing annual conference.—On the subject of the *seventh* resolution the board have, properly speaking, no authority to act or decide; and it was for the purpose of putting your committee into early possession of their views of this subject, which has been long and largely talked of amongst our preachers and people, that they embrace this opportunity of expressing them, hoping at the same time that it might prepare the way for the accomplishment of the highly interesting and important objects proposed.—It is believed there will be very little diversity of opinion in our conference in regard to a measure of this kind.—And if arrangements can be agreed upon by which a connexion be established between the British and Canada conferences analogous to that which exists between the English and Irish conferences, we doubt not but it will be extensively instrumental in advancing the work of God in the Provinces, none of the circumstantial peculiarities of Methodism in Great Britain and Canada (which we think are fewer and smaller than have been supposed, could form any serious objection on our part, since we maintain that Methodism in all its essential principles and regulations is the same in every part of the world.

We beg to present to you and your committee our own best wishes for your personal welfare, and your success in the responsible and extensive work placed under your control; and we fervently pray God to give your conference and ours a right judgment in all things, and overrule every deliberation and decision for the promotion of His glory and the best interests of mankind.

We are Brethren,
Your's
In the bonds of the Gospel,
JOHN RYERSON, *President*,
THOMAS VAUX, *Secretary*.

To Messrs. James Townley, John James, John Beecham, Sec'ys, London, W. M. C.

G

Treasurer's Account.

Canada Conference Missionary Society in account with James R. Armstrong, Treasurer. Cr.

		£	s.	d.
1833	MONEYS PAID TO MR. ARMSTRONG.			
October.	By cash from the Toronto Auxiliary,.....	14	16	6
Nov. 20,	By collection made by R. Coat,..	1	11	3
" 28,	By cash from Matilda Auxiliary through George Brouse, Esq.	6	17	3
1834				
Feb'y,	By donation from R. Burr, Esq...	5	0	0
April 5,	By the Widow's mite,.....	0	5	0
May 12,	By cash from the Indian children at the Credit,.....	0	13	7
	By cash from the Dalhie Missionary Auxiliary.....	8	15	0
	By cash from Mr. Keagy (annual,)	1	5	0
	By cash from the Niagara Auxiliary,.....	10	17	3½
	By cash from the Toronto circuit collected by Messrs. Adams and Fawcett,...	2	14	0
	By cash from the Toronto circuit collected by Messrs. Foster & Brown,.....	1	19	1½
	By cash from the Toronto circuit collected by William Kent,...	4	10	0
	By cash from the Trafalgar circuit,	1	5	0
	£	60	9	0
	MONEYS PAID TO MR. CASE.			
Feb. 12,	By cash from the Treasurer of the Hamilton Auxiliary,.....	30	2	0
	By collections at the Credit Mis'n.	5	12	7
April,	By cash from the Stoney Creek Auxiliary,.....	2	0	0
	By cash from the Saltfleet Missionary Auxiliary,...	3	12	6
	By cash Saltfleet donations,.....	0	13	11½
	By collection at St. Catharines,..	3	16	3½
	By do. at Niagara,.....	3	18	2
	By do. at McAfee's,.....	1	0	0
	By donation from G. Ham, Esq...		10	0
	£	51	5	6
	MONEYS PAID TO MR. STINSON.			
Feb'y,	By cash from the Brockville Auxiliary,.....	4	2	0
	By cash from the Belleville Auxiliary to Mr. Johnson,.....	6	5	0
	By cash from the Hamilton Aux'y,	3	17	6
	By the Rice Lake subscription,...	5	16	3
	By the Muncey Town do.....	1	17	4
	By cash from the Hamilton Aux'y,	3	10	0

1834 June,	By the Grape Island subscription,	1	7	0
	By Mr. Irvin's subscription,.....	2	10	0
	By cash from the Niagara Aux'y,.	26	4	3½
	By cash from Mr. Metcalf from the 50 Mile Creek Auxiliary,.....	1	9	7
	By cash from Elizabeth,.....	2	10	0
	By cash from Smithville Auxiliary,	1	16	0
	By Brown's Bridge subscription,...	0	17	6
	By cash from Woodhouse Aux'y,.	2	7	6
	By cash from Simcoe do...	2	7	6
	By cash from M't Pleasant do...	1	15	0
	By cash from the Auxiliary in Keeler's neighbourhood,.....	5	5	0
	By Mr. Gibson's subscription by Mr. Green,.....	2	10	0
	By Daniel Burny's subscription,..	1	0	0
	By Alex. Campbell's subscription,	2	10	0
	By subscription from Merrickville,	0	12	6
	By cash from Brown's neighbourhood,...	0	5	0
	By cash from the Prescott Aux'y,	1	1	3
	By cash from Elizabethtown do...	4	15	0
	By cash from the Parent Society in London drawn at different times during the year,.....	1893	1	0
	£	2091	6	8½

Dr.

CREDIT MISSION.

1833—4	To the Rev. Wm. Case's salary,..	87	10	0
	To the Rev. Peter Jones do....	75	0	0
	To the School Teacher do....	35	0	0
	To the Rev. Wm. Case's travelling expenses,.....	4	11	6
	To the Rev. Wm. Case's horse do.	9	15	1
	To the removal of Mr. Case's family from Grape Island to the River Credit,.....	5	18	3
	To stationary for the Credit school,	2	11	7½
	To Mr. Case's postage,.....	3	18	4½
	To repairing Mission and School-houses,.....	41	4	2
	To the Rev. Peter Jones travelling expenses,.....	2	9	0
	£	267	18	0

LAKE SIMCOE MISSION.

	To Mr. Belton's salary,.....	75	0	0
	To Miss Manwaring's do. school teacher,...	35	0	0
	To John Simson's do. interpreter,	43	0	0
	To John Snake's do. do....	18	0	0
	To removing Mr. Belton's family to mission,.....	10	17	1½
	To Miss Manwaring's travelling expenses,.....	1	10	0
	To Mr. Belton's horse-keeping,...	3	5	0
	To Mr. Belton's travelling expenses at mission,.....	1	7	10
	To stationary for the school,.....	0	10	5
	To stove for the mission house,..	1	9	4½
	£	189	19	9½

RICE LAKE MISSION.

	To Mr. McMullin's salary,.....	75	0	0
	To do. horse keeping,	5	0	0
	To do. travelling expenses,	3	9	6½
	To Miss Penny for teaching school 9 months,..	26	5	0
	To articles for school and board of boys in the family,.....	7	4	0½
	To finishing the chapel and mission house,.....	149	8	5
	£	266	7	0

MUNCY TOWN MISSION.

	To Mr. Adams salary,.....	100	0	0
	To do. travelling expenses,	2	8	0
	To Mr. Hurlburt's salary, school teacher,...	43	0	0
	To George Henry's, interpreter,..	37	10	0
	To Miss Adams' for one quarter's teaching,.....	10	0	0
	To timber for a new school house,	8	6	9
	To Mr. Adams, travelling expenses to Conference,.....	1	10	0
	To lock for the school,.....	0	1	10½
	To books for the school,.....	0	10	3½
	£	203	6	11

GRAND RIVER MISSION.

	To Mr. Messmore,s salary,.....	75	0	0
	To removing do's family to mis'n,	8	0	0
	To do's horse-keeping, &c.....	6	15	0
	To Moses Walker's salary,.....	37	10	0
	To Joseph Doxtater's do.....	37	10	0
	To John do's do.....	12	10	0
	To Mr. McEwen's do. teacher,	43	0	0
	To materials for building a school house,.....	10	0	0
	To stationary for mission school,..	0	15	0
	£	231	0	0

SAINT CLAIR MISSION.

	To Mr. Turner's salary for 2 years,	102	0	0
	To family expenses, including the removal of Mr. T's family to and from the mission,.....	70	10	0
	To furniture for the mission house,	10	16	10
	To horse, saddle and bridle for the mission,.....	18	10	0
	To timber and building stable, horse-keeping, &c.....	14	3	2
	To Charles Rood and Geo. Henry, interpreters,.....	1	10	6
	£	217	10	6

GRAPE ISLAND MISSION.

	To Mr. Hurlburt,s salary,.....	62	10	0
	To John Sunday's do.....	50	0	0
	To Miss Hurlburt's do.....	35	0	0
	£	147	10	0

MOHAWK MISSION.

	To Mr. Johnson's salary,..... ...	62	10	0
	To Mr. Davidson for visiting the mission,.....	10	0	0
	To land for the use of the mission,	2	10	0
	To materials for building a mission house,..	19	10	0
	To wine for the Sacrament,.....	0	1	8
	£	94	11	8

SAHGEENG MISSION.

	To Brother Hurlburt for services during part of the year,.....	10	0	0
	To Brother Sawyer for do.....	17	10	0
	To Mr. Hurlburt's travelling expenses,.....	3	0	0
	To Mr. Sawyer's do. do.....	2	17	6
	To outfit for Sahgeeng, including cart, oxen, nets, &c.....	42	0	8
	£	75	8	2

MISCELLANEOUS APPROPRIATIONS

	To Sydney mission, ...	30	0	0
	To Cavan do.....	10	0	0
	To the Clarendon do.....	7	10	0
	To the Brock do.....	5	0	0
	To the support of an Indian boy at Cazenovia,.....	15	10	0
	To debts on the Canadian missions at the Conference of October,			

1833, by order of the President, paid.....	295	14	6
To Mr. Frazar for missionary services,.....	28	19	2
To postage on letters on public business,.....	5	1	0
£	307	14	8
Total amount of expenditures, £	2091	6	8¼

NOTE.—The cash account is made up to the Conference only. All sums received and paid since that time will be placed in the next report.

Nine pounds five shillings have been returned from the Grand River, and *four pounds thirteen shillings and five pence* from the Mohawk Mission, which will be inserted in the next report.

II

Treasurer's Account.

Canada Conference Misisonary Society, in Account with James R. Armstrong, Treasurer, from June 1834, *up to June* 1835.

Cr.

I. NIAGARA DISTRICT.

Hamilton Circuit.

Collected by MRS. E. EVANS and MRS. E. JACKSON.

Edward Jackson	£1	10	0
Lydia A. Jackson	1	5	0
Doctor J. Lister	1	5	0
Thomasin Lister,		10	0
Jacob Bastedo, .		10	0
Cash, ...		2	6
Cash, ...		2	6
L. J. Ives, . .		10	0
Isaac Ryan, . .		1	3
James McKee, .		1	3
Cornelia Spafford		10	0
Hugh Moore, .		2	6
Samuel Sloan .		5	0
Cash, ...		5	0
William A. Davis,		1	1
Catharine Dewey,		2	6
William Fish, .		5	0
Daniel Dewey .		2	6
Benjamin Johnson,		2	6
Cash, . . .		5	0
John Stinson, .		5	0
Cash, ...		4	3
Cash, ...		1	3
Murray Anderson,		10	0
Dennis Moore, .		5	0
Cash, ...		2	10
Cash, ...		1	0
Colby Kimble, .		10	0
Esther Kimble, .		2	6
Mrs. Noxon, .		1	3
Edward Teskey		5	0
Rev. E. Evans	1	0	0
Thomas Brown,		5	0
Mrs. Brown, .		2	6
Miss Lowell, .		2	6
Edward Magil, .		5	0
Robert Lewis .		2	6
Henrietta Beasley,		2	6
N'cy. Strobridge,		5	0
Mrs. Pickard, .		2	6
S. Woods, . .		10	0
Hannah Woods,		10	0
Mary Galligan .		2	6
Mrs. Clement, .		2	6
Aaron Choat, .	1	0	0
James Cahill, .		2	6
R. G. Beasley, .		2	6
Cash.		2	6
Sarah Green, .		0	3½
Albert G. Searls.		5	0
Minerva Merrick,		2	6
Wm. F. Clarke,		5	0
Alan'g. Blackmer,		2	6
Mercy Clark, .		2	6
Sarah Winer, .		2	6
Miss Bell, . .		1	10½
Miss Hardiker, .		0	7½
Fidelia Ives, .		2	6
Elizur Alford, .		5	0
Mrs. Webb, .		1	3
Mary Williamson,		1	3
Andrew W. Gray,		2	1
Eli Telyea, . .		5	0
W. D. Spafford,		1	6
E. Stinson, . .		5	0
A Brit. Wesleyan,		5	0
Geo. C. Begg, .		2	6

Collected by Miss Shaw, and Miss Price.

Wm. M'Donald,	1	5	0
Ma'y. M'Donald,	1	5	0
W. A. M'Donald		5	0
Eliza Wil'son, .		5	0
G. Strobridge, .		10	0
Samuel Kerr, .		5	0
Seth Downes, .		10	0
Young, Weir, & Co	1	5	0
John Aikman, .		10	0
Parker & Co. .		5	0
A Bigelow, . .		10	0
James S. Finney,		2	6
Russel Prentiss,		10	0
Betsey Prentiss,		5	0
Mac Crisern .		1	8
Paola Brown, .		2	6
George Hyatt, .		5	0
J. R. Pollard, .		2	6
Michael Aikman,		2	6
James M'Intyre,		2	6
Charles Durand,		2	6
John Mills, . .		2	6
Christina Mills,		5	0
Ann, Mills, . .		5	0
C. Chatfield, .		5	0
Catherine Magill		2	6
Henry Magill, .		2	6
Mary Magill, . .		2	6
A Friend, . .		10	0
Martha Price, .	1	5	0
Mrs. Clements, .		1	3
D'd R. Soringer,	1	5	0
Ol'r. S. Springer,	1	5	0
Ch'y. Dodge, .		2	6
A. Steven, . .		2	6
Rb't. Henderson,		2	6
Robert Murray,		2	6
Peter Inoden, .		0	7
Sundry small sums		3	7
Mr. Sewell, . .		2	6
M. A. Wright, .		1	3
George Morgan,		1	3
Wm. Cattermole,		5	0
Dr. Jabez Kellogg,	1	0	0
S. M. Hathaway		2	6
Public Collections at Missionary Meeting, Feb. 3, 1835,	15	12	3
Miss J. Baley's mission Box at do	2	5	0
Miss Stanley's collection from Infant school at do		3	0
Rem'ing in Treasurer's hands, Feb. 2, 1835,	12	12	6
	£65	2	10
Remaining in the hands of local Treasurer, .	21	10	4
Received by the General Treasurer, . . .	43	12	6
P. Bowman sub'n.	1	5	0
Philip Spaun, do	1	5	0
Mrs. P. Spaun, do	1	5	0
L. Hall, do		10	0
A Friend, do by Rev E. Evans,		5	0
Collect. at Bowman's Chapel,	5	6	6
Do. at Glanford,	1	9	1
Do. at Barton, .	2	15	2
Do. at the Rock Chapel, . .	1	8	9
Total,	£59	2	0

STAMFORD CIRCUIT.

Lundy's Lane Branch.

Isaac Bowman	£	2	6
William Offord,		2	6
Adam Killman,	1	5	0
James Spencer		15	0
Ann Spencer,		2	6
Anna Spencer,		2	6
Adam Fralick,		2	6
Sayner Beach,		2	6
M. Cook, . .		2	6
Eliza Churin, .		2	6
George Wright		2	6
Polly Lundy, .		2	6
Matilda Lundy,		2	6
George Garner,		2	6
Christiana Garner		2	6
Elizabeth Garner,		2	6
Daniel Lundy, .		2	6
Benjamin Corwin,	1	7	6
Penelope Corwin,		2	6
James Slaight, .		2	6
Mary Morris, .		5	0
Dr. J. J. Lefferty,		5	0
D. Williams, (sub.		16	3
Sarah Willson .		2	6
William Garner,		2	6
Joseph Moore, .		2	6
Mrs. Moore, .		2	6
William Forsyth,		5	5
Sephronia Forsyth		2	6
Mrs. Merriam, .		2	6
Joseph Merriam,		2	6
Maria Merriam,		2	6
Ann Garner, .		2	6
Rachel Ross, .		5	0
Catharine Lundy,		2	11
Mrs. Bender, .		2	6
Mary Robbins, .		2	6
George Bender	1	5	0
Esther Bender .	1	5	0
Agnes Shannon,		2	6
David Lynch, .		2	6
Philip Garner .		2	6
Lydia Corwin, .		2	6
Jacob Garner, .		2	6
Abigail Garner,		2	6
Sophia Emmons,		2	6
Mrs. Morse, .		2	6
John Corwin, .		2	6
Catharine Corwin,		2	6
William Owens,		5	0
S. Falconbridge,		2	6
A. Spencer, .		2	6

Donations.

R. Marsh, . .		1	3
F. Peacock, .		1	3
J. M. Kelly, .		1	3
J. Bigger, . .		1	1½
M. Douglas, .		1	3
C. Forsyth, . .		1	3
E. Slaight, . .		1	3
Mrs. Bulcock, .		1	1
Mary Can, . .		1	0
Maria Hicks, .		0	8½
	£13	13	6

Niagara & Stamford Branch.

James Sidney, .		5	0
Joseph Painter,		5	0
John McKinlay,		2	6
W. Peterson, sen.		2	6
W. Peterson, jun.		2	6
Frederick Hutt,	1	5	0
Chr. Warner, .		2	6
John Vanevery,		2	6
James McOwan,		2	6
John Kerr, . .	1	5	0
Robert McKinlay,		5	0
David Copland,		2	6
George Hutt, .		2	6
Geo. Keefer, Esq.	2	10	0
Jacob Seburn, .		2	6
Robert Lord, .		2	6
James Jones, .		2	6
Wm. Vanevery,		2	6
Joseph Vanevery,		2	6
Janet McKinlay,		2	6
Lavinia Clow, .		2	6
Deborah Clow, .		2	6
Ann McKinlay, .		2	6
Mary Kerr, . . .		2	6
Mary Clement, .		2	6
Susan McMicking,		2	6
Susan Hutt, . .		2	6

Jane Rattray, . .	2	6	
Jane McKinlay, .	2	6	
Mary Warner, .	2	6	
Margaret McKinlay,	2	6	
Christiana Keefer,	2	6	
Catharine Keefer,	15	0	
Catharine Head,	2	6	
Mary Ball, . .	2	6	
Mary Vanevery, .	2	6	
A Friend, ...	0	9½	
A Friend, . . .	1	10	
Margaret Keefer,	5	0	
Ann Black, . . .	2	6	
Maria Lacy . .	2	6	
Mrs. Burns, . . .	2	6	
Mrs. Vandeburg,	2	6	
Mrs. Huntly, . .	2	6	
Mrs. Aberdeen, .	2	6	
James White, . .	1	3	
Philip Metler, . .	2	6	
And'w Henshaer,	2	6	
Mary Hutt, . . .	2	6	
	£11	13	10½

Niagara Town Branch.

Sent thro' Rev. E. Stoney (no list,)	13	8	9
T'l Stamf'd Cir.	£25	2	7½

LONG POINT CIRCUIT.

Through Rev. H. Biggar (no list)	£12	15	0
A Friend, . . .	0	5	0
Collection at M't Pleasant, . . .	3	8	1½
	£16	8	1½

2. London District.

LONDON CIRCUIT.

Public collect'n,	£4	16	0

WESTMINSTER CIRCUIT.

A Friend,. . . .	£0	5	0

GOSFIELD CIRCUIT.

(No List,)	£7	1	10
Miss Romney's subscription, . .	1	15	0
Through Mr. H. Nelson, ...	1	5	6
	£10	2	4

OXFORD CIRCUIT.

Thro' Rev. R. Phelps, ...	£2	7	7
Public collect'n,	1	0	4
	£3	7	11

THAMES CIRCUIT.

[No List,]	£5	3	2

3. Toronto District.

CITY OF TORONTO.

[No List,]	£54	9	2

YONGE STREET CIRCUIT.

Thro' J. Atkinson, ...	£8	10	0
Jas. Davis's sub.	0	16	1
Col'n at Cummer's chapel, . .	0	16	8
	£10	2	0

NEWMARKET CIRCUIT.

Lloydtown, thro' Mr. J Hacking,	£5	6	9
Public collect'n,	3	5	8
A Friend, ...	0	5	0
	£8	17	5

TORONTO CIRCUIT.

Sam'l Switzer & family, ...	1	5	0
Hugh Mason, jr.	0	15	0
Robt. Simpson, . .	0	5	0
Mrs. H. Rutledge,	0	10	0
William Kent and family, ...	1	5	0
James Switzer, . .	0	5	0
James Anderson, .	0	10	0
Thos. Cartwright,	0	10	0
James Ryan, ...	0	5	0
Eliza Mason, ...	0	5	0
Mary Ryan, ...	0	2	6
Sally Cutler, . . .	0	1	3
Elizabeth Lewis, .	0	1	3
Lucretia Rowe, . .	0	1	0
Catharine Vader, .	0	2	6
Mrs. Herron, ...	0	5	0
Caroline Folwell,	0	1	3
Joseph Switzer, . .	0	5	0
Mrs. J'h Switzer, .	0	5	0
Mrs. Folwell, . . .	0	1	3
Mrs. Cartwright, .	0	5	0
Mrs. Ransom, . . .	0	5	0
John Street, ...	0	5	0
James Switzer, . .	0	5	0
Daniel Howell, . .	0	2	6
Calvin Cartwright	0	5	0
Erastus Street, . .	0	10	0
Abigail Street, . .	0	10	0
Hamilton Rowe, . .	0	5	0
	£9	13	6
Coll. Streetsville,	2	7	1½
Do. at Gardner's.	3	8	9½
Do. at Shell's. . .	1	5	0
Do. at do. . . .	2	7	2
Do. at Harrison's,	1	12	0
Mr. Kent's sub'n,	2	0	0
	£22	13	7

NELSON CIRCUIT.

Contributions at Trafalgar, ...	5	0	0
A Friend, do. . . .	1	5	0
Con. at Oakville, .	3	10	0
A Friend, ...	0	10	0
	£10	5	0

DUMFRIES CIRCUIT.

Mr. Keagy's subs.	1	10	0
Pub. collection at Brantford, ...	4	2	6
Subscrip'ns at do.	3	0	7
	£8	13	1

WHITBY CIRCUIT.

Pub. collection, . .	2	2	6
Darlington do. . .	1	10	2
Reesorville contribution, ...	2	14	0
	£6	6	8

4. Bay Quinte District.

KINGSTON (*north.*)

John Counter, . . .	5	0	0
Mrs Tolkein & son	2	10	0
John Jenkins, . . .	2	0	0
The Ven'ble the Archdeacon of Kingston, ...	1	5	0
Mrs Peter Smith,	1	5	0
The Rev. J. Stinson, ...	1	5	0
A Friend, ...	1	5	0
James Fraser, . . .	1	3	4
Mrs Jane M'Leod,	1	3	4
The Hon. J Kerby	1	0	0
Mrs H. Mair, ...	1	0	0
Col. Wright, R.E.	0	10	0
David Benson, . . .	0	10	0
Miss Mary Fowler	0	10	0
Mrs F. E. Linton,	0	10	0
J. Strange, Esq.,	0	10	0
Jas. M'Cutcheon, Esquire, ...	0	10	0
James Kerr, ...	0	10	0
A Friend, ...	0	10	0
Miss Thomas's scholars, ...	1	2	0
Sums under 10s. .	7	6	1
Coll. by Mr. Steer and Mr. Scobell,	2	7	11
Do. at mis'y meeting and sermons,	7	16	8
Do. at mis'y meeting in 1834, . . .	6	18	0
	£48	4	0
Gananoque public collection, ...	2	2	10

KINGSTON (*west.*)

Robert M'Lean, . . .	0	5	0
A Friend, ...	0	5	0
Susannah Wilson	0	5	0
Hannah Jeffers, . .	0	2	6
Hester Jeffers, . . .	0	2	6
John Ashley, ...	0	2	6
Thos. Whitley, . .	0	2	6
Henry Kilborne, . .	0	2	10½
Richard Tyner, . . .	0	1	0
A Friend, ...	0	2	10½
Mr. Elder, ...	0	2	6
Miss Cone, ...	0	2	6
Mrs Caffre, ...	0	2	6
Jas. M'Rorison, . .	0	10	0
Caroline Whitley,	0	3	9
Mary Olcott, ...	0	5	0
John Brennan, . . .	0	10	0
W. E. Norman, . .	0	10	0
John Dawson, ...	0	5	0
Thos. Bentley, . . .	0	2	6
Mary Benson, ...	0	5	0
	£4	10	0

BAY OF QUINTE CIRCUIT.

Coll. at Switzer's,	2	10	10
do. Adolphustown	1	0	0
	£3	10	10

HALLOWELL CIRCUIT.

Collections and subscriptions,	£35	8	3

BELLEVILLE CIRCUIT.

Collections and subscriptions,	£13	15	0

COBOURG CIRCUIT.

Pub. collection at Cobourg, ...	4	0	0
A. B. Carpenter, .	1	5	0
E Goldsmith, . . .	1	0	0
G. B. Spencer, . .	1	0	0
R. Henry, Esq. . .	0	5	0
Henry Jones, ...	0	5	0
Mrs Helms, ...	0	5	0
Miss S. Helms, . .	0	5	0
Miss A. Helms, . .	0	5	0
Mrs E. Buck, . . .	0	5	0
Mrs J. Comstock,	0	5	0
Martin Pierse, . . .	0	5	0
K. McKenzie, . . .	0	5	0
Mrs W. Dumble, .	0	5	0
W. S. Conger, . .	0	5	0
John Bradley, . . .	0	5	0
Mrs Lindsay, ...	0	5	0
John Pierse, ...	0	5	0
Isaac Dobson, . . .	0	5	0
Peter Dobson, . . .	0	5	0
Merrick Sawyer, .	0	5	0
William Philps, . .	0	5	0
Samuel Philps, . .	0	5	0
George Stevens, .	0	5	0
Mrs Trollope, . . .	0	5	0
Mrs C. Payne, . . .	0	5	0
George Hart, ...	0	5	0
Mrs G. Stevens, . .	0	5	0
Donations, ...	2	1	3
	£15	6	3
Coll. Port Hope, .	2	10	0
Do. at Hope Chapel,*	5	8	9
Alex. Morrow, . . .	1	5	0
James Lang, ...	1	10	0
Minerva Hawkins,	0	2	6
James Hawking, . .	0	10	0
	£11	6	3

* This includes 25s from Alex Morrow and 6s. 3d. from Mrs. Lang, which were handed in at the time of the meeting.

MURRAY CIRCUIT.

Pub. collection at Carrying Place, .	1	5	0
Subscriptions, . . .	5	0	0
	£6	5	0

5. Augusta District.

Brockville coll'n.,	4	13	4
Prescott do.	4	2	6
Augusta do.	0	14	4
Matilda do. & sub.	8	10	11
Do. A Friend,	0	5	0
Do. Mr. Spencer,	1	0	0
Elizabethtown collection, ...	0	11	7
Do. Miss Caswell,	0	5	0
Do. Mr. Forrester	0	10	0

Rideau, Rev. Mr. Brown,	0	5	0
Do. Mrs. Shaler,	0	5	0
	£21	2	8

6. Missionary District.

Isle of Tanti subscriptions and donations,	12	11	7
Grape Island do.	9	4	11
Lake Simcoe do.	18	15	9
Rice Lake do.	5	8	7
Grand River do.	7	15	7
Sahgeeng do.	2	7	5
Amherstburg do.	12	14	3½
Muncy, do.	3	7	6
	£72	5	6½

Recapitulation.

Cr.

By Total from the Niagara District,	£114	6	1½
" " " " London do.	23	14	5
" " " " Toronto do.	121	7	8
" " " " Bay of Quinte do	140	8	5
" " " " Augusta do.	21	2	8
" " " " Missionary do.	72	5	6½
" Cash from the Treasurer of the Parent Society	1,798	5	2¾
" Cash returned from Grand River Mission last year,	9	5	0
" Cash returned from Mohawk Mission last year,	9	13	5
	£2,310	8	5¾

Dr.

To the Credit Mission,	£229	10	9½
Lake Simcoe & Coldwater missions	222	16	11½
Rice and Mud Lake Missions	174	0	9
Muncy Town mission,	159	17	6
Grand River mission	256	1	1
St. Clair mission	148	5	3
Grape Island and Mohawk mission	263	16	10
Isle of Tanti mission	56	4	10
Sahgeeng and Goderich mission	109	8	1
Amherstburgh & Sandwich mission	180	16	7¼
J. Maffit, for services at the Mohawk mission in 1834,	10	0	0
Guardian Office, for printing Reports, &c.	13	3	6
Books and Stationary for mission schools, &c.	11	2	8½
Postage of Letters, &c. on public business	9	12	7
B. Nankeville, for services at the Credit, (extra grant)	5	0	0
Sending two Indians to Lake Nippissing	5	0	0
Sundry articles of Furniture for mission houses	17	4	3
Removing Mr. Johnson's family from the Mohawk mission to Prescott	6	4	0
Supplying destitute settlements, poor circuits and other contingent expenses,	347	18	2
	£2,226	3	10¾
Balance in Treasurer's hands	84	4	7
	£2,310	8	5¾

Note.—The following sums have been received since the Report was made up, and will be credited in the Report for next year, viz:

Cramahe Female Missionary Society, per T. Bevitt,	£2	10	0
Sundry persons in Ernestown, per E. Switzer	4	5	0

I

Canada Conference Auxiliary Missionary Society in account with James R. Armstrong, Treasurer. Cr.

		£	s.	d.
1833	Moneys paid to Mr. Armstrong.			
October.	By cash from the Toronto Auxiliary,	14	16	6
Nov. 20,	By collection made by R. Coat,	1	11	3
" 23,	By cash from Matilda Auxiliary through George Blouse, Esq.	6	17	3
1834				
Feb'y,	By donation from R. Burr, Esq.	5	0	0
April 5,	By the Widow's mite,	0	5	0
May 12,	By cash from the Indian children at the Credit,	0	13	7
	By cash from the Dalhie Missionary Auxiliary	8	15	0
	By cash from Mr. Keagy (annual,)	1	5	0
	By cash from the Niagara Auxiliary,	10	17	3½
	By cash from the Toronto circuit collected by Messrs. Adams and Fawcett,	2	14	0
	By cash from the Toronto circuit collected by Messrs. Foster & Brown,	1	19	1½
	By cash from the Toronto circuit collected by William Kent,	4	10	0
	By cash from the Trafalgar circuit,	1	5	0
	£	60	9	0
	Moneys paid to Mr. Case.			
Feb. 12,	By cash from the Treasurer of the Hamilton Auxiliary,	30	2	0
	By collections at the Credit Mis'n,	5	12	7
April,	By cash from the Stoney Creek Auxiliary,	2	0	0
	By cash from the Saltfleet Missionary Auxiliary,	3	12	6
	By cash Saltfleet donations,	0	13	11½
	By collection at St. Catharines,	3	16	3½
	By do. at Niagara,	3	18	2
	By do. at McAfee's,	1	0	0
	By donation from G. Ham, Esq.		10	0
	£	51	5	6
	Moneys paid to Mr. Stinson.			
October.	By cash from the Rev. G. Marsden in behalf of the Parent committee, £900 sterling,	1000	0	0
1834	By cash from the Brockville Auxiliary,	4	2	0
Feb'y,	By cash from the Belleville Auxiliary to Mr. Johnson,	6	5	0
	By cash from the Hamilton Aux'y,	3	17	6
	By the Rice Lake subscription,	5	16	3
	By the Muncey Town do.	1	17	4
	By cash from the Hamilton Aux'y,	3	10	0

1834 June,	By the Grape Island subscription,		1 7 0	
	By Mr. Irvine's subscription,		2 10 0	
	By cash from the Niagara Aux'y,		26 4 3½	
	By cash from Mr. Metcalf from the 50 Mile Creek Auxiliary,		1 9 7	
	By cash from Elizabeth,		2 10 0	
	By cash from Smithville Auxiliary,		1 16 0	
	By Brown's Bridge subscription,		0 17 6	
	By cash from Woodhouse Aux'y,		2 7 6	
	By cash from Simcoe do.		2 7 6	
	By cash from M't Pleasant do.		1 15 0	
	By cash from the Auxiliary in Keeler's neighbourhood,		5 5 0	
	By Mr. Gibson's subscription by Mr. Green,		2 10 0	
	By Daniel Burny's subscription,		1 0 0	
	By Alex. Campbell's subscription,		2 10 0	
	By subscription from Merrickville,		0 12 6	
	By cash from Brown's neighbourhood,		0 5 0	
	By cash from the Prescott Aux'y,		1 1 3	
	By cash from Elizabethtown do.		4 15 0	
	By bills upon the Treasurer of the Parent Society at different times and appropriated to the current expenses of missions,		893 1 0	
		£	2091 6 8½	

Dr.

CREDIT MISSION.

1833—4	To the Rev. Wm. Case's salary,	87 10 0	
	To the Rev. Peter Jones do.	75 0 0	
	To the School Teacher do.	35 0 0	
	To the Rev. Wm. Case's travelling expenses,	4 11 6	
	To the Rev. Wm. Case's horse do.	9 15 1	
	To the removal of Mr. Case's family from Grape Island to the River Credit,	5 18 3	
	To stationary for the Credit school,	2 11 7½	
	To Mr. Case's postage,	3 18 4½	
	To repairing Mission and School-houses,	41 4 2	
	To the Rev. Peter Jones travelling expenses,	2 9 0	
	£	267 18 0	

LAKE SIMCOE MISSION.

To Rev. S. Belton's salary,	75 0 0	
To Miss Manwaring's do. school teacher,	35 0 0	
To John Simson's do. interpreter,	43 0 0	
To John Snake's do. do.	18 0 0	
To removing Rev. S. Belton's family to mission,	10 17 1½	
To Miss Manwaring's travelling expenses,	1 10 0	
To Rev. S. Belton's horse-keeping,	3 5 0	
To Rev. S. Belton's travelling expenses at mission,	1 7 10½	
To stationary for the school,	0 10 5	
To stove for the mission house,	1 9 4½	
£	189 19 9½	

RICE LAKE MISSION.

To Rev. D. McMullin's salary,	75 0 0	
To do. horse keeping,	5 0 0	
To do. travelling expenses,	3 9 6½	
To Miss Penny for teaching school 9 months,	26 5 0	
To articles for school and board of boys in the family,	7 4 0½	
To finishing the chapel and mission house,	149 8 5	
£	266 7 0	

MUNCY TOWN MISSION.

To Rev. E. Adams salary,	100 0 0	
To do. travelling expenses,	2 8 0	
To T. Hurlburt's salary, school teacher,	43 0 0	
To Geo. Henry's, do. interpreter,	37 10 0	
To Miss Adams' for one quarter's teaching,	10 0 0	
To timber for a new school house,	8 6 9	
To Rev. E. Adams, travelling expenses to Conference,	1 10 0	
To lock and books for the school,	0 12 2	
£	203 6 11	

GRAND RIVER MISSION.

To Rev. J. Messmore's salary,	75 0 0	
To removing do's family to mis'n,	8 0 0	
To do's horse-keeping, &c.	6 15 0	
To Moses Walker's salary,	37 10 0	
To Joseph Doxtater's do.	37 10 0	
To John do's do.	12 10 0	
To John McEwen's do. teacher,	43 0 0	
To materials for building a school house,	10 0 0	
To stationary for mission school,	0 15 0	
£	231 0 0	

SAINT CLAIR MISSION.

To Rev. T. Turner's salary for 2 years,	102 0 0	
To family expenses, including the removal of his family to and from the mission,	70 10 0	
To furniture for the mission house,	10 16 10	
To horse, saddle and bridle for the mission,	18 10 0	
To timber and building stable, horse-keeping, &c.	14 3 2	
To Charles Rood and Geo. Henry, interpreters,	1 10 6	
£	217 10 6	

GRAPE ISLAND MISSION.

To S. Hurlburt's salary,	62 10 0	
To John Sunday's do.	50 0 0	
To Miss Hurlburt's do.	35 0 0	
£	147 10 0	

MOHAWK MISSION.

To Mr. Johnson's salary,	62 10 0	
To Rev. J. C. Davidson for visiting the mission,	10 0 0	
To land for the use of the mission,	2 10 0	
To materials for building a mission house,	19 10 0	
To wine for the Sacrament,	0 1 8	
£	94 11 8	

SAHGEENG MISSION.

To T. Hurlburt for services during part of the year,	10 0 0	
To Brother Sawyer for do.	17 10 0	
To Brother Hurlburt's travelling expenses,	3 0 0	
To Brother Sawyer's do. do.	2 17 6	
To outfit for Sahgeeng, including cart, oxen, nets, &c.	42 0 8	
£	75 8 2	

MISCELLANEOUS APPROPRIATIONS

To Sydney mission,	30 0 0	
To Cavan do.	10 0 0	
To the Clarendon do.	7 10 0	
To the Brock do.	5 0 0	
To the support of an Indian boy at Cazenovia,	15 10 0	
To debts on the Canadian missions at the Conference of October,		

1833, by order of the President, paid,	295	14	0
To Mr. Fraser for missionary services,	28	19	2
To postage on letters on public business,	5	1	0
£	397	14	8
Total amount of expenditures, £	2091	6	8½

NOTE,—Under the head of Salary is embraced allowances of every kind, except travelling expenses.

K

MARTIS, I°. DIE JULII, 1828.

THE REV. ROBERT ALDER, *called in and examined.*

The Rev. Rob't Alder — 1 July 1828.

You have acted as one of the missionaries of the British Wesleyan Conference in Canada?—I have.

Are you acquainted with the circumstances of the Wesleyan Methodist connexion in Upper and Lower Canada?—I am very well acquainted with their circumstances in Lower Canada, and partially acquainted with their state in Upper Canada.

Can you state what the number of Wesleyan ministers at present in Lower Canada is?—There are nine.

Are those all of them natural born subjects of the King?—They are all natives of the United Kingdom of Great Britain and Ireland.

By whom are they employed and under whose direction do they act?—They are employed by the British Conference, a body that is recognised in a deed enrolled in the High Court of Chancery in England; and they continue to act under the direction of that conference during the whole period of their missionary labor. From the peculiar nature of our discipline, the conduct of every minister abroad is as well known to the conference at home as is the conduct of any of our ministers in England.

In what way are the Wesleyan missionaries in Lower Canada set apart to the work of the ministry?—By the imposition of hands and prayer, after they have been examined three several times respecting their general knowledge and theological attainments, &c.

Are they entirely devoted to their profession as missionaries, or are they engaged also in any secular employment?—They are wholly devoted to the work of the ministry; they are not allowed even to keep a school for their own private emolument, whatever instruction they give to the rising generation is wholly gratuitous.

From what sources do they derive their income?—From the voluntary contributions of the people amongst whom they labor, and the British conference.

What is the average amount of income of each minister, and upon what principle is it regulated?—A married missionary is allowed a furnished dwelling house, and a sum of about 100 guineas per annum; if he have three children he is allowed £35 additional for his children, and so on in proportion to the number of his family.

Then are the committee to understand that the British Conference annually expend a sum to cover the deficiency of the voluntary contributions of the people in Canada?—They do.

Can you state what sum is generally expended by the British Conference for the support of the Mission in Canada?—From £500 to £700 in support of our mission in Lower Canada.

Have each of those ministers a chapel at which they perform service?—Yes; and with the exceptions of the ministers stationed at Quebec and Montreal, whose labors are chiefly confined to those two places, our missionaries in the country preach on the average to five congregations weekly, and frequently travel from 50 to 70 miles.

What is the number of chapels or school houses in Lower Canada, which are used for the purposes of public worship in your connexion?—I think we have 10 chapels in Lower Canada and probably between 40 and 50 other places in which we usually perform Divine service.

Can you state the number of the members in your Societies, and the number of those who generally attend your congregations?—We have about 1,500 members in our societies in Lower Canada, and our congregations probably amount to between 5,000 and 6,000.

Do you find that considerable numbers, exclusive of those 5,000 or 6,000 attend occasionally, tho' belonging to other denominations?—They do occasionally.

In what manner are the chapels and places of public worship erected?—By the voluntary contributions of the people, who sometimes involve themselves in pecuniary difficulties in erecting places of worship—our chapel at Montreal cost between £4,000 and £5,000 and the expense was defrayed entirely by the people there.

Do you conceive there is an abundant supply of religious instruction for the demands of the people?—No, I do not conceive there is a sufficient supply; there is not a sufficient supply of Wesleyan Missionaries in Lower Canada.

What do you conceive to be the reason of that?—The want of pecuniary means. The monies raised by the methodist connexion in England for missionary purposes are appropriated for the support of missionaries in Ireland, in Western and Southern Africa, and in the East and West Indies, as well as in North America. The reason why we wish to obtain a portion of the Clergy Reserves is not for our private emolument; but that we may be enabled to extend our missionary operations in Lower Canada.

Have not the Wesleyan Ministers been particularly active in the eastern townships of Lower Canada?—Yes, and with the exception of the clergymen of the Church of England there are no other ministers connected with any ecclesiastical body in England, that preach in those Townships.

Do you conceive that if the Wesleyan Ministers were withdrawn from the Townships, the Church of England would be capable of supplying them with clergy?—No, I think not;—and this is the opinion of the Governor-General, from whose letter to me, which I received a few days before I left the Province, I beg permission to read an extract:—"We all know, (his Lordship observes) that the Established Church cannot provide clergymen at all places where they are required and desired; in that difficulty the Wesleyan Ministers have rendered most valuable services, and I think they are qualified and capable to render much greater services under the protection and encouragement which they desire from his Majesty's Government."

Are there no Presbyterian Ministers of the Kirk of Scotland in the Eastern Townships of Lower Canada?—Not one.

What other religious communities are there besides the Church of England and the Wesleyan Methodists having ministers in the country parts of Canada who act under the direction of ecclesiastical authorities in Great Britain?—None; there is not a minister in any of those townships, with the exception of the clergy of the Church of England, and our own ministers, who acts under the direction of any ecclesiastical authority in Great Britain.

You have stated the number of methodist ministers in Lower Canada and the number of their congregations;—will you give the committee the same information with regard to Upper Canada so far as you are acquainted with it?—In Upper Canada there are 46 methodist ministers; there are 66 chapels, and about 530 other places in which divine service is regularly performed.

What do you consider to be the number of your members, and the number of your regular hearers, in Upper Canada?—The number of members of the methodist society in U. Canada is 9,000, the number of regular hearers is 37,000, making one-fifth of the whole population of the Province.

In addition to those you have mentioned is there not also a methodist mision among the Missisauga Indians?—There is, and according to the testimony of the Venerable Archdeacon of Quebec, the labors of the Wesleyan Ministers

amongst those Indians have been of great advantage to them in a social as well as in a religious and moral point of view.

Are the methodist congregations in U. Canada under the direction of the missionaries sent out by the British conference?—They are not; hitherto they have been under the direction of the methodist conference of the United States; that connexion, however, is now dissolved, and we expect that an arrangement will soon be made, by which the methodists of Upper Canada will be brought to act under the direction of the British conference as the methodists of Lower Canada have done for several years.

Is there any point of difference either in doctrine or discipline between the British and American conference?—Not any of importance. We consider ourselves to be one body; but we do not deem it right that the methodists of Upper Canada should be under the jurisdiction of a foreign ecclesiastical authority.

Then are the committee to understand that there would be no objection on the part of those congregations, provided you had the means of furnishing ministers to receive those ministers sent by the British conference fully as readily as those sent by the conference of New-York?—The conference of the United States does not now send any ministers to Upper Canada. The people are very anxious to be supplied with ministers from this country; and we have the most pressing petitions sent to us annually for English ministers.

By whom has the supply of Wesleyan ministers from the United States been prohibited?—By an agreement between the methodists of Upper Canada and the methodist conference of the United States.

Then you consider that it is the desire of the methodists in Upper Canada rather to have ministers furnished by the British conference than by the conference of the United States?—Yes, I have reason to believe that is the case.

And that it is from the wish of the people themselves that the methodist ministers of the United States are now prevented from coming into Upper Canada?—Yes; from the influence of British feeling.

Do you conceive that the Colonial Government in Upper Canada has manifested any desire for the extension of the British Wesleyan methodists in that Province?—I believe there are documents in the Colonial-Office addressed to Earl Bathurst and to Mr. Huskisson from Sir Peregrine Maitland which will shew that his Excellency is very anxious that the number of British methodist ministers should be increased as far as possible in Upper Canada; and I understand that he wrote home a short time go recommending that pecuniary aid might be allowed us for that purpose.

Do you consider that under the 31st of the late King the Wesleyan Methodists have any claim according to the letter of the statute, to any share of the Clergy reserves, or are they only desirous of obtaining a portion of them, in case the statute should be altered in that point?—There is a difference of opinion among us on this subject, but the general opinion of our ministers in Lower Canada I believe is this, that if the revenues be appropriated to the sole use of the Church of England, we shall offer no objection to it, but that if the Presbyterians are to have any part of those reserves then we conceive that we have at least an equally good claim with them; and we should be very much dissatisfied if our claims were disallowed.

Do you mean then to found your claim to a share in the Clergy reserves only upon a principle of equity as being one of the most numerous bodies of Protestants in that country, and not upon the principle of the precise construction of the law?—As I have already stated there is a difference of opinion upon that subject, some of our friends think we have a legal claim, and others think that no other denomination has any claim in law but the Church of England, however the general opinion amongst us on the subject is what I before stated to the committee.

Suppose there were an alteration to take place in this respect by which you were enabled to make good your claim to any portion of the reserves, upon what principle would you exclude other denominations of Protestant dissenters?—We do not wish to exclude them,but we conceive that we are placed in totally different circumstances from Dissenters in Lower Canada, because the British Conference of the Wesleyan connexion is accountable to Government and the public of Great Britain, for the good behavior of all their missionaries, whereas the ministers of the dissenting churches can only give their own personal security for their good behaviour; we conceive that on that ground our claim is much better than theirs. The Wesleyan Conference also as I have stated, expends a considerable sum annually in support of our mission in Canada. We rest our claim also on the good that has been effected in the Canadas through the instrumentality of the Methodists, and their present numbers, and respectability.

Has there been any dissatisfaction felt among the Wesleyan Methodists in Lower Canada at their not being allowed to keep a Register of their births, marriages and burials?—Very great dissatisfaction, for although we are of opinion that a refusal so completely opposed to every thing like toleration does not at all lessen us in the estimation of the people of Lower Canada, we feel it to be a degradation to the community to which we belong, besides either the children of our members must grow up without receiving from us christian baptism, and the bodies of our deceased friends remain without the right of christian burial, or we must expose ourselves to a very severe penalty in performing those duties.

Is there any provincial statute which according to your interpretation of it, would give you the right of registry?—There is.

Has there been a difference of opinion among the Judges as to the explanation of that statute?—There has, Judge Sewell, the Chief Justice of the Province of Lower Canada, has put such a construction upon the law as has been the means of depriving us of a legal register; he has decided that the Methodists and dissenters are not Protestants, and that as the act merely provides for the celebration of those services by Protestant Ministers, we are not entitled to perform them! Judge Reid and his associates of the Court of King's Bench in the district of Montreal, are of a different opinion; as a proof of which, Judge Reid for some years granted our missionary in Montreal a legal register.

Was there not a bill passed in the provincial legislature for the purpose of remedying this inconvenience?—There was.

Are you aware of the grounds on which the Royal assent was refused to that bill?—I believe it was not on account of any objection to the principle of the bill, but on account of some informalities connected with it.

Would it be satisfactory to the Wesleyans in general if a short act were passed, being a declaratory act of the intentions of the disputed statute of the 35th of George the 3rd?—It would.

Upon what footing does this matter stand in England?—We are allowed to administer the sacrament of baptism, and to bury the dead in England; and we keep regular registers of our baptisms and burials.

Have you similar rights in the other North American Colonies?—In all the North American Colonies we are allowed to administer the sacrament of baptism, and bury the dead, and in the province of Nova Scotia we are allowed also to solemnize marriages; we have always enjoyed this privilege in Nova Scotia as all other ministers of the Gospel do there.

Do you know whether the law is different, or whether the construction put upon it is different?—The law is different.

Have there been any disputes with regard to burial-grounds in Canada, between the church of England and the Wesleyan Methodists,as to solemnizing the right of burial, as there have been between the church of England and the Presbyterians?—No, we have not been involved in any such controversy.

You have stated that the Wesleyan Methodists in Canada would be dissatisfied if any portion of the clergy reserves should be applied to the Presbyterians; are you not of opinion that they stand upon a different footing with yourselves seeing that they are one of the churches established and recognized by law?—We know nothing of the Presbyterian church of Scotland as an established church out of Scotland; we view it as a strictly local es-

tablishment, and we think that its ministers have no right to enjoy any peculiar privileges in any of his majesty's colonies because they belong to the church of Scotland.

Do you consider it as confined to Scotland ?—Yes.

In what light do you view the Presbyterian church that is established in Ireland ?—I am aware that there are a few Presbyterian churches established in the north of Ireland, but I am not aware that the Presbyterian church is established in Ireland generally.

Are you aware that at one time they had possession of the tithes in the north of Ireland ?—Yes, but they never were in possession of such a privilege in Canada, nor in any of the North American colonies; it would be felt as a grievance if we were to have two ecclesiastical hierarchies endowed in the colonies.

In what way do you suppose that that burthen would press upon you ?—We mean that if the Presbyterian church, as well as the church of England, were to be established and endowed in the colonies, there would be two ecclesiastical establishments in the country which other denominations would be very much dissatisfied with.

You are aware that in case these two establishments were erected they would not be paid out of the taxes upon the country ?—No, they would not; but the Wesleyan denomination has a much greater number of ministers and of organised churches in Canada than the Presbyterians have, and at least done as much to promote the religious and moral improvement of the people; their loyalty is well known, it is acknowledged in this letter, and has been acknowledged upon various occasions by the different Governors in British North America; and we should be dissatisfied if the Presbyterians were to be placed in more favourable circumstances than we are, as we cannot conceive of any good claim that they have to the enjoyment of any privilege in the colonies to which we are not entitled.

Are there any members of your persuasion in either of the Legislative Assemblies ?—There are in the Lower House of Upper Canada; and several of them are in the Commission of the Peace, and hold commissions in the Provincial Militia.

Are any of them either in the Legislative or the Executive Councils ?—I believe not.

Are there any Presbyterians in either Council ?—I do not know;—I should wish to state, that we consider ourselves as a branch of the church of England, both at home and abroad.

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No. 110.

REPORT

OF

SELECT COMMITTEE

ON

PETITION

OF

EDWARD KENNEDY.

To the Honorable the Commons House of Assembly.

The Committee appointed to enquire into the affairs of the Nottawasaga Settlement, in the County of Simcoe, on the Petition of Edward Kennedy, respectfully submit the following Report:—

Your Committee have enquired into the management of the Nottawasaga Settlement, and regret to have to state, that it appears from the evidence that the intended settlement has in a great measure proved a failure. The cause of this failure appears to have been bad management. From the time the Irish, Dutch, and Scottish Settlers were located there, in the fall of 1834, Mr. Hawke was the Chief Emigrant Agent, and Mr. Hugh C. Young Superintendent of the Settlers located in Nottawasaga, the Emigrants were to be settled in lots of only five acres to each family, and to be credited with provisions, tools and other necessary articles, and to be employed in clearing lands, making roads, and building Shanties; the price of which work and labour to be paid in provisions and other necassaries that they might require. They were to have nothing gratis. All was to be paid for to the government in one way or other.

Mr. Hugh C. Young appears to have set the Emigrants to work at first in repairing roads, and afterwards sent them into the woods to build Shanties for themselves. The Dutch Settlers, being unacquainted with such work, made very slow progress, and consequently the season was far advanced, and snow deep before they could get their families into the Shanties. After this Mr. Young employed them in chopping, in which they made but little progress, having but seven axes among fourteen familes, and several not yet having completed their Shanties. In this condition, Young insisted that they should work on, and compelled them to sign blank vouchers, before he would give them any more provisions, to which they were obliged reluctantly to yield, or if they declined, were told, their provisions would be stopped. The provisions were very sparingly dealt out and consequently the men became feeble and unable to labour, and in many instances they were refused provisions.—The Dutch Settlers had just come from a tedious voyage from Germany, by the way of England, Quebec, Toronto, and thence to Barrie, and then to Nottawassaga. The Superintendant, Mr. Young, who received them there, although paid for regular attendance, was frequently absent for a length of time, their sufferings were great from fatigue—want of provisions—the severe winter, and want of protection from the inclemency of the weather, in consequence of the bad construction of their Shanties, some having a shelter only under Hemlock boughs.

Appended to this Report is the testimony of the Reverend Mr. Mayerhoffer, and the evidence of the witnesses examined, from which it appears that some of the Dutch Settlers have been starved to death, and others of them treated with great cruelty. The spirited and humane conduct of Mr. Wellesly Richie, the Government Agent, deserves unqualified approbation, for had it not been for his exertions, and the efforts of Mr. Kennedy, more of the Settlers would have perished, to the disgrace of the Government, which had neglected their petitions for investigation, and continued to sanction the misconduct of Mr. Hawke and Young, the former of whom is by far the most inexcusable, as he had ample means of information of the abuses which existed, and full power to redress and stop them.

It appears to your Committee, that a large sum of the Government money has been lavished for no beneficial purpose, and given to favorites of the Government, or otherwise wasted without benefitting the Settlers, whom it was intended by the British Government to benefit. It appears that the Settlers were to receive £4 per acre, for clearing and fencing; and £2 for each Shanty they built. It appears from the Accounts and Vouchers, that Pork and Flour are charged to the Dutch Settlers, which they state was never received, and in many instances the flour was of a very bad description, which had been returned by the Scotch Settlers, and afterwards given out to the Dutch. It is proved that the Dutch families were left for several days destitute of provisions in their huts, and some sold their clothes for a little food.

Sir John Colborne sent Mr. Hawke to enquire into the complaints made against Mr. Young; but it appears that he made very little enquiry, and returned to this city with an untrue Report, favorable to the Superintendant, Mr. Young, who, it appears did not understand the business of settling a new country, which Report is appended hereto.

It seems that between 2 and 3000 pounds have been expended chiefly in Nottawasauga, to settle only thirty-three families, or one hundred & forty souls, eleven families of whom (Dutch Settlers) have since gone away, and fifteen women and children to their graves. Only three German families remain in the settlement. Mr. Hawke states that a larger number of families than abovementioned was settled in Nottawasaga; but from the evidence of the Assistant, Michael Barrett, hereto appended, it appears that Mr. Hawke's statement was incorrect.

It appears that about £250 had been laid out in road making, and a smaller sum in constructing store houses. Some of the Vouchers are very incorrect, and little to be depended upon, and altogether very un-bussiness-like documents. One of them passed by Mr. Hawke is in this style:

"UPPER CANADA,

" No. 64, or
„ No. 36. £24 12s. Currency.

" *30th May*, 1835.

" Received from Anthony B. Hawke, Esquire, (by the hands of Mr. H. C. Young), Government Agent for Emigrants, the sum of one hundred and ninety-nine pounds, sixteen shillings, currency, dollars at 5s. each, in full, for 123 bushels of potatoes, furnished for the use of the indigent Emigrants in the Township of Nottawasaga, at the rate of 4s. currency, per bushel. 123 bushels at 4s. per bushel, £24 12s.

Having signed duplicate,
"ALEXANDER WALKER."

" Witness,
" T. MELDRUM."

Another Voucher is as follows :—

" Upper Canada,

" £14 8s. 0d. Currency.

" 15*th September*, 1835.

" Received from A. B. Hawke, Esquire, by the hands of H. C. Young, Government Agent for Emigrants, the sum of fourteen pounds eight shillings, Currency, dollars at 5s. each, being in full for bushels of seed potatoes, for the use of the indigent Emigrants in Nottawasaga, at the rate of four shillings, Currency, per bushel.

" Having signed duplicate receipts,

" ABNER WALKER."

" Witness, T. Meldrum."

Any quantity of potatoes was offered to be delivered at 2s. 6d. per bushel, by William Larkin. In another case, Voucher No. 32, for twenty-two bushels of seed potatoes are charged at 3s. Currency per bushel, by J. Thomson, and then charged over again, Voucher No. 34, at tne same price. Mr. Hawke approves of all such Vouchers, and takes the responsibility upon himself. It also seems that the Government were desirous of making an experiment at Farming, by employing Emigrants to clear the land and have it sown and cropped at the Government expense. The results of the farming operations are as follows :—After the ground was cleared, fenced, and prepared, two hundred and thirty bushels of wheat were raised from fourteen acres, sixty-six of which were sold by Mr. Young, at 2s. 6d. per bushel.—Besides the preparation of the ground, the charges are £46 for putting the seed in the ground, harvesting, and thrashing ; £30 for teaming, in all £76, (seed wheat not included) ; and if the whole crop of wheat had sold at the same price as the sixty-six bushels, the amount would have been £28 15s., making a dead loss of £47 5s., to which, if the cost of the seed wheat be added, fonrteen bushels at 7s. 6d per bushel, the whole loss will be £52 10s.

It was very injudicious in the Government to undertake the raising wheat, when the expense of carrying it to mill would be as much as the same quantity of fllour would cost at the mill.

This system of folly and favoritism is still continnued at the expense of the Province, and without its approbation.

Your Committee, therefore, recommend to your Honorable House to address His Excellency to dismiss Messrs. Hawke and Young, as unfit and unworthy to be employed in the public service, and your Committee herewith report the draft of an Address for that pnrpose.

All which is respectfully submitted,

JAMES WILSON,

Chairman.

Committee Room,

18*th April*, 1836.

APPENDIX TO REPORT.

To the Honorable the Commons House of Assembly, in Provincial Parliament assembled.

The Petition of EDWARD KENNEDY humbly sheweth—

That Your Petitioner was some time employed by a Mr. Hugh C. Young who was engaged by His Excellency Sir John Colborne late Lieut. Governor of Upper Canada, to superintend the settlement and locating of some emigrants in the township of Nottawasaga—that your petitioner can prove to your honorable house that there was a most shameful and scandalous waste of government property made by the said H. C. Young, who neglected to keep accounts and left the business to the management of others, permitting the provision committed to his charge to be plundered by the settlers or any persons so inclined, in consequence of which the settlement was much inconvenienced.

That your petitioner further states that contracts were made for buildings, clearing land, and making roads, the extent of which can easily be ascertained, and that your petitioner fully believes that incorrect returns were made.

That your petitioner understands representation was made by the Rev. Mr. Mayerhopper to his excellency, stating the situation in which he found affairs.—That in consequence, Mr. Hawke, emigrant agent was ordered to inspect the works and report thereon. That Mr. Hawke, after considerable procrastination and evasion, paid a hasty visit to the settlement, not taking time to make the necessary inquiries, and made a partial and unjust report, favorable to the said H. C. Young—in consequence of which report the said H. C. Young received a letter of thanks from his Excellency for his services.

Your petitioner wishes to impress upon your honorable house, that he reported and made a statement of the above to Mr. Hawke stating that if it was not attended to, he would petition the House of Assembly and make the transaction public.

Your Petitioner humbly hopes that your honorable house will institute an enquiry into the conduct of the said Hugh C. Young and A. B. Hawke the emigrant agent, and your petitioner as in duty bound will ever pray.

EDWARD KENNEDY.

Evidence taken by the Committee appointed to take into consideration the preceding Petition.

SATURDAY, 27th February, 1836.

The Committee to whom was referred the Petition of Edward Kennedy, complaining of the conduct of Anthony B. Hawke and of Hugh C. Young, Agent employed under him in the location and settlement of Emigrants in the townships of Nottawasaga, Sunnidale, &c. met this day.

PRESENT.

Messrs. Perry,
Lount,
Robinson and
Wilson.

Mr. Perry was called to the chair.

John Bartels, sen'r called in and examined—states that he arrived in this Province in October, 1834—was recommended as a settler—brought a recommendation and character, signed by two Justices of the Peace, the clergyman of the Protestant Church to which he belonged, his landlord and several other gentlemen of the parish. On arriving here (Toronto) applied to Mr. Hawke, the Emigrant Agent, who said that if he would proceed to Sunnidale he should receive five acres of land for himself and the same for each of his boys of the age of 21 years—that he would be employed at wages for twelve months, with provisions, and be allowed forty shillings for putting up a Shanty. Witness followed this advice, and proceeded with his family to Sunnidale—left his goods at Barrie, and went with his boys to Mrs. Bingham's where he found Young, who told his boy, Joseph, to give them some provisions and set them to work—went to work covering a causeway on the Sunnidale road—was promised 6s a rod—to be covered seven inches deep and ten feet wide—did the work in twelve days—for this, was paid in provisions. On 3d November, went to Nottawasaga, (as directed by Mr. Young's son,) with his five boys—had his choice of seven lots, built a shanty, and began underbrushing—chopped fourteen acres and a half Government land at 30s per acre—during the progress of the work bought provisions from a person of the name of Galloway. At the time they were sent to crop, was told he should also have the logging of the land chopped; but in June Mr. Young gave it to another person, but at the same time promised them other jobs instead: these, however, they never got—did not wish to be idle, but could not get any work since the chopping.

Understands Mr. Hawke was out to inspect the settlement, but did not see him. When in town, witness applied to Mr. Hawke for provisions, and to clear him from the debt due to Galloway for provisions, & received some encouragement. The logging, if he could have got it, would have paid Galloway for the provisions purchased from him.

Cross-Examined.

Witness has chopped about ten acres on his own land and his son's, and purchased two Cows—never offered to make affidavit that the complaints of his son against Mr. Young were false, neither did he say they were false—witness has seen Mr. Young often and never saw him the worse for liquor—Mr. Young promised to pay Galloway for the provisions and other persons for potatoes, &c., which he never did—did not go for provisions when Kennedy was there—did not go till the weather was fine—Kennedy pointed out where the land was to be chopped.

The German's often came to witness's house complaining, and apparently in great distress for want of provisions—saw several coffins carried out, and understood some had died for want—complaints were frequent—blankets were given to some who did not much want them—Mr. Ewen got two and witness and family only one—Mr. Young did not generally fulfil his agreements—not always—witness signed receipts at different times without examining the items—had confidence in the Government and those in its employ—all the receipts had some writing upon them—there was no written agreement between Young and him and no settlement—thinks there must be something due from him to the government.

JOHN BERTELS Junr.—*examined.*

Says Mr. Kennedy went and shewed them where to chop. They assisted to do some work on the road. Mr. Young told them, the better they did the work the better it would be for themselves, as we were to log it in the summer, continued to chop till May when they quitted to do a little for themselves—put in potatoes &c. (14 acres and upwards chopped.)

Mr. Young found fault with the work, saying also that we had better give up the logging to Mr. Thomson of Sunnidale—that Mr. Hawke had ordered it to be cleared for a summer crop, they refused and Young came again and told them they stood in their own light, and that they should have better work on the road at 3s. 9d. per day, a brother of theirs also who lived with Mr. Young came and told them they had better do so peaceably or they would draw down the wrath of Mr Young on them and they at length consented. While chopping they bought their provisions from one Galloway, as he sold them cheaper than the Government.

Went with Galloway to Young who agreed to pay them for them—the land chopped was not promised to the witness.

Witness did not see Mr. Hawke at the settlement—Jordan told witness he had been there but he did not see him—worked and got provisions in payment.

Galloway wanted his money and Young promised in presence of witness to pay him as soon as he got it, said he would not give a note but would enclose it.

The family got one whole barrel of pork and some pease, perhaps a barrel—took as little pork as possible in hopes of having money coming to them.

The family got, in all, about one & a half or one & three quarters bbl's pork, not weighed, does not remember how much flour—when first they went to work on the roads they got provisions from Gillespie's—when chopping and building their shanty got their provisions from the same place, received them from different persons, sometimes from Young, sometimes from Joseph Kennedy, and Barret. Mr. Young was often there to inspect the work and show them how to pile the brush, was oftener there in summer than in winter, came to live in the settlement in summer.

Witness states that the German settlers would frequently come to their house and appearing to be in great distress (put their hands to their hearts and exclaim "*Nix Provis*") some of them, and it was generally supposed from want.

Mr. Hawke came to the settlement about June last, some few saw him, did not stay long, soon returned to Toronto, says he has worked with some of the Germans, they are considered as good hands at logging as any in the country—witness's family never got the work they were promised in lieu of the logging, no other persons were out of work at the time, thinks Mr. Young might have given them work, brought the money from Ireland with which the cows were bought, they carried their goods on their backs from Sunnidale, and were promised the carriage of a load in lieu thereof, a load of seed potatoes was brought up for their use. Walker stopped the pay for the load which was to have been paid in potatoes; Mr. Young said he knew nothing about it; that witness' father got a larger allowance of potatoes than any other settler; witness never received money but goods—was served with provisions by his brother who was hired with Mr. Young for three months—never saw Mr. Young intoxicated.

MR RITCHIE, *called in and examined.*

Resides in Sunnidale, 11 miles from Barrie; in 1834 Mr. Young was appointed to the Nottawasauga settlement; he lived sometimes at Barrie, sometimes at Mr. Bingham's, and other places till April last; in the first place he employed the settlers to cut a road from Sunnidale to Nottawasauga, and employed Kennedy to build a house, store &c. Witness visited the road and finding they were making bad work, cutting the stumps too high &c., advised Mr. Young to alter the plan; he did so, and let out the rest of the road to cut out at £4 10 0. per mile; which the settlers were employed to cover with earth; witness thinks that Kennedy did the work well and that the price was too little; forwarded on the settlers and their baggage; witness thinks Mr. Young was not attentive to his duty; he had a person attending for him (Mr. Kennedy) but thinks he should have been present at all times himself, instructing the people how to do their work; but, in fact he was incompetent to that as he was not acquainted with the nature of the work himself; thinks he (Young) should have had a stated place of residence in the settlement if only a shanty, as it often happened that settlers came for provisions and were obliged to return without them because they had no order from Mr. Young, and when he did give an order it was often for so small a quantity that the people were kept running backward and forward at a great expense of time, visited their works frequently, thinks at least 20 times, found Mr. Young there; but not so often as he should have been—thinks the provisions were wasted, they were left in no ones charge, often exposed to the weather, some were left in a shanty which could be easily taken through the roof, which *was* done, and the settlers were told that they might go in that way and take them, visited and noticed the work of several parties and Bartel's, among the rest, thinks it was an injury to the government and the family that the logging was taken from them; their job was as well done as many and better than some, and, as they were a numerous family, thinks had they been let alone, would have completed the job well; witness himself advised them to do well and gave them instructions how to do it; Bartel's family were well recommended, and appeared industrious and willing to work. Saw the German families, two of them came to him and informed him of their situation; sent for a Doctor & accompanied him to see the people, found them in a wretched state, some dead, some dying, and others sick. The Doctor conversed with them and witness asked his opinion of their disorder, he answered that it was not medicine they wanted, but nourishment. The Doctor then gave an order for some articles of nourishment, which were provided; witness returned with those articles but some had died in the mean time. The principal reason given for their destitute situation, was, that they were further off than the other settlers and could not speak English, when it was too late plenty of provisions were sent, 40 or 50 bbls. of Pork and 80 bbls

of flour. Saw the Rev. Mr. Mayerhoffer on his way there and on his return. He said the German settlers were in a wretched state, and threw the blame altogether on Mr. Young.

Witness did not see Mr. Hawke at the settlement about this time—understood he was sent out by Sir J. Colborne—he came only as far as Bartel's clearing and returned again with Young that night to Thompson's in Sunnidale, and made out his report. It is witness's opinion that Mr. Hawke supported Mr. Young in every thing he did, heard Mr. Young say so. Witness spoke to Mr. Hawke and gave him his candid opinion on the subject—told him it would not answer—that it would be a total failure—and requested him to represent it in that light to Sir John Colborne—Mr. Hawke answered, it was none of of my business, that I had nothing to do with it.

Witness then spoke himself to the Lieutensnt Governor, and informed him distinctly that the settlement would turn out a public loss and a failure—Sir John Colborne's anwer was, that Mr. Young was well recommended to him by Sir James Kempt, and that in consequence he had felt a desire to do something for him, and had sent him out there for the purpose of giving him a situation.

Mr. Crookshanks of Yonge Street, recommended Mr. Kennedy as being a proper person to erect buildings, and who also understood clearing land—but Mr. Young told Mr. Hawke, that Kennedy was a drunken vagabond and had raised all the difficulty in the settlement.

Witness heard Mr. Hawke say that he had got the Governor's ear and could do as he pleased—could recommend persons for Magistrates in the county &c., would attest to this if called upon. Thompson, who got the logging from Bertels, was one of witness's indigent settlers, but a favourite of Mr. Hawkes—witness put up some buildings in Oro, Medonte and Sunnidale, and on requesting to be allowed for them was told by Hawke that he, witness, was in debt,& no person in debt should be employed by the government. There were blankets procured by charity at Toronto, and sent out for the settlers, but the Germans got none of them till after the sickness—they lay on Hemlock boughs—witness produced two orders signed by Young, one for a pair for McCallum who had been supplied before by witness on his settling in Sunnidale—and one for two pairs for McEwan and wife, who had a pair before—witness had often heard Mr. Young say he wished the German family were shot, and considers him the most hard hearted man he ever knew,& the most unfit man to be employed in that capacity—as he did not know one tree from another, and was kept in his situation only by the partiality of Mr. Hawke.

COMMITTEE ROOM,
27th February, 1836.

The Committee met.

PRESENT,
Messrs. Perry—*Chairman.*
Lount,
Robinson,
Wilson and
Wells.

The Petitioner, EDWARD KENNEDY, *called in and examined.*

States that he was employed by Mr. Young from October, 1834, to April, 1835, first to cut a road from Sunnidale road to the township of Nottawasaga, about ten miles, by the job, was also employed to build a dwelling-house and store, also to go and show emigrants where to chop for government by the acre—the lots were pointed out to him by Young, on the map. Young never went himself to inspect until the time witness was about giving up the superintendance of the chopping—witness was employed about two months and a half serving out provisions according to a list furnished by Young containing the names and the quantity for each family. There were fourteen families of Germans—to these he was ordered to give, at first, to each family, 18lbs. flour and 7lbs. pork per week. No difference was made as to the number of persons in each family—Young said these were Mr. Hawke's orders—witness stated to Young that they could not get on with building their shanties on this allowance, when Young ordered a bbl. of flour for two families and a bbl. of pork for four, which lasted about three weeks—Young never went near the place, and witness kept on until this order was countermanded, when these families were again reduced to 16lbs. flour and 7lbs pork each, and witness was told to put them off with less if possible. At this time Young was living 18 or 20 miles off and did not visit them for two months(November & December), witness after spoke to Young on the propriety of going to see how things were going on; he did once promise to go,but did not, observing that he would not be bothered about it—Young was lying about at taverns where he had no business—and witness thinks he drunk too much as he appeared stupid. Witness made a return of the provisions issued once or twice a week which he generally took to Young who resided at Crow's Tavern, a distance of ten miles, and sometimes he had to go eighteen or twenty miles—when about to leave the employ, he went to Young who furnished him with vouchers for the settlers to sign which had the quantity of provisions in figures, except for the German settlers which were blank altogether,—ordered witness to tell them that unless they signed these they should have no more provisions—witness got them to sign them. After witness gave up issuing of provisions Young sent a young man of the name of Barrett to take charge, with orders to cut off the German settler's provisions, and in the course of two weeks came himself. These people often came to witness and cried for provisions—they often went to Young also, who refused to see them—Young told witness it was by Hawke's order that the provisions were stopped—and Barrett showed him a letter with Hawke's name to it; but Barrett said it was written by Young.—matters went on thus till nine of them died in one week, thirteen died in all. Witness at length went to Young and begged him to go over and do something for them, but he (Young) totally refused, saying, "he did not care if they all died."

When the sickness increased, a doctor was sent for to Barrie—doctor Pass, Mr. Ritchie, and Mr. Barrett were there, and also Mr. Young—witness was making a coffin—Young was going off to Toronto—witness remonstrated, and insisted he should not go—at this time there were one hundred

and ten barrels of flour, and fifty barrels of pork in store. On the appeal of a widow for provisions, who had a sick child, made signs to cut the child's throat.

Witness, (Kennedy), says the Germans were a civil, harmless people. The provisions were wasted—they were brought from Barrie, (about forty miles), without direction or way-bill, and set down exposed to the weather—neither was witness required to give teamsters a receipt, but took what they gave him—after Young came there he allowed the provisions to remain exposed for a month, though the store-house was ready to receive them—at last witness got two men to roll them into the store-house—about one hundred barrels of flour and fifty of pork—did this without orders, of his own accord, to save it—not being then in charge. Saw Young sell provisions to the German Settlers, to the amount of 10s.; flour at 2d. per lb., pork at 6d., to pay for which the women sold their cloathing—Young told witness he had sold provisions before to the settlers—witness sent a statement, in writing, to Mr. Hawke, of the distress that prevailed, and understood others complained also—but no notice was taken of it. About the latter end of March, the Reverend Mr. Mayerhoffer visited the settlement, by the request of the Lieutenant Governor, Sir John Colborne. Mr. Mayerhoffer informed witness he found them in great distress—that five heads of families had left with Mr. Kontz, a respectable farmer from Markham—found great fault with Young, &c. Witness threatened to report Young to Hawke—Young said he did not care. Witness made nine coffins, and when his account was made up by Barrett, it amounted to one hundred and one pounds, exclusive of the coffins—and he has not been paid yet.—Witness directed the chopping and clearing on lots 24 in the 7th, 24 and 26 in the 9th, 26 in the 8th, 24 and 26 in the 10th concessions; on lot 24 in the 7th, about twenty-eight acres chopped and sixteen cleared off; on lot 24 in the 9th, about thirty acres chopped and mostly cleared of, (some one got this lot); on 26th in the 9th about thirty acres, (believes one Thompson afterwards got this lot), and about sixteen acres of 26 in the 8th, about fourteen chopped and partly cleared. Witness is well acquainted with Ritchie—knows he paid more attention to the settlement than Young did—always found him an active, capable person, and well liked by the settlers—has known him supply them with wine, sugar, tea, &c. from his own stores—they all speak well of him, and many who were about to quit were induced to stay at his instance—heard Young often say he did not care what complaints were made against him, they would not be believed—the settlement, after much expense, distress, and loss of life, has turned out an utter failure.

1st March, 1836.

Committee met.

John Godleip Louks, *called in and examined.*

Came into the Province with a wife and two children, in October, 1834, and was sent to the Nottawasaga settlement—was directed by Young, at Sunnidale, to go and look for their five acre lots—did so, and spent the night in the woods—no person sent with him, to point out the lot, but four settlers and a guide, who had been sent before, did so—did not take any provisions, being told by Young that there was plenty at the place, but when they came there, there was none—remained there eight days, without any thing to eat, except a quarter pound of bread and a deer's head, which they found—returned sixteen miles, where they got twenty pounds of flour and eight pounds of pork, as rations for one family for a fortnight—sometimes had to go three or four times before they got it, (had to go sixteen miles to get it)—one time waited three days at the store before any one came to the store to serve them—this was continued until they had their shanties finished—then four familes received one barrel of pork and two barrels of flour for one month. The issue of provisions was then stopped, and they remained one month without the usual rations, and Mr. Young said the Dutch people must go away, and turned them out of the store saying, if they had money they could have provisions—says they went several times for provisions and could get none, and that Young instructed Barrett to load a double barreled gun, and said he would shoot them if they did not keep away. Out of fourteen families, fifteen women and children died of starvation—that that was the cause of their death—the rest went away, except three families, his wife was so weak he had to lead her out of the shanty, when the snow was deep—Young told them if they would go and work three days he would give them provisions, but they were unable to work, and their families sick and dying—they were willing to work as long as they had provisions—the work was six miles off, and they had only four axes among fourteen families—before he left the place his wife sold her handkerchief to pay for flour, at the rate of 7½d. per pound—Mr. Young sold them provisions as long as they could raise money, at 4d. per pound for flour, and 7½d. for pork. Went to Toronto to see the Governor, who received them, Seber was interpreter for them—could not be heard by petition at the Governor's office, nor at Mr. Hawke's office, and no redress could be obtained from Mr. Hawke but two loaves of bread—Mr. Ritchie was in the office and spoke for them, but Mr. Hawke would not attend to it—after returning from Toronto with the petition they were kept four days, then got eight pounds of flour and two pounds of pork for a family for eight days, after that they got, after waiting three days, six pounds of flour, and no more after that—signed vouchers three times for provisions—was told unless they did they would get nothing more—never settled with Young—was told by the Governor they should be sent back from Toronto free of expense, but they had to pay $4 each for their passage—they are natives of Saxony, and paid $36 each from Leipsee to London—the Captain told them they could go from London to Quebec for $16 each—were landed in London after a passage of three weeks—the Captain was there fined $700 for improper conduct in London; $1,560 were raised to take them out, believes the Queen took an interest in their behalf—they left a letter at Quebec, and brought another thence to Toronto—were sent on six hours after their arrival at Quebec, and Sir John Colborne sent them out to Nottawasaga, where they were told they were to be starved out, and they were so. Mr. Hawke told Mr. Ritchie, the Dutch Emigrants were convicts, and sent out by the Queen.

COMMITTEE ROOM,

March 2nd, 1836.

Committee met.

FRANCIS HEWSON, Esquire, *examined.*

Resides at Barrie—has been seventeen years in the Province, and is a Justice of the Peace—was engaged in the teaming line—had several teams, and had frequent opportunities of observing Young's conduct as Emigrant Agent, conceives him an incompetent person—that he spent most of his time at Barrie, and neglected his business, and spoke to him about it. Witness's teams were employed to transport goods for him—the provisions were received and left at various places, and no account kept nor receipts given—when witness went to settle with Young he had no account, and witness was detained six weeks in Toronto. Some time about January, 1835, witness went with Young to the settlement, and saw great waste of provisions, barrels of pork and flour open in an open house, apparently without any one in charge, and whiskey open in a vessel, to be used at will. Young gave him a draft on Hawke for £75, which Hawke refused to pay until Young came to town—Young told witness that he had lost thirty barrels of flour—heard of much distress among the settlers about April, 1835—the Reverend Mr. Mayerhoffer was sent out to see the settlement, and saw him on his return, and he said the people were in a terrible state; that he believed some had been starved; but that the provisions were wasted; that he saw the cattle eating them in the houses, and that every person complained of Young. Mr. Mayerhoffer afterwards, in Toronto, accompanied him to Sir John Colborne, where he made his report—Sir John was much annoyed, and said Young had been recommended to him by Sir James Kempt, but if what Mayerhoffer stated was the case, he must be dismissed, and requested witness to send Hawke to him, saying, he (Hawke) should go out with witness—spoke to Hawke accordingly—called on Hawke some days after, to see if he was ready to go out—Hawke made light of the matter—said there was no foundation for Mayerhoffer's report—said the German families were convicts sent from Saxony by the Queen; that they would not work, and ought not to have provisions, and, assuming an air of great importance, said, it was through him that reports ought to be made and not through the Governor, and did not go. After witness returned home, and complaints were constantly made to him, as a Magistrate, of Young's proceedings, he wrote to the Lieutenant Governor, requesting him to investigate the matter—some time after (about two months) Hawke called on witness, in Barrie, and ssid he was sent by Sir John to enquire into the conduct of Young, and requested witness several times to state what specific charges he had to make against Young—witness offered to go with him to the settlement, but this he absolutely declined, he would not listen to it—witness expressed regret that Mr. Ritchie was not at home—Hawke replied, that any complaints coming from Mr Ritchie would come with a very bad grace—Hawke asked him if he had ever seen Young intoxicated—witness said he had not, but he believed him to be a drunkard—Hawke said that as there was so much complaint he would stop the settlement—witness gave him a note to a person who lived near the settlement, of the name of Gellespie, who could give him every information—Gillespie told witness afterwards that Hawke called on him, and before handing him the note asked him, in a tone of great authority, what charges he had to make against Young, and at the same time observing, if he did make any he should not believe them—witness called on Hawke on his return to Barrie, and Hawke would hardly speak to him, appeared to avoid having any thing to say to him, and determined to support Young in every thing—witness spoke to Hawke on the subject of his account, but he declined entering into the matter—witness complained to him, that although he had reduced the price of teaming from 5*s.* to 1*s.* 10½*d.*, and had good teams and careful drivers, yet a preference was given to a person of the name of Walker, whose teams were poor, and the drivers worse, being worthless drunken fellows, but Hawke would give witness no satisfaction—has frequently applied to Young and Hawke for a settlement of his account, but hitherto without effect—knows Kennedy, believes him to be an intelligent, efficient man for business; was present once when a dispute arose between Young and Kennedy, when Young went to E. O'Brien, Esquire, and swore a breach of the peace against Kennedy. This settlement, after vast expense and suffering, has turned ont a complete failure, no good has accrued either to the government or the country, and has had the effect of disgusting other settlers. Witness is well acquainted with Ritchie, and considers him a most active, competent and attentive man, and moreover, who possesses the confidence of all who have transacted business with him—has often heard Young say that Ritchie had nothing to do with the settlement at Nottawasaga.

March 2nd 1836.

Committee met.

MR. KENNEDY, *again examined.*

Knows Mr. Ritchie well; the settlers always spoke well of him; he always instructed and helped them believing had it not been for him most of the German settlers, particularly the women and children would have perished; he even furnished them with wine, sugar and fresh provisions at his own cost; further says that when the Jordans and Campbells complained that they had been kidnapped Mr. Ritchie interfered and succeeded in reconciling them to the settlement.

Young in conversation with Kennedy observed, that he was sure Mr. Hawke would not believe any thing that was said against him (Young). The prices formerly paid for provisions, at the Nottawasauga, were, for pork $19 and flour $7 per barrel, per pound, flour 4d. and 7½ for pork. The old farmers cut a road into Mulmur and Mono and found they could furnish the new settlers with flour at $4 per barrel and pork at $3½ per cwt.

March 3d. 1836.

Committee met.

PRESENT.

Messrs. Perry, Willson,
Lount, and Robinson.

GEORGE HADLEY, *examined.*

Owns land in Nottawasauga and resides in Barrie, was sent out in 1833, knows Young well, has

been employed by him to team and do other work, knows Young; was the person charged by government to issue provisions and superintend the settlement at Nottawasauga; Young seldom came where the men were at work, has teamed also occasionly for Mr Walker transporting provisions and settlers from Barrie to Nottawasauga, never gave receipts for loading, has left provisions at times at the settlement which were not taken that care of that witness thought was required; knows that the Germans came for provisions and were sent back without; was employed by the Doctor and Ritchie to go to Barrie to procure nourishment for the sick, was employed by Young to chop and clear land, chopped 2¾ acres intending to clear it off, but after Mr. Hawk came out, Thompson took possession of the same, saying he was authorised by Young to do so and allowed witness $3 less than he ought to have had for chopping, thinks there may be about 17 families left at the settlement; from what he has seen and heard thinks them people of loose principles and not much inclined to work; they would hardly cut their own firewood, some of them had good Canadian axes; was promised 2 bushels of potatoes but did not get them, then took pork in lieu 3 or 4 pieces he thinks and when he settled was *charged* 40*s. for this and the lodging*.

LOUGHSLAYER, *a German, examined.*

Was one of the settlers sent to Nottawasauga, under Mr. Young worked some time for Mr. Young, was then sent to his land, received some pork and flour while working on the roads, when he went to his land was 8 days without any, their families left at Ritchies, received a little sour flour which kept them from starving, the women had a little money left and bought some potatoes or they must have suffered more, after that they sold their clothes and bought pork and flour from Mr. Young, flour at 3d. per pound, pork does not know; cannot say they were actually starved to death but thinks they died for want of proper food, lost his own wife, 10 days before her death had nothing but flour, went to Mr. Young's and got some flour and pork but found his wife dead on his return, would have worked but had not provisions enough, 6 pounds of pork 12 of flour for self wife and 2 children per week, some weeks had nothing. Two of them had 5 acres to chop, when 3 were done Young stopped them said it was not well done, went sometimes twice or thrice for provisions and could not find Mr. Young at home; Kennedy gave him a little, asked 4 or 5 times for an axe, but got none, had 10s. left; bought a carpenters axe with which he had to chop, some got axes, but good for nix, were promised others but did not get them, wanted Young to send a Doctor to his sick child, he refused, child since died in Markham, was himself so weak for want of provisions that he could not work, frequently saw Young drink and drunk, whenever he saw Young he was drunk, Mr. Young never paid him for his work, but drove him off, witness had his things in Young's store, Young compelled him to sign a paper before he gave them up, on one piece of paper was written £8 that was thrown away and he made him sign another for £12; knows figures, and can read writing a little, witness had another wife, when he left the settlement, Young knocked her down in the snow and beat her, Young was then drunk; is not satisfied with his settlement with Mr. Young.

March 7th, 1836.

Committee met.

PRESENT.

Messrs. Perry, Wilson,
and Lount.

SYDNEY W. SANDFORD, *examined.*

Is a merchant at Barrie, in 1834 & 5 contracted with Mr. Young for 50 barrels of pork and 150 barrels of flour, remembers the German settlers being at Barrie, they got provisions from witness by Young's order, thinks Hewson and Walker had an equal amount of the teaming work to do, in his transactions with Young, always found him prompt and as far as he could judge attended strictly to his business, was astonished to hear him accused of being a drunkard.

He was not however at the settlement or at Sunnidale when the provisions were issued, knows Kennedy he was in witnesses employ three months and did his work according to agreement, knows nothing of it himself but has heard from others that he was a troublesome quarrelsome man, and was once bound over to keep the peace.

Witness settled with Young received a draft on Hawke who paid him, when they settled Young had no account to compare with his. The teamsters did not bring back receipts for the loads delivered, Young took his supply of groceries from witness and gave the settlers orders for certain amounts, and they got such articles as they pleased, these were paid for in the same manner as for provisions by draft on Hawk Young suffered hardships also and lived sometimes in a shanty.

ALEXANDER WALKER, *called in and examined.*

Lives at Barrie, is well acquainted with the settlement; has been employed by Young to carry provisions from Barrie to Sunnidale, Mr. Ritchie told witness to charge the same as he had charged him 5s. per cwt. but he paid no attention to him; Hewson frequently pressed witness to join him in teaming by which means they might obtain a good price &c. In the fall of 1834 and spring of 1835 the provisions were left at various places along the road where parties were at work, Mr. Young's boy Joseph generally told them where to leave them but gave no receipts, sometimes Young was there, was in Nottawasauga about 2 weeks in the fall of 1834 putting up shanties, saw Young there at least 3 times, never heard any complaint about provisions; was employed in January 1835 to build a bridge across Batteau creek, was there constantly 5 or 6 weeks, saw the settlers go and come with provisions and the Germans appeared to have provisions as well as the others, heard Young say the Germans would not work and he was afraid he would have to pay for the provisions; about the 10th February heard the Germans were sick and was despatched for the Doctor. The Dr. said he thought they had taken cold from

want of beds &c. and that they wanted more nourishing food than could be got from Young, he often took up tea, sugar, wine &c. and left with Young. Sloan told witness that Ritchie said if he sent provisions to Young he would never get his pay, Ritchie also said that Young was sued and the Mulmur people were taking away their cows, some of the Germans wanted to work for witness but he could not employ them as their axes were not good for chopping, know that Ritchie attended to the business when Young was away at Toronto.

Witness knows Edward Kennedy, says he is vindictive, he had a quarrel with him about, a waggon & Kennedy threw down his fence and turned cattle into the fields—was security at one time for Kennedy to keep the peace—got most of his pay from Young and the rest from Mr. Hawke.

THRIFT MELDRUM *examined.*

Witness lives at Barrie—heard the Dr. say the German people were lazy and lay in damp places, and that occasioned their sickness.

N. B. "It was stated in Mr. Alexander Walker's evidence (but omitted) that he saw a Dutch German woman drunk in a swamp with a bag of pease on her back, and a Dutchman cut a gad and whipped her along to work."

EDWARD WALKER, ESQ. *called and examined.*

Lives in Nottawasauga—knows Ritchie since 1833—has had a good opportunity of knowing him, and believes he discharged his duty faithfully—every thing that could be expected was sent out by the Honorable Peter Robinson—has seen Ritchie giving necessaries to the sick and needy—has always heard the settlers speak well of him, and wish to see him back again—has heard a petition was got up praying he might be sent back—has met Mr. Young in all parts of the road and at Binghams, but never saw him tipsey in the least—speaks a little German, and has heard them complain of Mr. Young starving them—has heard only one of the Irish and Scotch settlers complain—Bartels, who worked for witness, worked well—believes Mr. Ritchie reported, that witness was endeavouring to get his situation.

THRIFT MELDRUM *re-called.*

Says Mr. Young generally stopped at witnesses at Barrie—believes he had always important business there, (he said so) to attend Court, &c. &c.—was making up his accounts when at his house—never called on him to assist him—has no complaint to make of Mr. Young's conduct in any transaction—was not drunk at his house, only drank some punch.

CHRISTIAN GENDEL (German settler) *called.*

First saw Mr. Young in Barrié—while there did not get quite provision enough—made no complaint; however—when removed to the woods did not get enough—went twice to Mr. Young's but got none—his mother was with him—did not see Mr. Young—saw Matthewson once, who refused to give him any—was twice there and found no person—there were great complaints of want of provisions—got potatoes and turnips from Mr. Ritchie—had not enough to work on—borrowed from some Irish people—saw Mr. Young but seldom, but never drunk—did not go to work for Mr. Young as some others did as their shanties were not finished, only three done for fourteen families—the snow was two feet at the time. Saw Rev. Mr. Mayerhoffer there—had plenty of provisions then and fared better afterwards—were not short of provisions after Mr. M. was there—thinks the illness was occasioned by the cold and want of provision—was present when Mr. Young ordered the people out of his house at Ritchie's Bridge—snow was two feet deep or upwards—had to travel 16 miles to a place of shelter—arrived there late, all but three who stopped at a shanty—remembers two getting provisions from Kennedy—saw Kennedy often—knows nothing amiss of them.

CHRISTOPHER VATER (German) *called*

Can corroborate Gendel's statement in part—Mr. Young put them out of the house violently—will not say Mr. Young was drunk—he might not have been quite sober—his mother told him she bought flour at $4 per barrel from Mr. Young—his mother soon died after this—took cold on the journey from Barrie to Nottawasauga—they got six axes and seven spades among sixteen or seventeen men. When his mother was ill went to Mr. Young's for provisions who gave him none—he cried, and Kennedy gave him some of his, for which Young scolded him—went to Kennedy's to get a coffin for his mother—saw a widow and three children asking Mr. Young for provisions—he would not give them any, but took a knife made signs as if to tell her to cut their throats—left the settlement because he got his feet frozen and could not get provisons.

ADAM VATER, (German,) *father of Christopher.*

Served 4 years in a Hanoverian Regiment of Dragoons—were two days in Sunnidale before they saw Mr. Young—did not get any provisions for four days—got 6lbs. flour and 2lbs. pork for his family for eight days—those who had money assisted the others—his wife bought flour from Mr. Young at $4 per barrel—during nine days Mr. Young was not there (in Sunnidale) got potatoes and turnips from Ritchie thinks want of provisions caused the sickness—got half barrel pork and one barrel flour for eleven men for two weeks—were promised 5s. per day, but got nothing but provisions—were ordered out of the house, and remained in the woods all night—Kennedy brought them some provisions—no sleigh came.

They were in a tavern (Gillespies) Mr. Young came there drunk—ordered them out of the house and to go on—said they were not then living on Young's provisions—one small sleigh came—ten died in the bush from cold and hunger, change of climate, &c. The Dr. came, seven of them went blind (young children) the Dr. gave them some drops which they thought caused their eyes *"to run out"*—

all this took place in about 14 days—after Ritchie came, had plenty of provisions, all through March.

Bourman and family, seven in number lived all January in a shanty in a low wet situation, built it themselves.

Received from Mr. Young 27 barrels flour and 15 barrels pork, for which had to sign a receipt for £3 8—had signed one before for £8 6—knew the amount when he signed them—were promised a year's provisions, $8 for a shanty and $6 per acre for land chopped.

KLINE *examined.*

Has employed some of the Germans—finds them good workers, but awkward from their not being accustomed to the work or the tools of this country.

JOHN DUER (German.)

Was lame and could not work—Mr. Young refused him provisions, got some from Kennedy and Barritt—his wife went and got some in Mr. Young's absence—Mrs. Young spat in his wife's face—signed two receipts—sold his coat for 1s 6d. to buy provisions—could not stay any longer in the bush—left for the settlement and went to Mr. Young's shanty—requested to stay all night—Mr. Young refused and took his axe from him—struck him and shoved him and his wife out—got blankets from Ritchie towards spring—after the illness and deaths had taken place, slept at a shanty four miles back—in the morning asked Young for bread and were refused—got some from Ritchie who sent them in a sleigh.

A. WALKER *recalled.*

Questioned by Mr. Young.

Have you ever heard Ritchie complained of by the settlers? By a few.

Has seen Ritchie drink quite as freely as Young—always found Young kept his word with him—he was generally afraid of spending too much money.

GOTLOFF SUMPS (German.)

Went with three others to Mr. Hawke at Toronto to complain of Young's conduct—Sebor (residing in Toronto) went with him as interpreter—Mr. Hawke gave him three loaves of bread and five or six pounds of pork—Hawke told them to go back to Young who would give them more provisions.

This testimony corroborated by Sebor who acted as interpreter.

COMMITTEE ROOM, *March 9th*, 1836.

Committee met.

PRESENT.

Messrs. Perry *(Chairman,)* Wilson, Lount.

TITUS WILSON, *examined.*

Lives in East Gwillimbury—saw the German settlers on the Sunnidale road in 1834, about 15 o 20 of them—they were moving towards Nattawasaga—they were in a forlorn and destitute situation—no guide—no mode of conveyance—carrying their packs & small children—snow about a foot deep—& thought they were in danger of perishing—made signs to them where they would find a shanty about two miles from the road—felt concerned for them being in the woods, and asked by signs if they had any fire works (means of striking fire) answered they had not. Witness went on to Crows' tavern that night, met Mr. Ritchie and Mr. Kennedy there: Mr. Ritchie asked Kennedy to carry them provisions in the morning—Kennedy started with a back load of provisions before day and on his return said the people had devoured the whole in about three minutes. The next evening Messrs. Young and Barrett arrived there.—Young said he was very much troubled with these Germans—that go where he would he was sure to meet them teasing him for provisions; the woman would throw their children at him—wished he was a magistrate that he might commit them—wished their shanties were burnt over their heads. Witness thought Young was in earnest—is acquainted with Kennedy—has had opportunities of observing his character—thinks altho' he will take his glass occasionally, he is a faithful, industrious and trust-worthy person—Knows he had charge of Mr. Ritchie's men once and thought him a "thorough going man"—saw him fight once in witness shanty when he was something in liquor.

Witness knows Kennedy to have had charge of men in Ritchie's employ, and thought he managed the business to advantage—has been acquainted with Ritchie since 1824—served under him in the settling of Oro and Medonte,—thinks him a competent person to superintend the settlement of new townships. Witness took a job of road work from Mr. Ritchie who gave him a draft on Mr. Hawke, principal agent—but when the draft was presented at the office in Toronto, Mr. Hawke said he could not pay the draft till the work was examined, as there were many complaints against Mr. Ritchie—Mr. Hawke seemed doubtful of Mr. Ritchie's honesty.

JOHN FLETCHER, *examined.*

Corroborates the statement of Willson, about the the German families going to Sunnidale—knows Kennedy, believes him to be an active, industrious person—has been often informed by the settlers in Oro and Medonte that Ritchie did his duty to the satisfaction of the settlers as agent for the settlement of these townships—Witness received a letter of instruction from Mr. Hawke to go with the Surveyor to examine and report on the job done by Willson at Sunnidale. This was done and the report was in favor of the one given by Ritchie to Willson. The Surveyor told him he thought it was done to injure Ritchie, as from the knowledge he had of Ritchie he thought there was no great reason to doubt of the correctness of his report, and that the sending others to examine and report on it was only an unnecessary expense to the government.

GEORGE MCCARTHY, *examined.*

Corroborates the former evidence as to the distress of the German families.—Witness gave them

2s. 6d.—they bought a bushel of potatoes and divided them—was present when Titus Wilson offered Mr. Young some pork and flour at a much less price than it would cost from Barrie, and which he first agreed to take and afterwards refused—knows Ritchie, thinks him an active efficient man—there can be no better agent—came down with Wilson when he presented the draft on Hawke for the road work done by him and which Hawke refused to pay —Wilson was put to considerable trouble and expense.

Witness thought Hawke partial to Young, and that he wished to get Ritchie out of Office and keep Young in—always considered Ritchie to be very careful of the interests of the Government in all respects.

COMMITTEE ROOM,
March 15th, 1836.

Committee met.

PRESENT.

Messrs. Perry, Chairman.
Wilson,
Lount.

THOMAS JOHN THOMPSON, *examined.*

Resides in Sunnidale—keeps teams for transporting produce, goods, &c.—carried some loads for Government in January and February, 1835, from Sunnidale to Nottawasauga—received orders to go to Nottawasauga to clear off the lands chopped by Bartels—Mr. Hawke requested to meet him at Nottawasauga—did so, and agreed with him to clear off the land chopped by Bartels at $10 per acre (a verbal agreement)—was requested to get hands to chop the remaining timber, logs, &c., and charged for the same. Mr. Hawke told witness the Government wished to put in a crop of oats, which witness sowed about the latter end of July—planted at same time 1½ bus. of potatoes. Witness saw the Germans two or three times in January and February come to Mr. Young's for provisions—he would sometimes refuse at first, and find fault that they did not work, but thinks he afterwards gave them some —the Germans appeared to him to be able bodied men—two of them worked for him and and worked well—never heard them assign any reason for not working for the Government—witness took two of the families out of the settlement in the month of February or March—Mr. Young employed him and paid him for it.

There were five or six in all; one of them was sick, it was about the time of the sickness—does not recollect what Mr. Young stated as the reason for sending them away—supposes he gave reason but does not recollect.

During last summer witness saw a woman come to Mr. Young's and beg for provision—she had a child with her—Young appeared angry, and refused to give her any—had a knife in his hand and made signs to the woman to cut the child's throat—the woman was frightened and remonstrated—does not think Young really intended to persuade the woman to kill the child—does not think Young was eating at the time—is of opinion that the Germans could not well have been managed without some severity.

Witnesss is acquainted with Kennedy—recollects that Mr. Young once borrowed a pistol from him to protect himself (as he said) against the violence of Kennedy—never saw any thing amiss in Kennedy himself, but has heard others speak ill of him.

Witness has assisted Young to keep his books—considers he understands book-keeping—has investigated the books—saw nothing to lead him to suppose that any unfair advantage was taken of the settlers, the average charge for flour was 2¾d and 7½ for pork per pound—was present last December when the accounts were finally made up, and the settlers were accounted with, some were in debt and some had money coming to them—all that came forward appeared satisfied and signed the papers except one, Mr. Ewan—he found fault, but finally signed—never saw Young out of the way of liquor—from what he has seen, thinks Young an eligible person to superintend the formation of settlements, the clearing of lands, &c.—know that he paid for cows for the settlers out of his own pocket—does not think that he would allow any one to suffer from want of provisions—witness had a lot in Sunnidale for which he was to pay 5s. per acre, three years to pay the 1st instalment, without interest—for a lot, No. 26 in the 8th concession of Nottawasauga, on which 16½ acres are cleared—paid no difference—applied to Mr. Hawke to make the exchange and it was done—the clearing cost the Government £4 per acre—has sowed part of it—witness thinks that Young had no more clerks and assistants than he wanted—did not get any receipts for his loads—thinks there was no account kept of the teaming.

Witness was engaged with others in a job on the Sunnidale road, and his brother was detained three months in Toronto, because Mr. Hawke refused to pay Mr. Ritchie's order without an inspection of the work by a Surveyor—thinks Mr. Ritchie a good agent and a perfectly upright man.

DAVID EDGAR, *examined.*

Knows Kennedy, knows him to be a dishonest man and would not believe him on his oath. The reason for this is, that Kennedy swore out a capias against him for £12 when he owed witness £8—thinks he is not vindictive if left to himself, but might be if advised, has worked for witness and worked well—thinks the Germans a bad set, the worst settlers he ever saw.

Wm. CROOKSHANKS Esq., *called in and examined.*

Has known Mr. Young more than 8 years, has been in witness' employ for upwards of a year as a clerk and can testify to his general good conduct, regrets he ever left him.

Kennedy has worked for him to the amount of £100 or more—had no difficulty with as he worked by the day, was not very well satisfied with him—he was often away drinking, witness warned Young relative to him, knows the Rev. Mr. Meyerhoffer, thinks his name does not stand very high.

March 18th 1836.

Rev. Mr. CAMPBELL, *examined.*

Was at Barrie in 1834 when Mr. Young took charge of the settlers, had a good opportunity of judging of Mr. Young's conduct for some time, found him always attentive to his duty and heard no complaint to the contrary from the emigrants in his Mr. Campbell's charge, to whom they wo'd naturally have complained had they felt aggrieved: During Mr. Young's absence in Toronto, witness took charge of the Emigrants at Barrie; recollects that the Germans were very sick and emaciated when they *first* arrived at Barrie—recollect Mr. Young employing Dr. Barton to attend them, Mr. Young exerted himself to get two men punished for assaulting some of the settlers; thinks while the settlers were in Sunnidale and Mr. Young employed at Nottawasauga, he could not very easily attend to them.

Since witness has known Mr. Young never saw him drunk nor heard that he bore the character of a drunkard.

March 21st 1836.

WILLIAM LARKINS, *examined.*

Says he knows Mr. Young, wanted to dispose of 3, 4, or 500 bushels of potatoes and offered to Mr. Young at 2s. 6d. per bushel, saw Mr. Young again at Sandford's store, mentioned it again and requested an answer, but got none, was afterwards informed he afterwards paid 5s. per bushel to Alexander Walker.

Has heard settlers speaking of Mr. Young, say that he was very apt to break his word, not to be up to his contracts.

Has known Mr. Ritchie ever since he had the management of the settlers in the county of Simcoe—never saw anything amiss of him; always heard the settlers speak well of him.

ELI BEMAN, *examined.*

Witness has been acquainted with Mr. Ritchie since the commencement of the settlement in the county of Simcoe, never saw any thing amiss of him always heard the settlers speak well of him.

Has known Kennedy these 6 years, had him in his employ 3 or 4 months, always considered him an honest man and active useful man, would take his word without his oath in any dealings.

PATRICK BERTELS, *called and examined.*

Examined by Kennedy, was 6 months under Mr. Young as an emigrant and 4 months in his service, was used well by him as a master, left him to report his treatment of my father's family and our fellow emigrants, to Sir John Colborne, knows that on the 10th June 1835, he charged 4 or 5 of the emigrants with 1, 2 and 3 bushels of Potatoes which they never got, witness measured them when received from the teamsters, found 37½ bushels; Mr. Young charged 40 bushels, saw 43 charged afterwards to the Emigrants, 3 bushels charged to Stepney and only 1 got, witness was sent in latter part of June to get vouchers signed by the emigrants, the Germans all refused to sign them at first, and so did others, but afterwads did sign them on my telling them (by Mr. Young's orders) that unless they did so they would receive no more provisions, 3 of them refused to sign the first and second time I asked them, but did so on my asking them a third time, got one in Blank signed by Widow Curry, will not say it was intentional, thinks it was neglect, she did not refuse to sign, has seen Mr. Young making erasures in Mr. Barrets accounts, and writing, oftentimes entries in their places both in the day-book and ledger, 4 pair of blankets charged to McEwin in two places, one entry by Young, one by Barret, saw one of the entries scratched out, leaving two pair only, charged, some families got 4 pair, others got none, or not in proportion to their numbers, Livingston a single man got a pair, witness' father with a family of 11 got 1 pair has seen Mr. Young shew his books and they shewed as much provisions charged during the time the Germans were starving as they did when by their own account they had plenty.

Mr. Barrett told Mr. Young on Mr. Young's return from Toronto that he had refused the German's provisions, Mr. Young said he had done right as His Excellency had ordered him not to give them any unless they worked, saw 3 men and 2 women (one of them 80 or 90 years old) come for provisions when Mr. Young put them out of the door, the old woman died 3 days afterwards, has known the Germans come 5 or 10 miles and be sent away—saw Mr. Hawke when he came to Mr. Young's, he staid there ab't 2 hours, believes he did not go through to the lake, witness and his brothers complained of loosing their job of logging, Mr. Young promised to give them a better job in place of it, but did not do so, his brothers had no team to log with, could do it without, during the 4 months witness was with Mr. Young, thinks he was at home about 6 weeks, during his absence, witness issued the provisions for him, kept an an account of them, and gave receipts to the teamsters, was once a month in charge without seeing Mr. Young, at one time for 4 days they had no provisions but some pork, at another time had only 180lbs of flour to give them which he took from Kennedy, the settlers requested him to go and find Mr. Young and make their situation known to him, set off with Mr. Thompson, met Mr. Young at Patterson's clearing, Provisions also were on the way, they arrived next day; the teamsters used to get drunk and break their waggons and waste the provisions &c., they were Walkers men; good sober men might have been got to do the teaming Mr. Hewson and Mr. Thompson had good teams, during the six months he was there as a settler, only saw Mr. Young at his house in the settlement, used to stay a week or so at a time, *never* saw Mr. Young drunk.

Witness has been in gaol, accused of theft was convicted of the offence and sentenced to a months imprisonment, which he has suffered.

Mr. Young supplied himself plentifully from the public store; saw the Germans when sick, as far as he could understand them they were starving for want of provisions; heard Mr. Young tell Walker, not to bring too much provisions at once, as it was the only rein he had on them to keep them quiet, (meaning the settlers.)

COMMITTEE ROOM, *March 28th*, 1836.

Committee met.

PRESENT.

Messrs. Lount, Wells, Robinson, Wilson and Mackintosh.

MICHAEL BARRETT, *called in and examined.*

Was clerk to Mr. Young 4½ months, left him in March last 1835, during that time Mr. Young was in bad health and could not attend to his duty as he ought—his house was not completed, not fit for a person in his state of health to live in, was ordered to issue provisions only according to work done, did so, saw great distress in Anthony Hartels' shanty; his wife and 3 children in the last stage of hunger, said to Kennedy who was with him that this was going too far and must be stopped; met Hertels on his return coming back with his bags empty, said Mr. Young had refused to give him any, took Hertels back with him and explained to Mr. Young the situation of the family, who then gave them some provisions, witness did not himself know the situation they were in till he saw it; when witness saw Mr. Hertels' family, Mrs. Hertel was boiling a few peas.

The Germans did not work to entitle themselves to provisions according to Mr. Young's orders from the government.

Witness was sent early one morning among the settlers to see their situation—found most of them eating—did not witness any great distress among them—2 or 3 deaths had occurred before this—Mr. Young told witness to tell them to come to him and he would give them provisions—they came accordingly and got some—went with the Doctor to visit the sick—he said it was disease of the lungs—the people themselves did not attribute it to starvation—said it was for want of small comforts, coffee, spirits, &c. &c. The Doctor said they must have them, and Mr. Young promised to get them as soon as possible—when Mr. Young left the place he told witness to give orders on Mr. Ross for such things as were wanted. Mr. Ross refused witness' orders. Witness promised the Germans these things and provisions if they would work—they got provisions and promised to work—thought they had been working, went with Mr. Young to see, found about one quarter of an acre chopped, five days they so promised—snow at this time three feet deep—the Scotch and other settlers worked constantly all this time. While Mr. Young was absent in Toronto, Mr. Ritchie came once or twice to see the settlement—did all that was necessary—this was during the sickness—thinks the Germans were not as disposed to work as the other settlers—they thought they were to do nothing until spring, when the snow was gone—saw the scene of giving the knife to cut the child's throat, describes it as the other witnesses—Mr. Young told witness they were to have provisions (1s. 6d per day).

During all the time witness was with Mr. Young never saw him the worse for liquor—believes him to be a strictly sober man. When Mr. Young left Nottawasaga, he left certain private papers with witness, desiring him to be careful of them and keep them in his chest—fastened it with a cord, as there was no lock—on his return Mr. Young asked witness for his papers—he gave them, and Mr. Young observed that they had been opened, for that some of the papers were missing—witness does not think they had been opened.

The German settlers were not like other people—when sickness took place in one shanty the others, who had provisions, would not assist them—when one of the women was ill, witness could not get one of the others to go near her.

Cross-examined by KENNEDY.

Says it was during Mr. Young's four weeks residence at Mrs. MacNab's that the Germans suffered most from starvation—saw Mr. Young refuse them provisions—had told witness not to allow them to come in, as he did not wish to see them—the reason he gave was, that they would not work—believes if they had gone to York they would have received provisions—witness was ordered to give 1s. 6d. worth of pork and flour (pork at 6d., and flour at 2d.), to each grown person—this was after the Germans returned from Toronto. Previous to this they suffered the greatest distress, got very little except what witness took upon himself to give without orders—Mr. Young said that either witness or himself must be responsible for that. When Mr. Young heard that four of the Germans had been at York to complain of him, he said he would make them suffer for it—thinks he did not act upon that declaration, but treated them just like the rest—one or two complained of want of axes—Mr. Young said it was no use to give them axes, they would only sell them, they would not use them—witness is of the same opinion—they however afterwards got axes.

Witness, when getting vouchers, signed, (and this frequently)—never told the settlers if they did not sign them they would get no provisions—Mr. Young's man told him to say so—they generally knew the amount for which they signed.

During the time witness had the power to give provisions—never restricted them as to quantity—they got as much as they chose to carry—saw Johannes Sturr and wife sent back to the settlement without provisions before dark when Mr. Young would not let them sleep in his shanty—the reason of this was that they had not brought back the axe belonging to Mr. Young—Mr. Young would have had to pay for it if it had not been returned—he had no more more right to give any thing away than Kennedy.

Witness has heard Mr. Young tell Mr. Mayorhoffer, that if the Germans were starved it was contrary to his orders and knowledge—thinking that he thereby threw the blame on witness—said it was during his absence—Mr. Young told witness to do just as Ritchie ordered him when he came, but would rather he did not come at all.

Shortly before he left Mr. Young's employ, Mr. Young said there was a conspiracy between Ritchie and Kennedy to injure him, and that they wished to get witness away from him—does not believe there was any thing of the kind—Mr. Ritchie appeared too friendly.

Witness states that Matthewson received 3*s.* 9*d.* or 5*s.* a day, and that he himself has never been paid for his services; appeals to the Committee for remuneration.

Previous to the arrival of the last witness, the following letter was received from him by the Chairman of the Committee:

PENETANGUISHENE,
21*st March*, 1836.

PETER PERRY, Esq., M. P.

SIR,

On account of my absence to a distant part of the country, I received your summons only on the 19th ultimo, being the day appointed for my attendance before the House of Assembly, and was of course not able to be there.

I conceive it severe on the part of the Government, to oblige a person to travel the distance of 105 miles without furnishing him the means of doing so, more especially, considering that I have served the Government for several months without receiving any remuneration; and on applying for it to A. B. Hawke, Esq. was told I am to receive nothing.

I am, Sir,
Your obedient
Humble servant,
MICHL. BARRETT, Junr.

EVIDENCE CONTINUED.

EDWARD G. O'BRIEN, Esq. J. P., *called.*

Witness has known Mr. Young five years and upwards—never knew him to be an intemperate man, but quite the contrary. While acting as Emigrant Agent, asked him to come to his house, he being unwell—but he declined, saying, he could not leave his charge, the Emigrants requiring his constant attention—saw the German settlers frequently while they were are at Barrie—thinks them very inferior to any other settlers he ever saw, being dirty and idle—had some of them before him in his capacity of a Justice of the Peace, and from what he saw of them would not believe them on oath.

Witness knows Edward Kennedy—knows him to be a drunken riotous character, (Mr. Hewson gave witness the same character of him,) is now an escaped prisoner—being charged with a threatened breach of the peace—from his character the constable was afraid to arrest him—his general character is bad as far as witness knows.

COMMITTEE ROOM,
6*th April*, 1836.

Committee met.

A. B. HAWKE *called in and examined.*

1. Are you at the head of the Emigrant Department in this Province? I am the chief Emigrant Agent in the Province.

2. From whom did you receive your appointment and at what date? I was first appointed verbally by Sir John Colborne, in the fall of 1832—I received an official notice of my appointment about a month previous to Sir John's leaving the administration.—A letter was however shown to me, addressed by the Lieutenant Governor to the Commissioner of Crown Lands, about March 1833, in which my appointment was notified—the appointment was a letter and not an official document under seal.

3. What are the duties of your office? To compound with the several Emigrant Agents and also with the agent of the Commissioner of Crown Lands, whenever the service requires it: to investigate the claims of any emigrants to relief or assistance and render the same, and forward them to their distant locations or places of employment; and in times of sickness it is my duty to suggest to the Lt. Governor such steps as medical relief requires, and as would conduce to their comforts; also to examine and report relative to the situation of emigrants and their settlements, to correspond on the subject of commuted pensioners and the supplies required from the Commissariat Department for their use, to assist the emigrants in obtaining lands or of getting redress whenever imposed upon. I have also been engaged in superintending emigrants and others in [illegible]g roads, all the monies in payment of those per[illegible]or services and all expenses connected with emigration, pass through my hands, and are paid in my name either by myself or by the agents for me. It is also my duty to examine all accounts presented for services or expenses as above, and to check any over charges. I pay out all the moneys expended here, and the different agents transmit an account to me of the several sums expended by them; vouchers of which, with those of my own payments I lay before the Lieut. Governor, from thence they are sent to the Inspector General to be laid before the Executive Council to be examined and audited. I have never had any of my accounts for moneys expended as above rejected.

4. How many agents have there been generally employed and what were their salaries? There have been several in 1834, Mr. Hayset Lachine, at 10s. per day; Mr. Patton at Prescott 10s. per day; Mr. Manahan at Kingston 10s. per day; myself here at Toronto at 15s. per day; Mr. Ritchie in Sunnidale at 10s. per day and Mr. Catermole was also casually employed at 10s. per day.

* What has been the amount of annual emigrant expenditures so far as your knowledge extends?—In 1832 about £20,000, in 1833 about £2,000, in 1834 about £4,200, and in 1835 about £3,500—The Lieut. Governor is authorised by the Home Government to expend £5000 sterling annually.

6. When was the project formed of employing emigrants to clear government lands in Nottawasauga? In 1834.

7. What was the object and what the cause pursued in accomplishing it? There the witness tenders the following—

Continuation of reply to Question No. 5.

* 5. What amount has been expended on account of emigration? The total expenditure during the last 7 years may be stated in round nnmbers at £36,-000 Cy. and the total number of Emigrants 212,000. I mention the number of emigrants to shew that the expenditure is less than might be expected, particularly if the extra expenditure occasioned by the cholera in 1832 and 1835, medical attendance, hospital stores, &c. be taken into account.

7. What object had the government in view in employing indigent settlers in clearing land in Nottawasauga?

1st. To ascertain whether indigent Emigrants could be profitably employed in clearing and cropping land, and secondly to form such a nucleus in a new and remote township, as would probably lead to its being settled.

It was merely an experiment made by Sir John Colborne. The object was a benevolent one, and its failures is to be attributed, to the remoteness of the Township, the dearness of provisions as well as the utter ignorance, of the persons forwarded, with the kind of work they had to perform. It forms an exception to the system and cannot be fairly quoted, as an objection to the expenditure generally.

A. B. HAWKE.

Emigrant Office,
8th April, 1836.

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8. Had the project been tried before? In Sunnidale in 1833 about 40 acres were cleared, which did not succeed, and a better selection of lots was then made by the direction of the Governor.

9. Where you consulted by His Excellency upon the undertaking? I was frequently.

10. Was there any correspondence between His Excellency and you on the subject? All my instructions from His Excellency were verbal, nothing official.

11. Was Mr. Young appointed to superintend the settlement at Nottawasuaga, and at what time? In September, 1834.

12. What were his duties? To carry into effect my instructions for the purposes of the above project.

13. How were the settlers sent out? At the expense of government.

14. When were they generally sent out? I think the most of them from time to time in the latter part of 1834.

15. How many in all did you think? Not more than 300 were at any one time living on this 5 acre location.

16. Was the agent responsible himself for any advances he made to the emigrants, of provisions, utensils or other necessaries, over and above the amount or value of their work. No: at first it was considered, but subsequently he was instructed to furnish them in all cases with such necessaries as they required, and not to allow them to suffer, for want thereof. He was also instructed to furnish the provisions &c. at cost and charges.

17 Were there any other persons employed except the emigrants, in the settlement? A few were allowed to be employed for work of immediate necessity, such as the emigrants were not acqnainted with, making roads and bridges, putting up houses and other buildings; the clearing of land was intended for the employment and encouragement of emigrants.

18 Were there any complaints made to you as to Mr. Young's management by the settlers or others? There were complaints made at different times by several persons; I think the first were that the settlers were suffering for the want of food and medical attendance, generally in writing and made to myself, there were however some verbal complaints; they were principally confined to the Germans, but there were a few others.

19. What steps were taken to investigate these complaints, and remove the cause? The Rev. Mr. Meyerhoffer was sent out by my instructions at the suggestion of the Governor to examine into the complaints with a view to the entire removal from that settlement of the dutch emigrants.

20. Were you yourself sent out to visit the settlement and investigate complaints? I was sent out about the 10th June 1835, and the principal object was to ascertain whether an immediate stop could be put to the expenditures in Nottawasauga. I was not instructed to investigate any complaints except Mr. Hewson's.

21. How did you find the situation of affairs? I found that most of the settlers on five acre lots had cleared on an average about 3 acres each, and were in want of seed potatoes; I thought it best to continue the expenditure for a time, and recommended their being furnished with potatoes and corn to plant on the land cleared. Another object was to give them employment, and to clear off the land already chopped on the government reserves, in order to get some return for the outlay.

22. How long did you remain at the settlement? I do not know exactly the length of time. I went from a tavern in the morning to the settlement a distance of 11 miles aud returned to Mr. Thompson's a distance of 17 miles, the same day.

23. Did you travel about in the settlement, & visit the shanties and clearings, to witness the progress making? I visited 3 of the choppings, there were none cleared off, and I concluded that it was better to put a stop to the expenditures as soon as practicable.

24. Did you give directions when you were at the settlement for clearing off any of the land chopped and to put into crop, at the government expense?—I had given previous instructions to that effect to Mr. Young, but finding they had not been acted up to I directed him to have the land chopped, cleared off immediately and put into crop of oats and potatoes, i. e. that particular piece— about 12 acres.

25. What was your object in directing a crop of oats to be put in at that seraon? The object was to get a crop as well as to clear the land.

26. Did you think a crop of oats was likely to do well at that season of the year? Mr. Young thought he could prepare the land, and that it might do well.

27. Did you give instructions as to who should be employed in logging it off?—as the settlers had no teams, I suggested that Mr. Thompson, who had a team might be employed.

28. As the object was to employ indigent settlers, do you not think it would have been better to have allowed the logs to remain and dry until the summer when it could be more easily cleared off and put in a full crop of wheat? I think it would; still thought it an important point if a crop of potatoes could be obtained from the land at that time.

29. Do you know of anyone, who had chopped land complaining of not being allowed to clear it up? I

to reject them for any overcharge if there should be vouchers accompanying them? I have in all cases where it struck me that the charge was extravagant. have no distinct recollection of that specific complaint; there were several complaints during the season of various kinds.

30. Do you know what were the proceeds of the crops so put into the land? I do not, there were no returns made, I understood the crop failed.

31. Have any of those lots been sold to settlers or otherwise disposed of? Not one of them sold, two were disposed of, 1 to Willing in lieu of a lot which he had lost, the other to Thompson in exchange for one he owned on the Sunnidale road.

32. What claim had Thompson for an exchange? It was desirable that he should settle in the place.

33. How did you ascertain that Mr. Hewson had received a larger sum for teaming than all other persons in government employ or that he had not gone to expense in providing teams? I was so informed by Mr. Walker, Mr. Young, and I think Mr. Sandford verbally.

34. Do you conceive it to be your duty when drawn upon for money by agents for services &c.

35. Has that occurred in any of these accounts of Mr. Young? Yes, there is one charge for reaping oats, of about £1 15s. which is objected to, that is all.

Here witnesswithdrew.

Question sent to the Hon. Peter Robinson and answered as follows:

Q. 1 During the settlement of Peterboro' did Mr. Ritchie conduct himself to your satisfaction? Perfectly to my satisfaction.

Q. 2. Did Mr. Ritchie's conduct in the settlement of Ops please you? I had every reason to be pleased with his conduct in the settlement of Ops.

Q. 3 How did Mr. Ritchie conduct himself as one of your deputies in the lumber trade? Quite satisfactorily.

Q. 4. As your agent at lake Simcoe locating and settling emigrants &c. &c., did he give satisfaction? He gave very general satisfaction to the settlers and to myself. PETER ROBINSON.

UPPER CANADA.

The Government in account current with H. C. Young for expenses incurred in subsisting, locating and employing indigent settlers in Nattawasuaga as per vouchers herewith, from No. 1 to No. 72 inclusive.

DATE.		TO WHOM PAID.	FOR WHAT SERVICE.	PRO. C'Y. £	s.	d.
1834						
Sep. 23	1	To Robert Stanton	Stationary	8	4	5
Oct. 24	2	" Ross & Caldwell	Pair of steel yards	3	9	0
Nov. 20	3	" Wellesley Ritchie	Freight	0	5	0
22	4	" S. M. Sandford	Stores	2	18	3
Dec. 2	5	" Robert Ross	Laying out 78 5 acre lots	11	6	6
16	6	" Bryce, Buchanan & Co.	Blankets	20	1	9
30	7	" Arch'd Pass, Surgeon.	Medical attendance	4	6	3
31	8	" H. C. Young	Salary	61	0	0
	9	" Frederic Meman	Provisions & medical comforts	2	15	5
1835						
Jan. 1st	10	" Ephraim Hemhet,	Provisions	1	3	3
Feb. 16	11	" Wm. Martin	Building a shanty	2	0	0
	12	" Arch'd McGillvray	Labor on Sunnidale road	20	10	0
	13	" Andrew Jardin	Building a shanty	2	0	0
	14	" Edward Kennedy	Building a storehouse	133	0	0
	15	" do	Cutting a road	126	7	6
	16	" Duncan McNab	Building a shanty	2	0	0
	17	" John Adair	do. do.	2	0	0
	18	" Peter Hayman	Chopping land	9	0	0
	19	" Angus Campbell	Labor on Sunnidale road	42	15	0
	20	" John McDermid	do do do	52	10	0
	21	" Malcolm Bell	do building a Shanty	22	5	0
	22	" Peter Currie	Building a shanty	2	0	0
	23	" Arch'd Currie	do do	2	0	0
	24	" Conrod Schivalm	do & labor on Sunnidale road	10	10	4
	25	" John Sturr	do and provisions	7	6	9
	26	" Antoin Isteil	do do	7	5	11
	27	" Widow Biron	Provisions	11	15	0
	28	" Christopher Fader	do & labor on Suddidale road	10	0	4
	59	" Wm. Dally	Building a Shanty	2	0	0
	30	" David Jardine	do do	2	0	0
	31	" Arch'd McCalman	Labor on Sunnidale road	15	5	0
	32	" Atoine Marty	do and provisions	7	17	1
Feb, .16	33	" Neil McEwen	Labor and chopping land	40	0	0
	34	" Philip Fader	do of building a shanty	10	9	7
	35	" Gatlot Simpy	Building a shanty and provision	7	19	11
	36	" Jacob Firny	do and labor on Sunnidale road	10	4	8
	37	" Christ Gunter	do and provisions	7	3	2
	38	" Geo, Kenuff	Labor on Sunnidale road & provisions	9	8	3
	39	" John McFadden	do and chopping land	57	10	0
	40	" Johein Longhesleyer	do and provisions	9	8	11
	41	" John Bertles	do and chopping land	28	5	0
23	42	" Francis Hewson	Carriage of Emigrant's baggage	23	0	9
	43	" Thomas J. Thompson.	do do do	8	1	3
	44	" Alex. Walker	do do do	21	15	0
	45	" do	Erection of a brd'g across Batteau riv.	53	0	0
March 19	46	" J. W. Brent & Co.	Medicine	5	12	8
31	47	" H. C. Young	Travelling expenses	9	4	0
April 10	48	" Rev. V. P. Meyerhoffer	Visiting German Emigrants	9	0	0
May 30	49	" Arch'd Currie	Chopping land	1	10	0
	50	" John Adair	do do	12	7	6
	51	" Anthony Martin	For a shanty and provisions	5	7	6
	52	" John Bertles	Chopping land	12	0	0
	53	" Peter Hayman	do do	24	0	0
	54	" Arch'd McAlman	do do	7	10	0
	55	" Dougall McDuffy	do and for a shanty	3	10	0
	56	" Duncan McNab	do do	8	12	6
	57	" Alex. Gelespie	Carriage of provisions and baggage.	2	6	6
	58	" Andrew Lawler	Chopping land and a shanty	5	0	0
	59	" Thomas J. Thompson.	Carriage of emigrants	3	6	3
	60	" do do	Seed Potatoes	3	6	0
	61	" Alex. Levingstone	Chopping land	4	10	0
	62	" Arch'd McAlman	Travelling expenses	0	15	0
	63	" Arch'd Pass, Surgeon.	Medical attendance	31	13	7
	64	" Alex. Walker	Potatoes	24	12	0
	65	" do do	Levelling road and making causway	128	10	0
	66	" Angus Campbell	Chopping land	19	10	0
	67	" Neil McEwen	do do	20	5	0
	68	" Andrew Jardin	Chopping land and making causway	8	17	6
	69	" John McFadgen	do do do	8	5	0
	70	" Arch'd McGillvray	do do do	10	17	6
31	71	" H. C. Young	Salary	75	10	0
	72	J. R. Armstrong	Blankets	15	15	0
			Total	1352	17	7

DATE.	RECEIPTS.	PRO. C'Y. £	s.	d.
1834				
Oct. 11,	By 150 barrels of flour from J. F. Smith delivered at Barrie at 22s. 6d. per bbl.	168	15	0
30	" 50 barrels of pork from J. F. Smith delivered at Barrie at 75s. per bbl.	187	10	0
	" Amount of provisions transferred to me by Wellesley Ritchie, viz :—8 barrels of prime pork at 80s. 7½d. per barrel	32	5	0
	" 19 barrels of flour at 26s. 3d. per barrel	24	18	9
	Balance £	939	8	10
Oct. 11.	*Brought forward*	1352	17	7
	Brought forward	1352	17	7
	Total	1352	17	7

Amounting to the sum of £1352 17 7 Provincial Currency, Dollers at 5s. each. Errors excepted.

H. C. YOUNG.

UPPER CANADA.

GOVERNMENT in account current with H. C. Young for expences incurred pursuant to the Lieutenant Governors instructions in subsisting, locating and employing indigent Emigrants in the Township of Nattawasaga as per voucher herewith from No. 1 to No. 56 inclusive, from 1st Sep. to 31st Oct. 1835 inclusive.

No. of Voucher.	To whom paid.	For what service.	Amount C'y.	Date.	Receipts.	
1	Angus Campbell	Clearing land	32 10 0	Nov. 12.	By warrant No. 450 for £684 9 10 Sterling in favor of the Honorable Peter Robinson, equal to £	760 10 11
2	John Adair	do do	21 12 6			
3	John McDearmid	do do	43 0 0			
4	Alex. Livingstone	do do	27 7 6			
5	Peter Hayman	do do	27 15 0			
6	Duncan McNab	do do	15 18 9			
7	John Fadgen	do do	25 3 1			
8	Neil McEwin	do do	45 0 0			
9	Arch'd McGilavray	do do	20 0 0			
10	Arch'd McCalvan	do do	28 0 0			
11	John McKenzie	Reaping wheat	22 3 9			
12	Peter Currie and widow	Provisions	17 12 9			
13	David Jardine	do	13 9 3			
14	Andrew Lawler	do	5 10 8			
15	Richard Stepney	do	23 1 3			
16	Yorick Clippert	do	11 3 4			
17	Elizabeth Kenuff	do	6 9 3			
18	Conrad Schwalin	do	11 2 2			
19	Mrs. Schwalin	do	6 1 1			
20	Nicholas Loutensliger	do	12 8 5			
21	Christopher Kinder	do	12 18 6			
22	Jacob Finney	do	6 14 7			
23	Christian Bomar	do	20 17 1			
24	L. Bomar	do	4 3 3			
25	Adam Mentz	do	5 14 0			
26	C. M. Mentz	do	5 11 8			
27	Christr. Fader	do	11 5 11			
28	Andrew Jardine	Labor	3 7 6			
29	Malcolm Bell	Provisions	9 19 10			
30	John Bertles	do	21 3 0			
31	Alex. Walker	Teaming	13 18 6			
32	Sell Sanford	Sick comforts	6 14 4			
33	J. Melldrum	Seed Oats	3 13 4		*Carried forward*	760 1011

No. of Voucher.	To whom paid.	For what service.	Amount C'y.	Date.	Receipts.	
34	Thomas T. Thomson	Clearing land	69 11 0	Nov. 12.	By warrant No. 450 for £684 9 10 Sterling in favor of the Honorable Peter Robinson, equal to £	760 10 11
35	John Bertles	Chopping do	1 2 6			
36	John Sibbald	Lumber	2 7 10			
37	Alex. Walker	Seed Potatoes	14 8 0			
38	John McDearmid	Clearing land	4 19 6			
39	Angus Campbell	do do	1 5 0			
40	Peter Hayman	do do	18 5 4			
41	Andrew Jardine	Chopping	4 6 10			
42	Duncan McNab	Clearing	0 14 4			
43	Arch'd McGilavray	Provisions	7 4 0			
44	do do	Clearing land	5 6 2			
45	Dougald McDuffie	Chopping do	1 17 6			
46	do do	Provisions	3 3 4			
47	Malcolm Bell	do	1 17 10			
48	Richard Stepney	do	2 15 0			
49	Andrew Lawler	do	2 2 0			
50	Adam Mentz	do	1 17 11			
51	Elizabeth Kenuff	do	1 8 10			
52	Family of Christian Bomar	do	1 19 0			
53	Conrad Schwalin	do	2 3 1			
54	Archibald Curry	do	3 14 0			
55	H. C. Young	Salary	68 10 0			
56	Robert Ross	Measuring land	8 2 0			
			760 10 11		*Carried forward*	760 1011

F

Amounting to the sum of £760 10 11—Dollars *a* 5*s.* each.

E. E.

(Signed) H. C. YOUNG.

UPPER CANADA.

Government in account with H. C. Young for disbursements made in subsisting and employing indigent emigrants in the Township of Nattawasauga, from the 1st day of November 1835 to the 13th day of February 1836, as per vouchers from No. 1 to 20 inclusive herewith,

No. of Voucher.	To whom paid.	For what service.	Amount C'y. £	s.	d.
1	Alex. Campbell	Sowing and Harrowing	3	18	0
2	John McDearmid	do do	3	5	0
3	John Adair	do do	5	0	0
4	John Fadgen	do do	5	10	7
5	Arch'd McEwen	do do	4	17	7
6	Arch'd McCalman	do do	5	4	0
7	Peter Hayman	do	8	1	10
8	Andrew Jardine	Thrashing Wheat	25	10	0
9	Alex Livingstone	Provisions	3	1	8
10	Anthony Martin	do	11	13	5
11	Richard Stepney	do	6	4	6
12	Malcolm Bell	do	0	19	2
13	Duncan McNab	do	6	4	3
14	Alex. Walker	Teaming &c.	24	12	2
15	David S. Ross	Medical comforts	9	0	3
16	Thomas T. Thomson	Superintending settlement	11	0	0
17	do do	Sowing and Harrowing	8	9	6
18	David S. Ross	Medical comforts	8	14	0
19	H. C. Young	Salary	60	10	0
20	do do	Travelling expenses	14	8	0

Receipts.	Pro. C'y. £	s.	d.
By sales 66 bushels of government wheat raised in Sunnidale at 2s. 6d. per bushel	8	5	0
Balance due me at this date	217	18	11
Total	226	3	11

Amounting to the sum of £226 3 11—dollars 5s, each. E. E,

H. C. YOUNG.

Extracts from Letters addressed to Mr. Wellesly Ritchey:

Copy.

"Emigrant Office,

"*30th July*, 1833.

"I am also directed by His Excellency to call your attention to my letter of the 14th of May last, and to the Government Circular of the 23rd of the same month, in which it is distinctly stated, 'that no charge whatever will be allowed that has not been previously authorised by the government.'"

"Emigrant Office,

"York, *20th September*, 1833.

"I beg to state, in reply to your letter of the 18th instant, that I cannot pay your draft in favour of Mr. Smith, or the balance due according to the statement you enclosed in the letter, until I have the necessary vouchers. Whenever you draw on me you will please to send me a receipt in triplicate for the amount, agreeable to the form I gave you on the 14th May last, to enable me to account to the government.

To save you the trouble of taking a separate receipt from each person employed, I herewith send you twenty sets of pay lists. These should be filled up and executed by the parties in triplicate, at the end of each month, and forwarded to this office, in order to show how the money advanced to you has been expended."

"Emigrant Office,

Toronto, *30th April*, 1834.

"In order to prevent the emigration expenditure of this year from exceeding the sum placed at His Excellency's disposal for that service, you will be required to make up your accounts monthly, and to forward the vouchers to me for examination and payment, accompanied with a report, stating the number of labourers employed at your agency, the quantity of land chopped or cleared by them, and such additional information as circumstances may render necessary, to enable His Excellency to make any alterations, or adopt any improvements in the system he may think proper."

No. 6.

To the Honorable the Members of the House of Assembly, in Provincial Parliament Assembled.

The Petition of the Settlers of the Township of Nottawasauga,

Humbly Sheweth,

That your Petitioners were sent in to the backward Township, the beginning of last winter, under the care of Mr. Young, Agent, with the assurance of employment and protection from the government; that we were located on five acres of land each, which is too small for to support our families. That owing to the mismanagement of Mr. Young, in giving the principal part of the employment to persons living out of the Township, namely, called task jobbers, is the greatest cause of our present poverty and distress, and instead of expending the public money that was allowed, on the poor emigrants, it was completely drained out of the settlement; Petitioners also had to pay an exhorbitant price for the provisions which they received from him, when they could have got it much cheaper and better from the farmers of the different adjacent townships had it been so managed. Your Honorable House will please to consider that we are all poor emigrants, lately arrived from the Old Country, not knowing where to turn, that we considered ourselves happy when taken under the paternal protection of the government in a strange country, but through the neglect and mismanagent of the Government Agent they are much worse off now then when they came here, and are determined, to a man, to quit the settlement altogether if the government will not allow us some employment, by which we can in some degree support our now half starving families. Petitioners most humbly beg leave to assure your Honorable House, that it would take four sheets of paper, larger than this, to state the whole of their grievances, and do not wish to be too troublesome; but they most earnestly trust your Honorable House will, through your wisdom, devise means by which the distress of this Township may be relieved.

And Petitioners will, as in duty bound, ever pray.

Andw. Lawler,	Jas. Cannon,
Jas. Lawler,	Patt. Cannon,
Anthony Martin,	John Cannon,
Michl. Martin,	William Sewell,
Thos. Martin,	Patk. O'Conner,
Patt. Martin,	Wm. Wilson,
Duncan McNab,	Edwd. Honeyford,
Jas. McNab,	Will. Tinlen,
Alex. McNab,	John Campbell,
Duncan McNab,	Alex. Campbell,
Malcolm Bell,	Dond. McFurrin,
Angus Bell,	Peter Hayman,
John Bell,	Michl. O'Connor,
Geo. Bell,	Archd. McColman,
Angus Bell,	Alexr. McColman,
Malcolm Bell,	Neil McColman,
Neil Bell,	Alexr. McNeil,
John Adair,	John McQuin,
Archd. Adair,	Jas. McQuin,
Alexr. Adair,	Dond. McQuin,
Richd. Stepney,	Dond. McNeil,
John Stepney,	Geo. Halley,
William Stepney,	Dond. McQuin,
Malcolm Curry,	Conrad Schwalm,
Hugh Curry,	Henrick Schwalm,
Dond. Curry,	George Schwalm,
Archd Curry,	Johannes Knalm,
Laughton Curry,	Geo. Klippert,
Edwd. Blackstock,	Adam Malry,
Thos. Blackstock,	John Bertles,
Jno. Blackstock,	John Bertles, Junr.
Alexr. Leviston,	Joseph Bertles,
Neil McQueen,	Matw. Bertles,
Archd. McQueen,	Francis Bertles,
Malcolm McQueen,	Archd. Currie,
John McQueen,	Archd. McGilver,
John McFaden,	Duncan McGilver,
Neil McFaden,	John McGilver,
John McFaden,	Malcolm McGilver,
Archd. McFaden,	Donald Currie,
Augs. Gilchrist,	Malcolm McLellan,
John Cannon,	Andrew Jordain,

J. Jordain,
D. Jordain,
David Jordain, Senr.
William Dallas,
Mary Bertles,
John McDermid,
Dugald McDermid,
Malcolm McDermid,
Angus Campbell,
Alexr. Campbell,
George Campbell,
John Campbell,
Angus Campbell, Junr.
Neil McCown,
Archd. McCown,
Malcolm McCown,
William Martin.

This work done in October, 1834.

Angus Campbel came before me, one of His Majesty's Justices of the Peace, and maketh Oath, that the sum of two pounds five shillings is justly and lawfully due to him, for work done by him and his two sons for Mr. Young, Government Agent, on the road from Sunnidale to Nottawasauga; and also the sum of one pound thirteen shillings and nine pence, for a deficiency of seven bushels and a half of potatoes, which Mr. Young promised to pay.

Neil McKeone came before me one of his Majesty's Justices of the Peace and maketh oath that the sum of one pound eight shillings and a penny half penny is justly and lawfully due him and two sons for work done for Mr. Young on the road from Sunnidale to Nottawasauga, and also two pounds for a shantie built by them on a five acre lot.

John Adair came before me one of His Majesty's Justices of the Peace and made oath that the sum of one pound and seven pence half penny is justly and lawfully due to him and his son for work, done for Mr. Young agent on the road from Sunnidale to Nottawasauga.

Archibald Curry came before me one of His Majesty's Justices of the Peace and maketh oath that the sum of fifteen shillings is justly and lawfully due him for work done for Mr. Young agent on the road from Sunnidale to Nottawasauga.

Archibald McGilvray came before me one of his Majesty's Justices of the peace and maketh oath that the sum of one pound ten shillings is justly due to him and his two sons for work done for Mr. Young agent on the road from Sunnidale to Nottawasauga.

John McFaden came before me one of His Majesty's Justices of the Peace and maketh oath that the sum of one pound ten shillings is justly and lawfully due to him and his two sons for work done by them for Mr. Young agent on the road from Sunnidale to Nottawasauga.

John Curry came before me one of His Majesty's Justices of the Peace and maketh oath that the sum of one pound and seven pence half penny is just and lawfully due him for work done by him and his father for Mr. Young agent on the road from Sunnidale to Nottawasauga, and also two pounds for a shanty built on a five acre lot.

No. 7.

To Wellesly Ritchie, Esq.,

Sir:

We the undersigned respectfully beg you will have the goodness to have these affidavits laid before the proper authorities and you will greatly oblige

Your obedient servants,

Angus Campbell, John Currie,
Archibald McGilvray, John McPhadyne,
Niel McKeone, Archibald Currie,
John Adair.

We the above named persons are ready to testify to the truth of the above mentioned statements, but after waiting on the magistrates both of whom are absent, we can do no more but declare to this varacity.

The Complaint of Anthony Martin is that during the six months that he remained in Barrie himself and family lay sick of the fever and ague, and were it not for the humane assistance of Mr. Huston, Squire O'Bryon and Mr. Ritchie, they would have all perished for want of the common necessaries of life, owing to the neglect of Mr. Young their agent from whom they received no more than two stones of flour all the time of their illness although he had orders to supply them with provisions all the time; then afterwards when he was able to remove his family to Nottawasauga he was ill treated by Mr. Young in the distribution of his provisions, not getting more than a barrel and a half of flour and a quarter barrel of pork for which he induced him to sign a voucher for five pounds, and some short time after he brought him another for two pounds ten shillings, then the last voucher which he produced was for ten pounds which I refused to sign, although Mr. Thompson his witness told me I might sign, as it would be nothing out of my pocket, however I promptly refused and would not, knowing it to be wrong to the Government. I have two witnesses to prove the same, he also built a shantie and chopped an acre and a quarter of land for which he never was allowed any thing for, although he applied to the Agent Mr. Hawke in Toronto three different times.

Wellesley Ritchie Esq.
Toronto.

No. 9.

March 24th 1836.

The humble petition of John Connell of the township of Sunnidale.

I was employed by Mr. Young to clear 3 acres of land at 10 dollars per acre, for which he refused to pay me, when I had done the work, and I am in great distress with a family of 7 small children, and I have been sick a great part of the winter and not able to apply for payment before,

Your humble petitioner,
JOHN CONNELL.

No. 10.

(Copy)

To His Excellency Sir Francis Bond Head Knight Commander of the Royal Hanoverian Guelphic Order and Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada &c. &c.

The petition of the undersigned inhabitants of the townships of Oro, Orillia, Medonte, Flos, Vespra, Sunnidale, &c. &c. &c.

Humbly Sheweth,—

That your petitioners have learned with extreme regret that they are about to

loose the valuable services of Mr. Ritchie as Emigrant Agent for the townships north of Lake Simcoe, whose zealous, kind, and persevering exertions from the commencement of 1831, through the time of sickness and distress in 1832, and since have given universal satisfaction and to whom; in consequence of which and his strictly impartial conduct, a small testimony of their respect and approbation was publicly presented in 1832 by the settlers generally; a compliment which it is believed has not been paid to any other Agent in the Province.

That your petitioners loose no time in submitting these facts to your Excellency in the hope that until your Excellency deem it proper to withdraw the Agent altogether from this section of the country no other person may be appointed in the place of Mr. Ritchie, as such a measure would in their belief be most injurious to the best interests of these settlements, the confidence and good will of which Mr. Ritchie so fully possesses and has proved himself so well entitled to.

And as, in duty bound,
Your Petitioners will
ever pray.

Signed by the Clergy, Magistracy, Half-pay Officers &c. &c. amounting in all 900 inhabitants of the above named townships---which petition was referred for the consideration of His Excellency the Lieutenant Governor on the 24th day of March 1836.

No. 11.

To His Excellency Sir John Colborne K. C. B. Lieut. Governor of the Province of Upper Canada and Major General Commading the forces therein &c. &c. &c.

May it please Your Excellency to grant an answer to the following charges against H. C. Young Esqr. Emigrant Agent at Nottawasauga together with an answer to a prior petition on the same subject containing other charges of date 17 of August last.

I am aware Your Excellency of the suspicion attached to these sort of petitions knowing that they are so frequently dictated by prejudice, interest or revenge, but I appeal to them who reads the heart as proof that mine has been pure philanthrophy towards the injured emigrants and particularly toward a poor father and large family, consisting of eleven, who were located by government last year, and who from the work and supplies being stopt by the said Mr. Young has been in a most pitiable condition during the whole period. I shall briefly state the causes of this cruelty to Your Excellency.

Mr. Hawke who had in the begining of April last paid a formal visit to Nottawasauga found it convenient to lodge on his road at the Messrs. Thompsons and by way of remuneration to the said Thompson Mr. Young and Mr. Hawke transferred the government work and consequent supplies from my father's family to them, they two being out three years and in comparatively easy circumstances.

The injustice exercised toward the settlers generally, which I stated in the former petition, Your Excellency will allow me to be a good witness, as having lived as clerk with the said Mr. Young sometime and having left him purely from conscientious motives, and as further proof that I am not biased by any malicious feeling toward Mr. Young, I myself was the principal instrument in putting a stop to a combination which the injured settlers had entered into against Mr. Young, which might have terminated fatally for him but for my intervention.

I could enumerate to Your Excellency a variety of other grievances, such as the unequal distribution of blankets, the reduction in the rate of chopping, &c. which the other emigrants have been kept from complaining of from the threats held out to them by the said Mr. Young of still further privation, &c. &c. I need scarcely warn Your Excellency that from the remoteness of the situation and the general ignorance of the settlers this junto of oppressors *Meldram, Hawke and Young may carry on their nefarious transactions toward them unheard of at head quarters, ond unless Your Excellency attends to this my second application for redress, I must, with due respect to Your Excellency's situation and character inform you that as matters of justice to my fellow emigrants and information to the public, I must make known the circumstances through the public press.

By an early attention to these grievances your petitioner will ever pray, &c.

PATRICK BERTLES.

Emigrant Office, 7th Nov. 1835.

Bertles first petition dated the 17th August last, was sent to Mr. Young, and I beg to refer to Mr. Young's answer thereto, as well as the affidavits and certificates annexed to it.

A few days after these documents were transmitted for the information of the Lieutenant Governor, the petitioner's father, who he asserts has been so unjustly treated by Mr. Young, called at this office and offered to make oath that the charges made by his son were false.

With only one exception the settlers under Mr. Young's charge have also given them their flat and unqualified contradiction.

A. B. HAWKE.

Toronto, 7th Nov. 1835.

The petitioner was never employed by me as a clerk, his education not fitting him for such a situation. I employed him as a servant and to assist in issuing out provisions to the settlers.

As to the combination which the petitioner asserts might have terminated fatally but for his intervention, I can only observe it originated in misrepresentations made by the petitioner's brother. On my explaining the matters to the settlers they immediately resumed their labours, and as to it terminating fatally I never had the least reason to apprehend such a result.

As to the blankets which the petitioner asserts were unequally distributed, I gave one pair to each of the families most in want of them. As to the other charges

Address at Mr. Hinds. Market Square. Toronto 4th November, 1835.

* Mr. Meldram is a tavern keeper at Barrie and Mr. Youngs particular friend, he was expelled from the Goderich fishery for bad conduct.

PATRICK BERTLES.

they were replied to on the 5th September last, & I have only to add that the petitioner's father offered to certify to the falsehood of the petitioners charges, which I declined to avail myself of. The petitioner has been residing in Toronto since July or August last, and I believe is merely a tool in the hands of some designing person.

H. C. YOUNG.

Memorandum by the Lieut. Governor—"Forward the report of Mr. Young to the petitioner."

Col. Rowan memorandum "answered 10th Nov. 1835."

No. 12.

Copy, No. 66.

DOWNING STREET, 28*th May*, 1834.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 13, of the 22nd of March last, containing accounts of the Casual and Territorial Revenue, from the 1st January to 31st Dec. 1833, and also a statement of the expenditure incurred in forwarding and employing emigrants within that period.

I have been happy to receive so favourable a report, upon the whole, of the success of the emigrants who settled in Upper Canada last year, and I approve of your determination, in pursuance of the authority you obtained in Lord Ripon's Despatch of March 1833, to set apart a township for the reception and employment of such persons as were prevented from securing a subsistance for themselves. I trust that the result will prove satisfactory, and will not ultimately be attended with expence.

Adverting to the many important reasons which have, from time to time, been laid down in the despatches to your government, from abstaining from too easy an alienation of the waste lands belonging to the Crown, I cannot assent to any plan for extending the privileges at present allowed to officers of the army and navy in the acquisition of land.

I have, &c.

(Signed) E. G. STANLEY.

M. General
SIR JOHN COLBORNE, K. C. B.

No. 13.

TORONTO U. CANADA, 21*st March* 1834.

SIR,

I have the honor to transmit to you a statement of the Casual and Territorial Revenue from the 1st January to the 31st December 1833, and also an account of the sum expended last year in forwarding and employing Emigrants.

From the accompanying report you will perceive, that it is supposed that about 20,000 emigrants entered the Province last season.

The number of emigrants that remain in York, and are either disappointed in obtaining permanent employment in the town, or are prevented from leaving it for some months by sickness has rendered it necessary to select a township for the reception of persons of this discription, in which they can be employed in clearing land as they may be induced from time to time to remove. Sunnidale on the River Nottawasauga is the Township allotted for this purpose, and about sixty families have been conveyed to the township since the autumn from York, and are now employed under the Agent in clearing land for sale.

The rapid progress which the province is making must be chiefly attributed to the Emigration of the last three years; and I am persuaded that I cannot too often advert to the facility with which the destitute Emigrants from the United Kingdom have been provided for, and the benefits which this Colony is capable of confering on the Mother Country, by receiving her redundant population, whenever the Parishes at home may find it practicable to adopt an extensive scheme of Emigration, under the guidance of His Majesty's Government.

I beg leave, however, to observe, with reference to any scheme of Emigration that may be suggested, that no destitute persons should be encouraged to emigrate, or permitted to leave their Parishes, with a view of receiving aid from Government, unless they are fit to undergo the difficulties which must always be encountered in a new country and are in good health, and of an age to support their families, by their labor.

The lands which have been recently explored are of excellent quality and from the reports of the country to the north west of Lake Huron, and the surveyed townships of the Home District, there are extensive tracts of fertile lands which can be prepared for the reception of Emigrants as the population increases.

The Province has derived so much advantage from the exertions of the Officers of the Navy and Army established in the different Districts, that I am convinced that the interests of the Province would be advanced by extending the privileges granted to certain officers under the existing regulations to any officer who intends to settle in the Province, and can obtain testimonials from the Admiralty or Commander in Chief, of his good conduct and services, provided that he has quitted the service since the year 1815, and as the object of His Majesty's Government in granting land is to encourage respectable families to take up their residence in the Province it may be deemed expedient to allow also officers of the Civil Departments of the Army to enjoy similar privileges.

I have &c.

J. COLBORNE.

The Right Hon'ble E. G. STANLEY.

Statement shewing the expenditure on account of emigration in the years 1831, 1832 and 1833, and also the amount authorised by His Majesty's Secretary of State for the Colonies for the above service for the same period.

	Sterling.		
Expenditure.....	£23,548	14	4½
Amount authorised.			
1831....£ 5,148	14	9¾	
1832.... 13,286	0	0	
1833.... 5,000	0	0.....	23,434 14 9¾

A. B. HAWKE,
Emigrant Agent.

EMIGRANT OFFICE, TORONTO, *March* 22*d* 1834.

MEMORANDUM *relative to the Emigration Accounts for* 1833.

The expenditure in the accompanying statement from February 6th to July 16th inclusive, having been incurred while the business connected with emigration was under the management of the Commissioner o. Crown Lands, the whole of these charges have been brought into his account current with the Government.

The items from Voucher, No, 1 to No. 64 enclusive will be brought into my Emigration Account current with the Government for 1833.

Taking it for granted that the property belonging to the Government in Adelaide, will cover the amount due to the Estate of the Late Mr. Mount, and that all claims on account of the emigration for 1832, have been satisfied the sum to be charged to the current year will amount to £669 4 2. Sterling.

ANTHONY B. HAWKE.

EMIGRANT OFFICE,
TORONTO, 18*th March* 1834.

Emigration Report for 1833.

The number of emigrants who landed at Prescott to the 31st October last is 14,630. But as Mr. Rutton's report is founded upon returns made by the forwarders it might be safely assumed that the total is not less than 15,500, to which should be added at least 6000, for the number, which came into the Province by way of the States—making the accession to our population from emigration last year 21,500.

With regard to their distribution, it would appear from the report of the emigration agents, and the books of the lake steam boats, that about one third of this number landed ot York, another third at Hamilton, Niagara, and the other ports at the head of Lake Ontario, one sixth at Cobourg and Port Hope, and the remaining sixth have settled in the Bathurst, Johnstown and Midland Districts.

The number of settlers, having capital, last year was greater than usual, and with the exception of about four hundred sent to Sunnidale, at the expense of the Government, all the Emigrants of last year have either settled on land or succeeded in finding employment and good wages, amongst the farmers and mechanics.

The settlers sent to Sunnidale were generally poor people, who had exhausted their means by the time they reached York, and therefore could not travel any distance in search of work ; they are employed by the government in clearing land and making roads, in order to open the extensive tract of fertile land between Lakes Simcoe and Huron for settlement next year.

The past season has been a prosperous one for the Emigrants, and remarkably healthy, only one Emigrant having died at Prescott, and two on the route between Prescott and Montreal.

Not a single complaint has reached me of ill treatment, imposition, or sufferings on the route, and it is gratifying to add, that all the reports concur in stating that the conduct of the Emigrants has been such as to call for the approbation of all who have been brought into contact with them.

ANTHONY B. HAWKE,
Emigrant Agent.

EMIGRANT OFFICE,
YORK, 8th January, 1834.

No. 14.

EMIGRANT OFFICE,
YORK, 31*st October*, 1833.

SIR,

The Lieutenant Governor being desirous of affording all the relief in his power to destitute sick Emigrants, has directed me to acquaint you that he will authorise the building of a log house in Sunnidale, to serve as an hospital, and the furnishing of the same with three or four straw beds, a sufficient quantity of bedding, and also a few chairs and a table.

The house should be built as near as possible to the lots on which the bulk of the Settlers forwarded at the expense of the government have been located. With regard to its dimensions, I am of opinion that a building thirty feet long by sixteen wide will be large enough for the present; it should be divided in the centre and have separate entrances.

Whenever you think it necessary you are at liberty to employ a doctor, and you are also to furnish the patients with medical comforts, which include nourishing food suitable to their situation. If you require a small assortment of simple medecines made up into doses, such as you can administer in ordinary cases, let me know and I will have them forwarded to you.

I am, &c.
A. B. HAWKE.

Mr. WM. RITCHIE.

No. 15.

Copy.

EMIGRANT OFFICE,
YORK, 11*th November*, 1833.

SIR,

The Lieutenant Governor being apprehensive that many of the indigent Emigrants who have been sent to Sunnidale at the expense of the Government will suffer for the want of winter bedding, has directed me to purchase and forward to you forty pairs of blankets. I have this day sent them to the Holland Landing, with a request that Mr. Phelps will forward them to you by the first opportunity.—Before you make it known that the blankets are to be given away, you had better ascertain how the families under your charge are situated, as regard to such articles, and to make out a list and distribute them to those who stand most in need of them.

I paid your order in favour of Mr. Sandford, £101 11s. 3d., to Mr. Smith.

There is some omissions in your pay list, but as they are not to be submitted to the Inspector General until the close of the year, you will have an opportunity of supplying them.

Signed, A. B. HAWKE.

Mr. W. RITCHIE.

No. 16.

BARRIE, 11*th January*, 1834.

SIR,

I have forwarded Samuel Slates, with his wife, child, and baggage, to Toronto. Slates is a worthless character and refuses to do any work, and will not go to Nottawasauga, and I have been forced to send him to Toronto to get rid of him.

Please pay Mr. William Granthan £1 5s. for this passage.

I am, Sir,

Your most obedient servant,

H. C. YOUNG.

ANTHONY B. HAWKE, Esq.

No. 17.

Copy.

NOTTAWASAUGA,

1*st April*, 1834.

SIR,

Mr. McAulay, Schoolmaster, is desirous of having the west half of No. 24 in the 9th concession as a school lot; there are about 20 acres chopped upon it, and he wishes to know if H's Excellency will allow him to take possession of it without being obliged to pay for the chopping. Should His Excellency not be willing to accede to this, Mr. McAulay has requested me to state, that the settlers are willing to chop an equal quantity on any other lot as a compensation to the Government for it.

The above lot I consider as the best adapted of any in this vicinity for a school lot.

I have the honor to be,

Sir, &c. &c. &c.

H. C. YOUNG.

A. B. HAWKE, Esq.

No. 18.

Copy.

EMIGRANT OFFICE,

TORONTO, 23*rd August*, 1834.

SIR,

Your letter of the 12th instant, inclosing an order in favour of the Messrs. Thompsons for £327 10s. currency, and also your letter of the 20th instant, inclosing an order in favour of Thomas Crowe for £106 17s. 6d., have been submitted for the information of the Lieutenant Governor, and I am directed by His Excellency to acquaint you, that no part of the expense incurred on the road can be paid until the regular contracts have been submitted and the accounts audited.

On reference to my letter of the 30th January last conveying His Excellency's authority to causeway the road through the ceder swamp in the 7th and 8th concession of Sunnidale, the expense was limited to 10s. per rod, and you were informed that vouchers must be taken by you in triplicate from the persons employed and forwarded to this office monthly for examination and payment.

Again in my letter of the 30th April last, I stated to you, that in order to prevent the emigration expenditure for this year exceeding the sum placed at His Excellency's disposal for that service, you would be required to make up your accounts monthly and transmit them to this office, in order that His Excellency might be enabled to make any alterations he might deem necessary. These instructions have not been complied with by you, and I am directed by His Excellency to inform you, that unless you strictly conform to them in future he will find it necessary to employ another agent.

I am, &c.

A. B. HAWKE.

Mr. W. RITCHIE.

No. 19.

Copy.

EMIGRANT OFFICE,

TORONTO, 1*st September*, 1834.

SIR,

I am directed by the Lieutenant Governor to acquaint you that His Excellency has been pleased to appoint you as Superintendant in the Township of Nottawasauga, and that your pay is fixed at ten shillings a day, to commence from this date.

The principle object which his Excellency has in view in appointing you to this situation, is to ascertain whether indigent emigrants may not be advantageously employed on Crown Lands, with a prospect of providing means by their own labour to support the expense incurred in maintaining them until they can find work in the Township, in which they may at first be located. In order to carry on this system with a prospect of success, it will be necessary to select a certain number of lots which you think can be readily disposed of, when partially cleared, to agriculturists, who may be induced to purchase farms in the Township, and you will please to take into consideration, whether it would be better to clear ten, twenty, or fifty acres on each two hundred acre lot,

The lots reserved for the experiment must be near some advantageous situation which may attract settlers, such as a town-plot, mill-site, &c &c. The land should be of the best quality, and the situation healthy.

The labourers employed by you must be located on five acre lots, near to the reserve lots.

I am, &c.

Signed, A. B. HAWKE.

Mr. HUGH YOUNG,
Thornhill.

No. 20.

Copy.

EMIGRANT OFFICE,

TORONTO, 2*nd September*, 1834.

SIR,

All the demands of your Agency on the Government having been paid, except the sums due to the contractors for opening the road through Sunnidale, I am directed by the Lieutenant Governor to inform you that all matters connected with accounts and disbursements in the Townships under your charge, will in future be managed by Mr. Hugh

Young, whom his Excellency has been pleased to appoint for that purpose.

You will, therefore, in future be required to confine yourself strictly to the giving information to Emigrants, pointing out to them the vacant lots, and the location of settlers, and in giving such assistance to Mr. Young as circumstances may require.

Your salary as Agent having been also settled to the 31st ultimo, I beg to add that you are at liberty in future to draw on me monthly for your pay.

I am, Sir, &c.

A. B. HAWKE.

WELLESLEY RITCHIE.

No. 21.

Copy.

EMIGRANT OFFICE,
TORONTO, *September 6th*, 1834.

SIR,

Annexed are the names of the Indigent Settlers who are this day forwarded at the expense of the Government, and I am directed by the Lieutenant Governor to authorize you to locate each head of a family on five acres of land. As the Settlers to be located on five acre lots will be employed under Mr. Young, you will be guided by him as to the most elegible situation for their location.

I am, Sir,

Signed, A. B. HAWKE.

WELLESLEY RITCHIE.

Names of Indigent Settlers:—

Malcolm Bell,	wife	and 9	children,
Peter Currie,	"	and 6	"
John Adair,	"	and 5	"
Archd McGill,	"	and 4	"
Archd. Currie,	"	and 3	"
Jno. McFadden,	"	and father,	
Benj. Bearsall,	"	and 4	children,
Jas. Henderson,	"	and 6	"
* Jno. Tory,	"	and 4	"

Total—18 adults and 41 children.

* This man, Tory, resides at Hog's mills.

No. 22.

Copy.

EMIGRANT OFFICE,
TORONTO, *6th September*, 1834.

SIR,

I have this day forwarded a party of Emigrants at the expense of government, and written to Mr. Ritchie desiring him to locate each head of a family on five acres of land.

Mr. Ritchie is also instructed to consult with you relative to the most eligible situation for their location, and I am directed by the Lieutenant Governor to authorize you to erect a shanty for each family, the cost of which is not to exceed £2 currency.

As the Settlers forwarded at the public expense will probably apply to you for work, you are authorized to employ them in clearing land, by contract, at the rate of £4 currency per acre, and if the persons employed require an advance while clearing his acre, you are to pay him at the rate of £1 10s., for each acre chopped by him fit for logging, and if he cannot subsist himself and family until he has chopped an acre, you may advance him the sum of 1s. 6d. per day for each day's work performed, and deduct the amount from the £1 10s. above mentioned.

I have sent you herewith printed returns which you will please to fill up and forward to this office, accompanied by a statement of the expense incurred by you at the end of each month, and you are authorized to draw on me for the sum of £50 Currency to enable you to commence operations.

I would beg to observe that His Excellency is very anxious to give the experiment of employing indigent emigrants in clearing land, a fair trial, as he conceives it to be of the utmost importance to discover some mode of employing them, by which the amount expended will revert to the government for the purpose of carrying on similar operations in future; and if the improvements you are authorized to make on the different lots of land can be sold for what they cost the government, that object will be attained.

I am Sir,

(Signed) A. B. HAWK.

To Mr. HUGH YOUNG.

No. 23.

Copy.

EMIGRANT OFFICE,
TORONTO, *8th Sept.* 1834.

SIR,

I have this day forwarded another party of emigrants at the expense of the government.

Those who wish for employment under you are to receive the same indulgence as those who were forwarded to you on the 6th inst. and I beg to refer you to my instructions of that date for further information on this subject.

This letter will be handed you by the Rev. Mr. Campbell, who accompanied the party from Scotland and who intends settling in Sunnidale as minister, and who has no objection in the meantime to teach a school. Mr. Ritchie therefore will please to accompany Mr. Campbell and select one hundred acres of land in some convenient situation. In the meantime you may permit Mr. Campbell and family to occupy the best government building at your disposal. And I am directed by the Lieutenant Governor to request that you will afford him any information and assistance in your power, in furtherance of his views.

I am Sir, &c.

(Signed) A. B. HAWKE.

To Mr. HUGH YOUNG.

NAMES OF THIS PARTY.

The Rev. Mr. Campbell, Presbyterian Minister and family.

John Taylor, wife and two children.

H. Curry and family.

Agustus White.

No. 24.

COPY. EMIGRANT OFFICE,
TORONTO. 24*th Sep.* 1834.

SIR,

I am directed by the Lieutenant Governor to acquaint you that His Excellency has authorized the

opening of a waggon road to commence from the Sunnidale road to the block of land selected by you for the location of indigent emigrants.

The number of settlers to be employed by you at the expense of the government in clearing land, is limited to 50 persons, and I wish you would forward to me at your earliest convenience a list of the lots to be reserved for the purpose above mentioned.

In order to insure a supply of provisions for the persons under your charge, I would advise you for to purchase a 100 barrels of fine flour and 25 barrels of prime or mess pork. It will of course be at the option of the parties to receive money or provisions at cost price in payment for this work.

Should you experience any difficulty in finding work for the settlers before you have selected upon which they are to be employed in clearing land, you are at liberty to employ them either in opening the road to the intended settlement at the rate of £2 10 per mile, or in covering that part of the Sunnidale road which is causwayed with brush and earth, the latter to be six inches in depth at the rate of 5s per rod.

As many of the emigrants will probably want implements to work with you may supply them with the same and deduct the value of the articles furnished out of their pay.

I am, &c.

(Signed) A. B. HAWKE.

Mr. H. C. Young.

No. 25.

Emigrant Office,

Toronto, 24*th April*, 1834.

Sir,

To enable me to carry the Lieutenant Governor's views into effect relative to the location of the indigent emigrants who are to be employed in clearing in the township of Nottawasauga, I beg to suggest that the Surveyor General be instructed to give the requisite order for having the allotments selected for such purpose, properly subdivided into five acre lots.

On examination at the Surveyor General's Office, I find the following lots still unlocated, viz:

Lots 21 to 30	3rd	Con.	Nottawasauga
" 27 to 30	4th	do	do
" 22 to 30	6th	do	do
" 22, 23, 25, 26, 28 & 29	6th	do	do

These Lots have been selected by Mr. Young as best calculated for the intended settlement, and I beg therefore that His Excellency will be pleased to order, that they may be placed under reserve for that purpose.

I have the honor, &c.

A. B. HAWKE.

Col. Rowan,
Civil Secretary.

No. 26.

Copy. Barrie, 29*th Sep.* 1834.

Sir,

I am requested by the Rev. Mr. Campbell to inform you that in consequence of your order to Mr. Ritchie contained in a letter to me dated 8th inst. to locate him on 100 acres of land, that he has fixed on Lot No. 2 in the 11th Concession of Sunnidale, and he far her requests me to state that if the government cannot consistently grant him the whole Lot he is willing to purchase the other half. I will therefore feel obliged if you will take the necessary means to secure it for him,

I intended to leave Barrie to day with all the emigrants and their families, and expect to be able to commence operations to-morrow in opening the road to the place of location.

I will with as little delay as possible return you a a list of those lots which Mr. Ritchie and myself may find most suitable for the settlement according to the instructions contained in your letter of the 24th inst.

I am, Sir,

Your most obed't Servant,

H. C. YOUNG.

A. B. Hawke.

No. 27.

Sunnidale 3*d Oct.* 1834.

Sir:—

Anthony Martin one of the indigent emigrants since his arrival in Barrie has lost his sight and the Surgeon there does not seem to think it likely that he will soon recover it, he has a wife and four children.

I shall be happy to have your instructions as to the manner in which he and his family are to be disposed of, Mr. Ritchie and myself have been prevented by heavy rains from fixing on the lots to be reserved. I hope however to be able to return you a list of them in a few days.

The settlers have commenced cutting the road towards the place of location which I hope will not prove either an expensive or tedious undertaking.

I am, Sir,

Your ob't Serv't,

H. C. YOUNG.

A. B. Hawke Esq.

No. 28.

(Copy) Emigrant Office,
Toronto, 8*th Oct.* 1834.

Sir:

As it is probable that a greater number of settlers will be forwarded at Sunnidale at the expense of the government than was anticipated at the commencement of the season. I have by the direction of the Lieutenant Governor ordered Mr. Smith to forward to Barrie 50 barrels of flour and 25 barrels of pork in addition to the quantity which you contracted for when at Toronto.

On the 11th Nov. 1833, I forwarded to Mr. Ritchie 40 pairs of blankets to be distributed amongst the indigent emigrants who were short of winter bedding. As Mr. Ritchie has never sent an account to this office to shew in what manner he disposed of them.

I beg that you will call upon him to do so, and I think it would be desirable for you to ascertain.

Whether the settlers under your charge, stand in need of similar assistance without letting it be known that the Government had it in contemplation to supply any articles of that kind.

I am &c.
(Signed) A. B. HAWKE.

Mr. Hugh Young,
Sunnidale.

No. 29.

(Copy) Emigrant Office,
Toronto, 14*th Oct.* 1834.

Sir:

I have this day by direction of the Lieut. Governor forwarded sixty indigent German emigrants. You are authorised to locate each head of a family on 5 acres of Land, and to build a shantie upon each lot, the cost of which is not to exceed £2; and also to employ them upon the same conditions as the other indigent emigrants under your charge.

There are two Widows having two small families belonging to the party, and as the men say they will support them out of their earnings, and appear anxious that they should accompany them, I have forwarded them with the rest. If necessary you may afford these women a little assistance until the party is settled.

I am, Sir, &c.
(Signed) A. B. HAWKE.

Mr. Hugh Young,
Sunnidale.

Names of the German Emigrants sent to Sunnidale by waggons at the Government expense on the 15th Oct. 1834.

Antoine Artel,	Wife	and	1	child.
Philip Fander,	do	"	2	children.
Conard Shallow,	do	"	2	do
James Kenph,	do	"	2	do
Christopher Grunter,	do	"	2	do
Widow Bidau,		"	3	do
Christopher Foordeer,	Wife	"	3	do
Widow Maymeen,		"	2	do
Coutlop Thompe,	Wife	"	2	do
Ephrim Hennika,				
John Jolph,	Wife			
Christian Bomer,	do	"	7	do
John Longslee,	do	"	2	do
Adam Metly,	do			
Jacob Fottee,	do	"	2	do
Frederick Slom,	do			
Samuel Slade,	do			
Total, 15 Men, 17 Women, 28 Children.	17			28

In all 60 Souls.

5 Teams from Grantham for their conveyance to Holland Landing.

The families 17 in number received 20 lbs Sugar 2lbs coffee, 20 lbs butter and loaves of bread, and each family 1 pair blankets.

N. B. Mrs. Slade was confined on the Evening of the 14th and got a pair of blankets additional as she had no clothing or means to procure it for her infant.

No. 30.

Barrie, 14*th Oct.* 1834.

Sir:

I have received your favors of the 2nd and 8th inst. and I shall be guided by the Instructions therein contained.

When I last had this pleasure, I was in hopes that I would have been able to cut the road to the place of location with the Emigrants, but after having made trial of them, I found they were making such bad work, that I was obliged to desist. This has placed me under great difficulty as I have not been able to find any one who would take the contract on the terms mentioned in your letter of instruction of the 24th ult. viz: £2 10 per mile owing to the line running through a swamp 1½ mile in extent and very much covered with windfalls and other obstructions.

The lowest rate offered is £4 10 per mile and which as the season is so far advanced, I have thought better to accept.

Mr. Ritchie and myself have carefully examined the line and we are both of opinion that the terms are very favorable and have little doubt but a road through that part will prove of great consequence to the settlement of the township, I hope the urgency of the case will be an apology for my having exceeded your instructions.

The emigrants have for some time been employed in covering the causeways on the Sunnidale road in the way you directed.

As some of the emigrants have become very discontented at being kept so long from putting up their shanties, I have employed Mr. Ross Surveyor of this place, to make out the sites upon which they are to be erected.

It will be necessary to prevent disputes to have the survey completed and if it is agreeable to you, I think Mr. Ross would do it as well and perhaps a little cheaper if a Surveyor was sent from Toronto for the purpose.

Mr. Ritchie states that he has still a few blankets on hand but I have no doubt more will be wanted, he was called off suddenly to the election which has prevented me sending a list of the lots to be reserved, but I will have it done with as little delay as possible. The other stores in Mr. Ritchie's possession he states will be delivered over when required, he has them at disposition to render me all the assistance in his power.

Anthony Martin about whom I wrote you some time since is desirous of being returned to Toronto. I have been obliged to give him and family some provisions to prevent them from starving and I feel much at a loss what to do with them.

I am, Sir,
Your most ob't serv't,
H. C. YOUNG.

A. B. Hawke, Esq.

No. 31.

Barrie, 25*th Oct.* 1834.

Sir,

I have received the 16 families of foreign emigrants and will attend to your instructions

concerning them. I regret to say, however, that there are a number of them sick; there has been an addition of one to the number since there arrival here, and three or four more may be expected soon. Two of the men are ill with fever and ague, and one child has died. John Taylor, one of the Highland Emigrants, has been confined to bed ever since he arrived here; the Rev. Mr. Campbell has supported him till within about 10 days since, which he has been on my hands—he is however getting better.

The state of the weather has been very unfavorable for carrying on my operations, and as much retarded the cutting of the Nottawasauga road. I hope, however, to have a number of the Shanties erected the ensuing week.

There four located lots of land will fall very much in my way; if an exchange could be effected for all or any part of them, particularly the first, it would be of great advantage. They are as follows, viz: No. 24 and 27, in the 6th, No. 25 in the 7th, and No. 24 in the 8th Concessions of Nottawasauga. Many of the Emigrants are very much in want of Blankets—a supply would be very acceptable.

Dr. Barton has been very attentive to the sick Emigrants, but complains much of the expense he is put at in supplying them with medicines.

I am,

Sir,

Your most obedient servant,

H. C. YOUNG.

A. B. Hawke.

No. 32.

Emigrant Office,

Toronto, 3*rd Nov.*, 1833.

Sir,

I beg to acknowledge the receipt of your letter of the 25th, relative to the situation of the sick indigent Emigrants at your agency,—and am directed by the Lieut. Governor to state in reply, that his Excellency will authorise you to afford them medical assistance and comforts when necessary.

Dr. Barton states in his letter of the 27th ult., that a suitable building should be procured for an Hospital, but as all those who will have any claim upon the Government, will be located on the Reserve Lots in Nottawasauga, it will be better to defer the erection of any building until you have opened the road, and then if necessary you are at liberty to erect a small log house for that purpose as near the centre of the intended settlement as possible. In the mean time, they can be accommodated in the building which Mr. Smith has been kind enough to give us the use of on the Sunnidale town plot.

In order to check the expense you must agree with the medical attendant by the day. The usual allowance is 1s. per day for each patient for medicine and attendance, but when there is a single patient or two, no objections will be made to an increased allowance, the rate however is left to your discretion. Will you have the goodness to send me a statement shewing the probable monthly expenditure at your agency, as I am anxious to ascertain whether the state of our funds will justify me in forwarding any more indigent settlers to be employed at the expense of the government.

This statement should include your own and Mr. Ritchie's pay and a reasonable estimate to cover contingent expenses.

With reference to the exchange of Lots adverted to by you, I will if possible effect it.

I am, &c.

A. B. HAWKE.

Mr. Hugh Young.

No. 33.

Copy.

Emigrant Office,

Toronto, 3*rd Nov.*, 1834.

Sir,

I have this day forwarded 34 pairs of Blankets to the care of Mr. Sandford Barrie.

You please to send them to Mr. Young, and inform him they are to be distributed amongst the indigent Emigrants under his charge, who are in want of winter bedding.

I am, &c.,

A. B. HAWKE.

Mr. Wellesley Ritchie.

No. 34.

Sunnidale, 24*th Nov.* 1834.

Sir,

I draw on you on the 22nd inst. for £50 payable to the of Mr. Syday, Mr. Sandford. The necessary vouchers are herewith enclosed.

Since I had last the pleasure of addressing you Mr. Ritchie and myself have measured the work done by the emigrants on the Sunnidale road, and we find it amounts to 1022 rods. I am eager that it should be inspected before it is paid for, as I have found the greatest difficulty in getting them to put on a sufficient quantity of brush. I informed them at the outset and frequently repeated it to them that unless the work was done in the way directed, that it would be inspected, valued and payed for accordingly.—This I am afraid cannot now be done before spring, unless a thaw should take place soon, as their is now a foot of snow on the ground.

The Nottawasauga road is now opened for waggons for about 8 miles—owing to the number of streems that cross it, a good many bridges have been required, and from the swampy nature of the ground for the first three or four miles, some causeways will be necessary, but I hope when the country to which it leads is viewed the amount expended on it will not be considered too great.

The House and Store House are now in process of being roofed in,—I thought it better to put up what I considered a comfortable Farm House, in case of the Lot upon which it stands being sold.—The dimensions of it 22 feet by 26. The Store House will do for a small barn or stable.

The Highland Emigrants have mostly erected their Shanties, but most of them are discontented, the last year's settlers in Sunnidale, many of whom are in a very destitute situation, have prejudiced their minds. The foreign Emigrants are idle and very troublesome.

The wife of Christian Bomer who strayed in the woods died this morning—she has been in a bad state of health ever since she arrived in this part of the country. I shall feel obliged if you advise me how I shall dispose of her seven children. Anthony Martin is again ill and several of his family confined with fever and ague. David Jardine, one of the Highland emigrants, is in a similar way; and I fear neither of them will be able to work this winter. Mr. Ritchie has received the Blankets. I shall endeavour to find out those who are in most want of them and distribute them accordingly.

I remain, &c.,

H. C. YOUNG.

ANTHONY B. HAWKE, Esq.

No. 35.

SUNNIDALE, 9*th Jan.*, 1835.

MY DEAR SIR,

Mr. Gilbert Macaulay, an Emigrant of last year, who has for some time past been teaching school in Sunnidale, is desirous of removing to the settlement in Nottawasauga, with the view of opening school there. He speaks the Gaelic language and has in his possession high testimonials as to his character and abilities.

He has petitioned His Excellency for a small grant of Land—I think him a deserving person and if you could render him any assistance in furtherance of his views, I have no doubt but he would prove an acquisition to the settlement. I shall feel obliged if you will send me some more blank vouchers.

I remain,

My dear Sir,

Your very sincerely,

H. C. YOUNG.

A. B. HAWKE, Esq.

No. 36.

NOTTAWASAUGA, 10*th Jan.*, 1835.

SIR,

As I find I cannot at present conveniently leave the settlement, and as Mr. Ritchie has particular business to transact at Toronto, I have postponed my visit until his return.

Mr. Ritchie willl hand you my accounts made up to the 31st ultimo.

I have enclosed an account drawn out with the person I contracted with for opening the road to Nottawasauga, with his tenders for building the House, Store House, and constructing Bridges, by which you will be enabled to form an estimate of the expense incurred up to the present time.

Mr. Ritchie will explain what yet remains to be done, and will give you any information relating to the settlement generally.

I will without delay, make out a return of work done by the settlers in Nottawasauga, who I am happy to say are now shewing a disposition to be industrious.

I am,

Sir,

Your most obedient servant,

H. C. YOUNG.

A. B. HAWKE, Esq.

No. 37.

NOTTAWASUGA, 22*nd January*, 1835.

SIR:

I find I cannot get the German emigrants to do any work, all my efforts to that effect have proved unavailing, and they now tell me that the weather is so cold that they cannot do any chopping before next summer. As I do not see a prospect of their doing any good in Nottawasauga, I shall feel obliged by your sending me instructions how to act towards them.

The other emigrants appear to be contented and disposed to do their utmost.

I am, Sir,

Your ob't Serv't,

H. C. YOUNG.

ANTHONY B. HAWKE Esq.

No. 38.

HOLLAND LANDING, 1*st Feb.* 1835.

SIR:

I received your favor of 28th ult. from Mr. Ritchie at this place on my way to Toronto yesterday evening.

It is my intention to return immediately to Nottawasauga for the purpose of making out the vouchers in the way you have pointed out, I must beg leave to refer you to a letter of mine dated as near as I can remember on the 13th of Nov. last and delivered by my brother to Mr. Robinson in your absence wherein I stated that I had stoped the labor, of the Sunnidale road, and requested to know if it was the wish of the Government to have the work inspected before it was paid for, and as no communication on this subject has ever reached me since, I did not feel myself at liberty to draw for the amount of the work alone and as there are still balances due to some of the laborers, I have been unable to get them vouchers so as to settle off the whole amount.

In the letter above alluded to, I made a complaint against the German Emigrants that they would not do any work and requested to know what course to take with them, and I have recurred to the same subject in one or two letters since. I have been much at a loss how to act towards them, having no alternative, but to either allow their families to perish in the woods through their misconduct or to furnish them with provisions. The latter course I adopted and I now find a difficulty in making out

their Vouchers having little to show as an asset against the sums they had received, the only work they have done has been 42 rods earthed and brushed on the Sunnidale road, one acre chopped in Nottawasauga, their Shanties and a little chopping on their five acre Lots. I shall therefore feel obliged if you will instruct me how to make out their vouchers.

Many of the other emigrants are unavoidably in arrear, but I feel justified that with one or two exceptions they will work them out before the expiry of their time.

I am, Sir,

Your most obedient servant,

H. C. YOUNG.

ANTHONY B. HAWKE, Esq.

No. 39.

NOTTAWASAUGA,

2nd Feb., 1835.

SIR,

As I owe Francis Kewson a considerable sum of money for Teaming, I have this day drawn on you in his favor for £65 currency, in part of the amount due to him.

I am,

Sir,

Your most obedient servant,

H. C. YOUNG.

A. B. HAWKE, Esq.

No. 40.

Copy.

TORONTO, 17*th March*, 1835.

SIR,

I beg leave to state in answer to Mr. Ritchie's letter dated 10th instant, acquainting you for the information of His Excellency, that a number of deaths had occurred and that sickness prevailed to a great extent amongst the German Emigrants in the Township of Nottawasauga.

I beg particularly to call your attention to part of Mr. Ritchie's letter wherein he says "These settlers complain that they have been for weeks together without any issue of provisions and none of the Charity Blankets were distributed amongst them till deaths had taken place."

I beg to state that in consequence of your Instructions to me relative to indigent Emigrants which were to afford employment to those able to work at stated wages. To give each head of a family 5 acres of Land and to build a Shanty on each lot for their reception, and in the event of sickness to afford them medical attendance and comforts, which included food suitable to their condition; Blankets were also furnished by you to be given to those families who stood in need of winter bedding.

I have not only at all times acted up to your instructions, but have in a great many instances exceeded them. None of the Emigrants were ever without food for any length of time, and as soon as it was known to me that there was sickness amongst them, Dr. Pass, a medical gentleman residing in Barrie, was immediately called to attend, and who is willing to certify, when called on, that hunger or privation of any kind were not the causes of the sickness that prevailed amongst them. As regards the blankets I have only to state that they were distributed amongst the Emigrants the day after they reached me, and that the Germans got the largest proportion. As a strong proof that the German Emigrants were not allowed to want for any thing, as far as the Government was concerned. I have to state that since they reached me a sum not under £300 has been expended on them, besides the heavy expense attendant on bringing them up from Prescott, & to my certain knowledge many of them had a supply of money, amounting in some cases to 30 or $40, of their own.

I am, Sir,

Your most obedient servant,

H. C. YOUNG.

To A. B. HAWKE, Esq.

No. 41.

Copy.

EMIGRANT OFFICE,

TORONTO, *March* 18*th*, 1835.

SIR,

I have the honor to enclose you herewith, by the direction of the Lieutenant Governor, a letter from Mr. Young, dated the 17th instant, relative to the German Emigrants under his charge. His Excellency has also directed me to say, that he will esteem it a favour if you will accompany Mr. Young to Nottawasauga, and enquire into the condition of these unfortunate settlers, as well as to adopt measures for their removal to some place where they will be more likely to obtain work more suitable to their habits.

His Excellency has authorized me to defray the expense of their removal, as also to remunerate you for your services. I beg to add, that Mr. Young is instructed to afford medical attendance and suitable food to the sick, and to give employment to those able to work as long as they remain at his agency.

I have the honor, &c.

Signed, A. B. HAWKE,

Emigrant Agent.

The Rev. Mr. MAYERHOFFER.

No. 42.

NOTTAWASAUGA, *April 3rd*, 1835.

SIR,

Owing to the state of the road I was unable to find conveyances so as to reach this place before Monday last.

Mr. Mayerhoffer arrived here on Wednesday, accompanied by two friends, and enquired into the situation of the German Emigrants, and I paid him five pounds to enable him to perform the journey.

I find that during my absence the Scotch and Irish settlers have proceeded very actively with

their work, and it appears to me that upon those lots upon which they have been chopping there is nearly as much done as it would be prudent to do.

The amount chopped on them vary from twelve to thirty acres; there is now only two lots within my limits upon which no chopping has been done, and there is yet too much snow on the ground to admit of logging; I think it will be necessary to put the settlers to chop on those two lots; I think the whole amount chopped may be about ninety acres or perhaps a little upwards.

I am afraid it will be late in the season before I will be able to get in any spring crops, but I am not without hopes of getting in about twenty or thirty acres.

The Nottawasauga road is at present almost impassable, and I am afraid I will find difficulty in getting through seeds and provisions, I shall therefore be happy to learn if it is His Excellency's wish to have any thing more done to it at present, I think about £100 will make it good.

I find that every one to whom I owe money is present for payment; I have stores on hand amounting to about £145, and there is a considerable amount of outstanding debts due by settlers, and I find the sum I brought with me will fall considerably short of all demands, I think abont £100 would do until my next vouchers are sent in. I regret to state that Peter Currie, one of the Scotch settlers, was killed by the falling of a tree during my absence, he has left a widow and five young children, I shall be happy to have your instructions how to dispose of them. A child of Christian Bomers, one of the German Emigrants, died yesterday morning; this is a sickly family and require some indulgence while they remain here. The settlers, in general, are desirous to know if it is the wish of the Government to allow them any seed potatoes this spring, I think they can be laid down here at from about 2s. 6d. to 3s. per bushel.

I have the honor, &c.

H. C. YOUNG.

ANTHONY B. HAWKE, Esq.

No. 43.

Copy.

MARKHAM, *April 6th*, 1835.

To His Excellency Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Governor of the Province of Upper Canada, &c. &c. &c.

Saturday, the 21st March, a letter was sent to me by the emigrant's office while I was absent to the service of the next coming Sabbath in Vaughan; but as clouds of snow fell from above, I thought it advisable to remain until Monday, the 23rd March, by coming home I found your Excellency's request, and Mr. Young's orders, if possible, to come out Tuesday next to his brother's house, on Young street, where he intends to wait on me until ten o'clock, A.M. As soon as I came home I made preparation, went away to Mr. Triskeller's, in the 3rd concession of Markham for night, to be sure of meeting him on the day appointed, at eight o'clock, A.M. Here I made arrangements that on the 30th March following, I shall leave my house and try to be out in Nottawasauga at least Thursday, April 2nd. According this plan I left home on Sunday evening, went six miles to Mr. Frid Quartz, in the 2nd concession of Markham, who accompanied me to Inisfil to attend the funeral of his grand-child, next to Mr. Warwicks,—I attended the funeral on Tuesday morning, preached a sermon, and in the afternoon, at two o'clock, we passed over Kempterfeldt Bay, with a new sleigh hired for the purpose, and arrived in the evening at Mr. Ritchie's, in Sunnidale. I, Mr. Quartz, and Warwick well ruminating that in my case I might meet with disastrous difficulties, difficulties which was of great consequence to me, for from Inisfil up to Nottawasauga I heard monstrous complaints against Mr. Young, the Agent, to which I could hardly give truth until found to be so. Wednesday morning we left Sunnidale from the branch of Nottawasauga River, and arrived by one o'clock at the Agency, found a new log house covered with filth, and the ragged ambassadors of Mr. Young, a desperado Irish Roman Catholic, by the name of Kennedy, and a young lad, an ubiquist of the world. Mr. Young being informed of my presence, shewed himself either indifferent, or rather to say impertinent, letting me sit by myself for nearly an hour, although only upstairs in the house. He came and excused himself for having nothing to offer to refresh with, and then in a more humorous term asked me whether I would wish for a cup of Hemlock tea; his countenance and reception made me think him rather disgraceful, he was in company with a Scotch schoolmaster, who was dismissed from one of the Townships for some evil conduct. Mr. Young intended to make application to place this gentleman in Nottawasauga, that he may have a person to regulate his book concern, of which he is incapable; I thought not to spend a minute idle, by the loss of time, but to go to the Dutch shanties, and assembling them together, to hear their complaints; Mr. Young was my pilot, and the whole road he barked at me, abusing me, and said that there was no need for me to come out at all, as he thought that I was already filled with prejudices against him; but I said—Mr. Young it is shameful to speak thus to me, as I have no interest whatever in coming hither, I did in no manner offend you, neither do I wish it, but if you have a good conscience, believing to have done justice to your commission, you have nothing to fear. He objected, having many enemies; I answered do not mind them, all men have such, if we can only shew the contrary of what we are accused; I then told him what I had heard not only from Dutch but Scotch and others, that from the town of Barrie until the settlement of Nottawasauga, I had not heard one person speaking in his behalf; he tried to bring me into a resolution to visit the Scotch, of whom he has friends, and to whom he appears alone to be addicted, as a countryman, I told him that I had no order to enquire about the Scotch; he lead me on, and to my surprise ee did not even know where the Dutch shanties were, he showed me a shantie saying, there is a Dutch shanty, and when we arrived a Scotch boy came out, he wanted to blindfold me that it was a Dutch shanty once, but I asked the boy freely who openly declared that there was never Dutch in that shanty, the boy was requested to bring

us on the way to them, which being done appeared to me very singular, and declared the open indifference for those people, meanwhile I told him that I had a report that he often got intoxicated, which he denied as being an untruth, but I have this report from two credible persons; finally, under such disagreable conversation on the road for more than two miles on foot, we reached the Dutch shanties, I ordered them to assemble in one place, which they soon did.

As soon as they convenied I took up the German family nomination and found them thus:—

Mr. George Klipert, widower.

His son by the same man.

3. Anna Elizabeth Knauf, widow, 2 children.

Frederick Scharallen.

4. Maria Elizabeth—his wife—2 children

3. Nicholas Santenshleicher, widower—2 children.

3. Christnia Guider widow—2 children.

2. Jacob Fuoy, widower—1 child.

4. Adam Mertz, Maria his wife—2 children.

6. Christian Bomer, widower—5 children.

4. Christopher Vater Fredrica, his wife a new couple, married by me April 2nd, 1835.

On our road we met one family just wandering through Innisfil.

3. Anthony Irsel, his wife and one child.

These I sent to Vanghan where they found a place by my direction.

3. John Serf, his wife and one child.

Another widow I found in a shanty in Innisfil with three children.

2. John Icrs, his wife—I provided for them a place at William Kepper.

Mr. Frederick Queentz in Markham employed one who says he was in English service.

1. Mr. Haucke (single.)

2. Old Mr. Ritter in Markham has one family.

1. Mr. John Hunter do has one boy only.

2. Mr. Lunan do one old couple.

Sum 18.

These are scattered about living yet.

Now to their complaints.

The principal impediments may be ascribed to the incapacity of conversing with their language.—The inclemency of the weather, the severe and harsh treatment of Mr. Young upon the Germans as indifferent emigrants.

When they arrived at Barrie Mr. Young took them to Sunnidale, 12 miles, & set them into an old cabin, September the last—here he left them to December when the snow fell knee deep—No shanties were built for them—the provisions but scarcely administered till they unanimously resolved to enter cheerfully to the place of destination in Nottawasauga.—They built themselves jumbers, packed their property on them—tied their children on their backs, marched on dragging through the unbroken road 24 miles. When they arrived Mr. Young reproached them for coming in such a beautiful procession; the view of this pilgrimage was sufficient to raise feeling, and yet the welcome and reception was rather too severe—No shanties found—to 14 labourers only 7 axes given—they fixed their habitation upon the snow, and began their own shanties to build. Mr. Young dwelleth at Gilespies, 10 miles from the settlement to which they had to come for provision, without taking any consideration upon the quantity of people in a family. He gave rations to the one who had one child not more or less, who had eight. For one week 12 pounds flour—six pounds pork.—He kept them as perpetual couriers on the road hunting him up—that after they had to run 37 miles to Barrie to apply for their provision—doing thus they were often twice 24 hours without the least provisions—and in this manner they bore upwards of six weeks. The inclemency of the season and the provision scarce, even sour flour returned by the Scotch and distributed amongst the Dutch, brought sickness amongst them—they knowing nothing of the allowance of any medical aid, and destitute of means to procure a docter. Some died—suddenly cut off from the few of the earth. This being reported to Mr. Ritchie he went down to Barrie and engaged Mr. Pass, M. D. to come up to Nottawasauga to visit the sick; and when they arrived there they found two dead bodies.—They visited the other sick, and by the kindness of Mr. Ritchie and the exertions of the doctor, being provided with medicines and fresh meat, and Rice, the others recovered. Mr. Young was visited by the doctor and Mr. Ritchie, and reported that two of the germans died—he answered that he did not know whether there was any sick amongst them. Mr. Young told me that the doctors bill already to the Dutch amounts already to £40.—I asked the doctor—he told me that it is not more than £15, and this he did not receive yet.

Some of the Germans were accused as lazy people. I investigated upon the truths of this assertion and found that they gave them axes that bend like lead, and how can they labour with such. I and Mr. Young saw that exhibited to us. Blank vouchering having been sent by the government printed, they declared that they were forced to sign their names without knowing what is to be set to fill up these blanks. They resisted—first wanted to throw them into the fire—but afterwards by cunning and craftiness pacified, they submitted and signed their names. This is an easy matter to lay the burden and loss upon the Dutch. In blankets they were scarely kept, as some only received a half, others a whole, and the Scotch some as much as five.

The Germans had one wise proceeding in marking down each of them their provisions which they received, and at the highest amount does not run for the half year higher than from £5 to £7. And there is some who cleared 5 acres of land. Those who had sickness in their shanties were hindered to go to labour as they had had to tend to their patients and this is natural. The ill treatment of the sick and the inclemency of the weather made three or four of the children destitute of eye sight—they are perfectly blind with the white star—what a misery for parents with such cripples!

I have in hand that account of that mans provision I met in Innisfil, Anthony Irtel amounting in all—

1 bushel potatoes,

400 pounds flour,

113 do. pork or meat.

Is not this an economical living for a half year, three persons, man, wife, and one child 8 years old.

The like accounts all have, and it is easily to find out whether Mr. Young expended on the Dutch £300 if all confronted.

The new house of agency he charges as I hear £100 is not worth fifty; the provision store £80 is not worth £30; the bridge built instead by the people amounts by contract £80 is not worth £25; thus acting, the government money is not used either profitably or suitably.

The widow in the shanty of Innisfil in her desperate situation came to Mr. Young stating to him her misery, and requesting him for advice what she should do with her poor children? he took a knife from the table, and said to her, cut their throats, and this was acknowledged by his own Barret—what a great kindness! Thus far I relate to Your Excellency what I after strict examination found. The present settlers are well satisfied now since Mr. Ritchie provided for them—they wish to remain and work faithfully if they should be treated kindly—they feel thankful for the kindness of your Excellency having sent out a person to inquire into their hard complaints, and beg for the continuance of Your Excellency's patronage. As spring will soon appear they requested me humbly to beg that at least fifty bushels of potatoes might be prepared for them to plant on their lands, five acres for them all; they will amount with transportation the most ten pounds and perhaps be got in Innisfil if applied in time, besides, that two baking kettles with which they may bake their bread by exchange.

Should I trust the conversation of Mr. Young with which he declared to me confidentially that he feels indifferent what I report as he has the favor of your Excellency thus far that he defy me in my report. I think I have reported rather more than it is easy to prove that Mr. Young is neither a suitable nor a profitable Agent in Nottawasauga.

I would have some other things to relate yet, but amongst all, I cannot conceal what happened the same night I was on the place. This I can prove with those creditable persons with me that the staple of the provision house was broke, the key left in the lock and fresh coals which fell from the flambeaus in the night, found in the store, what had those to do, this is suspicious to me. I believe that provisions are stolen out and finally all laid upon the dutch—could not in this way the fire spread and burn down the whole concern.

Thursday morning I hurried to return, leaving Nottawasauga we arrived safely at Mr. Warwicke on Friday evening at eleven o'clock A. M.

I preached and had service, baptised three children—after dinner we left Innisfil, came out through a shocking dirt to Mr. Evans in West Guillimbury—Saturday I appeared in Vaughan—Sunday evening reached my house in Markham—my labour in this concern I reckon ten days, received towards my expenses five pounds from Mr. Young for which I gave receipt.

With duty bound, I remain,

Your Excellency's most ob't humble srv't.

V. PHILIPS MAYERHOFFER.

Missionary of Markham, &c.

K

No. 44.

Copy.

EMIGRANT OFFICE,
9th April, 1835.

SIR,

I am directed by the Lieutenant Governor to state, in reply to your letter of the 3d inst., that the widow Cornell and her children are to be subsisted until they can be removed. If the children are old enough to be placed at service, perhaps the Rev. Mr. Meyerhoffer could obtain places for them.

His Excellency will authorize the repairing of the road leading from the Sunnidale road to your settlement, provided the expense does not exceed one hundred pound. You may also chop 20 or 30 acres on the lots you mention, but His Excellency has instructed me to say that he is anxious, that you should get as many acres into spring crop as possible, and that you should employ the people under your charge in clearing and fencing the land already chopped.

You are also authorised by His Excellency to purchase a quantity of seed potatoes and corn for the settlers upon the five acre lots, but you are not to give more than five bushels of potatoes and a peck of seed corn to each family.

As I am called upon by His Excellency to make up my accounts quarterly, it is not in my power to make any further advances until I receive your vouchers.

Signed, A. B. HAWKE.

MR. H. C. YOUNG.

No. 45.

NATTAWASAUGA, 27*th May*, 1835.

DEAR SIR:

As I am indebted to Mr. Thomas I. Thompson for the articles purchased, and various services performed on account of the settlement, and as he is very urgent for to get some money to settle a very pressing demand, I have this day drawn on you for £20 currency.

As I am now making up my vouchers to send in, I hope it will not be inconvenint to advance the above amount for a short time, and it will prevent an execution falling on the goods of the person to whom Mr. Thompson to pay over the draft.

I am,
Dear Sir,
Yours very truly,
H. C. YOUNG.

ANTHONY B. HAWKE, ESQ.

No. 46.

EMIGRANT OFFICE,
Toronto, June 15th 1835.

SIR,

In obedience to the commands of the Lieut-Governor, I visited the indigent settlers located last autumn on five acres each, in the township of Natta-

wasauga. The number of families forwarded was 52—consisting of nearly 300 persons, of this number 45 families are living on their respective allotments, and have been employed up to this period in clearing land belonging to the Crown.

With few exceptions they have earned not only sufficient to maintain themselves and families, but have on an average cleared three acres each on their grants.

Finding that they could not obtain seed to till the land they had cleared, in consequence of their poverty and their being 30 miles from any settlement in which it could be procured. I authorived the Agent-Mr. Young, to furnish each family with sufficient seed potatoes and Indian corn to plant their respective clearances.

The object in sending these persons to this township was two-fold—1st. to ascertain whether indigent settlers who were unable to obtina work in consequence of their arriving late in the season could be profitably employed in clearing& chopping land at the at the Government expense—& 2d.to form such a nucleus in a new & remote township, as would lead to its settlement.—As to the first I would beg leave to remark, that, in consequence of the lateness of the season when the experiment commenced last year, the Agent had to encounter a great many difficulties. These, in myopinion, are now principally surmounted. The settlers have chopped 130 acres of land for the Government, and are now employed in logging it preparatory to tillage. These improved lots will form a very desirable location for settlers of a better class, who may be able to pay for the improvements, and the money thus obtained may be applied to an extention of the system, or in the event of their not being disposed of, they can be cropped, and the produce applied to a similar purpose. I do not think that the whole amount expended will be repaid, but I am of opinion that the increased value given to the Crown Lands in the township, will make up for any deficiency.

With regard to the second object, viz: the settlement of the township, I am of opinion that it cannot fail of having the desired effect.

Already the attention of settlers is directed to the township, and there is every probability of its leading to the immediate settlement of the lands lying between the lakes Simcoe and Huron. The first communication by means of a road between these Lakes was contracted for last spring, and only completed in September. The quality of the land, immediately along the road, is very inferior, but the communication is one of great political importance to the Province, & in order to keep it open & to settle the adjacent lands, it is absolutely necessary to offer such advantages to the first settlers as may induce them to take up lands on the routes in question.

If the countenance of the Government were withdrawn from the settlement at the present moment, I am apprehensive that a large proportion of the settlers would be obliged to abandon their lands.

I have the honor to be,

&c. &c. &c.

A. B. HAWKE.

COL. ROWAN,
Civil Secretary.

No. 47.

Copy.

EMIGRANT OFFICE,
Toronto, June 15th, 1835.

SIR,

Having been directed by the Lieut. Covernor to investigate the charges made by Mr. Hewson against Mr. Young, I beg to state, for His Excellency's information, that on my arrival at Barrie I called on Mr. Hewson to afford him an opportunity to prove the charges made by him in the accompanying letter. The charges brought by Mr. Hewson against Mr. Young, in the second paragraph of his letter, are that he was encouraged to provide teams to transport Government stores, and that after having done so, Mr. Young refused to employ him and has withheld payment for services so rendered; that Mr. Young has grossly insulted him; and Mr. Hewson asserts that he was thus ill-treated because he would not consent to bribe Mr. Young. Although it does not appear that Mr. Hewson has incurred any additional expenses in providing teams, or that he has any particular claim to be employed in preference to others; he has nevertheless received a large amount for teaming since Mr. Young has been entrusted with the management of the settlement than has been paid for similar services to all others. Mr. Hewson asserts that there is still money due him for services performed, while Mr. Young contends that he has been paid in full; but that if Mr. Hewson can prove the contrary he will allow it. The accusations as to insult and bribery are supported by Mr. Hewson's assertions only, and are positively denied by Mr. Young. These charges, therefore, appear unfounded.

Mr. Hewson has also charged Mr. Young with permitting a shameful waste of the provisions in his possession, und unpardonable neglect of duty, and also of employing a ruffianly set of drunkards, and Mr. Ritchie and a person named Gellespie was referred to in support of the charges.

Mr. Ritchie being absent I called on Gellespie and a person named Gilchrist, who I was given to understand could corroborate the correctness of the above charges, and also prove Mr. Hewson's verbal assertions, that Mr. Young was a very dissipated character.

It was admitted on all hands and by none more readily than Mr. Young himself—that in consequence of the provisions having been stored in the government building before it was finished, that they were liable to be pilfered; but it does not appear that such has been the case to any extent, or that Mr. Young could get the store house finished at an earlier date; neither was proof adduced that Mr. Young has been guilty of neglecting his duty, or that with the exception of a man named Kennedy that he has employed any person who could be designated a ruffian or a drunkard.

I would beg to add that from the lateness of the season Mr. Young has had many difficulties to encounter, and that under all circumstances, I am of opinion that not a single charge affecting his sobriety, integrity or zeal has been established.

I am,

(Signed,) A. B. HAWKE.

COL. ROWAN,
Civil Secretary.

No. 48.

NOTTAWASAUGA, 20*th June*, 1835.

SIR:

Herewith you will receive my accounts and vouchers made up to the 30th May inclusive. By the account current you will perceive there is a balance due me amounting to £454 4 11.

I have thus drawn on you for £200 in favour of Alex. Walker at sight, and also in favor of Dr. Arch'd Pass for £31 13 11 the amount of this voucher. As both of these persons are a little in want of money, I hope my drawing on such short notice may not be found inconvenient. The balance I will draw for as it may be required. Messrs. Thompson's are busily employed logging the land as directed by you. I shall have the pleasure of writing you more fully upon the business of the settlement generally in a few days.

I have the honour, &c.
H. C. YOUNG.

ANTHONY B. HAWKE, Esq.

No. 49.

EMIGRANT OFFICE,
Toronto, 6*th July*, 1835.

Copy.

SIR:

I am under the necessity of returning the enclosed vouchers "*as per account*,"—the accounts must be produced, or the items inserted. With reference to the vouchers for provisions, you will please to give the items also, and to state in a letter accompanying the vouchers that the amount was furnished in consequence of instructions received from the Lieutenant Governor not to permit any of the persons under your charge to suffer want. This letter and the vouchers I will submit to His Excellency for his information and sanction.

I beg again to observe that I cannot accept of any orders for money under any circumstances. The moment your accounts are inspected and audited, and I obtain the warrant, the balance due to you shall be placed to your credit.

I have the honor, &c.
(Signed) A. B. HAWKE.

Mr. H. C. YOUNG.

List of vouchers returned.

Malcolm Bell	£21	14	16
Nicholas Lonsinsleyer	7	19	5
Christian Kinder	9	15	3
Jacob Foura	5	11	2
Conrad Schualin	11	2	2
Yorick Clippert	11	3	4
Christn. Bower	20	17	1
Fred. Murtz	5	14	0
Christn. Fuder	8	9	1
Widow Currie	8	4	6
David Jardine	12	11	1
S. M. Sandford	6	1	4
Ross & Caldwell	7	0	3

No. 50.

COMMISSIONER OF CROWN LANDS OFFICE,
TORONTO, 9*th July*, 1835.

SIR:

I have the honor to inform you by the direction of the Lieutenant Governor, that as your services are not required at Sunnidale, you are to proceed forthwith to the townships of Thora and Eldon for the purpose of superintending the opening of a road through these townships.

The proposed line of road as laid down by Mr. Smith, Deputy Surveyor, commences at the Talbot River in the 10th Concession of Thora, and terminates at Balsam Lake, a distance of about 15 miles.

As it is His Excellency's intention to visit that part of the Province, early in August, you are directed to enter into as many contracts with different persons as may enable you to complete the road by the 30th inst. and also to build two comfortable log houses, one at the commencement, and the other at the termination of the intended road.

You are also instructed and authorised to contract for building bridges across the creeks and ravines that intersect the line of road, as well as to causeway such parts of it as may be necessary.

The road is to be a common sleigh road about 16 feet wide, and the expense has been estimated at £3 per mile, exclusive of the bridges and causeways. I would beg to observe that you are not confined to the exact line of road laid down by Mr. Smith, but that you are at liberty to deviate from it whenever the nature of the ground may make it necessary for you to do so.

I have the honor to be,
Sir,
Your most obed't. humble Serv't.
PETER ROBINSON.

Mr. WELLESLA RITCHIE.

No. 51.

EMIGRANT OFFICE,
TORONTO, 6*th August* 1835.

(Copy)

SIR:

The bearer Nathaniel Willing having made improvements upon a lot of land in Vespra which has been deeded to Capt. Gardiner, and as Capt. G. is not disposed to surrender the Deed unless he obtains a grant for two lots in Gainsborough in lieu of it, I am directed by the Lieut Governor to inform you that as he cannot comply with Capt. Gardiners proposition and as he considers Willing's case a very hard one, that he will authorize his location upon one of the improved 100 acre lots in Sunnidale or Nottawasnuga, you will therefore please to give him a list of the improved lots belonging to the Crown to enable him to select one. When he has chosen a lot you will send me a description of it and state the extent of the improvement upon it, as it is His Excellency's wish that he should be fully compensated for the loss he has sustained.

(Signed) A. B. HAWKE.

Mr. H. C. YOUNG.

No. 52.

Nottawasauga, 14*th August* 1835.

Sir:

As the Government wheat in Sunnidale will be ready to cut in about a week. I have made arrangements for having it harvested. Messrs Thompsom have offered the use of their barn for thrashing it upon being allowed the straw. If you think this a reasonable consideration. I will upon hearing from you accept their offer. I would have erected a shed near the fields for this purpose, but I have been deterred by a fear that the property would not be secure, the wheat is generally of a good quality but thin upon the ground, and I do not anticipate a return of more than 270 bushels after deducting the threshers toll about 100 bushels will be required for seed in Nottawasauga which will have a surplus of about 170 bushels which I shall be happy to learn how His Excellency would wish to have disposed of, and whether it will be considered most advantageous to have it all threshed out at present, or to leave the surplus until winter. The expense of harvesting it, will be considerable owing to the distance of the field from the Barn I shall however do it in the most economical way.

The settlers are all busily engaged logging and I have no doubt but I will be able to get 100 acres into fall wheat, Messrs Thompsons have finished the work they undertook in a very satisfactory manner. These are 14½ acres under spring crop viz: 11 acres oats 2 acres potatoes and 1½ acres turnips. The spring crops are backward owing to the season at which they were sown and great return cannot be reasonably looked for, since my return I have got two Dutch families sent away, all the men have gone away in search of work, on their return I will endeavor to get them sent away with their wives and families, owing to their absence I have not been able to get their vouchers sent in as I intended.

There are about 5 acres of land chopt in Sunnidale, chopt last year which will run waste if not logged off soon, as there are several settlers they are in a very destitute situation, I shall feel happy to learn if His Excellency would have any objection to have it prepared for fall wheat, in order to give them a little employment, I have no doubt but the crop will ultimately defray the expense. I shall attend to your instruction regarding Anthony Martin although I am afraid he is not capable of doing much work.

I have the honor to be
Sir
Your most ob't.
H. C. YOUNG.

Anthony B. Hawke, Esq.

No. 53.

Emigrant Office,
Toronto, 20*th August* 1835.

(Copy)

Sir:

I beg to acknowledge the receipt of your letter of the 14th inst. and to acquaint you that I approve of your arrangements for the harvesting and threshing of the wheat in Sunnidale.

From your estimate it would appear that after deducting for the threshing and the seed required to sow the land cleared in Nottawasauga, that there will be 170 bushels of wheat at the disposal of the government, as it is desirable to afford the indigent settlers located on the 5 acre grants, such assistance as may enable them to supply themselves and families, you are at liberty to lend each head of a family sufficient seed wheat to sow from one to three acres according to the quantity of land he may have cleared. As the land chopped in Sunnidale is of very inferior quality, I do not think it desirable to log and fence the 5 acres you mention.

To enable you to meet the current expenses at your agency, you are at liberty to draw for salary to the 31st inst. and also for the sum of £50 currency in advance.

I am directed by the Lt. Govr. to transmit Patrick Bertles memorial & to request, that you will return it this office as soon as possible with such explinations in reply to the charges brought against you as you may think necessary.

I am &c. &c.
A. B. HAWKE.

H. C. Young.

No. 54.

Emigrant Office,
Toronto, 25*th August* 1835.

(Copy)

Sir:

I am directed by the Lieut. Governor to state in reply to your letter of the 3rd. inst. that His Excellency is surprised to learn that the road lately opened through Thora and Eldon should require a large additional outlay to make it passable. It appears from your statement that there is a Cedar Swamp in the township of Thora from lot No.6 to lot No. 1 in the Township of Eldon "which it will be necessary to causeway the greater part of the distance" and that there is another swamp in Eldon through which the road runs which will also require 80 rods of causeway to render it passable.

His Excellency understood from Mr. Smith's report as well as from your representation that the line of Road passed through land highly favorable, and under these circumstances he was induced to sanction the route in question in preference to the more direct one; but as it does not appear that any advantage has been gained by the departure, it is His Excellency's wish, that Mr. Smith should accompany you and inspect the land lying between the present road and the Talbot River, and report to him on the subject, as it is desireable to have the road, as direct from its commencement at the Talbot River in the 10th concession of Thora to the Balsam Lake as possible.

You do not state in your letter the number of rods of causeway which you consider necessary to make the road good between the 6th Concession of Thora and the 1st Concession of Eldon, or the rate per rod. You will therefore supply these omissions at your earliest convenience.

I have the honour to be, Sir,
Your most obedient,
Humble Servant,
(Signed) A. B. HAWKE.

To Mr. Wellesly Ritchie.

No. 55.

NOTTAWASAUGA, 31*st August*, 1835.

SIR:

Nathaniel Willing has examined the improved Lots in this township, and has fixed on Lot No. 24 in the 9th Concession

The above is a superior lot of land. On the half which he has chosen there is as near as I can calculate 13 acres chopt and about 8 logged; no part of it is yet fenced. This lot can be divided at a less sacrifice than any other, as the clearance extends across the whole length of the lots fronting Hurontario Street. It is well watered.

I am, &c.

Your obed't Servant,

H. C. YOUNG.

ANTHONY B. HAWKE.

No. 34.

SUNNIDALE, 31*th August*, 1835.

SIR,

I have the honour to acknowledge the receipt of your letter of 20th inst. and I shall be guided by the instructions therein contained, and shall write more fully in the course of a few days.

For your permission to draw for the amount of my salary to the 31st inst., and for £50 Currency in advance I feel much obliged, and as I owe W. B. Robinson, Esq, £62 10, being the amount of 50 barrels of flour I purchased from him. I have drawn in his favor for that amount dated 1st ult. at sight. With regard to the charge brought against me by Patrick Bertles, I trust without much delay to be able to send you a satisfactory refutation of the whole.—Michael O'Connor, late a soldier in the 66th regiment, discharged on account of a wound and a commuted pensioner, has urged me to make application to the government to obtain a little assistance for him; he has a family and is at present in bad health; his oldest son while at work under Mr. Ritchie cutting the road to the Balsam Lake received a severe wound accidentally by a stroke from an axe, and their is little probability of him being able to resume work for a considerable length of time. O'Connor describes his situation as being very destitute at present, which I believe to be the case and would recommend him to the favorable consideration of His Excellency.

I am, &c.

H. C. YOUNG.

ANTHONY B. HAWKE, Esq.

No. 57.

Copy.

We, the subscribers, settlers in the township of Nottawasauga, under the superintendance of Mr. H. C. Young do herby declare.

1st. That we never at any time requested or authorized Patrick Bertles, late in his service, to lay before His Excellency the Lieutenant Governor any statement of grievances whatsoever.

That we never were required by threats or other inducements to sign vouchers for articles we never received, nor did the article of Potatoes form an item in any voucher when signed by us.

3rd. That we never found Mr. Young negligent in attending to the business of his agency, or to confide it to other persons, with the exception of his servant for the time being, and then only in serving out provisions or other minor offices.

4th. That so far from Mr. Young acting in a tyrannical or despotic way towards us, he has ever shown a disposition to promote our comfort and welfare to the utmost of his power.

5th. That we never suffered want or privations of any sort, excepting on one occasion, when we believe it was not in Mr. Young's power to prevent it, and then only in so trifling a degree that we never thought it of sufficient consequence to make a complaint to him upon the subject.

6th. That we never found Mr. Young addicted to profane swearing. And whereas, there is no magistrate residing within eleven miles of the settlement before whom we can make affidavit of the truth of the above declarations, we hereby express our willingness to do so whenever the same shall be considered necessary.

Signed by the following persons.

Angus Campbell,	Archibald Currie,
Alex. Compbell,	Arch'd Adam,
George Campbell,	John Adam,
Andrew Jardine,	Arch'd McCalman,
David Jardine,	Malcolm Currie,
William Dallas,	Dugald McDuffe,
Niel McEwen,	Duncan McNab,
Arch'd McEwen,	John McQueen,
Malcolm McEwen,	Malcolm Bell,
John McFadgen, Senr,	Peter Hayman,
John McFadgen, Jun'r.	Donald Morrison,
Arch'd McFadgen,	John McDearmid,
Niel McFadgen,	Dugald McDearmid,
Arch'd McGilveary,	Alex. Campbell,
Duncan McGilveary,	Duncan McNab, Sen'r.
Alex. Livingstone.	

We do hereby certify that the above declarations have been signed by the head of every family at present in the settlement, with the exception of one who has not been asked, and that no unfair means have been used to obtain the above signatures.

(Signed) DONALD MORRISON.
PETER HAYMAN.

Nottawasauga, 3*rd Sept.* 1835.

No. 58.

Copy.

EMIGRANT OFFCE,

Toronto, 1*st Oct.*, 1835.

SIR,

I beg to acknowledge the receipt of your letter of the 22d ult., and accompanying vouchers.

I am directed by the Lieutenant Governor to request that you will make up your accounts to the 15th inst., and transmit them to this office, with a statement shewing the extent of the improvement made at your agency. To enable you to ascertain

the exact quantity of land chopped and cleared by the indigent settlers under your charge. I have directed Mr. Robert Ross to proceed immediately to Nattawasauga for the purpose of measuring the land. In order to afford His Excellency every information relative to the affairs of your agency, you had better bring your accounts to Toronto, and as it is of importance that no delay should take place in putting in the fall wheat, you will please to request Mr. Thompson to take charge of the settlement during your absence.

I have the honor,
&c. &c.
A. B. HAWKE.

Mr. H. C. Young.

No. 59:

Toronto, 6th Nov., 1835.

Sir,

I have the honour to transmit you herewith my account current, for the information of the Lieutenant Governor, shewing the disbursements incurred in subsisting, locating and employing indigent emigrants in Nattawasauga, amounting to the sum of £760 10 11, currency, which includes all the demands against the Goverment, at my agency, up to this date except the following:

A. Martin, - - - £11 15 5
D. Ross about - - 7 0 0

I shall endeavour to obtain their vouchers on my return to Nattawasauga.

In endeavouring to carry His Excellency's benevolent intentions into effect, I have made it my study to avoid all unnecessary expense as far as consistent with his instructions not to allow any of these settlers to suffer want, and you will perceive, with the exception of the provisions to the Dutch settlers, that the expense incurred for subsistence is very trifling.

The number of indigent settlers forwarded to Nattawasauga amounted to 320, a number of these have since found employment in the adjoining townships; and finding the Dutch settlers likely to become a permanent incumbrance, I have succeeded in getting rid of them except two or three families which still remain in the township.

By the annexed return it will be found that the settlers under my charge have cleared, and fit for chopping, 136 acres, and chopped 20, which will be logged up and framed in the spring.

The number of families located on five acre lots amounts at present to 35, & I am happy to say they have cleared from three to five acres on their respective Lots, which by the bounty of His Excellency they were enabled to plant with potatoes last spring, and I am of opinion their crops will not fall short of 10,000 bushels; many of the more industrious have also saved enough to purchase a cow and in some instances two; and as I have been directed to furnish them with sufficient seed wheat to sow their potatoe land this fall, I think there can be little doubt of their being enabled to subsist themselves and families in future, without any further assistance from Government, and that these settlers will form a nucleus which will lead to the settlement of the township.

The wheat sown last fall in Sunnidale has been harvested this season, and the crop will produce about 240 bushels; out of this, nearly 100 bushels will be required to sow the land cleared in Nattawasauga, and the remainder will be distributed among the indigent settlers pursuant to His Excellency's instructions to enable them to till their five acre lots.

I would also beg leave to call your attention to the unpleasant situation I am placed in, by being personally liable to every individual named in my account, and to urge earnestly but respectfully, that funds may be placed at my disposal to enable me to liquidate the same.

I have the honor to be,
Sir,
Your most obedient
Humble servant,
H. C. YOUNG.

Col. Rowan.

Number of Emigrants settled on Five Acre Lots in the Township of Nattawasauga, Jan. 1, 1835.

Names of the heads of families.	Number of persons in each family.
Martin,	2
Andrew Jardine,	4
David Jardine,	3
William Dallas,	4
Angus Campbell,	6
Neil McEwen,	4
Archie McEwan,	2
John Currie,	7
John Adair,	5
Malcom Bell,	11
Andrew Lawler,	5
Duncan McNab,	5
——— Livingston,	1
John Bertles,	11
Archibald Currie,	4
John McGillivray,	6
Michael Currie,	3
John McDearmid,	4
Christopher Fader,	5
——— Lautenslager,	4
Adam Mentz,	2
E. Kender,	4
Jacob Fourro,	3
Conrad Schnalm,	5
——— Clippert,	1
Gundaloupe Simps,	3
Johan Tur,	2
Philip Fader,	2
Henry Irtle,	4
Christian Bomar,	7
Widow Biron,	4
Widow Meman,	4
Widow Kenuf,	3
33 Families in all.	140 persons.

Michael Barrett, Assistant to H. C. Young, Esq. Superintendant of Emigrants.

NOTTAWASAGA, October 15, 1835.

RETURN of Lands Chopped, Cleared, &c., to this date in this Township.

Lot and Concession.	No. of acres chopped.	Quantity Returned.	Date of Return.	By whom chopped.	How much of the same clear.	Quantity returned.	Date of return.	By whom cleared.	Remarks.
Lot Con.	A. R. P.	A. R. P.	1835		A. R. P.	A. R. P.	1835		
25 in the 6	13 1 20	3	Feb. 18	A. M'Alinon.....	5	5	July.	T. J. Thompson	1 acre, 2 rods sowed with turnip—remainder with fall wheat.
		5	May 20	"	8 1 20	8 1 20	Sept. 15	A. M'Almon...	
		5 1 20	Sept. 15	"					
Total	13 1 20	13 1 20			13 1 20	13 1 20			
24 7	14 3	6	Feb. 18	John Battles.....	14 3	14 3	Sept.	T. J. Thompson	12½ acres sown with oats, 2 acres with potatoes.
		8	May 30	"					
		3	Sept. 15	"					
	9 3 4	9 1	May 30	M'Gilary.....	9 3 4	8 1	Sept. 15	M'Gilvray..	All to be sown with fall wheat.
		2 4	Oct. 15	"		1 3 4	Oct. 15		
Total	24 2 4	24 2 4			24 2 4	24 2 4			
24 9	6 1 38	6 1 38	May 30	Angus Campbell....	6 1 38	6 1 38	May 30	A. Campbell...	
	1 24	1	"	A. Currie.....	.....	.....		.....	
		24	Oct. 15	"	.....	.....		.....	
	3 22	2 3	May 30	D. M'Nab.....	3 22	3	Sept. 15	D. M'Nab...	
	3 14	1 22	Oct. 15			1 8	Oct. 15		Located by Mr. Willan.
		1	May 30	A. Lawler.....	3 14	.....		.....	
	11 2 4	10	Feb. 18	John M'Dermid	11 2 4	10 0 30	Sept. 15	M'Dermid...	
		1 2 4	Oct. 15			1 1 14	Oct. 15		
	5 3 30	6 1	May 30	M. Bell.....	5 3 30	6 2	Sept. 15	A. Livingston..	
Total	29 12	29 2 8			27 3 28	28 2 10			
26 in the 9	9 3 1	4 2	Feb. 18	J. M'Fadyen...	9 3 1	10 10	Sept. 15	J. M'Fadyen....	The deficiency charged to his account.
		5 2	May 30						
	8 1 30	8 1	May 30	John Adair.....	8 1 30	8 2	" "	John Adair....	The same.
		1	Sept. 16						Ready for fall wheat.
Total	18 31	18 2			18 31	18 2 10			
27 in the 9	6 3 10	6 2	May 30	Angus Campbell	6 3 10	6 2	Sept. 15	A. Campbell..	
		1 10	Oct. 15	.....		1 10	Oct. 15		
	9 3 36	10	May 30	P. Hayman.....	9 3 36	10 2	Sep. 15	P. Hayman....	The deficiency deductedfromhis clearing on lot 24—10th.
		1	Sept. 15						
	2 3 3	3	May 30	D. M'Nab.....	2 3 3	3 1 20		D. M'Nab.....	The deficiency deducted from his clearing on lot 24—8th.
	1 9	1	" "	A. Lamber.....	.....	.....		.....	
	2 9	2 9	Feb. 18	M'Gilvery.....	.....	.....		.....	19 A. ready for f.w.
Total	22 2 27	23 3 19			19 3 9	20 2 30			
26 in the 8	17 8	4 2	Feb. 18	Neil M'Ewen..	17 8	18	Sept. 15	M'Ewen.....	The deficiency charged to his account.
		13 2 0	May 30						
	3 1	3 1	Oct. 16	J. M'Dermid.....	3 1	3 1	Oct. 15	M'Dermid.....	This lot located to Messrs. Thompson
Total	17 3 9	18 3 1			17 2 9	18 3 1			
27 8	5 1 14	5	Feb. 18	J. M'Dermid...	5 1 14	6 30	Sept. 15	M'Dermid.....	The deficiency charged to his clearing on lot 24—9th.
		1 1 20	Sept. 15						
	2 3 26	1 1	May 30	M. Bell.....	2 3 26	3 1	.....	A. Livingston..	About 8 acres ready for fall wheat.
		2	Sept. 15	A. Livingston....					
	2 1	1	May 30		.....	.....	.....	.....	
				D. M'Dufie.....					
		1 1	Oct. 15						About 20 acres partly cleared by T. J. Thompson will be ready for a spring crop.
	6 2 23	3 3	May 30		.....	.....	.....	.....	
				A. Jardine.....					
		2 3 23	Oct. 15						
Total	17 23	18 2 3			8 1	9 1 30			
24 10	14 1 26	6	Feb. 18	P. Hagman....	7	7	Oct. 15	P. Hayman....	The remainder to be got ready for a spring crop
		6	May 30						
		2 1 26	Oct. 15						
Total	14 1 26	14 1 26			7	7			

	Acres.	*Roods.*	*Perches.*
The whole number of Acres cleared is.....	136	2	21
And of Acres chopped but not cleared.....	20	1	11

No. 60.

Township of Thora, 12*th Nov.* 1835.

We whose names are hereunto subscribed do certify that we have carefully examined the under mentioned work contracted for to be done in the townships of Thora, Eldon (& that lately surveyed by Mr. Huston) by Richard Titus Wilson with Wellesly Ritchie Esquire on the part of the government viz: A road cut and levelled about sixteen feet wide, so as to admit of the passage of sleighs and waggons, from the Talbot River in the township of Thora to Balsam Lake, the causewaying laid on string pieces, the high causeways with butments & string pieces as also the bridges over the creeks and ravines and the House at the Talbot river and the one at Balsam Lake, all of which we have found to be performed in a workmanlike manner and in strict conformity to Mr. Ritchie's letter of instructions.

We further beg to observe that the only fault we could find is, that there is still some additional causeways necessary! having discovered several mud holes, that require to be finished off on the line of road.

To the Commissioner of Crown Lands for the information of His Excellency the Lieut. Governor.

A true copy. John Fletcher,
Wm. Soles,
Ezra Parker,
L. M. Cameron, Lt. H. Pay.

P.S. We likewise certify that to the best of our judgment and belief all the above work has been done at the lowest possible rate, and that none of us would take the contract at so low a price.

(Signed) John Fletcher,
William Soles,
Ezra A. Parker,

A true copy. L. M. Cameron, Lt. H. P.

No. 61.

Emigrant Office,
Toronto, 13*th Nov.* 1835.

(Copy)

Sir:

I have the honor to acknowledge the receipt of your letter of the 6th inst. addressed to Col. Rowan for the information of the Lieut. Governor, and also your account current against the government for disbursements made in the township of Nottawasauga both of which have been submitted to His Excellency to enable you to pay the individuals to whom you are indebted. His Excellency has been pleased to issue his warrant for the amount of your account previous to inspection and audit, and I beg to transmit to you herewith the Hon. Peter Robinson's cheque on the Bank of Upper Canada for £760 10 11. currency. As the expenses incurred in Sunnidale and Nottawasauga have been greater than was anticipated, and as it appears from your report that the settlers will in future be able to subsist themselves without any further assistance from the government, I am directed by His Excellency to inform you that after the land cleared has been tilled and fenced in, no further expenditure can be authorized in that Township, in subsisting and employing indigent emigrants.

I am also directed by His Excellency to convey to you the expression of his thanks for the zeal which you have displayed in the discharge of the arduous duties of your situation.

I have the honor to be
&c.
(Signed) A. B. HAWKE.

Mr. H. C. Young.

No. 62.

Received 20th Feb. 1836.

Toronto, 15*th Feb.* 1836.

Sir:

I have the honor for the information of the Lieut. Governor to state that in the month of September 1835, I was directed by His Excellency Sir John Colborne to proceed to Nottawasaga with instructions to examine that Township and to select a certain number of lots, for the purpose of trying the experiment how far Indigent emigrants could be employed with advantage in clearing, fencing and chopping land at the expense of the government.

In accordance with His Excellency's commands I made choice of such lots as I considered best adapted for that purpose, and in consequence of instructions conveyed to me through Anthony B. Hawke Esq. Emigrant Agent, I proceeded to cut a road into the Township to the place chosen for location.

Nearly 400 emigrants were forwarded at the expense of the government whom I located on lots of 5 acres to each family, which they are to continue in possession of as long as they remain in the township, & having erected shanties for their accommodation, I commenced operations by putting them to work on the lots selected.

With the exception of 16 German families who were quite unacquainted with the English language and who I never could induce to work, I found all the other emigrants for the most part industriously disposed, & although they proceeded slowly at first, owing to their being unused to that description of labor, they progressively improved, and have performed nearly as much work as might under the circumstances have been expected.

The whole amount of improvements made by these emigrants amounts to 131 acres cleared and fenced, 66 of which were sown with wheat last Fall and 20 acres chopped, which may be logged and fenced and put in crop next spring provided the season be favorable.

I was instructed last spring to supply each family with sufficient seed potatoes to plant on the land cleared on their 5 acre lots, and last fall they were supplied with seed wheat from the crop raised on account of the Government in Sunnidale, to sow their potatoe land, and as many of the more industrious have been enabled to purchase cows, I am in hopes with a few exceptions they will be able to subsist without any further assisance from the government.

In consequence of receiving intimation that it was the wish of His Excellency Sir John Colborne to close the business in Nottawasauga on the 31st day of last month. I have now the honor for the infor-

mation of the Lieut. Governor herewith to transmit you my account current up to the 13th inst. by which you will perceive there is a balance due me amounting to the sum of £217 18 11 C'y which includes all claims against the government at my agency that I am aware of, should however any thing yet remain unsettled I feel satisfied the amount will be very trifling.

I have the honor to be
Sir
Your most ob't
Humble servant,
H. C. YOUNG.

JOHN JOSEPH Esq.
Civil Secretary.

No. 63.

EMIGRANT OFFICE,
Toronto, 29th Feb'y. 1836.

SIR,

It having been stated to the Committee now sitting to investigate the complaints made by certain emigrants located in Nottawasauga, that the Agent employed by the Government to superintend the settlement, have neglected their duty, I beg to transmit to you herewith a copy of my letter addressed to you by the direction of the late Lieutenant Governor on the *2d September last, 1834, to enable you to show what assistance you rendered to Mr. Young in obedience to the instructions therein contained, as well as in what manner you were employed when absent from the settlement in Nattawasauga.

Signed, A. B. HAWKE.

Mr. WELLESLEY RITCHIE.

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*N. B. A copy of my letter of 2d September. inclosed.

Memorandum.

No answer has been returned by Mr. Ritchie to this letter.

A. B. HAWKE.

No. 64.

HOME DISTRICT, TO WIT. } Personally appeared before me, Lewis R. Algeo, Esq. one of His Majesty's Justices of the Peace for the said District, Wellesley Ritchie, who being duly sworn maketh oath and saith, that about the beginning of the month of February last, Alexander Walker stated to him, the said Wellesley Ritchie, that having applied to H. C. Young for some empty barrels he found, in one of the barrels supposed to be empty, some pounds of pork, this he stated to Wellesly Ritchie to show the negligence of Young—also stated Young's neglect of his business, and often knew him to be incapable of attending to his business from the effects of liquor, and further the said Wellesley Ritchie never interfered or spoke to the said Alexander Walker respecting prices to be charged for teaming.

WELLESLEY RITCHIE.

Sworn before me this 9th day of March, 1836.
LEWIS R ALGEO, J. P.

No. 65.

Received 12th March, 1836.

EXECUTIVE COUNCIL OFFICE,
Toronto, 12th March, 1836.

SIR,

I have the honour to acknowledge the receipt of your letter of the 11th inst., with a copy of an address from the House of Assembly of the 26th ult., respecting emigrant settlers in Nottawasauga under the direction of Mr. Hawke.

In reply, I beg leave to state, that nothing relative thereto is known in this office.

I have the honor to be,
Sir,
Your obedient serv't,
JOHN BEIKIE.
Clerk Executive Council.

JOHN JOSEPH, ESQ.
Civil Secretary.

No. 66.

BARRIE, 14th March, 1836.

DEAR SIR:

The summons sent me to appear before the Committee on Monday I did not receive before that evening and of course could not attend. I understand another was issued for to-day, which has not come to hand. I, however, embrace the opportunity of Mr. Oliver's going to Toronto to send a certificate of the state I found the settlers when I visited them, which you may lay before the committee if you think proper. In haste.

Yours truly,
ARCHIBALD PASS.

H. C. YOUNG, ESQ.

Having been called, on the 19th of February, 1835, to visit the Dutch settlers in Nottawasauga, I found a number of the women and children laboring under inflamatory fever; several of the children were also deprived of sight from severe inflamation of their eyes. Three of the settlers had died previous to my arrival, and from what I could learn from their friends, they laboured under the same complaint. No post mortem examination would be permitted by their relatives, although repeatedly urged to allow it to be done both by myself and Mr. Barrett, (Mr. Young's assistant at the time.) I consider their complaints to have originated from fatigue and exposure of cold.

ARCHIBALD PASS, C. M.

Barrie, 14th March, 1836,

No. 67.

Copy.

EMIGRANT OFFICE,
Toronto, 19th March, 1836.

SIR,

I have the honour to submit for the Lieutenant Governor's information, a letter from Mr. Thomas I.

Thompson, the person who had charge of the Government property in Nottawasauga.

It appears from Mr. Thompson's statement that there are sixty-six acres of wheat (sown last fall) belonging to the Government in that township, and thirty-six acres of land, upon which the timber has been chopped at the Government expense.

I would beg to observe unless that which has been cleared is seeded down with grass seed, that in course of two or three years, from the rapid growth of Young timber, commonly called underbrush, it will be attended with nearly as much expense to bring it into cultivation as an equal quantity of forest land; and that it is still more difficult and expensive to reclaim land which has been chopped, if the sea-second growth of wood be permitted to spring up.

I beg therefore to recommend that the indigent emigrants who were sent to Nottawasauga in 1834 and 35, and who are greatly in want of work at present, may be employed to log, fence, and put into crop the 36 acres of land above mentioned; and also to seed down with Timothy grass-seed the whole of the 102 acres of land which has been cleared by the Government. The wheat as well as the spring crop will have to be harvested and thrashed next fall.

As there is no prospect of obtaining any returns either from the sale of the cleared lands or of the crops, which will justify any further outlay by the Government in Nottawasauga, it would be well to state distinctly that the Government does not intend to give any further employment after the work now in progress is finished, so that the settlers who may locate in the township may be informed that they must depend upon their own resources, and not as heretofore look to the Government for assistance. Should this suggestion meet with His Excellency's approbation, I beg that I may be authorised to issue a notice to that effect. I have annexed a statement shewing the probable expense which will be incurred in completing the work on the Government clearings. And as Mr. Thompson has been in charge of the settlement, I beg to recommend that he may be employed to superintend the work, and that he may be paid for this 3s 9d a day, currency, until it is finished.

In order to give His Excellency all the information in my power, I also annex a copy of my report to Sir John Colborne in June last on the state of the settlement in question.

I have the honor to be,
Sir,
Your most ob't. humble Serv't.
(Signed) A. B. HAWKE.

JOHN JOSEPH, Esq.
Civil Secretary.

ESTIMATE.

Logging & fencing 36 acres at £3 per acre	£108	0	0
Seed oats, 72 bushels, 2s. 6d. per bushel	9	0	0
Sowing and harrowing 36 acres at 10s. per acre	18	0	0
Grass seed for 102 acres, 12½ bushels, at 10s per bushel	6	5	0
Sowing grass seed	1	17	6
Estimate of salary of agent, from 1st. April to 31st Oct. 214 days, at 3s. 9d. per day	39	5	10
Persons employed in harvesting to be paid in grain out of the crop.			
Total,	£182	8	4

No. 68.

BARRIE, 19*th March*, 1836.

SIR:

I hereby certify that Mr. Young repeatedly employed me to go to Nottawasauga with my team to take the Dutch settlers to Barrie, and although Mr. Young sent his servant on different occasions to apprize them of it, they refused to go, at the same time Mr. Young said to me that if I choosed to take them to the Holland Landing I should be paid for it, to which they the Dutch settlers refused.

I am,
Sir,
Your most obedient.
ALEX. WALKER.

To
Mr. PERRY, M. P.

No. 69.

EMIGRANT OFFICE,
TORONTO, 23*rd March*, 1834.

SIR,

I have the honor herewith to transmit to you, copies of all the documents in this office respecting the employing, locating, and subsisting indigent emigrants in the township of Nottawasauga, agreeably to the instructions from the Lieutenant Governor of the 11th inst.

I have the honor to be
Sir,
Your most obed't humble serv't.
A. B. HAWKE.

JOHN JOSEPH, Esq.

No. 70.

EMIGRANT OFFICE,
TORONTO, 23*rd March*, 1836.

SIR:

The accompanying letters and reports from No. 1 to No. 25 inclusive, will show the object which the late Lieutenant Governor had in view in employing indigent emigrants in clearing land in Nottawasauga, viz: to ascertain whether the sale of the improvements made by them, and the increased value thereby given to the Crown Lands in the vicinity of the settlement, would cover the expenditure.—It was an experiment for the success or failure of which I am in no-wise responsible. The instructions given will prove, that, as far as the government was concerned, every measure which humanity could suggest was adopted, and that if there has been any privation or suffering beyond what may be considered inevitable in such undertakings, it has not been the fault of the government.

I also beg to call the attention of the committee to the extracts from my letters to Mr. Ritchie, as well as to my letter numbered 47 respecting the road lately opened through Thora and Eldon, as they will explain the cause of any delay in obtaining pay-

ment by persons having claims on the government. Mr. Ritchie seldom acted on the instructions given him, and after having incurred expenses greatly beyond the amount contemplated, it became necessary to make some enquiries before a warrant could issue.

My report on the settlement in June last will show that the object of my visit to Nottawasauga was merely to assertain whether an immediate stop could be put to the expenditure, and not to inquire into the complaints made by the settlers against Mr. Young. Indeed, there were no complaints of that nature existing at the period of my visit, that I was aware of; and Mr. Meyerhoffer had been sent by the government more than three months previous thereto, for the express purpose of reporting to Sir John Colborne on the subject.

I have the honor to be,
Sir,
Your most obedient,
Humble servant,
A. B. HAWKE.

PETER PERRY, Esq. M. P.
Chairman.

N. B. With reference to the expenditure, it will be seen by the vouchers that it is impossible for me to separate the expenses incurred on the Sunnidale road, and the road made to the settlement, from the sums expended in clearing land in Nottawasauga.

A. B. H.

No. 71.

EMIGRANT OFFICE,
TORONTO, *March 28th*, 1836.

SIR:

I beg to transmit to you herewith the copy of a letter addressed by me to the Lieutenant Governor respecting the employment of the indigent emigrants located in Nottawasauga on 5 acre lots by the government.

His Excellency has been pleased to appoint you to superintend the work, and your pay is fixed at 3s. 9d. per day from the 1st April next, and to continue until the same is completed.

As the settlers have lately petitioned His Excellency to be employed by the government, you will please to acquaint them with the contents of the letter above mentioned. The object is to give employment to the heads of families, and as the prices in the estimate are higher than what is charged for similar purposes in older settled townships, you must not in any instance exceed the sum therein named without first applying to me for authority to do so.

If there is more work than the heads of families can perform you may employ a few of the young men, taking care to give the preference to those belonging to the largest and poorest families.

You had better send me a monthly statement, and in order to insure regularity I have sent you 12 blank returns which you will please to fill up agreeably to the prescribed form. You may also draw on me monthly for the amount expended, including your own pay, and write to me from time to time acquainting me with the state of the settlement.

I wish you to give notice to all persons who may apply to you for information, that the government does not intend to give any further employment after the work now in progress is finished, so that the settlers who may locate in the township may be informed that they must depend upon their own resources, and not as heretofore, look to the government for assistance.

I am,
Sir,
Your most obed't servant,
(Signed) A. B. HAWKE.

Mr. THO'S I. THOMPSON.

No. 72.

RETURN of Seed Potatoes issued to the Indigent Settlers in Notawasauga by order of the Lieutenant Governor in 1835, *by H. C. Young.*

NAMES.	No. of bushel	
Angus Campbell	2½	
Andrew Jardine	4	
David Jardine	4	
William Dallus	4	A large family.
Neil M'Ewen	8	
Archibald M'Ewen	7	
Archibald M'Gilvray	5	
Alexander Livingston	3½	
Archibald Currie	4	
John Currie	6	
John Adair	6	
Malcolm Bell	8	A large family.
Anthony Martin	5	
John M'Fadyen	7	A large family.
John Bertles	9	A large family.
Richard Loutensliger	5	
Christopher Kinder	5	
Jacob Furnay	5	
Conrad Sciohalm	5	
Widow Kenuff	5	
Christopher Bomnar	5½	
Adam Mentz	4½	
Christopher Fader	4½	
Peter Hayman	4	
Archibald M'Calman	5	
John M'Dermid	5	
Dugald M'Duffie	5	
John Campbell	7	
Richard Stepney	7	
Duncan M'Nabb	6½	
Andrew Lawler	5	
Widow Currie	5	
Donald M'Niel	5	
John Cannon	5	
Donald Currie	3	
Donald Morrison	3	
John M'Queen	3	
Yorick Clippert	5	
Planted on account of Government	17½	
Waste in remeasuring	4½	1¾ acres on lot No. 24, 7th Con
	218	Quantity purchased on acc't of Government.

No. 73.

RETURN of the Government Wheat Crop Harvested in Sunnidale, in 1835.

TO WHOM GIVEN.	No. of bushel	TOTAL.
Nathaniel Wellom, to sow his own land	6	
Angus Campbell, ditto	2	
Dugald M'Duffie, ditto	1	
Archibald M'Gilvray, do	3	
Archibald Currie, ditto	2	
John Adair, ditto	2	
John M'Fadyen, ditto	2	
Conrad Sowhalm, ditto	1½	
Adam Mentz, ditto	1½	
Andrew Jardine, ditto	1½	
David Jardine, ditto	1½	
William Dallas, ditto	1	
Duncan M'Nab, ditto	2	
Malcolm Bell, ditto	1	
John Bertles, ditto	1	
Peter Hayman, ditto	2	
Alexander Campbell, ditto	1½	
John M'Dermid, ditto	2	
Andrew Lawler, ditto	1	
Archibald M'Ewen, ditto	1	
Malcolm Currie, ditto	1	
Donald M'Niel, ditto	1	
James M'Queen, ditto	1	

TO WHOM GINEN.	No. of bushel	TOTAL.
Alexander Campbell, ditto	1	
William Foulin, ditto	2	
Alexander M'Niel, ditto	1	
Alexander Livingstone, ditto	1	
John Currie, ditto	½	
Amount supplied to the settlers		45 bushels.
Sown on account of Government, in Lot 27, 9th Con. Notawnsauga	9	
Ditto 27, 8th Con. do	7½	
Ditto 26, 9th Con. do	12	
Ditto 26, 9th Con. do	13	
Ditto 24, 7th Con. do	11½	
Ditto 25, 6th Con. do	12	
Ditto 24, 7th Con. do	17	
Ditto 25, 6th Con. do	4	
Ditto 27, 9th Con. do	14½	
Quantity sown on account of Government.		100½ bushels.
Sold to Alex. Walker, at 2s. 6d ℔ bushel.	59½	
Sold to Thomas I. Thompson, at ditto	6½	
Quantity sold		66 bushels.
Total produce		211½ bushels.

No. 74.

RETURN of Bibles and Testaments supplied by the Bible Society in Toronto, for the use of Indigent Settlers in Sunnindale and Nottawasauga, and distributed by H. C. Young, in December, 1835.

TO WHOM GIVEN.	BIBLES.
Donald M'Niel	1
Archibald M'Calman	1
Donald M'Queen	1
Peter Hayman	1
Donald Currie	1
Widow Currie	1
Angus Gilchrist	1
Dugald M'Duffie	1
Archibald Currie	1
Donald Morrison	1
John M'Dermid	1
John Campbell	1
John Adair	1
Andrew Jardine	1
William Dallas	1
David Jardine	1
Niel M'Ewen	1
Angus Campbell	1
Archibald M'Ewen	1
John M'Kenzie	1
Richard Stepney	1
John M'Fadyen	1
Duncan M'Nabb	1
Alexander Barclay	1
No. of Bibles received	24

TO WHOM GIVEN.	TESTAMENTS.
Margaret M'Niel	1
John M'Ewen	1
Elspet Patterson	1
Duncan M'Gilvray	1
John M'Queen	1
Gilbert M'Aulay, for his school	8
Richard Stepney, Jun	1
Angus Bell	1
Elizabeth Bell	1
Wm. Dallas, Jun	1
David Jardine's Sons	1
John M'Nab	1
Alexander Livingstone	1
Malcolm M'Dermid	1
Alexander Adair	1
Angus Bell, Sen	1
Malcolm Currie	1
Alexander Adair	1
Alexander Campbell	1
Malcolm M'Ewen	1
John Currie	1
Margaret Currie	1
Edward Blackstock	1
Peter Hayman's Children	2
Archibald M'Fadyen	1
Mrs. Adair	1
Hugh Currie	1
Archibald M'Calman	1
John M'Gilvray	1
Alexander M'Niel	1
No. of Testaments received	38

RETURN of Blankets issued to the Indigent Settlers in Nottawasauga, by order of the Lieutenant Governor, by H. C. Young.

Names.	No. pairs.	Remarks.	Names.	No. pairs.	Remarks.
Angus Campbell	1		Nich. Loutenshger	1	
David Jardine	1		Christian Kinder	1	
William Dallas	1		Gotlop Simps	1	
Archibald M'Ewen	2	1 pair given to Mrs. E. during confinement.	Jacob Firmy	1	
			Cornod Schwalm	1	
			Yoriek Clippert	1	
Archibald M'Fadyon	1		Widow Konuff	1	
Archibald M'Gilvray	1		Christian Bonner	1	
Alexander Livingstone	1		Antoine Irtal	1	
Archibald Currie	1		Adam Mentz	1	
Peter Currie	1		Christopher Fader	1	
John Adair	1		John M'Dermid	1	
Malcolm Bell	1		Widow Memans	1	
Anthony Martin	2	1 pair given to Mrs. M. during confinement.	Phillip Fader	1	
			Widow Brion	1	
			Richard Stophney	1	
John Bertles	1		George Hally	1	
			Duncan M'Nabb	1	
Samuel Slater	2	1 pair given to Mrs. S. during confinement.	Niel M'Ewen	1	

STATEMENT of the expenditure incurred in the Township of Sunnidale and Nottawasauga from the 1st of Sep. 1834 to the 13th of Feb. 1836.

Cash paid emigrants for work done on the Sunnidale road	£	255	10	0		
Clearing land in Sunnidale		36	17	6		
Sowing and harvesting crops in Sunnidale		63	0	0		
Amount expended in Sunnidale					355	7 6
Making road to Nottawasauga with bridges and causeways		259	2	6		
Government buildings in Nottawasauga		136	7	6		
Clearing and chopping land in Nottawasauga		544	0	0		
Sowing and harrowing land in Nottawasauga including carriage of seed wheat		56	10	3		
Agents salary and travelling expenses		289	2	0		
Amount expended on emigrants for which they have made no return in labour		699	2	6		
Amount expended in Nottawasauga					1984	4 9
Total expenditure					2339	12 3

The amount £699 2 6 charged against the emigrants for which they have made no return in labour, includes the expense of buildiug their shanties, medicines, medical comforts and attendance; seed wheat and potatoes, and transport of their families and baggage, &c. &c.

H. C. YOUNG.

Toronto, 15th April, 1836.

Sir,

I would beg leave to make a few remarks upon the charges brought against me before the Honourable the House of Assembly by Edward Kennedy.

To the first charge that I allowed the Government stores be wasted and exposed to the mercy of the settlers.

I would beg leave to call your attention to the very difficult situation in which I was placed, owing to the late season of the year at which these settlers were forwarded to me for location in a new Township thirty-three miles distant from a settlement, and where there were no buildings of any description fit for the reception of these stores, excepting a log shantie hastily put up for that purpose at the nearest point in Sunnidale to the place intended for location, and which I admit to have been very insecure, but which, under the circumstances, it was out of my power to prevent. I have further to state, that I was held personally responsible for all these stores, & have paid for them to the Government as the accounts will shew, and that whatever loss occurred was sustained by me, which I also admit to have been considerably more than I anticipated.

To the second charge of habitual drunkenness and inattention to the duties of my agency—

The assertion of habitual drunkenness I consider to have been disproved in evidence, so that I do not consider it necessary to make any further observations.

To the other assertion, that I was inattentive to duties of my agency. I have to remark that, unless when called to Toronto by an order from the Government, I never left the settlement excepting on urgent business, which occured very frequently; but I am not aware that the settlement suffered any injury from that cause.

Another charge is, that I ill-treated and starved the Germain settlers.

I have to state that according to my instructions personally communicated to me as well as to my

brother, by Sir John Colborne, and also by letter, I was not at liberty to supply any emigrants with provisions unless for work done except in cases of sickness. And when it was made known to the Government that they refused to work, my orders were to send them away, & I was instructed to supply them with sufficient provisions for their support as far as the Holland Landing, or to any other place they might choose to go, but by no effort of mine was I able to induce them to remove, until I was under the necessity of striking their allowance, and it was with the greatest difficulty that I got rid of three or four families in the month of February, 1835. The Rev. Philip Meyerhoffer, a German clergyman, residing in Markham, was sent to Nottawasauga towards the end of March in that year, with instructions to remove these emigrants, in which he was unsuccessful, and it will be seen by reference to the report made by him on his return to Toronto, that they only complained of having wanted provisions on two occasions for twenty-four hours.

With regard to the expenditure I beg leave to state, that when it is considered that a number of emigrants, varying from 300 to 350 persons, were sent into a new and remote township, the amount will not be considered as very great, and when the amount of labour done by them is deducted, and also the amount expended in making 9¾ miles of road with causways and bridges, building the Government House and store house, and the improvement of the Sunnidale road, &c. &c.—it will be found that a sum short of £700 has only been expended on these emigrants, for which they have made no return in labour, amounting to little more on an average than £2 a head; nearly all of them were entirely destitute when sent to me, and I feel satisfied, when the Nettawasauga settlement is compared with similar experiments made in Sunnidale, Adelaide and Warwick, it will be found to have cost considerably less than either, and I feel confident that whenever a similar settlement is made it will be attended with the same result, as it would be unreasonable to expect that emigrants newly arrived in the country and totally unacquainted with chopping and clearing land, should maintain themselves and families by that description of labour. It is to be hoped, however, that the money expended will not ultimately be lost to the country, as there can be but little doubt that so large a number of settlers being thrown into the township, will lead to its settlement, and that the amount will ultimately return into the hands of the Government by the additional value given to the Crown Lands.

Since the commencement of this undertaking I have been continually disgusted and annoyed by a series of petty persecutions which, added to the arduous duties of my situation, were sufficient to have broken down a more robust constitution than mine; & it cannot have escaped the notice of the Hon. Committee the malignant and vindictive spirit evinced towards me by my accusers, and most of the witnesses brought against me which I think is sufficiently proved, by the discrepant and very contradictory nature of their evidence.

I had several very important witnesses in waiting to be examined, but as the Committee did not sit at the time, and as these witnesses could not longer remain; I was thus deprived of their testimony.

It will be seen by the letters of introductions laid before you, that Mr. Ritchie was ordered to assist me in carrying the views of the Lieutenant Governor into effect, but I am sorry to have it to say that he was oftener employed in plotting conspiracies to thwart and undermine me, than in attending to these instructions.

I received my appointment immediately from Sir John Colborne in consequence of a recommendation from Sir James Kempt, who was pleased to express his confidence in my integrity, and I can, if required, produce persons of the highest respectability who can testify that I have heretofore conducted myself with integrity and zeal in all the duties and relations of life to the utmost of my ability.

I have the honor to be,
Sir,
Your most obedient
Humble servant,
H. C. YOUNG.

PETER PERRY, ESQ.
M. P. P.

No. 111.

REPORT

ON

THE PUBLIC LANDS SOLD FOR MILITARY PURPOSES,

WEST OF THE CITY OF TORONTO;

ON

The City and County Hospital;

AND ON THE

MEDICAL BOARD.

The Committee to which was referred the petition of Dr. Latham respectfully report:

That a letter signed by John Strachan, John B. Robinson, W. Allan, Gorge H. Markland, and John H. Dunn, as Trustees of the Hospital, was addressed to the Lieutenant Governor's private Secretary, on the seventh of March last with documents containing part of the information required by the address of Your Honorable House of Feb'y last, numbered one to six inclusive.

No. 1. Is a report on the Hospital by Archdeacon Strachan, dated 20th February 1835.

No. 2. Is a statement of monies paid to the Trustees of the Hospital and Park Reserves for sales and rents of lands from 1819 to 1836, the amount being £4,978 4 2¼—the details of the particular properties sold or leased are withheld.

No. 3. Is a statement of payments by the Trustees, within the same period; among the items are $53 for loss on Kingston Bank notes; several sums paid to James Nation in his capacity of Secretary; £494 13 6 last year for the erection of the Don Bridges; £400 for cottages for emigrants; several sums paid the Treasurer, of the expenditure of which no account is given, amounting to about ten thousand dollars; about £50 for surveying; and $1610¾ charged by the Treasurer as his per centage on the amount of Park Lots sold by him, amounting to $32,215.

No. 4. Is a statement of monies received and paid by the Treasurer from July 1819 to February 1836; the payments are £10,764 15 9¼, exhibiting a balance due Mr. Nation of nearly £31. Some of the items are building the Hospital £3052; bedding, &c. £250; bought 150 shares of Bank Stock, £1,876; Treasurers allowance £155; Bank Stock and Government Debentures £375; paid quarterly expenses of Hospital, £100, £200, or 300, as the case may be, but no detail shewing what these expenses consisted of, or to whom the money was paid. Such accounts as these

beget suspicion and distrust. If all is right what is the use of concealment? Some of the receipts under this head, are £4,444 from S. McGillivray in 1821: dividends, interest and premium on Bank Stock £2,527; bazarr fund £80; provincial grants £100, £100, £150, and in 1833, £500.

No, 5. Is the annual return of the Hospital up to February last.

No. 6. Is a schedule of lands appropriated for the support of the Hospital under orders in Council. These consist of six acres; the scite of the Hospital five acres, West of Church Street—386 acres, the Government Park, East of the City—one acre on King Street, corner of York Street.

It appears that part of these lands have been sold; but what part, the Trustees did not think proper to state.

It appears by an extract from a minute in Council of the second of December, 1824, that such has been Dr. Strachan's eagerness for worldly riches that he and the Executive Government have not hesitated to plunder the Hospital of its endowments, and the poor and distressed of the benefits it would have conferred on them, by applying for the Old Gaol ground one acre, and the South East acre of Hospital Square, near the Rev. Gentleman's church. These have been granted to the Doctor as an addition to his glebe; the jail ground was given over to the church even before the prisoners were out of it. It is sufficient for Your Committee to state these facts they stand in need of no comments.

Your Committee have not had leisure to read with due attention all the papers relative to the Medical Board, and having reference to the treatment of patients at the Hospital, which were sent down by His Excellency to the House during the present Session, but questions have been asked of the petitioner and several other medical men relative to these documents, and their opinions are hereto annexed.

The documents transmitted by His Excellency relative to the commons or pleasure grounds to the West of the City are as follow:

1st. A letter from Capt. Bonnycastle of the Royal Engineers, states that these commons were reserved for military purposes—that Sir John Colborne had proposed to and obtained the permissson of the Board of Ordnance to sell so much of the military reserve as is situated East of the Creek.

2d. A letter from the Surveyor General's Office to Mr. Joseph of the 27th February last, relative to the same reserves.

3d. A letter from the Commissioner of Crown lands to Mr. Joseph with accounts of sales of and payments for these grounds.

4th. Accounts of cash received by Mr. Robinson, Commissioner of crown lands, for lots sold, £4431 14s. 4¼d.

No, 5. Shews the appropriation of the above sum of £4431 14s. 4¼d. part for surveying, part for fencing the reservation for the future Government House; £240 for a road in front of the lots sold; and the balance £3291 into the hands of the Receiver General.

No. 6. Statement of the sales of the town pleasure grounds, or military reserve £6-949 10s.

No. 7. Amount sales of two water Lots £252.

No. 8. Is a despatch from the Earl of Aberdeen to Sir John Colborne, authorising two-thirds of all the proceeds of the sales of the city commons or pleasure grounds to be employed in the building of a new garrison or barracks for the troops stationed here; and declining to allow the remainder for the building of a new Government House, also other letters to which that despatch has reference.

No. 9. Is a despatch from Lord Glenelg to Sir John Colborne, dated the 30th of November last, in which his Lordship makes some observations on the value of the commons about to be sold. Their value is estimated at £65,900 if a certain pier is erected, and only at £54,425 if it is not erected. It would appear from the correspondence that it was intended to lay out the greater part of these large sums, to be raised from the industry of the Colonists on barracks and fortifications for the troops to he sent here.

No. 10. Is a petition for ground for a catholic church out of the military reserve, signed by Bishop McDonell and others, the executive Council recommended the grant as it would raise the value of adjoining lots.

No. 11. Is an order in Council of 3d June 1817, dedicating the reserve in the neighborhood of the old French Fort to military purposes.

At the late period of the session at which the attention of your committee was called to the matters contained in these documents they were unable to extend their enquiries more minutely; and they annex the documents to their report, as the information is important, in the hope that other proceedings will be had thereon in a future session.

All which is respectfully submitted

JOHN McINTOSH, *Chairman.*

COMMITTEE ROOM
April 18*th* 1836.

APPENDIX TO REPORT.

COMMITTEE ROOM,
11*th April*, 1836.

Committee met.

PRESENT:

Messrs. McIntosh, *Chairman*,
Gibson, &
Mackenzie.

The petitioner, Dr. Latham, and three other Medical gentlemen, were permitted by the Committee to peruse the Hospital Report and accompanying documents—and Dr. Latham was asked whether he had any observations to make for the information of the committee, when he handed in the following paper:

"The report is drawn up in a manner calculated to impress the members of the Assembly with an idea of the great benefit which the public derives from the institution, with a view, I presume, of inducing them to grant an annual sum towards its support; but previous to their doing so two things are worthy of their most serious consideration: the first is whether the necessity of making the application may not be in a great measure removed?—and the second, whether the funds already at the disposal of the committee have been applied in a manner likely to confer upon the public the greatest possible advantages?—Upon both these heads I shall make a few observations.—With regard to the first, in my opinion the benefit of the institution might be greatly extended without the necessity of applying to the Provincial Legislature for pecuniary assistance, merely by placing the institution upon the same footing with all similar institutions in the old country; in a word granting it a liberal constitution by doing which I am satisfied that the annual subscriptions will far exceed the amount of any grant that has hitherto been made by the Assembly towards the support of the institution; so far back as the year 1830. the Trustees seem to have been aware of the necessity of adopting such a course, and it appears that they caused to be printed a pamphlet entitled, "Rules and regulations proposed for the government of the General Hospital," in which pamphlet provision is made that persons contributing twenty five pounds to the funds of the Hospital, or £2 10 annually, may be chosen governors or directors;" also "persons contributing £10 to the funds, and

£1 5 annually, shall be entitled to vote at the election of governors." The rules further add, that governors and subscribers may be entitled to recommend patients to the extent of their subscriptions at the rate of one shilling per diem for each patient, thereby offering an inducemeut to persons to become subscribers, which I have little doubt would have the effect of increasing the funds of the institution considerably, and certainly of securing to it the confidence of the public, for each and every subscriber would then be more or less interested in the institution and aware of its effects so far at least as the patients recommended by them were concerned.

In a document signed by the president of the Medical Board it is asserted, I believe, that the foregoing rules and regulations have served as a guide for the management of the hospital; but it has fallen within my own personal knowledge that they, so far as relates to the election of governors and officers, &c. have not been adopted—for wishing to become eligible as a governor, & going for that purpose to deposit, in the hands of the Treasurer, the sum of £25, as prescribed by the rules and regulations, he informed me that he was not authorised to receive the same; the rules and regulations then have not been adopted, nor have they been acted upon in toto, and it is not my wish that they should, for I consider them in some respects deficient, in others calculated to sanction great abuses. They are deficient in not providing for the election of medical officers, which officers, in my opinion should be elected as they are in the Royal Infirmary at Edinburgh (that is, periodically) by the directors; the consciousness of having to perform which important duty would induce many to become directors. In this young province where the Hospital in this city is the only one at present in operation, I would recommend that a sufficient number of medical officers be chosen annually by the directors from the great body of practitioners throughout the province, this would have the effect of greatly extending the benefits of the institution; for an Hospital is beneficial to the public not merely in relieving the afflicted, but also in affording the youth of the country an opportunity of becoming acquainted with the rudiments of their profession, and the practitioner a field for studying the diseases incident to the climate: the funds of the institution might be still further increased, and the benefits derivable from it extended, if provision was made that any amateur or pupil should be entitled to walk the wards upon paying a small sum annually. I by no means think that pupils should be entitled to benefit by the instructions of the medical officers gratuitously. I consider it high time to talk of that when the medical gentlemen commence giving clinical lectures; the Rules set forth, moreover that more than twenty paupers cannot at any one time be provided for in the institution, and that all patients over that number must pay not less than one shilling per diem, the *object* manifestly is, to provide medical attendance for servants and poor individuals who cannot be altogether regarded as utterly destitute, but the *effect* may be that medical officers may bring their patients in from the country; provide them with comfortable lodgings and attendance in the Hospital at the rate o one shilling per diem—and thus enable them amply to remunerate their doctors for their attendance. Thus then I say that the rules if adopted are calculated to sanction great abuses. I do not mean however to object to strangers in good circumstances being admitted into the Hospital—it is usual in all Hospitals with which I am acquainted—but then they are made to pay proportional to their means into the funds of the institution and not into the private purses of the medical attendants.

I now proceed to consider whether the funds already at the disposal of the Trustees have been judiciously expended or not—in other words whether the public have derived from the institution the greatest benefit that its resources would admit of. The report says that the number of patients daily attended in the Hospital averages between forty and *Sixty and Seventy.* I suppose that this means that throughout the year the smallest number of patients in the Hospital at one time amounts to forty,—the greatest to seventy. It also says that the total number of patients admitted within the year amounts to five hundred and thirty—taking then the average number of patients daily on hand at fifty-five, and the total number admitted during the year five hundred and thirty, it is *plain* that the average number of days that each of the patients remains in the Hospital consuming the funds of the institution amounts to *thirty-eight* days less a fraction, *which* at the rate of *one* shilling per diem, costs the institution £1 18s., for each patient, many of whom left the Hospital incurable and many more merely *relieved.* The report is drawn up in so loose and untechnical a style that it is impossible for any person to arrive at the most distant idea of the benefits which the public have derived from the institution or in what manner the funds have been disposed of. The report, for instance, in enumerating the diseases mentions diseases of the brain, without stating what those diseases were—for aught we know they may have been merely nervous or bilious headaches—and subsequently we have in the column Delirium tremens, Intoxication!!! Epilepsy, concussion, all of which surely are diseases of the brain—again diseases of the lungs and subsequently in the column Catarrh—diseases of the liver, and subsequently *jaundice*—diseases of the bowels and subsequently Diarrhœa, Disenteria, Piles, Colics, &c. *Wounds* (the nature of which is involved in mystery) they may have been cut fingers, so that it is quite impossible to arrive at any conclusion respecting the mode in which the institution is conducted. This much however is plain that the funds of the institution have been expended in treating patient labouring under diseases which never should have been admitted into the Hospital, thus, generally speaking, Epilepsy, Piles, Gonorrhœa, Colics, Catarrh, &c. Moreover, according to the calculations which I have made above (which I believe to be correct) we must allow to each patient on an average, 38 days—a time far exceeding that averaged by patients even in Hospitals solely occupied by *fever cases.*

Referring to the Report of the Managing Committee of the House of recovery in Cork-street, Dublin, for the year, 1827—in which year 10612 patients were admitted, I find that the average number of days for each patient is 11¼ days. Now when we compare the character of fever cases with the character of those diseases mentioned in the report, it is evident that the average number of days in

the latter should be much less, and consequently that the funds have been in this respect uselessly expended.

GEO. A. LATHAM, *M. D.*
JAMES SINCLAIR EGAN, *M. B.*
WILLIAM C. GWYNNE, *M. B.*
WALTER TELFER, *Surgeon.*

HOSPITAL, TORONTO,
18*th April*, 1836.

The members of this committee must from their local knowledge be well aware of the frequent calls that are made upon the community in this city for charitable purposes, and how readily, and with what munificence, they have, in all instances, been answered. The Trustees of the Hospital, we believe have been actuated by a sense of the oppressive burthen which the support of a numerous pauper population inflicts upon the inhabitants in withholding any appeal to them for pecuniary aid as long as it is possible to continue its beneficial operations without such assistance.

The rules and regulations for the general government of the Hospital, which were printed in 1830 have not therefore been adopted so far as regards the raising of contributions, and the choice of directors. They have been the guide as to the admission of patients and the internal economy of the institution and no further, *and so it is stated in the report.* Nearly the whole of the patients admitted have been paupers, for it appears by the Steward's book that for the last year the sum of £4 4s. 6d. only, has been received from pay patients.

These paupers are many of them in such an abject state of misery and want, and their diseases so frequently the result of that condition, that they often remain in a tedious stage of convalescence, requiring a long stay in the Ho pital after the actual disease has vanished.—Many also of this description return a short time after their discharge from the Hospital in consequence of exposure to the causes which rendered it necessary to admit them.

It must be recollected that their is no house of industry, or asylum of any description, for the destitute, yet established, where the recently recovered pauper might be sheltered and provided for until he could obtain employment. These circumstances will readily account for the long detention of patients in the institution, and for the numerous relapses and repetitions of admission of the same person during an inclement season. The rule, then, which limits the pauper patients to twenty, it is evident, could not be complied with; and as it appears that the sum of £4 4s. 6d. only was received during the last year for pay patients, the effect has not been "that medical officers have brought their patients in from the country and provided them with comfortable lodgings and attendance in the Hospital at the rate of a shilling per diem, and thus enabled them amply to remunerate their Doctors for their attendance."

If it is an abuse of this public institution that the medical officers of it are selected from the experienced and respectable members of the profession, this is an abuse that exists in all the Hospitals in Britain, & we believe on this continent. The system of annual elections we are totally unacquainted with. In the great metropolitan Hospitals, where such men as Sir Astley Cooper, Brodie, Earle, and Lawrence, have officiated, the annual election is unheard of; they are appointed for life, or for as long as they choose to serve; and it is by such nominations that the public confidence, and the poor man's hopes, under disease, are sustained.

The funds of the Hospital might be augmented by admitting students to visit the wards at stated hours with the attending medical officers upon the payment of a fee. But this admission of students upon such terms would be productive of a very trifling revenue at the present period. In the event of a medical school being established in the city the clinical practice of the Hospital might become subservient to the purposes of instruction, and in that case the city would become the focus of a numerous assemblage of students whose fees for admission might become of considerable amount.

The committee no doubt must have been a good deal surprised, though not deceived, by the criticism on the Hospital report, which is described as so loose and untechnical. This report was drawn up to convey as full information to the Legislature as the nature of a numercial return can afford, and therefore the more simple it could be made to appear the better it would be deemed to answer the purpose of its production. We shall not therefore consume the time of the committee by canvassing the propriety of introducing a column for intoxication, and another for one of its effects, Delirium Tremens! nor in arguing on the distinction of Catarrh from diseases on the lungs; or jaundice from those of the liver; for the fact must be familiar to the committee that frequently in neither case are these complaints identical with affections of the chest or liver.

The whole weight of the question which can interest the committee appears to rest on this one point. Has the Hospital been successfully and economically conducted? Those who are capable of judging, viz: the Trustees, admit that it has! The Hospital surgeons are satisfied with their approbation, and regardless of all vituperation and calumny that may be heaped upon them they will continue to pursue the steady course of their duty to the institution; a course that they are well assured will not fail to secure to them the favorable consideration of the Honorable the House of Assembly, and of the public generally.

C. WIDMER, *Surgeon.*

No. 116.

REPORT

ON THE

PETITIONS RELATING TO SURVEY

OF THE

TOWNSHIP OF NORWICH.

REPORT of the Select Committee to which was referred the Petitions of Stover and others, Lossing and others, and various other Petitions of the Inhabitants of the Township of Norwich.

To the Honorable the House of Assembly.

The Committee to which were referred the several Petitions of sundry inhabitants of the Township of Norwich, in the County of Oxford—consisting of that of Stover and others, Lossing and others, Lawson and others, Lancaster and others, Cromwell and others, Tomkins and others, Sackrider and others, Palmer and others, and Wilson and others, upon the subject of the lines and roads of said Townships. Beg leave to report:—

That the evidence and documents heard and produced in the case, are of that nature that your Committee deem it necessary, in order that the whole matter may be brought fairly before your Honorable House, to append the same together with copies of the principal petitions, to this Report.

Under all circumstances, your Committee recommend that a Bill be passed appointing Commissioners to examine, on the spot, into all the matters of fact relating to the case, with power to settle the same equitably between the parties, and have prepared a draft which they respectfully beg leave to submit for the adoption of your Honorable House.

CHARLES DUNCOMBE,
Chairman.

Committee Room,
Commons House of Assembly,
30th March, 1835.

To the Honorable the Commons House of Assembly, in Provincial Parliament Assembled.

The Petition of the undersigned Inhabitants, Freeholders, Leaseholders, and occupiers of Land in that part of the Township of Norwich, called the Wilcox Purchase.

Most Humbly Sheweth,

That in or about the years 1811 and 1812, Peter Lossing and others, settled in Norwich, having purchased of William Wilcox 15,000 acres of land. This land lay scattered in unsurveyed, but described lots, over the East half of the Township, having Crown and Clergy Reserves interspersed through the purchase.

They found the Township but partially surveyed—out of 12 concessions they found the 1st, 3rd, 5th, 7th, 9th, and 11th lines run; and the 2nd, 4th, 6th, 8th, 10th and 12th omitted, with posts standing on the Eastern Township line, to meet the points where they should commence.

Situated as the Company then was: no time to lose, and Surveyors at a great distance, they agreed that Peter Lossing should survey the omitted concession lines, and designate the lots constituting the purchase. Lossing consulted the then Surveyor General, who, in the presence of witnesses, signified his approbation of the undertaking.

It was soon ascertained that the middle town or proof line had not exactly halved the township, but that in consequence of some mistake, the part East of the central line, was less than that to the West. And it was also plain from the original monuments on the first concession line, that No. 14, the lot next the proof line, was actually a scant lot. In the North East corner of the township was a block of land, belonging to Mr. McDonald, an absentee, which the company agreed to leave entire and to take the scant lots to themselves. On the 2nd and 3rd concessions, they agreed to make No. 14 the scant lots; and on the fourth and succeeding concessions they agreed to make No. 1, the scant lots, all which appeared to be agreeably to the original survey as far as it could then be discovered, and no law then existed to prevent this generous procedure in regard to the McDonald block. Adam Stover made choice of Nos. 13 and 14 in the 3rd concession, knowing 14 to be a scant lot.

On the Eastern boundary as before stated, monuments were placed at the points where the omitted concession lines should commence. Between the the post thus planted for the second concession line, and the monument for the 3rd concession line, was discovered an overplus of 19 chains, while on the middle Town, or proof line, these two concessions contained no more than their complements. Peter Lossing could not feel clear in his views of correctness or honesty, to include all this land in the second concession, in which the ancient posts appeared to

include it. He therefore, from the post set up for the second concession measured the distance of a concession, and thence ran a line intending it as the rear of the second concession, which line being parallel with the Northern boundary of the township, in crossing the East half of the township, intersected the 3rd concession old line, at the proof or centre line. Thus making a gore of about 354 chains in length, with 19 chains for a base, containing upwards of 330 acres. Peter Lossing corresponded with various public officers upon the subject of this gore, who treated of it as Crown land. It has been made subject of consultation with the Governor and Council, who certainly could not have considered the existing deeds to hold it as they issued orders to the Surveyor General for the survey of it, with a view to attach that small strip of it opposite the Wilcox purchase, to the lots in the third concession. Much opposition being made to this by persons living in the first and second concessions; the Governor and Council next recommended to split the gore and divide it between the 2nd and 3rd concessions; and advice was given that the contending parties should each appoint a discreet person to whom a deed of trust of this portion of the gore should be given and by whom it should be appointed to the several lots in these two concessions. This being also opposed by those in the 2nd concession—it was next recommended that the Quarter Sessions of this District should nominate two Commissioners, which was done; and the deed of trust to those Commissioners was at one time in the act of being made out. In 1827, Peter Lossing received a letter from the Surveyor General, stating that the Governor and Council should defer issuing their deed until all the parties were agreed. These facts are mentioned, first to shew that the Governor in Council considered the existing deeds insufficient to hold the land in this gore, and secondly, to shew the pertenacious opposition which the opposite party has always borne to every conciliating proposal, when that proposal did not fully accord with their own interested and selfish views.

The inhabitants of the 1st and 2nd concessions have latterly arbitrarily adopted a method of their own—they have in the face of all that is stated above, and in total contempt of the original monuments bounding the first concession divided the gore among themselves by the aid of a Surveyor; and the people of the 3rd concession look on and behold the strong man's magisterial movements.

The survey made as above stated was assented to by the parties. The scant lots (except the one chosen by Adam Stover) were disposed of among the company by casting lots. The 15,000 acres being transferred to Peter Delong and Peter Lossing; deeds of partition were executed between them; and Peter Lossing executed deeds to the remainder of the company, in good faith, they all knowing their boundaries at the time the deeds were given; and in those deeds was inserted the following clause, "*As the stakes and lines now stand.*" The settlement commenced in harmony,—clearings were made,—fences set,—roads wrought,—orchards planted, and buildings erected agreeable to Peter Lossing's survey.

Some time after, Adam Stover found an old monument and got in a licenced Surveyor, who renewed it as the corner between 12 and 13, in the 3rd concession, which gave to Adam Stover full lots. Thus was the early kindling of that flame, which for some years burned faintly and without much notice, but which has since enveloped the one half of this beautiful township in uproar and confusion.

In or about 1828, Mr. Eliakim Malcolm came in and commenced a general wreck of Lossing's work; working *professedly* in accordance with the Statute of 1818. He undertook in the oldest settlements to make sub-divisions between ancient boundaries. He recognized Adam Stover's lot as full; and finding a marked black Ash tree along the same line, he adopted it as the N. E. angle of No. 4, thus throwing the scant lot on the East side of the town, instead of next the proof line, where Peter Lossing had placed it, and made an equalization of lots between those two points. His new lines along this concession shoved far to the East of the first calculations, and make the most desolating work upon the improvements. The line between the 3rd and 4th concessions he ran further to the South than where Lossing had run it; which would throw away many years of statute labor and put houses and orchards in the road. He ran a central line between the Northern boundary and the third old concession line, in direct infringement upon the Statute he professed to fulfil; for the monument which bounded the South end of the second concession can still be attested to by many living witnesses, and he made that second concession to commence Nine chains further South than where that old monument stood. This he did in order to divide the gore between the 1st and 2nd concessions, which is certainly wrong, for if the gore is not the property of the Crown, it most truly belongs to the 2nd concession, and no other. There appeared to be another motive in this,—by throwing the bait of interest before the inhabitants of the first concession, the faction enlisted a number of recruits into their service. This partly legal, partly illegal and altogether most unjust, unequitable and overbearing procedure, has injured Norwich beyond calculation. For years strife has characterised the place,—man is soured towards his fellow man,—internal public improvements are neglected for want of unison,—philanthropy is lost—patriotism is unattended to—and a gloomy jealousy, cruel as the grave, withers and blasts every proposition that benevolence can dictate for the good of the people.

Your Petitioners would further state that in 1830 a petition was presented to the Legislature on this subject, when at the suggestion of Dr. Baldwin, Peter Lossing desisted from pressing the matter. Mr. Baldwin was of opinion that the law was already sufficient to secure these lines; Lossing as the tenant in fee having a right to survey his land as he pleased. Mr. Baldwin gave Mr. Lossing his writen opinion, concluding as follows:—

"To ascertain this" (i. e. whether Lossing went beyond his power and encroached upon the reserves) "it seems most prudent that a government survey "be made of those reserves and roads, and instruc-"tions might be given from the Surveyor General, "that the survey might be made with as little incon-"venience to the actual settlers as possible, and "such a survey may be confirmed by act of Parlia-"ment at a future session."

(Signed) "WM. BALDWIN."

To which is added the following concurrence, "I agree in this opinion." "M. S. BIDWELL."
"JOHN ROLPH."

Your Honourable House will observe by what follows, that your petitioners now present themselves consonant to the views and opinions of the three authorities above quoted. The report hereafter stated of commissioner Robinson, and the recommendation of His Excellency, makes the re-survey of Peter Lossing's line, now petitioned for, virtually a government survey of the reserves and roads.

In the course of the present year a female minister of the Quakers, touched with the broils that agitated the society, drew a short petitition to the Governor and Council, which was signed by many of both parties. An answer was received from the Government House, in documents, of which the following are copies.

Copy of the Commissioner's Report.

COMMISSIONER OF CROWN
LAND'S OFFICE,
Toronto, 10th April, 1834.

"The evils complained of by the petitioners arise "from the circumstance of having employed Peter "Lossing, not a licenced Surveyor, to divide the "blocks, originally surveyed by the Government, "into lots. The subject has frequently been brought "before the Council, and the fullest information af- "forded; but the Executive Government had no "authority to settle the dispute between the parties. "I should recommend, as the most effectual way of "amicably arranging the difficulties existing, so as "to prevent law-suits in future, that the parties "should employ a licenced Surveyor to run the "lines and put down the boundaries to correspond "with the views of the petitioners, and assigning "to each as near as practicable, the allowance ori- "ginally purchased, conformable to Peter Lossing's "survey; and having done this, to petition the Le- "gislature to confirm the survey so made. The "usual notice should be given of the intended appli- "cation to the Legislature."

("Signed") "PETER ROBINSON."

Copy. GOVERNMENT HOUSE,
Toronto, 12th April, 1834.

"SIR,

"With reference to your letter of the 4th "inst., I am directed by the Lieut. Governor to "forward to you the accompanying copy of a re- "port from the Commissioner of Crown Lands, and "to acquaint you that His Excellency recommends "to the inhabitants of the Township of Norwich to "pursue the course pointed out by the Commis- "sioner."

I am, Sir,
Your ob't serv't,
WM. ROWAN.

Mr. E. COOK, Post Master,
Norwich.

Notwithstanding many of the opposite party signed the petition, which resulted in the above communication, yet they contemptuously rejected the benevolent proposal. Your petitioner hailed it as the harbinger of peace, and proceeded implicitly to follow the course pointed out by the Commissioner, and recommended by His Excellency. They employed John Arthurs Tidey, a licenced surveyor who, as nearly as practicable, retraced and renewed Peter Lossing's survey, a diagram and notes of which survey will be presented to your honourable House.

To save a township from disgrace—to save many of its inhabitauts from ruinous law-suits—to realize expectations honestly formed and justly continued, respecting a survey which is not more irregular than many Government surveys have been—to interpose the powerful hand that can hush the storm, when every other means have failed and will continue to fail—to stop those disgraceful passions and tempers which have already gone great lengths, and to what lengths they may go no man can prognosticate, to do an act at once of justice, mercy and magnanimity, is the prerogative of your honorable House—is a subject worthy the exercise of your Legislative wisdom.—Your petitioners are convinced that nothing but an enactment of your honorable body will save the Township from ruinous law-suits; nothing but that can cut the gordian knot of our difficulties.

Your Petitioners therefore most earnestly pray, that your House will suffer no want of form, no paltry quibble which may be thrown in the way to cause a put off, and a further delay of the settlement of this distracting matter.

They pray your Honorable Body that the renewal of Peter Lossing's survey, in the Township of Norwich, now made by John Arthur Tidey, Deputy Surveyor, be established and confirmed by an Act of your Honorable Bodies.

They pray that should your Honorable Body not see fit to grant immediately, the above prayer, that your Honorable Bodies will magnanimously devote attention to their remarkable and suffering case; dispassionately pass judgment upon its merits: and render them that justice to which they think they have an undoubted claim.

And your Petitioners as in duty bound will ever pray.

NORWICH, *Nov.* 17, 1834.

Your Petitioners aver that their names to this Petition are all made up from Inhabitants of the Wilcox purchase, exclusively. This, they considered the only fair way of Petitioning.—Had they gone among persons no way interested or concerned in this matter, they might have greatly swelled the list of names. This however their opponents have done. And your Honorable Houses unless put upon your guard will be greatly imposed upon thereby.

Signed, Nicholas Lossing and one hundred and nineteen others.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY IN PROVINCIAL PARLIAMENT ASSEMBLED.

The petition of the undersigned inhabitants, freeholders and residents of the Township of Norwich.

MOST HUMBLY SHEWETH,

That your Petitioners have heard with deep feelings of repugnance, that it is the intention

of a certain party of persons in this place, to make an application to your Honorable House for an enactment to lay the allowances for road on the North side of the concession lines and on the West side of the Middle Town or proof line; and the said applicants state, at the same time that such an enactment would be agreeable to the original survey of this Township.

Your Petitioners without wishing to draw the notice of your Honorable Body to the absurdity of making an enactment to establish a matter, which by their saying, is agreeable to the original survey, would be already the law of the land without the necessity of an enactment, would go to declare that the proposed application is but a continuation of that strife and resistance to good order with which a turbulent and factious party has for many years past tormented this Township.

That your Petitioners are prepared to prove at the Bar of your Honorable House, that the original Government survey of this Township placed the lines in the centre of the allowances for roads.—Colonel John Bostwick, who assisted Mr. Hamley, the first surveyor of this Town, in the year, 1799, together with a cloud of witnesses, can fully establish and settle this question. The original monuments pointing out the road to be 50 links on each side the lines, can be fully proved by many old settlers; among whom, are actually many of the factious party; and upon this proof the Court of King's Bench made a discision in August last, in a case we beg leave hereafter to mention.

That the first statute labor in the Township was done upon this principle, and the whole of the line between the 4th and 5th Concession,—a distance of nine miles, has been opened and wrought upon this plan:—Buildings erected, fences set and orchards planted:—So that the grant of the Petition of which they have given notice would be attended with incalculable injury to inhabitants living on the North side of this line; throwing the Methodist Meeting House, two Stores and many dwelling houses and gardens entirely in the public road.

That divisions in opinion about the place of the roads waxed warmer from the year 1828, when Eliakim Malcolm, Surveyor, was invited into the Township, to make a general ripping up of surveys, which had many years before been made by Peter Lossing, of a large purchase on the East side of the Township of which the said Peter Lossing was at the time of his survey, the tenant in fee.—The said Surveyor Malcolm aiming to fulfil the prescriptions of the Statutes of 1818, undertook to make an equalization of lots between ancient Boundaries, but in his zeal to accomplish his object, he neglected to avail himself of the evidence which he might have had respecting the ancient survey, and inconsiderately determined the road to be West of the Middle Town or proof line, and North of the concession lines.—It would be an impeachment to Mr. Malcolm's good sense, to think that he has not since been convinced of his error; as he acknowledged in August last, in the witness box, at the Court of King's Bench; that the Concession lines of Norwich, might be in the centre of the allowance for road; but as he has in his subdivisions of Lots on the East side of the Township, worked upon the above mentioned principle, and also guaranteed the stability of his lines, he knows well that disappointments will arise in the minds of his employers, and his work have to be altered, provided the plain law should now take effect among them. And this is the only ground upon which your Petitioners in the exercise of their best judgment, can account for the warmth with which he attempts to sustain this turbulent party, and his own inconsiderate work.

That in the year 1832, the first bold and effective move was made to carry an unrighteous cause by force and in the face of law. Gilbert Stover removed his fence which had been two rods distant on the East side of the middle town line or proof line, into the travelled road, as near to the line as the bridges and causeways would permit him. His neighbors remonstrated to no purpose. He was afterwards complained of to the Magistrates in the Township, but they not feeling clear in their duty dismissed the matter. Thus situated these persons have presumed to trample upon the laws, and to violate the good order of society, under the presumption that there was none hereabout capable of calling them to an account. Matters lay thus to the grief of the well disposed, when a complaint was made before the Grand Jury, and Stover was found guilty of a nuisance on the public high way. This misguided man buoyed up by his party, still continues to dare the Laws, still continues his fence in the same place in despite of all the remonstrances of his neighbors and the warnings of the road master.

That your Petitioners wish nothing more than the plain law, in this case, should be fulfilled in making the lines the centre of the road, this would at once put the west half of the Township at rest, and remove every uneasiness worthy of notice, and by granting the Petition of the Partizans, a great portion of the West half of the Township will be thrown into derangement.

That your Petitioners, with unmingled feelings of regret, cannot withhold the fact from your Honorable Body, that the most plausable professions of ingenuousness are resorted to by the party against whose proceedings your Petitioners remonstrate. Where the influence of this combination has extended, and interest not otherwise intervened, they have worked the roads upon their own plan; and such contend for the roads to go North of the lines; but where many of their adherents live on the lines, which their interest has led them to assist in opening and working according to the old and lawful principle, such cry loudly for a law to save the statute labor, and to lay the roads as they have been partially worked. This new movement of the party is entirely at variance with the notice which they have given in the Gazette. It is an imposition, inasmuch as they might as well make application without any notice at all, as to make it contrary to their notice. It is a proceeding palpably dictated by selfishness and policy. It is nothing more than an artful contrivance to get signatures to their petition, to accomplish one great aim: which in respect to roads, more than all the rest, is to throw the allowance for road on the centre line of the Township, all on the West side of that line. In this new movement of the faction, there is inconsistancy and confusion. Granting this—an anomalous re-survey of the Township will become necessary, which, from the present situation of the place, and

the disposition of the people, it would be utterly impossible to perform, with the most studious regard to equity, so as to produce conciliation and satisfaction. And the party well know this to be the case, whatever plausable impression they may seek to infuse into the minds of your Honorable House.

Since Mr. Malcolm's surveys, roads have been opened and partially worked on the North side of the Concession lines, but generally speaking, no inconvenience will follow in deranging buildings, &c. by placing the roads on both sides the lines, except for a small space on the Ninth Concession line; where in one only place a few buildings have latterly been erected near the South side of the line, which buildings have many of them been built within the present year, in a pertinacious and daring manner, even while the above named suit was pending; and it remains for your Honorable House to say whether the smaller evil must not give way for the greater good.

The Petitioners therefore pray your Honorable House to discountenance the gross attempt to cause your Honorable House to make a law to establish what unreasonable men call already lawful; but which is clearly contrary to law—contrary to the earliest conceptions of the settlers—and contrary to the present wishes of peaceable men.

The Petitioners also pray your Honorable body to make an act declaratory of the law in this case upon the clearness of which, the Court of King's Bench, at London, has already made a solemn decision.

And your Petitioners as in duty bound will ever pray.

WM. LAWSON,
and 124 others.

Norwich, 17th Nov., 1834.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY IN PROVINCIAL PARLIAMENT ASSEMBLED.

The undersigned Petitioners, Inhabitants, Freeholders and House-holders of the Township of Norwich.

HUMBLY SHEWETH:

The inhabitants of the township of Norwich have suffered, and are still likely to suffer, great inconvenience from the difference of opinion respecting the road allowances, as laid down in the original survey of the Township, from which difference, vexatious and ruinous law-suits have arisen, and more are likely to arise, without the intervention of Your Honourable body. By the evidence of those who employed Hamley, the original surveyor, ten years after the first survey of the Township, Hamley laid the road allowance in rear of the lots and front of the concession lines, and west of the middle centre town line. Lewis Burwell, deputy surveyor, being called to survey, laid the roads in the same manner. Ehakim C. Malcolm, Esq. deputy surveyor, being called to survey, and being apprised of the difficulties, previously searched the field notes in the Surveyor General's office, and found no mention of roads, and nothing but the angles of the lots, and by admeasurement finding the centre town line nearly seven chains east of the centre of the town, and laid the road of the centre line, and in the rear of the lots; and our roads are nearly all worked accordingly, and on the front of the ninth concession is a village laid out, and two large houses and one store built, which would cost the owners one thousand dollars to remove.

Your Petitioners respectfully pray your Honorable House to pass an act to establish the roads on the west side of the centre line, and in the rear of the lots, as laid down in the original survey, except the road in the rear of the fourth, and front of the fifth concession, which being a good road, worked each side of the line in front of the fifth. The lots in the fifth concession being longer than the fourth, and buildings erected, we, your Petitioners respectfully pray you may establish the same,

And your Petitioners as in duty bound will ever pray.

JOSEPH LANCASTER,
and 42 others.

TO THE HONORABLE COMMONS HOUSE OF ASSEMBLY OF THE PROVINCE OF UPPER CANADA IN PROVINCIAL PARLIAMENT ASSEMBLED.

Respectfully Sheweth:

That your Petitioners observed a notice in the Upper Canada Gazette, signed "Norwich," wherein is stated that the Inhabitants of said Township intend making application at the next session of Parliament for an enactment to establish and confirm the lines, and appointment of lots made, and assented to by the inhabitants previous to the act of 1818;

That some of your petitioners at the first settlement of said township employed Peter Lossing to survey their lands under the impression that said Peter Lossing was capable of executing the same,—and that the said Peter Lossing did in said survey, materially stray from the original survey of said township, and in several instances run these lines governing the same lots, varying from twenty to thirty rods, and in many instances paid no attention whatever to the original monuments, whereby very great alterations were made, and consequently your petitioners had every reason to doubt the legality of said survey. That your petitioners since employed Lewis Burwell and Elakim Malcolm, regularly licensed Deputy Surveyors, and whose survey corresponds with the assigned monuments and survey of said township, and also with a draft of the same, and with the field notes procured at the Surveyor General's Office, and which survey gave full and entire satisfaction to your petitioners.

That your petitioners understand it is the intention of certain individuals, as by said notice above quoted, to apply to your Honorable House for an act to confirm and make valid the survey of said Peter Lossing; which would very seriously injure some of your petitioners, and take from them a considerable quantity of land, besides altering their boundaries, which are now in unison with the original survey. It would also cause a very great loss of statute labor, and would furthermore create confusion throughout said township and render abortive any grounds at a regular survey.

Your petitioners therefore humbly request that your Honorable House will be pleased to take this petition into serious consideration, and not hastily pass any law to alter said original survey, and otherwise do in the premises as your Honorable Body may deem right, and your petitioners as in duty bound will ever pray.

JOSEPH LANCASTER,
and 42 others.

Observations respecting the business in the township of Norwich, by Eliakim Malcolm, Deputy Surveyor.

1st. The lots on the Easterly side of the middle town line only average 25 c. 45 ls., consequently there is a deficiency East of the middle line, of 1 c. 12 ls., allowing no part of the road between Norwich and the gore of Norwich to come off Norwich.

2nd. The lots on the Westerly side of the middle town line average 26 c. 22 ls., making a surplus of 9 c. 68 ls., which, taking those two items together, is a strong argument in favor of placing the allowance on the Westerly side of the line supposed to be run through the centre of the township.

3rd. All the admeasurement which I have made (from original monuments) in the course of my practice in the township plainly shews to me that it was originally intended for the allowance to be on the Westerly side of the line.

4th. In a conveyance dated 4th April, 1816, Peter Lossing conveyed the North half of lot Nos. 13 and 14 in the 3rd concession to David Nichol;—in that deed Mr. Nichol's deed binds him on the middle town line, and gives him the full width of two lots as laid down in the original survey.

Note.—Mr. Lossing at that time certainly must have known where the road allowance was; if he did, it does not seem reasonable that he would deed part of it to Mr. Nichol, which I think argues strong in favor of putting the allowance on the Westerly side of the line. Here I beg leave to refer you to the affidavit of Joshua H. Corbin, who particularly mentions the situation of the stakes on the line in front of the township, where the middle town line intersects it.

I am fully of the opinion that there would be a saving of labour by throwing the road on the Westerly side of the line. The road is worked partly both ways, but the most part of the labor is put, allowing the road to be on the West side of the line.

CONCESSION ROADS.

1st. In all the Townships in which I have practised—surveyed from the year 1819—I never knew an instance of the line being in the centre of the road, neither does it look reasonable to me that a person's governing post, or monument, should be in the centre of the public highway.

2nd. The Concession roads (with the exception of the road between the 4th and 5th Concessions) are all worked, allowing the road to be on the North side of the line run in front of the concession.

3rd. The road between the 4th and 5th Concessions is principally worked on each side of the line, and several buildings placed accordingly; wherefore I think the prayer of the Petitioners should be granted, in order to save the labor and the necessity of removing the buildings.

4th. William Cromwell has laid out a village adjoining his mills—allowing the road all on the North side of the line run in front of the Concession, and several large buildings are placed accordingly—also the bridge across Otter Creek.

5th. The stakes, or monuments, designating the lots in the original survey stand directly on the line run.

Respecting the establishment of Peter Lossing's Survey in lieu of the original.

1st. Mr. Lossing was an interested individual, and under no responsibility.

2nd. Mr. Lossing paid very little regard to the stakes, or monuments, erected in the original survey; but made new divisions of the lots, differing materially from the original.

3rd. Mr. Lossing run different lines between the same lots, differing materially one from the other, which will appear from some of the affidavits.

Query—Which of those lines do they want established?

4th. Mr. Lossing's Survey does not agree in any way with the original.

5th. The intermediate line he run between the 3rd and 4th Concessions (East of the middle line) crooks about three chains in the centre.

6th. The intermediate line he run between the 5th and 6th Concessions, where it intersects the middle town line, is about four chains too far to the North.

Note—In the first Survey only every other of the Concession lines were run.

Dear Sir,

I deeply regret that I had not an opportunity of stating the case in person before the Committee, as it is impossible in this way to give the Committee but a faint idea of the circumstances relative to the case.

I am, Sir,
Your most obedient
Humble servant,
ELIAKIM MALCOLM,
Deputy Surveyor

To C. Duncombe, Esquire,
Toronto, 19th March, 1835.

Brantford, 10th March, 1834.

Dear Sir,

Having been requested to state to you, for your information, my opinion of the nature of the original Survey of the Township of Norwich; I beg to say that from what information I have gathered when surveying in that Township, I am decidedly of opinion that the allowance for road passing

through the centre of the Township from North to South lies to the West of the line commonly called the middle town line, between Lots No. 14 and 15, and that the Concessions run in the original survey, were run in *front* of the Concessions, and *not* in the centre of the allowance for road between the Concessions.

I sincerely hope that a law may be passed, which will prevent the almost endless confusion and litigation which will continue there if matters remain as they are.

I am, dear sir,

Your very obedient servant,

LEWIS L. BURWELL,

Deputy Surveyor.

CHAS. DUNCOMBE, Esq., M.P.P.
TORONTO.

Observations respecting the Surveys in the Township of Norwich.

1st. It has been observed that the circumstance of there being more land on the West side of the middle line than there is on the East affords a strong argument in favor of placing the road allowance on the West side of that line; but such reasoning in the mouth of a Surveyor is untenable—as a licensed Surveyor I am bound to respect the original monuments, without regard to the quantity of land. The statute of 1818 distinctly binds a Surveyor to work according to the original monuments. The abundant proof which I had that the lines in Norwich were run as the centre of the roads prevented my working by any other method. Colonel John Bostwick testified in court that he run the original lines of Norwich in 1799, under authority, and that he distinctly knew the lines to be the centre of the roads. (See affidavits of Col. Bostwick, Claymond, Vanderburgh, Paul Averil, and many others who have seen the posts standing.)

2nd. Respecting the opinion given that there would be more saving of labor of placing the road on the West side of the middle town line.—I can distinctly aver that that opinion is not correct. To my certain knowledge there would be *no saving* of statute labor by so doing, on the contrary, the *labor* lost would be far greater than that saved.

3rd. Respecting Peter Lossing's deed to David Nichol, bounding him to the middle town line—He did nothing more than the circumstances of the case made necessary; the original patent made no mention whatever of roads, and how could Mr. Lossing do so in his transfers? The lots which were made scant lots in the Government Survey were described as full lots in the Patents, and how could Mr. Lossing venture to do otherwise in his transfers?

4th. The posts which were found standing on the lines were never intended to be *(in Norwich)* at the angles of the lots, they never were marked as such—they were marked as mere trace stakes, or guides to the proper corners; therefore the oft repeated objection that a man's corner cannot be the centre of the road, is made without any foundation or force whatever.

5th. The line between the 4th and 5th concessions is worked throughout upon the principle of the line being the centre, and the buildings and improvements made accordingly. This is the oldest street in the place, which proves plainly that the old survey placed the lines in the centre.

6th. The buildings at Cromwell's, on the line between the 8th and 9th concessions, are neither very large nor very costly, and the bridge across the narrow Otter, is but a common rough country bridge. Many of those buildings were latterly erected while suits were pending, as if to dare the laws, and the stability of ancient surveys.

Respecting the establishment of Peter Lossing's survey.

1st. If Peter Lossing was under no responsibility, those persons who deliberately agreed to accept of his surveys certainly were by the sanctity of contracts.

2nd. Mr. Lossing, so far from paying "*very little regard*" to the original monuments in the Government survey, availed himself of every opportunity to be guided by them; and in the case where he differed from the original, if he ever did so, it was because the posts were missing and gone, and under circumstances in which he could not honestly have acted otherwise than he did. Refer to the diagram and see if Peter Lossing ever made such a departure from the original survey as did the licensed Surveyor, who commenced the second concession line 9 chains and a half further South than where the original monuments pointing out that commencement stood.

3rd. If Mr. Lossing ran different lines between the same lots, it was no more than other Surveyors have done—it being the privilege of every man to correct what he considers an error. Previous to 1818, when the instructions were to run from post to post across the concession, it was hardly possible for a Surveyor to make a line correct at the first running.

4th. If Mr. Lossing's lines are in some cases irregular, the irregularities of the original survey are far greater, as the diagram will shew. Expectations honestly formed and justly continued—fears of great losses and sacrifices—and earnest desires for justice, loudly call for the establishment of Peter Lossing's lines.

JOHN A. TIDEY,

Dep't P. Surveyor.

COMMITTEE ROOM,
HOUSE OF ASSEMBY,
March, 27th, 1835.

No. 117.

GAOL REPORTS,

As returned for the last Four Years.

District.	Prison where situated.	Year.	Total No. of Prisoners.		No. of Debtors.		No. of Misdemeanors.		No. of Felons.		No. of Tried Prisoners.		No. of Untried Prisoners.		Prisoners Employed.		Prisoners Not employed.	Punishment for offences within the Prison.	Cases of Sickness and Death.		
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Hard Labour.	Not hard labour.			Cases of Sickness in the year.	Greatest No. of Sick at one time.	Deaths.
Ottawa.	Longueil.	1833	50	0	12	0	0	0	18	0	18	0	0	0	0	0	0	None.	—	—	—
		1834	No r	e u	n.																
		1835	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	None.	One, insanity.	1	—

The Gaol, capable of containing six debtors and six criminals, on an emergency twice the number. By accommodating twelve persons, there would be six debtors in one room, four criminals in a second, and two in a third.

The Prison is a Common Gaol, having a Court Room in the upper story. The name of the Gaoler is Angus Shaw, and the affairs of the Prison are constantly under my own supervision. No officers but the Gaoler, who holds his situation from me. But one debtor's room and two criminal wards. The Prison is not surrounded by any yard, but the lot granted for the Gaol contains one and a half acres of ground, so that extensive yards may be constructed when the wants of the Gaol require them, and the means of the District will enable the Magistrates to go on with the work. Allowance to King's prisoners one and a half pounds of bread and half a pound of pork per day, worth at the present high prices of provisions about six shillings per week. There is a standing order of the Magistrates to have the prisoners, when in any confinement, provided with blankets and bedding actually necessary. From seldom having prisoners in custody no arrangement has been made to render their labor available. Men and women kept in different wards—no other classification. No duties performed by a Chaplain. The Ottawa District Bible Society voted one copy of the Bible and a New Testament some years since, which are still kept for the use of the prisoners. Attendance of a Surgeon or Physician seldom hitherto required. No regular Physician appointed to attend prisoners. Solitary confinement, whipping, or irons, never yet resorted to—irons have been provided for the prison. There is now in the prison an unknown transient female, apparently about thirty years of age, and insane at times; she said her name was Susan Horsey, other circumstances have induced me to believe that her name is Sarah Bradley—she has been confined since the 12th of January, 1835. It is not known how long she has been deranged—she had committed no offence, but was in a helpless, starving, and destitute condition.

CHAS. P. TREADWELL,

Sheriff District of Ottawa.

Districts.	Prison where situated.	Year.	Total No. of Prisoners.		No. of Debtors.		No. of Misdemeanors.		No. of Felons.		No. of Tried Prisoners.		No. of Untried Prisoners.		Prisoners.			Punishment for offences within the Prison.	Cases of Sickness and Death.		
															Employed.		Not employed		Cases of Sickness in the Year.	Greatest No. of Sick at one time.	Deaths.
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Hard Labour.	Not Hard Labour.					
BATHURST.	Perth.	1833	6	0	4	0	0	0	2	0	0	0	2	0	0	0			0	0	0
		1834	35	2	29	0	2	1	4	1	5	1	1	1	0	0	37		1	1	0
		1835	34	0	16	0	10	0	5	0	15	0	3	0	0	0	18		0	0	0

The Gaol is capable of containing 14 Criminals and 16 Debtors—the cells being large, each prisoner cannot have a separate room—in case of necessity more might be accommodated. The prison is a common Gaol, yet may by the Provincial Statute, 50th Geo. III, Cap. 5, be used as a House of Correction, but never has been so applied in this District—it is kept under the superintendence of the Sheriff—the Gaoler is the only officer and is appointed by the Sheriff—Gaol divided into three rooms for Criminals and two for Debtors—no airing yard, it not being considered necessary, from the small number of Prisoners confined at once—sufficient ground for the purpose, should it be required.—Weekly allowance for diet of Criminals 5s. 3d., each—no allowance to Debtors—no allowance of clothing—each Prisoner supplied with a Mattrass and two Blankets.—Prisoners not employed because not sentenced to labor—Debtors may exercise in well-aired Hall during the day—no classification of Criminals on account of the paucity of number—no Chaplain appointed, but Clergymen of different denominations attend cheerfully when required—no provision made for instruction—no Bibles or other books provided—a Surgeon attends when required—their are no separate apartments for the sick—Whipping never had recourse to, solitary confinement or ironing in cases of misconduct in Gaol.—In 1834, one insane person was in confinement a poor Widow—name, and length of time insane unknown—age about 36 years—occasionally exceedingly violent and outrageous so as to render it necessary to confine her for the preservation of public peace.—Great inconvenience experienced in this District for want of a Provincial Lunatic Asylum, as the smallness of the Gaol, and difficulty of managing such persons, render it exceedingly unhealthy and uncomfortable to its inmates generally.

JOHN A. H. POWELL, SHERIFF,

Bathurst District.

EASTERN.	Cornwall.	1834	10	0	6	0	10	0	2	0	0	0	12	0	0	0	12	none	3	1	0
		1835	2	0	0	0	0	0	2	0	1	0	1	0	0	0	0	0	2	2	2

The Gaol capable of containing 25 prisoners, or 50 if more than one in each cell.

Prison a Common Gaol under superintendance of Sheriff of the District and Gaoler—Sheriff appointed by Lieutenant Governor, and Gaoler by Sheriff—Gaol divided into 6 Criminals' Wards and a day room, and 2 Debtors' Wards and a day room—14lb. of bread per day allowed to each Criminal prisoner—Bedding, a Mattrass and 2 Blankets—Prisoners not employed, because no regulation made to that effect—No duty performed by Chaplain—No provision for instruction—No Bibles or other books supplied—Surgeons called in when required, and paid by the District—Solitary confinement, whipping, or irons only resorted to when prisoners are refractory—No insane prisoner under confinement.

DONALD McDONELL, SHERIFF,

Eastern District.

JOHNSTOWN,	Brockville,	1832	23	0	14	0	1	0	8	0	5	0	4	0	0	0	None empl'd	None.	5	2	0
		1833	No r	etur	n.																
		1834	22	0	14	0	1	0	7	0	3	0	5	0	0	0	do.	None.	6	2	0
		1835	12	0	4	0	1	0	7	0	5	0	3	0	0	0	do.	None.	4	1	0

The Gaol is capable of containing sixty prisoners.—Is a Common Gaol and House of Correction, under superintendance of the Sheriff of the District.—No other officer than Gaoler, who is appointed by Sheriff. Gaol contains two debtors' rooms and three rooms for criminals, one particularly for females, cannot be extended. Weekly allowance, five shillings for diet, and tenpence for fuel, each, unless restricted by order of Court to bread and water. Destitute prisoners have been furnished with bedding and clothing at expense of District—prisoners not employed, because no regulations or orders to employ them. No classification, the number of cells not admitting of it, and none being required by law—debtors and criminals confined in separate cells—no duties performed by the Chaplain—Clergymen of

different denominations have occasionally performed Divine Worship—Bibles and other books have been furnished by the District, and also by the Brockville Bible Society. A Surgeon is employed when required, and paid from the funds of the District—no separate apartments for the sick—punishment, by solitary confinement, whipping, or irons, has never been resorted to. Two insane persons are under confinement, viz.:—Chas. Bevins, confined since 10th September, 1834, and Edward Matherson, since 11th December, 1834.

ADIEL SHERWOOD,
Sheriff District of Johnstown.

MIDLAND,	Kingston,	1832	155	39	75	0	129	35	30	0	19	5	136	34	0	0	194	None,	54	17	3 died in the Hospital who were taken from the Gaol.
		1833	119	31	122	0	59	23	60	8	47	5	72	26	0	0	150	None,	19	3	0
		1834	107	10	108	0	76	10	31	1	38	4	69	6	0	0	117	Solitary confinem't.	31	7	2
		1835	126	14	32	1	95	14	31	0	46	1	80	13	0	0	140	None,	44	3	2

The Gaol is capable of containing fourteen prisoners separately, or ninety by confining more than one in each cell—is a Gaol and House of Correction, under the superintendence of the Sheriff of the District—the only officer is the Gaoler, appointed by the Sheriff—there are seven wards, and five classes or divisions, viz:—first, for those convicted of felony; second, for those convicted of misdemeanors; third, for those committed charged with felony; fourth, for those committed for misdemeanors, or for want of sureties; fifth, for vagrants; there are no day rooms, work rooms, or airing yards; weekly allowance, seven pounds of bread, seven pounds of beef, three and a half pounds of potatoes, salt, soap, and water, amounting to three shillings and a penny halfpenny per week, each; two blankets and a mattrass allowed, cost per head about one shilling each—prisoners not employed—males and females confined in separate cells—Ministers of every denominaation are in the practice of performing service—prisoners are supplied with Bibles and Tracts—a Surgeon attends the Gaol—no separate rooms for the sick—punishment by solitary confinement, whipping, or irons, only for refractory and improper conduct—no insane persons confined.

JOHN McLEAN,
Sheriff Midland District.

RETURN of Prisoners confined within the Midland District Gaol 1st January, 1834.

NAMES.	AGE.	COUNTRY.	CRIME.	WHEN COMMITTED,	BY WHOM COMMITTED.
Jeremiah McCarty,	21	Ireland,	Enticing soldiers to desert,	3d August, 1833,	Under sentence,
William Jameison,	35	Ireland,	Stealing watch,	24th Septr., "	Henry Smith, Esquire,
John Johnston,	29	Ireland,	Stealing calf skins,	21st October, "	Same,
Henry B. Jackson,	31	England,	Enticing soldier to desert,	21st " "	Same,
Thomas Denison,	31	England,	Stealing hats,	23rd " "	Same,
Alexander Phair,	42	Ireland,	Stealing watch and calf skins,	29th " "	S. Washburn and A. Deacon, Esquires,
John Walker Royal Artillery,	24	Ireland,	Under sentence of transportation for life.	1st November, "	J. Wright, Commandant,
John Tucker,	47	Ireland,	Assault and battery,	19th " "	Henry Smith, Esquire,
Eleanor Tucker,	40			20th " "	Thomas Sparham, Esquire,
Henry Murdoch,	20	Scotland,	Stealing pocket book,	30th " "	H. Smith and A. Manahan, Esquires,
Mary Ann Lane,	23	Ireland,	Stealing silver plate,	18th December, "	Same,
William Douglas,	22	United States,	Stealing watch,	19th " "	Same,
Thomas Loughman,	21	Ireland,	Same,	23rd " "	Henry Smith, Esquire,
Michael Bonkus,	28	United States,	Assault and battery,	29th " "	A. Manahan and T. Parker, Esquires.
James Cassan,	29	Ireland,	Attempt to murder,		

JOHN McLEAN,
Sheriff Midland District.

District.	Prison where situated.	Year.	Number of Prisoners.		No. of Debtors.		No. of Mis-demeanors.		No. of Felons.		No. of Trial Prisoners.		No. of Civil Prisoners.		Offences.			Punishment for offences within the Prison.	Cases of Sickness and Death.		
															Employed.						
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Hard Labour.	Not Hard Labour.	Not employed.		Cases of Sickness in the Year.	Greatest No. of Sick at one time.	Deaths.
PRINCE EDWARD.	Village of Picton	1834	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	See remarks below.	6	2	0
		1835	5	1	0	0	0	0	5	1	0	0	5	1	0	0	6		5	3	0

The Gaol has four rooms for Debtors, and will accommodate 20, allowing the smallest room for use of the sick. There are six rooms for Criminals and setting one apart for the sick, the remainder will accommodate 20. There are no day rooms or airing yards—Debtors have the use of the passage along the front of their cells—and also the Criminals the one in front of theirs when it can be done with safety.—Should there be a female Debtor or Criminal the means of accommodation would be lessened. The Prison is a Common Gaol, but Common Gaols are by Provincial Statute, to be used for Houses of Correction until such be erected—Is under the superintendence of the Sheriff of the District, who appoints the Gaoler, who is the only officer. Destitute Prisoners are allowed daily by the District 12 oz. fresh beef or 1lb. salt pork, 1lb. potatoes, ½lb. bread, with allowance of salt—average weekly cost, about 5s. 9d., per head. Sheriff reports on this head to each Quarter Sessions, and allowance confirmed or disallowed according to the evidence produced. These allowances, furnished by contract, given out by the Magistrates—Clothing and bedding supplied by the District to those prisoners who are unable to supply themselves —No employment for prisoners, no regulations having been adopted on this subject. Separation of Debtors from Criminals the only classification the construction of Gaol admits of. If Females are committed they are necessarily confined to their room—if necessary, to allow them the use of the passage for exercise, male prisoners are locked up—plan of Gaol very defective in this respect. No Clergyman appointed to perform Divine Service in Gaol, nor has any minister performed service therein—no provision for instruction—nor Bibles or other books supplied.—A Surgeon attends when necessary, at the expense of the District—there are no separate apartments for the sick. Gaoler is authorised by Quarter Sessions to put an offender in solitary confinement and keep him on bread and water for not more than 24 hours, for disregard of prison rules, assaults in prison, profane cursing and swearing, or indecent or refractory behaviour, noting particulars in his journal. Solitary confinement and whipping in obedience to a Court of Justice—no prisoner put in irons except in cases of absolute necessity, and particulars to be entered on Journals by keeper and submitted to Magistrates in General Quarter Sessions assembled. Gaol Regulations direct that no person shall be kept in irons longer than absolutely necessary. One prisoner, a colored man, was whipped by order of the Magistrates in Quarter Sessions. No insane person confined at present—an insane female named Mary Stephens was received into one of the Criminal's cells in December, 1834, by order of S. Washburn, Esq., and continued there 18 days, and then forwarded to Toronto by desire of her husband, an old soldier, by means of a subscription contributed by the Magistrates, Grand Jury, and other individuals charitably disposed. From the recent formation of the District, and want of funds, the Gaol is yet unprovided with many requisite comforts and conveniencies, which will, no doubt, be provided by the Magistrates as the means of the District will admit.

RICHARD BULLOCK, SHERIFF,

District of Prince Edward.

NEWCASTLE.	Amherst.	1832	11	1	8	1	3	0	0	0	1	0	2	0	0	0	12	none	2	2	1
		1833	No return															none	0	0	0
		1834	17	0	0	0	9	0	0	0	2	0	9	0	6	0	9	none	0	0	0
		1835	15	1	4	0	7	0	4	1	3	0	5	1	0	0	13	none			

The Gaol is capable of containing 12 Criminals and 6 Debtors, and if necessary may accommodate 24 Criminals and 24 Debtors. Is a Common Gaol and House of Correction under the jurisdiction of the Court of King's Bench and superintendence of the Sheriff. No officer but Gaoler, who is appointed by Sheriff. There is a block of 12 cells in the centre of the ground floor of Gaol for Criminals, with a Hall between it and the outer wall.—The inmates, if orderly, are admitted into the Hall every morning. No work rooms or airing grounds. Allowance to Criminals 2¼lbs. of bread, cost about 2s. 6d.—No allowance to Debtors. One Straw Mattrass and two Blankets allowed each Criminal, cost £1 10s. No employment, because no Legislative provision therefor. Debtors and Criminals kept apart—no other classification necessary. Chaplain preaches and reads prayers with the Prisoners once a fortnight—a few Bibles and other religious books furnished by a Branch of Society for promoting Christian knowledge. A Surgeon attends when necessary, no safe separate apartments for the sick. Punishment by solitary confinement, whipping, or irons, not resorted to. There is an insane man in confinement named Thomas Jones, about 35 years old; confined to prevent his doing harm—has been 10½ months in confinement—period of insanity uncertain. A Penitentiary system of punishment on a small scale might be adopted in each District having a good building, with advantage both to the public and to persons confined for minor offences.

H. RUTTAN,

SHERIFF,

District of Newcastle.

QUARTERLY RETURN of Prisoners confined in Newcastle Gaol, 31st December, 1835.

NAME.	PLACE OF BIRTH.	Age.	CRIME.	BY WHOM COMMITTED.	DATE OF COMMITMENT.	REMARKS.
P. H. Brown	United States	34	Stealing a Horse	Judge of Assize	27th September.	Sentenced 5 years Penitentiary.
Joseph Cardinal	Lower Canada	45	Assault	J. Brown, Esq.,	24th November.	
Joshua Bouset	Lower Canada	16	Stealing	Hon. Z. Burnham	13th December.	
Joseph Lindsay	England	40	Stealing	J. Hall, Esq.,	2nd July.	
James Mulligan	Ireland	15	Assault	Patrick McGuire	3rd December.	
Hiram Wyatt	Upper Canada	22	Stealing	R. Hare, Esq.,	12th November.	
Lorenzo S. Hollister	United States	26	Assault	J. Lester, Esq.,	30th December.	
Joseph Chisholm	Scotland	14	Killing a man	R. Henry, Esq.,	28th October.	
George Wright	United States	22	Stealing	J. Lester, Esq.,	27th December.	

SHERIFF'S OFFICE, AMHERST, *December 31st, 1834.*

H. RUTTAN, *SHERIFF.*

District.	Prison where situated.	Year	Total No. of Prisoners.		No. of Debtors.		No. of Misdemeanors.		No. of Felons.		No. of tried Prisoners.		No. of Untried Prisoners.		Prisoners Employed		Prisoners Not-employed	Punishment for offences within the Prison.	Cases of Sickness and Death.		
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Hard Labour.	Not Hard Labour.			Cases of sickness in the Year.	Greatest No. of Sick at one time.	Deaths.
Home	City of Toronto.	1833	34	1	18	1	4	0	12	0	8	0	7	1	none	10*	25	Solitary confinement and chains if necessary for safe keeping.	1	1	0
		1834	401	38	186	0	147	30	68	8	249	38	4	0	80	18 females.	341		1	1	One died at the Hospital of Cholera.
		1835	430	39	172	2	166	30	86	13	250	33	6	6	13	none	456		1	1	0

The Gaol is capable of containing 16 Criminals and 11 Debtors each in separate cells, and 48 Criminals and 50 debtors if not less than three occupy each room. Is a Common Gaol and also a City House of Correction according to the Act of Incorporation of the City. All Gaols in the Province constituted Houses of Correction by Provincial Statute. Is under the jurisdiction of the Sheriff and Gaoler, and superintendence of the Magistracy. The only officers are the Gaoler, appointed by the Sheriff, and the Turnkey by the Gaoler. There are three Wards for Criminals, with 16 cells—eleven Debtors' rooms, exclusive of Gaoler's apartments, with two corridors—a yard attached to the Gaol, which can be enlarged if necessary to the extent of perhaps an acre. The present pickets are so much decayed that some of them are nearly falling. Allowance to Crtminals 1lb. of bread per diem at weekly charge of District of about 1s. 2d. per head—since 1st January, 1836, one quart of soup to each Criminal has been added—no allowance to Debtors—no clothing allowed—bedding furnished to Criminals and replenished when required, at considerable expense in consequence of the great destruction by prisoners, Male prisoners are employed breaking stones, females washing blankets and scrubbing the Gaol—Ten hours labour per day—no particular hours for exercise—stones broken by prisoners are put on streets of city—no prisoner forced to work unless so sentenced—nor are Debtors obliged to labor. Debtors and Criminals always imprisoned separately—in some cases convicts and untried persons are also kept apart, but owing to want of room, and the state of the building this classification cannot be observed. Rev. Archdeacon Strachan or his Curate perform Divine Service every Sunday. He also supplies Gaol with Bibles, Prayer Books, &c. A Surgeon attends when required, and sick are provided with a separate room if necessary. Punishment by solitary confinement, whipping, or irons, not resorted to except by sentense of Court, or for misconduct or attempt to escape, then solitary confinement or irons is resorted to as a punishment, and for safety. There are four insane persons in Gaol, viz:—Margaret Finch, committed in 1821, now about 40 years of age, abandoned by her husband and family, she has only temporary periods of insanity; John Long, a negro, aged 29 years, committed in 1832, dangerous to go at large; Geo. Adamson, 36 years of age, committed in 1832, religiously insane; and John Morrison, aged 47 years, committed in 1834, frequently outrageous. The prison, as to the debtors' apartment, is commodious, situated in a healthy part of the City, has been very much crowded with prisoners, several escapes have taken place, and it is considered so unsafe that the Magistrates intend applying for aid to the Legislature, for the purpose of erecting a new building, in which a classification of prisoners can be observed and greater accommodation provided. In 1833 the total number of debtors confined was 210, criminals 104, insane 5, grand total—319.

W. B. JARVIS, *Sheriff Home District.*

* Voluntarily for their own advantage.

RETURN of Prisoners confined in the Niagara District Gaol, 1st Jan., 1832.

NAMES OF PRISONERS.	COUNTRY.	AGE.	CRIME.	By whom committed.	DATE OF Confinement.
George W. Smith	United States	25		A Writ of Capias	Aug. 28, 1831
Fordus Averil	United States	33		Ditto,	Sept. 4.
Thomas Helmer	Upper Canada	30		Ditto.	Dec. 8.
Levi Brown	United States	31		Ditto,	Dec. 15.
Michael Warden	United States	40		Ditto,	Dec. 15.
Thomas Turnbull	Scotland	31		Ditto,	Dec. 23.
James Tinline	Scotland	42		Ditto,	Dec. 24.
John Horn	Canada	34		Ditto,	Dec. 30.
John Collins	Ireland	55	Resisting and assaulting constable in execution of duty	H. Nelles, Esq.	Nov. 3.
Mrs. Comtron	Ireland	34	Ditto	H. Nelles, Esq.	Nov. 3.
John Falkner	Canada	24	Under sentence	John Crooks	Oct. 13.
James Logan	Ireland	25	Buggery	D. Tompson	Nov. 3.

RICHARD LEONARD, *Sheriff.*

By JOHN KIDD, *Deputy Sheriff.*

RETURN of Prisoners confined in the Niagara District Gaol, Richard Leonard, Esq., Sheriff, 2nd July, 1832.

NAMES OF PERSONS.	COUNTRY.	AGE	CRIME.	By whom committed.	DATE OF
Georgo W. Smith	United States	25		A Writ of Capias	Sept. 1, 1831
Fordis Averil	United States	32		Ditto,	Sept. 4, 1831
John Haun	Canada	34		Ditto,	Dec. 30, 1831
John Mosier	Canada	30		Ditto,	Feb. 9, 1832
Peter M. Ball	Canada	40		Ditto,	Mar. 12, 1832
William Legit	Ireland	70		Ditto,	May 22, 1832
Simeon Sicksmith	Ireland	35		Ditto,	June 12, 1832
Bartley Boyle	Ireland	23		Ditto,	June 12, 1832
Daniel M'Donald	Scotland	43		Ditto,	June 20, 1832
David W. Smith	Canada	30		Ditto,	June 23, 1832
Phinias Danford	United States	37		Ditto,	June 25, 1832
Rufus Davis	United States	30		Ditto,	June 25, 1832
William Sherman	Lower Canada	37		Ditto,	June 25, 1832
Alexander Secord	Upper Canada	27		Ditto,	June 30, 1832
James Jenkinson	Ireland	36		Ditto,	June 30, 1832
William Munro	Scotland	40		Ditto,	June 30, 1832
John Collins	Ireland	56		Ditto,	Nov. 2, 1831
John Renolds	Ireland	26	Horse stealing	David Thompson	Nov. 4, 1831
James Logan	Ireland	25	Buggery	David Thompson	Jan. 9, 1832
William Curanaugh	Ireland	23	Stealing a watch	D. W. Dougal	Jan. 16, 1832
Henry Hampton	United States	28	Horse stealing	J. Warner, W. Anthony	Mar. 22, 1832
John Haun	United States	73	Selling liquor without license	D. M'Dougal	April 27, 1832
Thomas Fort	United States	20	Stealing	James Kerby	May 20, 1832
Jacob Woesner	United States	55	Assault and battery	Alexander Hamilton	June 23, 1832

RICHARD LEONARD, *Sheriff.*

By JOHN KIDD, *Deputy.*

Districts.	Prison where situated.	Year.	Total No. of Prisoners.		No. of Debtors.		No. of Misdemeanors.		No. of Felons.		No. of Tried Prisoners.		No. of Untried Prisoners.		Prisoners.			Punishment for offences within the Prison.	Cases of Sickness and Death.		
															Employed.		Not employed		Cases of Sickness in the Year.	Greatest No. of Sick at one time.	Deaths.
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Hard Labour.	Not Hard Labour.					
Gore,	Hamilton,	1832		3	39	0	15	3	31	2	21	1	25	1	0	0	all	See remarks.	15	7	0
		1833	70	8	72	0	44	8	26	0	45	7	25	1	0	0	all		22—16 itch, 3 dysentery, 3 colds, and 4 venerial.	16	1
		1834	104	4	68	0	36	4	37	0	26	4	22	1	0	0	all		30—9 rheumatism, 3 venerial.	8	1(a deb'r)of cholera
		1835	258	15	102	1	83	6	73	8	89	12	67	2	0	0	all		60	6	1

The Gaol is capable of containing four criminals and six debtors, allowing each a separate cell—twelve criminals and twenty-four debtors, if more than one in each cell—is a Common Gaol, under the jurisdiction of the Sheriff and immediate superintendence of the Gaoler—the only officers are the Gaoler and Turnkey, both appointed by the Sheriff—there are four cells and six debtors' rooms, no day rooms, a gaol yard, which can be enlarged—allowance to prisoners 14 lbs. of bread per week, each, which costs 2s. per head, also, 2 shirts and 2 blankets for each prisoner, and a straw bed between two, which cost £2 10s. per head—prisoners not employed, for want of room to work in—there are but four cells in the Gaol, when there are not too many prisoners in confinement for misdemeanors they are kept separate from the felons, but sometimes they are obliged to be put with them—there is no Chaplain to the Gaol, consequently no duties performed—no provision made for instruction—criminals are supplied with Bibles, and occasionally with Religious Tracts—the Gaol Surgeon calls nearly every day, and oftener if any one be sick—there are no separate apartments for the sick—when a prisoner is quarrelsome and abuses other prisoners, or from his riotous conduct disturbs the tranquillity of the prison, attempts to escape, or abuses the Gaoler, he is put in irons, but is never whipped, except by sentence of a Court of Justice—there is no insane prisoner at present in confinement, but one was for a few days. In the heat of summer 8 criminals would be quite sufficient for the size of the cells. In 1832, 4 of the untried prisoners were discharged by Magistrates, 13 bailed, 2 discharged by proclamation, 2 discharged by a Judge of the Court of King's Bench, 1 by the Lieutenant Governor, and 1 pardoned. In 1834, 3 of the untried prisoners were discharged by Magistrates, 13 bailed, one discharged by proclamation, 30 tried, 1 tried prisoner pardoned. In 1835, 48 of the untried prisoners were discharged by Magistrates, 12 bailed, 2 discharged by proclamation, 101 tried, 2 removed by Habeus Corpus, 14 remain in prison for trial, 2 banished.

WM. M. JARVIS,

Sheriff District of Gore.

			Now in Prison.																		
Niagara,	Niagara,	1833	17	0	10	0	0	0	7	0	3	0	4	0	No employment of any kind.		The whole.	See Remarks.	1, who died previous to Mr. Hamilton came into office.	1, since Mr. H. came into office, is now convalescent.	1
		1834	No return.																32	2	1, G. Roper a debt'r
		1835	13	3	8	0	1	0	7	3	2	1	11	2							

The Prison contains four cells for criminals, capable of containing 21 or 22 prisoners—3 debtors' rooms, which may contain 24 or 26, and one debtors' cell, which can contain 3 or 4, in all 52; also one large hall, in which the prisoners are all allowed to assemble during the day time, which has a wooden railing between the criminals and debtors, and a stronger one of wood and iron between the prisoners and Gaoler—it is a Common Gaol, under the superintendence of the High Sheriff, Gaoler, and Turnkey, the two latter appointed by the Sheriff and paid out of the District funds, at fixed salaries—when it is practicable the felons are separated from the misdemeanors in the cells at night—males and females are in separate cells—no other classification possible from construction of Gaol—allowance for diet 3s. 6d. per week for criminals, from District Treasury—1 straw bed is allowed for 2 prisoners, with 4 small blankets, clothing, in extreme cases, furnished by the Gaol Committee, at expense of District—prisoners are allowed to work for their own benefit at harmless trades when tools may be safely entrusted with them, being allowed the use of their respective halls or day rooms by day, and shut up in their cells night. Repeated applications have been made to the Sessions for the appointment of a Clergyman at a small fixed salary, but without effect: Mr. Creer, of the Episcopal Church, occasionally attends gratuitously—one Bible is allowed for each room or cell—a Physician, appointed by the Sessions at a fixed salary, gives his attendance at the Gaol when required—no separate apartments are provided for the sick—prisoners not employed, because of the danger of entrusting them with the necessary tools—solitary confinement on bread and water, for 24 hours, is resorted to when prisoners are refractory or abusive to the Gaoler or other officers, ironing, when detected in endeavoring to break Gaol—corporal punishment not allowed—one insane prisoner in confinement since 6th September, 1832, named Patrick Donally, aged 44 years, committed for the murder of his wife, but not tried in consequence of being insane; from the almost constantly crowded state of the Gaol, and limited accommodations, as well as for the sake of humanity to this distressed object, it would be extremely desirable if his removal could be effected to some place where there would be at least some chance of his recovery, which in his present place of abode is hopeless.

ALEXANDER HAMILTON,

Sheriff District of Niagara.

District.	Prison where situated.	Year.	Total No. of Prisoners.		No. of Debtors.		No. of Misdemeanors.		No. of Felons.		No. of Tried Prisoners.		No. of Untried Prisoners.		Prisoners.			Punishment for offences within the Prison.	Cases of Sickness and Death.		
															Employed.		Not employed.		Cases of Sickness in the Year.	Greatest No. of Sick at one time.	Deaths.
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Hard Labour.	Not Hard Labour.					
London,	Town of London,	1834	12	0	3	0	9	0	3	0	4	0	8	0	0	0	all	none	0	0	0
		1835	14	0	6	0	0	0	8	0	1	0	7	0	0	0	all	none	2	1	1

The Gaol contains 4 cells for debtors and 6 for criminals, and will contain 20 prisoners, allowing 2 for each cell.

The Prison is a Common Gaol, under the superintendence of the Sheriff of the District.—The Deputy Sheriff and Gaoler appointed by High Sheriff.—There are 2 divisions in Gaol, one day room, and cannot be extended or increased.—Allowance to prisoners 10½ lbs. of bread per week, and 7lbs. of meat, with some potatoes, &c., cost about 7s per week—no allowance for clothing, but £5 0 0 a year for bedding, or in proportion as necessity may require.—Prisoners not employed on account of having no room for that purpose—no earnings—no classification, except of debtors and criminals, for want of room—no duty performed by a Chaplain, nor any provision made for instruction, but prisoners supplied with Bibles.—A Surgeon attends, but there are no separate rooms for the sick.—Punishment by solitary confinement, whipping, and irons allowed, because there is no Legislative provision to the contrary.

No insane prisoner in confinement.

A. A. RAPELJE,

Sheriff, District of London.

Western.	Sandwich.	1833	2	0	0	0	0	0	2	0	1	0	1	0	0	0	All	None	0	0	0
		1834	7	0	1	0	1	0	5	0	0	0	6	0	0	0	All	None	1	1	0
		1835	2	0	1	0	0	0	1	0	0	0	0	0	0	0	All	None	0	0	0

The Gaol capable of containing 5 prisoners, or 12 when more than one sleeps in one cell.

The Prison is a Common Gaol, under the superintendence of the Sheriff of the District—no other officer than the Gaoler—Gaol divided into no classes—wards or divisions 2—work and day rooms none—one large spacious airing yard—cannot be extended.—Prisoners receive 1½ lb bread per day—weekly cost 3s 6d.—No clothing allowed—bedding, two or three blankets, according to weather—prisoners not employed, the construction of Gaol not admitting of it, but sometimes allowed to walk in the prison yard.—No earnings—no classification, Gaol not having been used as a house of correction—no Chaplain appointed, nor provision made for instruction—Gaoler and Minister supply prisoners with Bibles, &c., and Minister of Church of England visits Gaol every Sunday.—Sick attended by a surgeon—no separate apartment for the sick—no case of punishment for solitary confinement, whipping, or irons, has occurred, for any offence committed in the gaol, prisoners having behaved with propriety.—No insane person in confinement.—Particular attention is paid to the comfort and cleanliness of the prisoners—care is taken to prevent accidents by fire—and the gaol is always visited by the Grand Jury at the Assizes, and its state reported to the Court.

EBEN. REYNOLDS,

Sheriff, Western District.

No. 118.

FIRST REPORT

OF

SELECT COMMITTEE

ON

WELLAND CANAL AFFAIRS.

To the Honorable the House of Assembly.

The Committee appointed to investigate the affairs of the Welland Canal Company:—

Respectfully beg leave to Report as a First Report:

That the accompanying Report and Letter from Francis Hall, Esq., Engineer, employed upon the works of the Welland Canal having been submitted to Your Committee by the Government Directors, they deem it their duty to submit the same to the serious consideration of Your Honorable House, with the evidence of the said Francis Hall, Wm, H. Merritt, Esq. M. P. President, and John Clark, Esq. Secretary of the said Welland Canal Company, with a view of drawing the attention of Your Honorble House to the propriety of granting the sum of £2,000 for the immediate relief of the said Company without which it appears that the navigation of the said Canal for the ensning summer must be closed.

All which is respectfully submitted.

JAMES E. SMALL,
Chairman.

Committee Room, House of Assembly,
13th February, 1836.

EVIDENCE.

Comittee Room, Thursday,
11th February, 1836.

Committee met.

Present.

James E. Small, Esq., *Chairman*, and Messrs. Chisholm,
Parke,
McDonell,
Roblin,
Shaver, and
Thorburn.

Francis Hall, Esq. *Civil Engineer, called in and examined.*

1st. Have you any knowledge of the state of the funds of the Welland Canal Company? I have not.

2nd. By whom were you employed as Engineer on the works of the Welland Canal?

By the Government Directors on the 1st July last to examine the Welland Canal, and report upon all its works according to written instructions, and subsequently by the General Board, as Engineer to superintend the works.

3rd. Are you satisfied that the facts contained in your letter and report to the Government Directors, and read to you, are true in all its particulars?—They are true.

4th. Will the sum of £2,000 be sufficient to make preparations for the opening of the navigation next spring?—The works under contract on the Canal, amount to £6,500, but £2,000 will be sufficient to make preparations for the opening of the navigation by the 1st of April next.

5th. Are you satisfied, that if you do not carry an assurance from Parliament, that you will obtain the sum of £2,000 to the Contractors now engaged on the Canal, that the works will not proceed?—I am confident that will be the case, as the Contractors have proceeded with the works since November last, without any advance of money.

6th. What security does the Company take from Contractors for the performance of their contracts?—There are regular bonds given by the Contractors to the Welland Canal Company for the due performance of the work, and in one instance for re-building Lock No. 7, a certain proportion of the contract price is to be withheld for 12 months after completion of the contract.

7th. Is it usual for the Company to advance on the amount of the contract as the works progress?—It is; on works of this nature a monthly estimate is made of the labour actually performed, and the contracts rate of a proportional part is allowed, payable in negotiable notes of the Company, the contracts entered into at present, in some cases, are higher than they would be if entered into to be paid in the ordinary way. Tenders were received from McArthur and Gurn for re-building Lock No. 16, at 1s. 9d. per solid perch; when applied too to execute their contract they declined, in consequence of the payments: the next lowest tender for this Lock was 2s. 1½d., and is now contracted for.

8th. Have you less apprehension of the failure of the Locks now than when you reported to the Directors last?—I have,—in my general Report, dated October last, I have explained where any defects were observable; but I could not do so generally as to the foundations, until the canal water was withdrawn, by the Supplementary Report, the foundation timbers of most of the Locks are stated to be in a better state than previously expected; subsequent observations have tended to confirm the statement.

9th. Do you think that withholding part payment for work done is a sufficient security?—I do—if precautions are taken to make correct monthly estimates, and to retain a due proportion of the same.

JOHN CLARK, *called in and examined.*

10th. Are you Secretary of the Welland Canal Company?—I am.

11th. Shew the state of the funds of the Welland Canal Company?

The balance sheet shews the state of the funds, but the balance appearing there does not shew the cash in hand, as the whole tolls for 1834 are charged but not paid in at the time the balance sheets were made up. The cash in hand was about £100, but from this I have made payments. The debts due by estimate and contingencies after the balance sheet was made up, are about £1,000. I cannot, without reference to the books, state what debts are due to the Company which are principally for tolls unpaid.

12th. Do you think the Company could raise the sum of £2,000 within two months, upon the debts due to it?—I know the Company has not the means within its power of raising, within two months, the sum of £2,000 upon the debts due it.

13th. What are the incidental expenses of the Company?—There is, at this season of the year, little incidental expenses independent of the contracts except the salaries of officers.

14th. Do you think the contractors can proceed with the works in progress without a grant of money from Parliament?—I know the contractors cannot go on without money being advanced to them, and if they do not go on, the Canal must be stopped the ensuing season.

WILLIAM HAMILTON MERRITT, ESQUIRE, M. P. *called in and examined.*

15th. You are President of the Welland Canal Company?—I am.

16th. Has the Company any means whereby the sum of £2,000 might be obtained within two months for the purposes of the Canal?—They have not.

17th. What are the present debts of the Company? The present debts of the Company are £1,000 on the work, besides about £3,000 for damages to individuals.

18th. Do you confirm the statement of Mr. Hall? I do.

19th. How was it intended to redeem the notes spoken of by Mr. Hall?—On the tolls of the ensuing year.

20th. Can you compel the Contractors to fulfil their contracts without assisting them with money?—I cannot.

21st. Are the Contractors generally men of property?—No,—they require advances as they proceed with the work.

22nd. Have the Company abandoned the idea of issuing Notes?—They have, unless necessity should compel them. I do not believe they would answer so good a purpose as contemplated.

23rd. What sum will be required the ensuing season to complete the works?—I think that £10,000 will be required. The expenses attending the Canal yearly, amount from £3,500 to £6,000.

24th. What is the object of the £2,000 now required?—To furnish provisions, &c. to the different Contractors.

Welland Canal Office,
2nd February, 1836.

To
Wm. Lyon Mackenzie and
David Thorburn, Esqr's, M. P. P's.

Sirs,

Have enclosed my last report upon the works of the Canal to the 1st April, by which it will be seen that every thing proceeds with as much activity as practicable.

The only thing wanted is funds; we shall have all the excavation done in the course of a few days, when advances of some kind must be made to the different Contractors for timber, stone, and other materials.

We had a meeting of the Board yesterday, previous to a removal of the officer to Toronto, but from what I can understand, no funds are provided, or probably there are none to provide. I wish to have your opinion as to the propriety of trying the House of Assembly, under existing circumstances, to pass a Resolution for an advance of as much as would keep us going, say two thousand pounds; if we had any assurance of this sum, I think the navigation may be opened by the beginning of April as contemplated, but without some such assurance, I think it would be well to stop the works at once. If you can hold out any hopes, I may come over for a few days, without injury to the works, and give what explanations may be desired by Honourable Members. All here are aware of the difficulty of our present position, viz: three Locks pulled down and must be re-built before opening of spring navigation, otherwise the character of the Canal is materially injured, and the tolls diminished to an extent that cannot be calculated.

I have the honor to be,
Gentlemen,
Your very obed't serv't,
FRANCIS HALL.

N. B. Upon hearing from you, I could be in Toronto by Monday or Tuesday next. The enclosed report is the only copy we have, it was read and approved at yesterday's board.

Enclosed also a copy of my report upon cutting the banks at Helms, the calculations may be useful.
F. H.

Report relative to cutting the Canal Banks near junction.

Upon the 9th day of December last, after a particular examination of the Canal line in conjuction with the President, it was determined, before leaving Port Robinson, in order that the Contractors should have the full benefit of the season, for the prosecution of their respective works, that Mr. Donaldson should have the control of all the Canal water above Port Robinson Stop-gates. Written instructions were same day left with Mr. Donaldson to the following purport, viz: That Mr. Donaldson was authorised to cut the banks of the Canal above said Stop Gates in whatever place or places he might consider most expedient for the purpose of draining his works, which cut or cuts, were to be made at the first ensuing thaw, at the same time he was instructed both verbally and by that order of the 9th, to inform Mr. Stockley the precise day he would make those cuts, that Mr. Stockly might use the necessary precautions in securing the Stop Gates at Port Robinson.

A few days after the 9th, and upon the succeeding Sunday, so far as I can remember, Mr. Stockly informed me, at St. Catharines, that the Canal banks had been cut near Helms' mill, and requested to know from whom the authority had been derived.—In reply, I could only inform him that I had no knowledge of the transaction, and immediately wrote to Mr. Callaghan, Canal Superintendant, upon that division, requesting him to repair the breach without delay, and report to the office the name or names of the parties implicated; Mr. Callaghan in reply stated, that Helms was the aggressor who had cut the bank upon his own responsibility, and that the breach was repaired by him (Callaghan) at the expense of the Canal Company.

Such being the state of the facts, and the water of the Canal summit reduced 22½ inches, it was considered advisable to allow the summit level again to rise before proceeding with the contracts. The time of letting out the water was postponed until the 19th December, upon *that* day all the parties were to hold themselves in readiness; notice was also sent to Mr. Stockly, Mr. Thomas Merritt, Messrs. Keefers, Squires, Graybell, and to Mr. Thompson, for the Stop Gates at Dunnville.

But in consequence of ice in the Feeder and Canal, and notwithstanding all the precautions that have been used, it was found that the water in the Canal did not rise to the original head, but that it diminished instead of otherwise, thereupon the Contractors, adhering to their instructions of the 19th December, proceeded with their various operations.

By the foregoing statement it appears that Helms was the original cause of the Canal depression, and that a postponement of the works followed, if possible to refill the Canal by authority of the President and myself. The loss of water upon the summit pond, between Port Robinson Stop Gates and Allanburgh mills may be stated as follows: Length of Canal 4,400 yards=13,200 feet × 38 × 1,833=917,928 cubic feet. But Allanburgh Mill, with a head of 12 feet and an aperture at mill flue, of 176 inches, will, with this head and aperture, discharge 720 solid feet of water per minute when in full operation; therefore $\frac{917,928}{720}$=1275 minutes, or 21¼ hours=the time this water wasted by Helms would supply Allanburgh mills.

I have the honor to be,
Gentlemen,
Your very obed't serv't,
FRANCIS HALL,
Engineer.

To the President and Board
of Directors of the
Welland Canal.

St. Catharines,
27th January, 1836.

To the President, and Board of Directors of the Welland Canal.

GENTLEMEN:

The works under Lock No. 7, remain as last reported upon. The excavation at Lock No. 7 proceeds under Fluellan and twelve men, with as much rapidity as practicable; both sides are excavated to nearly the bottom of the side walls. The Lock head is protected from the surface water by a dam, and acutis now making through the Canal bank, in the direction of the head of Mr. Phelp's saw-mill. To carry off this surplus water, a dam has likewise been constructed below the Lock to check back water from the lower level, and proper pumps placed to drain the centre of the Lock. Operations are here so far advanced that, with favorable weather, the masons may be expected to commence some time during the ensuing week. Lock No. 16 excavation is completed from the Upper Hollow Quoin to the recess; from the recess downwards all the excavation will be done in six working days;—some of the foundation stone are already placed; timber and other material are ready to proceed with so soon as the foundations are observed to be in a proper state of preparation. The masonry of this Lock will be finished with ordinary weather before the first of April.

The excavation of Lock No. 20, proceeds with every expedition, but as the lower piers upon both sides require removal before building can begin, it will be, at soonest, 14 days before the masons can proceed with re-building this Lock. One of the lower piers, composed of stone and lime, occupies a great deal of time in removal, for which something extra must be allowed to induce the Contractor (there) to continue with that part of the work. All the gates under contract to Collier are in a forward state.—Timber is all upon the ground at Centreville and the framing far advanced.

All Mr. Thompson's timber for foundations and side walls has been drawn out of the Canal, and is now depositing at the respective Locks. In consequence of the failure of Lundy's Quarry, for large stone, the Company's Quarry at Lock No. 25 has been reopened, and stone is quarrying to meet any deficiency. Boyle and Kerr have undertaken the quarrying of 284 cords at their former prices.

The Lock Gates under contract, by Moore, at Allanburgh, and Port Robinson, are in progress, and will be ready by the time specified. The timber is also prepared for the different Road Bridge Contracts by Moore, and the Stop Gates at Gravelly Bay, are framed and ready for insertion, so soon as the foundations are prepared.

Contracts are likewise entered into with Moore to provide timber for a certain number of Lock Gates that will be required during the ensuing season, this timber is to be cut while the sap is down, and delivered at the opening of the navigation where required.

Mr. Burger's Contract for widening the Canal is in progress, with about ten men, a force sufficient to accomplish the work in due season.

Mr. Donaldson has finished nearly all his side excavation upon the Canal, south of Burgers, some bottoming is still required, this cannot at present be advantageously executed in consequence of ice.—The rock excavation near Stone Bridge proceeds with activity. I have recommended an extra force upon that work, with which the same may be finished in a week or ten days from this date.

No Contract has yet been made respecting an enlargement of the Canal surface near Gravelly Bay.

Owing to the severity of the weather Mr. Thomas Merritt has not commenced regularly with the Berm Bank, but as a sufficient number of workmen can be obtained at short notice, he will have no difficulty in accomplishing his contract by the time specified.—I would recommend to the Board the appointment of an overseer upon the whole line of the feeder, or wherever embankments occur, as the occasional visits of an Engineer is not sufficient to ensure a due performance of works of that nature.

I have the honor to be,

Gentlemen,

Your very obedient servant,

FRANCIS HALL.

WELLAND CANAL OFFICE,
ST. CATHERINES,
1*st February*, 1836.

No. 119.

REPORT

OF

SELECT COMMITTEE

ON

PETITION OF RICHARD MURPHY AND OTHERS.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY.

The Committee to whom was referred the Petition of Richard Murphy and others—President and Members of the Mechanics' Institute in the Town of London, beg leave respectfully to Report:

That they consider the diffusion of knowledge among the People of this Province in every effectual and cheap way an object vitally affecting the peace, welfare, happiness and harmony of every class of the people and highly worthy of receiving the countenance and patronage of Your Honorable House.

The organization of Mechanics Institutions has for a considerable time engaged the attention and received the warmest support of many of the most eminent and distinguished individuals and communities in Great Britain and America with a view to disseminate information and promote the diffusion of knowledge among its members and the public—and the results have been found greatly conducive to their intended object and in an eminent degree to answer all that was expected from them.

That the Mechanics of Upper Canada are a class of our community highly respectable, and who assist in a large degree by their industry, character and contributions to make up the aggregate of our public and common weal; and it is a question if any class of our community have received less direct assistance from that common stock to which they so largely contribute.

Your Committee are further of opinion that in Upper Canada, and particularly in the sequestered parts of the country, the Mechanics are unable from their exertions alone, to procure such a library—and Philosophic and other apparatus for the advancement of knowledge—as these associations are so peculiarly adapted to secure to its members and the community generally: And Your Committee therefore feel a pleasure in recommending that the liberal aid so judiciously and generously given to similar institutions in Toronto and other places may be further continued by a donation of one hundred pounds to the Mechanics Institute of the rising Town of London.

All which is respectfully submitted,

THOMAS PARKE,

Chairman.

COMMONS HOUSE OF ASSEMBLY,
29th February 1836.

No. 120.

REPORT OF THE SELECT COMMITTEE

TO WHICH WAS REFERRED THE

SEVERAL PETITIONS PRAYING FOR THE FURTHER IMPROVEMENT OF THE ROADS LEADING FROM THE CITY OF TORONTO.

The Committee to whom was referred the Petition of John Finch, and others, praying for the further improvement of the York Roads, Report the following Resolution:

Resolved, That it is expedient to authorise His Majesty's Receiver-General to raise, by way of Loan, the sum of £40,000, on the Credit of the Tolls, and such other security as the Legislature may provide, to be applied as follows:—

£20,000.....to Yonge Street.
£10,000.....to the East Road.
£10,000.....to the West Road.

W. B. ROBINSON, *Chairman.*

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
March 1, 1836.

No. 121.

REPORT

OF

THE SELECT COMMITTEE

ON THE

PETITION OF SILAS V. YORK.

TO THE HONORABLE THE HOUSE OF ASSEMBLY.

The Committee to whom was referred the Petition of Silas V. York, praying to be placed upon the Militia Pension List of this Province in consequince of severe wounds received by him in action with the enemy during the late war with the United States of America, beg leave to Report:

That they have enquired into the claims of the Petitioner, and are of opinion that he is a propor object for the favorable consideration of your Honorable House, and would recommend that an Act be passed to enable the said Petitioner to be placed upon the Pension List of this Province, and that £20 per annum be granted to His Majesty, His Heirs and Successors, during the life of the said Silas V. York, for his pension.

JAMES E. SMALL, *Chairman.*

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
February 18, 1836.

(No. 122.)

MESSAGE

FROM

LIEUTENANT GOVERNOR,

WITH

CERTAIN DESPATCHES FROM SECRETARY OF STATE

TO

LIEUTENANT-GOVERNOR OF THIS PROVINCE.

SIR F. B. HEAD,

The Lieutenant-Governor, transmits to the House of Assembly, in compliance with the Address of the House dated the 11th instant, copies of the public Despatches from His Majesty's Secretary of State for the Colonies to the Lieutenant-Governor of this Province during the years 1830, 1831 and 1832, relative to the Independence of the Judges—the surrender of his Majesty to the control of the Provincial Legislature of the Revenue raised under the Statute of the Imperial Parliament of the 14th Geo. 3d, chap. 88, and the provision for the principal officers of the Government, required by His Majesty to be made by the Legislature on the cession of the said Revenue.

Government-House,
Feb. 25th, 1836.

(Copy.)

No. 2. DOWNING STREET,
20th December, 1830.

SIR,

You will perceive by the enclosed copies of Despatches which I have addressed to Lord Aylmer, that instructions have been conveyed to his Lordship, with the hope of bringing to an amicable settlement the differences which have so long existed between the two branches of the Legislature of Lower Canada, in consequence of the right claimed by the Assembly to appropriate the Revenue raised under the British Act of 14 Geo. 3, which has hitherto been applied to the support of the Civil Government under the warrants of the Lords Commissioners of the Treasury.

His Majesty's Government is of opinion, that this important object will be best accomplished by placing the Revenue in question at the complete disposal of the Provincial Legislature; and by calling upon the Assembly in return to provide for such a moderate Civil List as may be indispensably necessary, in which the Lieutenant Governor, the Judges and other Principal officers of the Government, whose salaries ought not to depend on the annual votes of the Legislature may be included.

This course having been deemed expedient in the Lower Province, every consideration of prudence and policy combine to render its application to Upper Canada almost a matter of course.

You will accordingly taking the instructions, which I have conveyed to Lord Aylmer as your guide, proceed to the arrangement of this important point, and in making the proposition, which it will be your duty to bring forward, you will not fail to assure the Assembly of the sincere and anxious desire of His Majesty to meet the wishes of his loyal and affectionate subjects in Upper Canada, and his confident expectation, that this feeling will be reciprocal on the part of their representatives.

I transmit to you No. 1, an estimate of the funds now at the disposal of the Crown, which it is proposed to give up to the appropriation of the Assembly; and No. 2, the Civil List, which you will invite them to grant in lieu of these revenues, viz:—

(No. 1.)

Customs duties levied under the 14th Geo. 3rd, and Innkeepers Licenses at a moderate computation,	£10,000 0 0
Free Fund,	1,500 0 0
	£11,500 0 0

No. 2.

The Civil List as explained in my Despatch to Lord Aylmer may consist of three classes as follows, viz:—

1st CLASS.

Lieutenant Governor,	£3000 0 0
Provincial Secretary,	300 0 0
Contingencies,	300 0 0
	£3,60 1 0

2nd CLASS.

Chief Justice,	1500 0 0
Two Puisne Judges,	1800 0 0
Attorney General,	300 0 0
Solicitor General,	100 0 0
Contingencies,	300 0 0
	£4000 0 0

3rd Class.

Pensions,	£3000 0 0
(To be reduced as vacancies occur to £1000.)	
Miscellaneous,	200 0 0
	£3,200 0 0
Total of the Three Classes,	10,800 0 0

It will not however be necessary to call upon the Legislature to grant the whole of the sum of £10,800, inasmuch as by the Provincial Act of 53rd Geo. 3rd the sum of £2500 currency, (equal to £2131 sterling) is granted towards the maintenance of the Civil Government; the moderate sum of £8669 is therefore all that is required for the completion of the proposed arrangement.

The manner, in which it is intended to relieve the Lords of the Treasury from the appropriation of the duties raised under the 14th Geo. 3rd, being fully detailed in my despatch to Lord Aylmer, it is unnecessary for me to enter into any further explanation on that part of the subject. The duration of the Civil List must as in Lower Canada be fixed in Upper Canada, either for the life of His Majesty or for a term of not less than seven years.

I have only in addition to express my earnest hope that no exertion on your part will be omitted to induce the Legislature to accede to the proposal, which you are instructed to make to them; since besides having the merit of settling a point of great importance if not difficulty, it will place at the disposal of the Assembly a sum larger in amount than the Civil List, for which they are called upon to provide.

I have, &c.

(Signed) GODERICH.

Major General
Sir John Colborne, K. C. B.
&c. &c. &c.

(Copy.)

Downing Street, 24th Dec., 1830.

No. 11.

My Lord:

Amongst the first objects, which have called for my attention since His Majesty was pleased to place the Seals of the Colonial Office in my hands, is the painful state of disunion, which has for many years prevailed in Lower Canada, respecting that part of the revenue, which is raised by duties levied under various acts of the British Parliament and appropriated by warrants from the Lords of the Treasury. Your Excellency will doubtless have felt, how seriously this state of things embarrass all the operations of the Local Government. But whilst its present effect is to weaken the just influence and authority of the Executive Power, its future consequences upon the connection between the Province and the Mother Country, might become most disastrous if not fatal. It appears to me therefore as it has appeared to my predecessor Sir George Murray, to be indispensably necessary that an immediate and amicable adjustment of the question should be brought about and His Majesty's Government is decidedly of opinion that any attempt at such an adjustment would be ineffectual which did not involve the entire assignment of the revenue raised under the acts in question, to the disposal of the Provincial Legislature, under a conviction, that they will consent to such a reasonable grant of a Civil List as may be necessary for ensuring at all events the independence of the Governor and Judges.

I cannot think that such an assignment of these duties would be inconsistent with the honor and dignity of the Crown. The duties are neither levied nor appropriated by the mere Royal Prerogative, they owe their existence to a specific act of Parliament passed at a time, when there did not exist in the Province any legal means, by which duties of that description could be imposed; and although it be true, that the act of Parliament which imposes them, directs the Lords of the Treasury to appropriate them, it must nevertheless be admitted, that the same Parliamentary authority might without any violation of the Royal Prerogative, have directed in the first instance and might now direct by amendment, the appropriation of them in any manner.

The subject being thus disembarrassed of the difficulties arising out of the Royal Prerogative and the dignity of the Crown, it resolves itself into a mere question of expediency, viz: Whether the advantages supposed to be derived from retaining the existing mode of appropriation are or are not counterbalanced by the manifold evils occasioned by the encreasing and apparently irreconcilable disunion between the Governor and the Legislature of the Province. In considering this question it may at once be admitted, that there are conveniencies attending the present system, which ought not to be undervalued in a country where the relation of the government and the people are not held together by the same sort of ancient ties, which unite the various classes of society in the parent state. But these conveniences may be bought at too dear a rate, and the experience of the last few years has convinced His Majesty's Government that a different policy is not only expedient but indispensable. In order, however, to render the change effectual to the object of restoring harmony and concord, it must be complete: To give up part of the duties in question to the disposal of the Legislature, and at the same time to reserve the remainder at the disposal of the Crown as a matter of right, would on the one hand be a distinct admission of the principle, that the present mode of appropriation is defective, whilst on the other it would effectually prevent the concession from being either gracious or conclusive. Its ungraciousness would be in proportion to its inefficiency; and the arrangement never could be final so long as any part of the obnoxious practice were retained.

The principle, therefore, upon which His Majesty's Government is of opinion, that you ought to proceed in endeavouring to settle this question is derived from the practice of this country, as recently exemplified in that part of His Majesty's Speech from the Throne upon the opening of the present Session, which refers to the Civil List.—His Majesty there gives up all his interest in His Hereditary Revenues and in some other sources of His Royal Income to the free disposal of Parliament; and His Majesty asks in return for such a Civil List as Parliament may deem adequate for that important object. It is not attempted to balance an exact amount of the Revenue given up against the amount of the Civil List, which the Legislature is invited to grant, but on the contrary, whilst His Majesty freely gives up His interest in the Revenues, which are thus left to Parliamentary disposal. The amount of the Civil List is left to be arranged upon principles in which it is intended to combine a reasonable economy, with a just consideration of what is due to the honor, the dignity and comfort of the Crown.

There is something in this mode of proceeding at once so simple in itself, so free from future difficulties and disagreements, so consistent with the King's honor and with the dutiful attachment of His People, that the King's Government cannot doubt that a proposition similar in principle and emanating from the same feelings, will not fail to be received by His Majesty's faithful subjects the Legislature of Lower Canada, as an undoubted proof of His Majesty's paternal anxiety for their welfare, his desire to consult their feelings and his confidence in the Loyalty of His North American Subjects.

The instruction, therefore, which I am now commanded by His Majesty to convey to you is, that you should at the earliest convenient period make a communication to the Legislature to the following effect:—

That His Majesty taking into consideration the best mode of contributing to the prosperity and contentment of His faithful subjects of the Province of Lower Canada, places at the disposal of the Legislature all His Majesty's Interest in those Taxes, which are now levied in the Province by virtue of different Acts of the British Parliament, and which are appropriated by the Treasury under His Majesty's commands together with all fines and forfeitures levied under the authority of such Acts. That His Majesty relying on the liberality and justice of the Legislature of Lower Canada invites them to consider the propriety of making some settled provision for such portion of the expenses of the Civil Government of the Province as may, upon examination appear to require an arrangement of a more permanent nature, than those supplies, which it belongs to the Legislature to determine by annual votes.

That His Majesty has directed an Estimate to be prepared and laid before them, of the sum which may be required for that purpose; and that in directing the preparation of that estimate His Majesty has been guided by a wish, never absent from his heart, to call upon His faithful Subjects for no other supply than such as may appear to be required for the due execution of those services which it is proposed to charge upon the Civil List.

His Majesty concedes the disposal of these Revenues with cordial good will and cannot doubt, that it will be met with a reciprocal feeling by the Representatives of an attached and loyal people.

Such being the nature of the communication which it will be your duty to make in the King's name to the Legislature.—I

have now to submit to you an estimate of that, which it is proposed to concede, and that which the Assembly may be invited to grant as a Civil List.

The Revenues to be given up are as follow—namely:—

Customs duties levied under the 14th Geo. III, ch. 88, after deducting a portion for Upper Canada upon an average of Two Years.....	£28,336
Licences under Do. and 41 Geo. III,.....	2,764
Fines and forfeitures average of Two Years.....	599
Total.....	£ 31,699

The Civil List to be proposed to the adoption of the Legislature should be divided like the Civil List in this country into separate classes, with a definite expenditure assigned to each Class.

It may consist of three:—

1st. The Civil Government as far as regards the Governor and his immediate Executive officers.

2nd. Judges and Administration of Justice.

3rd. Pensions and Miscellaneous Items to meet unforseen Contingencies.

No. 1 may be composed of the following items:

	£	s.	d.	£	s.	d.
Governor's Salary, ...	4500	0	0			
Provincial Secretary,.....	400	0	0			
Contingencies,.....	300	0	0			
				5200	0	0
No. 2 as follows:						
Chief Justice,.....	1500	0	0			
do. Montreal,.....	1200	0	0			
Six Puisne Judges, £900 each,.....	5400	0	0			
Three Provincial Judges,.....	1600	0	0			
Judge Vice Admiralty Court,.....	200	0	0			
Attorney General,.....	300	0	0			
Solicitor General,.....	200	0	0			
Allowance to Judges for circuits,....	275	0	0			
Contingencies,.....	475	0	0			
				11150	0	0
3rd Class:						
Pensions,.....	1000	0	0			
Miscellaneous,.....	1750	0	0			
				2750	0	0
Total 3 classes, £				19100	0	0

It will not, however, be necessary to call upon the Legislature to grant the whole of the sum, £19,100 0 0, inasmuch as by the Provincial Act of Geo. III, c. —— the sum of £5000 is permanently granted towards the maintenance of the Civil Government. The moderate sum of £14,100 0 0 is, therefore, all that is deemed necessary to ask for the completion of the proposed arrangement.

Having now stated to your Lordship the nature and details of the proposition to be submitted to the Legislature, I proceed to explain the mode in which the arrangement can best be carried into effect.

As the duties, with which it is proposed to deal in the manner above described, are appropriated by Acts of the British Parliament, the change in their disposition cannot take place without the sanction of the same authority. A Bill will therefore be submitted to Parliament in the course of the present Session, for the purpose of releasing the Lords of the Treasury from their present obligation of appropriating the duties, and for authorising His Majesty to leave their appropriation to the Colonial Legislature. The date at which it is proposed that the Bill should come in operation is on July 1st, 1832. This distant period is taken in order, on the one hand, to give full time for the Legislature of Lower Canada to make the necessary provision on their part, and on the other, to enable His Majesty's Government to meet the possible (though, I trust, highly improbable) contingency of such a satisfactory result not taking place.

In order, however, to enable the Government at home to give the earliest possible effect to the measures, which may be taken by the Colonial Legislature for the satisfactory settlement of this question, it is proposed to give His Majesty in Council a power to bring the British Law into operation at an earlier period than July 1st, 1832. If, therefore, the Canadian Act should provide for the commencement of the proposed Civil List in January 1st, 1832, (which I should be inclined to recommend), or at an earlier period, then His Majesty's Government would lose no time in advising the issue of an order in Council to accelerate the commencement of the British Act, so that the whole plan would come simultaneously into effect.

It now only remains for me to state, that the duration of the Civil List may be either for the life of His Majesty, or for some definite term of years, not under seven, as may be more agreeable to the Provincial Legislature.

I trust, that the arrangement detailed in this despatch will be received in the spirit, in which they are detailed, a spirit of conciliation and confidence. His Majesty is prepared to surrender a large and increasing Revenue. He asks in return for a fixed and moderate Civil List, much less in amount than the Revenue given up, and the settlement of this long agitated and perplexing question will be deemed by His Majesty one of the happiest events of His Reign, the glory of which, the people of Canada may be assured, will be the promotion of the happiness and content of all classes of His subjects in every quarter of the globe.

I have, &c.

(Signed,) GODERICH.

Lieutenant General
Lord AYLMER, K. C. B.
&c. &c. &c.

(Copy.)

No. 16.

DOWNING STREET,
8th February, 1831.

SIR,

In the Despatch, dated the 24th December last, No. 2, which I had the honor to address to you on the subject of the financial arrangements to be proposed to the Legislative Council and Assembly of the Province of Upper Canada, I signified to you His Majesty's pleasure, that you should propose to the Provincial Assembly to grant such a Civil List as might be necessary for securing, at all events, the independence of the Governor and of the Judges. The various sums proposed in that despatch for the maintenance of the Judges, amount together to the annual sum of £3,300. The other expenses of the proposed judicial establisement being required for the Attorney and Solicitor General and contingencies, amounting together to £700.

In making this demand upon the liberality of his faithful Commons in Upper Canada, His Majesty was desirous to secure to his subjects in that part of his dominions the full enjoyment of those advantages which have been so largely derived in this kingdom from the independence of the Judicial Office. A question of very grave importance connected with that subject was not noticed in the despatch, to which I refer, because the Ministers of the Crown were unwilling to submit to the King any opinion upon so important a topic until they should have found an opportunity for more mature deliberation than had been practicable at the date of that despatch. I now proceed to convey to you the commands, which it is His Majesty's pleasure to issue, upon a full review of the great question of judicial independence in his Canadian Provinces.

The connection which happily subsists between the Canadas and this kingdom suggests the propriety of transferring to those Provinces every institution, which the more ample experience of Great Britain recommends as calculated to promote at once the stability of government and the welfare of society at large. There is no branch of our civil polity, which has been more fully proved to be conducive to these great ends than the establishment of judges independent at once on the royal authority, and on the pleasure of the popular branch of the Legislature.

There was not, I apprehend, any legal or constitutional reason which would have prevented the King from granting the offices of the judges of England during their good behaviour, but to render that principle immutable, it was neccessary, that Parliament should prescribe the form of Commission to be used on such occasions. Accordingly the statutes passed in the 13th year of the reign of William the Third, and in the first year of George the Third, have deprived the Crown of all discretion on the subject.

In conformity with these precedents and in pursuance of the great general principle on which they were founded. The King is graciously pleased to command, that you do avail yourself of the earliest opportunity for proposing to the Legislative Council

and Assembly of Upper Canada the enactment of a bill, declaring that the Commissions of all the Judges of the Supreme Courts shall be granted to endure during their good behaviour and not during the royal pleasure, and you will in the name and on the behalf of His Majesty assent to a bill for carrying that object into effect.

It is of course an essential condition of this arrangement that an adequate and permanent provision should be made for the Judges, and I am happy to find that the repeated assurances of the House of Assembly preclude the possibility of any objection being made by that body to this part of the proposal.

In further pursuance of the general design of imparting to the Canadas the benefit of this important principle of the British Constitution, I am to signify to you His Majesty's commands to communicate to the Legislative Council and Assembly, His Majesty's settled purpose to nominate on no future occasion any Judge as a member either of the Executive or of the Legislative Council of the Province. Whatever reliance might be placed on the personal integrity of the Judges, it is desirable, that they should be exempted from all temptation to interfere in political controversies, and even from a suspicion of any such interference.

The simple exception to this rule will be that of the Chief Justice of Upper Canada, who will be a member of the Legislative Council, in order that they may have the benefit of his assistance in framing laws of a general and permanent character. But His Majesty will not fail to recommend even to that high officer a cautious abstinence from all proceedings by which he might be involved in any political contentions of a party nature.

You will perceive that these rules are framed with reference to the corresponding practice in this kingdom, where although it has not been unusual to elevate the Chief Justice of the King's Bench and other Chief Judges to the Peerage, the Puisne Judges cannot vote in either House of Parliament.

I am persuaded, that the Council and Assembly of Upper Canada will perceive in the measures which I have thus had the honor of explaining, an additional proof of the desire, by which the King is at all times actuated to promote the best interests of that important part of the British Empire.

I have, &c.

(Signed) GODERICH.

Major General
Sir John Colborne, K. C. B.
&c. &c. &c.

(Copy.)
No. 8.

Upper Canada,
York, 21*st March*, 1831.

My Lord,

I have the honor to acknowledge the receipt of your letter of the 24th December, with copies of Instructions, which have been conveyed to Lord Aylmer respecting the Revenue proposed to be placed under the control of the Legislatures of these Provinces, and to acquaint your Lordship that I took an early opportunity of laying that important subject before the House of Assembly.

I regret to state, that it was not considered expedient by the Assembly to grant the amount proposed in my message. They objected to provide for the part of the Lieutenant Governor's Salary which had been always defrayed from the Casual and Territorial Revenue, and also for Pensions of every description,—and decided that the sum for Contingencies ought to depend on an annual vote. But they have granted the sum of £6,500 permanently for the salaries of the undermentioned officers and have repealed the Provincial Act of the 56 Geo. III, cap. 26.

Salary of the Governor	£2,000
" Judges	3,300
" Attorney General	300
" Solicitor General	200
" 5 Executive Councillors	500
" Clerk of the Council	200

I have without hesitation assented to the Bill, being persuaded that if the Independence of the Principal Officers and Judges can be ensured it is most desirable to dispose of this question as soon as possible in a manner that will give satisfaction generally in the Province.

Your Lordship will perceive from the enclosed copies of my communications to the Assembly, that it was left entirely to them to adopt the arrangement which might appear best suited to the interests of the Province as to the duration of the Grant in lieu of the Revenue proposed to be relinquished.

I however think, that much inconvenience would have arisen had the sum been granted for a limited period.—A copy of the Bill passed for the grant is enclosed.

I have, &c.,

(Signed) J. COLBORNE.

The Right Hon'ble
Lord Viscount Goderich.

(Copy.)
No. 26.

Downing Street,
23*rd May*, 1831.

Sir,

I have received and laid before the King, your despatch of the 21st March last, No. 8, announcing that you had assented to a Bill for settling the Civil List of the Province of Upper Canada; and I have the satisfaction of assuring you that His Majesty entirely approves of your conduct upon that occasion.

It is certainly to be regretted, that the Assembly did not think proper to grant a Civil List to the full extent, which you had been instructed to ask; but as the Provision, which they have made, limited as it is, is nevertheless permanent instead of temporary, and as the management has been made without bringing into inconvenient discussion the question of the Casual Revenue, I cannot but flatter myself, that the result will prove advantageous to the Province, and tend to maintain due harmony and good understanding between the different branches of the Legislature.

The Bill, which had been introduced into Parliament at the commencement of the late Session, had not been passed into a Law before the dissolution took place. His Majesty's formal assent to the Provincial Act cannot therefore be immediately given: but as soon as the new Parliament meets, the Bill will be re-introduced.

I think you acted with sound discretion in so far departing from your Instructions as not to include the Free Fund amongst the Revenues to be given up to the Legislature. It is very doubtful whether that additional concession would have induced the Assembly to make a larger grant, and you would in that case not have had at your command adequate means for meeting those charges which the Assembly declined to include in the Civil List, and which they probably would not be disposed to provide for by annual votes. I trust, however, that the addition of the Free Fund to the other resources at your disposal will relieve you from all difficulty on that score.

But as that addition will not be equal to the additional charges to be provided, it will be necessary to make a distribution of the Casual Revenue different in some degree from that contained in my despatch of the 24th December last, No. 2.

The Casual Revenue may now be estimated as follows:—

Canada Company	£16,000	
Lands and Timber	5,000	
Incidental	1,000	
Free Fund	1,500	
	£23,500	
Deduct charge of collection	2,000	
Total	£21,500	

It may safely bear the following charges:—

Lieutenant Governor to complete his salary to £3,000	£ 1,000
Retired Judges	2,700
Compensation in lieu of Fees	2,566
Royal Grammar School	500
University	1,000
Protestant Clergy (in lieu of Parliamentary grant)	3,000
Presbyterian Clergy	1,000
Roman Catholic Bishop	500
Roman Catholic Clergy	1,000
Pensions, (supposed to be about)	1,700
Surveyor General	300
Emigration	5,000
Total	£20,266

Leaving a reserved balance of rather more than £1,200, which would be liable to increase as proportionate as the floating charges such as Pensions, retired allowances, and compensations for fees may fall in.

This distribution may, however, be liable to change before the Civil List Act comes into operation, and if you have any suggestion to offer as to the proposed application of the Casual Revenue, I shall be glad to receive them, at as early a period as may be convenient.

I have, &.,

GODERICH.

M. General
Sir J. Colborne, K. C. B.,
&c. &c. &c.

(Copy.)

No. 42.

Downing Street,
30*th September*, 1831.

Sir,

With reference to my Despatch of the 23rd May last, No. 26, I have the honor to transmit to you an Act of Parliament passed in the present Session to amend the Statute 14 Geo. III, c. 88, which places at the disposal of the Legislature of Upper Canada the Revenues of that Province arising from the Statute of Geo. III.

The Act having been passed on the 22nd instant, it has not been practicable since that time to issue the necessary order of His Majesty in Council for confirming the Provincial Statute of the first year of His Majesty's reign, c. 14; That order will, however, be issued by the earliest possible opportunity. The Provincial Act will in the meantime have its operation.

I have, &c.

GODERICH.

M. General
Sir J. Colborne, K. C. B.
&c. &c. &c.

No. 123.

Amherstburg, 18*th January*, 1836.

Sir,

We have the honor to acquaint you, for the information of His Excellency the Lieutenant Governor, that the Act of the Provincial Parliament providing for the erection of a Light House at or near Bar Point, on Lake Erie, and vesting us with authority to carry the same into effect, was not received by us until the month of October last, at a period much too late in the season to enable us to adopt any measures for the accomplishment of that desirable object until the ensuing spring; and finding also that an opinion generally prevailed with the masters of vessels employed in the navigation of the Lake, that the site chosen for the intended Light House is totally uneligible, we deemed it proper, before entering into any contract, to ascertain by inquiry where the Light House ought to be erected to ensure its greatest possible utility. To enable us to arrive at that conclusion, we consulted several of the most experienced and respectable ship masters employed in the navigation, both British and American, who are most decidedly of opinion that the south end of the island of Bois Blanc, at the entrance of the river, is the fittest and by far the best site for a Light House. We found also, upon investigation, that independent of its sphere of utility being greatly increased by placing it upon the island (certainly a primary consideration) there are other and substantial reasons for giving it a preference over the bar point. The bar point is a low spit of very trifling elevation above the surface of the Lake, and is composed entirely of loose gravel and beach sand, to the depth of several feet. To obtain a substantial and permanent foundation upon such a bottom would be attended with great expense; a tower of from fifty to fifty-five feet in height from the ground to the lantern would also be necessary to render it of any real use, add to that, the ground being private property, could only be obtained by purchase.

By placing it upon the island, independent of its increased utility, a superior elevation of fifteen feet can be obtained, rendering a tower of forty feet in height sufficient for every useful purpose, and a solid and permanent foundation can be secured at much less expense.

Taking these various circumstances into consideration, we had the plans, specifications, &c. prepared accordingly, and after giving due public notice, tenders for erecting the buildings were received, a schedule of which we beg to enclose for His Excellency's information, but we regret to add that even the lowest tender greatly exceeds in amount the sum appropriated; a sum, undoubtedly, quite inadequate to the purposes of the Statute,—We, therefore, deem it our duty to proceed no further at present, but wait until it can be ascertained if Parliament will grant the additional sum required to carry the provisions of the Act into effect. We beg leave here to observe, that in preparing the plans and specifications of the buildings required, the strictest economy consistent with strength, accommodation and durability has been observed.

We further beg leave to remark that a Light House at the entrance of the river has long been required, and is vitally and essentially necessary to the safety of the increasing shipping and commercial interests of the district and country at large.

We have the honor to be,

Sir,

Your most obedient servants,

ROBERT REYNOLDS,
CHARLES FOTIER,
Commissioners for erecting
Light Houses.

To
Lieut. Col. Rowan,
Civil Secretary,
&c. &c.

SCHEDULE of Tenders for building a Light House and Keeper's House on the lower or south end of the Island of Bois Blanc, on Lake Erie, received by the Commissioners, pursuant to their public advertisement, viz:

No. of Tender.	By whom Tendered.	Names of Securities.	£	s.	d.	Amount of each Tender.
1	Andrew Fisher,.....	.....	1100	0	0	Eleven hundred pounds provincial currency,
2	J. Moors,..	.....	1175	0	0	Eleven hundred and seventy-five pounds,
3	John Cook,.....	.....	1175	0	0	One thousand and seventy-five pounds,
4	Chas. Jackson,.....	.....	1245	0	0	One thousand two hundred and forty-five pounds.

Should any of the Tenders be ultimately accepted, the party is prepared to give ample and unexceptionable security for the due and proper performance of the work.

ROBT. REYNOLDS,
CHARLES FORTIER,
Commissioners for building Light House, &c. &c. &c.

Amherstburgh, 15*th January*, 1836.

No. 124.

REPORT OF SELECT COMMITTEE

ON

PETITION OF PEARSE, DUMBLE, AND HORE.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY.

The Committee to whom was referred the Petition of John Pearse, Hore, and Dumble, have taken the same into consideration, and beg leave to make the following Report:

It appears that in the session of 1833 an Act was passed granting the sum of £2000 to improve the inland navigation of the NewcastleDistrict and that James G. Bethune, Col. Brown, John Hall, Thomas Need, Mr. Huston, Wm. Whitla Esq. and A. McDonnell Esq., were appointed by the House of Assembly as Commissioners to lay out the amount granted in such places and manner as they might deem proper.

From the Report of the Commissioners contained in the Journals of 1834 it seems, that they considered it advisable to make a Lock and Canal at a place called Bobcaygean Falls in order to connect the navigation between Sturgeon and Pigeon Lakes. And John Pearse, William Hore and William Dumble contracted to construct said works for the sum of £1,600. The act making the appropriation, directed that the amount granted should be paid to all or any one of the Commissioners. And it appears that James G. Bethune being the only active Commissioner, was permitted to draw and pay over the money as he thought proper and to take upon himself the principal direction of the work.

It appears by the Receiver General's account that the Debentures were given to J. G. Bethune on the 3d June 1833 and that Pearse & Co. contracted on the first of June of the same year and proceeded immediately upon the work and that they finished the work about October 1834, but not without suffering many hardships and sustaining much injury in consequence of Mr. Bethune failing to advance them money as they required to pay their workmen and for other purposes in the prosecution of the work. The Contractors however managed to finish the said work, but were unable to procure the attendance of any of the Commissioners to examine or accept the same, they were therefore under the necessity of employing a Civil Engineer at considerable expense to examine the works: from whose report it appears that the work is finished and executed as well or better than the contract and specifications bound them to do it, and that the work was taken at too low a rate.

From the best information Your Committee are able to procure it appears that there is now the sum of £766 still due the Contractors on the original contract, which they have no means of obtaining from James G. Bethune, who has become a defaulter and insolvant. As the Contractors undertook the work from Mr. Bethune and the other Commissioners at a time when he stood high in the confidence both of the Government and People—and as there are no means by which they can recover the same from Mr. Bethune, and if left in their present situation with a heavy debt hanging over them, contracted in the prosecution and completion of said work, these hard working Mechanics and their families and others who have wrought for them will be entirely ruined.

Your Committee therefore think it just and expedient that Your Honorable House make good to the Contractors the amount justly due them, with such other sum as Your Honorable House may consider a compensation for the damages and heavy losses they have sustained in not receiving the money they were justly entitled to.

JOHN GILCHRIST,
Chairman.

16*th February* 1836.

No. 125.

MESSAGE

FROM

LIEUTENANT GOVERNOR,

WITH

REPORT OF THE EXPLORING PARTY,

EAST SHORE, LAKE HURON.

F. B HEAD,

The Lieutenant Governor, transmits for the information of the House of Assembly the accompanying copy of a Report of the officer at the head of an exploring party appointed to examine the County on the East Shore of Lake Huron, during the past summer.

GOVERNMENT HOUSE, *25th Feb.*, 1836.

A Summary of Facts and Remarks on a portion of the Lake Huron Territory traversed by an Exploring Party despatched in the summer of the year 1835, by order of his Excellency Sir John Colborne, K. C. B., &c. &c. &c.

FACTS.

1. The agricultural character of every country is greatly influenced by the class of rocks which prevail in it; for the soils which cover them, or are formed in their vicinity, are in general the result of their disintegration and discomposition.

2. Those rocks of a thoroughly crystalline structure, which some Geologists denominate Primary, such as granite, gruiss, sienite, greenstone, hornblade schist, are usually associated in all countries where they occur, with soils of an inferior description, resulting from their disintegration, and such rocks, with one limited and rare exception, are those which occupy the unsettled portions of the lands we traversed.

3. These rocks and the hills and mounds (mountains are never seen,) they compose or give prominency to attain little attitude; are noticed usually at comparatively low levels in relation to the waters which traverse or intersect them; are rarely more than fifty feet above such waters and never 400.

4. In consequence of the little height to which the rocks attain, the country they characterize is comparatively low and level, (which joined to the fact

REMARKS.

1. It is not necessary to insist upon so obvious a fact and one now so generally admitted. The general rule, however, is, not without its exception, and it occurs when a deluvial action has swept from *remote* regions a soil foreign to the lands it is left upon.

2. It is true that good soils sometimes have their origin in the decomposition of sienite, and disintegration of greenstone; but the former is not readily effected, and although the latter is the soil which is the produce, is usually too ferrugenous to be good. The exception alluded to, is a secondary, or as it is sometimes called, a transition limestone which may be traced (a luergi intervalli) from Lake Winnepeg to Bradone, skirting and abutting against the more ancient rocks which bar its progress to the northward, in which direction we lost all traces of it eight miles from the N. E. corner of March.

3. The crystalline rocks in Europe sometimes attain a height of 10,000 feet, and are usually elevated —in Canada, with the exception of the Rocky Mountains, we are not acquainted with any which exceed 4,000, and they usually fall far short of this. Captain Bayfield, R. N., measured the highest pinnacle of the Gaspesion chain, as seen from the Gulf, and found it to be 3,700 feet above the sea; but all his his previous and subsequent measurement are much less.

4. The *mere* topographical outline of a country has often decieved, and will continue to deceive, persons who seek no other sign of its agricultural

FACTS.

that such lands are often covered with hard woods,) occasions the hasty observer to conclude that the quality of such land *must* be excellent, if however recourse be had to the agricultural probe, (as was always done by us,) the only sure *mechanical*, though ready test of soils, far the greater portions of those we saw will be found otherwise.

5. The predominating soil of the country traversed is a meagre, red, or yellow, ferruginous, sandy loam, varying in depth from feet to inches, often not exceeding three of the latter dimension, and not unfrequently absent altogether, leaving the rock bare but for its hoary covering of lichen clay, or clayey loams, were rarely seen, and when noticed, their usual position was either in some of the swampy valleys between the rocks or forming alluvial deposites on the banks of rivers, often deeply covered up by a silicious sand.

6. The country traversed is much intersected by lakes and swamps; the former (the latter also I think) are usually directed in their greatest length either North and South, or more usually between that rumb line and N. E. S. W., such is also the prevailing bearing of the rocky scraps which are so frequently met with in the woods, and which probably represent the bearing of the predominating lines of stratification.

7. All the waters met with by the exploring party fall either directly or indirectly into Lake Huron, consequently the dividing ridge which throws all the waters eastward of it in an opposite direction, was not passed.

8. The abundance of water communications renders the country very accessible to canoes, either by following the twindings of the rivers, or what is more common, by making portages between river and lake, to avoid the frequent obstructions on the for-

REMARKS.

character. In forming a just estimate of it, we can neither depend upon level nor quality of timber, we must touch the soil itself. Repeated explanations in this country have convinced me that a growth of hard wood on land, is by no means a positive indication of a good soil, neither does its absence imply the reverse necessarily. Hard woods were frequently and abundantly noticed by us, growing within six inches of the rock, in a soil of the most meagre quality. The luxuriance in timber which such soils sometimes exhibit, may be owing to the renovating influences which wood lands experience, particularly at the fall of the leaf; removed from such influences, they would soon become barren. There is also another view of the subject—a good soil which the top root of a tree may reach and derive nourishment from, may be too deep for agricultural purposes. Again, a very fertile substratum of soil may be so incumbent with decomposed vegetation and underwood, as to be prevented from bearing fine timber.

5. This red ferruginous soil is, I think, derived in a great measure from the disintegration of the greenstone and hornbleude schists, which so greatly abound in the country, and which are readily acted upon by the weather. I must qualify the unfavorable impression this fact (5) is calculated to give by observing that the line upon which we principally moved, was too much to the westward to afford us a fair chance of meeting with the good land which some of our lateral excursions to the eastward, gave us an opportunity of seeing.

6. It is characteristic of a country composed of chrystalline rocks, to be full of lakes and swamps; for such rocks allow of no percolation to the waters which fall upon them, but shed them to their bases where, dammed up, they stagnate or become nearly currentless. I believe, however, that many of the lakes, swamps bogs, and portions of rivers, owe their existence to the disintegrating character of the hornbleude schists and greenstones; for on many of them (particularly conspicuous on the rocky islets of Lake Huron,) the crossive influence of water is not only very visible but very curious.

7. In our latest lateral excursions up the Stinonaga River from its great Lake of the same name, we reached within a days journey of the dividing ridge, and were greatly tempted to cross and descend it to the Ottawa, but the lateness of the season, the want of a guide, and also the uncertinty we were in of getting a fresh supply of provisions, prevented it.—In our first and second day's journey up this river from the lake we met with excellent and extensive tracts of land, and the same was seen by Messrs. Richardson and Hawkins, who were at the same time exploring right and left of me; consequently I beg permision to call His Excellency's attention more particularly to this point of our labours in case the exploration of this country be persevered in.

FACTS.	REMARKS.
mer, which arise from falls, rapids, and jams; were it not indeed for these, the rivers might be ascended in Steam Boats, being usually both wide and deep.	
9. The lands to eastward of the Line are decidedly better than those met with either on the Line or to westward of it; and in that direction, during our latest lateral excursions, we noticed soils which in quality, depth and superficial extent demand attention; they are, however, separated on the Lake Huron side, from the settlement, by many leagues of country, either totally unsusceptible of cultivation or so insulated by portions which are, as to totally destroy the hope of being able to approach them with a view to settlement.	9. It seems more reasonable to expect that the Rice Lakes and the Ottawa will be the channels through which the country in question will be settled eventually.
10. The highest *observed* latitude reached in the direction of the line was 45° 42′ beyond this for seven or eight miles, to which point the line extended, the land wore a very unfavorable aspect being little better than one continued swamp; which circumstance together with the lateness of the season and the unfavorable Reports we had received of the country stretching further to the northward induced me in the absence of Lieutenant Carthew (having previously consulted the Surveyor) to discontinue the line and terminate our operations for the season by lateral excursions, reporting to that officer what had been done and naming the rendezvous to which the canoes should be sent to withdraw us.	10. Owing to the want of a chronometer, we are not able to give with the same confidence the greatest Longitude reached east of the line, but as far as we may judge independently of courses taken, though not yet protracted, it was 50 miles.

Humbly submitted,
By His Excellency's,
Obedient Servant,
(Signed) F. H. BADDELEY.
Capt. R. Engineers.

REPORT OF THE COMMITTEE ON GEOLOGICAL SURVEYS.

TO THE HONORABLE THE HOUSE OF ASSEMBLY.

The Committee appointed to consider and report a plan for the Geological Survey of this Province, beg leave to Report to your Honorable House what they conceive to be some of the strongest reasons in favor of a Geological Survey of the same.

Of the resources of a new country, manufactures are necessarily out of the question. Old countries where labour is reduced to the lowest possible amount which will sustain human life, must always possess a superiority in the manipulation of commodities over a country where labour is both scarce and dear. Agriculture and Mines are the only things which a new country can cope with an old. The former on account of the low price of land and the absence of taxation, and the latter, from the superior facility of procuring the property in them in fee simple, and as the case may be, the superiority in the productiveness of the mine itself.

The first advantage to be derived from productive mines in a country such as ours is, that those who work them consume the produce of the agriculturist within our own bounds, and thus convert a commodity which is bulky, expensive in transport, and liable to damage, into one which is small in proportion to its value, cheap in transport, and which, if it be not totally lost in the passage, can suffer no injury from wind and waves.

Thus: suppose a copper mine was discovered on the Huron, and that the copper could be worked at a rate that would repay the miners when sold in England, the persons engaged in the mining, cleaning, and smelting of this copper, must consume agricultural produce, in the shape of provisions, to perhaps one-half of its price in England, and a considerable portion of the remaining moiety must come from England in the shape of British manufactures.

Again, when time has equalized every thing, the farmers of the western parts of this Province cannot expect to get the present prices for their wheat—this wheat has to be converted into money in England by a tedious process of transmission; but let it be used on the spot by those who mine and manipulate the copper, and we will obtain a higher price for it; because, what we cannot supply on the spot must be brought at the risque and charges from a distance, and, by consequence, our profits must be theirs *plus the charge and risque of bringing it from a greater distance*, which is of itself a great addition to the profit. Again, the charge upon the transmission of goods comes out of the pocket of the farmer. Wheat at Montreal sells for, say five shilling, per bushel, whether it is grown at La Prarie or on the Huron; but the La Prarie farmer can put his wheat into his canoe and run it across the rapid to his market; whereas the western farmer must pay for agency, storage, and freight at shpping; incur the risque of wind and waves; pay for bags, agency, and storage when it arrives; all which is necessarily deducted from his profit, even if he ships on his own account; but if, as it is most probable he does so, through country store-keepers, he has their profits and those of their Montreal agent (or principals, as the case may be) to pay in addition.

Now, supposing a bushel of wheat be, say two shillings and six-pense on the Huron, and it is converted into three pounds of copper, which, at 10d. per pound, is of the same valne, you get it to market at one-eighteenth of the frieght, and at one-hundreth the risque of damage, all which profit goes into the pocket of the farmer. By calling the mineral riches of our country to the aid of her agricultural resources, you at once give an impulse to her commercial prosperity, increase the means of internal improvement, and greatly extend those for the moral and religious instruction of the people.

Again: suppose coal fields could be found in this Province—and we believe every indication exists of their presence in several districts—in the manufacture of our various minerals, coal would be of incalculable value. Wood, under any circumstances, is an expensive fuel, even for domestic purposes, or those connected with the steam engine, and for those of the coarser or cheaper manufactures, altogether inapplicable. At present, so far as we can learn, the average of cultivated farms does not amount to thirty acres; but a man is obliged to keep more than twice that quantity to supply himself with fuel. Could coal be found, the best cultivated parts of the country would maintain three times the number of inhabitants it does at present, and bring us in the same ratio nearer to the power and conveniences of an old country.

Again: we know that the country abounds in Salt: a knowledge of its various local situations is highly desirable and of the utmost importance, more especially to those great sources of our national wealth and prosperity, the fisheries.

Again: as statistics consist in a knowledge of the means and resources of a country, a professional man might as well be supposed to pursue his vocation without his instruments, a merchant to carry on business without his books, as a nation or community to govern itself without statistics.

We therefore strongly recommend the geological survey of this Province, so that a report of our natural wealth and resources may be laid on the table at the commencement of the next Session of Parliament.

COMMONS HOUSE OF ASSEMBLY,
1st March, 1836.

R. G. DUNLOP, *Chairman*.

No. 126.

RETURN of the Saint Lawrence Inland Marine Assurance Company for the year 1835.

	£	s.	d	£	s.	d.	£	s.	d.
The amount of Capital Stock subscribed is one hundred thousand pounds; of which ten per cent or ten thousand pounds have been paid in.									
The funds and property of the Company consist of the following, viz:									
332 Shares Stock in the Bank of Upper Canada at £12 10s. each, amounting to....	4150	0	0						
134 Ditto Ditto in the Commercial Bank of the Midland District at £25 each, amounting to	3350	0	0						
100 Shares Stock in the City Bank Montreal at £25 each, amounting to.....	2500	0	0	10,000	0	0	par value.		
Cash on hand,.....	308	10	8						
Bills receivable,.....	1013	13	0	1,822	3	9	11822	3	9

The property insured during the past year amounted to £316,702 1 6 currency, upon which the premium charged amounted to £2685 17 10.

The amount of losses paid by the Company during the past years is £2332 11 3½ currency, a considerable portion of which was for losses sustained in 1834, but which were not liquidated during that year.

The amount of claims for losses is about £350, a part of which (the amount not yet ascertained) is admitted as a fair claim upon the Company.

Jonas Jones, President, and Alpheus Jones, Secretary, of the St. Lawrence Inland Marine Assurance Company, severally make oath, that the above return is just and correct, according to the best of their knowledge and belief.

JONAS JONES, *President*.

A. JONES, *Secretary*.

The above named Jonas Jones and Alpheus Jones sworn before me at Prescott, this thirtieth day of January, 1836.

WM. McQUEEN, J. P.

No. 127.

MESSAGE

FROM

HIS EXCELLENCY,

WITH THE

REPORT OF THE TRUSTEES OF YORK ROADS.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the accompanying Report of the Trustees appointed by an Act of the Provincial Legisture passed in the year 1833, to make and improve the three principal approaches to the City of Toronto.

GOVERNMENT HOUSE,
7th March, 1836.

To His Excellency Sir Francis Bond Head, Knight, Commander of the Royal Guelphic Order of Hanover and of the Prussian Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The Trustees appointed by an Act of the Legislature, passed in 1833, to make and improve the principal approaches to the then Town of York, now the City of Toronto—

RESPECTFULLY REPORT,

That since their first Report to Sir John Colborne, in the Winter of 1834 & 5, for the information of the Legislature, they have endeavoured to benefit the public by proceeding with the work intrusted to their charge in the best manner which the limited funds remaining at their disposal enabled them to do.

It must be recollected that when that first Report was made, 2½ miles of Yonge Street had been perfected—the first mile being 20 feet wide and the remainder 16 feet only. In performing the first part of which, a very extraordinary expense was incurred from causes explained in that Report, the whole cost of which two miles and one half amounted to £5,866, while a part was paid for after the enormous rate of £3,960 per mile; another part £2,420 for the same distance, and a third part at the reasonable rate of £1,320; only the latter being the smallest sum for which a mile has been performed and each of the two last rates have been reduced about one third from the one immediately preceding the particulars of which expenditure were respectively detailed in that Report.

Early in the Spring of 1835, the Commissioners met and after authorising the necessary expenditure for repairs, which for the first year is usually large, proceeded to the consideration of the best method for arranging for the season and how the Eastern and Western Roads might be proceeded with to the greatest advantage, when they came to the determination of placing the immediate superintendance of those roads respectively in the hands of Mr. Small to the East, and Mr. Dennison to the West; those two Trustees necessarily passing daily over their respective Roads. The remaining unsold Debentures were divided as follows:—£1,900 to the Western and £2,276 18s., to the Eastern, the Trustees meeting once a fortnight to examine estimates and authorise advances.

These Gentlemen proceeded with the work on their respective roads, early in May, very much according to their own discretion—Mr. Small to the Eastward, having Leonard Watson, one of the two persons who had succeeded so well when acting under the Board, immediately under him in charge and Mr. Dennison to the Westward, having John Bell, the other of those who superintended the North Road in charge.

On the Western Road but little difficulty appeared in the way of procuring stone, as the fields adjacent abounded with the metal. Mr. Dennison commenced on Lot Street, at the corner of Peter Street, the old limit of the Town, a Road 20 feet wide and 10 inches deep; which has cost 20s., per yard, and of which two thousand three hundred and seventy-one yards are finished, being at the rate of about £1,800 per mile, exclusive of Bridges, levelling Hills, &c., as per exhibit No. 1. On the Eastern Road there being no stone in the neighbourhood, the Trustees deemed it expedient to try the Gravel which was supposed to exist in large quantities about four miles below the City. Mr. Small in exploring and excavating about 13 Toise, found the vein to run so shallow and the expense attending it so heavy, that he was obliged to abandon it altogether and search for material elsewhere.

The most expeditious and cheapest method then appearing to the Trustees was to procure stone by water from the Beach in the front of the Townships of Scarborough and Pickering—a metal equal if not superior to the field Granite which was delivered in front of the City at £2 per Toise and broken there for £1 8s. 6d., per Toise.

Mr. Small commenced laying the Gravel one mile East of the Don Bridge, 16 feet in width and 10 inches in depth, the 13 Toise covering about 66 yards of road; and the broken metal was continued the same width and thickness except the distance of about 440 yards, which is laid only 7 inches deep on large flag stones as an experiment,—the first mile costing the same as Mr. Dennison's, 20s., the yard, exclusive of Bridges, as per exhibit No. 2. Although it only four-fifths of the width, in addtion to which mile East of the Don 1020 yards was laid the same width as the last only at an expense of nearly 24s., per yard, as per the same exhibit which also shews the expense of prepuring a mile and one half of road for metal in the Spring and for Bridges, Toll House Gate, &c.

Exhibit No. 3, will give the particulars of the total exdenditure upon both roads, and from what sources the means were procured.

The most pleasant part of the duty which the Trustees have yet had to perform they now commence doing, which after shewing the total amount of expenditure from the beginning, is to exhibit the amount of their receipts also, and by comparison to shew the real advantages which has accrued to the public by the undertaking. There has been expended in all £12,700 only in perfecting about five and one half miles, including very heavy outlays for Bridges, of which there are a great number, changing the surface of the several roads most materially, together with the expense of three Toll Houses Gates, &c., and three side Gates.

put up to prevent fraud upon the principal gates, the Interest upon which sum total amounts to £762, and exhibit No. 4, will shew that at the present rate of Tolls the three established Gates will produce about £2,250 per annum, which will, after deducting the above Interest and Toll Keeper's wages leave a sufficient sum to pay the Interest of £20,000 more and which is necessarily on the increase.

The Trustees, after making these very pleasing statements and proving their correctness by the Exhibits annexed, feel very confident that the Legislature will not hesitate to authorise a further loan, to the extent of at least £20,000, being, as shewn, no more than the present income will pay the interest of, and which, when expended, will authorise the establishment of other Gates, likely to produce in their turn funds sufficient to proceed with the work as fast as the country requires, and also as fast as laborers will be found to accomplish the same, without an increased rate of expense.

The Trustees have occasion once more to remind the Legislature that none of the monies which has as yet been raised under the authority of Parliament on the security of the Tolls, only could be obtained until one or more of the Trustees at different periods made themselves personally responsible for the amount borrowed, none of the monied institutions in the Province having been found willing to advance on the security of the Tolls without such guarantee.

The different Trustees having made themselves responsible for separate parts on the faith of Parliament and their opinion of the produce of the Tolls, take it for granted that now the work is so far advanced, and its success so satisfactorily proved, the Legislature will see the justice and propriety of releasing them from the responsibility, by rendering either the Province or the District accountable for such part of either principal or interest as the Tolls may not discharge. Should any defalcation take place from circumstances beyond the reach of probable conjecture, the Trustees also take the liberty to state, that in their opinion the statute labour at present applicable to those roads should be changed to commutation, and to be collected and paid over for the good of the said roads the same as the Toll, or in such manner as the wisdom of Parliament shall see fit to appoint, and if the commutation was raised to five shillings a-day the person residing upon the respective roads would still be gainers when the vast increase to the value of their property is taken into consideration.

They would also recommend an addition to the number of Trustees on the respective roads so as to ensure resident ones on those parts likely to be proceeded with soon to take especial charge in their neighborhoods.

The trustees in closing their Report for the second year consider it their duty to draw the particular attention of the Legislature to exhibit No. 6, because it will enable them to judge as to the probable expense necessary to macadamize a mile of road; it will also be a guide to others employed in similar services, and serve as a caution to those who may have occasion to contract with strangers for like services. The extraordinary disparity between the different estimates shews how wanting in information or management our first contractor must have been, when, although he estimated for a mile at £1250, and contracted to perfect at £1500, he, nevertheless, asked to be paid at the rate of more than £4000 the mile, and that when he, a professed practical civil engineer declared that he had expended beyond that rate, Watson & Bell, workmen under him, finished the same mile which he had began, at the rate of £2400 per mile, at the worst season of the year, and the following summer for £1320 per mile, 16 feet wide, or £1650 of the same width, which facts have never been accounted for.

All which is respectfully submitted,

D. BOULTON, *Chairman.*
CHARLES E. SMALL.
G. T. DENISON.
CHARLES THOMPSON.
JESSE KETCHUM.

CITY OF TORONTO,
February 26, 1836.

EXHIBIT No. 1.

STATEMENT shewing Mr. Denison's expenditure on the Western Road, 2321 yards, 20 feet wide.

	First mile.	Bridges, &c.	Last 561 yards.	Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Labourers	225 1 3	123 18 9	58 18 0¾	407 18 0¾
Carts	72 10 0	45 10 0	23 13 1½	141 13 1½
Ploughing	1 17 6	14 1 3	0 0 0	15 18 9
Stone	712 15 0	15 15 0	195 18 3	924 8 3
Blacksmith	13 10 5½	0 0 0	10 0 0	23 10 5½
Carpenter	5 6 2	0 0 0	2 0 0	7 16 2
Superintendance	92 10 0	0 0 0	56 15 1	149 5 1
Bridges	0 0 0	133 2 5½	14 7 0	147 9 5½
Gates, &c.	0 0 0	127 9 1	0 0 0	127 9 1
Breaking Stone	694 8 0	0 0 0	200 4 0	894 12 0
Stationary	0 0 0	0 0 0	1 4 5	1 4 5
	1818 8 4½	459 16 6½	562 19 11½	2841 4 10
	459 16 6½			
	562 19 11½			
	2841 4 10			
1760 yards at 20s. for 20 feet, or 1s. per foot				1760 0 0
561 ditto ditto				561 0 0
Bridges, Gates, &c., extras				459 16 6
				2780 16 6
£60 8s. 3d. beyond on 2,321 yards				60 8 3
				2841 4 9
Stone paid for on hand				167 10 0
				3008 14 9

EXHIBIT No. 2.

STATEMENT shewing Mr. Small's expenditure on the Eastern Road, 2780 yards, 16 feet wide only.

	First Mile.	Briges &c.	Last 1020 y'ds	TOTAL.
	£ s. d.	£ s. d	£ s. d	£ s. d
Gravel,	67 19 10	0 0 0	0 0 0	67 19 10
Labourers	216 0 0	106 17 6	229 0 3	551 17 9
Carts	100 6 10	80 10 0	137 7 6	318 4 4
Ploughing	24 0 0	43 16 3	27 0 0	94 16 5
Stumping	10 0 0	16 15 9	0 0 0	26 15 9
Stone	837 18 0	25 5 0	505 16 4	1368 19 4
Breaking	450 0 0	0 0 0	267 17 9	717 17 9
Lumber	10 0 0	1 0 0	5 5 0	16 5 0
Survey	1 2 6	0 0 0	1 0 0	2 2 6
Carpenter	5 18 4	0 0 0	0 0 0	5 18 4
Blackmith	3 12 9	10 2 0	3 12 0	17 7 7
Stationary	1 9 3	0 0 10	0 0 0	1 9 3
Superintendance	49 0 0	20 0 0	45 0 0	114 0 0
Toll Houses, &c.	0 0 0	96 2 10	0 0 0	96 2 10
£	1777 7 6	400 10 2	1221 18 10	3399 16 6
Bridges	45 0 0	183 18 11	125 7 0	349 4 6
			£	3749 1 0

1760 yards 16 feet wide at 20s. or 1s. 3d. per foot	£ 1760 0 0
1020 do. " 23s. 11d. per yard	1219 15 0
Bridges	349 4 6
Gates, &c.	96 2 10
Preparing ground for next season	279 2 4
Stone on hand for ditto	25 5 0
Expended beyond the above	19 11 4
	£ 3749 1 0

EXHIBIT No. 3.

STATEMENT shewing the Total Expenditure by Mr. Denison on the Western Road in 1835, and whence he obtained the funds.

Dr.	£	s.	d
Exdenditure on one mile 20 feet wide	2278	4	11½
Do. on 561 yards further West	572	19	10½
Paid for 50 Toise of Stone on hand broken	167	10	0
Do. 10 Toise do. do. unbroken	17	11	0
	£3036	5	10

Cr.	£	s.	d.
Debentures sold £1,900, interest when sold £19 10s	1919	10	0
Borrowed of the North Gate	200	3	11
Borrowed of the Bank of U. C.	492	15	4
Advanced by Bank,	178	16	11
Borrowed from the West Toll Gate	154	19	8
	£3036	5	10

EXHIBIT No. 4.

STATEMENT shewing the total expenditure by Mr. Small on the Eastern Road in 1835, and whence he obtained the funds.

Brought forward from Exhibit No. 2. the total amount of expenditure		£3749 1 11
		£2296 10 2
Proceeds of debentures sold, and Interest when sold		1478 7 7
Borrowed of the Bank of U. C.		167 13 10
Do. of the Eastern Gate		£3942 11 7
Brought down	£3749 1 0	
Cash in Bank	193 10 7	
	£3942 11 7	

EXHIBIT No. 5.

STATEMENT shewing the North Toll Gate receipts for 1835, *stated Monthly, and the Monthly Statements for the Eastern and Western Gates, since established, for October, November, December.*

NORTH GATE.

	£	s.	d.
I,	69	10	0
F,	65	5	0
M,	55	5	0
A,	50	15	0
M,	55	5	0
I,	60	5	0
I,	72	5	0
A,	55	5	0
S,	58	15	0

EASTERN,

£	s.	d.
59	0	0
46	0	0
67	0	0

For three months, £172 0 0

4

Per annum, £688

	£	s.	d.
O,	70	15	0
N,	57	5	0
D,	80	0	0

£750 10 0

For three months, £208 0 0

4

Per annum, £832

WESTERN,

£	s.	d.
59	0	0
54	0	0
69	0	0

£182 0 0 for three months,

4

£728 per annum.

Eastern Gate will probably produce,	£688	0	0
Western do.	728	0	0
Northern do.	832	0	0
	£2248	0	0

The above Estimate is made from the present receipts as above stated, and by comparing each with the other.

EXHIBIT No. 6.

STATEMENT shewing all the different Estimates, Contracts, and Cost of the different parts that have been performed under the Act, and by whom—comparisons being a good general rule or guide to judge by.

		Per mile. s.	d.		£	s.	d.
Cull,	First estimate per yard,	13	3		1250	0	0
Cull,	do. contract per yard,	16	6		1500	0	0
Cull,	do. demand of Trustees,	41	6		3652	0	0
Cull,	do. before Arbitrators,	47	6		4345	0	0
Cull,	do. Arbitrators allow,	44	0		3960	0	0
Cull,	Finished mile in fall, at	27	6		2400	0	0
Watson & Bell,	One mile, 16 feet wide only,	15	0	£1320	0	0	
same,	Being equal, at 20 feet, to	18	9		1650	0	0
		15	0		1320	0	0
same,	First mile 16 feet wide				1777	7	6
Small,	One mile east of the Don, same width,	20	0				
Denison,	One mile west of Town, 20 feet wide,	20	0				
	Being, when reduced to 16 feet,	16	6		1454	0	0
Small,	1020 yards, 16 feet wide,	23	11		2100	0	0
Denison,	561 yards, 20 feet wide, reduce to 16 feet,	16	0		1408	0	0

No. 128.

CIRCULAR.

GOVERNMENT HOUSE,
TORONTO, 12*th Feb.* 1836.

(Copy)

SIR:

With reference to the communication addressed to you on the 26th of May last, by command of the late Lt. Governor, acquainting you that the King had been graciously pleased to approve of your being called to the Legislative Council of this Province, and that his Majesty's Warrents for that purpose had been received by His Excellency; I am commanded by the Lieut. Governor to request you will have the goodness to state for His Excellency's information whether or not it is your intention to take the usual oaths and to assume your seat in that body.

I have the honor to be,
Sir,
Your most ob't,
Humble Serv't.
J. JOSEPH.

ARCHIBALD McLEAN,
GEORGE HAMILTON,
JOHM McAULAY,
PHILIP VANKOUGHNET, Esqrs.

TORONTO, 13*th Feb.* 1836.

(Copy)

SIR:

I have the honor to acknowledge the receipt of your letter of yesterday's date, requesting by the desire of His Excellency the Lt. Governor, to be informed whether or not it is my intention to take the usual oaths and to assume my seat as a member of the Honorable the Legislative Council.

I feel deeply grateful to His Majesty and to his late representative in this Province, Sir John Colborne, for the honor intended to be conferred upon me by this appointment; and I trust that I shall not be considered as offering the slightest disrespect to them in the course which I now think it my duty to adopt. If I were influenced by personal considerations, I should without hesitation accept of this high mark of His Majesty's approbation of my conduct as a public servant for nearly 16 years; during which I have had a seat in the Provincial Assembly: but having been elected by general acclamation to represent the Town of Cornwall in the present parliament, under peculiar circumstances, I feel that I cannot with propriety abandon the discharge of the duties which I have undertuken; and I have therefore to request that you will be pleased to signify to His Excellency the Lt. Governor that it is not my intention to assume a seat in the Honorable the Legislative Council.

I have &c.
ARCHIBALD McLEAN.

J. JOSEPH Esq.
Secretary &c. &c. &c.

(Copy) CORNWALL, 25*th Feb.* 1836.

SIR:—I have the honour to acknowledge the receipt of your letter of the 12th Instant, requesting me to state for the information of His Excellency the Lieut. Governor, whether or not it is my intention to take the usual oaths as a member of the Legislative Council, to which the King had been graciously pleased to call me, and to assume my seat in that body—I beg to say for the information of His Excellency that it is my intention so to do, and to repair to Toronto within a short time for that purpose.

I have &c.
(Signed) P. VANKOUGHNET.

JOHN JOSEPH, Esq.
Civil Secretary, Toronto.

DISTRICT OF OTTAWA,
March 4th 1836.

(Copy)

SIR:

I have the honor to acknowledge receipt of your communication of the 12th ultimo and to state for the information of His Excellency the Lieut. Governor, that it is not my intention to take the usual oaths, and assume a seat as a member of the Legislative Council of this Province; at the same time I have to express my grateful sense of the honor conferred on me by His Majesty, by his issuing His Warrant calling on me to form one of that Honorable Body, and to assure His Excellency, that His administration of the Government of this Province, shall receive my warm and zealous support, the undisguised object of his instructions being firmly to maintain the happy constitution of this country inviolate.

I have &c.
(Signed) GEORGE HAMILTON.

JOHN JOSEPH, Esq.
&c. &c. &c. Toronto.

GOVERNMENT HOUSE,
TORONTO, 15*th March* 1836.

(Copy)

SIR:

I am commanded by the Lieut. Governor to enquire of you if Mr. Morris, Mr. McAulay and Mr. Vankoughnet, have taken their oaths as Legislative Councillors.

I have &c.,
J. JOSEPH.

GRANT POWELL, Esq.
Clerk Legislative Council.

LEGISLATIVE COUNCIL OFFICE,
15*th March*, 1836.

(Copy)

SIR:

I have the honor to acknowledge receipt of your letter of this day, and to state in reply, that Mr. Morris, Mr. McAulay and Mr. Vankoughnet have taken their seats in the Legislative Council, the first on the 25th January, the second on the 19th February and Mr. Vankoughnet yesterday.

I have &c.
GRANT POWELL.

JOHN JOSEPH, Esq.

No. 129.

MESSAGE

FROM

HIS EXCELLENCY THE LIEUTENANT GOVERNOR,

WITH

A REPORT FROM THE COMMISSIONERS

FOR

ERECTING A BRIDGE OVER THE RIVER TRENT.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the accompanying copy of a Report from the Commissioners appointed to superintend the erection of a Bridge across the River Trent.

GOVERNMENT HOUSE,
7th March, 1836.

RIVER TRENT,
4th March, 1836.

SIR,

We the undersigned Commissioners of the River Trent Bridge, beg leave to transmit to you, for the information of His Excellency the Lieutenant Governor and the Legislature, the underwritten statement of our proceedings as such Commissioners, since the period of our last Report.

In our report of the 10th March last, we stated that the sum of one hundred pounds, Halifax C'y. remained in the office of the Bank of Upper Canada at Cobourg, unexpended, which sum we recommended should be laid out in improving the approaches to the Bridge, putting in windows, &c. &c. &c.

We have now to state, that we have, since that time, expended the sum of one hundred pounds for the purposes aforesaid, and in making other improvements and amendments deemed necessary by us. Upon drawing upon the Bank of Upper Canada, however, for the said one hundred pounds, and upon subsequent investigation, we have found that the sum of £8 2 5 only was in that Bank; and that the residue of the said one hundred pounds was in the hands of our fellow Commissioner, James G. Bethune Esqr. unaccounted for. The sum of ninety one pounds seventeen and seven pence still remain in Mr. Bethune's hands. Having become liable for the amount to our Contractors and others, we have paid it from our private means.

We have further to state for the information of His Excellency and the Legislature, that we advertized for tenders for the Tolls of the Bridge for a year; and that on the 24th March last the tender of James Holland of this township, being the highest, we leased the toals to him for one year from that day, taking due security for performance of the lease. A copy of the tolls we have annexed. We have received from Mr. Holland the sum of one hundred and fifty-three pounds, Halifax currency, being the amount of the tolls, and have paid over that sum to the Receiver General of the Province, to the uses of this Province.

All which is respectfully submitted.

ROBERT C. WILKINS.
REUBEN WHITE.

JOHN JOSEPH, Esq.
&c. &c. &c.

Tariff of Tolls within referred to.

	£	s	d
Stage with four horses and driver	0	1	6
Double waggon with two horses & driver	0	1	0
Each additional horse	0	0	3
Two wheel pleasure carriage and horse	0	1	0
Each additional horse	0	0	3
One horse and waggon	0	0	10
Pleasure waggon or sleigh with two horses	0	1	0
Each additional horse	0	0	3
One horse sleigh and driver	0	0	10
Man and horse	0	0	6
Pair of oxen and carriage with driver	0	0	10
Pair of oxen and driver without carriage	0	0	7½
Additional oxen, each	0	0	2
All horned cattle and horses in droves	0	0	2
Sheep and hogs per head	0	0	1
All passengers on foot or in carriages over ten years of age	0	0	1½
Lumber sleighs, 2 horses and driver	0	1	0

ROBERT C. WILKINS.
REUBEN WHITE.

No. 130.

MESSAGE

FROM

HIS EXCELLENCY THE LIEUTENANT GOVERNOR,

WITH THE

REPORT OF THE COMMISSIONERS

OF THE

LATE PRETENDED BANK AT KINGSTON.

F. B. HEAD, The Lieutenant Governor transmits to the House of Assembly the accompanying copy of a Report of the Commissioners of the late pretended Bank at Kingston.

GONERNMENT HOUSE, *7th March*, 1836.

(Copy.)

To His Excellency Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The Kingston Bank Commissioners beg leave to present the annual Report of their proceedings to Your Excellency:

In our last the particulars were stated of the arrangement made with Mr. Smith Bartlet, one of the principal creditors to the institution. The wild lands conveyed for the balance of the instalments due by him, have been the source of much trouble, difficulty and expense.—The Clerk has made several journies to the lots of land scattered about the Province, experienced great difficulty in tracing the titles and some he found actually occupied by people who produced a conveyance.

It was the intention of the Commissioners to dispose of these lands, and with the proceeds to discharge the personal obligations against them for the necessary expences of their office since they commenced their duty, and for that purpose offered them for sale, and doubts have arisen if the authority under which the act empowered them to convey real property, although it expressly permitted them to receive such property for debts due the institution.

It is absolutely necessary that the Legislature do pass an act to enable them legally to convey all such property which they may hold as Kingston Bank Commissioners.

The Commissioners regret notwithstanding their utmost endeavours, that they have not before this period been able to bring this very unpleasant duty to a close, but new difficulties are constantly presenting themselves which made it impossible.

The want of funds prevented the Commissioners proceeding to the best advantage. The Legislature omitted to furnish the means which the various and complicated duties imposed upon them at all times required. Many debts which are lost might perhaps have been recovered, and no arrangements could be made within the very short limitations allowed by the act.

There could be no prospect of receiving current money, as long as payments could be made, and also awarded in Bills of the Institution procured at eighty and ninety per cent discount. Nevertheless the Commissioners with such a prospect before them, and trusting to the Legislature to make good to them all necessary disbursements, have upon their own responsibility procured funds to support their office, which required a Clerk whom it is impossible to discharge until the affairs of the Institution are finally arranged. On that account he had to be detained, and by that means prevented from engaging in what he expected to be more profitable for his family. It was supposed his services would be required for two years, consequently he made other engagements far beyond that period, which he had to relinquish.

The Commissioners were appointed under the Provisions of an Act of the Legislature of Upper Canada. To that authority they wish a full statement to be made of all their proceeding from the commencement of their duty. For that purpose they respectfully request that Your Excellency will be pleased to recommend the Honorable the House of Assembly to appoint a Committee of that Honorable House to investigate all matters and things done by them as Kingston Bank Commissioners, and for that purpose their Clerk be sent for, who from his general knowledge of the proceedings, is the most competent person to give the necessary information to the Legislature.

All of which is most respectfully submitted.

JOHN STRANGE
THOMAS MACNIDER, } *Commissioners.*

KINGSTON, *January 2nd*, 1836.

A true Copy.

No. 131.

REPORT

ON THE

PETITION OF JAMES KING,

AGENT FOR W. R. HOPKINS, Esq.

To the Honorable the Commons' House of Assembly.

The Committee to whom was referred the Petition of James King, of the City of Toronto, Esquire, Agent for William R. Hopkins, Esquire, have agreed to the following Report:—

Your Committee, after having carefully examined various persons, connected with the Land Granting Department and others and after having perused various books and documents in support of the several allegations contained in the Petitions, find that Mr. Hopkins a meritorious British officer, of 24 years service was induced to emigrate to this Province in the year 1833 under the provision of the general order of the Horse Guards of first of August 1831 by which he was entitled to $692 worth of land.—On his arrival he was located by the late Government with the sanction of Sir John Colborne, for lots No. 2 and 3. in the first concession of the township of Vespra in the Home District and that on the faith of this location of the late local Government, he with his wife and family settled on the said lots, built a house and made other improvements thereon where they remained for four months. At the expiration of six weeks of this time Mr. Hopkins was obliged to come to the city of Toronto for medical advice, in consequence of a breaking out of a wound received in the Castle of Badajos after it was carried by Escalade. On his arrival in Town he was informed for the first time that the lots with others were reserved for Park Lots, for an intended Town on Kempenfeldt Bay.

At the expiration of four months from the time of location, Mr. Hopkins received from Mr. Surveyor General Hurd an official letter of the 1st of October 1833, intimating that the land in question was a reserve and would be laid out in five acre lots, two lots of which, would be put up to auction, to afford him an opportunity of purchasing his own improvements.

Mr. Hopkins finding all remonstrances with the late local government in vain, referred his case to the consideration of the Right Honorable the Secretary of State for the Colonies, who adjudged that Mr. Hopkins should be at liberty to purchase twenty five acres of the alledged reserve at ten shillings per acre.

The Committee are of opinion that if Mr. Spring Rice, the then Colonial Secretary, had been aware that Mr. Hopkins was located by the local government with the sanction of Sir John Colborne.

That four hundred acres of this alledged reserve with a frontage on Lake Simcoe were recently sold to a Captain Oliver, at five shillings per acre and that three hundred acres more were granted to the North West Company. He would have come to a different conclusion.

The intended town of Kempenfeldt after the experience of over twenty years, its situation not being such as to induce people to settle on it, was abandoned and the town of Barrie two miles distant being at the head of the navigation of Lake Simcoe was selected a few months before Mr. Hopkins obtained his location.

Your Committee, in the course of their enquiry have had occasion to look to the Provincial Act 41st Geo. 3, C. 2. Sections 1 and 3, commonly called the Heir and Devizee Act, whereby the commissioners appointed under that Act have the power to reject or allow the claims of the Heir and Devizee of the Nominee of the Crown where no Patent is issued to a lot or lots of land, as in their judgment the justice and equity of the case may require, without any regard to legal forms or solemnities whatsoever, and to report on the same accordingly, such report to be final and conclusive.

The Lieut. Governor for the time being on receiving a favorable report, has in the opinion of the Committee no discretionary power to prevent the issuing of the Patent to such heir or devizee.

If Mr. Hopkins had died intestate, after being located for, the lots in question Your Committee hum-

bly conceive his heir at Law would have both a legal and equitable claim to them. If therefore Mr. Hopkins's eldest son would be entitled to them after his decease, it is respectfully submitted that to deprive the Father while living appears to be at variance with common justice. It appears in evidence before Your Committee that a man of the name of Patrick Strange was located for a lot in the township of Markham, and that for some cause or other, his name was erased from the Map, and that at the expiration of twenty years after his location, and two years after his death, his heir at law applied to the Commissioners under the Heir and Devisee Act, the name of Patrick Strange was ordered to be restored to the Map and the Patent issued in the name of Richard Strange his brother and heir at law.

Your Committee taking in consideration the peculiar hardship of Mr. Hopkins's case and the great injustice done him and considering that if his case is left unredressed it may have (from its publicity the effect of discouraging the settlement amongst us of valuable emigrants. Your Committee therefore recommend an humble address to His Excellency the Lieutenant Governor, praying His Excellency to restore Mr. Hopkins to his land and to compensate him for his loss of time, inconvenience and the great expense he has been put to without any fault of his own upon his surrendering to the Crown the seven hundred acres already granted to him, they respectfully submit herewith the draft of an Address for the adoption of your Honorable House.

W. B. WELLS,
Chairman.

COMMITTEE ROOM,
28th March, 1836.

No. 132.

MESSAGE

FROM THE

LIEUTENANT GOVERNOR,

WITH A

PETITION FROM CERTAIN CHIEFS

OF THE

CREDIT INDIANS.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly for its consideration, the accompanying Petition of certain Chiefs of the Mississagua Tribe of Indians of the River Credit.

GOVERNMENT HOUSE,
28th March, 1836.

To His Excellency Sir Francis Bond Head, Knight, Commander of the Royal Guelphic Order of Hanover and of the Prussian Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The Petition of the undersigned Chiefs of the Mississagua Tribe of Indians of the River Credit—

HUMBLY SHEWETH,

That Your Petitioners are the owners of certain property situate upon the River Credit, and with a view to increase the value of the same, Your Petitioners became and are now the holders of one half of the Stock of a certain adventure or undertaking for constructing a Harbor at Port Credit; which moiety of Stock amounts to the sum of £2,500 currency, and upon which your Petitioners have already paid up one half.

That the work at the said Harbor, is considerably advanced and Your Petitioners are in expectation of being called upon shortly by the River Credit Harbor Company to pay up the remainder of the Stock, for which the Petitioners have so subscribed as aforesaid, to enable the said Company to discharge the sum due and owing to the Contractor for the execution of the said work.

That Your Petitioners are at present without funds to meet such demands, but having sold certain lands belonging to them at the Twelve Mile Creek and at Port Credit, payable by three annual instalments and being also possessed as before mentioned, of one half of the said Harbor and of the profits to accrue therefrom, your Petitioners are desirous of raising the sum of £1000 by a Mortgage thereof, for the purpose aforesaid, for which they consider the same would afford an ample security—such loan to be repaid by your Petitioners in five years.

That Your Petitioners humbly hope and request that Your Excellency will be pleased to cause this Petition or the subject matter thereof to be laid before the Commons' House of Assembly, and if Your Excellency should not deem it improper so to do, accompanied by a recommendation that, that branch of the Legislature would if they should so think fit, cause such arrangements to be made for advancing to Your Petitioners the sum of £1000 for the purpose aforesaid, and to be secured with interest on the property of Your Petitioners above referred to, in such manner as to that Honorable House may seem meet. And your Petitioners as in duty bound will ever pray.

JOSEPH SAWYER, his ⋈ mark.
PETER JONES,
SAMUEL WAHBAHEEB his ⋈ mark.
Chiefs of the Credit Indians.

RIVER CREDIT,
21st March, 1836.

No. 133.

REPORT

ON THE

LIGHT HOUSE

LATELY ERECTED ON THE ISLAND OF BOIS BLANC

BY FINANCE COMMITTEE.

To the Honorable the Commons' House of Assembly.

The Committee on Finance beg leave respectfully to report:

That they have examined the matters referred to them relating to the Light House at Bois Blanc, on Lake Erie, and respectfully recommend to the Honorable the House of Assembly to grant the sum of three hundred pounds, which with the sum of eight hundred pounds already granted will amount to the sum of eleven hundred pounds currency.

The accompanying document A is a "schedule of tenders for building a Light House and a Cottage for the keeper, on the lower or south end of the island of Bois Blanc, at the entrance of the Detroit River, in the County of Essex, in the Western District—received by the Commissioners pursuant to an act of the Legislature.

Document B is a letter from Robert Reynolds, Esquire, shewing the advantages of Bois Blanc over Bar Point, as a scite for a Light House.

All which is respectfully submitted.

CHARLES DUNCOME,
Chairman.

SCHEDULE of Tenders for Building a Light House and a Cottage for the Keeper, on the lower or south end of the Island of Bois Blanc, at the entrance of the Detroit River, in the County of Essex, in the Western District—reserved by the Commissioners, pursuant to an act of the Legislature, viz:

No of Tender.	By whom Tendered.	Name of Sureties.	Amount Paid, Currency.			
			£	s.	d.	
1	Andrew Fisher.....	.....	1100	0	0	One thousand one hundred pounds.
2	J. Moor.....	.....	1175	0	0	One thous'd one hund'd & seventy five £.
3	John Cook.....	.....	1075	0	0	One thousand and seventy-five pounds.
4	Charles Jackson.....	.....	1245	0	0	One thous'd two hund'd & forty-five pounds

It is understood that the party whose tender may ultimately be accepted, is prepared to give good and sufficient surety for the due and perfect performance of the contract.

(Signed) R. REYNOLDS, } *Commissioners.*
(Signed) C. FORTIER. }

Amherstburgh, 15th January.

A true Copy ROBERT REYNOLDS.

DEAR SIR,

Mr. Fortier and myself as joint Commissioners for erecting the intended Light-House and Keeper's House in this neighborhood, made an Official Report to the Lieut.-Governor on the 18th January, of the measures adopted by us for carrying the provisions of the Act into effect, and stating our reasons for selecting the lower end of the Island of Bois Blanc in preference to the Bar Point, for the scite of the Light-House; and transmitting for his Excellency's information, a schedule of the tenders received, for constructing the buildings.

To this communication we have as yet received no reply. From the unexpected and sudden changes of Governors, think it probable that His Excellency may not have been able to communicate our Report to the House. Under this impression I think it as well to enclose you a copy of the schedule of Tenders received; and, at the same time, I think I had as well endeavor to point out to you one reason for deserting the Island as the scite for the Light House—and I trust the reasons I shall be able to assign, will be considered sufficiently cogent to justify us in our choice.

An opinion generally prevalent with the masters of vessels and steamers on the lake, that the Bar Point is a very ineligible scite for the purpose of a Light House. We deemed it proper before taking any active measures for carrying the act into effect, to ascertain by enquiry where the Light House ought really to be placed to render it of the greatest possibutility. To enable us to arrive at that conclusion, we consulted several of the most experienced and respectable ship masters employed in the navigation, both British and American, who appeared unanimous in opinion that the South or Lower end of Bois Blanc is decidedly the most eligible scite for that purpose.—Independently of its sphere of utility being greatly enlarged by placing it on the island—certainly a primary consideration—there are other and substantial reasons for giving it the preference.—I need hardly point out to *you* that the bar is a low spit of very trifling elevation above the surface of the Lake, and is composed entirely of loose gravel and beach sand, to the depth of several feet. To obtain a substantial and permanent foundation upon such a bottom would be attended with great expense. A tower of from 50 to 55 feet in height from the ground line to the lantern would also be required to render it of much real use—and the ground being private property could only be obtained by purchase; add to all this, the expense of transporting the stone, &c. would be greatly enhanced to the contractors. Now by placing it on the island independent of increased utility, a superior elevation of fifteen feet can be obtained, rendering a tower of 40 feet in height sufficient for every useful purpose; and a solid and durable foundation can be secured at a comparatively trifling expense. Taking these various circumstances into consideration, we had the plans and specifications prepared accordingly, with a view to placing the buildings on the island. Yet under all these advantages, you will perceive, that even the lowest tender exceeds the sum appropriated by two hundred and seventy-five pounds. We have in consequence come to the determination of proceeding no further in the business, until we can ascertain if the Legislature will grant a sufficient additional sum to enable us to carry the provisions of the act into execution.

As this is the proper season for providing stone and other heavy materials, had you not better, increase one Report should not have been laid before the Legislature bring in a bill for an additional grant of three hundred pounds to enable us to go on? I need hardly remark to you that a Light House at the entrance of this port is vitally necessary to the navigation, and commercial interest of the district. The disastrous gales of last fall have shewn how much such a thing is required.

I have been confined to the House for several days by a very severe cold, and could not go to town to see my brother commissioner on the subject of this letter—but I make the communication for your own personal information, in case you may deem it necessary to bring in a bill for a further grant, which certainly should be done and the result ascertained as soon as possible; as the work may otherwise be greatly retarded of course should you find it necessary to do so, you are at liberty to make what use of this communication you wish.

I am, my dear sir,
Your very faithful
And obedient servant,
ROBERT REYNOLDS.

No. 134.

To the Honourable the Commons House of Assembly, &c. &c. &c.

The Committee on Finance beg leave respectfully to Report,—

That they have examined the allegations contained in the Petition of Edward H. Molloy, Esq., complaining of the conduct of John Bostwick, Esq., of Port Stanley, in the London District,—that they have examined the parties, and Elias Moore, Esq. a member of your Honourable House, whose evidence and statements are hereunto appended.

All of which is most respectfully submitted.

CHARLES DUNCOMBE, *Chairman.*

COMMITTEE ROOM, *9th April*, 1836.

FRIDAY, 1st *April*, 1836.

EDWARD HAMILTON MOLLOY, *of Port Stanley, in the County of Middlesex, Forwarder, called in and examined.*

Q.—1. Have you been for a long time in business at Port Stanley?—Ever since 1828. I settled at Kettle Creek.

Q.—2. You have stated that Mr. Bostwick holds a plurality of offices. What are they?—He is Post Master at Port Stanley—he is Collector of Customs at the same place—he is Collector of harbor dues for Government at the same place—he is a Justice of the Peace for the same County—he is Commissioner of the Court of Requests at Port Stanley—he is a licensend Surveyor—and he is Col. of Militia in the same County.

In what vessels trading to Port Stanley is this Collector of Customs interested as an owner?—He is part owner of the *Britannia*, a Schooner trating to Port Stanley, and collects the harbour tolls and custom duties on his own vessel. His son is in the Custom House, and the managing owner of the Sir Robert Peel. His son-in-law, Mr. Chrysler, is also an owner of the Sir Robert.

4. Is the Collector of Customs, at Port Stanley, a forwarding merchant?—He is—I give his advertisement for forwarding goods, produce and merchandize.

"PORT STANLEY, KETTLE CREEK, UPPER CANADA.

Storage and Forwarding.

THE Subscriber still continues the above business at Port Stanley, and is prepared to receive and forward all

PRODUCE AND MERCHANDISE

that may be entrusted to his care, at as low rates as any other establishment. He is also ready to make advances and pay freight on all property that may be consigned to him.

"JOHN BOSTWICK."

"PORT STANLEY,
Kettle Creek, U. C.

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5. You state in your petition that Mr. Bostwick was a defaulter to the Government, to what amount and under what circumstances was he thus deficient?—Mr. Bostwick was Auctioneer to the Commissioner for the sale of Crown Lands. Col. Talbot gave him the situation—he received monies for the sale of these lands and became a defaulter. I cannot state the particulars, but have heard that he had paid up since.

6. Are you in arrear with Mr. Bostwick, the Collector of the Harbour Dues, that were due in December last?—I am not. The harbour dues, up to December last, might amount to five or six shillings which I did not pay, as Mr. Bostwick was in arrear to me for stone for a builing.

7. What sum does Mr. Bostwick receive for collecting Harbour Tolls?—I think it is 5 per cent.

8. You say Mr. Bostwick's son is employed in the Custom House?—Yes—he officiates as Collector of Customs and Harbor Dues, and I don't think he is sworn as a deputy, nor is there any comptroller, examiner or check upon their collections.

9. How is the Post Office managed?—Sometimes he delivers the letters himself—sometimes the members of family, male and female—the people complain, but are afraid to speak out, because Bostwick has power in so many ways to injure those who may offend him

10. Did you first apply to the Lieutenant Governor for redress of the grievances which you have brought under the notice of the House of Assembly?—I did, by Petition, but redress was refused.—I give in the answer of His Excellency as communicated through His private Secretary, Mr. Joseph.

"GOVERNMENT HOUSE,
4th February,

"SIR,

"With reference to your Memorial of the ult., signed by you in behalf of four other getlemen, submitting, for His Excellency's consideration, the propriety of appointing to the Office of Collector of Customs and Harbour Tolls, at Port Stanley, some person not engaged in vessels or engaged in warehousing. I am commanded by the Lieutenant Governor to inform you, that in the event of that situation becoming vacant, your suggestions shall be taken into consideration; but as there appears to be no charge brought against the official conduct of the present holder of that Office, His Excellency cannot deem himself called upon to remove him.

"I have the honor to be,
"Sir,
"Your very obedient,
"Humble servantt,
"J. JOSEPH."

"EDWARD. H. MOLLOY, Esq."

11. Is Mr. Chrysler the merchant and son-in-law of Bostwick, a part owner in the *Britannia*?—He is—and also an extensive importer from the United States of Salt and Merchandize, on which the son and the father-in-law collect the duties. No one knows what is collected.

What profit is made by Mr. Bostwick's Warehouse, and does he do the principal business in that line in Port Stanley?—I would say not less than £250 annually, which he would not do were he not Collector of Customs. He monopolizes the business in consequence of his official situation.

(Signed), E. H. MOLLOY.

ELIAS MOORE, ESQ. M. P. *for Middlesex called in and examined.*

13. Have you heard the evidence given by the last witness, and do you know whether Mr. Bostwick holds the office and carries on the business stated by Mr. Molloy?—I have heard the evidence given by Mr. Molloy, and have understood that Colonel Bostwick holds the offices and carries on the business mentioned by him.

14. What property does Mr. Bostwick hold at Port Stanley?—Port Stanley and the property round it, and the Creek for nearly a mile up are owned by him—I understood that he had a grant of six hundred acres in that place and eight hundred in Carradoc.

Copy of Petition of EDWARD H. MOLLOY, on which those proceedings were had.

To the Honourable the Commons House of Assembly of the Province of Upper Canada in Parliament Assembled.

The Petition of EDWARD H. MOLLOY, of Port Stanley, in the County of Middlesex, in the London District:

HUMBLY SHEWETH,—

That Your Petitioner has been located at Port Stanley, in the County of Middlesex in the London District for some years past, where he has erected, at very considerable expense, a Warehouse, Wharves, and other Buildings, in expectation of partaking of the advantages likely to accrue in consequence of a harbour being constructed at the mouth of Kettle Creek—that the present

Collector of Customs is engaged in the same line of business as your Petitioner, viz: in the ware-housing and forwarding: and being owner of two vessels and Collector of Customs and Harbour Tolls, Post Master and Magistrate. That by reason of the said Collector of Customs holding these public offices, he possesses such decided advantage, over your Petitioner, that he is unable to obtain but a small share of public support. That your Petitioner in his repeated applications to the importers of merchandize and the shippers of produce for a portion of their business, has been invariably answered to the purpose, that a part would be given under other circumstances; but that they, as owners of goods, found it more to their interest to consign their goods and produce to that establishment, conducted by a Collector of Customs, than to any other—that the importation of goods from the United States (subject to duty) and destined for the surrounding country, is considerable in quantity. The importers and merchants in the said District are induced to give that establishment the preference owned and conducted by a Collector of Customs, in consequence of a lenity which can be extended to them by the said Collector in awaiting their convenience for the payment of duties on Harbour Toll on their goods. And that moreover, your Petitioner would observe, that the said present Collector of Customs has been a defaulter to the Government it is said to a considerable amount of monies received by him for School Lands, sold in the London District some years since, which has not yet, or but recently, been paid over by him. That a son-in-law of the said collector is extensively engaged in the importation of salt and goods, and which enables him, in consequence of his connection with said collector, in a great measure to monopolize the trade. That your Petitioner humbly prays your Honorable House, to cause enquiry to be made into the truth of the allegations herein set forth, and to address the Lieutenant Governor, requesting the removal of the present incumbent, and the appointment of some person not concerned in vessels, or ware-housing, or forwarding, in order that your Petitioner may receive a share of public support to enable him to support his family, and in some measure to compensate him for his heavy outlay and expenditure on warehouses and wharves. That your Petitioner is of opinion, that the emoluments arising from the joint offices of Collector of Customs and Harbour Tolls would support a person in a respectable manner.

That the present Collector of Customs at Port Stanley is John Bostwick, Esq., an extensive land proprietor, and owner of that place, with the exception of a few Town Lots sold to Petitioner and others.

Confiding in the justice and attention of your Honorable House, your Petitioner, as in duty bound, will ever pray.

EDWARD H. MOLLOY.

Port Stanley, *January* 1836.

Observations on preceding Petition, addressed by Mr. Bostwick to the Committee.

To the Honorable the Finance Committee, to whom the Petition of Edward H. Molloy has been referred.

Honorable Gentlemen:

Having been favored with a copy of said Petition, I beg leave to submit to the consideration of your Honorable Committee the following remarks: That after carefully examining the said petition, I observe, that the prayer of Mr. Molloy is, that I shall be removed from the situation of Collector of Customs for the port of Port Stanley, in the London District, solely with a view to his benefit, without having made the slightest charges against me for any dereliction of duty. It seems almost useless to reply to his reasons, (if reasons they can be called) for urging my dismissal from office.

I cannot forbear however to make some remarks on the allegations set forth in his petition. Mr. Molloy did not erect his warehouses and wharf previous to the construction of the harbor at Kettle Creek, with the expectation of deriving advantages from its completion, for they were not erected until some years had passed after the construction of the harbor—neither does my holding the offices he enumerates influence any individual, I am confident, in making his selection of house, through which to forward his merchandize and produce, as a great proportion of them sent their goods through my hands years before Mr. Molloy commenced business as a Forwarder and Wharfinger—and had ever expressed their entire satisfaction in the manner I had conducted their business, so much so that they had no desire to withdraw their custom from me and give it to others; and I very much doubt Mr. Molloy's averment, that they assigned as a reason for not giving him their custom, was in consequence of my holding the office of Collector of Customs and Harbor Toll. I positively deny that any lenity has been extended towards my own customers, in awaiting their convenience for the payment of duties and harbor toll, that has not also been equally extended towards his customers and all others—the same lenity has been extended to Mr. Molloy himself, and he is at this moment indebted to me the amount of his harbor toll due in December last. Another reason Mr. Molloy assigns is, that I was a defaulter to the government of monies to a large amount, received by me on sales of school lands, which have not yet been paid, or but recently.

I do not deny that I was in arrear to the government for a time for a certain sum, not to say a very large one, but which was paid many years since—and the government was perfectly satisfied that there was nothing venal on my part in the transaction—but subsequently to which I have received the appointment to all the offices I have now the honor to hold under the government.

Another singular reason assigned is, that I have a son-in-law who imports largely, and in consequence of his connection with me, it enables him to monopolize. Nothing can be more absurd or unfounded—Mr. Crysler at St. Thomas, the person alluded to, is in a situation not to require the favors of a Collector of Customs to enable him to carry on his business; neither has he received more from me than has been equally extended to all others.

Mr. Molloy insinuates that I hold a plurality of offices that are incompatible—as for the situations of magistrate and post master, no doubt your honorable committee will readily believe, are not sinecures, but on the contrary are attended with considerable expense. The office of Collector of Customs is the

only one that I actually derive any profit from :—the income is £100 per year, together with fees of office to the probable amount of fifty dollars per annum—I received 5 per cent on the amount of money collected for harbor toll, which does not remunerate me for the time and trouble in collecting.

Mr. Molloy states that it is his opinion that the income derived from those two sources is amply sufficient to support a family respectable—in opposition to which, I may offer my opinion, that Mr. Molloy has no knowledge from personal experience, what sum is requisite for the decent support of a family, as his own selfish person is the sum total of the family he has ever supported.

Mr. Molloy would lead your honorable committee to believe he is in danger of being deprived of the means of subsistence in consequence of my holding the office of Collector of Customs; which can scarcely be apprehended as he possesses I believe nearly or quite as much real estate as myself.

Mr. Molloy asserts that I am interested in vessels, which he seems to impute to me as a crime worthy to deprive me of office, when he well knows that I am the owner only of one fourth part of a small schooner, over which I never exercised the least control, and which I should be well pleased to have taken off my hands, by himself or any other person, at less than cost.

I cannot think that your Honorable House, after a due consideration of Mr. Molloy's Petition, will think it reasonable or just to comply with the prayer thereof.

I have the honor to be,
Honorable Gentlemen,
Your obedient servant,
JOHN BOSTWICK,
Collector of Customs, Port Stanley.

City of Toronto,
24*th March*, 1836.

No. 135.

REPORT

OF THE

SELECT COMMITTEE

ON THE

SUBJECT OF A SUSPENSION BRIDGE OVER THE RIVER NIAGARA.

To the Hon. the Commons' House of Assembly, &c. &c.

The Committee appointed upon the subject of a suspension Bridge over the River Niagara or the construction of a Tunnel under the same.

Beg leave to Report:—

That they have given the subject all the time and attention the multiplicity of their various other parliamentary duties would permit, that they have examined Civil Engineers and other gentlemen likely to afford them information upon this subject which might be relied on, the particular details of the information thus derived will be found in the appendix to this report.

That Your Committe from all the information which they have thus collected are led to believe that the construction of a Suspension Wire Bridge across the Niagara River is practicable, and would be of great convenience to persons desirous of travelling across this River at all seasons of the year, but more especially during such periods in the Spring, Autumn and winter in which the anchor or flood ice floats in such abundant, as to prevent the passage of scows, steam, or horse-ferry-boats, and that they have reason to believe that the travel across this river will be very greatly increased upon the completion of a Rail Road from such part thereof as shall be chosen as the site of said Bridge to Hamilton in the Gore District, to London in the London District and to Sandwich in the Western District, and from London to Lake Huron or to the River St. Clair, for the incorporation of a company for which purpose a Bill is now in progress before Your Honorable House—has been twice read, and Your Committee trust will become a law.

That Your Committee have drafted a Bill which they herewith present to the consideration of Your Honorable House, and in the appendix to this Report will be found a copy of a Petition to the Legislature of the State of New York upon the same sub-

ject, in the views of which Your Committee generally coincide;—

They beg therewith also to transmit the draft of a Bill for the Incorporation of a Joint Stock Company for the purpose mentioned.

All which is respectfully submitted,

DAVID THORBURN,
Chairman.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
11*th April*, 1836.

ST. CATHARINES,
23*d March*, 1836.

SIR,

I regret that I have not sooner had an opportunity to present, for your investigation, the enclosed papers, No. 1 and 2, respecting suspension curves.

Upon a comparison of the drawing with the reasoning adduced, it appears that a span for any ordinary catinary may be correctly calcul ated, & the best theoretic dimensions found.

Mr. Gilbert proceeds much further with his investigations than I have at present followed him; & his theoretic has been reduced to practice not only at the *Menai*, but upon spans of less magnitude, at all these works certain minutia have been observed, that were only acquired by experience.

Sir,

I have the honor to be,
Your very obed't serv't,
FRANCIS HALL.

To
CHARLES DUNCOMBE, Esq.
&c. &c. &c.
Toronto.

F. HALL, Esq. *examined.*

Ques. 1. What is your experience of the construction of Suspension Bridges?

Ans. 1. During experiments conducted in England by Mr. Telford, prior to the construction of his great works of that description, I had the honor to be in that gentleman's special employment. In connection with this subject I examined the chain bridge then in construction by Capt. Brown, R. N. across the Tweed near Rockliff, in company with Mr. Telford; this was the first of the kind of a large span in the country in actual operation. I subsequently assisted at all the calculations, designs, and execution of the *Menai* between the County of Carnarvon and the Island of Anglesea, also with the designs for a suspension bridge at Newcom, across the Mersey, intended to have spans of 1,000 feet each; this bridge has not been constructed, although experiments upon a large scale fully warranted the measure.

Wire chains 1,000 feet in length, and of proportional dimensions, with intended cables, were made, loaded and tested; the results of these experiments are given by professor Barlow, also his calculations of curves, appropriate for spans of different dimensions. Professor Gilbert's method of deducing the catinary in finate terms, is also valuable in practice.

Q. 2. What is your opinion of a chain bridge of 1,000 feet span?

A. 2. The expense of a suspension bridge does not so much depend upon its span as upon the nature of the adjoining banks; if the banks are low the expense of abutments and towers are considerable of course, regulated by the vicinity of good building materials, the towers and abutments of the Menai bridge are about 80 feet in height. Without going into a minute estimate, I think at present prices of iron, a span of 1,000 feet will cost £8,000, and a span of 600 feet will cost £5,000, exclusive of masonry.

Q. 3. What is your experience of Tunnels?

A. 3. I have been professionally employed with Tunnels and Mines of various descriptions, for Canals, navigable Feeders, and water works, and have the experience of the cost of cutting through soft strata, with Brick lining; also, through mixed strata, composed in some cases of freestone, in others of Basalt or Lime stone, where the excavation was sufficiently indurated and free of shakes or fissures, the bottom, sides and roof were formed out of the rock, in other parts brick and stone, was substituted for rock.

Q. 4. What is your opinion of the expense of Tunneling per lineal yard?

A. 4. The expense per yard, will in a great measure depend upon the nature of the materials through which the same passes, in ordinary freestone or limestone rock the expense for a Tunnel 25 feet in width and 16 feet high, will be about £25 per lineal yard.

Q. 5. What is your opinion of the proposed communication across the Falls of Niagara?

A. 5. The accompanying sketch will shew my present view of that subject, the measurements are taken from plans in the Surveyor General's office, and supposed to be nearly correct.

By this design it is proposed to pass from the Canadian shore by a Suspension Bridge of 990 feet span, to an Island in Niagara River, from thence by a Tunnel under the *bed* of the river 500 yards in length to Goat Island; passing over the same by a common road to a second Suspension Bridge of 594 feet span, to the American shore; from my knowledge of the river and adjoining banks, I have no doubt of the practicability of the measure.

Q. 6. What is your opinion of the expense of this proposed communication?

A. 6. Before entering into a detailed estimate of the expense, it will be necessary to have very accurate data to proceed upon, such as measurement of the river and islands at and near the intended scite, also, if practicable, the various depths, above intended line of Tunnel, the height and inclination of the adjacent banks,—elevation to the rail way surface—the proximity and value of building materials, &c., &c. But I think the work contemplated may be executed for £32,300 as detailed below.

4 Towers of solid masonry, for each £800..	£ 3,200
Tunnel entrances, each £300.....	600
Suspension Bridge 990 feet span.....	8,000
Suspension Bridge 600 feet span.....	5,000
Tunnel, 500 yards lineal, at £30 per yard..	15,000
Access and egress, formation of roads.....	500
	£32,000

TORONTO, 12*th March*, 1836.

DEAR SIR,

I have considered the subject upon which I talked with you, at the house yesterday, and think the location of the bridge or tunnel deserves further investigation.

A great point in chain bridge building is to obtain undoubted security for the abutments and as little vibration as the nature of the space to be passed admits.

The Iron work must also be very carefully estimated and no scruples of economy interfere in obtaining the very best description of material that is to be had.

The means at hand of repairing the bridge must also form a part of your estimate.

I have not seen Mr. Hall's plans and cannot therefore judge of them, but recollect that you talked of a thousand feet—did this mean the space of tension or the whole distance from land to land. The Menai Bridge is only five hundred and sixty.

I have thought of the locality, and for the purposes of Trade conceive that three situations naturally point themselves out—

1st. That at the Falls connecting Manchester with Clifton is the least in consequence in a commercial point of view, but the greatest in a national one, as the magnificence of the scenery and the grandeur of such a conception evince.

2nd. At Queenston there are fewer obstacles to overcome, and the transit to the Lake is so much shorter, but it is questionable whether the expense of construction and repair would overpay the difference of outlay between the bridge and the shipment by steamboat—which can navigate the river to Queenston and of course take goods from either side with the greatest ease.

It strikes me that there is a third scite and a very feasible one for the chain bride, which would perhaps combine the magnificent with the useful, as future Rail Roads could be brought to it, and that is the Whirlpool, where the shores approach each other very closely, where good abutments could be formed and stone easily procured.

A road to the Falls may be easily made on the Government chain of Reserve and a Rail Road of about four miles in length, or a little more, would take the goods for shipment to Queenston, thus benefiting every place. The transit from the Whirlpool to the Falls would be but an affair of a few minutes by rail road as the direct line is not much more than three miles.

Against this last scheme is the visible interest of Manchester, for visitors would of course prefer seeing the Whirlpool, if they had a good opportunity; it deserves however, consideration as the locality is the best on the river for a bridge of the kind and the distance in a commercial point of view, well divided.

The Engineer must take some things into considerations, if the chain bridge is built at the Falls or the Whirlpool, which do not enter into similar calculations elsewhere.

The continual motion of the air which is much greater and more variable than is generally imagined, and its effect on such a structure may be imagined by the sensation experienced at night in one of the front rooms at the Pavilion.

He must calculate well upon the perishable nature of the shale rock upon which his abutment foundations are to be established, and he must take into serious consideration the continual teemidity of the situation, which no pains will effectually counteract and therefore the expenses in repairs must be greater than usual.

With respect to a Tunnel in such a situation, I should scarcely venture to advise it.—The nature of the rock is against such an undertaking and although it in the end, if favorably completed, is less expensive than a chain bridge, those are obstacles to be overcome that are rather startling, and it would be somewhat difficult even to ascertain the probable nature of the bed of the river from the swiftness of the flood, the eddies and vortices, which would prevent accurate conclusions about holes, fissures, &c. I shall be glad to give any opinion which may be deemed of use upon particular parts of the undertaking or on the measure generally, when I see its details, but should not desire further to interfere with the professional gentlemen employed, who are, I am sure competent for the task, being willing only to act as an impartial and uninterested adviser upon a matter of so much consequence to the commercial interests and the future benfit of the country.

I am,

Dear Sir,

Very faithfully, yours,

R. H. BONNYCASTLE.

To the Honorable Legislature of the State of New York, in Senate and Assembly convened.

The Petition of the subscribers, citizens of the County of Niagara,

RESPECTFULLY SHEWETH,

That the pass between Lewiston and Queenston, Upper Canada, is now an important one, and is yearly becoming more so: that in the winter season it is much obstructed by Ice, and in crossing at all seasons of the year, more or less delay takes place, especially in the night time. In view of present and future inconveniences, existing and to occur in using a Ferry instead of a Bridge, across the Niagara river at a point where the space of water is 587 feet, and at which point a suspension chain bridge of 600 feet span will be sufficient to cross the

River at an elevation of 120 feet above the level of the water, your Petitioners, in their enquiries, have ascertained that some ten years past, a gentleman then residing at Queenston procured the opinion of an able and scientific English Engineer on the subject. That opinion was entirely in favor of the practicability of the work and at a moderate expense compared with the great utility and magnificent character of the improvement. Your Petitioners are aware that authority must be obtained from the Provincial Government as well as from the Legislature of this State, in order to accomplish the object in view.—That a public meeting has recently been held at Queenston and a Committee appointed to take the necessary steps to procure an act of incorporation, which Company, if incorporated, will act in conjunction in erecting the bridge with any Company that may be incorporated by the authority of this State. Your Petitioners find that the Ferry is granted to the Lewiston Academy for a term of years yet unexpired—the incorporation of a Company may interfere with the interests of that institution. Your Petitioners have therefore consulted with the Trustees, who have agreed to waive all objections provided that certain provision shall be contained in the Act hereinafter prayed for—considering that, as a full equivalent for the loss of the Ferry to the Academy. Your Petitioners therefore pray your Honorable body to pass an act to incorporate a Company for the purpose aforesaid with a Capital of $50,000.

And as in duty bound they will ever pray.

March, 1836.

No. 136.

SECOND REPORT

ON THE

ADMINISTRATION

OF

JUSTICE.

House of Assembly,

11*th April*, 1836.

The Special Committee appointed to enquire into the state of the Administration of Justice, respectfully submit herewith their Second Report:—

The Courts of Requests in this Province consist of a body of irresponsible Commissioners, resident in the immediate neighbourhood of the litigant parties, and to them are committed the Administration of Justice, in cases of debts under £10, without the medium of a Jury, or the power of Appeal.

The Sheriffs are chosen during the pleasure of the Governors of Upper Canada, and have very extensive powers entrusted to them by the laws and usage of the Colony, some of which, especially the latitude allowed them in practice in the choosing of Juries, is very dangerous to the liberty of the subject, under a government, the officers of which deny a responsibility to public opinion.

The laws relating to debtor and creditor are very unsatisfactory to the community. A well considered regulation, by which the unfortunate debtor would be enabled to divide his property equally among his creditors, is much wanted. At present the creditor who prosecutes and obtains judgment first, is paid in full, although, perhaps, nothing is left for others who were more indulgent and forbearing.

The legal fictions in use in actions of ejectment, as well as special pleadings and the other technical formalities that are calculated to render the laws obscure and difficult to be understood and to retard the ends of justice, ought to be abolished.

As to imprisonment for debt the following maxims appear to be incontrovertible. Debt infers credit; credit ought to infer ability to pay; all credit beyond this is erroneous; payment is the only satisfaction for debt, the possession of the person in a Gaol as a prisoner is no satisfaction. It appears to us that as the law now stands credit rests too much on the power of arrest. The means of payment can only be derived from the property of the debtor or his friends, therefore property, the only proper source of credit, should be put within the reach of the creditor; the person of the debtor, only as a means to force the discovery of his property.

The law fees in the Courts are, as heretofore, in many cases exorbitant and unjust; the complex proceedings require a variety of services and writings which other countries have got rid of, to the advantage of the people, and the credit of the legal profession. Any attempts that have been made here to lessen law costs have been crushed and destroyed by the Legislative Council, and it is probable that while that body shall remain, as now constituted, the amendment of the law will be a hopeless task, producing tedious bills, lengthened discussions, but no relief to a suffering community.

The rigor of the Law might be softened by giving the defendant in actions for debt the privilege of admitting judgment to be entered up against himself at a very small expense, and that the Plaintiff should demand this before proceeding with his action. Or if he asked more than the defendant admitted and refused to accept a judgment for the sum which a jury might afterwards award, the costs in that case ought to be payable by the party found to be in the wrong.

The Lieutenant Governors have had the appointment of Justices of the Peace for the last forty years, and it appears to us that they have too often made use of their power for political purposes. At this late period of the session it might be inconvenient for the House, to enter into details, but it appears to Your Committee that an expression of opinion is called for on the question of the right of appointment to the offices of Justice of the Peace and Commissioner of the Court of Requests.

Your Committee think that the time has come in which the power to nominate and appoint these officers, should be placed in the hands of the only safe depository, namely the People of the Province; and that the mode of their election should be by ballot.

The power of electing City and County Coroners to serve for a limited period, could also be exercised with the greatest propriety by the freeholders in their several sections.

As the law now stands, many respectable persons decline to act as informers. Were the pecuniary inducement removed, there can be no doubt, but that those whose love of Good Government would induce them to exert themselves to maintain order and enforce the equal and impartial execution of the laws would be greatly augmented.

Your Committee respectfully submit three Resolutions:

JAMES WILSON, *Chairman.*
W. B. WELLS,
DAVID GIBSON,
HENRY W. YAGER,
JOHN McINTOSH,
CHAS. WATERS,
DENNIS WOOLVERTON,
W. L. MACKENZIE.

1st. *Resolved*, That it is expedient to place the appointment of Justices of the Peace in the hands of the people in their respective Townships, and that the mode of their election be by ballot.

2nd. *Resolved*, That the power of appointing the Commissioners of the Courts of Requests, the Sheriffs of Districts, and Coroners throughout this Province, belongs of right to and ought to be exercised by the people in their respective townships, and that the mode of their election should be by ballot.

3rd. *Resolved*, That a select Committee be appointed to draft and report bills in accordance with the foregoing Resolutions.

No. 137.

REPORT

OF

SELECT COMMITTEE ON PETITION

OF

JOHN HAMMILL.

To the Honorable the Commons' House of Assembly.

The Committee to whom was referred the petition of John Hammill beg leave to report, that they have examined the papers and heard the statements of the said John Hammill, and are of opinion that he has sustained considerable loss in the erection and completion of the bridge over the Grand River at Dunnville, and would recommend that there be paid to the said John Hammill the sum of one hundred and fifty pounds.

All which is respectfully submitted.

ALLAN N. McNAB,
Chairman.

No. 138.

REPORT OF THE SELECT COMMITTEE ON THE PETITION OF THE REVEREND D. MACAULAY.

To the Honorable the Commons' House of Assembly.

Your Committee to whom was referred the Petition of the Rev. D. Macaulay, respectfully report,

That it appears from Returns sent down to Your Honorable House from His Excellency the Lieut. Governor that the sum of £403 9 1½ of the annual grant of £100 per annum for the District School in the Home District remains unexpended. And whereas in the opinion of Your Committee it is desirable to encourage the delivery of public Lectures upon the arts and sciences by the Masters of the several District Schools within this province, Your Committee suggest the propriety of granting to His Majesty the sum of £100 for each and every District of this Province to be paid to the Trustees of the several District Schools so soon as the Governor or person administering the Government, shall be satisfied by the Board of Education that the Master of such District School is capable of and desirous to deliver lectures illustrating the principles of natural philosophy provided that no District School should be entitled to the said sum of £100 for the purpose aforesaid, unless it contained at least twenty Scholars.

All which is respectfully submitted.

JAMES E. SMALL,
Chairman.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
12*th April*, 1836.

No. 139.

REPORT ON PETITION OF CATHARINE EFFENER.

To the Honourable the Commons' House of Assembly, in Provincial Parliament Assembled.

The Committee to which was referred the petition of Catharine Effener, respectfully Report,—

That they have investigated the allegations contained in the said petition and find that Lot No. 13, in the first Concession of the Township of York, with the broken front containing about two hundred and seventy acres, was granted to Frederick Brown, in fee by deed, bearing date the 15th October, 1801—That the said Frederick Brown died intestate on or about the 31st January, 1814, seized in fee of the before mentioned Lot, leaving his only daughter Catharine Effener in possession of the said Lands, and entitled to the inheritance thereof, in consequence Matthias of Brown, the only son of the said Frederick Brown, having voluntarily withdrawn himself from his allegiance early in the year 1813, during his father's life time. That by inquisition dated the 10th July, 1816, the said property was declared forfeited to the Crown as the estate of the said Matthias Brown, when in fact and in law he had no estate therein; but the same was in fact and in law the property of the said Catharine Effener.—That the said lands were subsequently sold by the Crown for the sum of £1,178 10s.

That the said Catharine Effener, until lately being ignorant of her rights, neglected in due time to traverse the inquisition, whereby she has been deprived of the only inheritance from her late father. Wherefore Your Committee report the justice and expediency of passing a Bill granting to the said Catharine Effener, the said sum of eleven hundred and seventy-eight pound ten shillings, the price for which the said premises sold in 1819.

All which is respectfully submitted.

JAMES E. SMALL, *Chairman.*

COMMITTEE ROOM, 12*th April*, 1836.

No. 140.

REPORT

OF

SELECT COMMITTEE

ON

PETITION OF JOHN TAYLOR AND OTHERS.

To the Honourable the Commons' House of Assembly of the Province of Upper Canada.

The Committee to whom was referred the Petition of John J. Taylor and others, inhabitants of the Township of Hope,

Respectfully Report,—

That the Petitioners complain of disorderly conduct of certain Magistrates of the Newcastle District, namely, John T. Williams and William Kingsmill, Esqrs., at the last township meeting for the said township of Hope.

Your Committee, however, beg leave to remark, that from the difference in the statements of a number of the persons who were present at the said township meetings, and who have been examined before your Committee on this subject, they deem it quite unnecessary to lay before your Honourable House the evidence with respect to the proceedings which took place at the said meeting, which resulted in the appointment or return of different individuals to the same offices, appointed in different ways at the same meeting. However desirable it might be that the inhabitants of the township of Hope should be relieved from the embarrassments to which they have become subjected, your Committee deem that this object could only be attained by that part of the proceedings which took place in the street being taken to have been entirely ineffectual.

Your Committee, however, notice, that subsequently to the township meeeting, certain resolutions, (purporting to have been passed at the said meetings signed by the said John T. Williams as Chairman, but which it appears were not drawn until the day after) were transmitted to Sir John Colborne the then Lieutenant Governor, accompanied by a petition, signed, amongst others, by the said John T. Williams and the said William Kingsmill, requesting that as a last act of Justice, the name of John Brown, Esq. the chairman first appointed at the said township meeting, who is also a Magistrate, might be left out of the commission of the peace. Your Committee, however, cannot discover in the conduct of that gentleman, as a chairman of the said meeting, cause of complaint to justify such a course of proceeding against him.

Your Committee report an address accordingly to His Excellency the Lieutenant Governor.

All which is respectfully submitted.

DAVID THORBURN,

Chairman.

Committee Room,

House of Assembly,

11*th April*, 1836.

No. 141.

REPORT

OF THE

SELECT COMMITTEE

ON THE

LIBRARY.

To the Honorable the Commons' House of Assembly, &c. &c.

The Committee appointed by your Honorable House "to enquire into the state of the Library with a view to its augmentation, and as to the condition of the books belonging to the House which have not been arranged and deposited therein, as also what improvements can be made for the better accommodation of Select Committees," beg leave to Report:

That on the Eleventh day of February, 1833, the House agreed to a Resolution for the augmentation of the Library as follows:—

"*Resolved*, That the sum of five hundred pounds "be placed in the hands of the Speakers of the "Honorable the Legislative Council and House of "Assembly, to purchase books for the Library."

On which the yeas and nays were taken as follows:

YEAS—Messrs. Attorney General, Berczy, Boulton, Brown, Burwell, Chisholm, Clark, Crooks, Duncombe, Elliott, D. Fraser, Jarvis, Lyon, McMartin, McNab, McNeilledge, Randal, Robinson, Samson, Shade.

NAYS—Messrs. Bidwell, Buell, Hornor, Howard, Ketchum, Perry, Roblin, Shaver.

The following is an extract from the address to His Excellency for the payment of the Contingencies of the House:—

"And also in favor of the Speakers of the Hon'ble the Legislative Council and House of Assembly for the sum of five hundred pounds to purchase books for the library."

The grant thus included in the above address was covered by a Statute of 1833-4. But the books were not purchased—the money was not expended according to law—and your Committee felt it to be their duty to call before them the Honorable George H. Markland, and Grant Powell, Esq., whose evidence is hereto appended.

It appears that the sum of five hundred pounds were appropriated by law to a specific purpose, namely the increase of the Library; that it was not so applied; that the Receiver General paid it to Grant Powell, Esq., without the legal authority so to do. That Mr. Powell paid it to Mr. Crookshank, and that it has not been returned to the Receiver General, nor accounted for according to law. Any warrant that may have been given for this money is clearly illegal, and ought to be cancelled, and the Receiver General ought to be made to account for the money according to law.

T. D. MORRISON,
Chairman.

COMMONS' HOUSE OF ASSEMBLY,
19*th April*, 1836.

THURSDAY, 14*th April*, 1836.

The Committee met.

PRESENT:

Messrs. Morrison, *Chairman*,
Bruce,
Parke, and
Mackenzie.

The Hon. G. H. MARKLAND, *called in and examined.*

Question. We would desire to ascertain from you, as the Inspector General of public accounts, in what way the sum of £500 voted for the increase of the Library, on 11th Feb'y, 1833, has been expended?—I am not aware in what manner the money was expended—on the sixth of August, 1834, a warrant was brought to me for £500, payable to Grant Powell, Esq., under the authority of the 4th Wm. IV, chap. 52, having ascertained that so much remained of the appropriation and that the contingencies of the House of Assembly had been received, I entered and passed the warrant supposing that amount remained due on account of the Legislative Council.

Can you state, as a member of the Legislative Council, whether this sum of £500, for which His Excellency Sir John Colborne was addressed, on the 12th February, 1833, [page 137, Assembly's Journals,] as being in favor of the Speakers of the Honorable the Legislative Council and House of Assembly, to purchase books for the Library "was expended for a different purpose with the concurrence of the Legislative Council?"—I am not aware that it was.

Evidence of GRANT POWELL, ESQ.

Would you have the goodness to state what proceedings were had by the Legislative Council relative to the sum of £500, voted on the eleventh of February, 1833, by the Assembly for the purchase of Books for the Library of the Legislature?—The proceedings are recorded in the printed Journal of the Legislative Council, 6th March, 1834, pages 155 and 156.

This Committee wish to be informed of the purposes to which the said sum of £500 has been applied, and the authority for the special application of the same?—The money was paid by the Receiver General, as will appear by the public accounts, under the authority of the Provincial Statute, 4, Wm. IV, ch. 52, and placed in the hands of the Committee of the Legislative Council, towards defraying the expenses of furnishing the Council Chamber. What authority there was for that special application I have no means of *knowing*, but *think* that the intention of the Assembly to devote it to the purchase of books, had altogether escaped recollection—and that it was considered a sum in the Receiver General's hands, applicable to the contingencies of the Legislature, and as such advanced at the request of the Committee of the Legislative Council.

GRANT POWELL.

18*th April*, 1836.

No. 142.

REPORT

OF THE

COMMITTEE OF FINANCE

ON

PUBLIC ACCOUNTS.

TO THE HONORABLE THE COMMONS' HOUSE OF ASSEMBLY, &c. &c.

Your Committee upon the Public Accounts beg leave to Report,—

That, upon a careful investigation of the Public Accounts they find that there is a gradual falling off of the Revenue collected in Lower Canada, as will be clearly shewn by the comparative statement of the amount of revenue collected quarterly at their ports, as returned to this House per Public Accounts, while there is an increase of the revenue collected upon imports from the United States, and from some other sources, as will be shewn below in the comparative statements of these revenues for the years 1834 and 1835.

The whole amount of Upper Canada's proportion of the revenue collected on Imports by sea, for the four quarters preceding the 10th of October, 1835, is £49,137 16 7½, showing a falling off this year of £4567 17 0½ as compared with the corresponding periods of the preceding year. £4576 17 0½

	£4576 17 0½	£4576 17 0½
Add to the preceding annual returns, the Upper Canada proportion of the receipts for the quarter ending the 5th of January 1836, viz:	5102 11 3	
There will be shewn an apparent advance of	£525 14 2½	
The increase upon the other revenues of the Province this year, as compared with the last, is		1340 3 10½
So that the real falling off in the revenue of this year, as compared with the last is		£ 3236 13 2

Nos. 1 & 2

ARE STATEMENTS of Monies paid to the Receiver General of Lower Canada between the 1st of January, 1835, and the 1st of January, 1836, for duties collected at the Port of Quebec, (as per Public Accounts.)

Total amount	£147,814	15	4	Halifax Currency.
Deduct sundry expenses of collection,	401	5	8	" "
	£147,413	9	8	
Amount paid on the quarter ending 5th January, 1836	15,307	13	10	
Net amount,	£162,721	3	6	

Proportion for Upper Canada, 1/3rd	£49,137	16	7½
Do. do. do.	5,102	11	3
	£54,240	7	10½

STATEMENTS of amount paid the Receiver General of Lower Canada for duties collected at the Port of Quebec between the 1st January 1835, and 1st July, 1836, with the proportion of 1/3 to Upper Canada, as compared with the same period of the previous year, ending 1st January, 1835.

Year to 1st January, 1835	£161,144	1	0	Proportion to Upper Canada	£53,714	13	8 for 1834.
" " " 1836	147,413	9	8	Do. do.	49,137	16	7½ " 1835.
Difference	£ 13,730	11	4	Difference	£ 4,576	17	0½ Falling off in year ending 1st January, 1836.

A COMPARATIVE STATEMENT of the Duties received by the Receiver General of Lower Canada between the 1st of January, 1835, and the 1st January, 1836.

Period 5th January, 1835, to 5th January, 1836.	Net amount paid at Quebec.	Proportion 1/3rd to Upper Canada.	Compared with the same period of 1834.	Proportion 1/3rd to Upper Canada.	Difference between 1835 and 1834.	Result.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
The quarter from 5th January to 1st May, 1835,	30743 6 2	10247 15 4½	45129 18 5½	15043 6 2	4795 10 9½	falling off of 1835
do. 1st May, " 5th July, "	40406 2 5	13468 14 2	35115 13 2	11705 4 4½	1763 9 9½	increase of "
do. 5th July, " 10th Oct., "	36900 9 8	12300 3 3	31261 10 11	10420 10 3½	1879 12 11½	" of "
do. 10th October " 5th Jan'y 1836,	15307 13 10	5102 11 3	39363 11 5	13121 3 10	8018 12 7	falling off of "
£	123357 12 1	41119 4 0½	150870 13 11½	50290 4 8	Comparison of year ending 5th Jan. 1836.	
			123357 12 1	41119 4 0½	With that ending.....5th Jan. 1835.	
			27513 1 10½	9171 0 7½	Falling off in 1835.	
Period 10th October, 1834, to 10th October, 1835.						
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£. s. d.	
The quarter from 10th Oct., 1834, to 5th Jan., 1835,	39563 11 5	13121 3 10	49636 18 5½	16545 12 10	3424 9 0	falling off in 1835.
Do. " 5th Jan., 1835, to 1st May, "	30743 6 2	10247 15 4½	45129 18 5½	15043 6 2	4795 10 9½	do. do.
Do. " 1st May, " to 1st July, "	40406 2 5	13468 14 2	35115 13 2	11705 4 4½	1763 9 9½	increase of do.
Do. " 1st July, " to 10th Oct., "	36900 9 8	12300 3 3	31261 10 11	10420 10 3½	1879 12 11½	do. do.
£	147413 9 8	49137 16 7½	161144 1 0	53714 13 8	year ending 10 Oct. 1835 compared.	
			147413 9 8	49137 16 7½	with do. do. 10 Oct. 1834.	
			13730 11 4	4576 17 0½	falling off of 1835.	

Falling off in amount of Revenue from Duties collected at the Port of Quebec, for the year ending 1st January, 1836, compared with the preceding year, as per statements Nos. 1 & 2	£4576 19 0½			
Falling off on Revenue from Duties upon Licenses to Shopkeepers, Innkeepers, Distillers, &c. for the same period—per account No. 7	77 18 4½		£4654 7 5	
Deduct amount of increase on Revenue from Importations from the United States of America during the same period, as per copy of Account No. 6	506 13 4			
Do. do. from Licenses to Hawkers and Pedlars, as per copy of Account No. 8	450 10 0			
Do. do. from Licenses to Auctioneers, & on Sales at Auction, as per copy of acc't No. 9	160 10 11		1417 14 3	
Falling off of the various Revenues of this Province during the year 1835, as compared with that of 1834				£3236 13 2

The real difference in the various Revenues of this Province subject to the control of the Provincial Legislature is £3236 13 2; but add to the Revenues of 1835 the sum of £5102 11 3—the Upper Canada proportion of the amount paid on the Quarter ending the 5th January, 1836, there will be an apparent advance of £1865 18 1, as compared with the revenues of the preceding year.

Nos. 3 & 4. Abstract of Warrants issued by the Lieutenant Governor on the Receiver General, under the several Provincial Enactments, from 1st January to 31st December, 1835, amounting to, ... £187430 2 6 C'y

No. 5. Statement of the Receiver Generals Receipts and Payments of the Provincial Revenue from the 1st of January to the 31st December, 1835, ... £187,650 19 9¾ C'y

By which it appears there was a balance paid in advance by the Receiver General on the 31st December, 1835, of £6118 4 8¾, Currency.

		During the year 1835.	Compared with 1834.	Difference.	Result.
		£ s. d.	£ s. d.	£ s. d.	
No. 6.	An Account of Public Revenue arising from Duties upon Goods, Wares and Merchandize imported into this Province from the United States of America, from the 1st of January, 1835. to the 31st December, 1836, as reported by the Collectors,	11475 1 10½	10668 8 6¾	806 13 4	Increase in 1835.
No. 7.	An Account of Revenue arising from Duties on Licenses issued to Shopkeepers, Innkeepers, Distillers, &c., from the 5th January, 1835, to the 5th January, 1836, as reported by the several Inspectors,	7116 15 7½	7194 5 6	77 10 4½	Falling off in 1835
No. 8.	Account of Revenue arising from Duties upon Licenses issued to Hawkers and Pedlars, from the 1st January to the 31st of December, 1835, inclusive, as reported by the Collectors of Customs,	465 10 0	15 0 0	450 10 0	Increase in 1835.
No. 9.	A Statement of Revenue arising from Duties on Auctioneers Licenses, and on Sales at Auction, from the 1st of January to the 31st of December, 1835, as reported by the Collectors of Customs,	713 6 2	552 15 3	160 10 11	Increase in 1835.

1835, on Licenses,	£133 0 0	1834, Licenses	£190 0 0
" on Sales,	615 17 0	" Sales,	391 17 1½
	£750 17 0		£518 17 1½
Less 5 per cent for collecting,	37 10 10	3 per cent collecting,	29 1 10½
Net,	£713 6 2	Net,	£552 15 3

No. 10. A Statement of monies outstanding in the hands of Collectors and Inspectors, on account of Duties, on the 1st of January, 1836,

Collectors,	£8421 9 9¾	Currency.
Inspectors	2812 14 9½	"
	£134 4 7½	

NOTE.—The Returns from the Niagara District are only from the 5th July, 1835, to 5th of January, 1836; the late Inspector having made no Returns for the Quarter ending the 5th of April and 4th July.—His bonds are in the hands of the Attorney General for prosecution.

The following letter has reference to one of the items of the foregoing amount of arrears:

INSPECTOR GENERAL'S OFFICE,
27th February, 1836.

Sir,

I beg to state for the information of the Finance Committee, that although the account of Mr. John Chisholm shews him to be indebted to the Province in a large amount, yet that he has a set off for repairs of the Canal, say £715, advanced to the Commissioners under an Order in Council. I did not give him credit for the amount, as I considered the question would be brought before the House of Assembly.

I have the honor to be, sir,
Your most obedient servant,
GEORGE H. MARKLAND,
Inspector General.

CHARLES DUNCOMBE, Esq., &c. &c.&c

No. 11 | Statement of Monies paid to the Receiver General since the 13th of January, 1836, in liquidation of Balances then outstanding or on Account of duties subsequently collected

	£	s.	d.
By Collectors	4042	2	8¾
Inspectors,	3778	8	6¼
	£7820	11	3¼

In this sum is included the payment made by Christopher A. Hagerman, Esq., late Collector of the Customs at the Port of Kingston, in the manner stated in the Message from His Excellency the Lieutenant Governor in answer to an Address of the House of Assembly, dated 5th February, 1836.

No. 12 | *Is an Estimate of the Civil Expenditure for the year* 1836, *exclusive of the Statute* 1*st of William* 4*th, chap.* 14.

	Estimate for 1836. £	s	d	Amount granted 1835. £	s	d	
GOVERNMENT OFFICE.							
Secretary's Salary	208			208			
Four Clerks	840			675			For 3 Clerks.
Contingencies	700			700			
EXECUTIVE COUNCIL OFFICE.							
Two Clerks	500			420			
Contingencies	125			125			
RECEIVER GENERAL'S OFFICE.							
Three Clerks	675			500			For 2 Clerks.
Contingencies	200			50			
INSPECTOR GENERAL'S OFFICE.							
Two Clerks	500			420			
Contingencies	100			50			
Contingencies for the East and West Wings of the Public Buildings, Estimated at	650						
As this subject has been referred to a Select Committee, the Committee of Finance forbear recommending any estimate until that Committee shall have reported as they are satisfied that something must be speedily done to prevent the public buildings from going into immediate decay.—They would only suggest to the Select Committee, upon the Public Buildings, the propriety of advising some method of securing the east wing of the buildings, where the Receiver General's office—the Registrar's office, and the Crown office are, from the danger of fire; and its insecurity on account of the Court of King's Bench being held in the same buildings, and consequently the number of persons liable to be in attendance there at all hours by day and night.							
Deputy Secretary and Registrar of the Province for the year 1835 and 1836—Estimated at	400						
SURVEYOR GENERAL'S OFFICE.							
Six Clerks	1200			1190			
In regard to the Offices of the Surveyor General and Deputy Secretary and Registrar of the Province, Your Committee would observe, that it appears to them objectionable that the Revenues of the Province should be appropriated for the maintenance of those Offices, while a great share, at least, of the labours and expenses of those departments, is devoted to the performance of duties by which a large revenue is raised, over which the Legislature has to this time been denied the controul.							
Attorney General—additional Salary with the £300 sterling will be £1000	866	13	4	416	13	4	
Solicitor General—additional Salary, estimated	377	15	7	375	0	0	
Printing the Statutes	1000	0	0	1000	0	0	
Usher and Keeper of the Court of King's Bench	40	0	0		0	0	
Repairs of the Government House	200	0	0	200	0	0	
Casual and Extraordinary expenses	600	0	0	600	0	0	

All which is respectfully submitted,

CHARLES DUNCOMBE, *Chairman.*

[END OF THIRD VOLUME.]

(No. 146.)

REPORT

OF THE

COMMISSIONER

FOR

PURCHASING A STEAM DREDGE.

Message from Lieut. Governor with the Report of Commissioner for purchasing a Dredging Machine.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the accompanying copy of the Report of the Commissioners appointed by an Act of the Legislature passed at the last Session granting a sum of money for the purchase of a Steam Dredging Machine.

Government House,
28th March, 1836.

HOUSE OF ASSEMBLY,
5th March, 1836.

SIR,

The Commissioners appointed under the authority of an Act passed in the 5th year of his present Majesty's reign, entitled, "An Act granting to His Majesty a sum of money for the purchase of a Steam Dredging Machine"—beg leave respectfully to submit the accompanying Report for the consideration of His Excellency the Lieutenant Governor, for the information of the Legislature.

Will you have the goodness to present the Report to His Excellency.

We have the honor to be,
Sir,
Your obedient servants,
CHARLES DUNCOMBE,
DAVID THORBURN,
Commissioners.

John Joseph, Esquire,
Civil Secretary,
&c. &c. &c.

COPY.

The Commissioners appointed under the authority of An Act passed in the 5th year of His present Majesty's reign, entitled, "An Act granting to His Majesty a sum of money for the purchase of a Steam Dredging Machine"—beg leave respectfully to submit the following

REPORT

to His Excellency the Lieutenant Governor for the information of the legislature.

MAY IT PLEASE YOUR EXCELLENCY,

After calling with Mr. Thorburn a joint Commissioner, upon the President and Directors of the Niagara Dry Dock Company; I was referred by them to their Engineers who explained the defects in the Steam Dredge at that place; and also furnished me with estimates of the expense of purchasing or building one sufficiently powerful for the business required by the Act authorising the purchase.

Mr. Wood, the shipbuilder at that place, who was about visiting New York proposed obtaining plans and estimates from the several chief Engineers, and builders of that city, which were afterwards forwarded to me by Mr. Thorburn, while I was at Pittsburgh. I proceeded to Buffalo, spent a considerable time with the founders, and engineers there, and even at that place began to learn that I should find it extremely difficult, if not impossible to procure a dredge to be built and imported in season for that summer's use, particularly as most of the Engineers with whom I conversed agreed in representing low priced dredges as having invariably proved failures; and that I had but half the amount of money necessary for the purchase of such a steam dredge as I required, at my disposal. When made acquainted of this fact by one Engineer, I visited others, many of whom were at that time awaiting the opening navigation of the lake;—and I felt confident that from men of their description I should be most certain of acquiring the most valuable information, and advice on the subject of my errand.

I inquired of them where dredges could be best built, at the shortest notice, for the least money?—From these gentlemen I obtained references and letters to many of the principal founders and engineers in the United States, though a majority of them were of opinion, that I would best succeed at Pittsburgh or Cleveland. To the latter place I went, visiting the intermediate ports, and thence to Sandusky city.—There I met with nothing suitable to my purpose, although I found here as at Buffalo abundance of cast off engines which the owners endeavored to convince me, were of the kind I sought, and that their deficiencies might easily be supplied any where. I did not consider however that my own judgment upon the matter would justify my attempting to patch up a machine of the kind solely on account of its reduced price.

I resolved not to purchase an imperfect one, even though I should not succeed to my wishes in obtaining an unexceptionable Machine for the amount of the money granted.

Besides had I been in favor of patching up a Machine I might have availed myself of any advantages flowing from repeated offers made and urged upon me in this Province.

I preferred, that such parts should be formed here, as could be equally well constructed by our own workmen and furnished by our merchants, provided the quality should not be inferior in respect to either material or workmanship; but the more thoroughly I investigated the matter, the greater number of failures I discovered, and the more conspicuous were the numerous imperfections in the few that succeeded. After examining any one machine and obtaining an engineer's opinion thereon, I bore in mind the several defects, of which he complained, and thus regulated my questions upon succeeding examinations. I accordingly retained notes, references and opinions of various engineers of high character intending to have embodied them in this report, but having already offered several very lengthy reports upon subjects of far deeper importance.

and interest to the Province, to the Honorable the House of Assembly, and having others yet to be presented, my present remarks shall be as brief as possible.

Suffice it to say, that I proceeded to Pittsburgh, where I commenced observations and examinations. I there found it impossible profitably to bargain for a dredge under the limitation of the sum at my command. Major Wade, of the house of McCard & Co. Engineers and Founders of eminence, interested himself much on my account, and having carefully provided me with estimates, stated candidly his conviction of the impracticability of executing such an order as I presented, limiting the cost of the work to the amount granted, even though the lighters and transportion should be excluded from the account.

He directed me however to many of the principal mechanics and chief engineers throughout the city, and personally accompanied me to several of them, with whom I at first hoped to succeed; but upon insisting on having proper security given me for the completion and eventual goodness of the dredge—that it should prove a perfect, easily understood and manged, and rapidly operating machine, I soon found, that no one would take the contract.

I visited Wheeling and other places, along the Ohio, and examined every thing of the kind I could meet with in that country.

Returning to Pittsburgh, I next travelled eastward, and examined the steam dredges in Philadelphia, and those in New York and upon the Hudson River.—From Albany I proceeded to Lake George and Lake Champlain, desirous if possible to save expense of transportation; but although I met with numerous founders and engineers, willing to engage in the undertaking, yet I had become acquainted with the defects and difficulties likely to be encountered and also with the important fact, by the way, that my purse was quite too small. I was still unwilling to make a contract that would in the end render it necessary to apply to the House of Assembly for more money, especially as I had always maintained that Commissioners should not, if at all avoidable, contract a debt without the previous consent and authority of Parliament.

I again returned to New York, where Mr. Wood and Mr. Sabbaton again generously interested themselves for me, seeing I had not yet succeeded Mr. Sabbaton could only make such a dredge as he described to Mr. Wood, without either lighters or paddle wheels for the money named, such an one would not, however answer my purpose. On my former visit to New York, these gentlemen had gone with me to examine the steam dredges employed in that harbor. The lowest price one was more than $20,000, and one had lately been procured from Boston at $25,000.

After further and more general examination of all the Engineers and Founders of that city likely to engage in the business, and finding no prospect of success, I returned to Philadelphia, where I had previously received some degree of encouragement; but I there found on stating particulars, viz:—the size of engine and the boilers, materials to be used, &c. (estimating the horse power myself) that no one felt inclined to accept the contract upon condition of security, and warranting the work for less than about $16,000 to $25,000.

I next went forward to Baltimore where by the aid of Messrs. Ellicots and a Mr. Large, an English Engineer, I thought I could manage to get my contract accepted. The latter person accompanied me to Washington to examine the steam dredge in use on the Potomac, belonging to the former gentlemen, and which had been constructed upon the most approved and perhaps successful plan of any that had come under my observation, when used in still water. Its cost was $25,000. On closely viewing it however, it was found impossible to cut it down or to reduce it so as to bring it within the compass of my means. Being provided with letters to the proprietor of the famous steam dredge at Pamlico Sound, I visited it. A powerful steam-boat indeed it was. Its cost was 35,000 dollars, it was fitted for sea, but ill adapted to my wants.

On returning to New York Mr. Sabbaton proposed sending his engineer to Washington with a view of uniting the cheapness and simplicity of the Albany dredges with the efficiency of the one at that place, he however could not find time for that purpose,—I employed another person well recommended to accompany me with the hope of obtaining plans and specications of the best and cheapest machine of the kind in the United States, and of employing some Canadian Artists to finish the work in this Province.

I thus obtained a plan of a dredge most generally approved by engineers, but I found the cost still exceeded my means, and fearing that my plans might not be perfectly understood by persons not previously intimate with such work, as it combined different principles, and was in fact a union of two dredges, and as I feared that it would prove too much of an experiment for me to undertake, I abandoned the project.

Returning to New York I proceeded easily to Boston along the coast examining such dredges as had become famous, but I always found the demand upon consulting with the engineer to exceed my limits:—At this time the American government had also instituted an enquiry into the cause of failure in so many dredges, and authorised a committee composed of engineers engaged in that business, to report upon the subject, and to recommend such a plan as they could most approve—which was done.

The government entered into contract for four steam dredges with Messrs. Lyon and Howard, of Albany (who had obtained the contract by public competition) upon the plan thus approved of. To these gentlemen I went and offered to contract with them on the same terms with those they had agreed upon with the United States government—they giving me the same security for the completion and successful operation of the machine as they had given their government. To this they for a time dissented asking me for an additional $1000 to cover the extra expense of transporting such materials, &c. as could not be obtained of suitable quality in this Province; besides the consideration that they must pay higher wages to workmen, who would have to leave their homes; and moreover they contended, that the contract for dredging which was offered them after the completion of the machines, was worth much more to them, than what they had demanded as difference in price, by which means they intended to indemnify themselves for the low price at which they had been compelled to contract under the circumstances of so many competitions for the same work.

After some further conversation between us they contracted with me upon the same terms that had been

agreed upon between the U. S. government and them. They were under an expectation of advantages to their business from the extension of a knowledge of the superiority of their machine, as well perhaps as their being also employed for a time in working the dredge, while being put into successful operation in this Province.

The contract was entered into and the security taken with a certificate from the Judge of the county court as to the goodness and solvency of the sureties. It is agreed by the commissioners in the contract to be at all the extra expense of the importation of the machine, if constructed and built wholly there, to be delivered by the contractors at the coast of Lake Ontario; or of that of the materials and workmen, if built in Upper Canada, they furnishing the best materials for each and every part of the work, and building it in this Province, should a suitable machine shop, &c. be reasonably obtained. Col. W. Chisholm, very generously gave permission for the contractors to use his premises, buildings and timber (under certain circumstances) free of charge, and to afford them an opportunity of purchasing such sawd and other lumber as they might require at reasonable prices. I wrote to the contracters and they accepted the proposal for building the machine, with six lighters at Oakville; and all would have been nearly completed by this time, but after I had advised Mr. Lyon to engage a vessel to bring over the Steam Engine and materials, which vessel had gone to Oswego, the Erie Canal froze up so much sooner than usual, that the Engine, &c. was frozen in it about 150 miles from Oswego.

In order not to delay the work the contractors have been compelled to order on such parts of the materials as could not be procured of the same quality in this Province, together with the Juniette Iron for particular work, such as bolts, &c. Some of the best spikes, American Machine Oakum, &c. These have been imported by land during the winter, that the machine may be ready for operation early the ensuing season.

There are to be six lighters, adapted to the different situations in which they may be required to be used, and all at once if necessary. Two of them dump from the centre of the bottom for deep water, two of the sides in shoal water, or where embankments may be desired to be commenced under water; and two are covered with decks and have the earth wheeled or shoveled off for making embankments and filling piers with the earth. The rapidity with which this machine is to remove the earth, one ton per minute, will require the whole of the lighters to remove the earth as fast as it shall be raised by the machine.

The expense of the steam power dredging machine with the improvements.	£2187	10	0
The expense of water wheels and machinery, &c.	150	0	0
do 4 (common) lighters $475.	475	0	0
do 2 improved do	250	0	0
do transportation of materials, &c, not exactly known, am't. much increased by the early frost	150	0	0
do obtaining plans of various dredges, &c. and extra unavoidable work not exactly known, but which is estimated at, (if not all required will be returned)	187	10	0
	£3400	0	0
Deduct amount of last years grant expended	2000	0	0
There still remains to be provided for	£1400	0	0

This contract, tho' the best I had in my power to make was not entered into until after I had received some severe rebukes from an honourable member of the House of Assembly for my not having procured a dredge in less time. Nor until I had received a letter from Mr. Thorburn, one of the Commissioners, advising me to purchase one without delay, provided it were cheap and good, even tho' its cost should exceed the sum granted by the Legislature.

I then concluded an agreement with Messrs. Lyon & Howard for the purchase of this machine under the circumstances here recited. I exerted myself to the best of my judgement to fulfil the spirit of the act of the last session, and in doing so have arranged that our merchants and mechanics shall have the benefit of the sale and manufacturing of as much of the materials to be used as can be equally well and cheaply manufactured here, and to have the other parts made of the best materials known in America and in the best manner.

I have taken security for the fulfilment of the work specifying the contract, and this security is certified as being perfectly good, by the Judge of the county court. I have omitted inserting a very voluminous correspondence upon the subject herein treated of, partly because the names of the persons would be brought before the public without their consent—there communications were semi official only; and the right to make public use of papers of that nature, without the previous concurrence of the parties appears to be questionable. Indeed the principal advantage of those papers would be to prove the fact that steam-power dredges, like wheat threshing machines, have generally proved to be failures, when cheaply made and at low prices; and these have resulted in being the dearest in the end.

I became early apprised of the danger of purchasing one that would be doubtful of succeeding, and resolved rather to investigate the subject fully myself, than risk the chances of obtaining a more experimental and cheap article, similar to that sold the Welland Canal Company under the prospect of its being a prodigy of cheapness and convenience, tho' it became worse than nothing.

It is matter of regret that the early freezing of the Erie Canal has delayed the completion of the dredge and added to the expense of the importation, &c. as also the inconvenience of importing at different places.

I had asked and obtained from Sir John Colborne, the late Lieutenant Governor, permission to import the dredge or materials into the Province duty free. It was to have been entered at Oakville, and, Col. Chisholm, the collector at that port consented to relinquish his share of the duties. When, however the articles were to be entered at the Port of Queenston, I was not in possession of a copy of the Lieut. Governors order; but Mr. Grant, the collector, permitted the importation upon my assuring him by letter that the order should be procured or the duties paid.

The accompanying plan or drawing of the steam dredge will better afford a correct idea of its structure than any written description, however minute. It

may be remarked that when the frame in which the machinery works is removed, and paddle wheels shipped, it may pass through the Welland Canal, and be made applicable to useful purposes in the harbours of both Lakes.

It is now in such a state of forwardness as to justify the hope of its completion and readiness for use early in the ensuing spring.

All which is respectfully submitted,

(Signed) CHARLES DUNCOMBE,
Acting Commissioner.
DAVID THORBURN.

Toronto, 1st March, 1836.

(No. 147.)

LANDS SURRENDERED BY THE CLERGY.

Documents sent down by His Excellency the Lieutenant Governor, in compliance with an address of the House for a return of lands surrendered by the clergy.

Secretary and Registrar's Office,
2nd February, 1836.

Sir,

I have had the honor to receive your letter of the 30th ult. accompanied by an address of the House of Assembly, signifying His Excellency the Lieutenant Governor's command to furnish you with any information this office can afford on the subject of the address,—and I beg leave to state for His Excellency's information, that patents have lately been completed in this office in favor of most, if not all, of the Clergymen of the Church of England, for lands as endowments for parsonages within this Province, but that there are no receivals or documents in this office respecting any surrenders that may have been made to the crown by the clergy.

I have the honor to be
Sir,
Your most obedient
humble Servant,
D. CAMERON,
Secretary & Registrar.

JOHN JOSEPH, Esq.
&c. &c. &c.

Secretary's Office,
5th February 1836.

Sir.

In obedience to the command signified in your letter of yesterday's date, I have the honor to transmit herewith a schedule of the patents which have been completed in this office for endowments to the clergy of the Church of England in this Province.

I have the honor to be
Sir,
Your most obedient
humble Servant,
D. CAMERON,
Secretary & Registar.

JOHN JOSEPH, Esq.
&c. &c. &c.

(See Report on Executive Council, page 57)

Executive Council Office,
Toronto, 2 February, 1836.

Sir,

In obedience to the commands of His Excellency the Lieutenant Governor, communicated to me in your letter of the 30th ultimo, herewith you will receive a return of property surrendered by certain clergymen of the church of England, and others, shewing the value of said proper.y, with the lands granted in lieu thereof intended as emoluments—which return comprehends all the information this office can afford on the subject.

I have the honor to be
Sir,
Your obedient Servant,
JOHN BEIKIE,
Clerk Ex. Council.

JOHN JOSEPH, Esq.
Secretary, &c. &c. &c.

(See report on Executive Council, page 62).

ANNO SEPTIMO & OCTAVO

GEORGE IV REGIS,

CHAP. LXII.

An Act to authorise the sale of a part of the Clergy Reserves in the Province of Upper Canada.

2nd July, 1837.

WHEREAS by an Act passed in the 31st year of the reign of His late Majesty King George the Third, entitled,—"*An Act to repeal certain parts of an act passed in the fourteenth year of His Majesty's reign, entitled, "An Act for making more effectual provision for the government of the province of Quebec in North America," and to make further provision for the government of the said Province,*" it is among other things enacted, that it shall and may be lawful for His Majesty, His heirs or successors, to authorise the Governor, or Lieutenant Governor, of each of the provinces of *Upper Canada* and *Lower Canada* respectively, or the person administering the government therein, to make from and out of the lands of the crown within such provinces, such allotments and appropriations of lands as therein mentioned, for the support and maintenance of a protestant clergy within the same; and it was further enacted, that all and every the rents, profits, and emoluments, which might at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely for the maintenance and support of a protestant clergy within the Province, in which the same shall be situated, and to no other purpose whatever: And whereas in pursuance of the said act, such allotments and appropriation of land as aforesaid have from time to time been reserved for the purpose therein mentioned; which lands are known within the said province by the name of *the clergy Reserves*: And whereas the said clergy reserves have in great part remained waste and un-

productive, from the want of capital to be employed in the cultivation thereof; and it is expedient to authorise the sale of certain parts of such clergy reserves to the intent that the monies arising from such sale may be employed in the improvement of the remaining part of the said clergy reserves or otherwise for the purposes for which the said lands are so reserved as aforesaid: Be it therefore enacted by the King's Most Excellent Majesty, by and with the consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the Governor and Lieutenant Governor or officer administering the government of the said Province or either of them, with the consent of the Executive Council, appointed within such Province for the affairs thereof, in pursuance of any instructions which may be issued to such Governor, Lieutenant Governor, or other officer as aforesaid by His Majesty, through one of his principal Secretaries of State, to sell, alienate and convey, in fee simple, or for any less estate or interest, a part of the said Clergy Reserves in each of the said Provinces, (not exceeding in either Province one fourth of the Reserves within such Province) upon, under, and subject to such conditions, provisoes, and regulations as His Majesty by any such instructions as aforesaid, shall be pleased to direct and appoint: provided nevertheless, that the quantity of the said Clergy Reserves so to be sold as aforesaid, in any one year in either of the said Provinces, shall not, in the whole, exceed one hundred thousand acres: Provided also, that the monies to arise by or to be produced from any such sale or sales, shall be paid over to such officer or officers of His Majesty's revenue within the said Provinces respectively as His Majesty shall be pleased to appoint to receive the same, and shall by such officer or officers be invested in the public fund of *Great Britain and Ireland* in such manner and form as His Majesty shall from time to time be pleased to direct: provided also, that the dividends and interest accruing from such public funds, so to be purchased, shall be appropriated, applied and disposed of for the improvement of the remaining part of the said Clergy Reserves, or otherwise, for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever; save only so far as it may be necessary to apply the same, or any part thereof, in or towards defraying the expenses of or attendant upon any such sale or sales as aforesaid; and which appropriation shall be so made in such manner and form and for such special purposes, as His Majesty from time to time shall approve and direct.

I. And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or officer administering the government of the said Provinces, with the consent of such Executive Council as aforesaid, in pursuance of any instructions which may in manner aforesaid be issued to him to give and grant in exchange for any part of the said Clergy Reserves any lands of and belonging to His Majesty within the said Provinces of equal value with such Clergy Reserves so to be taken in exchange, or to accept in exchange for any such Clergy Reserves from any person or persons, any lands of equal value; and all lands so taken in exchange for any such Clergy Reserves, shall be holden by His Majesty, his heirs, and successors, in trust for the several purposes to which the said Clergy Reserves are appropriated by the act so passed in the 31st year of the reign of His late Majesty King *George* the Third, or by this present act.

(No. 148.)

REPORT

OF THE

BRANTFORD BRIDGE COMMISSIONER.

House of Assembly,
17th March, 1836.

Sir,

I have the honor to enclose, for His Excellency's information, the report of the state of the Brantford Bridge. The acting Secretary informs me the tolls collected have been, or will be immediately, remitted.

I have the honor to be
Sir,
Your obedient Servant,
CHARLES DUNCOMBE.

John Joseph, Esquire,
Civil Secretary,
&c. &c. &c.

REPORT OF THE BRANTFORD BRIDGE.

The regular notices for the sale of the Bridge for one year, from the 9th June 1835, to 9th June 1836, was put up, and the bridge struck off to John Benjamin for £227 15 0 with a deduction of ten pounds for unexpired commutation tickets, and the necessary bonds taken for the securing the payment thereof.

F. YEOWARD,
Assist. Secretary.

Brantford, 15th March, 1836.

The above report would have been forwarded at a much earlier period, but owing to the death of the late Mr. Jedediah Jackson, acting Superintendant, the necessary papers could not be obtained to enable me so to do.

F. YEOWARD,
Assist. Secretary.

(No. 149.)

AMOUNT PAID

TO

TEACHERS

OF

HOME DISTRICT SCHOOL.

Since 1823.

Toronto, 27th February, 1836.

Sir,

In consequence of your communication of the 20th instant, I beg to state that the amount paid to teachers of the Home District School since the resignation of Archdeacon Strachan, say 1st July 1823 is £796 10 10¼.

With respect to the apparatus mentioned in the address of the House of Assembly, I believe that part of it is in possession of the Mathematical Master of Upper Canada College, and the remainder in one of the rooms of the General Hospital. I know of no reason why it should not be at the service of the Home District School Master for the illustration of Lectures on Natural Philosophy and Astronomy.

I have the honor to be
Sir,
Your most obedient Servant,
GEORGE H. MARKLAND,
Inspector General.

To)
J. Joseph, Esq.
&c. &c. &c.

(No. 150.)

REPORT

OF SELECT COMMITTE

ON IMROVEMENT OF THE

OTTAWA RIVER.

To the Honorable the Commons House of Assembly:

The Committee to whom was referred the subject of the improvement of the Ottawa River, beg leave to report as follows:—

That the attention of your committee has been drawn towards the importance of that river. It is universally allowed that the enterprise of the lumbermen in penetrating the forest, cutting roads, and using other means of forming their establishments, makes them rank as the pioneers of the country—settlers readily follow their track. After the forest has yielded the treasures to the hardy Lumbermen, the agriculturists tread in their path and the wild and unproductive lands, after having been stripped of their timber afford food and employment to the active farmer from the parent state.

While this trade was in its infancy and the timber easy of access upon the lower sections of the rivers the facility with which it could be got, and as no crown price was exacted for it,—which your committee believe was about the year 1818 or 1819 the trade was embarrassed with fewer difficulties than at present; but now that the lumbermen have to go a great distance for their timber and are obliged to pay a large annual revenue for the privilege of cutting timber from the Crown lands, it becomes indisputably necessary that every means be used to facilitate the passage of the timber down the river to the Quebec market.

It is well known that when the Crown charge was first imposed, it was alleged that it would be applied to improve the navigation of the rivers, and under this impression, the lumber traders cheerfully submitted to the exaction of the Crown charges and anxiously looked forward to the expenditure of this money in the manner contemplated as one of the best boons that could be conferred on the lumber trade. The disappointment which has been felt in consequence of the revenue derived from crown timber not having been applied to the contemplated improvements has been felt with no small degree of regret.

The want of timber on the banks of the main rivers compels the Lumbermen to resort to the tributary streams at a distance of about three hundred miles above Bytown for their supply,—these streams from the nature of the country are obstructed by rapids, shallows, and falls,—and those coming from the south have the spring floods, and the time which admits of the timber to descend those streams is of very short duration.

The Port of Quebec, from whence the timber is shipped, being open only during the summer season of the year, renders it necessary to remove as far as possible all impediments to delay in order that the Lumbermen may reach Quebec in time for the summer shipment. Add to this the heavy expense attendant on the delay of breaking up, and re-rafting at the falls in the rivers, furnish cogent reasons for effective means being adopted to improve the navigation of these rivers.

In those situations where individual means and enterprise have been partially applied (for it is beyond their means to do it effectually unless aided by the government) the Lumbermen have found great benefit from them.

Your committee having taken a full view of the subject, recommend to your Honorable House that the sum of four thousand pounds be granted out of the casual and territorial revenue, which, together with the tolls collected, may be applied by their commissioners towards the improvement of the Ottawa River and its tributary streams.

All which is respectfully submitted

T. McKAY,
Chairman.

Committee Room,
House of Assembly,
4th April, 1836.

(No. 151.)

REPORT

ON THE PETITION

OF THE

PROPRIETORS OF THE VILLAGE OF MILLE ROCHES

IN THE

TOWNSHIP OF CORNWALL

To the Hon. the Commons House of Assembly.
&c. &c. &c.

The Select Committee to which was referred the petition of George Robertson, Sewell Cutler, Elijah Burpee, Thomas H. Maxwell, Nelson Stevens, Wm. J. Hamilton, and twenty nine others, proprietors of the Village of Mille Roches, on the River Saint Lawrence, have, in obedience to the order of the House, enquired into the allegations and complaints of the petitioners, examined witnesses and agreed to the following report.

The petitioners set forth that Mille Roches is situa-

ted about five miles above Cornwall, on a branch of the Saint Lawrence, in a situation conferring extensive water powers, which the inhabitants had improved; that at the time the Saint Lawrence Canal was laid out, the Village was in a prosperous condition, and that the main high-way, or post-road, between Montreal and Toronto passed through it, forming its main street; that the canal has intersected the post road both below and above Mille Roches, and the Commissioners have altered the highway and taken it to the other side of the canal at a distance from the Village, thereby isolating the Village and entirely cutting off all communication by land with the adjacent country, except by a small culvert, which is stopped by ice in the winter and very inefficient as a carriage road in summer; that the trade and intercourse of the inhabitants are greatly impeded; that the fuel in the neighborhood is burnt up by the laborers on the canal; that the Commissioners decline or refuse to build those bridges which would restore Mille Roches to its accustomed prosperity, although premises which three years ago would have rented at from thirty to fifty pounds yearly, could only be now let to the canal laborers at a trifling rent.

Your Committee have examined Messrs. Shaver and Norton, two of the Saint Lawrence Canal Commissioners, who state, that besides the culverts the Board contemplate the erection of scows, to be drawn across the canal; that bridges were not built because it was considered by the Board that their erection would be very injurious to the navigation; and that no compensation was ordered to be paid to the inhabitants of Mille Roches for damages, although injury had been done them by the loss of the post road and the traffic of their Village, for which, in the opinion of Messrs. Shaver and Norton, "they ough to receive a fair compensation by arbitration as stated by the act."

These Commissioners think it would be better that the petitioners should be paid their damages, and that no bridges should be erected, it being the opinion of the Canal Board that the erection of the bridges that would be required under the act would prove ruinous to the navigation; as also, that there is reason to fear that the culvert will not fully answer, and that the people shold be remunerated whether the scows and culvert fail or succeed.

Mr. McLean, Member for Cornwall, considers that the former road should be restored by bridges as the only effectual means of affording full relief to memorialists who have very strong claims for relief. Your Committee are of opinion that it was the duty of the Commissioners to hasten to compensate the proprietors of property in Mille Roches, whose claim to relief is well established.

On a reference to the Canal Act there appears to be ample powers conferred on them for that purpose.

Your Committee respectfully submit herewith for the consideration of the House a resolution framed in accordance with the views they entertain, as stated in this report.

D. Æ. McDONELL,
Chairman.

Committee Room, House of Assembly,
7th April, 1836.

"Resolved, As the opinion of this House, that as the Commissioners for the improvement of the St. Lawrence have power to afford compensation to individuals whose property may have been injured by the canal navigation, relief ought to be extended to those proprietors of Mille Roches who shall be found to have sustained injury by the operation of the Commissioners, while carrying into effect the provisions of the Canal Act."

COMMITTEE ON PETITION OF THE INHABITANTS OF MILLE ROCHES.

Friday, April 1st, 1836.

The Committee met.

Mr. McDonell was called to the Chair.

The Petition was read as follows:

To the Honorable the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled.

The Memorial of the Proprietors of the Village of Mille Roches, in the Townships of Cornwall and Eastern District.

Most Humbly Sheweth:

That the said Village is situate upwards of five miles above the Town of Cornwall, on a branch of the River Saint Lawrence, being a stream adequate to every mechanical work and manufactory requiring water privileges, which happiness of situation was no enjoyed by any place, within the distance of fifty miles, either up or down the river.

That, therefore, said Village was rapidly improving, an extensive Grist Mill, Marble Factory, and Marble Saw-Mill, Carding Works, and Clothers Works having been erected, and many artisans and mechanics settled, and preparing to build and settle therein.

That the manner in which the canal is now laid out has destroyed all these prospects, the line of which strikes from the river above the Village, intersecting the main road, and then runs South East until it again intersects the road and goes by the river a considerable way below the Village, and the Commissioners have, in consequence, altered the said high-way which formed its main street and led from Montreal to Toronto, running the same still East of the canal, thereby completely isolating the village and entirely cutting off all communication with the adjoining country, except by a small tunnel or current totally inadequate for the transaction of business, and turning aside the concourse of travellers; and which now is, and every winter will be stopped with ice by the rising of the river throwing back water therein; as the annexed map more fully explains.

That by these destructive changes all lucrative intercourse is absolutely lost, and your memorialists, instead of the pleasing hopes of trade and competence are now obliged to look for other homes, many of whom after residing there the best portion of their existence. That in addition to the above calamitous state of their affairs, a few of your memorialists own lands contiguous to the marble quarry in the vicinity of the village, now excavating to build the Locks, where Mr. Mills the Engineer laid out a few acres for the use of the labourers, entirely insufficient for the purpose; there being upwards of forty houses, or shantees, now erected round the quarry—and the labourers have now used a large quantity of fuel which grew on land exterior and far beyond the area allotted

them by the Engineer, and as the poor men are unable and unwilling to pay therefor coercion would lead to evil consequences and only tend to a bill of expenses on the district—thus the owners are deprived of the fuel necessary for their own houses, without hopes of redress.

That your Memorialists would by no means trouble your Honorable House with their grievances only after submitting them to the Commissioners, praying for remuneration, they declined acting on the case, by arbitration or otherwise on the plea that the power vested in them gave them no authority, thereby throwing your Memorialists on the decision of the Legislature. Nevertheless your Memorialists conceive that the act in reference to the Village is full and explicit—therefore they have no desire to trouble your Honorable House with any amendment therein, but merely that you will be pleased to desire the Commissioners, forthwith, to act up to its spirit, as well as its letter, and further to extend its benefit towards the payment by them of the wood now used, or which may be used by the laborers in said Quarry, extra to the quantity allotted by the Engineer, which has long since been used in erecting their shanties and for fuel.

That these grievances are by no means exaggerated, as the premises, which, only three years since, would let from thirty to fifty pounds yearly, could not now be rented for any sum, except to laborers on the canal for some trivial pittance—a class of tenantry not desirable to occupy valuable buildings.

Thus your Memorialists humbly lay their case before your Honorable House, confiding in your clemency and in full confidence that you will be graciously pleased to desire the Commissioners to effectually enter into the merits thereof and act with as much promptitude as its nature admits, and their distressed and uncertain conditions crave, for which, as in duty bound, they shall ever pray.

Signed by

GEORGE ROBERTSON,
And thirty-four others.

Dated Mille Roches,
March 31st, 1836.

PETER SHAVER, Esq., *a Member of this House, and one of the Commissioners for the improvement of the Saint Lawrence, called in and examined.*

1. Have you seen the petition of the inhabitants of Mille Roches, praying the interference of the House to enable them to obtain compensation for the damage they have sustained in consequence of the line of the canal having cut off their communication with the main road, which was the principal street of the Village?—I have.

2. What proceedings have the Commissioners had for the purpose of remunerating the petitioners?—The Commissioners are building a culvert under the canal to enable the people of Mille Roches to pass and repass with carriages. The Board at the same time contemplated the erection of scows to be drawn by chains across the canal to enable the people to cross with teams. No bridges were ordered to be built, as it was considered that it would be very injurious to the navigation—neither was any compensation ordered to any inhabitant of Mille Roche for damages.

3. Do not the inhabitants sustain great loss by the road and traffic being taken from their Village?—I think that it must certainly be an injury to the inhabitants of Mille Roche, for which they ought to receive a fair compensation by arbitration, as stated by the act.

4. The committee desire your opinion as a Commissioner, whether would it be better to build bridges across the canal, as contemplated by the law, or to apportion to the inhabitants the amount of damage that might be awarded them in case no bridges were erected?—I think it better for the public and for the welfare of the canal to pay the people their damages and build no bridges, as bridges would greatly obstruct the navigation and be very expensive.

5. Do you consider that the Commissioners have a discretionary power to dispense with the provisions of the law requiring that bridges may be erected?—The Commissioners taking into their view, at the Board, the number of bridges required to be built, were of opinion that their erection would prove ruinous to the navigation of the canal—therefore substituted culverts.

6. Is then the opinion of the Commissioners to be held as superior to the statute law, giving them the power they have?—No—I think the Commissioners ought to have submitted their opinion to the Legislature.

7. Does the culvert at Mille Roches answer any practical good purpose?—It is not finished—I am afraid of the water and ice in the spring—the backwater of the Saint Lawrence interferes.

8. Ought not the people to obtain their damages whether the culvert fail or succeed—or whatever benefit the scows may be?—I think they ought.

ARCHIBALD McLEAN, Esq., M. P. P., *called in and examined.*

9. Do you consider the claims of the inhabitants of Mille Roche as well founded—and in what manner would you recommend relief to the petitioners?—I consider that the inhabitants of the Village of Mille Roche have very strong claims for relief—as I have no doubt whatever that, should no relief be afforded, property in that, hitherto, thriving village, will hereafter be of little value. It appears to me that the only effectual means of affording full relief will be by the erection of bridges so as to restore the communication by the former roads.

Mr. NORTON *being called in and examined,*

Concurs fully in the opinions expressed by Mr. Shaver.

No. 152.

REPORT

OF

SELECT COMMITTEE

ON THE

PETITIONS OF

JACKSON, ARDIEL, AND LEWIS.

To the Honorable the Commons House of Assembly :

The Committee to whom were referred the petitions of John Ardiel, William Jackson and Levi Lewis, beg leave to submit the following

REPORT :

That John Ardiel was located by Col. Talbot on the North half of Lot No. 9 in the 7th Concession of the township of London, containing 100 acres, in the year 1819, and the said half lot was re-located by Col. Talbot in the year 1830, to one William Armitage, to whom a patent issued on the 20th August 1833.

William Jackson was located by Col. Talbot on the South half of Lot No. 24 in the 9th Con. of the township of London, which was re-located by Col. Talbot in the year 1832 to one George Kennedy, to whom a patent issued the 28th August, 1833.

Levi Lewis was located in 1824 by Colonel Talbot on Lot No. 21 in the 8th Concession of the township of London; one half of which lot the Colonel also re-located to another person.—On enquiring at the Surveyor General's Office the whole lot is found to be entered as a Clergy Reserve.

It appears these several petitioners, by the documents already on the Journals of your Honorable House, (See Appendix, Vol. 2d, Report No. 95, of Journal of last Session,) and those attached to this Report, were for a number of years, in the peaceable possession of their lands, and had improved them according to their means—and that their characters were unimpeached, and yet capriciously and arbitrarily driven off by Col. Talbot.

The petitioner Ardiel, a native of Ireland, came to this Province when a young man, with his father, in the year 1819. His father was aged and infirm, and had a young and helpless family, who depended on the petitioner principally for their support, and by whose industry and filial obedience, whatever value was given to clearing made on the lands for which they had been located, was through the unremitting perseverance of the petitioner, who very frequently, when his own and the family's means were exhausting, repaired to different public works to procure by his own personal labor any additional pecuniary aid which he might in his laudable zeal faithfully devote to the improvement of these lands and the support of the family.

Annexed to this Report, is the certificate of B. Springer, Deputy Surveyor, of the quantity of clearing done on the petitioner's location, which Mr. Springer says he had informed Col. Talbot of—before re-locating it to another person. In the evidence of Joseph O'Brien (See Appendix of Journals of last Session, 2d Vol. Report on petition of Wm. Jackson & others) it is also shewn, that clearing was made by Ardiel on his location, in which O'Brien aided him.

That in the month of October, 1830, by the affidavit of Edward Allen Talbot, Esq. one of the Justices of the Peace of the London District, it is shewn that on the application of Ardiel, Talbot put him Ardiel in possession of the said North half No. 9 in the 7th Con. of the township of London, and that he had known Ardiel for 13 years—that he is of good private and public character—that Armitage the second locatee of Col. Talbot again gave possession to Ardiel, on receiving value for improvements made by him while on the said half lot;—which Armitage assumed, and again retained possession of—that he knows no cause why Ardiel should not be restored to his land. Col. Talbot's reasons for depriving him of the said location and giving it to another, not being sufficient, as the Colonel has never required any thing specific as to time and kind of settlement duty to be performed in the township of London, (See Appendix to Journals of last Session, Vol. 2d, Report on petition of petitioner.)

By the certificates of John Cook, Geo. T. Fitzgerald and Thos. Gleeson, it appears Armitage the 2nd locatee for the half lot in question, did acknowledge to have received value from Ardiel for any improvement made by him on the same,—and freely put Ardiel in possession again, although he afterwards unfairly drove him off and obtained a patent for it after acknowledging to these persons his wrong in depriving his fellow subject of his just right; which said certificates Joseph O'Brien deposes he transmitted to Col. Talbot in October 1830.

The affidavit of Ambrose Powell before Wm. King Cornish, a Commissioner for taking affidavits in the King's Bench, London District—proves that Ardiel had performed some extent of settlement duty on his said lot:—that Armitage after his assuming the possession of the same, admitted he had done so by bad advice, received a valuation for his improvements and left it:—that he heard Col. Talbot say that he had no objection to Ardiel's again possessing the lot, on he and Armitage agreeing; & that Armitage again made violent and forcible entry on the same, and drove away Ardiel, he verily believes with the consent of the Colonel.

And also that John Ardiel's own affidavit before the same Commissioner to the same effect, with the exception of a stronger expression as to the permission of Col. Talbot, that Ardiel should re-possess his lot, re-entered his name on the plan for it, with the assurance on the part of the Colonel that he might go home and clear up a farm.

It appears the petitioner Wm. Jackson, a native of Ireland, came to this Province with his father R. Jackson, in the year 1819. In 1828, having attained the age of 17, Col. Talbot allowed him to locate the South half of Lot 24 in the 9th Con. of the township of London. By the evidence of Robert Jackson, the father, taken before a committee of your Honorable House, the last Session of Parliament, (see Appendix of Journals of that Session, Report on the petition of Wm. Jackson and others,) it appears the petitioner was in possession of said lot for 8 or 9 years, paid the taxes and performed the statute labor for the same during the greater part of that period—(which is shewn by the certificate of the Clerk of the Peace of that District attached to this Report,) and occasionally labored on the lot 'till he had chopped five acres and the road across the said lot with the exception of what was swampy. That in consequence of petitioner's father requiring his services, he being the oldest son, in clearing a wild lot to make a farm, petitioner could only occasionally be on his own land, the clear-

ing of which consequently progressed slowly, as was the case for the most part in that Township, owing to the settlers therein being poor.

That in 1832 Colonel Talbot located the said lot to a person said to be under 19 years of age: that he Robert Jackson employed a deputy surveyor to measure the ground chopped, who reported there were five acres—and two other persons to appraise the same, and yet the petitioner received no pay for his improvements on the land—and that he believes Colonel Talbot had no other reason for depriving him of his land, than that he the Colonel supposed that he William Jackson and his son had signed a petition about the period above mentioned, called the Grievance petition; therefore they at last made affidavit that they had not done so, and went and presented it to the Colonel, who threw it on the floor and declared he was a Methodist rebel—that neither he nor any of his family should have an acre of land in the Province; he also presented recommendations from respectable persons for village lots in the town of London, and the Colonel utterly refused them to him or his son.

The affidavits of Levi Lewis taken before the aforesaid Commissioners of the King's Bench, corroborate the statements made by Jackson as to the conduct of Colonel Talbot towards him in applying for redress.

There is also attached to this report a certificate of Dr. Charles Duncombe, that the petitioner had been so seriously injured in his head as to incapaciate him for active and hard labor.

The petitioner Levi Lewis is a native of this Province, the son of John Lewis of Grimsby, in the District of Niagara, an industrious farmer, and by the certificate of Robert Wells, Esq., a very early settler formerly a member of your honorable House, of the said District, (see appendix and journal last session, 2nd vol. report on petition of Jackson and others) they sustain an excellent character. Lewis, in the year of 1824, was located on 200 acres of land by Colonel Talbot, being lot No. 24 in the 8th concession of the Township of London, to which place he moved in that year, and has ever since resided on this particular lot; about one year after his house and all he possessed was consumed by fire; that he has 20 acres of land cleared, a house, barn, and orchard on the same—that at the period he was located, Colonel Talbot was giving 200 acres to other settlers that were not sons of U. E. Loyalists— that the one half of this lot the Colonel took from Lewis and located to a man by the name of Thomas English and the petitioner had at the time 12 acres cleared and fenced on it. The said Thomas English gave his own lot which the Colonel had located him on, to his father to make up to him 200 acres, previously to his getting half of Lews' lot, on which he merely erected a log house, never lived in it, and has since sold it to another person for £75. The petitioner is also represented to be an industrious man with a large family of small children—all which appears by the testimony of Robert Jackson and Joseph O'Brien before the select committee of last year. (See appendix of journals of last session, 2nd vol. report on petition of Jackson and others.)

Attached to this Report is a certificate of nine persons, neighbours of Lewis, who state they never heard Lewis boast of any deception he had practised on Colonel Talbot to obtain a location of 200 acres of land as it was usual for the Colonel at that time to give locations of 200 acres—that Lewis has been living on the lot for 10 years. When he moved to London he had one child, and now has six.

Annexed is also the certificate of the Clerk of the Peace of that District, stating that Lewis has paid the taxes for the whole since the year 1825 to the year 1833.

These petitioners severally made application to the Executive government of this Province during the administration of Sir John Colborne (to have their lands restored to them) who referred their petitions to the Executive Council, and Colonel Talbot was called upon to report on the statements contained therein The substance of the Colonel's report was, that Jackson had only slashed a few trees on his lot: that Ardiel had done nothing more on his, and used fraud to make it appear otherwise, by removing the corner stake of the lot so as to take in a clearing on the one in the rear, which was so reported to him by the Deputy Surveyor, Springer, before mentioned;—that Lewis had deceived him by representing he was the son of a U. E. and that he was stated to be very lazy, and not ever likely to be able to clear more than ten acres of land.

The Executive Council, accordingly, did not recommend the prayers of the petitioners; in one case, because ten years had elapsed without settlement duties being performed, and in the others for reasons mentioned in Colonel Talbot's report.

Colonel Talbot was called before and examined by the Select Committee on these cases last session, and gave the most extraordinary testimony as to the proof upon which he founded his conduct towards these men, and made his report to the Executive government on statements which he admits he obtained by hearsay; whether from interested persons or not he could not tell, nor had he any written document to attest to their truth, nor did he recollect the names of the persons from whom he derived his information, on which he acted so promptly and so much to the injury of these unfortunate individuals:—in fact it appeared to the committee he removed the one sett of locatees and put in possession the others with as much unconcern as if he had been moving figures on a chess board.

Your committee are not a little surprised the Executive Council arrived at the conclusion they did on these petitions with all the facts before them. Your committee have always been led to believe the power of the Executive in the rigid enforcement of its rules, in the general, admit of a relaxation, in cases where they appear to be violated more from unavoidable circumstances than intention. In these instances it is quite apparent there is not the most remote evidence that anything was wanting on the part of these three persons to observe whatever was required of them to perform, either to the government, to themselves or to society; your committee therefore cannot imagine how the Executive council could decide against their petitions. Your committee also suppose clemency is peculiar to the royal prerogative, and they think if any thing could call forth its exercise, it was the petitions and statements of Ardiel, Jackson and Lewis, and as your committee assume that the Executive government is the paternal protector of the subject, and bound to preserve to him his property and liberty, (if in its power) and not to allow persons, subordinate, in authority, by their mere will to deprive them of either, especially when the faith of the government is concerned, which your committee conceive to be paramount to all other obligations; and your committee therefore contend that the Executive

should not have allowed these persons to be dispossessed of their property so long held by them, on the authority of the mere statement of one person.

Your committee cannot perceive what reasons the councils could give for not placing as much confidence in the facts alleged in the petitions in question as in those of Col. Talbot, who must have been as much interested as the petitioners, and even more so, as he was complained of for having been guilty of a most arbitrary stretch of power towards these men; and if any thing could bias a decision in favor of one side of the question more than the other in this matter, your committee are compelled to say the Council had more reason to be so on the side of the petitioners, who had supported their claims by more evidence than their own, while the Colonel's wholy depended on his own bare assertions; and their complaints, your committee humbly conceive, were of that peculiar character which required such investigation as would have led to further explanation than the lacomic decision "not recommended, for the reasons contained in Colonel Talbot's Report."

When your committee take into consideration the irresponsible nature of our government, which defies control either by the people or their representatives, they must admit such occurrences cannot be rare, and they think are only a further proof of the necessity of such reform in our institutions, as will cause the first rights of the subject to be respected and his complaints regarded—and not to leave one fourth of the Province (said to be one of the richest, most fertile and flourishing, with a population of 33,000) in rights and property at the sole disposal of one individual, uncontrolled either by the Executive government of this Province or its Legislature, and acting under a verbal authority, without any specific instructions or limits to his power, or apparently only (as in these cases,) on his mere caprice; and when appeals are made against his decisions by those aggrived, his unfounded and unproved statements are sufficient authority for his oppression.

Your committee must request the indulgence of your honorable House when they thus strongly animadvert on these proceedings, as they think they are merited from the following considerations:—

These persons, honest, loyal & industrious; located on land under the authority of the crown; in possession of the same for at least 9 years; the taxes and the statute labor for which they had seduously paid; no one condition of settlement violated by them, as yet made apparent to your committee, struggling to keep and secure the titles to their estates; and in an instant deprived forcibly and violently of the same with the color of authority, without even the least reward for their labor or the possibility of redress, and this too under British laws and British usage, as the fruit of the hard toils of so long a period of residence in the Province, to which they came to seek an asylum under the protection and fostering care of the British Crown.

Under this review of the whole case, your committee would recommend that speedy means be taken by the House, either by address to be laid at the foot of the Throne, or to present the whole matter to the consideration of the local government the second time accompanied by this Report, and documents, to restore to Ardiel, Jackson and Lewis, their lands, or an equivalent for their loss.

For this purpose therefore they submit the accompanying addresses.

THOMAS PARKE,
Chairman.

Committee Room,
16th April, 1836.

(Copy.)

I do hereby certify that the examination of improvement I made by the request of John Hays, brother-in-law to Armitage, was on the North half of Lot No. 9 in the 7th Con. of London—a report of the quantity of the above improvement I sent to Col. Talbot—the amount of which, I think, was two acres of meadow land; about one acre of chopped land, not logged, and five acres of underbrushed land with the road cut out in front of said lot.

Given under my hand this fourth day of April, 1835.

B. SPRINGER,
Deputy Surveyor.

To whom it may concern.

(Copy.)

London, 4th April, 1835.

We, the undersigned and neighbours of Levi Lewis, do hereby certify, that we never heard Lewis boast of any deception that he used to Col. Talbot to deceive him; for he drew the lot when the Colonel was giving 200 acres to others, and he the said Lewis has been living on the said lot for ten years together, and is on the lot yet; and had a wife and two children when he came here, and when taken he had six children.

(Signed) SILAS WARNER,
WILLIAM NIXON,
JOHN MORDEN,
JAMES MORDEN,
R. MORDEN,
ROB'T KEAYS,
EDWARD GREEN,
Wm. WARNER,
NATHAN JACOBS.

(Copy.)

Upper Canada,
London District,
To Wit:

Levi Lewis, of the township of London, in the London District, in said Province, yeoman, maketh oath and saith—that he this deponent never either directly or indirectly told or informed the Hon. Thos. Talbot, that he this deponent was a son of a U.E. loyalist, nor hath he this deponent ever represented himself as such to any person whomsoever, & this deponent further saith—that he never either directly or indirectly boasted of having imposed upon the said Thos. Talbot to any person or persons whomsoever—And deponent also saith, that he has resided on Lot No. 21 in the 8th Con. of London aforesaid, for 10 years past and upwards and hath cleared not less than 30 acres on the same, which is under good fence with a log house and barn thereon, and hath yearly and every year

paid the assessed taxes on said lot; and deponent lastly saith, that he had a wife and two children when he removed on said lot, and when he this deponent was deprived of the North half of said lot by said Thomas Talbot, he deponent had six children, and now seven.

LEVI LEWIS.

Sworn before me at London, in said London District, this sixth day of April, 1835.

W. K. CORNISH,

A Commissioner in B. R. for taking affidavits London District.

Copy.

London, May 4th, 1835.

To His Excellency Sir John Colborn, K. C. B. &c. &c. &c.

May it please Your Excellency,

The committee of the House of Assembly to whom was referred the petitions of John Ardiel, Levi Lewis and William Jackson, claiming the interference of the House of Assembly in the case of their being dispossessed of their lands in the township of London by Col. Talbot, had proceeded so far as to report all the evidence in the case to the House—but owing to the press of business at the close of the Session, and not receiving a copy of the instructions under which Col. Talbot locates settlers, and for which the House of Assembly addressed Your Excellency, the committee were unable to make their final report at the past Session. But the committee were fully of the opinion from the evidence which they received in the matter, and placed on the Journals with the intention of taking the business up again early next Session, that a manifest and very serious injustice has been done to Ardiel, Lewis and Jackson; and advised me to write to Your Excellency and request, that Your Excellency will issue no deeds for the said lands except to Ardeil, Lewis and Jackson, until the House of Assembly will have the opportunity of bringing the business before His Majesty's government.

I have the honor to be,
Your Excellency's
Most obedient
Humble servant,
THOMAS PARKE.

UPPER CANADA.

London District.

Clerk of the Peace's Office, London, Dec'r 22, 1835.

I do hereby certify that at the request of Levi Lewis, I have examined the several Assessment lists filed in my office, as received from Assessors in the township of London for the following years, and find as follows:—

1824—North half of No. 21 in the 8th con. 100 acres wild land returned by John Griffiths.
1825—Lot No. 21 in 8th con. 200 acres wild land returned by Levi Lewis.
1826—Lot No. 21 in 8th con. 197 acres wild and 3 improved land, Levi Lewis.
1827—Lot No. 21 in 8th con. 193 acres wild and 7 improved land, Levi Lewis.
1828—Lot No. 21 in 8th con. 190 acres wild and 10 improved land, Levi Lewis.
1829—Lot No. 21 in 8th con. 190 acres wild and 10 improved land, Levi Lewis.
1830—Lot No. 21 in 8th con. 189 acres wild and 11 improved land, Levi Lewis.
1831—Lot No. 21 in 8th con. 185 acres wild and 15 improved land, Levi Lewis.
1832—Lot No. 21 in 8th con. 185 acres wild and 15 improved land, Levi Lewis.
1833—Lot No. 21 in 8th con. south ½, 82 acres wild & 18 improved land, returned by Levi Lewis.

JOHN B. ASKIN,
C. P. L. D.

UPPER CANADA.

London District.

Clerk of the Peace's Office, London, 22d Dec'r, 1835.

I do hereby certify that at the request of William Jackson, I have examined the several Assessment lists filed in my office, as received from the Assessors of the township of London for the following years, and find as follows, viz:

1827—South half of Lot No. 24 in 9th con. 100 acres wild land, returned by Robt. Jackson.
1828—South half of Lot No. 24 in 9th con. 100 acres wild land, by Robert Jackson.
1829—South half of Lot No. 24 in 9th con. 100 acres wild land, by Robert Jackson.
1830—Not returned.
1831—South half of Lot No. 24 in 9th con. 100 acres wild land, by Wm. Jackson.
1832—South half of Lot No. 24 in 9th con. 100 acres wild land, by Wm. Jackson.
1833—South half of Lot No. 24 in 9th con. 100 acres wild land, returned by G. Kennedy, junr.

JOHN B. ASKIN,
C. P. L. D.

Toronto, 29th March, 1836.

I hereby certify that Wm. Jackson, of the township of London, in the London District, is not an able bodied man, he having recieved a serious injury in his head, so as to disable him from performing manual exercise, and renders him incapable of undergoing hardships, or doing those duties requiring hard labar and violent bodily exertion.

CHARLES DUNCOMBE.

(No. 153.)

MESSAGE

FROM THE

LIEUTENANT GOVERNOR

WITH MEMORIAL

FROM THE

INSPECTORS OF THE

PROVINCIAL PENITENTIARY.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, the accompanying Memorial of the Inspectors of the Provincial Penitentiary, to the subject of which he invites the attention of the House.

GOVERNMENT HOUSE,
12th April, 1836.

To the Honorable the House of Assembly in Provincial Parliament assembled:

The Memorial of the Inspectors of the Provincial Penitentiary in Upper Canada,

Respectfully States:

That on the first day of February last there was only remaining in the hands of the Warden of the Establishment, the sum of £78 18 11, and that under the full expectation that provision would be made by your Honorable House for the due maintenance and support of the establishment: they have endeavored to carry on the discipline of the Prison and support of the convicts, and were encouraged to hope that His Excellency the Lieutenant Governor might have had at his command some funds which he could have placed at their disposal: but they regret that His Excellency has "no funds under his control from which he could authorise the issue of a sum of money for the use of the Penitentiary." The Inspectors would further represent that all the Officers, Keepers and Guards, are in arrear of pay for three months, and that including several accounts due for materials, the establishment owes the sum of about £1200.

They would respectfully urge the immediate advance of money to enable the Warden to pay these demands and carry on the establishment,—and to prevent the necessity of discharging the Keepers and Guards—thus endangering the safe keeping of the convicts and the ultimate closing of the Prison; by which means the great earnings of the convicts in preparing materials for the North Wing of the Prison must be lost to the public.

JOHN S. CARTWRIGHT,
A. PRINGLE,
W. H. GRAY.

Provincial Penitentiary,
5th April, 1836.

(No. 154.)

MESSAGE

FROM THE

LIEUTENANT GOVERNOR

WITH

COMMUNICATIONS

FROM THE

DEPUTY POST MASTER GENERAL.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, the accompanying communication and enclosures, received from the Deputy Post Master General of British North America, on the subject of the Post Office.

GOVERNMENT HOUSE,
12th April, 1836.

General Post Office,
Quebec, 19th March, 1836.

SIR:—

Aware as I am that the Post Office question is now undergoing consideration by the Government of Upper Canada, I conceive that I should be neglecting a duty, if I failed to transmit to His Excellency the Lieutenant Governor, the earliest intimation in my power of the steps which have been taken by the legislature of this Province, in reference to that subject.

The House of Assembly having sent up to the Council, a bill entitled, "A Bill to establish a Post Office in this Province, [Lower Canada] and to provide for the future management of the same," the Council on the 15th instant voted an address to His Majesty on the subject, and at the same time passed an order, directing that copies of the Bill, together with the report & evidence from the select committee to which it was referred, should be transmitted to the Speakers of the Legislative Councils of the several Provinces in British North America.

I had obtained transcripts of the address and order, with the intention of forwarding them to the Post Master General, and it having occurred to me that it would be right [as I have already stated] to convey the information which I have thus acquired to Sir Francis B. Head, [more especially as I understand that the intentions of the Council cannot be fulfilled for some days, owing to the report and evidence not being yet printed] I have to request you will be so good as to submit the accompanying copies of the address and order alluded to, to His Excellency.

I have the honor to be,
Sir,
Your most obedient;
Humble servant,
T. H. STAYNER,
D. P. M. G.
B. N. A.

(PROVINCE OF LOWER CANADA.)

Legislative Council,
TUESDAY, 15th March, 1836.

Ordered.

"That a copy of the bill sent up from the Assembly for the concurrence of this House to establish and regulate a Post Office in this Province, together with the report and evidence reported from the select committee to whom the said bill was referred, and a copy of the address of this House to the King on the subject of the Post Office, be by the Speaker of this House immediately transmitted to the Speakers of the Legislative Councils of the Provinces of Upper Canada, New Brunswick, Nova Scotia, and Prince Edward Island."

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty:—

We the Legislative Council of the Province of Lower Canada in Provincial Parliament Assembled, having had under our consideration the despatch of Your Majesty's Principal Secretary of State for the colonial department, addressed to His Excellency Lord Aylmer, late Governor-in-Chief of this Province, dated 5th October, 1834, with the draft of a bill for the regulation of the Post Office in this Province which accompanied the same, and also the bill founded thereon and sent up by the Assembly for the concurrence of this House during the present Session; again approach Your Majesty humbly to represent that, having carefully examined the plans detailed in the above mentioned bills for the control and regulation of the Post Office department, and maturely considered the subject, we have been led to the conclusion that it would be exceedingly difficult, if not impracticable, to provide for such a degree of concert & harmony of design & action in the separate Post Office Establishments of the several Provinces connected with us, as would appear essential to attain the purpose of these measures. Among Legislative bodies composed of the representatives of communities, naturally influenced by local circumstances or sectional interests, varying and conflicting views, respecting particular regulations and arrangements must unavoidably occur, and produce delay and embarrassment, and this inconvenience was probably felt or foreseen in a neighbouring country, where, notwithstanding a keen regard for State rights, the power to legislate for the entire control and management of this department is delegated to the Federal Government. The Post Office being intended for the safe, speedy and regular conveyance of letters, not to and from places within the limits of each separate Province, merely, but to and from places within one part of Your Majesty's dominions to places within another part of the same, however remote, the proposal to vest the rights of separate legislation in each of the Colonial Legislatures, even under the restrictions provided in the draft of the bill prepared in England, is one of a grave character, involving important consequences.

The intervention of the Imperial Parliament was found necessary to adjust a division of revenue between Lower and Upper Canada, and with this instance before us, it is difficult to conceive that the five North American Provinces will spontaneously concur in the various regulations and arrangements essential to insure the steady and uniform action of the Post Office department, or amicably dispose of the intricate questions which will undoubtedly arise if the several Provinces be left to legislate independently in this matter.

The bill prepared in England has now been some time before the respective Legislatures, and we are not aware that any one of them has offered to adhere to the general provisions of the measure. If the object were merely to establish and regulate a Post Office for the limits of this Province, there would be little to amend in the bill proposed to us by the Assembly; but viewing the institution as essential to the encouragement and convenience of commerce, and eminently calculated to strengthen the ties which connect the several portions of Your Majesty's dominions, we are of opinion that it would be more advantageous to the inhabitants of this Province, and in particular more effectually provide for the regular, safe and speedy transmission of the correspondence, both public and private, to and from the same, if the Imperial Parliament should still continue to preserve in its own hands the exclusive power of legislating for the government and management of the Post Office, as well in Lower Canada as in all other parts of the Empire.

For these reasons the Legislative Council have deemed it advisable to withhold its concurrence to the bill sent up from the House of Assembly of which a printed copy is herewith transmitted, and to bring the question again under the consideration of Your Majesty's Government.

If it should be thought inexpedient to sanction the establishment of independent local Post Offices in the several Provinces, and be determined not to persist in the plan for regulating the management of the department therein, in conformity with the provisions of the bill prepared in England, we venture with all humility to suggest to Your Majesty, that it would be desirable in order to satisfy the reasonable wishes of the people of this Province, that the following propositions should be acceded to on the part of the Imperial Parliament and Legislature, and that corresponding modifications of the Laws and Regulations of the Post-office should be with all convenient speed effected.

1. The Provincial Government and Legislature should be authorised to demand and receive all the requisite information respecting the Department in this Province from the Post-Master-General's Deputy residing therein and having charge of the Department.

2. The accounts of the Department for the whole of the North American Colonies should be annually submitted to the Provincial Legislature in lucid form and order, and in sufficient detail.

3. The privilege of Franking, as exercised by the Imperial Parliament should be accorded to the Members of the Provincial Legislature.

4. Your Majesty's Representative should have authority to remove or suspend the resident Deputy of the Post-Master-General, on the joint address of the two branches of the Provincial Parliament.

5. The principal officers employed in the management of the Department in this Province, should be placed upon moderate but adequate fixed salaries; and the postage of newspapers, pamphlets, &c. and every thing carried by the Post, should merge in the revenue of the Department.

6. A just and equitable proportion of the excess of Continental Postage, if any, beyond the necessary expenditure of the Department should be allotted to the several North American Provinces; the proportion to be based either on the provision contained in the Bill prepared in England, or on the population of the said Provinces.

7. Such alterations and modifications of the rates of Postage, the establishment of Post-routes and Post-offices, and such other arrangements for the regulation and management of the Department, as the several Legislatures by joint-address of both branches thereof to your Majesty, shall, from time to time, show to have become reasonable and expedient.

Legislative Council,
Quebec, 15th March, 1836.

(No. 155.)

REPORT

OF THE

GOVERNMENT DIRECTORS

OF THE

WELLAND CANAL,

RELATIVE TO

BRIDGES.

To the Hon. the Commons House of Assembly.

&c. &c. &c.

The Government Directors, in conformity with the authority of an Act of Parliament of this Province, passed at the last Session, beg leave respectfully to

REPORT:

That they have had before them the Report of Francis Hall, Esq. Civil Engineer, which is hereunto annexed, marked A,—and also a letter from D. Thompson, Esq. marked B, from which, together with such other information as they could obtain, they are induced to recommend the erection of three bridges across the Welland Canal; one across the main canal on the road allowance between the Burgar and Silverthorn farms in Thorold, to supersede the old bridge at the Burgar farm; the other over the feeder on the Lyons's creek road, near the junction where the old bridge was; and the other across the feeder on the road allowance between the townships of Humberstone and Wainfleet.

All which is respectfully submitted.

CHARLES DUNCOMBE,
DAVID THORBURN,
W. L. MACKENZIE.

A.

ENGINEER'S REPORT.

WELLAND CANAL BRIDGES.

It will be observed by the plan No. 1, that the concessions pass each other at right angles—that the canal cuts the concession to Allanburgh, opposite Wilson's farmh ouse, where a new bridge is proposed, by which at least one mile of distance will be saved from the point A, to Allanburgh, or Port Robinson.

Two ways may be proposed to obviate the necessity of this new bridge,—1st by passing from the point A upon the present road, across the present bridge B, then passing upon the trucking path to the concession at C.

Or by a new line of road at the base of the canal path embankment, as shewn by the dotted lines D. D. all through Marlatt's farm.

Both these lines are objectionable—upon the first, the truck path is too narrow for the passage of waggons, and the expense of widening the same would exceed the cost of a new bridge.

The second line proposed by the base of the Canal embarkment, will occupy a considerable portion of ground, will pass through Marlatt's orchard and require at least one road bridge, and on the whole be more expensive to execute than a new bridge across the canal; but if once established there would be an end to the expense. If the land upon this line could be purchased at a price equal to the new bridge I would prefer it, as the increase of distance to the public from it to Allanburgh would only be 220 yards,—Wilson, in going to Allanburgh, would have to pass out of his way 1600 yards, but then he will save at least 1800 yards upon the diminished distance direct to Allanburgh.

Land required for this new road—

800 × 22 = 17600 = 3¾ acres

4840

Equal per acre in valuation.....£*			
Bridge upon them.....	12	15	0
Forming Road.....	15	0	0
Price of new canal Bridge & abutments....£200			
Difference in favor of.....			

* From an uncertainty of the value of this land, I have left it blank, which you can probably fill up.

(No. 2.)

It will be observed that Allanburgh new bridge is 707 yards distant from the old High bridge, length by present western access, say 950 yards. It is only those families in the immediate vicinity that are put to inconvenience by the want of a bridge here.—The general traveller makes for Allanburgh direct, and from thence in a straight course, or nearly so, to the Falls, Stamford, or St. Davids.

A bridge at this point would, however, be a great accommodation to the adjoining farms, could the same be done without impediment to the navigation, but as this cannot at present be effected without an outlay of four or five hundred pounds, I would recommend that the present access to Allanburgh new Bridge be improved and shortened as much as possible.

(No. 3.)

By the Diagram No. 3, it will be seen that a bridge at either A. or B. will afford equal accommodation to the public in passing from Port Robinson by Mr, Burger's farm; but the public occupying the Concession line C. will be benefited by having a bridge at B., particularly in going towards Port Robinson or Chippewa, they will then save a distance of 1000 yards. The substitution of a bridge at the point B. is now called for, as Burger's present bridge is so much decayed as to render it unworthy of further repair, It will however save making a temporary bridge by the company while the new one is in construction.

N. B.—the contractor is ready to deliver his timber upon the ground for this bridge; I have desired him to place it in the new position for framing.

(No. 4.)

This plan shews the connection of the Canal line with the feeder, also the position of the present bridge at A. also former bridge across the feeder at B., having an open concession, passing by C. B. & D. to A.; but as this line is both swampy and indirect to any assignable point upon the canal, it will always be objectionable. The centre line F. G. shews the most direct line that can be obtained to the present canal bridge at A., as the approach to this point at G. is all through wild land, it may connect with the nearest side or concession line as may be found most convenient for the public. The next and cheapest point for passing the canal is upon the present stop-gates, which will form abutments for a bridge. If a passage here would suit the convenience of the public, I would prefer this last point, as the ground is more firm than at any of the other points proposed.

FRANCIS HALL,
Engineer.

30th January, 1836.

N.B.—I have endeavoured to make the above remarks as distinct as possible—they may assist the Commissioners in their decisions.

F. H.

Toronto, 8th April, 1836.

The government Directors agree with the Engineer, and recommend the building of the Bridge No. 3. as stated by him.

CHARLES DUNCOMBE,
Chairman.
DAVID THORBURN,
W. L. MACKENZIE,

LETER FROM MR. THOMPSON TO THE DIRECTORS.

B

City of Toronto, 5th Feb'y. 1836.

GENTLEMEN,

I beg respectfully to state, that a bridge over the feeder to Welland Canal on the road allowance between Wainfleet and Humberstone is indispensable. That it is also the most direct line of road from Port Robinson to Dunville, being nearer than via the Canal, and also avoiding the narrow and dangerous parts of the towing path from the aqueduct to Wainfleet (which towing path can only be made sufficiently wide for a road at a very great expense.) It is moreover the mail road, and at the same time opens a direct and near communication to the Welland canal company's land; much money and labor has already been expended on the road in question. So sensible were the inhabitants of the necessity thereof that they built a bridge over the feeder and gave many days labor to the road gratis. That the statute labor of this year will make it passably good at all seasons of the year, particularly so when once the Welland canal company opens up a ditch to where the feeder cuts off Helm's creek and which will have to be done at all events, to prevent said creek overflowing its banks and much land. This ditch will not be expensive, not over 3 feet cutting a distance of about 20 chains. The correctness of the preceding statement is indisputable, and I am authorised on the part of a large portion of settlers to most earnestly solicit, that you will adopt such measures as will insure to the public a bridge over the feeder on this road as well as on the old road leading from River Welland to junction.

I have the honor to be,
Gentlemen,
Your obedient Servant
D. THOMPSON.

To the Directors of the W. C. C. authorised by act of Parl't. to locate bridges on the line of the Canal.

NOTE BY ENGINEER.

N. B.—Mr. Thompson's reasons seem to be correct, with regard to the road and road approaches, if the public are satisfied that the line, C. B. D. is the best for its interests. The difference of expense in forming the bridge will be immaterial to the Canal company.

F. HALL.

No. 156.

REPORT

ON

FINANCE.

To the Honorable the Commons House of Assembly:
&c. &c. &c.

The Committee of Finance beg leave respectfully to

REPORT:—

That the situation and condition of the Burlington Bay Canal is such that unless some aid is afforded by the Legislature at this present session, the work will become nearly useless during the ensuing summer; that is, if the same means be not resorted to that were employed last season by His Excellency the late Lieutenant Governor, authorising the expenditure of the tolls collected at that work; to keep the same in repair.

Your committee therefore, respectfully recommend your Honorable House to pass a bill granting to His Majesty a sum of money for the purpose of putting the the said canal in repair.

All which is respectfully submitted,

CHARLES DUNBOMBE.
Chairman.

Committee Room,
House of Assembly,
14 April, 1836.

An account of Expenditures in repairing the South Pier of the Burlington Bay Canal, on the Lake Ontario side—say 600 feet in extent—Also repairing the North Pier in Burlington Bay, 60 feet, and filling with stone—including repairs to the Bridge across the Canal, and making new Lamps, &c. &c.

1835		£	s.	d.
July 25	To paid John Dempsey for stone	15	0	0
	do Monis Corry do	9	7	6
	do John Hart do	9	15	0
	do Patrick O'Neal do	3	15	0
	do The hands for labor	6	0	0
	do For sawing	1	0	0
August 8	do John Dempsey for stone	17	16	3
	do John Hart do	10	10	0
	do Monis Corry do	10	15	0
	do Zaca. Corry do	26	12	6
	do Patrick O'Neal do	8	15	0
	do Hands for labor	13	5	0
11	do Monis Corry for stone	1	10	0
	do 1000 feet square Pine Timber	7	10	0
13	do Monis Corry for rafting	0	10	0
17	do John Dempsey for stone	15	0	0
	do B xall, sawing Oak ties	2	10	0
22	do Hands for labor	15	2	6
	do 2700 feet 2 inch plank, *a* 10s	13	10	0
	do Hawling the same	1	10	0
	do 250 feet Oak timber for ties, *a* 30s	3	15	0
	do 250 lbs. Spikes, *a* 6d	6	5	0
September 7.	do Lewis Corry for 200 feet Pine	1	10	0
18	do More for stone	0	15	0
	do 1500 feet square Pine timber	11	5	0
22	do Wm. Hubble for 23½ days labor	5	17	6
	do John Dempsey for 27 do.	6	15	0
	do do for use of his scow	2	5	0
October 3	do Monis Corry 13 days labor	3	5	0
5	do Thomas Burgess 21 days labor	5	5	0
	do Jerry O Neal 17 days labor	4	5	0
	do Ridout, Brothers & Co. for Spikes	5	9	2
	do Smith & Chisholm, for shovels	0	10	0
	do do for Iron and Plank	0	8	10
	do For Manilla rope	0	2	3
	do Bunty and Miller for timber	2	3	3
	do Amount of A. M. Chisholm's account for repairs to the bridge for several years	37	2	4½
	do Smith & Chisholm for 100 cords soft stone, *a* 12s 6d.	62	10	0
	do do do for 8 cords hard do. *a* 17s. 6d.	7	0	0
	To balance due Superintendent as per statement transmitted to the Lieutenant Governor's Office, 31st Dec'r, 1834	33	5	10½
	To 100 feet 2 inch plank	0	10	0
24	To paid James Stewart 23 days labor, *a* 7s. 6d	8	12	6
	do James Stewart for 13 cords stone, *a* 17s. 6d	13	2	6
	do do for towing two rafts	1	10	0
	do Michael Devine 16 days labor, *a* 5s	4	0	0
	do James Stewart for repairing the bridge as per contract	125	0	0
	do For new Lamps, &c.	7	10	0
	do Wm. J. Kerr for 3 years salary due him as Secretary to the Commissioners for the years 1833, 1834, and 1835, *a* £50 per annum	150	0	0
	do Superintending the work this last summer	50	0	0
	Currency £	749	13	0

	Cr.		
By Cash received from the Collector of Tolls by order of the Lieutenant Governor and Council.	725	0	0
Balance due the Superintendent, W. J. KERR.	£ 24	13	0 E.E

WILLIAM J. KERR,
Secretary & Superintend't, B. B. Canal.

Burlington Bay Canal,
December 7th, 1835.

EVIDENCE

TAKEN BEFORE THE COMMITTEE.

Committee Room,
16th April, 1836.

Ashuel Davis, Esq.,—*Called in and examined.*

Question 1.—Having examined this account of W. J. Kerr, Esq. for materials and work done to the Burlington Bay canal, and dated December 7, 1835, what remarks have you to offer respecting the items and the prices charged?—Of the bridge, I would say that it is not, in my opinion, worth more than forty pounds—I would have repaired it in a better manner for less money. The quantity of stone named and charged at £129, I conceive to have been of no use, and rather a damage to the work, being only gravel taken from the beach. As to the prices I conceive them to be high; the planks, spikes and other articles, could have been furnished to my knowledge, at a much lower rate,—for instance, the spikes charged at six-pence Halifax, could have been purchased at five-pence New York currency.

Q. 2.—What is the present condition of the canal and works?—I think bad.

Joshua Freeman, Esq.—*called in and examined.*

Q. 3.—The same as the first put to the preceding witness,—

The prices, I consider very extravagant; I particularly examined the bridge, and conside. that thirty five or forty pounds would have been quite a sufficient sum for the repairs done to it. The quantity of stone is not specified, but is charged at about £129 Halifax currency, I think, after a close examination of the work done to the piers, that it was of little service Should there be any further grant of money, I should think that by proper management, if no further injury be done the piers, three hundred pounds would put it in repair.

Q. 4.—When were you a Commissioner of the Burlington Bay canal?—In 1830.

Q. 5.—Did the commissioners at that time loan to W. J Kerr, Esq. a sum of money out of the funds of the canal?—and if so, how much and on what security?—We loaned him upwards of three hundred pounds, on his note upon the security of Wm. Chisholm.

Q. 6.—Did he ever refund the money according to your knowledge?—He never did to the best of my knowledge.

Q. 7. To whom was the note given? to the company or an individual, or into whose hands was it put?—I do not recollect the precise words of the note.—It was put into the hands of Alexander Brown one of the Commissioners.

Q. 8.—How was the note to be redeemed?—It was agreed by Mr. Chisholm, that an Act should be passed by the House of Assembly granting a further sum of money to the Canal and the note would then be cancelled.

I would further remark upon the price of the planks which are charged in this account of Mr. Kerr, at 10s., that they could have been bought and delivered for seven and six-pence per hundred feet. The Piers were badly built, and instead of solid stone being used they were filled up with sand and gravel.

Capt. Bates,—*called in and examined.*

Q. 9.—What could you purchase the stone for, such as has been used for the piers at the Burlington Bay canal, and charged for in this account at seventeen and six-pence per cord?—Mr. Kerr, for his own pier, purchased stone at ten shillings per cord this last year.

Q. 10.—Did you ever hear any of the hands employed at the Burlington Bay canal, under the superintendence of the present commissioners, say that they were making great wages, and if so how much per day?—I have heard them say they were making great wages.

Q. 11.—Have you any reason to believe that boat loads of stone were sold twice over?—I have reason to believe so.

(No. 157.)

ANSWER TO ADDRESS FOR DOCUMENTS

IN THE

CASE OF JAMES DAVIDSON.

Gentlemen,

In compliance with this Address, I deliver to you the papers requested by the House of Assembly.

Communications from the Lieutenant Governor Sir J. Colborne, to His Majesty's government on the subject of Davidson's claim.

(Copy.)

Toronto, U. C., 13th June, 1835.

My Lord,

I have the honor to transmit to you a copy of an address of the House of Assembly respecting a complaint from James Davidson, referred to a select committee of the House.

It appears from the accompanying documents that the name of the late Wm. Dickson from whom Davidson derives his title to a lot of land, was marked on the Surveyor General's map on lot No. 27 fronting on Lake Erie, in the township of Humberstone, under an order in Council of the 19th of October, 1796, for allocation; that the claim for this lot, after remaining dormant for thirty-five years, was brought forward when the Welland Canal Company had decided to carry the canal through the lot in question, and to effect the juncture of the canal with Lake Erie at that point:—and that in consequence of an application from the Board of Directors for the lot, an Order in Council was passed granting it to the Company, on condition that another lot on the line of the canal should be assigned to Davidson.

As it is probable a further appeal may be made to his Majesty's government relative to the decision of the Executive Council, I beg leave to forward for your Lordship's information the annexed copy of a Report of the Council in which the case is fully explained.

I have the honor to be,
&c. &c. &c.
(Signed)
J. COLBORNE.

The Right Hon'ble
The Lord Glenelg,
&c. &c. &c.

Despatch from the Secretary of State for the Colonies, in reply:—

Copy—No. 30.

DOWNING-STREET, 30th July, 1835.

SIR,

I have received your despatch dated the 13th June last (No. 29) respecting the case of James Davidson and its enclosures.

You have transmitted these documents in order that I might be provided with an answer to any application which might be made to me on Davidson's behalf.—No petition of that nature has been received at this department; but on a careful review of the whole case, I have deemed it inexpedient to postpone the decision of it on that account.

It appears that on the 19th of October, 1796, a lot of land in the township of Humberstone, was *located* to one William Dickson, who is since dead. By this expression, according to the habits of that time, was meant that the land was promised, though not actually granted to Dickson, and that, in proof of the engagement, his name was inscribed on the public charts of this township against that lot. The land being wet and swampy, was not, however, brought into cultivation, nor even occupied; and in this condition it remained till the year 1831, that is for a period of 35 years. At that time the operations of the Welland Canal Company had imparted a new and very considerable value to this property, and application was made for a regular grant of it under the public seal of the Province by James Davidson, the heir of Dickson. It is admitted that under ordinary circumstances, this request would have been accorded without hesitation—not indeed as of strict legal right, but as a matter of grace sanctioned by general, if not invariable usage. It was not thought right, however, to extend this favor to Davidson. The public interest was supposed to forbid the acknowledgment of his claim. The Executive Council by an order dated on the 14th Nov. 1831, directed that Dickson's lot should be granted to the President and Directors of the Welland Canal Company, imposing on them, however, the condition of giving to the heir of Dickson, some other lot of equal value—the value being computed not as it existed in the year 1831, but as it had existed in 1796—after 2½ years, this order was rescinded, for on the 8th May, 1833, the Council recommended that the company should be required to "transfer to Davidson "as heir to Dickson, any lot unlocated upon the line "of the canal which might be selected by him, subject "to the approbation of the Welland Canal Commissioners."

In consequence of this order a lot of land was offered to Davidson as a compensation; which he refused to receive; maintaining that it was of very little value, and decidedly inferior to the lot of which he had been deprived, which he estimated at £500 Halif x currency.

Unable to obtain redress by other means, Davidson presented a petition for relief, to the House of Assembly. By that House it was referred to a Committee. The Committee on the 30th March last applied to you for copies of the documents. On the 2nd of April they were informed by your Secretary that you could see no objection to those copies being transmitted to them. On the 8th of April, however, they had not been received, when in order to prevent the loss of the Session, the committee reported to the House their opinion, that the reasons alleged in defence of the transaction were insufficient, and recommended that an address should be presented by the House to yourself, to procure for the petitioner that justice which his case demanded.

On the following day the 9th of April, the House adopting the views of their Committee, accordingly addressed you, requesting you to "look into the mat"ter, and to direct that justice to be awarded to Da"vidson which the case demanded; and which alone "could be speedily accomplished by your favorable "consideration."

After an interval of seven weeks the case was taken into the consideration of the Executive Council, at which Mr. Archdeacon Strachan, Mr. Peter Robinson, and Mr. Markland were the only members present.—Those gentlemen made a report vindicating and adhering to the original decision of the Council, on the ground that the interests of the Province were at stake, and that if Davidson had been secured in the possession of his land, he might have raised a most exorbitant demand for property indispensable to the success of a great public undertaking; and that, therefore, it was equitable to enforce against him the extreme legal rights of the Crown upon the terms proposed.

Such is the history and the present posture of this question; I proceed to the remarks which it has suggested to myself.

First, even if I were persuaded that the House of Assembly had taken an erroneous view of this subject, I should scarcely feel myself at liberty to advise His Majesty to oppose their wishes; the case must be clear indeed, and the motives of the most urgent nature, to justify a refusal on the part of the Crown of a request made by the representatives of the people for the application of a part of the public property in furtherance of any object in which they may consider the interests of justice compassion and liberality to be involved.

On an occasion when the whole matter in debate does not exceed £500, and in which the concession could not compromise any ulterior interest on any general principle, the withholding it appears to me to have been an unfortunate and ill-advised measure.

Secondly, I the more regret this decision, because it was founded on the report of three gentlemen, all of whom held very high and lucrative public employments under the crown, and became therefore it must appear to the Assembly not so much in the light of an impartial adjudication, as in that of a resolve, to the propriety of which the Executive government of the Province is directly committed.

Thirdly,—I am compelled to add, that in my opinion the House of Assembly were right, and the Executive Council in error, in the views taken by those bodies respectively, of Davidson's claim. If it could have been truly alleged that he had no title, legal or equitable to the property, it would have been the necessary consequence, that for the resumption of it by the crown, he would have no claim to compensation. But the Council resolved that he should be compensated for the loss. They required that the Canal Company should assign to him other lands. The question therefore was not, whether the loss should be made good; but in what manner and on what principle the company or the government should proceed for that purpose.

The first resolution was evidently unjust; for after 2½ years the council themselves rescinded it. To give to Davidson in 1831 what the land would have been worth in 1796, was to pay a consideration altogether nominal for a detriment which was not less clearly substantial.

The Resolution of 1833 gave to the claimant a compensation governed by no definite principle whatever. He was to receive any unsettled lot adjoining the canal, to be chosen by himself if certain commissioners should approve his choice. In plainer terms he was to take whatever the commissioners might think proper to concede to him.

If compensation was to be made at all, the claimant should have received either in money or in land, property, equal in value to that which was taken from him; and in assessing the value reference should have been had to arbitrators selected on either side.

It is my opinion that such a compensation was justly due, and I am confirmed in this conclusion by the judgement of the Executive Council, which fully admits the principle upon which the claim was founded.

It is not without great reluctance that I have advised His Majesty to over rule your decision in this case. I earnestly deprecate any invidious contrast which ill disposed persons might be induced to draw between the decisions of the Home and of the Provincial government. But for the reasons already mentioned, I have thought it impossible to refuse to Davidson the relief which he solicits.

You will, therefore, signify to him that His Majesty acknowledges his right to full compensation for the loss of the land, to the occupation of which he was equitably entitled as the Heir of Dickson; and the loss will be made good to him by the payment out of the hereditary and territorial revenue, of such a sum of money as shall be fixed by the joint award of two arbitrators, one to be appointed by the local government & the other by Davidson himself; or, in the event of the disagreement of such arbitrators, then, according to a separate award to be made by an Umpire previously selected by them.

The payments which may thus be made by the Provincial government will of course constitute a claim against the Welland Canal company, who will therefore, be invited to concur in the choice of the government arbitrator. Their refusal, however, must not arrest the course of the proceedings in which it is necessary that no time should be lost. I should much regret if, at the next meeting of the general Assembly, that body, in addition to the numerous complaints which they have already laid before His Majesty, should have to urge that of a disregard to their wishes on an occasion like the present; in which, independently of the respect due to them, the claim is recommended by so many substantial considerations of equity.

I have, &c.

(Signed) GLENELG.

Major General Sir J. Colborne. K. C. B. &c. &c.

CORRESPONDENCE ON DAVIDSON'S CASE.

Pursuant to the directions contained in the preceding Despatch.

[Copy.]

Government House,
Toronto, 6th November, 1835

Sir,

I am directed to acquaint you, that in consequence of the address of the House of Assembly, recommending your case to the favorable consideration of the Lieutenant Governor, His Excellency transmitted a statement of your claims to His Majesty's government; and His Excellency is directed by the Secretary of State for the Colonies to signify to you, that His Majesty acknowledges your right to full compensation for the loss of the land, to the occupation of which you were equitably entitled to as the Heir of W. Dickson, & that the loss will be made good by the pay-out of the territorial revenue of such a sum as shall be fixed by the joint award of two arbitrators, one to be appointed by the local government and the other by you; or, in the event of the disagreement of such arbitrators then according to a separate award to be made by an umpire previously selected by them.

This payment is to constitute a claim against the Welland Canal company, who will be invited to concur in the choice of the government arbitrator.

In stating that your right has been acknowledged, you are to understand that it is assumed, that you have established your claim as Heir at Law to the late William Dickson.

I am, &c.

Wm. ROWAN.

Mr. James Davidson, Nelson, Gore District.

(Copy.)

Government House,
Toronto, 9th November, 1835.

Sir,

In transmitting to you the accompanying copy of a Letter addressed by direction of the Lieutenant Governor to Mr. James Davidson, I have it in command to acquaint you, that, with reference to the instructions contained in the Secretary of State's Despatches of the 30th of July;—His Excellency has been pleased to nominate Mr. Robert Grant of Queenston to be Arbitrator on the part of the Crown; and I am desired to invite the concurrence of the Board of Directors of the Welland canal company to the appointment of Mr. Grant.

I have &c.

Wm. ROWAN.

President Welland Canal company, &c. &c. &c.

(Copy.)

Welland Canal Office,
St Catherines, 20th November, 1835.

Sir,

I have the honor to acknowledge the receipt of your favor of the 9th Instant, which has been this day laid before the Board of Directors, who have directed a negociation to be made with Mr. James Davidson for an amicable settlement, which, if not effected, they will most cheerfully acquisce in the appointment of Mr. Grant. The result of their negotiation with Mr. Davidson will be duly communicated to you.

I have &c.

(Signed.)

Wm. HAMILTON MERRITT,
President W. C. Company.

Col. Rowan, &c. &c. &c.

(Copy.)

Nelson, 24th Nov., 1835.

Sir.

Your commmunication of the 6th Instant was duly received by me a few days since, by which I find that my claim with respect to the lands in Humberstone has been recognised. I also find that the manner proposed for settling the amount to be paid me is by arbitrators to be chosen, one by the local government and one by myself—no time particularly is mentioned. But I have in pursuance of the course mentioned above and in your communication, appointed an Arbitrator on my behalf, and should be happy that the one on the part of the government would be appointed as soon as convenient. I have appointed Miles O'Reilly of Hamilton, Esq., as my arbitrator; and would beg that when the appointment shall be made on behalf of the government, that circumstance with the name of the person so appointed may be communicated to him directly, instead of me, as I live rather out of the way, and have given him instructions to act for me.

I would also beg leave to suggest, that inasmuch as the amount to be awarded to me is to constitute a claim in favor of the government against the Welland canal company, it would be fair that the government, in appointing their arbitrator, should be careful that the appointment may not fall upon any one interested in or in any way connected with the canal company.

I have &c.

(Signed.)

JAMES DAVIDSON.

Col. Rowan &c. &c. &c.

Copy.

Government House,
Toronto, 27th Nov. 1835.

Sir,

I am directed by the Lieutenant Governor to transmit to you the accompanying copy of a letter from Mr. James Davidson, and to acquaint you that Mr. Grant has consented to become an arbitrator in this case; but the time for the arbitration will not be fixed till you have communicated with Mr. Davidson on the subject of his receiving land in lieu of the lot at Gravelly Bay.

I have, &c.

Wm. ROWAN.

President Welland Canal company. &c. &c. &c.

(Copy.)

Government House.
23rd December, 1835.

Sir,

The Secretary of State for the colonies having signified to the Lieutenant Governor, that the claim of Mr. James Davidson to compensation for the loss of the land which he is entitled to possess as the heir of William Dickson, should be decided by arbitration, and that two arbitrators should be nominated, one by the Lieutenant Governor and the other by Davidson, as in the event of the disagreement of such arbitrators, that a separate award should be made by an umpire previously selected by them; I am directed to acquaint you that His Excellency has been pleased to nominate you to be the Arbitrator on the part of the government, and to request that you will communicate with Mr. O'Reilly of Hamilton, the arbitrator appointed by Mr. Davidson, in regard to the time and place for the arbitrators to meet.

The accompanying copy of the report of the Executive Council on the claim of Mr. Davidson, is transmitted for your information and guidance.

I have, &c.

WILLIAM ROWAN.

Robert Grant, Esq. Queenston.

REPORT

OF THE

EXECUTIVE COUNCIL

ON THE CASE OF

JAMES DAVIDSON.

(Copy.)

Executive Council Chamber,
At Toronto,
Saturday, 30th May, 1835.

PRESENT:

The Hon. and Ven. John Strachan, D. D. Archdeacon of York—Presiding Councillor.
The Honorable Peter Robinson,
" George H. Markland.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please Your Excellency,

With reference to the Address of the Assembly on the petition of James Davidson, it will be seen by the various proceedings had thereon that said Davidson claims as the Heir of William Dickson who was located under an order in Council of the 19th October, 1796, for lot No. 27 in front upon Lake Erie in the township of Humberstone.

Owing to the quality of the soil, being wet and swampy, no application to procure a patent was made for 35 years, but after it was decided that the lot was important to the operations of the Welland Canal Company from being near the projected harbor on Lake Erie, and that it had become valuable by the expenditure arising from that great public work, a claim was set up by the petitioner Davidson for a grant of the lot.

The Council have generally considered all locations of land made by entering the name of the party upon the map in the Surveyor General's office, as a pledge even after an equal number of years; but it is evident that such consideration is merely matter of grace, there being no assurance that persons will be waited for during such a length of time.

In this case therefore, where the interests of the Province were at stake, where the claim had lain dormant since 1796, and where the property had been rendered valuable by the outlay of a Company partly, and partly by a grant of the Legislature, they did not consider it necessary to allow an individual to enjoy a benefit which would not otherwise have been derived by any of the ordinary means of improvement in the Province.

They deemed it equitable to declare that the lot, under the circumstances, could not be granted to Davidson; but upon being satisfied with the legality of his title as the heir of Dickson which they recognised, it was required that the Welland Canal Company should transfer to him any unlocated lot on the line of the canal in either the township of Wainfleet or Humberstone, subject to the approbation of the Commissioners appointed by the Legislature to report upon the Welland Canal, and leaving the selection thus restricted to Davidson himself.

This the Assembly have declared was "subjecting the petitioner to a wrong," and should the opinion be concurred in by His Majesty's government, it is quite competent for them to order any remuneration they may deem fit; as the Council could have no other desire than that of rendering justice, and at the same time protecting the King's rights.

The Council however have little doubt, that had their decision been otherwise, and the claim of Davidson been confirmed, upon any representation from the Welland Canal Company to the Assembly, they would on more mature consideration have scarcely deemed it prudent & wise to place a public institution assisted and supported by the Provincial Treasury, at the mercy of an individual who might demand a most exhorbitant value for property indispensable to their welfare.

All which is respectfully submitted

(Signed) JOHN STRACHAN,
P. C.

(Signed) J. C.

A true copy,
JOHN BEIKIE,
Clk Ex. Council.

(Copy.)

Government Office,
Toronto, 23d December, 1835.

Sir,

With reference to my letter of the 6th ultimo, I am directed by the Lieutenant Governor to acquaint you for the information of Mr. James Davidson, that His Excellency has been pleased to appoint Mr. Robert Grant, of Queenston, to be the arbitrator on the part of the government, to determine on the amount of compensation to which Mr. Davidson is entitled as the heir of Wm. Dickson, for the loss of the land granted to the Welland Canal Company.—Mr. Grant will be instructed to communicate with you in regard to the time and place for the meeting of the Arbitrators.

I forward to you a copy of a letter which has been written to the President of the Welland Canal Company on this subject.

I am, &c.
Wm. ROWAN.

M. O'Reilly, Esq.
Hamilton.

(Copy.)

Government Office,
Toronto, 23d December, 1835.

Sir,

With reference to your letter of the 20th ulto. I am directed by the Lieut. Governor to acquaint you

that as you may not be able to adjust the claim of Mr. James Davidson, satisfactorily, His Excellency has considered it incumbent on him to nominate Mr. Rob't Grant, the arbitrator on the part of the government, and to request of him that should the arrangement which you have proposed to Davidson not be carried into effect, that he will be prepared to proceed with the arbitration so soon as it shall be notified to him by you and Mr. O'Reilly, that the offers of the Welland Canal Company have not been accepted by Mr. Davidson.

I have the honor to be
&c. &c. &c.
Wm. ROWAN.

President
Welland Canal Company,
&c. &c. &c.

(Copy.)

Power of Attorney from William Davidson to Alexander McDonell.

Whereas, James Davidson of the township of Nelson, in the District of Gore, in the Province of Upper Canada, farmer, being heir at law of William Dickson late of Stamford in the District of Niagara and Province aforesaid, farmer deceased, by a certain instrument in writing under his hand and seal, and under the hand and seal of William Davidson, hereinafter mentioned, dated the twentieth day of October in the year our Lord one thousand eight hundred and thirty one, bound himself, his heirs, executors and administrators to William Davidson of the township of Wainfleet in the District of Niagara and province aforesaid, in the penal sum of two hundred pounds of lawful money of said Province, to be paid to the said William Davidson, his certain Attorney, heirs, executors, administrators or assigns, under which said obligation was written a condition in the following words, that is to say, "The condition of the above obligation is such that if the above James Davidson shall and will on the receipt of fifty pounds of lawful money of Upper Canada, by the said William Davidson, to be paid within the term, time and space of two years from the above, that then and on receipt thereof, if the said James Davidson, his heirs, executors or administrators, do make, do and execute, or cause to be made done and executed unto the said William Davidson, his heirs and assigns, a good sure perfect and lawful deed, of conveyance in fee simple for two hundred acries of land, being lot No. 27 in the first concession n the township of Humberstone, District of Niagara aforesaid—that then and in such case the above obligation shall be null and void, or in case the said James Davidson shall not after using reasonable diligence to do so, be able to procure to himself a good and sufficient title to the aforesaid land, then and in such case also, the above obligation to be null and void, and the said William Davidson to be discharged from the payment of the said sum of fifty pounds, otherwise the said obligation to remain and be in full force and virtue.—And whereas the said William Davidson did on the 21st day of December, in the year of our Lord 1832, enter into and executed under his hand and seal a certain deed to the Welland Canal Company, which said deed follows in these words,—that is to say, "Know all men by these presents, that I William Davidson of Wainfleet, in the District of Niagara, and Province of Upper Canada, farmer, for and in consideration of the sum of £250 lawful money of the Province of Upper Canada, to me in hand paid by the Welland Canal Company, the receipt whereof, I do hereby acknowledge and confess, have granted, bargained and sold, alienedd, assigned and set over, and by these presents, do grant, bargain, sell assign and set over unto the Welland Canal Company, and their assigns, for ever, all my right, title, interest, claim and demand whatsoever, in and to a certain bond or obligation made by James Davidson now of Nelson, in the District of Gore, farmer, as heir at law of William Dickson, late of Stamford in the aforesaid District of Niagara, farmer, deceased, conditioned for the transfer unto the said William Davidson and my heirs and assigns, all and singular lot No. 27, fronting on Lake Erie in the Township of Humberstone in the said Niagara District, containing 140 acres of land be the same more or less, whenever and so soon as His Majesty's Letters Patent should issue for the same, of which said lot the said William Dickson is the original nominee of the Crown.—And I the said William Davidson do hereby authorize and empower the said Welland Canal Company and their assigns and Attorney or Attorneys under them or any or either of them to take pursue and follow all legal ways and means the condition of the said bond or penalty to recover in my name or otherwise, and to apply for, ask, and receive from the proper authorities of the Province the grant or patent which shall or may issue for the said lot of land, and to ask and receive the same in the name of the said Welland Canal Comp'y or the said J. Davidson as to the said Well'd Canal Comp'y may seem meet for the benefit, use and behoof of the said Welland Canal Company and their assigns for ever."—And whereas also on the 21st day of December aforesaid at the request of the said Mr. Davidson and for his benefit, Alexander Macdonell of St. Catharines, in the District of Niagara and Province aforesaid, Esquire, entered into a deed under his hand and seal to Samuel Street, Esq., which deed is in these words, that is to say, "on the issuing of the patent from the Crown for lot No. 27, in the front of Humberstone in the county of Lincoln, in the District of Niagara, in the name of the Welland Canal Company, I agree to pay Samuel Street, Esq. or order the sum of £250 currency, for the said Welland Canal Company for value received by the said William Davidson's transfer of all right in and to a certain bond made to him and by one James Davidson, obligatory to transfer on the issue of the Patent as the name in the said James Davidson as heir at law of the late William Dickson. And providing the said William Davidson deliver to the said Alexander Macdonell for the said Welland Canal Company the bond of the said James Davidson so made as aforesaid, the said sum of £250 to be paid to the said Sam'l Street, or order, for and on account of Wm. Davidson when the deed for the said lot No. 27 in the 1st concession on Lake Erie shall issue in the name of the said Welland Canal Company, and provided also that the said William Davidson shall on or before the expiration of five days from the date hereof surrender and deliver unto Alexander Macdonell the "undersigned" the said James Davidson's bond made to the said William Davidson, conditioned for the transfer of the said lot unto the said William Davidson, his heirs and assigns, and assign the same unto the said Welland Canal Company.—And whereas in consequence of the said several premises a patent from the Crown was issue on the 22d day of March, in the year of our Lord 1834, grant-

ing the said Welland Canal Company the said lot No. 27 in the Township of Humberstone aforesaid.—And whereas the said James Davidson has prefered to the Governor a claim to the said lot, which claim has been taken into consideration and arbitrators thereon on the part of the Government, and the said claimant.—And whereas the said claim involves my right to compensation for the said lot from the said Welland Canal Company as aforesaid. Now KNOW ALL MEN BY THESE PRESENTS: That I the said William Davidson in consideration of the premises have constituted and appointed, and by these presents do constitute and appoint Alexander McDonell of St. Catharines in the District of Niagara and Province aforesaid, Esquire, my true and lawful Attorney irrevokable for me and in my name, stead and behalf to transact and conclude all matters in difference which have arisen or may hereafter arise touching the said premises on account of the claim so made by the said James Davidson and to institute and conduct any action or actions which may be necessary to be brought in the premises.

In testimony whereof I have affixed my hand and seal this 10th day of December, 1835.

[Signed] WILLIAM DAVIDSON. [L. S.]

Signed and Sealed
in presence of
FRANCIS BURNAP,
WALTER DETTRICK,